

could we support our claims to property, or claims of any other kind, but by human testimony? The only purpose for which these cases ought ever to be called before a jury was in the way of caution; and if they were urged farther than this, it was an urging of the jury to betray their duty. He regretted to see them introduced into an American court, because our tribunals were not characterized by a thirst after blood; on the contrary, if we had any thing of which we could justly boast, it was that, in our code of laws, there were few capital crimes, and that the administration of that code was conducted with the severest and most punctilious caution. It had been objected to us that we were even over-merciful.

There was another topic on which he must say a few words, and that was the remarks which had been made in relation to the manner in which the prisoners had been brought here, and upon the circumstances of their capture. He should feel himself unworthy of the station he occupied, if he did not advert to this topic, because, if he rightly understood the prisoners' counsel, an attempt had been made to throw a great deal of doubt over the motives and actions of Capt. Trotter, and even of the British government itself, for having sent the case to this country. The British government, on this occasion, finding persons in England in custody of one of her own officers, and accused of piracy on an American vessel, chose to send those persons here, where the best evidence could be obtained, and where the greatest facilities and advantages for their trial were to be found. Over piracy, all nations exercise equal jurisdiction, and the British government might justly have exercised it in this case; but they preferred that the offenders should be tried by the citizens of that country against whom the offense had been committed. And I may say that this conduct of the British government can scarcely receive too much praise from an American citizen.

How could this cause have been decided in England. None of the crew of the Mexican, nor her owner, were there. How could the evidence heard before this court, and which occupied its attention during the three first days of the trial,