

THE TRIAL OF CAPTAIN THOMAS PRESTON
FOR THE MURDER OF CRISPUS ATTUCKS
AND OTHERS, BOSTON MASSA-
CHUSSETS, 1770.

THE NARRATIVE AND TRIAL.

Before the trial of the eight soldiers was had (*ante*, p. 415) Captain Thomas Preston, who was in command of the regiment to which they belonged and who it was charged had ordered the soldiers to fire and who had been included in the indictments against them, was brought to trial before the same judges and with the same counsel. The trial of the soldiers was very fully reported by John Hodgson,¹ but of the captain's trial no minutes are known to exist. Only the names of the jurors have been preserved—William Frobisher, Joseph Trescott, Neal McIntire, Thomas Mayo, Josiah Sprague, Joseph Guild, Jonathan Parker, Gilbert Deblois, Philip Dumaresque, William Hill, William Wait Wallis, and James Barrick.

A few witnesses testified that he ordered his men to fire, but their evidence was encountered by that of several other witnesses, who stood near to him, and were conversing with him at a different place from that which the witnesses for the Crown swore he was in; and the judges, in summing up the evidence to the jury, were unanimous in their opinion, that he did not order his men to fire, but if he did, they were of opinion, that, from the evidence of many other witnesses, the assault, both on the officer and men while upon duty, was so violent, that the homicide could not amount even to manslaughter, but must be considered as excusable homicide.

The trial began on October 24, 1770, occupying about six days. In the course of it, Mr. Quincy pushed the examination and cross-examination of the witnesses to such an ex-

¹ *Ante*, p. 418.