

THE CUBAN PRIVATEER.

The Confiscation of the Hornet Expected—

The Cuban Flag Not Recognized Among

Nations—Mysterious Conduct of the

Commander of the Hornet—

Disobedience of the Or-

ders of the Junta.

WASHINGTON, Oct. 10, 1862.

The general impression among government officials here is that the trial of the officers and crew of the privateer Cuba, which commences at Wilmington, N. C., to-morrow, will result in their conviction of a breach of the neutrality laws of the United States and the confiscation of the vessel. Nearly all the members of the Cabinet regard the case as a clear one against the Cuba, and the conviction among them is that her commander, who ought to have been aware of the risk he ran in putting into a United States port, did so on purpose to have his vessel seized. There is reason to believe that there is some such suspicion in the minds of the Cubans here, especially those who have talked with Secretary Fish, but they are slow to believe it until some tangible evidence shall have been produced to establish the fact. It is certain, however, that the commander of the Cuba did not carry out the original understanding which existed between himself and the members of the Junta in this country. Said one of them to-day, "When we expected he was hovering about Cuba we hear all at once that he has been seized near Wilmington." What it was that kept the Cuba in the waters of the North Atlantic when she was looked for by those who had fitted her out and in whose interest she was in Cuban waters is a mystery which the Cubans here cannot solve. The fact that she was short of coal would not seem to warrant her in running into Wilmington, for arrangements had been made to run out schooners at various points along the coast to meet her and supply her with coal on her way to Cuba. Some of the best lawyers here—those most familiar with international law—say it is impossible to find precedents to justify the case of the Cuba. The fact that the insurgents were recognized by Mexico and Peru does not, in the opinion of these lawyers, constitute them a nation, nor does it compel the United States to regard them as belligerents or to take any official recognizance of their existence whatever. The friendly offer of mediation made by the United States does not, as the Cubans contend, amount to a quasi recognition of belligerency. The proposition was made to Spain without any official consultation with the insurgents, and it is held that the mere fact that the latter were aware of the nature of the proposition to be made and assented to it does not in any way constitute official communication with them. Officially, the Cuban government and Cuban flag is unknown to our government, and a ship sailing under that flag and with a commission from that so-called government cannot be recognized in United States ports. This being the case, it is alleged there can be but one other conclusion, which is, that the Cuba, sailing under an unrecognized flag and being commissioned by a government, the existence of which is unknown among the family of nations, must be regarded as a pirate; or, with the very mildest construction of the law, as a violator of the plainest principles of the law of nations.

The Warrant for the Arrest of the Hornet—

A Significant Precedent—Captain Edward Higgins.

The following is a copy of the warrant for the arrest of the Hornet:—

UNITED STATES OF NORTH AMERICA, }

STATE OF NORTH CAROLINA. }

TO THE UNITED STATES MARSHAL FOR THE STATE

OF NORTH CAROLINA, OR HIS LAWFUL DEPUTY:—

Whereas, information upon oath has been made by Denard Rumley to one Allan Rutherford, United States Commissioner, that the steamer Lady Sterling, alias Hornet, alias Cuba, or by whatever name called, has been fitted out and armed within the limits of the United States, and is now engaged in taking in supplies in Cape Fear river, at or near Smithville, N. C., for the purpose and with the intent to commit hostilities against the subjects and property of Spain, with whom the United States are at peace, and particularly that the said steamer, its officers and crew, are fitted, armed and organized with intent to commit hostilities against the people and the property of the people of Cuba, in the said island, upon the high seas as a privateer; these are, therefore, to command you, in the name of the President of the United States, to summon such force as may be necessary, and to seize, arrest and detain in your custody the steamer Lady Sterling, alias Hornet, alias Cuba, or by whatever name called, so that you have it and them before me to answer to the charge of violating section third of the neutrality laws of the United States, approved April 22, 1818, within the time prescribed, at Wilmington, in the State of North Carolina. Herein fail not.

Given under my hand and seal, October 4, 1862,

ALLAN RUTHERFORD,

United States Commissioner for the district of North

Carolina.

A CASE IN POINT.

[From the Philadelphia Press, Oct. 9.]

While the Hornet is lying at Wilmington and the Cabinet are discussing their decision as to her disposition we ask the opportunity to recall an instance which may afford a good precedent for action to-day. Shortly after the Sumpter, the infamous Semmes as captain, got aloft, she found it necessary to use the facilities of a port, and went into Cienfuegos, Cuba, where she laid for some time with her prizes, coaled and procured whatever she wanted. Semmes requested of the Governor that his prizes should be held for the Confederate government. Among them was the bark Joseph Maxwell, of this port, which was on her way from Laguayra with a cargo of coffee. The officers of the Sumpter visited freely in town and were quite hospitably entertained, receiving the attentions of all classes of people. All this was before Spain had recognized the belligerency of the Confederate States. Is it not a case in point?

CAPTAIN HIGGINS.

[From the Montgomery (Ala.) Mail.

The officer in command of the Hornet is Captain Edward Higgins, a graduate of the United States Naval Academy, participated in the war with Mexico as an officer in the United States Navy, resigned his commission shortly afterwards and commanded the steamship Vanderbilt, running from New York to Southampton or Havre. He continued in this line for about nine years, when he retired from the sea, and upon the commencement of the late war was appointed by Governor Moore a captain in the First regiment of Louisiana artillery, Confederate States of America—one of two regiments of regulars, the other an infantry regiment, raised by the State upon her secession. He was subsequently promoted to the lieutenant colonelcy of a volunteer regiment from the same State, and ordered to the command of Forts Jackson and St. Philip, where he was in command during the famous attack upon them in April, 1862, by Admiral Porter's mortar fleet, and Admiral Farragut's naval force. After the surrender of the forts, after being exchanged, Lieutenant Colonel Higgins was promoted brigadier general and ordered to Vicksburg, during the siege of which place he was actively on duty. At the close of the war he went to New York to reside. General Higgins is a fine sailor, an admirable soldier, a courteous gentleman and as brave a man as ever boarded a ship or stormed a work. He is native of Norfolk, Va., and is connected with some of the best people in Virginia and Louisiana. In the command of the Cuba in an open sea, he will be a second Semmes to the young republic of Cuba.