

# THE SPANISH MOSQUITO FLEET.

**No New Developments Yesterday—The Administration Silent on the Application of the Cuban Envoy—The Papers for the Motion to Release the Vessels Not Yet Ready—The Tactics of the Defence.**

In the matter of the Spanish mosquito fleet, by which name the thirty gunboats contracted for by Messrs. Delamater & Co. have now generally become known, nothing new transpired yesterday. Marshal Harlow tenaciously, as in duty bound, holds on to his possession of them. His deputy, Mr. A. H. Winslow, visits and examines the boats twice a day to see that nothing is being done towards a clandestine removal of the vessels "in limbo." Another deputy marshal (Mr. Crowley) is continually at his post, in command of the armed tug Martin Kalbfleisch, and the crew of this tug and the watchmen are under his order. Of the latter there are six employed in all, whose duty it is to make the round among the boats, from No. 1 to No. 30, from two to three times a-day. Twenty of them are moored at the foot of Thirteenth street and ten at the foot of Seventeenth street, in the North river. The Martin Kalbfleisch keeps up constantly a full head of steam and is patrolling in the river with a watchful care. It is probable, at least, that it is the intention of Marshal Harlow to discharge the Martin Kalbfleisch in a few days from further service under his orders and to make a requisition for a naval gunboat to do duty as a watch over the mosquito fleet. It is not believed, however, that there is any danger at present that these boats might get away contrary to the wishes of the government or without the permission of the United States Court, nor is it believed that any person concerned in the boats does at present entertain any idea or harbor any intention thus to interfere with the course of law and speed the vessels away in spite of the United States authorities. But still, to be prepared for all emergencies, arrangements have been perfected through the Navy Department to have a sufficient naval force, and even some revenue cutters, ready at a moment's notice to stop these boats from leaving port before they are lawfully released by the decree of the proper judicial tribunal. Work on the unfinished boats progressed yesterday as usual.

The statement in yesterday's HERALD to the effect that the application of Señor Morales Lemus to libel the gunboats on the ground that they are intended to make war upon the people of Cuba would be submitted to the Cabinet yesterday at its regular Tuesday's meeting was generally assumed to have been correct. Yet up to the close of business hours yesterday afternoon, Judge Pierrepont had received no intimation from Washington as to the decision arrived at by the administration on this highly interesting and, in international aspect, very important question. At the District Attorney's office this information was anxiously expected, but it was considered as probable that whatever the resolution of the Cabinet may have been it will be communicated through the regular and official channel through the mails, no serious delay being occasioned by this course, the time for hearing the motion for the release of the gunboats being set for Thursday, at three P. M., leaving fully time enough for elaborate and precise instructions to reach Judge Pierrepont from Washington more than twenty-four hours earlier, enabling him to act according to the views of the administration.

It will be recollected that the notice of motion for the release of the boats was signed by Mr. Edwin W. Stoughton as proctor for the claimants, and that it was arranged between him and the District Attorney that copies of the papers, affidavits and other documentary evidence should be furnished the latter before the hearing of the motion commenced. These papers, it is understood, relate chiefly to two matters which it is asserted they would prove conclusively. First, that, according to the rules of war and of international law as expounded and observed by all civilized nations in their intercourse with each other, the relations of Spain with Peru are those of peace and not of war, and this it will be sought to establish by copious references to the diplomatic correspondence between the American State Department and the representatives of Spain and Peru, to official declarations of both these governments through their recognized diplomatic organs, and to facts of history since the cessation of actual hostilities between the two countries. And, second, it is intended to produce the sworn statements of shipbuilders, experienced mariners and of men well versed in naval architecture, naval warfare and the perils of the sea, who are acquainted with the details of construction of the thirty boats in the North river, in order to show that vessels of such peculiar build and of such light draught would not be fitted for such a long ocean voyage as a trip around Cape Horn, which they would have necessarily to make were they to be used in a hostile expedition against Peru, on the west coast of South America.

These papers have not yet been completed. Mr. Stoughton, it was said, was engaged in their preparation last evening, and it was expected they would be finished and printed to-day. It is quite possible, however, that the application of Señor Lemus, of which mention is made above, may have something to do with this delay: for, should the administration decide to instruct Judge Pierrepont to proceed against the vessels on the ground suggested by the Cuban Envoy, and under an amended libel, the defence would have to change its tactics entirely, for it is well known that the Spanish Minister at Washington, Señor Roberts, had officially stated to Secretary Fish that these gunboats were to be employed against the insurgents on the island of Cuba. This admission having been made, the counsel for the claimants could not deny the fact, and upon this point there could be no issue. In that case the defence would turn upon two points, one of law and the other of fact. The one of law would be in how far the third section of the Neutrality act of 1818 and a proper and legitimate construction of its terms would authorize the seizure of these boats, while the question of fact would bring into court the whole history of the Cuban revolution, its extent, proportions and means, in order to have it decided whether, if the law be applicable, the Cuban insurrectionists do really constitute such a "colony, people or district" as is meant by the law. This latter view of the probable tactics of the defence has been talked of and will be considered whenever the course of the administration should necessitate it, though it has also been intimated that the representatives of Spain might feel in duty bound to put their veto in such a defence, as it is rather more than probable that Spain will think it a slight upon her honor and dignity as an independent State to have her relations with the inhabitants of one of her colonies judicially investigated and passed upon by a foreign tribunal.

It is understood that in addition to the regular attorneys of the Cuban Junta in this city the ex-Attorney General of the United States, Mr. William M. Evarts, has been prevailed upon to act as counsel for them whenever these cases shall be called in court for judicial investigation.