

tempted to be destroyed by fire. It was obvious that the individuals, whoever they were, after committing the robbery, had resolved upon consummating their crime by the sacrifice of every one of the crew, by the murder of those against whom they could have no angry feeling, and whom they had never before seen. It was a horrible crime; but the horror which it excited was not, at the present time, to weigh an atom against these prisoners, in the minds of the jury. They (the jury) were first to see if the prisoners were guilty.

JUDGE STOKY then proceeded to the consideration of the remaining questions into which he had divided the case, viz.: Whether the *Panda* was the vessel that robbed the Mexican, and if she was, whether all the prisoners on board her were equally guilty?

He went over the whole of the evidence bearing upon the first point, and finally summed up in a manner that could not but have proved conclusive in the mind of every one as to the guilt of the prisoners. Upon the last question, however, he expressed himself decidedly in their favor. Only those of the crew, he said, could be convicted, who were proved to have participated in the crime. The mere fact of their being on board the *Panda* was not sufficient to condemn them.

With reference to the good characters given by some of the witnesses of Capt. Gibert, the judge said that a good character certainly availed much, but numerous instances were on record of men, long held in high estimation, suddenly committing the greatest and most horrible crimes. With regard to De Soto, the generous act performed by that individual was fully estimated by every person in the court. I stand humbled before you, gentlemen, by a fact brought out in the course of the testimony you have heard; the fact of an American ship passing by and leaving American citizens to perish in sight of their countrymen. We have had from the counsel for the defense an eloquent allusion to the parable of the priest and the Levite, and never from the days of our Savior till now can that parable have been more fully illustrated than by the fact to which I have alluded. The