

An Anti-Slavery Reminiscence

The Society is indebted to Dr. Geo. L. Cassel for the privilege of abstracting from the diary of his father, the late Abraham Cassel, of Marietta, an interesting account of his experience as a juror in the United States Court in a famous civil case, growing out of the fugitive slave act and about a year after the "Christiana riot." Mr. Cassel records the facts and reflects his opinions of the case in a memoir which has great personal and local interest. Substantially he says:

In the fall of 1852 I and others in the State were summoned as jurors to the District Court of the United States in the Eastern District of Pennsylvania, at Philadelphia. After serving on several juries a fugitive slave case came up that was first tried in Cumberland county several times and was finally heard by the Supreme Court of Pennsylvania. It decided the State Courts had no jurisdiction in the matter. It was transferred to the United States Court. The plaintiff's claim was for the value of eighteen or twenty slaves that had run away from a widow in Maryland, and came onto the property of Mr. Kauffman, of Cumberland county, Pa. Being entirely destitute, some of them applied at the house for food, which, it was proved, Kauffman furnished them. In a short time the fugitives disappeared; their owner brought a suit for the value of the slaves under the fugitive slave laws of the United States against Mr. Kauffman, because he furnished food and shelter and thereby facili-

tated their escape and their owner's loss.

When the case, thus handed over by the State Courts to the Federal jurisdiction, came before the District Court, on the first trial the jury disagreed. When it was heard before the jury of which I was a member, counsel of the distinction of Geo. M. Dallas, Vice President under Polk—and David Paul Brown, the great criminal lawyer of the Philadelphia "Forum"—appeared in the cause. After their extended and impassioned arguments, the Judge charged the jury on a Thursday. In his charge he said the testimony in the case was conflicting and he would not charge on it. The jury retired to their room on Thursday afternoon; after organizing they began to discuss the matter. Three or four were from Philadelphia city, three from Berks, Montgomery and Bucks, three from Lancaster and the rest from the country west. The trial and speaking stirred the question then agitating the public, and we soon found by investigating that it would require time and patience to get any result. After discussing the testimony the jury found that the merits of the case depended upon some of the new testimony introduced at this trial, nearly all introduced since the former trials in the State Courts and strongly objected to.

On the first vote the jury stood five, four, three. The five were for allowing the whole claim of the widow; the four allowed nothing, the three were willing to to give the same as the jury gave in the State Court. The five represented the Democrats, the four represented the whigs, the three the Free Soil Democrats. It will be seen by the above that the division of the jury indicated in part the political feeling of the day. The dis-

cussions continued from day to day—taking a vote two or three times a day until Saturday night, with very little or no change. We concluded to send for the Judge and get him to discharge us, as there was no prospect of the jury agreeing to any verdict.

After the Judge arrived one jurymen stated to the Judge we could not agree and wished to be discharged. He said this matter had now been in the Courts for years and would never get out if he continued to discharge the juries for disagreeing. One of the jurymen then remarked to the Judge that in his charge he stated the testimony was in some cases so conflicting that he could not charge us on it. One of the jurymen then asked the Judge if he could not reconcile the testimony how he expected us to do it. He then arose and said: "Gentlemen of the Jury, I will be here all next week, and Judge Kane will be here all winter;" thus ended the second week of the trial under one of the most infamous laws ever enacted, particularly so for us jurors, who were expected to give a verdict according to law and testimony.

The Marshal marched the jury back to the Old State House, in Chestnut street, where we lived on light rations and without beds till the next Saturday night. It is scarcely necessary here to state that during these seven days and nights the jury fully discussed slavery and the fugitive slave law, deprived of all information from the outside world, and allowed only one regular meal per day, without bedding.

The jurymen, all, no doubt, were honest and conscientious; but they acted out their convictions of the day, showing the prevailing political feeling of the day on the slavery question. This occurrence took place after

the Christiana affair in Lancaster county, where a slave owner was shot and killed by his slave while trying to arrest him; and public feeling was intensified by the acts of the slave power in legislation, particularly the repealing of the Missouri Compromise and the fugitive slave laws under which we were acting in trying the case the jury was then engaged in. To those of us who were not in sympathy with slavery it seemed unjust to punish a peaceable citizen of the State for giving a little food to a number of fugitive slaves who came to his barn at night without his direction or assistance as far as we knew. After they got the food and water they disappeared; nothing later had been heard or known of them. Mr. Kauffman was sued for the alleged value of the slaves, over \$20,000—much more than all the man was worth. The last trial tried to implicate a number of persons who were not charged with a breach of the law in the former trials in the State or U. S. Courts. It was here the conflicting testimony came in on which the Judge said he would not charge us.

The jury was composed of one former member of Congress from Perry county, two or three former members of the Legislature of Lancaster county, several from Bucks, Chester, Berks and Philadelphia. Being business men of several occupations and parties, the jury fully represented the feeling of the people on all questions of the day.

The country was agitated over the conduct of the South and felt the encroachment that was being made yearly on the North and West, so that when this jury was selected the members partook of the feelings of the day, each one holding the idea that he had assumed the correct ground. We

consumed nearly three weeks before a verdict was reached, and it was nearly the same as was given at the first trial at the State Court at Carlisle, years before. If we take into consideration the fact that a large majority of the jurymen were hostile to slavery, and particularly those of them known as "Free Soil Democrats," it is notable that none was willing to disregard his oath taken to try the case according to the law, though it was repugnant to a large number of all classes of the people of the North.

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