

crawls upon the earth, was touching indeed a tender point. To be stigmatized with having smarted under the lash at the halbert; to be twitted with so infamous an ignominy, which was either wholly undeserved, or a grievance which should never have been repeated; I say, to call upon and awaken sensations of this kind, must sting even to madness. But accouple these words with the succeeding actions—"You dastard—you coward!" A soldier and a coward! This was touching (with a witness) "the point of honor, and the pride of virtue." But while these are as yet fomenting the passions, and swelling the bosom, the attack is made; and probably the latter words were reiterated at the onset; at least, were yet sounding in the ear. Gentlemen of the jury, for heaven's sake, let us put ourselves in the same situation! Would you not spurn at that spiritless institution of society, which should tell you to be a subject at the expense of your manhood!

But does the soldier step out of his ranks to seek his revenge? Not a witness pretends it. Did the people come within the points of their bayonets, and strike on the muzzles of the guns? You have heard the witnesses.

Does the law allow one member of the community to behave in this manner towards his fellow citizen, and then bid the injured party be calm and moderate? The expressions from one party were—"Stand off—stand off!" "I am upon my station." "If they molest me upon my post, I will fire." "By God I will fire!" "Keep off!" These were words likely to produce reflection and procure peace. But had the words on the other hand a similar tendency? Consider the temper prevalent among all parties at this time. Consider the then situation of the soldiery; and come to the heat and pressure of the action. The materials are laid, the spark is raised, the fire enkindles, the flame rages, the understanding is in wild disorder, all prudence and true wisdom are utterly consumed. Does common sense, does the law, expect impossibilities? Here, to expect equanimity of temper, would be as irrational, as to expect discretion in a mad man. But was