

else but words precede; but if from giving him such kind of language, I proceed to take him by the nose, or fillip him on the forehead, that is an assault, that is a blow; the law will not oblige a man to stand still and bear it; there is the distinction; hands off, touch me not; as soon as you touch me, if I run you through the heart it is but manslaughter; the utility of this distinction, the more you think of it, the more you will be satisfied with it; it is an assault whenever a blow is struck, let it be ever so slight, and sometimes even without a blow. The law considers man as frail and passionate; when his passions are touched he will be thrown off his guard; and therefore the law makes allowances for this frailty, considers him as in a fit of passion, not having the possession of his intellectual faculties; and consequently does not oblige him to measure out his blows with a yardstick, or weigh them in a scale; let him kill with a sword, gun, or hedge-stake, it is not murder, but only manslaughter.

*December 4.*

(*Mr. Adams* proceeded to a minute consideration of every witness in the case, and endeavored to show, that the assault upon the soldiers was sufficiently dangerous to justify them in the course they took; at least, that it was sufficiently provoking to reduce the crime to manslaughter.)

The soldiers were chained to the spot by the command of their officer. They were bound by their oath to obedience. They could not defend themselves against so many people as were pressing on them. They had every reason to believe their lives were in danger. They were a lawful assembly, and the people attacking them were, by every principle of law, a mob. We have been entertained with a great variety of phrases, to avoid calling this sort of people a mob. Some call them shavers, some call them geniuses. The plain English is, gentlemen, most probably, a motley rabble of saucy boys, negroes, and mulattos, Irish teagues and outlandish jack tars. And why we should scruple to call such a set of people a mob, I cannot conceive, unless the name is too