

THE PRINCIPLES OF THE EUROPEAN.

THE EUROPEAN will contain all the information that can be gathered in Europe and America of especial interest to Europeans in the United States, and to the inhabitants of the British North American Provinces.

It will show the actual condition—moral, physical and mental—of all classes of the people of the various States of this Confederation, whether natives or emigrants, freemen or slaves; and it will contain the information necessary for Europeans who contemplate emigration, to determine whether they should select the United States or some other country for their future residence.

It will be opposed to the Anti-Republican, alias the Slavery Democracy or Pro-Slavery party—the enemies of freedom and social progress all over the world.

It will oppose the propagandists of slavery, and will advocate the propagandism of liberty on this continent as well as in Europe.

It will set forth the various reasons why Republican institutions in the United States have hitherto failed to secure the well-being of the working classes, and will advocate the legislative measures necessary to ameliorate their condition.

It will institute fair and honest comparisons between the United States and other countries, showing the progress made by each from time to time, and the justice of their several pretensions.

It will maintain the cause of the friends of liberty in Europe and elsewhere—a cause which should be supported by all parties in every country enjoying constitutional government, since the only real danger to those countries is from a combination of the military despots of Europe, aided by the Pro-Slavery government of the United States.

It will explain the cause of Republicanism against those who would sacrifice it to preserve the domination over the freemen of the North by the slave-owning aristocracy of the South.

It will contain all such facts as may assist the people of other countries in determining what are the true merits or demerits of American institutions.

THE EUROPEAN.

NEW YORK, SATURDAY, NOVEMBER 29, 1856.

NICARAGUA.

Walker's Projects, Expected Assistance from England and France, Trap for them, Recruiting in the United States for Walker.

The New York Herald of November 22d says, The scheme on which Walker has kept his eye steadily fixed from the first day on which he entered Nicaragua has been to re-organize that and the other little republics of Central America, and to form of them and Mexico a federal Southern republic, which would act as a counterpoise to the influence of the United States. It was a grand and highly politic scheme. He calculated thereby, and very reasonably, too, to conciliate France and England, and to enlist their Governments in his support. That he has not been unsuccessful in this plan is evidenced by the good relations and kindly feelings that have existed between him and the officers of the English man-of-war lying in San Juan, to whom he had, perhaps, communicated his views.

The Herald goes on to say, that some of Walker's supporters wished to make a descent upon Cuba from Nicaragua, but that Walker resisted their project; and that Mr. Soule fully approves of Walker's plans.

He (Mr. Soule) is now in the United States, engaged in forwarding Walker's views, and in raising supplies of men and money to enable him to hold his ground and establish his government on a firm and permanent basis. Under the incoming administration he will probably find no obstacle to carrying forward a grand plan of military colonization in Nicaragua. There is nothing in our neutrality laws to prevent this. The expeditions which may be sent out from here cannot legally be interfered with. They will not have been got up for the purpose of making war upon a nation with which we are at peace, but simply as volunteer emigrant companies. In this

light, and with the inducements which Walker can hold out, there can be no limit set to the number of men who can be placed at his disposal. But say that he can within six or twelve months hence calculate on an army of ten thousand men, what obstacle could be then interposed to the realization of his project of a great Southern republic? The feeble governments of Mexico and of the Central American republics could offer but little resistance to his progress. France and England, seeing in it the best means of counterbalancing the influence of the United States and re-organizing Central American society, would rather aid and abet him than otherwise; and as for our government, it could have no excuse for interfering with the movement. Looking at it, then, in this point of view, Walker's vision of empire seems anything but chimerical. It is quite realizable, and the chances in its favor are evidently greater than those against it.

As to Walker's edict, annulling, among other old laws, the decree abolishing slavery, it was not issued in the interest of the Southern States of this republic, as has been represented. It was rather issued in the interest of the social progress and development of Nicaragua. Previous to the revolutions in which these Central American republics threw off their dependence on Spain, slavery existed there in virtue of the common law. Its existence depended not on constitutional provisions nor on written law, but simply on common usage and the natural law. But when the revolution was successful, its leaders, acting under the influence and exaggerated ideas of the old French Revolution, and assuming in its broadest sense the principle evolved in our own Declaration of Independence, that all men are created equal, passed decrees abolishing slavery in those States.

It is to be observed that Costa Rica is at war with Nicaragua, and the United States are at peace with both.

The neutrality laws are not confined to a mere prohibition of enlistments of men to serve in foreign armies against countries at peace with the United States. Those laws forbid the hiring or retaining of men to serve in any military capacity abroad. But we readily concede that those laws are not violated by the holding out of inducements to persons to leave the United States for the purpose of being enlisted in a foreign service; and when Mr. Marcy asserted, in his correspondence with Lord Clarendon, that the Courts here had held such a proceeding to be unlawful, he stated what was wholly incorrect. It was this assertion which gave Mr. Martineau an apparent advantage in the enlistment controversy, and not his lumbering and inapplicable quotations from the writers on public law.

We have no sympathy with Walker's projects—his object is to establish slavery in Central America; and if he succeeds, there will be a few rich aristocrats there, and a multitude of poor wretches forced to spend their miserable lives for the aggrandisement of their oppressors. As to the natives, who are a simple and worthy race of people, they will be utterly exterminated by these ruthless invaders.

The Tribune of November 24th says

It appears from the official statements in *El Nicaraguense*, Walker's newspaper organ, that within the last fourteen months he has received from the United States a little over 4,100 recruits. Of these, 144 are reported as having been killed in battle. Walker's whole force on the 1st of November, including the late arrival of 225 men from New Orleans, under Col. Jacques, was, by the returns, only 1,379 men, leaving about 2,700 to be accounted for. The discharges made by Walker are very few, and only of those absolutely incapacitated by service by wounds or sickness, except now and then one who has been able to master the means to purchase his release from this degrading and dangerous servitude. A certain number have attempted to run away, but this is too perilous for many to venture upon; and even those who succeed in escaping the vigilance of their master run great risks of perishing miserably of starvation or sickness before they can make their way home. With the most ample allowance, then, for discharges and runaways, it is reasonable to conclude that more than 2,000 young men from Walker's ranks have perished from the disorders and the climate since Walker undertook his filibustering conquest of that country.

At whose door do the deaths of these deluded young

men lie? Not so much at Walker's as at the door of those men in New York, New Orleans and San Francisco, who have been the active instruments, the crimps who have entrapped these victims; and still more at the door of those speculating capitalists who have furnished the means to transport them to Nicaragua, there to become the military slaves of Walker. Nor does the responsibility end with these men. It lies also at the door of a government which has suffered this horrible trade to go on in direct defiance of our neutrality laws, without anything more than merely colorable attempts to prevent it, and of late without any attempts at all. This is a trade far worse than the Coolie trade, of which the worst that can be said is, that the Coolies are enticed from home to be worked to death or starved to death for the benefit of their purchasers, while Walker not merely exposes his dupes to become the victims of still more frightful mortality, but employs them, not in any innocent or productive operation, but in robbery, plunder and the expulsion from their homes of the native Nicaraguan proprietors, whose lands and houses he takes possession of and advertises to sell at auction.

The Tribune is mistaken in supposing that the emigration of Walker's men from the United States to Nicaragua has been in direct violation of the neutrality laws. It does not appear that any of these men have been enlisted or hired here; for aught that appears, they were never under any obligation whilst in the United States to leave and go and serve Walker.

The people here have a right to go abroad and serve in foreign armies, and the neutrality laws were passed merely to prevent those acts which foreign nations might complain of as breaches of neutrality. There is nothing to hinder any number of persons from going as passengers on board a steamer bound for Nicaragua, and it is perfectly lawful to invite and persuade them to go—also to pay for their passage. No Court in the United States has ever decided to the contrary of this.

An army cannot be collected in the United States for the invasion of Canada; a fleet cannot sail out of the port of New York for the invasion of Cuba; but the Government has no right to prevent individuals from going to Nicaragua with intent to become soldiers there.

It can, however, under the act of Congress, prevent any "military expedition or enterprise" from being carried on from the United States against any people with whom the United States are at peace. And although this may not apply to the case of an expedition to Nicaragua, yet the law of nations would be violated by this Government if it permitted armies or fleets to go from the United States to aid Walker in his war with Costa Rica.

The New York Herald asserts that Walker's plan is to build up an independent Central American and Mexican federal Republic, to act as a counterpoise to the United States, and that he expected to be recognised by the Governments of France and England on that account; and the Herald adds, that his plans having been discovered, the Government at Washington will exert itself to procure the annihilation of Walker and his army.

That Walker may have tried to entangle the Governments of England and France with this story is very probable. A similar trick was played off with success in the case of Texas, but as soon as the independence of that country was acknowledged by France and England the necessary measures were taken for its admission into the Union. Doubtless, Walker and his confidants in the Southern States would like to have his rule acknowledged by France and England, for there would then be nothing to hinder him from opening the Slave-trade. His support comes entirely from the South, and it is the object of Southern statesmen to acquire fresh territory which may become slave States, so that the control of the federal Government may be firmly secured in the hands of the oligarchy. As to any hostility to Walker on the part of the United States Government, whatever show there may be of it, we hold that it will be a mere pretence got up for the purpose of deluding the Governments of France and

as to prohibit either of the belligerents from acquiring the enemy's country, it would be at once answered that the object of war by land would be defeated by that restriction, and it is clear that the object of a maritime war would in like manner be defeated if the enemy's ships could not be captured.

A great maritime power might, in many instances, derive an advantage from the strength of an absolute immunity were enjoyed by merchant vessels.

Suppose, for example, a case of war to exist between England and the United States, the latter, to enforce its demands, might undertake to seize Canada. If successful, the conquest would be retained as a "material guarantee." Now, is England to be prevented from using her naval power to force the enemy to make peace? If an armistice or a truce is not reached, the conquest and standing armies are useless, except in certain cases where the enemy has possessions or dependencies which can be reached only by sea, and which may consequently be seized by the nation having a naval preponderance.

Those persons who propose the absolute exemption of ships of commerce from capture entirely overlook the nature and objects of a state of war, and proceed upon a mistaken hypothesis respecting military operations by land. The adoption of their theory would aggrandize the importance of the great military nations, and reduce that of England to a mere shadow. These theorists, however, have mistaken the nature of President Pierce's proposition, which, as we have fully shown, is of no real use or importance, accompanied, as it is, by an express recognition of the right to prevent all kinds of trade with the enemy's ports.

PRIVATEERING.

Whether the Policy of Privateering has been questioned by the best Authorities.

Mr. Marcy says: "The right to resort to privateers is as clear as the right to use public armed ships, and as incontestable as any other right appertaining to belligerents. The policy of that law has been occasionally questioned, not, however, by the best authorities; but the law itself has been universally admitted, and most nations have not hesitated to avail themselves of it; it is as well established by practice and public opinion as any other to be found in the maritime code."

Such audacious assertions as these suffice for the moment to carry away a few giddy journalists who are unacquainted with the peculiar style of American diplomacy, conducted as it is by lawyers, intent on making popular displays. But a little examination will lead to the discovery that Mr. Marcy's premises are totally unfounded.

It is grossly incorrect to say that the law authorizing privateering is as well sustained by public opinion as any other to be found in the maritime code, the fact being that privateering has been almost universally denounced in modern times.

We will first notice the statement that "the policy of that law has been occasionally questioned, not, however, by the best authorities."

The leading American authorities, whether they are the best or the worst, or only second rate, certainly do not favor privateering.

Chancellor Kent, in his fifth lecture on the Law of Nations, (*Kent's Com.*, vol. 1, pages 96 to 98,) after observing that, as a necessary precaution against abuse, the owners of privateers are required by the ordinances of the commercial states to give adequate security that they will conduct the cruise according to the laws and usages of war and the instructions of the government, and that they will regard the rights of neutrals, and bring their prizes in for adjudication, and that these checks are essential to the character and safety of maritime nations—denounces the system in the following language:

"Privateering, under all the restrictions which have been adopted, is very liable to abuse. The object is not fame or chivalric warfare, but plunder and profit. The discipline of the crews is not apt to be of the highest order, and privateers are often guilty of enormous excesses, and become the scourge of neutral commerce."

"Under the best regulations the business tends strongly to blunt the sense of private right, and to cherish a lawless and fierce spirit of rapacity. Efforts have been made from time to time to abolish the practice."

"The efforts to stop the practice have been very feeble and fruitless, notwithstanding that enlightened and enlarged considerations of national policy have shown it to be for the general benefit of mankind to surrender the licentious practice, and to obstruct as little as possible the freedom and security of commercial intercourse among the nations."

Let us now contrast this, written in the year 1832, with Mr. Marcy's favorite authority, which he says "will be

regarded with profound respect," viz., *A Commentary on the French Ordinance of 1811*, by one Vallu. He is quoted by Mr. Marcy as follows:

"However lawful and thus-honored this mode of warfare may be, it is nevertheless disapproved of by some pretended philosophers. According to their notions such is not the way by which the state and the sovereign are to be served, whilst the profits which individuals may derive from the pursuit are ill-thought of at least disapproved. But this is the language of bad citizens, who, under the stately mask of a sublime wisdom and of a really sensitive conscience, seek to mislead the judgment by a representation of the secret motives which give birth to their indifference for the welfare and advantage of the state. Such are as worthy of blame as are those entitled to praise who generously expose their property and their lives to the dangers of privateering."

But, according to Mr. Marcy, Chancellor Kent, Benjamin Franklin, &c., are "pretended philosophers" and "bad citizens," who, "under the stately mask of a sublime wisdom, and of a really sensitive conscience, seek to mislead the judgment by a representation of the secret motives," &c.

This Vallu was a French provincial Advocate, who died in 1766. The idea of setting up his absurd ramblings on this subject as being entitled to "profound respect," must, it is conceived, have originated with Mr. Marcy's colleague, Mr. Cushing, as it savors strongly of his dashing style of argumentation.

Wheaton, in his *Elements of International Law*, part 4, chap. 2, sec. 10, says: "The practice of cruising with private armed vessels, sanctioned by the state, has been hitherto sanctioned by the laws of every maritime nation as a legitimate means of destroying the commerce of an enemy. This practice has been justly assigned as liable to gross abuses, as leading to encourage a spirit of lawless depredation, and as being in glaring contradiction to the more enlightened modes of warfare practised by land. Powerful efforts have been made by humane and enlightened individuals to suppress it, as inconsistent with the liberal spirit of the age."

Benjamin Franklin, when he was engaged in negotiating the treaty of peace in 1763, between his own country and Great Britain, communicated to Mr. Oswald, the British Commissioner, his views on the practice of privateering:

"The practice of robbing merchants on the high seas, a remnant of the ancient piracy, though it may be accidentally beneficial to particular persons, is far from being profitable to all engaged in it, or to the nation that authorizes it. In the beginning of a war some rich ships, not upon their guard, are surprised and taken. This encourages the first adventurers to fit out more armed vessels, and many others to do the same. But the enemy at the same time become more careful, arm their merchant ships better, and render them not so easy to be taken; they go also more under the protection of convoys; thus, while the privateers to take them are multiplied, the vessels subject to be taken and the chances of profit are diminished, so that many cruises are made wherein the expenses overgo the gains; and, as is the case in other lotteries, though some have good prizes, the mass of adventurers are losers. The whole expense of fitting out all the privateers during a war being much greater than the whole amount of goods taken. Then there is the national loss of all the labor of so many men during the time they have been employed in robbing; who, besides spending what they get in riot, drunkenness and debauchery, lose their habits of industry, are rarely fit for any sober business after peace, and serve only to increase the number of highwaymen and housebreakers."

The following is an extract from *La Presse*, of August 28th, 1855.

"The assent to the custom of sending forth privateers in the wars between maritime nations has not been so unanimous as the Secretary of the United States pretends. It is strange, indeed, that he should be the man to forget this fact. He may forget that Russia first set the example of abstaining from the practice in her war against Turkey in 1767 up to 1774. He may forget that the Constitutional Assembly of France proclaimed at a later period the principle of its abolition. But does he forget that the United States can boast of having condemned the custom, in a celebrated treaty, concluded by one of her greatest statesmen?"

"While we are on this subject, we may be permitted to point out another instance of a similar character, in which Mr. Marcy has made another sacrifice of truth in favor of his special argument. He says: 'The policy of the law authorizing this practice has at different times been called in question, but never by any competent authority.'"

"Now is this? Does he mean to say that Franklin, the author of the treaty of 1763, is not a competent authority for the present Secretary of State of the United States?"

The Difference between Privateers and Public Ships of War. The Evils of Privateering.

La Presse of August 28 says:

"Mr. Marcy cannot mean seriously to assimilate the

irregular action of privateers, in wars between nations, with the regular maritime forces. The ships-of-war of the state, and the regular forces in them, evidently afford guarantees of moderation, of discipline and of humanity, such as are not to be met with among privateer vessels. The officers who command afford a guarantee of respect for the legal warfare on their part, in many points, such as, for example, the dignity of their position, and their responsibility, and especially the superiority which the sentiment of honor imparts compared with the base and sordid motives of gain by which privateers are actuated. Another guarantee of this kind results to them from the authority they hold over the crew submitted to their orders; whereas the privateer will always be as great a terror to neutrals as to the enemy; for he sails along the sea for his own private gain, and with no other object but to enrich himself by plunder. In the midst of the ordinary expenses of the wide waters, he is subject to an control which can restrain him; his position does not other check over them than the vague prohibition of a distant and imperfect legislation.

"It cannot, then, be with serious intent that Mr. Marcy cites just experience on this point, and maintains that a state can always prevent such abuses. Past experience proves, on the contrary, that the most severe legislative enactments have fallen useless and impotent against the spirit of gain which inspires the privateer. In France, notwithstanding laws—the ordinance of 1811, the regulations of 1778, the decree of the spring month—Anno II—all tend to prove both the inefficiency of the legislation, and the existence of the excesses which his vanity emboldens to commit."

"We cannot, therefore, agree with the assimilation made by Mr. Marcy between letters of marque given to privateers in maritime wars, and the enrolment of volunteer troops still in use in continental wars. What relationship can there be supposed to exist between volunteer corps and privateers? Volunteer corps enter into the ranks of the regular army of the state; they are subjected to the same discipline, commanded by the same commander-in-chief, and they fight for the state, and against the public enemy of the state. What have they in common with privateers?—men who arm themselves and fight for themselves against persons and private property."

"From hence we conclude that the mere abolition of the maritime custom in use hitherto is of itself a great progress."

The *London Times* of August 21st, 1856, points out some of the evils of the system of privateering:

"In spite of the arguments of Mr. Marcy, we think there is a great difference between the morality of privateering and the capture by ships of war alone. No doubt the captain and crew of a ship of war are to some extent encouraged by a hope of prize-money; but it must be allowed that officers educated in a high sense of honor, and looking for their reward in reputation and a good standing with their profession and the public, are likely to carry out the system of capture in a very different spirit from mere adventurers united only by a thirst of gain. The crew of a government vessel is subjected to a severe discipline; its captain is obliged to furnish a strict account of all his proceedings. Very different is the case of the privateer; the crew are generally the most wild and ruthless of a profession which is happy to encourage a disregard of restraint; they go anywhere and do anything with little questioning from their own government. Their responsibility is lessened by their very obscurity, and generally is such that nothing short of actual atrocities could lower them in the opinion of their fellows. In fact, privateering is too apt to degenerate into piracy. The captain of such a vessel will take every advantage, without pity or remorse, while an officer of the regular navy is hardly likely to stretch rights to the utmost, and embitter the contest by cruelty and rapacity."

[To be continued.]

[From the New York Evening Post.]

Literature by the Square Foot.

An amusing story is told of one of the *nonnains riches* that inhabit the West End of this metropolis.

Our millionaire built and equipped a splendid palatial residence in the upper part of "the Avenue." There was wanting no elegance, no luxury, no embellishments, that vanity could suggest or money purchase. Superb mirrors, measured not by inches but by yards, flanked the spacious walls; heavy silk brocades, richly embroidered, hung from the ceilings within elegant and massive ornaments of gold; royal Wilton and Axminster carpets vied in their soft and delicate texture with the rich and aristocratic Aubusson upon the expansive floors of the salons; elaborately carved rosewood, ebony and buhl furniture graced every room; while, in a word, all the appliances of wealth, voluptuousness and refinement were there, each in its proper sphere.

One room only had been overlooked—the library! There stood the elegant book-cases gaping for their treasures, but unsatisfied.

Our nabob had two nieces residing with him—beautiful as hours, lovely as the queens of day and night.