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LETTER

TO THE RIGHT HONORABLE
WILLIAM E. GLADSTONE, M.P.,

BY

THE HON. JOSEPH HOWE,

BEING

A REVIEW OF THE DEBATE

ON THE

FOREIGN ENLISTMENT BILL,

AND

OUR RELATIONS

WITH THE UNITED STATES.

LONDON:

JAMES RIDGWAY, PICCADILLY.

1856.

A LETTER,

ETC. ETC.

SIR,

I HAVE read with some care the debate on the Foreign Enlistment Question, which occurred in the House of Commons on the motion of G. H. Moore, on the 1st of July last. Those who have read the speeches delivered by members of Opposition on that occasion will not question my right to review them,—whoever has read yours will not be surprised at my addressing this letter to you.

Presuming on the advantage which fine talents and elevated station confer, you ventured in that speech to take unwarrantable liberties with a stranger's name and reputation : to speak, in his absence, of a British American gentleman, whose only offence was obedience to his Sovereign and zeal for the honour of his country, in terms of sarcasm and reproach which, I shall presently shew, were undeserved from any Englishman, and least of all from the Hon. Member for Oxford.

The Crown Officers of England having pronounced my acts, so far as they have been questioned in connection with those of other British function-

aries, legal and justifiable ; Her Majesty's Ministers having taken the responsibility of those acts ; and Parliament, by a decisive majority of 198, having sustained them, I do not consider that I am under any obligation to defend myself. But it may be of advantage to the Queen's service to inquire how far Mr. Gladstone was justified in arraigning the conduct of officers employed by the Government of which he had been a member, even if, in carrying out his policy, they had committed errors in judgment : how far he was justified as a man of honour, in turning evidence against his late colleagues, and denouncing the inevitable results of a policy which he himself advised. It may be also of some consequence to shew to Members of Parliament, disposed at times to presume too much upon their privilege, and the subtlety of their dialectics, that there is a public opinion beyond the walls, and that Colonial gentlemen are not without the spirit necessary for self-defence, and even retaliation.

The war with Russia was declared by the Government of Lord Aberdeen, under whom you held the office of Chancellor of the Exchequer. That you were responsible for all the disasters and misery which made Englishmen in every part of the Empire hang their heads with shame, during the first year of that war, you will not venture to deny. Parliament must have considered that you and your immediate friends were peculiarly responsible, because they drove you from office, and entrusted to

your colleagues and to such allies as they could draw around them, the future conduct of the war.

But, long before you left office, the Foreign Enlistment Bill was passed. For that measure you are responsible. For the blunders or over zeal of every person who honourably endeavoured to make it an effective measure, it requires some gentle casuistry to prove that you can ever escape. There is one person for whose acts you are especially responsible, by every rule of British administration, by every precedent sanctioned by the authority of Parliament, by every usage which obtains amongst high minded and honourable men : that person is the humble individual who ventures to call you to account, and whose every act, in reference to the Foreign Legion, was done under the authority of instructions issued by the Government of which you were a member.

In making this declaration, I violate no confidence —betray no trust. By reference to the published correspondence, it will appear that the despatch which accompanied all the documents upon which the action of the Lieutenant-Governor of Nova Scotia was based, in which my mission to the United States originated, was signed by Mr. Sidney Herbert. From the time that I left Nova Scotia for the United States till I returned, those were the only documents, emanating from Her Majesty's Government, that I ever saw or heard of. By those documents and the policy therein disclosed, I was go-

vernal in every act which I did in the United States. Had I misconducted myself on that mission, had I violated or exceeded my instructions, Her Majesty's Government might have called me to account, and would have disavowed my proceedings. I did neither. The responsibility of what I did, whatever it was, has been assumed by the Queen's Government, and Ministers, after full discussion of the subject in all its bearings, have been sustained by Parliament. By what rule is it then that Mr. Gladstone, a single member of the Cabinet under whose authority and instructions I was employed, ventures to arraign my conduct, or shake himself clear of the responsibility of my proceedings? If "this Howe" has done wrong, "that Gladstone," no less than Mr. Sidney Herbert, his friend and colleague, whose despatch was my sole warrant and authority, must share the blame. The Lieutenant-Governor of Nova Scotia, whose conduct you have denounced, had for weeks no other authority for his proceedings. Mr. Wilkins, who issued the handbill which you ventured to criticise, had no other. Mr. Howe did everything of which you complain in virtue of a mission that originated in that despatch. Had we all, with the best intentions, erred in judgment or done our work unskilfully, is there a man in England who will not concede our right to a fair construction and generous defence, at the hands of Mr. Gladstone? Is there a gentleman in the British empire who will permit a retiring Minister to escape

from the responsibility of the policy he advised—the machinery he constructed—the agents he employed? Had I “recruited,” “enlisted,” or “hired and retained” President Pierce himself, Mr. Gladstone could not have escaped from his share of the responsibility of that act. If he could, what Colonial gentleman would ever volunteer to serve his Sovereign, or regard a despatch from a British Minister as anything but a trap for the unwary? When shewn Mr. Herbert’s despatch, and asked to conceive and carry out the policy it embodied, who that knows me will believe that I would have moved a hand in the business, had I not known that every member of that Administration was bound to support and defend me—had I supposed for an instant that the very Chancellor of the Exchequer of the Government I was about to serve, could at any time, for personal or party purposes, or even for the mere display of intellectual adroitness, pervert all logic, and become my critic and accuser? The rules of our service, fortunately for myself, I did not misconceive. The generous construction anticipated from the Government and from Parliament has been accorded. Mr. Gladstone has thought proper to form the exception to the rule, but, I think, in view of the facts which I have stated, he will be somewhat puzzled to justify his conduct before any assemblage of British gentlemen in any part of the empire.

But, it may be said, that though Mr. Gladstone voted for the Foreign Enlistment Bill he might not

have known where the Recruits were to come from : that though he was a Member of the Cabinet when Sir Gaspard Le Marchant was instructed to open a Depôt at Halifax, to communicate with Mr. Crampton, and to carry out the provisions of that act, he had not the slightest conception that the Foreign Legion to be raised were to come from the United States. Should such an excuse be offered, let me ask the fond admirer (and I admit that he has many) of the Member for Oxford, who seeks to throw around him the shield of his ingenuity, to answer these questions : Was the Foreign Enlistment Bill a measure of such mere routine that it would be likely to pass through the Cabinet unobserved by the acute Chancellor of the Exchequer ? Was it not rather a Bill of some novelty in these modern times—of great importance—likely to be questioned and canvassed at every stage of its passage through the House of Commons, where Mr. Gladstone sat ? Was it not precisely the measure that should have been sifted in every clause, and weighed in all its bearings by every gentleman required to advocate and defend it ? If the measure itself, then, was one demanding from every Cabinet Minister, the sharpest scrutiny, let me ask, whether, of all men who sat in that Cabinet, Mr. Gladstone was not the least likely to let such a measure pass without thoroughly comprehending the policy on which it was framed, and the modes by which it was to be made effective ? That the whole subject

was discussed again and again in his presence — that the countries from which foreign troops were to come—the methods to be employed—the obstacles to be encountered, and the degree of success to be anticipated—formed the staple of Executive deliberation prior to the adoption, and during the passage, of that measure through the two Houses of Parliament, I am sure that you, Sir, will not attempt to deny. Did you object, remonstrate or resign, upon the adoption of that policy? When the Bill was passed, and Mr. Sidney Herbert's despatch, with its enclosures, plainly shewing where recruits were to come from, and how they were to be got, was laid before the Cabinet, did you warn your colleagues of the dangers? Did you quote the Neutrality Laws? Did you object, remonstrate, or resign? You did neither. You sanctioned that despatch, and permitted gentlemen with feelings as elevated, and hands as clean, as are those of Mr. Gladstone, to be implicated in his policy, and compromised by his instructions.

Let me contrast our relative positions up to this moment. You were responsible for the war—for the disasters which decimated our army, and rendered the Foreign Enlistment Bill a measure of expediency, if not of sound policy. You were responsible for the Bill itself, and for the instructions sent to the Queen's servants in North America, to give efficacy to that enactment. Though no party to these transactions, I was not an indifferent spec-

tator of the great struggle in which the Empire was engaged. As a Member of a Colonial Parliament, I rendered to my Sovereign the only legitimate service which I could render. I moved an Address to the Crown, which was carried by a unanimous vote, offering to defend the Province of Nova Scotia with its Militia during the war, that the regiments stationed here might be withdrawn for Foreign service. This example was followed in other Provinces; and all the troops in British America were thus placed at the disposal of the Minister for War. I did more. I endeavoured to rouse public attention to such a thorough organization of the British Empire as would give to Her Majesty the entire command of its physical force, and preclude the necessity for calling in foreign mercenaries, on any future occasion.

On the receipt of Mr. Sidney Herbert's despatch and its enclosures, I was requested by the Lieutenant-Governor of Nova Scotia to go into the United States, not to violate their laws as you have assumed, but to ascertain, by actual observation and experiment, how far the policy propounded by Her Majesty's Government, and the instructions received, could be carried out in subordination to those laws, and in accordance with the amicable relations then subsisting between the two countries. Could I, as a man of honour and a loyal subject, decline this service? Our army before Sebastopol, was, at that moment, thinned by incessant combats, and wasted by

famine and disease. Every mail brought to British America accounts of its heroism and its sufferings. To send reinforcements from any and every quarter, was the duty of every man for whose nationality and security it was fighting. I should have been a craven had I declined the service for which I was selected. What have British subjects to do with the laws and policy of foreign states, in a time of war and national emergency? To obey their Queen's commands—to apprehend and give effect to the policy of their own Government, is their first and highest duty. And I do not hesitate to say, that if instructed, at that moment, to violate the laws and contravene the policy of any foreign state, in order to give the gallant fellows in the Crimea effective succour, I would have obeyed without a moment's hesitation—there is no prison so loathsome in which I would not have cheerfully spent five years, to have placed five regiments, in the spring of 1855, under the walls of Sebastopol. But, I received no such instructions. I went to the United States for no such purpose. I went to test the accuracy of statements made to Her Majesty's Government by British and foreign residents in that country—to study the bearing of the neutrality laws—to make known to foreign officers and others, who had made voluntary offers of service, the terms upon which their services would be accepted, whenever, without violation of law or disturbance of amicable relations, they chose to present themselves upon British territory,

and there, free to the last moment from tie or obligation, enlist in the Foreign legion. How I performed this duty may be ascertained from the facts, that I traversed the United States for two months without legal question or arrest—that the only person employed by me who was arrested was honorably acquitted—that I tested the resources of all the persons whose voluntary offers of service had led Her Majesty's Government to adopt the policy, without allowing one of them to entrap me into a violation of law; and never implicated, by any of my proceedings, Her Majesty's Minister at Washington. How I defended myself, and my country, in the United States, may be seen by the two letters, signed "A British American." How I have vindicated my proceedings since, you will discover by reading the letters addressed to Mr. Vandyke and Mr. Roebuck.*

I cannot condescend to go again over the ground covered by the trial of Hertz at Philadelphia, which you will find exhausted in the letters to Vandyke. It may be fair to explain, however, that the chief worthies paraded at that trial, so far from being seduced "or persuaded" by me or by anybody else, had made voluntary offers of service to Her Majesty's Government weeks before I went into the United States, or even heard their names. The key to their proceedings is simply this:—Every one of them was actuated by a double motive—to make

* See Appendix.

money out of the British Government if he could, by shallow promises and pretensions; and, failing that resource, to implicate its Officers in some unauthorized and illegal act, so that he might make money out of the American Government by turning States evidence. The statements of these men were heard; their promises sifted; the policy of our Government and the requirements of the Enlistment Laws explained to them. They were distinctly warned that nobody could be "hired or retained" in the United States, and that nobody could be enlisted into our service but upon British territory. They were also warned that no violation of the Neutrality Laws was intended, and that those who did violate them, would be left utterly without defence.

I am free to admit that, on one point, there was some obscurity in all our minds. My right to publish, in the United States, an official advertisement, signed by a British Officer, and issued in a British province, stating the terms upon which men would be enlisted in that Province, could no more be disputed than my right to publish the official Declaration of War against Russia, or a Commissariat advertisement for 1000 barrels of flour, for the use of our troops, to be delivered in Halifax. The Foreign Enlistment Bill, or any other Act of Parliament, I had certainly as much right to circulate as any bookseller in London has to publish the Declaration of Independence or the Revised Statutes of New York. If then I could publish the law and the

advertisement, surely I had the right to explain their precise terms and meaning, to any person seeking to be informed. In all this it will be perceived that there was no violation of the neutrality laws necessary or intended.—The only point that gave me any perplexity was this, could I or any body else pay the passages of men going through or out of the United States to seek service under our flag? You assert that private individuals may do this, but that Governments cannot. If your law is sound, of what use is such a restriction? The evasion is so easy, that the law must be valueless. But, assuming that you are right, then let me ask how it occurred that Mr. Gladstone so little understood his business—was so reckless and careless of international relations, and of the character and security of gentlemen who were to carry out his policy, that, with the Crown officers of England beside him to expound the law, he sent instructions to North America, and left Mr. Crampton, Sir Gaspard Le Marchant, Mr. Howe, and every body else, to grope their way in the dark, without any authoritative exposition by which a point so vital could be relieved from even a shadow of doubt? Your Foreign Enlistment Act was framed in the belief that poor men, out of employment, to whom a shilling a day would be an object, would take service under it; yet you now venture to assure Parliament that you expected these same poor men, without a dollar in their pockets, to pay their own passage money and expenses from all

imaginable distances, for the glorious privilege of getting to our depôts, and sharing in the luxuries of the Crimea as they were presented to the imagination in 1855. The Representative of a great University should square his conduct by invincible logic. Let me hang these propositions, which I am prepared to maintain before all the world, upon your College gates :

That if Mr. Gladstone's law be sound, in respect to the payment of passage money, his Foreign Enlistment Bill and the instructions sent by Lord Aberdeen's Government to British America, were mere waste paper ; because every British recruit, having but five miles to travel, has his expenses paid and gets his beer into the bargain.

That, whether sound or not, his exposition of Law should have been sent with his instructions, and not reserved till the officers employed had acted on the only construction which afforded a chance of success for his policy.

Assuming your argument to be sound, these are the inevitable conclusions to which it leads. But, being bound to construe doubtful laws in favour of my own Government, I did not hesitate to act by anticipation on Judge Kane's excellent interpretation of the law. I could very easily have covered the offence, if offence it was, by bringing the matter within the requirements of your refined distinction—taking care that passages were paid only by merchants and well disposed British subjects, or by

American citizens, unconnected with our Government. But of what use are such subtle distinctions? We had a right to pay the passages, or we had not. If we had, there was no harm done. If we had not, your law, and your Foreign Enlistment policy were mere deception. I acted upon my own construction, and was prepared to test the question in the United States Courts. My clerk, who was arrested, did test it, and was honourably acquitted; Judge Kane's opinion, which covered every act of mine up to that period, having been elicited on the trial.

But you refer to the curious fact that Judge Kane gave two opinions. Strange to say, he did. But surely Mr. Crampton, Sir Gaspard LeMarchant, and everybody else, were justified in acting throughout the summer upon the only judicial decision upon this vital point of policy to which publicity had been given. How were those officers to blame if Judge Kane qualified or reversed, in September, the judgment which he gave in May? Unless you can prove, which I defy any man to do, that, after the delivery of that judgment in September, a single passage was paid, or any act done in a spirit of hostility to the American Government or its laws.

But you complain that the Government of the United States was not informed of all the proceedings of British agents in that country. Mr. Crampton has given a general answer to this objection, satisfactory to her Majesty's Government. I have no answer to give, but I have a question to

ask, which it behoves Mr. Gladstone to answer. Why did Mr. Herbert's despatch, sent out by Lord Aberdeen's Government, of which you were a member, and which was the foundation and warrant for all our proceedings, contain no injunction to candour and explicitness towards the American authorities? If that despatch was marked "*Confidential*," who is to blame that it was not published—communicated or exposed? Was Sir Gaspard Le Marchant or Mr. Crampton instructed, in that despatch, to communicate with Mr. Marcy or President Pierce? Read it and satisfy yourself, and then vainly endeavour to satisfy our fellow countrymen of your right to complain that officers, restrained by your instructions in 1855, are amenable to censure in 1856, for maintaining the reserve which, by your own act, you enjoined.

You acknowledge that you are responsible for opening the Depot in Halifax, but complain that any agency was employed in the United States. But my argument is, that, without such agency—without the co-operation of Mr. Crampton with Sir Gaspard Le Marchant—your Foreign Enlistment Bill, upon this continent, was mere waste paper; and I fearlessly appeal to the documents communicated with Mr. Herbert's despatch, to prove that more was contemplated; and that you, at least in the same degree as the ministers and officers you have assailed, are directly responsible for the consequences of all the proceedings inspired by that despatch.

You assume that the American Government were "deceived" and "deluded," because while Mr. Crampton frankly communicated what he was doing, he disavowed what he was not. What we were all endeavouring to do was to carry out the policy and instructions of Lord Aberdeen's Government in subordination to the laws of the United States. If you thought that this was impracticable, why did you pass your Bill—forward your instructions—or send anybody on such a fool's errand? But it is plain that you did not think so. You took credit for the Bill as a Member of the Government, and now wish to take credit for the failure of your own experiment, as a Member of Opposition! How was the policy, deliberately adopted by your Government, to be tested, but by actual experiment? We applied this test, and gave it a fair trial. If it failed, you, who originated an impracticable scheme, are to blame—not we, who did our best to make it effective. If Mr. Crampton "sailed as near the wind as he could," it was because Mr. Gladstone embarked him in a boat with so little ballast; "piloting him off," like Tom Moore's Cupid, and "then bidding him good-bye:" there being this slight distinction between Love and Mr. Gladstone, that the former never tried to scuttle the boat when it had got upon a lee shore.

You affirm that the "American Courts and Government" should be held as qualified to interpret their own laws, but lose sight of the fact that they

differed as to the interpretation throughout the entire period, when it can be shewn that a dollar was paid for anybody's passage by Mr. Crampton. Throughout the spring of 1855, there was a doubt upon this point. I acted upon that doubt, and raised the question. In May, the point was decided by Judge Kane in our favour, and I defy anybody to prove that Mr. Crampton paid money for or on account of the recruiting service till after that decision was published, or subsequent to its reversal. He took the law, then, from "the Courts"—acting upon their decision, whether for or against his policy. The Government, it is true, adhered to a different interpretation, but surely Mr. Gladstone would not set much value upon a legal opinion given by a Cabinet Minister, in opposition to one delivered by a Judge in Westminster Hall. Nor would he venture to reproach an English gentleman who had acted upon a Judicial decision, subsequently qualified or reversed. But perhaps you are not aware that American lawyers still contest the validity of Judge Kane's last opinion, as restrictive of the rights of American citizens—hostile to the privilege of locomotion, and to the genius of American Institutions. Let me invite your attention to what has been said upon this point, recently, by an American jurist:—

I quote from "Remarks on the English Enlistment Question, by R. W. Russell," Barrister, of New York:—

"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 favour 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.

“With all due submission, it appears plain to my mind, that individuals in this country have a perfect right to render material aid and assistance to any nation at war with another, or to any people struggling for independence. Not only may articles be published in the newspapers, calculated to persuade or induce those who sympathise with one of the belligerents to go to his assistance, but subscriptions may be collected to defray their expenses; articles contraband of war may, at the risk of the individuals, be sent; loans may be negotiated, and everything short of the acts which the laws of Congress now prohibit within the jurisdiction of the United States,

may be done without affording any just cause of complaint to a foreign nation.

“ I do not believe that the framers of the Act of Congress ever intended to prevent any man, or number of men, from furnishing money or other assistance to parties desirous of going abroad to join in military expeditions, provided they are not carried on from the territory or jurisdiction of the United States. The parties supplying the funds may reasonably expect that those who received the money or other assistance will carry out their expressed intentions; but there is no violation of the law if it be left entirely to them to determine whether afterwards they will go or not. But, however this may be, it is quite clear the admission of the British Government as to the instructions given as above to its agents does not warrant the President’s conclusion, it being evident that the true intention of Congress was merely to prevent ‘recruiting within the United States,’ and that *there was no design or intention to prohibit citizens or residents from going abroad for the purpose of enlisting in any foreign service, and consequently no intention to make criminal the act of assisting them in the exercise of their undoubted right to leave this country for that purpose.*

“ But the undeniable fact is, that any American citizen or resident of the United States has a right to go abroad, and enlist himself as a soldier in a foreign service. And it is an irresistible conclusion, that it is allowable to present to the public the rea-

sons which may be calculated to influence them in making up their minds on the question whether they will assist either of the belligerents. This is an important right which the citizens of a republic should not relinquish or allow to be impaired.

“It may be asserted, without fear of contradiction, that *so far from the spirit of the act being as represented by Mr. Cushing, not half a dozen votes could have been obtained in Congress in the year 1794 or the year 1818, or at any time since, in support of a bill couched in that spirit.*”

You refer to my letter to Mr. Smolenski. But what are the facts of this case? Mr. Smolenski had gone to Halifax of his own accord, to offer his sword and his services to the British Government. I never saw or heard of him till he called on me, at the Tremont House, as I was returning home through Boston. He represented to me that there were in the United States a large body of Polish officers and men, anxious to join the allied armies and fight against the enemies of their beloved country—that he possessed their confidence—that they would follow him voluntarily, without any breach of law, or offence to the authorities of the United States, to Nova Scotia, if assured that, when there, they would be embodied into a Polish regiment, under officers enjoying their confidence, and speaking their language. I gave him this assurance in writing, taking care to stipulate that the regiment should be “raised in Halifax.” Where the men were to come from I

neither knew nor cared. On my return home, having reason to apprehend that an improper use might be made of this letter, it was formally cancelled and withdrawn. That an improper use was made of it I have little doubt, the three important words which guarded it from any pretext for enlisting men on American soil, having, as I afterwards learned from a Boston paper, been erased. Mr. Smolenski may have "persuaded" men to come to Halifax, but he certainly represented to me that they would come without persuasion: and, in giving him an assurance of the honourable treatment that they might expect there, if they did, I certainly never dreamed that I was violating any law, human or divine. But even if I had any doubts, with your Foreign Enlistment Bill, and Mr. Sidney Herbert's Despatch on one side of me, and Mr. Smolenski's magnificent promises on the other, you must admit, even if I erred, that you are greatly to blame, and that the temptation to serve my country could hardly be resisted by any body thinking less of himself than of the exigencies of the public service. "Slippery" I may be, but I am above the meanness of doing what I am ashamed of, or disavowing what I did.

You express your regret that "a cordial understanding with America has not been preserved" by the Government of Lord Palmerston. But will you have the goodness to inform us how this good understanding is to be preserved, and how an achievement is to be accomplished, which certainly has

baffled the skill and ingenuity of almost every Administration that I can remember, including that very remarkable one, of which you were the Chancellor of the Exchequer—I mean of course the Government of Lord Aberdeen.

This “good understanding with the United States,” is a favourite hallucination in the mother country. A sort of dissolving view of peace and concord, out of which bullying and bad language ever come, and through the primrose paths of which, rifles and bowie knives are poked at us whenever we feel most assured of harmony and affection. I regret this state of feeling, but the fact will not be denied, because the people of the United States are trained systematically to hate and to despise the English.

In 1850, I had occasion to address a letter to Earl Grey, the object of which was, to call the attention of Her Majesty’s Government to the resources and requirements of the North American provinces, and to inculcate the sound policy of Great Britain strengthening herself by all legitimate means, on that side of the boundary where she was most beloved. Let me call your attention to a single extract from that letter :

“I am aware, my Lord, that it is the fashion in certain quarters to speak of the fraternal feelings which, henceforward, are to mutually animate the populations of Great Britain and the United States. I wish I could credit the reality of their existence ; but I must believe the evidence of my own senses.

“A few years ago, I spent the 4th of July at Albany. The ceremonies of the day were imposing. In one of the largest public halls of the city, an immense body of persons were assembled. English, Irish, and Scotch persons were neither few nor far between. In the presence of that breathless audience, the old bill of indictment against England, the Declaration of Independence, was read, and, at every clause, each young American knit his brows, and every Briton hung his head with shame. Then followed the oration of the day, in which every nation, eminent for arts, or arms, or civilization, received its meed of praise, but England. She was held up as the universal oppressor and scourge of the whole earth, whose passage down the stream of time was marked by blood and usurpation, whose certain wreck, amidst the troubled waves, was but the inevitable retribution attendant on a course so ruthless. As the orator closed, the young Americans knit their brows again; and the recent emigrants, I fear, carried away by the spirit of the scene, cast aside their allegiance to the land of their fathers.

“Had this scene, my Lord, occurred in a single town, it would have made but a slight impression; but on that very day it was acted, with more or less of skill or exaggeration, in every town and village of the Republic. It has been repeated on every 4th of July since. It will be repeated every year to the end of time. And so long as that ceremony

turns upon England, every twelve months, the concentrated hatred of Republican America, it cannot be a question of indifference whether the emigrants who desire to leave the mother country should settle within or beyond the boundaries of the Empire."

When this letter was published, a good many well-meaning people regarded my views of the state of feeling in Republican America, with about as much indifference as they used to regard the speeches of the Duke of Wellington, when, a few years ago, his Grace endeavoured to make England understand that she was unprepared for a great war. A great deal of nonsense was talked and written between 1850 and 1855, about mother and daughter's reciprocal feelings of attachment and respect. We used to hear Manchester rhetoricians winding up very windy orations upon the subject of universal peace, with the assurance that if the despots of Europe would not be quiet, if they would not take note of Peace Conferences, and beat their swords into ploughshares, then England and America, the two most free, enlightened, and friendly nations on the face of the earth, would combine their fleets and armies, and go into the last "holy war," in defence of freedom and civilization!

Down to the very moment when, in 1855, the real state of feeling in the United States became too painfully apparent to be longer questioned or disguised, this vision of fraternal love flitted before your eyes in the mother country. If I have read

the correspondence accurately, there is evidence to shew that Mr. Buchanan favoured this delusion and led Lord Clarendon to believe that, in the event of Russia breaking the peace, England might count on the sympathy of the United States. If he did, the sin of any deception practised against his Government thereafter should sit lightly upon the conscience of any Englishman. There are not five well-informed men in Republican America who did not know at that moment that the sympathy was all the other way. There is not one sagacious observer of the United States, and of the peculiar elements of their social and political organization, who is not well assured that England can never count upon their friendship, or upon the free play of natural instincts and sympathies, that (however amiable it may be to attribute) have been trampled out by two wars, or weeded out by a long course of cultivation.

If we were to believe in Mr. Gladstone, we should believe that all the bad feeling, unseemly bullying, and official discourtesy which have been recently exhibited in the United States, are to be attributed to Lord Clarendon and Mr. Crampton. But what was the state of feeling in the United States long before any attempt was made to draw volunteers from that country.

What was it, in 1812, when Republican America fell upon the flank of England, while her fleets and armies were engaged in the great struggle with Bonaparte?

What was it in 1838, when Governor Fairfield's militia hovered upon our frontiers because Great Britain hesitated to yield to years of diplomatic menace, and newspaper bluster, that valuable territory which split the Provinces of Canada and New Brunswick nearly in two?

What was it from 1837 to 1840, when swarms of sympathising fillibusteros, with arms and ammunition, and even cannon, taken from the public arsenals of the United States, invaded the frontiers of Canada, and slew, within our borders, more men than we ever drew out of the Republic under your Foreign Enlistment Bill? Where were the Neutrality Laws, the District Attornies, the Marshals, in those days? Powerless, because the sympathies of the country were against England. Unrestrained by laws, human, or divine, armed ruffians marched out of the United States in military array to shed our blood and violate our soil, as Walker and his armed bands have marched into Nicaragua, while you have been debating about your right to publish a handbill, or to open a depôt upon your own soil.

What was it, when your first movement of resistance to Russian aggression in 1854, was met by Soule's blustering at Paris and Madrid, and by Buchanan's famous Congress at Ostend?

Sir, if you search the Diplomatic records, you will find that every American Administration, for thirty years, has had its theme for jarring disputation with England, and that the formula has been

ever the same. No Statesman prospers in the United States who is even suspected of sincere attachment to the mother country. No opportunity has ever been lost of taking her at disadvantage. The United States joined the French in 1812, because they were at war with England; in heart and soul, if not with arms, they joined the Russians in 1854 and 1855, for the same reason, before a single recruit was drawn across their border.

It is true that, while the long-cherished desire to secure the North American fisheries was ungratified, pretty speeches were made by Republican Diplomats, and assurances of cordial sympathy were given. But, no sooner was the Elgin treaty signed, than, as if to assure Russia and her European allies that their transatlantic friends might still be relied on, the *Cyane* was despatched to Central America, and Grey Town was burnt to the ground. These curious manifestations of fine feeling occurred in Lord Aberdeen's time, when Mr. Gladstone was Chancellor of the Exchequer, and a very long time before any of the gentlemen at whose door you would lay the bad feeling which notoriously exists, had given the slightest pretext for that assumption.

If anything were wanted to give point to my argument—to illustrate the true state of feeling in the United States—to shew how systematically public men seek for grounds of irritation and strife with England, the conduct of the person in the yellow waistcoat and black stock, who carried rudeness and

menace to the foot of the Throne, at the very moment that great concessions, in a spirit of peace, were being made by the Government and Parliament of England—would be sufficient. That person will never want a professorship while he lives; the buff waistcoat will be transmitted as a sacred relic to his posterity; and I should not be very much surprised to see him elevated to the Presidential Chair!

If I have accurately gauged the real state of feeling in the United States, it is the clear duty of British statesmen so to organize and wield the mighty resources of this great empire as to be ever independent of their friendship, and prepared for their hostility. Depend upon it there is little to be gained by truckling to menace, by sacrificing friends to foes—by lending to the enemy, on all occasions, the resources of political opposition—by disgusting those upon whose friendship England may rely, that those who systematically oppose her interests and disparage her good name, may triumph in argument or war. The course which her Majesty's Government took, on the late trying occasion, contrasts most favourably with that of the opposition. Amidst the difficulties in which they were involved in carrying out the Foreign Enlistment Bill, bequeathed to Lord Palmerston by Lord Aberdeen, it was conservative and yet dignified in the highest degree. No British subject could complain of it. Our criminal law requires that a man must back to the wall, and bear much menace and contumely before human

blood be shed. If this be the rule, where but a single human life is at stake, how much more where hundreds of thousands of lives, and millions of property, may be sacrificed, is a wise statesman or a Christian gentleman bound to bear and forbear—to exhaust every pacific resource—to reason down every pugnacious impulse, that the peace between great nations may be preserved. This has been done, and I rejoice at it. If peace could only have been preserved by the sacrifice of every gentleman engaged in the Foreign Enlistment business, I should still have rejoiced. The Civil service of the Crown has its dangers as well as its distinctions. If we had died in the effort to send aid to our countrymen in the Crimea, there would have been but four or five Englishmen the less, and surely we should not complain if a great peace were purchased at a sacrifice so inconsiderable in comparison to the casualties of a great war. But nobody has been, and nobody will be sacrificed. Every day's discussion will but elevate the character of the officers so rudely dismissed by the Government of the United States in every British community. Sooner or later the Government of their country will do them ample justice. For myself, you may judge, from the tone of this letter, how little I apprehend from the action of public opinion, even when to some extent forestalled by the perverse ingenuity of Mr. Gladstone.

Looking to the future, however, I am not by any means prepared to relinquish the right and the

policy to open depôts for enlistment at all convenient points along the North American frontier, and to use all legitimate means, during or preparatory to any future war, thereby to recruit our armies. What I would much prefer is a comprehensive and general measure, based upon the obligation of every British subject to defend the Empire and recruit its armies during war. But, if the present system is to continue, we should gather wisdom from our recent experience as to the *modus operandi*, but should beware how we yield our right to recruit upon our frontiers, for these among other reasons:—

The settled population of the United States—the Farmers and Artizans—those who have anything to live on or to enjoy, are no more fond of going abroad to fight than are the same class in the mother country, or anywhere else. The Bounty Lands, which the Government offers, in addition to its money Bounty, tempt a good many of these to volunteer. If a man can win a farm of 160 acres in a short foray, or by a campaign or two, he will embark in war as he would in any other speculation. But the staple of the United States armies and Filibustering expeditions, is drawn from a different source. On an average, a quarter of a million of emigrants flow into that country from Europe every year. A fair proportion of these become at once fastened upon the soil or are employed in the workshops, and are thenceforward as immovable as the resident population. A great many, however,

do not get employment so soon as they expected, or as is generally believed. These float about from city to city, the number being swelled by emigration as rapidly as it is decreased by the demands upon this mass of surplus labour. There is another large class of emigrants who have seen service in foreign countries—who have been soldiers by profession, and who prefer that of arms to any other. These people have no peculiar attachment to the United States, or any disinclination to serve any other Government. Out of these two classes, the armies and marauding expeditions of the United States are largely recruited. They drew from these two classes (I state the fact on the authority of an officer who served with them) more than half of the troops that conquered Mexico. They, no doubt, drew largely upon the same classes in the last war on the Canadian frontier. General Sutherland and the filibusters who occupied Navy Island, counted upon the same resource when they flung their impudent proclamations (rather more formidable than the Provincial Secretary's Handbill) broadcast over America.

Now, if a war were to take place between England and the United States to-morrow, we should have to fight a large portion of these two floating and unattached classes, if we were so simple as to yield our right to open our frontier depôts and attract them to our standard. The British statesman who does this will be untrue to the interests of England. It will cost us a great deal more to kill these people

than to recruit them. Those of them who are not for us will be against us. Every man we get will count two, because he will neutralize another who remains behind. Let us be careful, then, while we are adjusting points of neutrality, or points of war, with people from whose friendship we have nothing to expect, not to surrender rights which we clearly possess, or our power to circumscribe or counter-check the means of mischief which we know from experience will be unscrupulously employed.

I pass over the speech of Mr. Milner Gibson, because it contained nothing personally offensive, and because that gentleman, and others who conscientiously opposed the War and the Foreign Enlistment Bill, were responsible for no part of the policy they condemned, and were entitled, on such a question as that under discussion, to the independent expression of their opinions.

Mr. Moore's oration amused me a good deal. There is a blatant and noisy knot of politicians in Ireland, who are ever ready to patronize and defend England's enemies—who are never so happy as when she is snubbed—who only speak upon foreign policy to prove that Great Britain has received or given an insult. I will not assert that Mr. Moore belongs to this school, for I am not familiar with his antecedents, but his speech would be quite intelligible if he did. When he tells us that the people of the United States are "governed by the same institutions, swayed by the same motives, and in-

spired by the same great instincts as ourselves," I confess my inability to understand him. If our institutions are the same I cannot discover the difference between an Orange Lodge and a White Boy Association. If we are swayed by the "same motives," it is very strange that we rarely agree about anything of importance, particularly if an advantage is to be gained by a difference of opinion. Our "great instincts" lead us to obey a Sovereign whom we love, theirs to denounce our social and political idolatry. Our "great instincts" lead us to abolish slavery, theirs oblige them to maintain it even at the cost of freedom of speech—the liberty of teaching—of female purity—and of civil war. Our "great instincts" prompted us to oppose Bonaparte in 1812, and Nicholas in 1854, because, on both occasions, we apprehended danger to freedom and civilization. Theirs instructed them to sympathize with the two Despots, not from any love they bore to either, but because both were bent on trampling out our "instincts" and destroying the British Empire.

Mr. Moore's bright vision of England fulfilling her "destiny," to be "loved and honoured by that great community of nations," I sincerely trust may be realized; but, I should be much more hopeful of the good time to come, if some of those who have a nearer view of the charms and virtues of our mother country, were a little more ardent in their admiration. The sincerity of a worshipper may be doubted who is always finding fault with the god.

ness he professes to adore—whose happiest expedient for recalling the devotional feelings of relapsed or indifferent worshippers, is throwing dirty water on the shrine. I am quite sure of this, that the readiest means that Mr. Moore can adopt, if ambitious of the luxury of tar and feathers, will be for him to go into the United States, and proclaim to the Republicans that Great Britain is “the centre of their civilization—the fountain of their inspiration, and the standard of what every nation ought to be in principle, policy and conduct.”

To review Mr. Moore’s speech, as I have done yours, would cost me little pains, but the result would be scarcely worth the cost. Let me take a single example of the profound nonsense with which this gentleman vainly sought to mislead the House of Commons. He complained that “Strobel, a German thief, and a man of infamous character, was allowed to carry on correspondence with the Queen’s representative;” and somebody cried “Hear, hear.” But, let me ask, was not Mr. John Sadlier, a thief and a man of infamous character,—a villain of proportions so diabolical that poor Strobel is a mere petit larceny creature, in comparison with him? Yet, did not Mr. Sadlier sit in the House of Commons—kiss the Queen’s hand, and preside over Banks and Railway Companies, before his real character was discovered? Was he not a Member of the Irish Brigade? Did not Mr. G. H. Moore dine, and sup, and fraternize with him,

before he was proved a "thief, and a man of infamous character"? If so, what right has he to complain of Mr. Crampton's treatment of Strobel, while that person's character stood fair, unless he can shew that, after it was gone, the Minister employed him in any capacity, or courted dishonour by his companionship? Had the House of Commons suffered Sadlier to sit in their midst when his infamy was known—had the Queen conferred rank upon him—had Mr. Moore dined with him—indelible dishonour would have been stamped upon such patronage and association. But, if the Queen had made him a Captain of Militia, or Lord-Lieutenant of his County,—if the Speaker had asked him to dine, or Mr. Moore to breakfast, on the day before his frauds were discovered,—will anybody assert that either would have done an act amenable to criticism, or implying dishonour? Of this I am quite assured; that if, after Sadlier's infamy was proved, and he was driven out of British society for his crimes, he had been taken up by the Government of the United States—had been petted, patronized, and employed as a witness against his old friend Mr. Moore—the enormity of such an offence would have elicited some fervid bursts of Milesian eloquence.

"It is better," you declare, "for a man to speak out what he has to say, and to trust to be contradicted, corrected and exposed if he has not spoken the truth." I have taken your advice, and, I hope

you will admire my plainness and simplicity. "What is writ is writ," and with your speech, and this letter in their hands, our fellow subjects, on both sides of the Atlantic, can decide which of us has acted with most consistency, judgment and honourable feeling, in dealing with a question of great delicacy and importance. Conscious that I have done my duty to my Sovereign with fidelity and discretion, I cannot afford to have liberties taken with my good name, even by a gentleman whose talents I admire, and whose character I admit to be amiable. Our principles of administration are the safeguards and securities of every officer who serves the Queen. It is our duty as it is our interest to guard them from violation, as we do our rules of Parliament, and the principles of our Common Law. Of no less importance is it that British Americans should feel that those rules can never be strained, even by a member of Parliament, for his own advantage, and to the disparagement of gentlemen, whether British or Colonial, who, in her hour of need, have done their best to serve our common country.

Nor is it of less importance that British Statesmen should weigh well the experience gathered during the recent war, of the real state of feeling on the two sides of the American frontier. Self-deception, hereafter, will be a blunder worse than a crime. With a fleet at sea such as the world never saw, and a well disciplined army, we can afford to be magnanimous. But let us never forget that had

war lasted a few years longer—had disaster overtaken that fleet and army, the Republicans would have given us significant proofs of their friendship, as they did in 1812. Gloom and sorrow settled over the whole United States when Sebastopol fell, while every city in British America blazed with bonfires and illuminations. I state the facts without fear of contradiction. Let the Statesmen of Great Britain, then, while cultivating peace with all the world, regard it as a principle of settled policy, to be independent of the friendship or the enmity of the United States. Time may change the currents of adverse feeling. Commerce may so strengthen our relations as to make war between the two countries impossible. But, in the meantime, British subjects on both sides of the Atlantic should look at the realities of their position with stern self-reliance. Let them not ignore the experience of all history—the sharp lessons of the past. Let them be just to all nations, but just also to each other, and never in the vain endeavour to conciliate their enemies, sacrifice their friends.

I have the honour to be,

Sir,

Your obedient servant,

JOSEPH HOWE.

Halifax, Nova Scotia,

30th July, 1856.

APPENDIX.

I.

TO THE PEOPLE OF THE UNITED STATES.

NEW YORK, *April 3, 1855.*

FRIENDS AND NEIGHBOURS :—The newspapers in some of the Atlantic cities of the United States have of late teemed with articles having reference to British Recruiting in this country, in which it has been throughout assumed that her Britannic Majesty's agents were doing something which they had not a right to do, and in violation of your laws.

It is due to the Government and People of the United States, and to all the parties concerned, that this matter should be fairly understood. It is due to those who may desire to take service under the British Crown that they should understand it. A few brief explanations may, therefore, be useful at the present moment.

The British Parliament passed, a few months ago, what is called the Foreign Enlistment Act. By this Act her Majesty's Government was empowered to raise, either in England or elsewhere, a Foreign Legion, to serve with the British Army abroad, under the same rules and regulations: the officers and men to be entitled to the same pay and allowances as those received by British troops.

Parliament, I presume, had a right to pass this law, and the Queen to give her assent to it. British Ministers have the same right to act upon it which the American Secretary of State had to draw into the army which conquered Mexico, English, Irish, and Scotchmen, Frenchmen, Poles, and Hungarians.

A few weeks ago, his Excellency the Lieutenant-Governor of Nova Scotia, Sir John Gaspard Le Marchant, was duly empowered to raise, in Halifax, the capital of the Province which he governs, regiments to be incorporated into the French Legion. Sir Gaspard is himself a soldier, the son of that General Le Marchant who won the battle of Salamanca by the splendid cavalry charge which Napier so spiritedly records. Sir Gaspard has seen much service,

and is the old companion-in-arms of General Sir De Lacy Evans, under whom he served as Adjutant-General in Spain.

Instructions, based on an Act of Parliament, and *to be executed within the limits of British territory*, it is quite apparent that Sir Gaspard was bound to carry out. He did so, in no furtive or disguised manner, but in that straightforward and manly style which best comports with his character and that of the Government which he represents. He issued a public notification of the nature of his instructions and intentions, expressed in the following terms:—

M E N W A N T E D
FOR
H E R M A J E S T Y ' S S E R V I C E .

PROVINCIAL SECRETARY'S OFFICE,
Halifax, Nova Scotia, March 15, 1855.

THE Lieutenant-Governor of Nova Scotia having been empowered to embody a FOREIGN LEGION, and to raise British Regiments for service in the Provinces or abroad, Notice is hereby given, that able-bodied men, between the ages of 19 and 40, on applying at the Depôt at Halifax, will receive a bounty of £6 sterling, equal to 30 dollars, and, on being enrolled, will receive 8 dollars per month, with the clothing, quarters, and other advantages to which British Soldiers are entitled.

Preference will be given to men who have already seen service.

The period of Enlistment will be for three or five years, at the option of the British Government.

Officers who have served will be eligible for Commissions. Gentlemen who wish to come into the Province, will please lodge their names, rank, date of service, &c., at this office.

Persons who serve in the Foreign Legion will, on the expiration of their term, be entitled to a free passage to America, or to the country of their birth.

Pensions or gratuities, for distinguished services in the field, will be given.

Nova Scotian and other Shipmasters who may bring

into this Province poor men, willing to serve her Majesty, will be entitled to receive the cost of a passage for each man shipped from Philadelphia, New York, or Boston.

By Command,

LEWIS M. WILKINS, *Provincial Sec'y.*

Now I think it will puzzle the most ardent enemy of Great Britain, the most jealous stickler for the honour and peaceful relations of this country, to find fault with anything done by the British Government, or by the Lieutenant-Governor of Nova Scotia.

So far, it will be perceived that neither have done any thing which it was not right to do, or any act beyond the boundaries of the British Empire. When advertisements are published in this country for recruits for the American Army, who questions the right of your officers to issue them? Who complains if they find their way all over the world? Who stops to inquire to what nation the Recruits belong? Who attempts to prevent persons wanting to enlist from leaving the British Islands or Provinces, or France, or Germany, to come here for that purpose? Who would think of preventing poor men, without arms, neither enlisted or enrolled, but intending to take service abroad, from leaving Manchester for Liverpool, or Liverpool or Glasgow for the United States? I quite admit that it would be another matter, if any attempt were made to organize and arm men in the British Dominions for shipment abroad, or for aggression or intrusion on a friendly Power. That would not be permitted in England, and I trust it never will be permitted again by the people of this country, although men, fully armed and organized, have sometimes most unaccountably been thrown across the frontier, without producing half the excitement in the United States that has been caused by the appearance of a single British American gentleman at a fashionable hotel in New York.

So far I trust that I have made it very plain that no violations of the laws of this country have been committed by Her Majesty's Government, or by the Lieutenant-Governor of Nova Scotia. Their acts have been legal, and constitutional, and in strict accordance with the friendly relations which subsist between two great nations, that can

afford to respect each other, and each other's laws, whatever their by-gone differences may have been.

But there is another explanation, which I ought to give, in all fairness. When it is given, I trust that the American People, and their Authorities, general and local, will perceive how little there is to complain of, and how unreasonable and ungenerous has been the clamour raised upon this subject.

A number of letters had been sent in to the Imperial and Provincial Authorities, from British officers, from Foreign officers, and from other gentlemen residing in this country, who either had seen or were desirous of seeing service. Some of these gentlemen not only stated their own desire to join a Foreign Legion, but expressed the opinion that great numbers of persons, fond of the excitement of military life, or thrown out of employment by the depressed state of commercial affairs in this country, would follow their example.

These voluntary offers of service neither the British Government nor Sir Gaspard Le Marchant invited. They were made by people living in this country, who supposed that their swords were their own, and that they had a right to go out of the United States as freely as they came into them; who were under the impression that, even before the passage of the Reciprocity Treaty, they might have gone into the British Provinces to enlist with no more violation of the laws of this country than if they had gone to get a wife, to buy a barrel of mackerel, or a cargo of potatoes.

If these impressions were natural on their parts, what more natural than that the Lieutenant-Governor of Nova Scotia should select a person, in whom he had confidence, to come into the United States to ascertain whether these offers of service were made in good faith; whether the parties were gentlemen of good character, of capacity, and experience; and whether there was any foundation for their belief that a large number of the unemployed classes here were disposed to join the British army? Surely His Excellency had a right to do this, and the person so selected had a right to come. Let us hope that he has discharged his very delicate duties with the common sense and discretion of a gentleman.

It must be confessed, however, that the duties were

delicate. The person to whom they were confided thought that he was doing nothing very heinous. He lived in an open and public manner—saw any body who called to see him—and explained frankly to such officers and other gentlemen as had made tenders of their services, that Sir Gaspard Le Marchant was now empowered to accept them *upon their being renewed to him within the boundaries of his own Province.* Nor did he disguise the expression of his implicit belief that any number of able bodied men would be enrolled in Nova Scotia, in the terms of the advertisement signed by the Provincial Secretary, *that any Merchants sending, or Shipmasters taking, Steerage Passengers to Halifax, might rely implicitly on the honour and good faith of the British Government.* If a gentleman from North America can not say and do all this in the United States, then what can he say and do?

All this, I presume, was done and said. If any thing more was done and said, in ignorance or in violation of the laws of the United States, I am not going to defend it. What I suspect, however, is—that a good deal has been done and said by unauthorized persons having more zeal than discretion; by rascals sent to defeat the object; by spies and informers—treated, as all such persons should be treated—with perfect unreserve.

But let us look at this matter from another point of view. The profession of arms is an honorable profession, and has, since the earliest ages, presented to the young and active irresistible attractions. Again, the veteran soldier is rarely, after a certain period, content with any other mode of life. Shall it be said, then, that Republican America will deny to her own sons the right, if so disposed, to see a little of the world, and to win distinction in the civilized armies of Europe? Shall it be said that when an old soldier drifts, by the accidents of life, or with the storms of revolution, within the charmed circle of this republic, he must never serve even his own country again? That “who enters here must shut out hope”—must give up ambition, allegiance, country, the pride of race, the noblest feelings of our nature? God forbid!

Would you deny to a Frenchman the privilege of joining the gallant band who in the Crimea are illustrating the gaiety and valour of his nation? Would you restrain a Pole or a Hungarian from lifting his sword against the

Northern Despot whose iron hand prostrated the liberties of his country? Again I say, God forbid! I think more highly of the American character. I have more reliance upon the elasticity and freedom of your institutions.

On the causes of the present war I do not wish to dwell—nor on its management, which we may assume to have been defective. But look at the magnificent battle of Alma—at the splendid charge of the Scotch Greys and Enniskillen Dragoons at Balaklava, who scattered the hordes of Russian cavalry like chaff before the wind. Look at the fight of Inkermann, where eight thousand noble fellows held their ground for half a day against an army of sixty thousand. Now, shall it be said that an Englishman who wishes to leave this country, to fill a vacant place among the Coldstream Guards, and keep up the reputation of that distinguished corps, who crossed their bayonets with the enemy eleven times in one battle, shall not go? Suppose that an Irishman sees a vacant saddle in the Enniskillens, and thinks that he might as well fill it for the rest of his life, with good pay and rations, as to be sweeping the streets of New York—shall he not go? Suppose that a Scotchman, dreaming of that thin line of Highland warriors, who won the admiration of the world at Balaklava, dreams also that he might, if he had the chance, swell the ranks of that fine regiment, and perhaps emulate the example of their leader, Sir Colin Campbell, himself a poor widow's son—shall he not go? Shall not a British American, if he desires to do so, cross the frontier into his own province, or take passage in one of his own vessels, without being called upon to declare whether he does not intend to enlist when he gets home?

But above all—shall French, or German, or Holstein gentlemen—shall the gentlemen of Hungary and Poland, thrown out of their true positions by the convulsions of Europe, be condemned for ever to teach music, or fencing, or dancing, for a livelihood, when honorable service is offered to them in the professions to which they were bred—when their rank as officers, and the social distinctions to which they have been accustomed, are again within their reach? Shall these gentlemen not be free to go into Nova Scotia, if so disposed? And if they do, and many of them have gone, who can prevent their countrymen, who have fought under their banners, and have confidence in their leaderships, from following their example?

Surely, surely, it has not come to this—that the United States are to be converted into a great eel-pot, that lets everybody in and nobody out. That a ring fence is to be made round Uncle Sam's farm, so contrived that though all the produce of the farm can go abroad, the labourers can not. All this is too ridiculous to be supposed possible, and yet some people are sanguine enough to hope that it will turn out to be true.

I do not believe it; I have too high an opinion of the intelligence and common-sense of the American people—too much reliance upon the free spirit which pervades their institutions, to believe this possible. Let the question be fairly stated in any drawing-room in Boston, New York, or Philadelphia, and every American lady would say—“Let them go!” State it fairly to the Democracy of any large city of the Union, in their wildest moment of excitement, and the people would say, “Let them go.” Put the question to any gallant regiment of riflemen in Kentucky or Tennessee, and I much mistake the characters of the men if the answer would not be—“Let them go!”

I have the honour to be, with great respect,

Your obedient servant,

A BRITISH AMERICAN,

II.

To the Editor of the N. Y. Tribune.

SIR,—I have taken very little notice of a great deal of nonsense which has appeared in the American papers, in reference to the benevolent efforts made by England to find honourable service and good pay and clothing, for the European population who, we are told on all hands, are such a burden to this Republic. With your permission, I will correct one or two trifling mistakes.

In the *Times* of yesterday, we are told in a general enumeration of the enormities committed by that barbarous people called the English, “that the Nova Scotian authorities went so far as, to erect barracks for the accommodation of the recruits expected to be obtained in the States.”

Well, suppose they did. Have we not a right to build

barracks with our own money, on our own soil? Nova Scotia does not belong to the United States, if Cuba does, and your title to that I presume is nearly as good as David's was to Uriah the Hittite's wife. But there is not a particle of foundation for the assertion.

The whole number of troops at Halifax, recruits and all, does not, perhaps, exceed 800 men. We have barrack accommodations, without any new buildings, for 4000.

It is true that new barracks of brick and stone are being built, and, when completed, will supersede the old wooden ones. But these were commenced several years before the Russian War was thought of, and cannot be finished before 1858.—If the recruits have no other shelter than the new barracks would afford, they had better hang round the Atlantic cities—sweep the streets, live in soup kitchens, and be called uncivil names.

In another number of the same paper, it was stated, about a fortnight since, that the gentleman who came here from Nova Scotia had "vamosed," by which I suppose the writer meant he had run away. This was another trifling mistake. The gentleman was then in the city. You perceive by the date of this that he is here now. He has only been absent for a few days occasionally, when business or pleasure called him away, and when here, has walked the streets by day and night, openly, as he supposed he had a right to do. But still there was something to make a story of. He had removed from a public hotel where he was open to the intrusion of Russian spies, police runners, and persons sent to entrap him, and had taken private lodgings, from which such people were more easily excluded.

Surely this was no offence. Thousands of gentlemen, I presume, do the same every day, without attracting observation, or having their movements misrepresented in the newspapers.

I noticed in *The Herald* a piece of testimony said to have been given before the United States Commissioners at Philadelphia, by a person named Cohnert, living in this city. This person states that he was sent for by Sir Joseph Howe to Delmonico's Hotel, and that the said Sir Joseph then and there tempted him to enlist recruits. Now, in the first place, let me explain that Mr. Howe is not a baronet. He has no claim to the title which this witness gives him. But, of course, if it would be a nice thing to

convict an English gentleman of a misdemeanour, to have up a baronet would give more luxury to the transaction.

In my country, and I suppose the same form is used here, witnesses are sworn to tell "the whole truth." Mr. Cohnert, very unintentionally of course, omits this very important fact, that he was sent for to Delmonico's simply because, months before, he had himself written to an officer of the Government in Nova Scotia, offering to furnish men, if men were required. As to the letter, which he says he obtained for his friend, let him publish it in the newspapers, and then everybody will see that it was only a letter of introduction, obtained, no doubt, under the assurance that the person brought to the writer of it was an officer and a gentleman, going into Nova Scotia of his own free will.

With these few explanations I am content that you and your readers should form your own opinions. I do not desire to say one word except in defence of my own friends and Government, or I might point to the two Recruiting Offices open in this City—to the two Filibustering Expeditions openly organizing here, and which seem to have escaped the notice of the authorities, who paid such marked attention to the gentleman at Delmonico's Hotel.

I have the honor to be, Sir,

Your obedient servant,

A BRITISH AMERICAN.

New York, April 27, 1855.

III.

To James C. Van Dike, Esq. Attorney for the United States for the Eastern District of Pennsylvania.

No. I.

SIR,—I have read, with some disgust, and infinite amusement, the droll proceedings, which, under your auspices, have disfigured the United States District Court at Philadelphia for some months past. As you and your precious witnesses have thought proper to mix my name up with those proceedings, without the slightest regard to

truth or decency, I mean to summon you before another tribunal, where your official garb will invest you with no advantage—where your spies and police runners are powerless for evil—where scoundrels cannot fabricate with impunity, or the mob render it hazardous to attempt a bold and honest defence.

Before the civilized world, the centres of which are London and Paris, and not Philadelphia, whatever you may think, I venture to summon you, Mr. District Attorney Van Dike: before the statesmen, jurists, and humorists, whose decisions form the public law of the universe, and whose delicate satire even “a Philadelphia Lawyer” may be made to feel.

You have ridden, for some months, on the top of your commission: while professing to vindicate Law, you have been the mere tool of the Executive: standing forward as the ostensible prosecutor of parties whom you had arrested, you have, acting upon their fears or their cupidity, endeavoured to slander, if you could not convict, gentlemen who were not formally before the Court. I have read the records of criminal procedure in many countries, and except at that period described by Curran, when, in Ireland, wretches were “thrown into prison to rot,” before they were “dug up to be witnesses,” I cannot recall to mind any parallel case to set beside those which I am about to describe.

Some four or five months ago, your myrmidons walked into my hotel in New York, arrested and carried to Philadelphia a young gentleman named Bucknall, whose only offence was, that he was temporarily in my service; occasionally paid money, delivered a few letters and parcels, and fancied that he was doing various lawful acts in a country professing to be free.

Mr. Bucknall was held to bail. He was browbeaten and bullied. Matter dangerous to the State, or rather to the United States, was sought to be extracted from him. He knew more than any other of the persons you have paraded of my acts and proceedings. He told all he knew. He was kept for weeks dancing attendance on your Court. It was hoped that starvation would break his spirit, and apprehension beguile him into falsehood. As the man preserved his integrity, and could not be Vandiked, he was at last fully acquitted, Judge Kane deciding, at the time, two very important points:

1st.—That any man might lawfully pay the passages of persons going voluntarily and peacefully out of the United States, even though such persons actually intended to enlist, when they got into Nova-Scotia; and,

2nd.—That the Printed Handbills, issued by the Provincial Secretary, Mr. Wilkins, in Nova-Scotia, that officer had a right to publish, and I, or Mr. Bucknall, or anybody else, to circulate, in the United States.

These two points having been formally decided by Judge Kane in May last, what becomes of all the charges that you and your precious auxiliaries, Hertz and Strobel, have since endeavoured to trump up against Mr. Crampton, Sir Gaspard Le Marchant, and myself? Admitting every word that you have uttered, jointly and severally, to be true (and I know a great deal of your evidence to be false,) neither of those gentlemen ever appear to have contemplated, or perpetrated, any more daring infraction of your Neutrality laws than that charged upon Mr. Bucknall, and ruled by your own Judge to be no infraction at all.

If this decision be valid and binding, what becomes of all the trumpety case subsequently got up by Hertz and Strobel? If it be not, are your Laws to be a snare, and your Judicial Decisions a delusion? Is a Secretary of State to demand the recall of a Minister for doing what a Judge, two months before, decides that he has a right to do?

But, let me return, for a moment, to the case of Mr. Bucknall. That gentleman, seized and treated as a criminal, dragged to Philadelphia, compelled to find bail, and waste two months of life, was found innocent and discharged. What redress had he? None whatever. In any other country he might at least have brought an action for false imprisonment, or have horsewhipped an Attorney General who had grossly mistaken the law, but in Philadelphia, where even the Clown in the Circus was compelled to apologize for a joke upon the Russian Bear, either of those pastimes would have been attended with too much hazard.

In this case, Mr. Attorney Van Dike, you acted in ignorance of the law—committed an outrage on the securities of social life—injured an innocent man, and never, to this hour, so far as I can ascertain, have made the slightest apology or reparation. In the obscure region

where you "fret and strut," you may do such things with impunity: but if you do, you must expect at least to be laughed at, when summoned before that higher tribunal, at which, for your especial benefit, I intend to practice.

I come now to the case of your friend Hertz. I have read the wearisome columns of worthless testimony with which it is encumbered, including the confession of the precious rascal himself; and I do not hesitate to say, from my own knowledge of the man, and from the internal evidence of complicity in his perjuries which your speech displays, that I believe, from first to last, he has been a mere tool, acting under your surveillance, and doing the dirty work of the Russian if not of the American Government.

The character of Hertz I shall depict by and bye. Let me first shew the animus which inspires Mr. District Attorney Van Dike.

In your address to the jury we find you disguising the causes of the war—saying nothing of the invasion of the Principalities—of the massacre of Sinope, and attributing hostilities to "an attack on the part of the Allies producing those misfortunes to the British Government, which they have endeavoured to retrieve by a violation of the laws of this country."

"Those misfortunes!" The glorious battles of Alma, Balaclava, and Inkermann, Mr. Attorney, which even a Russianized republican might admit to have been achievements as worthy of commemoration, as are those village skirmishes which the whole of the "free and equal," slaves, foreigners, and freemen, say grace over every Fourth of July.

Again you say, "I have said that the war in the Crimea was conducted by the British, French, and other nations, as Allies, against the single power of Russia. I have said that the consequences of that war had been *disastrous to the besieging parties*, and that the signs of the times indicated *a still more humiliating fate*. THE RUSSIAN FORTIFICATIONS HAVE NOT, AND, I BELIEVE WILL NOT BE TAKEN."

Here we have the very inmost soul of Mr. Attorney Van Dike embodied in these few lines, "The wish was father to the thought." With a jury before him, and a rabble behind, who read nothing but the Philadelphia papers, he

believed that he could safely misrepresent the causes of the war—disguise the fact that the Russian ships had been driven off the ocean—That the Russians had lost two men to our one, and hazard a prediction, that should by and bye entitle him to rank beside Joe Smith in the long line of Prophets produced by the new world.

Having proved that you are a very bad Lawyer, by the case of Mr. Bucknall, I now intend to prove you a very bad Prophet.—On the 21st of September you predicted “disaster to the besieging parties”—a “still more humiliating fate” to England than that which you had previously described. I would have given a trifle to have seen you, standing on tiptoe and winning the smile of the Court, the approval of the jury, and the applause of the audience, all thoroughly Russian to the backbone, by proclaiming that the strongholds of despotism, which the free and equal admire so much, could “not be taken.” That you exhibited “all the contortions of the Sybil” I have not a doubt, but it is fortunate for the cause of freedom that you lacked “the inspiration.”

Thirteen days before you uttered this mendacious speech Sebastopol had fallen—the Allied flags at the very moment of its utterance waved over the smoking ruins—your friends, the Russians, in deep “humiliation,” had fled over the Harbour, where lay engulfed more men of war, destroyed in a single year, than your Great Republic ever owned.

Seven days after your elaborate attempt to damage my character, I landed in my own Province, and heard the first glad shout of joy and triumph at the victory, which has since rolled over every town and city and hamlet of British America. How many shouts have we heard from across the border? Where are the Anglo-Saxons of Pennsylvania? Who saw them toss up their hats? Where the Celts of New York, for whose independence the French shed their blood in the times of old? God help the “Red, White, and Blue” if its defenders had no better backers than those for whom their forefathers fought. But let that pass, I must come back to that precious embodiment of the national sentiment, Mr. Attorney Van Dike.

Having shewn you to be a poor Lawyer and a worse Prophet, I think I shall have very little trouble in convicting you of an utter want of veracity. I have already shewn

you misrepresenting the causes of the war, and hazarding absurd predictions. Let me take a single vain-glorious boast as a specimen of your general authenticity :

“In this free and Republican country, the home ordained by Providence for the oppressed of all nations.”

This is your inaccurate description of the United States. Now I freely admit that the Continent of America was made by Providence: its vast proportions—its noble rivers—its exhaustless fertility, were given to the human race by the Creator, if man would permit his fellow-man to enjoy in peace the mercies intended for us all; but I think that it would be hard to implicate Providence in the barbarous institutions and politics by which that portion of its surface that you most admire is at this time strangely disfigured.

I refer you to your countrywoman, Mrs. Stowe, for an account of the securities and delights which await the African races within your “free and Republican country.” You consider it a crime for a Novascotian to pay the passage of a German from Philadelphia to Halifax, and then to find him honourable employment in Her Majesty’s service; yet you think it no crime when a British-born subject of the Queen of England, if he happens to be black, is seized in a Republican Port and thrown into prison, until the departure of the vessel in which he ventures to take a peep at your refuge for the oppressed—your “free and Republican country.” When you can shew that a single American citizen, or any foreigner, entitled to the protection of your laws, has been seized by force and imprisoned in a British Port, you will indeed have a grievance.—While your own country is disgraced by practices so barbarous, so utterly subversive of all national rights and of all commercial intercourse, pray do not make our gorges rise with your eternal bragging about humanity and freedom.

What was the condition of the foreign population, as they are called, with whose allegiance I am accused of tampering last spring? Thousands of those men were sweeping the streets of the Atlantic cities—living in soup kitchens, or were supported by public charity. Their gaunt frames and haggard faces were everywhere grouped around the wharves and thoroughfares. They had lost in the preceding winter, from sheer distress, nearly as many as the British army lost from the same causes in the

Crimea. What shall I say of the mortality of the preceding summer? Who shall describe the horrors of Charleston, of Chicago, of New Orleans, of Mobile? Is it not notorious that more Irishmen have died in a single summer in one city of your paradise of fools than have fallen in the four great battles of the Crimea since the war began?

I did not attempt to recruit the dead, whatever I may have done to rescue the living from starvation—but of this I am quite assured, that you, and such as you, would rather that every foreigner in your country should grace the dead cart or sweep the streets, than wear the uniform of a nation of which you are too meanly jealous ever to harbour a generous impression.

But, let me inquire whether there was any thing in the social immunities, or political standing, of these poor foreigners, to render it so unhallowed a pursuit to tempt them into the British Army? How stood the Irish Catholic, for instance? He had done his best, God knows, to conciliate the Van Dikes and other early squatters upon the great plantation. He had befouled the nest in which he was fledged sufficiently to ensure him a welcome in that to which he flew. He had howled at the Saxon till he was hoarse, and, following one fool or charlatan after another, had ended by getting the Saxons in the New World rather more unanimous in the work of tyranny and oppression than they had been in the old. When I entered the United States last spring the Know Nothing organization was spreading from State to State. The Irish Catholics were proscribed everywhere. Their religion was condemned by the public sentiment from Maine to South Carolina—their political privileges were being rapidly curtailed by legislation—their chapels and convents had been burnt—their priests insulted—their volunteer companies disbanded; and scarcely a night passed without some bloody encounter, in which, however Paddy might lay about him with his shillelah, or deal death for death with more fatal weapons, he was in the end beaten down by sheer force of numbers or force of law, and made to feel that his Brother Jonathan was at least quite as bad as his Brother John Bull—and in leaving green Erin for your “free and Republican country,” he had but got out of the frying pan into the fire.

English and Scotchmen were rather better treated. They were only accustomed to hear the civilization of Russia preferred to their own every day of the week, and to have their Country and their Institutions formally abused every Fourth of July. Otherwise they were not badly off, and yet worse than they thought, because they were under the impression that they might go and fight the battles of their country, if so disposed, without the risk of imprisonment for harbouring so felonious a design. Poor fellows, they are undeceived. They have now discovered, that while an American Minister can stir up the subjects of a Foreign State to which he is accredited to mutiny and civil war, a British Minister dare not pay the passage of a poor Englishman, who desires to leave the United States in peace, to sustain abroad the honour of the Flag under which he was born at home.

How was it with the Germans? Hated only a little less than the Irish. Wherever they were but a handful they were tolerated,—where they were a minority, they were voted down and despised. Where they dared to assert an equality, they had to fight for their lives and their votes. The battle that lasted for three days in the streets of Cincinnati, between the Germans and Native Americans, was only the outburst of that smouldering rivalry and hatred which existed last spring, and yet exists, wherever the Germans, who have fled to this refuge for “the oppressed of all Nations,” dare to act as though their souls, their swords, or their votes were their own.

Poles, Hungarians, and Italians, were harboured it is true. But, when these men were fighting for freedom in their native lands—many of them for “Republican Institutions,” what sympathy or aid did they ever receive from the Van Dikes and other Republicans of the West? Did you draw a sword or fire a shot in their defence? Not one. But when their nationalities were trodden down by the iron heel of the oppressor—when their hopes of liberty were crushed—when they sought, in expatriation, a refuge for their families, they fondly believed that when the hour arrived for a possible combination against the despot and the spoiler, if they had not the sympathy and the aid of the pretenders to freedom to whom they had fled for refuge, at least they would be permitted to return to Europe, and fight under the banner of the Allies for the positions which they

had lost. When they discovered that Republican America was thoroughly Russian—that the Republicans of the West only cherished sympathy for the Despot of the North, and that to leave the United States with the “intent” to avenge their national wrongs, and display their love of liberty, was a crime, they must indeed have felt most keenly “the slings and arrows of outrageous fortune.” The Frenchman must have deeply pondered the huge proportions of trans-atlantic ingratitude. “Our fleets and armies,” he would probably say, “fought to establish the independence of this country, and now, when the fleets and armies of France are fighting for the independence of nations similarly oppressed, I am forbidden to draw my sword for my own country, by the very people for whose freedom the blood and treasure of France were profusely shed.”

To ascertain the temper and feelings of this foreign population I was sent into the United States last spring. My mission was honourable as it was lawful. I discharged its delicate duties with due respect for your laws. Surrounded, as I soon was, by Russian spies and Police-runners—by zealous District Attornies and their unscrupulous Agents—by mean wretches, ready to profit by serving or selling those who employed them, I traversed your country and walked your streets, for two months. Had you ventured to arrest me, I should have defended myself openly in your Courts. I never did an act, wrote a line, or uttered a sentiment, which I cannot now defend before all the world. Thousands of Foreigners would have flocked to the Standard of England had they have been permitted peacefully to leave the country. The Neutrality Laws, fairly administered, would have interposed no obstacle. The real obstacles to be encountered were the Russian feeling of the country—the jealous hatred of England—the daring violations of all law, of common decency and hospitality—the complications created by scoundrels, suborned and employed by such zealous partizans as Mr. Attorney Van Dike.

Having surveyed the whole field—studied the aspects of society and weighed the bearings of the Neutrality Laws, I returned to my country, not conscious of having given offence, and quite prepared to defend myself against all the Lawyers in Philadelphia. If I have not commenced tin good work before, it is because I have been absent

Europe since the 8th of June. That I shall do it to your entire satisfaction I have not a doubt, but as I have no desire that this letter should grow to the length of a President's Message, I must for the present subscribe myself,

Your obedient servant,

JOSEPH HOWE.

IV.

To James C. Van Dike, Esq., Attorney for the United States for the Eastern District of Pennsylvania.

No. 2.

SIR,—If I have accurately described the position and feelings of the foreign population, resident in the United States, nobody will be much surprised that a great number of them voluntarily offered their services to the British Minister at Washington—to the Consuls in seaport towns—and to the Governors of the British Provinces, the moment that the Foreign Enlistment Bill was introduced into Parliament. I deny that any unfair attempt was made, by any of those officers, to tamper with these people. Courtesy is with us a national obligation; and, to receive people civilly and answer their letters, does not, in the estimation of our Sovereign, lower those who represent her at home or abroad. When, therefore, even such persons as Mr. Hertz or Max Strobel called upon Mr. Crampton, and offered their services, pray what was he to do, except hear what they had to say and write them civil notes, such as those which you have paraded in Court as important public documents?

I have said that the movement on the part of the foreigners to obtain service in the British Army was voluntary. Not a witness have you been able to produce that could assert that Mr. Crampton or any body else, sought or solicited him to quit the United States. Hertz and Strobel went to Mr. Crampton—the former two or three times. They pressed—they importuned His Excellency to employ them; and to accept of the services of the thousands, who, the former at least, represented as ready and willing to go voluntarily and lawfully out of the country,

the moment that they were informed to what Depôt on British territory they might repair.

That Mr. Crampton heard what these men had to say I will not deny—that he put them off from time to time they both admit. That he hired or enlisted either of them, or gave them any authority to hire or enlist others, up to the day of my arrival in the United States, is untrue. That during the two months that I was in that country, His Excellency compromised himself or his Government by any act or expression which could be fairly construed into an infraction of the Neutrality Laws, or disrespect to the Government to which he was accredited, I flatly deny. From the 7th of March, when I landed at Boston, to the 8th of May, when I returned to Halifax, every act done in reference to the Foreign Legion within the United States was done by me—and every dollar expended was paid by my orders. Mr. Crampton never saw the handbill issued by the Provincial Secretary in Halifax till I sent it to him from New York. I acted entirely upon my own responsibility—the only aid received from Mr. Crampton being a list of the persons who had expressed to him their anxiety to serve the Queen, and a legal opinion upon the construction of the Neutrality Laws, which I was enjoined most carefully to respect.

It is but justice to the British Consuls to say, that whatever they might surmise from what they heard or saw in the papers, or from the little that I chose to tell them, they were as profoundly ignorant of my movements, proceedings, and designs, as Mr. Attorney Van Dike himself. Whatever may have been done or said by any of these gentlemen after I left the United States, (and with anything which occurred there after the 8th of May, I had no concern), I pledge my honour that not one of them, with my knowledge or in any connexion with me, did an act which any citizen of the United States might not have done without a violation of law.

That a Foreign Enlistment Act had been passed in England—that a Depôt for the enlistment of men for a Foreign Legion had been opened at Halifax—that I had been sent into the United States to ascertain whether any number of men might be expected from thence; and to afford to those who had offered or might offer their services such facilities for reaching that Depôt as were compatible

with law and order, and the amicable relations of the two countries, all these gentlemen knew, or might have known. That every one of them, and nobody more sincerely than Mr. Crampton himself, wished me good speed, we may fairly assume. But I deny that I did any thing that I had not a right to do; and even if I did, I am quite prepared to acquit those gentlemen of any share in the offence, unless common courtesy to a countryman and a stranger can be construed into an infraction of national law.

So far as I am concerned, I am free to confess, that if I could have taken five Regiments out of Tartarus, to back the gallant fellows, who, at the time, had crowded the heroism of the Iliad into a single year, I would have done it.

But let me come now to the evidence that you have produced, not to convict the people you were trying, but to make political capital for your Government, by defaming gentlemen who were not on trial, and who, not being in Court, had no chance to defend themselves. That you, knowing the real history of the transactions which these people have coloured and distorted, can have lent yourself to a discreditable conspiracy, it is hard to believe. But if you are not their accomplice, you must be their dupe, and I regret that one can only prove your morality intact at the expense of your intellect and penetration.

Take a single illustration. You produce upon the stand a witness named Burgthal, for whom you had to swear an interpreter, as he "could not speak English." This person, who acknowledges himself an Austrian, and a friend of Hertz and Strobel, and who also confesses, like all the others, that he went to Mr. Crampton to offer his services, gets up a scene or two with me.

A. Then I came to Philadelphia in the beginning of March, and saw Strobel here; I also made the acquaintance of Mr. Hertz; about the 10th or 12th of March, Mr. Howe came here and visited me.

Q. Did Mr. Howe call on you of his own accord?

A. He looked for me and visited me of his own accord, having heard from Mr. Rumberg that I was here.

Q. State the conversation between Mr. Howe and you?

A. He made the same proposition. He stated that he had officers here, in Baltimore, in New York, in Chicago, and in different parts of the country.—He then told me that he would obtain for me a commission; that he had authority from Mr. Crampton so to do; I refused the offer, having other employment here at the time. Afterwards Mr. Howe visited me with two or three other gentlemen, and invited me to Jones's Hotel. I went to him, and dined with him

and these other gentlemen. I informed him at dinner of my opinion in relation to this recruiting business, that it had been forbidden in the United States. He showed me two placards, one in German and the other in English, and also a journey card and ticket, and told me that he did not think he could be laid hold of in the matter.

Mr. Remak.—He said that he felt certain that nothing could be done to him?

A. That nothing could be done against him in the United States. He also requested me, if I came to New York, to visit him at Delmonico's Hotel. I went there, but did not meddle any further in the matter, nor go to see him.

Of this redoubtable witness I have not the slightest recollection. I wrote down the names, rank and history, of every Foreign Officer who presented himself to me. I cannot find the name of Burgthal in the list. If I ever saw such a person, any conversation between him and me was simply impossible, as he "could not speak English," and I cannot speak five words of German. The story is made out of whole cloth. I never mentioned Mr. Crampton's name to this person, or to any other, as sanctioning my proceedings, while in the United States. I never called upon any person in company with "two or three other gentlemen"—invited such a party to dine, or held any such conversation. As to the placards, I never saw any but the official ones, issued with the Provincial Secretary's name to them, and these were never in Philadelphia till they were sent on by Bucknall, long after I had returned to New York. I never had "an officer" in Baltimore, or even a correspondent there. Nor had I, at this time, even spoken to a soul in New York on the subject of the Foreign Legion. I never saw Chicago, or had any agent or correspondent in that city. I dined at the Table d'Hote at Jones's, and those who know me will know how very improbable it is that I should hold such a conversation as this with an entire stranger, through an interpreter, in presence of at least fifty ladies and gentlemen, and the waiters by whom they were attended.

But all these witnesses have been summoned to make out, if possible, a case against Mr. Crampton. Now I have evidence to prove the delicacy and legality of that gentleman's conduct and designs at this period, worth "a cloud of witnesses" such as you have conjured up. I produce it without the possibility of any concert with His Excellency, whom I have not seen for months, because I

know that it will be weighed in the Court to which I appeal against the ex parte proceedings at Philadelphia. Mr. Burgthal fixes the date of our joint infraction of your Neutrality laws on or about the "10th or 12th of March." On the 11th of March I received a letter from Mr. Crampton which I give verbatim. Let the world at large judge whether the writer of it was at the time conspiring with me to violate the Neutrality laws of the United States.

Washington, March 11, 1855.

MY DEAR SIR,—I enclose for your information and guidance in the matter in which you are engaged, an opinion which, at my request, has been drawn up by an eminent American Lawyer, in regard to the bearing of the Neutrality laws of the United States upon the subject. This gentleman is also very well acquainted with the practical operation of the law in this country, influenced as it always is, more or less, by the prevalent feelings of the day, and the action of the press. I have entire confidence in the correctness of his views. You will perceive that what can be done in the U. S. either by agents of H. M. Government directly, or by American citizens or residents, is restricted within very narrow limits; and that great caution will be required to avoid even the least appearance of employing any device for eluding the law. I have entire confidence in your prudence and discretion in this respect, but I would beg of you to inculcate the utmost circumspection upon all those with whom you may have to communicate upon this important subject; and to explain to them clearly the true bearing of the case.

I am, my dear Sir,
Yours truly,
J. F. CRAMPTON.

I come now to your other auxiliaries, among whom the most prominent is your friend Hertz. On a list of persons who had been boring Mr. Crampton with their applications, I found the names of Captain Romberg and Mr. H. Hertz. Both of these persons, it will be borne in mind, had offered to serve Her Majesty before I went into the United States. I called upon them both. Captain Romberg I at once saw was too old for active service, but though poor, appeared to be a respectable man. Hertz was not, and never had been a soldier. He was simply a Jew Crimp

of great pretensions. Bustling, active, boastful, and mendacious. Judas Iscariot, in his younger days, might have been just such a person. My very first impression of him was, that he would not only sell his Saviour for thirty pieces of silver, but the President of the United States and Mr. Crampton both, for half the money. I explained to him that I had called upon him in consequence of his application. He professed great zeal for Her Majesty's service—great disgust at the people and institutions of the United States, and entire readiness to find any number of foreigners who would go voluntarily, peacefully, and lawfully, into Nova Scotia.

I explained to Mr. Hertz, as I did to everybody else, that I had no power or right to issue commissions in the United States, or to "enlist" a single man in that country. That no man could be enlisted into the British army, except with certain formalities, at the Depôt to which he must repair. That, as the law expressly forbade me to "hire or retain" any person to enter her Majesty's service, men must go voluntarily, if they went at all. That I thought there could be no objection to paying the passages of these people, but if there was, I would only consent to do that upon British ground.

To all this Mr. Hertz replied, with great volubility—that thousands of old soldiers were ready and willing to go—that he had studied and understood the laws, that, if we agreed as to price to be paid in Nova Scotia for passages, he would undertake to land 1000 men there—that his resources were quite equal to the whole operation, and that he was willing to leave the question of any remuneration for services he might render open till after he had performed his promise. Though distrusting the man from the moment I saw him, for nature had set a mark upon him not to be mistaken, I desired him to put his proposition in writing. The document is now beside me and speaks for itself. He was to land in Nova Scotia 1000 men, and for every man who there volunteered and enlisted, a fixed sum was to be paid for passage money, *when so landed*.

I agreed to hand over to him 300 dollars, which he represented might be necessary to relieve the families of some poor officers, who would probably go on and offer their services to Sir Gaspard Le Marchant at Halifax.

This was the simple arrangement with Mr. Hertz, out of

which he has manufactured more lies than he ever offered to get volunteers. On my part, there was no design to violate the Neutrality Laws; and if Mr. Hertz, after my cautions and frank explanation, did violate them, he had sought the service, and had only himself to blame.

The whole of Hertz's long account of the mode in which he endeavoured to get Mr. Mathew mixed up with this transaction is a fabrication. That "I went to my writing desk, and took 300 dollars," which he declined to receive, is untrue. The receipt which he has included in his confession, is a forgery. The facts are these. I had no money in my "desk" or in Philadelphia, except a few dollars in my purse to pay travelling expenses. Hertz handed me his proposal on the afternoon of the 13th of March, as the date will prove. Now I can prove, by the books of a merchant of the highest respectability in Philadelphia, who bought my draft, that it was not until the morning of the 14th that 1000 dollars were placed to my credit, and 300 dollars drawn.

The receipt which Hertz has forged runs thus :

"Received, Philadelphia, 14th March, 1855, of Mr. B. Mathew, Three hundred Dollars, on account of the Hon. Mr. Howe."

The original Receipt, which is now beside me, is in these terms :

"Received of Hon. Mr. Howe, Three hundred Dollars, on account of expenses.

"Philadelphia, March 14, 1855.

"H. HERTZ."

This money was put under cover to Mr. Mathew, with a simple request that he would pay it to Mr. Hertz, and take a receipt. Mr. M. knew no more of my business arrangements with Mr. Hertz than President Pierce did. He was never present at any conversation with that person, and neither he nor any Consul in the United States was ever compromised by any act of mine, or could, if he was put upon his oath, accurately describe a single transaction in which I was engaged.

It will be seen that, by the terms of his own proposal, Hertz was to be paid no more money except on the arrival of his volunteers in Halifax, and their enlistment there. Hardly had I left Philadelphia for New York when I was fairly bombarded with letters and telegraphic messages

from him, urging me to send him money. I also heard from Mr. Mathew, and from my Agent at Philadelphia that they had been importuned by him to pay money on my account. I at once saw that the estimate which I had formed of the man, on first view, was accurate, and I was quite sure that his game was to compromise Mr. Mathew, Mr. Winsor, and myself, and then play his cards accordingly. I at once wrote to both those gentlemen requesting them to pay nothing to Hertz on my account, and went back to Philadelphia to see what he meant. He came to me, at Jones's, and I then found that he had got 100 dollars from Mr. Bucknall, 100 dollars from Mr. Winsor, and 50 dollars from Mr. Mathew, and, on further inquiry, found that he was utterly without credit or resources, and had an evil reputation. I called his attention to the departure from the terms of his proposal—to the fact that he had advertised a "Recruiting Office" in a German Newspaper in violation of my instructions, and had sought to compromise gentlemen who were not responsible for my proceedings. At first he was very high, and attempted to extort money by menace. I set him at defiance. He left the room and the hotel, but when he found that I was determined, returned and resumed his protestations and promises.

From that day to this I have never spoken to him, or answered his letters or telegraphs. When he was arrested, he sent me first a threatening letter, in which he "could not even name the amount of money" he would require to hold his tongue and endure his sufferings. To this I never replied. Some time after he sent me a whining message to say that for \$200 he could "satisfy the District Attorney" and stop proceedings. I sent him the money through the Barkeeper at Jones's, I believe. You and he, Mr. Van Dike, may enlighten the public as to what became of it. If you received it, I suppose that the Russians bid higher. If you did not, perhaps you may arrive at the conclusion that a witness who would exhibit even a District Attorney as open to bribery and corruption would not hesitate to slander such persons as Mr. Crampton, Mr. Mathew, or myself. I thought the joke was worth the money, but was certainly surprised to see no mention of this trifling incident in the "Confession."

Let me give two more specimens of the unblushing ef-

frontery and falsehood of this fellow, Hertz: "I met Mr. Howe," he says, "on landing from the steamer, he greeted me very kindly, but said he had no time to see me, and stepped on board the steamer for England." It is true that I met him, but just as true that when he came up to me and held out his hand, I looked at him with some slight expression of the contempt I felt, passed him without speaking to him, and instantly sent a message to the Lieutenant-Governor, advising His Excellency to hold no communication with Hertz, but to set him at defiance.

Take another specimen. When he applied to Sir Gaspard for money, he says he was told that Mr. Howe "had used \$120,000 in his recruiting business, and inasmuch as he had rendered no account of it yet, he could not tell how my account stood." Now what are the facts? That only \$8000 ever passed through my hands, for the whole of which an account, with vouchers, was rendered on the 8th of May last.

I might cull, from this man's evidence, twenty falsehoods just as gross. And are such persons as this to slander away the character of officers high in the confidence of their Sovereign and of society, to interrupt diplomatic relations, and to disturb the public peace?

Of Mr. Max Strobel, of my own knowledge, I know almost nothing, but judging by what I have seen of the evidence of Mr. Hertz, and of other worthies of the same class, Mr. Strobel's friends and associates, I may be permitted to doubt, which I certainly do, the material features of his narrative. That Mr. Crampton permitted *Depôts* to be opened along the Canadian frontier, for such volunteers as chose to come over from the United States; that he authorized persons to make the existence and the position of those *Depôts* known—that he may have sanctioned the payment of the travelling expenses of persons coming over to Canada to offer their services to his Sovereign, may be true. If Judge Kane's law is sound, His Excellency had a right to do all this. But that he took such a person as Mr. Max Strobel to his bosom—thought aloud in his presence, and committed all the extravagances laid to his charge, really does require a stretch of credulity, on the part of those who know anything of His Excellency, of which I am quite incapable.

I am much more inclined to believe the report made by

the officers of the Provincial Government. That Mr. Strobel was dismissed the service here, preferring to take his discharge, and £30, rather than stand an investigation into charges preferred against him by his brother officers of the gravest character.

Of poor Perkins, another of your Defendants, if not tools, what shall I say? A mad Englishman, rushing about the streets, telling everybody that he was a Correspondent of the London Times, and in communication with great Lords in England—that he was controlling the local press—that he had been to Mr. Crampton about raising recruits, who had sent him to Mr. Marcy—would, any where else but in Philadelphia, have been a subject for laughter or commiseration. The jury, perceiving that he was as mad as a March hare, acquitted him; and I really wish that in your case, Mr. Attorney Van Dike, I could let you down as easily—could charge upon the weakness of your intellect what I am reluctant to attribute to professional depravity. You have not the slightest idea how much you would rise in everybody's estimation by proving yourself a fool, and especially in that of

Your obedient servant,

JOSEPH HOWE.

Halifax, Nov. 6, 1855.

V.

To John Arthur Roebuck, Esq., M.P.

Halifax, Nova Scotia, March 24, 1856.

SIR,—My attention has been called to a speech, made by you in the House of Commons on the 15th of February, and reported in the London Papers. This speech, conceived in an atrabilious spirit, and remarkable for nothing but ill-nature, contains, besides undeserved attacks upon the Ministers who were present, the most ungenerous and unjust assaults upon gentlemen who were not there to defend themselves. I quote from the Report before me this passage:

“I want to know distinctly what were the instructions given to Mr. Crampton. It may be said that he was told not to break the law, but I want to know whether he was told to enlist men in the United States, because to tell a man not to break the law and in the

next breath to tell him to do something by which the law will be broken, is nugatory. It is a farce—an idle direction, not worthy of any man who pretends to be a man of sense and honour. Mr. Crampton knew the law, as is proved by his own written statements; he knew that to do certain acts was to break the law, and he laid plans by which he fancied that law could be safely broken. He was aided in this by two high functionaries—Sir Gaspard Le Marchant and Sir Edmund Head, as well as by Sir Joseph Howe, a gentleman of some celebrity in Nova Scotia. *Sir Joseph Howe was sent to the United States; by his intervention people were employed to break the law of the States, and by his hands they were paid for so doing. After spending about 100,000 dollars he got together 200 men, when he might have had the same number of thousands for half the money.* I may be asked what good I expect to derive from this motion. (Ministerial cheers.) I perfectly well understand that cheer. I know whence it proceeds and what it means, and my answer is, that I wish to obtain from the Noble Lord a distinct answer to this question—was Mr. Crampton instructed, not simply not to break the law, but not to do deeds by which the law would be broken?"

I have rarely seen, in the same number of lines, more ignorance, or reckless mis-statement, displayed before a deliberative Assembly. John Arthur Roebuck may think himself privileged to take such liberties with the absent, but he shall take no such liberties with me. I have seen him too often, have measured too accurately the breadth of his understanding and the vagaries of his intellect, to permit him to go uncorrected, when he gives himself such licence. The speech to which I refer, Sir, should not have gone uncontradicted an instant had I shared the privilege which you enjoy. Your melo-dramatic style should not long have given currency to nonsense, and the six hundred English gentlemen, before whom you attempted to damage my reputation, should have judged the value of your accusations on the instant, and would, or I am much mistaken, have stamped them with their indignant reprobation. Not being a member of Parliament my pen is my only resource, but the Press of England, thank God, is open to us all.

In the first place I must ask you to take back the title which, without permission of her Majesty, you have conferred upon me. I am not a Knight or a Baronet. The name I wear, will pass current in British America without the prefix. At all events I do not value an honorary distinction, attached to it by a gentleman, to give point to slanders, calculated, if not intended, to make the name itself a reproach. My own countrymen, who know me best, have elevated me, step by step, to the highest positions

and honours in their gift. My Sovereign, if she ever discovers that I have done, and perhaps am capable of doing "the State some service," may gratify them by some mark of Royal favour; but, in the meantime, I value as lightly honorary distinctions conferred without warrant, as I do Parliamentary attacks which have no foundation.

You assert that I spent about \$100,000! Now I declare, in the presence of all England, that you have made a mis-statement so gross that I am astonished at your audacious inaccuracy. But \$8000 were ever entrusted to my care, or passed through my hands—about £1600 sterling. Ninety-two thousand Dollars are certainly an overcharge of which any gentleman pretending to speak evil of the absent ought to be ashamed. That more money was expended in the service I do not deny, and that those who spent it can account for it to the satisfaction of her Majesty's Government, I have not a doubt; but I do deny your right to charge upon me such an expenditure, and to mislead the House of Commons by a train of reasoning founded upon so palpable a blunder.

But "200 men," you say, were "got together." Surely you do not hazard such statements as this upon the Northern Circuit, or on the floor of Parliament. What are the facts? 625 men were "enlisted" in *Nova Scotia*, not in the United States, though many of them passed through that country. Of these 10 joined the 76th Regiment, and 18 deserted. 597 effective men—clothed, trained, and officered—ready, in fact, to take the field, were sent to England. I wish, from the bottom of my soul, there had been ten times the number. But, at the moment that these men were raised, *they were wanted at any price*. Had they cost \$500 each, which you assert, the wonder would not have been great, as the horrors and perils of the war had been so paraded by your Committee, that, for a time, the service was not very popular. I have read somewhere that a British Soldier costs, before he is fit to take the field £100 sterling. If so, those who sent you Soldiers in a time of peril, at the cost of \$500, should not be severely blamed. But, did they cost this sum? No—not a third of it. I have a statement before me, of the entire expense of enlisting, clothing, subsisting and drilling 597 men, including the cost of transportation until they reached the shores of England. It amounts to but £33 per man, less

by more than two-thirds, than the sum named by the accurate member for Sheffield.

Having disposed of your financial mis-statements, let me now demand upon what authority you have ventured to assert that "by my intervention people were employed to break the law of the United States, and that by my hands they were paid for so doing." I deny the accusation. I plead, before the people of England—Not Guilty. I demand the proof, and, if ever I see England again, will call upon you to produce it before your own constituents, or acknowledge the injustice of the accusation.

I was sent into the United States in the spring of 1855, not to violate the law, but to ascertain the value of certain representations made by parties in that country, that thousands of men wished to come lawfully, peacefully, and without any infringement of law, or offence to the authorities, into the British Provinces, there to enlist in the service of the Queen. That duty—one of some hazard and delicacy—I performed: and I challenge you, if not in the presence of Parliament, before the empire of which we are citizens, to prove against me one illegal act, done or instigated in the United States, during the two months that I spent in that country.

It is true that the District Attorney laid before the Grand Jury of New York, a Bill of Indictment against me for a misdemeanor. Nobody who knows the state of feeling in the city at the time, or the devotion of that functionary to the interests of Russia, will doubt his anxiety to sustain it—but he could not. It is true that a clerk in my employment, was arrested and tried at Philadelphia—but he was honourably acquitted, the Judge deciding that no violation of law had been committed. What right have you then to assume that I, or any person over whom I had legitimate control, violated the laws of the United States? In British Courts of Justice you were taught to presume the innocence of persons, arraigned with all the formalities of law, until their guilt was proved. You reverse the rule. You assume the guilt of a British gentleman, who, for two months, walked the streets in the midst of his enemies, and the enemies of his country, and whom they dared not try; and of another, who when tried, was honourably acquitted.

The only extenuation that I can discover for such folly or injustice, is to suppose that the wretched Philadelphia

pamphlet, containing the trial of one Henry Hertz and Emanuel C. Perkins, has mislead you. Had you known that four months ago, in public letters addressed to the prosecuting officer, which have never yet been answered, I had exposed that poor conspiracy, shewing Perkins to have been insane and Hertz unworthy of credit, I cannot believe that you would have made the speech of which I have so much reason to complain.

Your attack on Sir Gaspard Le Marchant is even more unjust than your attack on me. That officer never left the Province of which he was the Governor, or did an act beyond his legitimate jurisdiction. He opened a dépôt for recruits in Halifax, on British soil—under our national flag. When Foreign officers came to him and offered their services or the services of their countrymen, they were informed of the terms upon which they would be employed and their followers enlisted. The only document which he sent into the United States, was an official public notice that men would be enlisted on certain terms at *Halifax*. Judge Kane decided that it was no violation of law to circulate this notice in the United States. If his law be sound, then I challenge you to shew one act done by Sir Gaspard Le Marchant that justifies the coarse language applied to him. As respects the Governor-General, I can only say that I do not believe your allegations. If Sir Edmund Head erred at all, in this matter, it was on the side of extreme caution lest offence should be given. Mr. Crampton has been abused unsparingly in the United States. He might, however culpable, it appears to me, be spared in the British Senate until his defence is complete, and until the peculiar difficulties and delicacy of his position are rightly understood. In a letter which I addressed to the District Attorney of Philadelphia, on the 6th of November, the conduct of Mr. Crampton, so far as it had come under my observation, was successfully vindicated. Read a single extract :

“But all these witnesses have been summoned to make out, if possible, a case against Mr. Crampton. Now I have evidence to prove the delicacy and legality of that gentleman’s conduct and designs at this period, worth “a cloud of witnesses” such as you have conjured up. I produce it without the possibility of any concert with His Excellency, whom I have not seen for months, because I know that it will be weighed in the Court to which I appeal against the *ex parte* proceedings at Philadelphia. Mr. Burgthal fixes the date of our joint infraction of your Neutrality laws on or about the “10th

or 12th of March." On the 11th of March I received a letter from Mr. Crampton, which I give verbatim. Let the world at large judge whether the writer of it was at the time conspiring with me to violate the Neutrality laws of the United States.

Washington, March 11, 1855.

MY DEAR SIR,

I enclose, for your information and guidance in the matter in which you are engaged, an opinion which, at my request, has been drawn up by an eminent American Lawyer, in regard to the bearing of the Neutrality laws of the United States, upon the subject. This gentleman is also very well acquainted with the practical operation of the law in this country, influenced as it always is, more or less, by the prevalent feelings of the day, and the action of the press. I have entire confidence in the correctness of his views. You will perceive that what can be done in the U. S., either by agents of H. M. Government directly, or by American citizens or residents, is restricted within very narrow limits; and that great caution will be required to avoid even the least appearance of employing any device for eluding the law. I have entire confidence in your prudence and discretion in this respect, but I would beg of you to inculcate the utmost circumspection upon all those with whom you may have to communicate upon this important subject; and to explain to them clearly the true bearings of the case.

I am, my dear sir, yours truly,
J. F. CRAMPTON."

Having, I trust, Sir, taught you a lesson of accuracy and circumspection, I beg now to remind you that there was a time when it was necessary to send troops *from* England to British America—when American sympathizers swarmed upon our frontiers with rifles in their hands, and when not \$100,000 but £2,000,000 sterling had to be expended to preserve these Colonies from the rapacity of the people whose slanders you so readily endorse—whose cause you are so prompt to espouse. Perhaps a little of the zeal in defence of our own nationality and laws which is now profusely expended upon foreigners, might have been appropriate to that period, but I cannot charge my memory with any very vehement Parliamentary displays.

The cedar built vessels of Bermuda pass buoyantly over the waves of ocean, and perfume them as they go. You are always buffeting the billows of strife, and leaving a flavour of bitterness behind. Let me, in conclusion, advise you to cultivate hereafter a better opinion of your fellow-creatures—to display a more generous and genial spirit, and not to suppose that, even with the Atlantic between us, you can take improper liberties with,

Your obedient servant,

JOSEPH HOWE.

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