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OFFICIAL PAPER OF GENERAL COUNCIL. NEW-ORLEANS, WEDNESDAY MORNING, AUGUST 15, 1849.

WAGNE & WEISSE, Proprietors. No. 82 CHARTRES STREET.

TERMS OF THE BEE.

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Notice.

No person is authorized to receipt for the proprietors of the Bee, but Mr. E. Duverger, our book keeper and Messrs. E. Morton Quirk and Delanney Wilson, our collectors.

MAGNE & WEISSE.

New-Orleans, 30 April, 1849.

FOR GOVERNOR,
ALEXANDER DECLOUET.

FOR LIEUT. GOVERNOR,
DUNCAN F. KENNER,

For Auditor of Public Accounts,
LOUIS BORDELON.

For Congress,
FIRST DISTRICT
O. P. JACKSON.

SECOND DISTRICT
CHARLES M. CONRAD.

The New-Orleans Daily Bee

Wednesday morning, Aug. 15, 1849.

THE CANDIDATES.

The zeal of the denouncers of Gen. DECLOUET and DUNCAN F. KENNER, far outstrips their knowledge. Their charges are made up of assertions and not of facts. They first deny that General DECLOUET has changed his views touching an elective judiciary, and then complacently insinuate that if he has changed, irresistible necessity has alone caused him to modify his opinions. Both assumptions are equally groundless and illiberal. That General DECLOUET is no longer hostile to an elective judiciary, we have shown word as evidence—the word of a pure and honest man, who scorns falsehood or prevarication; and the reasons which have operated in altering his convictions are the same which have induced thousands of others to abandon their opposition to the project. First, the complete success of the experiment elsewhere; and next, the limited tenure of judicial office, provided by the new Constitution, and by which such functionaries are rendered more immediately amenable to public opinion. Gen. DECLOUET has never sought to conceal his views. He neither encourages nor desires to discuss, nor timidly to avoid a question, but, as we learn from his own lips, is ever disposed to state his opinions on any matter upon which they are based.

It is certain that ever since the nomination of Mr. KENNER, that he has exhibited any change of opinion on the subject of an elective judiciary, evinces a degree of ignorance surprising to professional men. Mr. KENNER has written two years, in the State Senate, voted against an amendment to the Constitution so as to make the judiciary elective, and for several years been the able and consistent advocate of the present system. His position was long since well and ably defined. Made known, it rather increased his popularity with those with whom he was then associated. The last year or two seem to have wrought the last year of two seem to have wrought a change in the political sentiments of a candidate for Congress, who was avowedly from your elective judiciary. Those who saw Mr. ALEXANDER DECLOUET may, if they please, entertain an opinion that an irresistible necessity compelled him to change his views. Here we see the man to yield his opinions to any one of a dozen motives of political expediency. He is a wire-pulling, crafty shifter of a backsliding, cunning, cold-blooded office seeker; and the radical change from which his views have undergone, is the result of sincere conviction and study.

There is no analogy between the change of opinion and that of Mr. DECLOUET. We are glad to learn this, and we wish Mr. DECLOUET good for the success which is widely disseminated. General DECLOUET, we believe, acted an *opinion*, not a *prejudice*; his views were shared by the strongest Democrats in the State—amongst others by the Chief Justice of the Supreme Court of Louisiana, and both the Democratic United States Senators who represent this State. The latter gentlemen cannot of course be accused of having vacillated principle in opposing an elective judiciary, for without any intimation whatever that they have changed, the Democracy have placed them with the highest manifestations of confidence. And it is were a *principle* that was which they had proved recreant, they would not now, whether adhering to, or recanting from it, be the trusted and well beloved representatives and standard-bearers of the Democracy. If every Democrat who, in 1845, was for an elective judiciary, were to be held as a traitor to the party, the good men and true would constitute a most insignificant and meagre minority—since even in the Convention that framed the new Constitution, the proposition was voted down by three fourths of the Democratic members.

JOHN WALKER, however, supported JOHN QUINCY ADAMS, rather than support Mr. CLAY—at least so we are told. How comes it, if Gen. WALKER was the admirable democrat in 1825, as he is said to be in 1849, that he did not support ANDREW JACKSON? It strikes us that in Pennsylvania there was a gentleman of that name who was the accredited candidate of the democracy, and upon whom the ardent democrats of Louisiana concentrated their strength. JACKSON, too, was the strongest candidate. He received a larger popular vote than either of the others, and Gen. WALKER's declaration that he voted for ADAMS, because he was compelled to choose between him and Mr. CLAY, is altogether unsupported by the facts of the case. The whole of the business is, that here was an abandonment of PRINCIPLE on the part of General WALKER, and however he may have atoned for it, by subsequent devotion to JACKSON, VAN BUREN, POLK and CASS, the proof of his abandonment is clear and indisputable.

Which will the impartial reader regard as more consistent—a prominent politician who professedly belong to the democratic party, did he strive to secure the election of the opponent of his party, or a gentleman who alters his convictions touching the expediency of a measure of popular right, which has intrinsically nothing whatever to do with party, and is only lugged into the canvass, in the hope that it will furnish a cause for abundant political capital?

☞ The weather for the last few days, has been insufferably hot. A rare feature in our climate is that the nights have been almost as intolerable as the days. The thermometer has been ranging steadily in the nineties for nearly a week.

The Alleged Abduction.

Before the Hon. George Y. Bright and M. M. Cohen, Esq., U. S. Commissioner.

FIFTEENTH AND LAST DAY.

DECISION OF THE COURT.

Yesterday afternoon before the appointed hour the Court Room of the Hon. Geo. Y. Bright was densely crowded, and an intense excitement prevailed in view of the anticipated decision of the famous Rey case.

At 4 o'clock precisely, Judge Bright and Commissioner Cohen took their seats. The accused having all answered to their names the latter gentleman then read that portion of the following decision having reference to the Spanish Consul, and Justice Bright followed by announcing the commitment of the other four parties to the First District Court.

DECISION.

The United States vs. Don Carlos de Espana, Consul of Spain.

The State of Louisiana vs. Carlos de Espana, Jas. McConnell, Fulgencio Llorente, Marie, and Wm. Eagle.

The Court during fourteen sessions of not less than five hours each, commencing on the 27th day of July last past, and ending on Monday, the 13th day of August, 1849, have patiently and attentively heard the voluminous testimony of very numerous witnesses, as well on the part of the prosecution as of the defence, and the argument of eight counsel, four on each side of this case; and having carefully considered the same and the laws which point out and prescribe the duties of examining and committing magistrates, and the manner in which those duties are to be by them performed. It is decided, not that the accused are clearly guilty of the assault and battery and false imprisonment, wherewith they stand charged, but that the testimony is such, and so contradictory and conflicting, as to render it proper and necessary to be enquired of by a Jury of the country.

It is accordingly adjudged by the United States Commissioner, that the said Don Carlos de Espana give bond with good and sufficient surety in a reasonable amount; that is to say, in the sum of five thousand dollars, conditioned for his appearance at the next term of the Circuit Court of the United States for the Fifth Circuit, to be held in New Orleans on the third Monday of December, eighteen hundred and forty nine. And in default thereof, to be committed to the custody of the Marshall of the Eastern District of Louisiana, until he shall be delivered by due course of law.

And it is adjudged by the Second Justice of the Peace for the Parish of Orleans, that said James McConnell, Fulgencio Llorente, Marie and William Eagle, give like bond and surety in the sum of twenty five hundred dollars, conditioned for their appearance at the next term of the First District Court of New Orleans, and in default thereof, they be committed to the custody of the Sheriff of the Parish of Orleans, until they shall be delivered by due course of law.

[Signed.] M. M. COHEN,
U. S. Commissioner.
[Signed.] GEO. Y. BRIGHT,
Second Justice of the Peace for the Parish of Orleans.

After the decision had been read, Mr. Foulhouze rose and said: I have listened with a great and deep feeling of regret to the conclusions to which this Court has arrived. The Consul of Spain now begs to file the following protest, founded on principles laid down in Elliot's Diplomatic Code, 1st volume where reference is had to Consular affairs.

Protest of the Consul.

Before M. M. Cohen, United States Commissioner, United States vs. Carlos de Espana.

The undersigned, Consul of her Catholic Majesty, in and for the port of New Orleans, does leave to enter this his solemn protest against the right or power of the United States Commissioner, here affirming, if he should see fit to require of him to give bond and security for his appearance to answer the charge, or in default thereof to order that shall be his imprisonment in the common jail. And he further protests against the judgment or order to said effect, which said Commissioner has given.

New-Orleans, August 14, 1849.

(Signed) CARLOS DE ESPANA,
Consul of H. C. M.

Commissioner Cohen—This is an unwonted proceeding. Has the District Attorney anything to say?

Mr. Hunton—I have no objection that the document be filed, though it is quite foreign to any judicial proceeding I know of. A protest of the kind is unknown to our laws. I have known protests to be presented in legislative bodies, but this is quite a novel plea. However, if it be a matter of satisfaction to the Spanish Consul, let the document be filed. We will grant it as a concession.

Mr. Foulhouze. The Consul in so doing has no other purpose, but to keep the position we have thought proper to assume from the beginning. The gentleman may call it a concession, and I thank him for it. But I am satisfied that when your Honors refer to the authority I have just cited, you will be convinced that the course I have adopted was my imperative duty.

Commissioner Cohen. I have not known any instance of the presentation of a similar protest—But it is within the very innocent document, and can work no harm. It shall therefore be filed as you desire.

The accused parties then severally renewed their bail to appear before a higher Court, and thus terminates for the present at least the famous abduction case. For ourselves, we will say in conclusion, that though tired, and wearied towards the close with the labors attendant on this protracted examination, we have done our best to present all the facts of the trial to our readers. If we have not given full reports of all the speeches in the case, it has been owing to the constant and unremitting pressure on our columns, which at times rendered it absolutely necessary for us to condense the remarks of counsel.

Appointments by the President.

COLLECTORS OF CUSTOMS.

Robert G. Rankin, Wilmington, North Carolina, vice Wm. C. Bettincourt, removed.

R. H. J. Blount, Washington, North Carolina, vice Sylvester Brown, declined.

Henry W. Bellamann, Newburyport, Massachusetts, vice Wm. Nichols, removed.

D. C. Hutchinson, Natchez, Mississippi, vice John D. Elliot, removed.

Fahnestock Bock, Bridgetown, New Jersey, vice James M. Newell, removed.

John H. Dilworth, St. Mary's, Georgia, vice H. E. W. Clarke, removed.

Frederick S. Thomas, Newark, New Jersey, vice Wm. W. Baldwin, deceased.

NAVAL OFFICER.

Thomas J. Clark, Newburyport, Massachusetts, vice Enoch Fowler, removed.

SURVEYORS.

John Wiler, Savannah, Georgia, vice Robert W. Tooler, removed.

E. T. Carpenter, Greenport, New York, vice Walter Havens, removed.

Silas H. Parker, Norfolk, Virginia, vice Dennis Dowley, removed.

NOMINATION FOR CONGRESS.—The Whigs of the 6th Congressional district of Maryland, nominated John B. Kerr, Esq., of Talbot, for Congress, in convention at Barren Creek, on the 2d instant. The district comprises Worcester, Somerset, Dorchester, and Talbot counties.

FLORIDA.—A postcript to a letter from Tallahassee, (Fla.) dated 2d inst., says: "There is a report now in town, brought from Key West or Manatee by a small vessel, that Col. Wm. F. English's family has been murdered, and his plantation destroyed, on the Miami. Dade county. This rumor is not credited, though I would not be surprised at its truth."

DEPLORABLE ACCIDENT.—A sad catastrophe occurred three or four days ago, in the neighborhood of Donaldsonville. Mr. JOSEPH TREDUBLE LANDRY, in company with several friends was making an excursion on the river in a sail boat. A gale sprung up and catching the boat amidship, turned her over. Mr. LANDRY's companions saved themselves by clinging to the boat till they were seen from the shore and rescued; but he being an excellent swimmer, attempted to regain the shore. After proceeding a short distance, the weight of his saturated garments bore him under, and he sunk even before the eyes of his friends who were unable him to assist him.

Progress of the Cholera North and West.

BUFFALO, August 4.

The Board of Health reports the occurrence of 110 cases of cholera and 33 deaths, for the forty-eight hours ending at 12 o'clock this day.

ALBANY, August 4.

There has been reported, since Thursday, 31 cases of cholera and 10 deaths.

MONTREAL, August 4.

The interments for the past twenty four hours number 20, of which, 10 died by cholera.

QUEBEC, August 4.

The deaths by cholera in the city to noon to-day, were 30.

CINCINNATI, August 4.

The interments for the twenty-four hours ending noon, yesterday, were 26, of which 10 were from cholera, and 16 from other disease. The report to-day, shows a slight increase, viz: 34 interments for the twenty-four hours ending noon, 11 from cholera, and 23 from other diseases.

MONTREAL, August 5.

Another Disturbance at Madame Laborde's Concert.

At Madame Laborde's concert, last night, there was a very large attendence of the British, who, in the course of the evening, demanded their national song of "God save the Queen," which, not being in the programme of the evening's performances, Madame Laborde neglected to comply with, singing only those songs previously advertised. This giving dissatisfaction to her British visitors, they procured a number of bugles, on which they played it in procession. The result was a disturbance, which fortunately terminated without anything serious occurring.

MARRIAGE OF LOLA MONTEZ.—The extraordinary lady, whose connection with late events in Bavaria will be in the recollection of our readers, was married at London, July 19th, to George Trafford Heald, Esq., of the Second Life Guards. The ceremony first took place at the French Catholic chapel, and subsequently at St. George's Church, at Hanover square. Mr. Heald is a very young man, who is stated to have about £14,000 per annum.

(English paper.

Mr. Hunton's Argument

ON THE

REY AFFAIR.

Shortly before 7 o'clock on Monday evening Mr Hunton, the U. States District Attorney, rose and made the concluding argument for the Prosecution which we now proceed to give *verbatim*:

Jaded as we are with this most laborious investigation, I should be content to submit this case with out adding one word or remark, but I suppose you have some right to call on me, as an officer of the General Government, to express my opinion on the subject that has engaged our unceasing attention for upwards of a fortnight.

I have attended this examination from day to day for no other purpose than simply to arrive at the truth or falsehood of the charges alleged against the accused. I had resolved at the close of this affair, to announce to you the conclusions to which my mind had arrived—no matter what they were. For that purpose I was an auditor rather than an actor—an *amicus curia* rather than the prosecutor, and in doing so I divested myself of every feeling of prejudice. I can say with sincerity, from the time this prosecution commenced I have hoped that the Consul might show that the charges brought against him were unfounded. I desired this for many reasons—he was a stranger coming amongst us to be credited as a gentleman and a representative of a foreign government; and then I will cheerfully bear witness that during the progress of this examination he has deported himself with the strictest feelings of propriety. Because he was the agent of a country with which we are on terms of friendship and amity, as also for the peace and repose of society, I were desirous that he should establish his innocence. But anxious as I have been that he should rescue himself from these imputations, I am more anxious still to uphold the laws and dignity of our country.

Let me refer you briefly to the circumstances of your connection and mine with this matter before us—it is proper I should do so. When this trial was about to commence, I received an official note from Judge Bright that my presence was desired. I repired in substance, that the case being one against private individuals accused under a law of the State, I declined to attend. I came, however, on the day appointed, and shortly after the cause commenced, I found that Mr. Carlos de Espana produced his exequatur as Spanish Consul. I found also that the charge brought against him was, in effect that he himself did set on foot, contrive and concoct and finally consummate a plan, to remove a man from the protection of the American law, and when the complaint is formally made by a citizen of the United States he urged that the charge could not be enquired into by a State tribunal. Then and not till then, I appeared and desired that a Magistrate of the United States be called in. You sir, were sent for. The parties were commanded and it was agreed as all the witnesses in relation to the Consul as well as the other parties accused, were identically the same, you should hear the testimony as far as the Consul was concerned as a matter of convenience, whilst at the same time Judge Bright would pass upon the other parties. That proposition was acceded to—the investigation went on, and I now desire to say with all the responsibility attaching to me as an officer of the General Government, him who sat I am, that I will justify and vindicate the propriety of these proceedings whatever may be the result. Whether the charges be true or false, it was due that it should be had, and I should be false to myself—to my country—to the Spanish Consul—recreant to my trust if I had not given you all the aid in my power during the progress of this trial.

I propose now to invite your attention to a few matters pertinent to the subject under consideration. First, I maintain that Consuls are amenable to the laws of the country in which they reside. Secondly, that under our peculiar institutions, Federal Courts have jurisdiction exclusive of State Courts over all cases affecting the rights of Consuls, and I shall then, after taking a rapid survey of the testimony, endeavor to show what shall be your duty in the premises.

I do not propose at this stage to enter into any elaborate discussion of the circumstances appertaining to the case. I shall make no speech to Bitcombe—I have no personal feelings to gratify—I have no prejudices and desire to urge none. I care only to faithfully discharge the duties assumed to me. And I conceive it neither proper nor becoming in a prosecuting Attorney to make appeals to the passions of the Court or the public. He should deal with the facts, not fancy—reason, not rhetoric—law, not loose assertions. I therefore promise that I cannot enlven the evening by any wild conclusions, or any Irish stories, but shall speak right on.

I said that in the first place, I laid down the proposition that Consuls are amenable to the laws of the State in which they reside. I am ready to admit that ambassadors and Diplomatic Ministers who are justly regarded as the representatives of their sovereignes occupy a different position, and that their persons are inviolable.

On this subject I will refer you to Kent's Commentaries, vol. 1, pages 43, 44 and 45—also to 3rd Story's Commentaries on the Constitution, page 1572, Chapter 36—also the Constitution of the United States, art. 3 sec. 2—likewise Kent, 45, and Story, 363—all going to show that the federal tribunals have exclusive jurisdiction in the matter alluded to. And so we are not also without authority in an adjudicated case of the same effect. I refer to the report of the Commonwealth vs. Kosciusko Carrington and Rawle's Report, page 545—1816. (This has relevance to the case already cited by us, where a Consul in Philadelphia charged with rape was brought up before the State Court, which decided that they had no jurisdiction in the matter.) It is perfectly obvious that the acts of Consuls are sometimes intimately connected with, and may affect the public peace and policy as well as the dignity and dignity of nations. They are necessarily entrusted with delicate functions—and as by their acts or by their punishment for offences, the Federal Government might be involved in difficulties, it was proper that the Federal Courts alone should have jurisdiction over cases affecting them. I may, however, add in passing that I should say it, that after establishing the proposition of the exclusive jurisdiction of Federal Courts, another question arises which is entirely free from difficulty. Is an offence against a State law congizable in the Federal Courts? I contend that in the case of a Consul, it is an offence. I will submit the general doctrine to be, that the Federal Courts have the cognizance of any offences except as are expressly provided for by the Statutes of the United States. But I contend also that if the Judiciary act of 1789, sec. 11, the Circuit Courts of the United States have exclusive cognizance of all offences cognizable under the authority of the United States, and the law provides that Consuls should be amenable for all offences either against the State or Federal laws—and that the Federal Courts should have exclusive jurisdiction over them, I conclude that a fair construction of the statutes would give to the Courts of the United States the power to punish for a violation of the State laws. Any other construction would authorize a Consul to commit murder with impunity. If then Consuls are amenable to the Federal tribunals of this country for an offence against State laws, let us inquire into your duty as a magistrate of the United States, in the case under consideration. False imprisonment is an offence at common law. The statutes of the State of Louisiana make the offence of an assault and battery and false imprisonment a misdemeanor, and subject the offender to punishment by fine and imprisonment. Now will it be disputed that all persons giving aid or countenance in any form to such an offence, whether present or not, are to be treated as principals—that cannot be denied. Then I enquire by what standard your judgment, as a magistrate, must be regulated, in holding an examination of this kind. Is it within the form of proceedings, that Federal Courts must go to the common law, there let us see what your duty is—Conklin's Treatise on Jurisdiction of Federal Courts, pages 84 and 395. Then, sir, if you are governed by common law in rules of proceeding, we must go to the common law—Bishop's Criminal Law, 395. If you are of opinion—if it is manifest that no abduction has occurred, or if it has occurred, and the Consul was not concerned therein, you ought to discharge him. But if any reasonable doubts or suspicions in your mind—if his innocence is not made so clearly manifest that he who runs may read, then it will be your duty to bind him over to appear at the Circuit Court of the United States, to answer any charge that may be brought against him by a grand jury, in the premises.

It cannot be imagined for a moment that it was *manifest* that no crime was committed, or if committed, the Consul was not a participant in it, but I would be doing violence to truth if I were not to admit that my mind is not altogether free from doubt and difficulty. Because, during the progress of this trial such deep and damning perjuries have been committed on one side or the other—and I fear even subornation—that I have been positively confounded. I have been mortified and humiliated at this exhibition, and at the recklessness with which the sanctity of oaths has been violated. No opportunity has been afforded to test the evidence; and while we are satisfied that there has been wilful swearing, we are not certain who is the guilty party. Whilst, however, I must say that if the accused pretend to be innocent of the charges made against them, they have been surrounded by a combination of circumstances such as have rarely happened; I must also say that there is an array—a perfect mountain load of doubt, which counsel, with all their ingenuity have in vain endeavored to remove—suspicions, dark and terrible, which I myself have fruitlessly endeavored to solve. As a proper I should speak of suspicions; the accused is entitled to trial, where doubts are to be construed in favor of the prisoner. No! Unless you trample under foot the law as I understand it, where there are suspicions so well grounded as they appear, you cannot discharge the prisoner—you cannot pronounce on him his innocence. I would recur to some of the suspicions that have so forcibly struck me. That which had most influence on my mind, and led me to believe the charges are true is, that Rey is not here. Why is he not here? Why has he not been brought upon the stand as a witness? Gentlemen will say that he is in Havana. That is not a sufficient answer. Every man has the process of the Consul could have "set means in motion" to have secured his attendance here. He could have charted one of those swift winged messengers that plough the mighty deep, and brought him over long before the close of this investigation. I supposed the Consul would have done. At the beginning, when I resisted the application for a continuation of this case, I made up my mind, that when the prosecution was through I would grant time for the purpose of allowing an opportunity for the defence to bring in important testimony, and up to the moment of closing, I expected that Rey would be brought back. I know the power of the Consul. A gentleman is charged with a dark and grave offence which, true, strikes him from the list of Consuls in the United States, and does it not behove him to show—to prove by the strongest possible testimony that this accusation is unfounded? Are we to be told "Why do the gentlemen make a mathematical demonstration of the fact of an abduction?" No principle of law is better established, that a party failing to produce an important witness, whose testimony could be obtained, that *that* witness would convict him; and I repeat again, that the circumstance has created the most unfavorable impression with me.

There is another witness—Llorente—could he been called as a witness? I do not say a credible witness. The defence having failed to do so, the presumption is that he would have disclosed facts unfavorable for them. No notice was made—no attempt was made to introduce that testimony. True, the last gentleman who had spoken for the defence stated that all their witnesses were surprised in the charge, but he well knew you were trying the case of the Consul. This is a most suspicious circumstance. Another, and I must confess a very suspicious circumstance is the fact that we have had presented to us, garbled extracts of a correspondence which may or may not apply to Rey reply, that it will be compromising your dignity—whilst on the subject of correspondence, I do not expect to be able to demonstrate mathematically that that the letter of Saddrey's refers to Ayala and not to Rey, but I shall show this at least; I will do refer to Rey, then the man who left on board the Mary Ellen was not Rey—could not have been Rey: Recollect, they say it refers to Rey, and now see what pertinacity Rodriguez Rey of the necessity of haste in relation to the individual alluded to in his communication. He says, "the point at issue requires it, and there is not a moment to lose," again "in order that we may know it as soon as he arrives, and take all proper measures accordingly," again "I will be prepared the very moment the vessel enters the mouth of the port," again "It is very important that the secret be kept," again "our man," then again "it would be a great thing for us to succeed," again "The quarantine will not impede it. Now the man to whom the letter applied is evidently Don Pedro Murga y Romeo, and it would appear from one of the cited extracts that he was to leave the vessel at the moment of arrival. Can it be Rey when he remained quietly on the Mary Ellen six days, and was then transferred to another vessel to ride out his quarantine? Think you that the Captain General would have so stultified himself, or that the Consul would have committed such an act of stupidity! He requires a draft on credenty, I am not prepared to honor if they ask me to believe it! It may apply to Rey, but it cannot be possible that Rey left in that vessel.

They did not intend the man in question, or "our man" to be visited by the American Consul. There has been an evident attempt throughout to impose upon our judgment, and yet they tell us "it is the test we are not guilty." (*Commissioner*—If I am not mistaken, I think Ayala rode quarantine.)

I say that the man to whom that letter applied was not on the Mary Ellen. If that letter be true, another man personated Rey. I am authorized to suppose from these things that Rey was not concerned in enter the private room at the residence of the Consul; and I say, sir, it is a suspicious fact—He then proceeds to "Tercadero." Why shall I recite telling him that he desired that Rey should be sent back, he expressed a wish that witness should arrest him, and that he should be brought back to Havana. That is beyond a doubt, and an effort made to impeach the testimony have proved abortive. He then adds that he would be guided by my credence. I will admit that the Consul in making that proposition, did not subject himself to prosecution for kidnapping, but it is a fact that he made that proposition to an American citizen, he deserves a stern rebuke. He should have not done so. He does not intend to say that he is a dishonor, I am glad to say. It involves him, however, in an attempt to violate our laws, for the purpose of satisfying the cupidity of a citizen of Spain. And it is a remarkable fact, that not one single question was propounded to him by the counsel for the defence, which would have led to a full and fair cross examination. So presenting himself, and sustained as a credible witness by the testimony of others, he will pass out of the world, to say nothing of his veracity. I have this to say, also, that his bearing on the stand was like a man of honor, and he left the impression on my mind, in inference