

arguing, the "Count Joannes" endeavored to inter-
and contradict him, but he was unavailing.

It was simply a question of fact, as to whether the condition in question was fitted out, and whether the defendant had begun or set on foot, or provided for fitting out. The amendment had undoubtedly been fitted out.

There was no direct legal testimony personally stating the accused, as above. Some things were done in relation to aiding the Cuban insurgents, but the actor could act without violating the law. It did not appear from the evidence that the accused

mitted overt acts bringing him within the pur-
view of the law. The Commissioner therefore ordered
O'Rourke's discharge, amid immense cheering.