

THE CASE OF THE CUBA.

Seventh Day's Proceedings in the Trial of Commodore Higgins and His Officers—Close of the Testimony.

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

The court resumed the examination yesterday morning, when Jesse Hewett was introduced. Examined by Mr. Davis, witness testified that he was by occupation a seaman; had followed the sea for past seven years; joined Hornet at Philadelphia about August 14; Hornet left on 16th, Sunday; went down the river about fifty-three miles and was overhauled and seized by revenue cutter Miami and carried back; remember when the first schooner came up off Noman's Land and put men aboard; this was about eight miles from shore—all of five miles when guns were taken off Charter Oak; these were two sixty-pounders, two thirty-pounders and two twelve-pounders; remember when we anchored with coal schooner off Montauk; it was all of three and a half miles from shore; when off Sandy Hook we were fully fifteen or twenty miles from Highlands.

Cross-examined by Mr. Phelps—Had a crew of twenty-three or twenty-four men when we left Philadelphia; Captain Esling was in command from that time till the Cuban flag was hoisted; first land made after leaving Halifax was Noman's Land; then Hornet anchored about four miles from shore; met first schooner; signal hoisted, blue, white and blue; the Hornet after parting with this schooner laid around there till next day, when we met schooner with guns on board, coming up from direction of the sea; then went into about five miles of Gay Head and lay there; land bore east by south; remained there till Sunday morning getting guns on board; the schooner and steamer left at the same time; the Hornet went off Fire Island; saw steam tug; fell in with schooner with coal somewhere about Fire Island; brought her around Montauk Point, just inside, about half a mile west of the light; the Hornet took in coal at Halifax, but no ship stores; sailed under the American flag from Halifax, and until the Cuban flag was raised and the ship regularly commissioned; I signed the articles at sea.

Re-examined by Mr. Davis—It was about fifteen or twenty miles from shore when steam tug came up; Hornet was in same condition as now except her armament and supplies when we left Philadelphia; port holes were already cut.

The government here introduced Wm. Shields, witness for the prosecution; examination conducted by Mr. Phelps—Witness stated that he was here in the employ of Mr. Davis, of New York; remember seeing witness, Christian before; had conversation with him corner of Front and Dock streets on Wednesday afternoon; he came up to me and told me he knew I was from New York, and asked what I thought of the Cuba; I couldn't give him any satisfactory answer; he said he had been kept in irons fifteen days on Cuba, and wanted to get square with them, and asked witness how he could do it; asked where was Gordon, and witness said on revenue cutter; this was all I saw of him that day; I met him again corner of Front and Market streets, and he wanted to know again if he couldn't go on the stand and testify; we met Dempsey and went into a saloon and took a drink; Dempsey and Christian went out and had conversation.

Bernard Dempsey introduced by government and examined by Mr. Phelps—Witness stated he was here in employment of Davis; saw Christian examined yesterday; had conversation with him Wednesday afternoon corner Front and Market streets; went in and had a drink; Christian called me outside and said the Cuba men had treated him badly; had him in irons twelve or fourteen days, and he would testify against them, and offered to do it for twenty dollars; I told him I guessed he would have protection if he wanted to do that thing.

Cross-examined by Mr. Davis—I never offered Corporal Hanley nor any other man \$100 to testify against the ship.

Samuel Chevers, examined by Mr. Phelps—Am an engineer aboard revenue cutter McCulloch; been following the sea fifteen years; have been in the navy; was in the Augusta in 1863, a sidewheel steamer of 1,310 tons, old measurement, carrying six guns and drawing twelve feet water; was off Noman's Land in her in July, 1863, about three weeks; anchored there in half mile of Noman's Land several times; was ashore quite often for provisions; I am sure it was not over three-quarters of a mile; we lay on west side of island in about five fathoms water.

Cross-examined by Mr. Davis—It was pleasant weather while we were there; we were at anchor about a day and a half at one time.

The defence here introduced Mr. Kearney—examined by Mr. Davis. Witness testified had followed sea for years; was a commissioned officer in United States Army during the war, and now an engineer; was in the Hornet while taking in coal off Montauk Point, which was then between three and four miles from shore; I shipped in Philadelphia on Hornet as a fireman for Queenstown; was on or about September 13 when she left Halifax.

Cross-examined by Mr. Phelps—I am not familiar with the coast or position of lights; joined Hornet in Philadelphia, and left there about August 14; did not see Drs. McNulty and Dugoue come on board there; first saw them some time during the month of September after we left Halifax.

The testimony was closed here, and there being no further evidence, the court adjourned to Friday morning, at half-past ten o'clock, for arguments by counsel.