

THE SPANISH MOSQUITO FLEET.

Notice of Motion for Quashing the Libel Served on Judge Pierrepont Yesterday—No Further Instructions From Washington—The Application of Señor Lemus Expected to Come Before the Cabinet Meeting To-Day.

No new developments occurred yesterday in the matter of the Spanish gunboats, seized by the Marshal under a writ issued out of the United States District Court, as a court of maritime and admiralty jurisdiction. Marshal Harlow retains possession of them through his deputies, and the armed tug *Martin Kalbfleisch* is still in position to prevent any of the boats from leaving their moorings. Mr. Delamater's workmen were all duly on hand yesterday morning, and experienced no interruption with their labors from the officers, except that here and there, now on this and now on another boat, the Marshal's deputies either asked for or offered a "chew" or a pipefull of tobacco, or engaged in a pleasant chat with the men at work to while away the time. In the afternoon Mr. E. W. Stoughton, as proctor in admiralty for the claimants, Messrs. Delamater & Co., visited the office of the United States District Attorney, and served Judge Pierrepont with the following notice:—

THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK:—

A certain Gunboat, lying at the foot of Thirteenth street, North river, known as Gunboat No. 1, her Tackle, &c., vs. The United States; and Twenty-nine other Gunboats, numbered from 2 to 30 inclusive, their Tackle, &c., vs. The United States.

To EDWARD PIERREPONT, Esq., District Attorney:—

SIR—Please take notice that in each of the above entitled causes I shall move the court, on Thursday next, the 2d proximo, at three o'clock P. M., or as soon thereafter as counsel can be heard, to discharge from custody the gunboats, their tackle, &c., proceeded against above, for the following reasons among others:—

First—That the peculiar construction and general character of the aforesaid gunboats are conclusive against the allegation of the libels that the gunboats aforesaid were furnished or fitted out with intent to cruise and commit hostilities on behalf of Spain against the subjects or citizens of Peru.

Second—That the political relations existing at the time the gunboats proceeded against above were furnished or fitted out between the government of Spain on the one hand and Peru on the other hand were not warlike, but peaceful, rendering it improbable, if not impossible, that the aforesaid boats were so furnished or fitted out with intent to be used by Spain to cruise or commit hostilities against the subjects, citizens or property of Peru.

E. W. STOUGHTON,
Proctor and counsel for claimants.

New York, Nov. 29, 1869.

Before serving this notice on Judge Pierrepont Mr. Stoughton inquired of Judge Blatchford what day and hour would suit him best to take up the case, and the Judge himself fixed the time named in the foregoing notice. It seems, therefore, conclusive, that this important litigation will be reached in the court on the day and hour named.

On serving the notice Mr. Stoughton informed the District Attorney that the papers on which this motion is based, and which will be used as evidence in support of the discharge of the boats, are being prepared and will be printed in the course of this day, when copies will be placed in the hands of Judge Pierrepont. The latter gentleman declared himself fully satisfied with the arrangement and announced his readiness to go into the argument at the appointed time. As was stated in the *HERALD* on Sunday, no application will be made to the Court for the release of the gunboats under bonds, nor has the Spanish government or any of its representatives appeared in the matter officially.

The District Attorney has received no further instructions from Washington in regard to the attitude the government has resolved to take in the matter. The application of the Cuban Envoy, Señor Lemus, to libel the vessels for the reason that they are intended to cruise and commit hostilities against the subjects, citizens and property of the colony, district or people of Cuba, with whom the United States are at peace, together with the annexed affidavit and legal opinion, all of which appeared in full in the *HERALD* of Sunday last, was forwarded to Washington by Judge Pierrepont by Saturday night's mail. It is believed, by those in this city, who claim to be well informed on the subject, that this application on behalf of the Cubans will be submitted to the Cabinet at its regular meeting to-day, and some definite conclusion arrived at concerning it, of which Judge Pierrepont may be informed either to-day or to-morrow, by telegraph or post, fully in time to file an amended libel containing the suggested clause about Cuba, before the case is reached in the District Court on Thursday next.