

who were endeavoring to deprive him of his; that is a point I would not give up for my right hand, nay, for my life.

Well, I say, if the people did this, or if this was only their intention, surely the officer and soldiers had a right to go to his relief, and therefore they set out upon a lawful errand, they were therefore a lawful assembly, if we only consider them as private subjects and fellow citizens, without regard to mutiny acts, articles of war, or soldiers' oaths; a private person, or any number of private persons, have a right to go to the assistance of their fellow subject in distress and danger of his life, when assaulted and in danger from a few or a multitude.

It is not pretended that all who were killed were engaged in the assault on the soldiers, but if the soldiers fired in self-defense against those who were actually assaulting them, and others were killed, they were not guilty of murder; for if it was justifiable or excusable in them to kill any one of the rioters, it was equally justifiable or excusable, if in firing at him they killed another who was innocent. So if the provocation was such as to mitigate the guilt to manslaughter, it would equally mitigate the guilt, if they killed an innocent man undesignedly, in aiming at those who gave the provocation.

(*Mr. Adams* then entered into an exposition of the law relating to manslaughter, contending that if the killing in this case were not justifiable or excusable, it was done under such circumstances as reduced the offense to manslaughter, and continued):

An assault and battery, committed upon a man in such a manner as not to endanger his life, is such a provocation as the law allows to reduce killing down to the crime of manslaughter. Now the law has been made on more consideration than we are capable of making at present; the law considers a man as capable of bearing anything and everything but blows. I may reproach a man as much as I please, I may call him a thief, robber, traitor, scoundrel, coward, lobster, bloody back, and if he kills me it will be murder, if nothing