THE DAILY BEE
UNLIMITED DAILY (SUNDAYS EXCEPTED) AT
No. 73 Chartres street.

Subscriptions taken by the week, at the rate of Twenty-Five Cents for the six numbers, payable to the carriers.

Daily Paper, one year (in advance)..... $12
Country Paper, semi-weekly..... 6

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New Orleans Bee.

Office 73 Chartres street. NEW ORLEANS, MONDAY MORNING, SEPTEMBER 28, 1863. Vol. XVII—New Series. Vol. XXXVI—Whole No. 12,824.

NEW ORLEANS:
MONDAY MORNING, SEPT. 28, 1863.

Sales at Auction To-Day.

By McCoven & Landry, at 11 o'clock, A. M., at their mart, furniture.

By W. P. Vincent at 12 o'clock M., at his salesrooms, No. 64 Customhouse street, 93 bales cotton.

By E. M. Jacobs, at 10½ o'clock, on Esplanade street, in front of the City Railroad Depot, horses and mules, one buggy and harness.

By R. T. Montgomery, at 11 o'clock, at salesroom No. 38 Camp street, 39 bales cotton.

The Purser of the Evening Star, W. H. Field, has our thanks for acceptable favors.

THE NEXT STEAMER FROM NEW YORK—The Columbia was advertised to leave New York for New Orleans on the 26th.

LICENSES UNDER THE INTERNAL REVENUE LAW.—Elsewhere will be found an important notice from George S. Denison, Collector of Internal Revenue in the District of Louisiana, to which the attention of all persons who require licenses from that officer in the Fifth and Sixth Divisions of New Orleans should be at once directed. The license taxes for those divisions are due and payable on the 26th inst., and during the four days following that date, and an increased tax and heavy penalties will be imposed on those neglecting compliance with this requisition.

LATE ARRIVAL OF DRY GOODS—Brott & Davis, corner of Gravier and Tchoupitoulas streets, are in receipt of a splendid assortment of dry goods by the Evening Star. See their advertisement.

FOR DONALDSONVILLE AND OTHER COAST LANDINGS.—The steam barge Magnolia is advertised to leave on Monday, at 5 P. M., for Donaldsonville, Lafourche, and intermediate landings. Shippers are requested to apply on board, foot of Bienville street.

BAGS, IRON FRAMES, MOSS, RUM, &c.—John Grace, No 5 Bank Place, has for sale Jamaica rum, of direct importation, rags, moss, &c. See advertisement.

ATTENTION!—Capitalists and cotton merchants will make a good investment by attending to the sale of 500 bales cotton, superior quality and original bales, which will be made on Monday, the 28th instant, at 12 o'clock, by Wm. P. Vincent, auctioneer, at his salesroom, No. 64 Customhouse street.

Dealers in cotton should attend R. T. Montgomery's sale on Monday, September 28, at 11 o'clock, at salesroom 93 Camp street. There will be sold 39 bales cotton in excellent shipping order. Samples will be ready for inspection early on the morning of sale.

A general assortment of furniture, office furniture, mirrors, stoves, &c., at auction to day, Monday, at 11 o'clock, at their mart, by McCoren & Landry.

The Latest from the North.

ARRIVAL OF THE EVENING STAR

IMPORTANT AND WAR NEWS.

Exciting Rumors from Lee's and Rosecrans's Armies.

ALSO FROM CHARLESTON.

INTERESTING EUROPEAN NEWS.

Gold Advanced to 135.

We have received by the Evening Star, which arrived at half-past 4 last evening, New York files to the 19th instant, two days later than the dates of the Locust Point.

The news by this arrival is interesting, and much of it important.

From Charleston.—Rumored Destruction of the City.

The New York *Herald* of the 19th says:

The arrival of the Merrimac from Charleston harbor brings us dates to the 15th instant. The only point of interest in the news was that Gillmore's forces were shelling Moultrie from Battery Gregg. Gen. Stevenson was among the passengers by the Merrimac. The rumors from the same region, received by way of Fortress Monroe, are that Charleston had been destroyed after five days' bombardment. The rumor is doubtless premature. A small scouting party of Unionists was captured by the rebels on the Savannah Railroad, below the Ashepoo River, on Saturday last. Gen. Longstreet's forces are reported to have left Virginia for Charleston on Monday last.

Bursting of the Blakely Gun.

The same paper says

The rebel news from Charleston is important, as it shows that the citizens are leaving that place *en masse*, taking with them everything of value. One of the English Blakeley guns, and several shot of over three hundred pounds in weight, and placed in position in Charleston, has been bursted while in the act of firing. The rebels console themselves with the idea that our "big gun" has met a similar fate, and assert that Beauregard does not want any more monster cannon in his department.

Operations of Rosecrans and Bragg.

The New York press has been somewhat excited over the following dispatch of interest:

A PART OF JOHNSON'S ARMY MARCHING TO REINFORCE BRAGG—RUMORS OF A BATTLE—BRAGG DRIVING ROSECRANS BACK.

Memphis, September 15.—A large infantry force from Johnston's army is reported to be marching up the Tuscumbia Valley to reinforce Bragg. Rhoddy's force has gone to Decatur for the same purpose.

Refugees bring reports in circulation in the south to the effect that after two days' fighting, in which Bragg was defeated and driven back he received large reinforcements from Johnston, which turned the tide of battle, and he was now driving Rosecrans. All of Johnston's cavalry is reported to have left Atlanta with the design of destroying Rosecrans's communication.

Commenting on the above, the New York *Herald* of the 19th says:

There can scarcely be a shadow of truth in the above report, and as the dispatch was dated on the 15th inst., the repulse was reported to have taken place previous to that date, after two days' fighting. Though rebel sources we have direct intelligence from Gen. Johnston to the 15th, on which day he was at Atlanta, Ga., and nothing is said about a battle. The Richmond dispatch from Atlanta gives accounts of skirmishing along the front, and acknowledges the steady advance of the Union forces. A skirmish is reported to have taken place on the 12th, near Lafayette, in which the enemy (rebels) were driven back. Lafayette is in Walker county, in the northwest corner of Georgia, and is about one hundred miles north of Atlanta, and eight or ten miles from the Tennessee line. It would appear by this that a portion at least of Gen. Rosecrans's forces have penetrated the State of Georgia.

Still Later from Rosecrans's Army—Rumor of his Defeat Denied—Fort Leavenville, Ky., Said to be Surrounded.

Louisville, Ky., September 18.—Rumors have been prevalent here for the past three days of disasters to General Rosecrans's army, all of which have been discredited by the military authorities. They probably arise from the fact that on Sunday last a rebel force, sixteen thousand strong, attacked Gen. Negley's division, five thousand three hundred strong, at Bird's Gap, and drove them back three and a half miles.

Negley recovered the ground next morning, with a loss of thirty-five killed, wounded and missing.

Our forces buried thirty-six rebels found on the ground Monday morning. The number of their killed and wounded which had been removed is unknown, but is supposed to be considerable.

The Opposing Armies Near Lafayette, Ga.—Longstreet's Corps said to be with Bragg.

The subjoined dispatches we clip from the *Herald* of the 19th:

Headquarters in the Field,
Ten Miles Northeast of Lafayette, Ga., }
September 16.

On evacuating Chattanooga the enemy retired to Lafayette and massed a force at that place, taking possession of the gaps of Pigeon Mountain directly in front of Gen. Thomas's column. The rebel force had been made formidable by new additions from Johnston, Hindman, Buckner and Maury. Deserters report the enemy now superior in numbers to the army they had at the battle of Murfreesboro. Among the divisions are Cheatham's, Deyse's, Claiborn's, Smart's, Buckner's, Cheshire's, Hindman's, Slaughter's, and detached brigades of Jackson and Anderson—in all thirty five brigades of infantry, not less than sixty five thousand men.

This formidable in numbers and position, Rosecrans was compelled to concentrate his forces, necessarily much scattered in crossing the Lookout Mountains. The lines of the opposing armies may now be represented as a crescent, shaped by the Pigeon Mountains, which extend like the arc of a circle around Lafayette. The rebels hold the interior and we the exterior lines. The two forces are within a few miles of each other, but are effectually separated by the range of mountains.

The rebel position can only be approached by the Gaulens, Winston, Blankford Gap, which are well guarded. The position of the rebels covers excellent lines of retreat on Rome and Calhoun, where they will probably make a new line should they be defeated here. There are reasons that they have been retiring for a day or two; but they are considered unshaken.

Gen. Rosecrans left Chattanooga on Sunday, and is now engaged in making dispositions for a new attack. He has been ill, but is in fine spirits.

In the fight with Negley the rebels lost over thirty killed. Our loss was seven killed and thirty-five wounded.

Headquarters, Army of the Cumberland,
in the Field, September 18, 1863. }

All is quiet, though there is constant skirmishing along the line and frequent dashes of cavalry on both sides.

The enemy does not appear anxious to attack, though he apparently intends to dispute further advance. He remains in constantly increasing force directly in front, a few miles distant, reviewing heavy reinforcements of old troops from General Lee's army.

Longstreet passed through Augusta on the 10th and 11th instants, by rail to Resaca. Their advance has reached Lafayette.

The rebels have been moving through the gap of Pigeon Mountain, and forming line on this side, as if to attack.

General Rosecrans has assumed a strong defensive position on Chattanooga creek, covering Chattanooga. He evinces no disposition to attack at present. The preparations to do so cannot all be completed for a few days, when a battle must ensue.

Gen. Stanley, of the cavalry corps, is very ill and has gone to the rear. Gen. R. P. Mitchell succeeds to his command.

Headquarters Army of the Cumberland,
September 18, 1863. }

All reports of an engagement here are false. The enemy has been busy to day feeling our lines, and artillery duels have been brisk with few casualties.

The rebels may be busy getting into position for attacking to morrow. Little doubt remains that either Longstreet's or Ewell's corps are here. Any day may bring on an engagement. The public will be informed at an early moment of the beginning and progress of the battle if any occurs.

News from the Rebels.

REPORTS REGARDING GENERAL LEE—REBEL TROOPS HURRYING TO ATLANTA, ETC

Memphis, September 15—The Mobile *Register* of the 6th contains an Associated Press telegram from Richmond, styling General Joe Johnston "Commander of the Army of Virginia." This would seem to indicate the removal of Gen. Lee.

The same paper prints an appeal from the citizens of Mobile on behalf of the destitute people in the city.

Citizens direct from the South state that rebel troops are hurrying to Atlanta, Ga., from all directions. Mobile is almost bare of soldiers.

GEN. LEE GONE SOUTHWARD—REINFORCEMENTS SENT TO BEAUREGARD AND BRAGG FROM VIRGINIA—THE TROOPS ABOUT RICHMOND, &c.

Philadelphia, September 18—Information from parties arrived here from Richmond today, who left the latter city on Monday, asserts positively that General Lee has gone South for some purpose.

Gen. Longstreet's command has been sent to reinforce Charleston and Mobile, and General Hill's corps is believed to have been sent to the assistance of Bragg.

There are now about sixty thousand troops about Richmond belonging to the Army of Northern Virginia. This force has fallen back to the line of the Richmond defenses.

General Sam Jones has two brigades, comprising about eight thousand men in West Virginia, commanded by Brigadier Generals Eccles and Jackson. He is about to make another raid towards Beverly. His headquarters are at Union, Monroe county.

General Imboden has fifteen hundred cavalry, acting as partisan rangers. His headquarters are six miles west of Harrisonville, Va.

The New York *Herald* of the 18th contains the following somewhat startling dispatch:

Washington, September 17.

IMPORTANT REPORTS IF TRUE—THREE DIVISIONS OF LEE'S ARMY SENT TO GEORGIA—TWO HUNDRED THOUSAND REBELS TO BE HURLED AGAINST ROSECRANS'S AND BURNSIDE'S FORCES.

In the multitude of conflicting statements in reference to Lee's army, many are unreliable. But a Union citizen of the South, who left Atlanta, Ga., on September 1, 1863, and came through Richmond, and into our lines to avoid conscription, brings intelligence that three divisions of Lee's army—one each from Longstreet's, Hill's and Ewell's corps—have been ordered to Dalton, Georgia, to reinforce Johnston and Bragg. It is the boast of the rebels that they can send two hundred thousand men and Burnside by hurling against them a force of two hundred thousand men, and they appear perfectly confident of their ability to accomplish this.

From Meade's and Lee's.

BRISK SKIRMISHING.—THE CONDITION OF LEE'S ARMY AND HIS SUPPOSED STRATEGY.

The following is a dispatch to the *Herald* of the 18th:

Washington, September, 17th, 1863.—Advices from the front report affairs comparatively quiet along the lines. To-day there was slight skirmishing, but no engagement of any consequence.

Yesterday the enemy succeeded in driving back a portion of our cavalry with three regiments of infantry at Raccoon Ford; but General Kilpatrick dismounted a Michigan regiment armed with repeating rifles, which, assisted by our artillery, speedily drove the enemy back across the Rapidan and into the woods beyond. Seventeen rebel prisoners were taken. During the day the headquarters of Generals Pleasanton and General Buford were shelled, but without effect.

The enemy is believed to be strongly posted along the Rapidan, and a general engagement is anticipated.

Our loss thus far in killed and wounded amounts to about two hundred, and is confined to the cavalry corps alone.

Mr Wallach, editor of the Washington *Star*, returned from Culpeper to-day with the remainder of his family, which visit Washington for the first time since the rebellion. All his furniture has been removed and the estate abandoned until affairs will admit of its occupation.

To-day all the dismounted cavalry were ordered in from the Army of the Potomac. They will be immediately remounted and sent to the field.

Last night a detachment of rebel cavalry made a raid upon a wagon train a short distance from Bealeton Station, capturing several sutlers' wagons heavily loaded with valuable goods and a number of prisoners.

To-day a small gang of guerrillas made a descent upon a party of sutlers about a mile from Catlett's Station, capturing wagons, horses and goods, and escaping without loss.

These raids are somewhat remarkable, as the rebels came down within sight of our infantry and within moderate artillery range.

Ambulances were running until a late hour last night, conveying to hospitals in the vicinity of Washington about one thousand two hundred sick and wounded from the Army of the Potomac.

Another View of Lee's Movements—General Johnston said to Command in Virginia.

The *Herald's* situation article of the 19th says:

The intelligence from the Army of the Potomac received at Headquarters in Washington states that the position of the troops along the Rapidan remained unchanged. The rebel army in Virginia is now said to number only sixty thousand men, and to have fallen back to the defences of Richmond. At Fortress Monroe it is stated that the whole of Lee's army were about to evacuate the State of Virginia, even if they had not already done so. If the Mobile *Register* speaks truly, General Lee has been removed from the command of the Army of Virginia, and General Johnston put in his place.

Richmond Account of the Fight at Raccoon Ford.

[Correspondent of the Richmond Enquirer]

Army Northern Virginia, September 15.—After the enemy obtained possession of Culpeper Courthouse, on Sunday last, our force made stand about one and a half mile this side. Whilst engaged at this point the Ninth Virginia cavalry made a bold and dashing charge, going right up to the Courthouse. In this charge they captured some twenty-one prisoners.

The aim of the enemy was a surprise, and, by enclosing us, to capture our forces. In this they were most signally disappointed.

The artillery (three pieces) which we lost was captured as we were returning through the Courthouse.

The Fifteenth Virginia made three gallant charges in the fight which occurred after leaving the Courthouse, and which was decidedly the hottest of the day. In this fight, Colonel Peale having been wounded, Major Waller, of the Ninth, commanded W. H. F. Lee's brigade, and handled it with great ability. Our men were finally compelled to give back before superior numbers, and retired upon Cedar run, fighting as they receded.

The enemy advanced during the night as far as Rapidan bridge, on the railroad, and threw a column down as low as Raccoon Ford. Yesterday morning picket fighting began early, and was continued by the dismounted cavalry acting as sharpshooters.

In the evening there was a sharp artillery duel at Sommerville Ford, between a battery of the enemy and one of Colonel Carter's battalions of artillery, in which our loss was three killed and ten or fifteen wounded. Our fire is believed to have been very destructive to the enemy.

At Rapidan bridge, about four o'clock, Peckham's horse artillery opened fire upon the enemy, doing good execution on their squadrons, which were carefully massed behind the declivity of a hill.

Towards night Major Flournoy, with the Sixth Virginia cavalry, was ordered to make a demonstration on the enemy, but no orders were given him to fight them. Major F. formed his regiment and darted off. In a short time he had charged them three times most gallantly, driving before him a whole brigade of the enemy and capturing five prisoners, and but for the hour being late and near dark, and our own artillery playing upon our men by mistake as they advanced, a larger number of prisoners would have been secured.

I am satisfied that our cavalry fought well in this last fight, but that they could do nothing, because of the vastly superior force which they had to contront. We must have lost at least seventy-five prisoners, from all accounts, and not over fifty in killed and wounded.

I have nothing from the front this morning, save that the enemy's cavalry are still at the river.

The Vicksburg Garrison Exchanged.

[From the Richmond Enquirer, Sept. 18.]

EXCHANGE NOTICE, NO. 6.

Richmond, September 12.—The following Confederate officers and men, captured at Vicksburg, Miss., July 4, 1863, and subsequently paroled, have been duly exchanged, and are hereby so declared:

1. The officers and men of Gen. C. L. Stevenson's division.
2. The officers and men of Gen. Bowen's division.
3. The officers and men of Brig. Gen. Moore's brigade.
4. The officers and men of the Second Texas regiment.
5. The officers and men of Wall's Legion.
6. Also, all Confederate officers and men who have been delivered at City Point at any time previous to July 25, 1863, have been duly exchanged, and are hereby so declared.

ROBT. OULD, Agent of Exchange.

Admiral Dahlgren and Gen. Gillmore.

For some time complaints had got into print reflecting upon Admiral Dahlgren, as not having operated with sufficient vigor against Sumter, after the reduction of Wagner and Gregg by Gen. Gillmore. One Washington correspondent remarked:

In removing Admiral Dupont the Administration committed the same kind of a blunder that it made in removing McClellan. Admiral Dahlgren is an admirable officer in many respects, but he is out of place in command of a fleet of iron-clad vessels in action. *That* work requires a man of iron frame and herculean powers. Admiral Dahlgren broke down under the work long ago, and, but that he hoped to recover daily, would long since have asked to be relieved. I have the testimony of gentlemen direct from the fleet that his health is in a very delicate condition; that he is rapidly breaking down, as much from the close and stifling air of the iron-clads (in which, in spite of all statements to the contrary, he spent a great deal of his time), as from the enervating effects of the climate. The surgeons say that he must go North for a season, or else entirely break down.

And recently the following appeared in a New York journal:

General Gillmore, it is stated, has tendered his resignation to the President, because of a disagreement between himself and Admiral Dahlgren. The report says the President will not give up General Gillmore, and that Admiral Farragut has been approached with a proposition to assume command of the naval forces at Charleston.

But dispatches from Washington of the 18th deny the whole story, saying:

The sensation report of the resignation of Gen. Gillmore, in consequence of difficulties alleged to have occurred between him and Admiral Dahlgren, is declared by the President to be untrue, and he said nothing in relation to the affair when he made the inquiry. There is and has been nothing in the official dispatches of Admiral Dahlgren to indicate any lack of cordiality or co-operation between himself and Gen. Gillmore. The report that Admiral Dahlgren is to be relieved, and Admiral Farragut assigned to the command of the fleet before Charleston, is entirely without foundation. No such intention is or has been entertained by the Department, and he will soon return to the command of the Gulf squadron.

Trade Regulations Prescribed by Secretary Chase.

By the revised regulations for "commercial intercourse with and in States declared in insurrection," announced in a circular issued by Secretary Chase on the 11th to the special agents of the Treasury Department, those parts of the Southern States in which trade is permitted are erected into trade districts, and called special agencies. Special agents, assisted by subordinates, govern each district under this code of rules. No trade is permitted except under proper permits, which the surveyors and collectors of customs in several cities are entitled to grant. In addition to the regular trade districts there may from time to time be erected within the lines of our armies "supply districts," where, though no regular trade is permitted, the necessaries of life may be sold to the people. "Persons of well ascertained loyalty" may establish stores in the various districts, as the regulations provide. Persons in the supply districts can purchase at the stores only for their own or family use. Where there is a probability that goods will fall into the hands of the enemy the owners must give bonds that they shall not, or the special agent must take possession of the goods.

Mr. Vallandigham Returned to Windsor—The U. S. Steamer Michigan Watching His Movements.

[Correspondence of the Chicago Times.]

Detroit, September 12.—Mr. Vallandigham was serenaded to night at his hotel at Windsor. A boat load of prominent citizens of Detroit composed the party that waited upon him. Senator Pugh, of Ohio, is here, and remains for a few days.

The U. S. steamer Michigan is lying at anchor in the river, with steam up, watching Mr. Vallandigham's movements, to prevent, if possible, his making his appearance in the United States. She has already overhauled one vessel suspected craft, among which was the steamer Morning Star, a few miles below the city, on her way to Cleveland.

Reports have been current the last two days in this city, that the draft will be enforced in Michigan.

Important, if True.

The underneath appears as a special Washington dispatch to the New York *Times*:

Intelligence has been received here that propositions have been made by Napoleon to Jeff Davis to abolish slavery in the South, and establish a system of peonage similar to that now existing in Mexico. Should this be done, Napoleon believes no opposition would be made by England to the recognition of the Confederacy by France.

Napoleon further assures Davis that if he accepts the policy, the South might arm their negroes and prevent their being used against them by the Government.

Rush of Emigrants to the New Gold Diggings.

San Francisco, September 16.—Arrived, ship *Lizzie Moses*, from Philadelphia.

Sailed steamer Senator for the Southern coast completely loaded with passengers and freight for the mines lately discovered, one hundred and fifty miles east of the Colorado river, now called the San Francisco mining district.

The excitement in the Southern part of the State concerning the new diggings is very great, and crowds are flocking in that direction.

Parties recently returned to Los Angeles, with considerable quantities of gold, report discoveries of valuable quartz leads in the San Francisco mountains, and exhibit rich specimens.

New York Markets.

When the Evening Star left New York gold had advanced to 135.

The Evening *Commercial Advertiser* of the 19th presents the following:

The price of gold at the Board each day of the week was as follows:

	First.	Second.
Monday, Sept. 14	131 @ 131½	131½ @ 131¾
Tuesday, " 15	132 @ 132	131 @ 131½
Wed'dy, " 16	131½ @ 131¾	132 @ 132½
Thursday, " 17	132¼ @ 132½	132½ @ 132¾
Friday, " 18	133 @ 133	133¼ @ 133½
Saturday, " 19	133½ @ 134	

The same paper says:

On Change, to-day, the flour market was quite active and 10 cents higher. Wheat was fully 2 cents higher with a brisk demand. Corn was excited and 2 cents better. Pork was a shade firmer. Beef continued dull and hard closed quiet and steady.

Fire and Murder in Havana.

A late Havana letter says:

There have been several murders, fires and robberies here lately. Mr. Moral, proprietor of the *Prensa Militar*, was murdered on the 5th, and his body was discovered on the 9th in an unoccupied house. A debtor of his—a boarding house keeper—has been arrested as the assassin. The house of the Count of the Reunion was set on fire and is still burning. Loss $300,000. There was another incendiary fire last night.

DEATH OF HON. RICHARD BRODHEAD.—Ex-Senator Brodhead died at Easton, Pa., on the 17th instant. He was Representative in Congress six years, and U. S. Senator six years from Pennsylvania.

Privateer Building in England.

ARMING OF BELLIGERENTS BY NEUTRALS.

[From the London Post (Government organ) Sept. 2.]

Although the law and the facts touching the alleged building of war vessels in this country for the Confederate States are equally plain, we confess that we have little hope of either fact or law making any impression on the persons for whose information our remarks are principally intended. They are so much under the influence of passion that they can hardly be expected to listen to reason. Mr. Cobden himself has told us that when people are at war they are as little amenable to reason and facts as "mad dogs." We have just been assured by an authority well informed on the subject, that Americans in the Northern States are "mad for war" with this country. At all events, they cannot be considered quite sane and sober, according to Mr. Cobden's dictum, touching their own internecine struggle for empire, or any thing relating to it which may tend to help the weaker party.

Let us, then, see what the law of nations upon this subject is, and let us take our precedents from the history of the United States. In 1822 a case came before the American courts where a man-of-war had sailed from the United States, armed and equipped for service, to the Government of Buenos Ayres, when at war with Spain. This man-of-war had originally been built and equipped as a war vessel for service against England in the beginning of this country and the United States, and she had been actively engaged in that war. In 1816 she was loaded by her American owners with arms and ammunition, she carried twelve guns belonging to her original equipment when fighting against Great Britain, and, under the command of a captain named Chayter, who was a native-born citizen of the United States, she sailed out from the port of Baltimore, and proceeded to Buenos Ayres for the use of that Power. The Government of Buenos Ayres, directly they came into possession of her, hoisted their flag at the masthead, and Chayter, the American citizen, produced to his crew his commission from the Buenos Ayres Government to act as captain of the ship and make war upon Spain. This American vessel of war, therefore, was sold and transferred, already armed and equipped, commanded and manned by citizens of the United States, and, under the name of the Independencia, began at once to serve as a public man-of-war of the Government of Buenos Ayres against Spain, a friendly Power, with whom the United States were at amity and peace. When this case came before the Supreme Court of the United States, the highest tribunal in that country, the presiding judge, Justice Story, an authority of the highest eminence, after the maturest deliberation, pronounced the decision of the Court, that "there was nothing in the law of the United States or in the law of nations, which prohibited American citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale." The judgment pronounced by Justice Story is so complete and exhaustive that we deem it right to extract from it a passage of some length. "The question," says this celebrated judge, "as to the original illegal armament and outfit of the Independencia may be dismissed in a few words. It is apparent that, though equipped as a vessel of war, she was sent to Buenos Ayres as a commercial adventure, contraband, indeed, but in no shape violating our laws or our national neutrality. If captured by a Spanish ship-of-war during the voyage she would have been justly condemned as a good prize, and for being engaged in a traffic prohibited by the law of nations. But there is nothing in our laws or in the law of nations that forbids our citizens to send armed vessels, as well as munitions of war, to foreign ports for sale. It is a commercial adventure which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation." Justice Story also stated expressly "that there was no pretense to say the original outfit for the voyage was illegal, or that a capture made after sale was, for that cause alone, invalid." And this decision was in strict conformity with what had been always held by American jurists and statesmen to be the principle and practice of the law of nations, and of municipal law so far as might be applicable to the point.

For instance, so long ago as 1793, the American government held "that the purchasing and exporting from the United States, by way of merchandise, articles commonly called contraband, such as warlike instruments and stores, is free to all parties at war, and is not to be interfered with. If our own citizens undertake to carry them to any of those parties they will be abandoned to the penalties which the laws of war authorize." In 1817 the American government solemnly declared that "it is not the practice of nations to undertake to prohibit their own subjects from trafficking in articles contraband of war. Such trade is carried on at their risk and those engaged in it, incur the liabilities and penalties prescribed by the law of nations and particular treaties." This was illustrated by reference to the case of Texas—"If American merchants in the way of commerce, had sold munitions of war to Texas, the government of the United States nevertheless were not bound to prevent it, and could not have prevented it without a manifest departure from the principles of neutrality. Again, we were authoritatively informed by the American government that "the laws of the United States do not forbid their citizens to sell to either of the belligerent Powers articles contraband of war," or to take munitions of war or soldiers on board their private ships for transportation, and although in so doing the individual exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality, nor do they of themselves implicate the government." These are the principles and a few of the precedents furnished by the American government itself.

Let us now look into the acts and practice of America with particular reference to England during the late war between Russia and this country, a vessel of war, called the Florida, was built, equipped, manned and sent out from the United States for the service of Russia, under the command of a lieutenant of the American navy, named Hudson. When the American vessel of war arrived at Rio Janeiro, on her way from New York to Petropaulowski, the English man-of-war wanted to stop and examine her, one of her crew having given information to the British Consul, but the Brazilian Government would not allow the British to be done in their waters. The English captain, therefore, determined to watch for her and stop her after she had left. But here the kind officers of an American man-of-war came into play. Captain Salter, who commanded the United States squadron at Rio, ordered his own ship, the Sarawak, to weigh anchor and go in tow by the America, and thus secured her impunity. These facts are vouched for by an officer on board the Sarawak. When Lieutenant Hudson arrived at Petropaulowski he heard, to his great disappointment, that Russia had sold "as the America was only one of a whole fleet that were preparing and equipping in the United States for the service of Russia, and in the event of another year's war they would have swept the Pacific of English merchant vessels." A British naval officer saw the America lying in the Peiho for weeks in the spring of 1858. At the signing of the treaty of Tientsin, the ship of the Russian flag flying from her masthead and an American eagle on her stern.

The Foreign Enlistment act was based upon an ancient common law principle whereby the subjects of one State are entitled to aid in war against the sovereign of another State. Such aid is not to be rendered by the subjects of one State to the prince of another State, in the shape of troops enlisted in it, under the liabilities and penalties prescribed by the law of nations and particular treaties.