Miners' Journal.

POTTSVILLE, PA.

SATURDAY, JANUARY 23, 1858.

☞ The circulation of the Miners' Journal is equal to the aggregate circulation of any THREE other English papers published in the County—and as it circulates among the best portion of the population, an advertisement inserted in the Journal is, of course, worth as much to the advertiser ☞ if published in any three other papers. In our cities the rates of advertising are always graded in price according to the circulation of the paper.

RECEIPTS

For Subscriptions to the Miners' Journal since last publication.

F. Haseler, to Jan. 1, 1859	$2 50
P. H. Wernts, to Jan. 1, 1858	2 00
Geo. Hadesty, to Jan. 1, 1859	2 00
Z. B. Thomas, to Sept. 15, 1858	2 00
Daniel Shaeffer, to March 19, 1858	2 00
John C. Stanton, to July 1, 1858	2 18
Joseph Albright, to July 1, 1858	4 00
Rev. Thos. Butterwick, to Dec. 3, 1858	1 00
Hon. W. L. Dewart; to Dec. 1, 1858	2 00
Hammond & Sawyer, to Jan. 1, 1858	3 00
Dr. H. H. Fox, to Jan. 1, 1858	2 00
Jesse Turner, to July 1, 1857	2 00
Chas. Henderson, to July 1, 1858	2 00
Wm. Donaldson, to July 1, 1858	4 00
John McFarland, to Jan. 1, 1859	2 00
E. Stroum, to Jan. 1, 1858	2 75
W. W. Thomas, to Jan. 1, 1858	2 00
E. Van Imbrugh, to Aug. 1, 1858	2 00
Jos. Berger, to July 1, 1857	2 00
David Willson, to Dec. 13, 1857	4 00
H. P. & W. C. Taylor, to Jan. 1, 1859	2 00
Daniel Brittain, to Dec. 19, 1858	2 00
John B. Price, to Jan. 1, 1858	4 25
Henry C. Carey, to Jan. 1, 1858	3 18
C. B. Bertolette, to Jan. 1, 1858	2 25
M. Black & Co., to Jan. 1, 1858	2 00
Jos. Drobbelbiz, to May 1, 1858	1 00
J. S. Bast, to July 1, 1858	1 00
Saml. Huntsinger, to Jan. 1, 1858	2 00
D. S. Hertzog, to March 1, 1858	1 75
Wellington Jones, to June 1, 1858	2 00
Uriah Gene, to Jan. 1, 1859	2 00
Wm. H. Johns, to Jan. 1, 1859	2 00
Dr. Robt Westcott, to Jan. 1, 1859	2 00
Ant. Bucher, to May 17, 1858	2 00
C. S. Whitmore, to Jan. 1, 1859	2 00
Thos. C. Williams, to Jan. 1, 1858	2 00
C. H. Ewing, to Aug. 15, 1857	2 00
J. S. Roudenbush, to Jan. 1, 1859	2 00
C. H. Stager, to July 1, 1857	2 00
Henry Carel, Esq., to Jan. 1, 1858	2 00
Jno. Hoenig, to July 1, 1858	1 00
Thomas Thomas, to Feb. 9, 1858	1 00
Geo. Armstrong, to July 1, 1858	2 00
F. Byerly, to July 1, 1858	2 00
P. M. Langton, to Jan. 1, 1858	4 50
W. C. Harlan, to Jan. 1, 1858	2 00
Benj Cook, to Jan. 1, 1859	2 00
Danl. Koch, to Jan. 1, 1858	2 00
Lot Livingston, to Jan. 1, 1859	2 00
Jared Sheets, to July 1, 1858	1 00
John Wenner, to Jan. 1, 1858	6 00
Del. & Raritan Canal Co., to Jan. 1, 1859	2 00
Wm. Henry Rawle, to Jan. 1, 1859	2 00
G. W. Fisher, to Jan. 1, 1859	2 00
Jane Allison, to Jan. 1, 1859	1 00
Wm. Kind, to July 1, 1858	2 00
Dr. A. Shultz, to Jan. 1, 1859	1 00
John Gilliley, to July 1, 1858	2 00
T. D. George, to Jan. 1, 1859	2 00
Jos. DeFrehn, to Jan. 1, 1859	2 00
Saml. Hemnell, to July 1, 1858	1 00
Miss Kate McCamant, to Jan. 1, 1859	2 00
Directors of the Poor, to May 1, 1858	2 00
Wm. Hilbut & Co., to Jan. 1, 1858	2 00
John Byers, to July 1, 1858	2 00
Saml. Leger, to Jan. 1, 1859	2 00
Geo. F. Reinhart, to May 1, 1858	2 00
Adam Hank, to Jan. 1, 1858	3 00
Thos. Cooch, to Jan. 1, 1859	2 00
Matthew Gibson, to July 1, 1858	2 00
W. S. Reynolds & Co., to Jan. 1, 1859	2 00
John Warner, to Jan. 1, 1858	2 00
Jas. M. Hadesty, to Jan. 1, 1859	1 00
J. A. Innis, to Jan. 1, 1858	2 00
Enoch Thomas, to Jan. 1, 1858	2 34
Rev. Wm. Yeo, to Jan. 1, 1859	2 00
John Bush, to Jan. 1, 1858	1 00
Nathan Evans, to Jan. 1, 1858	1 00
Rev. W. G. Mentzig, to Jan. 1, 1858	1 00
Mrs. Dorman, to Jan. 1, 1859	2 00
John Shoemaker, to July 1, 1858	2 00
John Jones, Jr., to July 1, 1858	1 00
D. J. Myers, to Jan. 1, 1859	2 00
N. D. Cortright & Co., to Jan. 1, 1859	2 00
Paul Beck, to April 1, 1858	2 00
William Forrer, to Jan. 1, 1859	2 00
Robert King, to Jan. 1, 1858	3 00
John Temple, to Jan. 1, 1858	2 00
Hall & Sharpless, to Jan. 1, 1859	2 00
Miss Mary Ann Walker, to Jan. 1, 1859	2 00
R. Peale, to Jan. 1, 1858	4 00
Clarke B. Wood, to Jan. 1, 1858	2 00
Jos. S. Silver, to Jan. 1, 1858	2 00
John L. Mintz, to Jan. 1, 1859	5 00
Joshua Bock, to Jan. 1, 1859	2 00
John Smith, to Jan. 1, 1859	2 00
J. E. Miller, to Jan. 1, 1858	2 00
N. C. Morrison, to Jan. 1, 1859	2 00
Joseph Hammer, to Jan. 1, 1859	2 00

SEE new advertisements. We have no space to notice each in detail.

HENRY S. MAGRAW has been elected State Treasurer.

The Spring Trade of Philadelphia promises to open briskly.

STRONG efforts are being made to effect an increase of chaplains in the Navy.

FIVE cotton mills of Manayunk have suspended operations in consequence of the high price of cotton.

W. G. MINTZER's store, 131 North Third street, Philadelphia, was destroyed by fire on Tuesday. Loss, about $60,000.

In the House at Washington, the strength of fillibusterism is believed to be proportionally much greater than it is in the country at large.

The Philadelphia *Ledger* thinks the Legislature should pass a law requiring coal dealers in the city to weigh coal at the place of delivery.

THE Legislature having passed a bill appropriating $10,000 for the purchase of a house for the Governor, Mr. Polock signed it, and it is a law.

On the 8th inst., in Archibald, Luzerne Co., five houses were destroyed by fire. Francis Achilles, a German miner, aged 32 years, perished in the flames.

GEORGE KENTON HARPER, Esq., who for nearly forty years was editor of the *Franklin Repository*, died at Chambersburg, Pa., on the 13th inst., aged seventy-nine years.

STARTLING FACT.—That there are more murders in New York city in one week than in England and Wales, with their overgrown communities and pauper populations, in a year.

IT is stated that General Walker has flooded the South with bonds of one hundred dollars each, issued in his (Walker's) name, running twenty years, payable in Nicaragua lands.

JACOB HERZOG a merchant of Lancaster, committed suicide on Sunday. He was at the time under bonds charged with complicity in the robbery of freight cars of the Pennsylvania Railroad Company.

A PUBLIC school building in Brooklyn, was destroyed by fire on Tuesday. Five hundred children were in the edifice, when the fire broke out. The scene as they endeavored to escape, is described as having been terrible. Seven children were killed.

THE National Agricultural Society is now holding its sixth annual meeting at the Smithsonian Institute, Washington city. Twenty-four States and Territories are represented by numerous delegates. The proceedings are interesting and important. President Wilder declines a re-election.

THE SUPREME COURT OF PENNSYLVANIA.—The Judges of the Supreme Court of Pennsylvania have addressed a memorial to the Legislature, in relation to the proposition for abolishing the several districts of the Court, and fixing its sessions, for the whole State, at some accessable and convenient point.

A RIPPLE, IN NEBRASKA.—According to the Omaha Nebraskian, extra, published January the 8th, that territory is disturbed by the violence of political parties, and the Legislature is broken up and divided, one division organizing another council at Florence. The row appears to have originated in a resolution to re-locate the capital.

THE GREAT EASTERN.—An attempt is to be made this month at Tenchwall to launch the Leviathan. There will be 18 rams, including an immense one used in raising the Britannia tube. All the buttresses will be strengthened, as well as the moorings. "No doubt is entertained of success, now that the necessary power is employed."

THE ST. LAWRENCE HOTEL TRAGEDY.—On Tuesday, Thos. W. Smith, on trial in Philadelphia for the murder of Richard Carter of this County, was acquitted. Smith's sister, Mary, after the rendition of the verdict, petitioned that her brother might be confided to her care. Thursday was fixed by the Court to consider the application. We question the propriety of the verdict in Smith's case. It is a bad precedent to establish. It but whets the assassin's knife, which already is too active.

THE Coal Banks, in Schuylkill county, are well worth incorporating.—*Pottstown Ledger.*

True. And if with them could be incorporated the means of making them somewhat more profitable to the hard working operator, it would be an excellent incorporation, friend *Ledger*.

GENERAL WALKER.—Judgment was rendered on the 5th instant, against Gen. William Walker and his surety, S. F. Slatter, in the Circuit Court of the United States, at New Orleans, for $2000 on the recognisance of this former to appear to answer for a breach of the neutrality laws, and which recognisance was forfeited by his departure in the *Fashion* in November.

SCHOOLS IN MASSACHUSETTS.—Mr. Banks in his message to the Legislature of Massachusetts says the aggregate expenses for educational purposes amount to $1,410,989; and all expenses included, about $12 is paid for each pupil. The number of children between five and fifteen years of age in the State, is 221,478. Of this number 203,031 have been in attendance upon the schools.

As we predicted, Mr. Allibone, ex-President of the Bank of Pennsylvania, has returned home. That this much abused gentleman will prove his entire innocence of crimes affecting his honor, we firmly believe. From the first we have believed Mr. Allibone guiltless of wrong. He may have erred—who of us does not?—but that he is guilty of peculation, we will not believe.

A NATURAL and beautiful story going the rounds of the press, of one of the women in Lucknow garrison hearing, in advance of the whole besieged garrison, the pibroch of the Highlanders coming to their rescue is pronounced spurious. 'Tis a pity to spoil so charming a narrative, by revealing its untruthfulness; but history demands the sacrifice, and we yield to its imperative behest.

IN a statement published last week of the amounts paid into the State Treasury by Schuylkill county, in 1857, under the head, "Tax on Writs, Wills, Deeds, &c.," we gave the amount paid in by Joshua Boyer, Register, &c., at $84 90. It is an error. By reference to the Auditor General's Report, page 28, we find that the amount paid in under that head is, $1,314 34. We make the correction in justice to Mr. Boyer.

PHŒNIXVILLE ROLLING MILLS.—With real satisfaction we note the fact that all the mills in Phœnixville, are now in operation in full time. They are rolling, besides Railroad iron, large and heavy iron girders for Government buildings. The Government in adopting the iron girder system for its buildings, not only acts with strength and durability in view, but encourages a most important branch of American industry.

LOWELL.—This modern Manchester in miniature, is fast recovering from the disasters of the late panic. From the statistics of Lowell manufactures, just published by Messrs. W. Huse & Co., we learn that the number of mills in Lowell is fifty-two, the capital stock of which is $12,900,000. The average wages of females clear of board, per week, is $2; of males, per day, clear of board, 80 cents.—The increase in the population of Lowell for the last ten years was, 12,589.

The firm of Moore & Williams, Philadelphia, was dissolved on the 1st inst., and the Oil, Commission and Miners' Supplies' business is continued at 104 South Water street, below Chestnut, by Mr. John A. Moore. In addition to Oils of the most approved quality, Mr. Moore's supplies for Mining purposes are complete. We are not aware that there is another store of the same character in the country. Those engaged in Mining operations here would do well to remember this fact, when they wish to purchase. For particulars see advertisement.

PHILADELPHIA AND READING RAILROAD COMPANY.—The annual meeting of the Stockholders, and election for officers, of the Philadelphia and Reading Railroad Company, was held on Monday at the Company's office in Philadelphia, when the following officers were unanimously chosen for the ensuing year:

President—R. D. Cullen.

Managers—Samuel Norris, C. S. Boker, G. W. Richards, John Ashhurst, David S. Brown, M. S. Richards, of Reading.

Treasurer—Samuel Bradford.

Secretary—W. H. McIlhenny.

FILLIBUSTERISM.

"We must not make a scare-crow of the law,
Setting it up to fear the birds of prey,
And let it keep one shape, till custom make it
Their perch and not their terror."
Measure for Measure.

The arrest of the pirate Walker has come at an unlucky moment, as it seems likely to add fuel to the fire of sectional and party strife now raging in the country. It has been very differently received by the two nations into which this Union is become more and more decided every day. In the South Walker and his crimes are defended, and he is applauded as a hero, while Commodore Paulding, who arrested him, by order of the government, is denounced. The lawless adventurer is sustained and praised with enthusiastic acclamation—the public officer, who, clothed with legal authority, performed his duty, is made the object of furious vituperation.

The grounds on which Com. Paulding is attacked are alternately inconsistent with any reasoning by which Walker can be justified. The former, it is said, violated the law of nations by making the arrest on the soil of Nicaragua. But so did Walker, in a much greater degree, by invading that soil with hostile purposes. Com. Paulding, it is alleged, exceeded his instructions; but Walker was a fugitive from justice, who had been actually held to bail, in his own country, for a breach of the laws. How is it possible, then, without violent contradiction, to sustain Walker, and at the same time condemn Paulding? But popular passion is not very logical, and the thinnest coating of plausibility is sufficient to varnish its designs. Walker's plans were Southern plans, in which the South not as yet has been able to secure the avowed co-operation of the government. Walker was the clandestine agent of the South, its adventurous pioneer, who was to open to Southern ambition a new field of enterprise, and secure for it a new source of power. Hence the Southern aid in men and money he received; hence the sympathy in his behalf; hence Southern admiration of his character; hence the rage of disappointment at his arrest by lawful authority; and hence the torrent of abuse poured forth on Com. Paulding at public meetings in the South, by the Southern press, and by Southern members of Congress.

Very different is the sentiment which this event has called forth in the North. Fillibusterism does not suit the moral tone of our people. It is regarded as a crime, and has been generally felt to be inconsistent with our civilization, and disgraceful to our national character. What support it has received has been for party purposes, and the result of party discipline, and has been faint and feeble, not hearty and decided, as in the South. The suspicious relations of the government with freebooters, its connivance at their deeds of rapine, and the covert aid and comfort it is supposed to have given them, have never been cordially approved in any part of the North. By the great majority of our people of all parties these things have been witnessed with feelings of regret, in dictation and alarm, as a public shame and calamity.—When, therefore, the news came that Walker had been arrested; Walker, the notorious buccaneer, who had been recognized by the President of the United States, as the Governor de facto of Nicaragua, on the first temporary success in his previous foray into that illfated country; whose subordinate agents had formally recived little less than martial corps by the same President; who was permitted to openly enlist men in our sea ports at the very moment when the Minister of England was sent home for doing the same thing; who, when at length defeated by the exasperated people whose country he had devastated, was rescued from merited punishment by our government, and brought home in a public ship, to make a triumphal procession through the South; who was then received as a guest at the White House by the President; who again, openly, as if with lip of drum and blast of trumpet, was permitted to collect another band for another piratical adventure, and who sailed amid the cheers of the Southern people on that expedition, in defiance of law, of straw bail, of ostentatious proclamations and paper opposition; when it was known that he was *arrested*, that he was actually in New York, the intelligence was welcomed at first with incredulous surprise; and when found to be true, with a spontaneous expression of satisfaction throughout the North. We had become gradually accustomed to consider fillibusterism as part of the national policy, and to despair of being ever again reinstated in our former rank as one of the civilized nations of the world. Both parties united in praising the President for what was considered a bold, manly and decided course; both hoped that past disgraces would now be wiped out, the obligations of neutrality enforced, the laws executed, and the good name and fame of the country redeemed.

Those hopes, however, turned out to be premature.—The news came that the President was displeased; that he, too, considered that Com. Paulding had exceeded his instructions, and committed a breach of international law, by arresting Walker on the soil of Nicaragua. As soon as Walker reached Washington, in custody of the Marshal, he was released, which could only have been on the ground that the arrest was illegal; and it was said that Com. Paulding was to be tried by a court martial. Afterwards, the rumor was that he was only to be reprimanded, although the President really approved the zeal with which he had carried out his orders; and did not hesitate to say so. Privately praised, publicly censured: the release of Walker, and the censure, to appease the rising indignation of the South; the private praise to satisfy the moral sentiment of the North.

It is important that the public should form a definite judgment as to the conduct of Com. Paulding. Was he really guilty of a breach of the law of nations, or of the true and fair meaning of his instructions, and have the interested clamors of the South any, even technical, foundation? It is unpleasant to feel constrained to approve illegal acts, to find the dictates of conscience and humanity at variance with the rules of law.

It is universally true that customary law accords with moral right, because it has its origin in the common sense and feeling of men, acting on their relations and affairs through a long course of time. Justice is thus evolved and established, because justice is necessary to human intercourse. Therefore, Lord Coke said that the common law is "the perfection of reason," that is to say the perfecting process of reason, guided by experience and applied to the government of the State, through all changes of its condition, giving rise thus to a traditional code, which represents the character and genius of a nation, at every stage of its history. International law is the common or customary law of nations, and its rules have been adopted by general consent, as founded in truth, justice and humanity, necessary to regulate either peace or war, and to preserve the rights of all. It has grown with the progress of the world in commerce and civilization, and its rules tend to promote both, by encouraging the friendly and useful intercourse of States, and preventing war, or, where that is impossible, by diminishing its horrors and cruelty. It recognis a nation as a moral person, capable, like an individual, of doing right or wrong, possessing a will and a conscience, and subject to moral and religious obligations. A nation has duties to itself and to others. Whilst it should defend its own independence, safety and honor, and seek by worthy means its own prosperity and advancement, it should respect the rights of all other nations, and be bound not only to abstain from doing them injury, but to contribute to their preservation and welfare, that the happiness of mankind may be increased and itself exalted in deeds of benevolence and virtue. This code is binding on the conscience of every government, and is, therefore, of the highest obligation. It has, however, a more efficient sanction than that of mere voluntary obedience. It is under the protection of the public opinion of the civilized world, and cannot be violated without reproach and disgrace. It forms a part of the municipal law of every civilized State, and a breach of it renders the guilty party liable to war by the one aggrieved, and a habitual disregard of it would justify all nations in making common cause to punish the offender. "For," as Vattel says, "all have the greatest interest in causing the law of nations, which is the tie of their tranquillity, to be universally respected. If any one openly tramples it under foot, all may and ought to rise up against him; and by uniting their forces in defence of common enemy, they will discharge their duties to themselves and to human society, of which they are members."

It would be a strange thing, should it turn out that, by preventing a crime, by thwarting the purposes and checking the career of a buccaneer, engaged at the very moment himself in a violent breach of inter-national law, and by saving Nicaragua from his marauding incursion, Com. Paulding has also infringed the same law, founded as it is, on right reason, truth and justice.

The first charge is, that he trespassed on the rights of Nicaragua; the second, that he exceeded his instructions.

The principle is well established that every nation has exclusive jurisdiction and sovereignty over its territory, and absolute property in every part of it. Its soil is sacred, and its law is supreme over all persons within its limits, except ambassadors and other privileged persons, who carry with them the laws of their own country. This immunity of a nation's territory is violated by any entrance into it, even for purposes of peace, though just, hostile, may injure its people, endanger its repose or interfere with the exclusive authority of its law. Therefore, belligerents cannot lawfully cross the borders of a neutral State to pursue an enemy, or to transport troops or munitions of war; nor can a foreign power cross them to execute its own laws upon fugitives from those laws. All these principles are very simple and perfectly well settled, and it is also just as well settled, that the immunity they are intended to guard may be released and withdrawn by consent, and that this consent may be expressed or implied. It may be conceded, or obtained, or on formal request, as for the privilege of marching armies across neutral ground. It is implied whenever a State or sovereign chooses to authorize the entrance of those whose territory is entered. (Wheaton's International Law, 114-116.)

The analogy, in this respect, between a nation and an individual is complete. Not only is every man's house his castle, but he has exclusive property in his land, and dominion over it, which is infringed by any entrance on it, without his express or implied permission. Another may not cross his line to do him injury; this would be a criminal trespass and violence; nor may he use for his own convenience or advantage. But if he comes on lawful business, or to make a visit to the owner of the land, or taken a step towards becoming such. He had been, a short time before, a subject of Austria, and had committed a crime against her government. Nevertheless, this slight tinge of American nationality was held sufficient by our government to extend its power over him, and to protect him from the authority of his former master in a foreign port; and the reason given by Mr. Marcy, to justify the violation of the sovereignty of Turkey was that, in this case, the government of Turkey was "dormant," that is to say, made no complaint or remonstrance against Walker's case to be a transgression. He is a native born citizen; he has violated the law of nations and of his own country; the authority of his government, if it followed Koszta to protect, *in effect* would follow Walker to punish; and, as to Nicaragua, though not "dormant" in the matter, it is fair to presume that she would not offend her guest which saved her people from pillage and bloodshed.

It seems evident, therefore, that the act of this government, in arresting Walker, was no trespass, from a sovereignty of Nicaragua, because its consent may be reasonably presumed. Neither was Walker, at the time of his arrest, out of the jurisdiction of his own government, which, for the same reason, I. The implied consent of Nicaragua extended the jurisdiction of the United States into her territory, which Walker had invaded. On both points the arrest was right, so far as concerned the rights of Nicaragua, on the irresistible presumption, arising from the facts of the case, that Commodore Paulding, when he landed on its shores, would be regarded as the friend, not as a trespasser, but a deliverer. This presumption may, however, be rebutted by that government, should it complain that its rights have been violated and its dignity insulted, then it may be said that Commodore Paulding went too far. Probably, however, no complaint in respect to the violation of territory, such a case implies acquiescence. Indeed, it is very likely that the President might, for the asking, obtain from Nicaragua, not only an approval of the action and conduct of Com. Paulding's conduct, but thanks to the bargain. That government and its people, harassed, despoiled and outraged as they have been by repeated invasions, doubtless felt nothing but gratitude to the President and Com. Paulding for timely interference, for defending them from the marauding invasion of a persevering and ruthless foe, though the gratitude was probably mingled with no little surprise, at receiving aid from such a quarter.

Such did this government was bound to give by the law of nations; for every nation, as a moral person, is obliged to abstain from injuring another. (Vattel, 201.) This law is the law of the land which binds every nation is intended to declare, and provide the means of enforcing. (Wheaton's International Law, 20.) The party, therefore, that is now endeavoring to repeal the neutrality act, is attempting at the same time to repeal the law of nations, and to place this country beyond the pale of civilization.

Granting, however, the argument of the South, that Walker, when captured, was out of the jurisdiction of this government, this would afford no cause of complaint but that of the country of Walker, and in the privilege of a nation, not of criminals escaping from justice. International laws are not intended to screen them from punishment, or to make safe asylums for Catilines, and place of refuge for the flying felons of all others. The purpose of the law is to secure the independence and sovereignty of each State, not to encourage crime: and, in the questions that arise under it, no party has any interest who has himself violated that law or the law of his own country. The law of nations makes it the duty of every government to arrest fugitives from justice within its borders, and deliver them up at the request of the State from which they have escaped. (1 Kent's Com., 36.) Though this principle has not been adopted in this country to its full extent, yet it is perfectly settled by all authority that such criminals may be returned to their own governments, whose laws they have broken. The difficulty is not as to the soundness of the principle, but its application to particular crimes. (10 S. & R. 125.)

The object of extradition treaties is to define the cases to which this principle applies. The law of nations and the duty arising from it, remain the same whether a treaty be made or not, and. it is obvious, that as they suppose the continuing authority of a nation over its subjects who have violated its laws, they are inconsistent with any privilege of these persons, exempting them from such laws and authority. When, therefore, a criminal is asked by orders of his own government, within the borders of a foreign State, whatever cause of complaint that State may justly have, no rights of his are violated, for he can acquire no rights by a wrongful act, and as to him, the authority of his government had never ceased.

The release of Walker, therefore, by the Secretary of State was a mistake. He is a criminal, who has boldly set at defiance the laws of his country and of civilized nations, and that he is now at large, at Washington, violated, countenanced and supported by public men; that he has a party in Congress and in the South, is an insult to the laws, an outrage to the moral sense of the people, and a disgrace to the nation. Com. Paulding in making the arrest did his duty. He violated no law, international or other, nor any fair and reasonable construction of his instructions. He should be sustained, not equivocally, or partially, or fainting, but fully and emphatically. It is the duty of the government, moreover, to exert all its powers to secure the punishment of Walker. He should be at once arrested, and, if it can be avoided legally, he should not be tried in New Orleans, or at any place where the inflamed passions of the hour would defeat the ends of justice. A popular exception, a sham trial, a triumphant acquittal against law and evidence, amid the applause of the people and the sympathy of Court, bar and jury, would await him in any southern city. These would be followed by another marauding expedition, aided and encouraged by public opinion in the South, which, whether successful or not, would keep alive the excitement of this dangerous subject for an indefinite period, and renew questions that should now be closed at once and forever.

If it be, indeed, our mission to increase our power and greatness—not by conferring benefits on others, but by doing injury—not by right, but by wrong—not by the influence of commerce, civilization, peace and the arts of peace, but to conquer and annex with the strong hand, wherever a rich soil and a weak people tempt our cupidity—let us do it openly, as Russia, France and England do, under our own flag, not under the polluted rag of pirates. Let us not, whilst we ostentatiously proclaim to the world our justice, our magnanimity, our hatred of wrong and tyranny, at the same moment covertly aid and abet the murderous schemes of bandits and low raffians, whom we may avow if successful, but disavow if they fail—but boldly send forth our armies by public authority, and let them march to conquest with their drums beating Hail Columbia, and the star spangled banner flying over their heads. This would be more honorable than piracy, better for our fame, and more humane, too, for the people whose territory we covet; for they would be subjected to the laws and usages of civilized war, instead of the rapine, cruelty and oppression of vulgar assassins and thieves. These are unworthy allies for any civilized State, and we should be ashamed to rob in their company. Aggressive war for the sake of conquest or power, friendship and good will to all nations; open, candid, constitutional war declared by Congress, or sincere and real peace; not war declared by southern demagogues, and carried on by buccaneers and red rovers of the sea, with the secret connivance of the government: not peace which is no peace, but a lying profession; let this issue be made up and fairly submitted to the American people. The power to make war is confided by the constitution to their representatives in Congress, not to the South or to the President, and it is because these do not dare to submit the question of open, legal war, or real, sincere peace, to the people, that these base subterfuges are resorted to. The war against Mexico, purely aggressive and waged illegally, by the President, was made, not by Congress, but by the President and his minions, to the South, and without any previous declaration of war, which the constitution requires. Though afterwards ratified by Congress and conducted under our own flag, it was commenced without such sanction. The war against Cuba, carried on by Lopez; the two wars against Nicaragua, carried on by Walker, were made by the South. Had either been successful, the deeds of these chieftains would have been ratified and confirmed, and their booty appropriated, a measure easily carried by the South and the President, and the northern Democracy silenced. Had Walker succeeded in his last foray, he would thus have been gulled by the South, and this was the object of these three wars, as it was of the Mexican war.

This purpose was not avowed officially. On the contrary, it was disavowed officially, though fully expressed by every organ of opinion in the South. Attempts were even made and still are made, to repeal the neutrality act, to legalize piracy, actually to give the sanction of law to predatory enterprise, to clandestine war, made, not by Congress, but by a section and a party, in defiance of the law of nations and the constitution. One of the Chief prerogatives of government, the power to make war, has thus been wrested from its and placed in the hands of reckless adventurers, agitators and demagogues, to be wielded by selfish, ambition, cupidity, and sectional passion. A signal example of the case with which the defences of popular rights may be insidiously undermined and the substance of the constitution destroyed, leaving nothing behind it but the empty shell of form. When we consider the nature of war, that even when just and necessary, its attendants are death and suffering, calamity and crime—when we think of the fierce passions it arouses, and how little innocent and gentle that it permits, no precautions by which the power to wage it may be surrounded, can seem too safeguarded. The power of war is one of universal practice of nations, been confided to the supreme authority of the State, and, by our constitution, it is hedged in by forms that may prevent rash and hasty action, and induce the calm deliberation suitable in a business so grave and momentous. Congress has power to "declare war," but not to make it without a declaration, without discussion, suddenly and unexpectedly to the people, and with no notice either to them or the enemy, save the national chargé d'affaires, to permit the President to make it, still less to permit it to be waged by irresponsible men, without even the pretence of legal authority, a mere band of robbers, in an unjust war, in guilty of a heinous crime against humanity. A government that allows its prerogative of making war to be usurped by a section or a party, by a political clique or caucus, or by ignoble and reckless adventurers, has abdicated its powers. It is no government worthy the name; it can command neither obedience at home nor respect abroad, and though it may preserve, for a time, the title and outside show of a political State, it cannot preserve them long, but is destined soon to fall, amid the ruin and joy of the world.

It has become a matter worthy very grave consideration, whether we are not approaching such a position. The attempt has been made and is still made by a section and its demagogues, for sectional purposes, upon peaceful and unoffending nations; predatory wars, carried on by outlaws and banditti, attended by atrocious outrages and bloody violence, by destruction of life, property and human happiness. At this moment the leader of two of these wars is in the country, and has been arrested in the very act of hostile aggression and brought home to answer for his crimes. He was received with courtesy by this government, and released on a frivolous pretext immediately released. He is at once converted into a hero by the section and party whose champion he is. He holds his ability and his crimes before the eyes of the government, and is in constant intercourse with his friends and the friends of his enterprise; and his partisans, members of Congress, are endeavoring to remove by law all obstacles to future enterprises of a similar character. What a spectacle for a civilized age and people! What a shameful display of imbecility, or still more shameful exhibition of corruption! The government triumphantly bearded in its very citadel, and by a freebooter stalked with a thousand crimes; receding from its position before a band of bold adventurers, and his insolent audacity cheered with acclamations by a powerful section of the country, and supported and defended by members of Congress, and the President sworn to maintain those laws which he has set at defiance, and openly declares his determination still to violate.

This tragi-drama of mirth has its fitting and natural accompaniments. Power is everywhere loosing its grasp upon the public mind, and the government cannot execute its laws without a resort to military force. It does not at this moment arrest Walker. There is rebellion in Utah and Kansas; there seems will be a rebellion in Louisiana should another attempt be made to thwart the enterprises of Walker; sporadic civil war springing up in the midst of excited passions—jets of flame on a dry prairie.

As a consequence of these and other events, the American name has lost credit abroad. It is execrated by our weak neighbors south of us, for whom we have been not friends and benefactors, but rapacious and cruel enemies. Our power, our progress and our civilization have been the theme of eulogy in the mouths of our rulers, and instead of exhibiting our superiority in protecting care and offices of kindness, we have arrogantly insulted their weakness, plundered their people and devastated their territory, in defiance of the faith of treaties, the laws of civilized nations, and the obligations of humanity. In Europe the name of America no longer inspires respect. The friends of liberty, of political amelioration, of social progress in knowledge and the arts, in Christian and moral civilization, do not now look to us with hope, but with doubt and dread, fast changing to despair; whilst the enemies of republicanism point with triumph to the failure of the great experiment of self government. It is not necessary to cite the cases of ancient Greece and Rome, or modern France, while in us they have a living example of the dangers of democracy. We are turning every where the current of enlightened opinion against free institutions, and strengthening the hands of despotism.

It is more than time that this downward career of crime and folly should be checked, that some guardian spirit of civilization and commerce, and whilst they cannot understand, and will not obey. By this law, also, the jurisdiction of a government is in many cases extended, and its militia of another State. Such are the scriptures, with their household and servants, are exempt from the authority of the place where they reside, and are governed exclusively by that of their own country; and also are ships of war, their officers, and crews, in a foreign port, and a prince or potentate who visits the court or country of a friendly power. There are exceptions to the general rule that the law of each State is supreme and exclusive within its own dominions, because, in such cases the consent of a government to waive its exclusive authority is implied, for the sake of promoting intercourse and relations between the civilized nations of the world, beneficial to all.

It appears, therefore, that the power of a government over its territory, in cases only when opposing forces are equal power, and expands so far as this opposition is, either expressly or implicitly, withdrawn. It does not, indeed, ever cease, but is suspended so long as a person is within a foreign territory, and therefore, subject to its law. When he leaves that territory it reestablishes, unless meanwhile he has become a naturalized citizen of another State. It was on these principles that our government relied in the case of Koszta, who was taken by force from the public officers of Austria, by Captain Ingraham, within the jurisdiction of Turkey. Koszta was not an American citizen, not even a naturalized one, but had only taken a step towards becoming such. He had been, a short time before, a subject of Austria, and had committed a crime against her government. Nevertheless, this slight tinge of American nationality was held sufficient by our government to extend its power over him, and to protect him from the authority of his former master in a foreign port; and the reason given by Mr. Marcy, to justify the violation of the sovereignty of Turkey was that, in this case, the government of Turkey was "dormant," that is to say, made no complaint or remonstrance against Walker's case to be a transgression. He is a native born citizen; he has violated the law of nations and of his own country; the authority of his government, if it followed Koszta to protect, *in effect* would follow Walker to punish; and, as to Nicaragua, though not "dormant" in the matter, it is fair to presume that she would not offend her guest which saved her people from pillage and bloodshed.

It seems evident, therefore, that the act of this government, in arresting Walker, was no trespass, from a sovereignty of Nicaragua, because its consent may be reasonably presumed. Neither was Walker, at the time of his arrest, out of the jurisdiction of his own government, which, for the same reason. The implied consent of Nicaragua extended the jurisdiction of the United States into her territory, which Walker had invaded. On both points the arrest was right, so far as concerned the rights of Nicaragua, on the irresistible presumption, arising from the facts of the case, that Commodore Paulding, when he landed on its shores, would be regarded as the friend, not as a trespasser, but a deliverer. This presumption may, however, be rebutted by that government, should it complain that its rights have been violated and its dignity insulted, then it may be said that Commodore Paulding went too far. Probably, however, no complaint in respect to the violation of territory, such a case implies acquiescence. Indeed, it is very likely that the President might, for the asking, obtain from Nicaragua, not only an approval of the action and conduct of Com. Paulding's conduct, but thanks to the bargain. That government and its people, harassed, despoiled and outraged as they have been by repeated invasions, doubtless felt nothing but gratitude to the President and Com. Paulding for timely interference, for defending them from the marauding invasion of a persevering and ruthless foe, though the gratitude was probably mingled with no little surprise, at receiving aid from such a quarter.

Such did this goverment was bound to give by the law of nations; for every nation, as a moral person, is obliged to abstain from injuring another. (Vattel, 201.) This law is the law of the land which binds every nation is intended to declare, and provide the means of enforcing. (Wheaton's International Law, 20.) The party, therefore, that is now endeavoring to repeal the neutrality act, is attempting at the same time to repeal the law of nations, and to place this country beyond the pale of civilization.

Granting, however, the argument of the South, that Walker, when captured, was out of the jurisdiction of this government, this would afford no cause of complaint but that of the country of Walker, and in the privilege of a nation, not of criminals escaping from justice. International laws are not intended to screen them from punishment, or to make safe asylums for Catilines, and place of refuge for the flying felons of all others. The purpose of the law is to secure the independence and sovereignty of each State, not to encourage crime: and, in the questions that arise under it, no party has any interest who has himself violated that law or the law of his own country. The law of nations makes it the duty of every government to arrest fugitives from justice within its borders, and deliver them up at the request of the State from which they have escaped. (1 Kent's Com., 36.) Though this principle has not been adopted in this country to its full extent, yet it is perfectly settled by all authority that such criminals may be returned to their own governments, whose laws they have broken. The difficulty is not as to the soundness of the principle, but its application to particular crimes. (10 S. & R. 125.)

The object of extradition treaties is to define the cases to which this principle applies. The law of nations and the duty arising from it, remain the same whether a treaty be made or not, and. it is obvious, that as they suppose the continuing authority of a nation over its subjects who have violated its laws, they are inconsistent with any privilege of these persons, exempting them from such laws and authority. When, therefore, a criminal is asked by orders of his own government, within the borders of a foreign State, whatever cause of complaint that State may justly have, no rights of his are violated, for he can acquire no rights by a wrongful act, and as to him, the authority of his government had never ceased.

The release of Walker, therefore, by the Secretary of State was a mistake. He is a criminal, who has boldly set