

THE WAR ON THE CUBAN JUNTA.

THE PRISONERS IN COURT

Examination Set Down for This Morning.

Bail in the Case of Colonel Ryan Refused.

UNITED STATES COMMISSIONER'S COURT.

Before Commissioner Osborn.

The United States vs. Ignacio Alfaro (Secretary of War of the Junta), Colonel W. O. C. Ryan (alleged Commander of the Presumed Expedition), Felix Von Sternberg, — Lindorf, Captain James Peters and Abraham Ackerman.—The action of the United States authorities in this city in the matter of the suspected fitting out of a hostile expedition for the relief of the Cuban insurgents has acquired a widespread notoriety from the late arrest of several parties suspected of being the principals in the fitting out and setting on foot of said supposed expeditions. On Monday evening last warrants were again issued from the United States Commissioner's Court and placed in the hands of United States Marshal Barlow for the arrest of several suspected parties other than those arrested on indictments by bench warrants a few days ago. There was one exception to this later order of arrest, and that was in the case of Colonel Ryan, who was again arrested on an alleged new breach of the neutrality laws, which allegation involves a violation also of the bonds entered into by him to await trial on the indictment and to keep the peace in the meantime. The other parties brought into court yesterday morning had not been previously charged with any offence in this connection; they were not arrested by bench warrants, but simply on the affidavit of one Maximilian St. John that they were engaged in fitting out an armed expedition designed for rendering relief to the Cuban insurgents.

Considerable excitement was treated throughout the city yesterday by the HERALD account of the arrest of these men and the unwarrantable and very unusual course adopted by the United States Marshal and his deputies in making these arrests. The halls and passages in the court buildings in Chambers street were consequently crowded throughout the morning, awaiting the arrival of the prisoners and anxious to witness the proceedings before the Commissioner.

From some unaccountable delay and departure from the hour fixed for the production of the prisoners in court it was after two o'clock when the preliminary examination was commenced.

The Commissioner having taken his seat, Assistant District Attorney Bell, who appeared for the prosecution, having put in an appearance, and the accused, with their counsel, being present (Mr. Sedgwick appearing for Ryan and the others, with the exception of Señor Alfaro, and Mr. Lowry appearing for that gentleman), the proceedings were commenced by

The Commissioner asking the District Attorney if it was the same charge against all.

Mr. Bell—Yes, sir; the same charge.

The Commissioner—The case of the United States against W. O. C. Ryan is the first on the list.

Mr. Bell—The government, your Honor, are not prepared at this moment to proceed with the examination of the prisoners in this case. The prisoners were arrested either last night or this morning, and they are now merely brought before the Commissioner to have them properly committed to the custody of the Marshal. They are now simply held by the warrant of the Commissioner, without formal commitment. He was not aware that the Commissioner at any time committed these parties for examination.

Mr. Sedgwick, on behalf of the prisoner Ryan, contended that the District Attorney had had ample time in order to prepare for the examination of the accused in this case. These parties were arrested on the affidavit of one Maximilian St. John last night, at six o'clock, on the unsupported affidavit of a man notoriously employed by those parties who have got up the prosecution, and at the beck and call of the District Attorney. Your Honor's duty and the rights of these defendants demand that an immediate examination should be held. He had to urge a further appeal on behalf of these men—that they were already under heavy bonds, having been indicted.

Mr. Bell—No; none of these men, with the exception of Ryan, are under indictment. Counsel had better confine himself now to the one case, of Ryan.

Mr. Sedgwick wondered at the District Attorney exhibiting such an unwonted feeling in a case of this kind.

Mr. Bell—I entertain no feeling in the case, but I say the case of Ryan is exceptional, because he has been indicted and the others have not.

Mr. Sedgwick stated that his client (Ryan) had been indicted in the Circuit Court of the United States, and the subject matter of the charge was the same as the subject matter of the present complaint, and it followed that prosecuting counsel had fully examined into the very matter that is now before your Honor. The complaint here is supported by the evidence of but one single witness, and it was therefore the duty of the Court to compel the District Attorney to proceed, so that the rights of the defendants might be secured them as the law provided.

Mr. Lowry, appearing for Señor Alfaro, was about proceeding to address the Court when—

Mr. Bell (interrupting)—I am not aware that the Commissioner called the case against your client, Alfaro.

Mr. Lowry would say that, though not appearing for Mr. Ryan, he was present in court when Mr. Ryan gave bail in this previous case in a sum of \$5,000 to answer the indictment against him, and \$2,500 to keep the peace, so to speak. He would say that the accusation against Ryan in this case was as vague and indefinite as it could possibly be. No specific facts were set forth.

Mr. Bell said he did not want the Commissioner to suppose or counsel to believe that he was not ready to proceed within a reasonable time, but the fact was his witnesses were not here. For the first time these men are brought before the Commissioner on warrants issued by him for their apprehension. For the first time I know officially that they demand an examination; and, as to the case of Ryan, I was not even aware that Ryan had counsel employed till within five minutes ago, when Mr. Sedgwick appeared in the District Attorney's office and informed him of the fact.

The Commissioner said he would fix the hour for Mr. Ryan's examination at one o'clock to-morrow.

THE QUESTION OF BAIL—COLONEL RYAN ADMITTED TO BAIL ON ONE CHARGE—BAIL REFUSED ON THE OTHER.

Assistant District Attorney Bell then spoke with reference to the amount of bail to be required, officially informing the court that Ryan had already given heavy bonds, prior to the date of the alleged infraction of neutrality laws, and reading extracts from the affidavits to show that the charges were really specific ones. He was prepared, he said, to prove that Mr. Ryan on the day he gave bonds last week had left the court room to violate the law anew; that he has since been in hourly violation of the law, and that one of his final acts before being arrested last night was to make a speech to his men and assure them he would be off to Cuba with them. He therefore asked that bail be refused in Ryan's case.

Mr. Sedgwick said that but one expedition was alleged to have been fitted out by Ryan, and that to answer this he had already given bonds. He had furthermore also given bonds to preserve the peace. Moreover, he asserted that since giving bail Mr. Ryan had never been near the office in question. He thought it would be monstrous to refuse to admit him now to bail.

The Commissioner said that in view of the fact that the defendant had given bonds to keep the peace, and that another charge had been presented against him, and also in view of the fact that Mr. Bell, the Assistant District Attorney, had pledged himself to present evidence of those facts at the examination, he should commit Mr. Ryan to the custody of Marshal Barlow, without bail, on the charge of an alleged violation of the neutrality laws, until to-morrow afternoon at one o'clock, when he would, after the examination, decide as to whether he should take bail for his future appearance.

Mr. Bell then asked that the other prisoners, Señor Alfaro, and Messrs. Von Sternberg, Lindorf, Peters and Ackerman, be all admitted to bail in the sum of \$5,000 each to answer the charge, and \$2,500 each to preserve the peace.

Mr. Lowry, in behalf of Señor Alfaro, opposed the proposition and asked that his client be released on his own recognizance, as he was not charged with any specific offence. Under these circumstances he thought the prosecution should be careful, lest, through anxiety not to give offence to that disestablished country, Spain, they should violate the personal liberty of a man who has come to this country in the hope of obtaining that freedom which is considered specially American. The language of the Attorney General justifies this remark.

Mr. Phelps, Assistant District Attorney, declared he was not actuated by any prejudice for or against the cause of the patriots, but as an officer of the government and as an American citizen he felt called on to carry out the neutrality laws. He went on to speak of the publicity with which plotting and conspiring and enrolling of soldiers was carried on, and said there was a mean, cringing style of winking at the actions of the conspirators. If the cause is just, then the country should boldly and openly give them help. Moreover, it was the duty of the courts to protect American citizens, and by treaty with Spain

all engaged in these expeditions can be treated as pirates.

Mr. Sedgwick asked to be allowed to bring on the cases of all the prisoners together, except Señor Alfaro. The District Attorney consented to this arrangement, each to give \$5,000 bail to appear from day to day until the case is ended. The bonds to keep the peace and observe the neutrality laws in \$2,500 will hold merely until the cause is decided, and if the case be dismissed then the bonds all would fall through.

THE SECURITIES—NO FURTHER ARRESTS. Señor Joseph A. Mora went security for the Cuban Secretary of War, Señor Ignacio Alfaro, in the sum of \$5,000 for his appearance from day to day, and in the sum of \$2,500 for his observance of the neutrality laws. Bail would not be taken at all in the case of Colonel Ryan, and though he could have got security to the amount of \$100,000, the gallant fellow was taken back to Ludlow street jail, looking as cool and unconcerned as if he were not a principal in the matter. Up to half-past four o'clock no further arrests had been reported at the Marshal's office, but the Deputy Marshals are scouring the city in every direction. It is understood that many of the prominent patriots have left the city and sought the hospitable shore of Jersey until this storm blows over.