

for armed resistance to the execution of the Fugitive Slave act, the Character of Treason, 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, & afterwards most particularly in the case of the Northampton insurrection by the conviction of Fries. In this latter case there was a local combination to resist by force the collection of the direct tax, imposed on houses by an act of Congress, & the overt act of treason was the rescue by force of about one hundred armed men of some prisoners held in custody by the United States' Marshall. It seems to me that it was not as strong a case as Hannaway's, where, as some witnesses stated, there were one hundred & fifty armed men, who defied the authority of the officer of the United States, when he read his warrants & by armed resistance prevented him from executing the Act of Congress.

In Hannaway's case the resistance was carried to the taking of life & the insurgents were more numerous than in Fries' case, where no blood was shed. Fries' case, & the others above cited, have always been considered as settling, in this country, the doctrine that any assemblage of men to prevent by force the execution of any act of Congress was a levying of war, provided they did afterwards forcibly resist the execution of the law; & they equally settle the doctrine that it is not the less treason because the resistance is confined to one district of country or that it showed itself in but one overt act, at a particular time & place, for, it will be observed that the only overt act in Fries' case, was the rescue of the prisoners at Bethlehem, in Northampton County.

Judge Grier has found no case on which to support his decision, but the case of the United States, v. S. J. J. decided by the Hon. Brockholst Livingston, & reported in 1st Paine 245. It is there said that "to constitute treason the resistance must be of a public & general character" & "not of a local or private nature." As applied to the facts of that case there can be no doubt that the principle there stated was correct. There as stated in the opinion of the Court the assemblage of men was for no other purpose than for pay & hire to smuggle a particular raft of timber into Canada contrary to the