

sisting the revenue officers, or to a community of debtors, combining forcibly to resist the execution of civil process; and 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 and arms their master, or the public officer who may come to arrest them—they may murder and rob them—they are guilty of felony and liable to punishment, but not as traitors

The case put, of smugglers resisting the revenue laws, is an unfortunate one and not at all apposite, because their primary intention is not to levy war or to resist by force the revenue law, but rather to cheat, evade, and defraud the laws for private lucre and gain. But here the alleged conspiracy was not to evade the execution of the Fugitive Slave Act, but primarily, directly and openly to resist by force the arrest of fugitive slaves.

If a band of smugglers were, however, to confederate for the express purpose of preventing by force the collection of any public revenue in a particular district, and they were to proceed to carry that purpose into effect by force of arms, it would amount to a levying of war, I presume, and would go far beyond a case of smuggling.

As to a community of debtors resisting civil process by a forcible combination, I am not aware that such a case has ever been judicially held not to be treason; but suppose that a large number of debtors to the Government combine to resist by force of arms the execution of United States process on their persons or their property, and do, in pursuance of that general design, resist with force the United States Marshal while executing process of the United States, would not that be a case of treason? Or suppose one hundred men conspire to prevent by force of arms the collection of any revenue by the custom house officers in Philadelphia, and do carry that intention into effect forcibly, I presume that would be treason.

But the Northampton Insurrection was the very case where the people of Northampton county, intended to protect themselves alone from the direct tax on their houses—they did not design to prevent the exaction of the tax elsewhere, or to levy war generally against the law wherever its execution might be attempted, yet it was not then thought that any local combination to resist the execution of a law on the conspirators themselves, was not treason, when ripened into forcible resistance. But his Honor Judge Grier made a great mistake of fact, in assuming that this conspiracy was merely “to protect one another from kidnappers,” or that it was merely an organization of “runaway slaves.”

I confidently assert, that according to the evidence, there were no slaves in the whole multitude, but the three owned by Mr. Gorsuch, who were seen on the ground, so far as any evidence