was given; all the rest of the multitude were to be considered, under the laws of Pennsylvania, as freemen, prima facie.

The case then was simply this: Here is an insurrection of one hundred or one hundred and fifty armed blacks, all of whom are free, except three who are slaves, and these blacks incited and encouraged by at least four white men, Townsend, Hanway, Lewis and Scarlett, are there combined together to resist an officer of the United States in the execution of an act of Congress, and do, by force of arms, resist the execution of the law; and there is evidence that there 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, and not the Jury, have passed, and 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 and armed bands had often before come together, not "by a sudden conclamatio, or running together, to rescue particular friends," but to prevent, by force, any and 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 of 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 knew the law or not.

If a law be passed to collect a tax, and 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 and the vicious, who never trouble themselves to read the laws; or, indeed, to convict any body 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 Iredell, 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."