

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 neighborhood, 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 neighborhood 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 will ever be resisted; and whether the combination is confined to one township, as in the case of Hanway, or extends to one county, as in Fries' case, or to portions of four counties, as in the case of the Western Insurgents, tried in 1797, must be wholly immaterial, since the mischief is the same and 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 country, for if that were the case, where is the limit and 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 and 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 and 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 war does not depend upon the quantum of force employed, and whether it be one hundred or be one thousand persons, is wholly immaterial."

It seems to me, therefore, that the fatal error in the charge of the Court, is in denying to any local organization for armed resistance to the execution of the fugitive slave act, the character of treason; and that the local character of the conspiracy is not a correct legal criterion by which to ascertain treason, is conclusively established by the case of the Western Insurgents in 1797, who were convicted of treason, although the organization was confined to four counties, and afterwards, more particularly in the case of the Northampton Insurrection by the conviction of Fries.