THE DAILY BEE.

NEW ORLEANS, FRIDAY MORNING, OCTOBER 7, 1853.

Friday Morning, Oct. 7, 1853.

For Congress:
FIRST DISTRICT:
THOS. G. MACKEY.
SECOND DISTRICT:
T. G. HUNT.
STATE SENATORS:
M. C. EDWARDS.
JULES LAVERGNE.
For State Treasurer:
J. H. HAWTHORN.
SHERIFF:
JAMES P. FERRET.
CORONER:
JOHN YOUENES.
For Auditor Public Accounts:
JOHN R. KING, of St. Landry.
For Superintendent of Public Education:
A. S. LARUE, of W. Baton Rouge.

CLERKS OF COURTS.
First Court — Alfred Hennessy.
Second do — Thomas C. Poole.
Third do — C. A. Dubosse.
Fourth do — J. M. Hopkins.
Fifth do — Samuel J. Shiels.

ASSESSORS.
First District—John Wolfe.
Second do — H. Chevalier.
Third do — C. D. Fagot.
The Fourth District Delegates will offer a nomination hereafter.

COLLECTORS OF STATE TAXES.
First District—Thomas Ashow.
Second do — Lafayette Guyol.
Third do — No nomination yet made.
Fourth do — do. do.

JUSTICES OF PEACE.
First Justice—L. U. Guitonte.
Constable—F. Hoppe.
Second Justice—C. V. Jouis.
Constable—William C. Quirk.
Third Justice—William H. Hagan.
Constable—Jules Delarue.
Fourth Justice—E. A. Michel.
Constable—John McClelland.
Fifth Justice—No nomination.

☞ The Northern Mail came through yesterday with the latest dates.

☞ Thanks to the officers of the *Alex. Scott*, for St. Louis papers.

HOUSEHOLD WORDS.—Our thanks are due Messrs. McElrath & Barker, publishers, for the October number of Dickens' Household Words. The American edition embraces four numbers of the English one.

PUTNAM'S MAGAZINE.—We are indebted to J. C. Morgan, of the Literary Depot, Exchange Place, for the October number of this truly American Magazine. It abounds in articles of merit.

IMPORTANT.

It appears from a statement in the Washington *Union*, that the Austrian government, in advance of any communication to the government of the United States, addressed to the principal European Cabinets, the circular letter of complaint and protest against the course adopted by the American Government, which has been extensively republished in this country. The object of this, as the *Union* remarks, was manifestly calculated, if not designed, to invoke from other governments and nations not immediately interested in the transaction a premature judgment in regard to it, which, resting upon a mere ex parte statement, could not be considered as fair and free from undue bias. The *Union* says further: It is to be regretted that this departure by the Government of Austria from the established usages and proprieties of diplomatic intercourse should have been so far countenanced by the Cabinets of St. Petersburgh and Berlin as to induce those governments to assume the position of voluntary parties to the controversy, by instructing their representatives in Washington to intimate to the President their general concurrence in the view taken by Austria of the proceedings in the case of Kossta. It is gratifying to state, however, that the Governments of France and Great Britain, which the Austrian circular was equally addressed, have deemed it proper to proceed to the premises with a far more praise-worthy circumspection. It is understood, indeed, that the Cabinet of Paris has not failed to make known to that of Vienna its disapprobation of the proceedings of the Austrian functionaries in regard to Kossta at Smyrna, even upon the Austrian statement of those proceedings, and that the view it takes of the transaction looks rather to the maintenance of the rights and territorial sovereignty of Turkey than to the interposition of Austria. The Government of Great Britain, though it has made known to that of the United States the fact that its attention has been drawn to the subject, has yet given no intimation that it regards the course of the American functionaries in that transaction as open to censure.

BRANDY AND ABSYNTH.—Mr S. THOMAS, 28 Natchez street, has sent us specimens of Absynth and Cognac, of which he is the sole agent. The Absynth is from the celebrated manufactory of VERMAY & LACUTURE, and is the very best description of this favorite cordial. The Cognac is from the house of PLANAT & Co., old merchants whose Brandies are far famed throughout France, particularly in the districts where the highest grades of Cognac are used in the preparation of first class Wines. Mr. THOMAS has two varieties, one very good, and the other of remarkably pure quality and delicate flavor. To the amateurs in these articles we can safely recommend Mr. THOMAS' stock.

The steamship *Washington* arrived at New York on the afternoon of the 29th ult., with four days later intelligence from Europe. Should the mail come through, we shall receive full account of her news to day.

WRECKED.—The brig Northampton and a boiner Pilton were lost on the 30th ult., at Michaun City, in the gale. The Northampton had a cargo of 7000 bushels wheat and the Pilton a cargo of railroad iron. The loss in both cases is total.

MOBILE.—The deaths in Mobile for the 24 hours ending on the 4th were 15, of which 9 were of yellow fever.

HEALTH OF NATCHEZ.—Nine deaths occurred at Vicksburg during the two days ending on the 30th ult. The reports shows no abatement or decline of the epidemic, and have little hope of its extinction before a post.

☞ The Jackson (Miss.) Flag of the 29th, contains the Sexton's Report of that city, from the 1st to the 28th of September, which numbers 43 deaths, principally from Yellow Fever. It also says that from Saturday to Tuesday morning last, there could hear of only three new cases. It further adds:

"Jackson presents a sad appearance, there not being more than three hundred persons in town, including all sexes and colors, and one-fourth of them sick. Were it not that a few of our merchants are at their post, the sick and dying would have to suffer.

THE FEVER AT THIBODAUX.—The *Minerva* of the 1st says: "Since our last issue the prevailing epidemic seems to have considerably moderated in every particular. The number of new cases has decreased in an astonishing ratio, whilst the deaths during the week have been but eleven. Dr. C. H. Forster, Mr. Parsons, and other members of the Howard Association are still among us, administering to the wants of the sick and distressed. There is no telling the immense amount of good that has been wrought by the Howard Association since their arrival here.

The number of interments in Thibodaux since the 18th August has been 224.

DESPERATE FIGHT WITH FUGITIVE SLAVES IN CARROLL COUNTY.—We learn from the Westminster (Md) Democrat that on Tuesday last four runaway slaves, believed to be from Harper's Ferry, Va., were found concealed in a barn at Taneytown, and that on Mr. James Burke, constable, with a posse attempting to arrest one of them, he fire a double barrel pistol at them, but fortunately Mr. B. was very close to him, and escaped being killed by knocking his gun to one side, the lead passing to the right side of his head and severly burning his face. A desperate fight then commenced, in which all the blacks participated, but there being about double the number of whites, the slaves were at length taken. The blacks were all armed with pistols and large dirk knives, but no shot was anything but their pistols. It is said they (the slaves) fired six or eight times. There were three white men shot besides Mr. Burke—one in the breast, one in the leg, and one in the arm—none of which are thought to be dangerous. Two of the slaves were shot, one in the left arm, which is very severe, and one alongside of the head. Three of them were brought to Westminster and secured in jail, and the one that was shot in the arm kept in Taneytown in charge of a physician, who dressed the wound. The wound is very severe, as he received the contents of one barrel of a double barrel shot gun, the whole lead entering his arm just above the elbow.

EXTENSIVE SALE OF WINTER CLOTHING AND GENTLEMEN'S FURNISHING GOODS.—We are requested to call the attention of the city and country trade to the sale of an entire assortment of winter Clothing and Gents' fine Boots, Hats and Gentlemen's and Boys' wear, at the best auction, THIS DAY, at 10 o'clock A. M., at J. B. Roche & Co's auction room, No. 77 Chartres street. Terms—Cash at sale.

BY MAGNETIC TELEGRAPH.

[TRANSMITTED TO THE D. O. BEE.]

[By the Southern and National Lines.]

THREE DAYS LATER FROM EUROPE

Arrival of the Arabia:

IMPORTANT FROM THE EAST.

DANGER OF WAR IMMINENT.

Cotton Declining—Money Stringent.

Breadstuffs Advance—Canals Declined.

NEW YORK, Oct. 4.

The Cunard steamer Arabia has arrived here bringing dates from Liverpool of the 24th September, three days later than the accounts brought by the Baltic. Her news is important.

Liverpool Markets.

LIVERPOOL, Sept. 24.

There has been only a moderate demand in the Cotton Market since the departure of the America on the 17th instant, and the sales of the week reach barely 25,000 bales; of which 5000 have been taken on speculation, and 1000 for exp. ts. Prices have declined ¼d since the market closed with the following quotations: Fair Orleans 6¾—Middling 5¾. Fair Uplands 6¾ and Middling Uplands 5¾d. ¾ B.

[The sales by the Baltic were, Fair Orleans 6¾, Middling Orleans 5¾, Fair Uplands 6¾, and Middling Uplands 5¾d. ¾ B. Also] The market declines has been on the lower grades.

Flour has been active, and prices steady at 30. @ 34. ⅌ bbl.

Corn has considerably advanced for all qualities, and closes at 40s per quarter for yellow and white. Lard has been super with an active demand. Sugar has sold at rather lower prices. Rice has been active, and prices firm. Provisions dull and prices declining. The Coffee market has been quiet.

Money and Trade.

Trade in the manufacturing districts has been rather heavy and prices have lightly declined during the week.

The money market at London has been more stringent. Though there has so far been no further advance in the rates of interest. Consols by representation are per cent. and close at 96¾ @ 97. Transactions in United States securities have been small during the week.

Havre Cotton Markets.

There has been but little change in the Cotton market at Havre, though the demand has been more limited. The sales of the week have embraced 4,500 bales.

General News.

THE EASTERN QUESTION.—The trouble between Russia and Turkey assumes a more threatening appearance. The Turks are aroused to the highest pitch of resistance, and it is found next to impossible to restrain them. The great European powers are all endeavoring to induce the Sultan to accept the ultimatum of the Vienna Conference.

The announcement of the detention of Austria has not yet affected the money market generally. Chase Parks is preparing to place into the hands of contraband with his army on the lower Danube.

KOLERA—CHOLERA.—The deaths from cholera at St Petersburgh average 100 per day, and it is still spreading.

CHOLERA ON THE CONTINENT.—The cholera is raging in the North of Europe to a fearful extent.

SPAIN.—The Spanish Ministry has resigned, as was anticipated would be the case.

The Gale on Lake Erie.

NEW YORK, October 6.

In the terrible gale on Lake Erie, on Tuesday, A schooner went down, and every soul on board perished, except the cook. The fire at Buffalo occurred during the gale, which raged so fearfully that the firemen were unable to work with any effect.

Georgia Election.

SAVANNAH, Oct 6.

The returns of the election in Georgia, so far indicate the election of two Democrats still and Whig to Congress. The election of Johnson (Democrat) as Governor, is very generally reflected.

The Late Frost

LOUISVILLE, Oct 5.

A despatch from Hopkinsville, Christian County, dated yesterday, says that there was a heavy frost that morning, and one-fourth of the tobacco crop was destroyed. How far the injury extended it is not stated.

Tobacco Market.

LOUISVILLE, Oct 5.

The recent frost has produced no effect on the Tobacco market here. It is believed that the crop has suffered little or no injury.

Steamer Ashore.

PALMYRA, Oct 6.

A despatch from Michigan City states that the U. S. steamer Michigan has gone ashore near that place, and that she lies in very critical condition.

NEW MEXICO.

The St. Louis *Republican* contains a few items of interest chipped from the Santa Fe papers of August.

Gen. Merriwether, Chief Justice Davenport, who accompanied Judge Baker, James M. Smith, appointed Indian Agent in place of Major Wingfield, Major Graves, another Indian Agent, General Garland and Major Nichols, of the Survey, arrived in Santa Fe early in August. Governor Merriwether was received with much pomp and cordiality—a great body of citizens met him outside of the town, and escorted him to the Governor's House, where he delivered an address, in which he very pointedly told the people that the laws of the land must and should be impartially enforced.—This ceremony over, there was a general festival, which all parties participated. Ex-Gov. Lane was present, and took the lead in the festivities.

Henry Conifer, for some years a resident of New Mexico, returned from California, overland, on the 12th August. He left San Francisco on the 22nd June, occupying fifty days in making the trip. Several Mexicans came through with him, bringing with them some $70,000, the proceeds of the sale of a large lot of sheep, purchased by Mr. H. Coon, sou driven to California last year. It is presumed that the enterprise was a very successful one.

Mr. Aubrey had not arrived from California, though he was looked for.

Two Mexican girls, rescued from the Kiowa Indians by Mr. Leavitt, had been delivered to the Governor, who intended to restore them to the Mexican Consul at El Paso. They were taken from the neighborhood of Geronimo, in the State of Chihuahua.

A large number of the leading Democrats of New Mexico had repudiated the nomination of Pedro Gallegos for Congress. He is the candidate of the late Delegate in Congress, Mr. Weightman, who, finding that he stood no chance of an election, got up a convention, to defeat Gov. Lane.

Under the head of "Handsome Reward," we find this advertisement in the Gazette: "One blanket two strings of beads, one skin of beads, one pint of whiskey, and one roll of tobacco—this will be given to any person that will present a more valuable reward than we have in Las Vegas, or in other words a bigger fool." It is signed G. W. Ketchum.

☞ We learn, says the Vicksburg *Whig* from a gentleman just down down from Lake Providence, that 25 deaths have occurred there and that a large majority of the population left, are now prostrated with the scourge. The mortality is fearful for so small a population.

THE CROPS.—The Bastrop *North Louisiana* says:

For the last week or two we have been gathering all the information we can, from planters in the different portions of our Parish relative to the Cotton Crop—the season and message of our prosperity.

On a few plantations the Cotton Crops has been doing pretty well until the late rains—which has caused it to shed its forms,—and on others small balls the size of a marble have fallen off in large numbers and if the weather continues to be as showery as it has been for the past two weeks; we will have an abundance of the worm, judging from the quantity of the moth to be seen over at work.

City Intelligence.

☞ We are requested to state that the affidavits made yesterday by Mr. Denis Prieur against T. A. Monroe, was the result of a misunderstanding between these gentlemen, and the matter has been amicably adjusted to the satisfaction of both parties.

INQUEST—An inquest was held yesterday on the body of a slave woman aged 35 years, who was drowned a few nights since at the Old District Pen-ny landing, from the river opposite General Lacoste's plantation. Verdict "Accidentally drowned." Deceased was owned by Madam Eugenie Delany.

STABBING.—Bartholomew Gillick was yesterday arraigned before Recorder Eames, on a charge of having stabbed and very seriously wounded Hughes Hinds, at the Steamboat Landing, on Wednesday night last. Hinds is severely injured as to be unable to leave his bed.

THIEVES SHOOT HIM.—Auguste Aldous on indictment of counsel, was yesterday arraigned before Recorder Eames on a charge of having attempted to murder Cornelius Bates by snapping a loaded pistol at his head. The occurrence took place on Wednesday night on the Levee, in front of Jackson Square.

USING A KNIFE.—Joseph Tridelle and Harry, his servant, were yesterday examined on a charge of having cut Maj. Harry Morris in the Vegetable Market. The affair is trivial. Joseph had Charles and it is thought that he would have probably hurt Morris if it, but for the interference of bystanders.

BREAKAWAY.—John Bane is charged by Wm. West, with having broken trifles of wares from his barber shop on Ca-ondelet street, and on that day the said John Bane has been arrested.

Inquest on Rev. Mr. Lilum.—Yesterday inquest before Recorder Eames, that being a coroner in the city he was met on Wednesday evening by one John Brown, who informed him that there is place in the rear of Dorfbund Burial, and conducted Lilum through darkness to the place. The testimony of a police officer Byrne was at length obtained and looked up to avoid an inquiry into his mode of life.

FOUNDING AND DEPARTURE.—George Miller was yesterday taken bed to Recorder Winter, for examination on a charge of having forged an order in the name of John Bracy by which he obtained from Jacob Pelz, of goods, set in his hands for sale keeping a quick watch and a pair of boots. At the time, the old Bracy was crippled. Miller there that Bracy was lying sick in the Charity Hospital, and was every day expecting to die. He was discovered, and his prisoner was committed for trial before the First District Court.

DESTITUTE.—Andrew Nelson, aged, of the great nation of Abo, was yesterday examined before Recorder Winter, on a charge of having disorderly refused to be quarantined, and to be of sufficient ability for himself, to the gaoler, for the owner of the vessel, Capt. Nelson, of the Ship Ann, did not commence discharge, and the accused was in consequence discharged.

FIRE.—An Alarm of fire yesterday evening, was occasioned by the burning of a portion of the roof of a house at the corner of Camp and Lafayette streets.

IMPORTANT CORRESPONDENCE.

REPLY OF THE UNITED STATES TO THE AUSTRIAN PROTEST.

The Washington *Union* of the 30th ult, contains a letter addressed by Mr. HULSEMANN to Mr. MARCY, embodying the protest of the Austrian Government against the conduct of Capt. INGRAHAM, in the KOSZTA affair at Smyrna, and the reply of Mr. MARCY, on the part of the United States.

The note of Mr. HULSEMANN to Mr. MARCY opens with a statement of what the Austrian authorities represent to have been the facts of the transaction at Smyrna, and proceeds to discuss the two distinct questions mooted on the dispute, which are as follows:

"One is the main question relating to the dispute where the rights of jurisdiction which has taken between the Ministers of Austria and the United States at Constantinople, concerning Kossta; the other question, at least fully as important, is that which has reference to their foreshadow, in virtue of which the agents of the United States have deemed themselves authorized in urging their pretensions.

With regard to the first question, Mr. HULSEMANN declares that—

"The Imperial government adopts entirely the views of Baron de Brock. In our opinion, Kossta has never ceased to be an Austrian subject. Everything combines to make the Imperial government persist in this estimate of the matter. The laws of his country are opposed to Kossta's hazardous surrender, of his own accord, and without having obtained permission to emigrate, himself from the authorities of that country, the law of a majority of which that claim to it. The very declaration of that refugee on board the "Hussar, in the presence of the American chargé and of the commander of the "St Louis" shows that he still considers himself as a subject of the Emperor. In short, even according to the terms of the law of the Union, such a declaration, supposed to have been signed by Kossta, and from which Mr. Brown has pretended to infer his naturalization in the United States, is not sufficient to produce that effect. The undersigned thinks he may dispense entering into any further details in regard to this question, seeing that the department of State of the United States cordially refuses to grant passports to individuals who find themselves in the same position, and official publications have been made down upon to time to time that effect.

On these grounds Mr. HULSEMANN assumes that the Consul-General of the Emperor at Smyrna was "without doubt perfectly justified, when, in virtue of those treaties, which subject Austrian subjects in Turkey to Consular Jurisdiction, he seized the person of Kossta within the pale of his jurisdiction," and that therefore "the Imperial government trusts that the government of the United States will deem it proper to instruct its Consul at Smyrna not to interpose any obstacle to the extradition of the aforesaid Kossta by the Consul General of France to the Consul General of Austria at Smyrna."

Mr. HULSEMANN then proceeds to notice the "Hussar," and which is alleged to have been a "real act of war, committed in full peace, in a neutral port, the fatal effects of which were only averted by the prudence and moderation of our Consul General at Smyrna." This act is declared to present in a two fold point of view a serious deviation from the rules of international law. These points are then argued with reference to the law of nations as laid down by Vattel, Wheaton, and others, and the note closes with the following paragraph:

"The Imperial government entertains too high an opinion of the sense of justice and integrity of the government of the United States to doubt for a single instant its anxiety to disavow the conduct of its agents, under the circumstances above mentioned, and it will hasten to call them to a severe account, and render to Austrian satisfaction proportionate to the magnitude of the outrage."

Mr. MARCY's reply, though very long and elaborate, is a State paper of such manifest and grave importance, as to justify its publication entire. We bespeak for this document an earnest and attentive perusal. It is written with marked ability, with great fulness of argument and perspicuity of style, and is distinguished by uniform courtesy united to unbending firmness. Beyond a doubt, most, if not all the views put forth and defended by Mr. MARCY, will be deemed by the American people sound and undeniable. But we have no room for comment to-day, and must refer the reader to the document itself, which is subjoined:

MR. MARCY TO MR. HULSEMANN.

DEPARTMENT OF STATE, WASHINGTON, [1st Sept. 1853.

The President has carefully considered the note of Mr. Hulsemann, Chargé d'Affaires of his Majesty the Emperor of Austria, on the 29th ult., addressed to this department, and the other documents relative to the much regretted occurrence at Smyrna in June and July last, with a view to ascertain the nature of the complaints thereto preferred against the American agents, and to form a judgment of the conduct of Austria and Russia, the Hungarian and English refugees, and the Turkish authorities in the premises.

To show that the very same claims to rights now set up in this case were overruled and repudiated in 1849 and 1850, the undersigned will take the liberty to quote a passage from the next statement in regard to the conduct of the Sultan in refusing to surrender, on the demand of Austria and Russia, the Hungarian and English refugees, who had sought refuge in Turkey:

"Mr. Stanford Canning, the British Ambassador at Constantinople, who had been informed of the Sultan's course on that occasion—indeed, he alluded to it in a letter to his government which was received on the 24 of September—says: "On grounds of humanity, not unmixed with considerations as all-ring the Porte's characteristic policy, I have not hesitated to advise a decided resistance to the demand of extradition." From another letter of this ambassador, dated the 17th of December, communicating an official note from the Sublime Ottoman Porte, the following extract is taken:

"Allow me to add, my lord, that in proportion as the Sublime Porte has maintained the rights which the Sultan and his government have determined to make this stand to the cause of humanity and of the Ottoman dignity; against a demand alike objectionable in its statement and in form, I feel a deepening anxiety for the sends of their residence, and for the safety of the dominions of Her Majesty's government that and if France may find themselves at liberty to afford, not only in the first instance, but in subsequent conferences, the support of the present partial rupture unfortunately assume a more serious and menacing character."

In those views the French minister resident at Constantinople fully concurred, and so did the British and French governments; and both were prepared to espouse the cause of Turkey, if her dominions should be invaded in refusing to yield to the unwarrantable demands had provoked the resentment and brought down upon her the combined forces of Austria and Russia. The opinions of other distinguished men, approving of the decision of the Emperor of Turkey in refusing to surrender the Polish and Hungarian refugees, both on the ground of humanity and right, have fallen under the notice of the undersigned, but he has forbearance to quote them on account of the unworthy motive ascribed there in to the powers making the demand, and the harsh epithets by which their conduct is characterized.

It is an incident of great significance, and bearing authoritatively upon some of the most important questions now involved, that the Sultan of Kossta (for he was one of the Hungarian refugees) was actually first discussed in 1849, not only in the papers, but throughout Europe, and defended against the right of Austria to require his extradition, either under the law of nations or by existing treaty stipulations. Public sympathy was aroused in his behalf, and dedicating its sentimental humanity to their general welfare. In the fulsome solicitude of Hungary he thought it best to display his glorious in glorious in his for the land of his birth. His situation when this declaration is made, was that of a fugitive from his native land, and in interpreting his words. He has to be the heads of Austrian agents, leaded with terror, and alarmed off his own dress by the knowledge of the fate of so many of his unfortunate compatriots. In his behalf it can plea he could not have intended, by the language ascribed to him, to make a pledge that he broken the bonds then bound him to the Emperor of Austria.

This right to protect persons having a domicil, though not under form of naturalization, is one of the first conceptions of the law of the Union, and the law of nations, and is recognized in Johnson's case, 11 Wheaton, 467, and in Talbot's case, 3 Cranch, 133. "Vattel has a chapter on the right of a foreign sovereign to protect his subjects in a country where they have domicil, and in the case of Mr. Hulsemann's recollections what took place in Paris in 1830, in relation to the reclamation of the Duke of Bordeaux, and the protection of Hungarian refugees (of whom Kossta was one) by Austria. The demand was made in concert, and the Austrian functionaries, while their triumphant armies, which had just put an end to the revolutionary movements in Hungary, were at the height of their power, with power to crush her name from the list of nations. She might well apprehend for herself, if the nations of Western Europe spoke out for her, that a return to her original condition would put in jeopardy her existence as an independent power; but she did not, and the Duke of Bordeaux was forbidden to remain in Austrian dominions. Austria and Russia placed their respective demands on higher grounds than the mere question of domicil, and the law of nations; they attempted to strengthen their claim by bending it upon the obligations of existing treaties between them, and finally, that are regarded upon the consideration of the United States. Kossta and Austria, however, both submitted to the refusal, and never pretended that the refusal was a violation of a treaty or a breach of her duty or a violation of their rights.

To show that the very same claims to rights now set up in this case were overruled and repudiated in 1849 and 1850, the undersigned will take the liberty to quote a passage from the next statement in regard to the conduct of the Sultan in refusing to surrender, on the demand of Austria and Russia, the Hungarian and Polish refugees, who had sought refuge in Turkey:

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The undersigned is aware that Prince Metternich, though not under form of naturalization, claimed the protection of Austria, and that in consequence of the refusal of the Sultan to deliver him up, Austria and Russia demanded his extradition, and that the Sultan refused to comply with the demand. There was no treaty between Austria and Turkey which could justify or in any way countenance the course of Austria. But if Austria had such authority by treaty, it consistently at least, claimed the right to demand the extradition of a political refugee, who was a third independent power.

Neither Austria nor any other American law can be properly invoked for aid or direction in this case, but international law furnishes the rule of decision. Vattel says: "Let us see from this source what upon the transaction at Smyrna are its true features to be discussed.

Kossta being beyond the jurisdiction of Austria, the laws of nations are alone applicable to his case, unless the Sultan of Turkey has consented to give them vigor within his dominions by a treaty stipulation. The laws of nations are rules of its own on the subject of allegiance and disregards generally all restrictions imposed on it by municipal laws.

This is rendered clear without by the proceedings of independent States in relation to extraditions. Mr. Hulsemann says: "Kossta is not a citizen of the United States." Its proof is the simple fact, that