

if it was sound. And we would have failed in our duty had we not done this. Had we not acted thus, and had the prisoners been convicted, that conviction would have been a thing we never could have got over. The forms and countenances of these men would have dogged our noon-days steps, haunted our midnight slumbers, and we never again should have known peace.

If the individuals before you gentlemen are innocent, is there not something in their condition calculated to touch the heart? They are here, after a long confinement, with scarcely a rag or scrap of testimony in their favor.

They are in a foreign country, far from their friends, and now on trial for their lives, before a court to whose forms and language they are strangers. They are sailors, who do not understand forms. They have not even the advantage of the law which says the accused shall be confronted with their accusers. Their accusers are far distant. I have said, too, that they do not understand our language; such is the case. The very words I am now using, fall, it is true, upon their ears, but they awaken no corresponding feelings in their souls. I look in vain for that in their countenances which to an advocate is at once his strongest stimulant, and his best reward.

*Mr. Hilliard* entered upon the facts of the case and into a review of the evidence adduced by the government. He said the government was bound to prove that a piracy had been committed by the prisoners, singly and individually. In adverting to the testimony of the Captain and crew of the Mexican, he remarked that such evidence was always to be received with suspicion. Sailors were creatures of feeling, and when under the influence of revenge, or any other exciting cause, they would go a great way. They did not reflect, but felt. There were remarkable instances of this. One was to be found in the case of Capt. Toby, and the other in that of Otis. In both cases the crew swore falsely.

The Court objected to *Mr. Hilliard's* allusion to Otis, saying that that one had not been disposed of. A reprieve had