

any thing done on the part of the assailants, similar to the conduct, warnings, and declarations of the prisoners? Answer for yourselves, gentlemen. The words, reiterated all around, stabbed to the heart; the actions of the assailants tended to a worse end; to awaken every passion of which the human breast is susceptible. Fear, anger, pride, resentment, revenge, alternately, take possession of the whole man. To expect, under these circumstances, that such words would assuage the tempest, that such actions would allay the flames—you might, as rationally, expect the inundations of a torrent would suppress a deluge, or rather, that the flames of Etna would extinguish a conflagration!

Prepare, gentlemen of the jury, now to attend to that species of law, which will adapt itself to this trial, with all its singular and aggravating circumstances; a law full of benignity, full of compassion, replete with mercy.

And here, gentlemen, I must, agreeable to the method we formerly adopted, first tell you by what law the prisoners are not to be tried, or condemned. And they most certainly are not to be tried by the Mosaic law; a law, we take it, peculiarly designated for the government of a peculiar nation, who being in a great measure under a theocratical form of government, its institutions cannot, with any propriety, be adduced for our regulation in these days. It is with pain, therefore, I have observed any endeavor to mislead our judgment on this occasion, by drawing our attention to the precepts delivered in the days of Moses; and by disconnected passages of Scriptures, applied in a manner foreign to their original design or import, there seems to have been an attempt to touch some peculiar sentiments, which we know are thought to be prevalent; and in this way, we take it, an injury is like to be done by giving the mind a bias, it ought never to have received; because it is not warranted by our laws.

We have heard it publicly said of late, oftener than formerly, "Whosoever sheddeth man's blood, by man shall his blood be shed." This is plainly, gentlemen, a general rule, which, like all others of the kind, must have its exception. A