

ness. Denies having used any expression of the kind. He told him to take an axe in case it might be wanted.

The Solicitor-General then addressed the Jury, observing that this was a most important case, not only as respected the prisoners at the bar, whose lives depend upon their verdict, but to the future character of the Island. It was of the highest importance to a young colony, with an increasing commerce, that it should maintain in the eyes of foreigners a reputation for justice and humanity; and that when ships and mariners were driven by the accidents incident to navigation to take refuge upon our shore, they should find that there was both the will and the power to protect them from spoliation or injury. One could hardly believe that there were men so totally lost to all the common feelings of humanity as to consider the ship-wrecked mariner as a legitimate object of plunder, but the fact, however disgraceful to our nature, was acknowledged in the various statutes that had been from time to time passed in all countries for the repression and punishment of this odious and appalling crime. It was on one of these statutes recently enacted in this Island that the prisoners were upon their trial. In order to constitute crime there must be a criminal intention, and if he failed to convince them that there was such an intention on the part of the prisoners, or at least on the part of one of them, Burns, he admitted they must be acquitted. But in order to judge of the intention of the prisoners it would be necessary to look to their acts, and the mode and manner of their perpetration. Let them be tried by this rule, and how would they appear? The ship arrived off this Island in distress, stood into the land to procure assistance, a boat came alongside, and the crew when they perceived the state of the vessel refused to grant any assistance and prepared to push off. What then was the conduct of Burns and Whitty in this emergency? Instead of standing by the vessel and assisting in rescuing her from distress, as they were in duty bound to do, regardless of the orders of the Captain, or the entreaties of their fellow-seamen, they in the most heartless, cowardly and cruel manner, desert and join with the wretches who had previously refused their assistance. They go on shore make themselves acquainted with the law of the Island, and follow up their infamous intentions by proceeding to the magistrate, and by giving him a false description of the state of the vessel and which they knew to be false; obtain from him an order to enter on board and save the property if they found her abandoned, What was then their next step? They on the same day visit the vessel, but finding the mate and several hands on board they are foiled in their notorious attempt, but even then Burns, with unblushing effrontery tells the mate that it was his intention to have slipped the cable if he had not found him on board. He waits on the beach until the mate and other persons came on shore for the night, and inquires of them was any person left on board—he is answered by the carpenter in the affirmative, and the