

the constitution, is an unlawful act; and is clearly embraced as an indictable offence in the common law doctrine of conspiracy, thus explicitly and comprehensively laid down by the highest court of judicature in the State.—Nor need the end of the combination be accomplished, before its actors are liable to punishment. “*The act of conspiring,*” say the court, “*is made the substantive of offence,* by the nature of the object intended to be effected.” Thus a *combination formed*, having for its object an overthrow of the government, without having executed its designs is an *indictable offence* at common law.

But our ancestors were not content to leave the punishment of offences of this grave character to the common law only, which at the date of our constitution, was, in his State, not strictly defined; but they, who toiled to establish that instrument and who best knew its value—they, who were superior to every improper motive—and animated alone by virtue and patriotism—they, recorded upon our statute book, immediately after founding the government, penalties, which they deemed necessary for attempts to overthrow it.

The act 1777, chap. 20, sec. 5, is in these words:

“That if any subject or inhabitant of this State, shall, by any work, open deed, writing, printing, or other act, persuade or excite any of the inhabitants of this State to resist the present government thereof, by force; or to oppose, or in any manner, obstruct, with force, the execution of any of the laws of this State, such person, being convicted thereof, in the general court, shall be fined not exceeding two thousand pounds current money; and be imprisoned not more than two years, at the discretion of the court.” This act is still in force; and will be found adequate to the punishment of all offences, which may endanger our constitution.

Having presented this hasty review of the powers of executive, of the common law relative to conspiracies, and of our own statutes, which are believed to be sufficient for the suppression and punishment of the offences apprehended; and entertaining a high sense of the virtue, intelligence and patriotism of the people, and a firm and unshaken reliance on the conservative power of public opinion: the committee are unanimously of opinion, that no further legislation on the subject referred to them,