

**CESSATION OF INTERCOURSE WITH
THE BRITISH MINISTER: MESSAGE
FROM THE PRESIDENT OF THE
UNITED STATES; 34TH CONGRESS,
1ST SESSION, EX. 2; DOC. NO. 107**

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FRANKLIN PIERCE

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FROM THE PRESIDENT OF THE
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United States - President.

34th CONGRESS,
1st Session.

HOUSE OF REPRESENTATIVES.

Ex. Doc.
No. 107.

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CESSATION OF INTERCOURSE WITH THE BRITISH
MINISTER.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*Cessation of intercourse with the Envoy Extraordinary and Minister
Plenipotentiary of Great Britain.*

MAY 22, 1856. -- Referred to the Committee on Foreign Affairs, and ordered to be printed.

To the Senate and House of Representatives :

I have ceased to hold intercourse with the envoy extraordinary and minister plenipotentiary of her Majesty the Queen of the United Kingdom of Great Britain and Ireland, near this government.

In making communication of this fact it has been deemed by me proper also to lay before Congress the considerations of indisponible public duty which have led to the adoption of a measure of so much importance. They appear in the documents herewith transmitted to both houses.

FRANKLIN PIERCE.

WASHINGTON, May 29, 1856.

LIST OF PAPERS.

Mr. Dallas to Mr. Marcy, (with accompaniments,) May 1, 1856. Extract.

Mr. Marcy to Mr. Dallas, (with accompaniments,) May 27, 1856.

Same to Mr. Crampton, May 28, 1856.

Same to Mr. Barclay, (with an accompaniment,) May 28, 1856.

Same to Mr. Rowcroft, May 28, 1856.

Proceedings of the circuit court of the United States for the eastern district of Pennsylvania, May 22, 1855, as reported in the Philadelphia North American of May 23, 1855.

1856. Dec. 11. Copy of the message.

Mr. Dallas to Mr. Marcy.

[Extract.]

[No. 8.]

LEGATION OF THE UNITED STATES,
London, May 1, 1856.

DEAR SIR: I sent my No. 7 to Liverpool, to go by the steamer Atlantic, on the morning on the 30th April, some hours before receiving the note, of which a copy is annexed, from Lord Clarendon, apologizing for not having been able to get his reply to your despatch ready in time. Yesterday evening that reply, in form addressed to me, was received at the legation. I have this morning acknowledged its reception by a note, the copy of which also accompanies this despatch. And I now transmit to you, by the earliest opportunity, the steamer Asia, on the 3d instant, full and exact copies of that document and the papers attached to it.

* * * * *

I am, &c.,

G. M. DALLAS.

HON. WM. L. MARCY,
Secretary of State.

Mr. Dallas to Lord Clarendon.

LEGATION OF THE UNITED STATES,
May 1, 1856.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to acknowledge the receipt yesterday of a note, dated on the 30th of April, 1856, from the Earl of Clarendon, her Majesty's Principal Secretary of State for Foreign Affairs. This note, purporting to be a reply to the statements, views, and arguments contained in the despatch addressed by Mr. Marcy, the Secretary of State, to Mr. Buchanan, the predecessor of the undersigned, on the 28th of December, 1855, a copy of which despatch was left with the Earl of Clarendon on the 29th of January, 1856, and purporting also to set forth additional reasons, with documents and affidavits not heretofore communicated to the American government, impeaching the veracity and moral standing of the principal witnesses, prosecuting officers and others, connected with the judicial investigations had on the proceedings within the limits of the United States to effect the enlistment of soldiers for the British army, it will be the care, as it is the duty, of the undersigned to transmit, in copy, to Mr. Marcy by the steamer of Saturday, the 3d instant.

The undersigned having received no instructions which authorize his interference with the correspondence on the subject of the Earl of Clarendon's note, withholds any observation, and he begs his lordship to accept the renewed assurance of his most distinguished consideration.

G. M. DALLAS.

Lord Clarendon to Mr. Dallas.

The undersigned, her Majesty's Principal Secretary of State for Foreign Affairs, had the honor to receive, on the 29th of January, from Mr. Buchanan, envoy extraordinary and minister plenipotentiary of the United States at this court, a copy of a despatch, dated the 28th of the previous December, addressed to Mr. Buchanan by Mr. Marcy, Secretary of State of the United States, containing observations on a despatch which the undersigned had directed her Majesty's minister at Washington to communicate to Mr. Marcy. Mr. Marcy's despatch was in continuation of the discussion which had been some time pending between the two governments on the subject of the conduct which was alleged by the government of the United States to have been pursued by certain of her Majesty's officers, in giving effect to the intentions of her Majesty's government to receive into the military service of the Queen any persons who, coming from any quarter into her Majesty's dominions, might then be willing to engage in that service.

The undersigned has hitherto deferred replying to Mr. Marcy's despatch, not only because it was more consistent with the respect which her Majesty's government entertain for the United States thoroughly to inquire into the allegations contained in it, but also because it was just and right towards her Majesty's officers whose conduct was impugned, to put them in possession of the charges brought against them, and to give them that opportunity of explanation and defence which was then for the first time afforded them.

The undersigned, before he adverts to Mr. Marcy's last despatch, must express his deep regret that the government of the United States should have deemed it necessary to continue a controversy on a question which Mr. Buchanan considered at the time would be finally settled by the note of the undersigned of the 16th of July, 1855—a note which Mr. Buchanan said he would transmit with much satisfaction to his government. The undersigned had, indeed, hoped that that note, together with his subsequent communications of the 27th of September to Mr. Buchanan, and of the 16th of November, through Mr. Crampton, to the government of the United States, would have been accepted by a friendly government such as that of the United States, as a disclaimer of any intention to give offence, and as a satisfaction for any offence which that government might have been led by circumstances to think had, though unintentionally, been given.

For what has been the course of the transactions which have given rise to this correspondence?

On the breaking out of the late war between the Western powers and Russia, the British government was informed that many persons resident within the United States—some natives of the continent of Europe, and some natural-born subjects of her Majesty—were desirous of entering into the military service of Great Britain. The British government, believing the information they had received on this matter to be well founded, and being anxious to increase, as rapidly as possible, their military force, took steps to avail themselves of this

disposition, and gave directions that any persons presenting themselves within the British North American provinces, willing to enlist and found fit for service, should be engaged for the British army. But her Majesty's government gave the most positive orders that in making arrangements for this purpose, nothing should be done to infringe, in any manner whatsoever, the neutrality laws of the United States.

It was not doubted that such arrangements might be carried into execution without any violation of those laws, because those laws prohibit enlistments or engagements only within the territories of the United States; they do not forbid citizens of the United States, or residents therein, from leaving those territories; nor do they forbid such citizens, or other persons, from engaging or enlisting in military service elsewhere, when of their own free will, and without any previous contract or engagement, they may have left those territories.

The intentions of the British government, and the arrangements made to carry those intentions into execution, were not concealed from the government of the United States.

Those intentions and arrangements were frankly stated by Mr. Crampton to Mr. Marcy in a conversation on the 22d of March, 1855, and the only observations which Mr. Marcy made in reply were, that the neutrality laws of the United States would be rigidly enforced, but that any number of persons who desired it might leave the United States and get enlisted in any foreign service.

Up to this point, therefore, there was no misunderstanding as to the purpose of the British government, and no difference of opinion as to the legality of the course which that government intended to pursue. But the British government soon found, by accounts which reached them from the United States, that it would be difficult to prevent the execution of the contemplated arrangements from being attended by circumstances which might give rise to discussions between the two governments. It was seen that however strict might be the orders of her Majesty's government that nothing should be done in contravention of the laws of the United States, and however scrupulous her Majesty's officers in America might be in obeying those orders, yet a misconception of the precise bearing of those laws might lead some of those officers unintentionally to overstep their limits, while other persons, either from honest zeal, or for the sake of gain, or from a desire to entrap her Majesty's officers, might do things at variance with the provisions of those laws. Her Majesty's government, therefore, being most anxious that nothing should happen to disturb the good understanding between the two governments, and being desirous of showing unequivocally their respect for the laws of the United States, at once, and of their own accord, determined to give up the further prosecution of the arrangements in question, and they accordingly sent out to Canada and to Nova Scotia, on the 22d of June, 1855, orders to discontinue all further proceedings in the matter of enlistment for the foreign legion.

A fortnight after these orders had been sent out, the undersigned received from Mr. Buchanan a note, dated July 6, alleging that the neutrality laws of the United States had, in many instances, been

violated by persons taking steps (either with or without the approbation of the British government) for the purpose of engaging or enlisting within the United States recruits for the British service; and Mr. Buchanan, in the conclusion of his note, stated that "the President would be much gratified to learn that her Majesty's government had not authorized the proceedings complained of, but had condemned the conduct of its officials engaged therein, and had visited them with its marked displeasure, as well as taken decisive measures to put a stop to conduct contrary to the law of nations, the laws of the United States, and the comity which ought ever to prevail in the intercourse between the two friendly powers."

The undersigned, in reply to this note, expressed to Mr. Buchanan, on the 16th of July, the regret of her Majesty's government, if the law of the United States had been in any way infringed by persons acting with or without authority from her Majesty's government; and he stated that any such infringement of the law of the United States would be contrary to the wishes and the positive instructions of the British government.

The undersigned went on to explain his reasons for believing that no person authorized to act for the British government had violated the law of the United States; and, in conclusion, he stated that the request of the President, that decisive measures might be taken to put an end to these proceedings, had been anticipated by the spontaneous act of her Majesty's government, who had a fortnight before the receipt of Mr. Buchanan's note sent out orders to put an end to the arrangement for enlisting within the North American provinces persons who might come there from other places.

Mr. Buchanan, in reply, said, in a note dated the 18th of July, that he should feel much satisfaction in transmitting to his government the note of the undersigned.

So strong appears to have been the impression on the mind of Mr. Buchanan of the satisfactory nature of this communication, that when afterwards he received a despatch from Mr. Marcy, with renewed instructions to address remonstrances to the British government on the subject of the recruiting proceedings, he abstained from acting upon those instructions, and withheld Mr. Marcy's despatch containing them from the knowledge of her Majesty's government, obviously because he perceived by its date (the 15th of July) that it was written long before the note of the undersigned, of the 16th of July, could have been received by Mr. Marcy, and because he concluded that when that note should have been received, the government of the United States would be satisfied with its contents.

For a considerable time this conclusion appeared well founded. On the 5th of September, however, Mr. Marcy addressed a note to Mr. Crampton, not alleging that fresh subjects of complaint had arisen since the receipt in America of the British orders of the 22d of June, but going back to the same transactions to which Mr. Buchanan's note of the 6th of July had adverted, and renewing all his original complaints, as if no notice had been taken of his former representation, as if no regret had been expressed, and as if no measures had

been adopted to put an instant stop to the proceeding out of which his complaints had originated.

A communication so much at variance with what Mr. Buchanan's note of the 18th of July had led her Majesty's government to expect, might well be received with some feelings of surprise, inasmuch as they believed that they had given to the government of the United States every satisfaction which one government could reasonably expect to receive from another in a case of this kind.

The undersigned, however, on the 27th of September, replied to Mr. Marcy's note, answering the allegations renewed in it, and repeating that her Majesty's government had no reason to believe that any of her Majesty's servants, or any agents duly authorized by them, had disregarded the injunctions to respect and to obey the laws of the United States.

Nevertheless, the government of the United States still considered this answer unsatisfactory, and on the 13th of October Mr. Marcy addressed another despatch on these matters to Mr. Buchanan, which was communicated to the undersigned on the 1st of November. In that despatch Mr. Marcy renews his general assertions that her Majesty's officers in America had violated the laws of the United States; he refers to his despatch of the 15th of July, which Mr. Buchanan had abstained from communicating on the supposition that the note of the undersigned of the 16th July had finally settled the question at issue, and he states that the said despatch of the 15th of July indicated the satisfaction which the government of the United States believed it had a right to claim from the government of Great Britain.

This despatch of the 15th of July, which was not communicated to the undersigned by Mr. Buchanan till the 2d of November, concludes by saying, that "the President is disposed to believe that her Majesty's government has not countenanced the illegal proceedings of its officers and agents since its attention was first directed to the subject, and will consider it alike due to itself and to the United States to disavow their acts, and deal with them in such a manner as their grave offence merits;" but that, "as recruiting for the British army in the mode alluded to is still prosecuted" (as he believed) "within the United States by officers and agents employed for that purpose, the President instructs Mr. Buchanan to say to her Majesty's government that he expects it will take prompt and effective measures to arrest their proceedings, and to discharge from service those persons now in it who were enlisted within the United States or who left the United States under contracts made here to enter and serve as soldiers in the British army."

This, then, is the satisfaction which, as late as the 13th of October, Mr. Marcy declared was that which the government of the United States demanded.

With respect to the first part of this demand, her Majesty's government deny that any illegal proceedings were, so far as they know, committed by its officers or authorized agents, and therefore they have none to disavow, and no officers or agents to deal with as offenders. With regard to the other points specified by Mr. Marcy, the under-

signed, on the 16th of November, deeming it respectful to the government of the United States to do so, entered into a detailed, and, as he had hoped, a satisfactory reply to the arguments and statements contained in Mr. Marcy's despatch of the 13th of October. In that reply the undersigned stated that the most material point, that of the alleged recruiting, had been already disposed of, for nearly four months before the date of that despatch the recruiting arrangements and proceedings had been abandoned by orders sent by her Majesty's government, on the 22d of June; and that the second part of the satisfaction required it was not in their power to give, because no person had, to their knowledge, been enlisted within the United States, or left the United States under contract made therein to enter into service in the British army. And he further added, that if it could be shown that any men had been so enlisted, they should immediately be discharged and sent back to the United States. The undersigned thus showed that the satisfaction claimed by the government of the United States had long since been given, as far as it was, in the nature of things, possible to give it; and, in addition to the satisfaction asked for, he expressed the regret of her Majesty's government if anything had been done by any person, authorized or unauthorized, which could be considered an infringement of the law of the United States.

It might naturally have been supposed that the correspondence would here have ended. Regret had been expressed for any infringement of the law of the United States, if any had taken place, notwithstanding the positive and repeated orders of her Majesty's government to the contrary. The satisfaction which the government of the United States, after mature deliberation, had demanded, had either been spontaneously and by anticipation granted, or had been shown to be impracticable because there was no man in the British service whose enlistment, or contract to enlist, had, to the knowledge of her Majesty's government, taken place in the manner specified by Mr. Marcy in his despatch of the 15th of July, and whose discharge, therefore, could form part of the satisfaction indicated by Mr. Marcy. Her Majesty's government, however, expressed their readiness to give that satisfaction also, if any case should be established to which it could apply.

Her Majesty's government were, however, disappointed in the confident expectation which they had entertained, that this further explanation would prove satisfactory, for, on the 29th of January of the present year, Mr. Buchanan communicated to the undersigned a despatch from Mr. Marcy, dated the 28th of December preceding, recapitulating the complaints of the government of the United States, and making a demand in the way of satisfaction different from those which were mentioned in Mr. Marcy's note of the 15th of July, and which were referred to in his despatch of the 13th of October, as the satisfaction which the government of the United States believed itself entitled to claim. This demand consisted in an application for the recall of her Majesty's minister at Washington, and of her Majesty's consuls at Philadelphia, New York, and Cincinnati. It will naturally be asked whether any new ground had been found for this demand, or whether any new event had happened between the 13th of October and the 28th of December in which these officers of her Majesty had been concerned?