

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, and the overt act of treason was the rescue, by a force of about one hundred armed men, of some prisoners held in custody by the United States Marshal. It seems to me that it was not as strong a case as Hanway's, where, as some witnesses stated, there were one hundred and fifty armed men, who defied the authority of the officer of the United States when he read his warrants, and by armed resistance prevented him from executing the act of Congress.

In Hanway's case the resistance was carried to the taking of life, and the insurgents were more numerous than in Fries' case, where no blood was shed.

Fries' case and 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; and 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 and 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 vs. Hoxie, decided by the Hon. Brockholst Livingston, and reported in 1st Pain, 265. It is there said, that "to constitute treason, the resistance must be of a public and general character, not of a local and 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 and hire to smuggle a *particular* raft of timber into Canada against the embargo law—and while carrying out this purpose, they came into violent collision with the military forces of the United States and fired on them; unquestionably, that was a private transaction, done for a private purpose of emolument, and with the intention to evade the laws in a single instance; but suppose the combination had been by one hundred or more armed men to prevent by force the execution of the embargo law, *whenever attempted in that* district of country, and suppose this general intention to have been carried out, in any one instance, by a forcible resistance to those laws, it would have been as much treason as any other case ever tried in this country.

It seems to me, therefore, with great deference to the superior learning of their Honors who tried the case of Hanway, that any combination, in Sadsbury township, or elsewhere, generally to prevent by force the arrest of any fugitive slaves, who were in that vicinity, would be a combination of a general nature and for a