

of fugitive slaves, when the evidence showed a preconcerted assemblage, almost instantaneously, by the blowing of horns, of more than an hundred armed men, who deliberately defied a the officer of the United States when he read his warrants & fired upon his party, killing one & wounding others. - When the war cry of the insurgents was, "we are free" & when more especially, so far as the white prisoners were concerned, there was no evidence that they knew the slaves of Mr. Gorsuch, & one of them Elijah Lewis swore on the trial of Mannaway that when he read the warrants, at the time he did not notice "for what negroes they were." From all these facts & the proof of the wide spread disloyalty & disaffection to the law, of all that neighbourhood, it was hardly possible for a fair minded Jury to have doubted that this insurrection of armed men was not for the private purpose of rescuing these particular negroes, but for the general purpose of preventing any arrests of fugitive slaves in that neighbourhood, that is in effect to prevent the execution of the Fugitive Slave Act.

The Court then went on further to decide that the insurrection" was but a sudden conclamation or running together to prevent the capture of certain of their friends or to rescue them, if arrested, thus evidently deciding the character & intention of the insurrection, which was the disputed matter of fact on which the Jury alone were competent to pass.

Judge Grier listens this case to that of a band of smugglers resisting the revenue officers, or to a community of debtors combining forcibly to resist the execution of civil process, & he assumes, that there was in this case nothing more than a collection of fugitive slaves encouraged by the neighbors in combining together to resist the capture of any of their number. they may resist with force & arms their master or the public officer who may come to arrest them. they may murder & rob them - they are guilty of felony & liable to punishment but not as traitors.

The case put of smugglers resisting the Revenue laws is an unfortunate one, & not at all apposite because their primary intention is not to levy war or to resist by force the Revenue laws, but rather to cheat, evade, & defraud the laws for private lucre & gain. - But here the alleged conspiracy was not to evade the execution of the Fugitive Slave Act, but primarily, directly, & openly to resist by force the arrest of Fugitive Slaves. If a band of smugglers were however to confederate for