





SECULAR DEPARTMENT

J. TOYOLA, Editor.

SUMMARY.

The all absorbing topic of discussion in the North just now, is the seizure by a United States ship of war, of the Southern Commissioners on a British steamer on their way to England.

A dispatch from Washington to the Cincinnati Enquirer says: "After the exultation, caused by the arrest of Messrs. Slidell and Mason, had subsided, some commenced to see a blunder, but it is now generally believed that if Great Britain is now generally believed that our Government will disavow the act, but refuse to allow the rebel Commissioners to go on their mission."

The National Intelligencer has an article, believed to be semi-official, justifying the act of Captain Wilkes, quoting international law, and saying he had not only a right to arrest Mason and Slidell, but also to seize the vessel, because of the violation of the proclamation of Queen Victoria announcing neutrality, and cites from Wheaton, Phillips, and other writers upon international law, fully establishing these points.

Another Washington Dispatch says: "Lord Lyons has not behaved like a diplomatist since the news of the capture of Messrs. Mason and Slidell. Unofficially, he is almost impudent in his conversation. He assumes that there can be no question between his government and ours, that the United States must yield to the point in controversy, and will disavow the act of Capt. Wilkes, and must return Mason and Slidell to the bosom of the only power which seems heartily to desire the dismemberment of this Republic."

Edward Everett, Edward M. Stanton and Beverly Johnson have expressed the opinion that our right to take and keep Mason and Slidell is unquestionable. Without waiting to ascertain how far the act of Capt. Wilkes is justified by the acknowledged and established principles of international law, some of the ministers from foreign parts have allowed themselves to be betrayed into expressions exhibiting infinitely more passion and prejudice than judgment and diplomatic intelligence.

The representative of one power openly declared that if Mason and Slidell had been taken from a Spanish ship, he would have immediately demanded his passports. Lord Lyons is said to have assumed a menacing tone, and to have declared that the prisoners must be given up, or ample reparation made for the offense offered to the dignity of the British crown. Nothing of the kind has ever been officially intimated. But in ordinary intercourse these expressions of disapprobation and hostility have been unguardedly made.

A dispatch from Toronto, Canada West, says: "The Globe and Leader newspapers have severe articles on the seizure of Mason and Slidell. The Globe says it will add to the strength and dignity of the American Government, if the captives are liberated without remuneration from Britain. The Leader says it is an insult which the meaneast Government on earth would not submit to."

An attack on the Pensacola Navy Yard was made by the Lincolnites on Friday, the 21st, and continued up to 4 o'clock on Sunday morning, and at latest advices had not been renewed. Fort Pickens opened on the gunboat Nelms and the transport steamer Times and Cushman, the two latter lying at Central wharf and the Nelms in the basin. The Federals fired a number of guns before the batteries replied. When the ball fairly opened the excitement was intense. The Nelms quit the basin under a shower of shot and shell, and proceeded to Town Point, opposite the city.

Col. Villipigue was slightly wounded in the arm, but gallantly retired as his post as commander of Fort McRae. The town of Warrington was set on fire by the Federals.

Our loss in killed and wounded is sixteen. One-half of the cannonade continued through Saturday night presenting a magnificent spectacle. Several bombs exploded over and near Bragg's and Gladdis' staff, injuring none. Bragg was constantly greeted wherever he went. Three batteries and the Louisiana Infantry, commanded by Capt. Wheat, Butcherfield and Lieut. Maeder, greatly distinguished themselves, and Capt. Vanhousen's marine battery is entitled to high distinction for great efficiency. One of the enemy's ships is thought to be severely damaged.

Some old buildings were burned by the enemy's hot shot, but the loss amounts to nothing. Shot passed through the hospital—injured none, as the sick had been removed. A number of shells fell in Fort Pickens, it is believed, with much effect.

Washington Government has the session of "public law" for this year of long series of "flagrant atrocities" which it has perpetrated against us. The following contains the gist of the Mercury's argument on this head:

There are certain well established principles of public law, to which the present case will necessarily be referred, and from these, we may anticipate the views of the English jurists in regard to the matter.

The highest legal authorities unite in pronouncing the seizure of the Southern Commissioners, as a violation of the law of nations. They consider the transmission of a despatch abroad, as capable of conferring greater advantages upon a belligerent, than the introduction of any arms forbidden by the laws of war, and such being the law, the analogy between the despatches and arms, and the persons bearing them, seems plain. The Commissioners are not to be considered as messengers, but as carriers of communications in writing or in his memory, in the substance, the despatch, and would seem to become, like it, liable to capture.

But we are not left to form this conclusion from analogy alone. Strangely enough, although the present case is one quite novel in its circumstances, a distinguished English jurist has given an opinion directly bearing upon it. In the case of Sir William Scott, in defining the rights of belligerents, in respect to neutral vessels, says with singular terseness, "You may stop the Ambassador of your enemy on the sea, if you think that the vessel could be more distinct, or more directly applicable to the case of Messrs. Mason and Slidell."

Disagreeable, as it is, we cannot resist the inference, that the Government will decline any interference in a half of our captured Commissioners. If so, it is better that our people should know the sober truth, at once, than that they should be misled by a foreign flag, they should expect, week after week, to expectations, which must end in disappointment and bitter chagrin.

Admitting the correctness with which the principles of international law are here laid down, and the accuracy with which our contemporary has stated their opinion under certain circumstances, yet we think it is not at all difficult to show the utter inapplicability of his conclusions to the present case. In the case of Sir William Scott, the vessel in question was not an ambassador in the view either of England or of the United States. This is so plain and palpable as scarcely to need an argument to substantiate it. That in the view of England they could not be regarded as ambassadors is apparent from the fact, that the nation which had accredited them, as its agents has no recognized existence among foreign powers and consequently could not be in a position to hold official intercourse with them, and therefore its "commissioners" in like manner, could not be regarded as anything more than distinguished citizens of certain States "calling themselves" the Confederate States of North America. The offense moreover alleged against these gentlemen by the United States Government, shows conclusively that it utterly ignores the Government which had sent them on this mission to Europe. By charging them with the offense of having assumed jurisdiction over us as our citizens, and by this claim is precluded from urging a plea in justification of its act, derived from their official character, which public law might possibly have sanctioned, had they been the agents of a recognized Government.

We suppose it will be conceded on all hands that as citizens merely, even though charged with treason against their own Government, they were entitled to all the rights and immunities of British subjects so soon as they entered a British vessel sailing from the port of a power at peace with the United States, and subsequently touching at a British West India port. This we take it to be the status of Messrs. Mason and Slidell in the eyes of public law at the time of their seizure by the United States war ship San Jacinto. But it should be maintained that they are not ambassadors, why then it is contended that all jurists admit that the United States are not the agents of a recognized Government, and that the vessel carrying them to confinement is captured, yet there is one important exception to the operation of this rule expressly stated by Wheaton himself, one of the very highest authorities, on questions of international law, which it will be seen at once places our commissioners beyond the pale of United States surveillance; and that is, in the case of carrying despatches from the enemy's ambassador resident in a foreign country. Why is this distinction made? Clearly because a contrary procedure would always endanger the peace of nations and tend to embroil neutrals with one or other of the belligerents. It is surely enough that the circumstance of a neutral being seized in guarding and regulating his direct intercourse between his own and the belligerent's territories without having his communication with other countries fettered and embarrassed by the rule would involve a belittled application of this rule would involve a belittled application of this rule would involve a belittled application of this rule.

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Washington Government has the session of "public law" for this year of long series of "flagrant atrocities" which it has perpetrated against us. The following contains the gist of the Mercury's argument on this head: There are certain well established principles of public law, to which the present case will necessarily be referred, and from these, we may anticipate the views of the English jurists in regard to the matter. The highest legal authorities unite in pronouncing the seizure of the Southern Commissioners, as a violation of the law of nations. They consider the transmission of a despatch abroad, as capable of conferring greater advantages upon a belligerent, than the introduction of any arms forbidden by the laws of war, and such being the law, the analogy between the despatches and arms, and the persons bearing them, seems plain. The Commissioners are not to be considered as messengers, but as carriers of communications in writing or in his memory, in the substance, the despatch, and would seem to become, like it, liable to capture. But we are not left to form this conclusion from analogy alone. Strangely enough, although the present case is one quite novel in its circumstances, a distinguished English jurist has given an opinion directly bearing upon it. In the case of Sir William Scott, in defining the rights of belligerents, in respect to neutral vessels, says with singular terseness, "You may stop the Ambassador of your enemy on the sea, if you think that the vessel could be more distinct, or more directly applicable to the case of Messrs. Mason and Slidell."

Disagreeable, as it is, we cannot resist the inference, that the Government will decline any interference in a half of our captured Commissioners. If so, it is better that our people should know the sober truth, at once, than that they should be misled by a foreign flag, they should expect, week after week, to expectations, which must end in disappointment and bitter chagrin. Admitting the correctness with which the principles of international law are here laid down, and the accuracy with which our contemporary has stated their opinion under certain circumstances, yet we think it is not at all difficult to show the utter inapplicability of his conclusions to the present case. In the case of Sir William Scott, the vessel in question was not an ambassador in the view either of England or of the United States. This is so plain and palpable as scarcely to need an argument to substantiate it. That in the view of England they could not be regarded as ambassadors is apparent from the fact, that the nation which had accredited them, as its agents has no recognized existence among foreign powers and consequently could not be in a position to hold official intercourse with them, and therefore its "commissioners" in like manner, could not be regarded as anything more than distinguished citizens of certain States "calling themselves" the Confederate States of North America. The offense moreover alleged against these gentlemen by the United States Government, shows conclusively that it utterly ignores the Government which had sent them on this mission to Europe. By charging them with the offense of having assumed jurisdiction over us as our citizens, and by this claim is precluded from urging a plea in justification of its act, derived from their official character, which public law might possibly have sanctioned, had they been the agents of a recognized Government.

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