

to me that the whole aim of Perez was to give a deeper hue to the crime with which these prisoners were charged. The carrying of knives by Spanish sailors could excite no suspicion in the breast of any one, if it was a customary thing. We cannot account for such evidence in any other way than by believing that he feared, should these men be discharged that his own imprisonment might be protracted. Perez also tells you, gentlemen, that the carpenter stove the American boat with something heavy, like a piece of wood; and afterwards he states that it was done with an axe, which was carried on board to scuttle the brig with. Now, is not such an instrument as an axe wholly unfit for such a purpose as the scuttling of a vessel? Again, this witness tells you he does not know who shut the men below on board the brig, and yet he tells you he could see the padlock with which the scuttle was fastened, but does not know who shut it down. And Capt. Butman in his printed statement says that the scuttle never was shut. On another occasion he tells you he was aloft to see all that was done on board the Mexican, and afterwards gives this as a reason for not seeing any thing. He also says, that when in the top he could not see what shoes the boatswain were; yet he could plainly see a padlock on board the Mexican. [The Court here remarked that Perez said he could not see the padlock, but was told about it by others. This was also confirmed by *Mr. Peyton*, the interpreter, who was present.]

*Mr. Child.* Perez also gives the distance of the two vessels as the reason for not recognizing any of the crew of the Mexican. Is not this wholly inconsistent with his opposite statements? How does he account to you for having been confined in the top so long? He tells you he was put there for a punishment. This was a curious mode of punishment. A person under punishment sent aloft to look out and give notice of the approach of any vessel which might perchance surprise them while in the commission of a daring robbery! Why, how easily might he have betrayed them? I think you