

not carry them, had not brought them, or was guilty of a breach of the first part of the law, viz., carrying unlawful weapons, for you sentenced another who made the first attack upon him; and equally clear that he did not inflict any wound until he was assaulted by several, and in self-defence, and had received great provocation to use the weapon he had taken from the man who attacked him. This might have occurred to any one walking peaceably in the street, and yet you adjudge him guilty of the worst motives, in having in his possession the weapon, and order him to receive, after a very informal hearing, the severest penalty of the law; and that too, after his trial had been demanded by jury, and you had been understood to grant the request. Is this right? I think not. Under these circumstances, I felt it my duty to interpose, and protect him from a farther infliction of lashes, which you now inform me is remitted; but that his fine is still to be paid.

In demanding the man, I would have you distinctly to understand, that it is not my desire to screen him from proper or legal punishment, provided he is found guilty of an offence by a tribunal invested with power to try the case; but I object to any informal proceedings, particularly where an ignominious and severe punishment is to be inflicted.

The case, as I now view it, stands thus: the man has received twenty-eight lashes by your authority, and is required to pay fifty dollars, without being allowed a proper trial, or such as he was justly entitled to, and was claimed for him, and at which testimony would have been brought to show that he was, prior to, and at the time of entering the premises, peaceably inclined, with no weapons on him; when he was assaulted by one carrying unlawful weapons, and resents it; unfortunately proves the most powerful, and gets possession of the weapon; is attacked by others, whom he defends himself against, and is then taken and punished, without an opportunity of bringing proof of his good character, which there are many to vouch for; and suffers part of a punishment that would be inflicted on an assassin.

The punishment already inflicted prevents me from soliciting a new trial; but I do, and must claim that a further hearing be had, in the same informal manner, to examine if his intentions were criminal, by making an unprovoked attack on the persons, and not one of self-defence, and under the circumstances excusable, before I can consent to the payment of a fine, which I cannot but view as excessive.

In being brought to this conclusion, I must again impress upon you, that it will always be my desire to show the utmost deference to your laws, and to cause them to be observed by all those under my