

FORTIFICATION.

New-York, July 23d, 1857.

Mr. Lewis.
SIR,

The letter I did myself the honor to address to you on the subject of fortifications, having excited some degree of solicitude in my fellow-citizens, I think it incumbent on me to present you with some calculations, tending to prove the correctness of my position, and also that the fortifications at the Narrows, are not only the most eligible, but will be attended with infinitely less expense than those at present in contemplation, and which I find arrangements are making to erect on our wharfs, islands, and points.

I must, however, previously assert, that after the batteries are erected on the scites pointed out by the Secretary of War, they will be totally incompetent to the protection of the city; of course, it will be a fruitless expenditure of public money, inviting destruction, and not affording the least shelter or protection. Whoever turns his attention to the doctrine of projectiles, and notices the difference between the range of shot fired from forts horizontally, and the ability of mortars, fixed at an elevation of forty five degrees, must be convinced that bomb-ketches, under the protection of frigates, can station themselves out of the fire of your batteries, and destroy the town by shells pitched into the centre of our city, or continue the bombardment until their demands are complied with, however insolent and exorbitant.

The labor and expense of erecting the batteries within the harbor will be immense; for all the earth and stone necessary to fill up the piers, must be carted or otherwise transported from a considerable distance, and consequently, it will take a long time to complete them, more perhaps than in this critical period ought to be hazarded for the honor of our country and the safety of our city.

The position at the Narrows is quite the reverse. There you will have nothing to transport except timber and plank for your redoubts and platforms; for your horizontal and plunging batteries require nothing more than excavation, the earth throws down the hill, your platforms laid, the natural glacis of the hill preserved, and in a few days these batteries are in a state to defend the mouth of the harbor and themselves, aided by the gun-boats now in our dock-yards and fit for action, under the command of officers insured to toil and who have eminently distinguished themselves by deeds of hardihood and valor.

Old ships, not sea-worthy, can be procured at very little expense. Their docks and timbers strengthened by supporters, may in the first instance, supply the place of the cone, and regularly constructed floating batteries—these ships require neither masts nor sails; they will be towed to their moorings, and considered as fixtures in the line of defence; they will be fully manned, guarded by boarding nettings, and an awning to shelter the men from rains and the meridian sun; your cannon are at hand, your arsenals are well supplied, and the Narrows can be promptly put in a very respectable state of defence; the redoubts and out-works will be soon erected; the pier on the Long Island shore, under the direction of citizens well versed in the erection of piers, will soon show itself on the edge of the channel, ready to receive the artillery designated for the defence of its eastern side.

The chart of the channel gives the accurate distance from the shoal on the Long Island shore to the opposite side of the channel as six hundred and fifty-four yards: of course the distance from the centre of the cone, to the horizontal batteries on the right and left, will be but three hundred and twenty-seven yards, and that between the two intermediate floating batteries, the cone or central ship, and the horizontal batteries, only one hundred sixty-three yards, and one half, within direct rifle shot.—These small spaces, filled with gun-boats, is surely a formidable line sufficient to deter an invader from too near an approach. The advantages accompanying this position, crowd on the mind, the more we contemplate and study it. The ability of each battery, will be ascertained by the commanding general, and buoys anchored off, for the direction of the fire. Upon the enemy approaching buoy No. 1, the corresponding batteries fire, and the mortars discharge their shells, and so on progressively until they approach so near, that the increased weight of fire must in my opinion prove absolutely destructive. These arrangements being known to an invader, he will shudder at the sight of the range of buoys, confident that at No. 1, he will be exposed to a measured fire progressively increasing, as he approaches the main point of defence—not a very pleasing subject for contemplation, however bold and daring the invader may be.

In the erection of a redoubt for five hundred men, each side will be one hundred and twenty-five feet long, the parapet supported inside will be seven and a half feet high and ten feet thick at top, the banquet, three feet high. For supporting the parapets within will require four thousand four hundred and eighty feet of two inch plank—for supporters within and without and for braces, 5,600 feet of timber 4 by 6 inches. The calculated price of timber and boards, will give the cost in dollars and cents.

The guns in the redoubts are mounted on garrison carriages, and the estimate of a platform for one gun will be eleven pieces of square timber, six by six inches, fourteen feet long, equal to 154 feet, and 168 feet of three inch plank. Pall-saddles in the ditch 4 inches apart and the redoubt 11 feet long, eight feet above ground—2184 pall-saddles—Braces all round at top and bottom, three by four inches, 1450. Spikes or tunnels, 4368.

The expenses of the wharves may be readily ascertained in this city, where so many wharves are sunk yearly, and filled with

stones and earth. The expense of a floating battery may also be ascertained if constructed on purpose, or built over an old merchant ship. It may not be improper here to observe, that a blockhouse well built, with a double tier of loop-holes for a garrison of 100 men, sheltered from the enemies fire by the parapets of a battery, will not be as expensive as a redoubt for 500 men, and will defend the guns as effectually, with only one fifth part of the garrison. The general estimate of the expense of a block-house, 50 feet front, and 50 deep, 10 feet above the ground, crowned with a parapet four feet high, would be 1200 feet of timber, six inches, by 12, 1600 feet, 4 by 12, 2000 feet, 4 by 8, 2800 feet of 2 inch plank for floors, 1350 feet of timber, 6 by 12 for the roof. The partitioning, for the accommodation of 100 men, may be estimated with the stairs, as for a house of the same dimensions. Wooden tunnels are made use of in the sides, but spikes and nales and other iron implements are requisite for a block-house as for a dwelling house—it may therefore be easily calculated how much these items will amount to. I am rather apprehensive I have trespassed too far on your patience, but my zeal for the safety of my native city, and the protection of my fellow-citizens must plead my excuse. The estimate of materials for the construction of batteries at the Narrows for temporary purposes cannot amount to any great sum, and will be found infinitely less than those about to be erected. Under the protection of these works, regular and permanent fortifications upon an extensive and liberal scale, should be progressing, of a solidity and construction, capable of almost resisting the ravages of time, and such as would present a perpetual and impenetrable barrier to the combined fleets of Europe. Thus situated, the city of New-York becomes the safe depot of the wealth of the nation, and its harbor the sure asylum of our fleets, open to the free intercourse of friends, sternly shut against the visits of an enemy.

This progressive plan will no doubt require a considerable expenditure of money. But what is money when compared with the magnitude of the object in view.

It is not the scarcity of money that debilitates a state. It is the want of men, and men of abilities to administer its affairs,—"High minded men, who know their rights and knowing, dare maintain."

W. S. SMITH.

MARITIME LAW.

Translated from the French of Azuni, for the Federal Gazette.

Of the Asylum which the Belligerents may demand in Neutral Ports and Seas.

[Sect. 1, Art. 6, Chapt. 4, Vol. 2.]

"The neutrality adopted by a power becomes, from the moment of its publication a general and sacred law, for all those who live or dwell, or whatever terms, or for any time it may be within the extent of the territory subject to such power; thus every person, although a subject of a nation at war, who dwells either temporarily or as a refugee, on the territory of a neutral state, is bound to shew, by their actions, indifference in the disputes of the belligerents, and to observe a peaceable neutrality, whatever may be their private feelings, which is subject to divine power alone, under the penalties established by the laws of the territory for those who are its subjects, and under that of being driven away for such as are not."

Sect. 2. "There results from this principle just established, a theory which is contested by nobody, that there is due full and perfect safety an asylum, to every person existing on neutral territory, as long as they manifest a positive intention to observe for the future the laws of neutrality, whatever may have been the motive which determined them to fix themselves in such territory; the neutral power ought in this case to grant an asylum, and every subject of a belligerent power ought for the same reason, to respect it."

Sect. 3. "In combining those theories with what is practised in the neutral ports in time of war, I will say that no nation, however exact it may be to observe its neutrality, has extended its rigor so far as to refuse access into its ports to vessels, in all cases; all have been generally received, but it has been in two manners very different."

Sect. 4. "It is customary in some ports to grant to privateers and merchantmen, the single and only relief of anchorage, and the permission to procure indispensable necessities, without granting them the liberty to communicate in the interior; being treated in the same way they would be, if infected with contagious diseases; when the sea is calmed, or when they have procured the necessary provisions, they are forced to depart with their prizes. It is common in other states to receive them with more indulgence, after the government has assured itself of the legality of the commission, and the quarantine laws have been complied with—they are permitted to have communication with the shore, and with their prizes, in observing some rules which I think proper to point out, because they have been practiced a long time in the most frequented ports of Europe."

Sect. 5. 1. "The privateers and all other armed ships ought to live in the most perfect peace, and observe the greatest order with every body, and especially with the

ships and the subjects of the power which is their enemy, even when they are privateers or king's ships."

2. "They are forbid to increase the number of their crew, by the people of any nation whatever, and even by their fellow-citizens, if they are enrolled in the neutral country."

3. "They cannot increase neither the number nor the calibre of their guns, nor add to the quantity of their ammunition."

4. "They ought not to watch as sentinels in the port, or seek for information of the enemy's ships which are about to arrive; and, if they discover any, they cannot go out to meet them and chase them; and in case they should do it, they should be compelled by force of guns or armed ships to enter into the port."

5. "They cannot makesail as soon as the enemy's ship has weighed anchor, but they ought to be detained at least twenty-four hours; this time expired, if the enemy's vessel is still in sight of the port, they are obliged to remain in port, until the ship should be out of sight and it is unknown what direction she has taken."

6. "They cannot retrench themselves in the interior of the bays and gulfs, or behind the points of promontories and little Islands of the neutral territory to keep themselves on the watch and chase enemy's ships; they ought not to interrupt in any way the free and safe access of vessels, of whatever nation they may be, in the ports and on the shores of neutral nations."

7. "They cannot in remaining in the ports or the territorial sea of the neutral power, attempt to recover by force or by finesse, the prizes already made by their enemies, nor to deliver their fellow-citizens prisoners of war."

8. "They cannot proceed to any sale, nor demand any thing for the salvage of their prizes, which they have made, before they shall have been legally condemned."

Sect. 7. "To establish what is the right of asylum and of protection which it is proper to afford the belligerent armed ships, which enter the ports or approach the coast of a neutral country, the different cases and circumstances must be distinguished, between the merchant ships and the armed ships, the ports which are shut and the free ports, and the view with which a ship approaches them. The merchant ships of the belligerents which enter the ports fortified or the territorial sea of the neutral power, for any cause whatever, ought always to enjoy a full and perfect asylum, whenever they are not loaded with goods of which the commerce is prohibited; but if the goods with which they are loaded are of the description called contraband of war, they can no longer be considered as merchantmen; they should be considered of the class of ships of war, relatively to which, we cannot solve the question until after having considered the motive which brought them to the neutral ports."

Sect. 8. "The motives which may have determined an armed ship to enter a port or approach the coast of the neutral power, can be but of three kinds: The first and the most frequent is for some want of the vessel and of the crew, as for example, to escape the violence of the winds and seas in keeping near land, to heave down, to procure apparel, take water, or buy provisions, or land the sick; the second is, to unite with other vessels of the same nation to form a fleet; and the third, to fly and save itself from the superior force of an enemy which shall be in sight."

Sect. 9. "Each of those different causes creates a variety in the cases and in the results; and to use the information of Galliani, who I have already quoted, I will say that, in the case where an armed ship enters a port for any necessity, it is an act of friendship and hospitality to receive her; that there is neither partiality, nor a desire to prolong the war, in supplying her wants; and that in this case they succor the man, in his character of a man, and not in that of a soldier; that the existence of humanity is protected, and not that of the warrior; that this ship ought to enjoy every territorial protection, and that the enemy must not undertake any hostile act, without being considered culpable of an infraction of that respect which is due to the sovereign of the place under whose protection he has placed himself.—That in the second case, where a neutral port has been chosen to assemble and form a squadron of armed ships, and afterwards go to meet the enemy and attack them, the power against which they are preparing, must pay equal respect to their asylum, but that the neutral power which knows the intentions of this fleet, and, being able, does not hinder them, offends in the highest manner one of the belligerents, in affording to the other so much facility in their ports; and that by reason of such conduct, the sovereign of the port can no longer claim the respect due to a power really neutral, but on the contrary, to be treated as the ally of the one and the enemy of the other, which gives a right to the party offended to act offensively."

With respect to the third case, where a ship pursued by her enemy superior in force, takes refuge in a neutral port, it is not exceeding the bounds of neutrality to receive her; one cannot refuse an asylum to the wretched, whenever they present themselves; and in conforming to the most strict laws, the vessel ought to be disarmed, and prevented from putting to sea during the war, not to offend him out of whose hands she has escaped by neutral protection; because it is a fixed principle in the laws of nations, that the closed ports of the neutral

do not cease to be inviolable, as long as the government of the country shall not have rendered itself culpable of having trodden under foot the duties of neutrality."

BY THIS DAY'S MAILS.

BOSTON, July 24.

Arrived, schr. Charles, Lincoln, Rochelle, 49 days. Left, ship Diana, Noble, at the island of Rhe, for the north of Europe; brig Traveller, Irish, for New-York, in 15 days. At Nantz, ship Sultan, Crosby, for Philadelphia, just arrived. Spoke ship Ajax on the western edge of the Grand Bank, 6 days from Kennebeck.

At quarantine, schrs. Doris, Hallet, Martinico, 25 days; Lively, Davis, do. 18.

Left at St. Pierre, July 5, brigs Albion, Derverson, for Boston, in 5 days; Sally and Betsy, Hearsey, for do. in 6; schr. Agnes, Antone, for do. in 2; schr. Fish Hawk, Veary, Salem; 7; brig Sussex, Lee, New-York; 5; Atalanta, New-London, next day; schr. Fanny, for do. 4. Sailed in co. with schr. Polly, for Marblehead; brig Tropic, Archer, Portland; schr. Jack Tarr, for Gloucester.

Entered, Susan and William, Luce, Baltimore; Dolphin, Forbes, Camden; Resolution, Philadelphia.

Cleared, ships Pearl, Suter, North-West Coast of America; Laurel, Gage, Copenhagen; brig Garthorn, Chandler, St. Sebastian; schs. Fame, Babson, Cadiz and a market; Morning Star, Waman, Havana; Joseph and Louis, Clements, St. Andrews; Ten Sisters, Le Blanch, Newfoundland.

FROM FRANCE.

We were last night favored by a friend with the Paris Argus of May 28, received by the schr. Charles from Rochelle. Extracts follow.

VIENNA, May 13.

On the 21st of March the Russians took the castle of Tenedos by assault. April 3, the head of treasurer of the Turkish navy was exposed on the gates of the seraglio—he was condemned for not taking measures to defend the Dardanelles. The treasurer of the army was dismissed. The Turkish fleet is in the sea of Marmora.

It is still rumored a pacific congress is to meet at Prague, composed of Talleyrand and Laforest, for France; Stohelberg for Russia; Rustoff for Prussia; and Stadion, for Austria.

DRESDEN, May 13.

Reports of arrangements for negotiations for a general peace continue. The French shew constantly their wish to negotiate.

PHILADELPHIA, July 27.

Captain Connel, of the Hazard, from La Guira, informs, that the Juliet and Polly, and Betsey, were both captured off the by a Spanish privateer, on suspicion of having on board goods of British manufacture; but in consequence of the capture being made within the jurisdiction of the port or province of Caracas, they were restored, by order of the commandant. Though an appeal by captors from his judgment to the vice-admiralty court at Porto Cavello had taken place—the event was uncertain. A most singular war with our flag has been carried on off that port, by privateers of their own nation.

Captain C. also informs, that the blockade of the port was discontinued in consequence of a spirited order from commodore Murphy, commanding his majesty's gun-boats for bidding their cruisers to molest neutrals within sight of his flag. The privateers have all abandoned the coast, and several American vessels had arrived previous to captain C's departure, without meeting any interruption.

Markets at Laguira were glutted with every kind of merchandize. Flour at 10 dollars. By an estimate made at the time of my sailing, there were in the port unsold, 700,000 dollars worth of American property, and produce getting scarce.

Arrived ship Comandel, Davy, Calcutta; brig Betsy, Bradford, Rochelle; Sally, Ansley, St. Croix; Casmer, Pitner, Senegal; Schr. Hazard, Connell, Laguira; schr. Sally, Brady, Havana; Mary, Conner, do.; sloop Mary, Stewart, St. Marys. Arrived at the Lazaretto.

Brig Ruth and Mary, Matlack, Havana 13 days; brig Cumberland, Jewitt, Havana, 13; schr. Azubeth and Emmy, —, Havana, 16.

Cleared, ship Abeona, Allen, Liverpool; brig Louisa, Snell, Cayenne; schr. Three Friends, Ray, Augustine; Adventure, Alexander, Charleston; Minerva, Williams, do.; sloop Friendship, Binder, do.

WASHINGTON CITY, July 27.

The following narrative is from Moses Williams, an old continental soldier who farms a plantation adjoining Lynhaven Inlet. The next morning after the late capture of the boat and officers, a tender came near the shore; a lieutenant of the British navy got into her boat and came within about two hundred and fifty yards of the beach, shewing a desire to speak with the party. He (Williams) undertook to go down, and hear what he wanted. He demanded whether the boat, officers and men were to be released from their captivity—allegging that the two nations were not at war, and asked why our people fired on their boat. Williams asked him why they fired upon the Chesapeake, did he call that an act of war, or by what name did he distinguish it? He replied that we detained their men and used force. Williams urged that they had detained ten of ours for every one we had of theirs, if that had been the fact, and yet we had not used force to take them

away. The officers said that our men had insisted, to which Williams replied in that particular we were at least equal, for none of theirs were impressed or forced into our service, and that he wished to know what business any of them could have on shore when they had seen the president's proclamation ordering them out of our waters. He assured them also, that there was now no planter in the country that would now enforce that proclamation by putting a ball through any of them who set a foot on shore—that as to their boat, then in his possession, or their officers and men he could only act as the commanding officer directed, and that they had best sent to gen. Mathews at Norfolk.

All the prints on the continent, to their honor be it spoke, excepting two or three of Boston, have taken American ground in relation to the late outrageous conduct of Britain. These latter prints have undertaken to express doubts with regard to the conduct of our own government, and, in a certain measure to palliate that of Britain. If, say they, the men taken from the Chesapeake, were subjects of Britain, if they deserted from the British, if they were demanded by the British, and refused by us, then was the force used in taking them from the Chesapeake justifiable, and the cause of war on our part, though the act was hers.

Why this representation is made, is altogether unaccountable, unless we consider it as flowing from that habitual attempt to apologise for the injustice of Britain, which characterises these prints. The president's proclamation, the highest authority the case admits of, an authority which no American or indeed honest man will dispute, says these men were Americans. And yet these British apologists can write columns, descending on the hypothesis that they were British subjects.

But, should we admit them, for argument's sake, to have been British subjects, had Britain a right to demand them? It is denied that she had any such right. While the late treaty continued in force between the two nations, she enjoyed, under an express stipulation, a right to require the delivery of fugitives charged with murder or forgery; but that treaty has expired; and the case is now the same as though no such treaty had ever existed; with, however, this difference—that the insertion of such a provision, of itself contains a strong implication that without it the right it gave did not exist. And even this right, were it now in force, would not embrace the present case. But putting this consideration aside, let us examine the case on its own grounds.

British seamen, subjects of Britain, desert from British vessels. They seek an asylum in this country. Suppose on reaching our shores, in order the more effectually to screen themselves from the punishment, which would inevitably await them should they be taken by the British—they change their occupation, and become farmers or mechanics. Would the American government be under any obligation to deliver them up? Indisputably not. The act of desertion, however criminal, being committed without the jurisdiction of the United States, those who committed it, standing in the same situation with the perpetrators of all other offences committed out of the United States, would not be amenable for such offences to the laws of the United States. Those laws do not recognize any acts as criminal, except those committed within the United States or against the United States. The government of the United States could not therefore legally arrest those alleged to have committed them; much less could it arrest, and then deliver up the alleged offender to the power demanding him. This point is so clear, as not to require any further illustration.

Would the case be altered by such deserters entering our merchant service? Clearly not. For the right of every member of the community is the same to follow this as any other profession. And should a foreign government demand of our government their arrest and delivery, it would be a sufficient answer to say that the laws of the country gave them no such authority, inasmuch as they only authorised an arrest for offences committed against the United States.

Finally, is the case altered by such men entering the public service on board a national vessel. It is not perceived that this in the least varies the case. If the person, who deserted from the British service entered our service immediately, and their act of desertion known and countenanced by us, the British might unquestionably have reason to complain. But it is not pretended that this is the fact in the present instance, or that it is has been the fact, in any instance whatever. The cases supposed is that of British subjects deserting from the British service, landing in the U. S. and afterwards entering into the service of the United States. Is there any obligation imposed on the United States when men offer to enter her service, to inquire whether they are Americans, Englishmen, or deserters? Where she disposed to do so, has she the means of obtaining the truth? Neither the obligation or means exist. Men are wanted by her, and the American flag offers its protection to all who enlist. Obedience is not less obligatory on our side, than protection on the other. Once enlisted on board a national vessel, the rights of the enlisted are no otherwise abridged than the rules of the naval service abridge them, if they were not punishable for certain acts committed by them in foreign countries, or on the high seas, before their enlistment, they do not become punishable for such acts after their enlistment. It is not therefore the duty of the American government, either themselves to punish, or to give them up to foreign power for punishment; and if it is not their duty to give them up, no right can exist in a foreign government to demand them. The latter may request their delivery, and the former may comply with the request; but the delivery will be an act of courtesy, not the fulfilment of a duty.

But it may be said that the law of nations, which is paramount to all municipal laws, requires the surrender of deserters. This we