

with a stock of the best provisions, such as beef, pork, etc.; on the coast, owing to the heat of the weather. take but little bread, as it spoils

*Mr. Dunlap* asked the witness if he had not been in the slave trade.

*Mr. Child* objected to the question as irrelevant.

JUDGE STORV did not think so, as the query concerned the gentleman's (he begged pardon) the witness's character.

*Mr. Dunlap* again put his question, when the witness replied, that when he could not get ivory, he had certainly dealt in slaves.

November 18.

The *District Attorney* stated that an officer had called upon him last evening, and asked his opinion whether or not he had done wrong in permitting an individual to speak to one of the jurors in his (the officer's) presence; the conversation relating wholly to a cargo of fish, and having no connection with the present case. *Mr. Dunlap* said he did not mention this from any desire to subject the officer to punishment or reprimand, but simply from a desire that the Court should express such an opinion as would serve for the future regulation of the matter; both jurors and officers at present believing that they were justified in acting as above mentioned.

The Court stated that there were some cases in which it would be unjust, cruel, and against the interests of justice, to refuse a certain degree of liberty to jurors. In the present case, a juror had been taken ill, and had sent for and been visited by a physician. The permission of the Court ought, however, to be obtained, whenever possible, as it was of the utmost importance, during a capital trial, that jurors should be kept from intercourse with any but the individuals of their own number.

After some remarks from *Mr. Dunlap* and *Mr. Child*, it was agreed that the jurors in the present case should be permitted to have intercourse with their friends, and to send written instructions for the regulation of their affairs, providing always that such interviews and instructions take place and be given in the presence of their colleagues and the officer to whose care they had been entrusted.

*Captain Arana*. It was not likely the Panda and Mexican could meet at the point where the latter was robbed. Should they do so, it would be a miracle; as the clipper, sailing so much faster than the Mexican, ought to be greatly ahead of that vessel. The weather in the months of August and September would be favorable for the schooner's passage from Havana. The worst weather she would have would be off the Bermudas.

*Santiago Elorza*. Have followed the sea five years, and have been an officer three years. Have been one voyage to Africa from the Havana, and one from Cadiz. There is a great difference between the sailing of clippers and ordinary merchantmen. The former is built entirely for sailing, and the latter for burden. Has seen eleven and a half knots got out of a clipper, while the brig I am in now, would not go, with the same wind, more than