

public ferryboat, where Hibberton was shot in a close carriage in the most public manner. After repeated jury sittings upon his case, the decision was NOT GUILTY. We will allow this to be set down as a precedent, and, if you please, call it American common law. I will refer to another case: that of "Louisiana *v. Horton*," for the killing of the seducer of his sister. The jury in this case also found the prisoner NOT GUILTY. This is the common practice in the United States, that a man who kills the seducer of his relative is set free.

A case of this kind came under my own observation in Kentucky. A man, for taking the life of the seducer of his sister, was tried and acquitted, although he did the deed in the presence of hundreds of persons: he shot him not more than ten feet from the Court House. I saw the prosecutor, and conversed with him, and have a knowledge of the leading facts. I bring these instances before the jury, to show that there are parallel cases to the one before us in American jurisprudence; and yet, in some of the States a civil suit for damages *will answer the purpose*.

Walker, on this subject, for instance, in the State of Ohio, tells us in cases of this kind a civil suit may be instituted, and a fine be imposed; the civil suit may bring damages according to the character of the person, and that is considered an equivalent for the crime. What is the reason that these civil suits are tried in this way? It is because the spirit which actually reigns in these rotten and overgrown countries is to prostitute female virtue.

Go to the cities of Great Britain where the census reports between two and three hundred thousand prostitutes: if a man seduces a female, no matter how it occurs, a few pence is all the scoundrel pays. He *damns* the woman, who is *consigned to in-*

*famy*, and compelled to linger out a short existence, and ultimately covers her shame, seeking repose in a premature grave; and this is the spirit and genius, not only of the people of Great Britain, but of some of the States also. How is it here in these mountains, where the genius, spirit, and regulations of society are different from those old nations? Why, men are under the necessity of respecting female chastity, when a seducer is no more secure abroad than the dog is that is found killing sheep. Female virtue is not protected by those old governments; but they are corrupt institutions, which prostitute and destroy the female character and race.

Just consider this matter. Are the law, the genius, the spirit, and the institutions of a people who go in for preserving inviolate—in perfect innocence, the chastity of the entire female sex—are they to compare with the spirit and the genius of communities that only value it by a *few dimes*? *Is that law to be executed on us?* I say that the Congress of the United States have wisely provided that the laws of the United States shall not extend over us any further than that they are applicable.

The Jury will please to excuse my manner of treating this matter: I am but a young lawyer—this is my first case, and the first time I ever undertook to talk to a Jury in a court of justice. I say, in my own manner of talking upon the point before you, a fellow citizen, known among us for years, is tried for his life; and for what? For the *justified killing* of a *hyena*, that entered his sheets, seduced his wife, and introduced a monster into his family! And to be tried, too, by the laws of a government ten thousand miles from here!

If Howard Egan did kill James Monroe, it was in accordance with the established principles of justice known in these mountains. That the people