

we do not wish to extend matters so far. We cite this author to show the world that the greatest friends to their country, to universal liberty, and the immutable rights of all men have held tenets and advanced maxims favorable to the prisoners at the bar. And although we should not adopt the sentiments of Mr. Locke in their most extensive latitude, yet there seems to be something very analogous to this opinion, which is countenanced in our laws.

There is a spirit which pervades the whole system of English jurisprudence which inspires a freedom of thought, speech and behavior. Under a form of government like ours it would be in vain to expect that pacific, timid, obsequious, and servile temper, so predominant in more despotic governments. From our happy constitution there results its very natural effects—an impatience of injuries and a strong resentment of insults (and a very wise man has said, “He who tamely beareth insults inviteth injuries.”): Hence, I take it that attention to the “feelings of humanity”—to “humanity and imperfection”—“the infirmities of flesh and blood;” that attention to “the indellible rights of mankind”—that lenity to “the passions of man”;—that “benignity and condescension of the law” so often repeated in our books. And, indeed, if this were not the case the genius of our civil constitution and the spirit of our municipal law would be repugnant—that prime defect in any political system—that grand solecism in state policy.

Gentlemen of the Jury: This case has taken up much of your time, and is likely to take so much more, that I must hasten to a close; indeed, I should not have troubled you, by being thus lengthy, but from a sense of duty to the prisoners, who, in some sense, may be said to have put their lives into my hands; whose situation is so peculiar, that we have necessarily taken up more time than ordinary cases would require; who, under all these circumstances, placed a confidence, which it was my duty not to disappoint; and which I have aimed at discharging with fidelity. I trust that you, gentlemen, will do the like; that you will examine and