

THE CASE OF THE CUBA.

Second Day's Proceedings—Continuation of the Examination of James Gordon.

[From the Wilmington (N. C.) Journal, Oct. 23.]

Mr. D. H. Starbuck, United States District Attorney for the District of North Carolina, appeared among the counsel for the government.

James Gordon was again placed on the stand. Mr. Davis conducted the cross-examination.

James Gordon—Did not follow the sea as an occupation; made my living by going to sea; two years since I had gone to sea; had been during this time engaged in dry goods business and for last five months been in detective service.

(Here witnesses for the prosecution and defence were directed to withdraw from the room.)

Witness, resuming, said—I was not a seaman; had followed the sea for three years; was a detective now; can't tell the first trip made at sea; went to Brazil; was in the naval service of the United States a while during the war; was on board of the United States Navy Yard in 1863; don't know how old I was then; was discharged; was on her about a month at the receiving ship Vermont as "boy;" did not desert; am nineteen now; after I left the Vermont was on the Iroquois; can't say how old I was then; did not desert from the Iroquois; went to the West Indies and Rio in her; was transferred to the Pawnee at Rio; this was in 1865; stayed in Rio for a year and a half; was sent home sick ~~from which I returned home~~; this was in 1867; after that was connected with the Brazil mail line; was never at Cape Town; did not tell Corporal O'Kelly that I had deserted from the Vermont; did not tell him I had deserted at Cape Town; I did desert from the Cuba; did not return the two months' pay which had been given to me. (The witness was directed to hand the money which he had marked to counsel. He made a remark, which he subsequently attempted to deny, about being afraid to trust it to them. The counsel called this matter to the attention of the Commissioner as showing the feelings of the witness. Counsel thought such manners might do well enough in New York detectives, but was not regarded as proper conduct for a North Carolina court.)

Witness said he made these marks in New York; was told by Mr. Davis, chief detective, to mark these coins; Davis did not tell me that my testimony would need corroboration; did not know that Mr. Davis was employed as a detective by the Spanish government; he was a detective in the United States service. The witness could not or would not reply to the question "Do you charge the United States with working out its justice with the dirty tools of spies and informers?"

Mr. Starbuck did not regard the question as proper. The government was obliged to employ detectives, and did so to ferret out counterfeiters, &c.

Mr. Davis said if it was a necessity of the times it was one to be deplored. But surely the government was not forced to the necessity to employ men to spy upon and betray their comrades for money. This was not the business of a detective, and he asked the question out of respect to the government, to free it from the implication made by the witness.

Judge Person said that the witness had said that Mr. Davis was in the employ of the United States, and the opinion of the witness would be immaterial as to the last question.

Commissioner Rutherford thought that the opinion as to what the government did or did not do was of no consequence, and he would not insist upon the witness answering the question.

Gordon—I was employed by Davis, who said he was in the United States service; the schooner Petrel was two miles out when we went on board of her; don't know the coast from the Narrows to No-Man's Land; was told by Colonel Munro that it was No-Man's Land; it was about three miles from Gay Head Light; don't know whether it was north, south, east or west from No-Man's Land. (The witness could not give an intelligent account of the localities or directions there.) Didn't know whether it was morning or afternoon when they reached the steamer Hornet; distance at sea was very deceptive; my impression is that it was about two miles from land to the steamer; it might have been more than three miles, but I don't think so; this was on the 18th September; after taking the men, arms and supplies from the Petrel the Hornet went nearer shore and anchored; don't know how far it was to shore; when the Charter Oak came to us were about fifteen miles from shore; Mr. Dornin came on steamer from the Charter Oak; am positive that I did not hear the captain of the Charter Oak ask the captain of steamer to go nearer shore as it was too rough to discharge cargo; it was about dark Saturday night when unloading began—arms, shot and shell were first taken on board and then guns—after that saw smoke of steamer supposed to be revenue cutter, and weighed anchor and made for Fire Island; the smoke and Fire Island were both towards New York, but the steamer seemed to be going in the bound; during all this time Mr. Ealing was captain of the Hornet; the name of the steamer had been painted out; steamer made Fire Island Monday morning; the Martha Washington came alongside Monday afternoon, took men and stores off her; this was about two miles from shore, according to my best impression. The examination was continued in regard to taking in men, money, arms, ammunition and coal, but nothing new was elicited.