

was a preconcerted intention to rescue not merely these slaves, but any others whose arrest might be attempted in that neighborhood.

Upon this case, which was fairly made out in evidence, the Court, & not the Jury, have passed, & have said it was not treason, because as a matter of fact tried by the Court the conspiracy was for a private purpose. It will be observed that the Court had previously ruled out all evidence to show, that the same organized & armed bands had often before come together not by a sudden conclamation or running together to rescue "particular friends" but to prevent by force any & all arrests in that locality of fugitive slaves. The second reason why it was not to be dignified as treason, is in these words: "There is no evidence that any person concerned in the transaction knew that there were such acts of Congress, as they were charged with conspiring to resist by force & arms, or had any other intention than to protect one another from what they termed kidnappers."

I have always supposed that if a set of men combined to do an act forbidden by law, they do, in legal contemplation, combine to oppose the law, whether they actually know the law or not. If a law be passed to collect a tax, & when the officers come to collect it, they are met by an armed array of men who oppose them by force, with the intention that the officers shall not do their duty, it is not the less treason, because the parties were, in fact, ignorant that such a law had passed.

If it be necessary to prove actual positive knowledge of a law before an offender can be punished, then indeed will it be impossible to convict the ignorant & the vicious, who never trouble themselves to read the laws, or indeed to convict anybody who has not seen the Act of Congress.

I cannot but regard this as a strange innovation on the legal maxim, that ignorance of the law excuseth no man. I am wholly at a loss to account for any such remark in the charge of the Court. It is expressly against the doctrine laid down by Judge Breckinridge in Fries' case reported in the American State Trials, page 596, where the plea that Fries was not aware of the Act of Congress, which he had violated, was overruled on the ground that "every man is bound to know the laws of the land."

Certainly it is not & cannot be necessary before a conviction for treason that the Act of Congress which