

death of James Speed, an article was published in the *North American Review* by Joseph Holt, which induced John Speed, the son of James Speed, to send to that magazine a brief correction, and with it he sent the article his father had prepared. It was then published in the September number, 1888.

The article is so interesting and valuable, not only as an historical paper, but also as a remarkable specimen of clear and logical reasoning, it is reproduced here.

It is a conclusive argument on the proposition that an action which, under ordinary circumstances would be improper, would, under different circumstances, not only be proper, but necessary.

It is as follows:

I would not undertake to give, within the compass of a short article, the details of the monstrous crime of the assassination of President Lincoln; nor would it be possible in such limits to set forth the facts which demonstrated the guilt of the persons punished for that crime. But as the nomination of General Hancock has invested this subject with a fresh interest, I will briefly present some of the points connected with it:

Mr. Lincoln was assassinated April 14, 1865. A few days before this, General Lee had surrendered the army of Northern Virginia. But the war was not, by any means, over at that time. For more than a month afterward armies of the rebellion were still in the field, and for many months the angry bellows of war did not entirely subside. For more than four years the sulphuric atmosphere of actual war had hung over the country. At the national capital no other air was breathed. Four years of fierce, bloody conflict raging all around, within sight and hearing and almost up to its very gates, had constituted Washington practically a military camp. The city was policed by soldiers. The public buildings were guarded by soldiers. The army was the protector as well as the defender of the capital. This condition of affairs perfectly answered Lord Coke's definition of war:

"So, when by invasion, insurrection, rebellion, or such like, the peaceable course of justice is disturbed and stopped so that the courts of justice be, as it were, shut up *et inter arma legis silent*, then it is said to be time of war."

It was in the midst of such a disturbed state of affairs that the assassination took place. The dreadful event, of course, intensified those conditions. The assassins were taken and held to answer for the awful crime. The question arose, should they be tried by the