

Embargo law & while carrying out this purpose they came into violent collision with the military forces of the United States & fired on them.

Unquestionably that was a private transaction done for a private purpose of emolument & with the intention to evade the laws in a single instance; but suppose the combination had been by one hundred or more armed men to prevent by force the execution of the Embargo laws, whenever attempted in that district of country, & suppose this general intention to have been carried out, in any one instance, by a forcible resistance to those laws, it would have been as much treason as any other case ever tried in this country.

It seems to me, therefore, with great deference to the superior learning of their Honors who tried the case of *Wanna-way*, that any combination in *Sadsbury* township, or elsewhere, generally to prevent by force the arrests of any fugitive slaves, who were in that vicinity, would be a combination of a general nature & for a public purpose, to wit, the forcible resistance of a public law of the United States.

Now, it was unquestionably a matter of fact for the Jury to decide upon the intention of that assemblage of men, for what purpose they came together. If they found that it was merely temporary & caused alone by a motive to rescue these particular slaves of *Mr Goruch*, it was not treason, but if it was an organization set on foot, for the purpose of resisting the arrest of all fugitive slaves, in that neighborhood, who might be claimed under process according to the terms of the Act of Congress, then I submit that such a purpose in such an assembly of men, carried out by force of arms, would be a resistance of a public general law, & could not correctly be said to be for a private purpose.

I cannot conceive of a matter more vitally affecting the public, if not the Union itself, than the execution of this Act of Congress, based on so fundamental an article of the Constitution.

But the Court have intimated to the Jury, that in their judgment there was no treason because there "was no conspiracy to make a general & public resistance to any law of the United States."

This takes from the Jury their prerogative to decide on the intention of the assembled multitude, which always is a matter of fact to be found by a Jury. But surely it was competent to infer a treasonable intent to resist all arrests