

History on Trial

Episode 15

Mutiny on the Somers: *The Court-Martial of Commander Alexander Slidell Mackenzie*

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PROLOGUE

The prisoners had to die. It wasn't an easy conclusion to reach. Seven officers of the U.S.S. *Somers* had spent all of November 30th, 1842 locked in the wardroom of the ship, questioning witnesses, gathering the full story. The next day, December 1st, they presented their findings to their captain, Commander Alexander Slidell Mackenzie. "After as dispassionate and deliberate a consideration of the case as the exigencies of the time would admit," the officers wrote, "we have come to a cool, decided, and unanimous opinion, that [the prisoners] have been guilty of a full and determined intention to commit a mutiny on board of this vessel of a most atrocious nature." What was more, the letter continued, there was no way to keep the prisoners safely away from the rest of the crew and transport them back to the United States for court martial. "The safety of the public property, the lives of ourselves, and of those committed to our charge," the officers concluded, "require that... [the prisoners] should be put to death."¹

Who were these prisoners? There were three of them. One of them was an officer himself – midshipman Phillip Spencer, age 18. He was alleged to be the ringleader of the mutiny plot. His two accomplices were a mismatched pair – the tallest man on the ship, Chief Boatswain's Mate Samuel Cromwell, and the shortest, Seaman Elisha Small.² After learning about the mutiny plot, Commander Mackenzie had arrested the men: Spencer first, on November 26th, and then Cromwell and Small on the 27th.

Even after these arrests, it seemed that the ship was not safe. The prisoners were being kept on the quarterdeck - a raised deck behind the main mast - from which they could see the crew at work – and the crew could see them, too. Mackenzie and his officers had seen meaningful looks, and maybe even hand gestures, exchanged between the prisoners and the crew.³ How many conspirators did the plot have? At any minute, Mackenzie feared, some signal would trigger the crew to rise up and rebel. That could mean dozens of deaths – there were 120 Navy sailors on board the U.S.S. *Somers*.⁴

¹ Richard Snow, *Sailing the Graveyard Sea: The Deathly Voyage of the Somers, the U.S. Navy's Only Mutiny, and the Trial That Gripped the Nation* (New York: Scribner, 2023), 170. N.B. That an electronic version of this book was used; page numbers may vary by user settings.

² Snow, 92, 102

³ Snow, 155.

⁴ Snow, 10.

Commander Mackenzie steeled his resolve. Executing prisoners was a grave matter – and it was technically outside of his legal rights as a captain.⁵ But he was convinced that it was the only path forward. Mackenzie ordered that Spencer, Cromwell, and Small be put to death.

He called the crew to the deck. If there were indeed more conspirators amongst their ranks, Mackenzie wanted them to see the consequences of crime. The crew of the U.S.S. *Somers* watched silently as the three prisoners were informed of their fates, and then hung from the yardarm, slowly suffocating to death.

When the U.S.S. *Somers* arrived back in New York two weeks later, bringing news of the attempted mutiny and the subsequent executions, the public was horrified. About the mutiny that is. Not about the hangings - these were seen as a difficult but necessary choice made by a courageous captain in a terrible situation.

But as the Navy probed into the events aboard the U.S.S. *Somers*, troubling questions began to emerge. Had Mackenzie's actions been justified? Even worse, had this threatened mutiny even been real?

On December 20th, an anonymous letter published in a Washington, DC newspaper alleged that the inquiry conducted by the officers into the mutiny had been biased and had denied the prisoners basic civil rights. The letter claimed that the three men had been hanged on the basis of extremely thin evidence.⁶

The letter was only signed "S," but many people knew right away who had written it. It was Phillip Spencer's father, John Canfield Spencer. And that meant trouble for Commander Mackenzie. Because John Spencer was not just any grieving father. He was the United States Secretary of War. And he was determined to get justice for his dead son.

But could the Navy administer justice to one of its own? That question would be tested at the court-martial of Commander Mackenzie, in early 1843, a trial that sparked debates over just how far military discipline could go.

Welcome to History on Trial. I'm your host, Mira Hayward. This week, the court-martial of Commander Alexander Slidell Mackenzie.

⁵ Snow, 160.

⁶ Snow, 12-14.

ACT I

Phillip Spencer had always dreamed of going to sea. But not with the Navy. No, Phillip Spencer wanted to be a pirate. Born in 1824, in Canandaigua, New York, Phillip missed the peak of piracy—a period in the 1710s and 20s during which some 2,000 pirates roamed the Atlantic and Caribbean— by a century.⁷ But the legend of pirates lived on long after their numbers were decimated by European naval forces. In 1837, when Phillip was 13, Charles Ellms published *The Pirates Own Book*, a 432-page epic filled with swashbuckling tales from the high seas. The book was so popular that it ran for 8 editions. It was one of Phillip Spencer’s favorite books.⁸

Phillip’s pirate fantasies were met with disapproval by his father, John Canfield Spencer. A brilliant, combative, ambitious man, John Spencer wanted great things for his children. Phillip, the sixth of John and Elizabeth Spencer’s seven children, always struggled to meet his father’s expectations.

Phillip was undeniably bright. He had a facility for languages - he quickly picked up Latin and Greek, and would later become fluent in Spanish. He could give a speech better than almost any of his classmates at Geneva College, where he studied in the late 1830s. And he was brave – in an era before anesthesia, classmates remembered with awe how Phillip had refused the traditional restraints during surgery to try to correct his wandering eye, holding himself still through the agonizing procedure through sheer force of will.⁹

But the discipline he showed in enduring pain did not translate to other areas of his life. He neglected his school work. He snuck off campus and into town. He drank. In November, 1840, when he was 16, the school cited Phillip for participating in what they called, hilariously, “a cider disturbance,” – we’d probably call it a dorm party.¹⁰ In the spring of 1841, hoping that a change of scenery might do Phillip some good, John Spencer made his son transfer to Union College. Before he left Geneva, Phillip gave the school a copy of *The Pirates Own Book*.

At Union, Phillip did not take advantage of his fresh start. Instead of focusing on his studies, he devoted himself to founding a fraternity - the perfect place to host more cider disturbances, and to create secret handshakes and codes and rituals, the kind of thing

⁷ Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (Boston: Beacon Press, 2004), 29-30.

⁸ Snow, 19.

⁹ Snow, 24-26.

¹⁰ Snow, 27.

that Phillip loved. The fraternity Phillip helped found, Chi Psi, today has chapters at 34 colleges and universities.¹¹

John Spencer, however, was not impressed by Phillip's activities. During the 1830s, the elder Spencer's political star had risen. In October, 1841, President John Tyler chose John Spencer to be his Secretary of War. Managing the military might have seemed easy in comparison to managing Phillip Spencer. At his wits' end with his son, Secretary Spencer decided that maybe the Navy could instill some discipline. In November 1841, Phillip was appointed as a midshipman - the lowest rank of officer - in the United States Navy.¹²

But even the Navy could not tame Phillip's energies. He drank, fought with senior officers, and, on an official trip to Brazil, brawled in the streets. Every time he got in trouble, though, his father put a good word in with Abel Upshur, the secretary of the Navy, and Phillip got another chance. But by the summer of 1842, Secretary Upshur's patience was wearing thin. He told Phillip that he would be watching carefully - and gave him one last assignment on which to prove himself. On August 13th, 1842, Phillip Spencer received orders to report to the *U.S.S. Somers* in New York. Upon boarding, he met the man who would one day order his death, Commander Alexander Slidell Mackenzie.¹³

The commander was born Alexander Slidell on April 6, 1803, to John and Marjorie Slidell. In his thirties, he would adopt his mother's maiden name, Mackenzie, as a condition of receiving an inheritance from a maternal uncle. The Slidells were a wealthy, well-connected family. One of Mackenzie's brothers would become a US senator and another would become chief justice of the Louisiana Supreme Court. But it was his sister, Jane, who would most influence Mackenzie's life. In 1814, Jane married Matthew Perry, a member of a Naval dynasty. Matthew's older brother, Oliver Hazard Perry, was an American hero for his victory at the Battle of Lake Erie during the War of 1812. Matthew Perry too would become a naval hero, eventually leading the mission that opened trade with Japan in the 1850s. The Perry family encouraged young Mackenzie to join the Navy, and he became a midshipman at age 11, sailing around the world throughout his teenage years.¹⁴

The Navy was a good fit for the boy. Unlike Phillip Spencer, Mackenzie liked discipline. He liked rules and laws; making them and following them. In his early days in the Navy, he saw what happened when the laws were broken. Assigned to anti pirate duty in the

¹¹ Chi Psi, "Chi Psi Fraternity," 2020, <https://www.chipsi.org/>.

¹² Snow, 31.

¹³ Snow, 31-40.

¹⁴ Snow, 46-48.

West Indies, he witnessed the devastation pirates' pillaging left in its wake - not nearly so glamorous in real life as it was in *The Pirates Own Book*.¹⁵

In 1824, Mackenzie contracted yellow fever, and took a leave of absence from the Navy to recover. While on leave, he traveled to Spain, and began to work on a book about his experiences abroad. He befriended the writer Washington Irving while in Madrid, and Irving would help Mackenzie publish his first book, called *A Year in Spain*. The publication made Mackenzie a minor celebrity, and he would continue writing even after returning from leave, though his later books received cooler receptions. Journalist and historian Richard Snow argues in his book *Sailing the Graveyard Sea* that Mackenzie's writings reveal, quote, "an opacity about common human feelings."¹⁶ They also depict a man full of contradictions: both moralistic and prudish, Mackenzie also displays a taste for violence. He describes both crimes and public executions – which, despite professing to dislike, he couldn't seem to stop attending while abroad – in gruesome detail.¹⁷

In 1836, Mackenzie married Kate Robinson. Soon after, he adopted Mackenzie as his surname in order to receive the family bequest. Using this money, he bought a farm in New York's Hudson River Valley, near his friend Washington Irving. He also began thinking seriously, along with his brother-in-law, Matthew Perry, about how to reform America's navy. The Navy, at this point, was struggling to attract, train, and retain good men. The pay was low, the training programs were haphazard, and promotions were difficult to obtain. In 1837, Mackenzie and Perry wrote about the need for naval education in the *Naval Magazine*, calling for the establishment of an apprenticeship program. Congress agreed with their recommendations, and provided funding to recruit and train boys aged 13 to 18. Congress also agreed to create a "school-ship," a floating naval school with on the job training for the young apprentices. The U.S.S. *Somers*, a beautiful new ship designed in part by Matthew Perry, was chosen for the job.¹⁸

In 1841, Alexander Mackenzie was promoted to the rank of commander. The next year, he was assigned to the school-ship that he and Perry had dreamed of.¹⁹ The stakes for this voyage were high; if it went well, the Navy might be willing to produce more school-ships, Congress might agree to fund more apprentices, and Mackenzie's beloved Navy would flourish.

To ensure success, Mackenzie and Perry carefully selected the ship's officers. The first lieutenant—Mackenzie's second-in-command – was 30-year-old Guert Gansevoort, a member of a prominent New York family and a skilled sailor who had risen quickly

¹⁵ Snow, 47, 51, 59.

¹⁶ Snow, 54-56.

¹⁷ Snow, 54-58.

¹⁸ Snow, 60-68.

¹⁹ Snow, 55, 61.

through the ranks of the Navy. For the midshipmen - the lowest ranking officers - Perry and Mackenzie filled the ranks with their relatives and their friends' sons. Two of Perry's own sons were serving on board.²⁰

Into this tightly knit crowd appeared the disruptive Philip Spencer. Mackenzie took an immediate dislike to Spencer – he had heard about Spencer's record, and wanted him off the ship. Mackenzie recommended that Spencer ask for a transfer. Spencer did so, but Matthew Perry refused the request. Phillip Spencer needed discipline, and, Perry may have hoped, the strict Mackenzie might be just the one to provide a firm hand. Little did anyone know just how firm that hand would be.²¹

ACT II

The voyage of the U.S.S. *Somers* began smoothly enough. Departing New York on September 13th, 1842, the ship sailed east. Its mission - an easy assignment, fitting for a school-ship - was to deliver dispatches from America to another Navy ship, the *Vandalia*, which was assisting the British Navy in intercepting slave ships off the west coast of Africa.²²

Quarters on the ship were tight. At 100 feet long and 25 feet wide at the thickest point, the *Somers* was only meant to carry 90 men. But in an attempt to squeeze as many apprentices in as possible, the *Somers* had a crew of 120 for this trip. Of these 120, only 30 were older than 19. A third of the crew was between 13 and 16 years old.²³

Life at sea must have been bewildering for these boys, many of whom had no sailing experience. Time was measured in watches and bells. Sunday mornings were spent mustered on deck. The sailors stood on deck while their uniforms were inspected, attendance was taken, and the Articles of War – a list of prohibited actions and resulting punishments—were read aloud.²⁴

One form of punishment was flogging – lashing either with the cat o' nine tails, a whip with nine, eighteen-inch braided cords, or the colt, a three-foot long single strand whip. Both instruments could rip a sailor's back open. Floggings were usually done in front of the whole crew. Congress would ban flogging in 1850, and some captains had already

²⁰ Snow, 94, 96.

²¹ Snow, 94.

²² Snow, 96.

²³ Snow, 69, 74.

²⁴ Snow, 82-85.

abandoned the practice, believing it to be too cruel.²⁵ But not Commander Mackenzie. He had a reputation as being quick to order floggings – and the reputation was well-earned, the boys of the *Somers* soon learned. The first flogging happened only three days into the voyage: six lashes each of the colt for three crewmen accused of avoiding work. On the *Somers*, sailors of all ages - even those as young as 13 - were whipped frequently, for offenses as minor as borrowing someone else's shirts, smoking after 10pm, or being impertinent. One fourteen year-old apprentice, Dennis Manning, received a total of 101 lashes during the ship's two month journey.²⁶

Despite the frequent punishments, morale aboard the *Somers* was high, at least for the first few weeks. Part of the crew's good attitude might have been due to Phillip Spencer. Spencer had quickly found himself the odd man out amongst the other officers, who had all taken their commander's cue and shunned Spencer. He decided to search for friends amongst the crew instead.²⁷

Spencer amused the younger boys with a strange talent he had: rhythmically dislocating his jaw to create eerie music. He won the older sailors over with small gifts, of smuggled brandy or tobacco or money. Spencer especially concentrated his attention on two other misfits, Samuel Cromwell and Elisha Small.²⁸

Cromwell was widely disliked – and perhaps for good reason. As the Chief Boatswain's Mate, Cromwell was in charge of administering the floggings. An enormous man in his thirties, heavily muscled and scarred, Cromwell had a fierce temper and a filthy mouth. Crewmen whispered that he had once sailed with slavers or pirates.²⁹

Elisha Small, thirty-years-old, was a good sailor with a bad drinking problem. He'd begun the voyage as the *Somer's* quartermaster, responsible for navigation, but had been demoted for drunkenness.³⁰

Small, Cromwell, and Spencer quickly formed a trio. Spencer provided the men with alcohol and tobacco; in return, Cromwell and Small told Spencer wild stories from their lives at sea. The other officers judged Spencer for his friendship with lowly crewmen,

²⁵ The Navy Department Library, "Brief History of Punishment by Flogging in the US Navy," *Naval History and Heritage Command*, February 2, 2018. <https://www.history.navy.mil/research/library/online-reading-room/title-list-alphabetically/b/brief-history-punishment-flogging-us-navy.html>

²⁶ Snow, 90.

²⁷ Snow, 100-102.

²⁸ Snow, 101-102.

²⁹ Snow, 92.

³⁰ Snow, 102.

and got annoyed by his laziness and tasteless jokes. Commander Mackenzie's dislike for Spencer had also increased. But he largely ignored the 18-year-old.³¹

By mid-November, the *Somers* had reached Liberia. But they hadn't managed to catch up with the *Vandalia*, which always seemed to be one port ahead of them. Mackenzie decided that it was time to head home. Despite this incomplete mission, everything was well aboard the *Somers*.³²

Until Saturday, November 26th, that is. Shortly after 8AM, First Lieutenant Guert Gansevoort burst into the captain's cabin with shocking news: a mutiny was afoot. Mackenzie was stunned. Gansevoort laid out the details for him: that morning, purser's steward James Wales had approached his superior, purser Horace Heiskell, with a troubling story. The night before, Wales said, he had been approached by Philip Spencer. After swearing Wales to secrecy, Spencer told him that he was planning to seize the ship. Spencer said he had a number of crew signed up for his plan, which involved murdering the ship's officers and any uncooperative crewmen, sailing the *Somers* to the Caribbean, and turning it into a pirate ship. While Spencer laid out the details for Wales, Elisha Small approached. Spencer told Small that he had enlisted Wales, and Small said he was glad to hear it.³³

When Spencer finished, he asked Wales for his thoughts. Wales said he liked the idea, but inside, he was horrified. He resolved to report Spencer to Commander Mackenzie as soon as possible. The next morning, unable to easily get to Mackenzie, Wales had reported to Heiskell, Heiskell to Gansevoort, and now Gansevoort was telling Mackenzie.³⁴

At first, the captain could not believe it. "It seemed to me so monstrous, so improbable, that I could not forbear treating it with ridicule," Mackenzie later wrote. "I was under the impression that Mr. Spencer had been reading some piratical stories, and had amused himself with Mr. Wales."³⁵ But improbable or not, Mackenzie felt he had a duty to investigate. He told Gansevoort to watch Spencer closely.³⁶

Gansevoort followed Spencer all day, and what he saw concerned him. "I had observed," Gansevoort reported to Mackenzie, "[...]that he was exceedingly intimate with the crew...I had noticed...as individuals passed by him....a strange flashing of the eye."³⁷

³¹ Snow, 102, 114.

³² Snow, 111.

³³ Snow, 114-119.

³⁴ Snow, 119-123.

³⁵ Snow, 123.

³⁶ Snow, 123.

³⁷ Snow, 112.

When Spencer had caught Gansevoort watching him, he had looked at the lieutenant, in Gansevoort's words, "with the most infernal expression I have ever seen upon a human face."³⁸ Moreover, Gansevoort had seen Spencer poring over a map of the Caribbean, and asking the ship's surgeon, Richard Leacock, about the Isle of Pines, a notorious pirate's haunt.³⁹

It wasn't much to go on, but Gansevoort and Mackenzie were now convinced that Spencer was up to something. They couldn't risk a mutiny. Mackenzie decided that Spencer should be detained. When he approached Spencer and asked him about the plan, Spencer replied that it was just a joke. "This joke," Mackenzie told Spencer, "may cost you your life."⁴⁰ He ordered that Spencer be shackled and, because the *Somers* had little free space below deck, be taken to the quarterdeck and kept under observation.⁴¹

The next day, the investigation into the mutiny continued. Lieutenant Gansevoort and Midshipman Henry Rodgers searched Spencer's belongings. Inside his razor case, they found several pieces of paper. Two of these were written in Greek letters. Rodgers, who could read Greek, translated - the words, it turned out, were just English words spelled out with Greek characters. On one page, a paragraph read, "Those marked x will probably be induced to join before the project is carried into execution. The remainder of the doubtful will probably join when the thing is done; if not, they must be forced. If any not marked down wish to join after it is done, we will pick out the best and dispose of the rest."⁴² Below, a list of names were sorted into three categories: certain, doubtful, and "to be kept nolens volens" - willingly or not.⁴³

It was a damning document, to be sure, but also a confusing one. The list of crew members who were "certain" was small, and included the name "E. Andrews" - which did not match anyone on board. Elisha Small's name was not on the certain list, but per Wales's story, he was indeed involved. Despite these discrepancies, Mackenzie was now sure that Spencer had been plotting a mutiny.⁴⁴

And the captain had concerns about Samuel Cromwell too. Spencer had not mentioned Cromwell to Wales, and Cromwell's name was not anywhere on Spencer's list. But Cromwell was known to be close to Spencer.

³⁸ Snow, 112.

³⁹ Snow, 110.

⁴⁰ Snow, 114.

⁴¹ Snow, 126-128.

⁴² Snow, 133.

⁴³ Snow, 132.

⁴⁴ Snow, 132-135.

That afternoon, Mackenzie's suspicions seemed to be confirmed. One of the ship's topmasts suddenly collapsed, causing a number of sails to fall. In the chaos that followed, Mackenzie noticed that Cromwell and Small were first on the scene – had they caused the mast collapse, he wondered. It was just the type of distraction that mutineers could use to their advantage.⁴⁵

It was true that no uprising had begun - the mast and sails were repaired - but Mackenzie believed that the crisis had only narrowly been averted. He ordered Cromwell, and then Small, arrested and stowed on the quarterdeck. Cromwell denied any involvement in the plot, and Spencer also said the man was innocent. Small, on the other hand, said that he had heard of the plans. Mackenzie informed the three men that they would be kept under lock and key until the ship arrived back in America, where they would be tried for the crimes.⁴⁶

Over the next three days, tensions on the ship reached a fever pitch. Mackenzie ordered his officers to arm themselves and patrol the ship. He informed the crew about the mutiny plot, and warned them to abandon any schemes to free the prisoners. He arrested three more men believed to be connected with Spencer and put them on the quarterdeck.⁴⁷

These further arrests brought new concerns. The *Somers* was a small ship; surely, it could not hold many prisoners. And Mackenzie was convinced that the existing prisoners were plotting an escape with their uncaptured co-conspirators. Maybe the leaders of the mutiny needed to be removed, permanently. Mackenzie had always seen his ships as, quote, "little world[s]," self-contained environments in which discipline meant harmony.⁴⁸ One bad apple could spoil the whole bunch.

But he didn't want to make such a serious decision alone. On Wednesday, November 30th, Mackenzie wrote a letter to his officers, asking them to investigate the situation on board and come to a conclusion about the best path forward.⁴⁹

The seven officers moved swiftly. They took over the wardroom – the officers' mess hall – and brought in crew members for questioning. Many of the crewmen claimed that Spencer had spoken to them about dreaming of being a pirate and of hoping to have a ship of his own. They all agreed that Spencer, Small, and Cromwell were the ringleaders. Many of the sailors spoke especially harshly about Samuel Cromwell. The questioning continued through the day and continued the next morning. But soon enough, the

⁴⁵ Snow, 137-139.

⁴⁶ Snow, 141-143.

⁴⁷ Snow, 145-157, 189.

⁴⁸ Snow, 55, 153, 160.

⁴⁹ Snow, 160-161.

officers reached a decision. They wrote to Mackenzie and told him that they believed the prisoners should be executed.⁵⁰

Mackenzie wasted no time in carrying out the sentence. Summoning the crew to the deck, Mackenzie donned his full-dress uniform and told his officers to arm themselves. Then, he told the prisoners their sentence. Elisha Small took the news calmly. Phillip Spencer began to weep. Samuel Cromwell fell to his knees and yelled, "God of the universe, look down upon my poor wife! I am innocent!" Spencer regained his composure and told Mackenzie, quote, "As these are the last words I have to say, I trust they will be believed. Cromwell is innocent."⁵¹

Mackenzie was unsettled. Seeking reassurance, he questioned his officers if they were certain of Cromwell's guilt. They said they were - and this was enough for the captain. Returning to Spencer, Mackenzie began a strange conversation with the 18-year-old. When Spencer said that he felt bad for wronging his parents, Mackenzie told Spencer that his father was part of the reason for his death sentence. If Mackenzie had taken Spencer back to the United States for court-martial, the captain said, John Spencer likely would have interfered in the trial. "For those who have friends or money in America," Mackenzie said, "there was no punishment for the worst of crimes."⁵² He spoke to Spencer for nearly an hour. He asked his steward to bring paper and ink so that Spencer could write a letter to his parents; when Spencer said he could not write with his hands shackled, Mackenzie wrote for him.⁵³

And then, finally, the terrible moment arrived. The execution itself was gruesome and painful. The prisoners, faces covered, hands and feet still shackled, had nooses fastened around their necks. The ropes trailing from these nooses hung over the yardarm of the ship – the large beam running perpendicular to the mainmast. Groups of men held the other side of the rope. On a signal - the firing of a gun - the men pulled the ropes, dragging the prisoners 20 feet in the air, where they slowly strangled to death, their bodies spinning in the wind.⁵⁴

Mackenzie, with the bodies still hanging above the deck, gave his crew a speech about the dangers of disobedience. The rest of the journey held a tenor of muted fear. The

⁵⁰ Snow, 162-167, 170.

⁵¹ Snow, 173-175.

⁵² Snow, 159.

⁵³ Snow, 237.

⁵⁴ Jay Hemmings, "It Was Brutal: Press Ganging, Keelhauling & Flogging in The Royal Navy," *War History Online*, February 20, 2019.

<https://www.warhistoryonline.com/instant-articles/keelhauling-hanging-punishments.html> and Snow, 183-185.

Somers made it back to New York Harbor two weeks after the executions, and a messenger was quickly dispatched to Secretary of the Navy Abel Upshur.⁵⁵

Soon, news of the shocking events on board the *Somers* had spread across the country. Most people praised Captain Mackenzie – the *New York Tribune* wrote, quote, “By the prompt and fearless decision of Captain Mackenzie, one of the most bold and daring conspiracies ever formed was frustrated and crushed.”⁵⁶

But six days later, on December 20th, John Canfield Spencer published his anonymous rebuttal of Mackenzie’s account of the events on board. Spencer questioned the legality of Mackenzie’s impromptu, onboard court-martial, and questioned whether the threat of a mutiny was even real.⁵⁷ The Navy promised a full investigation – but would an investigation be enough for John Spencer?

ACT III

Pending an investigation into the mutiny, no one was allowed to leave the U.S.S. *Somers* once it docked in New York. No one except Captain Mackenzie, that was, who went to visit his brother-in-law Matthew Perry. Commodore Perry was now the commandant of the Brooklyn Navy Yard. Before leaving the *Somers*, Mackenzie ordered the arrest of 8 more men who he believed to be involved in the mutiny.⁵⁸

Criticism of Mackenzie was growing louder, both within and outside of the Navy. Captain Francis Gregory, commander of the U.S.S. *North Carolina*, visited the *Somers* after it docked. He was horrified by conditions on board. “I have never known the crew of an American man-of-war so dirty and dejected in their personal appearance as hers were at the time of her arrival here,” he wrote a colleague. Gregory was also shocked by the number of floggings Mackenzie had ordered - a number, Gregory said, that was “beyond all precedent within my knowledge.”⁵⁹ News of Gregory’s discoveries quickly became public.⁶⁰

On December 28th, the Navy convened a court of inquiry. This court could only investigate – it could not punish. And unlike in a traditional trial, the person being investigated did not need to appear in person. Mackenzie could submit his statement in writing.⁶¹

⁵⁵ Snow, 186-202.

⁵⁶ Snow, 11, 12.

⁵⁷ Snow, 12-15.

⁵⁸ Snow, 202-204.

⁵⁹ Snow, 198.

⁶⁰ Snow, 198.

⁶¹ Snow, 192, 207.

In writing his narrative of events, Mackenzie brought his authorial experience to bear – to ill effect. The document was bloated, full of tangents and philosophical musings. Mackenzie’s own legal counselor despaired of the narrative, calling it “a diabolical document.”⁶² People wondered if - given the document’s excessive length – the captain was protesting a little *too* hard.⁶³

But the testimony of Mackenzie’s officers supported their captain. Their stories were consistent with Mackenzie’s narrative. On January 28th, the day that would have been Phillip Spencer’s 19th birthday, the court of inquiry announced their findings. They concluded that, quote, “the immediate execution of the prisoners was demanded by duty and justified by necessity.”⁶⁴

It was a victory for Mackenzie. But this was just the first battle. John Spencer, along with Samuel Cromwell’s widow, Margaret, were pushing to have Mackenzie tried for murder in a civilian court. But a judge ruled that a civilian court did not have jurisdiction over the case – only a military court did. That meant a court-martial. Mackenzie himself had requested a court martial, believing that it would clear his name – and believing that a civilian jury might not understand what he called his “conscientious...performance of my duty.”⁶⁵ Secretary Upshur agreed - and on February 2nd, 1843, Commander Mackenzie’s court martial began. It took place at the Brooklyn Navy Yard – first aboard a ship, and then, when the audience grew too large, in the chapel.⁶⁶

The Navy charged Mackenzie with five crimes: murder - for the killing of Phillip Spencer; oppression - for the killing of Samuel Cromwell without sufficient cause; illegal punishment – for the killing of Elisha Small; conduct unbecoming an officer, for his treatment of Philip Spencer before his execution; and cruelty and oppression, for his excessive punishment of his entire crew throughout the voyage.⁶⁷

Eleven high ranking Naval officers served as jurors on the case. Serving in the prosecutor’s role – called, in this context, the judge advocate – was William M. Norris, a lawyer from Baltimore. Little is known about Norris, or how he was chosen for this role. It was a difficult job – Norris had to go into the trial completely unprepared, because none of the *Somers’* officers would speak to him before the trial. But Norris was tireless and determined. Over the next five weeks, he relentlessly questioned the witnesses. The

⁶² Snow, 214.

⁶³ Snow, 210-214, 220.

⁶⁴ Snow, 207.

⁶⁵ Snow, 209.

⁶⁶ Snow, 234-238, 252.

⁶⁷ Snow, 242.

testimony could be repetitive and tedious – Norris did not know who had valuable information until he managed to uncover it. And uncover it he did. Slowly, steadily, Norris began to poke holes in the rock solid story of impending mutiny.⁶⁸

One of Norris's main themes was how little evidence the captain and officers actually had. During his examination of First Lieutenant Guert Gansevoort, Norris asked if Gansevoort, in all the hours he spent guarding Spencer on deck, had ever tried to question Spencer about the plan. "If you made [no] inquiries of Spencer," Norris asked, "what did you do in pursuance of the commander's instructions to find out from Mr. Spencer what you could as to the mutiny?" Gansevoort could only answer, "I inquired among the crew."⁶⁹

Gansevoort had also, on Mackenzie's orders, followed Phillip Spencer around on November 26th. His observations, he testified, had convinced him that Phillip Spencer was up to no good. But Norris revealed how flimsy these observations really were. He asked Gansevoort, quote, "Was Mr. Spencer...till the time of his arrest, engaged in the usual duties of an officer of his station?" Gansevoort admitted that Spencer had been - with the exception of getting a tattoo from a crew member. A sailor getting a tattoo was hardly unusual. Gansevoort also claimed that Spencer had given him, quote, a "menacing look" and displayed, quote, "the most infernal expression I have ever beheld on a human face."⁷⁰ Was this the kind of evidence that justified executing a man?

And what about proof of Cromwell's involvement? Norris got Gansevoort to admit that Cromwell's name never appeared on Spencer's list of conspirators.⁷¹

Not only had the investigation been shoddy, Norris implied, but it had also trampled on the prisoners' civil rights. "From the time of [Spencer's] arrest to the time of his execution, did any officer...explain to Mr. Spencer his situation, and what was contemplated in respect to him?" Norris asked Gansevoort. Gansevoort said no. Neither had Cromwell nor Small been warned that they were on trial for their lives until the sentence had already been passed.⁷²

Norris pushed the officers as to why they had not sought a solution other than execution. Had the officers ever considered just trying to reach a port? They were in the West Indies when they first learned of the mutiny - nearby islands abounded. Norris asked Acting Master Matthew Perry, the 21 year-old son of Commodore Perry, why they had not tried to take the ship into harbor and get help in suppressing the alleged

⁶⁸ Snow, 239-241.

⁶⁹ Snow, 252-257.

⁷⁰ Snow, 223, 225.

⁷¹ Snow, 229.

⁷² Snow, 259.

mutiny. “It was discussed as to whether she could be taken into St. Thomas,” Matthew replied. St. Thomas, at this time, was a Danish colony. But the officers did not want to go to St. Thomas for help - or any other foreign island, because, Matthew explained, quote, “it would be a disgrace to the United States, the navy, and particularly to the officers...if an American man-of-war could not protect herself.”⁷³ A few mens’ lives were a small price to pay to save face, it seemed.

Many in the public believed that fear had been a motivator in the officers’ decision - fear for their lives and for the lives of the crew. But Norris pointed out that some of their behavior before the execution did not hint at true fear. All the officers cited the incident of the collapsing mast as proof that danger was imminent. Norris asked Matthew Perry about the event. Matthew had been below deck when he heard the ruckus above and ran up to see what the matter was. But he didn’t arm himself before running up. And, Norris reminded Matthew, per his testimony at the court of inquiry, after seeing the situation, Matthew, quote, “went below because he found nothing to do.” If he thought mutiny was imminent, Norris asked Matthew Perry, “would it not have been your duty to remain on deck?”⁷⁴

There were also troubling inconsistencies in the officers’ stories. While investigating the case, Norris had learned that before the execution, Mackenzie had transcribed a letter from Spencer to his family. But in his narrative, Mackenzie claimed that this had never happened, that Spencer had declined to send a letter. And the Spencer family had never received a letter. Initially, the officers had backed up their captain’s claims. But Norris, armed with his discoveries, pushed the officers for the truth. Oliver Perry, the seventeen year-old commander’s clerk – and another son of Matthew Perry – initially testified that he had not seen any writing. But under pressure, he admitted that he actually had. In the face of Oliver’s testimony, Mackenzie now admitted that he had helped Spencer write a letter. Two more men, Egbert Thompson and Daniel McKinley, confirmed that they had seen the pair writing something. Where was this letter?⁷⁵

The letter would appear, under strange circumstances, almost a week later. On March 14th, Mackenzie said he was too ill to come to court, and the court-martial was adjourned. This continued for three days – the court would assemble, only to receive a note excusing Mackenzie from appearing. These notes were all signed by the Somers’ surgeon, Richard Leacock. Eventually, on March 17th, Mackenzie showed up – bringing with him a document that he claimed was the one he had written with Spencer on the day of the execution. This document is baffling, to say the least – it reads like a stream of consciousness of the hours leading up to the execution. Occasionally, the narrator seems

⁷³ Snow, 234.

⁷⁴ Snow, 232

⁷⁵ Snow, 266-269.

to be Phillip Spencer, but Mackenzie's voice dominates. The writing is nearly illegible, many sentences are fragmented, and there is no reference to Spencer's family. Was this really the letter that Phillip Spencer had dictated in his final hour? William Norris did not think so – he thought that Mackenzie, caught in a lie, had called in sick and used the time to write the letter. If Mackenzie was lying about this, Norris wondered, what else was he lying about?⁷⁶

But time to find out was limited. The patience of the court, after nearly two months of repetitive testimony, was running out. On March 21st, Norris told the court that he was resting his case. The next day, Mackenzie's lawyer, George Griffin, presented the case for the defense. He would not be calling more witnesses, just reviewing the evidence and arguing his client's position. Griffin was a skilled lawyer and a passionate speaker. He spoke for an hour and a half, enthraling his audience, taking them onto the *Somers* in those trying days before the execution. "A nation's honor was at stake," he told the court, "A vessel which had been...consecrated as a defender of her country's glory, and one of the protectors of the great commonwealth of civilized man, was about to be torn from her sphere, and let loose a lawless wanderer upon the deep, carrying along in her devious course, like a comet loosened from its orbit, devastation, and terror, and death."⁷⁷ In the face of such a grave threat, what could Mackenzie do but take immediate action? Griffin asked the court not to punish Mackenzie, but to commend him – Mackenzie, in Griffin's words, had quenched the flame of mutiny. He had saved not only the *Somers*, but all future Navy ships, from, quote, "the demoralizing, destructive principle of insubordination."⁷⁸ It was a powerful, emotional message – especially to the career Navy men who sat in judgment of Mackenzie.

Over the next five days, all of the testimony was read aloud again. Then, on March 27th, William Norris presented his summation. Norris said Mackenzie was not a defender of American values – he was a destroyer of them. Though the military code was different from the civil law, Norris acknowledged, naval men are still, quote, "shielded by guaranteed privileges...[the law] tells of a legally constituted court, of the right of challenging the judges, of examination and confrontation of witnesses."⁷⁹ Whether or not Phillip Spencer had really planned a mutiny – and Norris did not believe he had – he was still due these sacred rights. "Public ships are creatures of the law," Norris concluded, "and meant to sustain, and not to overstretch it....[The Navy's] officers are sworn to sustain the Constitution." But Mackenzie had not upheld the law, Norris argued, he had put himself above it.⁸⁰

⁷⁶ Snow, 271-278.

⁷⁷ Snow, 249.

⁷⁸ Snow, 250.

⁷⁹ Snow, 252.

⁸⁰ Snow, 282-284.

The panel of Navy officers deliberated for five days, and then delivered their verdict on April 1. They had made the same finding for each one of the five charges Mackenzie faced. On the charges of murder, illegal punishment, oppression, conduct unbecoming an officer, and cruelty, Commander Alexander Slidell Mackenzie was found NOT GUILTY.⁸¹

ACT IV

The verdict had not been unanimous. General court-martials did not – and still do not – require unanimity for a guilty verdicts, only a two-thirds majority.⁸² The panel of jurors concluded that Norris had not addressed the fourth and fifth charges - those of unbecoming conduct and cruelty for the general treatment of the crew. On the charge of illegal punishment for the hanging of Elisha Small, the jurors unanimously acquitted Mackenzie. On the charge of murder for the hanging of Phillip Spencer, the jurors split 9-3 in favor of acquittal. On the charge of oppression for the hanging of Samuel Cromwell, the jury voted 8-4 to acquit.⁸³ The military also decided to release the remaining sailors who Mackenzie had ordered arrested.⁸⁴

On March 29th, President John Tyler’s cabinet met to discuss the verdict. The other members encouraged John Spencer to recuse himself from the meeting; he did not. Secretary of the Navy Abel Upshur recommended that he and Tyler publicly declare that the verdict was an “honorable acquittal.” Upshur’s support for Mackenzie apparently led to a full-blown physical fight between himself and John Spencer which the president had to break up.⁸⁵

President Tyler was not happy about the verdict. He had read the court-martial transcript and believed that Mackenzie ought to have been found guilty. But his hands were tied - under the Constitutional prohibition against double jeopardy, Mackenzie could not be retried for a crime he had been acquitted of.⁸⁶ And Tyler did believe that the

⁸¹ Snow, 285-286.

⁸² Jennifer H. Svan, “Supreme Court won’t review legality of split-jury guilty verdicts in military system,” *Stars and Stripes*, February 21, 2024, <https://www.stripes.com/theaters/us/2024-02-21/supreme-court-denies-verdict-review-13069606.html#:~:text=Under%20the%20Uniform%20Code%20of,serious%20type%20of%20military%20trial>.

⁸³ David Howe, “Essay on the Legal ASpects of *Somers* Affair and Bibliography,” *Naval History and Heritage Command*, May 12, 2020. <https://www.history.navy.mil/research/library/online-reading-room/title-list-alphabetically/s/somers-essay-on-legal-aspects-of-somers-affair.html>

⁸⁴ Snow, 292.

⁸⁵ Snow, 287-288.

⁸⁶ Joseph L. Jordan, “Wjat are the Differences in Military and Civilian Court Cases?” *Military Law Blog*, September 29 2021. <https://www.jordanucmjlaw.com/2021/09/what-are-the-differences-in-military-and-civilian-court-cases/#:~:text=A%20military%20member%20accused%20of,court%20and%20a%20state%20court>.

court proceedings had been fair. Nonetheless, Tyler made his true feelings clear - “As long as my power should last,” he said, “Mackenzie should never be entrusted with another command.”⁸⁷ He publicly approved the verdict, but refused to call it an “honorable acquittal.”

Despite the president’s criticisms, many people supported Mackenzie. A public fund was taken up to cover his legal fees. The famous poet Henry Wadsworth Longfellow – author of poems such as “Paul Revere’s Ride,” was just one of Mackenzie’s prominent fans. Longfellow, who knew Mackenzie through Washington Irving, wrote to Mackenzie after the court-martial, quote, “The voice of all upright men—the common consent of all the good—is with you.”⁸⁸ Mackenzie, delighted, and apparently remorseless, replied with the suggestion that Longfellow write an epic poem about the U.S.S. *Somers*.⁸⁹

But Mackenzie’s reputation was permanently tainted by the events on the *Somers*. This was in part thanks to another famous literary figure, one who made his disgust with the acquittal public - in impressive form. James Fenimore Cooper, best known today as the author of *The Last of the Mohicans*, had pre-existing beef with Mackenzie: the two had disagreed over Cooper’s writings about the Battle of Lake Erie. Cooper had served in the Navy himself, and felt uniquely qualified to judge Mackenzie’s actions. Believing that his insights might be helpful to others, Cooper published two extensive dissections of the events on the *Somers* and the proceedings of the court-martial.⁹⁰

In the dramatically titled *The Cruise of the Somers: Illustrative of the Despotism of the Quarter Deck; and of the Unmanly Conduct of Commander Mackenzie*, Cooper methodically exposed the absurdity of the mutiny claims. “The truth is,” Cooper wrote, “the story is an exaggeration.”⁹¹ For all the testimony gathered by the officers from the crew, Cooper noted that, quote, “not an individual gives any fact to corroborate his suspicions.”⁹² He criticized the investigation, noting that it was on shaky ground from the very beginning: why had Captain Mackenzie so readily accepted the words of the purser’s steward, James Wales? Besides a personal dislike of Philip Spencer, what made his character so inherently less trustworthy than Wales’s? Yes, Spencer had a record - but so, it emerged, did Wales.

The summer before the *Somers*’s first official mission, Mackenzie had taken the ship for a practice run to Puerto Rico. While there, James Wales had gotten mixed up in some

⁸⁷ Snow, 288.

⁸⁸ Snow, 291.

⁸⁹ Snow, 289-291.

⁹⁰ Snow, 294.

⁹¹ James Fenimore Cooper, *The Cruise of the Somers: Illustrative of the Despotism of the Quarter Deck; and of The Unmanly Conduct of Commander Mackenzie* (New York: J. Winchester, 1844), 18.

⁹² Cooper, 75.

sort of trouble, serious enough that Mackenzie acknowledged it in his narrative of the events.⁹³ Why was his word taken as gospel, while Cromwell, Small, and Spencer were disbelieved?

Cooper, after walking through each piece of supposed evidence – from the flimsy importance of “infernial expressions,” to the likely innocent explanation for the mast’s collapse – dove into the captain’s psychological motivations.⁹⁴ Many people had attributed Mackenzie’s harsh decision to fear. But we should remember, Cooper wrote, “that *peril* is the very thing a sailor expects to meet–wishes to meet, indeed...Wherever he goes, he expects to face danger that requires more than a landsman’s nerve to meet.”⁹⁵ Despite the ship’s isolation, and the tense circumstances, Cooper believed that a true naval officer should be better equipped to deal with such events than anyone else.

Cooper also discussed a troubling point that had emerged during the court martial. Horace Heiskill, the purser, had been in charge of transcribing the officer’s interviews with crewmen. During his testimony, Heiskell acknowledged that some of the transcripts had been edited after the interviews concluded. “This loose manner of taking down such important testimony,” Cooper wrote, “is not only illustrative of the want of a decent regard for the rights of the accused, and for public opinion; but very justly lays the published account of it open to grave suspicions.”⁹⁶

These suspicions would later be confirmed. A crewman, George Washington Warner, told his nephew, the journalist Frederick F. Van de Water, that the officers had fabricated part of his testimony. Warner, who had been flogged by Cromwell, had told the officers that he would hang Cromwell if he could. When the officers asked why, Warner said he just disliked the man. But this answer didn’t satisfy the officers. They pushed Warner to say he believed Cromwell was guilty of mutiny. When he would not, they dismissed him. When Warner next saw his testimony, someone had put in their own answer, attributing it to him: now, when asked why he believed Cromwell should be hanged, the paper showed Warner saying, quote, “because I believe him guilty.”⁹⁷

This example is a neat illustration of the whole story of the U.S.S. *Somers*. From the beginning, Commander Mackenzie had believed Phillip Spencer guilty. Guilty of what, exactly, he did not know - but when he was given an opportunity to rid himself of a troublesome, disliked officer, Mackenzie did not hesitate. This isn’t to discount the very real fear the officers of the *Somers* may very well have felt at the idea of a mutiny. But Cooper’s point - that naval men ought to be more prepared for danger than other men -

⁹³ Cooper, 79.

⁹⁴ Cooper, 36-43.

⁹⁵ Cooper, 91.

⁹⁶ Cooper, 61.

⁹⁷ Snow, 150.

is a revealing one. Both he and Norris pointed out that the heightened powers of a military commander should not give him greater leeway to act; instead, it should subject him to stricter scrutiny. In other words, with great power comes great responsibility.

This is particularly true when those under your command are mainly children. The two experienced officers aboard, Commander Mackenzie and First Lieutenant Gansevoort, should have remembered that their accused criminal was a fanciful teenager. And they should not have asked the officers – many of whom were teenagers themselves – to pass a death sentence.

For Gansevoort's part, he seemed haunted by the whole ordeal. He would later be disciplined for drinking on the job and, during the Civil War, for running a sloop he commanded aground. He never held command again, and died in 1868.⁹⁸

Gansevoort was not the only officer to apparently struggle with what happened on the *Somers*. On March 31st, 1843, shortly before the verdict in the court-martial was announced, Richard Leacock, the 28-year-old ship's surgeon, who had both recommended the executions *and* written Mackenzie's sick notes during the trial, killed himself aboard the *Somers*.⁹⁹

Mackenzie, on the other hand, never stopped defending himself. True to President Tyler's word, Mackenzie did not command another ship during that president's tenure. He spent this time at home, working on his books. Then, during the Mexican War, he was given command of a steam freighter. This command seems to have passed without incident. On September 13th, 1848, Mackenzie died suddenly at home of a heart attack, aged 45.¹⁰⁰

Three years earlier, in 1845, the Navy had finally established a permanent, comprehensive officer training school.¹⁰¹ This school, now the United States Naval Academy in Annapolis, Maryland, traces its history, in part, to the *Somers*. Per the Academy's website, quote, "the incident cast doubt over the wisdom of sending midshipmen directly aboard ship to learn by doing."¹⁰²

⁹⁸ Snow, 303.

⁹⁹ Snow, 259. Leacock's birthdate is unknown, he may have been either 28 or 29 years old at the time of his death, per "Richard W. Leacock," *Find a Grave*.
<https://www.findagrave.com/memorial/92596484/richard-w-leacock>

¹⁰⁰ Snow, 304.

¹⁰¹ Henry Francis Sturdy, "The Establishment of the Naval School at Annapolis," *Proceedings* (U.S. Naval Institute), Vol. 72, April 1946.

<https://www.usni.org/magazines/proceedings/1946/april/establishment-naval-school-annapolis>

¹⁰² United States Naval Academy, "History of USNA," updated July 24, 2023.

<https://www.usna.edu/USNAHistory/>

So Mackenzie had seen his hopes for an educated officer class realized. But in a strange way, Mackenzie had actually come closer to achieving Phillip Spencer's dreams than his own. Mackenzie had never become a truly famous author, nor risen to the highest ranks of the Navy. But he had, by taking the law into his own hands, become a pirate of sorts. "Justice, there was none of, on board the *Somers*," James Fenimore Cooper wrote, "a pirate's deck would have exhibited more mercy."¹⁰³

That's the story of the court-martial of Commander Alexander Slidell Mackenzie. Stay with me after the break to learn about how this case touched the life of yet another famous author.

EPILOGUE

Lieutenant Guert Gansevoort was part of a prominent Dutch American family from New York. His grandfather, Peter Gansevoort, had served as a general in the Continental Army during the Revolutionary War. Peter Gansevoort had six children. One of them, a son named Leonard, was Guert Gansevoort's father. Another of Peter's children was a daughter, Maria. Maria married a man named Allan. The couple would have eight children of their own. The third was a boy who would become perhaps the most famous chronicler of the nautical world: Herman Melville.

Melville, who was only seven years younger than his cousin Guert, was intimately familiar with the U.S.S. *Somers*. He referenced the case in multiple works.¹⁰⁴ The most direct connection is in his posthumously published novella *Billy Budd*, which tells the story of a British sailor who accidentally kills a sadistic officer who has wrongfully accused Budd of plotting a mutiny. Budd is, in turn, himself executed. The men who hanged Budd, Melville writes, "were brought to something more or less akin to that harassed frame of mind which in the year 1842 actuated the commander of the U.S. brig-of-war *Somers*...to resolve upon the execution at sea [of three men]...which resolution was carried out though in a time of peace and within not many days' sail of home." Dryly, Melville says that the story is "cited without comment," – though his sarcasm makes his real feelings clear.¹⁰⁵

Over the years, many have chosen to comment more explicitly on the *Somers* case. Some have supported Mackenzie's choices, others have denounced them. But the story has lingered on, finding echoes in cases where questions of safety are held up against the preservation of rights. Phillip Spencer, Samuel Cromwell, and Elisha Small may have

¹⁰³ Cooper, 83.

¹⁰⁴ Snow, 315.

¹⁰⁵ Herman Melville, *Billy Budd* (Electronic Classics Series), ed. Jim Manis, 70. https://mseffie.com/assignments/billy_budd/Billy%20Budd%20Text.pdf

been silenced by a lack of due process. But their lives echo. As James Fenimore Cooper so powerfully put it, “Though the principal perpetrator...has safely passed the ordeal of a court-martial...the blood of the slain cries from out the deep, and sooner or later will be heard, no matter what attempts may be made to stifle it.”¹⁰⁶

Thank you for listening to History on Trial. My main sources for this episode were Richard Snow’s book *Sailing the Graveyard Sea: The Deathly Voyage of the Somers, the U.S. Navy’s Only Mutiny, and the Trial That Grippped the Nation* and James Fenimore Cooper’s *The Cruise of the Somers: Illustrative of the Despotism of the Quarter Deck; and of the Unmanly Conduct of Commander Mackenzie*. For a full bibliography as well as a transcript of this episode with citations please visit our website historyontrialpodcast.com

¹⁰⁶ Cooper, 9.