

The officer said it was his intention to execute, as proper on such an occasion. He, however, afterwards abandoned that determination, and for what reason? Why, that if he had fired, he would have killed every body about the corner, not only the boys, but everybody else who might be about it. My blood almost ran cold when I heard him so picture to himself the scene about the market-house; when I heard him say that he marched up with the design to order the firing. He changed his intention, but he did not come up so as to outflank them and charge upon and capture the whole party. It is a great pity that he did not do so, for then they would have had the guilty parties; and then there would have been none of this shooting. Though he said he did not consider it his business to run after the fugitives, he left that to the police and the magistrates, and the lawyers, the case as I am, I maintain that it was more his duty to capture than to shoot those in charge of the adversary gun; and it would have brought no disgrace on his military prowess, if he had outflanked and captured them. I think it would rather have added a plume, than plucked a feather, from his cap. But, perhaps, his military ardor was excited. It is not always agreeable in military affairs to take prisoners: sometimes they shoot them to get rid of them, and, perhaps, on this occasion, it would have been less trouble to shoot them than to take them. However, I do not attribute such feelings to the worthy gentleman; but I think the worthy commander had an idea that an achievement was accidentally thrown in his way, and required the swivel in the hands of those boys as a trophy of the occasion. He had one hundred and fourteen Marines armed with muskets and bayonets, charged with cartridges containing a bullet and three buckshot each, on the first day of June, in the year of our Lord, 1857, on Seventh street, in the city of Washington, and he charged, gallantly charged, and victoriously conquered some half dozen boys with a swivel that could not be fired! That is an achievement! They charged in gallant style, in a manner which has been described as running at the top of their speed across the street; no doubt each man vied with the other for the honor of being first to cross a bayonet over that cannon. There was no attempt made to catch the boys. The Marines came across at a charge, and the moment the boys saw the gleam of the bayonets, they ran. Of course they might be expected to run. They could not be expected to withstand a platoon of Marines. And as they ran some of them pitched stones at the Marines; according to a great many witnesses, one pistol; according to others, several; and according to Major Tyler, there were fifty or sixty. Be that as it may, when the Marines charged the boys, and the boys pitched away in the true spirit that belongs to our race, they determined to show some little spirit on the occasion, and some pitched stones and some took out their little pocket pistols and popped away. The Marines, according to my comprehension of the word, did not stand fire. Gallant men, soldiers, would never have shot promiscuously at flying boys or into a crowd. Well trained veterans stand the crack of a pistol undisturbed, but here they fired their deadly muskets into the party of spectators. The gallant soldiers stood in battle array, armed with muskets, and performed the glorious achievement of firing their deadly weapons upon flying boys, killing, not the boys, or the parties engaged in the fight, but a poor innocent negro, who was passing quietly far away from the scene of this disturbance; yes, they shoot, kill, maim, and wound, God knows how many others. Aye, gentlemen, it was a gallant act. There was such equality between the parties. But now the swivel was taken; the terrible conflict was over; the one hundred and fourteen Marines, well officered and armed, had beaten half a dozen flying boys, who popped their pistols in their retreat. It was a great achievement to capture their cannon; to catch them was not the business of soldiers. The most gallant act of all was to shoot them down as they ran away. It happened that one of the boys pocket pistol took a marine in the face and wounded him in the cheek—not dangerously, but it drew blood, and no doubt made him present quite an awful appearance to his comrades. He was shot in the face. I expect he was a gallant fellow, for he was not shot in the back. I should like him to have given to you, gentlemen of the jury, his account of the other Marines as he gave it to us. Eyes as big as saucers! Well, he was shot in the face. He was of the charging party, to whom the honor of capturing that gun belongs. Having received his wound, he left his position, no doubt staggered, and he falls down upon his comrades, who were in the line. There was his bloody face, his streaming hair, and the sight of his fellow comrade cried out, "Fire!" and then the fellows levelled their muskets on the innocent crowd at Allston's corner. It is clear, gentlemen, that that fire, about which so much has been said, was drawn forth by the presence of that marine upon the line, to which he had retreated, and the sight of his blood, for Major Tyler, hearing fire in his rear, turned to see what was the cause of it, and beheld men falling, and dying, and weltering in their blood, on the pavement at Allston's corner, and the deadly muskets of the next platoon ready to fire. He tells us he ran down the line, and most fortunately arrested that second fire, and demanded from the second in command what caused the firing. He then ordered the boys to answer. One of his men had been shot in the face, and thereupon the Marines fired. He did not say, according to my recollection, that Captain Maddox ordered them to fire, but that was the excuse for the firing. The wounded marine, from the affray about the swivel, had fallen back on his line, his bloody face was exhibited to his comrades, and instantly the cry of "fire" is heard, and these parties plunge their fire, not into the offending, the armed party, but into citizens, spectators, many of whom, according to the proof, were drawn to the scene with the Marines themselves. As that fire Allston fell in his own doorway. Why was that fire delivered? If it had been ordered by an officer, the men who were engaged had been to have stood under arms, I suppose the order would have been, "right, aim, fire," in military style. But there is no proof of that. It was a rabble fire, the work of a mob, a military mob, without the sanction of official authority. If any officer commanded it, why is he not here to prove it? Why has not Captain Maddox been summoned by the United States, and put on the stand? Why has not Lieut. Henderson been put on the stand? If that excuse for firing is real, that stones were thrown and a pistol shot from Allston's corner, why is it not proved? There were the officers of the Marines, Lieut. Henderson on the left of the corps, Major Maddox, and another officer in the center, and if they fired because of the alleged pistol shots, why have not some of these parties been brought here? Why has it been left to the unsupported testimony of officer Birkhead, a fugitive himself, a runaway from danger, skulking, according to his own testimony, five doors below. There were crowds of persons there, military and civil, official and private, crowds on all sides; a large crowd immediately at the corner, all spectators, dreaming not of the presence of danger! Into whose heads the idea never came, that it was within the range of possibility that the armed military that stood in that street, could be induced to fire their deadly weapons in that direction, and that the pistol was used to prove it. If the pistol was fired, why has not some one been found out of the spectators to support the testimony of your runaway policeman? Why, sir, we have called a legion of witnesses from that corner; and if we could communicate with the spirit-land, we would call for the testimony of the dead—of the murdered. We have called a person standing at every point on that corner, within the limits of that deadly fire, men who stood unblenched in the midst of it, while the right-hand neighbor of the one, and the left-hand neighbor of the other was shot down—spectators of the scene, who could have seen, and who must have seen if these things occurred, and they tell us they did not occur, and yet my worthy friend, the Promising Attorney, who knows that the law says, in its benignity, that every doubt is to be given in favor of the accused, gets up here, upon

the unsupported testimony of his fugitive policeman, contradicted as it is by every other man that has testified, and asks this jury to convict one of these parties as a participant in the riot in firing that pistol and throwing stones. Gentlemen, what is the use of you and of your intelligence, if it is not for us to say, if it is a poor complaint to your intelligence and impartiality, what prosecution addresses these remarks to you, and makes this demand at your hands. Now, gentlemen, if the Mayor was not right in using the military to capture this swivel, he is responsible for the manner in which he and his officials performed the service. I have shown to you that that is the law. There is no question about it. If he had no such right, he was, himself, violating the law, and not keeping it. Then the principle is clear that he and his aids and abettors, and instruments are all guilty of murder, and liable to be indicted, tried, and hung for it, under the administration of the law here. If I say the use of the Marines was unlawful, then the principle of the criminal law is a clear one. I need not stop to read it; that a homicide committed in the execution of an unlawful act is a felony, murder or manslaughter, as the case may be, but it is a felony. Now, whether he had the right to use the Marines, depends upon the question whether he was justified under the circumstances of the case in calling them out; or if it does not depend upon that question, it depends upon whether there was necessity to use them. Could not civilians have managed six boys? They stood around; they did not undertake to exercise authority, but they took the cannon and turned it round. Suppose a dozen, or two, or three, or one hundred and fourteen civilians without the paraphernalia of arms had been detailed by the Mayor on the spur of the occasion, and told to go there and take that piece, and arrest those boys, why could it not have been done? Where was the Marshal of this District that he was not there? He knew of the disturbance. The DISTRICT ATTORNEY. He was there. Mr. SCOTT. Where was his posse? The law requires that, first, the civil power is to be resorted to, and that military power only in an extreme necessity. If the civil power is competent to arrest the disturbance, the law says it shall be used. His Honor has explained the law to you in his instructions. It is only where the civil authority is inadequate that the military is to be used. Now suppose that when these Marines, these gallant fellows, were drawn up on I street, their commanding officer had not undertaken to act upon his own hook, the disturbance about the market-house would not have been half so great, and the disturbance about the polls, but of little consequence. If he had left them on I street, from which they were marched to the market-house, what would have been the difficulty? It was not the firing of the Mayor. Unfortunately, you seem to have elected a man who does not command the respect of all your fellow-citizens. That I gather from the evidence. What do you say of the Marshal? What would have prevented either of them from summoning, and enlisting on the spot, a posse of civilians, with or without arms, who would have been competent to have arrested those boys and taken their swivel? Is there any man in the hearing of my voice, who does not know that that could have been done? Men do not shrink from the performance of duty because danger lies in the path. Danger would be their attraction. Am I to understand that amongst the sixty that stand population of this Federal City, men enough in the civil walks of life could not have been found who would have been willing to assume the duty of taking that swivel, and arresting those boys? Why, my friend the District Attorney, with his clarion voice, could have commanded more than a sufficient number. There was nothing but a foregone determination; nothing but what I am bound to charge as a malicious determination, on the part of this official, that ever led to the use of the military on that occasion. The whole case proves the malice—the preparation of the affidavit—the application to the President—the hot and blind refusal to take any steps, other than the breach of the peace. Why were not those "Plugs" arrested before or after the disturbance? Why were they not followed and captured by the police? The explanation is, no such attempt was made, because it was the foregone determination of this officer to make an opportunity to call upon the military of the United States, to parade it under his command. Certain it is, there was no necessity for them. Suppose there was not. Then the law, the uncontested law is, that every homicide committed in consequence of it, is felonious, and they are guilty of felony who are aids and abettors, and accessories—those who were hostile with their arms, equally with those who were engaged in the perpetration of it. But suppose you think the military ought to have been used to capture the piece, what justifies those who stood in the line in firing upon Allston's corner? They say a pistol shot came from there? Suppose it did? They say stones were thrown, not from the crowd, but thrown from out in the street; suppose it was true; suppose that parties, as stated by the fugitive Birkhead, came into the street and fired and threw stones, would it excuse the Marines in murdering them? Why, if I cast a stone as you from the distance at which were these people, and hit you or not, and you shot me down with a musket, it is felony in every land under the sun. Christianity and law prevent in case of necessity to save your own life from destruction, or your person from grievous bodily harm; but a stone thrown from the hand of a boy at a party of Marines, could neither endanger their life nor cause them great bodily harm; it, therefore, could not justify, it could not excuse the homicide committed. A pistol shot, fired without effect, would not justify the party, at whom it was aimed, in shooting down the assailant in his retreat. If he did it the law condemns it as felony; there is no escape from it, and I warn my friend, the District Attorney, to guard as to how he touches this branch of the case. Justice may not sleep in this city forever. The blood of these slaughtered men may not appeal in vain for all time to come, and his efficient services may be required—everybody I think must agree, that they ought to be required in a proper judicial investigation of this affair. But if the Marines were justified in shooting down the fellow who fired the pistol and cast the stone, did it give them the authority to shoot down innocent people, and plunge their fire into the crowd at Allston's corner? Take it, that they were defending themselves. You must so defend yourself, as not to commit an aggression upon another, or you are responsible for it. If aiming at one man in a crowd, without regard to the effect of the shot on innocent people, you kill another, the law holds you responsible for it. So, look at this question as you will, if the Mayor was not justified in calling on the military, all are murderers, from the Mayor, down to the lowest Marine, from the Mayor, down to the lowest Marine, who were responsible for the murder. If he gave no such order, those who did fire are responsible. If they fired upon the mistaken idea that the wounded Marine was shot in their rank, the mistake is no plea or excuse; it is murder, unadvised murder. They cannot plead their mistake in regard to the blood on the Marine's face. If they had a right to fire at the parties that shot the pistol, they cannot plead that as an excuse for the murder of Allston and others, who stood on that corner. For the men, or all the men, who fire deadly weapons at random, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B, or C, the law draws malice from the enormity of the act, and stamps the homicide as guilty of murder. Take it, therefore, in whatever light you choose to view it, murder was committed upon the peaceful citizens at Allston's corner, and the perpetrators of that murder have not been brought to justice, nor has any attempt been made to bring them to justice. Nay, here in the witness box, in this very court, during this trial, a witness has testified to what would convict him of the fact. One of the Marines—Kenney—brought here for another purpose, and indiscriminately into a crowd, though they may have no special malice against A, B