



# CUBA.

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vious laws from trafficking in articles contraband of war."

Such trade is carried on at the risk of those engaged in it, under penalties of the law of nations or by particular treaties. If it be true, therefore, that citizens of the United States have been engaged in a commerce by which Texas, an enemy of Mexico, had been supplied with arms and munitions of war, the government of the United States, nevertheless, was not bound to prevent and could not have prevented, without a manifest departure from the principles of neutrality, and is in no way answerable for the consequences." (Lawrence's Wheaton, page 813.) The treaty with Mexico enumerated articles contraband of war, &c., but did not prohibit commerce therein. Mr. Marcy, in the discussion of the questions involved in the treaty of Paris, 1856, makes the following declaration:—"Humanity and justice demand that the calamities incident to war should be strictly limited to the belligerents themselves and to those who voluntarily take part with them; but neutrals, abstaining in good faith from such complicity, ought to be left to pursue their ordinary trade with either belligerent without restrictions in respect to articles entering into it." (Lawrence's Wheaton, p. 85.) If the foreign State professes neutrality, says Mr. Wheaton, "It is bound to allow impartially to both belligerent parties the full exercise of those rights which war gives to public enemies against each other, such as the right of blockade and of capturing contraband and enemies' property." (Wheaton, p. 1, ch. 11, 6.)

It is possible that the foregoing report of Mr. Banks may be slightly modified before its final presentation to the House, in order to bring it down to the present day. It appears that it was completed last April, and adopted by a majority of the committee, after which the accompanying resolution was presented to the House and a day fixed for its consideration. But that day has long since gone by, and General Banks had made but feeble efforts to bring the resolution again before the attention of the House for final action. Once he had a light skirmish with Schenck in order to get it up in place of the Tariff bill. But Schenck triumphed, and ever since then the subject slumbered, until roused in lively style by Voorhees and Logan. As I telegraphed you some days ago, the report makes no recommendation regarding the murdered Americans, Wyatt and Speakman, although it denounces in strong terms the cruelty and cowardice which caused the death of these innocent victims. You may expect, therefore, that Voorhees and Logan will be prepared with a resolution, additional to that reported by Banks, authorizing and instructing the Executive to demand prompt indemnity from the Spanish government.