

American passed by the sufferers, the Spaniard stopped and saved them. But the prisoner's guilt must outweigh all these considerations. We cannot dispense mercy. That is the attribute of a higher power. You and I, gentlemen, are bound to do our duty according to law, and we should be false to our oaths, our country and our God, if we were to shut our eyes to the force of the testimony before us.

The concluding part of the charge was very favorable to Portana, Velasquez and Ferrer. No participation whatever, JUDGE STORY remarked, was proved against Portana—the only circumstance against the second was the statement of Perez that he was with him (Perez) when the money was buried; and the third, Ferrer, was evidently a servant and an African. Although set down in the ship's papers as free, that fact was by no means conclusive. Vessels going on a slaving voyage would never carry a native African with them as a slave, because that circumstance would subject them to capture by the English or other cruisers. There was therefore every reason to believe that Ferrer, although described as a free black, was in reality a slave.

JUDGE STORY, in the course of his charge, made the following remarks in relation to the slave trade. This inhuman traffic, he said, had long been the reproach of Christendom. It had been carried on with as much zeal by England and America as by the French and Spanish. And although Christianity had blessed us with its light for 1800 years, it was only until very lately that this species of commerce had been wholly abolished. He could not agree in the remarks which had been made by both counsel for the defense, upon the conduct of the United States as connected with this matter. The Constitution had never sanctioned the slave trade. It met an existing state of things, and passed an act taxing the trade, and enabling Congress to prohibit it altogether at the expiration of 20 years. It did this in '88, and in 1806 a prospective act was passed to take effect in January, 1807, declaring the slave trade forever abolished in this country. He was not aware that the traffic had been carried on during the first 20