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DAILY.

VOL. 1. NO. 7.

CITY OF WASHINGTON, SATURDAY MORNING, OCTOBER 1, 1853.

WASHINGTON SENTINEL

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WASHINGTON SENTINEL

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PROSPECTUS

OF THE

"WASHINGTON SENTINEL."

I PROPOSE to publish in the city of Washington, in September, a political newspaper, under the name of the WASHINGTON SENTINEL.

In doing so, it is proper I should make known the principles it will maintain, and the policy it will advocate.

It will support cordially and earnestly the principles of the *Democratic party of the United States.* It does not propose to be the organ of any Department of the Government, except in so far as an independent maintenance of the doctrines of that party may represent its opinions and express its views.

It will not be ambitious to commend itself to the people by a blind flattery of their rulers. It will seek public support by the bold avowal of the sentiments which are common to the genuine Democracy of the Union, and by the condemnation of all such as may conflict with them, from whatever quarter they may come. It will seek to be (and it will endeavor to deserve the title) the organ of the Democratic party of the United States.

The Sentinel will maintain, as a fundamental truth of that great party, that the States formed the Union between them by the ratification of the Constitution as a compact; by which, also, they created the Federal Government, and delegated to it, as their common agent, the powers expressly specified in it, with an explicit reservation of all others to the States, or to their separate governments. The exercise of any powers beyond these thus delegated, is, therefore, an usurpation of the reserved authority of the States by the agent of their own creation.

The Sentinel will uphold and defend the Union upon the basis of the rights of the States—under the Constitution—and thus by sedulously guarding the latter, it will the more effectually strengthen and perpetuate the former.

With regard to the exercise of the powers of the Federal Government, the Sentinel will take as the principles of its action, that Congress shall exercise no power which has not been delegated by the Constitution, according to a strict and fair interpretation of its language and spirit; and that it shall not seek to attain *indirectly* an object through the exercise of *constitutional power*, for the *direct* attainment of which it has no *delegation of power.* In other words, all powers exercised must be clearly granted, and all granted powers must be used for no purpose, except such as is clearly intended by the Constitution.

In respect to the internal administration of the Government, the Sentinel will sustain the settled policy of the Democratic party. It will labor to inculcate this cardinal doctrine of Democratic internal policy:—that this Government will best promote the freedom and prosperity of the people of the States, by being less ambitious to exercise power, and more anxious to preserve liberty; and by leaving to the individual States the management of all their *domestic concerns*—while it contents itself with guarding the confederacy from external violence, and directing the foreign policy of the country to the promotion of the common interests, and defence of the common rights, and honor of the States composing it.

The Sentinel will advocate such a progressive foreign policy as will suit itself to the exigencies, and correspond with the expanding interests of the country. That policy should be energetic and decided; but should temper firmness with liberality, and make its highest ends consist with the strictest principles of justice. The real interests of the country, upon each occasion demanding attention, will be its guide in the course the Sentinel will pursue.

The national policy of the world in this age is essentially aggressive. In the growing sense of weakness of some of the nations of the Old World, and the ambitious restlessness of others, a common motive to colonial extension has developed itself.

Our settled determination to repel interference from abroad with our domestic concerns, will prompt us to avoid it in the affairs of other countries, *unless* by their foreign or colonial policy our peace should be threatened, our security endangered, or our interests invaded. For when the selfish interests of other nations prompt a foreign or colonial policy which infringes upon our rights, and places in the pathway of our commerce a dangerous and unfriendly rival, such a policy must be resisted by remonstrance, and, if need be, by war.

Our foreign policy should, indeed, be defensive; but to be *properly defensive*, it must sometimes be *apparently aggressive.* Our administration should be vigilant, watchful, and energetic. The world is full of important movements, commercial and political, deeply concerning American trade and American power. It is time we had an American foreign policy. We must have it. We cannot avoid it if we would. We have larger interests, and a greater stake in the world and its destiny, than every other people. We occupy the best portion of a continent, with no neighbors but a colony, and a worn-out, anarchical despotism. We are the only people whose own land, without colonial dependencies, is washed by the two great oceans of the world. Our agricultural productions are more varied and more essential to civilized life, and to human progress—our mineral and manufacturing resources more vast—our facilities and capacity for internal and foreign commerce more extended than those of any other people living under one government. A continent, to a great extent, unexplored and exhaustless in its yet hidden wealth, is at our feet. European trade seeks the great East through avenues which are at our doors, or must be made through our own limits. Europe, Asia, Africa, and the isles of the sea, lying all around us, look to us as the rising power, through the agency of whose example, and ever widening and extending, though peaceful influences, the blessings of liberty, civilization, and religion, are destined to triumph over the barbarism and superstition of the millions of the world. And shall such a people refuse to lay hold upon their destiny, and act upon the high mission to which it is called? A mission so full of hope, though so laden with responsibility, which, if properly directed, must make our confederacy the harbinger of peace to the world, as well as the peaceful arbiter of its destiny.

The Sentinel will, therefore, advocate a *bold and earnest foreign policy*, such as the condition of the country demands; but it will advocate it under the flag of the country—nowhere else. Its foreign policy must be consistent with the spotless honor and unimpeachable good faith of the country. To be respectable at home and abroad, and to be great in the eyes of the world, it must ask for nothing but what is right, and submit to nothing that is wrong. It must be liberal and magnanimous to the rights of others, and firm and immoveable in insisting on its own. It must, in fine, be true to its own interests, rights, and honor—it cannot then be false to those of other nations.

Such, then, is the chart by which we shall be guided. Independent and free, we shall endeavor to be honest and truthful. The true friends of democratic principles we shall cordially support and defend. Its enemies in the field or in ambush we shall oppose, and on all proper occasions denounce.

To our future brethren of the press we extend the hand of friendly greeting. The Sentinel is the rival of no press of its own party—the personal enemy of none of the other.

The present Democratic Administration has our best wishes for its success in the establishment of the great principles upon which it came into power; and in its honest labors to attain such an end it will find the Sentinel its friend and coadjutor.

Terms: For the Daily paper, $10 a year, in advance. For the Tri-weekly, $5 a year to single subscribers, and to clubs or persons subscribing for 5 or more copies, at the rate of $3 a year. For the Weekly, $2 a year to single subscribers, and to clubs or persons subscribing for five or more copies, at the rate of $1 50 a year; in all cases payment to be made in advance.

All communications should be post paid, and addressed to Beverly Tucker.

☞ Editors throughout the country are requested to copy the above Prospectus, and send us a copy of their paper, who shall receive in return a copy of ours. BEVERLEY TUCKER.

Washington, Sept. 21, 1853.

CHESAPEAKE and Ohio Canal Stock wanted by PETER A. KELLER,
Sep 21 Opposite the Treasury.

Agencies and Law Offices.

OFFICERS AND SOLDIERS OF THE Mexican war, or others having claims against government.—Claims for bounty land and invalid pensions, in behalf of officers and Soldiers in the Mexican, Florida, or Revolutionary war, or of 1812, extra-pay, moneys paid for raising and subsisting troops; also, claims under the new pension law, in behalf of widows and orphans of officers and soldiers, prosecuted by

F. E. HASSLER,
Sep 28—3tlaw Washington.

AGENCY FOR CLAIMS.—The subscriber lately, and for a number of years past, a Clerk in the Pension Office, offers his services to the public as Attorney and Agent for prosecuting claims before Congress and the several Departments. Having access to the largest collection of evidence of Revolutionary service, particularly of officers of the Staff Department, to be found in the hands of any private individual, he feels confident it will enable him to render satisfactory and valuable service to those who may employ him to establish claims which have long remained suspended for want of proof and proper attention.

Those engaging his services will be constantly kept advised of the progress of their claims.

All communications to be post paid.

He is permitted to refer to—

Col. J. J. Abert, *Chief of Corps of Top. Engineers.*
John Wilson, esq., *Com. of the Gen. Land Office.*
J. L. Edwards, esq., *Late Com. of Pensions.*
J. G. Berret, esq., *Postmaster, Washington, D. C.*
Maj. J. H. Eaton, *Late Secretary of War.*
Beverley Tucker, *Washington.*

ORRIS S. PAINE.
Sep 21—3t

TO THE HEIRS OF OFFICERS AND Soldiers of the Revolutionary and other Wars.—The undersigned having established a permanent General Agency at the seat of Government, for the prosecution of claims against the United States, continues to give his usual prompt attention to all business entrusted to his care.

The success he has achieved in bringing about a speedy settlement of old claims placed in his hands, justifies him in believing that he will be equally fortunate in behalf of his clients for the future. Suspended Pension and Bounty Land cases meet with special attention, and in no case will a fee be charged, unless the claim be allowed and paid by the Government.

There are many representatives of deceased Naval Officers who have claims that can be established by applying to the subscriber.

ROBERT H. GALLAGHER,
Formerly of Virginia.

References, (if necessary.)

Chubb Brothers, Bankers, Washington, D. C.; John S. Gallagher, Esq., late Third Auditor of the U. S. Treasury; Hon. Jackson Morton, United States Senate; Drexell & Co., Bankers, Philadelphia; M. Judson, Esq., Banker, New Orleans; Wright & Williams, Bankers, Erie, Pennsylvania; Maury & Morton, Bankers, Richmond, Va.; Burcoyne & Plume, Bankers, New York; Ellis & Morton, Bankers, Cincinnati, Ohio; and Johnson, Brother & Co., Bankers, Baltimore, Md.

N. B.—I have facilities for establishing service in Wayne's War, by which all entitled to Bounty Land, or Pension can secure the same. The difficulty heretofore in establishing the service referred to has grown out of the fact that the Department itself has no rolls of Wayne's War.

R. H. G.
Sep 21—3t Washington.

LAW NOTICE.—SIDNEY S. BAXTER, late attorney general of Virginia, has removed to Washington to practice law.

He will practice in the Supreme Court of the United States, the courts of the District of Columbia, and attend to any professional business confided to him.

Office in Morrison's new building on 4½ street, east of Pennsylvania avenue.

REFERENCES.

Hon. J. J. Allen. Hon. Wm. Daniel.
Hon. Richard Moncure. Hon. G. B. Samuels.
Hon. G. H. Lee, of the Court of Appeals of Virginia.
To the Judges of the Circuit Courts of Virginia.
To the senators and members of Congress from Virginia.
Sep 21—1yeod. (m)

AGENCY AT WASHINGTON.—To Claimants.—FRANCIS A. DICKINS continues to undertake the agency of claims before Congress and other branches of the government, including commissioners under treaties, and the various public offices. He will attend to pre-emption and other land claims, the procuring of patents for the public lands, and procuring scrip for Virginia bounty land warrants, and the confirmation by Congress of grants and claims to lands, claims for property lost in or taken for the service of the United States; property destroyed by the Indians, or while in the possession of the United States; invalid, revolutionary, navy, widows', and half-pay pensions; claims for revolutionary services, whether for commutation, half-pay, or bounty lands; also, claims for extra and back pay, &c., of soldiers, sailors and marines; as well those against the State of Virginia, as the United States; all claims, growing out of contracts with the government, for damages sustained in consequence of the action or conduct of the government; and, indeed, any business before Congress or the public offices which may require the aid of an agent or attorney. His charges will be moderate, and depending upon the amount of the claim and the extent of the service.

Mr. F. A. Dickins is known to most of those who have been in Congress within the last few years, or who have occupied any public attention at Washington.

His office is on Fifteenth street, opposite to the Treasury Department, and next door to the Bank of the Metropolis.

All letters must be postpaid.
Sep 28—1yd (m)

GENERAL AGENCY, Washington City, D. C.—The subscriber offers his services to the public in the prosecution of claims before Congress or any of the Departments of the Government. Some years' experience as disbursing Agent at the Indian Department, with a general knowledge of the mode of transacting business in the offices of the Government, enables him to promise satisfaction to all who may intrust business of this character to his care.

He will also give *special attention to the collection of claims against parties residing in the District of Columbia or vicinity; to negotiating loans, as well as the purchase or sale of Stocks, Real Estate, Land Warrants, &c., &c.*, or furnish information to correspondents residing at a distance, in regard to any business which may interest them at the seat of Government.

☞ Office over the Banking-House of Selden, Withers & Co., to whom he refers.

JAMES J. MILLER.

N. B. References of the most satisfactory character will be given to correspondents in whatever State they may reside.
Sep. 24—1m

ATTORNEY FOR THE PROSECUTION of Claims, at Washington City.—The undersigned having been engaged successfully in the prosecution of Claims before the Departments and before Congress, for several years, will attend promptly to all claims entrusted to his care, and especially Revolutionary Pensions, Bounty Land, Extra-pay, and pensions for services in the war of 1812, and the Mexican war, as well as all the Indian wars.

Office on D street, one door east of 10th street.

H. C. SPALDING,
Sep 21—1t Attorney.

LAW AND CLAIM AGENCY OFFICE, at Washington City.—Charles T. Sherman, Attorney at Law, respectfully tenders his professional services to the public. He will give prompt and careful attention to any legal business confided to his care in any of the Courts of this District. He will give the same attention to the prosecution of claims against the Government, before any of the Departments or Congress. In cases of magnitude or difficulty he will be assisted by his father, Charles E. Sherman, Esq., of this city.

Office on Louisiana avenue.
Sep 21—1t

Educational.

Columbian College, Washington, D. C.

The collegiate year of this institution will hereafter consist of one continuous session, beginning on the last Wednesday in September, and closing on the last Wednesday in June, on which day the annual commencement for conferring degrees will be held.

The ensuing session will open on the 28th of the present month.

The charges are:

For tuition per session of nine months, $40 00
Use of room, furniture, library, and attendance 30 00
Board, (per week) 2 25

To those who do not board in college the charge for tuition is the same, and for the use of room, furniture, library, &c., $25 per session. There is an admission fee of $10, and a small charge each session for contingencies. Fuel and lights are furnished at cost, and washing at 37½ cents per dozen. The necessary college expenses of a boarding student will not exceed $180 or $190 per annum. All the bills are payable one half at the beginning, and the balance at the middle of the session.

With a view of giving to the different departments of instruction a wider extension, and at the same time of meeting a public want by rendering the advantage of the college available to a larger number and a more varied class of students, some important changes have been made in the order and arrangement of the students. A new course has been adopted, styled the Scientific Course, and the degree of Batchelor of Philosophy (B. P.) attached to it. It will occupy about three years, and will embrace all the studies of the regular course for the degree of Bachelor of Arts, with the exception of the ancient languages. This course will be specially adapted to those who wish to obtain what is called a *practical education*, as the mathematical and scientific studies will have greater prominence than usual, particularly in their application to the arts and business of life. Those who may wish to become practical surveyors, engineers, or agriculturists, will be enabled, with the advice of the faculty, to select their studies with special reference to those objects, and will receive the aid of lectures and illustrations. The doors of the College will also be opened to those who may wish, under its general regulations, to pursue any branch of study for any length of time. They may, under the direction of the faculty, select such subjects as are suited to their views and objects in life, and, on examination, may receive a regular certificate of their standing and proficiency in the same.

The number of officers and instructors has lately been increased, and others will be added as the wants of the several departments may require.

Measures are in progress for filling immediately the chair of chemistry, geology, mineralogy, and botany in a manner that will add greatly to the interest and profit of those studies.

The preparatory department has been placed under careful and efficient management, in a building which has been handsomely fitted up for its reception. It has an able and experienced teacher, and is under the general supervision of the faculty. It will thus afford the best advantages for laying the foundation of a thorough classical and mathematical education.

Boarding pupils will be received under the immediate care and direction of the principal, and at about the same expense as regular college students.

The buildings have recently undergone thorough repairs, and the grounds are being laid out and improved in a manner that will add much to the convenience and attractiveness of its already beautiful situation.

It is believed the College never presented so strong inducements as it now does to young men who desire to obtain a thorough and liberal education.

J. S. BACON,
Sep 21. President.

UNIVERSITY OF VIRGINIA.—The next session of this institution will open the 1st of October, and close the 29th of June following.

The university embraces the following schools, viz: 1, ancient languages; 2, modern languages; 3, mathematics; 4, natural philosophy, mineralogy, and geology; 5, chemistry; 6, medicine; 7, comparative anatomy, physiology, and surgery; 8, moral philosophy, rhetoric, and belles lettres, and political, economy; 9, law. Also a lecturership of special anatomy and materia medica, and a demonstratorship of anatomy. The schools of ancient languages, modern languages, and mathematics, have each an assistant instructor; and in the school of law there is an adjunct professor.

The expenses, (not including clothing, books, or pocket-money,) are as follows:

Tuition fee, say three schools, at $25 each. $75 00
Boarding, including diet, room-furniture, and attendance of servant, payable in three instalments in advance 120 00
Room rent, two occupying a room, $8 each 8 00
(Rents without the precints, something more.)
Matriculation fee, $15; contingent deposit, $10 ..... 25 00
Washing, say $10; fuel and light, say $20 30 00
$258 00

Students of medicine are charged with four tickets, at $25 each, and a dissecting fee of $5. The fee in the immediate class of law is $60; in senior class, $75.

GESSNER HARRISON,
Sep 21—tf Chairman of the Faculty.

NATIONAL MEDICAL COLLEGE, Washington.—The Thirty-second Annual Course of Lectures will commence on the fourth Monday in October, and continue until March.

FACULTY.

Thomas Miller, M. D., Professor of Anatomy and Physiology.
Wm. P. Johnson, M. D., Professor of Obstetrics and Diseases of Women and Children.
Joshua Riley, M. D., Professor of Materia Medica, Therapeutics and Hygiene.
John Fred. May, M. D., Professor of the Principles and Practice of Surgery.
Grafton Tyler, M. D., Professor of Pathology and Practice of Medicine.
Robert King Stone, M. D., Professor of Microscopal and Pathological Anatomy.
Lewis H. Steiner, M. D., Professor of Chemistry and Pharmacy.
Charles F. Force, M. D., Prosector and Demonstrator.

The facilities for the prosecution of practical anatomy are ample.

Like most similar institutions in Europe, the desks from which the regular lectures are given, and the wards for clinical instructions are under the same roof.

The extensive additions to the buildings since the last session, for the accommodation of the sick, will greatly extend the usefulness of the medical and surgical clinic.

The entire expense for a full course of lectures is $90
Practical anatomy by the demonstrator..... 10
Martriculating fee (payable only once)..... 5
Graduating expenses..... 25

Admission to the Medical and Surgical Clinic through the whole course without charge.

ROBERT KING STONE, M. D.,
Dean of the Faculty.

Office and residence corner of F and 14th streets.
Sep 21—1Nov.1

MODERN LANGUAGES.—D. E. Groux, a native of France, teacher of Modern Languages, especially French, Spanish, and German. Translations made with correctness and punctuality. Professor of Numesmatics, for the classification and explanation of medals and coins.

Pennsylvania avenue, south side, between 6th and 7th streets, opposite Brown's Hotel.

Furnished Rooms to rent at that place.
Sep 21—dtf

BROWN'S MARBLE HOTEL,

PENNSYLVANIA AVENUE,

WASHINGTON CITY.

T. P. Brown. M. Brown.
Sep 21—dtf

FINE PARLOR GRATES, just received direct from the New York manufacturers, for sale by W. H. HARROVER,
Sep 21—co2w (m) Op. the Patriotic Bank

Washington Sentinel.

IMPORTANT DIPLOMATIC CORRESPONDENCE

MR. HULSEMANN TO MR. MARCY.

[Translation.]

Austrian Legation,
Washington, August 29, 1853.

The undersigned, Charge d'Affaires of his Majesty the Emperor of Austria, has been instructed to address this official note to the honorable Secretary of State, in relation to the difficulties which have occurred between the agents of the two governments at the port of Smyrna.

The facts which came to pass on that occasion are of public notoriety, and the undersigned thinks he may confine himself in his comments thereon to the most prominent points. Our consul general, Mr. de Weckbecker, exercising the right of jurisdiction which has been guaranteed by treaties to the consular agents of Austria in the east relative to their countrymen, had caused to be arrested, and conveyed on board the Austrian brig-of-war "Huszar," the Hungarian refugee, Martin Koszta; who, residing at one time in the interior, at Kutahia, had left Turkey, in company with Kossuth, and who, after having pledged himself in writing not to set foot again on Ottoman territory, broke that pledge by returning some months since to Smyrna. This arrest gave cause to some reclamations which Mr. Offley, United States consul, conjointly with the commander of the American sloop-of-war "St. Louis," anchored in the roads before Smyrna, deemed it incumbent upon themselves to address to Mr. de Weckbecker, basing their demands upon the fact that the aforesaid Koszta, having, according to them, caused himself to be naturalized in the United States, was entitled to the protection of the American authorities. Upon this, the consul-general of the emperor, accompanied by the American consul and the American commander, repaired on board the "Huszar," and these two functionaries had it in their power to convince themselves, from the declarations of the prisoner himself, that the latter had not acquired the quality of citizen of the United States, and that he was not even provided with an American passport.

On his own part the charge d'affaires *ad interim* of the United States at Constantinople, addressed a communication, on the 27th of June, to the imperial internuncio, (minister,) the object of which was to ask for the release of Koszta, upon the plea that he had taken some steps to be admitted as an American citizen. Baron de Bruck replied to this request on the same day, refusing to comply with it. Two days after, Mr. Brown returned again to the charge, by forwarding to Mr. de Bruck a copy of a declaration purporting to have been signed by Koszta, in New York, on the 31st of July last, and which the charge de'affaires of the Union seems to regard sufficient to imply the naturalization of that refugee in America. The internuncio replied that it was impossible for him to alter his determination, as he could not consider the individual in question as belonging to a foreign jurisdiction so long as the ties which bound him to his country were not legally disolved.

The undersigned thinks it proper to imbody with the very text of this note, a copy of the document above mentioned, which has served as the basis to all the extraordinary proceedings both on the part of Mr. Brown and that of the commander of the St. Louis. Here it is:

Declaration made by Martin Koszta, of allegiance to the government of the United States.

I, Martin Koszta, do declare, on oath, that it is *bona fide* my intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to all and every foreign prince, potentate, State, and sovereignty whatever, and particularly to the emperor of Austria.

Sworn in open court this 31st day of July, 1852, before me, clerk of the court, &c.

(Signed,) MARTIN KOSZTA.

I, ——, clerk of the court of ——, being a court of record, having common law jurisdiction, and a clerk and seal, do certify that the above is a true copy of the original declaration of Mr. Koszta to become a citizen of the United States, remaining opened in my office.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of [L. S.] the said court the 31st day of July, 1852.

——, Clerk.

It is difficult to conceive how the representative of the United States could have sought to found a proof of the pretended naturalization of Koszta upon a document destitute of all authentic character, seeing that the form of legalization which is affixed to it, and which alone could have invested it with that character, leaves in blank* both the name of the tribunal before which the declaration of Koszta must have been made, and the name of the clerk who is supposed to be the despositary of the original document, and that, moreover, this pretended legalization has neither signature nor official seal attached to it. But even admitting the authenticity of this declaration, and supposing that Koszta could, without violating the laws of his country of his own accord, and without any other formalities, have broken asunder the ties which bind him to his native soil, the text of the document shows that the author of it has done nothing more than to declare his *intention* of becoming a citizen of the United States, and, with that object in view, of renouncing his rights of nationality in the States of the emperor.

A few days later a new and lamentable episode occurred to aggravate the question. On the morning of the 2d of July the commander of the American sloop-of-war "St. Louis," Mr. Ingraham, sent a message to the commanding officer of the "Huszar," to the effect that, in pursuance of instructions received from the charge d'affaires of the United States at Constantinople, he had to call upon him to deliver the aforesaid Koszta into his hands; adding that if he did not receive a satisfactory answer by 4 o'clock in the afternoon, he should cause the prisoner to be taken away by main force. As it was reasonable to expect, our commander, instead of complying with this request, prepared himself to repulse force by force; and when, at the hour designated, the American commander, getting ready to carry out his threat, ranged himself alongside our vessel, and brought his guns to bear upon the imperial brig, and was about to carry matters to the last extremity, our brave sailors, although much inferior in numbers, were determined to oppose a vigorous resistance to the act of aggression which was on the point of being consummated in the neutral port of Smyrna, and on the part of a vessel-of-war belonging to a power with which Austria was at peace. Our consul-general only succeeded in preventing this bloody catastrophe, which would probably have ended in the destruction of a considerable portion of the town of Smyrna, and of vessels of all nations in the harbor, by consenting that Koszta should temporarily, and until the settlement of the difficulties of which he was the subject, be confided to the custody of the consul-general of France, at Smyrna.

The return of Mr. Marsh to Constantinople, a few days after these events, brought on a discussion between himself and our internuncio, of the question whether Martin Koszta was to be considered as an Austrian subject or as a citizen of the United States. Although still ignorant of this discussion, the imperial government has come to the determination not to delay any longer addressing itself to the government of the United States through my instrumentality. There are two distinct questions involved in this discussion. One is the main question relating to the dispute about the rights of jurisdiction which has risen between the legations of Austria and of the United States at Constantinople, concerning Koszta; the other question, at least, fully as important as that which has reference to those formalities, in virtue of which the agents of the United States have deemed themselves authorized in urging their pretensions.

With regard to the first of these two questions, treated in the correspondence which has taken place on the subject between the internuncio and the charge d'affaires *ad interim* of the United States in Turkey, the imperial government adopts entirely the views of Baron de Bruck. In our opinion, Koszta has never ceased to be an Austrian subject. Everything combines to make the imperial government persist in this estimate of the matter. The laws of his country are opposed to Koszta's breaking asunder, of his own accord, and without having obtained permission to expatriate himself from the authorities of that country, the ties of nationality which binds him to it. The very declaration of that refugee on board the "Huszar," in the presence of the American consul and of the commander of the "St. Louis," shows that he still considers himself as a subject of the emperor. In short, even according to the terms of the law of the Union, such a declaration, supposed to have been signed by Koszta, and from which Mr. Brown has pretended to infer his naturalization in the United States, is not sufficient to produce that effect. The undersigned thinks he may dispense entering into any further details in regard to this question, seeing that the Department of State of the United States constantly refuses to grant passports to individuals who find themselves in this category, and that official publications have been made from time to time to that effect.

As there can be no doubt, therefore, concerning the question of nationality, the consul-general of the emperor at Smyrna was, without doubt, perfectly justified when, in virtue of those treaties, which subject Austrian subjects in Turkey to consular jurisdiction, he seized the person of Koszta within the pale of his jurisdiction.

Such being the case, the imperial government trusts that the government of the United States will hasten to instruct its consul at Smyrna not to interpose any obstacle to the extradition of the aforesaid Koszta, by the consul-general of France, to the consul-general of Austria at Smyrna.

But, apart from this question of jurisdiction, it is especially the mode adopted by the functionaries of the United States, in order to settle the matter, which has given the imperial government the most legitimate grounds of complaint.

The act of violence which the commander of the sloop-of-war "St. Louis," committed against the Austrian brig "Huszar"—that real act of war, committed in full peace, in a neutral port, the fatal effects of which were only averted by the prudence and moderation of our consul-general at Smyrna—constitutes an outrage upon the principles of the law of nations; and the imperial government has no doubt but that this act, viewed in such light, will have been condemned by the government of the United States, said government being itself interested in preventing the repetition of similar occurrences.

The events of the 2d of July at Smyrna present in a two-fold point of view a serious deviation from the rules of international law.

1st. The commander of the United States sloop-of-war "St. Louis" threatened that the brig of his Imperial and Royal Apostolic Majesty, the "Huszar," with a hostile attack, by bringing his guns to bear upon the latter, and by announcing in writing, that if a certain individual detained on board, whose nationality was being discussed between the agents of the two governments, was not delivered over to him at a stated hour, he would go and take him by main force.

There can be no doubt but that the threat of attacking, by main force, a vessel-of-war belonging to the military marine of a sovereign State, whose flag she carries, is nothing else than a threat of an act of war. Now, the right of making war is necessarily, and from the very nature of that right, inherent in the sovereign power. "A right of so momentous a nature," says Vattel, (Law of Nations, vol. 2, book 3, chap. 1, § 4,) "the right of judging whether the nation has real grounds of complaint; whether she is *authorized to employ force, and justifiable in taking up arms;* whether prudence will admit of such a step, and whether the welfare of the State requires it—that right, I say, *can belong only to the body of the nation or to the sovereign, her representative.* It is doubtless one of those rights, *without which there can be no salutary government*, and which are therefore called *rights of majesty.*

The founders of the republic of the United States fully recognized, from the beginning of the Union, the rights reserved to the sovereign power. The articles of perpetual confederacy and union between the States of New Hampshire, Massachusetts, &c., of 1778, contain already the following stipulation (IX, § 1:)

"The right of declaring war and to make peace shall belong solely and exclusively to the Congress of the United States."

This basis of the public law of the United States was preserved and sanctioned by the Constitution of the United States, of 1787, which reserves the power of declaring war explicitly to Congress, (section VIII.)

Upon this point, the Constitution of the United States harmonizes perfectly with the public law of Europe.

But, this right, reserved to the supreme power of each country, would become illusory and null, if commanders of naval forces or others were to be explicitly or tacitly authorized to undertake, either of their own accord, or upon the order or with the consent of a diplomatic or consular agent, to commit acts of aggression and of war against the vessels or the troops of another nation, without special instructions from the supreme authority of their own country, notified in the forms prescribed by the law of nations.

It is impossible that the regular governments of the civilized world can wish to expose their authority, as well as general peace, to the hazards of hostilities commenced without their knowledge, and without special authority from the sovereign power, by such or such functionary, in a foreign land.

2dly. This act of hostility has been committed in a neutral port of a power friendly to both nations.

Certainly, if there be one point of maritime and international law which is clearly and positively defined, and which has been adopted by all the powers of the world, it is the inviolability of neutral ports, the *absolute* prohibition from committing, in such ports, acts of war and of violence, even against the enemy with whom we are at open war. Modern history furnishes but few examples of cases of this kind. One of these rare instances is the attack upon the Dutch East India fleet, which had taken shelter in the port of Bergne, in Norway, by the admiral commanding the forces of the enemy; and although that attack was repulsed by the guns of the fort of that neutral port, *Vattel*—an authority universally recognised in matters relating to the law of nations—does nevertheless accuse the neutral power (Denmark) of having complained in too faint a voice of an undertaking so injurious to her dignity and to her rights.

In order the better to establish the concurrence of all nations, and the unanimity of all expounders of civil law on this question, we can quote the authority of an American statesman. The following is the opinion of Mr. Henry Wheaton: "The rights of war," says he, (Elements of International Law, part iv., chap. 111, § 7,) "can be exercised only within the territory of the belligerent powers, upon the high seas, or in a territory belonging to no one. Hence it follows that hostilities cannot lawfully be exercised within the territorial jurisdiction of the neutral State, which is the common friend of both parties." Then, § 9: "Not only are all captures made by the belligerent cruisers within the limits of this jurisdiction absolutely illegal and void, but captures made by armed vessels stationed in a bay or river, or in the mouth of a river, or in the harbor of a neutral State, for the purpose of exercising the rights of war from this station, are also invalid. Thus, where a British privateer stationed itself within the river Mississippi, in the neutral territory of the United States, for the purpose of exercising the right of war from the river, by standing off and on, obtaining information at the Balize, and overhauling vessels in their course down the river, and made the capture in question within three English miles of the alluvial islands formed at its mouth, restitution of the captured vessel was decreed by Sir W. Scott. So, also, where a belligerent ship, lying within neutral territory, made a capture with her boats out of the neutral territory, the capture was held to be invalid; for though the hostile force employed was applied to the captured vessel lying out of the territory, yet no such use of a neutral territory for the purpose of war is to be permitted."

If all hostility against an enemy declared to be within the territorial jurisdiction of a neutral State, which has friendly relations with both parties, is severely condemned by all writers on international law; if captures made by belligerent cruisers in the bays of a neutral State, or even by the boats of the vessels stationed there, *out of that territory, are null and illegal*, according to the law of the United States and the decrees of the maritime courts of Great Britain, an attack upon a vessel belonging to a friendly power in a neutral port would deserve to be censured in still more severe terms.

The history of maratime wars at the period of the French revolution furnishes abundant proofs of the very particular jealousy with which the government of the United States maintained the rights of neutrals; and the undersigned would cite some celebrated cases, in which the first statesmen of the Union, the most distinguished predecessors of Mr. Marcy in the high position which he fills, have defended the absolute inviolability of neutral ports, by means of most elaborate arguments. But as the undersigned is fully persuaded that the same doctrines will serve as guides to the government of the United States on the present occasion, he confines himself to this slight allusion to those principles which were formerly maintained, and very recently supported by the government of the United States in relation to the rights of neutrals, and more especially in regard to the inviolability of neutral ports.

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

The undersigned avails himself of this occasion to offer to the Secretary of State the renewed assurance of his high consideration.

HULSEMANN.

The Hon. Wm. L. Marcy,
Secretary of State of the United States.

MR. MARCY TO MR. HULSEMANN.

Department of State,
Washington, September 26, 1853.

The President has carefully considered the note of Mr. Hulsemann, Charge d'Affaires of his Majesty, the Emperor of Austria, of the 29th ultimo, addressed to this department, and the other documents relative to the much regretted occurrences at Smyrna in June and July last, with a view to ascertain the nature of the complaints therein preferred against the American officers engaged in that affair, and for the purpose of giving such satisfaction as Austria might be entitled to receive in case he should find that these officers had not duly respected her rights.

Though differing very much from the views presented by Mr. Hulsemann on behalf of his government, the President still indulges the hope that the exposition of the principal reasons on which his own conclusions are founded will induce his Majesty's government to look at the transaction in a different light from that in which it is presented by that government.

It is the duty of the undersigned to present these reasons to Mr. Hulsemann, and he will fail in his intention if, in performing this duty, he does not evince a friendly spirit, and avoid, so far as it can be done without impairing the full strength of the case, the introduction of topics to which either Mr. Hulsemann or his government can take exception.

To bring out conspicuously the questions to be passed upon, it seems to the undersigned that the facts should be more fully and clearly stated than they are in Mr. Hulsemann's note.

Martin Koszta, by birth a Hungarian, and of course an Austrian subject at that time, took an open and active part in the political movement of 1848-'49, designed to detach Hungary from the dominion of the Emperor of Austria. At the close of that disastrous revolutionary movement, Koszta, with many others engaged in the same cause, fled from the Austrian dominions, and took refuge in Turkey. The extradition of these fugitives, Koszta among them, was demanded and pressed with great vigor by Austria, but firmly resisted by the Turkish government. They were, however, confined at Kutahia, but at length released, with the understanding or by express agreement of Austria that they should leave Turkey and go into foreign parts. Most of them, it is believed, before they obtained their release, indicated the United States as the country of their exile. It is alleged that Koszta left Turkey in company with Kossuth; this is believed to be a mistake, and that he engaged never to return—this is regarded as doubtful. To this sentence of banishment—for such is the true character of their expulsion from Turkey, Austria gave her consent; in truth, it was the result of her efforts to procure their extradition, and was accepted by her as a substitute for it. She had agents or commissioners at Kutahia to attend to their embarkation, and to her the legal consequences of this act are the same as if it had been done directly by herself, and not by the agency of the Ottoman Porte. Koszta came to the United States and selected this country for his future home.

On the 31st of July, 1852, he made a declaration, under oath, before a proper tribunal, of his intention to become a citizen of the United States, and renounce all allegiance to any other State or sovereign.

After remaining here one year and eleven months, he returned on account, as is alleged, of private business, of a temporary character, to Turkey in an American vessel, claimed the rights of a naturalized American citizen, and offered to place himself under the protection of the United States consul at Smyrna. The consulate at first hesitated to recognise and receive him as such; but afterwards, and some time before his seizure, he and the American Charge d'Affaires *ad interim* at Constantinople, did extend protection to him, and furnished him with a *Tezkereh*—a kind of passport or letter of safe conduct, usually given by foreign consuls in Turkey to persons to whom they extend protection, as by Turkish laws they have a right to do. It is important to observe that there is no exception taken to his conduct after his return to Turkey, and that Austria has not alleged that he was there for any political object, or for any other purpose than the transaction of private business. While waiting, as is alleged, for an opportunity to return to the United States, he was seized by a band of lawless men,—freely, perhaps harshly, characterized in the dispatches as "ruffians," "Greek hirelings," "robbers"—who had not, nor did they pretend to have, any color of authority emanating from Turkey or Austria, treated with violence and cruelty, and thrown into the sea. Immediately thereafter he was taken up by a boat's crew, lying in wait for him, belonging to the Austrian brig-of-war the Huszar, forced on board of that vessel, and there confined in irons. It is now avowed, as it was then suspected, that these desperadoes were instigated to this outrage by the Austrian consul-general at Smyrna; but it is not pretended that he acted under the civil authority of Turkey, but, on the contrary, it is admitted that, on application to the Turkish governor at Smyrna, that magistrate refused to grant the Austrian