# DAILY CRESCENT.

NEW ORLEANS:

THURSDAY MORNING, AUGUST 3, 1849.


See Third Page for CITY NEWS, &c.

☞ Mr. ALEXANDER CLIACKION is our Agent, authorized to receive for the Crescent, Mobile and Georgia. N. E. R. R. & CO.

☞ The first Children's Suite at Pere Chretien comes off on Monday evening next, the 6th inst. It will be a delightful gathering of the little folks, and will bring together a throng of proud and happy parents.

The next evening, Tuesday, the 7th, a Ball will be given under the direction of a Board of Managers of New Orleans gentleman, at the Green Oaks Hotel, Biloxi.

Both places may be visited, in one trip of pleasure, spending less than two days.

☞ We are indebted to the James L. Day for our supply of Mobile papers.

THE REGATTA AT MANDEVILLE.—Yesterday a large party left for Mandeville to witness the regatta, but we regret that owing to the light wind it did not come off, and that the Cup which was to be awarded will be run for in a short time, when due notice will be given. A gentleman who was present yesterday, informs us that they had a fine time, notwithstanding the disappointment, as there was a large number of ladies and gentlemen present from Mandeville, Madisonville and neighborhood, besides those who went from this city. There was a fine band in attendance, so that there was no lack of music and dancing. Capt. Grice, of the steamer Olivia, gave a handsome collation on the occasion, and did the host in his usual handsome style.

THE MESSAGE-BIRD.—This is the title of a new semi-monthly, to be published in New York and devoted to music and polite literature. We have received the first number, and can say that it promises to be of use in the fields of art which it particularly cultivates.

WHITE SULPHUR SPRINGS.—Among the visitors at the White Sulphur Springs of Virginia, are Mr. R. Taylor, son of the President, one of ex-President Van Buren's sons, the Russian and Spanish Secretaries of Legation, and a number of naval and military officers. Mr. Clay is expected soon.

AGENT TO CALIFORNIA.—The National Intelligencer of Tuesday (last week) says the following information, transmitted per telegraph from Washington to New York, appearing in nearly the same form in several New York papers of Monday, corroborated as it is by circumstances within our knowledge, we suppose to be substantially correct, and therefore copy it:

*Washington, (Sunday,) July 22, 1849.*—"Wm. Carey Jones, whose resignation as Secretary to the Board of Mexican Commissioners has been previously announced, will leave this city in a few days for California, with most important despatches for Gen. P. F. Smith in relation to the future government of that country, as Gen. Taylor [the President] has determined to take all needful responsibility in our unorganized territories for the preservation of order."

Mr. Jones has already left Washington on his route to California.

☞ Mrs. Rathbun, whose throat was cut in New York on the 23d, by her son, was on the next morning much better, and great hopes of her recovery are entertained by the attending physician.

THE REMAINS OF WORTH AND DUNCAN.—A special committee of the Common Council of New York has been appointed to cause the transportation to that city of the bodies of Major Gen. Worth and Col. Duncan. They have appointed an agent to proceed forthwith, who will return, if possible, by October next. The sum of $1,000 has been placed at the disposal of the committee, to defray necessary expenses.

ARRIVED OUT.—Mr. Clemens, United States Minister to Belgium, and his lady and family, have arrived in London from the United States on their return to Belgium.

☞ The drawing of Bel Air Lottery, Class No. 34, which took place at Baltimore, Md., upon the 24th inst., resulted as follows: 3, 68, 48, 28, 52, 16, 9, 31, 47, 74, 54, 25.

### The Rey Investigation.

The testimony for the prosecution in the Rey affair has been closed, and we are now prepared to decide on the performance of the promises which were made some days ago as to the proof of the Spanish Consul's guilt. One of the charges was thus formally and directly made:

"We now distinctly charge that Carlos de Espana, Consul of her Catholic Majesty, Isabella Segunda of Spain, did feloniously and wickedly procure, by the payment of large sums of money, several individuals in this city to conspire with him to abduct the person of Juan Francisco Rey, with the intention of placing said Rey under Spanish jurisdiction, which intention they carried out by chartering or engaging the schooner Mary Ellen, at an enormous rate to proceed thither under the control of Capt. McConnell, who cleared at the Custom-house, the better (we believe) to deceive, for the port of St. Thomas."

So speaks the official organ, which "knew every thing." The man who gave this information to the organ wished, it seems, to fill up his leisure moments during the summer with a hoax which throws the great "Pillow hoax" completely into the shade. If he had not been pressed for time, he could doubtless have just as easily taught the veracious organ to swear "by the Eternal" that the sixward mysteriously looked for on board, was actually the Governor-General of Cuba in disguise, and the cabin-boy, her "Apostolical Majesty" Isabella the 2d, in a dirty panama and ragged blouse.

But another paper, which followed in the wake of the organ had, it appears, still more important testimony. It said:

"Indeed, we are assured that when the proper time arrives, an abundance of proof can be had about the introduction to the sick Rey of his new physician—his first not being 'good for him;' an abundance of proof too, about the carriage which was to convey him from his lodgings; of the threatening poignard drawn against his person; the dinner at the restaurant; the tying of Rey's arms behind his back; the bullies who conveyed him on board the schooner Mary Ellen; *the clearance of that vessel on the 3d inst. for St. Thomas and a secret, and her sailing on the 5th for Havana!*"

Now has not the public been grossly trifled with if all this testimony exists? None of it has been brought forward—not even the "carriage" and the "tying," to say nothing of the "threatening poignard." Were all these deep-toned charges and guttural declamations mere stage-acting and gammon!

Newspapers may state as many opinions as they please, provided they give us the facts on which the opinions are founded. But when they fill the ear of the public with inflammatory statements which they either cannot or will not prove, they transcend their rights and go beyond the privileges which legitimately belong to them. Before a journal makes grave and serious charges against any man—to say nothing of a functionary and representative of a foreign Government—it is a duty to investigate fully and examine thoroughly. Had it not been for the thousand and one fanciful fictions which have been circulated through the community, and propagated by the press, the great excitement which now prevails against the Consul would never have existed.

It has been stated throughout this affair, that Rey ran away from Cuba for a political offence. The fact is that he committed a breach of trust, and was an accessory in an attempt to break jail. All the political feeling which has been got up in favor of Rey is a fraud upon public sympathy. An effort has been made to enlist our political feelings in behalf of a man who betrayed his employers, and was in turn forsaken by the man he had served at the risk of his own life and character.

### Mobile Bay—The Regatta on Monday.

STEAMER JAS. L. DAY, 31st July, 1849.

*Eds. Crescent*—With a determination to make the most of a few leisure days, I determined to visit the lake shores and the much talked of "Bluffs" in the Bay of Mobile; and it would be useless for me to descant of the Bay St. Louis, with its quiet retreats and thousand Municipality improvements and Creole comforts; or the fashionable "Pass," with its tresses of fashion "as strongly displayed at the hotel," and of the very many residences of clever fellows dotted on the glassy shores for several miles, its rail boats, its fishing and convivial boating parties, presided over by that prince of Presidents, (not Louis Napoleon, but) J. W. B.; neither will I say much of the quiet retreat of Mississippi City, or the *ruling genius*, Dr. T——s; or of the aristocratic Biloxi, the former summer sojourn of our cotton and bank lords. The remains of their former greatness are still there, and many of the first class still make it a resort for exclusive comfort. Among the most prominent is an old soldier who formerly responded to the *sobriquet* of "Handsome Jack," who still retains his former vivacity, tells good stories, and lights his bottle over again, garnished by many finer sketches. The next place to be passed is the healthy Pascagoula Point, with its gentlemanly landlord, good cheer and glorious bathing.

Each of these places, Messrs. Editors, is well known to the citizens of New Orleans; but how little do they know of the "Mobile Bluffs!" The beauty, health, position, and advantages of its sea-bathing or natural shower baths from cool and delicious springs, are yet to be known to the Orleanians. The Bluffs are situated on the bay, opposite the lower point of Mobile city, about ten or eleven miles distant, rising suddenly from the bay, with bluffs of red and white sand stone intermated by the choicest trees of the southern forests, growing in the greatest luxuriance from a dark sandy soil, susceptible of producing corn, cotton, rice, and every variety of fruit. The most prominent trees (the natural growth of the forest) are Magnolia, Live, Water and Red Oak, Holly, Beech, etc., with vines in abundance. For many miles on this beautiful bluff we find a number of delightful villas, occupied by the citizens of the "*City of Hospitality*," many of whom reside there permanently, by favor of the "Little Cora," (low pressure) commanded by little John Atwoung (that *used to be*; he now weighs over 250 lbs.)

Besides the many desirable residences, we have an elegantly built Hotel, kept by Howard, who desires to do all in his power to make visiters comfortable, assisted by his amiable lady, and it is only to be regretted his catering does not keep pace with his desire; however, he may yet learn to tickle the palates of the Mobile and New Orleans gourmands. Then we have "Freeman's," with all the creature comforts—good stabling, good living and well cooked, fine table landlord; and she assisted by the "tall pine." Then comes "Short's," a good, quiet sort of a house, half hotel half boarding house, with a slight sprinkling of a religious cast amongst his boarders, and where drinking wine is strictly prohibited—in *public*. The next place is Fairy Clear, some ten miles nearer the Gulf, and is much esteemed for the purity of its sea-bathing, good fish, and society. It is fast so much frequented as the upper hotels, but is well supported by the "upper ten." I could have given you a description of many delightful spots between the two points described, but time and paper must bring me back to the first intention of addressing you, viz: the description of the Mobile Bay Regatta, which took place yesterday, the 30th July.

At an early hour in the morning boats of every size and description, and under every possible rig, began to arrive, and by the hour (12 o'clock) named for starting the first class vessels, not less than two hundred sail and row boats, were under the beautiful Bluffs, a large number of them already having entered for the several prizes. We had also several steamboats besides "Little Joe's," loaded down with the beauty of Mobile and neighborhood. Owing to the Committee having been disappointed in obtaining flag and stake boats, some delay occurred in starting the first class boats, and two o'clock arrived before the following named boats raced for a splendid silver Pitcher and Salver, valued at $150, and came in as follows:

| | | | |
|---|---|---|---|
| Joseph Forsyth, 19 tons | 1 | Kinkinge | no where. |
| Cactus, 3.50 tons | 2 | Wm. Foster | do. |
| Eliza Riddle, 14 tons | 3 | W. C. Sutton | do. |
| Pilgrim, 5 tons | 4 | Sisters | drawn. |
| John King, 2.50 tons | 5 | | |

The distance run was over eight miles, but not certain; it is therefore of no use to give the time. The difference of time between the two first boats was two minutes. The *Joseph Forsyth* is a large, wicked-looking craft, capable of carrying any amount of sail. The *Undine is one of them* that cannot be beaten in the Southern waters, and give 2½ tons. She is a boat of beautiful model, and was celebrated in New York as the "Snake Driver," where she beat every boat put against her. The Old Commodore of the Southern Regatta will have to bring out that "fast man's" boat if he expects to win next Monday. But to the

SECOND RACE—*Five Miles to Windward.*

| | | | |
|---|---|---|---|
| John Pierce | 1 | Nymph | 2 |
| Catherine | 2 | Scott | 4 |
| Blue-tailed Fly | not placed | Growler, missed stays starting | |

This race was won with great ease by the *John Pierce*, which is a beauty. The Prize was received by George Collom—a rich pair of Goblets and Silver Salver.

THIRD RACE—*Four Miles to Windward.*

| | | | |
|---|---|---|---|
| Adrion | 1 | Kathanne | not placed |
| Heine & Mary | 2 | Bright Liberty | not placed |
| Adele | 3 | Swallow | not placed |
| Glaucus | 0 | Friends, Jr. | not placed |
| Frank Johnson | not placed | | |

This race was won with great ease by the *Adrion*—Prize, a Silver Goblet and Salver.

FOURTH RACE—*A Triangle of 1½ miles each.*

| | | | |
|---|---|---|---|
| Uniform Soldier | 1 | Wave | 3 |
| Lanita | 2 | | |

This was a well contested and spirited affair—the two last boats coming in together. Prize, Silver Goblet and Salver.

The Fifth Race, or Scull Match, did not come off. The *Water Lily*, a "sculler," when it is supposed frightened her opponents, pulled round the course for the Prize—Silver Goblet and Salver.

The weather was the *very thing* for a boat sailing race—blowing moderately from the East, with very little sea on; and the clouds flitting over the Bay, relieved the spectators and amateurs from the heat of the sun. The whole affair passed off without the slightest accident or casualty to mar the pleasures of the day. The Cups were presented by Maj. J. A. Beard—who acted with Col. John B. Todd and Mr. Nichols as Judges—to the several fortunate winners.

At night—what shall be said of the Balls at the several Hotels, which were crowded by all the belles and beaux of Mobile, the surrounding country, and many from New Orleans? The dancing and hilarity only ceased when day broke on them, and many said it came a *leetle* too soon.

What became of many of the wounded hearts daybreak and the time for starting, is a mystery; although a gentleman member declared to one of the Cors. that they intended to commence *building* on arrival in Mobile, having a full supply of *bricks* to commence with.

Among the sprinkling of New Orleans folks at the Bluffs, we find several of our respectable Creoles. Mr. M. and his lady are living in quiet and easy retirement. Mr. M. frequently visits the city that was contemplated by his father in 1839, and which *was* intended to outshine Mobile. Then we have old "Ric," with his mother and sisters—the latter aiding with their musical accomplishments in the harmony of the place; and "Ric," with *his face*, keeping all the outsiders roaring, negroes grinning, and children running. He is the *fac totum* of the place, and nothing can be started unless his aid is required, and is as readily extended. Then we have the *dashy "Sweet one," of* Camp street, with his beautiful little wife—the former decidedly a fair representative of the *bed climate* of New Orleans. I could name many more, but must stop, though not before I ask of you, as a favor, to visit the Bluffs, and give the New Orleans people a full description of the *beauties of Mobile Bay.*

Yours, HEAVY-SIDES.

OLYMPIC THEATRE.—This evening, the Grand Melo-Drama of "Valentine and Orson" will be performed—the character of *Valentine* by Mr. Charles. To conclude with "Robert Maguire."

LAKE FISH.—Capt. Scott, of the steamer Gen. Taylor, yesterday sent us a large, plump Redfish, the merits of which were freely discussed by a party of fish epicures at dinner, who all came to the conclusion that if the Captain fed his passengers on such fish, they would be sure to make a passage with him to the watering places. They n't have a chance this evening; for his popular boat leaves the Lake end of the Railroad on the arrival of the 6 o'clock cars.

FROM CALIFORNIA.—The Boston Traveller of the 23d gives a series of contents of letters addressed to a commercial firm in that city, from a resident partner in California. They are later in date than any heretofore published, and there is no mention made of the conveyance by which they reached Boston. But they contain nothing that is not in harmony with what we have received before, although there are some additional facts worth quoting.

The markets are overstocked with goods, and some dozen vessels are expected from China. Charges for storage and landing are enormous, say for a barrel $3 to $4 per month—other packages in proportion; $6 to $8 per ton for landing goods. The anchorage is crowded with vessels, and more arriving daily. About one hundred are expected. Building materials, principally house frames, complete, boats of a good kind, say four-oared and whale-boats, launches, scows, etc., carts of different descriptions, with their harness complete, I think will do well. Provisions and clothing are abundant and cheap. Lumber is worth $400 per 1000, and scarce. New towns are laid out in different spots around the bay, and building lots in the wilderness; their sites are selling at from $1500 to $2000 each. San Francisco is full of people; twenty, and often thirty individuals, occupy one small apartment, and the tents about the town innumerable, are equally crowded. Rooms twenty feet square let for $600 to $800 per annum. Building lots, worth here two years since $200, now exchange hands at $50,000. At the mines, as yet, matters are pretty quiet, but fears are entertained that ere long there will be disturbances between our countrymen and the Mexicans—some six thousand of the latter, lately arrived in the country, having evinced a most turbulent disposition. News has just arrived that six men, in twenty days, near Feather River, procured $60,000 in gold dust.

## The Abduction Case—Examination Continued.

The Court room was again crowded yesterday with an attentive audience, anxious to hear the evidence brought for the defence. The Court remained in session until nearly 12 o'clock, P. M. At 10, a motion was made to adjourn, after an examination of two of the crew of the Mary Ellen. Mr. Dufour asked that the balance of the witnesses from the vessel should be kept in custody by the constables, to prevent them from communicating with those that had already testified. The Court decided that this would occasion more trouble than to continue the examination, and the counsel for the defence insisted that they would not have the right to lock up all the witnesses, if this partiality was allowed. It was then agreed upon to go on with the case until these witnesses should be examined, which was done. The whole of this day will be taken up with the proceedings, commencing at 10 A. M.

FIFTH DAY....Wednesday, August 1.

The counsel having stated that they were ready to proceed, the witnesses for the defence were called.

JOSEPH GENOIS, Recorder of the First Municipality, sworn.—I know one Charles Rodgers; he keeps a seamen's boarding-house; he is a small man short and stout. From what I know of the man, he bears a very bad character. I know nothing of his character for truth and veracity.

*Mr. Dufour.*—This is not evidence. We don't want personal opinions. The witness says that he don't know about his character for truth and veracity.

*Mr. Collens* explained that he wished to see what that "bad character" was, it may involve the character for truth and veracity. He did not believe that the counsel should be confined to the simple question, but allowed to show that the one involved the other, and that if, as they could prove, this man was a thief, it might go to show that he has no character for truth and veracity.

*The Court*—We think the opinion is settled, that for the protection of witnesses examinations are not allowed to go into details of a man's whole life. But two questions are allowed—1. is his character good for truth and veracity. 2. Would you receive him on your oath?

*Mr. Preaux*—We yield to the decision.

*Mr. Collens*—Mr. Genois, would you believe Charles Rodgers under oath.

*Mr. Dufour*—No, no; this is the second question; ask the first.

Mr. Preaux appealed to the Court which sustained the counsel for the prosecution.

*Mr. Fox Junior*—I feel it my duty to say that if Recorder Genois had been allowed to answer, that he would have declared that he would not believe Charles Rodgers under oath. This, sir, is demanded of me by the circumstances of the case.

*Mr. Warfield addressing Mr. Faulkner*—Any more remarks of that kind

*Mr. Faulkner*—Yes, sir; I may have many more remarks to make. The Court will bear witness that my course towards the counsel for the defence has been fair and generous. I have not interrupted them with such language. The counsel then commented on the matter briefly and eloquently.

*Mr. Warfield* seems to reply. The Court told Mr. Warfield that it was unnecessary, that he was in the wrong.

*Mr. Warfield*—I made the remark, sir, while sitting down.

*The Court*—I think the remarks, sir, made in your presence imply more than the remarks made on you feel. The Court cannot allow this course.

*Mr. Warfield*—I have nothing to say, sir.

*The Court*—No answer is necessary, sir. You called forth the remarks from the counsel yourself. Mr. Faulkner has treated the prosecution with much courtesy throughout the examination.

Mr. Warfield replied in a short explanation.

MANUEL VIGNAU, Spanish interpreter.—*Examined by Mr. Collens.* (Spanish interpreted by Louis Sere.)—I know Mr. Cornesio; I remember a conversation that occurred between myself and two friends near Mr. Cornesio; finding him on the 22d July last, in the evening between 7 and 8 o'clock, at the corner of St. Louis street and Exchange alley, at the segar shop, and then while speaking with Antonio Vignau and Jose Fernandez, Vignau said to me there comes your Mexican friend, meaning Cornesio; I replied I would be pleased to give some steps to that earnion; I said those words on account of something that interested me particularly, and the one against Don Carlos de Espana don't interest me at all; I don't believe the gentleman with whom I was talking were friends of the Consul.

*Cross-examination*—I wrote the card in "La Patria" about the Consul in relation to this case.

*Direct resumed*—I signed that card; I did not write it as a friend of the Consul, but merely as an expression of my opinion.

ANTONIO VIGNAU sworn—*Examined by Mr. Collens*—I was at the conversation between Mr. Morinati and Fernandez, on the night of the 22d July; Cornesio went into Andrew Ring; said to Morinati, there is your friend the Mexican, who is going to buy segars; Morinati replied I am inclined to give him two slaps; Morinati told me the motives at the time why he said so; he said it was a personal matter between them.

*The Court*—Why did you say to Morinati, here is your Mexican friend?....Because I knew what had passed between Morinati and Cornesio.

*Mr. Collens*—We would like to show what the motives were, but we waive it; it would not redound to the credit of Mr. Cornesio.

JUAN GREAU *Swore—Examined by Mr. Collens*—About eleven days ago I was standing at the segar shop of Mr. Fentz in the evening, Cornesio came to me and told me, do you know Morinati wished to give me two slaps; I asked him what was the reason, and he replied some remarks relating to Morinati; I did not say that Morinati had told me this; he has not told me anything.

Mr. GUTIERREZ (Recorder 2d Municipality) sworn—Examined by *Mr. Collens*—I am well acquainted with the people of that part of the city in which I have jurisdiction; I know Charles Rodgers; what I know about him is from the records of my office.

*Mr. Lorne.*—This is what we wish but the two questions.

*Witness.*—I never heard him spoken of out of my office. I see a great number of people in my office. I am the greater part of my time there, and hear a great deal about the character of people who come to me to have something done.

*Mr. Collens.*—Have you ever heard the character of Chas. Rodgers spoken of?

*Mr. Dufour* objected to any but the one question about presently. The Court sustained the objection.

*Witness.*—I cannot answer the question of character relative to truth and veracity. If you ask what I think of him I can answer the question right off.

*Mr. Dufour.*—No, sir, no.

Mr. Collens said that he only wanted to know the general opinion, and that could be derived from those frequenting the office.

Mr. Dufour here rose and made some remarks in regard to secret enemies and the reputation of individuals, which called forth apologies from the audience.

*The Court*—The question has been decided long since.

Mr. Collens assented in answer to Mr. Dufour, disclaiming any desire to attack the character of any individual in the manner stated by the counsel for the defence, and dwelt upon the injury that would be given by a public functionary of Recorder Genois's experience.

The Court decided that the Recorder understood the question and the decision of the Court, and was competent to answer it.

Mr. Larue quoted from Starkie on Evidence, page 146, showing that a witness' evidence could be impeached by a general opinion, and that the question was "whether he would believe him on his oath."

*Mr. Warfield.*—Paragraph 461, Greenleaf on Evidence, states differently. (The counsel here read the authority.)

Mr. Collens—Greenleaf is not against us; he says "he must say whether or not a person generally said of the person. The enquiries shall be as to his reputation where he is best known, which constitutes his general character."

The counsel then continued the argument.

*The Court*—Does the defence question put a witness is what is his general reputation amongst his neighbors. This question has been put to Recorder Seczenaus, and he has answered, he did not know.

*Mr. Collens*—The decision has always been qualified, sir.

The Court here read further authority, and decided that they adhered to the rule as they stated.

GEORGE COLEMAN (first mate of the Mary Ellen) sworn, when Mr. Dufour asked if the witness was the one of Captain McConnell's crew, and on being answered in the affirmative, he asked that the witnesses be separated, and said that a room had been prepared for the purpose. He meant the witnesses taken from the vessel.

*Mr. Collens.*—We have no objection.

Mr. Foulhouze said that as the motion had been made he asked the Court to place the witnesses under the control of the constables, so that no communication could be had with them, either by friends or enemies.

The Count then called the names of the crew of the Mary Ellen, six in number.

*Witness examined.*—I am the mate of the MARY ELLEN; was with her during her last voyage to Havana. We took the largest part of the cargo on board on the 20 July, the balance on the 4th. I went to get a towboat; asked Capt. McGlaughlin, Captain of the Little Lotta, if she would tow us that night; he said not. This detained us. We had a Spanish passenger on board. He was a small man, 21 or 22 years of age; black merino coat, and pantaloons, I think, of the same, and a small panama hat.

*Mr. Collens.*—When did you first see this man?....First time was between 4 and 5 o'clock on the 5th of July. He came down in company with another man.

What sort of a man was this other man?....He was a man of 5 feet 6 or 7 inches, stout, with black moustache.

Would you know him?....I might recognize him; I have never seen him before or since.

Llorente was here called, and witness said that he believed he was the one.

Where was the vessel lying when these men came on board?....At the 1st wharf, First Municipality, at the foot of the Public Square.

What did they come on board for?....The passenger asked me if he could get passage to Havana.

What did you reply?....I told him I could receive none; my orders would not allow it.

When did you leave the wharf of the First Municipality? About 7 o'clock that evening.

When did you drop down to the Third Municipality?....About half-past 7, waiting for a tow near the cotton press.

What o'clock did you start with the tow?....About 9 o'clock.

Were you detained at all there?....Yes; by the tow, one hour, and on account of the cook.

Did you see the cook come on board?....Yes, sir.

Who was he put on board by?....I believe the shipping-master and two of his runners. I saw the negroes with his clothing.

Did the Captain give you any orders about the cook?....The Captain, when he came down, asked if the cook was on board; I told him "No." He said that the moment he (the cook) came to cast off—to get ready immediately.

Did the vessel swing any from the wharf?....About six feet.

When did the passenger come on board?....Not three minutes after the cook came, I believe, the passenger came on board.

Did you see him when he got on board?....Yes, sir.

How was he coming?....With two friends with him he seemed to me to be coming.

What time did he come on the vessel?....He was passed on board by the people with him.

What did he do when he got on board?....In five minutes he went down into the cabin. He seemed perfectly composed. I saw him ten minutes afterwards, when I went down into the cabin.

Did you speak to this man?....No, sir; he was sitting at the table opposite Capt. McConnell, who had papers before him.

What were those papers?....A Spanish passport.

Did you see it?....I did, sir. I examined the same; it was made out for Pedro Romeu.

Was the man at any time confined on board?....He was always at liberty, at all times, on board of the vessel, like any other passenger.

Did he go on deck that night?....Yes, sir.

How long before the vessel started?....He was on deck before 10 o'clock.

When you got to the Balize I suppose you took a pilot; was there any?....Between 7 and 8 the next morning we took a pilot.

What Pass did you go out at?....The Southwest Pass.

Day or night?....In the morning.

How long was the pilot on board?....Nearly two hours.

Was his pilot-boat alongside or astern?....Towing astern; within fifteen feet

Was she alongside any part of the time?....Yes, to put the pilot on board and take him out of the vessel.

Where was this passenger at the time?....He was on deck; I saw him very frequently.

How many days were you going to Havana?....Eleven days.

Where did you anchor when you got there?....At the Quarantine Ground.

How long did you stay there?....Six days.

Where was this man during this time?....He had free ingress and egress all over the vessel.

Did you unload and load again at the Quarantine Ground? Yes, sir.

How did you manage to unload there?....By lighters.

When you left was your quarantine time out?....No, sir.

What was done with this passenger?....About thirty minutes before we left a mate and another man took him in a boat, and put him aboard of an American vessel, the Andrew Ring, of New York.

*Cross-examined.*—Mr. *Warfield*—Do you speak the Spanish language?....I understand a little of it; not enough to speak it fluently.

Mr. Warfield then propounded the following question, in Spanish: "Do you want a Havana passenger?" The witness replied that that was all dog-Latin to him. The answer produced a great sensation and much laughter, creating for the moment the belief that the witness knew nothing of the language. Mr. Collens asked that the witness be allowed to say, himself, in Spanish, what he replied to the request of Rey for a passage. The witness very readily gave the answer in tolerable Spanish. At the request of the counsel for the prosecution, Mr. Gomez was then asked to give to the witness the same question, in Spanish, that was proposed by Mr. Warfield. He did so, and was readily answered.

*Mr. Warfield*—Will you repeat to the Court, in Spanish, what you answered?....(In Spanish.)—I do n't want a passenger.

What freight did you take in on the 4th?....Ship stores, and a case containing peacock feathers for brushing.

Did you take any thing else on board that day?....Nothing but ship stores.

What time in the morning?....I have already stated that it was 9 in the evening

Where were you standing when they came on board?....I was standing on the forecastle; the balance of the crew were on shore, getting their things ready; the steward might have been down in the cabin or whore, I cannot say; I did not notice any of the crew near me at that time. We sailed for the Third Municipality about sundown; the DeSoto towed us down.

Was there a cabin boy on board the vessel?....Yes; a youngster of 15 or 16; he acts as a steward; his name is Domingo.

The Court here said that it would give the witness an opportunity of explaining himself; in his examination in chief he said that "his orders were against it" in answering the application of the passenger; but that in his answer given in Spanish he had omitted the. The witness explained that he had told the man only that he could receive no passengers; and in his examination he intended to say to the Court, that "he had no orders" as the reason for his replying in that way.

Which one addressed the question to you asking for a passage?....The passenger that went with us. He made no reply to me; he did not ask for the Captain after I told him I could not receive him.

Where is Domingo; did he come back with you?....He was just sent out of the Court, sir, by your side. (Laugh.)

It was the order of the Court, sir. Where were you when the passenger was brought on board?....About the fore rigging.

How far off were you when you first observed these persons?....The night was dark; I should think thirty feet from the vessel; I saw two persons escorting the passenger; there was one on each arm, and one man helped him on board.

Were the persons walking fast or slow?....They were hurrying along the levee; thinne boat's bell was ringing.

Explain to the Court how he was carried on board?....We were nearly level with wharf; he was passed on board by his friends; we had a deck load of land on board, and he was merely passed on top of it.

Did you see him walk into the cabin?....Yes; there is a descent to the cabin of six feet; it is a high quarter deck.

Did you follow him down?....In five or ten minutes I went down and saw the passenger.

What did you see?....I saw him sitting alongside of the table with the captain; there was a light in the cabin.

*The Court*—How did you happen to look at the passport?....It was open on the table; I saw it; I saw it: I am in the custom of reading the passports of passengers.

Did you read it all through?....I merely glanced at the same; I saw the Spanish coat of arms on it; it was Spanish, and printed and partly written.

Did you take up the passport, or was it handed to you?....It was laying on the table.

What was your object in reading the passport?....The passports are all in my charge; when I see them I always look at the names.

How long did you remain in the cabin?....Some three or four minutes; then I went to duty on deck.

What conversation took place between the Captain and the passenger when you was there.....They were discoursing together in the Spanish language.

Was his (the passenger's) hat on his head or the table?....I think on the table; I think took charge of the deck, and the steamer went off with the tow; I saw him on deck when we got near the levees.

Where was the passenger's baggage put?....I did not see any baggage at all.

Did you find the Andrew Ring at anchor at quarantine when you arrived there?....Yes, sir; she was aground for two days.

Any other vessels around you at the quarantine ground?....Yes, sir; there were the "Pierre Soule," ship "Adelaide," of New York, a packet, two or three Spanish, two or three English, and one or two Bremen vessels.

At what distance was the Soule lying?....Three or four hundred feet; we were the 2d vessel; Captain Ring, of Andrew Ring, was about the same distance on the in-shore side of us, and the Pierre Soule was more towards the city. The Captain did not leave the vessel during the six days we were at quarantine, or no one came on board; I think the Captain did not go with the passenger to the Andrew Ring.

Did you hear the Captain give any orders when the passenger was sent away?....Nothing further than to take him on board of the Andrew Ring; I was there, however, because he could not be landed on account of the quarantine.

What arrangements were made to transfer this man to the Andrew Ring?....None, sir; it is usual to transfer a passenger from one vessel to another while we remain there—this is admitted.

What place took the vessel over the bar?....I do not know him.

*Mr. Lorne.*—We can tell you; his name is Richardson; we got a telegraphic dispatch that he would be here to-night.

*The Court.*—Did the fact of the passenger not having baggage occasion remark?....I never heard any.

*Mr. Warfield.*—Was any other passenger on board of the vessel?....Three men, the cook, steward, second mate, and myself, beside a man that was put on the articles by the Captain, and made the voyage with us.

*Mr. Lorne.*—This man, sir, Mr. Robertson, who went on a pleasure trip and came back

*Mr. Hunton.*—Did you tell the Captain of the application of the man at 5 o'clock?....I did not.

Was the Captain expecting this passenger? did he state so?....He said at 5 o'clock, but remarked that he would not stop the vessel for him.

When did the Captain leave the vessel that day?....I leave the Captain was down the bay about 1 o'clock.

Had you and the Captain any conversation during the voyage about this passenger?....None whatever, sir.

How did this man employ himself during the voyage?....As great as I can say; he occasionally walked the quarter deck.

Why was the Andrew Ring selected to put the passenger on board?....She was the nearest vessel to us, I believe that was all.

Were you acquainted with any of the Captains there?....I knew Capt. Williams, and Capt. Adams of the Adelaide.

The Captain of the Andrew Ring was a stranger then to you?....Yes, sir.

Any letters received by your vessel while there?....Letters came on board from the Consignees to Capt. McConnell.

*Mr. Warfield.*—Was the same passenger that you refused the one that you came to ask you about any thing?

*The Court.*—Did you not tell the Captain that you had refused this man a passage?....I did not; I saw them in the cabin with the papers, and supposed all was right.

*Mr. Warfield.*—By what name did the passenger pass on the voyage?....I do not know; I never spoke with him on the trip; the steward called him to his meals, and spoke in Spanish. I never heard him called any name.

When did the Captain give orders to the passengers, as referred to when you said had orders not to take passengers?....A week previous.

Did the passenger dine with you at the table?....Yes, sir. He always ate with us; the steward waited at table; Capt. McConnell, Mr. Robertson, this passenger, the second mate and myself.

*Direct Examination resumed*—Mr. *Collens.*—When you went out of Havana had the Pierre Soule hoisted her quarantine or not?....Yes, sir, she went out the morning that we left.

DOMINGO VALERON sworn, (Spanish, interpreted by Mr Sere.)—I was steward on board of the Mary Ellen on her last trip; we had a passenger that wore a white hat.

*Mr. Collens*—What kind of a hat was it?....A Panama hat, a small low hat.

Did you see this man? do you see that man?....I saw him when two or three miles down the river.

Where was the man?....He was on deck, walking with the gentlemen and smoking a fine segar.

When you got to the Pass was there a Pilot on board?....Yes, sir.

How long did the Pilot remain on board?....Two hours.

Where was the pilot-boat?....Alongside of the vessel.

Was it alongside of the vessel?....Yes, sir.

During the voyage, what language did this man speak?....The Spanish language. The only conversation I had with the passenger was, he told me he was going to collect $5000 in Havana.

How was this man treated?....He was well treated, as a passenger.

Where did he sleep?....He had his berth near the Captain.

Who made up his bed?....I did.

How long were you on the voyage?....About ten days.

How long did you stay at Havana?....Six days, at quarantine.

What became of the man when you left quarantine?....He went on board of an American brig.

*Cross-examined by Mr. Warfield.*—What day did you leave New Orleans?....I do n't recollect the date.

At what time of the day did you see Coleman come on board?....I don't remember.

Was it before or after sunset?....I cannot say.

Was it long before or after sunset?....It was near nightfall.

Where did Coleman spend his evening?....I don't know.

From the time you came on board, at 5 o'clock, until sunset, when Coleman came in, no one was on board beside you and the three sailors?....No, sir.

*Mr. Collens.*—Will the Court tell the witness that, if he does not understand, he can ask an explanation of the question. (This was done, and he was told also, that if he could not comprehend, he need not answer.)

*Mr. Warfield.*—How long did the voyage last to Havana? About ten days.

Did you converse with the man during the time?....No; except the time he said he was going to collect the $5000 at Havana.

*Mr. Dufour.*—What made the passenger tell you this? What motive or reason had he?....Because he asked how many days it would take him to go to Havana; and I answered that I did not know.

Where were you when the schooner sailed from the Third Municipality?....I was near the kitchen.

Did you see the passenger come on board?....No, sir.

Did you see him that night or the next morning?....I saw him when we were about two or three miles down the river.

*Direct examination resumed.*—Mr. *Collens.*—Where did the mate sleep the night that you left town?....He slept on board.

Did the mate stay on board all day, or go on shore several times?....I did not see him go off!

RICHARD SMITH sworn.—Mr. *Collens.*—Were you employed on the Mary Ellen during her last voyage?....Yes, sir.

Do you remember a passenger that you took along?....Yes, sir.

What language did he speak?....The Spanish language.

How was he dressed?....He had black clothes and a small Panama.

When did you see him for the first time?....I saw him in the cabin when we had got two miles down the river.

What was he doing?....He was sitting on a chair.

How long had you seen him on board?....About half an hour.

Was there any one else in the cabin with him?....Yes, sir—Mr. Robinson.

*Judge Campbell.*—What was the name of the other passenger? You say Mr. Robinson?....I don't know, sir.

Mr. Collens.—Did he come on deck that night?....Yes, sir, I believe he did.

What Pass did you go out?....The South-West Pass, sir.

We had a Pilot; he came on board in his boat; the pilot-boat was alongside while he was on board; she was a little way astern when we went over the bar, as she could not remain alongside; she was then hauled up again alongside.

Were you the steward passenger when you were going over the bar?....On deck, sir.

What was he doing on deck?....Walking fore and aft.

How was he treated when on board?....The same as any other passenger. We were eleven days going to Havana; we staid there five or six days.

Where was the passenger during that time?....He was on board.

What became of him when you left?....He was left on board the Andrew Ring.

Who took him on board the Ring?....Myself and one of the sailors. I am second mate. I have been a little over three months on board.

What day did you finish loading the vessel in New Orleans?....We finished loading on the 3d, in the day time.

Did you take anything on board on the 4th?....No, sir.

On the 5th?....Only a stack of ice.

When did you take your stores on board?....Two days previous.

Where was the box of feathers brought on board?....I don't know; I saw them on board.

Who kept the account of the cargo when it came on board?....The mate, sir.

On the 4th of July, the day you sailed, where was the mate during that day?....He was on deck.

Where were you on that day—were you on board?....I was there part of that day.

Was the crew there all that day?....No, sir; the crew was at liberty; they went to get their clothing.

Where was the Captain that day?....Sometimes on board, sometimes on shore.

*Cross-examined by Mr. Dufour.*—What time did you get on board, for the last time, of the schooner the day that she left?....I went ashore a little before sundown; I came back after the sun was down; I remained on shore half an hour. Was this the first time you had left that day?....No, sir; I had been once or twice before. I was more than half of the day on board.

Who remained on board until nearly sunset with you?....The sailors; that is, three other sailors, Mr. Coleman, and the steward Domingo—which, with myself, made six.

When were these men on board?....They were on board after sundown.

When did they come on board?....At sundown; they had been on board off and on during the day; an hour, or over half an hour before sunset, they were not on board.

Was Domingo there the whole evening?....Yes, from sundown and before.

Was he there at 8 o'clock?....I cannot tell you; he was off and on the vessel all day; the mate was often ashore for a few