

were competent to enquire into the legality of the proceedings of the claimants.

The case was immediately suspected to be one of kidnapping, and at four o'clock several persons who had known Thomas started out in different directions to find out what disposition had been made of him. From the statement of the wife, who lay in a truly pitiable condition, having been almost distracted from the occurrence of her husband's seizure, and the threats made against her by those who made the arrest, it was thought they had gone towards Kennet Square, and several of the neighbors had seen a carriage passing rapidly in that direction.

It fell to the lot of George Martin and Samuel Pennock to proceed towards Elkton, and they continued in hopes of gathering some information as far as Havre de Grace, when they observed Thomas in one of the cars, on his way to Baltimore, in custody of a constable named McCreery, from Elkton. Having gone thus far they proceeded to Baltimore, and found he had been taken to Wilson's jail in Pratt street. Here George Martin was allowed a conversation with Thomas, he having been refused by the officer when in the cars to speak to him. Thomas acknowledged himself to have been a slave for a term of years, but not for life, and asked that something might be done for him and his wife and child. George Martin started out with the object of seeing whether means could not be devised to purchase Thomas and set him free; while he was thus engaged Thomas informed the agent who acted for the claimants, that he had some time ago served in George Martin's employ. And George also having stated to the agent that he had lived with him two years ago, during two seasons, an action of *assumpsit* for work and labor done for the said George Martin by their slave, was instituted in the name of John Hays and Ann Elizabeth his wife, both of whom are residents of Cecil county. George Martin was required to give bail in the amount of one thousand dollars, for his appearance before Baltimore County Court, on the second day of the Eleventh month. Individuals feeling an interest in the matter offered good and sufficient security, which was refused, and W. A. Stewart was employed as counsel, who filed a petition immediately, and had him brought out before Judge Legrand on Seventh day morning when the following proceedings took place:

The case was brought up before Judge Legrand in the Record office, in pursuance of the act of 1846, chap. 360, for the discharge of the party from custody. William A. Stewart appeared as counsel for the defendant, assisted by Folger P. Lovegrove, and Henry Stump appeared as counsel for the plaintiff.

Samuel Pennock being affirmed, testified as follows. I am from Chester county, Pennsylvania; have known George Martin at least ten years; knew him to reside in East Marlborough, Chester county a number of years longer, and never knew him to reside out of that county. I don't know of Thomas Mitchell's having been employed by George Martin.

Officer McCreery sworn, testified that he was not interested in the suit, but upon being cross examined by the defence, stated that the alleged slave was owned by him yesterday, but not to-day. He knew John Hays and Ann his wife in Cecil county—they lived about four and a half miles from him. I know the slave to be the property of John Hays. Heard George Martin say that he worked for him three years.

For Friends' Weekly Intelligencer.

The following account of the seizure of Thomas Mitchell, who was claimed as a runaway slave, is principally extracted from the *Daily Argus*. Some alterations were made at the suggestion of one who is conversant with the whole transaction.

The individual claimed has resided in the neighborhood of Unionville, Chester county, for the last ten years, as a freeman, and has passed as such everywhere in the neighborhood, no one suspecting him of being a slave. He has always represented himself to be free, and since his residence in Pennsylvania has married, and has one child now living.

The name by which he was known, and by which he has been hitherto called by his acquaintances, was Thomas Mitchell.

Between twelve and one o'clock A. M., on Fifth day the 23d inst., a noise was heard by the neighbors, caused by the breaking in of the doors of Thomas Mitchell's dwelling, and immediately after cries for help accompanied by screams and groans.

Several persons in the immediate vicinity were alarmed and promptly proceeded to the house, when they found that it had been broken open and entered by four men, and that Thomas had been taken from his bed and forcibly carried away. They learned from his wife that in endeavoring to secure him, his shoulder was dislocated. And that pistols (one of which was found near the door with several balls in,) were presented at her, to prevent her alarming the neighbors; she continued her shrieks until she was thrown down and choked. Thomas was got off in a few minutes, and before any assistance could be rendered, they had him out of the reach of those who

Other testimony was adduced, but as the hearing was to prove the non-residence of the defendant, and that the liability, if any, must have accrued out of the State of Maryland, we omit it as unnecessary.

William A. Stewart made a brief statement of the facts disclosed by the testimony, and insisted that under the act of 1846, the defendant must be discharged from custody, the requisitions of the act, non-residence, &c., being distinctly and unequivocally proved.

Henry Stump for the plaintiff, made quite a long speech in relation to the applicability of the law to the present case, and he also animadverted on the conduct of those persons in other States, who under the guise of philanthropy, seek to injure and defraud our citizens of their property. He also inquired into the reasons which he supposed actuated the framers of the law in drawing it up.

After he had concluded, Judge Legrand stated that he had originally drawn the law, but on its passage through the Senate, it had been somewhat altered, and that under its provisions as it now stood, (although in actions of test, damages, &c., it might be otherwise,) the defendant must be discharged from custody. George Martin was accordingly discharged.

We were informed that George Martin left his home early on Fifth day morning, in his ordinary farming dress, and without any prospect of being away any length of time, proceeded first to Elkton, thence to Havre de Grace, and thence to Baltimore, solely for the purpose of endeavoring to restore Thomas to his family, leaving his own wife and children in much anxiety on his account. The latter heard of his arrest in Baltimore, but got no further information until his return on First day morning. He was arrested on Fifth day evening and released on Seventh day morning. It was suggested to him that bail would be offered so as to leave him at liberty whilst he was necessarily detained at Baltimore, but he declined accepting it. We were also informed that he was cautioned against returning through Elkton, as he might be again arrested on some pretence or other, and advised to take a circuitous route home, but feeling himself to be entirely innocent of any wrong motive, he determined to return the way he went, without regarding any personal consequences that might follow.—S. 9th mo, 1, 1849.