

WAR ON THE CUBAN JUNTA.

Arrest of the Members for Alleged Violation of the Neutrality Laws.

Secretary Fish Disclaims any Interference.

Excitement in New York and Washington, and Release of the Prisoners on Bail.

The arrest of the leaders of the Cuban Junta in this city the evening before last on the score of violating the neutrality law of 1818, created a tolerably profound sensation among the citizens of this metropolis, especially when it was thought that the arrest was made at the instigation of the Spanish representative in Washington.

The instructions were at first presumed to have been issued by Secretary Fish, at Washington, to United States District Attorney Pierrepont, by whom the matter was laid before the Grand Jury, and upon their presentment of a bill of indictment against the parties orders for their arrest were issued by Judge Blatchford. Two of the prisoners were found at their residences on Wednesday evening and were taken to Ludlow street jail, where they paid the official in charge twenty dollars each for the use of a bed for the night. The Minister, Señor Lemus, was found at his residence in Brooklyn at a late hour, but he declined to recognize the character of the officers who presented the order and refused to permit him self to be arrested. He gave his parole to appear in the morning at the court and answer. The officers acknowledged that they had been well paid to make the arrest at that late hour, the presumption being that it was intended to subject him to the personal indignity of imprisonment at an hour when no court was in session to take cognizance of bail.

The prominent persons in the movement of Cuban independence were already known to the Marshal, but it was thought advisable to make such a sudden seizure as would subvert all plans that might be made providing against capture. The following will illustrate the character of the proceeding:—

The United States vs. José Morales Lemus, José Mora, Colonel William O'C. Ryan, Francisco Fesser, Jose M. Basora and Others.—The Grand Jury of the United States Circuit Court for the Southern District of New York, during its recent deliberations, found true bills of indictment against the above named parties and some others not yet arrested and whose names are in consequence withheld. The indictment contains ten counts, the first and second embodying the gravamen of the offences charged, the remaining counts being but legal verbiage recapitulating technically and with but very little alteration the principal charges, that of having on the 1st of May, 1899, begun a certain military expedition against Cuba, a portion of the dominion of Spain, with which Power the United States are at peace, in violation of the neutrality laws of the United States.

THE INDICTMENT.

The indictment, stripped of legal ratiocination, recites the charges against the accused substantially as follows:—

CIRCUIT COURT OF THE UNITED STATES OF AMERICA FOR THE SOUTHERN DISTRICT OF NEW YORK, IN THE SECOND CIRCUIT.

At a stated term of the Circuit Court of the United States of America for the Southern district of New York, in the second Circuit, begun and held at the city of New York, within and for the district and circuit aforesaid, on the first Monday of April, in the year of our Lord 1899, and continued by adjournment to and including the 10th day of June, in the year of our Lord 1899.

Southern District of New York, &c.—The jurors of the United States of America within and for the district and circuit aforesaid, on their oaths present that: José Morales Lemus, William O'C. Ryan, Francisco Fesser, José Mora and others, late of the city and county of New York, in the district and circuit aforesaid, yeomen, heretofore to wit, on the 1st day of May, in the year of our Lord 1899, at the Southern district of New York, and within the jurisdiction of the court, with force and arms did knowingly and wilfully, then and there, begin a certain military expedition, then and there, to be carried on from thence against the territory and dominions of a certain foreign State, the State of Spain, with which the United States are now and were then at peace, against the peace of the said United States and their dignity, and against the form of the statute in such case made and provided.

In a second count the above named parties, with José Morales Lemus, José Mora, William O. C. Ryan, Francisco Fesser and others, are indicted with having, on the 1st day of May, 1899, wilfully set on foot a certain military expedition then and there, to be carried on from thence against the territory and dominion of the foreign State of Spain, to wit, the island of Cuba, with which said foreign State of Spain, the United States are now and were then at peace, against the peace of the said United States, &c.

THE ARRESTS MADE.

On Wednesday, upon this indictment, Judge Blatchford issued bench warrants for the arrest of the parties named therein, and on the same evening Colonel William O'C. Ryan and José Mora were arrested by United States deputy marshals and lodged in Ludlow street jail. Three other of the parties learning early yesterday morning of the arrests already made, and that they themselves were under the ban of the law, proceeded at once to place themselves in the hands of capable counsel, that they might be advised what action they should take under the circumstances. Other counsel had been applied to on behalf of Colonel Ryan and José Mora, and the line of proceedings hereafter detailed was decided upon in behalf of all.

At the opening of the court yesterday it was evident that the usual dull routine of business was to be set aside, for a time at least, to make room for matter of some special interest, judging from the unusual number of Spanish or Cuban-looking persons who chiefly constituted the audience when the Judge took his seat on the bench. But before the opening of the proceedings the rumor got abroad that the gentlemen composing the Cuban Junta in this city, and one of the principal leaders of the expedition which, it is charged in the indictment, has been under preparation from the 1st day of May last, had been arrested and that some preliminary hearing in the case would be had, and soon the court room was crowded with spectators. The parties arrested the previous evening were not brought into court, but two of the accused, for whom the officers were at that moment in search, came quietly into court with the counsel and surrendered themselves up under the warrant. These were José Morales Lemus, President of the Junta; Francisco Fesser, and subsequently José M. Basora.

APPLICATION TO FIX BAIL.

Mr. Samuel Sherman, associate counsel for Messrs. Lemus and Fesser, addressing the Court said that he had an application to make in the matter of the United States against Messrs. Lemus and others, Cuban gentlemen, charged under indictment with a breach of the neutrality laws of the United States. His application to his Honor was that the amount of bail might be fixed, which the court would require in each case. If this was done it would do away with the necessity of having those parties included in the indictment, and who were not yet arrested, subjected to the indignity of public arrest and incarceration. His client, Mr. Lemus, now present in court, anxious to submit himself to the laws of the land, and orders of the court, was a distinguished lawyer at Havana, enjoying not only at home, but abroad, an enviable reputation as a scholar, a writer, and a jurist. He was also a man of wealth, and had been selected by the patriot General Cespedes as Minister Plenipotentiary to represent the republic of Cuba at Washington. All of these defendants were gentlemen of high character and unquestioned honor, and there was not the slightest disposition on the part of any one of them to shrink from or shirk any investigation into their acts or conduct. He hoped the Court would now fix the amount of bail, and that it would not be made excessive.

District Attorney Pierrepont said that these proceedings against the defendants had been instituted at the instance of the Spanish government, through its Minister in this country. He believed that with regard to these defendants all that counsel had said of their character and honor and standing was true, and, for himself, he was most anxious to see them admitted to bail. He would, therefore, propose to the Court that they should individually enter into bonds of \$10,000 to appear to answer whenever called upon.

Mr. Sherman objected to bonds in \$10,000 as being excessive and indeed oppressive. The defendants here were not citizens of the United States—they were foreigners; and it was not to be supposed that they could procure such security in a case of this kind as citizens could.

Mr. Pierrepont called the attention of the Court to an old statute—1793—bearing upon the point under discussion, and referred to the case of the United States vs. General Quitman, of Mississippi, who, although not indicted by a Grand Jury, was notwithstanding required to give bonds to keep the peace, as well as bonds to answer any indictment that might be found against him. He (Mr. Pierrepont) would therefore ask that the Court require, in addition to bonds for the appearance of the accused when called on for trial, bonds binding them to keep the peace, and not to violate the statute referring to international laws.

Mr. Evans, counsel for Mr. Lemus, opposed the giving of additional bonds in the case. The indictment was only an accusation, in support of which there was no proof, nothing whatever to show that the accused ever entertained an idea of violating international law, and the first principle of law was that every man shall be deemed innocent till he be adjudged guilty. It would be overstraining a point, as well as oppressive to the defendants—foreigners in a strange land—perhaps, to be obliged to find bonds, or to give security as to what the future conduct of some of them was to be.

Judge Blatchford referred to the decision of the Court in the case of General Quitman and read at length from the report thereon, and stated that if the government, through their District Attorney, insisted on the defendants giving bonds to keep the

peace, he would feel it to be his duty to order that such bonds be given.

Mr. Pierrepont said he had no apprehension that Mr. Lemus or the other defendants had any desire to go away or to evade due process of law, especially as regards Mr. Lemus, as his property in Cuba had been already confiscated by the Spanish government. He believed the statement on behalf of the other defendants was true and he would therefore suggest that the Court authorize that bonds be given to answer the indictment in \$5,000 each to appear for trial, and that in addition the clerk of the court be directed to prepare bonds in \$2,500 each to keep the peace and not to violate the neutrality laws of the United States.

The Court acquiesced and bonds were prepared, after considerable difficulty as to the wording of them to meet the concurrence of counsel on either side.

BONDS GIVEN AND THE PARTIES RELEASED.

The bonds were given before Commissioner Shields. Dwight Townsend was the bondman, he giving bail in the sum of \$2,500 for each of the prisoners and they themselves the same amount, to be levied under the following conditions:—The prisoners were indicted by the Grand Jury of the United States for the Southern district of New York for violation of the neutrality laws of the United States; and whereas the offence charged in the indictment tended, in the opinion of the Court, to a breach of the peace of the United States, and under the authority conferred by the act of Congress approved July 18, 1793, required the persons so indicted to find security for their good behavior and to refrain from any violation of the neutrality laws and from any breach of the peace of the United States, in sum above mentioned. The condition of the recognizance is such that if the prisoners shall be of good behavior towards the United States and shall refrain from any violation of the neutrality laws, or from any breach of the peace of the United States for the term of one year next ensuing the date hereof, then the above obligation to be void, otherwise to remain in full force and virtue. Bonds were also given by Mr. Townsend in the sum of \$5,000, and each of the defendants in the like amount for their appearance in the Circuit Court of the United States on the third Monday of October next. The scene during the giving of the bonds at the Commissioner's office was very lively. The rooms were throughout crowded by many prominent Cubans, who, it is needless to state, took great interest in the affair.

When Ryan was arrested on Tuesday, on Broadway, Deputy Marshal Gregg behaved most roughly—his conduct being entirely unwarrantable. He gave Ryan over to the custody of officer Allen, saying, "Take this fellow to Ludlow street jail."

The whole proceeding was characterized by a degree of rufianism and brutality unworthy of the fame that New Yorkers and Americans hold so dear. These Cubans may have violated the international law of the country, yet nevertheless they were entitled to the common privileges accorded from time immemorial to the refugees of tyranny from every climate.