

bility of the *Panda* falling in with the Mexican, and read to the jury a table of calculations, which he had made, for the purpose of showing that the schooner must have been greatly ahead of the brig at the time the robbery was committed.

With reference to the prisoners being engaged in the slave trade before that circumstance was suffered to operate against them, the Government should itself be certain that it came into court with clean hands. It was undeniable, that however objectionable this traffic might be to New Englanders, the whole country at present participated in it. So late even as 1833, a direct trade in slaves had been carried on on the Mississippi. The Constitution had also virtually given a license to this branch of traffic for twenty years; and although it had been since abolished, the English and Danes had had greatly the start of us, in that particular. Charles the Fifth, too, of Germany, had done more to stop the slave trade, and to ameliorate the condition of slaves, than had ever been done by the Federal Government since the period of its formation.

I urge strongly upon the jury that even if the officers of the *Panda* were guilty, you are not to convict the crew, unless participation and previous intention can be proved against them;—the king's crown, the judge's robe, or the marshal's truncheon do not become those elevated individuals half so much as mercy become you (the jury) upon the present occasion.

*November 23.*

*Mr. Child* read a statement to the court to the effect that a piratical schooner, answering the description of the *Panda*, but clearly not that vessel, had been seen in the latitude of Cape de Verds, and had chased and fired into the ship *Caesar*, bound to Demerara.

MR. DUNLAP FOR THE GOVERNMENT.

*Mr. Dunlap.* Gentlemen of the jury: It now becomes my duty, on the fourteenth day since the commencement of this trial, to address to you the closing argument for the prosecu-