

the probability of his having perjured himself by the suppression of important truths.

I will now call your attention to another class of this witness' testimony. He has stated that the carpenter put fire to a bag of powder in the hold. Would the witness himself be willing to try this experiment? Would the carpenter have succeeded in such an attempt, and made his escape to the shore in safety? Is it not more probable he would have been in another world before reaching his boat? But he (the witness) has stated to you subsequently that he is not positive it was a bag, "that the powder was in a keg or a bag."

Remember the many contradictory statements which have been made by Perez in relation to the removal of the eleven thousand dollars at Nazareth, the attack on the English corvette by the schooner, and the money sent by Capt. G. to the second mate after the latter had absconded. Think of the probability that the division of money on the coast, mentioned by Perez was nothing more than the payment of wages to the crew, and it was very doubtful that a false log-book had ever been made by the mate. If such a log-book had been made, why had it never been presented by the prisoners to prove their innocence of the crime with which they were charged?

Compare the evidence of Perez with that of the other witnesses, and remember that it is easier for witnesses to adhere to one falsehood, than for a number of witnesses to adhere to one course of evidence without detection. Here, I would advert for a moment to the difference between the statements of Perez and those of Capt. Butman. The former has told you that at the time of the capture of the Mexican a musket shot was fired from the Panda; while the latter tells you "that the schooner gave chase, fired a gun to leeward and hoisted patriot colors." And, in connection with this matter, the district attorney asked, was the gun shotted?

I next called attention to the statement made by Capt. Butman in his log-book, that there were 60 or 70 men on board the schooner, and that she had two brass ten-pounders; while Perez said there were but 30 men on board, and both he and