

you upon the inquisition only, taken before the coroner, upon the view of the body, under circumstances extremely affecting to the minds of those who were to deliberate on the transaction, and without the opportunity, which the benignity of the law affords me, at this moment, of repelling the inference of even *sudden* resentment against the deceased, which is the foundation of this Inquest of Manslaughter.

“ The origin of the difference, as you see it in the evidence was insignificant. The heat of two persons, each defending an animal under his protection, was natural, and could not have led to any serious consequences. It was not the deceased's defending his own dog, or his threatening to destroy mine, that led to the fatal catastrophe; It was the defiance which most unhappily accompanied what was said; words receive their interpretation from the avowed intention of the speaker. The offence was forced upon me by the declaration that he invited me to be offended, and challenged me to vindicate the offence by calling upon him for satisfaction.

“ If you are offended with what has passed, you know where to find me.” These words, unfortunately repeated and reiterated, have over and over again been considered by Criminal Courts of Justice as sufficient to support an indictment for a challenge. These Judgments of Courts are founded upon the universal understandings and feelings of mankind, and common candour must admit that an Officer, however desirous to avoid a quarrel cannot refuse to understand what even the grave Judges of the Law must interpret as a provocation and a defiance. I declare, therefore, most solemnly against the deceased; nothing, indeed

but insanity could have led me to expose my own life to such imminent peril, under the impulse of passion from so inadequate a cause as the evidence before you exhibits, when separated from the defiance which was the fatal source of mischief, and I could well have overlooked that too, if the world, in its present state, could have overlooked it also. I went into the field, therefore, with no determination or desire to take the life of my opponent, or to expose my own, I went there in hopes of receiving some soothing satisfaction for what would otherwise have exposed me in the general feelings and opinions of the world. The deceased was a man of popular manners, as I have heard, and with a very general acquaintance. I, on the other hand, was in a manner a stranger in this great town, having been devoted from my infancy to the duties of my profession in distant seas. If under these circumstances, the words which the deceased intended to be offensive, and which he repeatedly invited to be resented, had been passed from month to month, have been ever exaggerated at every repetition, and my honor must have been lost.

“ Gentlemen, I am a Captain in the British Navy. My character you can only hear from others; but to maintain my character in that station, I must be respected. When called upon to lead others into honourable danger, I must not be supposed to be a man who had sought safety by submitting to what custom has taught others to consider as a disgrace. I am not presuming to urge any thing against the laws of God, or of this land. I know that in the eye of religion and reason, obedience to the law, though against the general feelings of the world, is the first duty, and ought to be the rule of action. But, in putting a construction