

THE CASE OF THE HORNET—PROTEST OF HER COMMANDER—LEGAL PROCEEDINGS POSTPONED.

WILMINGTON, N. C., October 11.—The case of the Cuba was opened this morning by Mr. G. P. Lowry, of New York, who appeared with Colonel George Davis, late Attorney General of the Confederate States, and Judge O. P. Mears, of this city, for the Republic of Cuba. They read the commission of Commodore Higgins as an officer of the Cuban navy, and also a formal protest by him against the exercise of jurisdiction by civil courts over his ship, she being a public ship of war of a recognized nation. After stating the character of the vessel, Commodore Higgins solemnly protests, in the name and for the honor of Cuba, against the detention or interference with his ship.

The conclusion of the protest is as follows: "And now having for the dignity and honor of the Republic of Cuba made a protest against the exercise of jurisdiction over public ships, unknown among nations, and being willing and desirous to have the truth known to all nations, persons and particularly the citizens of the United States, I do declare it is untrue that the said vessel has in any of her preparations offended against the neutrality laws of the United States of America in the manner charged, or in any other manner, and I aver that the said vessel is now in the same condition in every respect as when she was purchased from the Government of the United States, in the month of June, 1869, except a few immaterial alterations not relating to her character or use as a war vessel, and except further that the said vessel since the said purchase, and while out of the limits of the United States, and more than twenty days after the departure therefrom, and after she had entered a British port, and had been there seized by the public authorities, examined, and discharged, and had cleared therefrom, and then, and not till then was she sold and delivered to the Republic of Cuba, and was fitted out and armed upon the high seas, and beyond the jurisdiction of the United States and of all other nations. That all the proceedings aforesaid, so far from being in disregard of the rights and dignity of the United States, were conducted in a careful and true respect therefor, and under the sanction of well-established principles of public laws.

EDWARD HIGGINS,

Commodore Cuban Navy and commander of the Cuban steamship Cuba.

In order to allow the Government time to produce witnesses, United States Commissioner Rutherford continued the case till Saturday next at 10½ o'clock.