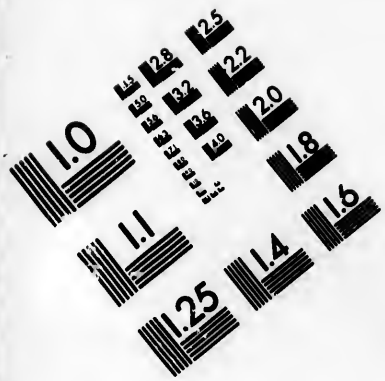


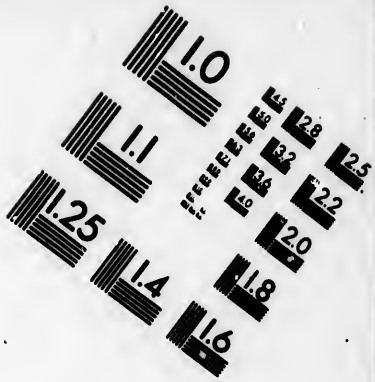
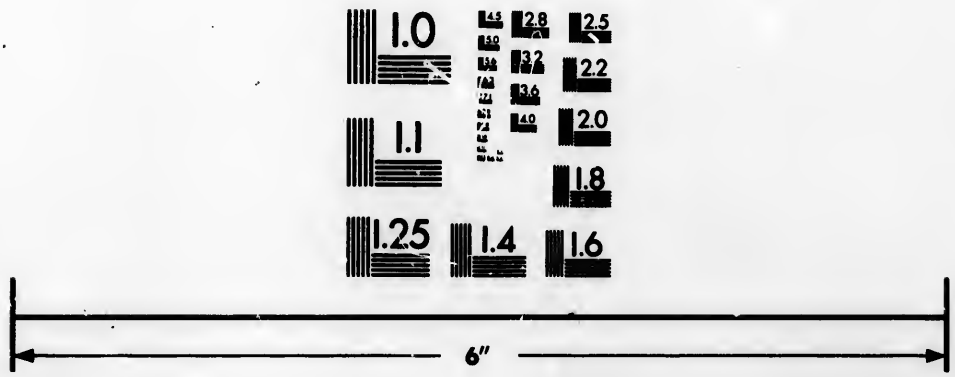
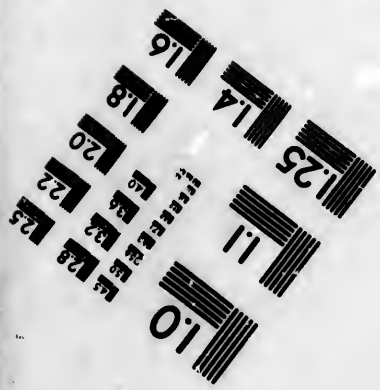


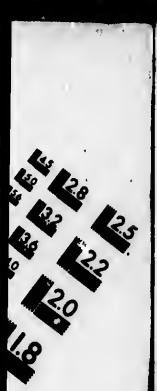
IMAGE EVALUATION TEST TARGET (MT-3)





Photographic Sciences Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503



CIHM/ICMH
Microfiche
Series.

CIHM/ICMH
Collection de
microfiches.

Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- [x] Coloured covers/ Couverture de couleur
- [ ] Covers damaged/ Couverture endommagée
- [ ] Covers restored and/or laminated/ Couverture restaurée et/ou pelliculée
- [ ] Cover title missing/ Le titre de couverture manque
- [ ] Coloured maps/ Cartes géographiques en couleur
- [ ] Coloured ink (i.e. other than blue or black)/ Encre de couleur (i.e. autre que bleue ou noire)
- [ ] Coloured plates and/or illustrations/ Planches et/ou illustrations en couleur
- [ ] Bound with other material/ Relié avec d'autres documents
- [ ] Tight binding may cause shadows or distortion along interior margin/ La reliure serrée peut causer de l'ombre ou de la distortion le long de la marge intérieure
- [ ] Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/ Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- [ ] Additional comments:/ Commentaires supplémentaires:

- [ ] Coloured pages/ Pages de couleur
- [ ] Pages damaged/ Pages endommagées
- [ ] Pages restored and/or laminated/ Pages restaurées et/ou pelliculées
- [x] Pages discoloured, stained or foxed/ Pages décolorées, tachetées ou piquées
- [ ] Pages detached/ Pages détachées
- [x] Showthrough/ Transperence
- [ ] Quality of print varies/ Qualité inégale de l'impression
- [ ] Includes supplementary material/ Comprend du matériel supplémentaire
- [ ] Only edition available/ Seule édition disponible
- [ ] Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/ Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
						✓					

The copy filmed here has been reproduced thanks to the generosity of:

Library of the Public
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol → (meaning "CONTINUED"), or the symbol ▽ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:

L'exemplaire filmé fut reproduit grâce à la générosité de:

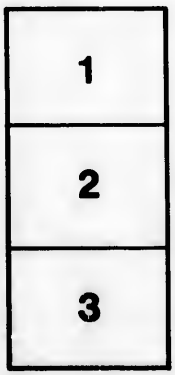
La bibliothèque des Archives
publiques du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole → signifie "A SUIVRE", le symbole ▽ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.



THE

English Enlistment Question.

REVIEW

OF

SECRETARY MARCY'S LETTER,

OF MAY 27, 1856,

IN REPLY TO LORD CLARENDON.

BY R. W. RUSSELL.

NEW YORK:
WM. C. BRYANT & CO., PRINTERS, 41 NASSAU ST., COR. LIBERTY.
1856.

THE

ENGLISH ENLISTMENT QUESTION.

REVIEW OF SECRETARY MARCY'S LETTER OF MAY 27, 1856, IN REPLY TO LORD CLARENDON.

Mr. Marcy, in this letter, assumes that what he calls "the unlawful acts in question were not authorized by the British Government," he now accepts their statement, that they had not authorized any violation of the law of the United States, as perfectly satisfactory, so far as they are concerned, although similar assurances in the previous correspondence did not meet with the same favor.

Mr. Marcy maintains, however, that agents were employed by Mr. Crampton and the Consuls at New York, Philadelphia and Cincinnati, to do more than Lord Clarendon contends they had a right to do, and in fact that they authorized the hiring of men to go to Halifax to be enlisted. These three gentlemen severally deny the charge—*i. e.*, they deny that they hired or authorized the hiring of any person to go out of the United States for the purpose of being enlisted. But they do not deny that they authorized agents to invite and assist British subjects and other foreigners in the United States to proceed to the British provinces there to ascertain whether they were acceptable as recruits.

Mr. Marcy has insisted that such acts of invitation and assistance were unlawful, and he shows that as early as the month of March, 1855, Mr. Crampton himself held the same opinion. But Mr. Marcy takes no notice of the fact, that in the month of

May following, it was judicially determined by Judge Kane in Philadelphia, upon a writ of *habeas corpus*, that it was lawful to publish handbills, specifying the terms on which recruits would be received at Halifax into the Queen's service, and that it was also lawful to pay the passage of a man desirous of going to Halifax for the purpose of offering himself there as a recruit.

Lord Clarendon, in his letter to Mr. Buchanan, dated July 16, 1855, insists that the British Government had the right to adopt the measures necessary for making generally known in the United States, that they were ready to receive such suitable persons as might present themselves at an appointed place, in one of the British possessions, and he quotes Judge Kane's decision.

Again, Lord Clarendon, in his letter of November, 16, 1855, insists that it is no violation of the territorial rights of the United States "to *persuade or to assist* men merely to leave the United States territory and to go into British territory, in order when they arrive there, either to be voluntarily enlisted in the British service or not, at their own discretion."

To this Mr. Marcy replies, in his letter of December 28th, 1855, to Mr. Buchanan, that Lord Clarendon is putting forth a right to recruit in the United States, and he (Mr. Marcy) emphatically denies that right.

Here it may be observed, that in the early correspondence Mr. Marcy and Mr. Buchanan only claimed that the law of the United States would be violated by "enlisting persons within the United States, or *engaging* them to proceed from thence to the British provinces, for the purpose of being there enlisted." That is the language used by Mr. Buchanan in his letter to Lord Clarendon of July 16th, 1855.

But on August 9th, 1855, Mr. Cushing wrote an opinion that the British Government had violated the law of nations by inviting persons to leave the United States to be enlisted in the British army. This he denounces as a violation of the sovereign rights of the United States, and quotes Vattel, who says, "Whoever *entices* away the *subjects* of another State, violates one of the most sacred rights of the prince and the nation."

Straightway Mr. Marcy adopts this doctrine as applicable to the citizens and residents of a Republic, who are not subjects at

all, but who have a perfect right to go into another country, and serve as soldiers or sailors, or in any other capacity they may choose. Mr. Marcy accordingly writes on September 5th, 1855, and announces the new discovery, that even if there had been no enlistment or hiring within the meaning of the Act of Congress, yet as people had been invited or enticed to leave the United States, for the purpose of becoming soldiers in a foreign army, the sovereignty of the United States had been violated, and their policy set at nought.

And in his letter of December 28, 1855, he goes further, and insists that the act of Congress itself is violated without any act of enlistment or hiring, whenever any person has been induced or "brought to the determination" by the information given in handbills, &c., circulated in the United States, to go abroad to enlist.

We now come to Lord Clarendon's letter of April 30, 1856, which is by Mr. Marcy pronounced to be satisfactory, so far as the British Government is concerned. In that letter, Lord Clarendon lectures Mr. Marcy on elementary principles; and in reference to his argument, that the *policy* of the United States had been violated, informs him that "the policy of a nation in regard to its internal arrangements must be sought for in the laws of that nation; that what those laws *forbid*, it must be understood to be the policy of the State to prohibit, and what those laws do not forbid, it must be understood to be the policy of the State to allow."

* * * * * *

"The law of the United States only forbids enlistments, recruiting and *contracts, or engagements* within the United States, and hiring or retaining persons to quit the United States with intent to be enlisted elsewhere."

Mr. Marcy's reply is silent on the question of international law—does not insist that the agents of a foreign government cannot properly do what the law allows to private individuals, and, in fact, admits that there is no cause of complaint against the British Government. Mr. Marcy falls back upon the Act of Congress, and drawing no distinction between the evidence which shows that Mr. Crampton and the Consuls were concerned in doing what the British Government contend they had

the right to do, and that which is relied upon to prove that they hired men in direct violation of the law, charges the British officials with having gone beyond their instructions.

This charge will, by one of Mr. Marcy's adroit manœuvres, be received in England a week before the gentlemen accused will have any opportunity of refuting or commenting upon it, Mr. Marcy having first sent his letter to the British Government, announcing the dismissal of their functionaries, and then, after the steamer had left, informed those gentlemen themselves what had been done.

We have seen that Lord Clarendon has claimed the right, on the part of the British Government, to give information and assistance to residents of the United States desirous of going to the British provinces for the express purpose of offering themselves as recruits; and it is not pretended that the British Minister and Consuls were not authorized to act in accordance with that opinion; nor will anybody pretend that the British Government did not pay the expenses of giving such information and assistance.

Mr. Marcy, in his last letter, lays it down expressly, that "the simple issuing of a handbill, specifying the terms on which recruits would be received at Halifax into the Queen's service," would be a violation of the Act of Congress, which would otherwise, according to Mr. Marcy, be "but little better than a dead letter." And yet he withdraws his demand for a disavowal of, or an apology for, the conduct of the Lieutenant-Governor of Nova Scotia and other British officials, who, acting upon Lord Clarendon's opinion, did what Mr. Marcy once denounced as a violation of the law of nations and a disregard of the municipal law of the United States. Mr. Marcy says, "In respect to such of those officers and agents as have no connection with the Government, it has nothing to ask from that of Her Majesty," but that the case was different in relation to Mr. Crampton and the Consuls.

Mr. Marcy's letter of December 28th, 1855, contains a demand that the men who had (he says) been "enticed" or "decoyed" to leave the United States for the purpose of being enlisted, should be given up. To this Lord Clarendon replies, that if any men had been enlisted in the United States, or hired there to go

into a British province for the purpose of being enlisted, they should be given up by the British Government, but that "no person had to their knowledge been enlisted within the United States, or left the United States under *contract made therein*, to enter the service of the British army.

Mr. Marcy accepts this as satisfactory, and therefore has in effect abandoned all his high-flown doctrines about seduction and sovereign rights, and now impliedly acknowledges that his first construction of the law was the correct one. To be sure, he is not consistent with himself in this his last letter, for we find him in other parts of it still clinging, for some of the purposes of his argument, to the extravagant proposition that a man is liable to imprisonment for three years if he publishes an advertisement or makes a speech showing that advantageous terms are offered to recruits for foreign governments. No such doctrine has ever been propounded from the Bench in this country, and none such ever will be. It will be utterly scouted everywhere now that it has served its purpose in the diplomatic controversy with Great Britain.

No one will have the hardihood and foolishness to seek to enforce such an interpretation of the law in any other case. For example, suppose that General Walker establishes himself in Nicaragua and wants men, will anybody pretend that it is unlawful to make speeches or publish handbills showing the terms which he offers to such persons as may present themselves to him and be approved of? Will the courts decide that to advise or assist a man to go to Nicaragua is to *hire* him, within the meaning of the act of Congress? Are penal statutes so construed? Certainly not; and notwithstanding Mr. Marcy's repeated assertions to the contrary in his last letter, the courts of this country have held that it is lawful to give such information and assistance.

It is not improbable that the Nicaragua case is the true cause of Mr. Marcy's virtual but awkward abandonment of his seduction doctrines, he well knowing that they would be summarily discarded and ridiculed if any attempt were made to enforce them to the prejudice of General Walker and his party.

Lord Clarendon, in his correspondence with the Government of the United States, has never denied that information and as-

sistance were given in the United States to persons desirous of emigrating to the British provinces. His Lordship claimed the right to give such information and assistance, and exercised it. The papers on this subject laid before Parliament and published, prove this conclusively. Mr. Marcy is well aware of these papers, for he quotes from them. And in the letter from Mr. Crampton to the Earl of Clarendon, dated November 27th, 1855, Mr. Crampton says, that whilst he was at Halifax in the previous months of May and June, he was informed by Strobel "that he knew many hundreds of Germans in the cities and country in the vicinity of the Great Lakes, who only required to be informed of where they could be received in Canada and *to be supplied with the small sum which would cover their travelling expenses*, immediately to present themselves on British Territory for enrolment in Her Majesty's service. This plan seeming to me to present a better prospect of success, and at the same time to be unobjectionable as regarded the laws of the United States, was adopted; but so anxious was I that no misunderstanding should exist, or mistake be committed in this respect by the persons who were to carry it out, that I drew up for their use the memorandum which has since been produced by Strobel as 'States' Evidence,' on the trial of Hertz at Philadelphia, as proving that I had authorized him or others to violate the Neutrality Laws; and I would take the opportunity of saying that every word he has said in order to convey the impression that I directed him or anybody else *to act otherwise than is inculcated in that memorandum*, is utterly false."

The passage above quoted presents the whole case fully and clearly. We see from this, that information and assistance were given to emigrants; that Strobel, and perhaps others, were employed for that purpose; that they had printed instructions; and the single question is, whether they are to be believed when they assert that Mr. Crampton, or either of the Consuls, authorized them to violate those instructions? These gentlemen deny the charge; and we shall see presently that there can be no difficulty whatever in determining which of the parties is telling the truth.

The printed instructions contain the following:

"No promises or contracts, written or verbal, on the subject of enlistment, must be entered into with any person within that jurisdiction" (the United States.)

"Should the strict observance of these points be neglected, and the parties thereby involve themselves in difficulty, they are hereby distinctly apprised that they must expect no sort of aid or assistance from the British Government."

Now, the case, as presented by Mr. Marcy, requires us to believe that portion of the evidence of Hertz and Strobel which is denied by Mr. Crampton and the Consuls; for we are no longer considering the question whether they authorized the giving of information and assistance. Their dismissal is placed upon personal grounds, and Mr. Marcy affects to believe that they went beyond what Lord Clarendon insists they had a right to do. Those who agree with Mr. Marcy must make up their minds to believe statements in themselves highly improbable, and in many respects absurd and false on their very face.

If Mr. Crampton and the Consuls only authorized the giving of information and assistance to emigrants, they are sustained by their own Government; and Mr. Marcy should, instead of complaining of the subordinates, have required that Government to acknowledge its error, unless, indeed, Mr. Marcy, in view of the opposition which is springing up in the South to his latitudinarian interpretation of the neutrality laws, was willing to abandon the discussion with Lord Clarendon and leave him the victor.

The neutrality laws, as they will be henceforth understood and acted upon, especially in reference to Central American affairs, merely forbid enlistments and hirings in the United States. Anybody may open an intelligence office—may pay the passage of emigrants—may issue handbills, publish advertisements, and make speeches in favor of emigration, for the purpose of enlisting in foreign service. As observed by Mr. Marcy, in his recent correspondence on Nicaraguan affairs, any number of persons may go out of the United States to become soldiers in a foreign country, provided that there be no organized expedition from hence.

If this government had not sympathized with Russia, there

would have been no interference with the attempt to obtain volunteers for the British army, and that attempt would have been eminently successful. At the outset of the war with Russia, it was generally supposed that the sympathies of this government and people were with the Allies, and no one could have anticipated that this government would deny the right to invite and assist foreigners here to leave the country and take part in the war. Even citizens of the United States have a right to go abroad and enlist in foreign armies, and indeed they may expatriate themselves and throw off their allegiance to the land of their birth altogether. Having these rights, it cannot be unlawful to aid and assist them in their exercise until some new legislation shall make it a crime to do so.

In the free States (whatever may have been the case in the slave States) the cause of the Allies was popular at first. Who could then foresee that all this would be changed, and that the government would become unfriendly to England, and stretch the neutrality laws so as to prevent the adoption of means whereby British subjects, Germans, and other foreigners in the United States, might be induced to go to the British provinces to enlist? Many thousands of them were in great distress; and their presence here was obnoxious to a large portion of the *native* American population, and especially to the "Know Nothing" party.

From time to time, however, as we have just seen, the construction of the neutrality laws insisted upon by the government, became more and more rigid, until at length, according to Mr. Marcy, if one Englishman should meet another, and tell him that on returning to England he might be enlisted as a soldier, and receive a certain bounty and pay, this would be a violation of the Act of Congress, subjecting the offender to three years' imprisonment.

But now a new light from the South breaks over the cabinet, and the conduct of the British Government in employing agents to give information and assistance within the limits of the United States to persons desirous of emigrating for the purpose of enlisting in the British army is no longer complained of—at all events the complaint is not persisted in.

Why, then, did not Mr. Marcy let the controversy drop?—

why does he pretend to believe that Mr. Crampton and the Consuls authorized more to be done than the giving of information and assistance? All the documentary and other evidence referred to by Mr. Marcy is perfectly consistent with the hypothesis that Mr. Crampton and the consuls did no more than Lord Clarendon contends they had a right to do. Mr. Marcy knows that very well; and yet he argues, that as some agents were employed for the purpose of giving information and assistance, Mr. Crampton and the Consuls must be held responsible for any of their alleged excesses, and also for whatever may have been done by mere volunteers.

On the question of veracity between Mr. Crampton and the Consuls on the one hand, and Hertz and Strobel, &c., on the other, it will be sufficient to quote a few lines from Mr. Crampton's letter to the Earl of Clarendon, dated March 3d, 1856, in which letter Mr. Crampton details the course he had pursued.

"The evidence to which Mr. Marcy refers as establishing his charges is partly documentary and partly oral.

"The documentary part consists chiefly of notes addressed by me to Strobel and Hertz, and of a paper of instructions which I drew up for the purpose of preventing, and not of authorizing, a violation of the neutrality laws of the United States.

"These notes were written in answer to repeated inquiries made to me by the said Strobel and Hertz, as to where they and numbers of their friends and countrymen, whom they represented as most eager to enlist in the British service, were to go in order to be enlisted, and on what terms they would be received."

As to the so-called confession of Hertz, Mr. Crampton says: "What I did tell him in regard to the neutrality law and the enlistment, seems to have served him as a guide for the points in regard to which his false statements might be made with most effect. He has followed implicitly the rule of making me say the direct contrary to what I did say on those subjects.

"For instance, he says, I told him the 'neutrality law was exceedingly lax, and that if anything should happen, the British Government would not allow any one to suffer who had

been engaged in assisting them to furnish men.' I told him that the neutrality law was very stringent, and read it to him, and that if he or others violated it, the British Government would have nothing to say to them, and that they would have to take the consequences of their own acts. His statement of my giving him my word of honor as a gentleman that nothing disagreeable should happen to him, I presume, refers to my having told him that if he set up a recruiting office 'on his own hook,' as he proposed, and afterwards attempted to do, he would render himself liable to three years' imprisonment.

"I enclose several affidavits regarding this man's character, as well as a threatening letter addressed by him to this mission."

No reasonable and impartial man can fail, upon an examination of the evidence, to conclude that what Mr. Crampton and the Consuls say is true. Indeed, Mr. Marcy himself says in his last letter, "By adopting Lord Clarendon's construction of our neutrality law contained in his note of the 16th of November, which renders it almost nugatory and contrary to that of this Government, and of its judicial tribunals, these officers have not probably found much embarrassment in meeting the charges with a general denial."

If we adopt the construction of the law recently contended for by Mr. Marcy, many acts perfectly innocent and even laudable will be made criminal, and Mr. Crampton and the Consuls must be treated as having violated the law.

It will be observed that in the passage just quoted, it is coolly stated by Mr. Marcy that Lord Clarendon's construction of the Act of Congress "is contrary to that of this Government and of its judicial tribunals." No doubt it is contrary to that recently adopted by the Government, and still more recently virtually abandoned by it; but, when and where did any judicial tribunal lay down the law as Mr. Marcy did for a while?

Mr. Marcy has never noticed Lord Clarendon's quotation from Judge Kane's decision, which will be found in his Lordship's letter of July 16th, 1855, and which wholly negatives Mr. Marcy's law. No judicial decision adverse to that of Judge Kane has ever been pronounced; and yet we find Mr. Marcy in

his last letter referring to that very decision as showing that the law had been violated by Mr. Crampton because it was there held that there was evidence showing that Hertz had hired a man to become a soldier. Mr. Marcy says: "I trust that it will not be questioned that it belongs exclusively to this Government and its judicial tribunals to give a construction to its municipal laws, and to determine what acts done within its jurisdiction are an infringement of these laws."

Mr. Marcy wholly misrepresents the purpose of the law, and the intention of its framers. Congress never would, at any time heretofore, and will not now, pass a law to prevent any persons from advising or assisting others, even citizens of the United States, to emigrate for the purpose of being enlisted. The object of the Act of Congress was merely to preserve the neutrality of the United States, not to prevent the people from entering into foreign service.

It certainly will not be admitted by a foreign government charged with having authorized a violation of the laws of the United States, that the mere assertion by the President of what the law is, shall prevail against the plain meaning of it and the judicial decisions.

Lord Clarendon had called Mr. Marcy's special attention to the construction of the act of Congress which had been pronounced in the United States Court; why did not Mr. Marcy show that the decision referred to had been overruled or disregarded by other judges if such were the fact?

Why had not Mr. Crampton good right to suppose that Judge Kane had correctly interpreted the law? It is true that Mr. Crampton had previously been advised that it would be a violation of the law to assist any emigrant; but as the question was fully discussed before the court and decided, Mr. Crampton and the Consuls were perfectly justified in acting upon that decision, and they did so; and this disposes of Mr. Marcy's reference to Mr. Crampton's earlier interpretation of the law. It would be the merest churlishness to insist on the dismissal of Mr. Crampton and the Consuls merely on account of their acting upon Judge Kane's decision, even if it had been afterwards determined by an appellate court that the judge was wrong.

Mr. Marcy intimates that Mr. Crampton concealed what he

was doing. It is true that Mr. Crampton did not go into *details* with Mr. Marcy, and for the very good reason, that he had no right to expect that Mr. Marcy would take any interest in them, or offer any suggestions on the subject. Indeed, the attempt to explain details to Mr. Marcy might have been resented by him as an assumption that he was disposed to co-operate with the British Government in their efforts to induce people to go to the British provinces for the purpose of enlisting themselves. But it is clear that Mr Crampton did tell Mr. Marcy that the British Government were going to open recruiting establishments in the British provinces for the reception of people from the United States, and that Mr. Marcy replied that as many might go as pleased.

It was no part of the duty of Mr. Crampton to call the attention of Mr. Marcy to Judge Kane's decision; but it certainly would have been but fair for Mr. Marcy to inform Mr. Crampton that he must not rely upon that decision if he (Mr. Marcy) had resolved to repudiate it.

Mr. Crampton well observes—"Mr. Marcy, as well as the President I flattered myself, would have felt convinced that however erroneous they might suppose my views of the neutrality laws to be, I should have disdained to shield myself from their consequences by concealment or subterfuge, and that *upon inquiry of me every act and proceeding of mine would have been frankly communicated to them.* It would then have been unnecessary for the law officers of the United States to resort to the aid of spies and informers in order to obtain evidence against us."

Why, indeed, did not Mr. Marcy say to Mr. Crampton, "Certain charges are brought against you, which are supported by such and such evidence. Can you explain the matter?" Instead of this, a trial is got up in Philadelphia, fierce and abusive letters from Mr. Cushing are read in Court, a confession which looks very much like a sham one is obtained, the notes of the trial are sent to England, and Mr. Crampton's recall demanded. Was there ever such a performance before? Is this the conduct of a friendly government?

And now Mr. Marcy has the unparalleled effrontery to maintain that the Consuls had a right to defend themselves on this

trial! That there may be no mistake about it, we quote Mr. Marcy's words: "In regard to the Consuls, the Earl of Clarendon errs in supposing that they had not full means and opportunity if they saw fit to appear, and to confront and contradict any accusing witnesses. They were not allowed to interfere in the trials by mere letters written for the occasion, which, indeed, they could not have done lawfully had there been no such prohibition; but if conscious of their own innocence, and that of the parties on trial, and that their own acts would bear examination, it was alike their duty and right to appear and say so on oath, and to contradict by their testimony whatever was alleged against British officers or agents, if known to them to be untrue."

Mr. Marcy must know full well, that if the Consuls had interfered with the trial of Hertz, and volunteered to cross-examine the witnesses, make statements, and call witnesses *in their own defence*, the Judge would have been justified in turning them out of court or committing them for contempt if they had persisted in such an absurd attempt.

With respect to Mr. Barclay, the Consul in New York, Mr Marcy presents an additional reason for requiring his withdrawal in what he calls "the improper conduct of Mr. Barclay in the case of the bark Maury." Lord Clarendon replies that Mr. Barclay only performed his duty, and that he has received the approval of Her Majesty's Government. The facts are simply these: According to the deposition of a policeman, the bark Maury had taken on board a large quantity of military stores, and eighteen to twenty cannon, which were in the hold covered with coal. Other depositions were made showing that it was a case of suspicion. This vessel was not advertised as the bark Maury, but by another name, until one day after movement was made for putting the information into the shape of affidavits. Under these circumstances, the District-Attorney stated, "that he thought there was enough to seize the vessel," and it was seized accordingly. But the owners having made affidavit that she had "no guns or materials of war under her coal" and having given other explanations, the vessel was discharged, and Mr. Barclay published a card in the New York Herald exonerating the owners from all suspicion.

Mr. Marcy treats the Consul as a delinquent, because the policeman's affidavit was incorrect.

This is but one out of many, very many, clear indications in this correspondence that the present Government of the United States is actuated by a vindictive spirit of hostility towards England and her representatives. The object of the President and his Cabinet is evidently to earn popularity with certain men who are influential in democratic caucuses and conventions, by heaping insults upon the British Government. And the whole correspondence is, on the part of Mr. Marcy, a mere network of quibbles and special pleading, more worthy of a county court pettifogger than a statesman to whom are confided the interests of a great nation.