THE WILMINGTON JOURNAL.

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THURSDAY, MAY 16TH.

An expedition is said to have been fitted out to operate against New Orleans. A blockading expedition only, we suppose.

The Steamship Huntsville, formerly running between New York and sundry Southern ports, is now in the service of Lincoln to blockade the Southern ports.—She brought to a fishing smack off Charleston on Tuesday afternoon. She assisting the Niagara off that port.

The entrance of the channel at Pensacola Bay has been obstructed by sinking vessels, to prevent the entrance of ships of war.

The Newbern Progress objects to shipping Naval Stores to the North, basing its remarks upon the fact of having seen that a vessel had been cleared from Wilmington for New York with Naval Stores. Rosin and Spirits of Turpentine have been decided by the Secretary of the Treasury not to be included in the prohibition against shipping Naval Stores, perhaps because, although commercially classed as Naval Stores, they are not directly applied in ship-building However, we guess no more will go for some time, if not longer.

There is a Baltimore force of six hundred men at Richmond who have organized themselves into a Brigade thus forming the nucleus of a Maryland Brigade.

Why don't the authorities fit out the Uncle Ben? Naval men say that she would carry two howitzers aft and a long pivot gun forward, and she runs like the devil. With a proper Commodore and crew, she would keep off, or capture such craft as the Huntsville.

No special terms of the Superior Courts will be held during this Summer.

FRIDAY, MAY 17TH.

Messrs. Battle and Howard, secessionists, have been elected delegates from Edgecombe, without opposition. The vote, 1661, was a very full one.

Maryland is rewarded for her "returning loyalty" by being treated as a conquered province. General Butler, of Massachusetts, is now their Lord and master. He announces that he has occupied the City of Baltimore to enforce respect to the laws, State and Federal, and directs that all manufacturers of arms report to him. He has seized the arms and stores purchased by the City and had Ross WINANS, Esq, of the House of Delegates, arrested in the cars as he was coming from the Legislature, refusing the bail offered, permitting no other members to see him and not giving Governor Hicks any reason for the arrest. No doubt Hicks and Butler understand each other. The militia of the State of *Maryland* are requested to report to this *Massachusetts* General-in-Command.

It is said that the Governors of Ohio, Pennsylvania, Indiana and Illinois, pledge their States to protect the Unionists of Virginia, Kentucky and Missouri. We don't know much about Missouri, but we do know that the few Pennsylvania, Ohio and Indiana squatters on the borders of the other Southern States, who have turned traitors, will soon be *squelched out* by the true men, and the high and mighty Northern Governors will have their pains for their trouble.

There is a very positive report that the small pox has broken out among the troops stationed in the Capitol at Washington.

Captain C. B. Denson, formerly principal of the "Franklin Institute," Duplin county, arrived here last evening in command of the Confederate Grays, a fine Volunteer Company numbering some 85 men, about half of whom had been Cadets at the above School, and consequently students of military tactics, under Captain Denson.

The Company is made up of young men, mostly natives of Duplin, Sampson and Wayne counties.—They are all well drilled and equipped for active service.

The officers are C. B. Denson, Captain; R. P. James, 1st Lieut.; L. S. Hicks, 2nd Lieut.; L. W. Hodges, 3d Lieut.; J. B. Oliver, Orderly Sergeant.

Like the Telegraph Companies, the Adams Express is about to be divided. The Southern stockholders have purchased all the property and interest of that Company South, and will organize a new Company in a few days. Such is the report, and we think it likely to be correct.

The Richmond *Despatch* says that the advance guard of the Texan Rangers has arrived in that City. They are really formidable, armed and practiced as they are. Among the arms carried by each Ranger is an "eight-pound bowie knife, keen as a razor on both sides, wielded by hands which use it with the most extraordinary strength and agility." They want to take a slight chance at "wiping out" some of the fancy Zouaves.

There are some extraordinary movements at Washington, indicating an advance from that point, perhaps in the direction of North Western Virginia. If General Sprague's Rhode Island regiment gets too near Harper's Ferry it will probably suffer.

The British barque Volant and the Swedish brig Tyrus, bound to Norfolk, arrived in Hampton Roads on Tuesday morning and brought to and compelled to anchor under the guns of the blockading squadron.—They were allowed to send Messengers up to the City to Richard Dickson, Esq., their consignee, and to Col. Myers, the British Consul, which gentlemen went down to Old Point on Wednesday to see Commodore Prendergast relative to the detention of these vessels, for which freight is ready in Norfolk for shipment. When the gentlemen above named arrived, they were informed that the vessels had sailed for New York. The Captains were probably told that if they did go near Norfolk the Virginians would seize their vessels.

SATURDAY, MAY 18TH.

They had a row at Knoxville on the 8th, arising out the attempt of ANDREW JOHNSON and some other apologists of Lincoln to speak there. BROWNLOW insisted that JOHNSON should speak. The people said he should *not*. The peoplesday ailed.

Pennsylvania volunteers who offered themselves for three months and find that they are required for three years, are going home, at least a good many of them are.

Governor Hicks, of Maryland, has issued his proclamation calling for four regiments to serve the United States, on the written assurance of the Secretary of War that the said four regiments shall be detailed to service in the State of Maryland, or for the defence of the Capital of the United States, and not to serve beyond the limits aforesaid.

The Abolition Convention in Western Virginia proved to be a fizzle. It did nothing and died. The Virginians ought to keep a sharp eye on that section. There are enough bad men there to act as spies, and perhaps help the enemy to overawe the true men, unless these latter are fully sustained by the whole power and influence of the State.

The vote in Tennessee on the ordinance of secession will be taken on the 6th ult.

The Baltimore *South* says that two mules captured in the act of hauling the steam-gun of Mr. Dickinson to Ellicott's Mills, have been taken to Annapolis and committed upon the charge of treason, by order of General Benjamin Franklin Butler, of Massachusetts. There are *halters* ready for these traitorous mules.

At a meeting of the Presidents of the various banks of this State, held in Raleigh on Wednesday of last week, it was agreed that all the banks of the State should offer to loan the State 20 per cent. of their capital stock. This would be for the Bank of North Carolina $500,000, and for the Bank of Cape Fear $320,000.

CONTRABAND OF WAR.—The following articles have been officially declared as coming under the head of "contraband of war," by the Federal Administration:

Gold and silver coin, checks or bills of exchange for money, articles of food, clothing, and materials for the manufacture of clothing; rifle, pistol, musket and cannon balls and shells; gunpowder, and all materials used in its manufacture; ammunition and munitions and implements of war of every description; books of military education; saddles, harness and trappings for flying artillery, field and staff officers and cavalry troops, horses, gun-carriages, timber for ship building, all kinds of naval stores, engines, boilers and machinery for boats, locomotive engines and cars for railroads, and goods and commodities which might be useful to the enemy in war.

The seat of Government of the Southern Confederacy will shortly be removed to Richmond, so says the Montgomery *Advertiser*. Where the permament location of the Confederate government may be, will be for the future to decide. In no case will it be at Washington, even if Maryland should finally join the Confederacy. If Maryland should not join the Confederacy, Richmond would not be sufficiently central nor safe. Asheville, N. C., would be a mightly nice location, but we would hate to corrupt the morals of our mountain people.

The Convention.—Some Plain Suggestions.

When, on the 15th of April, Abraham Lincoln issued his proclamation calling for an army of seventy-five thousand men to maintain his authority by military force, and demanded that North Carolina should contribute her quota to the subjugation of her southern sister States, and when this act was followed up by other acts of war, equally flagrant, tyrannical and unconstitutional, the people of North Carolina arose as one man to endorse the conduct of Gov. Ellis, in sternly refusing to comply with the requisition, and to sustain his action in taking possession of the forts and other public property, and in adopting all due and proper measures for the defence of the State This uprising of the people in its unanimity, in its abnegation of self, in its forgetfulness of party, had in it surpassing elements of moral grandeur. There is something majestic in the simultaneous movement of a whole people—a people who, for the accomplishment of one great end are willing to forget or to waive all intermediate quarrels and divisions.

But it should be remembered that it was for the accomplishment of a certain end that the people moved thus. That it was for the accomplishment of a certain end that they demanded the assembling of the Legislature—that it was for the accomplishment of the same end that the Legislature yielding to and obeying the popular impulse, immediately passed a bill for the assembling of a Convention at an early day, and it is for the accomplishment of the same end that the Convention is expected to assemble.

What *is* that end? Upon what point were and are the people so unanimous? For what purpose—under what pervading influence did they waive all their party prejudices in the selection of delegates, and only ask that they should be sound upon the question of secession? Is it not evident that the desire for the prompt secession of North Carolina from the Northern Confederacy, and her equally prompt union with the Southern Confederacy is universal among the people of the State? That in the election of delegates this consideration alone was kept in view? That no changes of the organic law of the State, no other questions formerly involved in party politics or party contests were thought about, and that the members to the Convention were not chosen with reference to any other questions or issues than those arising out of what have heretofore been called our "Federal Relations?"

Now, if the answers to our questions are in the affirmative—if the whole voice and action of the people of North Carolina be not a delusion and a cheat—if the arming of her volunteers means action—if her camps and forts are not made of paper, then the popular decision of the State is for immediate secession, and any attempt to delay or procrastinate, by failing to pass the ordinance of secession promptly, or, having passed it, to postpone its operation until it could be submitted to the people, would be neither more nor less than a contemptible mockery. Why, we are now at war! We are in revolution—our ports are blockaded—we are warred upon by Lincoln. Th people *demand* the promptest action to carry us out of one Confederacy and into the other.

But shall this Convention, called under such auspices—under circumstances so imposing, charged with destinies so momentous, descend into a political debating shop? Shall aspirants for future political distinction be allowed to avail themselves of this opportunity to seize upon old or devise new political issues upon which to build up the edifice of their own future advancement or the advancement of their party or their section? We trust not. Would that to trust we could add assurance, and be enabled to say that we *know* that no selfish or partizan measures or motives will be allowed to hold a place or exert an influence in the Convention to assemble next week at Raleigh. But we have no such assurance. Men are frail, and the delegates are men. Politicians are ambitious and manœuvring, and the delegates are mostly politicians with axes to grind. Mind, we do not use the accustomed slang and say "unprincipled politicians," and so on, but we do say that as men and politicians, they are frail and peculiarly liable to temptation; it is, therefore, desirable that they should act as keeping before them the prayer to be not led into temptation, but delivered from evil; and that to avoid this temptation they should confine themselves strictly to what they know to have been the purposes of their election—the severance of the State from the Northern Confedracy and her adhesion to the Southern Confederacy. So far as this is concerned, and thus far only, are we in a state of revolution. We are *not* in any revolutionary position towards our State authorities, nor do the emergencies of the times require the intervention of the body to meet in Raleigh next week, further than such intervention may be needed to adapt us to our new Confederate relations, and give effect to the ordinances establishing such new relations. The people of the State will keep a sharp watch upon their servants, and all demagogueical attempts to introduce extraneous questions for political effect or for the promotion of personal ends or ambitions, will be sternly rebuked.

We will to-morrow go more into details in regard to the measures which it may be necessary for the Convention to adopt. Whatever that body does beyond what may be required by pressing necessity will be *wrong*.

What the Convention should do and what it should not do, are, within certain limits clear enough. We all know that it was called and elected to take us from under the formal control of Lincoln's Government, and to place us in association with the Confederate States.—We all know that it is expected that both these things shall be done promptly, the first of them at once—that the 20th May, the anniversary of the Mecklenburg Declaration of Independence is regarded as the auspicious occasion upon which to take this great step in the history of the State. The secession should be prompt, decided, *final*. So much public opinion has already settled down to. The prompt connection of this State with the Southern Confederacy as a member, and not a mere ally, is required by public opinion and by public interest. The thing will be done—the people are anxious for it—it will give confidence to the public mind—it will give tone to military movements, and it will relieve the State of at least some of the heavy expenses which she would have to bear unaided in her solitary and isolated capacity. We suppose that it will be necessary to accept the provisional Government, by electing delegates to represent the State in the provisional Congress at Montgomery. Of their admission—the admission of the State, with open arms, there can be no sort of doubt. The ratification of the permanent constitution of the Confederate States will follow. There will be ten delegates to be elected by the Convention, who will be charged with the duty of representing North Carolina in the Provisional Congress. No doubt there will be intrigueing for these positions. Let these elections at least be done with open doors, and let the people see the men who would pull personal wires at such a time as this.

It has been said that our Stay Law is opposed to that provision existing in both the old Federal and the new Confederate Constitution, which says that no State shall pass any *ex post facto* law, or law impairing the obligation of contracts. How the difficulty of coming into the Confederacy with that law is to be got over, we leave to the gentlemen "learned in the law" to arrange. We have heard ways suggested, but we are not good at getting around things.

So much then for the immediate objects of the Convention; in fact, we might say the real objects, for had it not been for the demand of the people for these things, no Convention would have been called at all. Arising out of these main objects, and perhaps necessary to their successful accomplishment, there may be some internal changes required to adapt the State to her present transitionary war state, as well as to her future permanent position in the Confederacy, as distinguished from that she occupied in the former Union. There may be test oaths to be framed and imposed. It has been suggested that the very delicate health of the Governor of the State, rendering the discharge of all the duties of the position at a time like this, a risk of life, and certainly of constitution, indicates the propriety of amending the Constitution so as to provide for a Lieut. Governor, who, without taking the place of the Governor permanently, might relieve him of the burden of labors which weigh too heavily upon the strongest physical constitution. In a case like this, of course a Governor like John W. Ellis would die in harness before he would shrink one inch from his post. But neither alternative ought to be required. We make these remarks because we have thought over the thing ourselves and have heard it discussed by others. We have neither spoken or written to Governor Ellis on the subject, nor have we ever directly or indirectly communicated with him about the matter. We do not know what his views are. We speak upon general considerations.

All our people who take up arms and give of their substance equally, ought, now that the State is entering on a new era of her history to be entitled to equal privileges. We commenced this article by deprecating demagogueical attempts to make personal or party capital or popularity for future use. We cannot be accused of suggesting anything of the kind when we urge the removal of the Jewish disability feature of our constitution. The Jews in this State, have in this emergency shown themselves just as willing to contribute their services and their means as any other religionists. We do not know that a single Jew in the State would run for any office if even certain of getting it. We don't know one that would. The vote of that denomination is small, and cannot, therefore be an object to attract the attention of designing politicians. We advocate the removal of the exclusion as right in itself, and pre-eminently so at this time.

But in addition to these necessary and obviously just measures there is every reason to believe that questions affecting the basis of representation and of taxation, of revenue—of public improvements and of general legislation will be dragged into the arena of the Convention.

Now, to this, or to even the first approach towards it, the objection must suggest itself that for none of all these things, nor with reference to them, were the members of the Convention chosen. Unlimited as the Convention bill is in terms, the only issues before the people in the choice of delegates were those of secession from the old Confederacy, and adhesion to the new Confederacy, with, of course, the measures necessary to give effect to such movements. The State in cutting loose from her Federal traditions, must not rudely sever the bonds that unite her with the traditions of her own progress and sovereignty. If wise she will make as few changes in this respect as possible. She will make no change in the basis of representation at all, and none in the basis of taxation to apply retrospectively to the payment of debts or interest on debts, already contracted under a different basis and with the solemn understanding that such basis should not be disturbed. For future debts, certainly war debts or taxes, the case is different, and the slaveholders and the slaveholding counties of the State have shown their appreciation of this fact, by the alacrity with which they have given their individual means and pledged the credit of their counties and corporate bodies.

Finally, we contend that there is no necessity for the Convention remaining long in session, and in order to facilitate business we most respectfully urge upon the members the propriety of sitting in secret, less for the purpose of privacy than to cut off all motive for speech-making and display. Why can't the Convention get off in two or three weeks, or even less time?

We beg respectfully to urge upon the powers that be at Raleigh—upon the Advisory Board, upon any body and everybody who may have any thing to do with appointments connected with the military service of the State, to exercise the utmost care—to yield to no pressure—to look forward to no political, or personal or clique advantages, in the bestowal of offices.

We neither know nor care what the influences at work may be, so they be rightly used, and they must be used with the highest discretion and disinterestedness, or the consequences will be, if not disastrous, certainly discouraging and injurious. We beg that this discretion and disinterestedness may be used, and in doing so we speak simply as journalists—personally we have no enemies to punish and no favours to ask for ourselves or our friends.

☞ We have to do the best we can with our telegraphic dispatches announcing the arrival of European Steamers, and giving the news brought or said to be brought by them, but we deem it proper to caution our readers that much of this news as reported must be taken with many grains of allowance, from the fact that it comes through Northern and therefore hostile channels, and from the further fact that the telegraph is under pretty strict surveillance by the agents of Lincoln's government.

We have reason to believe that public opinion and govermental tendencies, in Europe are far more favorable to us than we might at first be led to judge from the accounts that are allowed to reach us through the northern telegraph. We will not have long to wait for recognition, and the blockade will be useful to us. It won't last long enough to hurt us much—it is hurting the North far more. Lord John Russell's recent remarks in the British House of Commons indicate early favorable action.

BUTTON FACTORY.—It will be seen from a notice in to-day's paper, that Messrs. Leob & Swarzman have established a button factory in town. We are pleased to notice this new enterprize, and have no doubt it will be well patronized.

The Right of Privateers.—Doctrine of the United States.

DEPARTMENT OF STATE,
WASHINGTON, July 28th, 1856.

The undersigned, Secretary of State of the United States, has laid before the President "The Declaration Concerning Maritime Law," adopted by the Plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia and Turkey, at Paris, on the 16th of April, 1856, which the Count de Sartiges, Envoy Extraordinary and Minister Plenipotentiary of France, has presented, in behalf of the Emperor of the French, to the Government of the United States, for the purpose of obtaining its adhesion to the principles therein contained.

Nearly two years since, the President submitted, not only to the Powers represented in the late Congress at Paris, but to all other maritime, nations, the second and third propositions contained in that "declaration," and asked their assent to them as permanent principles of of international law. The propositions thus submitted by the President were:

"1. That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a power or State at war, are free from capture or confiscation when found on board of neutral vessels, with the exception of articles contraband of war."

"2. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war."

It will be perceived that these propositions are substantially the same as the second and third in the "declaration" of the Congress at Paris.

Four of the governments with which negotiations were opened on the subject by the United States have signified their acceptance of the foregoing propositions. Others were inclined to defer acting on them until the return of peace should furnish a more auspicious time for considering such international questions. The proceeding of the Congress of the Plenipotentiaries at Paris will, as a necessary consequence, defeat the pending negotiations with the United States, if the two following propositions contained in protocol No. 24 are acceded to: first, that the four principles shall be indivisable; and, second, that the powers which have signed or may accede to the "declaration" shall not enter into any arrangement in regard to the application of the right of neutrals in time of war, which does not, at the same time, rest on the four principles which are the subject of said "declaration." As the indivisibility of the four principles and the limitation upon the sovereign attribute of negotiating with other powers are not a part of the "declaration," any nation is at liberty to reject either or both, and to act upon the "declaration" without restriction, acceding to it in whole or in part. In deliberating on this important subject, it behooves all powers to consider, and, if they think proper, to act upon this distinction. All the powers which may accede to that "declaration" and the subsequent restrictions contained in the 24th protocol, will assume an obligation which takes from them the liberty of assenting to the propositions submitted to them by the United States, unless they at the same time surrender a principle of maritime law which has never been contested—the right to employ privateers in the time of war.

The second and third principles set forth in the "declaration," being those submitted to other maratime powers for adoption by this Government, it is most anxious to see incorporated, by general consent, into the code of maratime law, and thus placed beyond future controversy or question. Such a result, securing so many advantages to the commerce of neutral nations, might have been reasonably expected but for the proceedings of the congress at Paris, which require them to be purchased by a too costly sacrifice—the surrender of a right which may well be considered as essential to the freedom of the seas

The fourth principle contained in the "declaration," namely: Blockades, in order to be binding must be effective; that is to say, maintained by a force sufficient cient really to prevent access to the coast of the enemy;" can hardly be regarded as one falling within that class with which it was the object of Congress to interfere; for this rule has not, for a long time, been regarded as uncertain, or the cause of any "deplorable disputes." If there have been any disputes in regard to blockades, the uncertainty was about the facts, but not the law.—Those nations which have resorted to what are appropriately denominated "paper blockades," have rarely, if ever, undertaken to justify their conduct upon principle; but have generally admitted the illegality of the practice, and indemnified the injured parties. What is to be adjudged "a force sufficient really to prevent access to a coast of the enemy," has often been a severely contested question; and certainly the "declaration," which merely reiterates a general undisputed maxim of maratime law, does nothing towards relieving the subject of blockade from that embarrassment. What force is requisite to constitute an effective blockade, remains as unsettled and as questionable as it was before the congress at Paris adopted the "declaration."

In regard to the right to employ privateers, which is declared to be abolished by the first principle put forth in the "declaration," there was, if possible, less uncertainty. The right to resort to privateers is as clear as the right to use public armed ships, and as incontestible as any other right appertaining to belligerents. The policy of that law has been occasionally questioned, not, however, by the best authorities; but the law itself has been universally admitted, and most nations have not hesitated to avail themselves of it; it is as well sustained by practice and public opinion as any other to be found in the maritime code.

There is scarcely any rule of international law which particular nations in their treaties have not occasionally suspended or modified in regard to its application to themselves. Two treaties, only, can be found in which the contracting parties have agreed to abstain from the employment of privateers in case of war between them. The first was a treaty between the King of Sweden and the States General of the United Provinces, in 1675. Shortly after it was concluded the parties were involved in war, and the stipulation concerning privateers was disregarded by both. The second was the treaty of 1785, between the United States and the King of Prussia. When this treaty was renewed, in 1799, the clause stipulating not to resort to privateering was omitted. For the last half century there has been no arrangements, by treaty or otherwise, to abolish the right, until the recent proceedings of the Plenipotentiaries at Paris.

By taking the subject of privateering into consideration that Congress has gone beyond its professed object, which was, as it declared, to remove the uncertainty on points of maritime law, and thereby prevent "differences of opinion between neutrals and belligerents, and, consequently, serious difficulties and even conflicts." So far as the principle in regard to privateering is concerned, the proceedings of the Congress are in the nature of an act of legislation, and seek to change a well settled principle of international law.

The interest of commerce is deeply concerned in the establishment of the two principles which the United States had submitted to all maritime powers, and it is much to be regretted that the powers represented in the Congress at Paris, fully approving them, should have endangered their adoption by uniting them to another inadmissable principle, and making the failure of all the necessary consequence of the rejection of any one. To three of the four principles contained in the "declaration," there would not probably be a serious objection from any quarter, but to the other, a vigorous resistance must have been anticipated.

The policy of the law which allows a resort to privateers has been questioned for reasons which do not command the assent of this Government. Without entering into a full discussion on this point, the undersigned will confront the ordinary and chief objection to that policy, by an authority which will be regarded with profound respect, particularly in France. In a commentary on the French ordinance of 1681, Valin says:

"However lawful and time-honoured this mode of warfare may be, it is nevertheless disapproved by some pretended philosopbers. According to their notions, such is not the way in which the State and the sovereign are to be served: whilst the profits which individuals may derive from the pursuit are illicit, or at least disgraceful. But this is the language of bad citizens, who, under the stately mask of a spurious wisdom, and of a craftily sensitive conscience, seek to mislead the judgment by a concealment of the secret motive which gave birth to their indifference for the welfare and advantage of the State. Such are as worthy of blame, as are those entitled to praise who generously expose their property and their lives to the dangers of privateering."

In a work of much repute published in France almost simultaneously with the proceedings of the Congress at Paris, it is declared that—"The issuing of letters of marque, therefore, is a constantly customary belligerent act. Privateers are *bona fide* war vessels, manned by volunteers, to whom, by way of reward, the sovereign resigns such prizes as they make, in the same manner as he sometimes assigns to the land forces a portion of the war contributions levied on the conquered enemy."—*Pistoye et Duverdy, des Prises Maritimes.*

It is not denied that annoyances to neutral commerce, and even abuses, have occasionally resulted from the practice of privateering; such was the case formerly more than in recent times; but when it is a question of changing a law, the incidental evils are to be considered in connexion with its benefits and advantages. If these benefits and advantages can be obtained in any other way, without injury to other rights, these occasional abuses may then justify the change, however ancient or firmly established may be the law.

The reasons which induced the Congress at Paris to declare privateering abolished are not stated, but they are presumed to be only such as are usually urged against the exercise of that belligerent right.

The prevalence of Christianity and the progress of civilization have greatly mitigated the severity of the ancient mode of prosecuting hostilities. War is now an affair of Government. "It is the public authority which makes and carries on war; the individuals are not permitted to take part in it, unless authorized to do so by their Government. It is a generally received rule of modern warfare, so far at least as operations upon land are concerned, that the persons and effects of non-combatants are to be respected. The wanton pillage or uncompensated appropriation of individual property by an army, even in possession of an enemy's country, is against the usage of modern times. Such a mode of proceeding at this day would be condemned by the enlightened judgment of the world, unless warranted by special circumstances. Every consideration which upholds this sentiments in regard to the conduct of a war on land, favors the application of the same rule to the persons and property of citizens of belligerents found upon the ocean.

It is fair to presume that the strong desire to ameliorate the severe usages of war by exempting private property upon the ocean from hostile seizure to the extent it is usually exempted on land, was the chief inducement which led to the "declaration" by the congress at Paris, that "privateering is, and remains abolished."

The undersigned is directed by the President to say, that to this principle of exempting private property upon the ocean, as well as upon the land, applied without restriction, he yields a most ready and willing assent. The undersigned cannot better express the President's views upon the subject than by quoting the language of his annual message to congress December 4, 1854!

"The proposition to enter into engagement to forego a resort to privateers, in case this country should be forced into a war with a great naval power, is not entitled to more favorable consideration than would be a proposition to agree not to accept the services of volunteers for operations on land. When the honor or rights of our country require it to assume a hostile attitude, it confidently relies upon the patriotism of its citizens, not ordinarily devoted to the military profession, to augment the army and navy, so as to make them fully adequate to the emergency which calls them into action. The proposal to surrender the right to employ privateers is professedly founded upon the principle that private property of unoffending non-combatants, though enemies, should be exempt from the ravages of war; but the proposed surrender goes but little way in carrying out that principle, which equally requires that such private property should not be seized or molested by national ships of war. Should the leading powers of Europe concur in proposing, as a rule of international law to exempt private property upon the ocean from seizure by public armed cruisers as well as by privateers, the United States will readily meet them upon that broad ground."

The reasons in favor of the doctrine that private property should be exempted from seizure in the operations of war are considered in this enlightened age so controlling as to have secured its partial adoption by all civilized nations; but it would be difficult to find any substantial reasons for the distinction now recognized in its application to such property on land, and not to that which is found upon the ocean.

If it be the object of the declaration adopted at Paris is to abolish this distinction, and to give the same security from the ravages of war to the property of belligerent subjects on the ocean, as is now accorded to such property upon the land, the Congress at Paris has fallen short of the proposed result, by not placing individual effects of belligerents beyond the reach of public armed ships as well as privateers. If such property is to remain exposed to seizure by ships belonging to the navy of the adverse party, it is extremely difficult to perceive why it should not, in like manner, be exposed to seizure by privateers, which are in fact but another branch of the public force of the nation commissioning them.

If the principle of capturing private property on the ocean and condemning it as prize of war, be given up, that property would and of right ought to be as secure from molestation by public armed vessels as by privateers; but if that principle be adhered to, it would be worse than useless to attempt to confine the exercise of the right of capture to any particular description of the public force of the belligerents. There is no sound principle by which such a distinction can be sustained; no capacity which could trace a definite line of separation proposed to be made; and no proper tribunal to which a disputed question on that subject could be referred for adjustment. The pretence that the distinction may be supported upon the ground that ships not belonging permanently to a regular navy are more likely to disregard the rights of neutrals than those which do belong to such a navy, is not well sustained by modern experience. If it be urged that a participation in the prizes is calculated to stimulate cupidity, that, as a peculiar objection, is removed by the fact that the same passion is addressed by the distribution of prize-mmoney among the officers and crews of ships of a regular navy. Every nation which authorizes privateers is as responsible for their conduct as it is for that of its navy, and will, as a matter of prudence, take proper precaution and security against abuses.

But if such a distinction were to be attempted, it would be very difficult, if not impracticable, to define the particular class of the public maritime force which should be regarded as privateers. "Deplorable disputes," more in number and more difficult of adjustment, would arise from an attempt to discriminate between privateers and public armed ships.

If such a discrimination were attempted, every nation would have an undoubted right to declare what vessels should constitute its navy, and what should be requisite to give them the character of public armed ships. These are matters which could not be safely or prudently left to the determination or supervision of any foreign power, yet the decision of such controversies would naturally fall into the hands of predominant naval powers which would have the ability to enforce their judgments. It cannot be offensive to urge weaker powers to avoid as far as possible such an arbitrament, and to maintain with firmness every existing barrier against encroachments from such a quarter.

No nation which has a due sense of self-respect will allow any other, belligerent or neutral, to determine the character of the force which it may deem proper to use in prosecuting hostilities; nor will it act wisely if it voluntarily surrenders the right to resort to any means, sanctioned by international law, which, under any circumstances, may be advantageously used for defence or aggression.

The United States consider powerful navies and large standing armies, as permanent establishments, to be detrimental to national prosperity and dangerous to civil liberty. The expense of keeping them up is burdensome to the people; they are, in the opinion of this government, in some degree a menace to peace among nations. A large force ever ready to be devoted to the purposes of war, is a temptation to rush into it. The policy of the U. States has ever been, and never more than now, adverse to such establishments; and they can never be brought to acquiesce in any change in international law which may render it necessary for them to maintain a powerful navy or large regular army in time of peace. If forced to vindicate their rights by arms, they are content, in the present aspect of international relations, to rely, in military operations on land, mainly upon volunteer troops, and for the protection of their commerce, in no inconsiderable degree, upon their mercantile marine. If this country were deprived of these resources, it would be obliged to change its policy and assume a military attitude before the world. In resisting an attempt to change the existing maritime law that may produce such a result, it looks beyond its own interest, and embraces in its view the interest of all such nations as are not likely to be dominant naval powers. Their situation, in this respect, is similar to that of the United States, and to them the protection of commerce and the maintenance of international relations of peace appeal as strongly as to this country, to withstand the proposed change in the settled law of nations. To such nations the surrender of the right to resort to privateers would be attended with consequences most adverse to their commercial prosperity without any compensating advantages. Most certainly no better reasons can be given for such a surrender, than for foregoing the right to receive the services of volunteers; and the proposition to abandon the former is entitled, in the judgment of the President, to no more favor than a similar proposition in relation to the latter. This opinion of the importance of privateers to the community of nations, excepting only those of great naval strength, is not only vindicated by history, but sustained by high authority.—The following passage in the treatise on maritime prizes, to which I have before referred, deserves particular attention:

"Privateers are especially useful to those powers whose navy is inferior to that of their enemies. Belligerents, with powerful and extensive naval armaments, may cruise upon the seas with their national navies; but should those States, whose naval forces are of less power and extent, be left to their own resources, they could not hold out in a maritime war; whilst, by the equipment of privateers, they may succeed in inflicting upon the enemy an injury equivalent to that which they themselves sustain. Hence governments have frequently been known, by every possible appliance, to favor privateering armaments. It has even occurred that sovereigns, not merely satisfied with issuing letters of marque, have also taken, as it were, an interest in the armament. Thus did Louis the Fourteenth frequently lend out his ships, and sometimes reserve for himself a share in the prizes."

It certainly ought not to excite the least surprise that strong naval powers should be willing to forego the practice, comparatively useless to them, of employing privateers upon condition that weaker powers agree to part with their most effective means of defending their maritime rights. It is, in the opinion of this government, to be seriously apprehended that if the use of privateers be abandoned, the dominion over the seas will be surrendered to those powers which adopt the policy and have the means of keeping up large navies. The one which has a decided naval superiority would be potentially the mistress of the ocean, and by the abolition of privateering, that domination would be more firmly secured. Such a power engaged in a war with a nation inferior in naval strength, would have nothing to do for the security and protection of its commerce but to look after the ships of the regular navy of its enemy. These might be held in check by one-half, or less, of its naval force, and the other might sweep the commerce of its enemy from the ocean. Nor would the injurious effects of a vast naval superiority to weaker States be much diminished if that superiority was shared among three or four great powers. It is unquestionably the interest of such weaker States to discountenance and resist a measure which fosters the growth of regular naval establishments.

In discussing the effect of the proposed measure—the abolition of privateering—a reference to the existing condition of nations is almost unavoidable. An instance will at once present itself in regard to two nations where the commerce of each is about equal, and about equally wide-spread over the world. As commercial powers they approach to an equality, but as naval powers there is great disparity between them. The regular navy of one vastly exceeds that of the other. In case of a war between them, only an inconsiderable part of the navy of the one would be required to prevent that of the other from being used for defence or aggression, while the remainder would be devoted to the unembarrassed employment of destroying the commerce of the weaker in naval strength. The fatal consequences of this great inequality of naval force between two such belligerents would be in part remedied by the use of privateers; in thet case, while either might assail the commerce of the other in every sea, they would be obliged to distribute and employ their respective navies in the work of protection. This statement only illustrates what would be the case, with some modification, in every war where there may be considerable disparity in the naval strength of the belligerents.

History throws much light upon this question.—France, at an early period, was without a navy, and in her wars with Great Britain and Spain, both then naval powers, she resorted with signal good effect to privateering, not only for protection, but successful aggression.—She obtained many privateers from Holland, and by this force gained decided advantages on the ocean over her enemy. Whilst in that condition, France could hardly have been expected to originate or concur in a proposition to abolish privateering. The condition of many of the smaller States of the world is now, in relation to naval powers, not much unlike that of France in the middle of the sixteenth century. At a later period, during the reign of Louis the Fourteenth, several expeditions were fitted out by him, composed wholly of privateers, which were most effectively employed in prosecuting hostilities with naval powers.

Those who may have at any time a control on the ocean will be strongly tempted to regulate its use in a manner to subserve their own interests and ambitious projects. The ocean is the common property of all nations, and instead of yielding to a measure which will be likely to secure to a few—possibly to one—an ascendancy over it, each should pertinaciously retain all the means it possesses to defend the common heritage. A predominant power upon the ocean is more menacing to the well-being of others than such a power on land, and all are alike interested in resisting a measure calculated to facilitate the permanent establishment of such a domination, whether to be wielded by one power or shared among a few others.

The injuries likely to result from surrendering the dominion of the seas to one or a few nations which have powerful navies, arise mainly from the practice of subjecting private property on the ocean to seizure by belligerents. Justice and humanity demand that this practice should be abandoned, and that the rule in relation to such property on land should be extended to it when found upon the high seas.

The President, therefore, proposes to add to the first proposition in the "declaration" of the Congress at Paris, the following words: "And that the private property of the subjects or citizens of a belligerent on the high seas shall be exempted from seizure by public armed vessels of the other belligerent, except it be contraband." Thus amended, the Government of the United States will adopt it, together with the other three principles contained in that "declaration."

I am directed to communicate the approval of the President to the second, third, and fourth propositions independently of the first, should the amendment be unacceptable. The amendment is commended by so many powerful considerations, and the principle which calls for it has so long had the emphatic sanction of all enlightened nations in military operations on land, that the President is reluctant to believe it will meet with any serious opposition. Without the proposed modification of the first principle, he cannot convice himself that it would be wise or safe to change the existing law in regard to the right of privateering.

If the amendment should not be adopted, it will be proper for the United States to have some understanding in regard to the treatment of their privateers when they shall have occasion to visit the ports of those powers which are, or may become, parties to the declaration of the Congress at Paris. The United States will, upon the ground of right and comity, claim for them the same consideration to which they are entitled, and which are extended to them, under the law of nations, before the attempted modification of it by that Congress.

As connected with the subject herein discussed, it is not inappropriate to remark, that a due regard to the fair claims of neutrals would seem to require some modification, if not an abandonment, of the docrine in relation to contraband trade. Nations which preserve the relations of peace should not be injuriously affected in their commercial intercourse by those which choose to involve themselves in war, provided the citizens of such peaceful nations do not compromise their character as neutrals by a direct interference with the military operations of the belligerents. The laws of siege and blockade, it is believed, afford all the remedies against neutrals that the parties to the war can justly claim. Those laws interdict all trade with the besieged or blockaded places. A further interference with the ordinary pursuits of neutrals, in no wise to blame for an existing state of hostilities, is contrary to the obvious dictates of justice. If this view of the subject could be adopted and practically observed by all civilized nations, the right of search, which has been the source of so much annoyance and of so many injuries to neutral commerce, would be restricted to such cases only as justified a suspicion of an attempt to trade with places actually in a state of siege or blockade.

Humanity and justice demand that the calamities incident to war should be strictly limited to the belligerents themselves, and to those who voluntarily take part with them; but neutrals abstaining in good faith from such complicity ought to be left to pursue their ordinary trade with either belligerent, without restrictions in respect to the articles entering into it.

Though the United States do not propose to embarrass the other pending negotiations relative to the rights of neutrals, by pressing this change in the law of contraband, they will be ready to give it their sanction whenever there is a prospect of its favorable reception by other maritime powers.

The undersigned avails himself of this opportunity to renew to the Count de Sartiges the assurance of his high consideration.

W. L. MARCY

The COUNT DE SARTIGES, &c., &c., &c.

"The Scotch Boys,"

A Company of Richmond County, N. C., Volunteers.

We boast not of greatness, or valor of arms,
We're far better versed in the tillage of farms—
But those who for pillage would enter our bow'rs,
May find us a band of invincible powers.
We'd be brothers in peace—but he who destroys,
Will meet with true foemen in the gallant "Scotch Boys."
Then high float our banner, and firm be our stand,
In defence of our int'rests and lov'd native land.

Our homes are delightful. Our state is our pride;
To defend them, we stand or we fall side by side;
Our sweethearts and sisters are fair as the rose,
Their hearts the pure gardens where innocence grows.
Ere the Vandals one plant from these gardens shall take,
They must tear down old earth and heav'ns battlements shake.
Ere our "beauty and booty" are made northern toys,
They must pass thro' those bulwarks—the hearts of the "boys!"

We stood long for Union! Our loyalty true,
And so 'till this day, in all conscience might do,
But for the corruption in high places we found,
And the tyranic fetters by which we were bound.
Like brave Wallace and Bruce, we'll ever now stand,
As rocks in the ocean, on a storm beaten strand.
The wild wave's may rage, and tempests may roar,
But our souls shall be firm in defence of our shore:
We seek not for plunder—we ask but our own;
We offer the olive, if they let us alone.
If they come, we will meet them as becometh the brave
And give them among us a suitable grave.
Buoyed up by the justice, that nerves the true arm,
We feel that our "Old State" shall meet with no harm.
We look to our God, and go forth to the field,
Determined to conquer—but never to yield!

ONE OF THE "BOYS."