

cinders, clubs, or sticks of any kind; this was a provocation, for which the law reduces the offense of killing down to manslaughter, in consideration of those passions in our nature, which cannot be eradicated. To your candor and justice I submit the prisoners and their cause.

The law, in all vicissitudes of government, fluctuations of the passions, or flights of enthusiasm, will preserve a steady undeviating course; it will not bend to the uncertain wishes, imaginations, and wanton tempers of men. To use the words of a great and worthy man, a patriot, and an hero, an enlightened friend of mankind, and a martyr to liberty; I mean Algernon Sidney, who from his earliest infancy sought a tranquil retirement under the shadow of the tree of liberty, with his tongue, his pen, and his sword: "The law," says he, "no passion can disturb. 'Tis void of desire and fear, lust and anger. 'Tis *mens sine affectu*; written reason; retaining some measure of the divine perfection. It does not enjoin that which pleases a weak, frail man, but without any regard to persons, commands that which is good, and punishes evil in all, whether rich or poor, high or low—"Tis deaf, inexorable, inflexible." On the one hand it is inexorable to the cries and lamentations of the prisoners; on the other it is deaf, deaf as an adder to the clamors of the populace.

MR. PAINE FOR THE PROSECUTION.

Mr. Paine. It now remains to close this case on the part of the crown—a cause which from the importance of it has been examined with such minuteness and protracted to such a length that I fear it has fatigued your attention, as I am certain it has exhausted my spirits. It may, however, serve to show you, gentlemen, and all the world, that the benignity of the English law, so much relied on by the counsel for the prisoners, is well known and attended to among us, and sufficiently applied in the case at the bar. Far be it from me to advance, or even to insinuate any thing to the disparagement of that well known principle of English law, in support of