

John Bull's American Legion: Britain's Ill-Starred Recruiting Attempt in the United States During the Crimean War

THE MONTH of December, 1854, was a gloomy one in Great Britain. In the previous spring a virtually unanimous nation had applauded the decision of Lord Aberdeen's coalition government to declare war on Russia in alliance with Napoleon III of France, the nephew of England's late great enemy. An Anglo-French force was landed in the Crimea to attack the great Russian naval base at Sevastopol. After three costly successes at the Alma, Balaclava, and Inkerman, it became obvious that the Allied army would be forced to spend the winter in the Crimea.

The regular uncensored dispatches of the London *Times'* William Howard Russell had already aroused grave concern at home by their reports of military blundering (particularly in connection with the notorious charge of Lord Cardigan's Light Cavalry Brigade). By the beginning of December even more calamitous news was arriving from the Crimea. The British army, totally unprepared to face a winter campaign, was rapidly melting away because of disease and exposure. A rapid augmentation of its strength as well as drastic changes in conditions at the front had become imperative.¹

Since outright conscription was regarded as un-British, and most of the militia were too poorly trained to be speedily incorporated into the regular army, the government decided to resort to a variant of the old eighteenth-century practice of hiring mercenaries. A Foreign Enlistment Bill was introduced in Parliament which authorized the recruitment of foreign legions for service with the British army. After a brief debate, during which the leaders of the Con-

¹ R. L. V. F. Blake, *The Crimean War* (Hamden, Conn., 1972), 16-17, 108-113; J. McCarthy, *A History of Our Own Times* (New York, 1894), I, 559-561, 581-582.

servative opposition denounced the bill, it became law on December 23, 1854.²

Neither the supporters nor the opponents of the Foreign Enlistment Act realized that this law could contribute to turning the Crimean War into a world conflict in which Britain's American cousins, simultaneously her best customers and chief trade rivals, would be ranged on the side of Russia against England and France. It was generally supposed that most of the foreign recruits would be enlisted in Germany and Switzerland. But a British attempt to raise a foreign legion in the United States, combined with an Anglo-American dispute over a British protectorate in Central America, was to come within measurable distance of causing a wider war.

In the United States the year 1854 had also been a tumultuous one. The Kansas-Nebraska Bill had revived the debate over the status of slavery in federal territories, and American attitudes toward the Crimean War reflected this domestic sectional strife. President Franklin Pierce's pro-southern administration maintained an official neutrality, but its sympathies were clearly with Russia. Although in deference to the American doctrine of neutral rights Britain had abandoned some of its blockading practices of the Napoleonic Wars, its action was too conditional to satisfy completely the American government.³

Memories of two Anglo-American wars made the general tone of public opinion in the United States anti-British. In the South and amongst ardent expansionists in all sections, pro-Russian sentiment was strong. Southerners regarded British support of abolitionism as a deadly threat to their institutions, and feared that Britain would attempt to curb American expansion in the Caribbean just as she was checking Russian aggrandizement in the Near East. New England was the one section of the nation in which the Allied powers had strong support. Missionaries, reformers, and Anglophile conservatives all regarded Russian expansion as similar to, and as dangerous as the southern variety.⁴

² Blake, 114; McCarthy, 605; *Hansard's Parliamentary Debates*, CXXXVI, 255-262, 266-271, 694-698.

³ D. G. Kerr, *Sir Edmund Head* (Toronto, 1954), 120; Buchanan to Marcy, Mar. 17, 1854, Clarendon to Buchanan, July 4, 1854, Buchanan to Marcy, July 11, 1854, J. B. Moore, ed., *The Works of James Buchanan* (New York, 1960), IX, 165, 166, 209, 213.

⁴ H. P. Jones, "Southern Opinion on the Crimean War," *Journal of Mississippi History*, XXIX, 117; Lewis Mumford, ed., *Essays and Journals of Ralph Waldo Emerson* (Garden

Such was the situation in the United States when the British government moved to seek recruits there. On February 16, 1855, the Earl of Clarendon, Britain's Foreign Secretary, sent an official letter of instruction to John F. Crampton, Her Majesty's Minister in Washington. After emphasizing the need for a rapid restoration of Britain's depleted army, the Foreign Secretary directed Crampton to consult with Sir Gaspard Le Marchant, the Lieutenant Governor of Nova Scotia (then a British colony separate from Canada), about the best means of obtaining recruits. In addition, Crampton was cautioned to observe the American Neutrality Act of 1818, which prohibited enlistment in foreign armies on American territory, and forbade any hiring or retaining for this purpose. On the same day, Colonial Secretary Sidney Herbert sent similar instructions to Le Marchant, and suggested the establishment of a depot at Halifax for receiving recruits.⁵

Crampton had already formulated preliminary plans before receiving Clarendon's instructions. Although he had serious doubts about the practicability of raising a foreign legion in the United States, he was determined to do what he could to contribute to a victory at Sevastopol. Crampton, a large, handsome man with white hair and side whiskers, had served in Washington for eight years, first as *Chargé d' Affaires*, then as Minister. He now consulted a prominent American lawyer, J. Mandeville Carlisle, about the possibilities of obtaining recruits in the United States without violating the Neutrality Act. Although Carlisle warned against British officials being involved (directly or indirectly) in "hiring or retaining" anyone, he thought it would be possible to "show some people the way to Halifax" without actually resorting to any illegal measures.⁶

The British Minister submitted his plans to Sir Edmund Head, the Governor General of Canada, expecting, initially, that recruits would be sent to Montreal, rather than Halifax. Most recruits, he

City, N. Y., 1968), 443-444, 487, 490; *North American Review*, LXXVIII, 509-516, 535; *The Liberator*, Feb. 17, 1854.

⁵ J. B. Brebner, "Joseph Howe and the Crimean War Enlistment Controversy between Great Britain and the United States," *Canadian Historical Review*, XI (December, 1930), 304-305.

⁶ C. M. Fuess, *Caleb Cushing* (New York, 1923), II, 166; R. W. Van Alstyne, "John F. Crampton, Conspirator or Dupe?", *American Historical Review*, XLI (April, 1936), 496.

predicted, would be recent German immigrants to the United States, including among them veteran officers of the German-Danish conflict in Schleswig-Holstein. However, Crampton received little encouragement from Head, who feared that the Pierce administration might use the recruiting campaign as a pretext for war on Britain (which would mean an American invasion of Canada) to divert public attention from the slavery controversy. Also unenthusiastic about Crampton's plans, General William Rowan, the commander of the British forces in Canada, advanced numerous technical objections.⁷

In contrast to Head's attitude, Sir Gaspard Le Marchant provided Crampton with a more positive response. Upon receiving Sidney Herbert's instructions, he immediately consulted with the leading political figure in Nova Scotia, Joseph Howe, who was then chairman of the provincial railroad commission. Howe was a staunch British Imperial patriot, and advocated a federation of Great Britain and her overseas colonies in which the latter would be represented in the Parliament at Westminster. Le Marchant requested Howe to visit Washington and discuss the recruiting project with Crampton.⁸

Characteristically, Howe entered wholeheartedly into the enterprise, not even waiting to see Crampton before making inquiries. Upon his arrival in Boston, Howe consulted Sprague, Soule & Company, a shipping firm with lines running from Boston to both Philadelphia and Halifax, about the number of unemployed laborers (prospective recruits) in the city. In New York Howe made similar inquiries. The energetic Nova Scotian arrived in Washington late in the evening of March 9, 1855, and went immediately to Crampton's house in Georgetown, where the two men discussed their plans until two o'clock in the morning. They agreed that Howe should take charge of the enlistment drive, with the main depot for receiving recruits to be at Halifax. Crampton welcomed the enthusiasm of Howe, whom he described to Lord Clarendon as "a sharp and active man who seems well qualified for the work we have in hand." At the meeting, Howe took great pleasure in demolishing the objec-

⁷ Kerr, 127; Van Alstyne, 495; C. P. Stacey, *Canada and the British Army 1846-1871* (Toronto, 1963), 90.

⁸ Brebner, 305-306.

tions of the elderly General Rowan, depicting him as "perfectly Balaclava." Early the next morning Howe was heading north again, to begin setting up a network of recruiting agents.⁹

Crampton had met with several potential agents before Howe took charge of the operation, and these men now became key figures in the campaign. The two most important were Henry Hertz, a Danish Jew residing in Philadelphia, and Max F. O. Strobel, a former captain in the Bavarian army, who was living in Washington. Between March 10 and 16 Howe set up recruiting machinery in Philadelphia and New York, in cooperation with Hertz and Strobel who enlisted numerous other agents in the cause. Since it was illegal to enroll recruits on American soil, Howe made arrangements to give the men free passage to Halifax, where they would be formally enlisted. It was so arranged that these men would receive tickets bearing the initials N.S.R., which could mean either Nova Scotia Railroad or Nova Scotia Regiment. Thus, the recruits would appear to be laborers who had been hired to work on the railroads in Nova Scotia. In theory, no person would be compelled to enlist when he reached Halifax, but, since there was little work available there at the time, neither Crampton nor Howe thought that this supposition would create much difficulty.¹⁰

In his instructions to Crampton Lord Clarendon had emphasized the need to secure recruits as soon as possible. Thus, Howe was determined to get the system operating immediately. It was agreed that Hertz would concentrate on obtaining recruits in Philadelphia, and Strobel would accompany them to Halifax. Other agents would operate in New York and Boston, while Howe traveled from city to city making business arrangements and generally supervising the work.¹¹

Howe held strong reservations about the personalities of some of his agents. He described Hertz as "one of the greatest rascals that I ever met," and wished that he had not been referred to him. Nevertheless, he conceded that Hertz, who was "energetic as a steam engine . . . may be useful and must be tried." In addition to

⁹ *Ibid.*, 307-308.

¹⁰ H. B. Learned, "William Learned Marcy," *The American Secretaries of State and their Diplomacy*, ed. S. F. Bemis (New York, 1963), VI, 245-247; Brebner, 310-311.

¹¹ Learned, 246-247.

German veterans of the Schleswig-Holstein war, Howe had established contact with a small group of exiled Polish and Hungarian officers who had fought against the Russians in 1830 or 1849. Friction soon developed between the agents who were recruiting for the German units and their counterparts among the Poles.¹²

This rivalry was but one of many problems that Howe and Crampton began to encounter. One of Howe's New York representatives, a "Scotch military enthusiast," Angus McDonald, issued a handbill announcing that he would assist men who desired to go to Halifax to enlist in the British Foreign Legion. This action alarmed Britain's consul in New York, Anthony Barclay, since McDonald had virtually stated publicly that he was hiring men for the British service. After receiving a copy of the handbill from Barclay, Crampton immediately sent a letter to the consul which declared that McDonald had no authority from the British government to issue his handbill or to hire anyone to leave the United States to enlist in the British army. Then, on March 22, 1855, Crampton called on Secretary of State William L. Marcy and showed him both the handbill and his letter to Barclay disavowing it. Marcy was basically satisfied with Crampton's action, but he reiterated his determination to enforce the neutrality law. He did concede that it would not be illegal if a person went voluntarily to Halifax to enlist. But it would soon become apparent that the American and British definitions of "voluntary" enlistment differed considerably.¹³

On the day after his meeting with Crampton, Marcy received another copy of the McDonald handbill from John McKeon, the United States District Attorney in New York, and promptly turned it over to Attorney General Caleb B. Cushing. This action of Marcy's confronted the British enlistment campaign with a redoubtable adversary. Caleb Cushing of Massachusetts was by far the outstanding intellectual light of the Pierce administration. He supported his southern colleagues who favored American expansion in the Caribbean and Central America, a policy that created major friction between the United States and Great Britain. Eventually, Lord Clarendon would characterize those Americans who were most

¹² Brebner, 311, 319.

¹³ *Ibid.*, 311, 313; Learned, 242-243.

hostile to Britain as "the Cushing gang."¹⁴ Upon receiving the McDonald handbill, Cushing ordered an immediate halt to the circulation of such advertisements, and instructed District Attorney McKeon to begin an investigation of possible violations of the Neutrality Act.¹⁵

At the onset of this inquiry Howe's agents were already en route to Halifax with the first group of recruits. Shortly after the arrival of this party, Strobel was appointed captain of the first company of the new foreign legion. Subsequently, Sir Gaspard Le Marchant invited him to dine at his house, and the British army officers stationed at Halifax gave the new captain similar treatment.¹⁶

In the meantime, trouble was brewing in Philadelphia for Howe and Crampton. Henry Hertz had proven to be as energetic as Howe had described him, but he was as lacking in discretion as Angus McDonald. The Philadelphia agent had made written contracts with several prospective recruits. Meanwhile, the investigation begun in New York had been extended to Philadelphia, and on March 28 United States Marshal Francis M. Wynkoop boarded the steamer *Sanford* as it was heading down the Delaware, and captured thirteen recruits.¹⁷ Soon after, Hertz was arrested along with Emmanuel Perkins, one of his assistants, and Thomas Lindsay Bucknall, Howe's messenger. Fortunately for Howe, Bucknall was not carrying any documents which clearly linked either of them to Hertz's contracts. The men taken into custody appeared at a preliminary hearing before Federal Circuit Judge John K. Kane, who on May 22, 1855, released Bucknall for lack of evidence and ordered Hertz and Perkins held for trial. In doing this, Judge Kane declared that, while Bucknall had paid passage money for several men, he had not made any contract with them, and thus had not "hired or retained" them within the meaning of the Neutrality Act of 1818.¹⁸

Although the McDonald affair and the arrests in Philadelphia were severe blows to the recruiting drive, Howe remained confident.

¹⁴ *Ibid.*, 151; Fuess, I, 68; K. Bourne, *Britain and the Balance of Power in North America* (London, 1967), 199.

¹⁵ Learned, 243.

¹⁶ *Ibid.*, 247-248.

¹⁷ *Ibid.*, 248; Brebner, 311, 314; J. T. Scharf & T. Westcott, *History of Philadelphia 1609-1884* (Philadelphia, 1884), I, 717.

¹⁸ Brebner, 314; Learned, 248.

Some enlistees did arrive in Halifax, despite numerous misadventures. Their number did not meet Howe's expectations, but, at least, his New York representatives were active, if only slightly more discreet than Hertz. Co-operating with Howe, Charles H. Stanley, the British Vice-Consul in New York, was in charge of the distribution of money, which ultimately came from Crampton's secret service fund in Washington.¹⁹

Howe was determined not to let the American Neutrality Act stand in the way of his project, no matter what the official pronouncements of Clarendon and Crampton might be. In a letter to Governor Le Marchant, he explicitly stated that he did not expect to remain within the American law. He issued commissions to Counts Joseph Smolenski and Gabriel de Korponay, who then began raising men in the United States for their units. The latter, a Hungarian nobleman, expected to enlist six hundred Kentucky riflemen.²⁰

By late April the enlistment campaign was in serious difficulty, as District Attorney McKeon's investigation began to bear fruit. Several key agents were arrested, and Howe arranged for the law firm of Fullerton & Dunning to handle their defence. At the same time Howe himself was almost apprehended by federal officers who were looking for John Turnbull, a member of the British consular staff who frequently distributed money to the agents.²¹

Count Louis Kazinski, one of Howe's Polish officers, had his own problems. A group of recruits had been gathered together in Brooklyn, New York, and Kazinski was designated to accompany them to Halifax. He and Vice-Consul Stanley crossed the East River to inspect the enlistees and were appalled to find most of them drunk. After restoring some semblance of discipline, Kazinski set off with about twenty men in a British-owned brig, the *Buffalo*. The vessel put in for water at Tarpaulin Cove near Salem, Massachusetts, where five additional men were recruited. But the activities of the *Buffalo's* crew soon attracted the attention of the United States

¹⁹ Brebner, 313-314; Van Alstyne, 495-496; Learned, 247.

²⁰ Brebner, 318-319.

²¹ *Ibid.*, 316, 318; House Executive Document No. 107, Marcy to Dallas, May 27, 1856, *Documents on the Cessation of Intercourse with the British Minister* (Washington, D. C., 1856), 34th Congress, First Session, 35.

revenue cutter *James Campbell*, which took Kazinski and his followers into custody.²²

The frustrated legionnaires were imprisoned in Boston, and Kazinski at once set about procuring bail. He telegraphed several times to Stanley at the British consulate in New York, but the latter's recollection of him had apparently grown dim, for he received no answer. Fortunately, Kazinski had numerous acquaintances in Boston, and one of them agreed to provide the bail. Temporarily free, he traveled to New York and angrily demanded an explanation from Stanley. The Vice-Consul stated that he had been waiting for instructions from Crampton on how to deal with the situation, and that Clarke and Jones, a Boston shipping firm, would be authorized to provide the funds required for Kazinski's defence. Somewhat mollified, Kazinski returned to Boston to stand trial in the Federal District Court, which was presided over by Judge Peleg Sprague, an outstanding American authority on admiralty law.²³

Interestingly, Judge Sprague was the brother of Phineas Sprague, one of the partners in Sprague, Soule & Company, the shipping firm which had handled the dispatch of numerous recruits to Halifax. In his charge to the jury Judge Sprague threw out the second, third, and fourth counts of the indictment, concerning the enlistments at Tarpaulin Cove, on the ground that "these counts charged four persons with an offence which by law is several only, and can under no circumstances be joint." Sprague also stated that there was no evidence of any contract having been made between Kazinski and the Tarpaulin Cove enlistees. With respect to the rest of the indictment, the judge denied that it was a crime to leave the country with intent to enlist in foreign military service, or to transport persons out of the country with their own consent who had an intention to enlist. Under the Neutrality Act of 1818, a crime was committed only when persons were hired or retained to go abroad with the intent to be enlisted. The judge further declared that, for the purpose of showing the intent with which the persons on the *Buffalo* were going to Halifax, statements made on board could be accepted as evidence only when they were made within the jurisdiction of the Boston District Court. The jury returned a verdict

²² *Ibid.*, 73-74; *United States v. Kazinski*, 26 Federal Cases 682, 683-685.

²³ *Documents*, 75; "Peleg Sprague," *Dictionary of American Biography*, XVII, 473-474.

of not guilty and Kazinski and his fellow defendants were discharged.²⁴

In Canada, Sir Edmund Head had become increasingly concerned about Howe's enterprises. Several times, without using a cipher, Howe had contacted Head through the American telegraphic system, requesting him to permit the establishment of depots in the Canadian garrison towns to receive midwestern recruits. Head ignored these requests, and Howe turned to Crampton for support. But he received little encouragement from the British Minister, who was becoming as concerned as Sir Edmund over Howe's indiscretions.²⁵

While traveling back and forth across the eastern United States, Howe neglected his campaign for re-election to the Nova Scotia provincial legislature. Urgent calls from his constituency now led him to suspend his recruiting efforts and hurry home to begin a week of whirlwind campaigning. But Howe was defeated in his bid for re-election, and did not return to the United States.²⁶

Crampton now decided to take a more active role in the recruiting campaign. He informed Lord Clarendon that he would go to Quebec and Halifax to consult with Sir Edmund Head and Sir Gaspard Le Marchant about establishing a less conspiratorial mode of procedure than Howe's. At Halifax, after four days of conferences with Le Marchant, Strobel, and other officers, a new plan was drawn up, which Crampton thought safer than Howe's, although it involved an extension of the midwestern recruiting which Howe had advocated earlier. Subsequently, Crampton succeeded in persuading Sir Edmund Head to accept the new arrangement. Strobel now set off for Buffalo, Cleveland, and Detroit to resume recruiting, while Crampton returned to Washington.²⁷

During the British Minister's visit to Canada and Nova Scotia, an important diplomatic development evolved in Washington. Before Crampton had left to go north, he had instructed his Chargé d'Affaires, John S. Lumley, to alter the text of Lord Clarendon's

²⁴ *United States v. Kazinski*, 26 Federal Cases 682, 683-685; W. H. Bunting, *Boston: Portrait of a Port 1852-1914* (Cambridge, Mass., 1971), 316; Richard Soule, Jr., *Memorial of the Sprague Family* (Boston, 1847), 191.

²⁵ Brebner, 319-320; Kerr, 126.

²⁶ Brebner, 320.

²⁷ Van Alstyne, 498-499; Learned, 250-251.

most recent dispatch before communicating it to Secretary Marcy. Crampton feared that the original document would give the impression that officially sanctioned recruiting, which violated the Neutrality Act, had been going on. Initially, Clarendon's dispatch pleased Marcy, but after perusing it several times, he noted that it contained "the first distinct intimation that Her Majesty's Ministers had given instructions for enlistment in the United States, together with the fact that to the British Minister, Mr. Crampton, had been assigned some duty in that service."²⁸

On May 28, 1855, Marcy sent a private letter to James Buchanan, the American Minister in London, informing him that British agents "have been engaged, with the approval of their Government, in recruiting soldiers for its army in the Crimea . . . in all our principal cities . . . and the means for carrying on this operation are furnished by their Government." At this time Buchanan was engaged in difficult negotiations with Lord Clarendon concerning Britain's protectorate over the Mosquito Indians in Central America. The incursion into Nicaragua of a group of American adventurers led by William Walker further complicated Anglo-American relations. On June 9 Marcy formally instructed Buchanan to demand that the British government put a stop to the enlistment campaign and call to account those of its officials who had been engaged in it.²⁹

While Marcy's despatch was crossing the Atlantic, the British Cabinet reviewed its recruiting policy and decided that the prospects for an American legion were not worth the risk of a serious quarrel with the United States. On June 22, 1855, Lord Clarendon sent an official instruction to Crampton which announced the end of the enlistment project and informed the latter that similar orders would be sent to Sir Edmund Head and Sir Gaspard Le Marchant.³⁰

Buchanan was not immediately informed of this action and on July 7 he presented Marcy's protest note to Clarendon, who denied that any British officials had violated American law. If such violations had occurred, he stated, they had been committed by "un-

²⁸ *Ibid.*, 253; I. D. Spencer, *The Victor and the Spoils* (Providence, R. I., 1959), 347.

²⁹ Marcy to Buchanan, May 28, 1855, *Buchanan Works*, IX, 355; M. W. Williams, *Anglo-American Isthmian Diplomacy 1815-1915* (Gloucester, Mass., 1965), 152-160, 193-194; Learned, 177, 243; Spencer, 348.

³⁰ Brebner, 320-321, 325; Kerr, 127; Learned, 254.

authorized agents." The Foreign Secretary cited Judge Kane's opinion upholding the legality of paying passages to Halifax for prospective recruits. He also informed Buchanan of the orders to terminate the enlistment campaign. According to Clarendon's later account, Buchanan expressed his complete satisfaction on hearing this news.³¹

In the meantime American investigators were uncovering further details in their probe of British recruiting, and on July 15 Secretary Marcy sent another dispatch to Buchanan which called on the British government to discharge those men who had already been enlisted at Halifax. Buchanan, for some unexplained reason, neglected to present this dispatch to Lord Clarendon until November 2. Hence, Anglo-American diplomatic correspondence on this issue ceased for a few months.³²

The second phase of Britain's recruiting effort in the United States was no more successful than Howe's campaign had been. After the new plan had been in operation for two weeks, Crampton journeyed to Niagara and found that Captain Strobel's efforts had produced few recruits. The British Minister then telegraphed Le Marchant, who immediately recalled Strobel and his colleagues to Halifax.³³

The sudden suspension of his travels angered Strobel, and he drafted a report to Le Marchant requesting a court martial. When this was denied, Strobel resigned his commission and departed for Boston. From there he addressed a letter to Crampton, in which he demanded one hundred pounds to finance a trip to Constantinople, and threatened to expose the British Minister if the money was not forthcoming. When Crampton ignored this letter, Strobel got in touch with J. C. Van Dyke, the United States District Attorney in Philadelphia, who was preparing to prosecute Hertz.³⁴

During his stay at Niagara, Crampton had agreed to permit Colonel Korponay to continue recruiting. However, the United States marshal in Cincinnati, after receiving information about Korponay's contacts with British Consul Charles Rowcroft, arrested

³¹ *Ibid.*, 253; Clarendon to Buchanan, July 16, 1855, Buchanan, *Works*, IX, 374.

³² Learned, 253-254; Spencer, 348.

³³ Learned, 251; Van Alstyne, 500.

³⁴ Learned, 251-252; Fuess, II, 169.

the Consul on July 10 and charged him with recruiting in violation of the American Neutrality Act. Rowcroft was released on bail the next day and ordered to appear before a grand jury in the fall.³⁵

When Crampton received Clarendon's order of June 22, he halted all "fresh" measures for recruiting, but permitted Colonels Korponay and Smolenski to continue operating. The British Minister feared that the two noblemen would retaliate by publishing the "very imprudent letters" that Howe had written to them, if their projects were suddenly dropped. But when Crampton learned of Clarendon's assurances to Buchanan, he immediately telegraphed Le Marchant to the effect that all such activity must cease. In the meantime, Lord Palmerston, who had become Prime Minister when the Aberdeen coalition collapsed, informed the House of Commons on August 2 that all American recruiting had been halted.³⁶

The last few months of the enlistment campaign were overshadowed by several preliminary examinations which took place in the New York courts. On May 15 Oscar Cromrey, William Schumacher, and several other agents were examined before Commissioner George Betts on the charge of recruiting for the service of Great Britain. The "eminent counsel . . . employed by the parties accused," in Secretary Marcy's ironic description, argued that no offence had been committed since there was no evidence of any formal enlistment contracts having been made. The commissioner rejected this contention, and Cromrey, Schumacher, and two others were committed for trial.³⁷

At his trial several months later William Schumacher gave a description of his recruiting activities:

We went in Liberty Street and put up at a German boarding house, which was a good place for enlisting. The next day Mr. Weiss arrived and told us he had seen the man who furnished the money (Mr. Turnbull) for the enlistment, and we advertised in two German papers for "five to ten young unmarried men who wanted to leave New York." The next day we sent ten or eleven men, and so on every day, for three or four days; on the fourth day we were arrested.³⁸

³⁵ Van Alstyne, 500; Learned, 256; Harding to Clarendon, Aug. 30, 1855, Clive Parry, ed., *Law Officers Opinions to the Foreign Office 1793-1860* (Westmead, England, 1970), VI, 210-212.

³⁶ Van Alstyne, 501; Learned, 254-255.

³⁷ Marcy to Dallas, May 27, 1856, *Documents*, 35.

³⁸ *Ibid.*, 66.

Mr. Stanley, the British Vice-Consul, participated actively in the campaign, and Schumacher and his associates called upon him almost every day. On one occasion, it was stated, he gave Schumacher two hundred dollars in cash to take ten recruits to Montreal. Consul Barclay was also in the office at the time, and, according to Schumacher, Barclay "always bowed to me, or made some sign of recognition."³⁹

While preliminary examinations were taking place in New York, President Pierce requested Attorney General Cushing to prepare an opinion on whether the acts imputed to Crampton and other British officials were violations of the municipal law and sovereign rights of the United States. The essence of Cushing's argument, an elaboration of the theme of Marcy's June 9 despatch, was that to permit a belligerent to raise troops in this country would be incompatible with the neutral stance of the United States in the Crimean War. Cushing stated that all persons below ministerial rank involved in the recruiting enterprise, including British consuls, were "indictable as malefactors by statute." If there were clear evidence that Crampton was implicated in the affair, he should be summarily expelled from the United States.⁴⁰

After studying Cushing's opinion, Secretary Marcy, in a note to the British Minister on September 5, labeled the conduct of Crampton and his colleagues as "disrespectful to the United States and incompatible with the friendly relations between the two countries."⁴¹ Marcy made these accusations with some reluctance since, as he explained to Buchanan: "I confess that I regret to be obliged to strike a blow at Crampton for our personal relations have been pleasant. Though a full-blooded John Bull he is probably as acceptable as any other of the race which we should be likely to have among us."⁴²

Crampton made only a brief reply to Marcy, in which he announced his intention of forwarding the note to Lord Clarendon and awaiting further instructions. The British Minister also stated that he could clear himself and his fellow officials of all charges.⁴³

³⁹ *Ibid.*

⁴⁰ Fuess, II, 167-168.

⁴¹ Learned, 244; Spencer, 350.

⁴² *Ibid.*

⁴³ Learned, 244-245.

Shortly after Marcy presented his charges to Crampton, the trial of Henry Hertz and Emmanuel Perkins began in Philadelphia. Attorney General Cushing had sent a long, strongly worded letter of instruction denouncing the British government to District Attorney Van Dyke, which the latter read in court. In presenting the case for the prosecution, Van Dyke added his own condemnation of Britain's actions. The American administration, said Van Dyke, aimed "to strike as near the throne of Her Majesty as the United States Government is enabled to do in the shape of a criminal prosecution." Captain Max Strobel, the prosecution's star witness, exhibited letters from Crampton, which contained instructions on how to avoid arousing suspicion and promised that "nothing unpleasant" would happen to the agents. After the completion of Strobel's testimony, Hertz added his own confession, which confirmed the account of his colleague. The evidence that emerged in the course of the trial revealed that Hertz's accomplice, Perkins, was merely a dull-witted braggart who had never accomplished the recruiting exploits of which he boasted.⁴⁴

The Hertz trial lasted only one week. In his charge to the jury, Judge Kane alluded to comments by British statesmen and the British press about "the over alacrity of the American people to engage in military controversies in which they have no rightful part." The judge commented on the inconsistency between such statements and the recent revelation of "carefully digested" plans by "eminent British functionaries" to violate American neutrality. However, he warned the jury that such political considerations should not influence their decision. They were to decide on the basis of the evidence presented at the trial whether Hertz and Perkins were guilty of the offence charged against them. With respect to Perkins, the judge opined that he was guilty only of "braggart garrulity," against which no statute existed. Hertz's case was different, since the evidence indicated that he had hired and retained men to go to Nova Scotia. After deliberating for fifteen minutes the jury convicted Hertz and acquitted Perkins.⁴⁵

The recruiting campaign intensified Anglophobia in the American

⁴⁴ Fuess, II, 171; Learned, 248-249; Spencer, 350; Harding to Clarendon, Nov. 8, 1855, *Law Officers Opinions*, VI, 274.

⁴⁵ *United States v. Hertz*, 26 Federal Cases 293, 294-295.

press. The *New York Tribune*, pointing to the events of 1855 as evidence of England's declining military power, spoke scornfully of British attempts to enlist "the scum of . . . both hemispheres." It combined a call for Crampton's dismissal with a reiteration of one of its favorite themes—hostility to Britain's free trade policy.⁴⁶

While the protectionist *Tribune* warned against British economic policy, the newspapers of the free trade South denounced Britain for reasons of their own. The British government, according to the *Washington Union* (the organ of the Pierce administration, whose editorials were frequently written by Caleb Cushing), had engaged in "kidnapping" men for their army, under the false pretense that they were needed as railroad workers in Nova Scotia. Such practices proved that England had sunk into "servility and decay."⁴⁷

The New Orleans *Daily Picayune* took essentially the same stand on the recruiting question as the *Union*. After the conviction of Hertz, it called for both the immediate expulsion of Crampton and reparation from Great Britain. It denounced the idea that Clarendon and Crampton had the right to interpret American law as they pleased, and expressed the hope that there would be "no backwardness" on the part of the administration in handling the case.⁴⁸

Against this threatening background, Lord Clarendon informed Prime Minister Palmerston that he did not feel "quite easy" about the enlistment affair, and was uncertain about Britain's grounds for complaint in other matters (*i.e.* American filibustering in Central America). He was "afraid that rather more zeal than prudence has been displayed in procuring recruits, and that they (the agents) did not bear sufficiently in mind that they were in a hostile country and surrounded by spies." In replying to Marcy on September 27, Clarendon strongly criticized American methods of obtaining evidence against the agents. In relying on men of the caliber of Hertz and Strobel, the United States was following a practice "sometimes resorted to under despotic institutions" but which "all free and enlightened governments disdained."⁴⁹

⁴⁶ *New York Tribune*, Oct. 17, 1855, Jan. 1, 3, 1856.

⁴⁷ *Washington Union*, July 1, Nov. 23, 1855.

⁴⁸ *New Orleans Picayune*, July 21, Sept. 30, Oct. 4, 1855.

⁴⁹ Bourne, 186–189; Williams, 192–194; Clarendon to Buchanan, Sept. 27, 1855, Buchanan, *Works*, IX, 412.

Marcy denied, in his October 13 response, that any irregular means had been used to obtain evidence, certainly no methods that Great Britain would not have employed in a similar situation. He remarked, ironically, that the trustworthiness of Hertz and Strobel could be inferred from the fact that the British government had employed them.⁵⁰

Meanwhile, the British government made a show of force by strengthening its naval squadrons at Bermuda and in the West Indies. The appearance of these reinforcements caused great excitement on both sides of the Atlantic. Buchanan, in a letter to his niece, Harriet Lane, wrote that "the aspect of affairs between the two countries has now become squally." He suggested, in an interview with Clarendon, that the fleet be withdrawn, since its presence was causing much agitation in the United States. War between their nations, Buchanan told Clarendon, would be disastrous to the cause of liberty and civilization.⁵¹

The dispatch of the fleet did not signify an aggressive intent, Clarendon asserted, since any close approach to the American coast was forbidden. Buchanan, however, derived greater comfort from the fact that the English manufacturing and mercantile classes were firmly opposed to war with the United States.⁵²

In the course of preparing his formal reply to Marcy's October 13 note, Lord Clarendon consulted a principal Crown law officer, Sir John Harding, the Queen's Advocate. Sir John, doubtful about Britain's legal position, advised Clarendon against making in his despatch "a serious attack" on the proceedings of the American authorities. In Harding's words, Her Majesty's government "may not, I fear, be able to prove that no breach of U.S. law was in fact committed." The Queen's Advocate recommended that Clarendon ask Marcy for more specific evidence against British officials, and continue to challenge the trustworthiness of Hertz and Strobel.⁵³

Accordingly, Lord Clarendon denied in his November 16 dispatch that there was any reliable evidence of enlistment contracts having

⁵⁰ Spencer, 351.

⁵¹ Bourne, 187; Williams, 200-202; Buchanan to Harriet Lane, Oct. 26, 1855, Buchanan to Marcy, Nov. 9, 1855, Buchanan, *Works*, IX, 436, 450-453.

⁵² Buchanan to Marcy, Nov. 9, 1855, *ibid.*, 451.

⁵³ Harding to Clarendon, Nov. 8, 1855, *Law Officers Opinions*, VI, 264, 278, 306-309.

been made in the United States. In another note of the same date Clarendon reiterated that the naval reinforcement, while not "prompted by any hostile feeling or menacing intention on our part towards the United States," was nevertheless intended as a safeguard "against all dangers which may appear in any part of the horizon." The Foreign Secretary's responses were extremely disappointing to Buchanan.⁵⁴

Despite the recent increase in Anglo-American tension, the general tone of President Pierce's annual message to Congress in December, 1855, was conciliatory, although he denounced the "studied evasion" of American law by British officials. However, the President concluded by informing Congress that the matter was still under discussion.⁵⁵

On December 28, 1855, Secretary Marcy directed Buchanan to demand the recall of Crampton and Consuls Barclay, Mathew (Philadelphia), and Rowcroft. A bill of indictment against Rowcroft had already been produced by a Cincinnati grand jury, and Rowcroft had requested Crampton to obtain a statement from London to the effect that Her Majesty's government "has taken upon itself full responsibility for receiving volunteers from the United States." Such a statement, Rowcroft felt, was vital to his defence. Clarendon again referred the issue to Sir John Harding, who noted the inconsistency between such a statement and the position taken previously by the British government, namely, that it had always instructed its agents to respect the American neutrality law. The Foreign Secretary took no action on Rowcroft's request at this time. Earlier, Harding had emphasized the importance of obtaining "the very best legal assistance" for Rowcroft, urging that all possible legal points and technical objections be raised to delay the trial.⁵⁶

When Buchanan presented to Clarendon the demand for Crampton's recall, the Foreign Secretary observed somewhat heatedly that the dispatch must be the work of Cushing. Clarendon declared that

⁵⁴ Bourne, 190; Learned, 256-257; Buchanan to Marcy, Nov. 16, 1855, Buchanan, *Works*, IX, 462.

⁵⁵ F. Israel & A. M. Schlesinger, eds., *State of the Union Messages of the Presidents* (New York, 1966), I, 900-901.

⁵⁶ Learned, 257; Harding to Clarendon, Aug. 30, 1855, Dec. 26, 1855, *Law Officers Opinions*, VI, 217-218, 372-373, 375-376.

Crampton would not be recalled, and expressed chagrin with the American government's refusal to be satisfied with both the cessation of recruiting and his earlier explanations.⁵⁷

In truth, Buchanan had delivered this note at a rather unpropitious time for the United States. The Crimean War was drawing to a close: the new Russian Tsar, Alexander II, had just accepted the Allied terms for a peace conference. Lord Palmerston, feeling Britain's position strengthened by the approaching end of the eastern conflict, decided once again to take a firm stand against the American demands. Since the "strong arm of England" was now stronger than ever, the Prime Minister was not going to recall passively his representative from Washington. After Clarendon's initial meeting with Buchanan on this subject, Palmerston advised the Foreign Secretary to inform Buchanan that Crampton's actions were fully supported by the English government. Clarendon conveyed the substance of Palmerston's advice to the American Minister on February 1, although in a less peremptory tone than the Prime Minister had suggested. The Foreign Secretary added that no official reply would be sent to Washington until answers to Marcy's accusations had been obtained from Crampton and the consuls.⁵⁸

Despite Palmerston's attitude, which was supported by much of the London press, the mercantile and manufacturing interests once again protested the talk of war with America. The Conservative opposition in Parliament also called for conciliation. The intimate connections and great value of Anglo-American commerce, Lord Derby declared, would make a war between the two countries mutual suicide. The ministry, therefore, was obliged to defer to this sentiment. Also, in conversation with Buchanan, Clarendon disavowed the anti-American tone of many London newspaper articles.⁵⁹

In Washington, President Pierce transmitted to Congress on February 25 the Anglo-American correspondence on the recruiting affair. The following day, he requested an appropriation of three million dollars to purchase military equipment and improve coastal

⁵⁷ Bourne, 191.

⁵⁸ Blake, 143-144; McCarthy, 600-601; H. C. F. Bell, *Lord Palmerston* (Hamden, Conn., 1966), II, 141; Bourne, 191.

⁵⁹ Williams, 204-205; Bell, 142.

defences. An extensive foreign policy debate was conducted in the Senate, and the administration's stand on both the enlistment and Central American issues received strong support. Only a few conservative Whigs criticized Pierce and Marcy for pressing Britain too hard. In view of the bitter internal political divisions in the nation at this time, the demonstration of support for the administration was impressive.⁶⁰

The American recruiting documents soon served a useful purpose for the United States on the floor of the House of Commons. When Lord Palmerston was pressed to release the correspondence on the enlistment issue, he refused, saying that the charges were still being investigated. Almost immediately, Palmerston was challenged by John A. Roebuck, who quoted some of Crampton's letters which confirmed the British Minister's role in the affair. A year earlier Roebuck had introduced the "no confidence" motion which brought down the Aberdeen coalition. Now Palmerston angrily denounced Roebuck for "holding in his hand the brief of the antagonist of his own country." Nevertheless, these revelations served to decrease the Prime Minister's popularity in English commercial circles.⁶¹

In March, 1856, George M. Dallas of Pennsylvania succeeded Buchanan as American Minister, and the diplomatic atmosphere in London seemed to improve in the weeks immediately following Dallas' arrival. Lord Palmerston explained the delay in responding to the demand for Crampton's recall by citing Clarendon's absence from London (the Foreign Secretary was attending the peace conference in Paris). In dealing with the United States the Prime Minister intended to revert to a stronger line, but was awaiting the completion of the peace treaty.⁶²

After the signing of the Treaty of Paris on March 30, 1856, Palmerston decided to reinforce the garrison in Canada, which had been depleted at the beginning of the war. He expected this action to "lower the political barometer at Washington." Thus, five infantry regiments and a reinforcement of artillery were sent from the Crimea. Nevertheless, since England did not want to provoke a

⁶⁰ Williams, 209; *National Intelligencer*, Jan. 8, 1856.

⁶¹ Learned, 259-260; Bell, 144; Bourne, 192.

⁶² B. Willson, *America's Ambassadors to England 1785-1928* (Freeport, N. Y., 1969), 294-296; Bourne, 192-193.

conflict, orders were issued to avoid any suggestion of menace when the troop movement occurred.⁶³

In Canada itself Sir Edmund Head was extremely apprehensive about the possibilities of an American invasion. His chief fear was of a possible agreement between southern and northern politicians to sink their differences in support of an expansionist program: "If we have a war I suppose we shall have to stand the first blow," Head wrote. "There is nothing as yet to hinder my being taken prisoner any day for as things now stand the Yankees would have command of the lakes."⁶⁴

While Head was worrying about an American invasion, and British troops were crossing the Atlantic, George Dallas discovered, to his satisfaction, that America's "well-wishers" in England were becoming more numerous and outspoken. In Parliament, these men represented many varieties of opinion. There were Radical opponents of the Crimean War such as Richard Cobden, and Radical supporters of that conflict such as John Roebuck. Several members of the Peelite wing of the Tory Party, most notably William E. Gladstone, also consistently supported the American position on the enlistment controversy and Central America. In general, Dallas was confident that these political leaders, backed by the manufacturing and mercantile interests of England, would prevent Palmerston from taking any drastic action.⁶⁵

Such was the political setting when Lord Clarendon returned from Paris to prepare his reply to Marcy's demand for the recall of Crampton and the three consuls. During the Foreign Secretary's absence, Sir John Harding had considered the legal aspects of the case, in preparation for advising Clarendon as to the British response. Harding emphasized that the controversy had reached a critical stage "when it is rather for Her Majesty's government to resolve what shall be done, than to consider what shall be written or said." He pointed out that the evidence presented at Hertz's trial about Crampton's role was "very strong and precise." Unless Crampton could refute it, the American demand for his recall "did not appear . . . to be very unreasonable." In the event that the

⁶³ *Ibid.*, 193-194; Stacey, 99.

⁶⁴ Kerr, 133.

⁶⁵ Bell, 154-155.

Cabinet decided to uphold Crampton's conduct, Clarendon should challenge the evidence so "as to impugn its general credibility," but not attempt to answer it in detail. Furthermore, British information about the "exertion of Russian influence in the affair," and the frequent negligence of the American authorities in preventing recruiting for filibustering expeditions, should also be stressed.⁶⁶

When Harding submitted his final advice to Clarendon on April 16, he recommended that Marcy's demands be refused "in the most courteous terms." A selection of affidavits impugning the characters of Hertz and Strobel should be included with the dispatch. In conclusion, Harding advised, it would be valuable to reiterate how rapidly Britain had ended the enlistment campaign in the face of American protests.⁶⁷

On April 30, 1856, Lord Clarendon sent off the British reply to the American demand for the recall of Crampton and the three consuls. The Foreign Secretary endorsed the conduct of the four men and again called attention to the unreliability of Hertz and Strobel, expressing the hope that the United States government would concur with this opinion after studying the attached affidavits. In general, Clarendon's dispatch was conciliatory and included a veiled apology expressing regret for any unintentional violations of American law which might have taken place.⁶⁸

As Harding had recommended, the affidavits sent by Clarendon to Marcy presented a general challenge to the reliability of Hertz and Strobel. Oscar Cromrey, Louis Kazinski, and Max Thoman all testified that Strobel had been working for Russia. According to Cromrey, the Russians had paid Strobel twenty-five dollars per week; and Kazinski claimed that the Bavarian captain had had several interviews with the Russian Minister, Baron Stoeckl, at the Metropolitan Hotel in New York. Similarly, Thoman asserted that Hertz also had been paid by the Russians for his confession.⁶⁹

Unimpressed by the British affidavits, President Pierce and Secretary Marcy agreed that the British Minister and the three Consuls

⁶⁶ Harding to Clarendon, Feb. 8, 1856, Feb. 25, 1856, *Law Officers Opinions*, VII, 10, 70-71, 73, 75, 77.

⁶⁷ Harding to Clarendon, Apr. 16, 1856, *ibid.*, VII, 120-122, 125-127, 143.

⁶⁸ Clarendon to Dallas, Apr. 30, 1856, *Documents*, 11-12; Learned, 258; Spencer, 372.

⁶⁹ *Documents*, 15, 16-17, 20.

should be sent home. However, they decided to couple this action with a statement making the dismissal entirely personal to the four men, and accepting the explanation of the British government for itself. In his dispatch of May 27, 1856, announcing the suspension of relations with Crampton, Marcy reiterated his earlier statement that Hertz and Strobel were "selected and trusted by Mr. Crampton himself; and to them he committed most important concerns." The charges against Rowcroft were dismissed by order of President Pierce, and the former Consul, along with Crampton, Barclay, and Mathew was ordered out of the country.⁷⁰

The American note was accompanied by a large number of affidavits and court reports which countered the British claims. The most interesting aspect of this new group of documents was the re-appearance of several men who had earlier given depositions for the British government, namely Cromrey, Kazinski, and Schumacher. These men now gave extensive details of their relationship with British officials, particularly with Vice-Consul Stanley in New York. According to Kazinski, Stanley, a hard-drinking man and "very communicative when intoxicated," had told him of his regular correspondence with Crampton on the recruiting campaign. Schumacher and Cromrey revealed that Thoman had received large sums from Stanley and had recently departed for Nicaragua.⁷¹

President Pierce, during this period, decided to recognize William Walker's Nicaraguan regime, as a warning to Britain not to interfere militarily in Central America. The Nicaraguan envoy, Padre Vijil, was received in Washington a few days before Crampton was expelled. However, the recognition of Walker was accompanied by a conciliatory note from Marcy to Clarendon, which offered to resume the Central American negotiations.⁷²

A great question now loomed up—what action would the British government take, in response to the dismissal of Crampton concurrent with the recognition of Walker. Lord Palmerston favored the immediate dismissal of Dallas, and an order to the Royal Navy's Caribbean squadron to halt all trade and traffic between the United States and Nicaragua. Any other course, said Palmerston, would be

⁷⁰ Marcy to Dallas, May 27, 1856, *ibid.*, 34; Learned, 256, 258-259; Spencer, 373.

⁷¹ *Documents*, 62-64, 67, 70.

⁷² Williams, 211-213; Spencer, 371-372.

"dirt eating" on England's part. Clarendon also resented the temerity of the Americans in dismissing Her Majesty's minister at the same time that they received Padre Vijil, "one of the greatest rascals unhung, a disrobed priest who has committed all manner of enormities." On June 7 the British Cabinet agreed to order eight warships to Greytown. However, due to the strenuous opposition of several members, most notably the Duke of Argyll, the Lord Privy Seal, Palmerston's blockade proposal was not adopted. Dallas, meanwhile, momentarily pessimistic, wondered whether he would be the last American Minister to Britain. But the English peace advocates once again demonstrated their strength.⁷³

Earlier in the year the *Times* had taken a strong anti-American stand, but it now advocated conciliation in Central America and favored the maintenance of diplomatic relations with the United States. The mercantile and manufacturing classes, for their part, insisted on the retention of Dallas, and Clarendon warned Palmerston that "undignified meetings throughout Lancashire" could bring down the government. In Commons, the Conservative leader, Benjamin Disraeli, declared that "it would be wise if Britain would at least recognize that the United States, like all the great countries of Europe, have a policy, and that they have a right to have a policy."⁷⁴

Faced by such varied opposition, Palmerston decided against Dallas' expulsion and merely refrained from appointing a new British Minister to Washington during the remaining year of Pierce's presidential term. When Crampton arrived home, he concurred at once with the ministry's decision. Clarendon described the former Minister's attitude as follows: "I have seen Crampton for an hour today, he is very happy at having left that hell upon earth and agrees that under the circumstances we could not well send Dallas away." The naval demonstration in the Caribbean became only a face-saving device. The Cabinet decided quietly to abandon the British claim to a protectorate over the Mosquito Indians, and to resume direct negotiations with the United States over other aspects of the Central American dispute.⁷⁵

In a debate on a "no confidence" motion, Palmerston adroitly

⁷³ Bourne, 195-197; Willson, *America's Ambassadors*, 298.

⁷⁴ Bourne, 197-198; Learned, 260.

⁷⁵ Bourne, 197-199; Williams, 215-217.

rationalized his concessions by playing down the recruiting case and stressing his willingness to resume negotiations with Dallas over Central America. This reversal of recent positions on American policy proved very effective, and the ministry was sustained by a vote of 274 to 80. Nevertheless, it had achieved this only by bending to the will of a formidable political coalition. In Gladstone's opinion, Palmerston had made the House of Commons drunk on ginger beer.⁷⁶

The announcement, in the United States, of Crampton's dismissal, caused a panic on Wall Street, and the possibility of war was taken quite seriously by some Americans. Although few influential citizens seriously desired a war with England, there was a widespread assumption that such a conflict would draw the North and South together again. On the other hand, William Lloyd Garrison's *Liberator* joyfully envisioned a British army landing in the South and proclaiming the emancipation of the slaves.⁷⁷

With varying degrees of enthusiasm, most American newspapers approved of the dismissal of Crampton. The *New York Tribune* claimed that the British were far more nervous over the Crampton affair than were the Americans, and noted approvingly the role of British public opinion in forcing Lord Palmerston to modify his policy. Anglo-American commercial ties had become so close, according to the *Tribune*, that war between the two nations was unlikely.⁷⁸

Although the *New Orleans Picayune* criticized Pierce for delaying the dismissal of Crampton, it applauded the action when it finally came, and observed with satisfaction the less belligerent tone of the *Times*.⁷⁹ The *New York Times*, in approving the administration's action in the enlistment dispute, contrasted Secretary Marcy's notes favorably with the "offensive character" of some of Lord Clarendon's dispatches. It also had high praise for John Roebuck's defense of the American position; and, though opposed to Walker's Nicaraguan adventure, asserted that England's record in India militated against any right to complain about American expansionism.⁸⁰

⁷⁶ *Ibid.*, 217-218; Bourne, 199-200.

⁷⁷ *The Liberator*, Feb. 15, 1856.

⁷⁸ *New York Tribune*, July 8, 1856.

⁷⁹ *New Orleans Picayune*, May 17, June 25, 1856.

⁸⁰ *The New York Times*, Feb. 23, Mar. 3, 4, Apr. 7, 1856.

Rumors of war faded when it became apparent that the British government had no intention of sending Dallas home. The Wall Street panic had subsided well before this, when it was learned that Marcy had not held the British government responsible for Crampton's conduct.⁸¹

Pierce's administration was frequently accused of building up the enlistment issue as an electioneering device for the 1856 presidential campaign. Pierce did hope that his action against the British Minister and the three consuls would improve his chances of re-nomination; and Crampton had been given his passports about a week before the Democratic National Convention met. But domestic issues dominated the convention, and James Buchanan, who had recently returned from England, received the nomination. Since Buchanan had been out of the United States during the years of increased agitation over the expansion of slavery, he was considered "safe" on the issue.⁸²

Several conclusions can be drawn from the failure of Britain's attempt to recruit a foreign legion in the United States. First, the British government overestimated the number of men who were likely to enlist in Her Majesty's service. Secondly, their assumption that recruiting could be conducted without violating American law proved to be wrong almost immediately. Thirdly, the British depended upon unreliable agents, most of whom were only interested in the money that could be made out of the enterprise. Joseph Howe was genuinely patriotic, but even his enthusiasm could achieve little, considering the ineptitude of the local recruiters with whom he had to work. Moreover, Howe's operations were often indiscreet. But even if a more cautious person had supervised the enlistment campaign from the start, it is unlikely that he could have done much better than Howe.

The revelation of the British attempt to enlist a foreign legion on American soil helped crystallize in the United States an already strongly anti-Allied attitude toward the Crimean War. But the spirit of sectionalism was stronger than that of national unity at this time. Probably an Anglo-American war would have found the United States as seriously divided in sentiment as it had been

⁸¹ Spencer, 373.

⁸² *Ibid.*, 371, 374-375.

during the War of 1812. Britain would have faced a similar situation, since an American war would have been almost unanimously opposed by her commercial and industrial interests.

This last point provides us with a concluding reflection. Anglo-American commercial ties had become so intimate and mutually valuable by 1856 that there was probably less chance of war between the two nations than between any other two major powers at this time. But close commercial ties are not always enough to preserve peace between nations. There must also be a generally accepted belief by each country that its rival does not pose a major military or social challenge to its vital interests or institutions. Despite all the insulting newspaper rhetoric which was fired back and forth across the Atlantic in the mid-nineteenth century, most Americans and Englishmen did not really believe such a threat existed. Even Senator Boyce of South Carolina, a staunch pro-slavery man who denounced Crampton for violating "every possible obligation resting upon him as an ambassador," agreed that an Anglo-American war would be "disastrous in the extreme." Similarly, Lord Palmerston, despite his eagerness to check American aggrandizement wherever possible, never regarded this expansion as being equally dangerous to British interests as Russian advances toward Constantinople and India, or French attempts to establish a paramount position in Egypt or Syria. Thus, the furor over the ill-starred Halifax legion faded away, and, in 1857, Washington society had its first experience of an English nobleman as Britain's regular Minister, when Lord Francis Napier arrived to succeed John F. Crampton.

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