After the usual gruff cries incidental to mooring, the Atlas gradually forged her way THE VIRGINIUS.

The Spanish General Burriel Reports the Execution of the Liberators.

Shot to Death in the Presence of an Immense Concourse of Citizens, Soldiers and Sailors.

"The Prisoners Met Their Death with Composure."

How the Virginius Sailed from Jamaica.

TELEGRAM TO THE NEW YORK HERALD.

HAVANA, NOV. 8, 1873.

The following despatch from General Burriel, the commander of the Spanish troops at Santiago de Cuba, to Captain General Jovellar contains all the information thus far secured of the shooting of the insurgent leaders :--

SANTIAGO DE CUBA, NOV. 4, 1873. To His Excellency the CAPTAIN GENERAL :--

At six o'clock this morning were shot in this tity, for being traitors to their country and for being insurgent chiefs, the following persons styling themselves 'patriot generals' :- Bernate Varona, alias Bembeta, General of Division; Pedro Despedes, Commanding General of Cienfuegos; General Jesus del Sol and Brigadier General Washington Ryan. The executions took place in the presence of the entire corps of volunteers, the force of regular infantry and the sailors from the neet. An immensie concourse of people also witseased the act.

The best of order prevalled.

The prisoners met their death with composure.

BURRIEL.

THE SAILING OF THE VIRGINIUS FROM JAMAICA.

Passengers and Cargo-Cuban Exiles Landed at Kingston.

KINGSTON, Jamaica, Oct. 30, 1873. The filibustering steamer Virginius, after taking on board a large party of Cubans, and some wa material which they had deposited in the powder magazine on her arrival, cleared for Simon Bay on the 23d inst.

The officers of customs examined the baggage of every passenger who went on board, to provide against any irregularities or violation of the LAW.

The evening before the Virginius sailed a grand ball was given on board by General Ryan, who is the chief of the expedition.

CUBAN EXILES.

An open boat with a party of Cuban exiles arrived at St. Ann's a lew days ano. They were two tays on the way. They are the bearers, they say, of important despatches from General Cospedes to the Cuban Junta in New York. Among those arrived are Colonel Fernando

Lopez Queralta and Commander Louis Bezot. The Virginius took as

PASSENGERS ONE HUNDRED AND FIFTY MEN. Of this number ten are foreigners and the rest Cubans, some of them important chiers, such as General B. Varona, Colonels Ryan and Jesus del Sol. Lond and repeated cheers were given by the growd on the wharves when the Virginius left her moorings. Some respectable Cubans and English merchants went out in the Virginius some fiteen gilles rom Kingston. The Virginius was going at the rate of fourteen knots an hour when they lett.

PORTUGUESE SYMPATHY. During this short trip Mr. Alt. Decordova, the Peruvian Consul in this city, and a great friend of the Cubans, addressed the men and was applauded by them with load cheers. Mr. Decordova is a native, a rich merchant of Jamaica and a conuant helper of the Cuban cause and the Cuban

INTO HER DOCK. A woman's voice cried out in pitcons accents, "For God's sake, do you know any news about my brother?" "Nada, nada," was the reply made by several Cuban voices. This lady was the sister of General Barnabe Varona, who boldly met his death at the hands of the Spanlards with other Cuban chiefs of the Virginius expedition. The husband of the unfortunate lady, Mr. Quesada, a brother of General Manuel Quesada, was on the wharf, waiting her arrival, to take her h me to

Twenty-fourth street. Before the vessel had been made fast they shook hands, and the poor woman asked, in teariul tones, "Have you any news of my brother?" but the same answer of "Nothing," was given her.

SPECIAL HERALD BOAT.

A HERALD reporter soon boarded the vessel, through the courtesy of Mr. Williams, the manager of the line, and the first person he met was Doctor Govin, who accompanied the expeditionary party of sixty-nine men out in the Atlas on her voyage to Jamaica. The following is the

Jamaica. The following is the ETATEMENT OF DOGTOR GOVIN. "Three of the Cuoan volunteers who went out in the Atlas have returned on account of sikkness, but are going back soon. I went out in the Vir-shut are going back soon. I went out in the Vir-ing on her trial trip, and the machinery worked admirably. I am going back to Jamaica in the Atlas the Atlas have returned on the 23d, having been perpendicular trip. The Virginius cleared October 22, and sajed for Guba on the 23d, having been perpendicular trip. The Virginius cleared October 22, and sajed for Guba on the 23d, having been perpendicular trip. A disagreement occurred be-king to make a waiting her in Guba, with men in three dimerent points. A disagreement occurred be-king to make a waiting her in Guba Linke. Cood News FROM CUBA LINKE. We bring nome by this boat Queraita, who took on the Salvador expedition. He came over for paraica in an open boat, and brines most interest ing despatches from President Cexpters of siveral of the Salvador expedition, among which may been pentioned Santa Cruz. The Quoan Congress has again commenced its labors. Goionel Harris, lare of the United States Army, went out on the exped-ition; also Captain Gratz Brown, of Philadeliphia, and many other American cutzens. EATE

LATE.

On the 30th of October, several days after the Virginius had left, a telegram was received by the Spanish Consul at Kingstown, from Santiago de Cuba, asking for information respecting the movements of the Virginius.

Among the prominent passengers in the Atlas on her voyage to this city is Mr. Nathan, a leading lawyer of Kingston, Jamaica. He said, "We are all sympathizers in Jamaica with downtrodden Cuba. We think that they allow their movements to be known to the enemy too well. The Virgining has been in Kingston for some three or four months." Mr. Francis L. Norton, who is connected with the Spanish Consul, states that Captain Joseph Fry, the commander of the Virginius, is his cousin.

THE FEELING AMONG THE CUBANS.

The Report of the Additional Shooting of Santa Rosa-The Patriot Refugees United-Interview with General Que. sada.

The feeling of horror among the Cubans in this city at the high-handed outrage committed by the Spaniards in the execution of General Varona, Pedro Cespedes, Colonel Jesus del Sol and General Ryan became more intense last evening when it was reported that, according to a despatch from the Casino Español in Havana, to the editor of the Spanish organ in this city, another prisoner taken on board the Virginius-Mr. Augustin Santa Rosa-had been shot at Santiago de Cuba in addition to the four victims above mentioned. Mr. Santa Rosa is an American citizen, who had once before been in the clutches of the Spaniards. He was sentenced to a long term of imprisonment and kept for some time in a Spanish jall, from which he was liberated about lour months ago, thanks to the interference of our government. After his release he returned to this city and joined the expedition sent out by the Virginius. If this intelligence be true-as there is, fortunately, some reason to doubt-out of the five prisoners so far reported to have been shot two of them-Ryan and Santa Rosa -will have been Amer-

ican citizens. But the first feeling of despondency among the Cubans when the despatch announcing the capture of the Virginius became known has given place to a strong determination to make a renewed and united effort in the way of sending out another expedition. Every Cuban capable of hearing arms professes to be willing to join it and to continue to the bitter end the struggie for independence.

Last evening the following telegram was received by a prominent Cuban in this city from a gentleman of high standing in Washington :--A PROTEST BY CONSUL GENERAL HALL. A relegram has just arrived at the State Depart-ment from Consul General Hall giving the whole ccount of the execution of the American citzens, is intends to protect for his government against the outrage committed by the spanish authorities a violation of international law and of our treates with spain, and to demand an adequate reparain violation of interview of the and an adequate repor-with spain, and to demand an adequate repor-tion. The state Department is reticent, but deter mined to obtain rearess. There is a very unlavol able feeling against Spain in official circles. The writer called yesterday evening on General Quesada, the head of the Cuban agency in this city. The General looked sad, but not despondent. said that while the death of those brave men is to be deplored from the standpoint of humanity. it would only help the cause by bringing about harmony among the Cubans in this city. They had nitherto, to the detriment of the cause, been divided into factions, each working separately now they would act as a unit, for those had not sustained him have now signified their intention of doing so, and of acting unitedly with him. Several of his former oppopents had an informal meeting at his house last evening, where they would meet again to-morrow The General had no doubt that this conference would show a very satisfactory result next week. He thought, too, that the United States and England would take diplomatic action in the matter, for he believed that the Virginius was captured in British waters and that she had no arms on board when she was taken, for they must have been thrown overboard previous to her capture. THE INDIGNATION MEETING NEXT WEEK. The American indignation meeting, to protest against the capture of the steamship Virginius by the Spanish corvette lornado, is to be held Cooper institute on Tuesday or Wednesday of next week, and invitations are to be sent to the following friends of Cuba to address the meeting :- Sx-Judze Pierrepont, General Hays, General McMahon, Mr. John McKeon, General Banks, ex-Mayor A. O. Hall, General Jourdan, Captain G. W. Brown, late commander of the Fannie expedition Ethan Allen and others. A reporter of the HERALD called at the office of INDEPENDENT CUBAN AID ASSOCIATION ast evening, at No. 62 Beaver street, and learned that numerous subscriptions had been received in behalf of Cuba Libre.

doubtless, needed to arouse the American people to a sense of the barbarous tyranay of Spain almost at their very doors. The savage spanish nature thirsts for the blood of its enemies and grudges the chance of life which the captive, as a prisoner of war, has a right to hope. The shooting of the Cuban students two years ago-boys they were, from jourteen to eighteen years of age-for, n schoolboy thoughtlessnes, scratching with their diamond rings the glass trame erected over the grave of a Spaniard, called for the protest of the grave 6. a Spanning, called for the protest of the civilized world. Has not this bloody tyranny gene on long enough ? Must Spain, impotent at home as abroad, be longer let to show the phinning and hoperess spectacle of a releastless master in the $a_{\rm s}$ onles of dissolution, clutching with frantic grip at a torn and bleeding but determined slave, who will never yield though torn limb from limb? hoes not humanity call for something more than interchange of diplomatic formulas of such an

Big the sense of diplomatic formulas of such an interchange of diplomatic formulas of such a substrate substrate substrates of such a substrate substrate substrates of the substrate substrates of the substrate substrate substrates and substrate s

General Varona's Family.

TO THE EDITOR OF THE HERALD :-Allow me, a- a friend to the cause and as an ac-

quaintance of the late General Varona, whose young and valiant life's blood has been so murderously shed by those Spanlards, to inform you that he (the late General Varona) does leave a wile and also, I believe, a young child, they both resid-ing in the city. Respectfully, B. W. G. NOVEMBER 8, 1873.

The Virginias Entitled to the Protection of the American Fing.

NEW YORK, NOV. 8, 1873. TO THE EDITOR OF THE HERALD :-

In the Tribune of yesterday a communication appears wherein various statements are made concerning the history of the American steamship Virginius. I would not examine those statements nor pronounce any opinion on them for the pres-

nor pronounce any opinion on them for the pres-ent, as the main points and facts—which are im-portant to our government to know in order to proceed in the case—are quite plan and straight-forward to any one who will take the least trouble to obtain them. The steamer Virginius is regularly registered at the Custom House of this port as an American ves-sel. Sne has been so considered by the govern-ment at Washington and by all its representatives— Ministers, Consuls and the West Indies—for the last three years, during which time the protection of our navy has been on various occasions extended to her. The English adthorities at Jamaica have always recognized her also as an American ship engaged in perfectly legal undertakings. The authorities of the British ports and the parture now from Kingston she was regu-larly cleared by the American Consul of Intal. larly cleared by the American Consul of Last place, who shipped her crew, &c. in the regular way, and she is under command of a born citizen of the United States. The autoorities here will proceed, no coubt, on the strength of the above, and will only stop proceedings when unequivocal evidence should prove that the Virginius is not an Ameri-can crait, which, of course, can never be the case. kespectially, J. F.

THE COURTS

Yesterday two sailors belonging to the Italian bark Maria Clotiida were charged before Commissioner Osborn with deserting from that ship, Their names are Lubrano Pasquala Venego and Dambroi Antonio, and they were held to await a requisition from the Italian Consul.

UNITED STATES CIRCUIT COURT. Sentencing Prisoners.

Yesterday Judge Benedict sat in the United States Circuit Court room, at No. 27 Chambers street, and sentenced some prisoners who had been convicted during the recent term.

William Spikes, who had been found guilty of counterfeiting five-cent nickel pieces, was sen tenced to three years' imprisonment at hard lafor in Kings county Penitentiary.

Julius Fatten, a respectable looking young man, Fost Office, was next brought up. Counsel on be-Post Office, was next brought up. Counsel on ue-hall of the prisoner made an appeal to the Court for mercy. The Assistant District Attorney re-plied that the prisoner's practice was to take money out of letters, but he never toox the whole of any money contained in any single letter that he rifled. The Judge, in consideration of the prisoner's youth and previous good charac-ter, sentenced him to two years' imprisonment at hard labor in Kings County Penitentiary. Philp Fartell, convicted of passing conterfeit money, was sentenced to three years' imprison-ment at hard labor and to pay a fine of \$1. The Case of Ethward Lange-Writ of

bank made an application to the Court that all the claims which had arisen against the estate of the claims which had arisen against the estate of the bank previous to the adjudication of bank ruptcy, including the claim of Mr. worth as receiver, should be stricken out from consideration under the order of reference. Judge Blatchord said the matter was now before the Register, and it was for him to pass upon such claims as were presented to him in the course of the proceedings. When the matter came before hm (the Judge) upon the report or certificate of the Register he would pass upon the legality of the claims. Rusingers in Bankruptey. Diplomatic Views on the Spanish

WASHINGTON

Butchery in Cuba.

MR. FISH AND ADMIRAL POLO.

An American Man-of-War Or-

dered to Santiago de Cuba.

ATTITUDE OF OUR GOVERNMENT

No War Probable, but Much

Diplomatic Palaver.

The United States Government and the

War Sent to Santiago de Cuba.

Spanish Butchery in Cuba-A Man-of-

The affair of the Virginius relieves the people o

Washington of the tedium of having nothing to

talk about but the fail of stocks and the want of

currency by presenting a new subject for discus-

sion, possessed here of some temporary interest.

The Secretary of the Navy this afternoon tele-

graphed to Rear Admiral Scott, commanding the

North Atlantic station, to proceed in person or

send a vessel to Santiago de Cuba without delay,

to co-operate with Vice Consul Schmitt at that

place in protecting the interests of the United

States in the affair of the Virginius. Despatches

have also passed between the State Department

and Madrid to-day several times. Admiral Polo,

the Spanish Minister, with Mr. Potestad, the Sec

retary of the Spanish Legation, had a long inter-

view with Secretary Fish this alternoon. The

Minister is empowered for the time to act with

plenipotentiary power, and Captain General

Jovellar, of Cuba, has been so instructed.

At this interview the Secretary of State

called the Spanish Minister's attention to

the extreme sensitiveness of the people of

the United States on the subject of Cuba, espe-

cially to the summary execution of the so-called

passengers on the Virginius. In this connection

he called the Minister's attention to the sentiments

of the President, endorsed on the letter of Mrs.

Dutton, the sister of Dr. Houard, in behalf of the

release of her brother, and which expression was

provoked on account of the massacre of the

Spanish students on the charge of desecrating the

grave of Custañon. This endorsement, which is

as follows, refers to Minister Roberts, the prede

I hope the Spanish government will give Dr.

Honard his immediate release. Atrocities already

indicted upon American citizens has turned the

whole country against Spanish rule in Cuba to

such a degree that the people are scarcely longer

capable of judging impartially in matters between

Spanish and American citizens. Mr. Roberts must

see this himself, and the danger to his govern-

It was the haste which the President complained

of, and the apparent fear of the Spanish govern-

ment being prevented in carrying out their thirst

U. S. GRANT.

ment, unless more moderation is shown.

cessor of Admiral Polo :-

DECEMBER 23, 1871.

WASHINGTON, NOV. 8, 1873.

Business in Bankruptcy.

VOLUNTARY PETITIONS. George W. Crony, Lorenzo Tuttle, Joseph France, Charles E. Sackett.

France, Charles E. Sackett. ADJODICATIONS IN INVOLUNTARY CASES. Elisha C. Latcaffeld, Henry Maas, Otto Maier, Doogliss L. White, Samei W. Barnard, Alanson S. Page, Henry Davison, Joseph J. Hamburg, Malville Manufacturing Company, Charles A. Lord.

Christopher R. St. George, Abram Abrams. SUPPEME COURT-CHAMEERS.

Decisions.

By Judge Brady. By Judge Brady. Smith vs. The Mayor, 4c.-Judgment for plain-tiff, See opinion. By Judge Fancher. Von Rhade vs. Von Rhade.-An order to be drawn conformably to the opinion settled upon two days' notice. In the Matter of the Corn Exchange Insurance Company.-Report of reference confused and do

In the matter of the contract contract, and order for allowances to the receiver and counsel granted. I cast vs. i cast.-Report confirmed, and judgment of divorce granted in layer of plaintiff. By Judge Barrett. Mettick vs. Mellick.--Memorandman for connsel. In re-Edwin Winters.--Writ dismissed and pris-oner remanded.

oner remanded. Sateriee vs. Lent and Others.—Application to confirm referee's report granted on fing bond, &c.

SUPERIOR COURT- PECAL TE M.

Decisions.

By Judge Sedgwick. Brown vs. Northfup and Another, Morse, Jr., vs. Levenson, Walley vs. Stevenson.—Orders of refer-

Notes and the second se

Before Judge Van Verst. Langdon vs. Sea Gliff Grove and Methodist Camp Ground Association.—Questions to be tried by jury settled.

MAR NE COU T-PART 2.

Liabilities of Common Carriers. Before Judge Gross.

Samuel Hoimes et al. vs. The New York and Baltimore Transportation Company .-- In March last a quantity of copper was sent troin Baltimore to the plaintiffs in one of the defendants' steamers, and after being removed from the boat to the wharf a portion of it was stolen. The delendants refused to pay for what had been stolen on the ground that the plaintiffs had ample time to remove the copper alter receiving notice from them of its arrival. This action was brought to recover \$179 70 for the 2,863 pounds that were missing, with interest from the sist of last March. The agent of the com-pany testified that the boat which brought this copper arrived on Friday. March 28, and he fold the stevedore to let it remain on bard the vessel that ingh, as it would be saler there than on the whari. On Saturday morning it was unloaded, and between ten and eleven of clock the plaintiffs were notified of its arrival and requested to take it away. On coming to the once Modday morning he was informed that di-ter chan on the whari. We shoft and the trive of clock the plaintiffs were notified of its arrival and requested to take it away. On coming to the once Modday morning he was informed that di-ter chas of the copper had been stolen the night previous, and at once sent word to the river police and the Liberty street station house, and used every effort to recover the stolen property, but without success. The plaintiffs said that they in-copper that the inst they knew on it was on Mon-day, when a boy in the employ of the derivation and informed them that it had arrived and a portion of thad been stolen. The Conit charged the jury that if they were sat-stified the notice of the arrival of the copper was not given till Monday, and that the defendants did from the evidence that a reasonable notice was given, and that the defendants were not negligent in protecting the property, they would find a verification the employ of the given the satisfied and the the defendants were not negligent in out of the defendants were not negligent in the stolet the monet, and that the defendants did from the evidence that a reasonable notice was given and that the defendants were not agained averifies for the plaintiff on the binty unless into account, it would alord the plaintiff a re portion of it was stolen. The delendants refused to nay for what had been stolen on the ground that

BROOKLYN COURTS.

SUPREME COURT-SPECIAL TERM-PART L

The Kelsey Murder-Application to Have Royal and Rudolph Sammis Admitted as excusing or defending the acts of open enemies to Bail-The Prisoners Remanded. Before Judge Tappen.

of the Spanish Government, but merely to Yesterday morning there was a stir among the indicate the feeling of our recoile in a matter that had already grown wearis them. After the interview Admiral Polo telegraphed to Cautain General Joyellar his instructions, with the request that they be promptly conveyed to the officials of the Eastern department, especially to the commander at Santiago de Cuba. There has been much inquiry to-day as to what view the State Department took of the case of the Virginius. Diplomatists, like jurists, have only to deal with facts and law, so I was not surprised to find my interrogatory on this point coldly answered : but as the views expressed are the hignest that can be had, they are entitled to some consideration. They are substan-

I two governments from that day to this. The fourteenth article subjects to the penalty of piracy any citizen or subject of either government taking any commission or letter of marque to depredate against the other, and the twelfth article subjects the merchant ships of either party to visitation in the case of just grounds of suspicion of a contraband voyage. But the serious question here is a higher one-that of the legality of the capture, as affected by the national character of the vessel and her true relation to the United States. At present we have no exact information respecting all the persons on board the Virginius. The only persons whose names are spoken of are either notorious Cubans like Cespedes or Varona, or flibuster like Ryan; and the previous history of the vessel, the great number of persons said to have been on board of her at this time, the notoriety of the leaders dmong them, the place and destination of the Virginius when overhauled by the Tornado, and the desperate efforts of the former to escape from the latter, are conclusive proofs of what nobody seems to doubt. that she was engaged in transporting men and munitions of war for the use of the insurgents in Cuba. The State Department will know better what to think of the transaction when some honest American citizen presents himself, showing that at the time of the gapture he was the owner of the Virginius and claiming the intervention of our government against Spain.

5

It will thus be seen that while the State Department protests against the Spanish government unnecessarily irritating the people of this country by summary punishment of alleged offenders, it does not intend to sacrifice its own dignity in hastily espousing the cause of the Virginius, to find hereafter that according to international law and treaty obligation it had no instification for such zeal.

Mr. A. N. Young, the United States Consul at Santiago de Cuba, leit here to-night for his post. He has been absent for several months on leave and returns with a full sense of the responsibility resting upon him in this matter.

The Statue to the Late Secretary Rawlins, for which an appropriation was made at the last

session of Congress, and the construction of which was placed in charge of a committee, consisting of General Babcock, Commissioner of Public Buildings and Grounds; Edward Clark, architect of the Capitol, and Librarian Spofford, has been designed and modelled by the artist, Mr. Balley, of Philadelphia, and has lately been examined and approved by the committee. The statue will soon be cast in bronze.

Civil Service Examination.

The Civil Service Commission held a brief session vesterday. In view of the shortness of the notice given of the district civil service examinations to be held in Cincinnati and St. Louis it was determined to postpone the Cincinnati examination to December 4 and the St. Louis examination to December 9. The 17th of December was the time fixed for holding the examination in Savannah for the Southern district. Applications will be received at the proper department from those wishing to compete in the Cincinnati examination to the 22d of November, and for the Savannah examination to the 5th of December. These examinations are to ful 1,200 cierkships in the departments at Washington. The places at which the examinations will be held will be specified in the notices sent to candidates by the Chiel Examiner. Instructions as to the form of making application may be obtained by addressing Mr. E. O. Groves, Chief Examiner, Washing-ton, D. C.

Probabilities.

FOR NEW ENGLAND AND THE MIDDLE STATES, ALLING TEMPERATURE, NORTHWESTERLY WINDS,

veather and occasional rain, clearing in the fore

For the Northwest, slowly falling barometer. southeasterly winds and cloudy weather.

For the Ohio Valley, and thence southward over winds and clea

THE WEATHER REPORT. WAR DEPARTMENT, OFFICE OF THE CHIEF SIGNAL OPPICED WASHINGTON, D. C., NOV. 9-1 A. M.

for vengeance, that made the President protest against such inhuman conduct and such indecent haste. It looked too much like shooting on sight CLEARING AND CLEAR WEATHER. For the lakes, northwesterly winds, cloudy and going through the ceremony of trial afterwards. This was not intended to be understood

emigrants on this island. BOY PATRIOTS.

Eight Cuban young lads who had absconded in different hiding places of the steamer, following their countrymen to fight the Spaniards out of Cubs, were forced away by their parents.

ORDER OF SAILING. The Virginius was to meet a schooner out on the high sea at a given point, to take from her all the arms and ammunition she should carry to liberating army of Cuba, which consisted of soc Remnston rifles, 60 Spencer rifles and 20 Winchester rifles, 400 revolvers, 600 sabres and a large amount of ammunition, besides clothing, medicines and provisions, being the largest convoy of war materials ever taken to Cuba.

COLONEL BYAN'S HOPES

I had a conversation with the brave Colonel Evan, and he assured me and his Cuban friends that the United States would recognize to the Cubans belligerent rights before four months, and this news and the repeated victories of the Cuban armies over the Spaniards have created quite : pleasing excitement among the Cuban residents vere.

REPORT FROM THE LIBERATING ARMY. The Cuban visitors report the good standing of

the Cuban army as it ever stood. There are thirty-lour battalions of well organized troops, with their chies. The Cuban soldiers travel free over all the country of the Eastern and Central departments without meeting a Spaniard. Twenty Spanish camps have been abandoned o late in toth departments. The Spaniards do not fight unless attacked in the cities they hold. The Spaniards are reported to be quite demoralized. and great numbers have passed over to the Cubans By the reliable news I have just received I have not the least doubt that the readers of the HERAL! will soon hear of the Cuban patilots fighting near Havana, and it is justly expected that the Lone Star will soon show its colors on the Morro Castle and other forts.

The Cubans, under Colonel Jesus Peres, have captured seven convoys in three months, one of them with ninety mules and forty Spaniards, with their arnis.

ARRIVAL OF THE ATLAS FROM JAMAICA.

The Scene at the Wharf-Important News.

Shortly before five o'clock last evening the news was fashed up from Sandy Hook that the Jamaica mail steamer Atlas was sighted in the offing, and might be expected at her whari in the North River within two or three hours. The news of her arrival was received with great joy by the Cuban residents of this city, who were and loasly awaiting further tidings respecting the famous cruiser Virginius. Hundreds of Cubans in this city had relatives on hoard, and little wonder was it that the pier was soon crowded by Cubana who came down hoping to learn something of their lost relatives who had fallen into the hands of the spaniards.

Allong the first to arrive on the wharf was I.o. andro Rouriguez, who has adopted Domingo, one of the sons of the executed General José Jesus del Sol. On the 4th of the last month the little fellow had to be torn away from his father, who went out on the Atlas, while he begged all around, with tears in his eyes, to be allowed to accompany him. Dr. Galvez, an old and well-tried friend of Cuba Libre, was also present. Mr. Trujillo, who has two brothers on board the Virginius; Captain G. W. Brown, the commander of the Fannie' expedition. and many others who had kith and kin within the Spanish grasp at Santiago de Cuha. Hour after hour field by, and it was not till nearly nine o'clock that the vessel was seen athwart the pier head. TWENTY THOUSAND DOLLARS.

Mr. Miguel de Aidama, the well known Cuban natriot, subscribed, it was reported last evening, \$10,000 towards a new expedition for Cuba, and will give \$10,000 more next week. THE EXCITEMENT

among the 7,000 Cubans in this city is intense, and hundreds are ready for start to Cuba to fight the Spaniards.

Shall We Be Satisfied !

TO THE EDITOR OF THE HERALD :--

"We must remember," says Secretary Fish, "the apology we had to make to England in 1862." "England was satisfied with our apology," &c. ; and the intimation is given that Spain will apolo gize for the recent insult to the American flag, and that this should "satisfy" the American people. How would it have been, Mr. Secretary Fish, had the dead bodies of Mason and Sildell been handed over instead of their intact selves? What would not only England but the nations of the world have said, had those men, Mason and Slidell, been tried as traitors, revolutionists and rebels to the legally constituted powers in authority, and shot without delay, shot by the finding and sentence of an irre sponsible so-called Court? Would England have been "satisfied" then? Apologies are to be made, to be accepted, when restitution can be offered. Apologies are little less than insuits when too late they are asked or given.

Some such overt disdain and outrage was,

The Case of Edward Lange-Writ of

Habeas Corpus-The Prisoner Resentenced.

The prisoner, Edward Lange, had been convicted, after a trial of eight days, of empezzing mail bags. the property of the United States, and sentenced by Judge Benedict to one year's imprisonment and the payment of a fine of \$260. A suit of habeas cor; us, returnable yesterday before Judge Bene. dict, had been taken out by the prisoner's counsel, who contend that the sentence was erroneous, inasmuch as the statute applicable to this case imposed imprisonment or fine, and not both fine and

imprisonment. instruction the maiter was called up Mr. Ruius Andrews, Mr. Arnoux and Mr. Stewart L. Woodiord appeared for the prisoner, and Mr. Purdy, inited States Assistant District Attorney,

Woodlord appeared for the prisoner, and Mr. Furdy, Luited States Assistant District Attorney, for the government. The argument of counsel for the prisoner was that there was a mistake in the sentence. Lange had admitted to his counsel that no never saw a fairer trial, nor had he ever heard a more avor-nable charge than that which was delivered by the Judge in this case. Counsel claimed that his cleant had not intended to do wrong. The file the imposed had been paid, not for the purpose of perpetrating a trick upon the court, but in order that an appli-ation might be grounded for an appeal to the President for a parlon. Judge Remedict made a few remarks, stating he had no doubt that is the jury had been charged to hind a separate verdict on different counts they might have found the prisoner guilty on several acts seemed satisfactory to his mind. If they found him 'gnilty on different counts, Still he knew very well that the jury were not requested to find on different acts; they were simply asked to find on different acts; they were simply asked to find on different acts in a proversion of reduced to ransidition, and there was a verified of did on different acts; they is several acts seemed satisfactory to his mind. If they found him 'gnilty on different counts. Still he knew very well that the jury were not requested to find on different acts; they is a several of a different acts; they is a verified of did on different acts; they is a set of reduced to find on different acts; they is a verified of guilty on one transaction one, it was clear t at the sentence be vacated and the prisoner sentenced to one year's imprison-tion imprisonment and fine, and there ore than action imprisonment and the can there ore than action different acts; they here was a verified of one year's imprison-tions in the the prisoner asked that the record of

Counsel for the prisoner asked that the record of

Counsel for the prisoner asked that the record of the sentence be amended upon its ace, so that the fact might be presented, it they could get the case up on certiorari, before another judge. Judge Beneuict relused. The sentence would re-main at one year's imprisonment. The mistake, in the first instance, arose from his misapprehension of the terms of the statute, as read by the District Attorney at the trial. Counsel or the prisoner claimed that his recol-lection of the verdict of the jury coincided with that of the bistrict Attorney upon the same subject. The verdict wais---We find the prisoner guilty of appropriating to his own use and con-venience certain mul bags, and we find the value of the same to be less than \$25." He hoped the Court would order the record to be amended ac-cordingly.

Judge Bene lict refused to amend the record; the writ of habeas corpus was dismissed, the matter dropped, and the Court adjourned for a fortnight.

UNITED STATES DISTRICT COURT.

The Case of Kenyon Cox & Co. When the case of E. L. Scott vs. Kenyon Cox & Co., of which firm Daniel Drew is a member, was called yesterday before Judge Blatchford, counsel stated that it was settled, and the matter was, accordingly, removed from the calendar. It will be recoilected that the plaintif had filed a petition praying that the decendants be adjudicated invol-untary bankrupts. The facts were published in the HERALD at the time the petition was filed. The result arrived at yesterday terminates the matter. The Market Savings Bank.

Counsel on behalf of one of the creditors of this

lawyers and loungers in Judge Tappen's court room by the appearance of Royal and Rudoph Sammis, who have been indicted by the Suffoix county Grand Jury for murder in the second degree in having been impl.

hot stern undge Tappen-The telegram reads:-"'If there is any motion is r buil please give me hotice, that I can be neard." You might give him notice by telegram to-day. Mr. Brocks-Then the object which was sought for will be accomplished. These men will have to

Mr. Brocks—Then the object which was sought for will be accomplished. These men will have to be kept in confinement over to-morrow. Judge Tappen—The object sought for was the arrest of these men. It is opnecessary to say an thing inchese about it, for if 1 had not heard from Mr. further about it, for if 1 had not heard from Mr. further about certainly have insisted on his being notified. Mr. Brooks-Will Your Honor set it down for

Monday Monday Indge Tappen-No: you must notify Mr. Tuthil. Mr. Brooks-Will Your Honor take cognizance of the act that we have to appear in Queens county on Tuesday ? Indge tappen-A notice to the effect that the prisoners are detained here will be sufficient to have (he case continued there. Mr. Brooks-Shail give notice for Monday? Judge Tappen-No, sir. 1 am not going to re-strict the District Attorney. You can set it down for Wednesday, and h you can agree with Mr. tut-min I will hear it at any time before that. The prisoners, who appeared quite unconcerned during these proceedings, were then remanded to the **Case Policy' Interest**.

convicted of being engaged in the lottery-policy business, and sentenced to pay a fine of \$1,000 and a year's imprisonment in the Pententiary. An aupeal had been taken in the case, and, pending the result, the prisoner has been admitted to bail in the sum of \$5,000. McCleinan was one of the leading policy dealers of the city.

Private Interests Subordinate to Public

Before Judge Gilbert.

tially as follows :- "It does not appear that the Virginius has been guilty of any violation of the neutrality laws of the United States, although it

may appear that for other reasons she may have ceased to be entitled to the protection of our government. Whether the lact of her capture on the high seas was justifiable or not depends upon facts yet to be inquired into. If she had been captured in the territorial waters of the United States that would have afforded an evident cause of complaint on the part of the United States against Spain, and if captured within the territorial waters of Jamaica that would have constituted an invasion of the sovereign rights of Great Britain. But whether captured on the high seas or in the waters of Jamaica, the question for our government would be the same, provided she was an American vessel engaged in honest business, and as such entitled to the protection of the gov erament of the United States. The capture is aiready the subject of correspondence between the two governments by telegraph, through General Sickles, at Madrid, and that the government is already, or soon will be, fully informed of the circumstances by the American Consul at Santiago

act of the Tornado was without justifiable cause our government will demand and receive complete redress at the hands of Spain. Meanwhile it is a question with which the Cuban agents in New York have nothing to do, and the less they meddle with it the better for them. It is a question of American rights, not of Cuban rights. It is the duty of our government to look after the interests of the United States, not those of Cuban insurgents in New York or in Cuba. If the bona fide property of an American owner has been captured by a Spanish cruiser unlawfully, or if in that capture the sovereignty of the United States has been intringed, it is to be taken for granted that our government will fully discharge its duty to the flag and to the country. But there is nothing in this incident to produce solicitude or lead to any apprehension of rupture between Spain and the United States. On the contrary, if found in the wrong, we may be sure the Spanish government will afford full reparation to the United States.

This capture may revive the question of some interest-viz., the proper construction of the treaty ot 1795, between the United States and Spain. whit's has been the basis of the relations of the

ee, variable weather.

For the Southern States, rising barometer, lower temperature, northerly and westerly winds, and clear weather.

The Weather in This City Yesterday. The following record will show the changes in the temperature for the past twenty-four hours in comparison with the corresponding day of last year, as indicated by the thermometer at Hudnut's armacy, HERALD Building :--1872 1873.

54 51 50 47 40%

SNOW IN NEW ENGLAND.

LEWISTON, Me., Nov. 8, 1873. In the central and northern parts of this State snow was failing fast this morning. In this city the storm is a cold northeasterly rain.

CONCORD, N. H., Nov. 8, 1873, A cold northeast rain storm set in here last night about midnight, which continued until this afternoon. Three inches of snow is reported to have fallen

in Plymouth during the night

COMPTROLLER'S RECEIPTS.

| and the second | |
|--|---------------|
| Comptroller Green reports the following an | ounts |
| paid yesterday into the treasury from :- | |
| | |
| Receipts of Taxes | |
| Croton water ren's. 105 | |
| | \$122,021 |
| BUREAU OF ARREARS. | Teccordinae - |
| Arrears of taxes, assessments, water reuts and | 5,900 |
| INTEREST. BUREAU OF COLLECTION OF ASSES MENTS. | 5,800 |
| Street openings and improvements and interest | 7.137 |
| BUREAU OF CITY REVENUE. | |
| Ferry and market cellar rent, market rents and | |
| fees and interest on bonds and mortgages | 1,797 |
| Croton water rents and penalties. | 1,767 |
| "MATOR'S SECOND MARSHAL | |
| Licenses | 99 |
| Fees Fourth District Police Court | 25 |
| BURNAU OF WATER FURVEYOR. | *** |
| Permits to build vaults | 2,535 |
| | |
| Total | \$141,254 |
| November 3. | 6.03.012 |
| November 5 | 104.5 4 |
| November 6 | 126,717 |
| November 7 | 121,915 |
| November 8 | 149,910 |
| Total | 605,671 |
| | |

DEPARTMENT OF FUELIC WORKS.

Commissioner Van Nort makes the following statement of public moneys received by the Department of Public Works during the week ending.

| For Crot | on water re | int and | penai | ties. | **** | 11.14 | | | 11,7 |
|----------|--------------|---------|--------|-------|------|-------|-----|-------|------|
| For tapp | ing Croton | pipes | | | | | | 1.2.8 | -1 |
| | permits | | | | **** | | *** | | 2,2 |
| For sewe | r permits | ****** | | | **** | | *** | *** | 3 |
| For some | r pipes sold | to cont | ractor | Beres | | | | | 3 |

.\$14.630 Total The following additional contracts have been made by the Department of Public Works in pursu-ance of ordinances of the Common Council :--

| In 53d st. 1 | between 5th and 6th avs | à |
|--------------|-------------------------------------|---|
| | between 5th and 6th avs | Ľ |
| In 54th st., | 125 ft. east of 2d av | ł |
| | This of form Non Ant to non testant | i |

North side Monroe st., from 311 to Corlears at..... Total.....

301

The "Policy" Interest.

Interests.

bridge. The party who was directed to do the work gave notice that the "draw" would be closed while the work was going on. Flemming & Bartlett, who have a refinery on the creek, ob-tained a temporary injunction and an order to show cause why it should not be made perpetual, they claiming that the closing of the "draw" seri-ously interfered with their business, as their ves-sels could not pass through to their establishment. The case came up yesterday on the motion to have the injunction made permanent. After nearing the arguments pro and con, Judge Gi-bert deckied that for aucht that had been shown the act for establishing the bridge was yould The duty of keeping it in repair follows. No abuse in the manner of performing that duty had been shown, nor was it averred that detend-nate were unable to respond in damages. The motion to continue the injunction was denied and the femorary monotion was denied and ants were unable to respond in damages. The motion to continue the injunction was denied and the temporary injunction was dissolved, with \$10

de Cuba. It may be taken for granted that if the

About six months ago Andrew McCleilan was

SUPREME COURT-SPECIAL TERM-PART 2.

The Supervisors of Kings and Queens counties authorized the repairing of the Newtown Creek bridge. The party who was directed to do the