

one of the prisoners having in fact killed either of the persons that were slain, you must consider whether he did it in consideration of law? Now all that are present, aiding and abetting one person in killing another, do, in judgment of law, kill him. The stroke of one is, in consideration of law, the stroke of all. When a number of persons assemble together to do an unlawful act, and in the prosecution of that design one of them kills a man, all the rest of the company are in law considered as abetting him to do it.

You must therefore inquire how and for what purpose the prisoners came together at the custom-house, and what they did there before these persons were killed?

That a sentry was in fact then placed at the custom-house, by order of Colonel Dalrymple, the commanding officer, as also that one had been placed there for a long time before, is fully proved, and indeed the right to place sentries, it being in time of peace, is the only thing that has been questioned. Upon this, therefore, I would observe, that, as the main design of society is the protection of individuals by the united strength of the whole community; so for the sake of unanimity, strength and despatch, the supreme executive power is by the British constitution vested in a single person, the king or queen. This single person has sole power of raising fleets or armies; and a statute passed in the reign of Charles the Second declares, that within all his majesty's realms and dominions, the sole supreme government, command, and disposition of the militia, and of all the forces by sea and land, and all forts and places of strength, is and by the law of England ever was the undoubted right of his majesty and his royal predecessors, kings and queens of England; and as Charles the Second had this right as king of England, it of course comes to his successors, and our present sovereign lord the king now has it.

Indeed, the bill of rights declares among other things, that the raising or keeping a standing army within the kingdom in a time of peace, unless with the consent of parliament, is against law. And it is said, that upon the same principles