

sacrifices "to those insulted feelings and prejudices," which his Honor, Judge Grier, has so kindly respected in his charge to the Jury.

I can only say, that both, before, and since the passage of the Fugitive Slave Act, the master has the same right of recapturing his fugitive slave, personally, or by his agents, as he would have in the State whence his slave fled; and no act of Congress, or State legislation, can override this paramount constitutional right, so ably expounded in Prigg's case, by Judge Story. The Fugitive Slave law, cannot therefore be considered as the exclusive remedy for the master. It is but an additional security, and furnishes him with a more effectual remedy, at his election, by providing a public officer with power expressly granted to summon the *posse comitatus*—a power, by the way, of very little account in a place like Sadsbury township, where the bystanders positively refused to assist when summoned by the officer, in which refusal they were justified by the counsel of the defendant, *who without a rebuke from the court, denied that Congress could make "any respectable Pennsylvanian become a slave-catcher."*

It is not necessary however to argue this right of recapture under the Constitution, as Mr. Gorsuch and his party were fully protected by process under the act of Congress, and the resistance made to them, was in effect resistance to a public act of Congress.

If a portion of the people of Pennsylvania feel themselves insulted and their families outraged by nocturnal arrests, at their houses, of fugitive slaves, they can easily avoid such disagreeable matters by first seeing that they are employing a free colored person and not actually harboring a runaway slave. If a free negro be kidnapped by day or night into slavery, we would all agree that so heinous a crime should be adequately punished, and our own laws of Maryland do most severely punish all such offences.

But no such case of kidnapping was proved on this trial, and if it had been, it was no reason to justify or excuse the killing of Mr. Gorsuch, who went into Sadsbury township, armed with legal process, and accompanied by a public officer of the United States.

I respectfully submit that this decision has been the result of that unfortunate sectional feeling, which, in spite of the best intentions of the court, has unconsciously betrayed them into the belief, that this act of Congress was but a private remedy for a private right, instead of being, as it is, a great public law affecting the bond of the Union itself.

Hence it is, that the court have ruled that armed and organized resistance to the execution of this law, is not "levying war," as it would clearly be if there was a similar resistance to any other public law of the United States to prevent its execution, and as it was ruled in the cases of the Western and Northampton Insurgents.

I cannot but regard the effect of this decision as most disastrous