

been granted to Otis only for the purpose of affording time to the Executive to receive information from the court.

*Mr. Hilliard.* Some of the prisoners had been identified by the crew of the Mexican. Now it was well known, that no evidence was so liable to objection as that relating to identity. Nothing changed more than the human countenance when exposed to the influence of a tropical sun or strong excitement. The records of the courts proved this. The captain thought he recollected a dead man (Delgado) one of those who held their knives to his throat in the cabin. It seemed to him (Mr. H.) that if the captain could identify any one, it would be more likely to be one of those who came with him in the boat, in the open sea, when his mind was undisturbed, than one of those who assaulted him in the cabin, where the light was necessarily in some degree obscured. The captain could give no description of their dress; in fact he identified nothing. But it was different with the mate; he never forgot any thing; he said he could remember all the messmates he had ever seen or known; and that having once seen a face, he never forgot it. Yet, in spite of this, he recollected nothing of the dress of the individuals who boarded the Mexican, except that one man had cowhide shoes, and of these shoes he told the binding. Was it possible a man could be so minute in his observation as to be able to tell the binding of a pair of shoes, and yet not be able to particularize any other article of dress? Not be able to tell something about the jackets, etc., of the other men?

*Mr. Hilliard* then went on to allude to the great similarity in the appearance of Spanish sailors, their universal swarthy complexions, etc.; to the evidence of the boy Battis, who when on board the brig *Savage*, at Salem, although he said he at that time recognized two of the prisoners, never mentioned the circumstances to any of the numerous friends and companions who were about him; to the improbability of the cook of the Mexican (*Ridgely*) being able to distinguish the scars on the face of *Ferrer*, the cook of the schooner, whom the former stated he saw on the fore-top-gallant yard; to the