TOTAL DESCRIPTION WERNESTES, MAY ST. 1978-MUADRUPENT SHEET.

ma, though it gave some promise of succor, found every one, even the most honeful, cheerless and nt. But work and action were necessary te sustain life, and Captain Tyson set an example of energy and industry which was imitated by all. A lot of Esquimaux dogs drifted on the floe, most of which Hans and his family regaled themselves mon. The whites were at that time a little dellate, but would subsequently, they say, have BATEN A ROAST DOG.

. Captain Tyson says he wanted the men to save door kill and store them up for a more hungry day; but they would not, not thinking at the time that they would eat seals' entrails, &c., after-

After the provisions gave out the men ate not only the flesh and fat of the seals they were fortusate enough to get, but also the bones, skins, en trails, and all intestines and appurtenances. Captain Tyson showed ns two of his front teeth. broken by chewing un trosen seel hones while at times it was considered a great luxury to get a lump of blubber to hold in the mouth and suck, to keep out the cold. The people confined themselves for days together to their buts during the cold drifts, spending the time sleeping, wrapped up in

In March they got among the seals and procured plenty of meat, upon which they were entirely supported after that.

POLAR BRARS ON THE WARPATH One night a very large polar bear approache their encampment and commenced eating their seal skins lying about. The natives were directed to imitate the seals, lying prostrate on the ice, in order to entice the monster within a convenient shooting distance: but they were all afraid, whites and all, and fied. Tyson fired one shot, which wounded the bear, who thereupon faced and at tacked him. Tyson had to retreat to get more ammunition, and, returning, despatched him. This was a welcome addition to their scanty storehouse, so they took the precaution to save up bears' fiesh, seals' skins, entrails, &c., and in this way collected enough food to last them till the middle of May. should they not by that time reach some land or

But a greater misfortune, perhaps, than an avertook the heroic little hand of settlers on the seean. About the end of March a heavy gale dreve them out to sea.

BROKE UP THE PLOR

vessel.

on which they had lived so many months, and on which stood their homes of snow and newly stored stock of food. Their floe, which had been nearly five miles in circumference, was by this untoward calamity reduced -to a pan of ice no more than twenty yards in diameter. The consequence was that they concluded, by the advice of Captain Tyson, and after much altercation and difference of epinion, to abandon their late home and endeavor to regain the main pack. This was done on the 1st of April, and, with the floe and huts, they also abandoned all their stock of meat, a large quantity of ammunition, clothing, skins and other articles. A small portion of the meat was put into the boat, in which they now again took to the water; but, owing to the boat being too heavily laden, it be came necessary to throw that overboard. On the 3d and 4th of April the outer edge of

THE MAIN BODY OF ICE WAS REGAINED and some progress made inwards. The element still adverse, a tremendous gale and heavy sea breaking the ice into yet smaller pieces, continu ously hindered and threatened them with destruction, so that they were obliged to confine themselves to small pans, changing their positions from time to time as danger necessitated. It was impossible to launch the boat, no seals could be taken, and actual starvation was inevitable. It was at this crisis that, on which they happily obtained possession of as above described. The boat was afterwards got into the water, and they worked their way west and southwest every day in the hope of reaching some part of the Labrador coast. The only then remaining shelter was a canvas tent, erected after the annihilation of the Winter camp. On the 22d of April the boat happened to become separated from this tent some seven or eight feet. The weather, which had been fine for some days previously, with hardly any wind, suddenly shifted, and

A TERRIFIC STORM. accompanied with sleet and snow, sprang up. More suddenly still, and without any warning sounds whatever, the ice between the boat and tent burst asunder, with a loud and deafening explosion. A cry was at once raised to "stand by the boat." Fred Myer, in the darkness (for it was night) managed to reach it, though, in attempting to do so, he narrowly escaped being swept into the chasm caused by the separation of the ice floe, and in which the maddened sea was seething and the shattered and scattered fragments of the ice were tossing wildly against each other. Having reached the boat in safety his first act was to look round for his companions. None were to be seen and nothing heard, save the roaring of the tempest and the grinding and crunching of the clumpers as they were driven with terrific violence by the sea. To remain where he was would be, he knew, to court immediate destrucon. The pan upon which he tottered was becoming smaller and smaller every moment, and, creat as was the hazard, he determined, if posde, to launch the boat again, and, though desperate the attempt, to cross the chasm that divided him from his companions. But this was no easy task. The sea was breaking wildly over the pan. The boat was heavily laden, and it seemed as if his remaining strength, though doubled by that desperate situation, was unequal to the required task. Several times did he make the attempt, and twice was he

by the violence of the waves that dashed over and overwhelmed it. The cold was intense, terribly augmented by the chilling and freezing water with which he was covered and saturated. In this awful situation but little hope remained of his ever again beholding his comrades or even preserving his own life.

In a moment, as if by magic, the storm lulled and the surge subsided, and, straining his eyes through the blackness of that Plutonian night in the direction in which he supposed the rest of the party were, he discovered the two Esquimaux, Joe and Hans, each standing on a small piece of ice and paddling towards him. These intrepid and bardy sons of the "regions o ensek-ribbed ice" were not deterred by dangers which would have planched the cheek and made the hearts of men bold enough to seek the bauble

rifled with awe. But for them the loe seemed to have no terrors as for common men. In a secon the horrors of the preceding moment were forgot ten. Hope once more bloomed in all its fuln regardless of the innumerable perils beyond, and, strength thus revived with eager hope, the boat was launched and they joyfully rejoined their companions.

On the 29th of April two steamers hove in sight of the storm-tossed mariners, which now renewed when the sealing steamship Tigress, of St. Johns

all their long cherished and constantly blighted expectations of rescue. They made signals, but were probably not observed. This fresh and heartrending disappointment was atoned for on the morrow. Newfoundland, accidentally, in a dense fog, steamed against the year doe of ten which was

THREE CHRERS PROM THE RESCUED COMPANY cent the sir, and were as vehemently and lovously sent back by the 130 men who composed the Tigress' crew. Here, in getting on board the steamer. Hans Christian lost his invaluable record of the voyage, written by himself, in the Faculmaux language, which, but for that misfortune, your correspondent would now be able to place before the public, translated. The proverbial hospitality of Newloundlanders was not wanting in this case. The adventurers were cared for with the atmost attention and kindness, the sailors giving them their own suits and underclothing, boots. all necessary apparel, and their private stores of tea, sugar, coffee and many other things, with other acts of goodness appropriate to such circumtances, which are too numerous to relate.

THE TIGRESS.

having called at Bay Roberts, arrived at St. Johns on the 12th of May, in the alternoon; but the news of the wonderful experiences and recovery of the abandoned party had been partially telegraphed several days before. Their arrival was impatiently expected, and no sooner had the ship dropped anchor in the harbor than crowds, putting of in boats, besieged the decks and overwhelmed the strangers with intense curiosity and torrents of questioning as to the origin of their strange condition and the unparaleled capabilities which had safely brought them triumphantly through so many and stupendous perils. Captain Tyson and Mr. Myers refused to and till night, on account of the dilapidated state of their clothing. The Esquimaux men, women and children and most of the whites landed early in the afternoon. But if the excitement on board the vessel was considerable

THE SCENE AS THE BOATS APPROACHED shore was one of wildest enthrsiasm. It hanpened that there was ice in the harbor, which in certain places obstructed their passage, and as the boats' heads were turned one way or another to obtain an entrance dense columns of people of all classed moved up and down the quays lining the water of the harbor, according as the course appeared to be directed to one point or another. Heron said that in point of numbers it was a crowd not to be beaten by the Yankees. Then came the landing, and an impetuous rush ensued to obtain the temporary custody of

THE ESQUIMAUX CRILDEEN and to get the first good peep at the uncommon strangers-especially the swarthy ladies. The children were submissively transported along the principal streets of the city in the arms of eminent commercial centlemen, while the squaws, with a thankful and happy smile, trustingly leaned on an arm of others, the admired of all admirers. They were thus escorted to their respective homes. provided under the vigilant superintendence of the United States Consul, Mr. Thomas N. Mollov, who was careful that pothing was wanting to insure their comfort and recuperation. Captain Tyson most pleasant incidents attending such a terrible experience. The inhabitants of St. Johns have a good knowledge of the dangers of the Arctic Sea, and were able to understand better than people in New York possibly could the sufferings and privaions which the abandoned mariners and explorers must have gone through ere they were rescued by

ON BOARD THE TIGRESS both Esquimaux and whites seemed to enjoy tolerably good health. The miracle of the whole history is that it should be possible for a being endowed with merely human and ordinary powers of enfurance and only human energies to exist alive through such a combination of perils, exposure and suffering, so inconceivable in their character and variety and for such a period of time; that they did not all succumb to these strains on the faculties both physical and mental, and either voluntarily or of necessity lie down and die at the outset; and, still further, that they should be

RESCUED, APTER SIX MONTHS. from their forlorn position-not alive only, but actually in the possession of all their faculties, and, after a few days of rest and comfort, to all appearances hearty and well. It will be rememhered, bowever, that

THEY NEVER DESPAIRED. but always expected a rescue; and doubtless that hope, though often and bitterly deferred, sustained them in the darkest moments of their trial. On arriving at St. Johns most of the men and women, the Exquiman men excepted, complained of being slightly ill, and were placed by the Consul under the doctor's care. Some were troubled with swollen feet, a symptom of latent scurvy. On the second day of their arrival they were a little worse, out no serious consequences are anticipated in any instance, except that of

HANS CHRISTIAN'S BABY, which was not two months old when they were

driven from the ship. The baby was taken very sick after landing, so much so that it was not expected to live. . The child was therefore baptized the next day. This interesting ceremony was performed at Mrs. Gleeson's hotel on Water street, in her back parlor, neatly furnished and arranged, as suitable to the importance and solemnity of the occasion.

THE RITE OF BAPTISM was performed by the Rev. Mr. Shears, vicar of the parish of Bay Roberts, who had accompanied the party in the Tigress to St. Johns for this purpose. I do not know what baptismal prenomen the youthful scion of this illustrious family is to boast hereafter; doubtless one in proper harmony with the singular significance of his patronymic "Christian." It was suggested, however, from an induthe eminent commercial philanthropists who had sed the sable foreigners so malle stir. In order to perpetuate their notable generosity in the house reputation even at the canuon's mouth stand pet- of "Hane," and as an everture of amitr towards

the swarthy race which would induce more intiate alliances between the two races.

COUGHS AND COLDS.

It should have been observed pefore that all of the party have colds more or less, especially the Indians, whose deep sounding cough at present seems distressing. They were not well enough to go in the Nestorian. Captain Tyson, Mr. Myers and others had sere hands, the result of frost bites but they were rapidly improving. During the half year at sea they were not afflicted with any serious sickness, except that Hans' boy, about twelve years old, was

NOT ABLE TO EAT THE PRESERVED MEAT which they need at the first but he became re cruited when the seals came along and plenty of seal flesh and blubber were to be had.

The scientific results, Captain Tyson says mount to nothing-not but what they might have been if Hall had lived or the management had been different after his death. Still it may not be con

sidered, perhaps, altogether fruitless. ULTIMATE SUCCESS PROBABLE.

This much we have learned from this expedition-that it is possible to penetrate farther into that mysterious region of sea or land or ice which has so long bid deflance to the boldest efforts of exploration than has yet been done by any from Franklin to Hayes, and we further discover the probable existence of a Polar Sea from indications which the experienced and observant mariner is not likely to mis interpret, and that, too, in the immediate vicinity where these observations were made.

These circumstances alone are important and encouraging, as demonstrating the possibility, at all events, of making comparatively near approach to the extreme north. This is a great concession in favor of science, and is sufficient of itself to stimulate renewed efforts in the same direction particularly when considered in conjunction with the fact that, at that point where the progress of Hall's expedition ceased, the

MOST FORMIDABLE OBSTRUCTIONS HAD BEEN OVER-COME.

and did not promise to increase between that and the sea beyond.

It is true, indeed, that this sea is supposed to be beset with drifting ice; but that is an obstacle of no greater magnitude than the common dangers of a comparatively southern latitude-such, for instance, as Newfoundland-and one which only serves to increase the navigator's caution instead of deterring the voyager.

It is very unfortunate for the public and the scientific world in particular that Mr. Myers' papers and records of his observations are lost; and the more so as these are of such an elaborate and minute character as not to be capable of being retained in the memory alone, so as to be available for the purposes of scientific calculation and de-

Among the achievements of the adventure are trophies belonging to the animal world, and a lot of marine fossils, collected by Captain Tyson on the plains ravines and highest of the mountains situate near Robeson's Channel. The conclusion drawn by him from his investigation of these fossils is that the place where they were found was ONCE THE BED OF A SEA.

He also discovered three shell fish, or snais, petrifled, but otherwise perfect, and a petrifled piece of wood. All these are now on board the ship This neighborhood abounded at times in the musk ox, about twenty-lour of which species were killed by different persons-twelve of them by Captain Tyson. One only was killed the first year, but the tracks of many more were seen. Resides these evidences of animal life there were hunting men sils, hatchets, and marks of encampments, supposed to be left from the hunting expeditions of the Esquimaux in this quarter, but not recently. was wanting. A curious feature in the habits of these people is that they never bury the dead, as is customary with nearly all the rest of the world. excepting those who burn them. The religious rites connected with death and the disposition of dead bodies after death all over the world are almost innumerable, and many amusing and some times terrible anecdotes concerning them are to be found in the pages of history and narratives of travel, but they uniformly result, as far as is known, I believe, in the annihilation or secretion of the dead persons' remains. The Esquimaux seem to be the solitary exception; for they neither bury nor burn the dead, nor commit the body to the water. nor do they trouble themselves in the least to conceal the last resting place of their relation or friend, to protect it from the outrage of bird, beast or reptile. He is simply left upon the surface of the snow, ice or ground to rot or be devoured by the wolf, the birds or carnivorous animals of the deep should they come within reach. This remarkable practice seems to have its foundation in a superstitions dread of being interred, because it is supposed by them that the soul, like and with the body, is thereby irrevocably deposited in the earth, while, by allowing the mortal remains to rest without bound or trammel upon the earth, the soul is still free to wing its way wherever the Supreme Deity may permit.

THAT THE WONDERFUL PRESERVATION of these nineteen sonly is mainly due to the watchfulness, sagacity and perseverance of Captain Tyson cannot be questioned. His was no easy work. The band under his directions was a collecof tact and decisiveness was necessary to maintain his authority during that fearful time, particularly as each most carefully concerted movement or skilful precaution was liable to be momentarily defeated by the elements or some unlooked-for occurrence, or rendered abortive by the inaction or disobedience of some member of the party. Success was positively essential to Tyson to make his advice and directions heeded, and it is truly a wonder that the remotest remnant of discipline could, under such circumstances, prevail. This

DISCIPLINE WAS THEIR SALVATION, for, had it not been for that restraint which their leader held over them, the seanty stock of provisions brought from the ship would have been greedily devoured in the first pangs of severe hunger, and long before the partial reappearance of day, which commenced in February, to enable them to kill the seals, on which they afterwards subsisted. But it was not without difficulty and stern self-restraint, not without much mental torture, that Tyson was enabled to retain the hold he and upon their obedience. Stiding his own sufferserving all, if possible, and scrupulously empl very human agency which could be instrumental in attaining that result.

Those who have read of the mad excesses of

hungry, shipwrecked mariners, in situations of apparent hopelessness, committed against their own safety, voluntarily destroying every possible remaining means that might lead to rescue, with the exercise of patience, may be able to form some faint idea of the wavering nature of Captain Tvson's rule and the almost utter impossibility of constraining a number of persons rendered unreasonable and desperate by privations in the pursuit of a single purpose. He constantly restrained them by his discreet advice, representing the folly of not continuing to act together and of abandoning the common good to the present selfishness of individuals. Now they planned wild schemes by which to effect escape from a condition so full of miseries. They would go north they would go south; they would take to the boats and go on their own account to save them selves, if no others would, and many other impru dent designs. But their leader counselled them to

WAIT THE-RESULT WITH PATIENCE. and not take any rash steps which might increa the present peril of all without yielding any additional promise of deliverance. Generally his calm suggestions overruled these fitful impulses to rush they knew not whither, and order would thus be again restored.

Many of the Germans were particularly trouble some. They bore their visitation with stolid indifference, if not utter carelessness, at first, as long as the provisions lasted or seemed to last: but as these were rapidly reduced and short allowance became necessary in order to spin out what remained to some indefinite future period of relief.

RECAME IMPATIENT AND PREVISIT.

and took to grumbling and showed signs of insu ordination. These dangerous murmurings, too he quelled from time to time and when all other in entives to patient waiting and prudent and vigorous action failed, he cheered the maicontents by holding out promises of speedy succor and a joyful relief, when they would soon forget the evils around them.

On one occasion dt was after the floe broke m and they were driven to sea) they had WELDTY COLLER SUPER AWN DECORPORTAL

by one false step, which it was hardly in their leader's power this time to acrest. Seeing that they were being constantly driven diversely about the icy waste of waters, and that all efforts to obtain any permanent hold of an encampment were fruitless, and that the fine on which they had built their houses was reduced to a mere clumper they determined to abandon themselves to the caprice of the winds and go wherever the ice took them, without making any effort to regain the inner main pack of ice which was yet reliable. In fact, they were bent on going seawards, whatever might betide, upor the plea that by so doing there was a possibility of meeting some vessel to pick them up. Tyson saw that this course, if adopted, was certain death, since however many might be the chances of meeting a ship by doing, to abandon nineteen souls to the security of a number of small pieces of ice washed over every minute by seas was the same thing as to consign them all to the water to swim in search of one, and especially in view of the fact that there were women and children as well as men among the party. For these reasons he advocated a return to the main pack, there quietly to await, as they might with some degree of confidence, the event. It was fortunate for all that this advice was adonted. Had it not been it is extremely improbable that your correspondent would now be chronicling the occurrences of this unparalleled series of wonderful disaster and preservation.

Altogether Captain Tyson must be regarded as the faithful Achates no less than the plous Æneus of his band.

THE CLERGYMAN OF THE ATLANTIC.

with Trinity Church. A rumor was prevalent in the city yesterday that the Rev. Mr. Ancient, the Episcopal minister who behaved with such gallantry and herousm at the Head, had been summoned here to take the position of assistant minister at Trinity church, in this city, at a nandsome salary. On inquiry of the Rev. Mr. Wiswall, the pastor of St. John's chapel, in Varick was declared by that gentleman to be without foundation. The last nomination made to the vestry of Trinity resulted in the confirmation of the Rev. Mr. Hitchings to an assistant pastorate, and as the vestry does not meet again until the second Monday in June, no such nomination could possibly be made by the rector of Trinity church, the Rev. Morgan Dix, to the vestry of the parish, who have the sole confirming power.

AMERICAN MUSEUM OF NATURAL HISTORY. Reception Yesterday-Prosperous Condition of the Institution.

The four or five hundred invited guests present yesterday afternoon at the complimentary recep-tion of the American Museum of Natural History in the Central Park were universally pleased to see

which have been made in the mounting and arrangement of the specimens. The museum has recently received large accessions to its list of subscribers and is now on the high road to pernanency. The past year has been one of marked growth and increasing prosperity for the museum. All the obligations, to the extent of \$20,000, have been paid on the collections, including the rare and artistically mounted specimens selected from the property of Mme. Verreaux and Mme. Verceived during the past year than for three years. previous. The plans for the new museum building have been completed and the erection of the edifice

previous. The plans for the acrection of the edince will soon begin.

The group which attracted the most general attention yesterday atternoon was that of attacked by Hons. This exquisite combination of waxwork and sturded animals was awarded a prize medal at the Paris Exposition. The first floor is devoted to the display of the largest specimens of acuropean, Asiatic and American snimals. The account after the display of the largest specimens of acuropean, Asiatic and American snimals. second story contains the insects, shells, shelf fossils; while the third floor is devoted to the play of stuffed birds, monkeys and smaller mais. A very fine specimen of the fossilized ston of an Irish elk, dug from the peat bogs of land, is now mounted in this gallery. A contained

us in design.
well known is the collection exhibited that an extended description of the various classes and individuals is rendered unnecessary, even were it possible. The great need of the museum at present is a catalogue which can be purchased by each visitor at small cost, and which will save the student much valuable time spent in searching out the location of the specimens.

NEW YORK SCHOOL COMMISSIONERS ASSOCIA

Wayne county, or Public Instruction. Among those present ward Danforth; Professor or Criticalen, and Thompson. The sessions will continue to day and Thursday,

AMERICAN CITIZENSHIP.

The Decision of the Mixed Commission in the Case of Perfecto De Rojas.

DEMURRER OF THE SPANISH

Referred to Baron Lederer as Arbitrator and Decided Against De Rojas-The Decision of the Commission Overruled.

WASHINGTON, May 20, 1873. The recent decision of the case of Perfecto de Rojas against Spain by the United States and Span ish Mixed Commission—a brief notice of which na already been communicated to the public-excites much interest, both as bearing on indemnity for wrongs indicted on citizens of the United States in Cuba and on the question or citizenship.

The advocate for Spain took the ground that the question of jurisdiction depended upon the agreement of the two nations, dated February 12, 1871. It is entitled, "Memorandum of an arbitra tion for the settlement of the claims o against the government of Spain for wrongs and injuries committed against their persons and property, or against the persons and property (o those) of whom the said heirs are the legal representatives, by the authorities of Spain, in the Island of Cuba or within the maritime jurisdiction thereof since the commencement of the present in surrection."

THE DECLARATION OF INTENTION.

It was not alleged in or imported by the memo rial or exhibits in this case that the claimant is a citizen of the United States. On the conrary, Rojas describes himself simply as resident of Baltimore and a native of San Juan de los Remedios, Island of Cuba," He further states "that he came to the United States and acquired a domicile under the declaration he solemnly made of his intention to become an American citizen," &c. This solemn declaration of his intention to become an American citizen at some

ican citizen," &c. This solemn deciaration of his intention to become an American citizen at some future period, entirely within his discretion, is exhibited with the memorial, and appears to have been made on the 26th of September, 1870.

If this tribunal had jurisdiction of claims of subjects of Spain against the United States, it could not be maintained that this memorial, by reason of the declaration of intention, would have lost his status to claim as a subject of Spain against the United States for wrongs and injuries indicted upon his person or property by that government. This precise question had been repeatedly decided by the "Mixed Commission on British and American Claims," sitting under the treaty of May 8, 1871. In the cases of Adlam, Robert and Tongue, Nos. 40, 47 and 49,

"THE COMMISSIONERS SAY:—

"In these cases the question is raised as to whether, in consequence of the claimants having declared their intention to become citizens of the United States and to renonuce their allegiance to Her Britannic Majesty, they have ceased to be British subjects within the meaning of the treaty, we are of opinion that, notwithstanding the claimants having expressed this intention, they still remained British subjects until the necessary formalities having been completed they acted upon the intention so expressed."

Such has been uniformly their decision in a great many cases involving the same question, and it is confidently believed, notwithstanding the argument quested in the memorial from the opinion of Mr. Commissioner Wadsworth, that the Mexican Commission, sitting under the treaty of the 4th July, 1868, have held no other or different doctrine. The advocate on the part of Spain objected and demurred to the case alleged in the memorial and

Commission, sitting under the treaty of the 4th July, 1888, have held no other or different doctrine. The advocate on the part of Spain objected and demurred to the case alleged in the memorial and exhibit flied on behalf of the above-named claimant, for that the same is not within the jurisdiction of this Commission nor within the terms of the agreement between the two nations, which limits and defines said jurisdiction, it not appearing that the claimant was at the time of the alleged wrongs and injuries a citizen of the United States, nor that he claims as the heir or legal representative of a citizen of the United States against whose person or property any wrongs or injuries are alleged to have been committed. J. J. Rodrikuez, of counsel for the Child States, replied to the demurrer, arguing that Rojas has established his permanent domicile in the United States and has abandoned that of his native country. This he had a right to do. By the internation law he was FREK TO QUIT THE COUNTRY OF HIS HERTH and seek another of choice, and, when permanently domiciled in the latter, the power of his former sovereign over him ceased, and he became at once considered a member of the State where he as established his domicile; and what his civil

and political privileges may be in this country he has chosen is a matter of no moment whatever it the discussion. They call attention to a learned exposition of the laws of Spain on the subject exposition of the laws of Spain on the subject The treaty of friendship, limits and navigation be tween the United States and the Kingdom of Spain

Under this treaty a question arose at one time whether a British subject, not naturalized in Spain, but resident there, was a Spainish subject within the meaning of the treaty. The Supreme Court of the United States discussed this question IN THE CASE OF PIZABRO, page 246, when Judge Story, in delivering the oninion of the Court, said:

page 245, when Judge Story, in delivering the opinion of the Court, said:—

"As to the second objection, it assumes, as its basis, that the term 'subjects,' as used in the treaty, applies only to persons who by birth or naturalization owe a permanent allegiance to the Spanish government. It is, in our opinion, very clear that such is not the true interpretation of the language. The provisions of the treaty are manifestly designed to give reciprocal and coextensive privileges to both countries, and to effectuate this object the term 'subjects,' when applied to persons owing allegiance to Spain, must be construed in the same sense as the term 'citizens,' or 'inhabitants,' when applied to persons owing allegiance to the United States, and to renounce allegiance to his former sovereign. He is now subject to no power but that of the United States, and owes allegiance to the nationality of the United States only.

THE TRUE QUESTION.

before us is not to what extent or in what degree he is a citizen, for that is a municipal question with which, as an international tribunal, the Commission is not to deal. The petitioner is presented here by the government of the United Statess as a citizen whose rights the government asserts, and such assertion should be conclusive of his justands.

mission is not to deal. The petitioner is presented here by the government of the United States as a citizen whose rights the government asserts, and such assertion should be conclusive of his jus stands in judicio. The law of nations of this subject was clearly and conclusively expounded by Secretary Marcy, in his correspondence with the Charge d'Affaires of his Majesty the Emperor of Austria, in the case of Martin Koszta, in which a solution to the imperoral inquiry involved in the case. tria, in the case of Martin Roszta, in which a solu-tion to the important inquiry involved in the case now before you, alike consonant with the honor and dignity of the United States, and in harmony with the settled principles of the law of nations, was reached.

THE FACTS OF THE CASE

referred to are too well known to render recapitu-lation necessary; the law of the case was em-bodied in the Jolowing expressions, which occur at the close of Mr. Marcy's letter:—

bodied in the following expressions, which occur at the close of Mr. Marcy's letter:—

The conclusions at which the freddent has arrived, after a full examination of the transaction at Smyrns, and ar respectful consideration of the ylews of the Austrian government thereon, as presented in Mr. Hulsemann's note, are that Koszta, when sized and imprisoned, was invested with the nationality of the United States, and they had, therefore, the right, if they chose to exercise it, to extend their protection to him; that, from international law—the only law which can be rightfully appealed to for rules of action in this case—Austria could derive no antiority to obstruct or interesers with the United States in the exercise of this right, in effecting the liberation of Koszta; and that Captain ingraham's interposition for his release was, under the peculiar and extraordinary circumstances of the case, right and proper.

According to the authorities quoted Perfecto de Rojas is to be taken and considered as an American citizen, within the meaning of the agreement between Spain and the United States of February 12, 1871. The Spanish laws make him

A VECINO OF THE UNITED STATES, who lawfully renounced his original allegiance, who lawfully renounced his original allegiance, who have all the limited States of the United States, within the meaning of the agreement with Spain, according to the municipal laws of the United States, within the meaning of the agreement with Spain, according to the municipal laws of the United States. If the Mixed Cemmission on British and American Unims had decided otherwise, as defendant says, the reason probably may be that said Commission clings to the old English principle, "Nemo potest excidere patriameuam," but this principle did not cross the Atlantic, and the right of constitutes has been praceganized both by "None

commission clings to the old English principle, Nemo potest excidere patriamsuam." but this principle did not cross the Atlantic, and the right of expatriation has been recognized both by Spain and the United States.

THE CONGLUSIONS ARE.

Pirst.—That persons, though neither native born for naturalized, who were bona fide domiciled in the United States at the time of the commission of

decided against against Rojas—thus, in effect, taking the view of the Spanish arbitrator.

"THE UNION DOWN"

another Instance of Spanish Contempt for American Citizenship—A Citizen Thrown Into a Cuban Dungeon— Hamilton Fish Powerless to Obtain His Release-The Case of Augustine

The fellowing case of Spanish ill-treatment and lengthened imprisonment of an American citizen in Cuba will be read with interest at the present moment as a companion piece to the treacherous capture of Mr. James J. O'Kelly, the HERALD correspondent in Cuba, now a prisoner in the stiffing den at Santiago de Cuba called the common jail. The flagrant injustice of his detention is a parallel case to that of Santa Anna, the American citizen in question, who has a wife and eight children resident in this city. The following is the outline of

Augustine Santa Anna is a native of Havana, fifty years of age, and came here for the first time in in 1848, when he declared his intentions of becoming a citizen, and in due course of time he be one. The year 1871 found him engaged in the Cuban revolution, but towards the end of the year he fell sick, and, seeing that he could be of

NO USE TO THE PATRIOTS in his weak condition, resolved to surrender himself to the Spanish troops. Although killing prisoners was then as now the fashion, Santa Anna happened to fall into the hands of a Colonel S. Marin, who, being a Freemason like Santa Anna, spared his life and sent him down to Peurto Principe, under an escort of the St. Quintil Peurto Principe, under an escort of the St. Quintum regiment. He was shortly afterwards released from captivity, but on the 2sth November, 1871, he was again seized and once more thrown into jail for alleged complicity in the matter of the capture, in 1869, of the Spanish mail steamer, Comanditario, while on a voyage from Havana. Nothing was proved against him, however. On the 14th March, 1872, Captain General Vaimaseda granted a full pardon to Santa Anna, who again left prison. Being without money, he worked at making cigars, till he had gained sufficient money to pay his passage on to New York, where his mailty reside. He arrived at Havana on the 5th of July, 1872, and stopped at the Posadadel Ceste. The first day of his arrival he was selzed by the police, and placed in solitary confinement in a foul dungeon for fifty four days. While here a visit was paid to him by the Admiralty Commandant, who made the following statement to Santa Anna;—

"Your châc comes under my jurisdiction, as you are charged with piracy, and I have sent to Peurte Principe for further information in the case. If you have been pardoned by General Vaimaseda as you say, that will not help you anything, for it was merely your pardon for being an insurgent. You must now be

OURT-MARTIALED FOR ALLEGED COMPLICITY in the capture of the steamer Commanditario. Up to the present moment Santa Anna is lingering in prison, and will probably do so till the advent of the Greek calends, unless some more caergetic action is taken by the United States.

The following correspondence has taken place between his sen, B. Santa Anna, and Hamilton Fish, General Torbet, United States Consui General at Havana, and the Naval Commandant at that port: regiment. He was shortly afterwards released

A PULL PARDON FROM MADRID. B. Santa Rosa, Esq., 76 Pine street, New York:

DEAR SIE—I am glad to inform you that a telegram from Madrid to the Spanish Minister, dated 3d instant, says that a full pardon has been accorded to Santa Ross.

HAMILTON FISH, Secretary of Stare.

PEREMPTORY ORDERS FROM SPAIN TO THE CAPTAIN GENERAL.

DEPARTMENT OF STATE, WASHINGTON, May 14, 1873.

B. SANYA ROSA, ESQ., box 4,866 New York:

Size—Your letters of the 5th and 12th inst., relating to the imprisonment of your father, have been received. In reply I have to state that the Department is in correspondence, by telegraph and otherwise, with the Upised States Legation at Madrid. You may feel assured that the case will receive all proper attention. I am, sir, your obedient servant,

HAMILTON FISH.

P. S.—A telegram has this day been received from General Sickles, in which it is stated that peremptory orders have been sent by cable to General Fieldam and to the navai authorities to release Santa Ross. IS PARDONED, BUT THE TRIAL MUST BE GON

Mr. B. S. Rosa. New York:—

HAVANA, May 9, 1873.

Six—I have to acknowledge the recelpt of your courteons letter of May 1, and have taken note of its contents. I
inform you that your father, Don Augustine Santa Rosa,
has been pardoned by the Supreme government at Madrid, and the delay in obtaining his liberty is caused by
the waiting for the completion of the trial of your father
by court-martial for contumney (rebeldis), but the finding
may shortly be expected. I kis your hand.

MANUEL DE LA RIGADA,
Commandante General de Marina del Apostadero de la
Habana.

FROM THE UNITED STATES CONSULATE AT HAVANA

RED TAPE.
UNITED STATES CONSULATE GENERAL. HAVANA, May 15, 1873. Mr. B. S. Rosa, New York:—

Sir.—General Torbet directs me to say that your letter of April 35 has been received. Nothing more is known concerning the pardon of your father than that the Captain General informed General Torbet some time since that he had been informed of the but that it would have to be confirmed by the Admiralty in Spain, which is being waited for.

You may write to your father and the letters will reach him, but leave out all questions of politics, or remarks on affairs in this island. Very respectfully.

out all questions of politics, sisiand. Very respectfully, JAMES A. SPRINGER, United States Consular Clerk.

Somerville Art Gallery-Sale To-Morrov Evening.

With the sale that is to occur at the Somerville Art Gallery, to-morrow and Friday evenings, the public must prepare to bid farewell for a season to those headquarters of art and auction. The present collection consists of 170 paintings consigned Messra, W. K. O'Brien & Bro., and includes representatives of the French, Spanish, Italian, German, Beigian, English and American schools. The procipal members catalogued for to-morrow night are Bisphām's "Landscape and Cattle," Theodore Gerard's "Morning News," W. H. Beurd's "Delectable Meuntains," Redmond Fay's "Roses, Poppies and Morning Glories," Reyntzen's "Motner's Birtkday," Leickert's "Winter Scene in Ghent," Julian Scott's "Glying the Countersign." James M. Hart's "Silver Brook," David Coi's "Wine Tasters," and Charles Brun's "Armenian Mother," For Friday evening there are several scenes by Tasters," and Charles Brun's "Armeulan Mother." For Friday evening there are several scenes by Koek-Koek and Kuwasseg, Gustave Brion's "Evening After a Storm in Brittany," William Hart's "September Snow," Schaefels' "Merrymaking," Van Schendel's "Candie-Light Effect, Antwerp," Van Schendel's "Candie-Light Effect, Antwerp," F. Kraus' "Necklace," Meyer von Bremen's "Pirst Born," Coomans' "Pompetian Evil" and Bouguereau's "Childhoed." These concluding sales will admirably point a successful season and give Mr. Somerville the opportunity to round, with graceful valediction, those persuasive efforts which had such admirable effect in the recent Kensett sale.

Academy of Design-Distribution of

The parlors and library in the eastern wing of th National Academy of Design were filled last night, the occupants being the pupils of the Antique and large number of academicians, artists and con noisseurs. The occasion was the annual distribution of awards of merit, Mr. William Page pre-siding and performing his duties with that blend-ing of dignity, simplicity and kindliness which go so far to brighten and beautify commemorations of this description. In the Life School the first prize, consisting of the Suydam medal, in silver, and \$60) the inter-contributed by Messra Mitchell, Vance & Co.), was wen by Mr. Calvin M. Smith, the second prize, consisting of the Suydam medal, in bronze, being awarded to Mr. R. A. Muller. The "honorably mentioned" in the school were Messra, A. E. Emslie, P. Rossi, W. St. J. Harper and C. Y. Turner. In the Antique School the first prize was attained by Mr. Thomas W. Shields, and the second by Mr. C. O. Ebert, the prize consisting, in the first cast, of the "Ellott Medal," in silver, and \$50, from

Clinton Hell-A Valuable "Troyon" T Be Sold To-Night.

The sale at Clinton Hall last evening was pertive of the season, could possibly have warranted one in expecting. That is to say, the prices real curs there to night, when the chief point of interess will be the disposal of an exceedingly valuable and important work by Troop, one of the finest, included, by that artist, in this country. We allude to "Cattle," so which reference was made a couple of days ago, wonderful as it is for the truthfulness with which the characteristic good-natured gravity and heavy amighting of the course are interested. and heavy amiability of the cows are inter-for the faithfulness with which the amaliest are rendered, and for the broad and beautiful scientiousness with which every lesser in sacrificed when its absence is necessary to st pression of a greater one.

A BROKEN NECK

out four o'clock yesterday afternoon a boy named Henry Schlater, aged sen years, accidentally fell from a second story window of the residence of his parents, 362 Fourth street, Williams burg, and was instabily killed. His neck was proken.