

such grounds as these. Gentlemen, there never was such a case of piracy since the beginning of time. And is it a fact that Quentin did not know that the log-book or any of the papers were missing? Doubtless all the books and papers fell into the same hands. I have no doubt that the log-book is now in the hands of the prosecutors. The schooner has ever been known as a two-topsail schooner; as such, she was known in August, 1832, in Havana, and also in Cadiz, in 1833. It is no crime to sail in a Baltimore clipper; if it were so, many of our most valued nautical men would, long ere this, have suffered on the scaffold. The question before you is, not whether the pirate was a clipper, but whether she fully answers the description given of the *Panda*.

Perez tells you there was no money on board the *Panda*. It appears quite improbable to me that he should know any thing about it. Are you convinced of the probability, that the captain and mate should set out on a journey like this, without a cent of money in their pockets? That you must believe Perez has perjured himself, is, I think, reduced to a certainty, by the evidence of Badlam. I think you must be also convinced that the schooner had money on board, and if so—if she had from two to five thousand dollars on board, that fact proves the voyage to have been an honest one. It has also been proved that the captain paid money to the men at Nazareth. This money was doubtless shipped for the voyage at Havana; and is it likely he would have discharged Silvera, with the assurance that he could no longer support him, if he (the captain) had possessed such a sum of money as he is said to have stolen from the Mexican? In cases of piracy I consider it just as important, in order to convict individuals of the crime, that the money should be produced, as that in case of murder, the body should be found. As regards the money found at Nazareth, you have no testimony in relation to that, but the testimony of Perez, and he in one place tells you that eleven thousand dollars were buried, and in another, that he is not certain of it.

*Mr. Child* argued at considerable length on the improba-