

THE SPANISH FLOTILLA.

A Seizure to be Made To-Day.

SEÑOR ALFARO'S AFFIDAVIT.

Five Spanish Frigates En Route to New York.

Excitement in Diplomatic Circles in Washington.

OPERATIONS OF THE JUNTA.

Contrary to the expectations of the Cuban Junta and others, the seizure of the Spanish gunboats by the civil authorities did not take place yesterday. In consequence of the time required for completing the necessary documents, a separate libel has to be made out for each gunboat, one copy of which is served on the vessel, another is sent to Washington, another is deposited with the United States Marshal, and the fourth is retained by the United States District Attorney. Thus 120 documents are necessary for the simple act of taking possession of the thirty vessels. These, together with all the accompanying papers, were to have been completed last evening, and it is expected that the seizure will be made this morning. At a late hour yesterday Judge Pierrepont telegraphed to Washington for further instructions, but the nature of the reply has not transpired.

THE LIBELLING AFFIDAVIT.

upon which District Attorney Pierrepont's action is based, was made by Señor Alfaro, of the Junta. This gentleman has been closely watching the vessels from the day the first keel was laid until the present time, and through discreet agents he has kept himself posted respecting every movement made in connection with them. As soon as the Spanish government made the formal demand for their surrender he drew up an affidavit, setting forth the character of the gunboats, stating that their armament and munitions had already been conveyed to Havana; that the officers and crews intended for them were present in the harbor, and that their evident purpose was not only to make war upon an established government in Cuba with which the United States was at peace, but to relieve the Spanish squadron and enable it to resume hostilities against the friendly nation of Peru. This affidavit having been placed in the hand of Judge Pierrepont measures were at once adopted by that officer to execute the laws relating to the subject.

It having been suggested to Señor Alfaro that according to the neutrality laws one-half the proceeds from the sale of vessels condemned for violation of said laws goes to the informer, that gentleman announces that should the gunboats be condemned and sold he shall present to the treasury of the Junta whatever amount may accrue to him from the transaction.

The gunboats are still in the hands of the naval authorities, some officer from the Navy Yard being constantly on duty with a tug at the wharf where the gunboats are lying. A revenue cutter is anchored out in the stream, and every precaution is taken against any one of the vessels stealing away. The sum to be paid for them by the Spanish government has been kept a profound secret, but some idea may be formed of their cost from the fact that the sails of each vessel were contracted for at \$3,000, making \$90,000 for this item alone. As the sails are small and few in number, the total contract price of the vessels, estimated from these figures must be rather a heavy bill for Spain to pay in the present condition of her finances.

THE CUBAN JUNTA.

is in the best of spirits over the new aspect of affairs and the headquarters at No. 71 Broadway was crowded yesterday with enthusiastic Cubans. Half a dozen officers of the steamer Cuba, seized at Wilmington, were assembled about the place most of the day, and notwithstanding their own disappointment in not being able to carry out their purposes with the new Cuban war steamer, seemed to be scarcely less pleased than the Cubans themselves at the prospect of assistance to the cause from the United States authorities. The apartments of the Junta were thrown open, and the secrecy which has usually characterized business there was wholly dispensed with. Only one or two members of the Junta were present, and at times the headquarters were left entirely in the charge of the attendant, who busied himself at a desk in the ante-room while visitors strolled in and out of the apartments and spread themselves about as if it were a sort of moving day and the occupation of the Junta had ceased. Occasionally a member of the Junta would drop in, chat with his acquaintances, smoke a cigarette while he looked over the papers, and then drift out again, evidently in a very comfortable frame of mind.

In an upper room, at some distance from these headquarters, a very different scene was presented. Here the members of the Junta sat in council around a long table, and two secretaries at an adjacent desk were busily writing. The proceedings of the council were secret, and whenever the meeting was disturbed by callers all business was suspended until the visitor had left. The nature of their deliberations will transpire in a day or two, however, with important results to the Cuban interests involved in the seizure of the gunboats.

The Junta claims that according to established precedent the Spanish gunboats must be condemned, and cites the case of the privateer Josefa Segunda, which, in the year 1820, was sent out by the colony of Venezuela, while that colony was in insurrection against Spain and before there had been any recognition of the belligerency of the insurgents. This privateer captured a Spanish merchantman and brought her prize into an American port. The Spanish government made a demand for the surrender of the vessels, and the United States Supreme Court decided that although Venezuela had not yet been recognized as a belligerent the existence of war between her and Spain was everywhere known, and that she was by her maintenance of the war virtually an independent State. Upon this decision the request of Spain was denied, and the vessels were declared to be the lawful property of the insurrectionary colony of Venezuela. The Junta applies this theory to the situation in Cuba, and argues that on the same principle the United States must recognize the Cuban republic as a State at peace with the United States, and prevent Spain from carrying on any operations against Cuba from American ports. The Cubans also place great reliance upon the action of Congress, now about to assemble, and are highly gratified and encouraged by the numerous petitions being signed by the American people praying for the recognition of Cuba by the United States. In addition to the memorials which have been signed by thousands in New York, Boston, Philadelphia and other cities throughout the country, a monster petition has just been started by the ladies of Baltimore, to be signed only by ladies. Four thousand signatures have already been obtained in that city alone, and it is intended to circulate the petition throughout the State, and finally to present it through a delegation to visit Washington for that purpose. The members of the Junta state that if they can do no more than secure the retention of the gunboats until Congress meets they will be content, as they feel assured that among the first acts of Congress will be the formal recognition of Cuba.

SPANISH FRIGATES COMING.

Letters received by the Junta from Havana state that five Spanish war vessels are about to proceed from Cuban waters to New York. These vessels are the iron-clad frigate Victoria, the first class wooden frigates Almansa and Gerona and the second class frigates Lealtad. These are to come to New York together, under the command of Admiral Mal Campo, and with the Pizarro, now in the harbor, will make quite a formidable squadron. The ostensible purpose of these

vessels in visiting New York is to have their bottoms cleaned and undergo repairs; but the Junta is of opinion that so large a fleet would not come here at this juncture for such an object, and claims that the movements of the squadron are connected with a game of Spanish bravado.

THE PERUVIAN CONSUL.

has not been at his consulate for several days in consequence of illness; but the official representing the Consul states that nothing has transpired at that office in connection with the present movement respecting the gunboats. No communications have been received from the Peruvian Minister on the subject, and no official notice is taken of the affair. What the Peruvian Minister may be doing at Washington has not transpired.

THE SPANISH CONSUL.

since the commencement of the present proceedings against the gunboats, has been very active, but declines to give any information. All interrogatories respecting the gunboats are parried in the most courteous but baffling manner, and the lips of his subordinates are as closely sealed upon the subject as if their official existence depended on their reticence. While Spanish emissaries track the Cubans and watch the movements of the Junta Cuban agents no less carefully observe all the operations of the Consul; and it is not unfrequently the case that more information can be obtained from these detectives concerning the proceedings of their respective game than from the principals themselves. The Spanish Consul makes considerable use of the telegraph in communicating with his Minister at Washington, and seems to be quite confident that the gunboats will be allowed to depart in a few days.

Excitement in Diplomatic Circles in Washington Over the Seizure of the Spanish Gunboats—Abundant Rumors.

WASHINGTON, Nov. 23, 1860.

The news of the intended libelling of the Spanish gunboats created quite a sensation here in diplomatic and official circles when it became generally known. Several telegrams were received from parties in New York by officials here, inquiring whether there was any prospect of a rupture between Spain and the United States. From this it was surmised that the news in New York must be of a warlike character, and these telegrams only added to the general excitement. The city was full of rumors, one of which was to the effect that the Spanish Minister, Mr. Roberts, had called upon Mr. Fish, and after an excited interview had demanded his passports. Another was that a fleet of Spanish war vessels had appeared outside the bar in New York harbor, to back up the Spanish Minister's demand for the release of the gunboats. These and similar stories upon being investigated of course proved groundless.

Your correspondent on inquiry in the proper quarter ascertained that the question of the detention of the gunboats has not yet assumed the shape of a controversy between the government of Spain and that of the United States. It is regarded here, at least by the Spanish Legation, as still a private affair—an affair between the contractors for the gunboats and the United States. In other words, the gunboats are not supposed to be in the possession of the Spanish government until they are formally delivered over to the parties authorized by that government to receive them. It is held by the Spaniards, therefore, that the contest now is between the United States and the contractors, and that it must be settled by them before it comes up for consideration between Spain and the United States. I learn that the Spanish Minister has not, as stated, made any formal demand upon our government for the release of the gunboats for the reasons above given. It is evident, however, that the question must eventually become the subject of consideration between the two governments.

Publication of the Diplomatic Correspondence Relating to the Spanish Gunboats—Views of the Peruvian Government—Is Peru at War with Spain or at Peace?—An Article in the Interest of the Spanish.

[From the Washington Chronicle, Nov. 23.]

In the diplomatic correspondence of the United States transmitted by the President to the Fortieth Congress at its last session, and recently published, we find a series of despatches which stand in very intimate and interesting relation to the case of the Spanish gunboats now under detention at New York. Be it remembered that these vessels were detained at the instance of the Peruvian Minister, on the ground of existing war between Spain and Peru, and the consequent alleged right of Peru to have them detained by the American government, as a duty of neutrality, according to the law of nations. It is not pretended that these vessels are intended to cruise against Peru; but it is alleged by the Peruvian Minister that the employment of these vessels by Spain, although not against Peru, they being, indeed, wholly unfit for and incapable of any such use, yet might have the effect of settling at liberty other vessels belonging to Spain which could be employed against Peru. It is in that point of view purely a question of international law, depending on the diplomatic discretion of the President.

The right of Peru to interpose in this matter and the right of the President to proceed independently of acts of Congress depends on the question whether the relations of Spain and Peru at this time really constitute a state of war. Now, it is remarkable that this very question was fully discussed, and, so far as Peru is concerned, conclusively determined, more than a year ago, in a matter between the same governments, but with a reversal of their present position. Peru then desiring to despatch ships of war from our ports against the objection of Spain.

On the 14th of April, 1859, the then Peruvian Minister, Mr. Garcia, addressed a communication to Mr. Seward, in which he stated that all hostilities between Peru and Spain had ceased on the 2d of May, 1858; that the consequent state of things was a real peace, in so far as regards the duties and rights of neutral powers; that it was a peace *de facto*, as determined by the United States and by other powers in similar circumstances, in the case of the new Spanish American republics prior to their recognition by Spain; that in the present case it had already been so decided by Great Britain; that the state of war had absolutely ceased, and that it was no longer either the right or the duty of the American government to treat Spain and Peru as belligerents, or to subject either of those governments to any restrictions in the ports of the United States. On the 20th of April, 1859, Mr. Seward replied, requesting further information on the subject. Mr. Garcia rejoined on the 8th of May, 1859, asseverating in the most explicit terms that "a formal state of war no longer exists between the allied republics (Chile and Peru) and Spain," and making further explanations, as desired by Mr. Seward. On the 20th of July, 1859, Mr. Garcia reverted to the subject in an elaborate argument, with citation of authorities of public law and reference to historical precedents and with reiterated and formal declarations that the state of war between Peru and Spain had ceased and that the state of peace exists, in so far as regards all questions of the neutral obligations of other Powers.

The result of these despatches was to induce the American government to allow Peru to purchase in the United States two monitors and despatch them to Peru. More than a year has elapsed since that occurrence, with no change in the relations of Peru and Spain except in the lapse of time which fortifies the arguments of Mr. Garcia. If there were no state of war involving neutral Powers then, *a fortiori*, there is none such now.

We do not know how the present Peruvian Minister regards these facts; but it would seem that the Peruvian government, after thus solemnly assuring the American government that the war had ceased and a state of peace had supervened, and having taken advantage of this doctrine as against Spain, and induced the American government to accord to Peru the benefits of a state of peace to the prejudice of Spain, cannot in good faith change its ground and pretend now to the benefit of a state of war to the further prejudice of Spain. In legal phraseology, Peru is now estopped from pretending that she is at war with Spain.