

most unclouded state of the understanding, the most unwearied attention to facts, and the strictest self-examination, lest, through rashness, inadvertency, or prejudice, we pass sentence upon the innocent, and commit a judicial murder. If these considerations are of importance in relation to a solitary individual, how much greater must be their importance in the present case. You are not now called upon to decide the fate of one, but of twelve persons. The lives of twelve men are in your hands. By your verdict will be determined whether the individuals who now sit before you, in the fullness of life and strength, continue to exist, or whether they shall taste the bitterness of death—the ignominious death of the gallows. This court now presents the extraordinary spectacle of a number of prisoners tallying precisely with that of the jurors. They are opposed to you, as it were, man for man, and your verdict will decide individually and collectively their fate.

Under these circumstances, gentlemen, it becomes you to approach this trial with something like a religious consciousness of the imperfections of our nature, and our liability to error; it becomes you also to lay aside every thing that may have a tendency to darken your understandings, or obscure the day light of truth. The men before you have a host of prejudices to encounter. Notwithstanding the just and benevolent maxim of the law, “that every man shall be held innocent till proven to be guilty,” we are too apt to believe an individual criminal merely because he is accused. No sooner do we see him here than we discern the mark of Cain upon his forehead. Men are frequently tried under circumstances only slightly presumptive of their guilt, but the simple fact of their being brought up for trial, too often pleads more strongly against them, than the most eloquent prosecuting officer. And this feeling operates against a prisoner, exactly in accordance with the magnitude of the crime of which he is accused. In cases of robbery, or larceny, the evil is not great; but let him be charged with murder, and the case is widely different. The imagination then plays us tricks; gives