

# A Reminiscence of Langdon Cheves

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In an examination of the many curious legal questions growing out of the rights and liabilities of slaves from another State venturing upon the free soil of Pennsylvania, there is a reported case in 1814 which has a peculiar local interest because the slave owner was that same Langdon Cheves who aforetime resided at Abbeville, near this city, and who has several times been the subject of papers in this Society. The case is entitled Commonwealth ex rel. Negro Lewis vs. Holloway, and is reported in 6 Binney 213. Before Cheves resided in Lancaster, it will be remembered, he was not only President of the Bank of the United States, but had been for a long time a member of Congress and Speaker of the House of Representatives. Before he had sojourned in Pennsylvania for the purpose of more conveniently discharging his duties as a member of Congress, and without any intention to become domiciled here, Lewis, his slave, absconded from his service in Germantown, where Cheves lived with his family during the Congressional vacation.

An old law of Pennsylvania, enacted March 1, 1770, prescribed that no man or woman of any nation or color, except negroes and mulattos who had been registered as former slaves, should be held other than as free men and free women; but it was expressly provided and excepted that the domestic slaves of members of Congress and

foreign ministers, or persons passing through or sojourning in the State, might be considered slaves, provided they were not retained in the State longer than six months. Mr. Cheves having resided in the State, in the manner stated, more than this length of time, it was argued that his slave was thus made free.

The case was elaborately argued by lawyers of the distinction of Rawle and Sergeant, and the opinion was written by Tilghman, Chief Justice. The other Judges, Yeates and Brackenridge, expressly concurred. One of the matters of history relied upon by the Court in refusing to set the slave free was that Congress had sat in Philadelphia ten years, during all of which time the members from the Southern States were attended by their slaves without molestation. To hold that they could only retain their slaves in Philadelphia while Congress was in session was held by the Court to subject the Southern members to great inconveniencē by the necessity of giving up their residence in this State during the recess of Congress, or losing the services of their domestics. Finally the Chief Justice says:

“In the case of Mr. Cheves this inconvenience would be very great indeed, because there was a session of Congress between March and December, his return to Charleston by water was cut off, and it was impossible to say whether the events of the war might not have induced the President of the United States to convene the Congress before the month of December. We all know that our Southern brethren are very jealous of their rights on the subject of slavery, and that their union with the other States could never have been cemented without yielding to their demands on this point. Nor is it conceivable that the

Legislature of Pennsylvania could have intended to make a law, the probable consequence of which would have been the banishment of the Congress from the State. I am therefore of opinion that the true construction of the law is that which is impressed on the mind by its first reading, that is to say, that the domestic slaves of members of Congress who were attending on the family of their masters even during its recess, gain no title to freedom, although they remain in the State more than six months, whether the seat of Congress be in Pennsylvania or elsewhere. According to this construction, the prisoner is to be remanded to the custody of the jailer."

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