settled the law of treason, in the cases growing out of the Western insurrections; the Northampton Insurrection, and the case of Bollman and Swartwout, in the Supreme Court of the United States. The true rule laid down in these cases is admitted, in this very charge of Judge Grier, to be in the following words;

"If a body of people conspire and meditate an insurrection to resist or oppose the execution of any statute of the United States by force, they are guilty of a high misdemeanor. But if they proceed to carry such intentions 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, and the definitions laid down by the highest, the most binding and authoritative decisions, as quoted in so many words by Judge Grier.

How does he escape from their force? By considering the recapture of fugitive slaves under and according to the terms of an Act of Congress, *as a private and not a public matter*, and hence his corollary is drawn, that a conspiracy to resist a master or all the masters who may come into a township to recapture their fugitive slaves, is not a conspiracy to make a general and public resistance to any law of the United States."

I do not know, and 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, and one which affects the compact of the Union itself; the Supreme Court of the United States having expressly declared in Prigg vs. Pennsylvania, in 16 Peters, that without that article in the Constitution, the Union could never have been formed.

How then can preconcerted resistance, by force of arms and 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, and their intentions did not extend to the rescue of all slaves who might be sought after in that neighborhood, I agree that it would not be such a resistance to the Act of Congress as would amount to levying of war against the