

THE CASE OF THE LLOYD ASPINWALL.

A War Between the United States and Spain
Happily Avoided—Another Gross Outrage
on American Commerce—Case of the
Perit—Mr. Phelps Placed in Charge
of the Jamaica Consulate.

HAVANA, April 30, 1870.

The steamer Lloyd Aspinwall has finally been released. The circumstances of her capture, while making a perfectly legitimate voyage from Port au Prince, in Hayti, with her papers, including the certificate of the Spanish Consul at the latter place, in perfect order, and her subsequent long detention without a shadow of proof to justify suspicion, have been laid in full before the readers of the HERALD. The matter became the subject of communication between the two governments, and a peremptory demand was sent from Washington to Madrid for her release. This was complied with, and some ten days since the requisite order was sent here. With it, however, the authorities there, with little apparent respect for the home government and a very natural contempt for the foreign policy of the Washington administration, refused to comply. The latter, wonderful to say, began to realize the very contemptuous manner in which it was being treated, and some very sharp telegrams passed between the two governments. There is even good reason for believing that Minister Sicles was directed to demand her immediate release, and, if not complied with, to demand his passport. Be this as it may, an order was received here yesterday directing that the vessel be released without a moment's delay; whereupon the Consul General, Mr. Biddle, and Captain McCarty, of the Lloyd Aspinwall, were notified of the readiness of the authorities to surrender her. The parties, including the Judge and several other Spanish officials, went on board, where the Consul General, master of the vessel, and the Commander of the *Sangus* met them. Here the master of the Aspinwall refused to receive the vessel. The Judge then stated that the government would admit no responsibility after four o'clock, and the Consul announced that he would receive her, and she was accordingly turned over to him. In this action he was supported by Admiral Poore, whose flagship was in the harbor, and by others of the squadron. The course of the master was based on instructions from his owners not to receive the vessel until the indemnity was paid. A telegram from them this morning states that they are waiting advices from the government. The question of damages to be paid now rests between the two governments.

There has transpired of late another vexatious outrage upon American commerce here, such as are likely to continue until the Spanish government is in some sharp manner taught to respect international law and comity. The circumstances of the case are simply these:—The brig *Harry Virden*, of Philadelphia, Walter Collins, master, sailed from Quebec loaded with box shooks, arriving at Cardenas on the 30th of November last. Previous to sailing, and while loading, and not to be delayed, as the winter season was coming on, he sent his papers to Montreal for consular legalization, there being no consul at Quebec. The manifest thus sent called for 5,000 box shooks, which was about the number he supposed his vessel would carry; and, not thinking it necessary to be perfectly correct, as he had a right to rectify any difference there might be between his legalized manifest, known as *lobordo*, and his final note of cargo, known as *manifiesto*, upon which the exact quantity was noted, the latter being the document to which faith is given at the custom houses of the island. Further, he heard that at the most, under the regulations, he was only liable in a penalty of twenty-five dollars for any discrepancy between the two documents, which he was willing to pay. On arriving at Cardenas the collector exacted from him \$589, on pretence that he was liable for double duties on the excess over that mentioned in the *lobordo*. This he paid under protest. He then sailed for New York and thence returned again in ballast, and after having received a portion of his return cargo, the Custom House, on the 26th of March, demanded of him another penalty of \$2,700 and upwards, being the value of the excess over that mentioned in the consular manifest, and his vessel was placed in seizure until the demand should be paid. All this having reference to a previous voyage. It is known that many instances have occurred when such discrepancies have existed, in all of which only a fine of twenty-five dollars has been imposed. The master energetically protests against being singled out as an exception to established rule and, has placed the matter before his government.

A journal of New York, under date of the 23th, publishes a sensational editorial concerning the charter of the steamer *Perit* by a firm in New Orleans for the purposes of trade with Havana, in which the facts are so contorted as to leave scarce a semblance of truth. The New Orleans firm did charter the *Perit*, and proposed to send her to Havana. Before doing so they communicated with their consignees here, asking if any trouble would be likely to arise from their so doing. Mr. Henry C. Hall, the then acting Consul General here, expressed the opinion that the vessel had better not be sent, as some trouble might result. This was communicated to the firm from Key West by telegraph, the consignees not caring to notify the government of the matter, as would have been done by telegraphing from here. The owners, however, refused to release the firm from the charter, and there was afterwards obtained from Mr. Biddle, who had taken charge of the consulate, a certificate stating that the coming of the vessel would be likely to cause trouble, upon which the charter was cancelled. This is all. The government here was in no way consulted about the matter, and of course expressed no opinion concerning it, and the talk about the proposed destruction of the vessel and murder of the crew is the sheerest nonsense in the world.

The flagship *Severn*, Rear Admiral Poore, arrived here yesterday from Jamaica. It is understood that the Admiral, following his communication with the government officials at Sant ago de Cuba, expressed the opinion that Mr. Phelps, the late Vice Consul at that place, had not been well treated; but rather owing to powerlessness on the part of the authorities than aught else, as they were entirely dependent on the citizen soldiery known as the volunteers. What the result will be of course is a matter not yet known. Owing to the death of Mr. Wheeler, American Consul at Kingston, Jamaica, Mr. Phelps was left there in temporary charge by the Admiral.

From the insurrection we have little of interest. The Captain General still remains at Puerto Principe, and every other day furnishes us with a telegram announcing continued presentations, and now and then an unimportant encounter. In one of these it is mentioned that two Catalians became detached from their regiment and wandered about the country for several days, meeting no insurgents, and finally reaching Puerto Principe in safety. The Cubans had entirely destroyed the estate of Napoleon Araugo.