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**Pirates own book, or authentic narratives of the lives,
exploits, and executions of the most celebrated sea
robbers**

ELLS, CHARLES

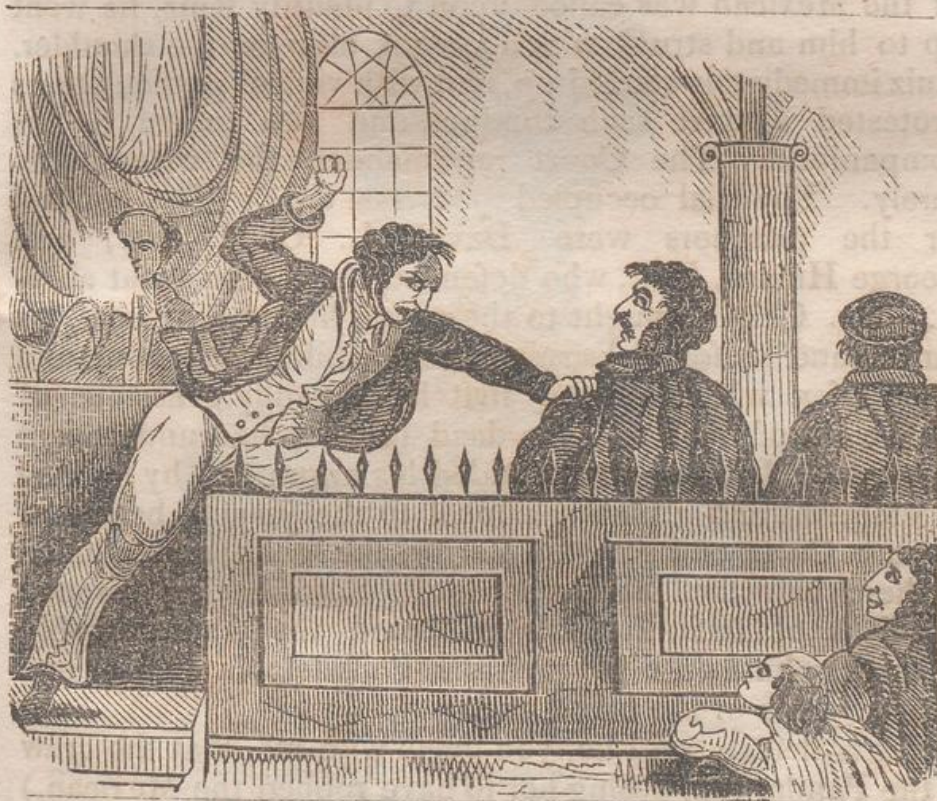
New York [u.a.], 1842

Scene in court during their Trial.

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looking, in general, although there were exceptions, and they were all clean and wholesome in their appearance. They were now removed to Boston and confined in prison, where one of them, named Manuel Delgarno cut his throat with a piece of glass, thus verifying the old proverb, *that those born to be hung, will never be drown'd!*

On the 11th of November, Don Pedro Gibert, *Captain*, Don Bernardo de Soto, *Mate*, Francisco Ruiz, *Carpenter*, Nicola Costa, *Cabin-boy*, aged 15, Antonio Ferrer, *Cook*, and Manuel Boyga, Domingo de Guzman, *an Indian*, Juan Antonio Portana, Manuel Castillo, Angel Garcia, Jose Velasquez, and Juan Montenegro, *alias* Jose Basilio de Cas-



Thomas Fuller striking Ruiz in Court.

tro, were arraigned before the Circuit Court of the United States, charged with the crime of Piracy. Joseph Perez appeared as *State's evidence*, and two Portuguese sailors who were shipped on board the Panda at Prince's Island, as witnesses. After a jury was empannelled, Mr. Denlap,

the District Attorney, rose and said—"This is a solemn, and also an unusual scene. Here are twelve men, strangers to our country and to our language, indicted for a heinous offence, and now before you for life or death. They are indicted for a daring crime, and a flagrant violation of the laws, not only of this, but of every other civilized people." He then gave an outline of the commission of the robbery of the Mexican. Numerous witnesses were examined, amongst whom were the Captain, mate, and several seamen of the Mexican, who recognized several of the pirates as being the individuals who maltreated them, and took the specie. When Thomas Fuller, one of the crew of the Mexican was called upon to identify Ruiz, he went up to him and struck him a violent blow on the shoulder. Ruiz immediately started up, and with violent gesticulations protested against such conduct, and was joined by his companions. The Court reprimanded the witness severely. The trial occupied *fourteen days*. The counsel for the prisoners were David L. Child, Esq., and George Hillard, Esq., who defended them with great ability. Mr. Child brought to the cause his untiring zeal, his various and profound learning; and exhibited a labour, and *desperation* which showed that he was fully conscious of the weight of the load—the dead lift—he had undertaken to carry. Mr. Hillard concluded his argument, by making an eloquent and affecting appeal to the jury, in behalf of the boy Costa and Antonio Ferrer, the cook, and alluded to the circumstance of Bernardo de Soto having rescued the lives of 70 individuals on board the American ship *Minerva*, whilst on a voyage from Philadelphia to Havana, when captain of the brig *Leon*.

If, gentlemen, said he, you deem with me, that the crew of the *Panda*, (supposing her to have robbed the Mexican,) were merely servants of the captain, you cannot convict them. But if you do not agree with me, then all that remains for me to do, is to address a few words to you in the way of mercy. It does not seem to me that the good of society requires the death of all these men, the sacrifice of such a hecatomb of human victims, or that the sword of the law should fall till it is clogged with massacre. *Antonio Ferrer* is plainly but a servant. He is set down as a

free black in the ship's papers, but that is no proof that he is free. Were he a slave, he would in all probability be represented as free, and this for obvious reasons. He is in all probability a slave, and a native African, as the tattooing on his face proves beyond a doubt. At any rate, he is but a servant. Now will you make misfortune pay the penalty of guilt? Do not, I entreat you, lightly condemn this man to death. Do not throw him in to make up the dozen. The regard for human life is one of the most prominent proofs of a civilized state of society. The Sultan of Turkey may place women in sacks and throw



Antonio Ferrer, the Tattooed Cook.

them into the Bosphorus, without exciting more than an hour's additional conversation at Constantinople. But in our country it is different. You well remember the excitement produced by the abduction and death of a single individual; the convulsions which ensued, the effect of which will long be felt in our political institutions. You will ever find that the more a nation becomes civilized, the greater becomes the regard for human life. There is in the eye, the form, and heaven-directed countenance of

man, something holy, that forbids he should be rudely touched.

The instinct of life is great. The light of the sun, even in chains, is pleasant; and life, though supported but by the damp exhalations of a dungeon, is desirable. Often, too, we cling with added tenacity to life in proportion as we are deprived of all that makes existence to be coveted

“The weariest and most loathed worldly life,
That age, ache, penury and imprisonment
Can lay on Nature, is a Paradise
To that we fear of Death.”

Death is a fearful thing. The mere mention of it sometimes blanches the cheek, and sends the fearful blood to the heart. It is a solemn thing to break into the “bloody house of life.” Do not, because this man is but an African, imagine that his existence is valueless. He is no drift weed on the ocean of life. There are in his bosom the same social sympathies that animate our own. He has nerves to feel pain, and a heart to throb with human affections, even as you have. His life, to establish the law, or to further the ends of justice, is not required. *Taken*, it is to us of no value; given to him, it is above the price of rubies.

And *Costa*, the cabin boy, only fifteen years of age when this crime was committed—shall he die? Shall the sword fall upon his neck? Some of you are advanced in years—you may have children. Suppose the news had reached you, that your son was under trial for his life, in a foreign country—(and every cabin boy who leaves this port may be placed in the situation of this prisoner.)—suppose you were told that he had been executed, because his captain and officers had violated the laws of a distant land; what would be your feelings? I cannot tell, but I believe the feelings of all of you would be the same, and that you would exclaim, with the Hebrew, “My son! my son! would to God I had died for thee.” This boy *has* a father; let the form of that father rise up before you, and plead in your hearts for his offspring. Perhaps he has a mother, and a home. Think of the lengthened shadow that must

have been cast over that home by his absence. Think of his mother, during those hours of wretchedness, when she has felt hope darkening into disappointment, next into anxiety, and from anxiety into despair. How often may she have stretched forth her hands in supplication, and asked, even the winds of heaven, to bring her tidings of him who was away? Let the supplications of that mother touch your hearts, and shield their object from the law.

After a luminous charge by Judge Story, the jury retired to agree upon their verdict, and at 9 o'clock the next morning came in with their verdict.

Clerk. Gentlemen of the Jury, have you agreed upon your verdict?

Jury. We have.

Clerk. Who shall speak for you?

Jury. Our foreman.

The prisoners were then directed severally to rise as soon as called, and receive the verdict of the jury. The Captain, *Pedro Gibert*, was the first named. He arose, raised his hand, and regarded the jury with a firm countenance and steady eye.

Clerk. Jurors look upon the prisoner; prisoner look upon the jurors. How say you, Gentlemen, is the prisoner at the bar, *Pedro Gibert*, guilty or not guilty?

Foreman. GUILTY.

The same verdict was pronounced against *De Soto* (the mate,) *Ruiz*, (the carpenter,) *Boyga*, *Castillo*, *Garcia* and *Montenegro*. But *Costa*, (the cabin-boy,) *Ferrer* (the negro,) *Guzman*, *Portana*, and *Velasquez*, were declared NOT GUILTY.

After having declared the verdict of the Jury, the Foreman read to the Court the following recommendation to mercy:

“The sympathies of the Jury have been strongly moved in behalf of *Bernardo de Soto*, on account of his generous, noble and self-sacrificing conduct in saving the lives of more than 70 human beings, constituting the passengers and crew of the ship *Minerva*; and they desire that his case should be presented to the merciful consideration of the Government.”

Judge Story replied that the wish of the jury would