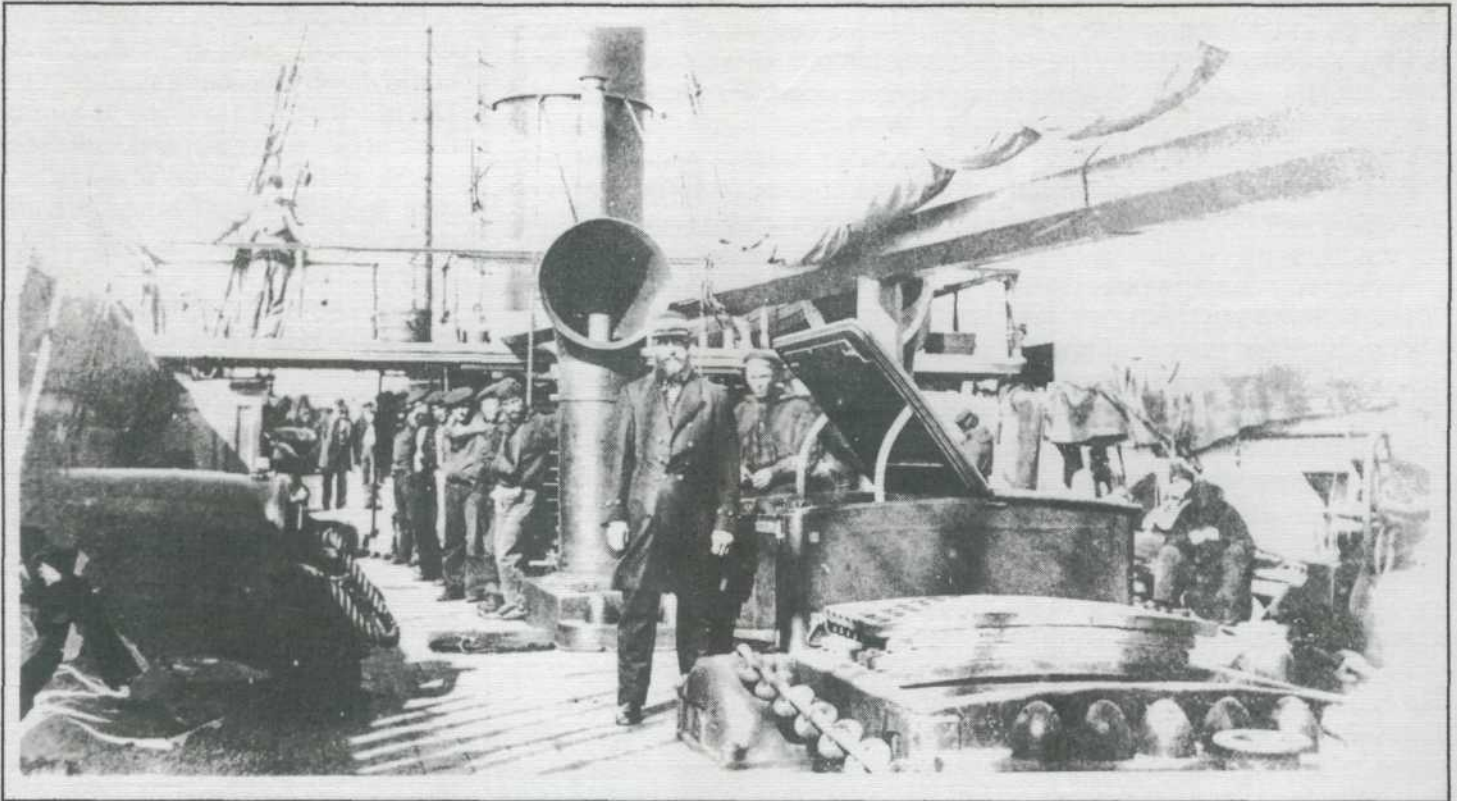


THE CONFEDERATE NAVAL HISTORICAL SOCIETY NEWSLETTER

Issue Number Seven -- June 1991

U.S. DISTRICT COURT AWARDS BELL FROM THE C.S.S. ALABAMA TO U.S. NAVY IN LANDMARK DECISION



First Lieutenant John McIntosh Kell faces the camera on board *C.S.S. Alabama* at Capetown, South Africa in a newly-discovered photo, courtesy of the *C.S.S. Alabama* Trust in Birkenhead, England.

In a landmark decision May 13th, Newark, New Jersey Federal District Court Judge Dickinson R. Debevoise declared the bell of the *C.S.S. Alabama*, until then in private hands, to be the property of the United States.

As we reported last issue, the bell had come into the hands of antiques dealer Richard Steinmetz, who had announced intentions to auction it off late last year. The bell had apparently been brought up by a salvage diver in 1936 and had been traded to a pub in Guernsey, where it was used to ring the closing until the pub was destroyed by aerial bombardment

during World War II. From there it made its way to Hastings, where it was used in another pub and finally sold to an antiques dealer there, from whom Steinmetz obtained it by trading other items worth around \$12,000 in 1979. Steinmetz then tried to sell it to the Naval Academy but without success, and it sat on the shelf for twelve years until he finally decided to put it up for auction last December.

Subsequently, the U.S. Naval Historical Center sued in the federal district court in the area for possession of the article, claiming it to be a government-owned arti-

fact of great historical significance, the ownership of which had never been relinquished by the U.S. government or the U.S. Navy.

The Navy based its claims on several different important legal points that may have far-reaching impact on future preservation of Confederate Naval craft. The judge ruled in favor of the Navy for the following reasons (excerpted from the text of the ruling):

"A. Right of capture. The bell is the property of the United States both by the right of capture and by virtue of the fact that the United States is successor to the

(continued on page three...)

Editorial:

Where The Ships Meet The Shore

At the recent fourth gathering of the National Maritime Alliance (a spin-off of the National Trust For Historic Preservation) in Baltimore, much was discussed about the future missions of maritime museums and maritime preservation. A lot of it was moaning and groaning about how to get more money, a common problem for all of us in this recession, but there was also discussion of just how much "maritime" really covers.

This is an important question, because it determines just what it is we want to go out and research, preserve, and make available to future generations. Are we just talking ships and their equipment? How about the officers and sailors that ran them and their gear? How about the folks at dockside that loaded and unloaded, bought and sold the supplies and cargoes and their gear? How about the forts that protected the harbors the ships used for safe haven and their equipment, and *their* gear, and the equipment and gear of the folks that ran *them*? And what about the wives and families of all of the above and their surrounding accoutrements -- and everybody's diaries and journals and relatives and homes and warehouses?

All these questions are really only part of the big issue to be decided: what is it, essentially, we are trying to save. Is it things, or is it people? Or is it, somehow, both? And why are we trying to preserve them anyway?

We believe that it is a culture and a way of life that we are trying to understand, which although inclusive of both people and things is something greater than the sum of its parts. The impact of the sea upon humanity is derived from the lives of those that live upon it and the technologies and philosophies with which they must live them both on and off the water. Be-

cause everything and everyone that went anywhere in all but the most recent past did so at least in part over water, maritime culture is the filter through which all of the rest of the world's cultures must pass in order to grow and communicate. It is the cultural substrate that we all have in common, no matter what our nationality, race, or geographical location.

With that large overview in mind, we must conclude that the sort of objects or information we want to preserve is anything that contributed to maritime culture.

In the specialized context of the Confederate Navy, that means we want to make very sure that not just the ships on the bottom (mostly) are preserved or properly retrieved, but that places like Ft. Fisher and Ft. Darling and the forts in Mobile Bay which were so crucial to the welfare of the CSN and which are all seriously threatened with destruction are also protected.

This issue we have covered the plight of Ft. Fisher, which is the most endangered -- a single tropical storm could now sweep into the sea all that is left of that great structure and the history it represents. We will cover the problems of erosion at Ft. Darling in the James River in future issues and some of the plans to make shore-side connections with the Confederate Navy more secure.

Similarly, research efforts to uncover the details of the life surrounding the ships shoreside as well as at sea are essential. It is just as important (and often more interesting) what went on in Daisy Lamb's parlor as what went on under fire between ironclads. One went hand in hand with the other. It is the whole picture of the life and times we want to uncover and preserve for the better understanding of our ancestors and ourselves.

Review:

Confederate Goliath

Confederate Goliath, by Rod Gragg, Harper Collins 1991. This is the story of the battle of Fort Fisher (read about its current problems on pp.4-5), told in considerable detail and comprising probably the most extensive work on the subject to date. The title is just to hook you in -- Ft. Fisher was big, but terribly undermanned, and the U.S. forces could hardly be compared to little David. It is well written in journalistic style, with a personal approach to the individuals involved which give special insight into their motives and characters as well as just their action.

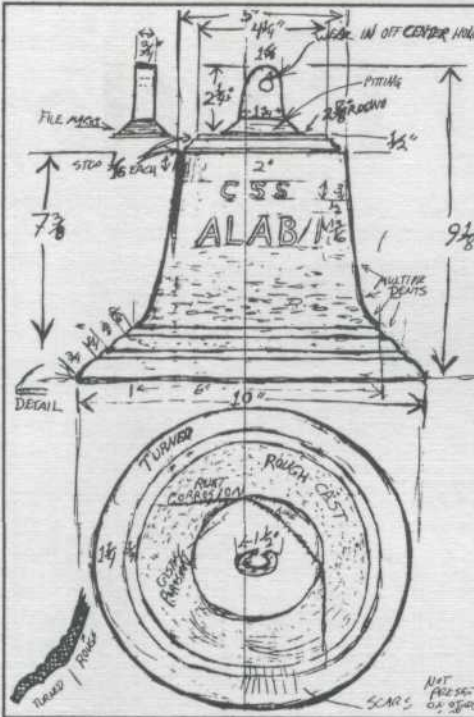
It is extremely well-documented and annotated, with plenty of pictures of the fort, the main players, and some of the ships involved. If you want to know about the battle of Fort Fisher, this is the book to have. If there are any drawbacks, they might be that it concentrates almost exclusively on the period surround the two battles in late '64 and early '65 and neglects the colorful history of the fort and its numerous entertaining and interesting incidents with blockader and blockade runners. It would be nice to see more of the Confederate naval side of what went on with the ships.

Nevertheless, a best buy!

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BUT IS IT REAL?

The testimony of Mr. Steinmetz regarding the provenance of the bell combined with its physical condition lead to the conclusion that the bell was probably removed from the wreck of the C.S.S. *Alabama*. But at least one English company, C.S.S. *Alabama*, Ltd., reportedly manufactured and sold a number of different items in the 1960's, fraudulently described as artifacts from the *Alabama*. These fakes included simply-produced or modified articles such as uniform buttons, belt plates, leather goods, and ships' china. Elaborate fakes such as LeMat revolvers and an anchor were also produced. This very bell has been rumored to be a fake for several years. When the bell was displayed for sale at a New Jersey antique mall prior to listing at auction, it was disregarded by several serious collectors because of suspicions raised by the rumor. The possibility that the bell is a clever fake should be examined scientifically. -- Kevin Foster



rights and property of the Confederate States of America. Salvage rights cannot be asserted against the United States, and the United States has not abandoned the C.S.S. *Alabama* or any of its equipment...

Prior to its sinking, Captain Semmes of the C.S.S. *Alabama* surrendered his vessel to U.S.S. *Kearsarge*. Captain Semmes' act of surrender conferred upon the United States title and possession of C.S.S. *Alabama* and all of her appurtenant equipment prior to its sinking...

"B. Right of Succession. Also C.S.S. *Alabama* is the property of the United States as the successor to all the rights and property of the Confederate Government. This principle was recognized by the English courts in litigation following the Civil War in such cases as *The Rappahannock* (1866) and *U.S. v. Prioleau* (1865).

"C. Lack of Abandonment. Article IV, Section 3, Clause 2 of the United States Constitution provides: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice and Claims of the United States, or of any particular State." Thus, under the above clause only Congress and those persons authorized by Congress may dispose of United States property pursuant to appropriate regulations.

"In the similar case of *Hatteras, Inc. v. U.S.S. Hatteras, her engines, etc., in rem and United States of America, in personam*, in 1984 involving a claim to the wreck of the U.S.S. *Hatteras* and artifacts from it, the District Court for the Southern District of Texas held that although the wreck had lain untouched since the Civil War, title and ownership of the wreck remained with the United States.

"The United States has never formally abandoned the wreck of the C.S.S. *Alabama*. It is therefore, in all respects similar to U.S.S. *Hatteras*. In view of this, the wreck, and by extension, the ship's bell, remain the property of the United States. Moreover, the claim of the United States to title and ownership of the bell of C.S.S. *Alabama* and its right to possess it are consistent with International Law regarding warships sunk during armed conflict. It is the position of the United States Department of State that warships and their remains which are clearly identifiable as to the flag State of origin are clothed with sovereign immunity and therefore entitled to a presumption against abandonment of title."

Mr. Steinmetz made three counter-claims -- one, that the bell was his, and two others claiming restitution for what he had put into obtaining it. Without relinquishing the right to the bell, which he failed to do, the other two could not be legally addressed, so Steinmetz lost everything. The Navy privately offered him a collection of

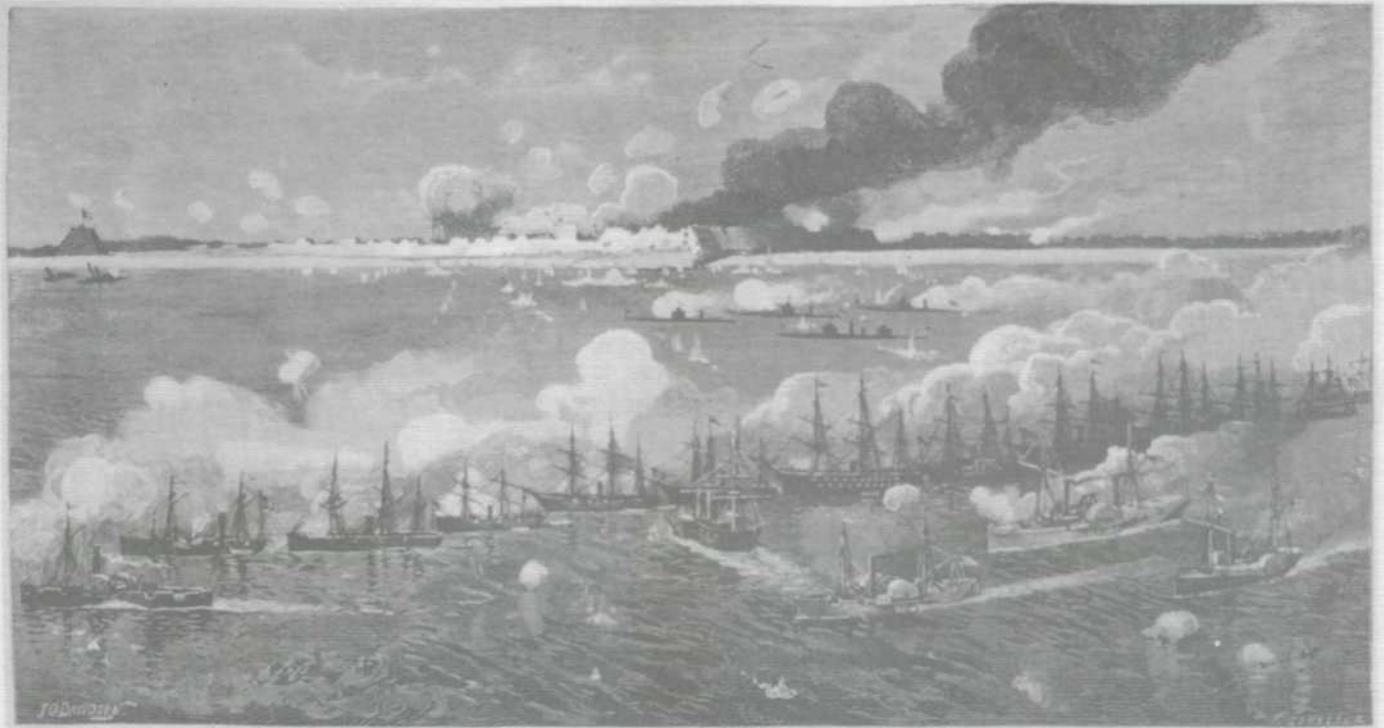
other relics by way of compensation, but he turned them down as "pure junk."

Theoretically, as a result of this decision, the government could lay claim to thousands of Confederate artifacts in private hands. The chances are it will not bother to do so except in particularly important instances such as this, but it will have the ameliorating effect of seriously damping the looting of naval wrecks and battlefields and the lucrative trade that has fueled it. Dealers and collectors will be looking over their shoulders (as they should have been already) and double-checking to make sure that what they have is truly private property that may go to the highest bidder and not the property of the people of the United States of America, who are now more aggressively than ever asserting their rights to their historical naval heritage.

It is with particular pride that we congratulate two CNHS Directors for playing key roles in this drama: William Dudley for initiating in the case on behalf of the Navy, and Kevin Foster for gathering the evidence and authenticating the bell.

Well done!

Ft. Fisher's Final Battle



THE BOMBARDMENT OF FORT FISHER, JANUARY 15, 1865. TAKEN FROM LITHOGRAPHIC.

On January 15, 1865 the combined forces of the Union army, navy, and marines completed what then was the largest amphibious attack in history, which resulted in the fall of the greatest earthwork fort of the Confederacy, Ft. Fisher. With it fell the port of Wilmington and the last channel for supplies from Europe.

For nearly four years Confederate naval ships and foreign blockade runners had sought refuge under the guns of Ft. Fisher and brought presents of appreciation to the fort's commander Col. William Lamb and his wife Daisy. There was probably no other shoreside edifice so intimately linked with the naval history of the Confederacy.

Now, 126 year later, Ft. Fisher faces an even more grim attack than shell and shot, cannon and steel, ever threatened in its heyday.

Over the past few decades, the fort has been eroded away by the sea at a spiraling rate, until now fully half the fort has been totally eradicated and lies beneath the Atlantic Ocean. This year the battle is on to save what remains of this national landmark -- a battle against budgets and mistaken ideas of how the problem arose in the first place.

Some North Carolina conservationists have called the disaster a natural act of the environment -- the shifting sands of the coast are constantly being rearranged by the sea and the general policy now has been to let nature take its course. This, however, is not entirely a natural act. In the 1930's, a natural breakwater of coquina rock which had protected the fort from the ravages of the sea was thoughtlessly mined away (to make a better road to the fort, ironically), and the sea was let in to do its worst. In a few scant

decades, what had stood impregnable for centuries was washed away like a sand castle, until all that remains of the giant fort is the western ramparts which were scaled in the final attack.

The Corps of Engineers has expressed willingness to build a revetment just north of the fort which would halt the erosion and save North Carolina's most visited landmark, but the state will have to foot half the bill, to the tune of almost five million dollars. In this recession time of budget crunch in virtually every state, this has made the project a hard one to sell when compared to other urgent state needs such as education.

Yet, of course, the fort is an enduring education resource that is not renewable as well as a magnet for visitors from all over the world. A year ago the prospects for getting the necessary funds was bleak, but

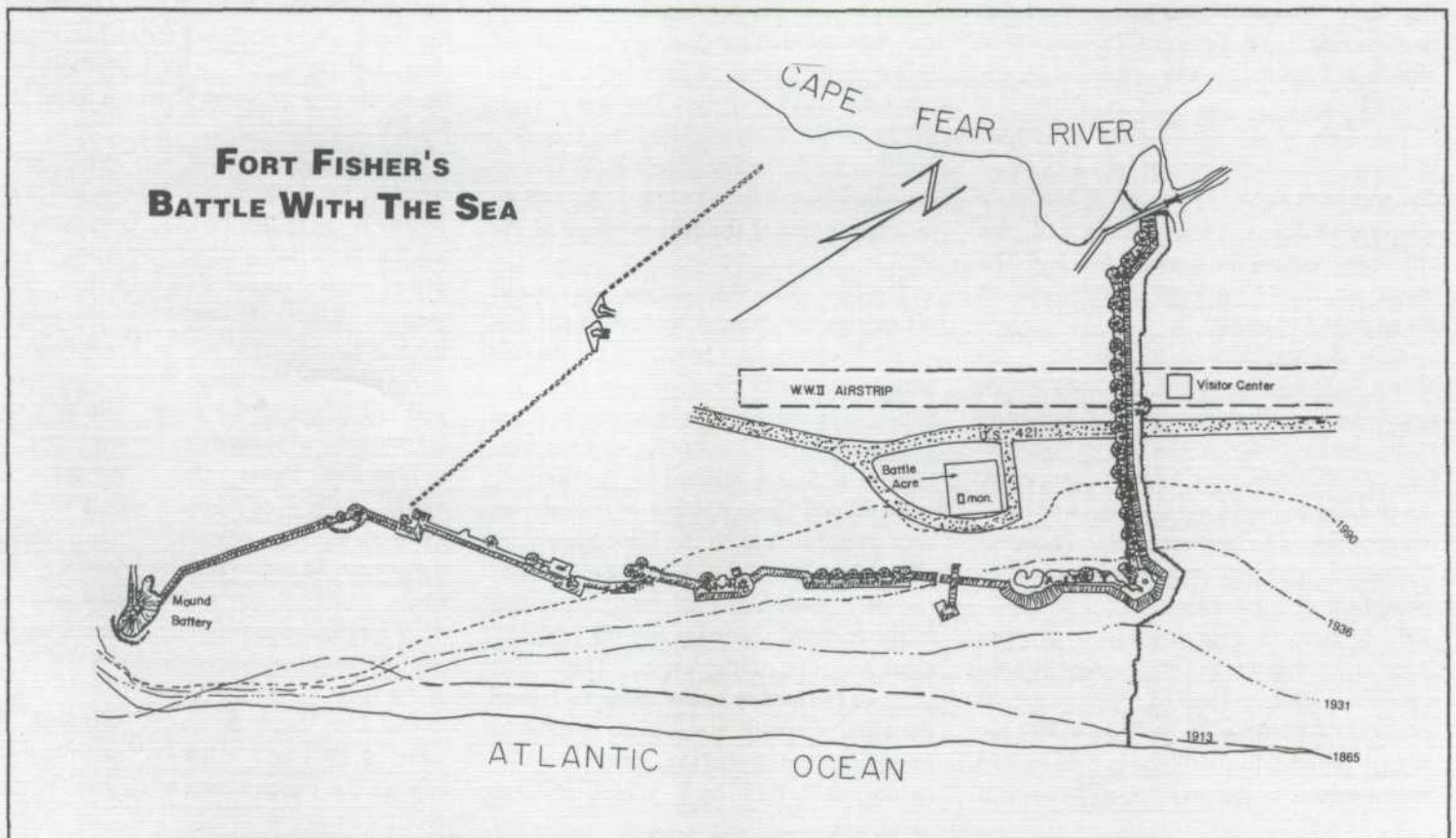
recently the ship of hope has appeared on the horizon, albeit hull down. Interested preservation groups such as the CNHS and the American Battlefield Protection Program have joined forces to show the extent of national concern about the preservation of Ft. Fisher with some good results. North Carolina legislators would like to support the project, but it's a hard sell and they have welcomed outside concern and support.

We are happy to report that the necessary appropriations were passed in the state House of Representatives with the help of Appropriations Committee Chairman Frank Bowman, and the ensuing Senate vote will be closely watched by local and national politicians who support it, liberal and conservative alike.

To express your support and become directly involved, write or phone: Paul M. Laird, Committee to Save Ft. Fisher, Box 330, Wilmington, NC 28402. Phone: (919) 762-2611.



If you want to see Col. Lamb's dining room, where so many raider and blockade runner captains toasted champagne to the good colonel and his wife in gratitude for their hospitality and protective gunfire, here is where you'll have to go. You'll need a boat -- only mackerel and blues inhabit it now, and only a \$10 million stone revetment built off the far point can save the rest of historic Ft. Fisher from a watery grave.



Where They Lie:

The Star Of The West

By Lamar Roberts

Some miles above Greenwood, Mississippi in a sharp bend of the Tallahatchie River lies a ship which entered the War Between The States as a civilian vessel under charter to the Union, but was sunk as a Confederate transport. The sinking of the *Star of the West* was, to say the least, a hasty action and a waste of valuable equipment. It was thought that the hull of the *Star* would effect a blockade to protect Fort Pemberton. The fort had natural protection and the Union vessels never approached the blockade perfected by the *Star*. When the Tallahatchie is low in the summer, boys from Greenwood probe the exposed wreck, looking for parts of the *Star of the West*.

The *Star of the West* was not built as a fighting vessel, but on January 9, 1861 she was the target of the first shot fired in the War Between The States. This shot was fired over three months before the shot fired April 9, 1861, which is usually called the first shot. It was the *Star of the West* that tried to relieve Ft. Sumter. The *Star* was also one of the first vessels captured by the Confederacy.

The *Star of the West* was a sidewheel steamer with a displacement of 1,172 tons. She was built in San Francisco in 1855 as a member of the Vanderbilt fleet and was considered among the finest of the day. She was to run from New York to Aspinwall on the route to California.

After South Carolina seceded from the Union in December, 1860, the state troops demanded that Fort Sumter, in Charleston harbor, be handed over as it was in their waters. Major Anderson refuse to surrender the fort, but he could not hold the fort without supplies and reinforcements. President Buchanan and the cabinet decided to strengthen the defenses of Fort Sumter. A.C. Shultee, a shipping agent in New York, suggested that the government charter a merchant vessel. The U.S. officers agreed to charter a vessel at the rate of \$1500 per day to replace the Brooklyn, which had been assigned to this mission. The captain

of the *Star of the West*, John McGowan, chartered his ship to the United States. If the Union had used the Brooklyn, one of their navy vessels, it would have been an act of war and would have indicated their true purposes.

The *Star* left New York at 5 PM, January 5, 1861, to point down the bay, and then dropped anchor. While at rest she received 250 Yankee soldiers with four officers, along with their arms and ammunition, then steamed out crossing the bar at Sandy Hook that night at nine o'clock. This was considered a move to supply, not arm, the fort, but the soldiers were ordered to go below the main deck as the vessel neared Charleston.

The *Star of the West* arrived off the Charleston bar at 1:30 AM on the morning of January 9. The lights were all out and there were no guiding marks, so the *Star* eased ahead until at 4 AM she found herself in four and a half feet of water, where she stopped until dawn. Just as daylight began to light the sky a small steamer near the shore spotted the *Star of the West* and lit her signal lamps: a blue light and two red lights was her signal. This was the signal given to all ships flying the U.S. flag not to enter the harbor. Captain McGowan sent the Union troops below deck in an attempt to conceal the real purpose of the trip.

The *Star of the West* crossed the bar and set sail up the channel, and when she was two miles from Fort Moultrie, the masked battery on Morris Island opened fire. The battery was five-eighths of a mile from the *Star* and continued to fire for over ten minutes. The *Star* continued up the channel, with several shots passing overhead, one shot passing close to the pilot house, another close to the tall smokestack. Then two shots made hits -- the first made a dent in the forward planking and the other almost tore the rudder away. Then other ships in the harbor began to move toward the *Star*. Captain McGowan, in order to escape capture or sinking, turned the *Star* around and fled back across the bar

straight for New York.

The commander of Ft. Sumter sent a message to the governor of South Carolina with the details of the attack on an unarmed vessel of the United States, questioning whether this was done with his approval. The governor replied that any attempt to send troops into Charleston Harbor would be regarded as an act of war and would be met with resistance.

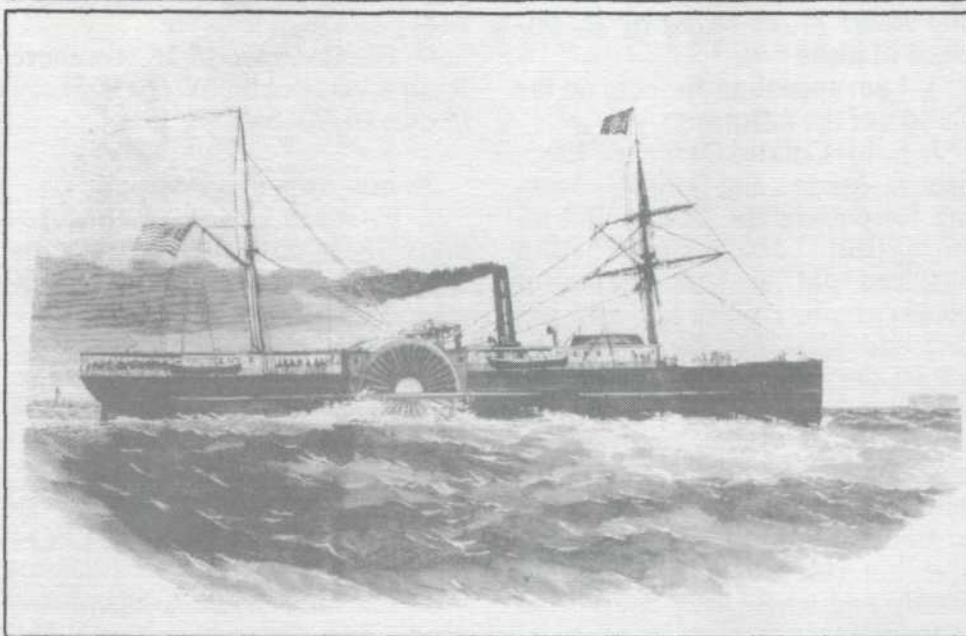
The *Star of the West* arrived back in New York on January 12. The soldiers on board were transferred to steam tugs and the ship docked at the foot of Warren Street. An inspection of the vessel revealed an egg-shaped dent -- the force of the shot was almost spent when it struck the side of the *Star*. This was the first shot of the War Between The States to leave its mark.

The Charleston Mercury ran an editorial on January 10 stating: "South Carolina may be proud of her historic fame and ancestry...The haughty echo of her cannon has...reverberated through every hamlet of the North...And if...blood they want, blood they shall have...For, by the God of our fathers, the soil of South Carolina Shall Be Free!"

The *Star of the West* was again chartered by the Federal government and was sent to Texas to receive U.S. Army personnel that were being withdrawn from Texas and to return to New York with these passengers. Before she could load her cargo, the *Star* was captured off the Texas coast.

As eager as the South was for war, she was not prepared for a war, but all true Southerners were ready to answer any call by President Davis. One of the greatest needs of the Confederacy was a navy. Without the time required to build ships, the people set out to arm and rework river boats. Another way to build this needed navy was to capture Union vessels. One of the first vessels to be captured was the *Star of the West*.

Col. Earl Van Dorn was in Galveston in April of 1861 and called for volunteers to capture the Union vessel at anchor off In-



The *Star of the West* before her capture -- from Harper's Weekly

dianola, Texas. In less than three hours he had 71 volunteers from the Island City Rifles and the Wigfall Guards, two companies made up of German and Irish soldiers. This group boarded the steamer *Matagorda* and set sail. With the men concealed in the staterooms, she arrived at her desired destination at five in the afternoon. The transport *Fashion* was in port at Indianola, loading 6,000 U.S. troops with their baggage. The *Fashion* was to sail out past the bar, where Capt. Howe with the *Star of the West* was waiting in deep water. The *Matagorda* returned to Siluria, eighteen miles up the coast and transferred the small armed force to the *General Rusk*. After midnight the *Rusk* approached the *Star*. The *Star* hailed the approaching vessel which replied, "The *General Rusk* with troops on board, can you take our line now?" "Certainly," was the reply from the captain of the *Star*, believing the troops belonged to the United States. When Capt. Howe asked about the *Fashion*, he was told that she would be along with more troops in a few hours. The sea was a little rough but the *Rusk* was made fast alongside after some trouble. As soon as the troops were aboard, they presented their weapons and their officer commanded Capt. Howe to surrender.

"To what flag am I requested to surrender?" was the question asked by Capt. Howe. Ensign Duggan, of the Wigfall Guards, then displayed the Lone Star Texas flag and in his truest Irish brogue declared,

"That's it, look at it, my byes; did ye iver see th' Texas flag on an Irish jackstaff before?" Then, without resistance or even another word, the captain surrendered. The capture of the *Star of the West* included forty-two men and 900 barrels of provisions, but none of the Federal troops, arms, or munitions were on board.

The prisoners were well treated. The steamer left immediately for Galveston. Everyone laughed and joked as they tried to picture the officers on board the *Fashion* the next morning when the *Star of the West* was nowhere to be found.

Upon arrival at Galveston, Col. Van Dorn placed First Mate Falval of the *Mexico* on the *Star of the West* as her captain, along with *Mexico's* engineer. The soldiers who had volunteered for the capture remained on board as crew to see the *Star* safely to New Orleans. After arriving in New Orleans, the *Star* was turned over to the C.S. Navy and was used as a receiving ship.

The *Star of the West* was rechristened *St. Phillip*, as a ship of the Confederate Navy, but the name was never used. She was the *Star of the West* when she was sent up the Mississippi and the Yazoo River to Yazoo City to escape the battle at New Orleans. Her cargo included supplies for the new navy yard, but more important were the tons of gold and silver bullion from New Orleans banks for trans-shipment to Richmond from Vicksburg.

The *Star* was at the naval yard in Yazoo City on February 17, 1863 where she was to be outfitted with the armament that Union forces thought she already had. The Union forces were now making an attempt to enter the Yazoo River by way of the Yazoo Pass. The Pass had been closed when the levee was built to hold back the flood waters of the Mississippi River. The levee was blown open with explosives and as the water filled the old Pass the Union vessels began their trip downstream. This mission was never completed because of the preparations by the Confederate forces. The main obstacle was the dirt and log fort constructed north of Greenwood in a sharp bend where the Yallobusha River and the Tallahatchie River meet to form the Yazoo River. This fort became known as Ft. Pemberton.

On February 21, 1863, General Loring feared that the raft obstructions would not be completed in time to protect Ft. Pemberton, but the *Star of the West* could be sunk in the channel to act as a blockade. Thomas Weldon was sent to Yazoo City on February 24 to bring the *Star* upstream. She was stripped of her engine, fire pump, and any other equipment that could be removed. The *Star of the West* began her last voyage towed by the gunboat *Capitol*. Lt. A.A. Stoddard, a militiaman from Greenwood, was the last skipper of the *Star*. As he gave the signal, his crew drilled 250 holes below the water line and plugged each hole with oak bungs. The *Star* was placed across the river with cables from her bow and stern to trees on each bank. On March 11, with the Union gunboats closing in, Stoddard gave the signal and the crew quickly pulled all the plugs. As the *Star* began to settle into the river bed, one of the cables snapped and caused her to shift to a diagonal position across the stream, but still she blocked the river. The gunboats never came to the *Star of the West*, but cancelled their action to reach Vicksburg by way of the Yazoo Pass and returned to the Mississippi.

Lamar Roberts is an engineering executive and historian from Vicksburg, Mississippi and a CNHS Captain.

Research, Requests, & Comments...

From the Baron Banfield and John De Courcy Ireland Maritime Museum:

Dear Sirs,

I am trying to create a theme maritime museum in Ireland based on the theme of courage in adversity of seamen connected with this island and those who served with them. My work has been accepted under the above names for charitable status, but I have no building and have a long way to go. The CSN is my favourite subject along with the Austro-Hungarian Navy.

1. I would like to suggest you put what journal, the date, and where illustrations and paintings came from, e.g. the *Kate* in issue #6, also *Tallahassee*.

2. Would you please send me the addresses of where I may buy the books reviewed in issue #3: *Warships of the Civil War* by Paul H. Stone, *Warships and Naval Battles of the Civil War* by Tony Gibbons,

and *Rebel Flags Afloat* by H. Michael Madans.

3. I am appealing for help on the careers of the following:

J. P. McCorkle, Ordnance Engineer at Atlanta and Selma -- looking for photograph of him and information, also Capt. John Newland Maffitt. I am looking for copies of any articles he wrote before and after the War. When he joined the U.S. Navy he stated he was from Ireland.

Charles W. Quinn, engineer and inventor, served on *C.S.S. Virginia* and on *C.S.S. Florida*. I am trying to find any information about him and his (including photograph) family and where they came from in Ireland.

P.U. Murphy of *C.S.S. Selma*, which took part in the Battle of Mobile Bay, also any information and photographs of him.

H. McClintock who designed *C.S.S. Hunley* -- I am looking for information on his life both before and after the War in Boston.

Last, would you know of some person near Washington, Richmond, Boston, or New York who

does genealogy for a fee?

-- Patrick Flood, 58 Terenure Road West, Dublin 6W, Ireland
Phone: 01-906840

To take them in order:

1. We try to identify our illustrations where possible, but some arrive at our doorstep with insufficient documentation.

2. We are frequently asked about these books. The first two are in general circulation and can be ordered through your local bookstore if it does not carry them. The last is available through the Confederate Naval Museum, Columbus, Georgia.

3. For the rest, we hope that our readership will get in touch and lend a hand in the research for your museum. The "Liverpool Connection" with the CSN has been explored in these pages -- it's nice to hear someone is working on the Irish connection. Maffitt, by the way, was actually born at sea on the way over to America from Ireland. And while you're at it, don't overlook fiery Michael Mars aboard the *C.S.S. Alabama*!

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