

powers against privateering, we had from our State Department a long legal essay, in which it was affirmed to be the modern law and usage of civilized nations, that private property should not be interfered with in war by land, and it was inferred that private property should enjoy immunity at sea, and the adoption of that rule was suggested by way of amendment to the rule against privateering. (Letter of Mr. Marcy, Secretary of State, to M. de Sartiges, the French minister at Washington, dated July 28, 1856, on the declaration of the maritime powers of Europe concerning maritime law, privateering, &c.) Soon after we showed our adherence to this doctrine by destroying the dwelling-houses and crops of the inhabitants of the seceded States, after fully acknowledging them to be belligerents. And it will be found, on referring to Kent's Commentaries, Vol. 1, Lecture 5, (7th edn.,) that when we were at war with Mexico, Mr. Marcy, then being Secretary of War, revoking previous instructions, directed General Taylor to levy contributions on the Mexicans, "without paying or engaging to pay therefor;" whereupon the annotator observes, that "the principle of kindness and liberality towards the enemy seems to be of a *flexible character*." As flexible, it would appear, as the principles of our statesmen when dealing with the law of nations.

SUGGESTED SUPERVISION BY CONGRESS—THE CASE LAID BEFORE
THE ARBITRATORS HIGHLY OBJECTIONABLE, AND CALCULATED
TO CREATE ILL-WILL.

There is only one thing we have been always consistent in, and that is our steady adherence to an illustrious precedent. With us the single question has always been, whose ox has been gored, and we have applied the law accordingly. The vagaries of our State Department in matters of international law require repression, and it is high time for Congress to take the matter in hand.

A good deal of dangerous popularity hunting has been indulged in by those who have had the management of our foreign relations. The public have been excited by the