# CUBA EXCITED.

Reviews of the Whole War Situation in the Island.

THE HAUGHTY SPANISH VOICE.

Arrival and Reception of the Virginius at Havana.

THE CHASE OF THE CAPTURED SHIP.

Details of the Execution of the Victims.

Further Arrests and Rumors of Conspiracies.

HAVANA, NOV. 20, 1873. The general feeling of the public of Havana is at present one of distrust and, in some degree fear, the principal and prevailing topic being the consequences which the hasty execution of the captain and crew of the steamer Virginius may bring upon this island and Spain. The commersial public are alarmed at the many, various and exciting rumors current regarding anticipated war with the United States, and the reception of startling telegrams here by the authorities, the purport of which is whispered about, as nothing whatever in the shape of a telegram from the outside world has been allowed publicity, and the zensorship on outgoing telegrams is stricter and severer than ever, the Captain General himself acting the censor; and no political news, except such as we find in the Havana journals, which is severely censored before publication, can be transmitted, and only passes after severe inspection

Spanlards and the natives, each among themselves, discuss the question in different tones, while the foreigner looks calmly on. The first named are, as usual, arrogant and defiant, although they have changed somewhat in countenance and tone since trouble does foom in the dis tance, and they already dream of bombshells, the size of sugar hogsheads, falling into Havana. They have had such unlimited faith in the indiffersace of the government of the United States to the affairs of Cuba in general and the fate of the unfortunate captives of the Virginius in particular as well as the impunity with which former slaughsers have been treated, that it has encouraged the belief that all questions arising from the capture of the Virginius and the slaughtering of her trew would be arranged diplomatically. They even at present express the opinion that the United States or England will hold them respontible for these late outrages, and spitefully demand what legitimate interest the American people can have in investigating this affair, and with what right they meddle in the interior afhirs of the island.

Although the censorship of the government over the telegraph is rigid and severe, the reception of various telegrams by mercantile houses from their correspondents abroad, advising cessation of business, caution, and latterly recommending them not to charter any American or Spanish bottoms all tend to keep up a certain undefined feeling of anxiety and distrust.

Powder is being transported from the magazine to the forts, cannons are being mounted and all the forts are actively engaged in preparing for an emergency. Such proceedings naturally induce cisions of trouble with Uncle Sam and John Bull. The arrival of a squadron of monitors and men-ofwar, bombardment, fire and shells of immense se whistling through the air, with all the other attendant horrors of war and desolation and con versation tend to these questions alone.

The subject which has given rise to all this present disturbed state of feeling-the Virginius-left Bantiago de Cuba on the afternoon of the 13th, convoyed by the Spanish man-of-war Isabel la Ca tolica and the Tornado, surrounded by numbers of boats and cheering crowds to see ber off for Havana. Upon leaving the harbor the forts fired sajutes of honor, and several steamtugs, with bands lowed her quite a distance. No thoughts were given to the victims of the ill-fated steamer.

The Isabel la Catolica and the Tornado followed in her wake. All these vessels were expected to arrive here Monday, and the Voz de Cuba, in advance, called for general dressing up of the streets with flags and streamers for three days, and stated that the brave captors of the "pirate" should be well received and complimented. The Casino Español gives an entertainment this evening, and other festivities are talked of. A bull fight fitting spectacle) is announced for this afternoon in honor of the "brave captors."

The vessels came into port on the afternoon of the 18th-first the Isabel la Catolica, then the Virginius, and lastly the Tornado. Upon passing up the harbor the wharves were lined with a curiou groups of which came theers and cries of "Viva España!" After anchoring the two latter vessels were in-vaded by a multitude of enthusiastic Spaniards. As usual in such cases, a committee from the Casino Español were of the first on hand to tender

The officers of the Tornado are quite reticent re garding the affair, but state that

DURING THE CHASE at one time the Virginius succeeded in putting 15 miles between herself and pursuer, but that on board of the Tornado, by the most prodigious efforts, they overtook her. The smoke stacks of the Tornado were heated to red heat, and flames seemed to come from them rather than smoke;

the Tornado were heated to red heat, and flames seemed to come from them rather than smoke; they were so hot as to cut off communication between the crew fore and aft, and several alarms of fire in the engine rooms were given.

According to the declaration of some of the expeditionists it is stated that two torpedoes were thrown overboard from the Virginius, in the hope the Tornado would run on them and be blown up. The waterproof lines of connection are still to be seen on board. When the Spanish boarding officer, Eugene Ortiz, with only 10 men, boarded the Virginius, he called on the captain to surrender, who immediately did so. The steersman who was ordered to the wheel was threatened by one of the expeditionists, who cocked a pistol at him, but was prevented from using it. Bembeta at the time was in his shirt sleeves, having taken off and thrown his coat and vest into the furnaces of the Virginius, as an example to the others. During his stay in the Tornado he said that he had a cigarette ready to set fire to a cask of powder when about to be boarded, but at the last moment reflected that there were many young men under age aboard, whose lives would be spared, and he did not want to take upon himself the responsibility of sending them thus abruptly into eternity. The deck of the Virginius when boarded was in the greatest confusion, covered with papers, insurgent cockades, five-pointed buttons, pieces of linen, harness and bayonet sheaths. The lower cabins were so filled with coals and the cargo that but twenty persons could find accommodations below, and consequently the remainder of the persons on board lived on deck.

Nothing is said by the officers concerning the details of the execution save that Captain Fry died like a brave man, and it was due to his appeals that a number of his comrades accepted in the last moment the consolation of religion and embraced the Catholic faith. An officer of the Tornado, in speaking of the manner in which

THE LAST TWELVE CHANS DIED,

among them being General Quesada's s

infortunate enterprise on account of poverty. He had been for months without employment and sould find none, and his wife and large family were Bandera Española, of Santisgo de Cuba.

gives the following particulars/regarding the sentences passed on the crew and a letter reporting the conversion of a number to the Catholic faith:—"Of the entire crew which came in the Virginius 37 were shot; of these 37, 10 only were Cubans by birth and 27 foreigners, of whom 16 were British subjects. Of the remaining crew, four condemned to the chain gang for life, three to eight years and eight to four years, and three, less than 18 years of age, were considered exempt from punishment."

At seven o'clock this morning (8th) 12 of the expeditionists were executed at the usual place (this usual place is the slaughter house wall). Their names are:—

Arturo Loret de Mola, 183/ years.

Augustin Varona y Borrero, 28 years.

names are:

Arturo Loret de Mola, 1834 years.
Augustin Varona y Borrero, 28 years.
Oscar Varona y Aguero, 19 years.
William Valis Wilson, 24 years.
Herminio Quesada, 18 years.
José Bottel Amador, 26 years.
Saivador Peneda y Alvarado, 23 years.
Enrique Castellanos y Allons, 29 years.
Francisco Rivero (á) Santa Rosa, 40 years.
Justo Consuegra y Sosa, 25 years.
Prancisco Porra a Porraspita, 19 years.
Justo Consuegra y Sosa, 25 years.
Francisco Porra a Porraspita, 19 years.
José Otero y Valdez, 27 years.
These ages are given in full by the Bandera in order to refute an assertion which appeared in the Diario Redactor of Santiago de Cuba (republican), to the effect that "many of them (the executed before named) being of tender years." Those seven words have cost the editor of the Diario Redactor a Reavy fine and imprisonment. It is stated by the Bandera in refutation that only among the crew of the Virginius were there any minors—seven between 14 and 18 years and one of 10 or 12 years, principally colored boys from Jamaica. Eighteen years is, according to Spanish law, the age for criminal responsibility, and it is stated by them, as a trait of their humanity (1), that one of the prisoners not being able to state correctly whether he was fully 18 years of age, the fiscal ordered the notary to write down his age as "18 years not not completed," by which his life at least was spared. "If Quesada's son was shot," says the apologist of the Bandera, "It was because he had deciared that he was 18 on the 4th of october last, Had he stated on the 4th of next December, notwithstanding his importance, the probability is his life would also have been spared." One can scarcely imagine in what the importance of this youth consisted; he had never before used arms against Spain. The fact of being the son of General Quesada, so hateful to the Spaniards, was, undoubtedly, sufficient to condemn him, whether a month below or above 18 years. Among the 12 thus shot were many who had nover been in arms—Valis, Mola, &c.—but they belonged to

An immense loy filts our heart upon informing Your Excellency that among the condemned who were put in capilla at eight o'clock yesterday morning were 20 persons, who, having previously lived out of the bosom of the Catholic Church, freely and spontaneously begged to enter it, shipring, in the act, their errors, and receiving the waters of baptism, which was administered, under our authorization, by the parish priest, Amador Milanes, This event, as glorious as it is rare, has been undoubtedly the result of the zoal displayed in the fulfilment of their holy ministry by the priests attendant upon the criminals, and especially Milanes, who understands English perfectly.

1 have the honor to accompany a list of the names of the converts, that you may give them full publicity.

1 Dr. VINCENTE JOSE PICON,

Cuns., Nov. 8, 1873.

NAMES OF THE CONDEMNED CONVERTED to the Roman Catholic religion and baptized in the chapel of the jail on the morning of the 7th of November, 1873:—

John C. Harris, native of Massachusetts, infidel. Thomas Walter Williams, native of Manchester, Protestant.

rotestant.
Leopoldo De Gray, native of Havana, Protestant.
Leopoldo De Gray, native of the United States, Protestant.

Ezeguiel Burham, colored, native of Turks
Island, Protestant.

Alfred Hassel, native of Great Britain, Protestant.
William Ross, native of Ardrossen, Scotland,

Protestant.
Edward Day, native of the United States, Prot-Samuel Hard, colored, native of Nassau, Jew.
Waiter J. Price, native of England, Protestant.
James Samuel, colored, native of Westmoreland,
Protestant.

Totestant.
Leopoldo Reuner, native of Curacao, Protestant.
Francis Geod, colored, native of the United states, Protestant.
Fred Williamson, native of Albany, Protestant.
Samuel Brown, native of Nassau, Protestant.
Andres Frank, native of Bermuda, Protestant.
Thomas Grigg, native of Barbados, Protestant.
John Brown, native of the United States, Protestant.

Andres Frank, native of Bermuda, Protestant, John Brown, native of the United States, Protestant.

John Brown, native of the United States, Protestant.

George Thomas, native of Jamaica, Protestant.

The conversion, however, of the above unfortunates apparently did not procure for them a Christian or decent burial, inasmuch as after they were "slaughtered" together with the remaining 17. The British Consul at Santiago de Cuba says it took their executioners hearly seven minutes to finish them. The unfortunates, or what remained of them, were thrown into a cart, without coffins or anything else, and all dumped into a ditch, which was covered with earth.

No further executions have taken place since the 8th. Fifty-three is the number of the victims up to that date. The officer of the Tornado states that further executions would probably take place, as ONE HUNDRED AND TWO had up to the date of his leaving Santiago de Cuba been condemned to death.

A correspondence irom Santiago de Cuba, published in the Diario, in reference to the reported assertion of Bembeta, that the capture of the expedition was of greater importance than at first apparent, states that the expedition of the Virginius was expected to coincide with a general conspiracy in both departments and in the Cinco Villas. The recent arrests made of prominent persons at Holgnin, Gibara and other places also tend to support this statement.

Regarding tuis conspiracy, the Voz de Cuba says that its proportions are found to be vaster and more ramified than at first believed to be; that it undoubtedly extended in all the Eastern Department, in Puerto Principe, Cinco Villas, and even in Havana: but that its failure has been complete.

The success of the Virginius was counted upon to aid a movement, and even, if possible, part of the Western Department. The schemes of the laborantes in Havana were also depended upon; but, the Voz adds, they are all disconcerted at the failure of their plans and are well known.

Perhaps the lollowing malicious paragraph, publishe

own house, and able to govern our own affairs and defend our rights."

With further reference to this affair, the rumor was circulated a day or two since of the execution of 42 of the individuals arrested at Holguin, but last advices, according to the Voz, are that 17 persons have been executed. The Diario de Cientucyos, in speaking on the same subject, asserts that the time allowed to the Virginius in her chase was long enough for them to throw overboard and destroy papers and documents, arms and ammunition destined to aid the cause of the rebels in this island—the papers and documents especially which would have, perhaps, served to explain the motives and ends of the recent conspiracy.

THE RECENT ARRESTS IN THIS CITY, upon the arrival of the steamer City of New York, of a number of her passengers, charged with introducing insurgent correspondence, and in consequence of various parties ashore—which your correspondent duly reported—is also taken as in connection with the Holguin conspiracy and the Virginius expedition.

Letters from Gibara to the 10th appear to cor-

quence of various parties ashore—which your correspondent duly reported—is also taken as in connection with the Holguin conspiracy and the Virginius expedition.

Letters from Gibara to the 10th appear to corroborate these statements, and further state that the town of Auras, situated between Holguin and Gibara, is now used as a jail for the many persons under arrest against whom exist strong suspicions of being implicated in the plot. A licutenant of volunteers named Mario was killed upon attempting the arrest of some of the parties. A captain of volunteers, José Maria Martrapa, a native of the island, upon learning of the order of his arrest, being complicated in the conspiracy, blew out his brains. The court martial in charge of the cases is sitting under the protection of Colonel Espondas' column, otherwise an attack from the Insurgents under vicente Garcia would be dreaded.

This is the tenor of the reports which I find published in the Havana and Island journals, and give evidently a contradiction to the assertion of the same Spanish press that the majority of the initialitants of the island are loyal. No doubt the Spaniards in the majority are, but the NATIVES MOSTLY ARE INIMICAL to Spain and want nothing from their step-mother, as they call the mother country of the Spaniards. The Havane Spanish press is indignant and arrogant at the press and general tone of discussion adopted throughout the United States, in regard to the capture of the Virginius,

THE INSULT TO THE AMERICAN PLAG and precipitate proceedings on the execution of the unfortunates who were in the vessel.

I give the following extracts from an article in the Mario de la Marina, dated the 15th instant, which may be estimated as the official opinion on the Virginius affair, as the Dairio is considered the leading journal of the moderate unconditional Spaniards in this island, the Foz de Cuba being the "ferceious champion." The article is headed. "Lo de Siempre," that, is "The same oid story," and commences: "Ever since the New York Herrald ma

ment, 'Save the honor of the nation, come what may, and think not of consequences."

At this point the Diario quotes with praise the opinion of the Courrier des Etats Gnis (written before the captain and crew of the Virginius were made "slaughtered hecatombs," to the effect that in order to warrant the present capture of the Virginius it must be proved she carried a filluster expedition, bound to Cuba. This the Diario states it can prove d priori and d postiori, Priori by the reported accounts and announcements in the Herald, the Sun, Tribune, La Recoucion, La Independencia and other journals of the American press relating to the departure of the Virginius, its arrival at and stay in Ringston; the trip of the Alas and many other reports referring to the expeditionists, who were leaving from different points of the United States to join and complete the expedition headed by Bernabé Varona. It can be proved a positiori by the declaration of the Captain, crew and expeditionists of the Virginius, which appear in the proceedings of their trial(!) and by what its said regarding the capture by the very organs of the insurrection. In support of this assertion the Diario cites the Recolucion, which, it says, declares that more than 150 well known Cubans were on board. "These 150 Cubans," continues the Diario, "mentioned by La Recolucion comprised the filtbustering expedition bound to Cuba conducted on the Virginius, according to their own confession, and here, then, is the proof sixed fc. by the Courrier, given by the very receilion, the proof which legitimates the capture, and which serves as a basis for the legitimacy of the judical proceedings which have been its natural consequence. As to Spanish ferocity,

THAT PERCOITY PARDONED HIS LIPE and returned to liberty Santa Ross, the pirate of the steamer Comanditario, and the first use he made of it was to insult Spain in a vite pamphet and to work in aid of the rebels, and, according to the Herald, went to Kingston to form, "La Recolucion which serves, was to mercy for his hard to defend the serves, and perfidy in m

"President Grant has said in one of his mes-

sages that he had not recognized nor was it pos-sible to grant belligerent rights to the Cuban re-bels, because they had never reunited, and did not at the time possess those conditions which international law requires as necessary for which international law requires as necessary for a neutral power to recognize such rights. We are of the same opinion as General Grant, but not because we fear the possibility of such a recognition. We are the partisans of well defined situations, and more than once have said we would like to see all the Island of Cuba in a state of war and blockade, for the easier and exact application of the laws which govern such exceptional situations. The privateers which it is said the insurgents would fit out would then be treated as pirates by our own navy."

pirates by our own navy."

As no Spanish patriotic article is complete without a little bombast and reference to former giory, the Diario goes on, after referring to another "slur" by La Revolucion upon Spaniards of the present day, to say:—
"It is false that we do not recognize what there is of real progress in modern times, but true enough that we miss those centuries of glory in which none offended the Spain of Charles V. and

enough that we miss those centuries of glory in which none offended the Spain of Charles V. and Phillip II. without receiving prompt punishment.

WE WOULD NOT BE TRUE SPANIARDS did we not worship, even to exaggeration, the grandeur of our country. Poor, torn and feeble as she is by the dissensions of her children, yet we love her with flinal affection; respect her, and are ready to shed the last drop of our blood for her; but, true it is, that we would like to see her flourishing, strong and dreaded. However, such as she is, she cannot forget that she is called Spain and that her arms are lions."

The Diario refers to the statement that great joy and illumination abounded in Havana, &c., and concludes the article I am quoting from thus:—"The capture of the expedition destined to bring new evils upon us, has been celebrated in Havana and out of it, but God knows (1) that it has not been celebrated any more than generous hearts ought and should celebrate it. The volunteers of the island of Cuba have in nowise mixed in the consequences of its seizure, and the Conris of War and Marine have acted with the independence due to the judges who formed them and the functions they exercised. The Spaniards resident in the Island of Cuba have greatly deplored all that has happened, whether sad, mournful or terrible, in this province since October, 1868, and

HER FIELDS ARE NOT COVERED WITH BLOOD and ashes through their fault. If Cuba is not to-day a desert, it is due to the abnegation of the loyal."

and ashes through their fault. If Cuba is not to-day a desert, it is due to the abnegation of the loyal." On the other hand, La Legatidad (republican), is the only journal that has had sufficient civil and moral courage to lament and to decry the hasty and wholesale massacre lately perpetrated by the authorities of Cuba, and has calimly and dignifiedly expressed its sentiments thereon, but of course, without directly alluding to the slaughter, as the censor would then have had a word to say. The article referred to is very ably written, entitled "It is Deplorable." I make the following extracts from this article, which gives the opinion, unfortunately so, of a very small number of Spaniards in Cuba:—

in the critical period through which this country is now passing, and when its pacification is admitted to be a supreme necessity of national interest, it is stupendous that passion should become so unrestrained in such a manner and with so much lury that certain men appear more as if possessed of devils tham rational beings." \* \* \* \* possessed of devils that rational being a way of whore than once do we ask ourselves if we are on Spanish soil; if we were really born in the nine-teenth century;

"More than once do we ask ourselves if we are on Spanish soli; if we were really born in the nineteenth century;

that we have yet come out of those barbarous times, known as the Iron Age; if we belong to the same race as the men referred to, because it appears that only a womb of evil could have conceived and brought us to light, to tear and rend each other like irreconciliable enemies. It is impossible for hate to be more concentrated and iornidable even in those remote times of history, when the beasts disputed with man step by step the possession of the earth, offended at the presence of a rational being, and diverse reason divided the human family into savage tribes, without other law than that of bloody reprisals."

"What passes now in this unfortunate land, where nature is adorned with all the splendor of vegetation, and which is favored with a balmy clime, a sky pure and serene, and the lecund rays of a lervent sun, that a pail of sadness, of grief and of death should be spread in black and gloomy folds over the spirits of all, over the anxious minde of all its inhabitants?"

"Why are terror and fright depicted in every countenance? and a man cannot look at his neighbor without the suspicious cautions of an enemy; friend cannot salue friend without the mistrust of suspicion; the husband cannot stretch out his hand to his wife without his breast being oppressed by agonizing doubt; nor can the lather look upon his son without his breast being oppressed by agonizing doubt; nor can the lather look upon his son without his country where fury exhausts all the taunts of language, all the insults and all the most wicked and unjust accusations—where reason holds no sway, where the eyes and ears are brutally shut to every moble action, to every generous word and peaceful argument—where everything is put aside save
VIOLENCE, PERSECUTION, BARBARITY AND DEATH?"

"A ""What happens in this country precisely at those critical moments when the legitimate anthority, wishing to attend to the necessity of peace, recommends

only fragment of that brilliant conquest into a ferocious hecatemb of her children so fratricidally torn to pieces."

"It is impossible to think over, to discuss or to analyze any of the grief which overwhelms us to obtain a remedy under the implacable anathema of enemies, under the unheard of threat of the brutal rancor of the mob."

"Woe to those who thus excite the hatred of the ignorant mass. They will be swept away in the current themselves, because fury and barbarism lead only to desolation and ruin. And indeed we cannot understand that vertigo which appears to have seized certain spirits; neither how certain writers can drag public affairs into the road to sure perdition. A warmth of style and even the slip of a pen, wielded with that feeling and precipitation which journalistic affairs exact, can be conceived of but to fill, day by day, a daily sheet this refers principally to the Vox de Cuba, with distribes, more like flowing streams of lava or burning lakes than a prolonged exultation of insanity."

All these remarks of the Legalidad are principally directed against the ultra radical Fox de Cuba, and the Legalidad counsels calmness in the discussion of present political matters; that the supreme interest of the country demands that everything should be ascrificed to

the high and lofty sentiment of nationality and all passions should be restrained. "Can peace be arrived at by offending men?" "No; this is not the way of reason but of madness; "its not the labor of vigorous intelligence but of diseased minds," exclaims La Legalidad, and concludes by saying that the mind, excited and offended, really believes it is altogether right and that it is attacked on the ground of insult, because it will never be convinced.

The Diario of the day before yesterday heads its editorial columns with a warning against the number of false rumors, concerning the purport of telegrams said to be received from New York and Madrid. This is in reference to the reports that such had been received, putting the island inea state of defence and other rumors of the same ilk. It has also been denied that THE CAPTAIN GENERAL HAD SENT IN BIS RESIGNATION.

The Legalidad said last Sunday:—"We know through an authorized source that His Excellency General Jovellar has received a satisfactory telegram from the government of the Republic approving his conduct and manifesting absolute confidence in His Excellency." The New York correspondent of the Diario has heated his irons to a white heat and strikes out right and left in his attacks upon the press of that city and its opinions. Such delectable expressions abound as, that the reading of the Herald, Sun, other journals and dime novels, has made the honor and glory of the country in giving birth to Ryans, Jordans and Jack Sheppards; that Spain can just as consistently, judging from the tone of the public press towards her, consider the United States as a nation of "prize fighters and bullles." Henry Warn Beecher is styled a pulpit clown and A. Oakey Hall a court clown, and there are many other fine touches of clownalism.

## OFF FOR CUBA.

The United States Steamship Powhatan and Monitor Manhattan Gone to Sea-Sketch of Captain Beaumont's Navy

ON BOARD UNITED STATES STEAMSHIP POWHATAN, OFF CAPE MAY, Nov. 25, 1873. The Powhatan, Captain J. C. Beanmont, is now ander way for Cuban waters; the pilot will leave ns in a few minutes and I take this opportunity of despatching a few farewell words.

Navy Yard on Saturday evening amid the most patriotic enthusiasm on the part of a large number of civillans who had assembled on the South wharf. The formidable little "raft and cheese-box," as the officers of the Merrimae are said to have denominated the first monitor, made her way slowly down the river and anchored for the night near League Island, where she was to take on several tons of shot and shell. The final loading was prosecuted throughout the night and in the morning was in perfect readiness for sea.

The Powhatan left the yard on Sunday at one o'clock. The amount of provisions and stores taken on board indicated that the cruise was expected to be a lengthy one. The Powhatan steamed on down the Delaware and on passing the Manhattan, dipped her colors. The turrets of 20 monitors could be seen across the island, indicating that the government, even now, is not wholly unprepared for naval warfare. Signaling the Manhattan to follow in the morning, the Powhatan proceeded down over the bar and anchored. A heavy rain set in about dusk and continued all night. - About two o'clock on Monday, the Powhatan again started for the ocean. The monitor Manhattan proceeded down to the breakwater under steam, Commander Yates sel before going to sea. The experiment was in every way satisfactory, and to-day the Powhatan took her in tow, and, passing Cape May, with its vast array of unoccupied hotels, neaded out to sea. There is a strong wind blowing from the northeast, which betokens heavy weather outside.

sea. There is a strong wind blowing from the northeast, which betokens heavy weather outside. A very rough passage is anticipated. Should the wind increase to a gale we shall run into Hampton Roads or Norfolk.

GOOD METAL ON BOARD.

Captain Beaumont is remarkable alike for his utter fearlessness of danger in rough weather as well as in the face of the enemy. The terrific cyclone which the Powhatan encountered on the trip from New York, and in which the United States ship Supply was nearly lost, is characterized by him, however, as "rather severe." On board the Powhatan the barometer fell to 28.75, and the vessel was compelled to go aimost 100 miles to sea after the Cape May light had been sighted.

A NAVAL OPFICER'S RECORD.

I must say a tew words about Captain Beaumont. He has a reputation throughout the navy for the most unfinching courage during an engagement, and it is intimated by the ward room offices that should there be a naval fight anywhere in Cuban waters the Powhatan will "bear a hand" if she possibly can. Captain Beaumont entered the navy as midshipman in 1838, and made the cruise of the West Indies in the frigate Constitution and sloops Erie and Ontarlo. He then sailed, in 1840, on the Constitution for the East India squadron, where he remained three and a half years. He was promoted to past midshipman in 1844. He then joined the Gulf squadron, and served during a portion of the Mexican war in the Ohio. He acted as acting lieutenant on the rigate Columbia in 1847. The following year found the young officer attached to the coast survey. As master he served in the Mediterranean from 1849 to 1852. The two years following his return were passed in the Washington Observatory, during which time he was commissioned a lieutenant. Lieutenant Beaumont then saw service in the seamer San Jacinto, 1855; frigate Potonac, 1856; steam frigate Wabash, 1857; receiving ship New York 1859 and 1850. which time lie was commissioned a heatenant. Lieutenant Beaumont then saw service in the steamer San Jacinto, 1855; frigate Potomac, 1856; steam frigate Wabash, 1857; receiving ship New York, 1859 and 1860, and sloop John Adams, 1861. Receiving his commission as a commander in July, 1862, he was piaced in command of the gunboat Woodstock, on the James River. He commanded the gunboat Sebago, 1863; then the monitor Nantucket, then the gunboat Mackinaw, 1864 and 1865; the the monitor Miantonomah, during her famous cruise along the coast of Europe in 1868 and 1867. As commander af the Woodstock Captain Beaumont was present with the flottlia under Commodore James Rodgers in the attacks upon the forts on the James River. The Nantucket, under his command, participated in the bombardment of Fort Wagner, Charleston harbor. As commander of the Mackinaw he was present at all the engagements at Fort Fisher and on the Cape Fear River. As captain of the Powhatan he is now en route for Cuban waters, and under "the fighting Commodore" Rodgers the men on board may look for lively times.

The pilot boat is alongside. I can write no more.

Cuba on the American, not on the European plan." The Sacramento (Cal.) Union says :- "A declaration of war by our government against Spain is hardly to be apprehended. We have no quarrel with the Spanish Republic. A proclamation recognizing belligerent rights of the Cuban insurgents is all that is needed to make Cuba free and avert a war between this country and Spain.

The Mobile Register would be loath to see this strong government make war on Spain during her present weakness, but it says the United States must send a military force to the scene of the late outrages, demand the delivery of the authors of them for condign punishment, and, in case of refusal, to proceed to raze to the ground the city of Santiago de Cuba. If the government is finally forced to take Cuba, the Register says, it will inaugurate a duty that has long been shamefully neglected.

#### DR. WOOLSEY'S OPINIONS LEGALLY DISSECTED.

To the Editor of the Herald:—
The opinions of Dr. Woolsey in re the Virginius and her crew are presented in a twofold aspect—the justification of the capture under the plea of neessity and the justification of the massacre by the independent rights of Spanish sovereignty.

This order of things is, however, inversed in the treatment-a precedent borrowed, probably, from the laws of Spain. The crew is tried, convicted, shot, then captured.

Starting with the general rule that "the independence of nations implies that they are the sole judges, each of them, as to what their laws and punishments shall be," he takes it for granted that the prisoners received the full benefit of that supreme law, and immediately enters upon the discussion as to whether civilized nations are justified by "a violation of national sovereignty" to "remonstrate, and, if unheeded, take further steps," This he is incapable of deciding, not having sumcient light upon the subject. Evidently the news of this horrible butchery has not yet reached the quiet New England home of the learned Doctor. NOT LEGALLY TRIED UNDER SPANISH MUNICIPAL LAW.

We must take issue with the implied premises in the argument, and hold that the Captain and passengers of the Virginius were not legally tried and convicted under the municipal laws of Spain.

First-The tribunal was not legally constituted Spain being in a state of peace, she had no power to authorize the penalty of death except by the decision of a judicial tribunal founded upon sufficient evidence, with the proper opportunity of defence. The crew of the Virginius were denied this right and sentenced by a "drum head" court martial, and shot by Spanish volunteers, and all this in time of peace. Spain was estopped by her own acts and assertions from assuming war powers. She cannot purchase war material from a neutral State as a right of peace, and then deny that right in others as contraband of war. She cannot punish armed insurgents as traitors and pirates and at the same time exercise the war rights of blockade and search. Neither can she assert to the world that she is in peace and then defend her acts or punish her criminals by the tribunals of war. Having elected peace, she must abide by the rules of peace.

Second-The Court, if legally constituted, had no jurisdiction over the crime of Captain Fry, because it was not committed within the municipal territory or jurisdiction of Spain, neither was it piracy jure gendum. ure gentium.
Third—It had no jurisdiction over his person. It

Third—It had no jurisdiction over his person. It is a well recognized rule in all civilized nations that jurisdiction cannot be gained by force or fraud, and it is admitted that the capture was no made either upon the land or waters of Spain.

Fourth—The Courts of Spain could not acquire jurisdiction over either the person or the crime of the prisoner, because the offence was committed on the open sea and not in a Spanish vessel. All authorities combine that the territory of the country to which the vessel belonged is the place of offence, and that the offenders must be tried by the tribunals of his country. (Philimore, Philimore, International Law, vol. 1, p. 409; Vatter's Law of Nations, l. 1, sec. 216.) Whether she was not Spanish, and her offence could not, therefore, International Law, vol. 1, p. 409; Vatter's Law of Nations, l. 1, sec. 216.) Whether she was not Spanish, and her offence could not, therefore, be punished by Spanish law or a Spanish tribunal.

Firth—It does not yet appear that Captain Fryer been was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no animus furandi. He was not a pirate, as there was no a

unat nation. As to foreign citizens, municipal law suborns to and is limited by the solemn compact of treaties. It is admitted that Captain Fry was an American citizen. Article 7 of the Treaty of 1795, between the United States and Spain, reads as fol-lows: that nation. As to foreign citizens, municipal law

not meet the case, and the capture was, therefore, justifiable for the sake of peace." He next asserts that the violation of neutrality was necessary, and the circumstances called for instant action. How there could be a violation of neutrality where the rules of neutrality law were not applicable he does not definitely state. Necessity is only a defence within the prescribed limits or in the absence of law, and we have seen that in this case the ordinary rules of the law are applicable. But is this a case where unforeseen circumstances call for instant action and permit a violation of neutrality? On the contrary it was the legitimate outgrowth of the policy of Spain, as predicted long since by the State Department of this government. To give herself the right to use America as a convenient base of supplies Spain proclaimed that she was in a state of peace and then coolly asserts neutrality to protect the exercise of those rights by the enemy. And because, forsooth, the Cubans attempted, in their national sovereignty, to exercise the same national rights she hold up her hands in holy horror and raises the ery of "dilbusters and pirates" and covers their capture and massacre as a necessary violation of neutrality on the ground of self-delence.

THE INSULT TO THE AMERICAN FLAG.

But the capture, bringing in and subsequent

a necessary violation of neutrality on the ground of self-deience.

THE INSULT TO THE AMERICAN FLAG.
But the capture, bringing in and subsequent massacre are, in fact, but one act, or at the most a series of concurrent acts, predetermined and entire. Does the learned Doctor hold that it was necessary for the preservation of peace that the national flag of America should in a time of peace be torn down and replaced by that of Spain, and that an American vessel should be tried and condemned in a Cuban port and by a Cuban tribunal when the ports of America were open for her adjudication? Did the cause of mamanity or public peace require that Captain Fry, who had never stepped upon cuban shores or violated the municipal laws of Spain, should be massacred by Spanish volunteers?

THE CARGLINE, KOSZTA AND THE CAGLIARI.

THE CAROLINE, KOSZTA AND THE CAGILIARI.

As to the case of the Caroline, she was boarded in the night time within the jurisdiction of New York State by Canadian loyalists, set on fire, sent down the stream, precipitated over the talls and dashed in pieces. An American citizen named Durfer was killed and others were wounded. One MicLeod, a British subject, was arrested in New York State for the murder of Durfer. The British government demanded his surrender on the ground solely that he was acting under authority, and that therefore the government was alone asswerable for his acts. As between the two nations this was the only point at issue. Mr. Webster, pending the discussion, was appointed Secretary of State. When a new demand was made by Great Britain he assented to the English view that it was the act of the government of Great Britain, and not the individual act of the prisoner. Whatever was said outside of this issue by either of the Parlies was obtter and cannot be entitled to the rights of a precedent. The State of New York having legally acquired civil jurisdiction, refused to give up the prisoner. This complicated the matter, but, lortunately, at the trial a verdict was rendered of not guilty upon the facts. I can see no applicability of the Koszta to the present case. The case of the Cagliari (Martins' Canses Ceicores, v. 600) comes the nearest to the facts in the case of the Virginius, and the opinions given by Drs. Twiss and Phillimore, substantiate the views given in this article.

I have but one other authority, and before given it we must bear in mind that when the THE CAROLINE, KOSZTA AND THE CAGLIARI.

and Philimore, substantiate the views given in this article.

I have but one other authority, and before giving it we must bear in mind that when the capture of the Virginius was effected she carried nothing contraband in its nature, except the officers of the Cuban army.

WOULSEY VS. WOOLSEY.

Dr. WOOLSEY VS. WOOLSEY.

Dr. WOOLSEY, in his standard treatise upon international law, in speaking of the case of the Trent, says:—"On this transaction we may remark, first, that there is no process known to international law by which a nation may extract from a neutral ship on the high sea a hostile ambassador, a traitor, or any criminal whatsoever. Nor can any neutral ship be brought in ior adjudication on account of having such passengers on board."

This not only applies to the case of the Virginius, but also to the rights of the British government in the supposed case, concluding the opinion given by the learned Doctor in A. D. 1873.

### ONLY A SAILOR.

TO THE EDITOR OF THE HERALD:-

I am a naval officer in the service of Her Britannic Majesty, and feel at a loss to answer the following questions I have asked myself more than

as ignorant and as desirous to be enlightened.

# SHARKEY'S ESCAPE.

the course of the commander in July, 10th, low values of the commander of the commande