

that, as I understand the opinion of the Court in their charge to the jury, no additional evidence on our part could have changed the result.

Considering the nature of my instructions, I shall report several matters, which, in my opinion, were greatly calculated to obstruct a fair and impartial trial.

In striking the jury, we had great difficulty, because from the most satisfactory information in our power, we believed that a large majority of the appearing jurors were unfavorable to a conviction, and which belief was strengthened by the fact, that out of eighty-three jurors appearing for challenge, the prisoner accepted fifty-nine, of whom fifty-one were set aside by the United States under their qualified right of challenge, until the whole panel was exhausted. The jury was ultimately formed, while the prisoner had eleven peremptory challenges still unexhausted. These facts were made the more significant by the subsequent conduct of the United States Marshal, Mr. Roberts, who summoned the jury. It was manifest to every one, that by the partiality of this officer, members of the Anti-slavery Society (males and females) were daily admitted to preferred seats in the court-room. So palpable was this partiality, that it was a subject of frequent remark in the Philadelphia papers, among which I will particularly refer to "Cummings' Evening Bulletin." It is also a fact within my personal knowledge, that free negroes were admitted through the Marshal's office into the court-room, when crowds of white citizens were kept outside of the door; and complaint was made to me by a respectable gentleman, one of the witnesses from Maryland, that after the rescission of the order of the court to exclude witnesses, he was refused admission by a deputy of the Marshal, when a colored man was passed at once into the court-room, upon the written permit either of the Marshal, or somebody else. But I have other and more significant facts. I brought to the attention of the court, the fact stated in the "Pennsylvania Freeman," that the Marshal (Mr Roberts) had actually dined with the prisoners, or some of them, during the trial, on Thanksgiving day, and when I was about to read the article from the paper, I was stopped by his Honor, Judge Grier, who in behalf of the Marshal, denied the truth of the statement that he had so dined; but unfortunately for the Judge's interposition, the Marshal immediately afterwards made his own explanation, and admitted that he had not only assisted at the dinner, "but had set down and *partaken sparingly*" of the Thanksgiving dinner, with the white prisoners. I cannot but consider such conduct as highly unbecoming that officer from whom, next to the Judge, we had a right to expect impartiality and a due regard for decorum.

In this connection I will also state, that a few weeks before the trial, Peter Washington and John Clark, two important witnesses for the prosecution, escaped from prison without breaking a lock