

# *The Fenians and the Anglo-American Naturalization Question*

BY WILLIAM KEOGAN

Through the middle of the nineteenth century, England had long held that a person born under British jurisdiction never ceased to be a British citizen —once an Englishman always an Englishman. The massive migration of the 1800s, however, began to weaken belief in the continued feasibility of this concept. The following study traces how activities of the Fenians helped bring the issue of naturalization to a head in the years immediately following the American Civil War.

An article in the December 16, 1865 issue of the *Illustrated London News* reported that the American branch of the Fenians, an organization bent on the overthrow of British rule in Ireland, had recently established a headquarters in New York on the north side of Union Square in a “large and commodious mansion” called the Moffat House, next door to the Everett House Hotel. A few months earlier, on August 5, 1865, the organization had issued a “final call” for men and money to fuel a revolution in the old country, an event planned and dreamed about all during the American Civil War. Hundreds of Irish-Americans, many naturalized citizens of the United States, answered the call and returned to Erin. Often, these intended liberators arrived at Irish ports in two’s and three’s, and moved on to other towns to act as the cadres of rebellion. Charles Francis Adams, the American minister to Great Britain, on a tour of Ireland in the fall of 1865 indicated the effect these returnees were having when he reported wide unrest and the formation of Fenian groups in the south and west of Ireland.

By this time, the British authorities, nervous about the activities of the Fenian visitors

and of reports that an uprising was to begin before October, decided to strike at the main centers of the Fenian conspiracy. Among their targets was the office of a newspaper called the *Irish People*. James Stephens, the head of the Fenians in Ireland, had founded the paper in 1863, and it had remained the voice of



the movement. On the night of September 15, 1865, the Dublin police raided the newspaper and arrested a number of people, including one James Murphy, who claimed to be an American from Boston. The raid did not net James Stephens, nor did it quite burst the “Fenian bubble,” as William West, the American vice-consul in Dublin, suggested it had. The British continued to stiffen their defenses in Ireland, sending a fleet of ships to protect the west

coast of the island from an expected assault by a Fenian navy. The authorities in Ireland, finding it impossible to distinguish Fenians from other Irish-Americans who took the opportunity of their discharges from the army to visit relatives and friends in their native country, began to search the baggage of all passengers arriving from America. What the officials found did not add to their peace of mind —guns, military drill books and other “treasonable documents.” The British arrested a number of American citizens, most of whom were of Irish birth, found carrying such items.

Thus the question of expatriation, which had plagued Anglo-American relations since before the War of 1812, resurfaced at this time. England, as noted above, claimed that a person born under British jurisdiction never ceased to be a British citizen, even if he moved to another country and went through the process of naturalization; the United States claimed that naturalization erased all past allegiances.

**Photo:** William Henry Seward was born in Orange County, New York in 1801. After reading law and moving into politics, he was elected Governor of the state at age thirty-three. During his career in Albany, he supported several efforts on behalf of immigrants arriving in New York, including state support for schools operated by their clergy members. He was elected to the U.S. Senate in 1848 and was appointed Secretary of State by Abraham Lincoln in 1861. Courtesy of Library of Congress.

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As the arrests of the Irish-American visitors mounted and William West began to receive requests for assistance, he asked Adams for instructions. The American minister, who had worked diligently to maintain a friendly relationship with England during the Civil War, now did not want those efforts nullified by a small group of Irishmen. He advised West to investigate each case and to make representations only in those instances where innocence seemed likely. Both West and Adams reported their actions to Secretary of State (and former New York Governor) William Seward. When Seward, under pressure to do something for these citizens abroad, urged Adams to take stronger action, the minister avoided an international confrontation only because the British agreed to free the suspects on the condition that they leave the country immediately upon being released.

The arrests, however, did not end Fenian activity—they only made the insurgents more cautious. In January, 1866, the *New York Times* reported increasing agitation in Ireland, the discovery of stores of weapons and further arrests. William West's dispatch to Seward dated January 14 confirmed the *Times* report. The vice-consul added that, as new conspirators were being found every day, his work load grew more arduous. By February, the British felt the need for stronger measures to prevent a revolt that seemed likely in the spring. On February 14, Lord Wodehouse, lord lieutenant of Ireland, in a letter to Sir George Grey, the British home secretary, called for suspension of *habeas corpus* in Ireland, a possibility mentioned in recent press reports. Some days later on February 17, the British Parliament voted to suspend the right. Lord John Russell's speech to Parliament that day clearly indicated that the bill had as its target the approximately five-hundred Irish-born, naturalized citizens who had returned to Ireland to engage in, what he called, treasonable practices. Lord Wodehouse, alerted that Parliament planned to act on the seventeenth, initiated preparations on the sixteenth. The Dublin police, under Superintendent Daniel Ryan, made their move in the early morning hours of the seventeenth, and by noon upwards of one-hundred men had been taken into custody. Thirty-eight of those arrested immediately

claimed American citizenship. As in fall of the previous year Adams tried avoid giving the current difficulties the aura of crisis.

### GROWTH OF THE FENIAN MOVEMENT & INFLUENCE

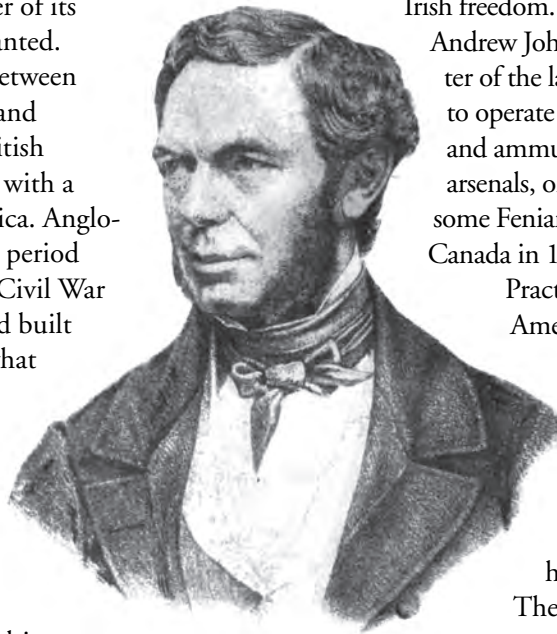
The Fenian movement had grown out of the ashes of the unsuccessful Young Ireland Revolt of 1848, and carried on the rebellious tradition that had sparked the sporadic revolts which mark the centuries of English domination in Ireland. In 1857, a group of Irish-Americans in New York, including Michael Doheny and John O'Mahony, two leaders of the 1848 revolt, sent a letter to James Stephens, a former comrade living in Dublin, encouraging him to start an organization in Ireland that would take up the struggle for Irish freedom. On St. Patrick's Day, 1858, Stephens formed the Irish Revolutionary Brotherhood. Later in the same year Stephens named O'Mahony "supreme organizer and Director of the Irish Revolutionary Brotherhood in America." O'Mahony started to refer to the organization as the "Fenians." He derived the name "Fenian" from the story of Fionn McCuol, a heroic character who was supposed to have led an Irish militia, the *Feonin Erin*, in pre-Christian Ireland.

The Fenian movement in America grew slowly in the period before 1861, but the Civil War years saw a marked increase in its development. At first, the Irish-American press viewed the war in a negative light. The *Phoenix*, in an article reprinted in the Boston *Pilot* of May 4, 1861, suggested that the first Southern troops that the New York's Irish-American Sixty-Ninth Regiment would encounter might be Irishmen, some even friends and relatives. How tragic, the article continued for Irishmen to be fighting thousands of miles from Ireland, "the land which it would be their common pride to defend, and their honor to die for."

Gradually, many Fenians began to adopt a different view. Noting the sharp deterioration in diplomatic relations between the United States and England due to British support of the Southern cause, Fenians came to believe that after the struggle for union the United States would go to war with Britain, a conflict, they hoped, that would lead to freedom for Ireland.

At the very least, the Fenians saw the Union army as a good training opportunity for Irish-Americans, who would return to their native country after the war and form the backbone of a new revolution. Union recruiting officers, anxious to fill the ranks of the Northern armies, played upon Irish hopes, often promising American aid for the Fenian cause after the war.

In the five-year period after the Civil War, Fenianism had more influence in America than the number of its adherents might have warranted. Poor diplomatic relations between the United States and England caused the Fenians' anti-British pronouncements to be met with a receptive audience in America. Anglo-American diplomacy in the period immediately following the Civil War reflected the iciness that had built up during the war due to what the Americans believed was British sympathy for the Confederacy. Relations between the two countries were strained on a number of levels. Both British and the Americans had outstanding claims resulting from the damage done to each country's shipping during the war. American claims arose because British neutrality law allowed the South to have ships built in England; after leaving England these ships would be equipped for war. Such cruisers as the *Alabama* inflicted great damage to American commercial vessels. The government of the United States held Britain to blame for these and associated damages. Some Americans connected the settlement of these claims with the possibility of acquiring British North America, which many believed should naturally be part of the United States. Aside from the *Alabama* claims, the United States also disputed British claims to the ownership of San Juan Island, in the waters near Victoria, British Columbia, and was angry at the cancellation of American fishing rights in Canadian waters.



In Fenianism, Americans saw an opportunity to twist the British lion's tail. The bravery shown by the Irish during the Civil War did much to negate earlier nativist objections to this new hoard of immigrants who brought their Papist religion with them from the old country. Also, during the nineteenth century, American public opinion tended to be sympathetic toward foreign revolutions. For such reasons, there grew up a popular sentiment in America favoring the cause of

Irish freedom. The administration of Andrew Johnson, following the letter of the law, allowed the Fenians to operate freely and to buy guns and ammunition from Federal arsenals, only stepping in when some Fenians actually attacked Canada in 1866.

Practical politics mixed with American Anglophobia in regard to the Fenians.

Since the potato famine in Ireland in the 1840s, more than a million and a half Irish immigrants had arrived in America.

The vast majority of these newcomers stayed in urban centers in the East. And since these immigrants were more likely to be men of or near voting age, the Irish formed an important political force in such cities as New York, Boston, and Philadelphia. The Irish had traditionally favored the Democrats, but after the Johnson administration helped put down the Fenian raids into Canada in 1866, the Radical Republicans saw a chance to change Irish voting habits. The English took note of the new importance of the Irish vote. The London *Times* of October 3, 1865 commented that universal suffrage in America gave "ignorant and prejudiced" Irishmen great power. The article also accused American newspapers and politicians of pandering to the "weaknesses and delusions" of groups such as the Fenians who influenced this block of votes. Despite its anti-Irish bias, the *Times* analyzed the American political scene correctly.

**Illustration:**

Born in 1805 in Fethard, Co. Tipperary, Michael Doheny became a writer and participant in the Young Ireland Movement during the 1840s. Eluding arrest for his participation in the failed uprising of 1848, he escaped to New York. Early in the 1850s, he was one of the moving forces behind creation of the Irish Republican Brotherhood in Ireland and the Fenian Brotherhood in the United States. Courtesy of Project Gutenberg.

Although Fenian membership never exceeded forty-five thousand, their supposed power to sway the Irish vote led many politicians to seek Fenian endorsement by condemning English rule in Ireland and by keeping up pressure on the Federal government to take a strong stand on the protection of Irish-Americans in Ireland.

Expatriation, then, was only one of a number of questions that influenced Anglo-American relations in the post-Civil War period, and it must be viewed in the context of more important issues, such as the settlement of the *Alabama* claims, and the desire on the part of the governments of the United States and Britain to avoid war with each other. The United States wanted peace because the country had just been through the bloodiest war in its history and needed time to put itself back together.

England, at the peak of its power, found itself diplomatically isolated in a time when the European balance of power was in a state of flux. It did not want war with the United States, which could easily have attacked Canada, thus depriving Britain of the ability to respond freely to events on the European continent. So, in the summer of 1866, as Charles Francis Adams worked for the release of Irish Americans held under the suspension of habeas corpus, England looked on as the Austro-Prussian War shook the stability of Europe.

#### IRISH AMERICANS & SEWARD REACT

Reactions in America to the suspension of habeas corpus in Ireland and to Adams' policy for dealing with it varied. Irish-Americans, as might be expected, condemned Britain. More than one-hundred thousand people gathered at a Fenian rally in response to the suspension on Sunday, March 4, 1866, at Jones Wood in New York City. This impressive number showed up despite

a plea from the Archbishop of New York, John McCloskey, that people not attend the meeting. Many Irish-Americans decried Adams' failure to protect American citizens in Ireland. Former Young-Ireland leader John Mitchell, in a letter to John O'Mahony, even suggested that Lord Russell had consulted with Adams about the suspension before the bill was brought to Parliament.

Adams knew of the criticism that his policy drew in America. He also knew of the pressure on Secretary of State William Seward to take stronger action. Seward, perhaps best known for arranging the purchase of Alaska from Russia in 1867, combined in himself a blend of statesman and politician. He had long experience in politics. As governor of New York from 1839 to 1843, he stressed internal improvements and won the favor of Irish immigrants in his state by attempting to secure public aid for Catholic schools. After entering the United States

Senate in 1849, Seward gained a reputation as an abolitionist. Although Seward did oppose slavery, certain phrases from his speeches—his statement that Congress was ruled by “a higher law than the Constitution,” or his reference to slavery as “an irrepressible conflict”—taken out of context, made him sound more radical than he was. This reputation, along with opposition from Horace Greeley and the Know-Nothings, caused Seward to lose the Republican presidential nomination to Abraham Lincoln in 1860.

With the election of Lincoln, Seward accepted the position of secretary of state with the hope that he would dominate the president and the cabinet. Generous and pacific by temperament, and accustomed to having his political ally Thurlow Weed fight the grittier political battles for him, Seward had some difficulty adjusting to the struggle for personal power within the cabinet. One of Seward's fellow cabinet members, Gideon Welles, secretary of the navy, thought Seward possessed a “versatile and prolific” mind,



**Photo:** John O'Mahony was a Young Irelander who, following attempted rebellion of 1848, fled to France and the United States. In 1854, with Michael Doheny he composed a letter suggesting creation of a new republican movement in Ireland which would be assisted in part by a supporting organization in the United States. He is credited with naming that organization the "Fenian Brotherhood." O'Mahony went on to serve as a president of the Fenians in America and as a colonel in the Civil War. Courtesy of University College Cork.



but, compared to Lincoln, less strong and reliable in making and enforcing policy. Welles believed Seward less able to grasp the great questions of the day. In at least one instance, Welles' opinion appears correct. Early in Lincoln's administration, the secretary of state wildly suggested the United States declare war on Spain and France on the pretext of their colonialist activities in Santo Domingo and Haiti. Seward hoped that such a foreign war would unite the North and South in the common defense of America. After Lincoln rejected this plan, Seward began to accept the fact that the president would run his own administration.

Although no taint of scandal touched Seward in either his public or private life, he occasionally had to look the other way when Thurlow Weed bought votes. Also, as was the custom of the time, Seward practiced the spoils system in filling appointive positions, and he was capable of a bit of nepotism. Seward's son Frederick William and his nephew Clarence Armstrong Seward each held the position of assistant secretary of state during his tenure at the State Department. Personally a friendly and gregarious man, Seward entertained extensively in Washington, and though his wife became a strict prohibitionist, wine and brandy flowed freely at Seward's gatherings.

The secretary of state, as the British minister in Washington Sir Frederick Bruce believed, perhaps still had hopes of attaining the presidency; in any case, Seward conducted his diplomatic correspondence with an eye toward the public. He often arranged to have sections of his official correspondence published in newspapers, and it is more than coincidence that the State Department began to issue annual accumulations of *Papers Relating to the Foreign Relations of the United States* under Seward's leadership. Sometimes, Seward's impulsiveness produced ill-will; while speaking with the Duke of Newcastle in 1860, Seward,

attempting humor, suggested that if he became secretary of state, it would "become my duty to insult England, and I mean to do so." The Duke did not take the humor well, and even

after the Civil War, when British diplomats in America began to send back more positive reports about the secretary of state, Seward never completely shook the reputation of being an anti-British political opportunist.

If Seward did, upon occasion, play to the crowd, he fortunately had people with diplomatic skills, such as Charles Francis Adams, to interpret and moderate these pronouncements. In dealing with the suspension of *habeas corpus* in Ireland, Seward worked toward somewhat conflict-

ing ends. To satisfy Irish-American voters and Congress, he sought to establish a clear record of defending the American position on the issue of sovereignty over naturalized citizens, specifically, of protecting the rights of Americans, both native and naturalized, who might be held wrongfully in British prisons. Seward also wanted to play down the question of naturalization; he feared that the combination of the recently rejected *Alabama* claims with naturalization would damage Anglo-American relation beyond repair. And despite occasional anti-British rhetoric, Seward did not want war. In his first statement on the suspension of *habeas corpus*, the secretary of state tried to avoid the question of naturalization saying merely that Americans, whether native or naturalized, had to obey English laws while on English territory. He went on to approve Adams' policy of dealing with each case on an individual basis.



**Illustration:** Several raids into Canada by Fenians took place over a five-year period. They were generally intended to pressure the British government into freeing Ireland and, as this illustration from March 10, 1866 shows, received publicity even before they occurred. The first raid was on Campobello Island in April, 1866. Courtesy of the New York Times.

A few days later, Seward received a report from William West in which the consul reported that the Irish authorities would not let him visit with any of the arrested men other than American-born citizens. In response, Seward asked Sir Frederick Bruce to use his influence to get permission for American consuls to see both native and naturalized citizens. Seward informed Bruce that the United States could not ignore the rights of naturalized citizens, but that the government wanted to avoid an impasse. Seward suggested that a compromise be arranged in which American consuls be allowed to visit any of the prisoners, with the understanding that this did not mean that Britain conceded its doctrine of inalienable allegiance. Bruce agreed to do what he could. In a letter to Adams on March 22, Seward suggested that the minister make the

same argument with British Foreign Secretary Lord Clarendon and urged Adams to point out that a crisis would only increase the likelihood of further agitation in Ireland.

On the same day, unknown to Seward because of the two- to three-week delay in communication, the attorney general of Ireland announced the acceptance of a proposal made earlier by Adams that those arrested on weak evidence be released on condition that they leave the country. The British official avoided the question of citizenship, but, in practice, the

English maintained only a façade of inalienable citizenship. On April 11, Adams met with Clarendon and passed on to him Seward's letter of March 22. Clarendon agreed that it was folly to allow the American consuls in Ireland to communicate by writing, while forbidding them to see the prisoners. Clarendon said that he would contact the Irish authorities about the matter.

Seward remained less than satisfied. On April 30, he wrote Adams that, while he was gratified for British assurances that American consuls would be able to visit the prisoners, he would like to see a more definite settlement about how the British would treat naturalized American prisoners. On May 29, again Adams met with Clarendon and presented Seward's request for a definite statement that American consuls would be allowed to visit with and intercede for naturalized American citizens.

Clarendon reacted with some astonishment because he had assumed that this question had been settled. He now reluctantly agreed to the American demand with the understanding that this did not effect the British position on naturalization.

All during the spring and summer of 1866 Seward passed on petitions to Adams requesting help in securing the release of various prisoners. These petitions from friends and relatives of those arrested usually included testimonials to the effect that the suspect had never been a Fenian, and that he had been visit-



**Illustration:**  
In April, 1867  
Fenians in  
New York City  
acquired a ship seized  
by the U.S. Collector  
of Customs. Refitted  
and re-named Erin's  
Hope, it sailed to  
attack British forces  
in Ireland. Filled  
with thirty-eight  
men, five-thousand  
firearms, ammunition  
and three field pieces,  
it reached the bay of  
Sligo on May 23 of the  
same year. Courtesy  
of University College  
Cork.



ing Ireland to see his family or on the advice of a doctor for reasons of health. By August 23, 1866, Adams could report to Seward that all the Americans arrested under the suspension order had been freed.

#### REVOLUTION IN IRELAND

The police raid on the *Irish People* in the fall of 1865 and the suspension of *habeas corpus* the next year did much to lessen the chance of revolt in Ireland in 1866. As early as December, 1865, William Roberts, a Fenian from New York, had split with O'Mahony and formed another Fenian wing call the "men of action." (Some years later, William Roberts was elected to Congress from New York and served for two terms in the 1870s. Upon leaving Congress, Roberts became associated with Tammany Hall and later became a New York City alderman.)

Roberts' group decided to strike at England by attacking British North America. In the spring of 1866 both O'Mahony's group and Roberts' faction had launched unsuccessful military expeditions against Canada. The "men of action" actually crossed into Canada from a number of points in New York and Vermont. Canadian forces captured some of the Fenian invaders and put them on trial in Fall, 1866. Until the fall, then, the focus of Fenian activities had been in North America. With the failure of those raids, the Fenians again began to plan for revolution in Ireland.

New Fenian activity in Ireland led the British authorities to increase the scrutiny and arrests of suspicious visitors from America. Again, Seward began to call on Adams to intervene on the part of those arrested. Adams, as in the past, moved cautiously. In regard to a man named Meany, whose daughter Kathleen wrote an emotional appeal on his behalf, Adams coolly responded that he checked into the matter and found that Meany had emigrated to America in July, 1862 and could not be a naturalized American citizen. In another case, Captain Charles Underwood O'Connell had been arrested aboard a ship, the *City of New York*, for complicity with the Fenians, for which he was tried, convicted, and sentenced to ten years

imprisonment. In a dispatch to the secretary of state, Adams wrote that he had checked the facts and had come to the conclusion that O'Connell was guilty. Also, O'Connell had not claimed to be an American, but an Irishman. Adams argued that it would be somewhat embarrassing to stand up for someone not claiming protection. He concluded, perhaps anticipating Seward's response, by saying he would look into the matter further and talk to the foreign minister, Lord Stanley.

By the time Adams discussed the O'Connell case with Stanley, the long-promised Fenian uprising had begun, thus delaying the release of any Fenian prisoners. Actually, it was not one uprising, but a number of uncoordinated outbreaks in such places as Cork, Kerry, Chester, and Killarney that occurred in February and March. Informers, in good supply, had prepared the British for the Fenian disturbances, and bad weather further hampered the rebellion. Upon receiving dispatches about the disturbances in Ireland, Seward wrote to Adams on March 28 noting that Ireland seemed to be in a state of "chronic sedition," and that many people in the United States express support for Ireland. Seward did not miss the chance to attribute this anti-British sentiment to Britain's actions during the Civil War and to the current move to give Canada dominion status. Not too subtly, Seward mentioned a second move in Congress to amend America's neutrality laws under which the United States had acted to quell the Fenian raids on Canada in 1866. In a touch of coyness Seward ended by saying that he might not fully understand the situation, and therefore left to Adams' "excellent judgment" how and when he would present this dispatch to Stanley.

If the British government did not grasp Seward's implied warning, they soon received an admonition from another source, Sir Frederick Bruce. This astute observer sent word that his government should realize that unrest in Ireland combined with the hostility of the Irish in America constituted a threat to peaceable relations between the two countries.

#### ERIN'S HOPE AND WARNINGS

The episode of the *Erin's Hope* must have

appeared to England an example of the tendencies of the American government. In March 1867, John Smythe, the collector of customs at New York had seized a ship named the *Jacmel Packet*. Although Smythe was neither Irish nor a Fenian, by April 12 the Fenian brotherhood had acquired the ship. Because of the poor condition of the Fenian treasury, they most likely did not pay for the *Jacmel Packet*. In any case, the ship sailed from New York on April 13 with a military force of thirty-eight men along with five-thousand firearms, ammunition, and three small field pieces. At sea on Easter Sunday, April twenty-one, the Fenians re-christened the ship *Erin's Hope*. The vessel reached the bay of Sligo on May 23, and two days later, Richard O'S. Burke, who was to guide the landing party, came aboard. Burke advised against attacking Sligo, where an uprising had been crushed more than two months before. He suggested Cork instead. At this time strong disagreement arose as to what plan of action to follow. With water and food running low, the Fenians voted twenty-one to ten to return to the United States. The captain of the vessel, however, insisted that the bulk of the force be put ashore. On June 1, thirty-one men landed at Helvick Head, near Dungarvan Bay in view of a coast guard station. Within a day's time, twenty-eight had been taken prisoner. Despite the failure of the *Erin's Hope*, the British government could not have been happy about the United States government having transferred a ship to the Fenians and then having allowed it to sail with a cargo of arms for Ireland.

In April, the British began to try those arrested in the uprisings of February and March. Seward responded quickly to the early convictions, sending a telegram of some length via the newly laid transatlantic telegraph cable. In this dispatch, the secretary of state ordered Adams to "protect against any irregular or doubtful conviction" of an American citizen and to ask for clemency in all cases involving Americans. Seward advised Adams to make the British government aware that the "sanguinary sentences" imposed upon three prisoners, Thomas Burke, John McCafferty, and Patrick Doran, "shock

the public sense" in America. Seward warned that carrying out the executions "would leave a painful impression" in the United States, but he left to the imagination what measures Congress might take.

Despite the urgency of Seward's words, Adams' response indicated an increasing reluctance to act. He wrote to Seward on May 18 that he had not been an "inattentive observer" of the cases but "must candidly admit" that he had found no reason to interfere in trials "conducted with liberality and fairness." He said further that, as of yet, he had not received any evidence that either Burke or Doran were citizens. In a more positive vein Adams informed Seward that the imposition of the death sentences was "one of the relics of the habits of a past age," but that it had been fifty years since such a sentence had been carried out. He noted that Doran's sentence had already been changed. On this subject Adams enclosed an article from the London *Times* of May 15 which said that, while the convicted Fenians deserved death sentences, the troubles now seemed to be over, and it might be better not "to give their memory the dignity of death in a political cause." The article went on to advocate that England should rather follow the example of leniency set by America after the Civil War. When the lord lieutenant of Ireland unequivocally refused a petition to commute the sentences, Adams realized that quick action would be necessary. On May 25, he wrote to Stanley asking for his help in the matter of the executions. The next day Stanley notified the American minister that the sentences of Burke and McCafferty had been commuted. On June 4, Adams notified Seward that all the death sentences imposed upon Americans in connection with the uprisings of 1867 had been commuted.

It seems safe to say that the British government realized that, had they accepted the American position on the validity of expatriation and naturalization, much of the tension that developed between the two countries during these months would have been avoided. The cases of John Warren and Patrick Nagle captured in the *Erin's Hope* fiasco reinforced such a



realization. The British held Warren and Nagle through the summer under the continued suspension of *habeas corpus*. On July 9 and again on August 7, Seward asked Adams to look into these cases, which had caused some comment in the United States, especially from patriotic organizations concerned about the fates of two who had served in the Union army. By August 22, the furor in America over Warren and Nagle caused Sir Frederick Bruce to cable Lord Stanley advising him that Nagle and Warren should be released.

Disregarding pressure from home, Adams continued to move deliberately on these cases. On August 23, he wrote to Seward saying that he had made representations on behalf of Nagle but had not yet taken any action on Warren because of doubt as to his nationality. Adams noted that he would direct West to make representations for Warren because of his military service. On three more occasions in September Adams informed Seward of measures he had taken to secure the release of Warren and Nagle. With the fall elections approaching, on September 20 the still unsatisfied Seward ordered Adams to "Obtain definite answer about Warren and Nagle."

Two days before Seward's telegram a band of about fifty Fenians in Manchester attacked a police van containing two of their leaders, Thomas Kelley and Michael Deasy. In effecting the release the attackers killed a policeman. The Fenians had brought the Irish troubles to England, and newspapers there filled their pages with descriptions of the "Outrage." This episode in Manchester wiped out any chance of an early release for Warren and Nagle. Realizing this, Seward decided to press instead for early trials. On October 3, noting that *habeas corpus* had been suspended for twenty months and that a number of Americans, "who earnestly insist that they have committed no offence," were being held in British prisons, Seward instructed Adams

to find out when judicial proceedings might get underway. On October 12, Adams informed Seward that the trials of Warren and Nagle had been set and that he, Adams, had instructed West to arrange for legal counsel.

When Warren's trial started in late October, it became obvious that he meant to cause friction between England and the United States. He claimed, as a naturalized American citizen, the right of having a jury *de medietate linguae*, that is a jury made half of Englishmen and half

of foreigners. Common law promised such a jury to aliens brought to trial in England. The British court, however, would not allow the privilege, noting that Warren was a native-born British subject. This ruling again raised the differences between the two countries on the question of expatriation.

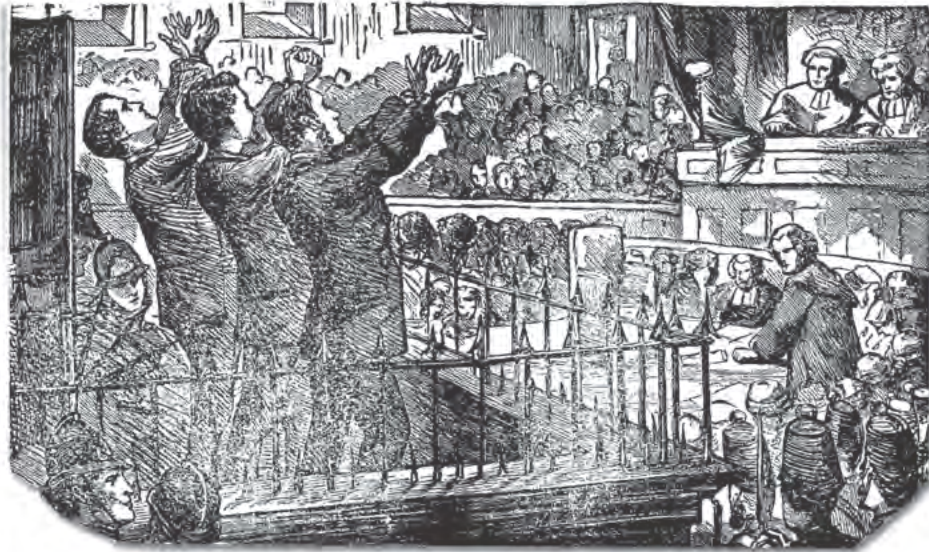
As if Adams did not have enough trouble with Warren and the others in the *Erin's Hope* expedition, the American minister received a plea for assistance at the beginning of November from Michael O'Brien, alias Gould—one of those on trial for murder in connection with the attack on the police van in Manchester. In a report to Seward, Adams said that he hesitated to act because O'Brien had been charged with criminal rather than political offences. Adams added that the prosecution had presented strong evidence, and that O'Brien had been found guilty. During the trials, in which five were convicted, another man—Edward Condon, alias Edward Shore—also claimed protection of the American government.

Events now seemed to speed up. On November 15, Seward cabled Adams to "Delay judgment or execution in Warren's case." The United States needed time to decide what to do. Adams wrote back the next day that the sentencing of Warren had been put off until after the related trials had concluded. He noted that, in any case, Warren had not been convicted of a capital crime. Adams mentioned that Edward



**Illustration:**

*In September, 1867 Fenians in the English city of Manchester attacked a prison van carrying Thomas Kelly and Michael Deasy, two members of the Brotherhood. The attack was successful, but the resulting outrage in England thwarted diplomatic efforts on behalf of American Fenians held in English jails. Five of the attackers were captured, jailed, and convicted. Three were hanged and became known as the "Manchester Martyrs." Courtesy of Wild Geese Heritage Museum and Library.*



#### Illustrations:

*The Manchester Martyrs were Michael Larkin, William Philip Allen, and Michael O'Brien.*

*Convicted of killing a policeman, their hangings in November, 1867 became a significant event in the Fenian movement and in Irish history.*

*Top: Courtroom scene: "God Save Ireland."*

*The Manchester Martyrs during sentencing. From The Project Gutenberg eBook, The Dock And*

*The Scaffold: The Manchester Tragedy And The Cruise Of The Jacknall written by an unknown author and published in Dublin in 1868*

*Bottom: Bust portraits of the Manchester Martyrs in a shamrock on a shield with allegorical scene above, and an Irish wolfhound guarding a view of the landscape of Ireland. Includes eight lines of verse "written by Mr. P.D. Farrell." Courtesy of Library of Congress.*

Condon had now contacted him. Two days later, Adams wrote again informing Seward that Warren had been given fifteen years in prison.

On the nineteenth, Seward cabled Adams with

the instructions to ask for clemency for O'Brien and Condon.

On the twenty-second, Seward again cable Adams to "Urgently renew and solicitation of clemency to O'Brien and McCondon[sic], Manchester." The day before he sent the second telegram Seward wrote Adams explaining that, although the killing of the policeman was unfortunate, emotions in America did not recognize it as the act of terror that it was.

For one of the prisoners, O'Brien, Seward's appeals did no good. The British hanged O'Brien along with Philip Allen and Michael Larkin on November 23. Irish sympathizers immediately dubbed them the "Manchester Martyrs."

#### PRETENSION CANNOT BE ALLOWED

In a letter to Nathaniel Banks, John Savage, president of one wing of Fenians, complained about Adams' lack of action in regard to O'Brien.

Savage also fumed that "the doctrine of once a subject always a subject is as insolent as preposterous." Seward had also restated his firm position on expatriation in a dispatch on November 21. Noting that in Warren's trial the Irish court had pronounced allegiance to be indefeasible, Seward said he would "not wait to remove from the question the embarrassment with which it is encumbered by the citation of certain judicial authorities and commentators." It must be understood "that the pretension of the Irish court cannot be allowed by this government."

On December 13, the Fenians again struck in England, this time blasting a sixty-foot hole in a wall surrounding Clerkenwell Prison in London. The Fenians did not successfully accomplish their mission—the freeing of Richard O'Sullivan Burke—but unfortunately





did destroy a row of houses across from the prison, killing twelve and injuring more than one-hundred others. For a second time within four months the British press spoke of outrage, and emotions ran high. Adams observed that it would be dangerous for Irishmen to hold a meeting in any large town in Britain. Despite such strong feelings, the United States supplied Burke with legal counsel for his trial.

The year 1867 had been an eventful one: uprisings in Ireland in February and March; the passing of a bill weakening the neutrality law by the United States House of Representatives; the failed *Erin's Hope* expedition, with the subsequent trials of Warren and his associates; the attack in Manchester; and the explosion at Clerkenwell Prison. All of these events involved Irish-Americans, the non-recognition of whose naturalized status had led to increased friction between America and Britain. After each of these incidents, British public opinion flared with anger at the rebellious Irish and the United States, and the British government, at least temporarily, showed stronger resolve to meet the Fenian challenge.

In early December Seward had suggested to a Mr. Ford, a British diplomat, in a conversation about the *Alabama* claims, that all open questions—including naturalization—be dealt with at the same time. The idea signified a change in attitude on the part of Seward, who had up to this time done little more to solve the naturalization dispute than to make demands and pronouncements. When Adams heard about Seward's proposal from Lord Stanley, the American minister expressed mild surprise and surmised that there was not enough time left in the Johnson administration to conclude such a convention successfully. Explaining his new position, Seward wrote to Adams that public opinion would not allow passage of any agreement dealing with only one issue while the others remained unsolved. Seward also had in mind an alternative plan for the solution of the naturalization question—the United States and England, he suggested, should each change its municipal laws with no treaty involved. As far as the secretary of state was concerned this would have solved the problem without raising any cries that the United States

government had consorted with the much disliked Britain.

#### SOLVED ONCE AND FOR ALL

With all the problems that had occurred with Irish-Americans in 1867, there arose in Britain toward the end of the year a feeling that the expatriation question had to be solved once and for all. At this time, Vernon Harcourt, under the name *Historicus*, wrote a letter which appeared in the London *Times* of December 11 (two days before the Clerkenwell explosion). Harcourt, writing in response to Andrew Johnson's annual message delivered a few days before, suggested that the British were "about to be called upon, courteously or otherwise, to consider the principles on which we found the rights and assert the claims of British citizenship." Allowing the complexity of the subject, Harcourt traced the laws, which by 1773 included as British subjects all those whose grandparents had been subjects of the British monarch. "Singular in the extreme," the author called this claim. He then created a hypothetical example: a Frenchwoman traveling in some part of the British empire delivered an infant there who, the next day, was taken to France, never to return to British jurisdiction. That person, Harcourt continued, had fifty grandchildren in his lifetime. One of these grandchildren, in the French military, if captured by the British in war, would, according to the 1773 law, be liable for a charge of treason. Should England have laws, Harcourt asked, which it did not mean to enforce and which had become the source of international friction?

Harcourt then disputed the doctrine of inalienable citizenship. He argued that the principle had its origin in the feudal era. Those times were no more, and circumstances had changed. Noting the "great and never-ceasing tide of emigration" of the nineteenth century, Harcourt asserted that Britain in the last fifty years had seldom attempted to enforce the principle. After remarking that the *Code Napoleon* avoided "the preposterous consequences of making citizenship dependent on the mere local accident of birth," Harcourt concluded that "every British subject should be allowed to withdraw himself from the



state by some formal act disclaiming his citizenship." Such a move would not show weakness in regard to the Fenians; it would, however, tend to make the United States more responsible for the actions of its citizens abroad. An editorial in the same issue of the *Times* added that the important question regarding expatriation was "one of policy rather than law" and arguments for the law's revision were "irresistible."

Britain now saw the need to solve naturalization issue, but a number of things occurred that caused the diplomatic process moved slowly. In the United States, President Andrew Johnson faced impeachment, and though in the end, he was not removed from office, this interlude temporarily weakened Seward's ability to negotiate international matters. Shortly after the impeachment trial ended Reverdy Johnson, a United States senator and a noted lawyer, was named to replace Adams as the American minister to Great Britain. The British government had set up a commission to study naturalization, and though negotiations continued, the English refused to make any final settlement until the commission had filed its report.

Perhaps because the British hoped to influence the American presidential election in 1868 or because they feared the power anti-British Radical Republicans were likely to have in the next administration, in October 1868, Reverdy Johnson and British Foreign Secretary Lord Stanley signed a protocol in which they agreed to provisions that would settle the naturalization question. Basically, the British abandoned their claim that national allegiance could not be changed. In February 1869, the royal commission presented a report essentially agreeing to the points of the previously negotiated agreement.

Politics continued to cause the process to drag. The United States Senate, which had failed by just one vote to impeach President Johnson, did not move on legislation concerning the protocol that had been signed. Ulysses S. Grant became president in 1869. The government in Britain had also changed, with William Gladstone becoming prime minister in December 1868, and matters other than naturalization occupied parlia-

ment through all of 1869. It wasn't until May 12, 1870 that Parliament passed legislation bringing English law in line with the protocol signed by Reverdy Johnson and Lord Stanley. The next day, after making some small changes in the earlier protocol, John B. Motley, the new American minister, and the new British Foreign Minister Lord Clarendon signed the revised agreement, and on July 8, 1870, the United States Senate finally passed the treaty. A second treaty tying up loose ends was signed a year later. It might be argued that the resolution of the naturalization question was one of the important results of Fenian activity in the 1860s.

The Fenian movement in the United States declined in the 1870s, held its last congress in 1876, and collapsed after John O'Mahony's death in 1877. It was partly superseded by the *Clan-na-Gael*. Other elements of the Fenians were absorbed into Charles Stewart Parnell's Irish National Land League.

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