

which, the counsel for the prisoners, last speaking, has produced so many authorities; nor should I think it necessary to remark particularly on it, but that it has been traced through so many volumes, and urged with so much eloquence and zeal, as though it were the foundation of their defense, or at least an argument chiefly relied on. But if you consider this sort of reasoning for a moment, you will be sensible that it tends more to amuse than to enlighten; and without great caution may captivate your minds to that principle of law, which is endeared by the attributes of mercy and benignity, while it draws you entirely from justice—that essential principle, without which the laws were but an empty sound. Justice, strict justice, is the ultimate object of our laws, and to me it seems no hard task to maintain, that the attribute of benignity or mercy, can be ascribed to nothing abstracted from that of justice; and that a law all merey would be an unjust law—and therefore, when we talk of benignity, we can understand nothing more than what is comprehended in Lord Coke’s observation on our law in general, “that it is *ultima ratio* :” the last improvement of reason, which in the nature of it, will not admit any proposition to be true, of which it has not evidence; nor determine that to be certain, of which there remains a doubt. If, therefore, in the examination of this cause, the evidence is not sufficient to convince you beyond reasonable doubt, of the guilt of all, or of any of the prisoners, by the benignity and reason of the law, you will acquit them. But, if the evidence be sufficient to convince you of their guilt, beyond reasonable doubt, the justice of the law will require you to declare them guilty, and the benignity of the law will be satisfied with the fairness and impartiality of their trial. I am sensible, gentlemen, I have the severe side of the question to manage: I am to argue against the lives of eight of our fellow subjects; the very thought of which is enough to excite your compassion, and to influence my conduct. The counsel for the prisoners, well aware of their advantage, arising from the humane side of the question, have availed themselves of all the observations