

THE JUDGE:

United States Commissioner Edward G. Loring

THE COUNSEL:

Edward G. Parker and Seth J. Thomas, Counsel for the government

Richard H. Dana, Jr. and Charles M. Ellis, Esq. Counsel, for the defence

THE PLAINTIFF'S CLAIM:

Colonel Suttle of Virginia claims that Anthony Burns is his slave, that Burns escaped to Massachusetts and that Burns owes him service and labor. Under the terms of the Fugitive Slave Law of 1850, he is petitioning the court for a certificate to reclaim Burns and transport him back to Virginia.

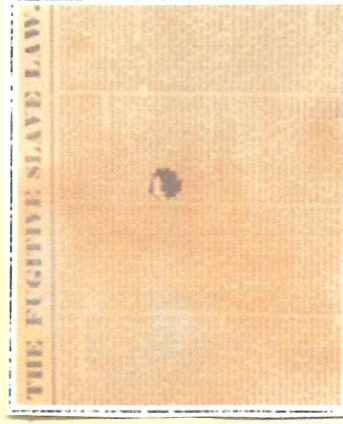
THE DEFENDANT'S CLAIM:

Burns' lawyers argue that the Bill of 1850 is too recent to hold unqualified authority, that it has elicited conflicted decisions and dicta in other cases, and that it is unconstitutional because it gives records of the Virginia Court effects not permitted by the Constitution. What is more, it prevents the possibility of trial by jury, violates article four of the Constitution by which persons are protected against unreasonable seizures and article five, which states that no one shall be deprived of liberty without due process of the law. They also claim that there is no evidence to prove that the defendant is the Anthony Burns in question.



For more on the case of Anthony Burns:
Hamilton, Virginia. ANTHONY BURNS
SLAVE. (A. A. Knopf, 1988.)

COLONEL CHARLES E.
SHUTTLE
V.
ANTHONY BURNS
(1850)



*Colonel Suttle of Virginia claims that Anthony Burns
is his slave and that Burns owes him service and
labor.*

PLAINTIFF'S EVIDENCE #1

A record from the Court of Virginia proving the facts of ownership, service, escape, and identity under the 6th section of the Bill of 1850.

PLAINTIFF'S EVIDENCE #2

A description of Anthony Burns from the Virginia record which meets the appearance of the defendant. It states that he is of dark complexion, is approximately six feet tall, and has a scar on his cheek and one on his hand.

PLAINTIFF'S EVIDENCE #3

The testimony of William Brent of Virginia. Brent testifies that Burns' mother is a slave on Suttle's farm and that Burns' belonged to Suttle for 12-15 years before which he belonged to Suttle's mother. He also states that he had hired Burns from Suttle when the slave was a boy and that the previous year Suttle leased Burns to a Mr. Millspaugh in Richmond. Finally, the witness vows that he saw Burns in Virginia on the 20th of March and recognizes the defendant as the same man.

PLAINTIFF'S EVIDENCE #4

A conversation between Burns and Suttle following Burns' arrest at which Brent and XX were present. During this conversation, Burns recognized and named both Suttle and Brent and responded to questions regarding his treatment as a slave under Suttle. Additionally, Burns claimed that he was accidentally transported to Boston after falling asleep on a boat and would willingly return to Virginia to serve Suttle. A witness, Caleb Page, corroborates this record of the conversation.

DEFENDANT'S REBUTTAL #1:

1. The court record is not an original or copy, but a transcript from the record.
2. The record is insufficient evidence under article 4, section 1 of the Constitution.
3. The record does not "certify the proof" as required by sect 6 of the Bill of 1850.

DEFENDANT'S REBUTTAL #2:

1. The description of Anthony Burns, the fugitive slave, is sufficiently vague that it could fit any number of black men in the area and that is not an entirely accurate picture of the defendant, who has a large welt across his right cheek and a hand that is not merely scarred, but broken to the extent that it is unusable.
2. Anthony Burns, the defendant, was a free man working in Massachusetts at the time of his alleged escape.

DEFENDANT'S REBUTTAL #3:

1. There is no proof that the slave called Burns' mother was actually his mother or that she is in the service of Suttle.
2. Because Brent's testimony indicates that Burns was leased to Mr. Millspaugh, Suttle's claims to his fugitive slave are nullified.
3. Mr. Brent last saw the defendant as a child and therefore cannot identify him as an adult with any certainty.
4. Anthony Burns, the defendant, was a free man working in Massachusetts by March 1st. Several witnesses approach the stand to identify Burns as a man they came in contact with in Massachusetts during the first week of March.

DEFENDANT'S REBUTTAL #4:

1. At the time of the conversation, Burns was in shock from his sudden arrest and disoriented. The conversation should therefore be inadmissible as evidence.
2. Burns' responses were likely the products of coercion and intimidation by the more powerful plaintiff. The conversation should therefore be inadmissible as evidence.
3. The 6th section of the 1850 law provides that testimony of the alleged fugitive shall not be admitted in court.
4. Should the conversation be taken as admissible and understood as true and Burns come to a free state by accident, then he did not escape and is not subject to the law of 1850.

Name: _____ Date: _____ Period _____

The Trial of Anthony Burns

Background: Colonel Shuttle of Virginia claims that Anthony Burns is his slave and that Burns owes his service and labor.

1. Briefly describe the following:

a. The Plaintiff's Claim:

b. The Defendant's Claim:

2. Briefly identify the Plaintiff's Evidence:

3. Briefly identify the Defendant's Rebuttals:

4. From the evidence and the rebuttals, what do you think the United States Commissioner, Edward G. Loring, is going to decide? Explain your opinion using supporting evidence from the case to justify your answers. Be prepared to share your findings with your classmates.

COLONEL CHARLES E. SUTTLE ANTHONY BURNS (1854)

THE JUDGMENT:

Commissioner Loring concludes that three things needed to be proven by the claimant, Suttle, in the given case:

- That Anthony Burns owes Suttle service in Virginia
- That Anthony Burns escaped his service to Suttle
- That the present defendant is in fact the fugitive slave, Anthony Burns

After declaring that he finds the 1850 law to be constitutional, Loring states that the first two claims made by Suttle are proved by the Virginia court record according to the terms of section 10 of the 1850 statute which declares that such records "shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned."

Therefore, Loring avers that the sole purpose of the current proceedings is to determine the identity of the defendant. Although he acknowledges the validity of all witnesses, he holds that the evidence of the defendant's witnesses was "less full and complete" than Mr. Brent's. To this he adds the evidence of the conversation between Burns and the claimant. He concludes that he is satisfied beyond a reasonable doubt that the present defendant is the same Anthony Burns described in the Virginia court record and that the plaintiff is therefore entitled to the certificate he seeks which will place Burns back in his custody and service.

SIGNIFICANCE:

Burns' case is considered to be one of the most important fugitive slave cases to take place in the United States. When Burns was captured and tried in Boston, Northerners were forced to confront slavery as an immediate and critical issue. Stirring the passions of abolitionists, Burns' trial was met by riots before the courthouse during which several were arrested and a special deputy was killed. Burns' trial occurred at the same time that the Kansas-Nebraska Act was galvanizing proslavery and antislavery advocates across the nation. As the country divided over legal mandates concerning slavery and moral issues, like those raised by Burns' case, the stage for Civil War was set.