

MR. HOWE'S LETTER.

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

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 Mr 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 advantages 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 honor of his country, in terms of sarcasm and reproach, which I shall presently show, were undeserved from any Englishman, and least of all from the honorable member for Oxford.

The Crown Officers of England having pronounced my acts, as far as they have been questioned in connection with those of other British functionaries, 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 enquire how far Mr Gladstone was justified in arranging the conduct of officers employed by the government of which he had been a member, even if, in carrying out his policy and instructions, they had committed errors in judgment—how far he was justified, as a man of honor, in turning evidence against his colleagues, and denouncing the inevitable results of a policy which he himself advised. It may be also of some consequence to show to Members of Parliament, disposed at times to presume too much upon their privileges, 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 proclaimed by the Government of Lord Aberdeen, under whom you held the office of Chancellor of the Exchequer. That you were responsible for 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 him, 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 honorably endeavored 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 among high-minded and honorable 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 Sydney 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 governed 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, and after a 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 Sydney 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 venture to criticize, 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 did our work unskillfully, 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 retir-

ing 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 shown 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, prevent 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 LeMarchant was instructed to open a Depot 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 the 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 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 Sydney Herbert's despatch, with its enclosures, plainly showing 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 spectator 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 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 of war. I did more. I endeavored 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 Sydney Herbert's despatch and its enclosures, I was requested by the Lieut. 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 honor 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 or 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 those 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 service of 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, while engaged in this service, 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 Van Dyke. 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 any body else, had made voluntary offers of service to Her Majesty's Government weeks before I went into the United States, or ever heard their names. The key to their proceedings is simply this:—Every one of them was actuated by a double motive—to make money out of the British Government if he could, by shallow promises and pretensions, and, failing that resource, to implicate his Officers in some unauthorised 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 asked that no violation of the Neutrality Laws was intended, and 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 the Province, could no more be disputed than my right to publish the official Declaration of War against Russia, or a Commissariat advertisement for a thousand 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 of 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 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 LeMarchant, 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 privileges of getting to our depots, 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 favor 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 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 honorably 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 judicious 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 candor 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 LeMarchant 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 LeMarchant—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 own 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