

who value your own persons, whether if pursued by a man so armed you would fly, when by the cast of a stone you might be stricken down and be either so injured as to become imbecile or to have your life sacrificed? Preeper considered his life endangered, and under such circumstances, I ask you whether he was not justified in availing himself of the weapon in his hand, and sacrificing the life of his assailant to protect his own? There is a wide distinction between legal and illegal assemblages: Preeper was present on the occasion in question, exercising his legitimate rights—a voter attending at the hustings for the purpose of recording his vote;—until assailed, he exhibited no hostile spirit, no desire to provoke strife or create a disturbance; when strife did occur he sought to avoid it, and took the life of Hurley (if he did it at all) only to preserve his own. Hurley paid the penalty for his own fierce passions and gross imprudence; it would be unjust to punish Preeper for an act which the deceased drove him to commit.

This trial, gentlemen, has occupied much of your time. The wings of the press will carry the evidence from one end of the Province to the other, and the wholesome lesson will, I hope, be taught to navvies and highlanders, Catholics and Protestants alike, that he who interferes with the exercise by the inhabitants of this country of their franchise cannot do so with impunity.

Preeper, even if guilty, has, under all the circumstances in my judgment, suffered enough; but I take the higher ground that the whole of the responsibility of this transaction rests, not on the accused, but on those who provoked the riot,—and, gentlemen, in conclusion let me say that I do not see how any jury could find the prisoner guilty. Upon every principle of law applicable to this case—upon the soundest moral principles the prisoner at the bar is entitled to a verdict of acquittal, which verdict, gentlemen, I feel assured you will render.

[At the close of his address the counsel was warmly applauded.]

The compiler of this pamphlet, having transcribed from the pages of the *Morning Chronicle* newspaper the speeches delivered before the Jury by the prisoner's counsel, the opening speech of the Attorney General having been transcribed from the *British Colonist*, it was considered desirable that the closing speech also of the Attorney General should have appeared before the Judge's charge. It has not, however, been printed or published in any of the public newspapers. An application was made to the publisher of the *Morning Chronicle* on the 22d December to ascertain if it could be obtained, and the reply was that he had not been able to procure it, although, with that object in view, so early as the 6th of December, he had forwarded to the Attorney General a note of which the following is a copy:—"The publisher of the *Morning Chronicle* presents his compliments to the Hon. Attorney General, and would be glad to be furnished with a report of his speech in the case of the Queen *vs.* Preeper, for publication previous to the Judge's charge in that cause." To which it appears no answer was returned.

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