

But, gentlemen, all the indulgences I have enumerated have been granted, not to facilitate the escape of guilt, but to afford protection to the innocent; else were our laws a mockery, and our courts of justice but a theatre, where the prize of eloquence is to be won, and where, instead of protection of the rights of our citizens, guilt might, more than in any other place, revel in crime, and defy discovery. . . . If the prisoners are innocent, none of you, gentlemen, I am sure, will regret the length of time, and the great labor which has attended this investigation; on the other hand, if they are guilty, and it shall become your solemn duty to render that verdict which will consign them to chains and the scaffold, will it not be a satisfaction to you, that you have heard all that could be said in their behalf; and that could enable them, if innocent, to prove that innocence. My duty in this case is plain. The counsel for the defense have had their duty to perform; and they have done it manfully. A duty has also been assigned to me. I have given a pledge to my country, that if I possess any talents, those talents shall be exerted to the utmost in the discharge of my duty. I have taken an oath to this effect, and I must not be found recreant to that pledge,—unmindful of that oath. Yet you shall hear from me no rash expressions of anger against the prisoners. It is not my duty to excite prejudices against them; but calmly, and with a firm step, to progress through the merris of this case.

In pursuing this course, I shall endeavor, as much as possible to simplify this transaction—to clear it from the mass of words, beneath which it has been, doubtless unintentionally, buried. After these introductory remarks, let us proceed at once to the facts of the case. There would be no doubt that the Mexican had been robbed in lat. 33, lon. 34½, by pirates; the great question was, whether the captain and crew of the *Panda* were the individuals who committed that robbery. Let us examine the evidence bearing upon this subject. There was a schooner named the *Panda*, in the harbor of Havana on the 12th of August, 1832. She sailed thence