

in this respect. What success will follow those endeavors, depends on you, gentlemen. If being told of your danger will not produce caution, nothing will. If you are determined in opinion, it is vain to say more; but if you are zealous inquirers after truth, if you are willing to hear with impartiality, to examine and judge for yourselves,—enough has been said to apprise you of those avenues, at which the enemies of truth and justice are most likely to enter, and most easily to beset you.

Gentlemen of the jury, I shall now, for argument's sake only, take it for granted, that the fact of killing has been proved upon all the prisoners: you are sensible that this is not really true, for as to this point, there are several of the prisoners upon whom the fact is not fixed. But as I shall hereafter take occasion to consider the distinct case of each prisoner, as he is effected by the evidence, I at present choose to avoid confusion, and apply myself to the full strength of the crown; and, upon a supposition, that all the prisoners are answerable for the act of any one, see how the prisoners are chargeable, by the evidence already offered, with the crime of murder;—or rather endeavor to point out to you those facts, appearing by the evidence on the crown side, which will amount, in law, to a justification, an excuse, or at least, an extenuation of their offense; for, we say, that, give the evidence for the king its full scope and force, and our offense is reduced, at least, to manslaughter; in which case, we claim the privilege of that law, by the sentence of which, if guilty, we must suffer the pains of death; a privilege, we can never again claim, a privilege, that by no means implies exemption from all punishment; the offender becomes liable to imprisonment for a year, incurs a forfeiture of all goods and chattels, and, till he receives the judgment of law, is to all intents a felon, subject to all the disabilities and other incidents of a felon. Without taking up time, in attending and discussing points, no way pertinent to the present issue; without a tedious recapitulation of circumstances, with which, I