

was in fact free, and Judge Grier declared on the trial that it was immaterial whether he was free or a slave. He said: "If the master went into the house in that way at night, he might be called and considered a kidnapper, because he did not distinguish himself from one in his conduct, and it would make no difference whether he was a kidnapper or not."

See printed proceedings, page 288.

Now this whole doctrine of Judge Grier is in direct and flagrant opposition to the principles laid down by the Supreme Court of the United State, in *Prigg vs. Pennsylvania*, 16 Peters, 613, where Judge Story, in delivering the opinion of the Court says: "The clause (meaning of the constitution) puts the right to the service or labor upon the same ground and to the same extent in every other State, as in the State from which the Slave escaped." Now if this be law, how can it be alleged that any wrong was done by the arrest of a fugitive slave at Chamberlyn's, to obtain the reward advertised by the master, and for his benefit, unless it can be shown that such a proceeding would be illegal in the State whence the slave had fled? I can only add in reference to this transaction at Chamberlyn's, that we had in attendance on the Court, a respectable citizen of Maryland, who was the owner of this very slave arrested at Chamberlyn's, and who was fortunate enough in this way to get him by his agents, even in the house of his harbinger; but after this intimation from the bench, we did not trouble ourselves to offer the evidence. It certainly is strange that Judge Grier should thus disregard the solemn adjudication of the Supreme Court, and judge the great constitutional right of re-capturing slaves by "the insulted feelings and prejudices of the people," rather than by looking at the laws of the State whence the fugitive escaped, according to the rule laid down by the Supreme Court, in *Prigg's* case. But it is said to be the act of a kidnapper for even the master to seize his fugitive slave at night in the house of a Pennsylvanian, who is harboring him, without having made due inquiry into his freedom or slavery.

This sort of recapture, though secured by the constitution, (as expounded in *Prigg's* case, where it can be done without "illegal violence or a breach of the peace,") is matter of grave judicial complaint, when a little reflection must have satisfied his Honor, that, unless the master or his agents can seize the fugitive at night in the house where he is harbored, the whole constitutional right of re-capture is at an end, for it would be a mockery to send the master in the light of day to the house where his slave is protected and cherished.

The very appearance of the master would be but a notice for his slave to escape, or for his armed allies "to run together by a sudden conclamation to rescue their friend," as Judge Grier has it in his charge; and then the master would probably fare the fate of those lamented citizens of Maryland, who have already fallen as