fold more importance than merely articles contraband of war.

Now, the right, in time of war, of every belligerent ship to search all vessels, except national vessels, for contraband, has never been denied. The Queen's proclamation proceeded upon this principle. Hautefeuille propounds this doctrine. Chief Justice Marshall recognized it in the Santissima Trinidad case (7 Wheaton, 353).

Two publicists, Wheaton and Ortolan, adopting the opinion of the English judges, look upon the transport of dispatches by a neutral as an act quite as grave as the transport of troops, and as leading to the confiscation of the neutral vessel.

Such is the language of Hautefeuille. Hostile dispatches are in the same category with contraband. (Chitty's Law of Nations, p. 147; Phillimore, 368, 370; 1 Kent, 154; Wheaton, 529.)

In the case of the Orozembo, which carried three soldiers and two civilians, in the Dutch service from Macao to Batavia, Sir William Scott held:

This is the case of an admitted American vessel, but the title of restitution is disputed on the ground of its having been employed, at the time of the capture, in the service of the enemy, in transporting military persons, first to Macao, and ultimately to Batavia. That a vessel hired by the enemy for the conveyance of military persons is to be considered as a transport subject to confiscation has been, in a recent case held by this court, and on other occasions. What is the number of military persons that shall constitute such a case is to be different cases to decide. In the former case there were many, in the present there are much fewer in number; but it soon to what has been observed in argument, that number alone is an insignificant circumstance in the considerations on which the principle of law on this subject is built. Since fewer persons of high quality and character may be of more importance than a much greater number of persons of lower condition. To send out one veteran general of France to take the command of the forces at Batavia might be a much more noxious act than the conveyance of a whole regiment. The consequences of such assistance are greater, and therefore it is what the belligerent has a stronger right to prevent and punish. In this instance the military persons are three, and there are besides two other persons, who were going to be employed in civil capacities in the Government of Batavia. Whether the principle would apply to them alone. I do not feel it necessary to determine. I am not aware of any case in which that question has been agitated; but it appears to me, on principle, to be but reasonable that if the character be of sufficient importance to that a enemy that such persons should be sent out on the public service at the public expense, it should afford equal ground of forfeiture against the vessel that may be hired out for a purpose so intimately connected with the hostile operations.

The same principle is held in Hazlett & Roache's Manual of Maritime Warfare, page 293. It is strongly stated, in its reason and principle, by Lord Stowell in the case of the Maria (1 Robinson, 340), as follows:

The right of visiting and searching merchant ships upon the high seas, whatever be the ship, whatever be the cargoes, whatever be the destinations, is an incontestable right of the lawfully commissioned cruisers of a belligerent nation. . . . . This right is so clear in principle that no man can deny it who admits the legality of marine capture.

The right is equally clear in practice, for practice is uniform and universal upon this subject. The many European treaties which refer to this right, refer to it as an existing and merely regulate the exercise of it. All writers upon the law of nations unanimously acknowledge it. In short, no man in the least degree conversant with subjects of this kind has ever, that I know of, breathed a doubt upon it.

In the case of the Atalanta, decided in 1808, (6 Robinson, 440,) the learned judge said:

Not let it be supposed that it is an act of light or casual importance. The consequence of such a service is indefinite—infinitely beyond the effect of any contraband that can be conveyed. The carrying of even two cargoes of stores is necessarily an assistance of a limited nature; but in the transmission of dispatches may be conveyed the entire plan of a campaign that may defeat all the projects of the other belligerent in that quarter of the world.

In a subsequent case, when the dispatches were in course of conveyance, not from the colonies of the enemy, but from a State in comity, and from the public embassador of the enemy, residing in that State, to his own Government, Sir William Scott restored he vessel's cargo on payment of the captor's expenses: thus holding the search and capture justifiable. In distinguishing this case from the preceding, he said:

I have before said that persons discharging the functions of embassadors are, in a peculiar manner, objects of the protection and favor of the law of nations. The limits that are assigned to the operations of war against them by Vattel and other writers upon these subjects are, that you may exercise your right of war against them wherever the character of hostility exists; you may *stop the embassador of your enemy on his passage*," &c.—*The Caroline*, 6 Rob., 461—462.

Mr. Cushing, in his perspicuous and able discussion of this subject, maintains the principle by which this question can be determined. From his abundant learning in international law and his cogent logic, he deduces the doctrine which I venture to say no English jurist will dispute. He says:

The belligerent seizures of enemy dispatches and military persons, although not precisely in point as cases, are yet the common corollaries of the same principle as the arrest of enemy embassadors. To argue the contrary would be to make the law of nations a mere collection of detached facts, instead of a system of doctrines and principles. That is not so. New or doubtful cases may occur, inductions may be accomplished or attempted, in the law of nations, as in any branch of municipal law, but principal reasoned doctrines subsist, general rules are to be reasoned out for the guidance of nations and of men, as well in the juridical relations of nations as of men. And the doctrine here is that of contraband of war; the principle that of the duty of all neutral Governments to abstain from affording military aid to either recognized belligerently and, in like manner, to abstain from affording political aid to the insurgents of another Government, save when the time may have come, if it ever shall come, to treat such insurgents as a new, independent State, and to do that even at the risk and responsibility of war with the legitimate Government.

I might add to this the authority of Mr. Everett; and to his, the opinion which I received today in a letter from a statesman now in retirement, who has served his country as a diplomatist at two of the leading courts of Europe, besides filling our office of Secretary of State with consummate ability. The case of the Trent in their judgment is embraced within the reason of the rule laid down for dispatches and contraband.

The more this question is examined the more impregnable is our position. Nor is there anything in our previous diplomacy to weaken it. I had supposed, before examining the question, that we were precluded by our previous conduct from asserting this principle. But the question upon which this Government once went to war with Great Britain was in resistance of her claim to take from our ships British *subjects*—not embassadors. Nor does our denial of the right of search, which was involved in the slave trade, preclude us from asserting the position I maintain. That doctrine had reference exclusively to a *time of peace*. There is nothing, then, in our diplomatic record to weaken our position.

It is enough now for us that on this ground we may safely say to England: "Fulfill your neutral obligations. Until you do so, you cannot quarrel with us for the exercise of our most indubitable right. If you insist on belligerent rights between the North and South, do not, as a neutral, help the one belligerent, to the detriment of the other, for, as Vattel and all publicists hold, this is fraud."

In this spirit alone can our relations toward Great Britain continue amicable. We will readily yield her rightful demands as in this case of the Perthshire. We yield nothing—nor ought, to her arrogance, passion, or pride, when we are clearly in the right. The letter of General Jackson to Livingston, the original of which was read by the historian Bancroft at a New York meeting, and applied by him to disunionists here, may be as appropriately applied to their sympathizers abroad: "The Union must be preserved without blood, if this be possible; but it must be preserved at all hazard, and at any price." This Jacksonian talk has ever been my rule of action here: "the Union, *without bloodshed, if possible*; BUT THE UNION AT ALL HAZARD AND AT ANY PRICE." So with our honor among the nations. For it is thus, and thus only, that in the gigantic conflict for our national existence, we will avoid entanglement and conflict with nations whose material interests, as they think, depend upon our discomfiture, and whose chronic jealousy of our republican success has led their rulers to hail our anticipated disruption and ruin with delight.

We are, sir, in this country too sensitive of foreign opinion. Mr. Seward said well when he told Mr. Dayton that it was no business of our embassadors to overhear what the foreign press or foreign ministers said about us. Our duty was to maintain our Union in its integrity, and our position as a leading power among mankind, regardless of the machinations of rebels at home, and the derision and hostility of kings and aristocrats abroad. I know that we naturally dislike to have our institutions misrepresented, and our destruction predicted. There is much in the old Spanish motto, "*De mi rei, solo yo*"—no one shall speak of our king except ourselves; no one shall speak of our sovereignty but ourselves. I would that we were more indifferent to the poisoned shafts of foreign malice, barbed as they are by aristocratic hate and pretension. We have been very freely scorned by nations whose moral standard is measured by their commercial profit and loss, whose national honor depends upon a cotton pod, where philanthropy has been so intermeddling Franciscism, and whose complacent neutrality, so promptly assumed, seems to glory in the humiliation of a kindred and Christian nation, without regret or sympathy, because of its splendid illustration of commercial grandeur, and its defiant adherence to democratic government.

Let us, sir, pursue our duty to the age and the nation with unruffled composure and determined will. Heaven does not desert the undismayed. Even though there may be foreign troubles impending, for us to despair now is to die. I like, Mr. Speaker, the motto of the old Romans, which I have, in this hour of trial, often commended to my constituents, "never to despair of the Republic." They used to write it on the lintel of their doors, and emblazon it upon their temples. It was upon the lips of the people, it was in the mouths of their orators, "never to despair of the Republic;" and when a Roman general, even in the agony of his defeat, gave out the inspiring words, "never to despair of the Republic," a Roman Senate voted him a triumphal entry within the imperial gates.

Let us fling aside the burden of our national woe, lament nothing of the irrevocable past, dare all that is just and constitutional, make no cruel and disastrous diversions from the great object of rescuing our nationality, crush as we would a nest of adders those who would impair its proportions as well as those who would turn us from that object to other and ignoble objects, involving fresh divisions, broken armies, social revolutions, servile insurrections, perpetual penalties, and eternal hates; and move each and all, heart, soul, body, men, means, munitions, intelligence, and patriotism, to the grand and only object—the restoration of our dismantled Union. Thus feeling and thus acting, we may emerge from this strife of struggling States; and, like the fabled demigod, receive added strength from our very prostration. If, sir, we observe the rules of right and honor in regulating our conduct abroad, if we observe the object of the war that is now upon us, as the President proclaimed it to the people, as the soldiers of the Republic understand it, as the House resolved in the Crittenden resolution, and as the Constitution and the Union demand, we may be assured that our warlike resources, the intelligence and valor of the masses, the very physical geography of the country, and God himself, will fight for us against this rebellion. I believe that Providence has marked upon the face of this country—written in lines never to be erased—that this Union, as it was, shall remain, one and indivisible. I believe in the idea suggested by Mr. Everett, that our physical geography binds us and bars us together. He said that before this Union could be permanently broken, the Alleghanies must bow their heads to the ocean, and the Mississippi and Missouri roll back their currents to the Rocky Mountains. If we would assure to posterity the political Union we have lived under so happily, we should forget all thoughts of vengeance, seize, with statesmanlike sagacity, upon the elements of unity we have even yet in our unhappy land, and mold them in the spirit of conciliation and wisdom, keeping out of these Halls fatal and disastrous discussions on inflammatory and sectional topics; keeping the one holy object before us for which the lives of the brave soldiers are so freely offered, and the millions of our means are so freely expended. With this object nobly pursued, God will be with us, and our arms will prevail!

We have many elements of Union. We have as yet a common blood, a common language, a common heritage, a common ancestry, a common history, a common glory and a common faith in the same Heavenly Father. Thanks to their courageous patriotism, we have many of the noblest men from the South still with us, taking their part in our legislation, and sharing the perils of the Republic. They sit around me, with eye unblenched and spirit unbroken. I am ready to heed now, as I have always heeded, their counsel, when they tell us how rightly to mold these elements of Union for its restoration.

Mr. Speaker, if we would thus act all may yet be well. We may come from this great struggle strengthened and purified by sacrifice, more young, more exultant, more progressive, and inspired with a purer, if not so ostentatious a consciousness of our great destiny, under Providence. I move you, sir, therefore, that this bill I have discussed preliminarily may be put upon its passage.

The Ohio Statesman

MANYPENNY & MILLER, Publishers.

GEO. W. MANYPENNY, Editor.

COLUMBUS, OHIO.

SUNDAY MORNING, DEC. 22, 1861.

Mr. Cox's Speech.

A large space is occupied in this paper with the recent speech of Hon S. S. Cox, member of Congress from this district, on the bill reported by him from the committee on Foreign Affairs for the relief of the owner of the British ship Perthshire. After Mr. Cox had finished his remarks, the bill was engrossed and read the third time; a demand for the previous question was sustained, and the bill passed. A motion to reconsider the vote by which the bill was passed, was laid on the table. On Thursday, Dec. 19, a bill, having a similar object in view, was reported in the Senate and laid on the table.

The compensation insisted on by Mr. Cox to the owner of the Perthshire for an admitted mistake in her detention at Pensacola, may seem, in itself considered, a small matter; but if our Government shows a disposition to be unjust in small affairs, it may be reasonably inferred that it will be no less inclined to injustice in those of greater importance. The reasons which Mr. Cox assigns why compensation should be made, and that without delay, are, we think, clear and convincing.

We need but barely allude to those portions of the speech in which Mr. Cox discusses the case of the Nashville, and at greater length, the principles of international law applicable to the capture of Mason and Slidell. The latter is the absorbing topic of the day, and we, therefore, invite particular attention to the closing part of the speech after the interruptions by Mr. Lovejoy and others had ceased.

Plundering the Government.

From the Cincinnati *Gazette*, of the 19th, we clip the following article, to which we call the special attention of our readers:

Our special dispatches from Washington report some of the extraordinary discoveries, in the line of corruption, made by the Washburne Investigating committee. People having become used to hearing of infamous frauds connected with the administration of the Government, will probably be neither surprised nor shocked, however shocking, surprising and lamentable the operations are in themselves. But is it not time that we had a law to punish these offenders? The people would cordially approve of the summary execution of men found guilty of robbing the Government at any time, but especially now, when the country is patriotically furnishing men and money to put down rebellion. It is one satisfaction, in the absence of adequate laws, to punish these parties, that the whole crew of thieves, who have been or may be exposed, will be remembered by this and future generations with feelings of loathing and contempt. The curse that must fall upon the heads of these robbers and traitors, will pass down through more than one generation. But this, though a consolation, is not enough. Let Congress pass a law that will secure the hanging of such disgraceful and DEGRADING specimens of humanity.

We need not say that the denunciation by the *Gazette* of the bold and outrageous "corruptions" and robberies committed by these "robbers and traitors" is just, but we wish to "stick a pin" right here. On the 7th of August last, the Democratic State Convention passed the following resolution:

4. That the corruption and extravagance, incompetency and favoritism shown in the administration of the War Department of the State and Federal Governments, deserve and receive our unqualified condemnation, and ought to be immediately corrected and reformed.

For this the *Gazette* and its Republican cotemporaries denounced the Convention as a secession Convention, and the members thereof as secessionists; and declared that the effect was to give "aid and comfort to the enemy." Now, the *Gazette* desires "Congress to pass a law that will secure the hanging of such disgraceful and DEGRADING specimens of humanity." The correctness of the resolution of that Convention are every day being verified by even those who denounced them for political effect.

Relief for Families of Volunteers Enlisted Outside of the State.

The question having been asked of Attorney General MURRAY, of this State, "whether under the act of May 10, 1861, authorising the levy of a tax of one half mill on the dollar valuation in each county, for the relief of the families of volunteers, etc., that fund can be distributed to the families of volunteers going out of this State, and enlisting in regiments raised in other States," that officer gives it as his opinion that "*wherever* a resident of Ohio, having a family therein, *may enlist*, whether in Ohio or elsewhere, from the moment he is *mustered into the service of the United States*, and becomes its soldier, or into the *actual service of Ohio*, and no sooner, his family is entitled to the relief provided for by the act of May 10, 1861, and not otherwise." It follows, then, from this opinion, that if the volunteer has "enlisted in a regiment from any other State than Ohio which remains in the *service and pay of that other State*, so long as it does so, his family, though residing in this State, and in other respects coming within the provisions of the above-cited act, is not entitled to relief under it."

☞ The Cincinnati *Times* alluding to the robberies committed by persons connected with the Government, says:

We have called attention, elsewhere, to the extensive abstract which we publish to-day of the report of the committee appointed some time ago to investigate the unparalleled outrages which have been perpetrated upon the people by those who have been building fortifications and furnishing supplies for the Federal army. Is there another instance, in the history of modern times, of such corruption as has characterized the operations of our officials within the last few months?

Absolute robbery has been the order of the day! The statements which we present and which are fully authenticated, will startle the nation; and we say again, out upon the rascals; stop this wholesale plundering, and, if necessary, take the guilty parties and shoot them as common felons. We have a set of men who will steal the Federal Government and carry it away, unless we shall imprison them, or put them to death. They are doing our army more mischief than the measles, the typhoid fever, the small-pox, and Jeff. Davis, combined.

We have heard much of the bad conduct of FLOYD while Secretary of War, but the facts brought out by this committee completely throw anything charged upon him in the shade.

The *Times* truly says, "Absolute robbery has been the order of the day" in and about the War Department. And still, with all this, CAMERON is retained in the Cabinet.

The Ignorance of a Grand Jury as to the "K. G. Cs."

The Grand Jury of Crawford, at the late term of the Court of Common Pleas in that county, made a report, in which they say:

We have used all the means within our power to ascertain, if possible, whether or not there exists in this county any secret and treasonable order of men by the name of the Knights of the Golden Circle—or by any other name, or whether there were any person or persons within this county that knew of or belonged to any such order here or elsewhere. We have had before us to give testimony on that subject the following witnesses:

Here follow the names of twenty-five witnesses. The report continues:

And from all the testimony we have been enabled to get from the witnesses called as aforesaid, we are forced to the conclusion that the Knights of the Golden Circle exist in this county in imagination only. We are well satisfied that there is no political, or other order of a treasonable character existing in this county, and we have utterly failed to elicit from the testimony of any witness before us, any single fact tending to show that any such order exists in this county or in the State of Ohio. Mr. John Thompson who received the Withers letter, knows of no such man as A. T. Withers.

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THE STOCKHOLDERS OF THE COLUMBUS AND Xenia Railroad Company are hereby notified that the Annual Meeting for the election of Directors to serve the ensuing year, and for other purposes, will be held at the office of the Company in Columbus, on Tuesday, the 7th day of January, 1862, between the hours of 10 o'clock A. M. and 4 o'clock P. M.

CYRUS FAY, Secretary.

dec17-d3w

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