

pardon; and secondly, that, if a reasonable doubt of his guilt could be impressed upon my mind, by admissable and reliable proof, I would commute his punishment to confinement in the Penitentiary, disregarding all possible clamor, looking to future developments for the vindication of the act.

From the beginning, it has not been pretended that his innocence of the charge could be so established as to warrant an unconditional pardon; and therefore, the most that has been asked, is, a commutation of the sentence of death, upon the ground of uncertainty. The case has, consequently, been narrowed down to one of doubt; and the benefit of that doubt has been demanded. It may be well, here, to remind you, that it is not any and every doubt which the law contemplates, when it says that the accused shall have the benefit of a "rational doubt". It means a rational doubt arising strongly from the evidence in the case. It must not be the result of conjecture, nor of undefined, vague, unsustained rumor. It must be a substantial and well grounded distrust of the direct evidence adduced against the accused; or, where the testimony is circumstantial, a preponderance of probabilities in his favor. Now, upon what evidence was Amos Green convicted? Mainly upon the direct testimony of the Woman. In such cases, indeed, we can rarely expect any other testimony than that of the Woman; and the law declares her oath sufficient to convict. The only question then is, is she worthy of belief on oath? If she is, then the conviction must stand, and the penalty of the law must be awarded. If she swears falsely, upon her soul must be the blood of her victim. In what way can her evidence be avoided? By impeachment. At the trial of the case of Amos Green, Mrs. Josephine Pepee was not impeached. She is, however, impeached, indirectly, before me. That is, her general character for morality and social decency is called in question; and her credibility upon oath is thus sought to be impaired. I have before me, the statements of the Rev. Messrs. Grier and Fort. They state that, in conversation with divers persons, in and around the place where Mrs. Pepee resided at the time of the commission of the crime alleged, they heard her reputation seriously impugned, and charges made of her having drank, danced, played cards, and consorted upon familiar terms, with the lowest class of negroes. But, Rev. Sir, this is mere hearsay, which may or may not be founded in fact. As I suggested to you, in our interview, if such was the common habit of life of Mrs. Pepee, surely there must be some one person in that neighborhood, who can testify to it affirmatively.

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