

respectable for them. The sun is not about to stand still or go out, nor the rivers to dry up, because there was a mob in Boston on the fifth of March that attacked a party of soldiers. Such things are not new in the world, nor in the British dominions, though they are, comparatively, rarities and novelties in this town. Carr, a native of Ireland, had often been concerned in such attacks, and, indeed, from the nature of things, soldiers quartered in a populous town, will always occasion two mobs, where they prevent one. They are wretched conservators of the peace!

But in regard to all but two of the prisoners there was no evidence to convict them even of manslaughter, because there was no direct proof that any but Killroy and Montgomery caused the death of any one. There were eight prisoners charged with the murder of five persons. Now it was fully proved, that one of the prisoners did not fire, and the gun of another flashed. Two, at least, of the prisoners were innocent, and one of these was not known. In this uncertainty, therefore, the jury must acquit all, unless there was positive proof that some of the rest did fire and did cause the death of some who were killed. It was said that there was evidence of this sort against Killroy and Montgomery; and proof was introduced to show that the former had uttered threats against the people, and that he had a particular spite against Gray, whom he was supposed to have killed, the latter having been engaged with him in the previous affray at the rope-walks. But the rule of law was, if there had been malice between the two, and at a distance of time afterwards they met, and one of them assaulted the other and was killed in consequence, the law presumed that the killing was upon the provocation, and not on account of the antecedent malice. If, therefore, the assault upon Killroy was so violent as to endanger his life, he had as good a right to defend himself, as if he had never before conceived any malice against Gray. It was true that Hemmingway, the sheriff's coachman, had sworn, that he knew Killroy and that he heard him say, he would never miss an opportunity of firing upon the inhabi-