

in the old law-books, where the wickedness of the act is aggravated by the circumstances of secrecy, or treachery, murder has been long since settled, to be the voluntary killing a person, of malice prepense; though certainly that which is either secret, or treacherous, in proportion as it becomes less easy to elude, and more difficult of detection, is, in its nature, infinitely more alarming and odious.

For this reason, of all modes the *most* detestable is poison; and the murder of persons standing in particular relations of confidence to the murderer, takes a higher cast of guilt, and is denominated *petit-treason*.

These specific aggravations do not, that I know of, exist in any case that is likely to come before you: But if any thing like them exists, these serve best for illustration.

What the particular circumstances may be, from which it shall be proposed to you to frame a charge of this offence, against any persons now in custody, as far as they have come to my knowledge, I leave to be collected by you from the witnesses, and forbear to anticipate; betaking myself rather, to what is more peculiarly the province of the Court in this stage of the proceedings, *i. e.* to give you a short direction, upon what principle you will do well to govern yourselves, as respecting the evidence that shall be laid before you, in turning it into a *Bill*.

That you come to this enquiry with no passions but a desire of public justice, nor with any worse sentiment than that of an honest indignation, at a supposed offence, of the deepest dye, I am so convinced, that I have not a word to say but in *commendation* of the motives, by which I believe you to be actuated, upon the present occasion.

Permit me only to entreat you, not to let that indignation, which, as applied to the crime, is laudable, transport you too far, against any who may be innocent of it.

At the same time, if you have ground for a probable opinion, that Murder has been committed, it is that crying offence, that will not sleep, but will have inquisition made of it in open day.

In this case, less than direct and full evidence will be  
sufficient