

execution of any statute of the United States by forces they are guilty of a high misdemeanor. But, if they proceed to carry such intention into execution by force, they are guilty of the treason, of levying war. He also admits that it was decided in *Fries' case*, which he does not undertake to overrule or question, "that any insurrection to resist or prevent by force or violence, the execution of any statute of the United States, under any pretence of its being unequal, burdensome, oppressive, or unconstitutional is a levying of war against the United States, within the constitution". And again "If the intention be to prevent by force of arms the execution of any act of Congress altogether, any forcible opposition calculated to carry that intention into effect, is levying war against the United States."

Now, these are the tests & the definitions laid down by the highest, the most binding & authoritative decisions, as quoted in so many words by Judge Frier. How does he escape from their force? By considering the recapture of fugitive slaves, under & according to the terms of an act of Congress, as a private & not a public matter, and hence his corollary is drawn, that, a conspiracy, to resist the master or all the masters who may come into a township to recapture their fugitive slaves, is not a conspiracy "to make a general & public resistance to any law of the United States". I do not know & cannot conceive of a more public matter than the enforcement of an act of Congress based on a fundamental Article of the Constitution, securing the surrender of fugitives from labor. Surely this is a public law upon a public subject matter, & one which effects the compact of the Union itself. The Supreme Court of the United States, ^{having} expressly declared in *Prigg vs. Pennsylvania* in 1842 that, "without that Article in the Constitution, the Union could never have been formed."

How then can preconcerted resistance by force of arms & by a multitude of people to the execution of the act of Congress for the surrender of fugitives from labor be considered judicially as a resistance for a private purpose?

If the assemblage of men was merely to rescue a particular slave from motives of affection & their intentions did not extend to the rescue of all slaves who might be sought after in that neighbourhood, I agree that it would not be such a resistance to the act of Congress, as would amount to