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NEW ORLEANS:
THURSDAY MORNING, MAY 16, 1861.

SUBSCRIPTIONS BY THE WEEK

The carriers of the BEE are authorized to receive subscriptions to our paper, at the rate of 25 cents a week, payable in all cases to the carriers themselves.

Auction Sales This Day.

By F. Rogers & Co., at 10 o'clock, at Nos 45 and 47 Old Levee street, black silks, linen handkerchiefs, hosiery, dry goods, &c.

By C. E. Forstall, at 12 o'clock, at the Merchants and Auctioneers' Exchange, property in the Third and Second Districts and Suburb Treme—succession sales.

The Defense of the State.

The unstinted devotion with which Louisiana in general, and New Orleans in particular, have responded to the call of the Confederate Government for volunteers, is universally acknowledged. The first requisition of 3000 men was filled almost immediately. When the extended plans and projects of invasion of Lincoln rendered further enlistments necessary, and another requisition of 5000 men was made upon Louisiana, the noble Sugar State exceeded the number stipulated. Ere this fully thirteen thousand troops have either left her borders for the service of the South, or are awaiting the orders of the Government at Montgomery, to leard their destination. There can be but one opinion of the self denial and heroism displayed by Louisiana in this crisis.

Nevertheless, prudence should admonish us of the indispensable propriety of retaining amongst us a proportion of drilled and disciplined companies for purposes of home defense. In the eagerness and ardor of our patriotism we should not forget the duty we owe to our own State and city, as well as to our common country. We must have something tangible to depend upon in case Louisiana should be invaded or threatened with invasion by way of the Gulf, Mississippi river, or northwestern frontier of the State. The Baton Rouge *Advocate*, which has turned its attention to this subject, says there are certainly not less than ten thousand men within the state now enrolled in companies, uniformed and drilling as Home Guards. This little army of Home Guards would form a nucleus around which our whole available force could rally when needed, but yet the time of need may be the very eve of battle, and then raw, undisciplined militia, however gallant and brave, will make but a poor showing in any other than a guerrilla war. This is unquestionably true, and it follows therefore that every man within the prescribed age, capable of bearing arms, should be enrolled, armed, equipped and drilled for effective service. The mode proposed by the *Advocate* is as follows:

The militia law should at once be put in force. Every parish in the State should at once enroll its militia into companies, and enforce a weekly squad or company drill *of every man capable of bearing arms within its limits*. Company, regimental, brigade and division officers should be immediately selected from the very best material, without regard to any other consideration than capacity. A regular company drill once a week in every parish throughout the State should be required, no mere meeting at the various precincts to talk over matters—but a general *regular* assembling of the militia to undergo a *day's drilling*. Every officer should see that each man appeared armed with some effective weapon, and that no one shirked his duty. Once a month every parish should call together for battalion or regimental drill of the troops within her limits. Two months would not elapse before the *esprit* of militia in Louisiana would present a warlike and formidable appearance. A home army would be at hand of at least thirty thousand armed, drilled, uniformed men, capable of being concentrated in bodies of ten or fifteen thousand men at any point of difficulty or attack within the State.

Militia laws, proclamations, etc., would be useless now, and a mere farce as in former times of peace, were not the people filled with a spirit loyalty to the cause, and ready and eager for any General order to the above effect.

There is now a lull in the storm—shall the full measure of its wrath, that may break upon us at any moment, find us unprepared—with an army of ten thousand in the field outside the State, a *militia* State guard of ten thousand uniformed Home Guards, and upwards of thirty thousand organized, drilled and effective militia formed within our borders? It lies with ourselves that may cross our State line. In doing this we will have done our duty—not before.

The first two contingents will take care—have taken care already of themselves. They are ready but what of the last—the militia. Not a *word of idle delay* should be made in putting these hurried suggestions into effect if they are worthy of consideration, and who is there that doubts that they are.

We regard these suggestions as eminently judicious and practical. These are not the times when any considerable portion of the community can be permitted to forego all military discipline, and to rely upon others for the protection of their persons and property. Every able bodied adult should possess an effective weapon, and should be instructed how to use it. Persons not familiar with military matters are apt to talk very vaguely and superficially about them. There are many amongst us who think that if a Northern army ever found its way to New Orleans, it would be repulsed with great slaughter, and probably would never return. We think so too, provided the male population of our city are sufficiently instructed with a knowledge of tactics to be prompt and efficient in the movements and evolutions which such an emergency might require, and provided, likewise, that a due supply of small arms and heavy ordnance is at hand. But let this important and undeniable truth never be forgotten that with thirty days rigorous discipline ten thousand soldiers are as overmatch for three times that number of raw, undrilled recruits. Now an attempt to invade New Orleans is not an impossible event, and it is the bounden duty of the authorities to guard against the contingency. This can be best accomplished by enforcing the militia law, and requiring every adult capable of bearing arms to belong to some company of Home Guards and to drill periodically. We concur most heartily with the views of our able Baton Rouge cotemporary, and trust that no time whatever will be lost in carrying them into effect. The militia of Louisiana consist of every man not afflicted with some infirmity precluding the performance of military duty, between the ages of 18 and 45.

UNION INSURANCE COMPANY.—We invite attention to the fourth annual statement of this well-managed company. The net premiums for the year exceed $3,000,000, and the net profits amount to $42,253 71. The assets of the company reach the handsome figure of $539,540 77. The Board of Directors have declared a dividend of fifteen per cent. to the insured and to the stockholders, with the usual interest on outstanding scrip.

Referring to the regimental order of Col. Robinson, it is proper to remark that companies of men for home defense are not recognized as military bodies, unless their officers are commissioned by the Governor, on the recommendation of the Colonel of a regiment to which they desire to be attached. They are otherwise subject to be individually mustered in the militia of their respective districts. The service of the militia being confined to the parish in which it is organized, it is expected that all such unauthorized bodies will wheel into line.

LOSS OF THE BRIG MARY HAMILTON.—We learn through Cohen M. Sorsa, Esq., that the brig Mary Hamilton, Captain Edgerton, which left New York on the 13th of March for this port, was abandoned at sea on the 17th. The captain and crew were rescued and taken into the port of Liverpool, where they arrived on the 26th of April. We have no further particulars.

The Mary Hamilton was built at Harpswell, Maine, in 1855. She was a vessel of 292 tons, and classed as A No 2. She had a large cargo of assorted merchandise for our merchants, which was partially insured in this city.

A Newark (N J) writer says that their total manufactures have been $23,264,213 annually, of which $16,000,000 was for the Southern trade. This is now wholly destroyed. Many concerns employ one fourth of their hands, while others have stopped altogether.

THE FORCES IN WASHINGTON.—According to the *National Intelligencer*, on Monday, the 6th inst., there were from sixteen to twenty thousand troops in Washington, and from five to six thousand at Annapolis. No doubt since that period the number has been largely augmented.

SWARMING THE SEAS.—We learn, says the Montgomery *Mail*, that there are now quite a number of privateers in the service of the Confederate Government, cruising off the Gulf and Atlantic coast, all well armed and manned. Dispatches have been received in this city showing that hundreds of others are fitting out at various points for the same purpose.

Hon. John Forsyth has been unanimously chosen by a convention of the Boards of Alder men and Council of Mobile to fill the vacancy in the office of Mayor created by the resignation of Col. Withers. The term extends until after the first Monday in December next.

The New Orleans Bee.

Office, 73 Chartres street. | NEW ORLEANS, THURSDAY MORNING, MAY 16, 1861. | Vol. XVII—New Series. Vol. XXXIII.—Whole No. 11,985.

The massacre at St. Louis, together with the compulsory surrender of Gen. Frost's command of State troops, is one of the most high-handed and atrocious acts ever perpetrated under the sanction of military authority. By what right did Capt. Lyon, the commander of the United States troops at St. Louis, undertake to capture and hold as prisoners of war a body of the citizens of Missouri, who were drilling and disciplining as State troops? The latter were neither waging nor intending war against the United States, for the simple reason that Missouri is still in the Union. These troops were organized for the purpose of home protection, and the conduct of Captain Lyon in treating them as enemies and making prisoners of them, is absolutely without the shadow of legal pretext. As for the inhuman slaughter of innocent men, women and children, we can only say that if the people of Missouri do not visit the authors of this infamous deed with merited retribution, they are worthy to become the vassals and thralls of a Black Republican despotism. But we cannot think so poorly of the yeomanry of that common wealth as to imagine that more than a hundred thousand Southerners in feeling and by nativity will suffer themselves to be overawed and subdued by the rowdy Abolition rabble of St Louis, which would never have dared to point a gun at General Frost's command had they not numbered tenfold his strength, and been fortified with twenty pieces of cannon. We hope to hear soon that the indignation of the Missourians for this base and unprovoked outrage has assumed a practical form.

RUMORED ATTACK ON FORT PICKENS.—There were rumors about the streets last night that Fort Pickens was attacked last evening, but we could trace them to no reliable source. As the telegraph yesterday informed us, however, that President Davis had gone to Pensacola, there is some probability in the report.

COMMISSIONER FROM HAVANA TO MONTGOMERY.—We understand that a Commissioner from the Captain General of Cuba passed through this city on Tuesday, on his way to Montgomery. It is believed that the object of his mission is to confer with the Confederate Government concerning Southern shipping at Havana and other ports of Cuba, against which the U. S. Consul General was acting in a most unjustifiable manner, and in a strangely partisan spirit.

ATTENTION VOLUNTEERS.—See the proclamation of Governor Moore, in another column, stating, among other things, that all volunteers must now enlist for the war, and commanding companies not willing to thus enlist to disband.

FRIGHTFUL RAILROAD ACCIDENT IN GEORGIA.—The Montgomery *Advertiser* learns from a gentleman who arrived in that city on Friday morning, that a frightful railroad accident occurred night that a freight train on the Southwestern Railroad, seven miles above Americus, Ga. He represents the scene that was presented soon after the unfortunate occurrence as of the most heart rending character. The down train of cars, whilst going at a rapid rate, ran off the track, precipitating the precious freight of human beings down a steep and high embankment. Two were killed outright, many wounded, while a number of others, including many ladies and a few children, were more or less injured. Every assistance was given to the unfortunate, whose condition was indeed pitiable.

FIGHT OR STARVE.—Capt C F Rue informs the Norfolk *Herald* that the excitement in New York is calming down, and the enlistments were confined to those who had nothing else before them but starvation. He saw a company of men without coats or shoes who were to be sent South, but the men were more anxious to go where they could get something to eat than to fight.

ELECTION IN VIRGINIA.—An important election will be held in Virginia on Thursday, the 23d inst. Several important propositions are to be voted for or against on that day, among them the ratification or rejection of the ordinance of secession, and the adoption or rejection of a proposition to amend the Constitution of the State so as to tax all property according to its value. On the same day members of the Legislature are to be elected. It is also the usual time for the election of members of Congress, but an ordinance of the State Convention declares that on such election will take place. One or two Union candidates, however, are in the field in the western section of the State.

Gov. Letcher, of Virginia, received on Wednesday week 5,000 muskets from Gov. Ellis, of North Carolina. They are a portion of the arms seized by the North Carolina authorities at the Fayetteville Arsenal, which proved one of the rarest prizes yet captured in the South. Nearly all of the arms seized at Fayetteville were of the best description.

A Northern journal, which zealously supports the Administration, in remarking on the probabilities of a war between the Federal Government and the seceded States, very justly says:

Is it not too hastily assumed that the contest now opening, though it may be sharp, will be short? The prediction is adventured that the South will miserably fail for want of capital, credit, food, the means of warfare, or even of subsistence. No doubt the people of that section will suffer many things. *But our way to succeed is to show nothing she can be.* While the seven years' war was raging in Prussia, Macaulay says: "The coin was debased, the civil functionaries were left unpaid, in some provinces the civil government ceased to exist, there were still rye bread and potatoes, there were still lead and gunpowder, and while the means of sustaining and destroying life remained, Frederick was determined to fight it out to the very last."

The Savannah *News* says large supplies of provisions are being daily received in that city, so that none need fear that there will be any scarcity. In three days the Central Road brought down 1600 barrels flour, 15,500 bushels corn, and nearly 100,000 pounds bacon. Beside, the vegetable gardens in the neighborhood of the city are yielding largely, some of which will go North as heretofore; while the prospect for an abundant grain crop throughout the State never was more promising.

TEXAS ITEMS.

We clip the following from the Galveston *Civilian* of Saturday, 11th inst.:

FROM THE WEST—*Expedition to Capture U S Troops*—The San Antonio papers contain accounts of the departure of an expedition under Major Van Dorn to capture the U S troops still remaining in Texas. The *Herald* says that Col Van Dorn is marching a large force to the Leon to intercept the regiment of U S troops under Col Reeves, who are expected there in a day or two on their way to the coast. Five city companies left San Antonio Tuesday, viz, those of Capt. Duff, Capt Maverick, Capt Wilcox, Capt Navarro, and Capt Kampmann. The last named company is composed of recent Lunatics, who are now heartily with the South. The cavalry companies are those of Capt. Fry, Capt. Pitts, Capt. Tobin, Capt Nelson, Capt. Baggerge, Capt Ashby, Capt Pyron, and Capt. Walker, with Capt Edgar's artillery company. Besides this force, the expedition consists of the six companies of Col Henry, E. McCulloch's regiment of mounted riflemen, and Capts Pyron's and Walker's companies of Ford's regiment of mounted volunteers, also Edgar's light battery.

The moral effect of this force will be sufficient to prevent resistance on the part of the U S troops. Texas has carefully avoided a collision of arms, and will do nothing to produce one, if it can be avoided.

The Norfolk *Herald* of the 8th contains the following gratifying piece of intelligence. We commend its wise reserve:

We will not undertake to speak of the forces and preparations for the defense of this port against our Northern enemies, for if there was not a manifest imprudence in doing so, we might not represent them as strictly accurate. We will, therefore, simply confine ourselves to the fact that our preparations for defense are far more efficient than they were at any period of the war of 1812. The volunteers we have with us now are well equipped, well drilled, and a finer looking body of troops are nowhere to be met with. We will not, however, speak of them in the braggart style of our enemies of the North though we doubt not they will give a good account of themselves, and show their enemies, at least, a pretty fair specimen of Southern pluck.

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BY TELEGRAPH.

[TRANSMITTED TO THE NEW ORLEANS BEE.]

Northern Mails to be Discontinued—President Davis at Pensacola.

Montgomery, May 15—Postmaster-General Reagan has issued a proclamation informing the public that the new Confederate States postal service is to commence on the 15th of June, when the mails to the Northern States are to be discontinued. The postage must, after that date, be paid in money.

President Davis and Mr. Mallory, Secretary of the Navy, have gone to Pensacola.

Interesting from Baltimore—Proclamation by Gen. Butler.

Baltimore, May 15.—Gen. Butler has issued his proclamation that the troops here are to enforce the laws.

Mr Ross Winans has been arrested at the Relay House. He proffered bail, which was refused.

Missouri State Forces.

St Louis, May 15.—Mr. Sterling Price has been appointed Major-General of the Missouri State forces.

The Federal volunteers have been removed from the Pacific and North Missouri depots.

Kansas Regiments—Annulment of Mail Contracts.

Washington, May 15.—The Postmaster-General has annulled the mail contract between St. Louis and Memphis, on account of the forcible stoppage of steamers conveying the mails.

The Government has accepted the services of two Kansas regiments—one for three months and the other for three years.

Western Virginia.

Harrisburg, (Pa) May 15.—Western Virginians say that forty-five counties will form a separate State.

Two thousand troops of Western Virginia have been sworn into the Federal service.

All Ohio valley supplies have been cut off from Virginia.

Later from California.

Fort Kearney, May 15.—The Pony Express, with San Francisco dates to the 4th May, has reached this point.

The intelligence by this arrival contains nothing of importance.

Interesting from Baltimore.

Baltimore, May 15.—The Maryland Guards stripped the armory of six hundred Minié muskets yesterday and secreted them.

The authorities, after some opposition, surrendered fifteen day loads of arms to Gen. Butler.

Washington Gossip.

Washington, May 15.—Measures are contemplated for the assistance of Andrew Johnson and friends in Tennessee.

It is improbable that Harper's Ferry will be attacked from Pennsylvania or Maryland, with out a strong corps from Washington to cut off succor from southern Virginia.

The steamer Pawnee is increasing her armament.

Hon Daniel E. Sickles has offered his brigade for the whole war, which has been accepted.

Forts Riley and Leavenworth have been ordered to be cleared of sympathizers with the Secessionists.

Northern missionaries here are urging the Government to station an army there.

Strict orders have been given to search the public buildings. Immense powder has been found in some of them.

The War Department calculates the concentration of 50,000 troops at Washington this week.

Whereabouts of Major Anderson.

New York, May 15—Major Anderson has left for Cincinnati.

The sentiment prevails that Washington will be attacked.

Gov. Hicks with the Abolitionists.

Baltimore, May 15—Governor Hicks requests the loyal citizens of Maryland to volunteer four regiments to defend the capital and serve the General Government within Maryland.

The Adams Express Company—A Southern Company Organized.

Augusta, May 15—We learn from good authority that the Southern stockholders of the Adams Express have purchased all the property, processes and franchises of the company in the Confederacy. The new company will organize in a few days. Meanwhile the business will continue without interruption.

The Confederate Congress.

Montgomery, May 15—In Congress, to day, Mr. Smith, of Alabama, offered a resolution in reference to the establishment of a District Court in Virginia.

Mr Kenty, of South Carolina, introduced a bill for the protection of the Indian tribes south of Kansas.

The rest of the business transacted to day is of an unimportant nature.

More Troops Washington Bound.

Baltimore, May 15—Ringgold's battery has passed towards Washington.

Two thousand troops via Perrysville are landing at Locust Point. Their destination is supposed to be Washington.

General Letcher has prohibited the military authorities from giving persons passes to leave Virginia.

The War Department estimates that 50,000 troops on Saturday will be at Washington, Baltimore and Annapolis.

It is reported that seven steamers with Federal troops are coming up the bay.

The Case of Capt. McDonald.

St Louis, May 15—The case of Captain McDonald—writ of habeas corpus—was brought up before Judge Treat.

Gen Harney substantially replied that Capt McDonald was taken prisoner while supporting an assemblage in opposition to the Federal Government. McDonald was not at the arsenal with military jurisdiction of the Court, but the Washington authorities have merely deserting in charge, and he should carry out their instructions.

The case was postponed till Monday next.

Gen. Scott and Butler's Proclamation—Arrest of one of Gen. Lee's Spies, &c.

Washington, May 15—Gen Scott emphatically approves of Gen Butler's proclamation that the troops in Maryland are to enforce the laws.

It is probable that Marshal Kane, of Baltimore, will be shortly arrested.

A spy was arrested here to-day with dispatches for Gen Lee.

It is understood that the Government is fully prepared to protect the Union men of Western Virginia.

Mr Ross Winans, who has been arrested on a charge of selling guns to the Virginians, will be sent to Annapolis for trial.

Maryland Regiments for Lincoln—Removal of Washington's Remains.

Gov. Hicks says that Maryland will have five regiments next week for the Government.

It is again rumored that the Virginians again contemplate removing Washington's Remains from Mount Vernon.

Suspension of the Telegraph.

New York, May 15—The *World's* Washington dispatch reports all telegraphic communications by the seaboard with the South are suspended, the Secessionists having removed all the wires. A new company is being organized embracing all the Southern lines.

The railway trains between Washington and the North will resume their trips on Thursday.

Major Anderson in Harrisburg.

Harrisburg, May 15—Major Anderson arrived here to-day, and was greeted with cheers by an immense concourse.

He visited to Governor Curtin that Mr John C Breckinridge would join him at Cincinnati to a command under him. This produced profound sensation.

Major Anderson also stated that a European steamer yesterday brought a large quantity of muskets and arms for the Federal Government, and that each succeeding steamer would bring more.

More Troops Accepted from New York—Virginia Troops in View of Washington.

Washington, May 15.—The Government, by the advice of General Scott, has accepted the fourteen additional regiments from New York.

It is reported that the Virginians are throwing up defenses within sightlass view of Washington.

U. S. Court of Claims.

The U. S. Court of Claims has adjourned till the 4th of July.

Strange Movements in Washington—Probable Occupation of Western Virginia.

Alexandria, May 15—There were some mysterious movements going on in Washington this morning. The Rhode Island regiment was ordered at an early hour to be in readiness to march at a moment's notice. The caissons of their batteries were quietly gathered in.

Wheeling and Northwestern Virginia will probably be the next point of Federal occupation.

The Maryland Legislature adjourned yesterday, after passing resolutions appointing a committee of eight—four to wait on Lincoln, and four on President Davis, to obtain a cessation of hostilities until the meeting of Congress.

Arrival of the Steamer Vigo.

New York, May 15—The steamer Vigo has arrived from Liverpool, via Queenstown, bringing no later news.

Departure of the Arabia.

Boston, May 15—The Cunard Royal mail steamship Arabia sailed to-day for Halifax and Liverpool.

River Intelligence.

Louisville, May 15—The Ohio river at this point was falling this evening, with ten feet water in the canal.

New York Markets.

New York, May 15—Cotton quite firm and more active: sales 3800 bales at 14c. Flour—Sales 490 bbls. at $5 to $5 10. Corn declined 1c.; sales 80,000 sacks at 55c. to 58c. Pork—Mess 50 to $17 75. Lard, 9c. to 9¾c. Coffee—Sales of Rio at 12c to 12¼c. Sugar—Sales of Cuba of Rio at 12c to 12¼c. Cuba Molasses sold on private at 5½c. to 6½c. Cuba Molasses sold on private at 5½c. to 6½c. Rice quiet at 4½c. Whisky, 22c. Freights—Cotton to Liverpool, 5-16d. Wheat to Liverpool, 7d.

Cincinnati Markets.

Cincinnati, May 15—Flour is quoted at $4 50 to $4 60. Whisky, 12½c.

RHEUMATISM AND DIARRHŒA.—We invite particular attention to the certificates in our advertising columns attesting the efficacy of the remedies for rheumatism and diarrhœa to be obtained at No. 117 St. Ann street.

[COMMUNICATED.]

Letters of Marque and Reprisal.

The terms "marque and reprisal" are used in connection, both in the Constitution of the United States and of the Confederate States, and mean substantially the same thing. Letters of marque are letters of reprisal, and may be defined to be a license or extraordinary commission granted by a sovereign of one State to his subjects to make reprisals at sea on the subjects of another, in order to obtain indemnification for injuries received. The word "marque" is said to be from the same root as *marche*; that is to say, limits or frontiers, and literally denotes a license to pass the limits of a jurisdiction on land for the purpose of obtaining satisfaction for a wrong by seizing the property of a foreign nation. These licenses of marque and reprisal, though formerly granted to enable the injured subjects of one State to indemnify themselves by seizing property of another State on land, are now almost entirely confined to operations on the high seas.

The commission or letters of marque and reprisal issued to a private armed vessel to cruise against the property of the enemy gives full power to make captures. But it is of the utmost importance that the power be not abused. It is of the utmost importance that proper precautions be observed to ascertain that the vessel captured on the high seas is really enemy's property. A vessel sailing under the flag and pass of the enemy is liable to capture; while a vessel sailing under the flag of a neutral nation, is not necessarily exempt from capture, because the flag exhibited may have been assumed for purposes of deception or evasion. Hence the right of visitation and search, being strictly a belligerent right, is fully author zed, to enable the belligerent cruiser to ascertain the real character of the vessel towards which his scrutiny may be directed.

According to the well settled principles of prize law, it is clear 1st, That the right of visiting and searching merchant ships on the high seas, whatever be the ships, their cargoes or their destination, is an incontestable right of the lawfully commissioned cruisers of a belligerent nation. 2d, That the authority of the neutral sovereign being forcibly interposed, cannot legally vary the rights of a lawfully commissioned belligerent cruiser. 3d, That the penalty for the violent contravention of this right, is the confiscation of the property so withheld from visitation and search.

If then the flag exhibited be an enemy flag, it will justify a capture. If it be a neutral flag, it affords no immunity from the belligerent right of visitation and search. The vessel bearing it may be "brought to," and compelled to exhibit her documents on board, and if it then established a national character corresponding with her flag, she ought in justice to be permitted to proceed, without further molestation, on her voyage. But if she resists the right of visitation and search, the penalty of seizure, forfeiture and confiscation, although she may in reality be a neutral.

In support of the first principle, that the right of visiting and searching merchant ships on the high seas, whatever be the ships, their cargoes or their destination, is an incontestable right of the lawfully commissioned cruisers of a belligerent nation, Sir William Scott holds the following language: "I say, let the ships, the cargoes and their destination, what they may, be ever so innocent, they are liable to be visited and searched, if they are not at liberty to do so, it must be in consequence of the exercise of a right, which, if it be legal, must be legal in its extent. Every thing that is lawful in war may be carried to the utmost extent you please, if you have the right to do it. Let it be so, let it be so, in the ships, the cargoes and the destination what they may, it does not appear what the ships, or the cargoes, or the destinations are, and it is for the purpose of ascertaining these facts that the exercise of the right of visitation and search exists and is lawful. It is so clear in principle, that no man can deny it who admits the legality of maritime captures. I mean, if you are not at liberty to search, you are not at liberty to seize, and whether there is property that can legally be captured, it is impossible to capture. Even those who contend for the inadmissible rule that the rule has not been adopted, are glad to take free ships, free goods, and insist that the exercise of this right, at least for the purpose of ascertaining whether the ships are free ships or not. The right is equally clear in practice, for practice is uniform and universal upon the subject. The nearly European treaties upon the subject. The nearly European treaties which refer to this right refer to it as pre existing, and merely regulate the exercise of it. All writers upon the law of nations unanimously acknowledge it, without the exception of Hubner himself, the great champion of neutral privileges."

The Hubner here alluded to, is a Danish writer on public law, who is known particularly as the author of a work entitled, *De la saisie des bâtiments neutres*. He is, however, from the unreasonable extent to which he has gone in his argument in defence of neutral rights in opposition to those of belligerents, regarded by other publicists as an authority. He has been boldly repudiated by Sir William Scott, and his work has encountered the severe criticism of the ablest writers on public law.

In reference to the second principle, that the authority of the neutral sovereign being forcibly interposed, cannot legally vary the rights of a lawfully commissioned cruiser, it is only necessary to remark that two sovereignties thus unjustly agree, if they think proper, as in some instances they have agreed, by special covenant, that the presence of one of their armed ships along with their merchant ships shall be mutually understood to imply that nothing is to be found in that convoy of merchant ships incompatible with amity or neutrality, and if they consent to accept this pledge no third party has a right to object to it any more than any other pledge which they may agree mutually to give. But no sovereign can compel the acceptance of such security by mere force. The only security known to the law of nations on this subject, independently of all special covenant, is the right of personal visitation and search, by the cruisers belonging to those who have an interest in making it.

In support of the third principle, that the penalty for the violent contravention of the right of visitation and search is the confiscation of the property so withheld from visitation and search, Sir William Scott, in the case of the Maria, 1 Rob. 340, after citing a conclusive authority from Valin, says: he considers not as a lawful cruiser, but as a mere pirate, and he says, "I will not say that the rule may not be found to have been broken in upon in some instances by considerations of comity or of policy, by which it may be fit that the administration of this species of law should be tempered in the hands of prudent judges, but I say it is right to entertain and apply them, for no man can deny that a State may recede from its extreme rights, and that its supreme councils are authorized to determine in what cases it may be fit to do so, the particular captor having in no case any other right and title than what the State itself would possess under the same facts of capture. But I stand with confidence upon all principles of reason upon the distinct authority of Vattel—upon the institutes of other great maritime countries, as well as those of our own country, when I venture to lay it down that by the law of nations, as now understood, a delinquent and continued resistance to search, on the part of a neutral vessel to a lawful cruiser, is followed by the legal consequence of confiscation."

It has been deemed important to give this particular entire, because it is an eminent civilian, because the opinion itself has been generally regarded as a full vindication of the right of search as a belligerent right, and as a definite and satisfactory exposition of the principles of international law on this subject, and now forms the correct guide in determining questions involving the right defended, except in cases where the conventional law of nations, established by particular States, may have modified or changed the principle.

In the examination of the vessel's papers, it should be borne in mind that her national character is determined by the residence of her owners. If her owners reside in the enemy country, she is to be regarded as enemy property. By the general usage of maritime nations, transfers of ships and other vessels are made in writing. It, therefore, the vessel captured has been transferred from the original proprietor, it seems reasonable to require the production of the bill of sale, in order to determine the validity of the capture. If it appear that the transfer of the title of the vessel has been made since the commencement of hostilities between the belligerent nations, the transfer must be an absolute and unconditional sale. This rule is necessary to guard against frauds which might otherwise be practiced, and by means of which enemy interests might still be preserved and protected from capture. And if the vessel ostensibly transferred still continues under the control and management of her former owner, and in the same trade and navigation in which she was previously employed, these circumstances are deemed sufficient to make void the transfer, and to indicate the continued existence of enemy interests, rendering the property liable to capture.

If, on the other hand, no transfer has been made, as the laws of most maritime countries require ships and other vessels to be registered in a public registry, the certificate of registry is the proof naturally to be looked for. And as the same laws require that the master and a certain proportion of the crew of the vessel should be of the nation whose flag she bears, the national character of the vessel must be determined by those laws.

Besides these, the following proofs of property in the vessel and cargo are usually required: 1st. The passport or sea letter. This is a permission from the neutral State to the master of the vessel to proceed on the intended voyage, and usually contains his name and residence, the name, description and tonnage of the vessel, with such other matters as the local law and practice require. According to those treaties which determine the character of the goods by that of the vessel on board of which they are laden, and consequently that "free ships shall make free goods," this is the only document or proof of property required.

2d. The muster roll, or *role d'équipage*, which contains the names, ages, quality and national character of every person of the ship's company.

3d. The charter party—if the vessel has been let to hire.

4th, The bills of lading, by which the master acknowledges the receipt of the goods specified therein, and promises to deliver them to the consignee or his order. Of these there are usually several duplicates, of which one is delivered to the master, one retained by the shipper of the goods, and one sent to the consignees. The one delivered to the master ought to be found on board the vessel, and would show the ports from which and to which the cargo had been shipped.

5th, The invoices, which contain the particulars and prices of each parcel of goods, with a statement of the charges thereon, which are usually transmitted from the shippers to the consignees.

6th, The log book, or ship's journal, which contains an accurate account of the vessel's course, with a short history of the occurrences during the voyage.

As the whole of these papers may be fabricated, their presence does not necessarily imply a fair case, neither does the absence of any of them furnish a conclusive ground of condemnation. As they furnish presumptive evidence only of the property of the vessel and cargo belonging to those to whom it purports to belong, so, on the other hand, their absence affords only presumptive evidence of the existence of enemy interests, which may be rebutted by other proof of a positive nature accounting for the want of them, and supplying their place, according to the circumstances of each particular case. In the absence of the documents referred to, however, the belligerent cruiser would be justified in capturing the vessel and bringing her in for adjudication. All questions relating to the *bona fide* ownership of the property captured should be left to the court of prize.

When the commander of a belligerent cruiser determines to make a prize of a vessel, and to bring her in for adjudication, he should have all the documents found on board sealed up and carefully preserved; and as soon as the vessel is brought into a port within the jurisdiction of a court of prize, they should be handed over into the custody of that court to await its action. No spoliation or destruction of papers should, under any circumstances, be permitted. For a court of prize will always require the observance of the utmost good faith on the part of captors.

There are some other questions interesting to those who may embark in the cause of our young Confederacy, which will hereafter be considered.

T. H. M.

CITY INTELLIGENCE.

Sword Presentation.—Mr. Joseph Hanlon, First Lieutenant, and B. T. Walshe, Junior Second Lieutenant of Company A of the Irish Brigade, were the other evening, the recipients of an elegant presentation on the part of their friend Mr. David Chase, who gave each of them an elegant sword. We were not favored with an invitation, and cannot speak particularly of the no doubt highly interesting ceremonies. The presentation address was made through Mr. Frank W. Seymour, and responded to on behalf of the lieutenants, at their request, by Mr James Ogle. An hour passed agreeably, we understand, over an elegant supper, followed by the delightful entertainment of music and dancing, the fair sex lending brilliant charms, as usual, to the occasion. We have no doubt the recipients will ever prove worthy of the elegant donations.

Photographic Views of our Army near Fort Pickens—We have seen specimens of photographic views, taken by an excellent artist, of our city, our army and the surrounding scenes of the camp opposite Fort Pickens, which give rather more satisfactory ideas of military affairs than can be derived from other sources. These pictures are now on sale at very moderate terms, only one dollar each, we believe, for a book such pictures store. The fortifications, the mounted guns, the Fall of States fleet, Fort Pickens and the soldiers in camp and on duty, are all represented true to life in the series of some twenty to forty different views. One of them represents the Orleans Cadets, Captain Dreux, and other companies are finely represented. Any of them will form an interesting souvenir for the parlor, particularly in the event, not at present now in sight at hand, of the capture of Fort Pickens.

The Crescent Blues—This fine company, Captain Frank Barrett, was out on parade last night, exhibiting good drill and fine spirits.

Pic Nic Party—Company B and Company C of the Crescent Rifles went out of town yesterday, to the house of some neighboring planters, on a pic nic excursion. Of course a good time followed, of course it did. They are all anxious for a boat with the *stomp*.

Mercer Guard—This company, named, we believe, in compliment to our excellent fellow-citizen, Dr Mercer, and commanded by Captain F. F. Walker are under orders, we understand, to commence marching next Saturday for some point on the border of our Confederacy. They are a fine set of men and have their drill down.

Confederate States Bonds—We notice that Mr John Dugan of St Charles street has these elegantly engraved some blanks, with coupons attached for Confederate States bonds. There is an elegance in the design which is not often attained by engravers, as art in such Mr Dugan excels.

First District Court—Judge T. W. Collins. Thomas Cooper having pleaded guilty of an assault and battery, was sentenced yesterday and sentenced to six months imprisonment.

Wm. McDonald, charged with assault with intent to kill was permitted to plead guilty of assault and battery, and was remanded to await sentence, also, F. Schmidt, who pleaded guilty of larceny.

Hugh McFarland, Henry McFarland, Thos Carlisle, were tried and acquitted of larceny.

J J Cummings, accused of larceny, was acquitted.

An information for passing a counterfeit bank bill was filed against S M Dance.

A charge against Thomas O'Brien and Thomas Mahoney of obtaining money under false pretenses was dismissed.

John Murphy and Michael Cuff and Henry Lemer charged with assault and battery, were dismissed by nol pros.

Jas. Rodgers with his son of full age, were tried and found guilty of larceny, and were remanded for sentence.

Owen Burke and James Leonard were found guilty of larceny, with a recommendation to the mercy of the Court.

Recorder Emerson's Court—Wm Burke, Tom McKale and a Mrs. Powers were arraigned yesterday at the dock, charged as accomplices, in the following case: Burke, the night of 30th March, broke into the residence of Mr Bernard Kelly, and stole a quantity of clothing, about $30 worth of articles from the premises of Mr Kelly, Margaret Boyland, former of Chartres and Gravoise streets.

Wm. Ayres was held to bail to answer, 20th inst., for an alleged assault and battery on Jas. Dunbar, Jas. Lawson and H Green, No. 135 Poydras street.

Frank Mason and Patrick M Navara were held to answer the 20th inst. to a charge of having in their house at No. 144 and a barrel of flour, supposed to be stolen, in their possession.

Mrs Rosie De Mortal, whose husband gave bail to answer, 20th inst., for assault and battery on Mrs Victoria Young who appeared that Mrs D. slapped her in the face, while the other called her most shamefully.

The case of B. Lowe, charged by J M. Durand with bigamy, and with publishing a libel, was continued to the 20th inst.

Wm Shea was examined and sent before the First District Court for trial on a charge of assault with a dangerous weapon, the 5th April, on M Chael Shelby.

Recorder Blache's Court—Frank Smith and Mike Purcell were yesterday sent to prison, charged with beating John Holmes, on the levee, Canal street, for the period of ninety days. Mr Holmes, a right to entertain and apply them, for no man can deny that a State may recede from its extreme rights, and that its supreme councils are authorized to determine in what cases it may be fit to do so, the particular captor having in no case any other right and title than what the State itself would possess under the same facts of capture.

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