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DAVID O. CALDER,
EDITOR AND PUBLISHER.

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By Telegraph.

AMERICAN.

WASHINGTON, 22.—The following is the opinion of Attorney-General Williams in the *Virginian* case: "Department of Justice, Washington, Dec. 17.

"To Hon. Hamilton Fish, Secretary of State.

"Sir, I have the favor to acknowledge the receipt of your letter of the 11th instant, submitting to me a large number of documents and depositions, and asking for my opinion as to whether or not the *Virginian*, at the time of her capture by the Spanish man-of-war *Tornado*, was entitled to carry the flag of the U. S., and whether or not she was carrying it improperly and without right at the time. These questions arise under the protocol of the 29th ult., between the Spanish Minister and the Secretary of State, in which, among other things, it is agreed to that on the 25th inst. Spain shall salute the flag of the U. S.; but it is further provided that if Spain should prove to the satisfaction of the U. S. that the *Virginian* was not entitled to carry the flag of the United States, and was carrying it at the time of her capture without right and improperly, the salute will be spontaneously dispensed with, as in such case not being necessarily requirable. But the United States will expect, in such case, a disclaimer of an intent of indignity to its flag in the act which was committed.

"Section 1 of the act of Dec. 31, 1792, provides that ships or vessels registered pursuant to such act, and no other, except such as shall be duly qualified according to law for carrying on the coasting trade, and denominated or deemed ships or vessels of the United States, shall be entitled to the benefits and privileges appertaining to such ships. Section 4 of the same act provides an oath, by which, among other things, to obtain the registry of a vessel, the owner is required to swear that there is not a subject or citizen of a foreign prince or State, directly or indirectly, by way of trust or otherwise, interested in such ship or vessel, or in the profits or issues thereof. Obviously, therefore, no vessel in which a foreigner is directly or indirectly interested is entitled to a U. S. registry, and if one is obtained by false oath on that point, when the fact is that the vessel is owned or partly owned by foreigners, she cannot be deemed a vessel of the U. S., or entitled to the benefits or privileges appertaining to such vessel.

"The *Virginian* was registered in New York on the 26th of September 1870, in the name of Patterson, who made oath as required by law; but the depositions submitted abundantly show that in fact Patterson was not the owner at that time, but that the vessel was the property of certain Cuban citizens in New York, who furnished the necessary funds for her purchase. J. E. Shepherd, who commanded the said

vessel when she left New York with the certificate of her register in the name of Patterson, testified, positively, that he entered into an agreement to command the said vessel at an interview between Quesada, Mora, Patterson and others, at which it was distinctly understood that the *Virginian* belonged to Quesada, Mora and other Cubans, and that the said Mora exhibited to him the receipts for the purchase money, and for the repairs and supplies upon said steamer, and explained to him how said funds were raised among the Cubans in New York. Adolphe de Varona, who was secretary of the Cuban mission in New York at the time the *Virginian* was purchased, and who afterwards sailed in her as Quesada's chief of staff, testifies that he was acquainted with all the details of the transaction, and knows that the *Virginian* was purchased with the funds of Cubans, and with the understanding and arrangement that Patterson should appear as the nominal owner because foreigners could not obtain a United States register for a vessel.

Francis Bowen, Charles Smith, Edward Greenwood, John McCann, Mathew Murphey, Ambrose Rawlings, Thos. E. Gallagher, John Furlong, Thos. Andersen and George W. Miller, who were employed upon the *Virginian* in various capacities after she was registered in the name of Patterson, testify clearly to the effect that they were informed, and understood while they were upon the vessel, that she belonged to Quesada and the Cubans represented by him, and that he navigated, controlled and treated such vessel in all respects as though it was his property. Nothing appears to weaken the force of this testimony, though the witnesses were generally subjected to cross examination, but on the contrary, all the circumstances of the case tend to its corroboration.

"With the oath for registry that the statute required, a bond had to be given, signed by the owner, captain and one or more sureties, but there were no sureties upon the bond given by Patterson & Shepherd. Pains have been taken to ascertain if there was any insurance upon the vessel, but nothing of the kind has been found, and Quesada, Varona and other Cubans who took passage upon the *Virginian*, instead of going aboard at the wharf in the usual way, went aboard off a tug after the vessel had left the harbor of New York. I cannot do otherwise than to hold, upon this evidence, that Patterson's oath was false, and that the register obtained in his name was a fraud upon the navigation laws of the United States.

"Assuming the question to be what appears to conform to the intent of the protocol, whether or not the *Virginian*, at the time of her capture, had a right, as against the United States, to carry the American flag, I am of the opinion that she had no such right, because she had not been registered according to law; but I am also of the opinion that she was as much exempt from interference on the high seas by another power on that ground, as though she had been lawfully registered. Spain, no doubt, has a right to capture a vessel with an American flag when found in her own waters assisting or endeavoring to assist an insurrection in Cuba; but she has no right to capture such vessel on the high seas upon apprehensions that, in violation of the neutrality of the navigation laws or the United States laws, she was on her way to assist said rebellion. Spain may defend her territory and her people from a hostile visit from what is or appears to be an American vessel, but she has no jurisdiction whatever over the question as to whether or not such vessel is on the high seas in violation of any law of the United States. Spain cannot rightfully raise that question as to the *Virginian*, but the United States may, and, as I understand the protocol, they have agreed to do it; and governed by that agreement, and without admitting that Spain would otherwise have any interest in the question, I decide that the *Virginian*, at the time of her capture, was without the right to, and

was improperly carrying the American flag.

"Very respectfully,
(Signed) "GEO. H. WILLIAMS,
"Attorney General."

CHICAGO, 22.—About three thousand workmen assembled in front of the City Hall to-night, where the council was in session, to make a demonstration for "work or bread," as one transparency signified. The crowd was mostly Germans, though all nationalities were represented. Their committee, led by a young lawyer, was courteously received by the council. They asked for work for the workmen, and pay from the city, or in lieu thereof, that the city give them food and shelter till they could find work. The matter was referred to a special committee and the mayor, who are to meet the workmen's committee for consultation to-morrow. A strong police force was present, but their services were not actively required. While the committee was in council, a number of street communistic orators harangued the crowd, who cheered and laughed, occasionally a bitter yell being uttered. After hearing the report of their committee the crowd dispersed quietly.

CINCINNATI, O., 22.—The workmen made a demonstration by a procession to-day, a thousand strong. After being addressed by Gen. Sam F. Cary, who counselled them to moderation, they called on the Mayor, when compliments were exchanged, though the laborers denounced the reduction of their wages by the city.

NEW YORK, 22.—Judge Daniels to-day, granted an order, returnable to-morrow, against sheriff Brennan and his deputy, Shields, requiring them to show cause why they should not be punished for contempt, in disregarding the order of the court to produce Genet.

The trial of ex-mayor Hall commenced to-day, and the work of procuring a jury is progressing.

It appears that on Saturday last the assistant district attorney wrote sheriff Brennan, assuring him that Genet would attempt escape. An order was given by the court on Saturday for the confinement of Genet in the Tombs until the sentence was pronounced; but the order of the court was entirely ignored by the Sheriff. The latest rumor in regard to the escape is that Genet embarked on his own yacht, which had been loaded with provisions and was filled with friends in readiness for his flight.

The superintendent of police denies the story about Sharkey, published to-day, and says his whereabouts is still unknown.

NEW YORK, 22.—The sixty-eighth annual dinner of the New England Society, was held this evening, Elliott C. Cowden presiding. Among those present were Senator Sumner, Gen. Sherman, Rev. H. W. Beecher, Judge Brady and Judge Davis.

The *Tribune's* Key West telegram gives an account of the surrender of the *Virginian* prisoners to Lieut. Commander Braine, of the *Juniata*. It appears that the Spanish authorities, to the last moment, kept the poor wretches in ignorance of their prospective release, and with base inhumanity led them to suppose they were to be executed. Priests were with them taking their confessions and dying declarations, and imploring them to look to God for pardon. They were taken out of prison in despair, but on their way to the slaughter pen, as they supposed, their eyes fell upon the *Juniata* flying the flag of the United States. When they realized the truth a scene occurred which beggars description, their enthusiasm knew no bounds. They were speedily transferred to the deck of the *Juniata*, and gave vent to the most extravagant but touching demonstrations of joy, embracing each other, some crying, some kissing and others audibly offering thanks to the Almighty for their deliverance from the horrors of their dungeon and the prospect of an ignominious death. On the night before the surrender the officers and crew of the *Juniata* were stationed at their quarters, her guns being turned on the city, the Spanish volunteers having been excited to an open riot by the rumor that the surrender was to take

place. A large number of volunteers went in a body to the governor's palace, and begged permission to attempt the capture of the *Juniata*, saying they could do it with their knives alone; but the Governor refused to grant permission. Our officers believe that the application was made in earnest, and not a few regret that it was not favorably entertained, as the *Juniata* alone, not to speak of the *Kansas* and *Pinta*, would have been more than a match for their assailants. On the arrival of the *Pinta* at Santiago, orders came to the ship from commander Braine, for the paymaster to issue all the blankets and pea jackets in his department to the prisoners, who were hardly fit to be seen in their rags. This was speedily done, but they were still in a state of great destitution. Orders came for all the men on board to give up their own blankets and wearing apparel in the good cause, and a promise was made that all would be replaced on the arrival of the ship at Key West. The officers and men cheerfully complied with the order, only preferring that it should be issued as a request, in which case they would have obeyed with just as much alacrity. Every heart was touched by the pitiable condition of the prisoners. The poor fellows report that they were barbarously treated. The surrender took place at Moro Castle, six miles below Santiago. A receipt was given for the prisoners. It was reported in Santiago that when it was found that the *Virginian* had been towed out of the harbor of Havana, a large number of naval officers of high grade tendered their resignations to the home government by telegraph.

PHILADELPHIA, 22.—The striking stevedores, to-day, assaulted those working at reduced wages; the police dispersed the rioters and arrested the ringleaders.

NEW YORK, 23.—A dispatch to the *Tribune*, from Key West, contains the following: "The *Virginian* prisoners, surrendered at Santiago de Cuba, say that when the officers from the *Tornado* boarded the *Virginian*, one of them, in hauling down the flag of the United States, tore it into ribbons and trampled on it, asserting with an oath, 'This is what I have wanted.'"

The situation in Santiago de Cuba is reported as very serious. Only a week ago twenty-five citizens were arrested and after a mock trial, without any evidence being adduced against them, they were told to go home, on the way they were cruelly waylaid and killed, only one escaped, and he was riddled with bullets. Americans are continually in fear for their lives, and bitterly complain that nothing has been done to redress their wrongs. It is not safe for an American officer to go ashore alone.

At Santiago and all along the river the Spaniards are erecting new batteries.

CHICAGO, 23.—The *Times* Washington special says the official admission by this government of the fact that the *Virginian* is not entitled to carry the American flag is put out so early and suddenly, even before the vessel is delivered to an American port, as to exert here, in all quarters, very considerable surprise, not unminged with disgust, on the positive assertion that most or all of the testimony on which she has been finally convicted has been in possession of the government from the very commencement of the controversy. The withdrawal of the salute to the flag, and the probable return of the vessel to Spain do not appear here to supplement very favorably the pretentious demands of this government. With this knowledge in possession of the Administration it is thought to be a little extraordinary that five million dollars should have been spent in putting the navy on a so-called war footing. There were senators and members who discussed the question to-day in the light of the resolutions calling on the Administration for all the facts and documents in the entire controversy. It is declared that the whole case bears on its face evidence of a secret understanding between this government and that of Spain.

PHILADELPHIA, 23.—The striking longshoremen have organized

an association. One resolution declares that white and colored men may become members.

WASHINGTON, 23.—Secretary Belknap is disposed to cut the estimates of the war department down to the lowest possible limit. Those for the military service proper received his personal attention, and were calculated as closely as possible, but he proposes to re-adjust and reduce them as far as the actual requirements of the service will permit. The estimates of the appropriations for forts, armament of forts and for rivers and harbors, amounting in the aggregate to about twenty millions, can be very materially reduced.

The investigation as to the character of the *Virginian* will be conducted at New York. The government is powerless to proceed against Patterson, to whom the register for the vessel was issued, on account of the statute of limitations.

NEW YORK, 23.—Woodruff & Morrison, of South Brooklyn, whose books were seized sometime ago, on the charge that they had defrauded the government, have offered to pay \$35,000 as penalties.

Sheriff Brennan, through counsel, pleaded "not ready" to show cause why he should not be punished for his failure to produce Genet in court yesterday, and the case was adjourned till Monday next. The Sheriff hopes to recapture the fugitive.

HARTFORD, 23.—The large Manilla paper mill of Dexter & Sons, at Windsor Locks, was burned last night, together with the machine shop; the loss is estimated at \$75,000, insurance \$50,000.

BOSTON, 23.—The wife of Alex. Agassiz, son of the late Professor, died last night of pneumonia, superinduced by fatigue brought on while in attendance upon her father-in-law.

LEWISTON, Me., 23.—The president of the First National Bank publishes a card, saying that irregularities have been discovered in connection with some transactions of the late cashier, but the bank loses nothing.

CAIRO, Ills., 23.—The first passenger train from New Orleans, over the Mississippi Central railway, arrived here this evening.

WASHINGTON, D. C., 23.—The President stated emphatically, to-day, that the nomination of Attorney General Williams for Chief Justice, would not be withdrawn, and that he had never contemplated such a thing.

A colored delegation, composed of Geo. F. Downing, Fred. Douglas, and others, have had an interview with representative A. H. Stephens, of Georgia. Stephens freely admitted that the colored men, as citizens, were entitled to full privileges in their civil rights, without invidious proscription, but he said that it was the duty of the respective States, and not of the federal government, to act in order to secure them.

Representatives Wilson and Eldridge, of the judiciary committee, will leave here on Saturday for New Orleans. It is their intention, while avoiding State politics and complications, to investigate all the acts of the federal court, which it is charged taint Judge Durrell's official conduct.

ST. LOUIS, 23.—The Collier White Lead and Oil Co's works were partially burned to-night; loss \$80,000, insurance \$50,000.

SAN FRANCISCO, 23.—Advice from Tucson, Arizona, state that a terrible tragedy occurred December 10th, in Lincoln, New Mexico, in which David Warner, Mr. Herrold, J. L. Glynn, and Juan Martin were killed. Martin was a constable, and, with a posse, he tried to arrest the others; Warner killed him, the sheriff's posse killed Warner, and the other two named were also found dead, riddled with bullets.

CHICAGO, 24.—The *Times* Washington special says that President Grant said, to-day, he had never intimated that he would withdraw the nomination of Williams for the Chief Justiceship, nor does he intend to withdraw it. He wants a direct vote of the Senate on the nomination, and invites a thorough investigation of the charges against the nominee.