

fact that Perez had since stated that he (cook) was not there at all; to the little weight to be attached to the testimony of Perez [Mr. H. referred to Perez's statements to Mr. Badlam in the gaol, where he (Perez) declared "that all he had previously said was a lie"]; to the many inconsistencies in Perez's evidence, and that of other witnesses; and finally to the circumstance of all the crew having identified Boyga as having been on board the Mexican, while Perez stated that Boyga did not go on board at all.

*Mr. Hilliard* also adverted to the conduct of Ridgely, when the prisoners were brought into Court to be arraigned, and then took an entirely different ground of defense. Supposing, he said, what he himself did not believe to be the case, that the crew of the *Panda* robbed the Mexican, it remained to fix the relative degrees of guilt of the prisoners. He contended that the *Panda* had been fitted out for a slaving voyage, for which alone, doubtless, many of the crew had shipped; and that if she had robbed the Mexican, only those who had been engaged in the robbery could be punished for it.

He supposed the case, that the captain, when a few days out, on the voyage to Africa, had yielded to the temptation and committed the act of piracy charged upon him, would it be just to punish more than himself and the men who immediately aided and assisted him in the act? It was necessary for the government to prove intention on the part of the others, when they sailed from Havana. Would they punish, for example, the cook, in the galley of the schooner, the cabin boy, setting his table in the cabin, or Perez, who had been sent aloft to look out, and could not come down again without transgressing the rules of the vessel?

If, gentlemen, said he, you deem with me, that the crew of the *Panda* (supposing her to have robbed the Mexican) were merely servants of the captain, you cannot convict them. But if you do not agree with me, then all that remains for me to do is to address a few words to you in the way of mercy. It does not seem to me that the good of society requires the death of all these men, the sacrifice of such a hecatomb of human