

**REDISCOVERING THAT DEVIL HARRY MAURY:  
Mobile's Antebellum Filibustering, Dueling, and Soldiering Swashbuckler**

by  
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**I. Harry Maury: An Introduction.** Harry Maury was the most colorful man in Mobile's history, but today he is almost completely forgotten. Part of the problem is that he was what in the old days they called "a man of parts",<sup>1</sup> apparently<sup>2</sup> meaning that he was skilled in many different things, and the result here is that his history is so scattered, and involves so many areas, that researching and writing his history is not easy. But if you look at all of his parts— or even each of them— he was amazing.

**A. Harry's People.** A tall and handsome lifelong bachelor, both man's man and ladies' man, he hailed from a renowned Virginia and Tennessee family. Although the Maury family is ordinarily thought of as Virginian, mostly from Fredericksburg, they had strong ties to Tennessee. Maury County, Tennessee, in the lovely green rolling country South of Nashville through which I-65 runs, is named for Harry's grandfather Abram P. Maury, who fought with Andrew Jackson. Harry's first cousins once removed [sons of Harry's great uncle Richard Maury, who moved to Franklin, Tennessee in 1810] were Mathew Fontaine Maury, the renowned but troublesome antebellum oceanographer, and John Minor Maury, who fought the pirates of the

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<sup>1</sup> This is one of the few words Shakespeare is apparently not given credit for having invented, though in *Love's Labors Lost*, he has a character praise Lord Longaville by saying that as a "man of sovereign parts he is esteem'd; well fitted in arts, glorious in arms" [Act II, Scene I].

<sup>2</sup> In Harry's day in antebellum Mobile the Cowbellion de Rakin Society, founded in 1831 as the first parading Mystic Society in the United States with floats and bands and tableaux, had an initiation ritual in which a new "Knight of the Rake" was introduced to the group with the words: "Sir Knight, this Rake, in lounging arts, has proved himself 'a man of parts'". At each step of the initiation he was introduced to the next higher level roughly the same way [it cannot be determined whether Harry was a member of "the Cows", since their only extant list was from a couple of decades after he died, but he might well have been].

Caribbean but died of Yellow Fever on the ship bringing him home about when Harry was born. Harry's second cousin General Dabney Maury, the son of John Minor Maury, was a Confederate general who commanded Southern forces at Mobile during the Civil War and was Harry's friend and protector, and whose later history has many items of Harry's history which would otherwise have been lost.

**B. Harry's Background.** Harry's obituary said he was born in North Carolina,<sup>3</sup> but his cousin Dabney Maury said that he was from Fredricksburg<sup>4</sup>, Virginia<sup>5</sup>, born in 1827. "He entered the Navy as a boy"<sup>6</sup> and, aged twenty, and about when the Mexican government was talking of invading New Orleans and even Mobile, was in the Navy at Vera Cruz<sup>7</sup> in the Mexican

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<sup>3</sup> Obituary of Maury, Mobile Daily Register February 27, 1869.

<sup>4</sup> Gen. Dabney Herndon Maury, *Recollections of a Virginian in the Mexican, Indian and Civil Wars*, (1894)(edited, republished and copyrighted by Wm.Maury Morris II; available at [http://www.ibiblio.org/pub/academic/history/marshall/military/civil\\_war\\_usa/D\\_H\\_Maury/](http://www.ibiblio.org/pub/academic/history/marshall/military/civil_war_usa/D_H_Maury/) [hereafter for convenience "D.MAURY"]. General Maury was the principal founding member of the Southern Historical Society. Maj.Gen. Dabney Herndon Maury, *The Southern Historical Society: Its Origin and History* Vol. 18 (1890), available online at [http://en.wikisource.org/wiki/Southern\\_Historical\\_Society:\\_Its\\_Origin\\_and\\_History](http://en.wikisource.org/wiki/Southern_Historical_Society:_Its_Origin_and_History)

<sup>5</sup> Erwin Craighead, *FROM MOBILE'S PAST: Sketches of Memorable People and Events* 156 (1925)[hereafter for convenience "CRAIGHEAD"]. Craighead was Editor of the Mobile Register from 1893 until at least 1925, was an excellent jackleg local historian and, both in the paper and his several books of local history, preserved many local historical stories that otherwise would have been lost. Craighead said that "I am inclined to think that every community needs on Old Mortality to chisel anew the names of the dead and gone worthies, the memory of whom has been allowed to lapse from the general mind; and that research among the tombs will everywhere be rewarded" [The quote is on the first page of the history of America's oldest extant Mystic Society The Strikers, of which Craighead n 1885 became a member].

<sup>6</sup> D. MAURY

<sup>7</sup>D. MAURY

War when, in an amazing amphibious landing in March of 1847 the U.S. Navy landed some 17,000 men below Vera Cruz. He managed to learn about ships and amphibious landings and, like just about everybody who was in the Mexican War, obviously learned the importance of that marvelous fighting tool, the Colt's revolver. All of this knowledge would stand him in good stead in his short lifetime.

His kinsman Gen. Dabney Maury says Harry came "to Mobile while yet a youth"<sup>8</sup>; late 19<sup>th</sup> century and early 20<sup>th</sup> century Mobile newspaper editor and amateur historian Erwin Craighead pegs it as 1848<sup>9</sup>, right after the Mexican War. Both agree that by that time he was sufficiently skilled to be put in "command of a barque"<sup>10</sup> or "schooner in the coasting trade"<sup>11</sup>. The legend in Old Mobile is that his schooner was the MOBILE and that during this period a Spanish ship wrecked at Cape San Blas, and that he carried her passengers back to Havana<sup>12</sup>. In fact Coast Guard history tells us that the Cape San Blas light, built in 1849, "fell down during a gale in the autumn of 1851", and that not until the end of August of 1852 did Congress appropriate money to rebuild it,<sup>13</sup> and in 1852 the Spanish Brig FERDINAND VII wrecked on

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<sup>8</sup> D. MAURY

<sup>9</sup> CRAIGHEAD at 156.

<sup>10</sup> D. MAURY

<sup>11</sup> CRAIGHEAD at 156.

<sup>12</sup> Mobile Register, April \_\_, 1937, in Maury file at the Mobile Historical Development Commission.

<sup>13</sup> [Http://www.uscg.mil/HQ/G-CP/HISTORY/h\\_famouslighthouses.html](http://www.uscg.mil/HQ/G-CP/HISTORY/h_famouslighthouses.html)

the reef at Cape San Blas, making it the likely ship involved.<sup>14</sup> At some point, whether on this trip of mercy or not, Harry Maury won ten thousand dollars in the Havana Lottery and bought a house in Montrose.<sup>15</sup>

Maybe helped by money from the Havana Lottery, Harry “studied law and was admitted to the bar in 1852 and practiced with success for several years. . . [and] naturally drifted into politics”<sup>16</sup>.

Craighead quotes Oakleigh House’s master Colonel T.K. Irwin, who met him in Mobile in 1857:

I first met him in Madame LeVert’s home on Government Street, and he was one of the finest looking men I ever saw. Afterwards we had a good deal of him in a semi-public way. He was a fine horseman and when he rode up and down Government Street, he was much admired for he made a very attractive looking spectacle.<sup>17</sup>

Harry Maury naturally gravitated to the “American Party”, better known today as “The Know-Nothing Party”, which famously became nativist and anti-papist, but less famously became a refuge for old Whigs upon the collapse of the Whig Party. In Mobile the Know-Nothings were less rabid on slavery and secession than the fire-eating Democrats like William Lowndes

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<sup>14</sup> <http://www.treasuresites.com/nwfl.htm>, citing Steven Singer, SHIPWRECKS OF FLORIDA.

<sup>15</sup> Craighead at 160.

<sup>16</sup> CRAIGHEAD at 156.

<sup>17</sup> CRAIGHEAD at 62.

Yancey.<sup>18</sup> An ample metaphor for the American Party in Alabama is that one member was Johnson Jones Hooper, the lawyer, journalist, old Southwestern humorist [and author of an entirely serious book<sup>19</sup> on bird hunting, clearly the sport of gentlemen], and another was industrialist Daniel Pratt of the Pratt Gin Factory in Autauga County. The American Party, like Mystic Societies in Mobile, even had passwords, handshakes and initiations; this was clearly a political home for a man like Harry Maury.

The Know-Nothings made a clean sweep of Mobile County offices in the August 1854 elections<sup>20</sup>, and following the Mobile municipal elections in December 1855, when the American Party slate was elected throughout the city<sup>21</sup>, electing as Mayor the legislator Jones M. Withers “without his knowledge or consent”<sup>22</sup>. Harry Maury became Chief of Police, or “Marshal” for the City of Mobile.<sup>23</sup> But, charged among other things with being unsound on the slavery issue, the Know-Nothings went into a rapid decline almost as steep as their ascendancy and in 1856 most Mobile Know-Nothings, likely including Maury, had either renounced their ties to the party or

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<sup>18</sup> The American Party in both Mobile and Alabama is fully discussed in Harriett Amos [Doss], COTTON CITY: Urban Development in Antebellum Mobile 222-230 (1985) and J. Frederick, Unintended Consequences: The Rise and Fall of the Know-Nothing Party in Alabama, ALABAMA REVIEW vol 55: 3 (Jan 2002).

<sup>19</sup> Johnson Jones Hooper, DOG AND GUN: A Few Loose Chapters on Shooting, Among Which Will Be Found Some Anecdotes and Incidents (1856)(reprinted by the University of Alabama Press in 1992).

<sup>20</sup> AMOS at 226-27.

<sup>21</sup> AMOS at 228-29.

<sup>22</sup> Id at 229.

<sup>23</sup> CRAIGHEAD at 156.

simply let their involvement lapse.

The next two major events in Maury's life were the Walker filibustering expeditions to Nicaragua and his duel with Frenchman Henri Arnous-Riviere; Craighead puts the duel before the filibustering, but Harry's kinsman General Maury put the filibustering first and the duel later. The duel came first.

**II. Harry Maury "Shoots the Frenchman"**. Harry Maury has been most famous in connection with his duel in 1858<sup>24</sup> with "the Baron": Frenchman and Legion of Honor Crimean War soldier Henri Guillaume Marie Arnous-Riviere, or "de Riviere" as he ambitiously<sup>25</sup> called himself, a duel mostly forgotten for almost a century but then made famous in the chapter titled "Emily and the Baron" in the 1951 book by New Orleanian Harnett T. Kane, Gentlemen, Swords and Pistols.

Riviere was certainly a remarkable man. His brother Jules<sup>26</sup> was an international chess expert who played matches in Europe against the famous Paul Morphy, an antebellum graduate of Spring Hill College said to have been one of the best chess masters in history<sup>27</sup>. But Henri was

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<sup>24</sup> Craighead at 156.

<sup>25</sup> To the French "de" is roughly what "von" is to the Germans, and "of" was to the Founding Fathers, namely, a connection to certain land and a mark at least strongly suggesting aristocracy.

<sup>26</sup> The connection is made in [www.chessbanter.com/59370-post3html](http://www.chessbanter.com/59370-post3html), citing to one of my articles.

<sup>27</sup> Morphy, whose house in New Orleans is now Brennan's Restaurant, once played a simultaneous match against five masters, including Jules Arnous de Riviere. Morphy won two games, drew two games, and lost one. Just type the words "Paul Morphy" into your web browser and you will quickly see that he is still a legend of chess [Morphy Avenue in Fairhope is named for an early supporter of the Single Tax movement, not for the chess player].

not involved in many honest pursuits and, as the New York Times said of him in 1858, he was “the black sheep of the family”<sup>28</sup>.

Throughout his later life claiming to have been a Zouave<sup>29</sup> soldier at the battle of Sebastopol in the Crimean War and claiming to have won the Legion of Honor there [in fact Riviere did have the Legion of Honor, as did his father, according to the web site of the French Legion of Honor<sup>30</sup>], Riviere first arrived from Europe in February of 1857, with a woman whom he introduced as his wife, and put up at a hotel called “The Wall House” in Williamsburg, New York. The hotel and Riviere were apparently recommended one to the other by the surgeon of the sailing vessel in which he arrived, who knew Mr. S.D. Goodnow, the proprietor of The Wall House. During the visit Riviere and the wife often referred to various details of their marriage, leaving no doubt in anyone that they were husband and wife. The wife stayed there while Riviere traveled the U.S. In early May, Riviere was in Buffalo, and wrote the hotelkeeper S.D. Goodnow of The Wall House in Williamsburg that he would pay him as soon as possible but was going to Chicago for a month, and that “is very important to me as it would change all of my prospects”<sup>31</sup>. Indeed he went, but the trip to Chicago did not help his prospects. In 1857 Riviere had caused a ruckus in Chicago that Harper’s Weekly of July 31, 1858, upon getting word of the July 1858

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<sup>28</sup> New York Times July 5, 1858.

<sup>29</sup> When the French fought the Algerians in the 1840s, some of their soldiers– “Zouaves”– wore baggy pants and were renowned for bravery, catching the world’s attention. The French Army aped their style and verve just in time for the Crimean War, and in the American Civil War shortly thereafter, various units on both sides both dressed and fought as “Zouaves”.

<sup>30</sup> [Http:www.legionhonneur.org/noms\\_1862.html](http://www.legionhonneur.org/noms_1862.html).

<sup>31</sup> Id July 9, 1858.

problems of Riviere in New York, said that Riviere was:

the identical Senor Don Pedro P.L. de Moreto, who turned the heads of all Chicago belles a year ago, bought a thousand dollar horse with borrowed money, got up a magnificent excursion to Hyde Park . . . and finally becoming suspected, unmoored for parts unknown, leaving behind a large number of anxious creditors, several broken-hearted young misses and mortified and disappointed moms, an stonished city, half a dozen happy local newspaper reports, two trunks filled with dirty linens and cravats”.<sup>32</sup>

Mr. S.D. Goodnow of The Wall House explained in 1858 during de Riviere’s New York troubles of that time, that in 1857 while the Rivieres were staying at his hotel, “a rumor got into circulation that the woman living with Captain DE RIVIERE was his mistress, and not his wife; that DE RIVIERE on hearing it became greatly enraged and threatened to shoot any man who should repeat it. That finally, to silence the scandal, he came over to New-York, and had the marriage ceremony repeated in Canal Street”.<sup>33</sup>

The wife stayed at the Wall House while Riviere traveled on his escapades, and after July 7, 1857, when Riviere returned to Europe for a visit, leaving his wife at the hotel. When he left for Europe Riviere left a draft on a London bank for the amount of the hotel bill then due, but “the draft was immediately returned, protested, with the intimation that Capt Henri Arnoux De Riviere kept no account at that establishment”, and after six more weeks the wife also sailed for Europe<sup>34</sup>.

Riviere was clearly in Mobile in February of 1858, for the newspaper on February 7,

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<sup>32</sup> Mobile Register, article by Cammie East, January 27, 1980, page 14D, quoting Harper’s Weekly of July 31, 1858.

<sup>33</sup> New York Times July 9, 1858.

<sup>34</sup> Id July 9, 1858.



1858<sup>35</sup> said that he, “understood to be of the French corps of Zouaves” in the Crimean War, was giving a lecture on the Crimean War, having “lectured on this theme in New York and New Orleans, and his lectures were highly recommended by the press of those cities”.<sup>36</sup> Mobile was apparently too small for the egos of both Harry Maury and The Baron. Here’s how Craighead put it, doubtless having heard the story many times from witnesses:

It was not long before so aggressive a person was called upon to prove his right to occupy so much of the public’s eye. Some say that there was jealousy of him because of his social success; some that quite a commonplace dispute “between gentlemen” was the occasion, but it is a fact that another *arbiter elegantiarum* lived then in Mobile, the distinguished Harry Maury, who had been with Walker in Nicaragua and had a reputation as a man of wit and courage. Certain it is that the duel which happened with Maury was not because of rivalry for the hand of Miss Emily Blount as some have written, as the lady mentioned was but a child of 15 at the time. Maury had a biting tongue. He cast aspersion upon De Riviere, calling him “Count No Count and Barren of Intellect”.<sup>37</sup> The report of this was carried to the young Frenchman. In a Royal Street coffee house the two Hotspurs had it out. Maury being the insulter, De Rivier sent him a challenge which was accepted.<sup>38</sup>

General Maury’s version of the cause of the duel is substantially the same, and undoubtedly he got much of his version from his first cousin, Harry Maury:

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<sup>35</sup> Mobile Register, “Yesterday’s News”, “From 1858”, February 7, 2008.

<sup>36</sup> Id.

<sup>37</sup> Interestingly, “Count No ‘Count” was what they called the foppish William Faulkner in his early Oxford days. Ben Wasson, *Count No ‘Count: Flashbacks to Faulkner* (University of Mississippi Press 1983). Oddly, it is today the name of a CD of music by Ilyah Kuryayhkin, a name which itself harks back in time several decades to a spy television show.

<sup>38</sup> CRAIGHEAD at 62-63.

After the close of the troubles in Nicaragua<sup>39</sup>, a Captain Henri de Riviere, who had been dismissed from the French army and had cast his lot with General Walker's expedition, returned with the surviving adventurers to Mobile, and became a favorite in the gay society there. His impudent deportment aroused Henry's indignation, and a duel resulted.<sup>40</sup>

But, happily for us, the New York Times of 1858 preserved most of the real history for us, in connection with the carnival atmosphere of the legal proceedings which occurred there in the last half of the summer of 1858.

We know from a sworn affidavit, as discussed later, that Riviere was in Mobile and met the Blount family in March of 1858, and we know that the duel was in April of 1858. On August 27, 1858 the New York Times<sup>41</sup> reprinted an article from the *Cleveland Plain Dealer* on the Maury-Riviere duel, which it placed in April of that year 1858:

The letter of Henry Maury, Esq. of Mobile, published in our paper of yesterday, has brought to mind some of the incidents connected with his duel with De Riviere. Some time during last April, we believe, De Riviere was in Mobile, cutting a rather extensive dash. Endowed with immense brass and a prepossessing address, he had no difficulty in gaining admittance to the aristocratic circles of Mobile. Among other houses whose doors were open to him was that of Madame Le Vert, the distinguished Southern authoress. De Riviere repaid her magnificent hospitality by slandering her in a public saloon in Mobile, and Mr. Maury chivalrously and immediately gave him the alternative of a flat retraction or a

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<sup>39</sup> We don't have any direct evidence that Riviere was a filibuster, and he CERTAINLY did not go on Maury's December 1858 expedition out of Mobile, but he might have been involved with the Walker movement in New Orleans in late 1857 and, indeed, was later criminally charged in New York for challenging Lewis Grant "of the Nicaragua Army" to a duel, as discussed below.

<sup>40</sup> Gen. Dabney Herndon Maury, *Recollections of a Virginian in the Mexican, Indian and Civil Wars*, (1894).

<sup>41</sup> New York Times, August 27, 1858, page 3.

fight.<sup>42</sup>

As the recipient of the challenge, under what they called “The Code Duello”<sup>43</sup> Maury got to choose the weapons, and picked the military Colt’s Revolver [probably the 1851 Navy model] instead of the customary gentlemanly smoothbore single-shot dueling pistols which then-convention, the Code Duello,<sup>44</sup> and Riviere preferred. Craighead says:

The terms agreed upon were: Colt’s revolvers to be used; distance 12 paces; to fire at any time between the call of one-two-three; combatants to advance and fire until one or both should fall.

The affair was regarded as desperate on those terms, as both men were considered excellent shots, but Maury had really the advantage over De Riviere, the latter saying afterwards that he never before had been used to handle the revolver. He was skilled in the use of the duelling pistol.<sup>45</sup>

General Dabney Maury probably has the best and most accurate account of the actual duel:

A steamer took the duelists down to Pascagoula. Doctors [Nott] and Ross went along as surgeons, and a great many gentlemen of Mobile, who desired “to see Harry shoot the Frenchman”.

I was told by several eye-witnesses the remarkable history of this curious affair. The ground was near the residence of the proprietor, and a hammock was swinging in the veranda. Captain de Riviere advanced to Captain Maury and asked if he might take an hour’s nap in that hammock, as he felt very nervous. His

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<sup>42</sup> New York Times, August 27, 1858, page 3.

<sup>43</sup> At least one written version of the *Code Duello* in English as practice in the antebellum southern states is John Lyde Wilson, THE CODE OF HONOR; or RULES FOR THE GOVERNMENT OF PRINCIPALS AND SECONDS IN DUELLING (Charleston, printed by James Phinney, 1858)(this is of course long out of print, but it may be downloaded FREE online at <http://www.gutenberg.org/etext/6085>).

<sup>44</sup> Id at 20: “The arms used should be smooth-bore pistols, not exceeding nine inches in length, with flint and steel. Percussion pistols may be mutually used if agreed on, but to object on that account is lawful”.

<sup>45</sup> CRAIGHEAD at 63.

request was granted, and his second aroused him at the end of an hour. He arose apparently quite refreshed, and took his place for the duel. They were to begin firing with revolvers at twelve paces, to advance a pace after each shot, and to stop if either fell. At the first shot, the Frenchman staggered backwards and seemed about to fall. His antagonist lowered his pistol, but kept his thumb upon the hammer and his eye upon his enemy, whom he detected in the act of cocking his pistol, but before he could raise it and fire Maury shot him in the mouth. He was taken to the home of a gentleman in Mobile, whose sympathetic wife and beautiful daughter cared for him during some weeks.<sup>46</sup>

Dabney Maury's account is consistent with press reports from that period, such as this from the New York Times, quoting the Cleveland Plain Dealer:

De Riviere accepted the . . . [duel challenge], and under the impression that . . . [Riviere] was a gentleman, Mr. Maury met him. Maury is what is familiarly termed "a crack shot," and was a good deal surprised to see that a well-directed shot had no impression on De Riviere. Maury's second explained this by telling him that "the Zouave" had on armor. The next shot was aimed at De Riviere's head, and hit that individual somewhere in the vicinity of his nose. He fell, and while down fired at Maury. Happily, he missed his aim. Of course we couldn't well excuse Maury for fighting De Riviere, even had that person been a gentleman instead of an itinerant Robert Macaire<sup>47</sup>, but they have their own opinion of this sort of thing down South, and we are disposed to let them enjoy it. Mr. Maury has been Acting Mayor of Mobile, and has occupied other important offices, to the satisfaction of the people. He is recognized everywhere as an accomplished, generous and chivalrous gentleman.<sup>48</sup>

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<sup>46</sup> MAURY.

<sup>47</sup> Author's note: OK I never heard of him either, so don't feel left out, but your friend and mine "Wikipedia", sole source authority for easy and quick research, says [[http://en.wikipedia.org/wiki/Robert\\_Macaire](http://en.wikipedia.org/wiki/Robert_Macaire)] he is an archetypal villain who often appears in French-written plays, I guess on the order of our own banker in a top hat with a waxed moustache who knocks on the door and says "I've come for the rent!"

<sup>48</sup> New York Times, August 27, 1858, page 3.

Riviere later that year wrote the New York Times that the duel “resembled an assassination”.<sup>49</sup> Riviere’s life was perhaps saved by one of the medical doctors of the duel who, General Maury tells us, was Doctor Josiah Nott. Dr. Nott was undoubtedly the best medical doctor in Mobile<sup>50</sup>, the first to suggest that Yellow fever was spread by insects<sup>51</sup>; Dr. Nott had just come back to Mobile in 1858 from being a medical professor at what later became Tulane, where he had brought two Egyptian mummies which he used for study of his racial theories that the separate races had not descended from a common ancestor;<sup>52</sup> the mummies stayed in recent years under the Tulane Sugar Bowl Stadium where they were studied by, among others, a graduate student from Peru who is an expert on desiccated Peruvian Andean mummies<sup>53</sup>.

Craighead is not nearly so discreet [or forgetful] as General Dabney, naming the family involved as that of Mobile lawyer Frederick S. Blount and his wife Emily James Blount and their teenaged daughter Emily. Emily James Blount, the wife and mother, was the daughter of Samuel James and Mary Darrington James, born October 16, 1816 in South Carolina. Her family moved

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<sup>49</sup> New York Times, July 6, 1858.

<sup>50</sup> See generally Horsman, Reginald, *JOSIAH NOTT OF MOBILE: Southerner, Physician, and Racial Theorist* (LSU Press 1987).

<sup>51</sup> Erwin Craighead, *Mobile: Fact and Tradition* 241 (1929).

<sup>52</sup> Nott was co-author of the monumental 1854 work of racialism, Josiah Nott and George R. Gliddon, *TYPES OF MANKIND: or, Ethnological Researches, based upon the Ancient Monuments, Paintings, Sculptures, and Crania of Races, and Upon Their Natural, Geographical, Philological, and Biblical History* (1854). You can buy this surprisingly cheap online, as I did, since the market for antebellum racist scientific books is a bear market.

<sup>53</sup> Judith Zwolak, *A Tale of Two Mummies*, Tulane University Magazine 1999 (available online at [http://2.tulane.edu/article\\_news\\_details.cfm?ArticleID=2916](http://2.tulane.edu/article_news_details.cfm?ArticleID=2916)).

to the area of Choctaw Bluff in what is now Clarke County, Alabama, and most of them are buried in the decidedly upscale “Darrington-James Cemetery” there, named for the family.<sup>54</sup> Frederick Blount was born in New Bern, NC on October 16, 1816, and on December 10, 1835 he married Emily James. Not just everybody has had her girlhood foibles and the circumstances of her marriage limned in the New York Times, but Emily [and Frederick too, *en passant* as chess master Paul Morphy would have termed it] has, in a New York Times article<sup>55</sup> quoting an article from the Cleveland Times, about which the very next day Frederick Blount, then in New York, wrote the Times to say “I pronounce the whole article a mendacious fabrication, built upon the smallest foundation of truth.”<sup>56</sup> The article says:

Miss Emily Blount [their daughter] is a “chip off the old block”. Her mother, Mrs. Emily J. Blount, *née* James, was in girlhood, sent from Alabama to a seminary at New Haven . . . There she was a wild dare-devil, the leader of all mischievous or romantic intrigues; smuggling cards, liquor and billets into the seminary; exchanging notes for herself or others, even under the nose of the accompanying duenna, with lovers whom she met when permitted to go out. Many wild pranks of hers in New Haven were the talk of all the city. A lady, resident of Cleveland, might narrate from her recollection the “adventures of Em. James at boarding-school,” enough to make quite a *brochure* of yellow-colored literature; how the heroine, under the inspiration of punch, once stood upon a pedestal in broad day, as a living statue duly placed and draped. In front of a confectionary on Church street –how they kept Christmas holiday in their chambers upon a profusion of egg nog, the materials for which were smuggled into the seminary, and mixed into potent nog by Miss J., – how once on a Winter’s day, when sleighing was lively,

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<sup>54</sup> See generally Bagwell, Who Are All Those People Buried in Marked Graves in the Darrington-James Cemetery?, 25 CLARKE COUNTY HISTORICAL SOCIETY QUARTERLY 24 (2000). Her brother Samuel James, the first person to die at the University of Alabama in 1839, is buried there, having been moved there after burial at the University of Alabama graveyard first bought for his burial. The University Graves Mystery, Alabama Heritage Issue 80 (Spring 2006) pp. 6-7.

<sup>55</sup> New York Times July 21, 1858, page 4.

<sup>56</sup>Id July 22, 1858, page 4.

she, with two or three companions, marched down the middle of Chapel-street to Wooster Square, where the seminary was located, shouting and singing in *Bacchante* style, compelling the sleighs to turn out right and left and give them way— how tropical fruits, innocently brought by the “daughter of the South,” were often found to be of something more than tropical richness of pulp and flavor, yielding ardent epistles from ardent young men, &c. To one so defiant alike of authority, propriety and vigilant restraint, the end could only be expulsion, and she was expelled. Until her mother should arrive from the South to take charge of her, she was placed in the family of a highly respectable gentleman of New Haven.

To the affliction, one knows not of how many sighing young gentlemen in the pin-feather stage of existence, her mother removed her to Alabama. One, now the grave and staid head of a family in New England, was almost in a frenzy of grief at the inevitable separations, as perhaps were half a dozen others who, like him, had exchanged with the enchantress vows of eternal affection and fidelity.

Soon after her return to Alabama, Blount, the present husband, met her and was captivated. Miss J. was taken to her maternal home in Clarke or Monroe County, Ala., where, for some reason, Blount’s visits were forbidden. His ambition, however, as might be expected in such cases, proved but an airy obstacle to interviews. To prevent these the young lady was finally placed in a nunnery near Mobile, in the strictest restraint and surveillance of the saintly sisterhood. Hence, in a short time she escaped, eloped, and was married to Blount.

About the time of their marriage Blount built “The Woodlands”, a house now owned by Ann Bedsole’s family in what is now Gosport in Clarke County, which is on the National Register of Historic Places. The Blounts sold The Woodlands in midsummer of 1851 and moved to Mobile, where Blount’s house was at Springhill and Lafayette.

During Riviere’s recuperation apparently both mamma and daughter fell for the Frenchman, or maybe the daughter did and the mamma fell for the idea. All three of them shortly decamped with him and without papa Blount to New Orleans and to Havana, and there to tranship for New York and on to Paris for nuptials, with one or the other or both of the women, with papa Frederick Blount always one ship behind, a day late and a Baronetcy short. Craighead described the Blount’s involvement as follows, keeping in mind that Craighead just a few pages

earlier had stoutly denied that the duel was over young Emily, being “only fifteen” [although events proved that Riviere was in love with her<sup>57</sup>, whether the duel was over her or not, and she was seventeen<sup>58</sup> rather than fifteen]:

At this point Colonel Frederick Blount, a well-to-do-lawyer, enters upon the scene. De Riviere had brought letters to Blount and had been courteously received. Several times the baron had dined at the Blount home on Springhill Avenue, and was an entertaining and welcome visitor. Seeing, or hearing that the young man had been shot and perhaps seriously wounded, Colonel Blount had him taken into his own home, and there looked after by his wife, his daughter, Mary, and his daughter, Emily, the latter then not much above fifteen years of age. Convalescing in the garden, and relating his adventures in war and elsewhere, the handsome captain captivated the heart of the younger daughter and made such a strong and favorable impression upon the mother that shortly after his recovery the three were missing, and it was said that De Riviere and Miss Emily Blount had run away to get married, the mother accompanying her daughter as guardian and to be the witness of the ceremony. The agitated father hastened after them, following to New Orleans, Havana and New York, and at last succeeded in getting his daughter under parental authority again.<sup>59</sup>

Here’s how General Dabney put the decamping of the three, followed by poor Blount:

When he had recovered sufficiently to travel, he departed, accompanied by his devoted nurses. The head of the family went in pursuit of them, reaching Havana just after they had left for Nassau, and arriving at Nassau after they had sailed for New York. In New York their escapade was arrested by a lady who came out of a convent and claimed Captain Henri de Riviere as her lawfully wedded spouse. Then at last the bereft husband and father recovered his delinquent family, and returned with them to Mobile.<sup>60</sup>

Those early accounts are remarkably accurate. In late June Mr. Blount, his wife Emily, and his

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<sup>57</sup> See Riviere’s letter in the New York Times of July 6, 1858.

<sup>58</sup> New York Times July 10, 1858.

<sup>59</sup> CRAIGHEAD at 64.

<sup>60</sup> MAURY.



daughter Emily all arrived in New York and undoubtedly had a remarkable Fourth of July, for on Monday the Fifth of July the New York Times ran this piece<sup>61</sup>, resulting in the dumping of this otherwise private affair into public view:

**A Frenchman in Difficulties— The Case of Capt. De Riviere**

CAPTAIN HENRI DE RIVIERE, who figured in this City some months since, as a lecturer on the Sebastopol Campaign, has turned up again, under very suspicious circumstances. Having met with indifferent success in his public appearances here, he left for the South, where he presently got into trouble. Only a few weeks since, we published<sup>62</sup> an account of a duel in which he was engaged in New-Orleans. Soon afterwards, he had another affair of the same kind at Mobile. For a time, nothing more was heard of the Captain. Then it was announced that a warrant was out for his arrest in New Orleans, on a charge of bigamy. This report proved untrue, but it now appears that it originated in his attempt to abduct a daughter of Col. Blount, of Mobile, unto whose house he had been received when wounded in his Mobile duel. The Captain improved his opportunities, and made violent love to the Colonel's daughter Emily, and cajoled the mother. The father, meanwhile discovered that De Riviere already had a wife, and broke up the intimacy. Last week, Col. Blount and his family arrived in this City, and a strict watch was kept for the arrival of De Riviere, who followed.

Mrs. Blount and her daughter were provided with quarters at a private house in Broadway, near Tenth Street, while the Colonel continued his watch for the Captain. On Friday last [July 2<sup>nd</sup> ], the ladies made their escape from the house

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The Times further reported what happened the next day, Saturday July 3<sup>rd</sup>, on which Colonel Blount made a remarkably strong charge:

[O]n Saturday [July 3<sup>rd</sup>] [mother and daughter] were advertised by the Colonel, as follows:

“Mrs. F.S. BLOUNT and daughter, of Mobile, having left, on Friday morning, the 2d inst., their temporary residence in Broadway, near Tenth street, fears are entertained that they have been abducted or concealed by designing persons. Any person furnishing information that may lead to their recovery will be liberally rewarded. Address F.S. Blount, No. 721, Broadway, or WHITING & CLARKE, No. 40 Park Row, New York.”

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<sup>61</sup> Id, July 5, 1858, p.5.

<sup>62</sup> I have not yet located this.

On Saturday, Colonel BLOUNT, accompanied by his counsel, Judge Whiting, appeared before Justice CONNOLLY, and preferred a charge against De RIVIERE of abduction for the purpose of prostitution. He made the following affidavit:

*Frederick S. Blount*, of Mobile, Alabama, being duly sworn, deposes and says that he is the husband of Mrs. Emily J. Blount, and the father of Miss Emily J. Blount; that on about the fourteenth day of March, last, Henry De Riviere became acquainted with deponent's wife and daughter at their residence in the city of Mobile; that said daughter is unmarried and seventeen years of age of chaste character; that said De Riviere has inveigled, enticed, or taken said daughter from the house of a friend in the City of New York, where she was temporarily stopping with her mother and deponent, for the purpose of seduction and prostitution, either at some house of ill fame, assignation, or elsewhere, and deponent states the following fact, for which he bases the foregoing charge: That Riviere is and was, long prior to the said fourteenth of March, a married man, and now has a wife living in Philadelphia; that on or about the tenth day of June last, Riviere enticed deponent's daughter to go with him from her father's house, to New Orleans, for the purpose of getting married, as deponent has been informed by said daughter; that deponent having been informed of their design, and that Riviere was a married man, pursued them to New Orleans, and reached that City in time to prevent such marriage; that they escaped deponent and fled to Havana, to which place deponent pursued them and recovered possession of said daughter, before the intended marriage was consummated, and started for New York with said daughter and arrived on the 28<sup>th</sup> inst, and on the second day following became an inmate of the house of Dr. Dewees, with his wife and daughter, at No. 791 Broadway; that on the first day of July deponent was informed by his said daughter that said Riviere had also arrived in new York, and was seen by her on Broadway; that he endeavored to conceal himself from the observation of deponent, and at the same time made a signal to deponent's daughter, as she informed deponent; that on the following morning the wife and daughter of deponent shortly before nine o'clock left home without apprising any of the family of their intended departure, and although immediate search was made, no clue could be obtained of them; that deponent has been informed that his wife stayed on Friday night at the St. Nicholas Hotel, and that his daughter was not there, nor, as far as said deponent can learn, was said Riviere; that Riviere is a Frenchman, and deponent has been informed, intended to sail from Havana to France with his daughter, and he believed from the foregoing facts, that said Riviere now has his daughter concealed, and

intends to sail in the steamer VANDERBILT<sup>63</sup> or some other vessel for France the first opportunity.

F.S. BLOUNT

Sworn to before me this 3d day of July  
M. Connolly, Justice of Peace.

The Times reported that “[a] warrant was immediately issued for the Captain’s arrest. Up to last night, it had not been served, although the Captain is supposed to be in the City”.

The Captain was in the City, for in the same story the Times also reported a remarkable letter from him denying all:

New York, Saturday,

July 3, 1858

Leaving this country, I feel it my duty to answer the calumnies which I have to this day treated with all the contempt they deserved.

The public opinion may have been imposed upon by the Alabama papers. These people, who during the four months that I have lived among them, would not have dared to hazard an impolite word against me, now that they feel themselves out of reach of my horsewhip, bark furiously and are not afraid of publishing the lies furnished them by my enemies.

I desire to establish the facts in their truth.

Mr. F.S. Blount (the outraged father) is not, as represented, a wealthy representative of the South.

I never sought his assistance.

He sought mine.

He was the one who insisted on my being carried to his house when I was wounded in a Duel which resembled an assassination.

When it was a question of marriage between Miss Blount and myself, he authorized Mrs. Blount, at my request, to correspond with my family in France, and to his knowledge received answers from my mother.

Mr. Blount then trusted me with the care of his wife and daughter. He

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<sup>63</sup> This monster steamship was built in 1853 as Commodore Vanderbilt’s yacht, the Commodore being of course a bitter enemy of Harry’s filibuster friend, William Walker. As a U.S. Navy ship in the Civil War, she was most famous in having been used in a futile and costly year-long search for CSS ALABAMA. After the War she was converted to sail rigging and, as a clipper, had a third life, being finally taken apart by the wreckers in 1899 at Gibraltar.

desired me to accompany them to the country and to some watering place for the summer.

He came himself to see us off on board the boat when we left for Demopolis<sup>64</sup>.

He authorized his daughter to wear and receive from me an engagement ring with my name to it.

Traveling with the ladies, I of course supported all expenses, and if I speak of these *petites misères* it is because I hear that insinuations are made amongst the public for the purpose of making people believe that I have eloped with an heiress for her money.

Later, by the treason of a miserable wretch, who I had by charity taken in my service, and who, abusing my confidence, stole letters written by me to an old mistress who had passed for my wife and taken my name. Mr. BLOUNT took his daughter away by force, and forbid her to see me any more.

She, however, spoke to me the same day.

She told me that notwithstanding her father's disapproval she would remain faithful [sic] to me and requested me to do the same. She said she would resist the tyrannic [sic: likely "tyrannies"] that oppressed her.

She was called away but kept writing to me warning me of the plans of assassination that had been formed against me in her presence by my enemies.

She expected me to take her back and protect her. She makes an appeal to my courage, gallantry and heart.

I keep those letters ready for publication.

I love Miss BLOUNT above anything in the world. I love her purely for herself, knowing very well I have nothing to expect from her. As long as she will encourage me I shall protect her and will marry her as soon as I can, notwithstanding the opposition and menaces.

I beg to say that until this day none but ridiculous champions have opposed me, such as Mr. Savage and Thompson in Havana, Nedham Whitfield of Demopolis, Munroe De Wees in New-York, and other such contemptible adversaries. It takes better men than those to stop or oppose Capn DE RIVIERE who was one of the 9 officers selected in the whole French army for the honour of commanding the forlorn hopes at the siege of Sebastopol.

I have been treated as an adventurer and a vagabond by men who would find it very embarrassing to tell who their grandfathers were, when I can prove that through the chronicles and history of my country who were mine from the

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<sup>64</sup> Most likely this resort was a place near the Tombigbee River on the way to Demopolis, rather than Demopolis itself, Bladon Springs, in Choctaw County, Alabama on the West side of the Tombigbee River, near Coffeerville, which according to T. Harry Williams' excellent Beauregard biography NAPOLEON IN GRAY was the favorite resort of General Pierre Gustave Toutant Beauregard, CSA, and likely of other Louisiana Creoles, where de Riviere would likely have felt at home.

year 1066.

I have got a better fame than Mr. BLOUNT.

I am twenty times as rich as Mr. BLOUNT.

I have no pecuniary obligations to Mr. Blount.

He has some towards me.

I always considered that addressing Miss BLOUNT I payed a great honor, not to her, she is worthy of higher addresses, but to him Mr. BLOUNT.

The ridiculous scandal and slander which he has made shall fall upon him without reaching me.

He has rendered himself guilty towards me of grave offences.

As for the ceremony performed last Winter, in a chapel in Canal Street, it is by all means illegal and worth nothing.

Without witnesses but one.

Without license from any magistrate.

Without publication of ban[n]s<sup>65</sup>.

Without my family's consent or knowledge (which as every one knows are absolutely necessary for my marriage to be considered lawful in France).

Without publication in the papers.

The certificate present by Father LaPond is false as the lady engaged gave a fictitious name and age, and produced no papers to back them.

I consented with repugnance to this ceremony—to extricate myself from an embarrassing position towards *certain persons* that I shall only name when compelled to.

Priest, lady and witness had promised secrecy [sic].

Here are, Sir, the exact facts such as they stand and not such as they are made, and I beg from your justice and impartiality to insert it in your columns as you did insert the attacks of my enemy's.

I shall always be ready for my opponents on any ground.

For all communications I give my brother's direction:

Lieutenant Edmond Arnous De Riviere, Imperial dragoons guards Paris.”.

I am, Sir, with much respect, your obedient servant,

H. ARNOUS DE RIVIERE

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<sup>65</sup> Author's note: there was not a formulaic Latin [Roman] church wedding ceremony in times of old, until the Decree *Tametsi* in the Council of Trent in 1563, where the Banns of Marriage were introduced in the Tridentine Decree. Interestingly, although Riviere might not have known it, the United States Supreme Court had held eight years earlier in a case involving and upholding the marriage of Joseph Collins of Mobile and of Magnolia Springs, that even during Spanish times in Spanish West Florida, the requirements of the Council of Trent for marriage were not legal requirements, but rather were customary norms. Hallett vs Collins, 51 U.S. (10 How.) 174, 180 (1850).

The New York Times obviously DID publish de Riviere's letter, but then clipped him en passant by adding this:

Captain De RIVIERE was formerly in the French service, and claims to have been in the Zouave corps at Sebastopol. He belongs to a respectable French family. His father was Prefect of one of the Departments in France. HENRI, however, seems to be the black sheep of the family. The following sentence stands against him on the criminal records of France:

“By judgment of the *Cour d’assises* of the Department of the Seine, under the date of February 1, 1858, HENRI GUILLAUME MARIE ARNOUS RIVIERE, 29 yers of age, born Nantes (Loires-Intérieure), having lived in Paris, rue Taitbout No. 48, formerly of the military profession (now out of the country) has been found guilty of having in 1856, in Paris helped and assisted, knowingly, a bankrupt tradeswoman, and aided and abetted her in the embezzlement (detournement) of part of her assets, and in the fraudulent debenture made by the said bankrupt tradeswoman, she was indebted for amounts which she did not owe; second, the accused received or concealed, for the benefit of the bankrupt, part of her personal property, he has therefore, been sentenced per contumacy, to eight years hard labor, by virtue of the articles 402, 59 and 60 of the penal code”.<sup>66</sup>

On Saturday, July 3<sup>rd</sup> after the warrant was issued some New York detectives, after a tip from another Frenchman<sup>67</sup>, found de Riviere at the Napoleon Hotel in Hoboken, New Jersey<sup>68</sup>. Blount and his lawyer “ex-Judge Whiting”<sup>69</sup> swore out a New Jersey warrant against de Riviere for theft of “certain articles of ladies’ wearing apparel, ladies’ dresses and garments, and one gold ring”, the property of Blount<sup>70</sup>, and, despite some opposition from the hotelier, the New Jersey

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<sup>66</sup> Id July 5, 1858.

<sup>67</sup> Id July 7, 1858.

<sup>68</sup> Id July 6 & 7, 1858.

<sup>69</sup> Id July 7, 1858.

<sup>70</sup> Id July 7, 1858.

authorities arrested de Riviere and took him before a Judge, either on Saturday<sup>71</sup> or Sunday<sup>72</sup> who set bail at \$1,000, which was made by “a German” bondsman. Mr. Blount searched the place but found nothing.<sup>73</sup>

Riviere was in the nominal custody of a policeman, but, pending his preliminary examination or probable cause hearing, and while one lawyer was still on his Fourth of July trip and while the not-so-lucky other lawyers made inflammatory statements to the press, Riviere was living in the Hotel Napoleon in Hoboken which, the New York Times noted, “though not a very extensive or inviting-looking establishment, nevertheless contains within its walls, probably sufficient to satisfy the cravings of his French heart *for the present*”<sup>74</sup>. And, said the Times:

Meantime he may enjoy the society of Madame and Mademoiselle at the Hotel Napoleon, and await with the injured husband and father, the tardy movements of the law. There don’t seem to be any remedy for it— at least not in New Jersey.

On Wednesday the seventh of July, the Times reported the next day on the eighth, the status was:

Captain DE RIVIERE remained yesterday at the Hotel Napoleon, in Hoboken— not once showing himself outside its door. Mrs. BLOUNT remains there, also; but both she and the proprietor of the house deny that MISS BLOUNT is there.

Mrs. BLOUNT yesterday morning said to a visitor, “Do you think that I would have left friends to whom I am dearly attached, and taken the step that I ahve, were it not for the advancement of my daughter, to make her a noble lady of France?”— a remark pretty clearly indicating the vein of her mental malady<sup>75</sup>.

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<sup>71</sup> Id July 6, 1858.

<sup>72</sup> Id July 7, 1858.

<sup>73</sup> Id July 6, 1858.

<sup>74</sup> Id July 7, 1858.

<sup>75</sup> Id July 8, 1858.

Finally Riviere, in a strategy often used today, waived his right to a preliminary examination, preferring to go to the grand jury instead. Meanwhile, Colonel Blount was:

daily receiving letters posting him as to the antecedents of DE RIVIERE, and we have received several of the same sort from persons professing to be acquainted with them; but they do not promise anything to assist the Colonel in recovering the lost members of his family<sup>76</sup>.

Among other things which the notoriety did was to bring out Mr. S.D. Goodnow, proprietor of The Wall House where Riviere and his “wife” had stayed upon their arrival, whose lawyer presented a bill to Riviere for the \$226.50 which Riviere owed for hotel room and meals on his earlier visit to New York. The New York Times wrote:

This, to be sure, was rather a shabby document to thrust under the nose of a man who was engaged in Cupidian contemplations upon “the course of true love”, but, nevertheless, the Captain took it coolly– so coolly, indeed, that he forgot to return an answer, and when the bearer of the dispatch asked for an interview with the Captain, he was told by the servant that the Captain had just left the hotel by the side door.<sup>77</sup>

The New York Times wrote that as for Mrs. Blount she was not being kept prisoner but was there of her own free will “and intends to remain there until she has taken steps to procure a separation from her husband, whom she declares she will never live with again”.<sup>78</sup> The Times printed a letter from the woman, whom they called “Mrs. Col. Blount”, to the Editor of the New York Times:

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<sup>76</sup> Id July 8, 1858.

<sup>77</sup> New York Times July 9, 1858.

<sup>78</sup> Id.



Hoboken, N.J., Thursday, July 8, 1858

*To the Editor of the New-York Times:*

My name and that of my daughter have been so often before the public during the past few weeks, not only in scraps of so-called news, but in editorial articles of greater or less length, based, of course, by whomever written, on the one-sided statements of my husband, Col. Blount, up to this time, uncontradicted by me, and upon papers which he is pleased to term "documentary evidence," trumped up and shown or caused to be shown by him to the gentlemen of the Press, that I feel I shall be compelled to give to the public, although reluctantly, my own version of this sad affair. Persistent silence on my part, under the circumstances, would naturally be regarded as a negative admission by me of the correctness of the false statements which Colonel Blount has thought proper to cause to be printed, reflecting upon me, his wife, my dear child, and oh! If he could only see it— on himself.

As for myself, I assure you, Sir, that I should not put myself to the trouble of writing a single line in my own defense—not that I am indifferent to the opinion of my friends, but that I know their opinion of me to be based upon too solid a foundation to be shaken by the attacks of Colonel BLOUNT. It would be as ridiculous for me to deny to those who have known me from girlhood the truth of Colonel Blount's statements, as for you, Sir, to write a grave and labored denial of a charge of petty larceny brought against you by some wrong headed political opponent, without even a shadow upon which to base his senseless accusation.

I repeat, Sir, that it is not necessary for me to justify myself to my friends; and my instincts, my education, my tastes and my associations as an American lady, all combine to make me shrink from obtruding purely personal matters on the public; but my love for my dear child, and my sense of what I conceive to be my duty to her, compared to which in strength and intensity all of the other elements of my being are mustard-seed to a mountain, impel me to ask through the columns of your paper for a suspension of public opinion until after my side of the story shall have been heard.

With your permission, Mr. Editor, I will in a few days (as soon as my health and strength will permit) prepare for your paper a detailed account of this unfortunate case, from the time Captain De RIVIERE was first introduced into our family in Mobile up to the hour of my writing. In the meantime, Sir, may I beg to be relieved from the incessant solicitations for interview with which I am beset by reporters for the Press. Such of these young gentlemen as I have chosen to see were polite and respectful; but although well meaning, they are sometimes careless and do irreparable injury, unintentional, of course, but none the less effectively. Altogether, the youth of these gentlemen, and the immaturity of their experience, render them undesirable persons for me to converse with on subjects so delicate as those involved in this case. I do not, indeed, wish to see anyone until after my statement shall have appeared.

Persons of whatever mental calibre, who have read only COL. BLOUNT'S

statements, *must*, I know, be more or less prejudiced against me. I do not, therefore, wish to see any one under such a disadvantage. After I shall have made my statement, Col. BLOUNT and I will be on an equal footing, and then, if any of the responsible editors of the daily papers choose to call upon me, and see for themselves, whether or not I have what Col. BLOUNT singularly denominates a “mental distemper”, I shall be most happy to see them. With great respect,  
 E.J. BLOUNT

In the Court appearances on Friday, July 9<sup>th</sup>, there was a giant dust-up over the propriety of the defense lawyer’s acceptance of service of process, but Riviere had disappeared because of a warrant for his arrest out of New York for abducting Emily. Supposedly New York law allowed a charge of abduction of a woman under eighteen, but in New Jersey such a charge only laid for abduction of a woman under fifteen, and as Emily was seventeen, Riviere might be in criminal trouble for abduction in New York, but apparently not in New Jersey. A group of armed men went to the Napoleon Hotel to arrest Riviere for the abduction of Miss Emily Blount in violation of New York law, but in the noise and confusion he got out and disappeared. The Times capped the story with the report that “[t]hus the hero and heroine of this romance have both disappeared from public view. Mrs. Blount, alone of the trio, now remains at the Hotel Napoleon, where she will have leisure to prepare her forthcoming ‘statement’ to the public”<sup>79</sup>.

After the weekend of July 10-11, Court resumed on Monday the 12<sup>th</sup> in New Jersey, in the habeas corpus case. Neither daughter Emily nor the Frenchman showed up, but Mrs Blount did.

The New York Times reported on her arrival:

Mrs. Col. Blount entered the Court-room shortly before 11 o’clock, having been sent for by the parties and having ridden up from the Hotel Napoleon in an open

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<sup>79</sup> New York Times July 10, 1858.

carriage, in company with Mr. Richard Coles. She is a handsome lady, just in the prime of life and was elegantly attired. Her entrance into the Court room created that universal stir and buzz of conversation which is usually denominated a “sensation;” but she immediately retired from vulgar gaze into the privacy of the Judge’s room. The young lady and the bold Zouave were both absent, their whereabouts being still unknown.<sup>80</sup>

The proceedings adjourned with little of import having happened, though it developed that a Mobile Merchant named Collins, a creditor of Riviere, “levied upon the effects of the Captain remaining at the Hotel Napoleon, consisting of two large trunks, with their contents, a hat box, a saddle and bridle, a sword said to have been used by him in the Crimean war, and a large daguerreotype of himself, in full Zouave costume”.<sup>81</sup>

When Court reconvened in New Jersey on Thursday, July 15<sup>th</sup>, very little of importance was heard except a bunch of legal gobbledygook [a term invented during the Second World War by Harry Maury’s collateral descendant, Fontaine Maury Maverick of Texas<sup>82</sup>] except that at the end, as the New York Times reported, the lawyers announced that there had been an amicable resolution and that the facts would be reported to the judge without the necessity of a trial and that:

Mrs. Blount left the Court-house in company with her husband . . . On making inquiries relative to this sudden *dénouement* of the romance, our reporter was informed that Mrs. Blount had promised to produce her daughter this morning, and that both of them will start today for Mobile with Colonel Blount..

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<sup>80</sup> New York Times July 13, 1858.

<sup>81</sup> *Id.*

<sup>82</sup> New York Times Sunday Magazine, Page SM11, May 21, 1944, entitled “The Case Against Gobbledygook”].

The influences that have been brought to bear upon Mrs. Blount to induce this tardy, but sensible action on her part, could not be ascertained. She is reported to have said to the proprietor of the Hotel Napoleon, yesterday morning, that if they would convince her beyond a doubt that Captain De Riviere was a married man, she would immediately return home with her husband. As DE RIVIERE'S former wife is now in New-York, and has been for three days past, this request of Mrs. BLOUNT was easily complied with, and it is probable that she was favored last evening with an interview with Madame ZOUAVE, the First. An additional motive for her action is stated to have been a desire to relieve the proprietor of the Hotel Napoleon from the uncomfortable predicament in which he would have been placed if the investigation had proceeded; the evidence being very strong against the facts alleged by him in his return<sup>83</sup>, as well as against his whole conduct in relation to the matter.

If this be so, perhaps his gratitude will induce him to deduct a few items from the bill of \$111.14 which he sent to MR. BLOUNT on Wednesday for ten days' board from the 4<sup>th</sup> to the 14<sup>th</sup> of July.

Mrs. BLOUNT remained at the Hotel Napoleon last night, and will start for Mobile with her husband and daughter today. At least such was the arrangement at the Court house yesterday, and unless the Captain turns up again in the *interim*, it will probably be carried out.

But, the settlement *wasn't* carried out, and court reconvened on Monday, July 19<sup>th</sup> when testimony was taken. The New York Times reported that Colonel Blount was determined to stay until he could ferret out the truth, and also reported that the mother was still at the Hotel Napoleon, and that:

[i]t seems she still adheres to the fortunes of de Riviere, notwithstanding her daughter has become convinced of his worthlessness, and is disposed to abandon him forever. Whether the mother's attachment is stronger than the daughter's, or whether this is only a continued manifestation of that "mental distemper" which she so strenuously disavows, the reader can judge.<sup>84</sup>

Testimony continued the next day, July 20<sup>th</sup>, boringly on the subject of who had Miss Emily and

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<sup>83</sup> His "return" is his answer in the habeas corpus case, denying the claims that they were at his hotel, which was an obvious lie.

<sup>84</sup> New York Times July 20, 1858, page 5.

where, subjects which though relevant to the habeas corpus case, are not of interest to us. What is of interest to us is the report of the New York Times on what Miss Emily looked like when she arrived at Court:

The young lady was dressed in a dark-blue barège, with a mantilla of similar material, both trimmed with pink ribbon; a straw hat and green veil. She is of medium height, full form, dark hair (combed back from her forehead), thin features and blue eyes. She was very pale, and looked as though she had recently recovered from a fit of sickness. Her manner is frank, somewhat girlish, and unsophisticated. She gave her testimony with great promptness, and without apparent embarrassment.<sup>85</sup>

The Times in another article— sometimes they ran two a day— said that “[t]here appears to be little prospect of a reconciliation between Col. BLOUNT and his wife, but the daughter has evidently got tired of the play, and wishes to return to her home”.<sup>86</sup>

Testimony continued on Wednesday, July 21<sup>st</sup> and the habeas case was wrapped up with the proprietor of the Hotel Napoleon being found in contempt of court for hiding the Blount women and the Frenchman, and being sentenced to twenty days in prison and fined \$200<sup>87</sup>. The Times separately reported that de Riviere was said to be somewhere around Philadelphia, that Col. Blount and young Emily were in Jersey City, but that “Mrs. Blount continues at the Hotel Napoleon, where she still protests her own sanity and Count de RIVIERE’S nobility”<sup>88</sup>.

Finally the legal case was over and The Times wrote its obituary:

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<sup>85</sup> Id July 21, 1858.

<sup>86</sup> Id July 21, 1858, p. 4.

<sup>87</sup> Id July 22, 1858 at p.5.

<sup>88</sup> Id July 22, 1858 p. 4.

**END OF THE DE RIVIERE AND BLOUNT SCANDAL.**— After nearly a month of unhealthy excitement the curtain at last falls in the DE RIVIERE and BLOUNT drama. The weak-minded and deluded lady, whose eccentric conduct gave all the interest to the affair, returns in company with her daughter to her home in Mobile; JOHN HUNCKE [innkeeper of the Hotel Napoleon], another of the unfortunate *dramatis personae*, is safely lodged in prison; MULFORD, the lawyer, has absconded, and the principal personage of the romance, DE RIVIERE, has fled like a poor pitiful swindler as he is. There is nothing very remarkable about DE RIVIERE; he is only an exaggeration in real life of that prime villain of fiction, Ferdinand Count Fathom. There are no doubt a good many quite as great scoundrels floating about in the maelstrom of society as DE RIVIERE; but the remarkable circumstance connected with him is that he should so readily have found such willing victims of his rascality. Let no rogue take heart by his success, and imagine that there are plenty of Mrs. Blounts and Lawyer Mulfords to work with. Though there is no lack of silly people, yet there are few who are so very silly as DE RIVIERE'S victims. Some of our contemporaries have improved the occasion to warn American parents against foreign adventurers. But such warnings are altogether superfluous; people who can be deceived by the de Riviere class of adventurers, are beyond the reach of advice. It is fortunate for the community at large, perhaps, that this fellow has been so thoroughly exposed, for he might, otherwise, have done an infinite deal of mischief. He is still at large with an alias, but he must seek some other country for the exercise of his talents in swindling<sup>89</sup>.

In a separate front- page article the Times absolves young Emily Blount of any guilt in the matter, writing that “[i]t is due to this young lady, whose reputation might otherwise be injured in the estimation of her acquaintances, to state that her part in this scandal has been an involuntary one from the commencement”<sup>90</sup>

On August 2, 1858 de Riviere wrote a letter to the Editor of the *Courrier des Etats Unis*, published on front page of the New York Times on September 6<sup>th</sup>, saying that (1) he is and has been in the French Army but is simply on furlough because of wounds he received in the

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<sup>89</sup> New York Times July 24, 1858 p.4.

<sup>90</sup> Id p. 1.

Crimean War, (2) the business about the bankruptcy fraud in France is false, and that (3) he did not abduct anybody, but simply accompanied Miss Blount and Madame Blount away from “an odious tyranny” and “I am ready to do so again”.<sup>91</sup>

Not so fast. On August 9, 1858 the New York Times<sup>92</sup> quoted an article from the Savannah Republic of a few days before, to the effect that the steamship HUNTSVILLE had arrived there from New York, when the Sheriff came to the dock in Savannah to arrest Riviere, who was traveling on board her under a false name. The arrest was to be made under two warrants, one a peace bond and the other for the abduction of daughter Emily. The paper described the appearance of Riviere, who admitted his identity:

The Zouave took the awkward circumstances that had so suddenly come upon him with much coolness and composure . . . He is, upon the whole, a fine-looking man, some six feet in height, well proportioned . . . , dark hair and eyes, while his general aspect is more German than French. A patch of court-plaster on his right cheek marked the wound recently received in a duel at Mobile, which is well-nigh healed.

The Savannah Republic reported that:

It is said these ladies continue to be thoroughly identified in feeling with the accused, and maintain that the legal proceedings against him are an outrage upon right and justice. Mrs. B. Has offered to defray all the expenses of the defence. Upon the whole it is a curious case, but perhaps we may get at the merits of it in the course of the testimony.<sup>93</sup>

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<sup>91</sup> New York Times September 6, 1858, p. 1.

<sup>92</sup> New York Times August 9, 1858, p.6.

<sup>93</sup> Id.

On August 13<sup>th</sup> the New York Times quoted the Savannah Georgian as saying that when the HUNTSVILLE arrived in Savannah among the passengers was “Captain de Riviere, or, as the boys and negroes call him , the Zauvoo”, and noted that “we rather think that old Blount, the lawyer, has been too sharp for the hero”, and that “Miss Emily is now in Alabama, a place that the Captain will find it healthy to avoid in future”, and that Savannah paper had noted that on the sixth of August the Columbus Georgia Sun had reported that:

Miss Emily J. Blount, the innamorata of the ‘gallant Zouave,’ and the lioness of the gossiping world for some time past, in Gotham in particular and all the balance of the American continent in general, arrived in our city, under the care of Mr. Levy, one of her father’s attorneys, on the afternoon train of cars on the Muscogee Railroad, yesterday en route for Montgomery, where she will remain with some relatives, until the suit instituted against her ‘galliant lovyer’ by her ‘cruel pariert’ shall be terminated and her father and mother can rejoin her. The father and mother remained over at Savannah until the case could be tried<sup>94</sup>.

Riviere must have beaten the rap in Savannah, because at the end of September of 1858 he was back in New York, about to deliver a lecture in Hope Chapel on the amazing subject “Love”, with huge placards announcing it throughout the city. When Riviere arrived to give his lecture, he was arrested for having challenged someone to fight a duel; naturally enough he missed giving his lecture and rescheduled the lecture for the following Friday<sup>95</sup>.

When he appeared in Court on the charge it appeared that he was charged with issuing a challenge to “Colonel Lewis E. Grant, of the Nicaragua Army”, which would make Grant one of the Walker filibusters, discussed below. The reporter for the Times described Riviere as wearing a “fancy blue shirt bosom, light airy cravat, mammoth light-colored overcoat, exquisite patents,

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<sup>94</sup> New York Times August 13, 1858, p. 2.

<sup>95</sup> New York Times September 30, 1858, p. 4.



and highly-polished beaver”. Even more remarkable he was accompanied by Richard Busted<sup>96</sup>, the Tammany Hall politician who during Reconstruction became a carpetbagger Federal judge and whose attempted assassination on the streets of Mobile, as discussed below, which almost left him dead, was witnessed by none other than Harry Maury, who got him to a doctor and saved his life sufficiently that he finally retired and moved back to New York to avoid impeachment. Busted was the corporation counsel– the city’s lawyer, sometimes the prosecutor– but, winking repeatedly at the gallery and the press, contemptuously accused the Judge of “fixing” the case by setting a high bail, the district attorney appearing for the defendant in effect. Former Attorney General Cushing, apparently in the crowd of lawyers, volunteered in open court that “the Gallant Zouave must have as many lives as a cat to survive so many arrests”, to which Busted replied “You’re right; he has been chased and hooted by hounds”. “The Zouave” made bail, relit his cigar, and headed off to arrange for his Friday night lecture on “Love” to the New Yorkers who had read about him so long<sup>97</sup>.

But in 1860 the Baron was still sailing too close to the wind in the New York area; the Mobile Register of May 24, 1860 has extensive correspondence about a man apparently swindled by Riviere in New York, Riviere claiming to be “an officer in the French service, and in great pecuniary distress”.<sup>98</sup>

But, while the Riviere and Blount people were keeping New York in stitches, Harry

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<sup>96</sup> Id October 1, 1858 p. 8.

<sup>97</sup> Id.

<sup>98</sup> Mobile Register, May 24, 1860 (files of Mobile Historical Association, which contains a copy of what purports to be the handwritten marriage invitation or announcement in Paris).

Maury had plenty going on in Mobile: the filibusters. We now move to a different part of Harry's life.

**III. Filibustering in General.** Almost from the beginning our country has had some version of "The Neutrality Act", which forbids private citizens from making private war upon countries with which our government is at peace. Although antebellum Southerners came to love their filibusters, filibustering was a federal crime, and the national government repeatedly tried to stamp out filibustering, with some limited success.

There were some early filibusters, even before the word came into our language. Maybe the most famous early abortive filibuster was the mysterious plan of the mysterious Aaron Burr to carve off part of the U.S. and plug it into part of Spain's kingdom South of us, or whatever his mysterious plan actually was [and, while we are at it, don't forget that Alabama's own Lt. Edmund Pendleton Gaines captured him on what is now Highway 43 in Macintosh].

Nowadays the word "filibuster" mostly makes us think of a legislative tantrum that blowhard politicians who are in the minority – mostly we think of old Southerners like Strom Thurmond or Jim Eastland or somebody -- throw to bog down the legislative process when they don't like some bill or other, and we usually think of it as against civil rights bills. That legislative meaning of the word likely came into U.S. usage in the 1880s.<sup>99</sup> But the first use of the

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<sup>99</sup> The first entries in the Oxford English Dictionary appear then, shortly after the rise of powerful Southern congressmen after the contested election of Rutherford B. Hayes to the presidency, decided in the original "smoke-filled room" at the Wormley House Hotel during the Hayes-Tilden controversy of 1876, when the presidential election was decided in the House [the House of Representatives, and more directly the Wormley House]. *See generally* C. Van Woodward, REUNION AND REACTION. The role of Lucius Quintus Cincinnatus Lamar in those events, trading the presidency to the Democrats and Governor Tilden in return for lifting Reconstruction, was sufficient to get him a chapter in John F. Kennedy's pre-presidential book PROFILES IN COURAGE. *See also* Bagwell, L.Q.C. LAMAR: Pragmatic Patriot [book

word is about thirty or so years older than that. The word is derived from the Dutch word for “pirate”, but the word suddenly sprang into use . In the 1850s the filibusterers were mostly Southerners who for any of various reasons– adventure, riches, extending the number of slave states–smuggled guns, men and supplies illegally into Latin American countries. For some reason these efforts have been largely forgotten, but they were really major events in the antebellum South.

Exactly what started this sudden bloom of 1850s filibusters is hard to say, but several things are likely suspects. Part might have been the Mexican War’s lesson that these Carribean and Central American ports aren’t so distant that they cannot be easily reached by ships and men; Ethan Allen’s grandson Ethan Allen Hitchcock [later a Civil War General] left the Mexican War on a steamboat to come back to his brother’s funeral in Mobile. Another part was the lesson of the 1849 California Gold Rush that there had to be a way to get to California and back without sailing around Cape Horn, so why not capture an isthmus or two? Another part was the role of Commodore Cornelius Vanderbilt and his New York allies who made huge fortunes with trans-isthmian railways to shortcut the Cape Horn trip; part was native exiles who wanted to liberate their homelands from despotic regimes and were willing to play footsie with slavery’s supporters in order to do so, and a big part was the desire of Southerners to bring another slave state into the Union, or to preserve some areas for slavery. And, there’s always adventure, money, and maybe exotic female companionship as a driver for soldiers of fortune. So we got antebellum filibusters.

Serious antebellum filibusters started with three efforts by the Cuban exile Narciso Lopez

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review], 25 ALA.L.REV. 873 (1973).

and a mixed group of Americans and Cubans who came to the U.S. in 1848<sup>100</sup>, and in 1849 used as a staging ground for his first filibuster Round Island<sup>101</sup> in the Mississippi Sound, just North of Horn Island and northwest of Petit Bois Island. Lopez' filibuster efforts out of Round Island, and others in 1850 and 1851, captured the imagination of Southerners and, indeed, much of the rest of the country, until he was executed in Cuba along with some of his well-connected American supporters. Cubans still remember his filibusters, and oddly, his flag is still the flag of Cuba today.

**IV. William Walker, “The Gray-Eyed Man of Destiny and the Filibusters.** The major filibuster of all time was William Walker, the so-called “Gray-Eyed Man of Destiny”, subject of the 1987 film “Walker”<sup>102</sup> starring the now-renowned Ed Harris, a film which bombed in the reviews and at the box office, but is today a modest cult classic available on DVD if you look hard enough. Walker was a Nashville native who got a medical degree from the University of Pennsylvania, then to his parents' understandable horror added a law degree, then edited a New Orleans abolitionist paper one of whose writers was Walt Whitman, then practiced law and edited a Newspaper in Northern California, then led a failed effort to take Baja California.

Walker had gotten involved with a filibustering expedition to Nicaragua in 1856 and he

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<sup>100</sup> Lazo, Rodrigo, *WRITING TO CUBA: Filibustering and Cuban Exiles in the United States* (UNC Press 2005)

<sup>101</sup> Antonio Rafael de la Cova, *The Taylor Administration Versus Mississippi Sovereignty: The Round Island Expedition of 1849*, 62 *JOURNAL OF MISSISSIPPI HISTORY* No. 4 at 295 (Winter 2000).

<sup>102</sup> *WALKER: A film by Alex Cox, Starring Ed Harris* (available on DVD)

and the local liberals successfully overthrow the Conservative government there. Walker declared himself-- or got elected as, depending upon your view-- President, declared English the official language, re-instituted slavery, and made EVERYBODY mad in the process. The liberals and the conservatives of Nicaragua united against him, along with almost everybody else in Central America, and in 1856 "The National War" was launched against him. Walker characteristically decided to whip them all. It wasn't bad enough that he had to fight everybody in South America, but he also had to fight Commodore Cornelius Vanderbilt. Vanderbilt's business partners in the Isthmian railroad turned against him and tried to cheat him out of his interest, hiring and using Walker in the process. Commodore Vanderbilt wrote his partners his now-legendary letter saying forthrightly: "Gentlemen: You have undertaken to cheat me. I won't sue you, for the law is too slow. I'll ruin you. Yours truly, Cornelius Vanderbilt"<sup>103</sup>. Vanderbilt then (1) built a competing Isthmian railroad and, with predatory below-cost pricing [now a violation of the U.S. antitrust laws], ruined his former partners, and (2) personally bankrolled the South American war against Walker and his allies, the former partners of Vanderbilt. Walker was defeated in 1857, and to avoid capture turned himself over to the Commander Charles Henry Davis of the U.S. Navy and returned to the United States. Twice more he tried to invade Nicaragua with no success [of which more later]. Walker sailed from Mobile in November of 1857 with another expedition, but was captured by Commodore Hiram Paulding of the U.S. Navy on his arrival in Punta Arenas and was returned to the United States, where he was released by order of President Buchanan [finally, later, after several more unsuccessful attempts, mostly

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<sup>103</sup> Wheaton Lane, *Commodore Vanderbilt: An Epic of the Steam Age* (New York: Knopf, 1942).

out of Mobile, he sailed from Mobile in August of 1860 and after landing in Honduras, was captured by Captain Salmon of the British Navy— Belize of course being “British Honduras”, the Royal Navy was both around and interested in stability-- and turned over to the Nicaraguans and shot on September 12, 1860].

But before that, and before the events involving Maury in Mobile in 1858, Walker was indicted for violation of The Neutrality Act of 1818 by a federal grand jury in the United States Circuit Court for the Eastern District of Louisiana, sitting in New Orleans, with United States Supreme Court Justice John Archibald Campbell of Mobile presiding.

The Neutrality Act had a noble lineage. Chief Justice Melville Fuller wrote in 1897<sup>104</sup> that The original Neutrality Act of 1794 had a strong provenance, in that it “was a remarkable advance in the development of international law, was recommended to Congress by President Washington in his annual address on December 3, 1793; was drawn by Hamilton; and passed the Senate by the casting vote of Vice President Adams”.<sup>105</sup> The statute had been amended in 1817 and 1818 to strengthen it, but not between 1818 and the Civil War, and when Walker was tried The Neutrality Act provided as follows:

Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, , or knowingly is concerned in the furnishing, fitting out or arming, of any vessel with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony district or people, to cruise or commit hostilities against the subjects, citizens or property of any foreign prince or state, or of any colony, district or people, with whom the United States are at peace, or who issues or delivers a commission within the territory or jurisdiction of the United States, for any vessel,

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<sup>104</sup> The best discussion of the early history of the Act is his opinion in THE THREE FRIENDS, 166 U.S. 1 (1897).

<sup>105</sup> Id at 52-53.

to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years. And every such vessel, her tackle, apparel and furniture, together with all materials, arms, ammunition and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one half to the use of the informer, and the other half to the use of the United States.

The handwritten jury charge of Justice Campbell is in the National Archives in Austin, TX; I have transcribed it and it is amazing to read the handwritten jury charge of a noted Supreme Court justice, trying a criminal jury case. Campbell's charge seems to have been generally in the mainstream of the law, as shown by Supreme Court decisions during the general period, under which the Courts deferred entirely to the Executive Branch on the question whether the nation involved actually existed or not,<sup>106</sup> and most of the charge dealt with the intent of the defendants and the nature of a military expedition.<sup>107</sup>

That's the general background here<sup>108</sup>, but our focus is on Maury's involvement.

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<sup>106</sup> Chief Justice Taney in Kennett v Chambers, 55 U.S. (14 How.)38 (1852), decided the year before Campbell was confirmed to the Court, squarely held that under the separation of powers doctrine it was up to the executive branch to decide whether and to what extent the victim of the foray was an existing country or not, id at 51. Later, in THE THREE FRIENDS, 166 U.S. 1 (1897), Justice Harlan in dissent noted that “[t]he present case has been made to depend largely upon the language of public documents issued by the Executive branch of the government. If the defects in the libel can be supplied in that way, reference should be made to the last annual message and accompanying documents sent by President Cleveland to the Congress of the United States”, in which “the President said that the so-called Cuban government had given up all attempt to exercise its functions, and that it was “confessedly(what there is the best reason for supposing it always to have been in fact) a government merely on paper”, id at 69-70.

<sup>107</sup> Chief Justice Fuller, in Wiborg vs United States, 163 U.S. 632 (1896) dealt extensively with the military element of the statute, with Harlan [“the Great Dissenter”] in dissent as he was again the next year in THE THREE FRIENDS.

<sup>108</sup> MAY at 48.

**IV. Harry Maury and the Filibusters.** Mobile journalist and jackleg historian Erwin Craighead wrote in 1925 that “there is no record of the adventures in this expedition”<sup>109</sup> but he was wrong; there is plenty of record.

Harry Maury got involved with Walker when, in the words of Gen. Dabney Maury, “General Walker, the filibusterer, employed him to take a battalion of recruits down to Nicaragua”<sup>110</sup>. One of Walker’s ill-fated expeditions out of Mobile was in December of 1858.

December 7-8, 1858 was a “perfect storm” in Mobile politics. First, filibuster William Walker, on the first anniversary of his having been “captured” by Commodore Paulding of the U.S. Navy and returned to the United States whilst President of Nicaragua,<sup>111</sup> was mounting an expedition to leave Mobile that day for Nicaragua via Honduras, on his ship The ALICE TAINTER<sup>112</sup>, and Harry Maury was going with him as Captain of The Schooner SUSAN. Second, on that day there was a hot mayoral election in which former Know-Nothing Mayor Jones Withers ran for Mayor as a newly-reminted pro-slavery Democrat. Third, Mobile’s own U.S. Supreme Court Justice John Archibald Campbell [after whom our Federal Courthouse is named] was in Mobile, amazingly enough presiding over a specially-called local Federal Grand Jury which he hoped would indict Walker and Maury for violation of the Neutrality Act, a serious federal crime, and there was “a spy” in Mobile in connection with the Grand Jury,

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<sup>109</sup> CRAIGHEAD at 158.

<sup>110</sup> D. MAURY.

<sup>111</sup> Mobile Daily Register January 18, 1859.

<sup>112</sup> The Bark ALICE TAINTER was launched in February of 1856. She was 667 tons. She sailed in commercial trade until she was removed from the Register in 1876. Palmer List of Merchant Vessels, <http://www.geocities.com/mppraetorius/com-al.htm>.



General Wilson of Ohio, who was snooping around the port of Mobile for evidence.

The political flames were glowing red and the Mobile Register was a bellows blowing the embers into flame, with highly-charged editorials on all these subjects at once. On December 2<sup>nd</sup> the Mobile Register wrote on its editorial page that “[o]ur exchanges from all directions are filed with articles in regard to the proceedings of Judge Campbell against the Nicaraguan Emigration and severely condemning his conduct. Our limited space prevents us from publishing them all at once”, but they “subjoin a few extracts for specimens”<sup>113</sup> and, indeed, the other papers were howling at Justice Campbell. The paper did it again the next day<sup>114</sup> and on December 7<sup>th</sup> wrote a scathing editorial against Justice Campbell and in favor of the Walker expedition to Nicaragua,<sup>115</sup> still blasting Justice Campbell on December 10<sup>th</sup> even after Maury had sailed.<sup>116</sup>

With the strong editorial and endorsement of the Mobile Daily Register<sup>117</sup>, Jones Withers won the Mayor’s race on December 6<sup>th</sup> with a lead of only 118 votes<sup>118</sup>, Justice Campbell’s Grand Jury refused to indict anybody and Campbell hightailed it out of town in a stagecoach and Gen. Wilson separately on a steamboat, and William Walker, “the Gray-Eyed Man of Destiny”, backed down and did not leave port, perhaps cowed by the “peace bond” that Justice Campbell put him under in a fit of what the Register deemed arrant judicial activism, even though the legal

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<sup>113</sup> Mobile Register, December 2, 1858.

<sup>114</sup> Mobile Register, December 3, 1858.

<sup>115</sup> Mobile Register, December 7, 1858.

<sup>116</sup> Mobile Register, December 10, 1858.

<sup>117</sup> Mobile Register, December 2 and 3, 1858.

<sup>118</sup> Mobile Register, December 7, 1858.

concept was perfectly respectable in the law and fully recognized by Blackstone's Commentaries, which has probably formed the basis of more American law than any other single source.

But Mobile's Harry Maury on The SUSAN was made of stronger stuff than Walker. Maury aboard the Schooner SUSAN left her wharf in Mobile on Saturday night and proceeded to "the lower fleet" likely at Dog River, and there took on her water on Sunday December 5<sup>th</sup>.<sup>119</sup> With a cold front on its way here, the wind was out of the South at first and on Monday, December 6<sup>th</sup> just after Noon the Schooner SUSAN was beating down Mobile Bay when she was stopped and boarded by The Revenue Cutter ROBERT McCLELLAND, forerunner of the Coast Guard. The Mobile Daily Register on Wednesday morning, December 8<sup>th</sup> ran this letter from Harry Maury, and there is no better available authority on the events of December 6<sup>th</sup> aboard the Schooner SUSAN than her master Harry Maury himself:

While beating down Mobile Bay on Monday December 6<sup>th</sup>, at half past 12 P.M., the schooner SUSAN, H. Maury master, to the northward of the Fleet, was brought to and boarded by the U.S. Revenue Cutter ROBERT M. McLelland, J.J. Morrison commander. The boarding officer was S.B. Caldwell, 2d Lieutenant of said cutter, who demanded to see the schooner's papers, upon which Mr. Maury replied that he had not cleared, but was bound into the Fleet to get ready for sea, the schooner then having her signal flying for a water boat. Lieut. Caldwell then returned to the cutter.

Soon afterwards he (Lieut. C.) Revisited the schooner, and claimed her as a prize in the name of the United States, and ordered the schooner to return to Mobile. He ordered the schooner to be filled away and the helm to be put up, whereupon Mr. Maury, master, denied his right to do so and immediately brought the schooner to anchor; but Mr. Maury stated to Lieut. Caldwell that he had no objections to an officer of the cutter remaining on board as a guest until the schooner was ready for sea.

Lieut. Caldwell then fired a pistol as a signal and the cutter immediately sent another boat in command of Lieut. Geo. F. White, who came along side, and

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<sup>119</sup> Mobile Register, December 10, 1858.

stated as the orders of Captain Morrison to Lieut. Caldwell to take the schooner to Dog River Bar and anchor, and if he wanted an armed crew he (Capt. Morrison) would send it to him. Lieut. Caldwell replied that he would go back to the cutter and see the captain. Lieut. White, with six men, remained on board of the schooner.

Soon afterwards Lieut. Caldwell, accompanied by Capt. Morrison, returned to the schooner with arms (pistols and cutlasses) in their boat. Captain Morrison, upon stepping on board, inquired "Who commands this vessel?" To which Mr. Maury replied "I am the commander"; thereupon Capt. Morrison claimed the schooner as a prize to the United States.

Mr. Maury asked under what authority he made the capture. Capt. Morrison replied that he did so as a government officer, and by virtue of orders from the Custom house at Mobile, not to let the schooner pass below Dog River Bar. Mr. Maury replied that such a course would be illegal, and that he would most assuredly resist any such an attempt. Mr. Maury also gave orders forbidding any armed men coming on board, and stated to Capt. Morrison that he intended taking his vessel into the Fleet. Capt. Morrison then said that by virtue of the Custom house orders he would sink the schooner SUSAN if she undertook to get under way from where she then lay. After some further conversation between Capt. Morrison and Mr. Maury, in which the former expressed his determination to take the schooner to Dog River Bar as a prize to the United States; and the latter expressed himself also determined not to be taken as a prize, inasmuch as he had violated no law. Captain Morrison and Lieut. Caldwell returned to the cutter, leaving on board Lieut. White as a guest of Mr. Maury. The schooner then got under way and proceeded to her course to the Fleet in Mobile Bay. The cutter also got under way, and stood to the westward with her starboard tacks on board, the wind being to the southward.

#### HARRY MAURY, Mast. Sc'r SUSAN

On the night of December 7, 1858 Maury gave them the slip. How he did it is so far apparently recorded only in the memoir of his cousin General Dabney Maury, obviously slightly at odds with Harry's contemporary account respecting the employer of the young officer, but it has the most fun element, the Great Anchor Light Caper, apparently not preserved elsewhere:

Mr. Marcy, the Secretary of State, sent a marshal in a revenue cutter to detain him in Mobile Bay. Harry received the marshal courteously, and acquiesced in his own

detention. He took him into his cabin, and entertained him with lavish hospitality when he persuaded his guest to sleep aboard the barque, urging that he could not possibly escape with his ship, for the cutter was lying close by and he would show a lantern from the barque's peak all night, all of which the marshal understood, and retired to sleep.

After some hours, all being quiet aboard both vessels, Henry shifted the lantern from the peak to the end of a long spar which he let down into the mud of the bottom. The wind favored him, he slipped his cable, dropped down the bay, and by daylight was out of sight of land, and well on his way towards his destination.. It was not until the second day that he met a vessel bound for the States, who which he courteously transferred his guest, with an apologetic letter to the Secretary of State for having been compelled to take such a liberty.<sup>120</sup>

On the early morning of Wednesday, December 8<sup>th</sup>, with a strong North wind and with the Revenue officer helpless or asleep or both, the SUSAN was sailing into the Gulf, and with the Norther having blown water out of the bay, the Revenue Cutter McClelland was “fast aground”.<sup>121</sup>

**Harry Maury and The SUSAN Sail to Honduras, and Strand on Glover's Reef Cay.**

His sailors gone and only or mostly rowdy “soldiers” to sail the ship, Maury is said<sup>122</sup> to have pinned a playing card to each rope sheet and yard on the ship, giving commands like “let out the Jack o' Diamonds!” instead of “overhaul the main sheets!” or something. But the crew's lack of nautical experience and terminology was their undoing. Again Maury tells the story better than anybody else, from his letter drafted December 21, 1858 from Glover's Reef:

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<sup>120</sup> MAURY at 197.

<sup>121</sup> Mobile Register, December 10, 1858.

<sup>122</sup> CRAIGHEAD 157-58. Craighead doubted the story.

Southwest Key, Glover's Reef  
Honduras, Dec. 21, 1858

To the Owners of the SUSAN:

Gentlemen— It is my said duty to report to you the total loss of the schooner SUSAN, under my command.

We had been forced in on this coast by adverse winds; the vessel not proving at all weatherly in the heavy head sea then running. At 3 o'clock A.M. on the 16<sup>th</sup> inst, I discovered from my position on the poop, breakers on the lee bow and immediately ordered the help to be put "down" and the yards braced sharp up. The man at the helm, in his fright and confusion, put the wheel hard "up", which brought the schooner before the wind, and before there was time to remedy his error, the Susan went stem on to a sunken coral reef, with eight knots headway. In a few moments she bilged and broke in two. The foremast we cut away and the mainmast jumped out of the step, carrying with it the mizzen topmast, and throwing Mr. Van Iycke (acting 2d officer) into the breakers under our lee, from whence he was fortunately rescued by the gallantry of a seaman named Jos. Wittgenstein.

Daylight revealed to us a jagged reef of coral rock, the N.E. point of Glover's reef<sup>123</sup> . . . Two passengers attempted to cut away the boat, but were dissuaded by a revolver, and the most rigid discipline was maintained.<sup>124</sup>

After a fearful night sunk on the reef the first officer and four men sailed away in the Captain's gig, following which they were saved by Belizean turtle fishermen in a boat, the WASP, which

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<sup>123</sup> Glover's Reef is one of three atolls of the mainland coast of Belize in Central America, at 16°45' North Latitude, 87°50' West longitude, south and east of Belize City [Maury reported its location as 16°54' North Latitude, 87°42.8' West longitude, Mobile Daily Register January 4, 1859]. An interesting Smithsonian Scientific paper, D.R. Stoddart, F.R. Fosberg and M.-H. Sachet, TEN YEARS OF CHANGE ON THE GLOVER'S REEF CAYS [Atoll Research Bulletin No. 257], has discussion of Harry Maury's misadventure there, is available online at <http://www.botany.hawaii.edu/faculty/duffy/arb/256-259/>

<sup>124</sup> Published in the Mobile Daily Register January 4, 1859, and in the New York Times on January 11, 1859, from which it is available online in what, upon its being printed, appears to be in "Lord's Prayer on a Pinhead" font.

was big enough to take them in several trips to one of the Isles, where they were “regaled” on green turtle steaks, conch stew, fried plaintains and coconuts for an island Christmas.<sup>125</sup>

Captain Maury and another set out for Belize in the gig, two days and nights with no food or water, where amazingly they were befriended by Christopher Manwaring Hempstead, former U.S. envoy to Belize until the post was abolished in 1853 [Hempstead is the great, great grandfather of several prominent Mobilians today, including T.K. Jackson and the late Robert Jackson, and Harvey [“Skip”] Jones and Carolyn Jones Walthall, and was the great-great-great grandfather of a recent king of Mardi Gras, FELIX III of Mobile, Mitchum Jackson; small world indeed]. Hempstead introduced Maury to the British Governor of the Islands, Governor Seymore, who faced with a shipload of armed revolutionaries looking for a country to conquer, promptly offered them a free ride back to Mobile as Her Majesty’s guests on the second class paddle [steam] frigate HMS BASILISK<sup>126</sup>, named for some fancy legendary or now-extinct snake listed by Pliny the Elder, which ship dropped them off in Mobile just in time for a lovely parade in Mobile on New Year’s Day of 1858, to the amazement of Mobilians recovering from The Cowbellions, The Strikers and The T.D.S. celebrations the night before. Here’s how the Register described the amazing event:

On the first day of the new year, in the midst of the festivities and congratulations of our citizens, they were surprised by the unexpected appearance of Capt. Maury in one of our most popular thoroughfares, with his banner flying over him and a train of a large number of the adventurers that had shared his spirit and his trials in an attempt to plant his foot upon Central American soil. The Captain led them to the place of the most public and general resort, and after refreshing them with a welcome courtesy they received the gratulations [sic] and sympathies of a large

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<sup>125</sup> Id.

<sup>126</sup> Id.

mass of our citizens, who rushed to salute them.<sup>127</sup>

In the wind-down of the events there was criticism of Mobile and of Maury and Walker and their flouting the law, but the Mobile Register said that it was no worse— and probably better— than the refusal of the North to enforce the Fugitive Slave Law, and “[a] little more attention to those who would plunge the country into civil was might prevent future wrecks of future SUSANS”.<sup>128</sup>

**V. Harry Maury in “The Late Unpleasantness”.** After the collapse of the filibusters— and maybe even in part because of them—there shortly followed the Civil War. Harry Maury went into the Confederate Army as a private in the artillery, but was soon given a State commission as Colonel and was given command of the Second Alabama Infantry<sup>129</sup> and, in June of 1861, his command garrisoned Fort Gaines and Fort Morgan.<sup>130</sup>

Gen. Braxton Bragg— no star himself— wrote of Maury and of Gardner at Fort Gaines that they were “very competent, but sadly addicted to drinking, and therefore unsafe for that exalted position”<sup>131</sup>. Maury was imprisoned for a time there at Fort Morgan and court-martialed for being drunk on duty. His cousin General Dabney Maury, involved in the escapade, wrote the story of it in his book:

General Gordon Granger was stationed with his corps at Pascagoula a month or

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<sup>127</sup> Id.

<sup>128</sup> Mobile Daily Register January 18, 1859.

<sup>129</sup> Arthur W. Bergeron, Jr., *Confederate Mobile* 12 (1991); Obituary of Maury, Mobile Daily Register February 27, 1869.

<sup>130</sup> Bergeron at 19; Obituary of Maury, Mobile Daily Register February 27, 1869.

<sup>131</sup> Id at 20.

two previous to the attack on Mobile. Thence he detached a brigade to a narrow but deep creek about half-way to Mobile, and I ordered Colonel Maury with three regiments of horse to go down and force the brigade back into Pascagoula. Soon after he marched, a courier came in hot haste, bearing a dispatch from Colonel Maury, reporting his progress. I think that when he sent it he was about three miles from town. I thought it very unaccountable until several other equally unimportant bulletins arrived, when I said, "Henry is drunk, and nothing will come of his expedition"; and so it was. Next day he came back, having done nothing, and I was not surprised when charges of drunkenness were preferred against him by officers of his command. I ordered him under arrest, and to be tried by the military court of the department. To my surprise, he was acquitted, and I asked the president-colonel-judge how it happened. He said, "Three officers of high intelligence and character swore that he was drunk, and we all thought that he was done for and deeply deplored it, for we all love him; but bless your soul, sir, Harry produced six officers of equal character, who swore, point-blank, that he was sober, and we had to acquit him!"<sup>132</sup>

During that period Maury was under the custody of Julius Whiting, after whom Fort Whiting in Mobile is named, who was the duty officer at Fort Morgan on the morning Admiral Farragut attacked. Whiting remembered Maury like this:

I recall that after Maury had been sent elsewhere he arrived back at the fort . . . [with two other men], all three having in some way come under the view and condemnation of General Braxton Bragg, and they were imprisoned in a casemate of the fort. It was my province to let them out each day for an hour or so of exercise within the walls, and to watch over them. Consequently, I saw a good deal of them and remember that Maury beguiled the time and entertained me by copious quotations from the poets. I can repeat some of the lines even now that I heard him declaim at that time. . . ."<sup>133</sup>

In 1863 Maury resigned his position with the permanent force and was elected Lieutenant Colonel of the 32d Alabama Regiment, with which he took part in several battles in Tennessee. Captured while he was sick he was carried to Nashville, was exchanged as a prisoner and soon

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<sup>132</sup> MAURY at 200.

<sup>133</sup> CRAIGHEAD at 159.



was back in battle, in command of his regiment at Murphreesboro, where he was again shot and severely wounded while the regimental colors were in his hand. Recovering, he participated in the defenses of Jackson, Mississippi, where he was again desperately wounded.<sup>134</sup>

In the early spring of 1864 Harry was with the 15<sup>th</sup> Confederate Cavalry<sup>135</sup>. Erwin Craighead wrote in 1925 that “General Whiting remembers seeing him at the head of his cavalry regiment, riding full tilt down Government street, and presenting a very fine spectacle.”<sup>136</sup>

General Dabney Maury asked that Harry Maury, then with the 15<sup>th</sup> Confederate Cavalry be promoted to command the outer defenses of Mobile, but President Jefferson Davis chose somebody else<sup>137</sup>. Afterward Maury commanded troops in defenses at Pollard in Escambia County, Alabama,<sup>138</sup> and by July of 1864 only Harry’s 15<sup>th</sup> Confederate Cavalry, having been moved to Mobile from Pollard, remained in Mobile<sup>139</sup>. Dabney Maury sent Harry to chasing “Southern Yankees” into Jones County, Mississippi, in South Mississippi.

There are indications that he became a General at the very end of the War. Confederate

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<sup>134</sup> Obituary of Maury, Mobile Daily Register February 27, 1869.

<sup>135</sup> BERGERON at 81; Obituary of Maury, Mobile Daily Register February 27, 1869.

<sup>136</sup> CRAIGHEAD at 159.

<sup>137</sup> BERGERON at 88.

<sup>138</sup> Pollard was where, in the 1870s, the Texas outlaw John Wesley Hardin, another erstwhile lawyer and lover of the Colt’s Navy Six, was living with his wife and in-laws when he was captured by a single Texas Ranger on the train from Pensacola as he yelled “Texas by God!” as his own Colt’s Navy hung in his pants upon being drawn.

<sup>139</sup> BERGERON at 88.

records in Richmond<sup>140</sup> show that General Dabney Maury on March 2, 1864 telegraphed President Jefferson Davis to say that General Higgins was ill and paralyzed, and that “I ask for Col. Harry Maury to be appointed Brigadier to command that line. His qualifications are extraordinary. He is a sailor and knows the whole ground well.”. Davis responded by asking about Harry’s being relieved of command at Fort Morgan, and General Maury answered Davis on March 4, 1864: “I know why he was relieved from command at Fort Morgan. I hope his subsequent services have redeemed that. His habits are now exemplary. He has given me his word never during the war to touch liquor. Therefore I have felt justified in urging his promotion”. Doubtless because of post-war confusion, no record of his official promotion can be found, but on August 18, 1864 Private Richard Solis of Company D of the Fifteenth Confederate Cavalry sent to Union forces a long report, including that Maury had been promoted to General, and in the report he three times referred to Harry Maury as a General. Union Army Brigadier General Asboth at West Florida Army headquarters at Barrancas sent the report to Admiral Farragut under the cover letter that Solis was “a noted rebel Scout”.<sup>141</sup> Furthermore, Harry’s cousin General Dabney Maury wrote in his book that Harry “had been promoted to the rank of brigadier general just at the close of the war”.<sup>142</sup> That’s all good enough for me; Harry was a Brigadier General in the Confederate Army in 1864.

Interestingly, one of his first cousins, in trying to straighten out the world’s memories of

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<sup>140</sup> These were found by Art Green of Mobile, for whose sharing of them I am very grateful.

<sup>141</sup> OFFICIAL RECORDS OF THE UNION AND CONFEDERATE NAVIES IN THE WAR OF THE REBELLION, volume 21, p. 534-5.

<sup>142</sup> DABNEY MAURY at 203.

Harry [then dead] and Dabney Maury [then up for the Ambassadorship to Colombia] told the newspaper in 1886 that at the end of the War Harry did a stint in the Navy;<sup>143</sup> maybe this makes up for Admiral Semmes doing a stint in the Army artillery at about the same time. This alleged Navy service has not been verified, but it is one more oddity in the life of Harry Maury.

In any event Dabney Maury tells us that just at the end of the War Harry was in Selma and was invited by the top Union officers including a Scotch general:

to a sumptuous lunch, at which there was a big Federal major, who seemed inclined to quarrel with Henry, who never needed two invitations to a fight. Toasts and songs went round, and the major made several flings at the colonel, who treasured them up, until presently Colonel Maury was called upon for a song. He said if the company would accept the change, he would offer a connundrum instead of a song. The proposition was vociferously applauded, the big major being among the most enthusiastic. "Why are the Confederates like Lazarus?" asked Maury. The major gave a contemptuous solution. "No," said the colonel, reaching across the table to indicate and emphasize his reply; "because we have been licked by dogs!" The Scotch general loudly applauded, swearing "he had not read so good a conundrum in the newspapers for a year."<sup>144</sup>

General Dabney Maury, who took great delight with this story, reports that Mobile's Episcopal Bishop Wilmer also took great delight in the story, and that after the Episcopal Churches in Mobile were closed by the Union Army,<sup>145</sup> and churches in many places were war-damaged and Bishop Wilmer was in the North trying to raise money to reopen them, Bishop Wilmer told the story of this "connundrum" to a group of Yankee church leaders with a laugh, and was upbraided by one of them with "Well, sir, if that is your feeling, why do you come to us now for aid?", to

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<sup>143</sup> New York Times December 14, 1886 p.8.

<sup>144</sup> DABNEY MAURY at 201.

<sup>145</sup> New York Times November 2, 1865, p. 1.

which Bishop Wilmer replied “Oh, to get a hair of the dog!”<sup>146</sup>

### **V. Post-War Lives of These People.**

**A. Maury’s Short Postwar Life.** Maury was like Forrest Gump in that he was miraculously present at all interesting Mobile events. He was standing on the corner of Dauphin and Royal one morning during Reconstruction when scalawag U.S. Attorney Lucian Van Buren Martin shot carpetbagger U.S. District Judge [and renowned crook] Richard Busted, who had been Riviere’s lawyer in New York in 1858 when Riviere had been prosecuted for challenging Lewis E. Grant “of the Nicaragua Army” to a duel [one might be forgiven for seeing the hand of Harry Maury and some or any or all of this, including Busted’s shooting, but there is certainly no available evidence of it at this point]. Maury went and got the doctor– who was our friend Dr. Josiah Nott, the famous racial scientist– who fixed Judge Busted up well enough that he could hold court in the Battle House until a near-impeachment scandal ran him back north<sup>147</sup>.

Maury’s wartime wounds left him in ill health<sup>148</sup>; he lived a few years after The War in the Montrose house he had bought with his winnings from the Havana Lottery, and died at the age of 42 on February 23, 1869, his death certificate says of “acute gastritis”<sup>149</sup> and his obituary says “hemorrhage of the lungs”<sup>150</sup>, and is buried in a grave in Magnolia Cemetery which was

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<sup>146</sup> DABNEY MAURY at 201-02.

<sup>147</sup> Sara Woolfolk Wiggins, Press Reaction in Alabama to the Attempted Assassination of Judge Richard Busted, 21 ALA.L.REV.211 (1968).

<sup>148</sup> Obituary of Maury, Mobile Daily Register February 27, 1869.

<sup>149</sup> CRAIGHEAD at 160.

<sup>150</sup> Obituary of Maury, Mobile Daily Register February 27, 1869.

unmarked until in about 2006 the Sons of Confederate Veterans marked it.

One minor but fascinating footnote in history is that when in 1886 President Grover Cleveland appointed General Dabney Maury to be Ambassador to Colombia, and in the press there was some confusion as to whether the appointee was the “Maury” who had been in the famous duel with de Riviere. Harry’s first cousin M.F. Maury [no doubt named for the oceanographer Mathew Fontaine Maury, maybe even his son] who lived near Nashville, wrote to the Nashville American to disabuse people of the connection between General Dabney Maury and the duel, noting that it was instead his cousin Harry, and that “this Henry Maury was a wild, reckless fellow, and was familiarly called “Harry the Devil”.<sup>151</sup>

After the hurricane of 1916, Erwin Craighead wrote in 1925, men repairing the Mobile streets found Harry Maury’s sword, inscribed “Col. Louis Lay<sup>152</sup> to Captain Harry Maury, Nicaragua Navy”. A good citizen had the sword spruced up and gave it to the Maury family<sup>153</sup>, whose descendants treasure it today.

B. Emily and The Baron. What happened to Emily and the Baron? Craighead’s version of what happened during and after the Civil War is this:

The baron seemed to realize that a match under adverse conditions and with one so young would not be precisely the sort of adventure he could speak well of at home. It is said even that there might have been a marriage in Havana had the gentleman been ready. What he said to the father was that the young lady should be sent to a convent for at least a year, and then he would renew his avowal of

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<sup>151</sup> New York Times December 14, 1886 p.8.

<sup>152</sup> Louis Lay was a Lieutenant Colonel in a Louisiana unit during The Late Unpleasantness, the 6<sup>th</sup> Regiment of Volunteer Infantry, also known as “The Irish Brigade”, but resigned on February 13, 1862. Sifakis, *Compendium of C.S. Armies: Louisiana* p. 78-80.

<sup>153</sup> CRAIGHEAD at 161.

love and his offer of marriage, which he hoped would by that time be acceptable to the colonel.

Whether there was agreement or not, the baron returned to France and the Blounts to Mobile, and the heroine of the romance resumed her studies, interrupted by the elopement episode. About 1864, Baron De Riviere renewed his addresses in a formal manner, endorsed by his family in France, and Colonel Blount, Mrs. Blount and Miss Emily ran the blockade to Havana, and thence to Gibraltar, where they were met by the mother and sister of De Riviere, and the marriage was duly solemnized in the city of Paris on July 4, 1865. De Riviere gave as his reason for not coming to America, the war in this country and pressing business engagements at home.<sup>154</sup>

Gen. Maury— a contemporary and kinsman of Harry, who spent time in Mobile during The Late Unpleasantness and was a pretty good jackleg historian himself-- later wrote that the Baron died in Paris and right after The War Emily and her family went to Paris where she married the new Baron, the brother, who was killed in the Franco-Prussian War. That is almost certainly wrong, but it would be the *modus operandi* of Riviere to concoct such a bizarre story in order to beat the rap on the bankruptcy fraud conviction.

We know that Emily James Blount, the mother, died in Paris in 1868 and is buried at Choctaw Bluff with her ancestors and siblings in the Darrington-James graveyard, and just outside her plot is a tiny marker for “F.S.B.”: the ill-appreciated husband.<sup>155</sup> Erwin Craighead, not a contemporary and writing later but with access to the Mobile papers and a lot of old

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<sup>154</sup> CRAIGHEAD at 64-65.

<sup>155</sup> After Emily James Blount died in 1868, Blount moved to New York where he practiced law until July of 1872, when he married Mrs. Anna K. Fackler of Memphis. He moved to Paris where daughter Emily was living, opening an American land office there. Returning to Memphis in August of 1880 he stayed there for some time, but lived his last years in his home on Springhill Avenue at Lafayette.

Mobilians' memories, said that Emily married The Baron in Paris in 1869<sup>156</sup>, and that he himself memorably saw the Rivieres at the Maxwell House <sup>157</sup> Hotel in Nashville in the early 1870s:

I well remember the time when the baron and the madame came first to my attention. I was then a lad in Nashville, very early in the seventies, and resident in the Maxwell House, a famous place in its day. Thither came the distinguished Frenchman *en grand tenue*, with valets and maids and an array of trunks and boxes that created a stir in that big *caravanserie*. Soon it was noised about that a real baron had arrived, also a baroness, the latter being a Blount, member of a family well known throughout the South; and the good people of Nashville made all haste to call with their welcome . . . The De Rivieres managed in great style. As the moderns say, they did themselves very well indeed. They brought their own furnishings for room and table, and were waited on by their own servants. Everything was of the most elegant material and fashion. They gave many fine dinners and were invited out in turn to the best homes in Nashville, so that there was a great round of gaiety that deeply impressed itself upon my young mind. I was the witness then of what fashion and wealth meant. Of all the people I knew none attempted such lavish outlay. I had the notion conveyed to me that here, at least, was what was known as "untold wealth". Certainly it looked like that.<sup>158</sup>

Twenty years later, I happened to be talking with my friend Zadek, the Mobile jeweler, of the romance of the De Rivieres, when he asked, "Do you want to see

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<sup>156</sup> There is an excellent chance that Riviere married somebody else in Paris earlier during the Civil War, before he married Emily, or at least had a child who took his name, because a famous shadow theater operator at the legendary *Le Chat Noir* in Montmartre, who lived from 1864-1951, had Henri's name, see generally Cate, P.D. (ed.), *The Spirit of Montmartre: Cabarets, Humor and the Avant-Garde 1875-1905* (Rutgers 1996). In the late 1880s, during the time of fame of young Henri in Montmartre, there was a character who frequented the Café du Helder in Paris who sounded strikingly like Riviere— "a retired captain with a rubicund nose, long shaggy mustaches, a goatee beard, and in his button-hole the rosette of the Legion of Honor"— especially since at that time and place his brother Jules the chess player frequented the Café de la Regence on the Place du Theatre Francais, "the great rendezvous of the French chess players", Child, Theodore, *Characteristic Parisian Cafés*, LXXVIII Harper's New Monthly Magazine (No. CCCCLXVII) (April 1889), pp. 687-703.

<sup>157</sup> The Maxwell House is the renowned Nashville hotel after which the well-known coffee is named; a very minor historical footnote is that President Andrew Jackson, who lived near Nashville, is said to have first uttered the coffee's motto, "good to the very last drop".

<sup>158</sup> Did they pay their hotel bill at the Maxwell House? As they radioed Nimitz in the Pacific, "the world wonders".

something?”. He opened his safe and took out a box from which he produced a pearl-inlaid and silk fan, set with diamonds.

“Beautiful!” I said. “Very rich! What about it?”

“Madame De Riviere’s”, he answered.

“For repairs?”, I asked.

“No,” he answered, “for sale”.<sup>159</sup>

The baron continued in his travels and shady commercial escapades while Emily lived in Mobile. Clearly during parts of the last quarter of the nineteenth century the baron spent time in South America. Craighead thought it was with gold in Bolivia,<sup>160</sup> but more likely it was with rubber in Bolivia, since an article by him on rubber plantations in Bolivia was published in 1900.<sup>161</sup>

The article “Yesterday’s News” for May 25, 2006 quotes the Mobile Register of May 25, 1906 as saying, consistently with Craighead,<sup>162</sup> that Baron de Riviere left the day before for Kentucky to Join a Trappist monastery, and he “whose life history had been closely interwoven with that of the Gulf City, now turns his back upon the world and all its pomp and vanities”.

The baron, if such he ever was,<sup>163</sup> died in May of 1909, apparently in France, and Emily died here broke on October 6, 1917 and is buried in Magnolia Cemetery. The baron had three daughters and a son, who visited Mobile about 1910, whom Craighead in 1925 said he thought

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<sup>159</sup> CRAIGHEAD at 67.

<sup>160</sup> CRAIGHEAD at 66.

<sup>161</sup> H. Arnous de Riviere, *Explorations in the Rubber Districts of Bolivia*, JOURNAL OF THE AMERICAN GEOGRAPHICAL SOCIETY OF NEW YORK, volume 32 No. 5 pp. 432-440.

<sup>162</sup> CRAIGHEAD at 66.

<sup>163</sup> There is still a baronetcy by the name in France; according to a French royalty online source, a Baron Arnous Riviere died in 2003 leaving heirs, <http://www.royalsportal.de/news2003-10.php>.



was last known to be in Alaska<sup>164</sup>, but most likely it was Canada.<sup>165</sup>

C. Justice Campbell. During the winter and spring of 1860-61 Campbell, though he believed States had a right to secede, tried hard to keep them from doing so. He tried so hard, in fact, that most Mobilians [fire-eaters then; you decide about now], many of whom hated him because of his anti-filibuster activities, came to consider him almost a traitor [historians now think he was double-crossed by Secretary Seward, Lincoln's Secretary of War]. When Alabama seceded in 1861, Campbell believed he was no longer a U.S. citizen and no longer eligible to serve, and resigned from the Court. Campbell claimed he freed his slaves, but actually he kept them, owned by the commercial dock he owned, about where the convention center is now.

Campbell was a minor bureaucratic functionary in the Confederate government during the Civil War, but at the end, was one of the Commissioners of the Confederacy at the Hampton Roads Conference, where he met personally with President Lincoln on a steamboat in Virginia to try to end the war, but Jefferson Davis' intransigence kept it from happening.

He was captured and put in prison in Fort Pulaski, but was finally released when his former fellow Supreme Court Justice and staunch abolitionist Benjamin Curtis of Massachusetts wrote President Johnson that "Judge Campbell, as you . . . know, was not only clear of all

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<sup>164</sup> CRAIGHEAD at 67.

<sup>165</sup> Most likely, as internet research shows, this is the Henri Arnous Riviere, perhaps a son of the Baron, born in Normandy in 1867--two years before Henri and Emily married-- who came to Southern Alberta, Canada in 1883, married Nellie Gladstone, settled on Pincher Creek and became a famous game warden, writing wildlife stories for magazines, and dying on June 30, 1956. He is listed as a Canadian pioneer on <http://www.pioneersalberta.org/profiles/r2.html> citing *Prairie Grass and Mountain Pass* p. 137.

connection with the conspiracy to destroy the government, but incurred great odium in the South, especially in his own state, by his opposition to it. . . .” Johnson let him out of prison.

Campbell moved to New Orleans and resumed practice, the way he loved to do it: six U.S. Supreme Court cases in a year, with plenty of time to prepare. He argued (and lost) the famous Slaughterhouse Cases, and in one case five of the Justices of the U.S. Supreme Court said his argument was the best they heard in their careers [it was the legendary Gaines/Relf cases, to quiet title to all of downtown New Orleans in one woman, either bastard or legitimate (that was the issue) who was the wife of Alabama Gen. Edmund Pendleton Gaines (who as a young Army Lieutenant captured Aaron Burr in McIntosh, AL)]. Campbell in New Orleans was elected Chairman of the Bar of the U.S. Supreme Court.

In old age he moved to Baltimore to be near his daughters, but continued his practice. In 1889 the Supreme Court sent its Marshal to invite him to the Centennial Celebration of the U.S. Judiciary. He declined because of his health, but sent back the Court’s Marshal with this message echoing the prayerful call to order: “Tell the Court that I join daily in the prayer, ‘God Save the United States and bless this Honorable Court’”. Justice Campbell died in 1889, and was buried in Baltimore.

In 1979, an Act of Congress introduced by our own Congressman Jack Edwards [which I’m proud to have suggested] named the Federal Courthouse in Mobile after Justice Campbell.