

THE FENIANS AND ANGLO-AMERICAN RELATIONS

AFTER THE CIVIL WAR

by

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## PREFACE

In 1964, I had the opportunity to study American military history under Louis Morton, Professor of History at Dartmouth College. During the course of a lecture, Professor Morton briefly spoke of a Fenian attack on Canada in 1866 and then moved on to another topic. Since that time, I have harbored a desire to learn more of this curious band of Irish, Catholic, Civil War veterans who marched into Canada under the banner of Fenianism. This paper is a result of the curiosity aroused by a brief remark in a classroom many years ago.

As my study of the Fenians progressed, it became apparent that they had a significant effect on domestic politics and foreign affairs in both the United States and Great Britain. The Fenian incursions into Canada were only part of the story. Consequently, in an attempt to amplify my understanding of Fenianism, I have sought to focus this paper on the impact of Fenian activities on diplomatic relations between the United States and Great Britain after the American Civil War.

I would like to acknowledge the assistance and guidance of Professor Kenneth J. Hagan; the efficient services of the Kansas State University interlibrary loan system; and finally my wife Carol, whose role as proofreader extraordinary was invaluable.

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## INTRODUCTION

The purpose of this study is to investigate the effect the Fenians had on diplomatic relations between the United States and Great Britain in the years following the American Civil War. The Irish Revolutionary Brotherhood was founded in Ireland in 1858 and its American counterpart, the Fenian Brotherhood, was established in New York City the following year. American Fenianism was stifled during the Civil War but blossomed forth in 1865. It was fired by the traditional Irish hatred of England and widespread public indignation at Great Britain's perceived succor of the late Confederacy. In an ill-conceived plan to capture Canada as ransom for the liberation of Ireland and as a base for commerce raiders, the Fenians attacked Canada twice during 1866. Although these raids were dismal failures, they did evoke intervention by the United States Army, Navy, and by the Attorney General. Henceforth, Radical Republicans encouraged the Fenians in order to embarrass the Administration of Andrew Johnson and to court the Irish vote.

In Ireland, members of the Irish Revolutionary Brotherhood, also called Fenians, launched a short-lived insurrection in 1867. Britain's treatment of Irish-American Fenians who were arrested and imprisoned in Ireland during the uprising raised the ire of all Americans and led to the most divisive aspect of international Fenianism, the naturalization question. Great Britain's adherence to the medieval doctrine of the indefeasibility of allegiance was heatedly disavowed by the United States. Finally, Secretary of State William H. Seward informed

the British Foreign Office that settlement of the naturalization question was a sine qua non before consideration of other issues concerning the two countries, such as the so-called "Alabama Claims", the San Juan Islands dispute, or the Canadian fisheries question.

The threat of war on the continent if Prussia attacked Holland or Belgium, and a United States policy of neutrality that would allow commerce raiders to operate from American ports against British shipping, made English statesmen anxious to resolve Anglo-American differences. However, these seemingly clear-cut diplomatic issues were obfuscated by Fenianism. In the United States, renewed Fenian attacks on Canada, and incessant denunciation of Great Britain by Irish-Americans and pandering politicians constantly heightened American Anglophobia. Conversely, Fenian outrages in England and continued unrest in Ireland were popularly attributed to American Fenianism and led the English Government to assume a less compromising attitude toward British-American problems.

This study will attempt to answer the question of how Fenianism affected Anglo-American relations and how issues raised or exacerbated Fenianism were ultimately resolved. Areas that will be examined include the underlying causes of Fenianism, its growth and effect on political institutions in the United States, Ireland, and Great Britain, and its influence on other issues relating to foreign policy. Wherever possible, primary and contemporary sources have been used for study, interpretation, and evaluation.

## CHAPTER 1

### ROOTS OF FENIANISM

Fenianism was a natural response of the people of Ireland to the selfish, exploitative, and dictatorial rule of Great Britain. The Fenian movement was launched by men who had participated in the Irish revolt of 1848 and who had learned of the rising of 1798 from their fathers. Simply stated, Fenianism stood for an Irish Republic free from English rule. Independence was an end in itself and was to be achieved at the point of a bayonet. The Fenians produced no philosophers and no philosophy of social reform or political enlightenment. Perhaps this was their greatest failing.

Following the famine years of 1846-47, the tide of Irish emigration had reached tremendous proportions, transplanting to America the ancient Irish grievances against British rule. In America, most Irish-Americans fought for the Union, resented President Lincoln's emancipation of the Negro, and dreamed of the day when Irish arms would drive England from the Emerald Isle.

#### Conditions in Ireland

It is difficult to identify the most obnoxious aspect of British rule in Ireland but none was more onerous than the practice of absentee landlordism. English landlords owned great tracts of land in Ireland which they rented to a few tenants, who in turn sublet the land to others. At the bottom were the peasants, scratching out a living on an acre of

leased land in return for their labor. Most held land chiefly as "tenants-at-will" and were subject to eviction for nonpayment of rent or for otherwise giving offense.<sup>1</sup> Or, the landlord could swoop down on a tenant and take whatever he wanted for arrears of rent.

This feudal privilege of summary distress without reference to any legal process is a classic example of a right conferred by a class legislating for its own benefit. This English law was maintained by an English Parliament composed in the main of landlords, or others benefitting from the system, and they were opposed to any reform. For their part, the absentee landlords were required to do nothing. If a tenant improved his land, he was taxed, or evicted from the land, or his rent was raised for the improvements he had made. He was also denied long leases and thus suffered from "insecurity-of-tenure."<sup>2</sup> So self-seeking was Britain's attitude toward Ireland that during the great famine of 1846-47, the English landlords actually exported grain from Ireland while millions were starving. At the same time, the government refused to import food in navy ships, claiming insufficient funds in the naval budget.

Manufacturing interests in Parliament prevented Irish industry from developing by following a policy of free trade. Everything used in Ireland was made in England so there was a constant flow of capital out

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<sup>1</sup>Thomas N. Brown, Irish-American Nationalism, 1870-1890 (New York: Lippincott, 1966), p. 206.

<sup>2</sup>"Landlords Rights in Ireland," The New York Times, Jan. 8, 1865, p. 4.

of Ireland. Protective tariff barriers behind which Irish manufacturing could develop were forbidden. Another serious grievance was the presence of the State Church of Ireland, a Protestant church established in a land of nearly six million Catholics and less than a million Protestants.<sup>3</sup>

These deep-rooted abuses of the Irish people, together with other grievances like absence of a local parliament, forced emigration from pastoral districts, and potato rot, fostered Irish hatred of all things English. The Irishman's only recourse was to search for a new life in one of England's industrial cities, overseas colonies, or, as millions did, emigrate to America.

#### The Irish Revolutionary Brotherhood

The Irish Revolutionary Brotherhood was formed on March 17, 1858, in Dublin, Ireland. Its creator was James Stephens, a 34 year old veteran of the 1848 Irish uprising who had studied in Paris and who allegedly spoke sixteen languages. His grand objective was to form an army that could successfully cope with the army of England. The members of the Irish Revolutionary Brotherhood were all to be men capable of taking the field. Stephens' task as Chief Organizer was to enlist followers, discipline and arm them, and place them under command of competent officers.<sup>4</sup> A key aspect of his scheme was recruitment of the

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<sup>3</sup>"The State Church of Ireland-A Real Grievance," The New York Times, April 27, 1866, p. 4.

<sup>4</sup>John Rutherford, The Secret History of the Fenian Conspiracy, Vol. I (London: C. Kegan Park and Co., 1877), p. 61.

25,000 Irish soldiers in the British army, especially the non-commissioned officers.<sup>5</sup>

In 1858-59, James Stephens traveled around Ireland and secretly organized the Irish Revolutionary Brotherhood. At this point, the Brotherhood was a secret society and each new member was administered this oath:

I A.B.C.D., in the presence of Almighty God, do solemnly swear allegiance to the Irish Republic, now virtually established, and that I will do my very utmost, at every risk, while life lasts, to defend its independence and integrity; and, finally, that I will yield implicit obedience in all things, not contrary to the laws of God, to the commands of my superior officers. So help me God! Amen<sup>6</sup>

Some slight variations of this oath were made later on, but the above is substantially the form used in Ireland. The oath administered in America differed somewhat in form, but was identical in spirit.

Throughout the countryside and villages, the Brotherhood flourished among agricultural laborers, shopworkers, and servants. On the other hand, those who had established themselves in society, such as the upper and middle classes, were repelled by the wholesale negation of the existing social order. They had too much to risk politically, economically, and socially to be enticed by Stephens' narrow plan for

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<sup>5</sup> Rutherford, Secret History, p. 164.

<sup>6</sup> Joseph Denieffe, A Personal Narrative of the Irish Revolutionary Brotherhood (Ireland: Irish University Press, 1969), p. 25. Note: The Irish Revolutionary Brotherhood was established on a military basis, with the first four letters of the alphabet used instead of the ordinary titles. A standing for Colonel, B for Captain, C for Sergeant, and D for private.

armed revolution. The Catholic Church in Ireland early opposed the Brotherhood and later the Fenians,<sup>7</sup> on the grounds that it was a secret society, that priests were not allowed to become involved in politics, and that the Fenians interfered with the peace and stability of the social order and thus injured the special interests of the church.<sup>8</sup>

James Stephens foresaw this opposition and wrote to his agents that they should, "Waste no time in attempting to gain the priests. Their one idea is the good of Mother Church. Let the revolution only succeed; Mother Church always knows how to adapt herself to accomplished facts. Besides, no priest is a free agent."<sup>9</sup>

Catholic priests frequently denounced the Fenians from the altar and announced that members of the Fenian organization would be refused the sacraments of the church and the rights of Christian burial unless they renounced and abandoned the Brotherhood.<sup>10</sup> This policy sometimes had the opposite effect on Irish peasants. For example, in January, 1861, Cardinal Cullen refused to conduct a mass in his cathedral for Terence Bellow McManus, a Fenian who had died in America and was returned

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<sup>7</sup> After the organization of the Fenian Brotherhood in New York City in April, 1859, the name "Fenian" was soon applied to members of the Irish Revolutionary Brotherhood in Ireland.

<sup>8</sup> Eric Strauss, Irish Nationalism and British Democracy (New York: Columbia University Press, 1951), p. 148-49.

<sup>9</sup> Rutherford, Secret Society, p. 59.

<sup>10</sup> Denieffe, Personal Narrative, p. 66.



to Ireland for burial. Such was the appeal of the Fenians that a funeral procession estimated at 100,000 persons triumphantly bore the body of McManus to the cemetery where a private ceremony was conducted. The funeral of McManus showed that the priesthood was fully arrayed against the Fenians. At the same time, the internment of McManus aroused feelings of nationalism and patriotism, and six months later the Fenian organization had doubled in size.<sup>11</sup> Despite peasant unrest and Fenian agitation, the Catholic Church continued to back the businessmen and politicians who controlled Ireland. This alliance set narrow limits on the growth of Fenianism in the Irish countryside since the church was all-pervading.

The Irish Revolutionary Brotherhood was not the only revolutionary society in Ireland. On December 11, 1858, the Times (London) announced that several Irishmen had been arrested who were suspected of being members of the Phoenix Society. They were charged with illegal drilling. The article added that "The object of this confederation of fools is said to have been the purpose of obtaining an invasion of Ireland by American Filibusters....They must be suppressed before they do mischief."<sup>12</sup>

#### The Irish in America

The Irish immigrants who arrived after 1847 were ignorant, poor, Catholic, and clannish. They stayed in the cities because of their clannishness, lack of money, fear of diluting their religion, and in

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<sup>11</sup> Charles Callan Tansill, America and the Fight for Irish Freedom, 1866-1922 (New York: Devin-Adair Co., 1957), pp. 31-34.

<sup>12</sup> Editorial, The Times (London), Dec. 11, 1858, p. 10.

reaction to their rural experience in Ireland. Their religion had prevented their active participation in politics in Ireland so they eagerly plunged into politics in the United States. Politicians soon began to cater to the Irish vote and gave the Irishman an inflated sense of his own importance, especially in New York City.

Politically, the Irish supported the Democratic Party through thick and thin, considering the Republican Party to have inherited the Know-Nothing tradition from the 1850's of restriction of the immigrant. Also, they did not like the anti-slavery doctrine of the Republican Party. The Irish were anti-Negro, partly because they viewed the Negro as a competitor in the unskilled labor market, partly because they linked abolitionists with anti-foreign and anti-Catholic factions, and partly because the Catholic Church never came out against slavery.<sup>13</sup>

In 1858, an Irish revolutionary of 1848 fame who was also a close associate of James Stephens arrived in New York City to organize an American branch of the Irish Revolutionary Brotherhood. His name was John O'Mahony and in April, 1859, he organized the Fenian Brotherhood. O'Mahony received the inspiration for the name while translating Keating's History of Ireland. A man named Fion McCuol, according to Keating, was the commander of the Feonin Erin, or Irish Militia. As the Feonin Erin was organized to assure Ireland's independence in pre-Christian times, so the Fenian Brotherhood was founded to reestablish it.<sup>14</sup> The name

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<sup>13</sup> Florence E. Gibson, The Attitudes of the New York Irish toward State and National Affairs, 1848-1892 (New York: Columbia University Press, 1951), p. 142.

<sup>14</sup> William D'Arcy, The Fenian Movement in the United States, 1858-1886 (Washington: Catholic University of America Press, 1947), pp. 14-15.

"Fenian" quickly caught the public's imagination in both the United States and Great Britain.

### The Civil War

When the Civil War began, the Irish remained true to both the Union and the Northern faction of the Democratic Party. They believed in the preservation of the Union although they took no definite stand on slavery. When President Lincoln called for volunteers after Fort Sumter, the Irish flocked to the Union standards. During the course of the war, approximately 250,000 native-born Irishmen served in the Union armies. About 15% (51,000 of 337,000) of White soldiers from New York had been born in Ireland. This was in proportion to their percentage of the population based on the 1865 New York census.<sup>15</sup> Not all Irishmen initially supported the war. O'Mahony and the Irish-American newspapers looked upon the Civil War as a disaster in which many young Irishmen would be killed who might well be fighting for a better cause, i.e., the liberation of Ireland.<sup>16</sup>

On May 13, 1861, even before the arrival in London of the new Minister Plenipotentiary of the United States to Great Britain, Charles Francis Adams, Queen Victoria issued a Proclamation of Neutrality, thereby according belligerent rights to the Confederate States. Britain did so to forestall maritime incidents which might embroil her in the war. According to Earl Russell, Great Britain's Foreign Secretary,

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<sup>15</sup> Gibson, Attitudes, p. 122.

<sup>16</sup> D'Arcy, Fenian Movement, p. 18.

"The size and strength of the party contending against a government, and not the goodness of their cause, entitle them to the character and treatment of belligerents."<sup>17</sup> As early as June 1, 1861, however, Britain eased its position by deciding to respect the United States' blockade of Southern ports, even though it would be a paper blockade for some time. In the United States, Secretary of State Seward was greatly angered over Britain's first action. He feared that recognition of the Confederacy would follow and, ultimately, so would war with Great Britain.

On November 8, 1861, Captain Charles Wilkes, in command of the frigate San Jacinto, intercepted the English mail steamer Trent in the Bahama Channel and seized and removed James M. Mason and John Slidell, two Confederate envoys on their way to Europe. This arrest on the deck of a British steamer on the high seas caused widespread indignation in Europe. The belligerent status of the Southern Confederacy had already been recognized by Great Britain and the British government demanded release of the envoys. After the Union defeat at Bull Run on July 21, 1861, the illusion of a thirty day campaign had vanished. President Lincoln acceded and Mason and Slidell were delivered to the British ship Rinaldo on January 1, 1862.

For the Fenians, the "Trent Crisis" generated new interest in the Civil War. They realized that a conflict between Great Britain and the United States would greatly facilitate an insurrection in Ireland. The Fenians now had good reason to support the war. Service in the Union armies would train Irishmen in the arts of war and prepare them

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<sup>17</sup> Frank J. Merli, Great Britain and the Confederate Navy, 1861-1865 (Indiana: Indiana University Press, 1970), p. 40.

for eventual conflict with England. In Ireland, placards filled the walls all over Dublin with such slogans as "War between America and England-Sympathy with America-Ireland's Opportunity."<sup>18</sup> England's reaction was to reinforce its garrison in Canada.

By the fall of 1862, the United States and Great Britain were on a collision course. The North was angered by naval construction in English yards for the Confederates and by the use of British Caribbean Islands as way stations for ships supplying the South. In Great Britain, Prime Minister Palmerston was considering the idea of extending full diplomatic recognition to the Confederacy or of at least proposing mediation. The battle of Antietam, however, persuaded him to wait for more decisive events between the contending armies. Had England recognized the Confederate States, Ambassador Adams had instructions to close the American legation and return to the United States. In early 1863, relations became even more strained as the Confederate raider Alabama began her destructive career, and Confederate ironclad rams neared completion at the Laird yards in Birkenhead, England. Secretary Russell feared that delivery of the ironclads to the Confederate navy would not make possible a Southern victory but, instead, would bring war between Great Britain and the United States. Consequently, Russell sought to placate the United States by impounding the Laird rams on September 3, 1863. While relations between the two countries now gradually improved, the damage wrought to American commerce by the Alabama and Britain's

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<sup>18</sup> John O'Leary, Recollections of Fenians and Fenianism, Vol. I (London: Downey and Co., 1896), p. 172.

policy of "neutral hostility"<sup>19</sup> were the causes of intense Anglophobia in the United States during and after the war.

In spite of the tension and ill feeling between the two countries, there seems to be little doubt that Federal recruiters were busy in Ireland. On April 1, 1863, the American acting-consul in Dublin, William West, wrote to Secretary of State Seward that he had received many requests for free passage to America to join the army.<sup>20</sup> His most significant report, made on May 26, 1864, shows that thousands of free tickets to America were being distributed in Ireland to certain classes of young Irishmen.<sup>21</sup> On several occasions, the British government complained of Federal recruiting in Ireland. As an example, in July, 1864, the Irish Secretary, Sir Robert Peel, spoke in Parliament and claimed that between 30,000 and 40,000 Irishmen had been inveigled into the Federal Army during the past year as a result of recruiting agents in Ireland. Lord Palmerston responded by saying that Irish emigration was due to higher wages in American cities than on Irish farms.<sup>22</sup> The Catholic clergy continually opposed emigration as it resulted in the depopulation of their parishes.

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<sup>19</sup>G. P. Gooch, ed., "Earl Russell to Lord Palmerston," The Later Correspondence of Lord John Russell, 1840-1878, Vol. I (London: Longmans, Green and Co., 1925), p. 334.

<sup>20</sup>D'Arcy, Fenian Movement, p. 62.

<sup>21</sup>D'Arcy, Fenian Movement, p. 63.

<sup>22</sup>"Irish Emigration and American Enlistments," The New York Times, July 10, 1864, p. 4.

### Fenianism in the Union Army

Many Union regiments, such as the 25th Infantry, 37th Infantry, 40th Infantry, 63rd Infantry, 69th Infantry, and the 88th Infantry, were Fenian to a man.<sup>23</sup> There were few regiments in which Fenian circles were not organized. The Head Center, or Fenian leader, for the Army of the Potomac was Brigadier General Thomas Smith, Commanding General, 2nd Division, 2nd Corps. Most contemporary sources agree that government officials encouraged Irish-Americans to recruit their fellow countrymen with the plea that the training received would prepare them for the great day when they would free their homeland. Fenian leaders worked actively in the ranks of the Union Army to enroll other Irish-Americans in the Brotherhood. In fact, Union officers were frequently allowed by their commanders to take leave from the Army to attend to Fenian business. The first Fenian convention, which met in Chicago on November 3, 1863, consisted of 82 delegates representing 12 states, the District of Columbia, and the Armies of the Potomac, the Cumberland, and the Tennessee.<sup>24</sup> In 1864, the Head Center of the Irish Revolutionary Brotherhood, James Stephens, visited the United States and was passed from one end of the Union Army to the other by Fenian officers, examining every circle as he went, under the name of Captain Daly.<sup>25</sup> Needless to say, this seemingly official encouragement of Fenianism led most Fenians to expect active government support after the war when the time came to liberate Ireland.

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<sup>23</sup>Gibson, Attitudes, p. 122.

<sup>24</sup>D'Arcy, Fenian Movement, p. 36.

<sup>25</sup>Rutherford, Secret History, p. 232.

### Summary

From the preceeding discussion, two significant conclusions stand out. The first is the intense hatred of England transplanted to America by millions of Irish immigrants or nurtured in Ireland by those who stayed behind. In Ireland, the Catholic peasants were denied participation in the governmental process. In America, they plunged into domestic politics, adopting the Democratic Party and forming significant voter groups in many Eastern cities. Their influence on the American political scene would soon complicate foreign affairs. The second conclusion is that the American Civil War was a great nourisher of the Fenian movement. Thousands of Irish-Americans fought in the Union Army. In return for their services, and in response to recruiting promises, they now expected at least tacit support from the American government in their struggle to free Ireland.



## CHAPTER 2

### THE LINES ARE DRAWN

Growing apprehension over America's post-war policy toward Great Britain helped usher in the year 1865 for England's statesmen. The North had been greatly distressed by Her Majesty's interpretation of neutrality and was now more perturbed over the destruction of her merchant marine. To British thinking, some form of reprisal was to be expected. In Ireland, the Fenian movement was spreading rapidly among the lower class Irish peasants. Its potential strength was limited, however, by opposition from the Catholic Church, from Protestants, and from the middle and upper classes who controlled the country. With the Tory Government of Lord Palmerston in power, there was little chance that any reforms for Ireland would be enacted. Thus, Ireland remained a land of seething discontent. The Fenian Brotherhood in America was dedicated to the liberation of Ireland and was looking forward to a year that might bring decisive developments.

#### Palmerston's Yankee-Phobia

As the Northern Army pressed inexorably forward in early 1865, Lord Palmerston worried about American belligerence toward England after the war. On January 20, 1865, he explained to Queen Victoria why he was in favor of maintaining the navy's strength and of fortifying Quebec, two measures opposed by William E. Gladstone, then Chancellor of the Exchequer. Palmerston reasoned that when the American Civil War ended, the North would probably make such demands upon England, or make such

inroads into Canada, as to lead to war. Thus, England needed an adequate defensive force.<sup>1</sup> Pursuing this line of reasoning, he wrote to the Foreign Secretary, Earl Russell, on February 7, 1865, in regard to some ships the United States was building in English yards. Fearing the worst, the Prime Minister concluded that the ships were large enough to carry guns. ". . . and it is probable they are destined to cover the landing of troops on our shores in the lakes."<sup>2</sup> Palmerston's pessimism had its effect on the Queen. On February 12, 1865, Victoria confided to a journal her fears of war with America, ". . . of the impossibility of our being able to hold Canada, but we must struggle for it. Better to let it go as an independent kingdom, under an English Prince! But can we stave this off, and who would be chosen?"<sup>3</sup>

What is instructive about this correspondence is the apparent misunderstanding of American sentiments by England's leaders. While some American newspapers might enjoy "twisting the lion's tail," the American Government, and the majority of the American people, had no intention of provoking a war with Great Britain.

#### Fenianism Rears its Diplomatic Head

Early in 1865, the followers of Fenianism began to engage the

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<sup>1</sup>George Earle Buckle, ed., The Letters of Queen Victoria, 1862-1872, Vol. I (London: John Murray, 1926), pp. 248-49.

<sup>2</sup>G. P. Gooch, ed., The Later Correspondence of Lord John Russell, 1840-1878, Vol. I (London: Longmans, Green and Co., 1925), p. 336.

<sup>3</sup>Buckle, Letters of Victoria, p. 250.

attention of English statesmen. In a letter to Queen Victoria on February 17, 1865, Lord Palmerston stated that Irish Fenians in the United States were communicating with Fenian societies in Ireland, England, and Scotland, with a view to starting a rebellion in Ireland in 1865 or 1866. He recommended that the Queen should gratify the loyal part of the Irish population, and warm their attachment for the Crown, by sending the Prince of Wales to visit Dublin.<sup>4</sup> Victoria chose not to send her son to Ireland.

The British Foreign Office viewed the Fenian movement in the United States with growing indignation. Finally, on March 14, 1865, Earl Russell made the first official protest regarding activities of American Fenians. In particular, he objected to the attendance of military and civil officials at Fenian meetings, adding that:

. . . it would seem to show that the Government itself participated in these feelings of hostility to Great Britain.

It becomes therefore my duty to say that her Majesty's Government trust that the attendance of Military and Civil officers in the employment of the United States Government or of the State Governments at the meetings of the Fenian Brotherhood will be disapproved by the Government of the United States and will not in future be permitted.<sup>5</sup>

This protest gave Secretary Seward an opportunity to hint to the British that the Fenians might be allowed to pursue their course of action unless Great Britain was willing to admit and rectify its unneutral conduct during the American Civil War.

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<sup>4</sup>Buckle, Letters of Victoria, p. 251.

<sup>5</sup>Great Britain, Foreign Office, British and Foreign State Papers, Lord Russell to Burnley, February 25, 1865, F.O. 115:432. The message was delivered to Seward on March 14, 1865.

Should the Fenians attempt to violate the neutrality laws in regard to Great Britain, the laws of the United States . . . are ample to prevent the commission of that crime . . . . I may properly add that this government has no sufficient grounds to apprehend that any such case will occur, unless renewed and systematic aggressions from the British ports and provinces should defeat all the efforts of this government to maintain and preserve peace with Great Britain . . . . I must be excused for leaving unnoticed the allusions which your note contains in regard to an assumed hostility of this government towards Great Britain, and I pass over in the same manner the allusion which you have made to the many well founded complaints which this government has heretofore presented of aggressions committed by British subjects against the peace and sovereignty of the United States. This government could not consent to weaken those complaints by entering. . . into an argument of recrimination.<sup>6</sup>

This exchange laid the foundation for the diplomatic problem the Fenians were to become in Anglo-American relations for the next five years.

Many pro-Irish newspapers in America were quick to use the Fenians as a threat when commenting on Britain's reluctance to pay for the destruction wrought by the British-built commerce destroyers, as a May 5, 1865 article from the New York Herald reveals:

We have to request Lord Palmerston . . . whether it is the immediate intention of her most sacred Majesty's advisors to send over to us, without fuss, the amount of our little bill for the damages inflicted on our shipping interests by the Alabama, Florida, Georgia, and other Anglo-rebel privateers. We are not short of money just now, but would be obliged to Lord Palmerston for a settlement in gold without delay. He knows the alternative, and if not, our Fenian developments may prove to him interesting reading.

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<sup>6</sup>U.S., Diplomatic Correspondence, 1865, Part II, Seward to Adams, (Washington: Government Printing Office, 1866) pp. 103-04.

<sup>7</sup>William D'Arcy, The Fenian Movement in the United States, 1858-1886 (Washington: Catholic University of America Press, 1947), p. 64.

In May, 1865, Ambassador Adams presented to Secretary Russell a note listing American grievances against England and holding her responsible for damages. In a reply three months later, Russell peremptorily declined to make reparations for the "Alabama Claims" or to refer the question to arbitration.

### Fenianism in America

The second Fenian Convention opened on January 17, 1865, in Cincinnati, Ohio, with 348 delegates representing 273 circles in attendance.<sup>8</sup> John O'Mahony was reelected President but faced increasing criticism by members of the Western circles, especially from Chicago. These Fenians, dubbing themselves the "Men of Action," were impatient with O'Mahony's plan to send aid to Ireland and favored more immediate action, such as an attack on Canada.

Throughout the spring and summer, O'Mahoney and his agents worked feverishly to enlist returning war veterans in the Fenian Brotherhood. Buoyed by glowing reports of Fenian progress in Ireland, he issued a "Final Call" in August, 1865, asking for 300 experienced officers to be sent to Ireland and for money to buy arms.

Just as in Ireland, the American Fenians had to combat the mounting opposition of the Catholic Church. In Philadelphia, the Catholic Bishop told his congregation that the Catholic Church did not sanction the Fenian Brotherhood as it was an oath bound society.<sup>9</sup> The Archbishop

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<sup>8</sup>D'Arcy, Fenian Movement, p. 47.

<sup>9</sup>"The Fenians," The New York Times, August 24, 1865, p. 4.

of St. Louis refused a request to conduct a funeral service for a Fenian, saying that the Brotherhood was immoral in its object of exciting a rebellion in Ireland.<sup>10</sup>

In October, 1865, the third Fenian Convention was held in Philadelphia. During the convention, an "Irish Republic" was organized with a full complement of officers that was a replica of the American Federal Government. It assumed the absurd position that it actually possessed sovereignty and shortly thereafter set up a Fenian capital in the old Moffat Mansion opposite Union Square in New York City. Here, under the Fenian flag of the harp and sunburst, the new "government" set out to raise an army, dispatched letters of marque and reprisal, corresponded with other governments, and issued bonds in denominations of \$10, \$20, \$50, \$100, and \$500 at 6% interest, payable six months after the independence of Ireland.<sup>11</sup> The New York Times, one of the few New York newspapers to risk alienating the city's Irish population, spoke out against the Fenian bond issue by saying that:

We hope our citizens will not be enticed into investing their money in Fenian bonds as they are not likely to be worth the paper they are printed on. The whole Fenian movement is a bubble, if not a swindle. It is better to use the money for comfort of family or education of children.<sup>12</sup>

Within the Fenian organization, the great debate over strategy continued. The Fenian Senate, now dominated by the "Men of Action" and led

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<sup>10</sup>"The Fenians," The New York Times, Sep. 3, 1865, p. 1.

<sup>11</sup>Samuel P. Orth, Our Foreigners, A Chronicle of Americans in the Making (Yale University Press, 1920), pp. 118-21.

<sup>12</sup>"Bogus Bonds and Bubbles," The New York Times, Oct. 30, 1865, p. 4.

by Vice President William R. Roberts, sought to seize direction of the Fenian movement away from O'Mahony. Finally, in a dispute over the bond issue, the Senate impeached O'Mahony and elected Roberts as the new President. The new leadership quickly decided to launch an attack against Canada. Despite this setback, O'Mahony still commanded a great deal of support among the Eastern circles and continued to occupy the Fenian capital on Union Square. He called a fourth convention in December, 1865, at which time he regained his old title of Head Center and persisted in advocating action in Ireland.

By the end of 1865, the Fenian ranks were swollen with new members, probably entailing more than 900 circles of about 500 members each.<sup>13</sup> Unhappily for the Brotherhood, their leadership was split into two factions, each trying to sound the most anti-English and each accusing the other of treason and of selling out for British gold. Outside of the Irish community, few others took the Fenian movement seriously.

In Washington, the administration of Andrew Johnson was anxious to conciliate the Irish vote. The Radical Republicans, led by Charles Sumner in the Senate and Thaddeus Stevens in the House, had already shown that their policy of reconstruction was diametrically opposed to that advocated by Abraham Lincoln and now by President Johnson. Facing a bitter fight in Congress over reconstruction, the Administration was not prepared to lose the support of the Irish vote by undue concern over Fenian sword-rattling.

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<sup>13</sup>The New York Times, Dec. 13, 1865, p. 4.

### The Fenian Threat in Ireland

The most succinct statement on Fenianism in Ireland at this time is provided by Charles Francis Adams, who toured the island in August, 1865. Adams passed on his observations to Secretary Seward and had this to say about the Fenians:

This is the establishment of a secret organization having its affiliations in both hemispheres. I refer to the Fenians . . . . Its basis is the popular hatred of the English rule, and its object to prepare the means of seizing the first favorable opportunity to throw it off. Of the spread of this association throughout the southern and western parts of Ireland there can now be no doubt. It organizes into clubs, the members of which are engaged in drilling themselves at night in secret, just as if they were preparing for some violent outbreak. The attention of the government has been roused to these proceedings, and some measures of repression have been already resorted to . . . . An association which has called forth such energetic proceedings from a government generally so sluggish in movement must have gathered numbers sufficient at least to give it a semblance of political strength . . . . In England, few persons consider a serious insurrection a possibility. In Ireland, few have it ever out of their minds.<sup>14</sup>

Adams accurately analyzed the situation in Ireland for the British Government was concerned about the Fenians. Irish and English newspapers, as well as numerous informers, created an impression that the movement was assuming serious proportions. For example, an article in a Waterford, Ireland, newspaper proclaimed that:

Fenianism is growing in numbers every day, the only conversation is of Fenians. Well-dressed Yankees speak of the invasion of Ireland by a Fenian fleet as a certainty within the next few months. The Fenians are drilling every night.<sup>15</sup>

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<sup>14</sup> Adams to Seward, September 22, 1865, Diplomatic Correspondence, Part II, pp. 562-63.

<sup>15</sup> The Times (London), September 18, 1865, p. 7.



On September 15, 1865, Dublin police raided the offices of an Irish nationalist newspaper that had been founded by James Stephens, called the Irish People. Stephens avoided arrest but the entire staff of the paper was taken into custody. They were soon tried and imprisoned for Treason-Felony.

Seizure of the Irish People only seemed to focus attention on the disaffection of the Irish people. Three documents are particularly representative of the tone of English public opinion. The first document is a letter from John T. Delane, editor of The Times (London). He was visiting Ireland and wrote to a friend in London on October 25, 1865:

Leaders in Ireland agree as to the universality of the Fenian conspiracy; they say it includes the whole lower class of both town and country, that its organization is fastidiously complete, and that everywhere in the last few weeks there have arrived from the United States the very sort of men the spies taught the government to expect. These men have no papers which can be seized and commit no unlawful acts; they are evidently soldiers. There are no large deposits of arms but small amounts arrive all the time. The gentry in the south are in great alarm and the demand for troops is universal. . . . There are many rumors as to when the insurrection will begin.<sup>16</sup>

The other two sources are articles in The Times (London). On September 30, 1865, The Times' American correspondent reported the American attitude to be as follows:

Let the Irish have a try at England, if they beat her, so much the better. If they do not, it is no concern of ours . . . . All we want is an opportunity to exchange compliments

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<sup>16</sup> Arthur Irwin Dasent, John Thadeus Delane, Editor of "The Times", Vol. I (London: John Murray, 1908), p. 143.

with John Bull on the matter of neutrality when the proper time arrives.<sup>17</sup>

Four days later The Times stated that:

What is certain is that the United States territory is to all intents and purposes the basis of Fenian operations . . . . There is not the least doubt that a very considerable number of American citizens are at this moment openly engaged in levying war against her Majesty.<sup>18</sup>

Head Center James Stephens was the object of sensational news when he was finally arrested in Ireland on November 11, 1865. The news was even more sensational when he escaped from prison two weeks later. An investigation was immediately conducted and official fears were confirmed when it was learned that Irish employees at the prison had engineered Stephens' escape by making duplicate keys for six cell doors. Stephens was subsequently smuggled out of the country and soon turned-up in Paris.

Lord Palmerston died on October 18, 1865, and Earl Russell became the new Prime Minister. His position at the Foreign Office was assumed by Lord Clarendon. Like so many of his predecessors, Russell found it easier to suppress the discontent in Ireland than to attack its sources. Consequently, the British Army distributed 26,000 regular troops to garrisons in every major town in Ireland, the 11,000 man militia force was strengthened, and the channel fleet was stationed off the west coast of Ireland to intercept Fenian ships from America. Government authorities continued to arrest all persons found engaged in treasonous activities, such as making seditious speeches or drilling.

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<sup>17</sup>"Report on Fenianism in America," The Times (London), September 30, 1865, p. 9.

<sup>18</sup>Editorial, The Times (London), October 4, 1865.

### Summary

By the end of 1865, the lines were drawn for the role international Fenianism was to play for the next five years. The issue of Fenianism had been raised diplomatically by Great Britain and was immediately linked by the United States to Britain's unneutral conduct during the American Civil War. In America, the Fenian Brotherhood prospered although its leaders quarreled and finally split over strategy. Politicians paid deference to the Irish-Americans. Even the administration of President Johnson was loath to offend the Fenians as the titantic struggle over reconstruction loomed in the Congress. By year's end, Fenianism in Ireland had provoked a sharp reaction from the British Government. As usual, the Irish problem was to be suppressed rather than corrected. English public opinion was nearly unanimous in looking for the roots of Fenianism in the United States and blaming America for the troubles in Ireland. The stage was now set for the Fenians to take to the field.

## CHAPTER 3

### THE FENIANS ATTACK CANADA

Fenianism in America reached its high-water mark in 1866. Conditions were favorable. England's unneutral conduct during the Civil War in building and outfitting privateers for the Confederacy, of which the Alabama was only one of several, left a residue of ill feeling between the two countries. The turbulent political situation in the United States during the years immediately following the Civil War favored the ambitions of the Fenian Brotherhood. Radical Republicans espoused Fenianism in order to embarrass the administration of Andrew Johnson. Democrats continued their traditional policy of cajoling the Irish vote. The Fenian leaders regarded slight favors and encouragement from Washington as clear proof that the Government was definitely and permanently anti-British. But the American people and Government did not want another war, either to avenge their commercial losses or to liberate Ireland. These sentiments, however, were lost to the Fenian leaders as they prepared to strike at Canada.

#### Campobello

After the Fenian Senate noisily split with President John O'Mahony, most newspapers thought the Fenian excitement was over. Harper's Weekly felt that the whole movement had died quietly in ridicule<sup>1</sup> while the New York Times recommended that the squabbling Fenians should be given

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<sup>1</sup>"Fenianism," Harper's Weekly, February 10, 1866, p. 82.

their choice of departing for Ireland or the Bloomington Lunatic Asylum.<sup>2</sup> Meanwhile, O'Mahony was desperately seeking some means of regaining the initiative. Finally, to forestall his rivals, he too endorsed a plan for an attack on Canada. He explained his reasoning to John Mitchell, the Brotherhood's envoy in Paris:

I consider a revolutionary organization in Ireland to be absolutely essential to her liberation. . . . With a strong home organization, even our contemplated raid upon Canada, followed up by the landing in Ireland of a few thousand filibusters with arms and ammunition might effect all that we desire. . . . The Canadian raid I look upon as a mere diversion. Unless it drag the U.S. into war with England, it can only end in defeat to those who engage in it. But, it is worth trying in the hope that it may lead to such a war.<sup>3</sup>

O'Mahony's plan was to seize the island of Campobello for Ireland and use it as an invasion base against Canada or as the headquarters for a fleet of Fenian privateers. On April 11, 1866, unarmed Fenians began to arrive in the border town of Eastport, Maine, opposite Campobello Island. The next day, the Collector of Customs at Eastport telegraphed the Treasury Department and asked that a military agent be sent. This message triggered a series of indecisive cabinet meetings during which the political ramification of offending the Irish-Americans was the main consideration. This concern is understandable in light of President Johnson's recent veto of the Civil Rights Bill, which had driven moderate Republicans into the ranks of the Radicals, thereby creating a serious breach between the President and his party.

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<sup>2</sup>"The F. B. - Fenian Burlesque," The New York Times, January 15, 1866, p. 4.

<sup>3</sup>John Denieffe, A Personal Narrative of the Irish Revolutionary Brotherhood (Ireland: Irish University Press, 1969), p. 203. Note: Campobello Island is a part of the Canadian province of New Brunswick.

At the first cabinet meeting during which the Fenian situation was discussed, Secretary of War Edwin M. Stanton wanted the President to issue a proclamation but did not want General Ulysses S. Grant or the War Department openly committed. It was finally decided that a proclamation would not be issued for fear of offending the Irish.<sup>4</sup> On the same day, Secretary of the Navy Gideon Welles dispatched the Winooski, a Federal gunboat, to Eastport to await instructions. On April 17, 1866, a Fenian steamer named the Ocean Spray, loaded with 500 stand of arms, arrived off Eastport. Now, Secretary of State Seward received a message from Sir Frederick Bruce, Ambassador to the United States from Great Britain, who also had agents in Eastport, urging that the Fenians and their arms not be permitted to meet. Seward suggested to Welles that the Navy should act but Welles refused, saying that General George G. Meade would soon arrive in Eastport and that the Navy would cooperate with the civil officials. The cynical Welles confided to his diary that, "I observe that these men are very chary about disturbing the Fenians, and I do not care to relieve them."<sup>5</sup>

Finally, the Customs Collector at Eastport, Washington Long, took the initiative and seized the Fenian arms aboard the Ocean Spray. When General Meade arrived on April 19, 1866, with three companies of infantry, he confirmed the seizure of the arms, and gave public notice

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<sup>4</sup>Howard K. Beale, Diary of Gideon Welles, Secretary of the Navy Under Lincoln and Johnson, Vol. III (New York: W. W. Norton, 1960), p. 451.

<sup>5</sup>Welles, Diary, p. 486.

that no violation of the neutrality laws would be permitted.<sup>6</sup> These measures ended the first attempt at a Fenian raid on Canada. After encamping around Eastport for over a week with little food, money, or shelter, the several hundred-man invasion force gladly returned to their homes.

In Canada, the Fenian threat was taken quite seriously. The Fenian's secret but well-advertised plan to attack Canada had first led the Canadian Government to place two battalions of volunteers in active service as a reaction force to check Fenian raids.<sup>7</sup> By March 17, 1866, the Canadians had called up a force of 10,000 volunteers to repel an invasion from the United States. So certain were they of an attack on St. Patrick's Day that all railways on the line to the frontier were keeping engines fired to quickly send off troop trains, soldiers were drilling, ammunition had been issued, and the Government had taken possession of the telegraph lines.<sup>8</sup> By the time General Meade dispersed the Fenians at Eastport, the British had six warships riding at anchor in the bay with their gunports ominously open and 5,000 troops standing-by in the vicinity.<sup>9</sup>

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<sup>6</sup>U.S., Report of the Secretary of War, 1866 (Washington: Government Printing Office, 1867), p. 42.

<sup>7</sup>"Active Operations to Check Fenian Raids," The New York Times, November 14, 1865, p. 1.

<sup>8</sup>"The Canadian Flurry," The New York Times, March 10, 1866, p. 4.

<sup>9</sup>William D'Arcy, The Fenian Movement in the United States: 1858-1886 (Washington: Catholic University of America Press, 1947), p. 137-39.

The Fenian fiasco at Campobello had two results. One was that it showed that the United States Government would, however reluctantly, act to thwart Fenian attempts to violate the neutrality laws. The second was the demise of O'Mahony and his followers. In May, 1866, James Stephens arrived in the United States to heal the split in the American Brotherhood. He accepted O'Mahony's resignation and himself assumed leadership of the wing dedicated to action in Ireland. The Senate wing, led by Colonel William R. Roberts, spurned Stephens' overtures, accused him of being an English spy, and proceeded with their scheme to attack Canada.

#### The Great Attack

The strategy of Colonel Roberts was more far-reaching than that of O'Mahony at Campobello. First, a piece of Canadian land would be seized so that the attackers could be recognized and accorded the rights of belligerents. Then a port would be seized for commerce raiders to sail from and to bring in prizes. Finally, all of Canada would be taken and afterwards traded for Ireland. In essence, Canada was to be hostage for the freedom of the old homeland.

During the last two or three days of May, 1866, thousands of Fenians began to gather along the Canadian border, with the largest concentrations at Buffalo, Ogdensburg, and Malone, New York; and St. Albans, Vermont. In Buffalo, over 1,000 Fenians claimed to be laborers bound for California.<sup>10</sup> On May 31, the Canadian Adjutant-General was ordered to call out 14,000 volunteers, to be ready for service in 24 hours. Government officials in Washington viewed the Fenian activity as another

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<sup>10</sup>"Fenianism Galvanized," The New York Times, June 1, 1866, p. 1.



false alarm. As reports of Fenian deposits of arms and collections of men were received, they were sent to General Meade, Commanding the Department of the Atlantic, and thence to Major General Joseph Hooker. General Hooker was instructed to investigate the reports, to seize all arms and ammunition destined for illegal use, and to preserve the neutrality laws as far as his means allowed.<sup>11</sup> As a result of these rather routine instructions, no action was taken before June 1, 1866.

Early in the morning of June 1, General John O'Neill, a former cavalry officer in the Union Army, crossed the Niagara River with approximately 800 men and encamped at Frenchman's Creek near Fort Erie, in Canada. O'Neill's force was organized into four regiments, the 7th Buffalo, 13th Tennessee, 17th Kentucky, and 18th Ohio.<sup>12</sup> Included in the force were many ex-Confederate soldiers, some wearing their old gray uniforms. O'Neill was completely lacking in artillery, cavalry, or provisions of any kind. He hoped to capture Canadian artillery and live off the land until news of his success brought a rush of supplies and reinforcements.

On June 2, General O'Neill marched to Black Creek and then moved toward the village of Ridgeway to intercept a force of about 1,240 Canadian volunteers, called the "Queens Own." The forces collided at about 8:30 in the morning. At first, the volunteers advanced and drove in the Fenian pickets. Then O'Neill ordered a counter-attack and the "Queens Own", mostly untrained college students, was routed and retreated ignominiously to Port Colborne. Hearing of the approach of

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<sup>11</sup>Report of the Secretary of War, 1866, p. 43.

<sup>12</sup>"Extract from the Army and Navy Journal," Harper's Weekly, June 23, 1866, p. 396.

a large force of British regulars, the Fenians returned to Fort Erie where they overcame a small force of Canadian volunteers which had been foolishly landed from the tug Rob. O'Neill's force then escaped from Canada on a barge but was captured and detained in the middle of the Niagara River by the U.S. steamer Michigan, which was belatedly patrolling the river. Canadian losses amounted to 12 killed and 40 wounded while the Fenians suffered 8 killed, 20 wounded, and over 60 stragglers captured.<sup>13</sup>

In Washington, the cabinet was again in a quandry about how to preserve the neutrality laws without unnecessarily offending the Irish. Seward and Stanton asked Welles to arm two tugs to assist the Michigan. Again, Welles refused to comply, writing in his diary that, "Stanton and Seward want me to do their dirty work in causing a war with the Irish. How can I arm steamers when we are not at war and by treaty stipulation we are to have but one naval vessel on the lake. . . . Stanton wants me to enlist the Irish against the Administration."<sup>14</sup>

Meanwhile, General Meade arrived in Buffalo on June 3, concluded that the attack by O'Neill was a feint, and immediately left for Malone and St. Albans, where larger numbers of Fenians were concentrated. As the United States Army units were too few to prevent a crossing by thousands of Fenians,<sup>15</sup> General Meade directed their employment south

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<sup>13</sup>D'Arcy, Fenian Movement, p. 161.

<sup>14</sup>Welles, Diary, p. 518-24.

<sup>15</sup>Only three companies of the 3rd Artillery and eight companies of the 42nd Infantry, totalling approximately 774 men, were available to General Meade in the area of operations. In addition, a large number of invalids were included in the ranks of the 42nd Infantry, a regiment that was never supposed to take the field.

of the border to seize all incoming arms, to turn back suspicious persons, and, in general, to take all measures possible to prevent violations of the neutrality laws.<sup>16</sup> By now, Federal troops were beginning to arrive at the border, ironically sometimes riding on the same trains bringing Fenian volunteers. On June 6, General Meade ordered the arrest of Fenian leaders and issued the long-delayed Proclamation from President Johnson commanding the dispersion of the Fenians. On June 7, General Samuel S. Spear led 1,800 Fenians across the border near Franklin, Vermont, and captured the villages of Frelighsburg and St. Armand. But on June 9, at the advance of a large Canadian force, they withdrew back to the United States. Now, with the capture of most of their arms and ammunition, coupled with an offer of free government transportation home, the Fenian campaign quickly collapsed. The offer of government transportation was deemed the most expedient way of removing an estimated 10,000 Fenians from the border region before they became hungry and riotous.<sup>17</sup> Boss William M. Tweed, of New York City's Tammany Hall, also provided transportation home for many New York City Fenians.

While General Meade's decisiveness and the Fenian's ineptitude were bringing the invasion to a farcical conclusion, the cabinet debated the problem of what to do with the Fenians captured by the Michigan. Welles reports that Seward even suggested they just be allowed to run away.<sup>18</sup> Finally, it was decided that they should be considered prisoners of the state of New York and turned over to William A. Dart, District Attorney

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<sup>16</sup> Report of the Secretary of War, 1866, p. 43.

<sup>17</sup> Report of the Secretary of War, 1866, p. 43.

<sup>18</sup> Welles, Diary, p. 520.

of Western New York. They were subsequently released on the night of June 5, the men on their own recognizance, the officers on \$500 bail, all to appear for trial at Canandaigua, New York, when required.<sup>19</sup>

So ended the great attack on Canada. Never again would the American Fenians take to the field with the strength they mustered in June, 1866. Diplomatically, President Johnson had enforced the neutrality laws and hamstrung the invasion attempt. Politically, he had incurred the wrath of the Irish community, particularly since they felt that he had deceived them as to his true intentions. For the next four years, the Fenian battle in America would be fought on the political and diplomatic fronts.

#### Sequel to the Great Attack

In the weeks following the abortive invasion, politicians, diplomats, newsmen, and Fenians all took rather predictable stands. In Congress there was a spirited competition for the Irish vote. Diplomatically, Ambassador Bruce downplayed the military aspects of the situation and became a stabilizing force in Anglo-American relation. The press generally applauded the President's actions while the Fenians denounced the Administration in vituperative terms.

On June 11, 1866, Representative Sydenham E. Ancona, Democrat from Pennsylvania, introduced a resolution in Congress to repeal the Neutrality Law of 1818, under the terms of which the President's proclamation against the Fenians was issued.<sup>20</sup>

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<sup>19</sup>The New York Times, June 6, 1866, p. 6.

<sup>20</sup>U.S., Congress, House, A resolution to repeal the Neutrality Act of 1818. 39th Cong., 1st sess., June 11, 1866, Congressional Globe, p. 3085.

When this measure was defeated, Representative Robert C. Schenck, Republican from Ohio, introduced a resolution that the United States express sympathy for the Irish, recognize the Irish nation as a belligerent, and extend aid and privileges to Ireland. This resolution was referred to the Committee on Foreign Affairs.<sup>21</sup> Although Secretary of State Seward paid little attention to this resolution, the mere fact that it had been introduced gave great concern to Ambassador Bruce, who wrote to Lord Clarendon that:

These proceedings are an indication of the strength of the Irish vote, and of the desire to conciliate it as well as of the reckless and illogical manner in which many persons here are prepared to apply what is termed the precedent act of Great Britain in acknowledging the belligerency of the Southern States, for the Fenians could only be belligerents in virtue of their being a recognized power in possession of part of a territory of the U.S. where alone their organization has a public existence.<sup>22</sup>

Bruce correctly viewed Fenianism more as a political than as a military force on the American scene. He understood the political struggle between the President and the Radicals and personally believed that Johnson had gone as far as he could in dealing with the Fenians. Consequently, he advised Lord Clarendon that:

Whatever may be thought of the conduct of this government in allowing the Fenian agitation to be publicly carried on without any check, one thing is certain, that the best course

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<sup>21</sup>U.S., Congress, House, A resolution to recognize the belligerent status of Ireland. 39th Cong., 1st sess., June 11, 1866, Congressional Globe, p. 3085.

<sup>22</sup>Great Britain, Foreign Office, British and Foreign State Papers, Bruce to Clarendon, June 12, 1866, F.O. 115: 453.

to pursue is to act in concert with the President in preventing any fresh issue or causes of difference from arising out of these proceedings on the frontier.<sup>23</sup>

On June 18, 1866, Bruce analyzed the Fenian problem in the United States with exceptional clarity when he again wrote to Lord Clarendon about Fenianism:

On the contrary, I dread its influence far more at the polls than I do in the field, and I only trust that the incapacity its leaders have shown, and the desire for action and excitement so strong in the Celtic race, will continue to blind them as to the true course they ought to pursue here, with a view to embroiling the two countries. . . . I think, if we act with lenity toward the prisoners in our hands in Canada on the grounds of their being misguided dupes, that we shall strengthen the hands of this Government in acting against the leaders. . . . In dealing with this delicate question it is security for the future, and the effect on opinion here, which are the main points to be considered, and the question of punishment to be inflicted on the misguided dupes that have fallen into our hands should be decided in view of these considerations and not by the very natural resentment these proceedings call forth.<sup>24</sup>

In London, the conciliatory stance urged by Sir Frederick Bruce, coupled with a message from the Governor-General of Ottawa, Viscount Monck, attesting to the good faith of the American Government in checking the Fenian invasion,<sup>25</sup> had its effect. In an editorial, The Times (London) was lavish in commending the United States for its good faith in stopping the Fenians, adding that its actions "exceed anything that could reasonably have been expected from the most friendly nation."<sup>26</sup>

<sup>23</sup> Bruce to Clarendon, British and Foreign State Papers, June 11, 1866, F.O. 115: 453.

<sup>24</sup> Bruce to Clarendon, British and Foreign State Papers, June 18, 1866, F.O. 115: 453.

<sup>25</sup> Great Britain, Irish University Press, Vol. 26, Colonies, Governor-General of Ottawa Viscount Monck to Edward Cardwell, M.P., Dispatch 53, June 14, 1866.

<sup>26</sup> "American Topics," The Times (London), June 16, 1866.

On July 31, 1866, the British Government officially thanked the United States for helping to defeat the attempts to disturb the peace of British possessions in North America.<sup>27</sup>

The reaction of America's press to the Fenian attack followed each paper's policy of being either pro or anti-Fenian. The traditionally hostile Harper's Weekly and New York Times labeled the Fenian leaders as contemptible criminals<sup>28</sup> and wretched fools respectively.<sup>29</sup> They both approved of President Johnson's use of the proclamation. As usual, America's enforcement of the neutrality laws was contrasted with Britain's actions during the Civil War.<sup>30</sup>

Finally, we may ask how the Fenians reacted to their humiliation. As might be expected, they cried "foul", and not without some justification. Irish Americans generally believed that officials of the United States Government had pledged themselves to the cause of Ireland's liberation. Indirectly, the Government had encouraged the Fenian movement by permitting Fenian activity in the Army during the war, by allowing the Brotherhood publicly to go on with its activities without any check, by releasing John Mitchell<sup>31</sup> from prison to engage in Fenian activities,

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<sup>27</sup>U.S., Diplomatic Correspondence, 1866, Bruce to Seward (Washington: Government Printing Office, 1867), July 13, 1866.

<sup>28</sup>"The Fenian Raid," Harper's Weekly, June 16, 1866, p. 371.

<sup>29</sup>"Culmination of the Fenian War," The New York Times, June 12, 1866, p. 4.

<sup>30</sup>"British and American Fair Play," The New York Times, June 13, 1866, p. 4.

<sup>31</sup>John Mitchell was a noted Irish nationalist who was imprisoned after the war for his pro-Southern activities and journalism. He was released by President Johnson as a sop to the Irish community.

and, most importantly, by selling arms and ammunition to the Fenian Brotherhood.<sup>32</sup> A Fenian official confided to the press that a person who went to Washington before the attack to consult with President Johnson was assured that the Fenians need fear no trouble on the part of U.S. authorities; that it would be necessary to make a show of attempting to prevent a Canadian invasion, but active interference was ruled out. Indeed, in regard to according belligerent rights to the Fenians in Canada, the President is represented as having said that, "This government will recognize accomplished facts; when the Fenians show their ability to become belligerents, they will be accorded the rights of belligerents."<sup>33</sup> Within Fenian circles, these rumors persisted for years. In 1868, General O'Neill visited President Johnson at the White House to ask for the return of some Fenian arms.<sup>34</sup> O'Neill's version of the interview lends some credence to the theory that President Johnson did not openly discourage the Fenians but rather attempted to maintain their support while assuming that their plans would never progress beyond rhetoric. According to Henri LeCaron, who accompanied O'Neill, the President said to O'Neill:

General, your people unfairly blame me a good deal for the part I took in stopping your first movement. Now, I want you to understand that my sympathies are entirely with you, and anything which lies in my power I am willing to do to assist you. But, you must remember that I gave you five full days before issuing any proclamation stopping you. What in God's name more

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<sup>32</sup> Florence E. Gibson, The Attitudes of the New York Irish Toward State and National Affairs, 1848-1892 (New York: Columbia University Press, 1951), p. 186.

<sup>33</sup> The New York Times, June 4, 1866, p. 1.

<sup>34</sup> John O'Neill and President Johnson had been friends since 1862 when Johnson was Military Governor of Tennessee.



do you want? If you could not get there in five days, by God, you could never get there; and then, as President, I was compelled to enforce the Neutrality Laws, or be denounced on every side.<sup>35</sup>

There is no other evidence to indicate that President Johnson hesitated to act before he could gauge Fenian success. Instead, he was, as always, reluctant to offend the Irish vote. The President had already shown at Campobello that the Government would enforce the neutrality laws. The Fenians deceived themselves when they chose to believe otherwise.

#### The Election of 1866

By the middle of June, 1866, political campaigning for the fall elections began in earnest. As usual, both Democrats and Republicans regarded the Irish vote as critical and behaved accordingly. Colonel Roberts, who had been arrested during the late invasion attempt, announced from his jail cell that the politicians of the Administration would rue the day they deceived the Fenians and that the Radicals were the only true and consistent party.<sup>36</sup> Secretary of State Seward was viewed as the chief villain.

Roberts was soon free on bond. On June 18, he was introduced on the floor of the United States Senate by Senator Harry Wilson of Pennsylvania. That evening, Roberts gave a speech in Washington and

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<sup>35</sup>Major Henri LeCaron, Twenty-Five Years in the Secret Service: The Recollections of a Spy (London: William Heinemann, 1892), p. 58. Note: In 1866, LeCaron, a trusted associate of O'Neill, was actually a British spy.

<sup>36</sup>"Interview with the Fenian Chief," The New York Times, June 10, 1866, p. 1.

was introduced by Schuyler Colfax, Speaker of the House of Representatives. Colfax was a former member of the old Know-Nothing Party but he too was now courting Irish votes.<sup>37</sup> On July 23, the House passed a resolution requesting the President to urge upon the Canadian authorities the release of Fenian prisoners recently captured in Canada.<sup>38</sup> British officials were anxious to help the Administration against the Radicals. During the months of June and July, most American prisoners held in Canada and Ireland were released on condition they return immediately to the United States.<sup>39</sup> Also on July 23, the House passed a resolution requesting the President to discontinue legal prosecution of the Fenians.<sup>40</sup> To conciliate the Irish, President Johnson did order legal proceedings stopped against the Fenians arrested after the raid on Canada, including the Fenian leaders. As an interesting sidelight, the Fenians captured in a barge by the Michigan were being defended, free of charge, by a group of Buffalo lawyers, all Democrats, led by Grover Cleveland, a future President of the United States.<sup>41</sup>

President Johnson made another bid for the Irish vote on September 24, when he ordered the arms seized during the Canadian raid returned

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<sup>37</sup> D'Arcy, Fenian Movement, p. 177.

<sup>38</sup> U.S., Congress, House, A resolution urging Canada to release Fenian prisoners, 39th Cong., 1st sess., July 23, 1866, Congressional Globe, p. 4047.

<sup>39</sup> The diplomatic aspect is more fully developed in succeeding chapters.

<sup>40</sup> U.S., Congress, House, A resolution to stop prosecution of Fenians, 39th Cong., 1st sess., July 23, 1866, Congressional Globe, p. 4048.

<sup>41</sup> Allan Nevins, Grover Cleveland, A Study in Courage (New York: Dodd, Mead and Company, 1933), p. 54.

to the Fenians on condition that they not be used to violate the neutrality laws. The President's overall conduct in regard to the Fenians was defended in Harper's Weekly, which reported that some Democrats were appealing to, ". . . an ignorant foreigner for his vote on the ground that the President was his enemy because he had faithfully executed the laws of the land. . . . President Johnson's handling of the Fenian attack on Canada was the one energetic, praiseworthy, and thoroughly American act of his administration."<sup>42</sup>

The Radical Republican's won the election. They made large gains outside of the cities and many felt that enough Irishmen defected from the Democratic party to swing the election to the Radicals. In the cities, especially New York City, there was an enormous Democratic vote. John T. Hoffman, a Tammany Hall candidate, and follower of Boss William M. Tweed, had the full support of the Irish community and was easily elected mayor of New York City.<sup>43</sup>

### Summary

In 1866, the Fenian Brotherhood in America concocted two schemes to invade Canada. In each case, the ultimate objective was the liberation of Ireland, to be achieved either by causing an Anglo-American war or by ransoming Canada for Ireland. At Campobello, even the hesitant actions of the Johnson Administration were sufficient to end the foray. Six weeks later, along the Canadian border running from Buffalo to

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<sup>42</sup>"Flattering the Fenians," Harper's Weekly, November 12, 1866, p. 722.

<sup>43</sup>Gibson, Attitudes, p. 241.

to St. Albans, thousands of Fenian soldiers were rendered ineffective by inept Fenian leadership and military countermeasures of the United States Army. England's reaction to the attack was mild, due in part to Ambassador Bruce's appreciation of the American political scene, and partly to events taking place in Europe. American politicians vigorously competed for the Irish vote, with a large number of Irishmen ultimately deserting the Democratic Part to help insure an election victory for the Radical Republicans. By year's end, Fenianism had reached its high water mark on the American domestic scene. Henceforth, its impact would be measured by its deleterious effect on British-American relations.

## CHAPTER 4

### FENIAN UPRISING IN IRELAND

In late 1865, John O'Mahony's Fenian Brotherhood was sending money, munitions, and volunteers to Ireland. Thoroughly alarmed, the British Government suspended the Habeas Corpus Act in Ireland and arrested large numbers of Fenians. Those arrested were largely native-born Irishmen who had immigrated to America, had served in the Union Army during the Civil War, and had become naturalized citizens of the United States. Diplomatic complications quickly arose when Great Britain refused to recognize their American citizenship or the right of self-expatriation. Because of political considerations at home, neither country was ready for a showdown over naturalization and the Fenian prisoners were gradually released. By early 1867, the long awaited Fenian uprising in Ireland was about to begin.

#### Suspension of the Habeas Corpus Act

On February 17, 1866, Prime Minister Russell called a special session of Parliament to consider a request by the Lord Lieutenant of Ireland that the Habeas Corpus Act be suspended to ensure that country's safety. Sir George Grey, Home Secretary, told the House of Commons that suspension was necessary to strike at the Fenian conspiracy. Russell informed the Lords that Fenianism in Ireland was supported from America with a view toward insurrection.<sup>1</sup> The request was supported by Benjamin Disraeli, a leading member of the opposition, who said, "It was

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<sup>1</sup>Great Britain, Parliament, Hansard's Parliamentary Debates, Vol. CLXXXI (1866), p. 659-62.

clear that the present menacing situation of Ireland was not produced by any domestic or internal causes."<sup>2</sup> A bill to suspend the habeas corpus was passed by a vote of 364 to 6 and approved by Queen Victoria the same night.<sup>3</sup>

The Act's suspension had one motive, and that was to quickly round up all Americans in Ireland. In surprise raids the next day, 98 persons were arrested, of whom 38 immediately claimed American citizenship.

The Times (London) supported the Government's action, commenting that:

The Fenian impulse comes chiefly from America, where the conspiracy had been organized and from where it is directed. It is now necessary to deal with the Fenian agitators from America who are working with disastrous effect upon the people.<sup>4</sup>

Six days later, the Fenian situation was heatedly debated in Parliament. The opposition felt that the British Government must deal with Fenianism at its source, i.e., the United States, and insisted that a representation be made to Washington. In reply, Chancellor of the Exchequer William E. Gladstone said that the Fenians had not violated any laws in the United States and there was thus far no reason to make a representation. Condescendingly, he added that, "We in the House of Commons must show our self-restraint and have patience with those less-practiced in the habits of freedom. Do not let us needlessly sow the seeds of mistrust between these two great countries. Although

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<sup>2</sup>"Speech by Disraeli in Parliament," The New York Times, March 5, 1866, p. 5.

<sup>3</sup>Great Britain, Parliament, Sessional Papers, (House of Commons), 1866, Vol III, "Habeas Corpus Suspension (Ireland) Bill," February 17, 1866, p. 121.

<sup>4</sup>The New York Times, March 9, 1866, p. 1.

the seed of mischief lies in America, we do not believe it to be American."<sup>5</sup>

The suspension had its intended effect. The Government did not end the conspiracy in Ireland but paralyzed it. Many of the timid abandoned the association while others threw away their rank insignia or uniforms. An article from the London Shipping Gazette of February 20, 1866, reported that an estimated 1,400 to 1,500 Irish-Americans left on February 17 from Dublin on the Liverpool steamer.<sup>6</sup> By March 31, 670 persons had been arrested.<sup>7</sup>

#### Naturalization Question Avoided

On February 22, 1866, United States Ambassador Charles Francis Adams reported to Secretary of State William H. Seward that Parliament had suspended the writ of habeas corpus in Ireland due to the spread of Fenianism. He added that a number of those arrested claimed to be American citizens, and that they were astute enough to raise a complication between the two countries over the right of expatriation.<sup>8</sup>

As arrests in Ireland continued, both Adams and William B. West, U.S. Consul at Dublin, Ireland, were rebuffed in their attempts to assist naturalized American citizens who had been arrested. On March 8,

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<sup>5</sup>Great Britain, Hansard's Parliamentary Debates, Vol. CLXXXI (1866), p. 1027-53.

<sup>6</sup>"The Fenians," The New York Times, March 8, 1866, p. 5.

<sup>7</sup>John Rutherford, The Secret History of the Fenian Conspiracy, Vol. II (London: C. Kegan Paul and Co., 1877), p. 234.

<sup>8</sup>U.S., Diplomatic Correspondence, 1866, Adams to Seward, February 22, 1866 (Washington: Government Printing Office, 1867).

Adams discussed the matter with Earl Clarendon. He told him that unless the naturalized Americans were released, or at least some reason given for their detention, they might become objects of sympathy in the United States, and thus add an American element in the Fenian movement. That evening Adams wrote to Secretary Seward that Great Britain claimed the right of dealing as it pleased with native-born Irishmen, no regard being paid to their naturalization in the United States.<sup>9</sup> At the same time, West reported to Seward that he was allowed to visit native-born citizens of the United States but not naturalized citizens. West added that the explanation he had received from British officials in Dublin was that the United States had no right to interfere in respect to a person born a British subject.<sup>10</sup> Indeed, such was the case. Earl Clarendon described his interview with Adams two days later in a letter to Bruce:

I told Mr. Adams that no British-born subject could ever, or under any circumstances, renounce, or be absolved from, his allegiance to his sovereign. . . . I have to inform you that Her Majesty's Government are advised that it would be impossible that they should recognize any title in any foreign power to interfere on behalf of natural born subjects of Her Majesty whom it may be thought necessary to detain in custody in Ireland, on the ground that such natural born subjects have become by naturalization or otherwise, entitled to rights of citizenship in a foreign country.<sup>11</sup>

Upon receipt of these dispatches from Adams and West, Secretary Seward soon outlined the policy Washington would follow in dealing with

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<sup>9</sup> Adams to Seward, March 8, 1866, Diplomatic Correspondence.

<sup>10</sup> Seward to Adams, March 22, 1866, Diplomatic Correspondence.

<sup>11</sup> Great Britain, Foreign Office, British and Foreign State Papers, Earl Clarendon to Bruce, March 10, 1866, F.O. 115:449.



the Fenian question. In a message to Adams on March 10, Seward explained that Fenianism in the United States was a political movement and that its origins were British, not American. Furthermore, the only concern of the United States was to preserve the neutrality laws; the Fenians had a right to moral agitation in the United States, as did all citizens.<sup>12</sup> In another message on March 22, Seward wrote that:

The British attitude means that the question of citizenship must be immediately resolved. The United States cannot agree to a denial of its right to extend to its naturalized citizens the same protection and care it extends to its native born citizens.<sup>13</sup>

He also expressed regret that the British Government had seen fit to raise the naturalization question. He added that British insistence would only raise the hopes of the Fenians that a serious disagreement between the two governments would ensue. Adams showed Seward's dispatches to Clarendon and explained that to raise the issue of indefeasibility of allegiance would only heighten anti-British feelings in the United States.

Seward was anxious to avoid the naturalization problem due to the political state of affairs in America. If the Fenians could generate a controversy over naturalization, the base of their domestic appeal would be broadened. This would obviously work to the disadvantage of the Government. In fact, the Fenians had already organized a rally in New York City to focus attention on naturalized citizens languishing in British jails. The rally drew a crowd of 100,000 persons, even though

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<sup>12</sup>Seward to Adams, March 10, 1866, Diplomatic Correspondence.

<sup>13</sup>Seward to Adams, March 22, 1866, Diplomatic Correspondence.

it was denounced beforehand by the Catholic Church.<sup>14</sup>

In London, the government of Lord Russell was also anxious to avoid a showdown over naturalization for several reasons. First, the Government's majority in Parliament was becoming ever more tenuous as controversy mounted over the whole question of domestic reforms. The moment was simply not propitious to deal with the expatriation issue. Secondly, the political situation in Europe was deteriorating. Prussia and Austria seemed bent on war. If Great Britain should be drawn into a continental war, it was imperative that friendly relations be maintained with the United States. Finally, Clarendon was convinced by Adams and Seward that no purpose would be served by further agitating the Fenians in America. He hoped that the Fenian movement would die a natural death.<sup>15</sup> Consequently, Clarendon issued instructions that the Fenians arrested in Ireland, both naturalized and native-born citizens, should be gradually released on condition that they return to the United States. He wrote to Bruce that naturalization was, ". . . a question involving a principle the discussion of which, in connection with Fenianism, it would be desirable not to enter upon."<sup>16</sup>

On June 1, 1866, the day the Fenians invaded Canada, Adams reported that United States Consuls could visit all American prisoners. He added that Lord Clarendon could not concede the point of allegiance but that

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<sup>14</sup>"Great Fenian Demonstration," The New York Times, March 5, 1866, p. 5.

<sup>15</sup>Adams to Seward, April 12, 1866, Diplomatic Correspondence.

<sup>16</sup>Clarendon to Bruce, British and Foreign State Papers, April 14, 1866, F.O.:450.

he hoped to remove the necessity of collision on that point.<sup>17</sup> By August 23, 1866, Adams was able to report that no person proven to be a native or naturalized citizen of the United States remained in prison under the act for suspending the habeas corpus.<sup>18</sup>

Thus ended the first controversy over the naturalization issue. Neither side was willing to yield in principle but both were willing to postpone a showdown for domestic and political reasons. Great Britain was not alarmed over the Fenian invasion of Canada and never commented on the attack through diplomatic channels.

In early June, a member of Parliament named Whalley suggested that the Fenian organization was only part of an insidious conspiracy of the Roman Catholic priesthood that was slowly gaining control of the army, the police forces, the railroads and the telegraph office. Amid great commotion, the Speaker of the House of Commons asked Mr. Whalley to exercise forebearance and not proceed further with his speech.<sup>19</sup>

On June 26, 1866, Lord Russell's Liberal government fell from power and was succeeded by the Conservatives headed by the Earl of Derby. Lord Stanley replaced Earl Clarendon as Foreign Secretary. Two of the first issues Lord Stanley had to face were a war in Europe and the disposition of Fenians taken prisoner in Canada.

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<sup>17</sup> Adams to Seward, June 1, 1866, Diplomatic Correspondence.

<sup>18</sup> Adams to Seward, August 23, 1866, Diplomatic Correspondence.

<sup>19</sup> Great Britain, Hansard's Parliamentary Debates, Vol. CLXXXIII (1866), p. 1692.

### The Canadian Prisoners

During the Fenian invasion of Canada in June, 1866, over 100 Fenian stragglers and pickets were captured. Public opinion in Canada was outraged at the attack and felt that the prisoners should be hanged as murderers. There was also a widespread opinion that the United States did not react soon enough and should have prevented the entire raid. Secretary Seward was soon in contact with Sir Frederick Bruce, expressing the hope that customary lawful proceedings would be tempered with forbearance and clemency.<sup>20</sup> As noted earlier, the House of Representatives passed a resolution urging the release of the Fenian prisoners. As might be expected, the prisoners became an election campaign issue with the Administration taking the brunt of the abuse.

Lord Stanley was deeply immersed in continental affairs, where Bismarck's Prussia was humiliating the Hapsburg's Austria. He hoped for a quick settlement of the prisoner issue. London's desires were made clear to Lord Monck, Governor General of Canada, by the Earl of Carnarvon, new Colonial Secretary, who advised Monck, "I hope that you and your advisors are alive to the wisdom of moderation in such a case."<sup>21</sup>

The trials were finally held in Toronto during October and November amidst compelling rumors of a new Fenian attack. Although twenty-six

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<sup>20</sup>"Seward to Bruce," The New York Times, July 27, 1866, p. 5.

<sup>21</sup>Carnarvon to Monck, July 7, 1866, The New York Times, August 9, 1866, p. 9.

Fenians were acquitted, the death penalty was imposed upon some, most notably John McMahon, a Catholic priest, and Robert B. Lynch, a newspaper correspondent. Immediately after the sentences were announced, Lord Monck wrote to the Earl of Carnarvon saying that the death penalty would not be carried out. However, he added that since the Fenian organization still existed and was still hostile to Canada, they should receive some adequate punishment.<sup>22</sup> Obviously, Monck could not disregard, in his own country, public opinion that was applauding the death sentences.

Unaware of Monck's letter, Seward asked Bruce for a record of the trials of Lynch and McMahon and of all further trials and convictions. He also stressed that, since the offenses were political, sound policy indicated amnesty and forgiveness.<sup>23</sup> Seward's request for the trial records created a mild sensation in London. The Earl of Derby assured Queen Victoria that the request was proper because those convicted were American citizens. He went on to explain that he believed President Johnson's attitude toward Great Britain would improve when the elections were over and the Irish vote was no longer of importance.<sup>24</sup> Not everyone in England favored clemency. The Economist argued that the Canadian prisoners must be executed to serve as an example for others, and thus

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<sup>22</sup> Great Britain, Irish University Press, Colonies, Vol. 26, Lord Monck to the Earl of Carnarvon, Dispatch 183, November 3, 1866.

<sup>23</sup> Seward to Bruce, October 27, 1866, Diplomatic Correspondence.

<sup>24</sup> George Earle Buckle, ed., The Letters of Queen Victoria, 1862-1872, Vol. I (London: John Murray, 1926), p. 375.

protect Canada from future raids.<sup>25</sup> The executions, scheduled for December 7, 1866, were postponed. On March 4, 1867, Queen Victoria commuted all death sentences of Fenian prisoners in Canada to twenty years imprisonment.

### Clarifying Positions

During the last three months of 1866, each country took steps to clarify its position vis-à-vis the other. Great Britain was anxious to sooth relations with the United States but was not willing to compromise on any key principles. The United States was convinced of the moral correctness of its position and was prepared to wait until Britain revised her thinking. The most divisive issue of all were the "Alabama Claims."

On October 1, 1866, Lord Stanley spoke in England on the importance of a cordial union between the United States and Great Britain. He said that:

More than any other earthly thing, the future civilization of the world depends upon such a union. . . . Any man who, either willfully or ignorantly, endeavors to estrange the two countries from each other is doing the very worst and mischievous piece of work that is given to a human being to do.<sup>26</sup>

Despite these pretensions, Lord Stanley denied that Great Britain had any obligation toward the United States in reference to the commerce raiders Florida, Shenandoah, Georgia, and Alabama. Instead, he regarded the unfortunate departure of these vessels as resulting from

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<sup>25</sup> Editorial, The Economist (London), November 17, 1866, p. 1334.

<sup>26</sup> "England and the United States," The New York Times, October 15, 1866, p. 4.

either unperceived intentions, lack of evidence, or administrative accident. In no case was British law lacking or insufficient. Lord Stanley denied any similarity between the actions of Great Britain toward the United States during the Civil War and the actions of the United States against the Fenians. One was clandestine while the other, the Fenians, was open and blatant in its intentions.<sup>27</sup> As mentioned earlier, Great Britain denied the right of a person to change his national allegiance.

The United States had a different interpretation of these events. In regards to the "Alabama Claims", Charles Francis Adams stated the American position when he claimed that a neutral state was bound to prohibit the participation of its own subjects in acts of hostility against either of the belligerents and was responsible for any damages resulting from its neglect or inability to do so.<sup>28</sup> President Johnson, in his annual message to Congress, said that goodwill and friendship between the United States and Great Britain could not be established until the "Alabama Claims" were adjusted. Commenting on the Fenian prisoners under death sentence in Canada, he stated that the United States believed in the maxim that severity of civil punishment for persons engaged in revolutionary attempts which had disastrously failed was unsound and unwise. President Johnson also said that the United States claimed for all persons an absolute political right of

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<sup>27</sup> Lord Stanley to Sir Frederick Bruce, November 30, 1866, Diplomatic Correspondence, pp. 186-87.

<sup>28</sup> From The Times (London), The New York Times, October 17, 1866, p. 1.

self-expatriation and a choice of new national allegiance.<sup>29</sup>

There was a general belief in the United States that Britain wanted friendly relations because she was in trouble in Europe. For example, Britain had no powerful allies or friends on the European continent. The Irish disaffection and the Fenian movement were potentially explosive. The reform movement in England threatened revolution. Despite the Crimean War, Russia was still interested in Turkey and passage of the Bosphorus and Dardanelles straits to the Aegean Sea. These threats rendered hostility on the part of the United States the most formidable of all the dangers Britain could foresee. England felt that America's friendship in case of war was problematic at best and disputes over such issues as the "Alabama Claims" and Fenianism only exacerbated the situation.

#### Canada

It is worthwhile to pause for a moment to consider the importance of Fenianism on the unification of Canada. In the early 1860's, a movement was begun to unite the four provinces of Ontario, Quebec, New Brunswick, and Nova Scotia into a self-governing federation. This movement had been given some impetus by the American Civil War. It was feared that the United States might, some day, desire to annex Canada and a Canadian defense could be more effectively organized by a unified government. The fear of American domination became quite real during

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<sup>29</sup>Annual Message of the President to the Second Session, 39th Congress, December 3, 1866, Diplomatic Correspondence.



the Fenian demonstrations along the border in 1866. In fact, the province of New Brunswick reversed its position after the Fenian threat at Campobello and agreed on the necessity for a union to combine for common defense and other matters of national importance. Consequently, in early 1867, Parliament enacted the British North American Act to create the Dominion of Canada.

### Fenian Uprising in Ireland

At this critical juncture, the time for the long awaited Fenian insurrection in Ireland seemed to be drawing near. In December, 1866, and January, 1867, the London newspapers carried extensive and alarming stories of arms shipments, arms seizures, and British troop movements to Ireland. For example, reports were received that scores of coffins were buried in Ireland filled with the best breech-loading rifles.<sup>30</sup> Another article reviewed English preparations and accurately estimated that Britain had 26,000 soldiers in Ireland, supported by a 12,000 man police force; had warships in every port; and had 100,000 more troops in England that could be deployed within a week.<sup>31</sup>

The Fenians were counting on fielding the 100,000 sworn members of the Brotherhood, a considerable number of whom were in the armed forces of England. Of the 26,000 regular soldiers that Britain had stationed in Ireland, 60 percent were Irish and it was estimated that 8,000 of these were Fenians. Of the 12,000 man police force, one half

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<sup>30</sup>"Large Seizures of Fenian Arms and Ammunition in Ireland," The New York Times, December 22, 1866, p. 1.

<sup>31</sup>The New York Times, December 27, 1866, p. 1.

were supposed to be Fenians. In the Army in England itself, the Fenians were said to number 7,000.<sup>32</sup> It was hoped that these Fenians would switch sides when the revolution began.

As everyone but the Irish predicted, Fenian plans were doomed to abject failure. James Stephens never returned to Ireland so the Fenians were virtually leaderless. Despite all of the money that had been sent to Ireland, and newspaper reports to the contrary, the Fenians were practically bereft of arms and ammunition. Most were armed with pikes or nothing at all. These deficiencies aside, British strength was overwhelming.

The revolt opened on February 11, 1867, with an abortive attempt to seize Chester Castle in Wales. The plan was to seize the castle, carry off the arms, seize the first train to Holyhead, cut the telegraph wires, destroy the railroad track, capture a steam ship at Holyhead, sail to Dublin, and commence the uprising. The scheme was betrayed to the police by an informer named Corydon and most of the participants were arrested.<sup>33</sup> Two days later, there was an equally unsuccessful attempt at insurrection in County Kerry. The Economist called the Chester Castle raid a grave affair as it showed the Fenian Brotherhood was incapable of comprehending British power or Fenian feebleness. Thus, Fenians were lunatics and might do anything. The Economist also expressed concern about Irish revolts in English cities, which would be put down with great loss of

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<sup>32</sup> Charles Callan Tansill, America and the Fight for Irish Freedom, 1866-1922 (New York: The Devin-Adair Co., 1957), p. 33.

<sup>33</sup> Rutherford, Secret History, Vol. 2, p. 271.

life.<sup>34</sup>

The largest and most coordinated uprising occurred on March 4, 1867, in County Cork. Many skirmishes were fought with police and several police barracks were captured. These successes, however, were short lived. The poorly armed and badly led Fenians were easily dispersed by small numbers of militia and police. No attempt at a rising was made in Western Ireland because competent military leaders were not sent. Members of the militia, police, and army who were sworn Fenians did not betray their country's trust and remained loyal to the Government. Even the fabled luck of the Irish was not working as the uprising took place during a terrific rain storm which by itself kept many men at home. Most importantly, attempts to arouse the people were unsuccessful.<sup>35</sup> Although the British remained on alert in Ireland and in certain English cities, especially Liverpool, the Fenian bubble of insurrection had burst.

As before, British public opinion tended to blame America for Ireland's troubles. An editorial in The Times (London) is illustrative:

Ireland is full of American Irish, men who have been inured to murder and plunder in the late American war; and unless some severe examples are made, Ireland will be kept in a state of unrest. . . . Unless some law can be passed by which these American Irish Fenians can be summarily punished, there can be no hope of tranquility here.<sup>36</sup>

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<sup>34</sup>"The Fenian Movements in Chester and Kerry," The Economist (London), February 16, 1867, p. 174.

<sup>35</sup>Joseph Denieffe, A Personal Narrative of the Irish Revolutionary Brotherhood (Ireland: Irish University Press, 1969), pp. 141-43.

<sup>36</sup>"Formidable Insurrection," The Times (London), March 8, 1866, p. 10.

### Summary

With the uncertain political situation at home and on the continent, Great Britain was anxious to avoid a controversy with the United States over naturalization, Fenian attacks on Canada, or the "Alabama Claims." If England was to face a war in Europe, she would have to rely on the United States for help, or at least to remain a bona fide neutral. Consequently, Great Britain adopted a course of diplomatic moderation toward the United States, to include urging upon the Canadian Government lenity for the Fenian prisoners in Canada.

In North America, many people, such as the Fenians and Canadians, believed that President Johnson and Secretary of State Seward had encouraged the Fenians so as to have a diplomatic weapon against England. The evidence does not support this claim. Their actions toward the Fenians were influenced by their perceptions of what was correct and by political considerations. However, it cannot be denied that the Fenians became a factor in international diplomacy. Handled properly, they might cause the British to settle the Alabama claims.

Meanwhile, the departure of the Fenian ship Erin's Hope to Ireland began a new phase of the Fenian drama.

## CHAPTER 5

### NATURALIZATION IS THE PRINCIPAL ISSUE

When news of the fighting in Ireland reached the United States, Fenian hopes soared to new heights. This Irish excitement was soon manifested in Congress where numerous resolutions appeared calling for the extension of belligerent rights to Ireland and for American support in general. In England, Fenian atrocities kept the Irish question in the forefront of public interest. When Britains' courts resolutely denied the principle of naturalization in the trial of the captured members of the Erin's Hope expedition, Secretary of State Seward launched a vigorous diplomatic attack. Finally, the British Government began to recognize that the doctrine of perpetual allegiance was out of date. Even so, the naturalization controversy continued to cloud diplomatic relations.

#### American Sympathies and Politicians

The new fighting in Ireland was hailed in America as the final struggle for Irish independence. Fenian spirits soared. The press reflected the reaction of the Brotherhood in New York City, as this article from the pro-Fenian New York Herald indicates:

The unequivocal dispatches of yesterday that British troops and Irish insurgents had met in various parts of Ireland in actual and bloody collision sent a thrill of excitement through the sensitive frame of Fenianism, exceeding anything experienced up to this. . . . It was decided to hold a grand mass meeting in Union Square. Rally, every lover of Ireland and liberty, and go

to work at once in fitting out privateers to prey on British commerce.<sup>1</sup>

The rally was attended by thousands of enthusiastic Irishmen who were urged to contribute money so that the Fenians in Ireland could meet the British on an equal basis. As usual, the New York Times took a more jaundiced look at Irish affairs and denounced the new appeal for funds as Fenian foolishness under false pretenses. Fenianism, it declared, was buried at Campobello Island.<sup>2</sup>

The politicians naturally showed a resurging interest in Fenian aspirations. Fernando Wood, ex-Mayor of New York City and staunch supporter of Irish causes, introduced the following resolution in the House of Representatives:

That this House extends its sympathy to the people of Ireland in their pending struggle for constitutional liberty. If the despotic governments of Europe shall be allowed to establish monarchical institutions in America, so should the United States foster and promote the extension of republican institutions to Europe.<sup>3</sup>

Three days later, Ignatius Donnelly, Representative from Minnesota, introduced a resolution to accord belligerent rights to Ireland:

That the Committee of Foreign Affairs are hereby instructed to report to this House what legislation, if any, is necessary to enable the Executive of the United States to accord to the people of Ireland belligerent rights, and generally to enable

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<sup>1</sup>William D'Arcy, The Fenian Movement in the United States. 1858-1886 (Washington: Catholic University of America Press, 1947), p. 34. From the New York Herald, March 9, 1867.

<sup>2</sup>Editorial, The New York Times, February 27, 1867, p. 4.

<sup>3</sup>U.S., Congress, House. A resolution of sympathy for Ireland. 40th Cong., 1st sess., March 8, 1867, Congressional Globe, p. 36.

the Executive to follow in every particular the precedents established by Great Britain during the late rebellion.<sup>4</sup>

On the same day, the Fenian Brotherhood in Washington invited the members of Congress to a mass meeting to offer sympathy and support to the Irish republican cause. Attendance was encouraged by an implied threat of retaliation at the polls: "The Irish-American race is counted by millions, and ingratitude is not among their national characteristics."<sup>5</sup> Most Congressmen avoided the meeting.

During this period, other resolutions were passed requesting from the President information on the status of American captives in Great Britain and Canada.<sup>6</sup> These resolutions were killed in the Senate Foreign Relations Committee by its chairman, Charles Sumner. Senator Sumner, although opposed to President Johnson on the reconstruction issue, wanted to prevent any Congressional action that might irreparably damage Anglo-American relations.<sup>7</sup>

The pro-Fenian resolutions being passed in the House of Representatives, coupled with reports of intended Fenian movements against Canada, caused Sir Frederick Bruce to discuss the matter with Secretary Seward. Seward, however, was in no mood to promise suppression of a

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<sup>4</sup>U.S., Congress, House. A resolution to accord belligerent rights to Ireland. 40th Cong., 1st sess., March 11, 1867, Congressional Globe, p. 67.

<sup>5</sup>U.S., Congress, House. Letter from Headquarters, Fenian Brotherhood. 40th Cong., 1st sess., March 11, 1867, Congressional Globe, p. 60.

<sup>6</sup>U.S., Congress, House. Message from the President to the House. 40th Cong., 1st sess., March 20, 1867, House Executive Documents Number 9 and 10.

<sup>7</sup>David Donald, Charles Sumner and the Rights of Man (New York: Alfred A. Knopf, 1970), p. 362.

movement based on rumors. In fact, he had just written to Adams in London concerning the outbreak in Ireland:

The sympathy of the whole American people goes with such movements, for the reason there is a habitual jealousy of British proximity across our northern borders and especially for the reason that this nation indulges a profound sense that it sustained great injury from the sympathy extended in Great Britain to the rebels during our civil war. . . . There are unmistakable indications that the sentiments which controlled the action of the House of Representatives are now gaining favor in the other branch of Congress, as well as among the people.<sup>8</sup>

Bruce was angered over Seward's attitude and gave vent to his feelings in a message to Lord Stanley:

No reliance can be placed on Mr. Seward. He was always anti-English in his sentiments, and the various incidents of the War have deepened his feelings of animosity towards us. His experience of affairs, and his knowledge of the condition of the country, will probably deter him from taking any step which might throw on him the responsibility of war with Great Britain, in the same way as he avoided taking the first hostile step in the contest with the South. . . . His thirst for personal distinction and popularity, and his unscrupulousness, lead him to pander to the instincts of popular ambition and make him a reckless and dangerous Minister of Foreign Affairs at this time.<sup>9</sup>

The Fenians captured in England and Ireland during the first three months of 1867 were brought to trial in Dublin in April. John McCafferty, the leader of the projected raid on Chester Castle, and Thomas F. Burke, were sentenced to death. McCafferty was a native-born American citizen. When news of their sentence reached the United States, the Fenian

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<sup>8</sup>U.S., Diplomatic Correspondence, 1867, Seward to Adams, March 28, 1867 (Washington: Government Printing Office, 1868).

<sup>9</sup>Great Britain, Foreign Office, British and Foreign State Papers, Bruce to Lord Stanley, April 8, 1867, F.O. 115:465.



agitation was renewed. In a message to Adams, Seward denounced the sentence: "The sanguinary sentences of the court. . . shock the public sense throughout the United States. Executions conforming to them would leave a painful impression in a country where traditional sympathy with the revolution in Ireland is increased by convictions of national injustice."<sup>10</sup> The correspondence between Seward and Adams during this period mainly consists of their efforts to gain the release or early trial of American citizens arrested in Ireland under the act suspending the habeas corpus.

#### The Erin's Hope

Hopeful that the insurrection in Ireland was still in progress, the Fenian Brotherhood in America secretly purchased and outfitted a ship called the Jacmel Packet. Renamed the Erin's Hope, the ship left New York City on April 13, 1867, carrying 5,000 rifles, 3 small cannons, assorted ammunition, and 50 Fenians. On May 23, the Erin's Hope arrived at the Bay of Sligo on Ireland's west coast, the designated rendezvous point. Failing to make contact with the now vanquished Irish insurgents, and fearing detection by the British Navy, twenty-eight Fenians landed near Sligo on June 1 and the ship returned to New York with its cargo. Their landing was observed from a Coast Guard station, however, and within 24 hours most of the invaders were arrested. With this new debacle, the long awaited invasion of Ireland was brought to an end.<sup>11</sup> But, the

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<sup>10</sup>Seward to Adams, May 15, 1867, Diplomatic Correspondence.

<sup>11</sup>D'Arcy, Fenian Movement, p. 246.

significance of the voyage of the Erin's Hope had just begun. One of those captured was the leader of the expedition, Colonel John Warren, a native-born Irishman and naturalized citizen of the United States. Another was Colonel William J. Nagle, a native-born American. Colonel Warren's case was to lead to a showdown over naturalization. Meanwhile, Great Britain was absorbed by its second great reform movement of the Nineteenth Century.

#### The Reform Bill of 1867

During the 1850's and 1860's, the industrial workers of England renewed their agitation for social and political reforms. In 1866, William E. Gladstone introduced a reform bill to enfranchise large numbers of the proletariat. The bill was defeated and the Liberal government of Lord Russell resigned. By 1867, agitation by the workers reached ominous proportions and it became apparent that reform or anarchy was inevitable. Seizing the initiative, the young leader of the Conservatives, Benjamin Disraeli, secured passage of the Reform Bill of 1867, a milestone in British history. In essence, the Reform Bill doubled the electorate by extending the franchise to all of the middle class and to the industrial workers in the cities. No sooner was the Reform Bill passed in August than the Fenians again claimed public attention by an infamous incident known as the "Manchester Rescue."

#### The Manchester Rescue

After the unsuccessful uprising in the spring of 1867, James Stephens was deposed as leader of the Irish Revolutionary Brotherhood and replaced

by Colonel Thomas J. Kelley. Kelley was soon arrested in Manchester, England. On September 18, 1867, while being transported between the jail and court building, he was rescued from a prison van by an armed band of Fenians. In the course of the rescue attempt, Police-Sergeant Brett was killed and several members of the rescue party captured. The murder of Constable Brett aroused a cry for punishment of the captured terrorists and a strong revulsion in England against Fenianism. To the Englishman, Fenianism began to look like some mysterious and demoniacal league against property and public security.<sup>12</sup> The Economist warned of the danger of anti-Irish mobs in England setting off large scale retaliatory anti-English disturbances in Ireland.<sup>13</sup> Rumors that the Fenians intended to kidnap Queen Victoria brought additional troops and police to Balmoral Castle.<sup>14</sup> In London, reports of pending Fenian attacks on armories caused several volunteer regiments to move their arms to the Tower of London for safe keeping.<sup>15</sup>

The principal object of British anger was the Irish-American Fenian, the alleged cause of all the trouble. In this atmosphere, the English Government brought to trial Colonel Warren and Colonel Nagle.

#### The Trial of Warren and Nagle

After the Manchester rescue, the English Government could hardly

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<sup>12</sup>Justin McCarthy, Reminiscences, Vol. 1 (London: Chatto and Windus, 1899), pp. 211-12.

<sup>13</sup>Editorial, The Economist (London), October 12, 1867, p. 1156.

<sup>14</sup>George Earle Buckle, ed., The Letters of Queen Victoria, 1862-1872, Vol. 1 (London: John Murray, 1926), p. 466.

<sup>15</sup>The Times (London), October 21, 1867, p. 9.

release Warren and Nagle and instead committed itself to their prosecution. This decision revived the unresolved Anglo-American problem of expatriation since Warren was a naturalized American. The central question in Warren's case was not his guilt or innocence, but which country had the right to claim him as a citizen. The diplomatic correspondence of this period also serves to illuminate two other ramifications of Fenianism. One was the influence that Adams exerted over Seward's sometimes undiplomatic approach to foreign policy. The other was the pressure that the Johnson Administration was under to obtain the release of all Americans imprisoned in Ireland, England, and Canada.

The arrest of Warren, Nagle, and other members of the Erin's Hope expedition brought immediate public and private demands for their release. For example, on August 7, 1867, Seward sent to Adams a letter from Marcus L. Ward, Governor of New Jersey, to President Johnson imploring the release of a Stephen J. Meany.<sup>16</sup> A month later, he sent a petition from the Mayor of Brooklyn to the President, with 6,000 signatures, seeking the release of Warren and Nagle.<sup>17</sup> On August 30, Seward threatened to start harassing British subjects entering the United States by demanding their passports unless Britain stopped arresting Americans without the protection of the right of habeas corpus.<sup>18</sup> In September, he told Adams that the story of the Erin's Hope sailing to

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<sup>16</sup> Seward to Adams, August 12, 1867, Diplomatic Correspondence.

<sup>17</sup> Seward to Adams, September 14, 1867, Diplomatic Correspondence.

<sup>18</sup> Seward to Adams, August 30, 1867, Diplomatic Correspondence.

Ireland with Fenian arms and volunteers was fiction despite evidence to the contrary. He also asked Adams to demand the immediate release of Warren and Nagle, adding that President Johnson expected that courtesy and conciliation would induce their release.<sup>19</sup> Even Sir Frederick Bruce was impressed with the political turmoil in the United States over the Warren and Nagle case and wrote to Lord Stanley, "I think it advisable to release Nagle and Warren."<sup>20</sup> Adams was more closely attuned to British public opinion. He informed Seward that the presence of many Americans in Liverpool, the clamoring in American newspapers, and the Fenian rescue at Manchester made the authorities less and less disposed to grant releases.<sup>21</sup> During this and other crises of these years, Adams' masterful diplomacy tempered Seward's occasional rashness and prevented further ill will from developing between the two countries.

Warren and Nagle, with counsel employed by the American Government, were brought to trial on October 25, 1867, charged with Treason-Felony. According to English law in this case, a person coming to Ireland, or sending arms to Ireland, or inducing others to do so, indicated a design to depose the Queen and would be guilty of Treason-Felony.<sup>22</sup>

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<sup>19</sup> Seward to Adams, September 13, 1867, Diplomatic Correspondence. See also Seward to Adams, September 14, 1867.

<sup>20</sup> Great Britain, State Papers, Bruce to Lord Stanley, August 22, 1867, p. 203.

<sup>21</sup> Adams to Seward, September 3, 1867, Diplomatic Correspondence. See also Adams to Seward, September 21, 1867.

<sup>22</sup> Adams to Seward, October 26, 1867, Diplomatic Correspondence.

Nagle, a native-born citizen of the United States, and therefore an alien according to British law, applied for a jury de mediatate linguae. This device, whereby a jury would be composed of one-half citizens and one-half aliens, posed a difficult question to the judges. Originally intended as a protection to foreigners residing in Great Britain, it was never intended to be extended to aliens speaking the same language. Nevertheless, his trial was adjourned to Sligo where the principal overt acts were charged against him. The only way in which he could be tried would be by a jury consisting of six American citizens, who then happened to be in Sligo, and six natives. The impossibility of procuring such a jury forced the Government to release Nagle without trial in May, 1868, after he signed a document admitting he came on the Erin's Hope.<sup>23</sup> He was hailed as a hero on his return to America.

John Warren was born in Ireland but moved to the United States, where he became a citizen and served with distinction in the Union Army. Seward's feelings on his responsibility toward Warren and other veterans was clear. He wrote to Adams that:

You need not be informed that faithful service in the armies or navy of the United States during the rebellion constitutes an enhanced claim of persons so serving to the consideration of the government which they have helped to perpetuate, and the instances now before us are of that class.<sup>24</sup>

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<sup>23</sup>U.S., Diplomatic Correspondence, 1868, Adams to Seward, May 9, 1868 (Washington: Government Printing Office, 1869). Note: The rest of the prisoners of the Erin's Hope expedition were tried at the same time. Most of those convicted were released during 1868.

<sup>24</sup>Seward to Adams, October 30, 1867, Diplomatic Correspondence.

Warren also applied for a jury de mediatate linguae on the grounds of his American citizenship. This request was refused by the Chief Baron on November 8:

You say that you are an American. That may mean you are an American citizen, which you may be, and at the same time a British subject, because, if you were born under the allegiance of this country, and afterwards became an American citizen, you would still be a subject of the Crown of Great Britain and Ireland, and disentitled to such a jury as you demand.<sup>25</sup>

In other words, a man who was once a British subject remained so forever. Warren then addressed the court and said:

My Lords, as a citizen of the United States, I protest against being arraigned at this bar and being tried as a British subject. . . . I hereby instruct my counsel to withdraw from the case, and I place it in the hands of the United States Government, which government has now become the principal.<sup>26</sup>

Warren was obviously hoping to become a Fenian martyr and to cause a diplomatic crisis. His dramatic gesture and repeated protests notwithstanding, Warren's trial proceeded as if he were a British subject. He was found guilty and sentenced to fifteen years of penal servitude.

Secretary Seward interpreted Warren's conviction as being based on acts he had done and words he had spoken as a British subject in the United States, but which were not forbidden by American laws; that is, for acts and statements he would not be held responsible for if not a subject of Great Britain. In such a case, claimed Seward, a naturalized

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<sup>25</sup>D'Arcy, *Fenian Movement*, p. 273.

<sup>26</sup>Adams to Seward, November 1, 1867, Diplomatic Correspondence.

citizen of the United States was not amenable to the courts of Great Britain. He added that the ". . . pretension of the Irish court cannot be allowed by this government."<sup>27</sup> Six days later, he informed Adams that the Fenian trials had excited profound discontent in the United States and referred to recent Congressional debates of the trials.<sup>28</sup> During the same week, the three persons convicted of complicity in the rescue of Thomas Kelley were executed in Manchester, England. One was a naturalized American citizen. Reaction by the American press was virtually unanimous, including the usually cautious New York Times:

It is doubtful that they received a fair trial. . . . Even if justice were served, we deplore the carrying out of the death sentence. These men will now become Fenian martyrs and their execution has aroused great sentiment in the United States at a time when everything should be done to cool emotions.<sup>29</sup>

Britain once more asserted the doctrine of indefeasibility of allegiance. It had threatened to become an issue in 1866 but then the British Government had released the prisoners held in order to strengthen the hand of President Johnson in dealing with the Fenian Brotherhood. Secretary Seward had taken a strong stand on naturalization. But, diplomacy was again made more difficult by another Fenian outrage.

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<sup>27</sup> Seward to Adams, November 21, 1867, Diplomatic Correspondence.

<sup>28</sup> Seward to Adams, November 27, 1867, Diplomatic Correspondence.

<sup>29</sup> Editorial, The New York Times, November 25, 1867, p. 4.



### The Clerkenwell Prison Explosion

After Colonel Thomas J. Kelly was arrested, leadership of the Irish Revolutionary Brotherhood passed to Colonel Richard O. Burke. Shortly after the Manchester rescue, which Burke had planned and supervised, he was arrested for purchasing arms for English Fenians and confined in Clerkenwell Prison in England. In an attempt to rescue Burke, a barrel of gunpowder was placed against the prison wall on December 13, 1867, and exploded. Instead of making a hole, it blew down 60 yards of the wall and razed a row of tenement houses across the street. The blast killed 8 people and injured over 120, including many women and children. Burke was not in the prison yard at the time and was neither rescued nor injured.<sup>30</sup> The tragedy created a feeling of horror throughout the entire country. The British were enraged, not only against the Fenians, but against all Irish living in English cities.

England was again in a state of alarm over Fenianism. Benjamin Disraeli, destined to become the new Prime Minister within two months, expressed his forebodings to Lord Derby:

There is no doubt that there is a system of organized incendiaryism afloat, and we credibly hear of men coming from America, who are to take empty houses in various parts of London, and set them on fire, probable simultaneously. Many of the miscreants who are to perpetrate these crimes are here now, and are known, and we cannot touch them. I think the Habeas Corpus ought to be suspended. Received a telegram from Lord Monck in New York City that a band of thirty men had sailed for England bound to assassinate Her Majesty and her Ministers. Lord Monck is not an alarmist! What are we to do? If they land, and are seized,

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<sup>30</sup> John Rutherford, The Secret History of the Fenian Conspiracy, Vol. 2 (London: C. Kegan Paul and Co., 1877), p. 288.

Habeas Corpus will immediately release them. If stopped on the high seas, we may be involved in a war with America.<sup>31</sup>

Queen Victoria also wanted to suspend the Habeas Corpus Act in England, saying, "What is the use of trying to stop these outrages without strong means to enable us to punish these horrible people." The Earl of Derby advised against a suspension. He told the Queen that he doubted if Parliament would consent since most Englishmen were loyal, and that all other measures had not yet failed.<sup>32</sup> The Times (London) called the strong anti-Irish feeling among the English people a dangerous situation. To relieve the tension, the Times vainly recommended that Irishmen living in England voluntarily declare their loyalty to the Crown. This declaration, the Times explained, would draw the Irish and English communities closer together and have a moral effect in Ireland and America.<sup>33</sup>

The Clerkenwell outrage was a turning point in Irish history. Six days after the explosion, William E. Gladstone announced that the time had come for an Irish policy along Irish lines that would deal with the issues of church, land, and colleges. Within a year, Disraeli would resign because of Gladstone's proposal to disestablish the Irish Church.

#### Britain Concedes the Principal of Naturalization

The issue of naturalization raised by the imprisoned Fenians became the principal grievance between the United States and Great Britain.

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<sup>31</sup>George Earle Buckle, The Life of Benjamin Disraeli, Earl of Beaconsfield, Vol. 4 (London: John Murray, 1916), pp. 573-74.

<sup>32</sup>Buckle, Letters of Victoria, pp. 478-80.

<sup>33</sup>Editorial, The Times (London), January 4, 1867, p. 4.

President Johnson again discussed the matter in his annual message to Congress. Reviewing Britain's position that allegiance to the Crown was not absolved by America's laws of naturalization, the President asked Congress to ". . . declare the national will unmistakably upon this important question."<sup>34</sup>

On December 14, 1867, Secretary Seward reviewed his responsibilities that concerned extending legal protection to citizens of the United States traveling abroad, and of preserving good relations with foreign countries. Then he instructed Adams to inform Lord Stanley that Great Britain's practice of exceptional severity in the Fenian cases had ". . . produced in the United States consequences very unfavorable to the interests of Great Britain." He added that it would be an act of wisdom on the part of Great Britain to release Warren and Nagle.<sup>35</sup> In a significant message two weeks later, Seward announced a new American policy toward the naturalization question. He informed Adams that any negotiations between the United States and Great Britain could not be limited to the single purpose of revising the expatriation laws but would have to include the "Alabama Claims." Seward attributed this shift in policy to the severity of British courts in dealing with naturalized American citizens and to the continuing failure to settle the "Alabama Claims." He explained that opinion in the United States was not favorable to negotiations limited to the single purpose of obtaining a revision of the law concerning

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<sup>34</sup> Annual Message of the President to the Congress, December 3, 1867, Diplomatic Correspondence, p. 21.

<sup>35</sup> Seward to Adams, December 14, 1867, Diplomatic Correspondence, 1868.

naturalization.<sup>36</sup>

Seward continued to deluge Adams with messages, urging him to impress upon Lord Stanley the urgency of a change in England's policy.

The message of January 13, 1868, was the most explicit:

The sympathies of the people of the United States are every day more profoundly move . . . in behalf of Ireland. I have continually endeavored to impress upon the British Government the importance of eliminating from the Fenian excitement . . . certain legitimate causes of irritation and jealousy between the people of the United States and the people of Great Britain. The pretense of the judge in the trial of John Warren. . . has awakened a general feeling of resentment and deeply wounded our pride of sovereignty. This sense of injustice works harmoniously together with a sore remembrance that the British government in the late rebellion favored the overthrow of the United States by illegitimate processes, even at the cost of perpetuation of human slavery.

Perhaps after this popular protest shall have found earnest expression in both houses of Congress, British statesmen may perceive that a restoration of . . . friendly relations . . . between the two countries is impossible while the causes of irritation to which I have referred are allowed to endure.<sup>37</sup>

It would appear that Secretary Seward showed little understanding of the Fenian problem as it looked from London. However, his stand can be understood when viewed in its domestic context. This was a presidential election year in the United States. The naturalization controversy, fired by the trials of Warren and Nagle, was then perhaps the most popular political issue in the country. It would be a rallying point for politicians wooing the Irish vote.

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<sup>36</sup> Seward to Adams, December 27, 1867, Diplomatic Correspondence.

<sup>37</sup> Seward to Adams, January 13, 1868, Diplomatic Correspondence.

As usual, the politically weak Johnson Administration was beleaguered by the Radicals. As Seward well knew, the British Government was not popular in the United States, and a strong stand against England would help at the polls. In addition, a vigorous foreign policy might relieve some domestic pressure, especially if accompanied by a diplomatic victory. The naturalization issue offered this possibility. Also, it must not be forgotten that Secretary Seward had been a public servant for most of his career. At this time, he had been Secretary of State for almost seven years. He was now 67 years old, too old to entertain further political ambitions. He was dedicated to his job and cognizant of his responsibilities. He naturally took a keen interest in the trial of Warren because the State Department could not allow foreign governments to disregard the American process of naturalization without registering a strong protest.

The politicians wasted no time in addressing the naturalization issue. On January 21, 1868, a resolution was passed by the Senate directing the President to investigate the arrests of American citizens in Great Britain. If they had violated no laws, the President was then to demand their immediate release, plus indemnity for those whose rights were violated. The President was to use the armed forces, if necessary, to enforce these demands.<sup>38</sup> On January 27, 1868, Nathaniel P. Banks, Chairman of the Committee of Foreign Affairs in the House of Representatives, introduced a bill which, if passed, might have caused a war between the United States and Great Britain:

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<sup>38</sup>U.S., Congress, Senate, A resolution pertaining to American citizens arrested in Great Britain. 40th Cong., 2nd sess., January 21, 1868, Senate Miscellaneous Document, Number 20.

That whenever it shall be made known to the President that any naturalized citizen of the United States has been arrested and is detained by any foreign government . . . upon the allegation that naturalization in the United States does not operate to dissolve his allegiance to his native sovereign, or if a citizen has been arrested and detained whose release upon demand is unreasonably delayed or refused, the President is hereby empowered to order the arrest and to detain in custody any subject or citizen of such foreign government who may be found within the jurisdiction of the United States.<sup>39</sup>

Bank's bill was passed by a vote of 104 to 4. Once in the Senate, Senator Sumner removed the retaliation clause and the modified bill was passed by Congress on July 18, 1868.

Also on January 27, the Committee on Foreign Affairs reported that four House resolutions plus ninety-six other resolutions adopted at public meetings around the country all asked that action be taken to protect American citizens abroad.<sup>40</sup> This report was submitted in response to President Johnson's request that Congress declare the national will on the rights of American citizens. In fact, between January 8 and February 22, Congress received resolutions from the State Legislatures of Indiana, Wisconsin, Kansas, Minnesota, Maryland, and Pennsylvania, each insisting that the Congress take action to protect all American citizens when they are in foreign countries.<sup>41</sup> This activity was merely

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<sup>39</sup>U.S., Congress, House, A Bill Empowering the President to Retaliate Against Countries that Ignore the Naturalization Laws of the United States. 40th Cong., 2nd sess., January 27, 1868, Congressional Globe, p. 783.

<sup>40</sup>U.S., Congress, House, Report of the Committee on Foreign Affairs on the Rights of American Citizens. 40th Cong., 2nd sess., January 27, 1868, House Report, Number 13.

<sup>41</sup>U.S., Congress, Resolution from the State Legislatures to Protect American Citizens Abroad. 40th Cong., 2nd sess., Senate Miscellaneous Documents, Numbers 25 and 28; House Miscellaneous Documents, Number 60, 75, and 76; House Report, Number 7.

a sidelight of the political scene, however, for on February 20, 1868, impeachment proceedings were started against President Johnson.

In early March a naturalization treaty was negotiated in Berlin between the United States and the North German Confederation. Seward placed great emphasis on this question and wished to conclude a similar treaty with Great Britain before his term of office expired. He outlined his desires in a message to Adams on March 7:

It is the naturalization question which causes an uneasiness that more urgently needs removal than any other. While that uneasiness shall remain unrelieved, it would seem almost hopeless to attempt an adjustment of the other differences . . . . A single supplemental stipulation would render a treaty with Great Britain similar to that we are making with North Germany equally acceptable to the United States. . . .

I am in communication now with Mr. Thornton upon the subject. So soon as I shall have received the Berlin treaty, I shall furnish him with a proposed treaty, which, if he approves, I shall be ready to execute immediately.

If we can make such a treaty, only two things more will be necessary to relieve the uneasiness which has resulted from the naturalization question. These are, first, that pardons be granted to Lynch and McMahon, two prisoners in Canada believed by this government to be morally guiltless; secondly, that her Majesty's government provide for a termination of the cases of Colonels Warren and Nagle, which cases have been needlessly and blindly complicated by judicial persistence in the dogma of the indefeasibility of native British allegiance, which, it is expected, will be relinquished in the proposed treaty.<sup>42</sup>

In Great Britain, the absurdity of the idea of perpetual allegiance was more frequently discussed by the press. Mr. Vernon Harcourt, a former member of Parliament writing under the signature of Historicus, frequently commented on this old English law. He pointed out that,

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<sup>42</sup>Seward to Adams, March 7, 1867, Diplomatic Correspondence, 1868.



under the law, all children whose fathers were, or would become, natural-born subjects of the Crown, were declared to be British citizens.<sup>43</sup>

Thus, second and third generation Americans whose ancestors were English could be construed as being British subjects. In another article, *Historicus* added that the unrestricted permission of emigration, coupled with the doctrine of perpetual allegiance, could not be maintained by the British Government.<sup>44</sup>

On March 21, 1868, Lord Stanley sent a memorable message to Edward Thornton.<sup>45</sup> Stanley instructed Thornton to inform Seward that Her Majesty's Government would attempt to draft a naturalization treaty acceptable to both countries. However, there were many legal difficulties to be resolved, such as questions of descent, succession, title to property, changes to existing laws, and of preparing implementing legislation. But, he added, the obstacle to a treaty was now of a legal, not a political nature.<sup>46</sup> The British Government was at last willing to adopt the principle of expatriation.

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<sup>43</sup>"Who is a British Subject," The Times (London), December 11, 1868.

<sup>44</sup>The Times (London), January 8, 1868.

<sup>45</sup>Edward Thornton was the new Ambassador of Great Britain to the United States, replacing Sir Frederick Bruce who died suddenly in the fall of 1867.

<sup>46</sup>Great Britain, Parliament, Sessional Papers, 1868-69, Vol. LXIII, Lord Stanley to Mr. Thornton, March 21, 1868, p. 740-41. Note: On March 12, 1868, Queen Victoria's second son, Prince Alfred, Duke of Edinburgh, was shot in the back while visiting Australia by a Fenian named O'Farrell. The wound was serious but not fatal. O'Farrell was tried and executed. Buckle, Letters of Victoria, Vol. 1, p. 487.



### Summary

The naturalization question assumed preeminent importance for several reasons. For one, it had a more dramatic impact than did other Anglo-American issues. In substance, it was less important than the Alabama dispute. For the moment, though, the American people were more stirred by the idea of citizens being deprived of their rights by the British Government than they were of past wrongs committed by commerce raiders. Secondly, due to the Irish-American interest, plus 1868 being an election year, the issue was politically attractive. This explains the Congressional pressure put upon the Administration, as illustrated by the Bank's Retaliation Bill. Finally, of all the disputes, the naturalization issue seemed the most capable of quick solution. Thus, Seward pushed for a settlement to help restore the prestige of the Johnson Administration, and to end his career with a diplomatic triumph. A naturalization treaty, however, would prove to be an elusive goal.

## CHAPTER 6

### NATURALIZATION IS STILL THE PRINCIPAL ISSUE

Once Great Britain conceded the right of expatriation, Ambassador Thornton and Secretary Seward hastily drew up a proposal for a naturalization treaty. However, Lord Stanley declared that the terms would have to be very carefully studied before a treaty could be signed. Thwarted in his desire for a quick settlement, Seward again affirmed that the naturalization issue had to be settled before discussion could begin on other problems, such as the "Alabama Claims." Seward thus hoped to use naturalization and Fenianism to force settlement of other diplomatic issues. In an atmosphere of diplomatic cooperation, a convention was signed which offered the possibility of resolving all outstanding issues between the two countries. The Senate was still gripped by Anglophobia, however, and the convention was resoundingly rejected. Fenianism and naturalization continued to plague diplomatic relations between the United States and Great Britain.

#### Stalemate and Fenians

Seward hoped that Britain's concession of the right of expatriation would lead quickly to a naturalization treaty. Consequently, he relinquished his previous position that the naturalization question could not be settled independently of the "Alabama Claims." He pressured Thornton for the draft treaty that Lord Stanley had voluntarily agreed to prepare and insisted that all communication be conducted by telegraph

to save time.<sup>1</sup> He contended that the great principle of expatriation and naturalization should be immediately laid down, with details to be provided by a future convention or by judicial courts on a case by case basis.<sup>2</sup> Seward optimistically informed Adams that a more liberal feeling prevailed in the United States and added, "I am quite convinced that all our international questions may be arranged speedily and satisfactorily, if the naturalization controversy can be adjusted."<sup>3</sup>

Lord Stanley was not to be rushed. He thought the legal questions had to be addressed and refused to give Thornton authority to negotiate a treaty. There were other reasons for Stanley's delay. Prime Minister Disraeli's Government held a precarious position in Parliament, and any treaty would be closely scrutinized by the Liberal Party. Adams commented on the English political situation on April 8, 1868, and concluded that the, ". . . prospect for reaching any immediate settlement is growing less and less promising."<sup>4</sup>

Meanwhile, the British Government had been receiving alarming reports of Fenian preparations for another invasion of Canada. On March 23, Thornton expressed his Government's concern to Secretary Seward.<sup>5</sup>

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<sup>1</sup>The transatlantic cable was opened with an exchange of messages between President Johnson and Queen Victoria in July, 1866.

<sup>2</sup>Great Britain, Parliament, Sessional Papers, 1868-69, Vol. LXIII, Thornton to Stanley, March 30, 1868, p. 742.

<sup>3</sup>U.S., Diplomatic Correspondence, 1868, Seward to Adams, April 24, 1868 (Washington: Government Printing Office, 1869).

<sup>4</sup>Adams to Seward, April 8, 1868, Diplomatic Correspondence.

<sup>5</sup>Thornton to Seward, March 23, 1868, Diplomatic Correspondence.

Already irritated by Lord Stanley's reluctance to expedite a naturalization treaty, Seward testily replied two months later, blatantly using the Fenian threat to Canada as a lever to force settlement of other problems:

I need not repeat here that these incidents are engaging the attention of this government.<sup>6</sup> I think it important, however, that her Majesty's government should now distinctly understand the President's opinion concerning the present situation of the Fenian question as a subject of international difficulty.

Whatever danger there may be of a disturbance of the peace of the frontier at the present time, that danger is altogether due to the omission by the British government to seasonably remove, either by legislation or by negotiation, the indefensible features of British policy on the subject of the rights of naturalized citizens of the United States. . . .

In asking your attention to the subject once more, I do so with a view of averting from this government undue responsibility in the event of new frontier collisions, especially liable to occur in a season of high political excitement in both countries.<sup>7</sup>

Seward continued to press for a settlement. On June 16, 1868, Benjamin Moran, the United States Charge de Affairs in London,<sup>8</sup> asked

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<sup>6</sup> Military commanders had been directed to be watchful of any Fenian activities and to assist the civil authorities in enforcing the neutrality laws. The Report of the Secretary of War for 1868 is replete with reports from military commanders commenting on Fenian activities, or the lack thereof, in their military districts. For example, in 1868, Major General John Pope, commanding the Department of the Lakes, engaged the famed detective, Allen Pinkerton, to investigate Fenian activities along the St. Clair River north of Detroit. U.S., Secretary of War, Report of the Secretary of War, 1868 (Washington: Government Printing Office, 1869), Vol. 1, p. 288-91.

<sup>7</sup> Seward to Thornton, May 28, 1868, Diplomatic Correspondence. Note: The impeachment trial of President Johnson was concluded with his acquittal on May 26, 1868.

<sup>8</sup> Charles Francis Adams resigned as Minister to Great Britain and departed England on May 15, 1868. His duties were temporarily assumed by Benjamin Moran, United States Charge de Affairs in London. Reverdy Johnson was appointed the new United States Minister on June 13, 1868, and arrived in London on August 18, 1868. Johnson was formerly a Senator from Maryland.

Stanley if Her Majesty's Government was prepared at once to enter into a treaty with the United States on the subject of naturalization. Stanley replied that he was prepared to entertain in principle the question of a naturalization treaty, but that it was impossible to proceed hastily on a matter which involved great legal difficulties. He added that a Royal Commission had been appointed to examine the question. But legislation for a treaty could not be submitted before the next Parliament because of the time required for the Commission to make it's report. Therefore, as a treaty was dependent on approval by Parliament, it was useless to conclude a treaty at once.<sup>9</sup> Six days later, Seward advised the British Government to enter into a naturalization treaty to remove discontents which, if allowed to continue, might involve the two nations in reprisal or war. He also called attention to the latest resolution on the subject to pass the House of Representatives:

That the President of the United States is hereby requested by this House to take such measures as shall appear proper to secure the release from imprisonment of Messrs. Warren and Costello, convicted and sentenced in Great Britain for words and acts spoken and done in this country, by ignoring our naturalization laws, and to take such other measures as will secure their return to our flag, with such ceremonies as are appropriate to the occassion.<sup>10</sup>

Stanley was angered by Seward's attitude as reflected in his messages of May 28 and June 22, and replied firmly but diplomatically on July 28, 1868. In regards to the question of naturalization, he said that Britain's expressed desire to negotiate a satisfactory treaty should satisfy the

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<sup>9</sup> Great Britain, Sessional Papers, Stanley to Thornton, June 16, 1868, p. 13.

<sup>10</sup> Seward to Moran, June 22, 1868, Diplomatic Correspondence. Note: Augustine E. Costello was also a member of the Erin's Hope expedition.

Government and people of the United States. As for the imprisonment of Warren and Costello, he said that Seward's indirect allegation that they were convicted and sentenced for words spoken and acts committed in the United States rested on a total misconception of the facts in the case. Stanley explained that their words and acts in the United States were proven, during Warren's trial, not as constituting the offense itself, but as showing the intention with which they came to Ireland in order to connect them with a Fenian conspiracy that existed in the county of Dublin.<sup>11</sup>

The subject of naturalization and expatriation was debated in Parliament on July 16, 1868. During the debate, the Earl of Mayo, Chief Secretary for Ireland, was asked if the sentences of Warren and Costello should be mitigated. He replied, "The time had hardly come when it would be possible to enter into a general review of the sentences passed upon the Fenian prisoners with a view to either commutation or remission."<sup>12</sup>

By the summer of 1868, diplomatic negotiations between Great Britain and the United States were at a standstill because of the stalemate over the naturalization issue. Ironically, the impasse was primarily due to the political situation in each country rather than to the complexity of the issue involved.

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<sup>11</sup>Great Britain, Sessional Papers, Stanley to Thornton, July 28, 1868, p. 14-15.

<sup>12</sup>Great Britain, Parliament, Hansard's Parliamentary Debates, Vol. CXCLIII (1868), July 16, 1868, p. 1282.

### Naturalization First

Secretary Seward gave Reverdy Johnson his instructions even before the new Minister departed for London. Seward elaborated upon the three major issues dividing the two countries and assigned each a priority for settlement. Because of the excited state of American public opinion over the imprisonment of the Fenians in Ireland, Seward instructed Johnson to give precedence to a naturalization treaty. On July 20, he wrote that:

The so-called naturalization question is the one which first and most urgently requires attention. . . . It must sooner or later result in an extensive and profound alienation of the two countries. . . . You will frankly state to Lord Stanley that, until this difficulty shall be removed, it is believed by the President that any attempt to settle any of the existing controversies between the two countries would be unavailing, and therefore inexpedient.<sup>13</sup>

If and when the British Government adopted measures to settle the naturalization question, Johnson was instructed to seek adjustment of the San Juan boundary dispute.<sup>14</sup> Thirdly, when there were positive assurances that the naturalization and San Juan questions were under process of

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<sup>13</sup>Seward to Johnson, July 20, 1868, Diplomatic Correspondence.

<sup>14</sup>San Juan Boundary Dispute. The Oregon Treaty of 1846 provided, in part, that the boundary line between the United States and British America was the middle of the channel separating Vancouver Island from the mainland. The channel in question was at one place about fifty miles wide and filled with islands, among which several navigable passages were discernible. The dispute was over which of these passages was the channel through which the boundary passed. The largest island in the group was San Juan, which would belong to one country or the other depending on the outcome of the dispute. Both British and American soldiers had occupied San Juan Island since 1859. William A. Dunning, The British Empire and the United States (New York: Charles Scribner's Sons, 1914), p. 259-60.

adjustment, he was to turn his attention to the "Alabama Claims."

Reverdy Johnson assumed his new duties with enthusiasm and optimism, convinced he could successfully negotiate all outstanding differences between Great Britain and the United States. On September 23, 1868, he asked for and received permission to open concurrent negotiations on the San Juan and "Alabama Claims" issues before the final settlement of the naturalization question by treaty or by law of Parliament.<sup>15</sup> On October 9, he and Stanley signed a protocol for a naturalization treaty, the first article of which contained the right of expatriation and of absolute citizenship in another country. Filled with diplomatic fervor, Johnson begged permission to turn to the other issues before final measures were taken by Britain to settle the naturalization question.<sup>16</sup> Stanley, however, adopted a more pragmatic attitude toward the naturalization protocol when he wrote to Thornton:

Her Majesty's Government is unable to assent to a formal Convention, as proposed by Mr. Reverdy Johnson. However, in order to place on record our desire to come to an agreement with the United States on this issue, we have framed a protocol, which is unofficial, and Mr. Johnson and I signed it this morning.<sup>17</sup>

On October 17, 1868, Johnson informed Seward that he and Stanley had signed a protocol for the settlement, by arbitration, of the San Juan boundary dispute, and that he was commencing negotiations on the "Alabama Claims."<sup>18</sup> Impressed by Johnson's apparent progress, Seward approved the naturalization protocol on October 25, and asked if Johnson

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<sup>15</sup> Seward to Johnson, September 23, 1868, Diplomatic Correspondence.

<sup>16</sup> Johnson to Seward, October 9, 1868, Diplomatic Correspondence.

<sup>17</sup> Great Britain, Sessional Papers, Stanley to Thornton, October 9, 1868, p. 745.

<sup>18</sup> Johnson to Seward, October 17, 1868, Diplomatic Correspondence.



could hasten a convention on the "Alabama Claims."<sup>19</sup> Two weeks later, he approved the San Juan protocol on condition that the arbitrator be changed to the President of Switzerland.<sup>20</sup> Lord Stanley willingly assented to the change on November 10, 1868.<sup>21</sup> Also on November 10, Johnson and Stanley signed a treaty for the settlement of the "Alabama Claims." Under the treaty, the claims would be referred to four commissioners who would select an arbitrator whose decision would be final. In addition, no new evidence pertaining to the "Alabama Claims" was to be submitted. Seward was not satisfied and directed that the treaty be modified.<sup>22</sup> Before negotiations could resume, the Conservative Government of Benjamin Disraeli fell from power.

The diplomatic stalemate that existed in the summer of 1868 was broken in the fall for several reasons, all political. In the United States, the fall elections were fast approaching and both parties had adopted platforms containing clauses specifically affirming the principle that a naturalized American citizen acquires the same privileges and immunities from foreign interference as a native-born citizen. Formal recognition of this principle by Great Britain would diminish the Irish attraction to the Radical Republicans. In England, Disraeli's prestige had waned since passage of the Reform Bill of 1867 and his Conservative Government was in jeopardy over the question of its overall policy toward

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<sup>19</sup> Seward to Johnson, October 25, 1868, Diplomatic Correspondence.

<sup>20</sup> Seward to Johnson, November 7, 1868, Diplomatic Correspondence.

<sup>21</sup> Johnson to Seward, November 10, 1868, Diplomatic Correspondence.

<sup>22</sup> Seward to Johnson, November 27, 1868, Diplomatic Correspondence.

Ireland. In addition, the British were alarmed by the rise of Prussia and its threat to the European balance of power. For the first time since the end of the Civil War, Great Britain was eager to settle its differences with the United States.

#### The Johnson-Clarendon Convention

On December 1, 1868, William E. Gladstone became the new Prime Minister of Great Britain. As leader of the Liberal Party, he had come into office with a pledge to save Ireland by correcting the true sources of Irish grievances. Gladstone perceived that the Fenian movement only foretold of future insurrections in Ireland unless remedial measures were adopted.

Lord Clarendon once again became Foreign Secretary and immediately resumed the negotiations with Reverdy Johnson. Seward's renewed insistence that numerous changes be made to the treaty agreed upon by Johnson and Stanley led Lord Clarendon to render a rather pessimistic report to Queen Victoria. The Queen commented on the situation in her diary:

The American negotiations are in an unsatisfactory state, and Lord Clarendon fears that Mr. Seward does not wish or intend that they should terminate satisfactorily. This was also the opinion of Lord Stanley. Mr. Reverdy Johnson thinks differently, and says that all will end well. Lord Clarendon fears that every fresh concession on our part will only be followed by fresh demands on the part of the United States.<sup>23</sup>

The new British Government was anxious for a settlement, however, and negotiations continued. Lord Clarendon not only acceded to nearly all of Seward's demands, but also yielded on two principal past objections.

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<sup>23</sup>George Earle Buckle, ed., The Letters of Queen Victoria, 1862-1878, Vol. 1 (London: Jonh Murray, 1926), p. 569.

The first was the submission of all direct claims to arbitration, and the second was submission to arbitration of the right of Lord Palmerston's government to have recognized the late Confederates as belligerents.<sup>24</sup> Finally, on January 14, 1869, the ill-fated Johnson-Clarendon Convention was signed in London. In essence, two conventions were signed. One provided for the settlement by arbitration of the San Juan boundary dispute, and another for the adjustment by commission and arbitration of the so-called "Alabama Claims."<sup>25</sup>

The Johnson-Clarendon Convention was favorably received in Parliament, where it seemed to represent the efforts of three successive governments to establish a durable friendship with the United States. The Times (London) was less enthusiastic about the Convention, claiming it avoided the key question of whether Britain was justified in recognizing the Confederacy as a belligerent power. As for submitting this question to arbitration, the Times concluded that, "We have gone to the very verge-if we have not transgressed it-of national humiliation."<sup>26</sup>

As a further act of conciliation, due mainly to the abatement of Fenian disturbances in Ireland and England, Britain released Warren, Costello, and forty-nine other Fenian prisoners in February, 1869.<sup>27</sup> To the chagrin of the British Government, Warren and Costello immediately

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<sup>24</sup> Johnson to Seward, January 15, 1869, Diplomatic Correspondence.

<sup>25</sup> Johnson to Seward, January 14, 1869, Diplomatic Correspondence.

<sup>26</sup> Editorial, The Times (London), February 19, 1869.

<sup>27</sup> Johnson to Seward, February 23, 1869, Diplomatic Correspondence.

began a speaking tour of Ireland, castigating Great Britain in inflammatory speeches. Their conduct caused several members of Parliament to question the government on the wisdom of further releases of Fenian prisoners. Reflecting the quiet state of Fenianism, the Chief Secretary for Ireland, Mr. Chichester Fortesque, replied that the, ". . . seditious language used by two or three released prisoners would not alter the amount of clemency which should be extended to the political prisoners."<sup>28</sup>

In the United States, the outlook for Senate approval of the Convention was poor. The Convention covered all claims held by both sides since 1853, but offered settlement for individual claims only, without recognizing the indirect losses Americans had suffered from the Confederate raiders. In addition, it contained no British apology for the Alabama's escape and depredations. The Senate Committee on Foreign Relations, headed by Charles Sumner, almost unanimously rejected the Convention on February 18, 1869. On March 4, 1869, Ulysses S. Grant took office as the new President of the United States. Many persons felt that he should have an opportunity to render a judgment on the Convention while others simply wanted to deny the unpopular President Johnson a last minute diplomatic success. To further dim the Convention's prospects for approval, Reverdy Johnson's over zealous public conduct in London had outraged many people. Specifically, Johnson had called a Mr. Roebuck his friend, whereas Roebuck had been Parliament's chief advocate for recognition of the Confederacy. Johnson had also shaken hands with

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<sup>28</sup> Great Britain, Hansard's Parliamentary Debates, Vol. CXCIV (1869), p. 356.

Mr. Laird, the unrepentent builder of the Alabama.<sup>29</sup>

Senator Charles Sumner

On April 13, 1869, the Johnson-Clarendon Convention was to be voted upon by the Senate. There seemed to be little chance that it would pass. For nearly four years, since the end of the Civil War, American hostility toward England had been building. In 1865, the terms Reverdy Johnson secured would, "have been approved almost without a dissentient vote," Sumner told Thornton, but now, "Our Minister has made it impossible to adopt anything he has done."<sup>30</sup> Just before the Senate vote, Sumner denounced the agreement and attacked England in a long speech. Sumner said that the Johnson-Clarendon Convention:

. . . failed to remove the massive grievance under which our country suffered for years. . . . It was time for an American to state the true ground of complaint against Britain, which was simply that when Civilization was fighting a last battle with Slavery, England gave her name, her influence, her neutral resources to the wicked cause, and flung a sword into the scale with Slavery."<sup>31</sup>

Sumner went on to say that the Convention included only a small part of England's wartime debt to the United States and then presented three bills. The first, for direct damages wrought by Confederate raiders, he estimated at \$15,000,000. The second, for indirect damages to the merchant fleet from increased insurance rates and loss of revenue from commerce driven from American ships, he placed at \$110,000,000. Finally, he said Britain's intervention had doubled the duration of the war.

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<sup>29</sup> Alexander DeConde, A History of American Foreign Policy (New York: Charles Scribner's Sons, 1963), p. 278.

<sup>30</sup> David Donald, Charles Sumner and the Rights of Man (New York: Alfred A. Knopf, 1970), p. 366.

<sup>31</sup> Donald, Charles Sumner, p. 374.

Therefore, Britain owed the United States for one-half the cost of the war, or \$2,000,000,000.

Sumner's speech met with unanimous approval and the Johnson-Clarendon Convention was defeated by a vote of 54 to 1. The American public generally received the speech with the same enthusiasm as the Senate. The New York Herald, usually critical of Sumner, said that his speech was "firm and masterly, . . . so manly, outspoken, and dignified that Grant ought at once to make him Secretary of State."<sup>32</sup> Even the cynical Gideon Welles recorded in his diary that there was, "more manly vigor and true statesmanship in this speech than in all of Seward's diplomacy with England."<sup>33</sup>

In England, the speech was heartily denounced. Lord Clarendon discussed the speech with Queen Victoria and again the Queen's diary provides an insight to British thinking:

The speech of Mr. Sumner occupies public attention. It is the unfriendly state of our relations with America that to a great extent paralyses our action in Europe. There is not the smallest doubt that if we were engaged in a Continental quarrel we should immediately find ourselves at war with the United States. Mr. Reverdy Johnson is indignant with Mr. Sumner, who he says is going-in for the next Presidency on the anit-English platform.<sup>34</sup>

Despite American animosity, the British Government was determined not to break with the United States. On June 4, 1869, Lord Clarendon told Parliament not to attach too much importance to Sumner's speech. After

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<sup>32</sup> Editorial, The New York Herald, April 15, 1869.

<sup>33</sup> Howard K. Beale, Diary of Gideon Welles, Secretary of the Navy Under Lincoln and Johnson, Vol. 3 (New York: W.W. Norton, 1960), p. 579.

<sup>34</sup> Buckle, Letters of Queen Victoria, p. 594.

a careful analysis of why the Senate refused to ratify the Convention, Clarendon added that in England there, " . . . will be the same friendly feeling toward the United States and the same desire to bring this controversy to a close."<sup>35</sup>

Although the convention dealing with the "Alabama Claims" was defeated, the convention on naturalization won the support of Senator Sumner. On April 19, 1869, Thornton advised Clarendon that the Senate had approved the protocol on naturalization and that the President would soon be able to enter into negotiations for a naturalization treaty based on the protocol.<sup>36</sup> In expressing approval of the Naturalization Convention, the New York Times commented that, "The striking features about it are the utter and unreserved adoption of the American doctrine."<sup>37</sup> By the summer of 1869, the United States had ratified and exchanged naturalization treaties with the North German Union, Bavaria, and Mexico. Before the Senate for consideration or approval were similar treaties with Baden, Wurtemberg, Hesse, Belgium, and now Great Britain.<sup>38</sup>

#### Summary

As the summer of 1868 wore on, diplomatic negotiations between the United States and Great Britain came to a standstill because of a

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<sup>35</sup> Great Britain, Hansard's Parliamentary Debates, Vol. CXCVI (1869), pp. 1227-1235.

<sup>36</sup> Great Britain, Sessional Papers, Thornton to Stanley, April 19, 1869.

<sup>37</sup> Editorial, The New York Times, April 26, 1869, p. 4.

<sup>38</sup> U.S., Congress, House, Report on Arrest of American Citizens, 40th Cong., 3rd sess., March 2, 1869, House Report, Number 44.

stalemate over the naturalization question. Seward was angered at Britain's apparent reluctance to hasten conclusion of a naturalization agreement and made it a sine qua non of any further negotiations. On the other side, Stanley was upset by Seward's belligerent attitude. Furthermore, the British Government was receiving alarming reports of Fenian preparations for another invasion of Canada and was not going to extend leniency to Fenian prisoners while the American Government permitted such activities to go unchecked.

A break came in the fall, however, and resulted in the Johnson-Clarendon Convention, which attempted to resolve the three key issues of naturalization, the San Juan boundary dispute, and the "Alabama Claims." Anglophobia was running high in the United States, however, and the Senate, fired by Senator Sumner's bellicose speech against England, rejected the Convention. But, the Senate did approve the convention on naturalization, thus paving the way for an eventual treaty on that issue. In England, British statesmen were content to ignore the "Alabama Claims" until political events in Europe made a settlement with the United States seem imperative.



## CHAPTER 7

### FENIANISM FADES AWAY

After the Johnson-Clarendon Convention was rejected by the United States Senate, the "Alabama Claims" were rarely mentioned in diplomatic correspondence for another year. In the meantime, Britain was occupied by issues such as the Irish Land Act and amnesty for Fenians still in prison. In the United States, General John O'Neill mounted another attack on Canada. Finally, renewed fighting in Europe, coupled with Russian designs on Turkey, led Great Britain to initiate new negotiations with the United States. In the end, even the accomplishments of the Treaty of Washington seemed threatened by Senator Sumner's indirect claims until the venerable Charles Francis Adams interceded on behalf of reason and good sense. By the end of 1872, all outstanding issues were resolved and the two countries entered an era of rapprochement. Fenianism, which had helped embroil the United States for years, gradually faded into history.

#### The Last Attack

During the years 1867-1869, the Fenians had made no further attempts to invade Canada although rumors of impending attacks were persistent. On October 5, 1869, one cause of Fenian discontent was removed when the Canadian Government finally released Reverend John McMahon from prison. A further blow to Fenianism was delivered on January 12, 1870, when the Brotherhood was officially condemned by the

Catholic Church because it worked for the overthrow of British rule in Ireland. The condemnation decree carried a sentence of excommunication for any Catholic retaining Fenian membership. The decree had been sought mainly by the church hierarchy in Ireland.<sup>1</sup>

In the spring of 1870, General John O'Neill was bringing to fruition another plot to invade Canada. For the past several years, the Fenians had been collecting arms and secreting them along the Canadian border. Preparations for the attack were much better than for the 1866 raid. In fact, by May, 1870, war material for at least 12,000 men was actually in place on the border. O'Neill's objective for the second invasion of Canada was to seize it as a base for operations against England. His theory was that the Fenians needed the ports and shipyards from which they could dispatch privateers to prey upon English shipping. By the possession of territory, he anticipated they could claim and obtain the right of belligerents from the United States. This done, he expected large numbers of recruits to come forward and he would then command an expedition against Ireland.<sup>2</sup>

Unfortunately for the Fenians, O'Neill had entrusted the task of distributing arms along the frontier to Henri Le Caron, a trusted friend and Adjutant General of the Fenian army. Le Caron was also a British spy, and had been since at least 1867. In addition, the United

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<sup>1</sup>Charles Callan Tansill, America and the Fight for Irish Freedom, 1866-1922 (New York: The Devin-Adair Co., 1957), p. 39.

<sup>2</sup>Major Henri Le Caron, Twenty-Five Years in the Secret Service: The Recollections of a Spy, (London: William Heinemann, 1892), p. 83.

States War Department was monitoring Fenian activities. Consequently, government officials on both sides of the border were aware of the Fenian preparations. The Canadian authorities, having specific information from Le Caron, took precautions to protect their border against attack. So energetic were Canadian preparations that the New York Times ridiculed their efforts as "sheer nonsense."<sup>3</sup>

The Fenian situation was frequently discussed by President Grant and his Cabinet. On April 15, 1870, Secretary of War William W. Belknap reported on the collection of arms on the northern border and recommended seizure. Secretary of State Hamilton Fish<sup>4</sup> said that:

We have known of the collections of arms on the frontier for a long time, and have communicated all the information to the British Minister; but, without evidence of intent to use the arms improperly, no law authorizes their seizure.<sup>5</sup>

On May 23, 1870, Irishmen began moving toward the border in large numbers. The plan called for a simultaneous attack from St. Albans, Vermont, and Ogdensburg and Malone, New York, where arms and uniforms were ready. Most of the Fenian soldiers were Civil War veterans. The Confederate cavalry leader John Mosby was among the officers. On May 24, President Grant and the Cabinet received telegrams from United States Marshalls and Commissioners stationed along the border, advising of the concentration of Fenians.<sup>6</sup> Grant then issued a proclamation

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<sup>3</sup> Editorial, The New York Times, April 24, 1870.

<sup>4</sup> Hamilton Fish replaced William H. Seward as Secretary of State on March 11, 1869.

<sup>5</sup> Allan Nevins, Hamilton Fish, The Inner History of the Grant Administration (New York: Dodd, Meade and Co., 1937), p. 392.

<sup>6</sup> Nevins, Fish, p. 393.

warning all peaceable citizens not to participate in the movement. Also, all officers in service of the country were ordered to do everything in their power to prevent the unlawful proceedings and to arrest any person found engaged in them.<sup>7</sup> The President informed the Cabinet that he would no longer permit the Fenians the luxury of the ". . . organization of a government within the United States."<sup>8</sup> On the same day, May 24, Major General George G. Meade, commanding the Military District of the East, dispatched eleven companies of artillery to the border to assist the civil authorities in making arrests and seizing munitions.<sup>9</sup>

At noon on May 25, fearing the arrival of United States soldiers, General O'Neill prematurely launched an attack from St. Albans. Stopping his troops eighty yards from the border, he said:

Soldiers: this is the advance guard of the Irish-American Army for the liberation of Ireland from the yoke of the oppressor. For your own country, you now enter that of the enemy. The eyes of your country-men are upon you. Forward, March!<sup>10</sup>

But, before O'Neill's army of 300 could advance, United States Marshall George P. Foster raced up in a closed carriage, placed a pistol to O'Neill's head, and drove off with him to the Burlington jail before his men knew what had happened. The Fenians skirmished with the Canadian militia at Eccles hill for a short time and then straggled back to St. Albans. Further west, at Malone, a force of approximately 1,500 Fenians crossed the border on May 27 and advanced for four miles. When a much larger

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<sup>7</sup>"Proclamation," The New York Times, May 25, 1869, p. 1.

<sup>8</sup>Thomas N. Brown, Irish-American Nationalism, 1870-1890 (New York: Lippincott, 1966), p. 40.

<sup>9</sup>U.S., Secretary of War, 1869-72 (Belknap), Report of the Secretary of War, 1870 (Washington: Government Printing Office, 1871), Vol. 1, p. 43.

<sup>10</sup>Florence E. Gibson, The Attitudes of the New York Irish Toward State and National Affairs, 1848-1892 (New York: Columbia University Press, 1951), p. 204.

force of British and Canadian troops appeared, the Fenians retreated to American soil after a short engagement. The Fenian attack was over. Once again, Federal troops confiscated their arms and sent them home. Boss William M. Tweed provided transportation back to New York City for several hundred Irishmen.<sup>11</sup>

The absurdity of the Fenian attack was recognized by most Americans. The New York Times concluded that the government should stop the raids by imprisoning Fenian leaders or stationing a large military force along the border.<sup>12</sup> The same paper also contrasted President Grant's prompt action to suppress the raid with, ". . . the tardy policy of Lord Russell when the Alabama was being set loose on our commerce."<sup>13</sup>

In England, it was recognized that the American Government had acted promptly against the Fenians and Thornton formally thanked Secretary Fish. As in America, the relationship between the latest Fenian attack and the Alabama episode was not lost. The Economist advised the Government that:

General Grant has saved us from the most unpleasant of complications in Canada, and has acted with a good faith and simplicity in the matter, which ought to inspire the English Cabinet with the sincerest desire to settle the disputed question of the Alabama claims. . . .

If once it had been intimated, and generally believed, that the Government of the United States would not be sorry to see a successful invasion of Canada, and that the officers and men of the great army might cross the frontier without anything more than a

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<sup>11</sup>Gibson, Attitudes, pp. 204-05.

<sup>12</sup>Editorial, The New York Times, May 29, 1869, p. 4.

<sup>13</sup>"Fenian Raid," The New York Times, May 26, 1869, p. 4.

pretense of resistance on the part of the United States authorities, we might have had the most serious embroilments, extending over months or years, and ending in a gigantic war with the United States. . . . We owe the rapid collapse of the last Fenian scheme to the fact that a straightforward man. . . is at the head of the Government.<sup>14</sup>

In Canada, the first emotion of alarm was quickly succeeded by indignation. The Canadian Government was incensed that the Fenians were tolerated in the United States and permitted to threaten the border. The Canadians had promptly paid for the damage done at St. Albans, Vermont, by Confederate raiders during the Civil War. They now wanted payment for damages caused by the Fenians. Thus far, the United States had ignored all Canadian claims.<sup>15</sup> Even reassurances from Foreign Secretary Granville<sup>16</sup> to John Young, Governor-General of Canada, could not diminish Canadian indignation.

The discredit and ridicule attaching to these marauders on account of their signal overthrow when they had scarcely crossed the frontier must cripple, if not utterly destroy, the means or re-organizing expeditions as wicked and unjustifiable in their conception as they have proved to be feeble and unsuccessful in their execution.<sup>17</sup>

General John O'Neill pleaded guilty to violating the neutrality laws. On July 30, 1870, he was sentenced to two years in prison and ordered to pay a \$10 fine. His defense was again arranged by Grover

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<sup>14</sup>"The Value of a Strong Government in the United States," The Economist, June 4, 1870, p. 692.

<sup>15</sup>Nevins, Fish, p. 395.

<sup>16</sup>Lord Clarendon died on June 27, 1870, and was succeeded by the Earl of Granville.

<sup>17</sup>Great Britain, Irish University Press, Colonies, Vol. 27, Granville to Young, Dispatch 178, July 5, 1870, p. 219.

Cleveland and provided free of charge. After sentencing, Cleveland joined in a successful petition to President Grant for a commutation of the sentence.<sup>18</sup>

The final Fenian military venture was launched in October, 1871, near what is now Pembina, North Dakota. Early in the morning of October 5, the persistent General O'Neill and approximately 100 Fenians attacked, captured, and briefly occupied a trading post of the Hudson Bay Company. When news of the infraction of the neutrality laws reached nearby Fort Pembina, the Fenian band was dispersed the same day by two companies of the 20th United States Infantry. The soldiers seized 99 rifles and 12,000 cartridges abandoned by the Fenians. O'Neill was captured and was subsequently tried and imprisoned for violating the neutrality laws.<sup>19</sup>

The raids marked the end of the foolhardy attacks on Canada. The Fenian menace to Canada was now at an end and Anglo-American relations could run a smoother course. The most important results of the raids had been to stimulate the movement for Canadian confederation and increase Canadian distrust of the United States.

#### Fenian Amnesty in England

Although the British Government released the imprisoned Irish-American Fenians, many Irish Fenians still remained in prison. In the

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<sup>18</sup>Allan Nevins, Grover Cleveland, A Study in Courage (New York: Dodd, Mead and Company, 1933), p. 54.

<sup>19</sup>U.S., Secretary of War, 1869-72 (Belknap), Report of the Secretary of War, 1871 (Washington: Government Printing Office, 1872), Vol. 1, pp. 29-30.

fall of 1869, an English Amnesty Committee was formed to lobby for the release of all Fenian prisoners. When Prime Minister Gladstone refused to meet with the Amnesty Committee, and declined to release the prisoners, the Committee organized a boycott of certain excisable articles to convince the Government that amnesty was a serious issue. For example, on November 9, 1869, all Irish people in the United Kingdom were advised that, "On and after November 9, 1869, no tobacco in any form is to be consumed until such date as that on which all the political prisoners shall be released from custody."<sup>20</sup> The boycott was unsuccessful. Amnesty was not a popular issue in England and the Economist accurately expressed public sentiment:

The Fenian conspirators should be severely punished, not granted amnesty, to teach a lesson to the turbulent classes. . . . Had the Fenians been more successful, the disestablishment of the Irish Church may not have been accomplished. . . . Fenian agitation only holds up progress and reforms.<sup>21</sup>

A year later, Prime Minister Gladstone discussed the issue with Queen Victoria. Gladstone recommended that Fenian prisoners whose offense was political should be considered for early release. He supported his argument by explaining that Fenianism was losing its energy, that conditions in Ireland were satisfactory, and that the prisoners should be released before publication of a Royal Commission report which was critical of the Government for treating Fenians as ordinary felons rather than as political prisoners. As a concession to the Queen, he

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<sup>20</sup>The Times (London), November 10, 1869, p. 11.

<sup>21</sup>"The Demand For Fenian Amnesty," The Economist, September 18, 1869, p. 1100.



proposed that the Fenians be released on condition of their leaving the country.<sup>22</sup> The Queen reluctantly accepted Gladstone's argument, replying that the Fenian prisoners:

Have made no expression of regret or sorrow and will probably maintain their defiant attitude. . . . I hope that some guarantee for their good behavior will be exacted, since the presence of these reckless men in America at the present time might lead to disastrous consequences. Only Fenians convicted of political crimes will be released, the soldiers convicted of Fenianism will not be included in the pardon.<sup>23</sup>

In February, 1871, all Fenian political prisoners in England and Ireland were released except eight who were involved in the 1867 Manchester rescue attempt.<sup>24</sup>

#### A Naturalization Treaty

The naturalization protocol of October 9, 1868, was transformed into a Naturalization Bill and, on March 3, 1870, the whole question of naturalization was once again debated in the House of Commons. A succinct résumé of the entire issue was made by the new Earl of Derby:

This old rule of law is obsolete in the case of a country . . . like England which encourages emmigration. The rule placed us in this false and even absurd position—that over hundreds of thousands, perhaps millions, of persons now permanently settled in the United States, we had legal rights which it was notoriously impossible to enforce; while they in return had a right to claim from us a protection which it was also notoriously impossible for us to afford.

We think that the bill is not so much a concession to any American claim or demand as a step taken in our own interest. . . . The fact is, that from 1796 to the present time, this question

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<sup>22</sup> George Earle Buckle, The Letters of Queen Victoria, 1862-1878, Vol. 2 (London: John Murray, 1926), p. 82.

<sup>23</sup> Buckle, Letters of Victoria, p. 84.

<sup>24</sup> Great Britain, Parliament, Sessional Papers, 1871, Vol. LVIII, February 17, 1871, pp. 461-63.

has been an almost constant subject of dispute and controversy between England and the United States. It led to the War of 1812, and has been a subject of negotiation in 1815, 1840, 1848, over the Fenian movement, and will continue to be a source of controversy if not resolved.

This will lessen by one the chances of rupture between the United States and Great Britain.<sup>25</sup>

The debate in Parliament and the remarks of Lord Derby were reflected upon in an illuminating editorial in the New York Times:

The debate conceded the point long championed by the United States, and its concession was desirable as a final settlement of ancient difficulties between the two countries.

It has always seemed to us that the persistent adherence of Great Britain to the doctrine of inalienable allegiance was more the result of obstinacy-and possibly of a feeling of self-assertion toward this country, than of a logical adherence to principle. It seems her statesmen are . . . prepared to recognize the liberal spirit of popular freedom which holds governments to be subordinate to peoples, and concedes the right of all men to bestow their allegiance where they choose.<sup>26</sup>

On May 13, 1870, a Naturalization Convention was signed in London between the American Minister, John Motley, and the Earl of Clarendom.<sup>27</sup>

The United States Senate objected to certain amendments made by Parliament, however, so a Supplemental Convention was signed on May 4, 1871.

This Convention proved unsatisfactory to the British Government. The issue was finally resolved to everyone's satisfaction by passage in

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<sup>25</sup> Great Britain, Parliament, Hansard's Parliamentary Debates, Vol. CXXIX (1870), pp. 1118-1135. Note: The 15th Earl of Derby succeeded to the title in 1869 upon the death of the former Prime Minister and leader of the Conservative party, the 14th Earl of Derby.

<sup>26</sup> "Natural Allegiance and Elective Citizenship," The New York Times, March 4, 1870, p. 4.

<sup>27</sup> John Lothrop Motley succeeded Reverdy Johnson as United States Minister to Great Britain on May 22, 1869.

Parliament of the Naturalization Bill on July 25, 1872. After seven years of controversy, the naturalization question was finally resolved.

### The Treaty of Washington

The Franco-Prussian War gave a fresh impulse to the desires of British statesmen to be free from American unfriendliness. Then, on October 31, 1870, only two months after the French defeat at Sedan, Russia denounced the provisions of the 1857 Treaty of Paris excluding warships from the Black Sea. According to Lord Ripon.

England had no alternative but to threaten war though it was certain she would have to wage it alone. We had to closely evaluate our international relations. The dangerous situation with Russia made it imperative to obtain a friendly adjustment of the American claims as a matter of national exigency.<sup>28</sup>

After a month of suspense, the threat of war passed when Bismarck proposed an international conference to settle the issue. Under these ominous conditions, an agreement was reached with the United States for appointment of a joint high commission to meet at Washington and prepare a treaty to settle all matters of controversy between the two countries. The result was the Treaty of Washington, signed on May 8, 1871. The Treaty's foremost agreement provided for the reference of the "Alabama Claims" to five arbitrators, to be named by the heads of the American, British, Italian, Swiss, and Brazilian governments. It also registered the ". . . regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by

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<sup>28</sup> Lucien Wolf, Life of Lord Ripon, Vol. 1 (London: John Murray, 1921), p. 238. Note: Lord Ripon was a member of Gladstone's Cabinet. In 1871, he was named Chairman of the Joint High Commission which arranged the Treaty of Washington.

those vessels."<sup>29</sup> In addition, it was agreed to submit to the arbitration of the German Emperor the San Juan boundary dispute and to settle the problem of American fishing rights in Canadian waters.<sup>30</sup>

At the Washington Conference, the Canadian Commissioners wanted the United States to pay for the losses inflicted on Canada by the Fenian raids of 1866 and 1870. The American Commissioners refused to include the Fenian claims in the treaty. Britain acquiesced to the American position and, to placate Canada, agreed to guarantee a Canadian loan of £2,500,000 for constructing a railroad to the Pacific coast and for extending Canada's canals.<sup>31</sup> The Treaty was ratified by the United States Senate on June 17, 1871.

The Tribunal to settle the "Alabama Claims" met in Geneva, Switzerland, in December, 1871. To the consternation and anger of Great Britain, the United States insisted that Senator Sumner's indirect claims be included for arbitration. Anglophobia was running high in America and,

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<sup>29</sup> Samuel Flagg Bemis, ed., The American Secretaries of State and Their Diplomacy, Vol. 7 (New York: Cooper Square Publishers, 1963), p. 168.

<sup>30</sup> In October, 1872, the German Emperor decided on a boundary that gave the disputed islands to the United States. The Canadian fisheries dispute arose in 1866 from America's abrogation of the Marcy-Elgin Treaty, thus ending previous trade reciprocity agreements. Canada retaliated by raising its tariffs and by excluding Americans from the rich inshore fisheries along the Canadian coast. Under the Treaty of Washington, Americans secured the right to use the Canadian fisheries for at least ten years, and Canadian fishermen obtained similar rights along the American coast.

<sup>31</sup> Great Britain, Irish University Press, Colonies, Vol. 27, Kimberley to Lisgor, Dispatch 445, June 20, 1871, p. 624. See also Kimberley to Lisgor, Dispatch 58, March 18, 1872.

1872 being an election year, President Grant's Administration did not want to run counter to public sentiment. Also, animosity toward the South was a strong factor in Republican politics. It was disparaging to the South to contend that the prolongation of the Civil War was due solely to the aid the Confederacy received from Great Britain.<sup>32</sup> Therefore, Secretary Fish insisted on the indirect claims as a matter of political necessity. Since the British Government, as a matter of national honor and also as a matter of political necessity, refused to consider them, the arbitration appeared doomed. Benjamin Disraeli, leader of the opposition Conservative party, commented on the gravity of the situation:

The Government holds that United States withdrawal from the arbitration is a clear casus belli. . . . I must urge direct and friendly application to the Government of Washington. This will not be a casus belli, but I fear must end in that. . . . The Americans will not go to war, at least at present, for there are many reasons to deter them, but we shall still, after our sacrifices, have the Alabama claims, but in a worse form.<sup>33</sup>

After five months of stalemate, Charles Francis Adams, American member of the Tribunal of Arbitration, persuaded the other arbitrators to consider the indirect claims, and then to declare them invalid under recognized rules of international law. This ended the controversy. The rejection of the indirect claims by the Tribunal relieved the Grant Administration of all responsibility for abandoning them, and passed with little effect on American public opinion. The Tribunal held its final session on September 14, 1872, and announced its decision. Great

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<sup>32</sup>William A. Dunning, The British Empire and the United States (New York: Charles Scribner's Sons, 1914), p. 256.

<sup>33</sup>George Earle Buckle, The Life of Benjamin Disraeli, Earl of Beaconsfield, Vol. 5 (London: John Murray, 1916), pp. 178-79.

Britain was responsible for the damage the Alabama, the Florida, and the Shenandoah had wrought, and the United States was awarded an indemnity of \$15,500,000. Citizens on both sides of the Atlantic grudgingly accepted the judgment. Colonel Ponsonby, Queen Victoria's aide, captured the import of the Tribunal's decision in a letter to the Queen:

The decision in the Alabama claims has been accepted by all parties. It is unpleasant to pay three million pounds, but the judgement seems fair, and as the United States' direct claims alone amounted to forty millions, we have much the best of the decision.

Had the Arbitrators entirely acquitted us and condemned us to pay nothing, the feeling in the United States would have been very bitter and they might have sought some pretext for a new quarrel.<sup>34</sup>

The Fenian movement declined rapidly after 1870 as a result of its military failures, the absence of a revolution in Ireland, and the amicable disposition of Fenian problems by American and British statesmen. The last Fenian congress was held on January 28, 1876. After John O'Mahony's death on February 5, 1877, Fenianism virtually disappeared from the American scene. In Ireland, sporadic acts of violence continued into the Twentieth century and were often attributed to the once feared Fenians.

#### Summary

The Nineteenth century phenomena of Fenianism had a distinct impact on each country it affected. In Canada, the Fenian threat from the United States gave impetus to the move toward confederation. In

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<sup>34</sup> Buckle, Letters of Victoria, p. 288.

England and Ireland, Fenian outrages ended an age of indifference toward Ireland and led to a British government committed to solve Irish problems. In the United States, Fenianism and the related issue of naturalization claimed the public's attention for five years. Of foremost importance in analyzing the Fenians, though, is consideration of the question, "What made Fenianism significant in Anglo-American relations?" To answer this question, three crucial problem areas must be examined. The first is the relationship of Fenianism to the other diplomatic disputes between the two countries during the same period of time. The second is the overall importance of Great Britain to the United States in the years immediately following the Civil War, and finally, the importance of the United States to Great Britain.

After the Civil War, four disputes strained diplomatic relations between the two countries. The San Juan Island dispute arose in 1853 and was on the verge of being settled by arbitration when the Civil War intervened. This regional controversy never assumed serious proportions and was quickly settled by arbitration after the Treaty of Washington. The Canadian fisheries dispute resumed in 1866 when the United States abrogated the Marcy-Elgin Treaty on trade reciprocity. This was also a regional disagreement and was easily resolved by the Treaty of Washington. The foremost problem involved the "Alabama Claims" which could only be settled, in part, by an expression of regret on the part of Great Britain. However, standing in the way of a settlement of the "Alabama Claims" was the Fenian inspired naturalization controversy. Secretary Seward had made the naturalization question a



sine qua non before settlement of any other issue. Only when Great Britain accepted the principle of expatriation and naturalization in 1868 was the way opened for settlement of the "Alabama Claims." Thus, the naturalization issue raised by the Fenians ranks only behind the "Alabama Claims" in important issues marring Anglo-American relations after the Civil War.

Closely related to a study of Fenianism is the question of the importance of Great Britain to the United States. By 1865, the vast majority of Americans were tired of war and had no desire to pursue their Anglophobia toward actual conflict with Great Britain. Instead, the American people were overwhelmingly interested in westward expansion, economic development, and reconstruction of the South. Due to this preoccupation with domestic affairs, and to noninvolvement in the European power struggle, Britain's policy toward the United States was not of paramount importance as long as peace and the Monroe Doctrine were maintained. For these reasons, Fenian disturbances had little impact in the United States other than marring diplomatic relations with England.

Of greater significance is the question of the importance of the United States to Great Britain. In the opinion of British statesmen, maintaining friendly relations with the United States was essential. In event of war, the United States could seize Canada, attack British shipping around the world with commerce raiders, and then wait for England's counterattack. If Great Britain attempted to reconquer Canada, she would be operating 3,000 miles from bases in England and



would face the specter of fighting the 1,000,000 man American army that had existed in 1865. Additionally, the United States had a formidable fleet of ironclads for coastal defense. In short, the United States' potential for military power, recently illustrated by the Civil War, could not be overlooked. British military countermeasures were limited while Canada, and British commerce, were virtual hostages of the United States.

In Europe, Great Britain was primarily interested in maintaining what it considered to be a balance of power and stood alone without friends or allies. However, the rise of Prussia, coupled with an unfriendly United States, posed ominous strategic questions for Britains' statesmen. For example, would commerce raiders sail from American ports to attack British shipping if England went to war in Europe?

Herein lies the true significance of Fenianism. As long as the Fenian inspired naturalization controversy prevented settlement of the "Alabama Claims," Britain was denied freedom of action in Europe because de facto American neutrality was problematic. If the "Alabama Claims" could have been settled in 1865 or 1866, Britain may have felt free to take a more active role in Europe during the crucial years of Prussia's rise to power. Instead, the naturalization question remained unresolved until Seward gave tentative approval to a naturalization protocol that had been arranged between Reverdy Johnson and Lord Clarendon.

Great Britain's acceptance of the principles of expatriation and naturalization opened the way for the Treaty of Washington and a rapprochement between the two countries. By 1872, all outstanding diplomatic

disputes had been resolved. The long delayed Anglo-American reapprochement after the Civil War was due in large measure to anti-British sentiment in the United States that was provoked and prolonged by the Fenian Brotherhood.

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THE FENIANS AND ANGLO-AMERICAN RELATIONS  
AFTER THE CIVIL WAR

by

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AN ABSTRACT OF A MASTER'S THESIS

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## ABSTRACT

The purpose of this thesis is to analyze the effect that Fenianism had on diplomatic relations between the United States and Great Britain after the American Civil War.

The Irish Revolutionary Brotherhood was founded in Ireland in 1858 and its American counterpart, the Fenian Brotherhood, was founded in New York City the following year. Their purpose was to liberate Ireland by armed revolution. In 1865, the Fenian Brotherhood split over strategy, one faction urging an invasion of Canada and the other stressing continued support of a revolutionary army in Ireland. Between 1865 and 1871, three unsuccessful attacks were launched from American soil to capture Canada as a base for Fenian commerce raiders and as ransom for the liberation of Ireland. When the United States Government intervened, pandering politicians sympathized with the Fenians to embarrass President Johnson and gain the Irish vote. Fenian military activities against Canada had little effect on Anglo-American relations.

Beginning in 1865, other American Fenians sent money, munitions, and recruits to Ireland to assist in the long-awaited revolution against English rule. After an abortive insurrection in 1867, British courts refused to recognize the American citizenship of naturalized Irish-American Fenians who were arrested in Ireland. This led to the most divisive aspect of international Fenianism, the naturalization controversy. Great Britain's adherence to the medieval doctrine that a person who was born a British citizen remained so forever was heatedly disavowed



by the United States. Secretary of State William H. Seward made settlement of the naturalization question a sine qua non before consideration of other problems dividing the United States and Great Britain, such as the "Alabama Claims", the San Juan boundary dispute, and the Canadian fisheries question. Ultimately, the threat of war in Europe made English statesmen anxious to resolve Anglo-American differences. The British Government's acquiescence to the American position regarding the right to transfer national allegiance led to a naturalization convention in 1870, and to the Treaty of Washington in 1871.

The information used in this study came from a wide variety of primary, contemporary, and secondary sources. There is no single reference that deals with the Fenian's impact on politics and diplomacy, as well as the public's perception of Fenianism in the United States, Great Britain, Ireland, and Canada. Valuable insights into the Fenian Brotherhood and the Irish Revolutionary Brotherhood were provided by William D'Arcy's The Fenian Movement in the United States, 1858-1886; Major Henri Le Caron's Twenty-Five Years in the Secret Service: The Recollections of a Spy; and Joseph Denieffe's A Personal History of the Irish Revolutionary Brotherhood. Public and political reaction to Fenianism was gleaned primarily from the New York Times, The Times (London), The Economist, Hansard's Parliamentary Debates, the Congressional Globe, George E. Buckle's The Letters of Queen Victoria, and Howard K. Beale's Diary of Gideon Welles. Most importantly, the Fenian's impact on Anglo-American relations was revealed by studying the Diplomatic Correspondence of the United States, the British and Foreign State Papers, and the

Sessional Papers of the English Parliament.

The conclusion that I have reached is that the Fenians had a significant, and divisive, influence on diplomatic relations between the United States and Great Britain. The long delay in settling the "Alabama Claims" was due in large measure to the prolongation of anti-British sentiment in the United States by the activities of the Fenian Brotherhood. Specifically, the Treaty of Washington and the subsequent rapprochement between the two countries was possible only when the Fenian-inspired naturalization controversy was resolved to the satisfaction of the United States.