

levying war against the authority of the United States; but when the object of the confederation is to prevent the arrest, under the act of Congress, of all fugitive slaves in a particular township or county, or neighbourhood, I do consider it as a general resistance to a public act of Congress.

If an act of Congress can be thus resisted at all points by local combinations it is manifest that it is a dead letter, unless the General Government is prepared to march an army into every neighbourhood where fugitive slaves are to be arrested. It is only in this way by local combinations that any act of Congress has ever been or ever be resisted & whether the combination is confined to one township as in the case of Hamnaway or extends to one county as in Fries' case, or to portions of four counties, as in the cases of the Western Insurgents, tried in 1797, must be wholly immaterial, since the mischief is the same & the act of Congress can, in principle, be as effectually resisted by local insurrections, in particular districts, as by one general, combined insurrection all over the Union.

It is not therefore and cannot be any the less treason, because the combination to resist by force the execution of an act of Congress is confined to a particular district of county; for, if that were the case, where is the limit & how large must be the local insurrection to amount in the words of Judge Grier to the dignity of treason? "Would not an insurrection in all the free States to prevent by force the execution of the Fugitive slave act be a levying of war against the authority of the United States? Would his honor Judge Grier deny that such an insurrection would be treasonable; and yet his whole argument would seem to deny it, because it would be local & for a private purpose" viz, to prevent masters from recapturing their slaves. But if such an insurrection would be a levying of war, it would necessarily result that an insurrection for the same purpose & carried out, by armed forces whether confined to one state, one county, or one township, would partake of the same character, if Judge Grier's admission be correct that "the levying of war does not depend on the quantum of force employed & whether it be by one hundred or one thousand persons is wholly immaterial." It seems to me therefore that the fatal error in <sup>the</sup> charge of the Court is in denying any local organization