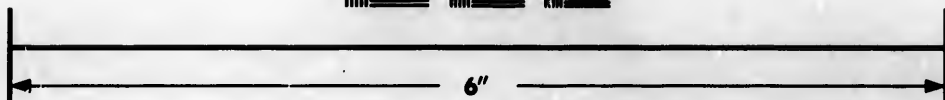
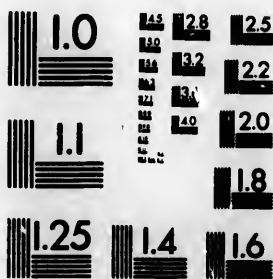


**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4303

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



**Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques**

**© 1984**

Technical and Bibliographic Notes/Notes techniques et bibliographiques

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

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

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

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

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

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

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

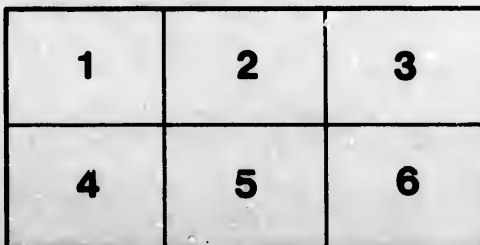
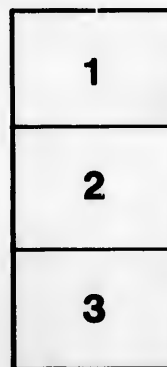
Library of the Public  
Archives of Canada

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

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

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

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



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

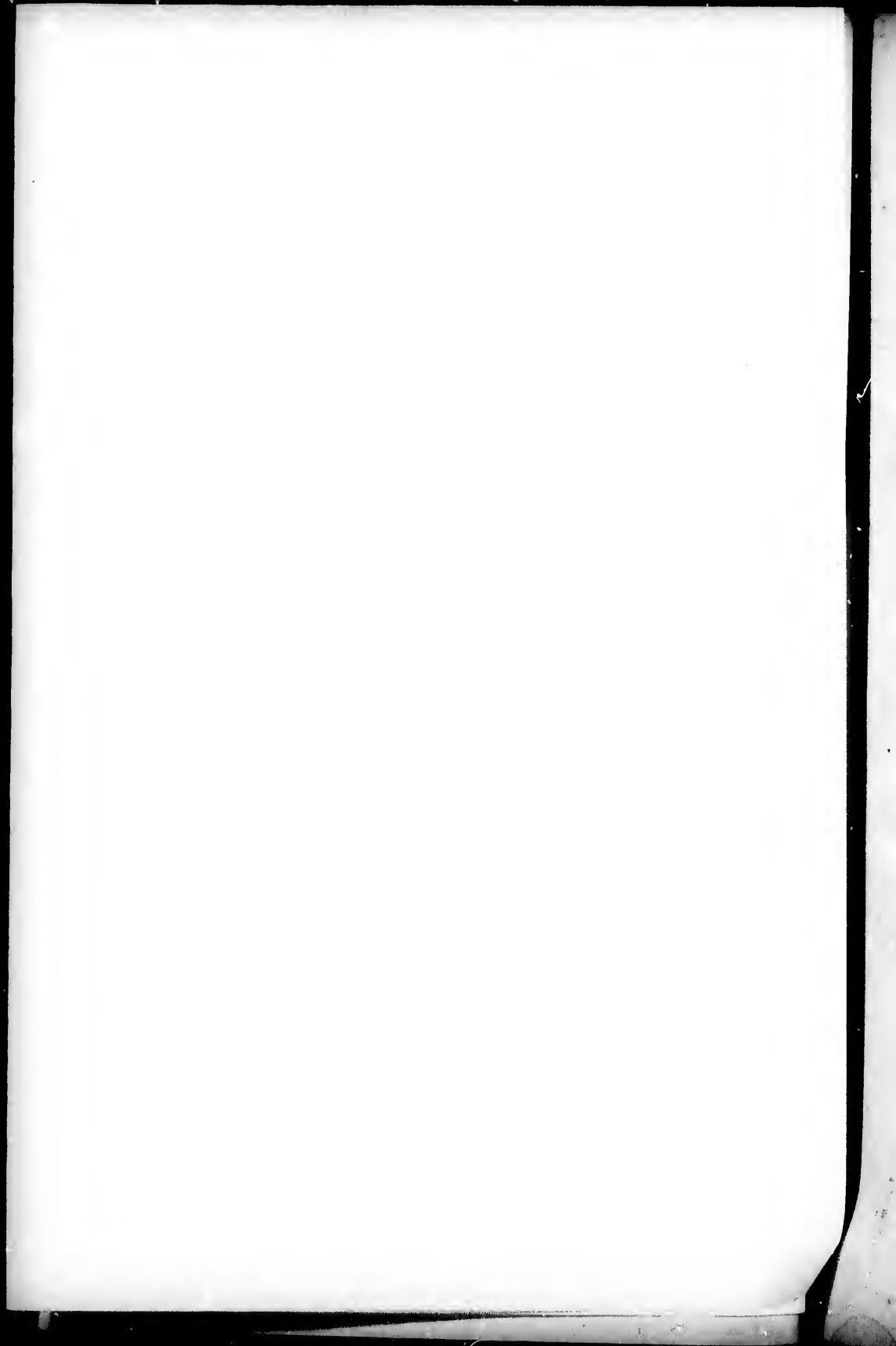
La bibliothèque des Archives  
publiques du Canada

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

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

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

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



**TO JAMES C. VAN DIKE, Esq.**

**Attorney for the United States for the Eastern District of  
Pennsylvania.**

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, endeavored 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 any body 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 LeMarchant, 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 trumpery 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 recal 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 Gentlemen, 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 show 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 at Sinope, and attributing hostilities to “an attack on the part of the Allies producing those misfortunes to the British Government, which they have endeavored to retrieve by a violation of the laws of this country.”

“Those misfortunes!” The glorious battles of Alma, Balaclava, and Inkerman, 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 Harbor, 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 shown 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 shown 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 honorable 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 show 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 enquire 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 shilollah, 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 that 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 harboring 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 honor 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 harbored 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 honorable 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 intorposed 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 own country, not concious of having given offence, and quite prepared to defend myself against all the Lawyers in Philadelphia. If I have not commenced the good work before, it is because I have been absent in 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.

