NEW YORK HERALD, MONDAY, DECEMBER 22, 1873 .- WITH SUPPLEMENT.

THE VIRGINIUS.

Herald Special Report from Madrid.

Spanish Demand for the Restoration of the Vessel.

Delight of the Dons Over Secretary Fish's Denial of Her Nationality.

Minister Sickles Insists That His Resignation Shall be Accepted in Washington.

TELEGRAM TO THE NEW YORK HERALD.

The following special despatch to the HERALD has been received from Madrid, by way of Paris:-PARIS, Dec. 21, 1873.

A HERALD special telegram, in cipher, from Madrid announces that Spain demands the estoration of the Virginius, and that there is great exultation in the Spanish capital in consequence of Secretary Fish's admission that the Virginius is not an American vessel.

The Spanish demand was delivered to the American Minister on Friday, 19th inst. MINISTER SICKLES' RESIGNATION.

Minister Sickles has telegraphed to Washington insisting upon the acceptance of his resignation.

THE CASE IN WASHINGTON.

Important Rumors in Official Circles-The Attorney General Decides that the Virginius Had Forfelted the Right to Carry the Stars and Stripes.

WASHINGTON, Dec. 21, 1873.

It has been known for some days that the Spanish government has furnished evidence with regard to the Virginius and her claim to the right to bear the flag of the United States, and that the President has submitted the eviilence to the Attorney General for his opinion thereon.

It seems now to be understood in official circles that the Attorney General has given the opinion that the vessel had forfeited the right to bear the flag of the United States, and at the time of her capture she was carrying it without right and improperly. In view of this opinion our government will, in accordance with the terms of the protocol, Institute inquiry and adopt proceedings against the Virginius and against any of the persons who may appear to have been guilty of illegal acts in connection therewith.

As Spain has proven to the satisfaction of the United States, according to the Attorney General's opinion, that the Virginius was at the time of her capture carrying the United States flag without right and improperly, the salute to the flag, on the 25th day of December, will be dispensed with as now not necessarily requirable ; but the United States will expect a disclaimer of intent of indignity to its flag in the act which was committed.

by S

and again by forfeiture to the United States for debt-her character as an American vessel cannot be disputed, while the legitimate sale to a citizen of the United States establishes her right to an American register, and her purchaser is responsible, under our own municipal regulations, to the acts and penalties prescribed, which regulations the United States leclines to permit a foreign government to traverse in support of any dereliction of duty on the part of either her officials or citizens.

PROOFS OF THE VIRGINIUS' NA-TIONALITY.

The Vessel's Fall Record-Her Caree During the Rebellion, Her Possession by the Government and Her Sale-Arguments Why She Was Fully Entitled to the Protection of the United States. WASHINGTON, Dec. 21, 1873.

The Treasury Department has furnished the fol owing to the Secretary of State as to the real character of the steamer Virginius :-She was originally known as the Virgin, bufit at

Glasgow, Scotland, in 1864, and owned by a firm in Liverpool and Mobile. She made one trip to Mobile, and after the Union fleet passed the forts was bought by the Confederates and loaded with cotton to run out. After the fleet entered the bay the cotton was taken out an the vessel run up the Tombigbee River, several hundred miles above Mobile, to escape capture. In the fall of 1865 she was brought down to Mobile and turned over to the Collector of Customs by the military authorities. Under instructions from the Treasury Department, with the concurrence of the Navy Department, and after a Cabinet consultation, the Virgin, with other blockade runners, was, on January 22, 1866, turned over to the Freedmen's Bureau. (Se Treasury instructions, January 9, 1866; letter of Secretary of the Navy, January 13, 1866; receipt of Governor Swayne, January 22, 1866; report from Collector, January 22, 1866.) On February 14, 1866, the vessel was sold at Mobile, under direction of the Freedmen's Bureau. C. M. Godbold and J. M. Moody became the owners. The vessel was admeasured at New Orleans March 2, 1866, and inspected March 30, 1866. Registration was granted on application of Godbold at Mobile on March 12, 1866. (See certificate copy of register; Inspector's certificate.) The Inspector's certificate was issued April 19, 1866, at New Orleans. On June 30, 1866, she was again inspected at New Orleans and licensed to carry eight cabin passengers. In the meantime it appears the ownership of the vessel had become vested in Miles T. Steele, of New Orleans, to whom, as sole owner, a register was issued at that port on June 23, 1866, as appears by the bill of sale next referred to, which sets forth the act of registration at length. On May 14, 1867, Steele executed a bill of sale in due form to the United States of the steamer Virgin and appurtenances for the sum of \$5 (see original bill of sale, dated May 14, 1867). It is stated that the actual consideration of this transfer was to indemnify in part the United States or the defalcation of T. B. May, formerly Assistant reasurer at New Orleans. This bill of sale was duly recorded at the Custom House n New Orleans, May 15, 1867. The vessel having thus become the property of the United States, first by capture, and second by purchase, re-mained in the possession and under the control of the government on or about the 27th day of August, 1870, when it was sold for the sum of \$9,800 to John F. Patterson, of New York, to whom a regular bill of sale, dated August 27, 1870, was executed and delivered by the Solicitor of the Treasury, acting in pursuance

of law for the United States as owners. The bill of ale recites that the title of the United States had been acquired in the collection of a debt due the United States, referring to the bill of sale from Steele before mentioned. The sale appears to have been made at Washington, from whence the vessel was taken to New York, where Patterson made application for a new register to be issued to said vessel under the name of the Virginius. It further appears that the general practice of the department has been to allow vessels purchased by American citizens from the government of the United States and entitled to register, to be registered anew by such name as the owner or owners might adopt, being virtually regarded as in tion of a new vessel. (See Trees instructions to Collector, New York, ury August 16, 1865.) A register was accordingly issued by the Collector of Customs at New York, describing the vessel as the Virginius, formerly the steamer Virgin, and giving the same dimensions and tonnage as expressed in her former register. The new register bears date the 26th of September, 1870, and was issued to John. F. Patterson as the owner, F. L. Shepherd, a citizen of the United states, being then the master. The State Department having established own-ership, the effort of the Spanish government to show that under our own laws the Virginius was not entitled to an American register, as she was built in England and was not captured as a wa prize, or judicially condemned for violation of our Navigation laws, is disposed of in the following manner:-The Virginius was purchased by the Confederates, and, they being ebels against the federal government, she was ov intendment of law all the time the property of the United States. Inasmuch as a so-called rebel government has no property against a legitimate overnment, the legitimate government may take possession of a vessel of the Confederates in the United States without any process of law, just as it takes possession of abandoned cannon belong-ing to the confederates. If the vessel in question is in a foreign port the United States government might need the assent of the foreign government to take possession of her. In this way the United States government took posession of the Shenandoah in the port of Liverpool, sold her and gave a title without any process of law. In the same way the United States at the close of the war took possession of two Confederate ships in the harbor of Havana, brought them to the United States, sold them and gave good titles, under which they are now sailing. Such is the nature of the original title of the United States in the Virgin. The United States took possession of her as a rebel ship and as such, in the eye of the law, was the property of the United States, although in possession of rebels to the wrong of the United States. That was the legal condition of the Virginius on the day she was turned over to the Freedmen's Bureau. The question has arisen whether the act of the Collector at Mobile in giving a register to Godold and Moody, who bought the vessel from the Freedmen's Bureau, was lawful, that is, whether it was justified by the letter of the act of Congress or by any established construction of the etter of any act of Congress. The United States answers that its government may buy and own ships wherever they were built. Whether on the sale of such vessel by the government the vendee may get a register is a secondary question. The vessel would at any rate be American property and tilled to by the say of the United States whether she had a register or not, and would be entitled to the protection of the government and the facts in the present case. If Godbold did not get a good title from the Freed-men's Bureau, then the Virginius still belongs to the United States government, was the property of the United States at the time of her capture, and as such entitled to the full protection of her owners. As to her subsequent career after transfer to John F. Patterson, according to the records of the Treasury Department, the United States cannot t this time enter into discussion. Mr. Patterson bought the vessel, subject to the navigation laws of the United States, and will be held, according to te terms of the protocol, to a puriet accountability.

in payment of the Confederate dent contracted in England, and the treatment of the parties found on board of these vessels by the United States, all of which was done at the risk of capture and confiscation by the United States our waters, but never on the high seas. That ail the acts recited against the Virginius show her to have been nothing nore than a smuggler, or a filibuster, not fitted out in the United States, and running the ordinary risk of capture for violation of the municipal laws governing the colonies of Spain within the waters jurisdiction, but not, under any plea or argument, subject to capture he high seas. Finally, that the grievance which the Spanish government complains of against the United States was one which should have been settled in the ordinary course of amicable relations between two friendly Powers: and while the United States government does not intend to assert its authority except in vindication of its honor and sovereignty, the reasons alleged by the Spanish government why the American flag ald not be saluted, as stipulated, cannot be accented as valid, and an observance of the terms of the protocol will not be waived by the United States except other evidence be presented before the expiration of the time agreed upon for the final disposition of the question.

SPAIN'S DEMAND DISCREDITED.

WASHINGTON, Dec. 21. 1873. The report from Madrid that the Spanish gov, ernment has decided to make a demand upon the United States for the return of the Virginius and passengers and crew is not credited here, for the reason that they were delivered to the United States by virtue of the protocol between the two countries, subject to judicial proceedings.

BEFORE THE SURRENDER.

The Prisoners at Santiago Afraid for Their Lives-Burriel, the Butcher, Feted-The Seizure of the Virginius Without Examination.

KEY WEST, Dec. 21, 1873. Advices from Santiago de Cuba up to December 4-that is previous to the surrender-represent that General Burriel was received on his return with much enthusiasm. The press and public endorsed him and are defiant and impertinent. The HEBALD correspondent had another interview with the prisoners at the hospital. The prisoners were reticent and afraid for their lives. Philip Metzler stated in whispers that the seizure of the Virginius was made under circumstances of mity to the United States flag; no pa gross in pers were examined. There was no formality whatever.

ADMIRAL SCOTT'S REPORT.

Names of Americans on Board the Virginius-Captain Fry's Defence-Posttion of the Ship when Captured.

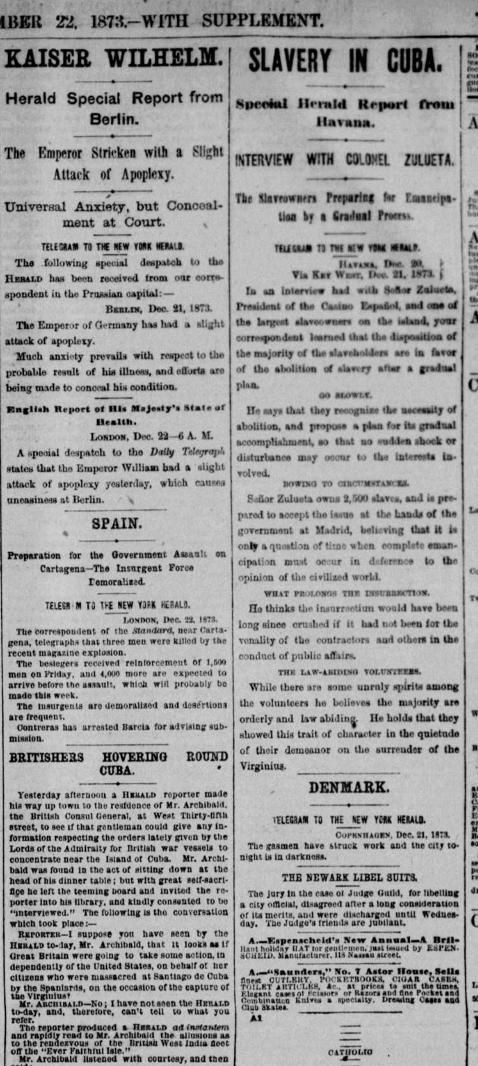
WASHINGTON, Dec. 21, 1873. Rear Admiral Scott has sent to the Secretary of the Navy a large mass of documents connected with the capture of the Virginius, and the execuions which followed it. These include the list of 103 who were in the prison at Santiago de Cuba, 18 of whom were shot. Among the survivors appear the names of Manuel Morases, of Philadelphia : Philip Meitzler, of Charles ton, S. C.; Samuel Gray, of Harrisburg; Pa.; Alfred Parker, location not given. These are all the Americans among the number given. Those who were executed, in addition to the 13 above mentioned, were in jail only a few hours, with the exception of Captain Fry, who was not taken to that place.

According to the official report concerning the mode of trial by the martial court, Captain Fry de-clined to answer all the questions put to him, protesting that by the laws of nations he and his crew had committed no offence that justified his or their imprisonment or trial as pirates, claiming to be in command of an American merchant vessel fur ished with all properly certified papers, which he had delivered to the boarding officer of the capturng vessel.

J. N. Rowe, of Rockland, Me., deposed at Kingston. Jamaica, that from his knowledge of navigation the Virginius, when captured, could not have been less than 70 miles from the coast of Cupa.

COMMANDER BRAINE'S REPORT.

WASHINGTON, Dec. 21, 1873.



developments; or, in other words, in case their services should be required." Reports - Do u know whether the English government is about to demand of Spain satisfac-tion for the butchead subjects at Santumer."

Shamy, Many Conre.-Hirs. Wins orthing SIRUP for children testhing, has a tof many years, and never known to fail. It tiy reliable. If regulates the stomach and J res wind colic and griping in the bowels, soft are, reduces indrawmathon and allays all pam. ail. It is per

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STATEMENT OF THE BRITISH CONSUL GENERAL. "This order to rendezvous off Cuba is probably the echo of instructions recently given to our men-or-war to be bear that island in case of new developments, or in other words in case their

pears the clearance papers of the Virginius were obtained by perjury.

The Department of State has no information concerning the complications between Great Britain and Spain.

Was the Virginius Entitled to Carry the American Fing !- The Answer of the State Department to the Question. WASHINGTON, Dec. 21, 1873.

The Spanish Minister is confident that the ovidence he has prepared will show that the Virginius was not entitled to carry the American flag, and in this he is sustained by the members of the Diplomatic Corps. The Spanish government claims she was owned by the Cuban Junta of New York, and has evidence to prove that the money was furnished by this organization to John F. Patterson and J. K. Roberts. The State Department will answer:--

First-That the sale of the Virginius to John F. Patterson by the United States establishes the character of the vessel.

Second-That John F. Patterson, being a citizen of the United States, had a right to purchase the vessel and receive a register.

Third-Though the Cuban Junta, or foreigners, may have furnished the money, yet the purchase by Mr. Patterson was perfectly legitimate, and did not prevent the parties furnishing the means from holding a lien on the vessel.

Fourth-That the records of all the American Consulates show that whenever the Virginius has entered and cleared from a foreign port it was done strictly according to the prescribed regulations governing our officials, and as there is no evidence of the sale of the vessel after the register was taken out in New York there could be no such thing as ownership by subjects of Spain.

Fifth-If the reputed owner of the Virginius did sell, transfer or lend the vessel contrary to the laws of the United States, by our own statutes she is forfeited to the United States. and was at the time of her capture by the Tornado, in intendment of law, the property of the United States; therefore the United States government refuses to accept the proof offered as conclusive of foreign ownership of the Vizginius, and maintains that, original ownership having been vested in the government-to wit, first by reason of her having been purchased by the Confederate government, and by such act,

The argument for the government further give a recital of acts of blockade runners during the war, to what extent the rebellior in the South in intendment of law, becoming at her pur-chase the real property of the United States, was nourished by the receipt of arras, munitions of in there vessels, the transfer by them of cotton

of the Navy, dated Santiago de Cuba, Novembe 30, communicating the information he obtained about the Virginius, says :--

You will see by my letter to His Excellency Señor Brigadier Commandante General Morales, and the protest that I protested against any further punishment to any of the officers, crew and passengers of the Virginius, irrespective of their nationality, and if any more were ordered to be executed I must be informed before it place, as I claimed the American flag protected all. I have taken means circulate it ashore in the city, that if any of the prisoners taken from the Virginius are executed I will sink every Spanish gunboat and other Spanish men-of-war here that I can get at. feel assured that this rumor has had a good effect and I believe, should our government demand the persons taken from the Virginius yet alive, the authorities will surrender them. will observe by my interview that the General asks, in reply to my suggestion that an easy partial solution to this already complicated affair would be to deliver up all the people now slive belonging to the Virginius, "In what manner could that be done ?" leading me to believe it to be really a wish of his to deliver them all to the United States. I replied, "By putting them in boats and putting them on board the ship I have the honor to command, restoring them under the flag from which they were taken." The Governor replied he could not do so without orders from his superiors.

Commander Braine asked if the people taken from the American steamer Virginius were exe-cuted by the authority of the bighest ruling power in the island or by the order of the government officials here. The Governor answered, "By the government here." Commander Braine said, "Could not the same power that ordered their execution order release and delivery to him ?" The Governor re plied in the negative. The people taken from the Virginius were execated by an order previously issued by the Admiral commanding the nava forces of the island; others were executed under authority of an order issued by General de Rodas. Commander BRAINE-But were there not pas engers on board the American steamer Vir-

ginius The GOVERNOR-You must recollect that there were many Spaniards among the passengers, and one of them a deserter from our army on this island.

Commander BRAINE-Yes; but they were taken from an American steamer on the high seas. The GOVERNOR-On the night of the arrival of the Virginius at this port, in looking over the papers an order was found issued by the late Captain General, and it was under his order that the tria and executions took place.

Commander BRAINE-But I have to remind you that both the United States and British government protested against that order, and told the Spanish government that they would not allow any such interference, and that the most that the United States government could admit would be the confiscation of the vessel and cargo.

Commander Braine, having-received assurance that his despatch to the United States government would be forwarded without interruption, thanked the Governor for his courtesy and withdrew, after delivering in person a written protest relative to the officers, crew and passengers of the American steamer Virginius.

THE PRESIDENT AT ST. LOUIS.

ST. LOUIS, Dec. 21, 1873. President Grant met a number of old friends at an informal dinner at the house of General Harvey tion for its butchered subjects at Santiago? Mr. ARCHIBALD (smiling, with a diplomatic nod)—Welt, all that kind of information must be obtained by your paper at Washington. I am not able to give it. REFORTER—Do you think this naval movement looks like decided action on the part of your gov-

Mr. ARCHTRALD--Well, I really cannot tell you-yon will observe the despatch is dated Key West, which you must admit is a great place for manu-facturing news. I really cannot give you any offi-cial information on the subject. Reporten-Do you know Captain Gore Jones, naval attaché of the British Legation at Washing-ton, who, I believe, is in this city at this mo-ment, and could he give me any information on this subject?

ment, and could he give me any information on this subject? Mr. ARCHIBALD—Yes, he is down stairs taking dinner with us, but I am pretty certain cannot give you what you newspaper men call "points." The reporter thereupon apologized to Mr. Archi-baid for detaining him so long, and resolved, after the trouble he had given to Mr. Archibaid, not to attempt to bother the family circle any more, by asking that Captain Gore Jones allow himself to be interviewed.

WEATHER REPORT. .

WAR DEPARTMENT, OFFICE OF THE CHIEF SIGNAL OFFICER WASHINGTON, Dec. 22-1 A. M. Probabilities.

FOR NEW ENGLAND AND THE MIDDLE ATLANTIC TATES, GENERALLY CLEAR WEATHER WITH CON-LOW TEMPERATURE WILL PREVAIL DURING THE DAY, FOLLOWED BY INCREASING CLOUDINES AND RISING TEMPERATURE IN THE MIDDLE ATLANTIC

areas of snow, the winds in these districts gradually backing to southerly, with increasing force and

For the Onio valley less pressure, slight rise of temperature, notheasterly to southeasterly winds and partly cloudy weather during Monday, ioi-lowed by threatening weather by Monday night. For the Northwest partly cloudy weather with rising temperature and areas of snow in the northern portion of this distinct. For the canai regions of New York, Pennsyl-vania and Chio the temperature will remain below freezing during Monday.

The Weather in This City Yesterday. The following record will show the changes in the temperature for the past twenty-four hours in comparison with the corresponding day of last

year, as indicated by the thermometer at Hudnut's Pharmacy, HERALD Building :---
 IST2, 1873.
 18

 3 A. M.
 32
 27
 3:30 P. M.

 6 A. M.
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 6 P. M.

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 1872, 1873. 9 A. M. 12 M.

cation of the Bankrupt Act Will Not Affect the Trust Deed. PROVIDENCE, R. I., Dec. 21, 1878.

Z. Chafee, trustee under the Sprague mortgage, Company and of A. a W. Sprague, the notes se-cated by the deed of mortgage bearing date No-vember 1, 1873, in exchange for the obligations of the corporation and of A. & W. Sprague. He ex-pects that the print works and all the mills will in the course of a few days be rimining full time. The trustee wishes the creditors to understand that the repeal or the modification of the Bank-rupt act will not alter or in any way affect the purposes of the A. & W. Sprague Manufacturing Company or of A. & W. Sprague Manufacturing Company or of A. & W. Sprague to pay their credi-tors in accordance with the terms of their trust deed, and they propose to stand upon that instru-ment, which devotes all their property to the equal benefit of their creditors.

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