

NEW YORK HERALD

BROADWAY AND ANN STREET. JAMES GORDON BENNETT, PROPRIETOR.

VOLUME XXXIV. No. 278

ADVERTISEMENTS THIS AFTERNOON AND EVENING.

THEATRE OPERA HOUSE, Broadway—The Soldiers' Home.

GRAND OPERA HOUSE, corner of Eighth Avenue and Broadway—The Tempest.

OLYMPIC THEATRE, Broadway—The Streets of New York.

WAVELEY THEATRE, No. 12 Broadway—A Grand Variety Entertainment.

THE TABERNACLE, Fourteenth Street—Lionel Lincoln.

BOOTH'S THEATRE, 23rd St.—Between 23rd and 24th Aves.

FIFTH AVENUE THEATRE, Fifth Avenue and Twenty-fourth Street—Twelfth Night.

NIRLO'S GARDEN, Broadway—Fanny Hill.

WOODS MUSEUM, Curioities, Broadway, corner Third St.—Curioities.

WALDO'S THEATRE, Broadway and 11th Street—Fanny Hill.

MRS. F. B. CONWAY'S PARK THEATRE, Brooklyn—Fanny Hill.

STRAW HAY HALL, Forsyth Street—Grand Fanny Hill.

TONY PASTOR'S OPERA HOUSE, 23 Broadway—Coco Vagabond.

BEVAN'S OPERA HOUSE, Tammany Building, 140 Broadway—Coco Vagabond.

SAN FRANCISCO MINSTRELS, 55 Broadway—Eminent Minstrel.

NEW YORK CIRCUS, Fulton Avenue, Brooklyn—Equestrian and Gymnastic Performances.

SMOKEY'S CIRCUS, 434 St. Broadway—Equestrian and Gymnastic Feats.

AMERICAN INSTITUTE GRAND EXHIBITION, Empire Building, 234 St. Broadway—Open 443 and 444.

HOOVER'S OPERA HOUSE, Brooklyn—Fanny Hill.

NEW YORK MUSEUM OF ANATOMY, 63 Broadway—Gross and Art.

LADIES' NEW YORK MUSEUM OF ANATOMY, 63 Broadway—Females Only in Attendance.

TRIPLE SHEET.

New York, Wednesday, October 6, 1869.

THE NEWS.

Cable telegrams are dated October 5. Martial law is being still more extensively enforced in Spain.

The Cabinet yesterday concluded that the private Hornet should be detained by the authorities at Wilmington until an investigation can be made into her character.

The Virginia Legislature organized yesterday. The House will temporarily be elected by W. M. Langston.

The report that Collector Grinnell is to be removed is without truth.

The consolidation election in the towns along the Jersey shore came off yesterday and resulted in the consolidation of Jersey City, Hudson City and Bergen.

A warrant was applied for before Recorder Martindale in Jersey City yesterday against Captain Hall, the Arctic explorer, on the charge of murdering Patrick Coleman, a seaman, at Repose Bay, in the Arctic regions.

The negroes who were ejected from the theatre in Washington sued out a warrant yesterday against the managers for a violation of a municipal law.

Justice of the peace in Georgetown, D. C., has decided that the collection of tonnage dues by the corporation of that city is illegal and unconstitutional.

During a game of base ball between the Eckfords and the Olympics at Washington yesterday a delirium of the Olympics was attacked with an epileptic fit.

Mr. DeLong, the new minister to Japan; the United States Consul to Jeddah and Consuls of several European countries to China and Japan, sailed from San Francisco on the steamer China on Monday.

A large delegation of missionaries for China and Japan and 500 Chinese were among the passengers on board the steamer China, which sailed from San Francisco last Monday.

The ear ships of the Union Pacific Railroad at Omaha were destroyed by fire yesterday afternoon.

A party returning to Montana from the British mines discovered the remains of three emigrants and near them the skeletons of a woman and four children who were murdered by the Blackfeet Indians a year ago.

At the next meeting of the New Dominion Parliament application will be made to incorporate a company with powers to build a tunnel under the Detroit river, at Detroit, to connect the Great Western Railway of Canada with the Michigan Central Railroad.

A meeting in favor of Canadian independence was held at Waterloo on Saturday. Among the speakers who advocated the measure was the Hon. John Young, Governor General of the Dominion of Canada.

Two boys, named Edward Smith and John Conway, have been arrested in Philadelphia on charge of murdering John Hughes, by stabbing him to the heart, on Sunday morning. The evidence of their guilt is very strong.

The prize fight between Sam Collier, of Baltimore, and Charles Doherty, of Richmond, which was to have come off on Jamestown Island, Va., yesterday, was abruptly terminated by the stakeholder giving up the stakes to Collier in consequence of Doherty being over weight.

General Grant and His Accusers.

The Wall Street ringer of General Grant's alliance with the bull ring on gold has been whittled down into the published statement of James Fisk, Jr., concerning the various conferences of said Fisk with Mr. Corbin, the President's brother-in-law—conferences which signify that Fisk has been tempting Corbin with a golden-winged fly, and that Corbin, perhaps, has been playing round the glittering bait, and which further signify that Fisk, in presuming that Corbin might, could or would do so and so, presumed too much.

A few timid and shortsighted people appear to be alarmed at the idea of the United States recognizing the Cubans as belligerents. They imagine it may lead to a war with Spain. Why should such a recognition lead to a war? Recognizing belligerents where the fact of belligerency exists, as in the case of Cuba, has never been considered by the nations of the world as a cause of war.

General Grant and Major Plunkett, for Hartford; Edward King, for Boston; Judge Skinner, for Chicago; General A. Kelley, for St. Louis; Major O. Cramley, for Philadelphia; Colonel E. Cheney, for Troy; Colonel Samuel Smith, Mr. Robeson and wife and the Count and Countess d'Aercolot and Captain Skirnes, of her Britannic Majesty's Seventy-eighth regiment, in the steamer City of New York, for London.

As far as the policy and action of the United States are concerned the Cuban question is culminating. If we look at this question as it now stands—at the efforts of our government through General Sickles to obtain the independence of Cuba; at the declaration of our Minister to the Madrid government that the time is near when the United States will have to recognize the Cubans as belligerents; at public sentiment here; at the well known sympathy of the President, the Cabinet and Congress with the Cubans; at the increased activity of Spain to crush the insurrection; at the prolonged and so far successful struggle of the Cubans to acquire their independence, and now at the Cuban privateer, the Hornet, falling into the hands of the United States authorities, as well as at the difficulties surrounding the Euterpe and the Spanish gunboats in our waters—it is evident the administration is brought to a point when its policy and purpose with regard to Cuba must be made known.

The case of the Hornet may bring this question to a practical issue. At any rate it presents a very curious case and involves nice points of international law. It is admitted that this vessel is a privateer and under the Cuban flag. The argument is made on our side that as the United States have not recognized the Cubans as belligerents the Hornet must be regarded and treated as a pirate—as having, in fact, no recognized flag. But is this so according to the law of nations? The belligerency of the Cubans has been recognized by two independent nationalities and regular governments—by two American republics, and one, that of Peru, has recognized the independence of the Cubans. The flag, then, has a legitimate existence in a part of the world. It is for the United States government to say whether it will recognize and act upon that fact, although belligerent rights have not been accorded by itself to the Cubans, or will ignore the action of the South American republics.

During the civil war in this country the Alabama and Shenandoah put into the ports of countries where the governments had not recognized the Confederates as belligerents. It will be remembered, for example, that one of these vessels, if not both, went into the port of Lisbon when in distress and for supplies, though Portugal herself had not formally recognized the belligerent rights of the Confederates. It was enough for the Portuguese government that other nations had done so. Other examples might be cited, but that is unnecessary. This is sufficient as a precedent, and, we think, sufficient to show the international law governing such cases. Can not the United States act upon this, then, in the case of the Hornet? Judging from our Washington despatch, published yesterday, the President and his Cabinet take this view of the matter. Twenty-four hours is the time allowed for a vessel of such a character to remain in a neutral port, though the time may be extended under extraordinary circumstances, particularly where the vessel has been detained and prevented from getting supplies by the authorities themselves. The international law or usage in such cases is based upon humanity, and the United States can properly act upon it without being subject to the charge of doing a hostile or unfriendly act toward Spain.

The Hornet, or Cuba, as it is now called, cleared from a British port (Halifax), and if even the British government could, under the law of nations, pursue and capture her, which may be doubtful, our government is neither required to do so nor to detain her, provided she leaves after the usual time allowed for getting supplies. Nor does it matter where this vessel had been or what ports she cleared from before. Her last clearance is the only one that can be considered. There are many speculations with regard to the Cuba putting into the port of Wilmington. Some intimate that there was treachery on the part of the officers and that Spanish gold was used successfully. This is very doubtful. Others think the object was to bring the government of the United States to a direct issue on the Cuban question; but this is not likely, as the government can either detain or let the Hornet go, and still take its own time about recognizing the Cubans as belligerents or independent.

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WASHINGTON.

Argument in the Farragut Prize Cases.

The Suit Against the National Theatre.

Decision Against the Collection of Tonnage Dues.

Another Boleman Canard Spoiled—Collector Grinnell in Great Favor with the Administration.

The story published in a New York paper yesterday among its Washington despatches about Collector Grinnell being in danger of removal from office turns out to be a mere romance. No charges whatever against Mr. Grinnell have been forwarded here; and the fact is that his administration of affairs at the Custom House so far has given entire satisfaction to the President, Secretary and the New York merchants as a body.

Secretary Boutwell's Pennsylvania Campaign. Secretary Boutwell was yesterday prevented by the effects of the storm from reaching Philadelphia to speak last night. He has telegraphed to his political friends there, in response to their invitation, that he will address them on Saturday night, he being unable to leave Washington before that time.

Executive Appointments. The following appointments were made to-day:—Gustav G. Jarecki, of Pennsylvania, Consul at Augsburg; Francis Lenon, of the District of Columbia, Marshal of the Consular Court at Hankow, China; Charlemagne Martin, of Porto Praya, Santiago, Consul at Santiago, Cay Verde Island; Benjamin B. Emery, Collector of Internal Revenue for the Third District of Mississippi.

Unconstitutionality of Tonnage Dues. The question of the constitutionality of tonnage dues imposed by a municipal body has just been decided here against the Corporation of Georgetown. A test case was raised here. One Abraham Foote resisted payment of tonnage dues imposed by an ordinance of the Corporation of Georgetown. The matter was brought before a local justice, Mr. Plant, who, after maturely considering it, decided as follows:—"After an examination of authorities quoted by counsel for plaintiff and defendant, I am of opinion that the Mayor and Corporation of Georgetown have no right to the money obtained through an act of their own, which has been decided to be unconstitutional, and, therefore, give judgment for plaintiff for thirty-five dollars and interest."

The Farragut Prize Money Case. To-day, in the Equity Court of this District, Judge Otin, the case of Admiral Farragut against the steamers Metropolis and other vessels, was argued. This suit is a friendly one, and comes up on a statement of facts and law, that the court may make a partition of the head money for the capture of vessels by the Western Gulf squadron, under the Prize act of 1864. General B. F. Butler appears for Admiral Farragut, Mr. Ashton for Admiral Porter, Mr. N. Wilson for Admiral Bailey, Mr. Carrington for the United States, and Hughes, Darver and Peck for various other parties.

Interference with the Mail at Havana. A paragraph was recently published that Consul General Plumb had informed this government of an apprehension that the Spanish authorities in Cuba would interfere with the United States mails. No such interference, however, has taken place, and therefore no case has occurred requiring any direct action on our part. There is no doubt that persons at Havana are subject to search where there is reason to suspect they are in possession of correspondence inimical to Spain, and from this has probably arisen the apprehension expressed by Mr. Plumb.

The Supreme Court. The Supreme Court to-day adjourned until to-morrow, there being no quorum present. Messrs. Chase, Clifford, Davis and Swaine were at their posts. One more judge was necessary for a quorum. There was a large number of distinguished lawyers in the court room to-day. Associate Justice Miller will, it is expected, arrive here to-morrow, thus making a quorum for the transaction of business.

Arrest of the Managers of the National Theatre. The managers of the National theatre were arrested to-day on a warrant sworn out by the negroes who were ejected from the theatre last Saturday evening. The warrant was based on the law passed by the City Council, allowing negroes admittance to all parts of the theatres, the same as whites. The managers were taken before a justice of the peace and gave bail for a further hearing. As already indicated in these despatches the matter is to be taken to the courts for the purpose of testing the law.

Disappearance of a Revenue Collector. A report from the Sixth Tennessee district announces the mysterious disappearance of Collector E. T. Mecken. Fears are entertained that he has been assassinated.

Consuls Recognized. The President has recognized Leon de la Cava as Consul of Venezuela at Philadelphia, and Enrique Modiana y Bascos Vice Consul of Spain at New Orleans.

Seizure of Illicit Stills in Virginia. Supervisor Presbury, of Virginia, has received and forwarded to the Revenue Department reports from one of the squads of the Fifth cavalry, Captain Burns, piloted by Collector Wilcox, to the effect that they have seized forty stills and about 1,000 gallons of spirits, and arrested thirty-five men found operating the stills.

Treasury Disbursements. The disbursements from the Treasury Department during the month of September were as follows:—Civil and miscellaneous, \$5,037,359; War Department, 4,261,159; Navy Department, 2,308,871; Indians and Pensions, 1,817,371. Total, \$13,424,760.

The above does not include the warrants for redemption or payment of interest upon the public debt.

THE NEW YORK HISTORICAL SOCIETY. Lecture by J. Romeyn Brodhead on the Life and Times of Jacob Leisler. The New York Historical Society began its series of meetings for the season last evening. A paper was read on the occasion by J. Romeyn Brodhead, the subject being "The Life and Times of Jacob Leisler." The lecturer, after having explained to his audience the merits and demerits of the charter system of government as it existed in the colonies in the time of Leisler, and referred to the state of the public feeling in the colonies concerning the Prince of Orange's movements in England before he had ascended the throne, detailed the manœuvre of Jacob Leisler by which he became commander of the fort in the harbor. Nicholson, by reason of Leisler's success, was deposed, and soon afterwards sent to England. The letter from the King addressed to Nicholson came to hand shortly after the latter's departure, and the powers that were opened it and took upon themselves the exercise of governmental authority. Mr. Brodhead then related the destruction of Leisler's library by the Canadians and the blame that was attached to Leisler's administration on account of his being believed to have been incapable of doing it. He also spoke at length of the appointment of Henry Sloughter as Governor, and the determined execution which Leisler made against him. Mr. Brodhead then related the surrender of the latter, after all his soldiers had abandoned him in the fort, Leisler, on being put on trial, refused to plead guilty. It was debated whether or not the royal letter addressed to Nicholson, and which he had opened, had not conferred upon him power and authority to act, or he had not. It was decided that it had not given him any power he still refused to plead. He was convicted soon afterwards, and executed on the spot now known as the corner of Frankfort Avenue and Printing House Square, where he was also buried. The lecturer considered the execution of Leisler a great political mistake, and made a merry out of an usurper, and laid the foundation for those divisions among the people which soon afterwards destroyed the general harmony which had up to that time prevailed among them.