RIGHTS OF RUNAWAY SLAVES.
Boston Recorder (1830-1849); Apr 22, 1836; 21, 17; American Periodicals
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The Philadelphia Evening Star informs us of an important decision recently made by Judge Baldwin, in the Supreme Court—that when a runaway slave is reclaimed, it is necessary that *he shall be tried before a jury;* on the principle of Constitutional law, that every man is entitled to a fair and impartial trial before twelve of his peers. It has long been a horrible anomaly in the administration of justice in the free States, that the southern slave-mongers have been allowed to seize men, women and children, and hurry them into bondage, as runaway slaves, *without a trial by jury*, but simply by claiming them on oath before a justice of the peace, or a *judge, as their property.—Liberator.*

To be sure, the person thus claimed has a right to a jury; and it is astonishing that his right should ever have been doubted. The Constitution of the United States, indeed, provides, that "No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party *to whom such service or labor may be* DUE." But the questions, whether the person claimed *is* so "held to service," and whether the claimant *is* "the party to whom such service" is "due," are questions of fact, to be decided by a jury in view of evidence.

There is another point, of equal practical importance, which Mr. Garrison has not noticed in this article, if ever; nor does it appear whether Judge Baldwin has had occasion to decide it. We maintain, that *no person, having a pecuniary interest in the result of such a trial, can be admitted as a witness.* Instead of having his own oath considered sufficient proof, *the person claiming to be the master cannot be permitted to testify at all in* such a case. Nor can any deputy or agent of the master, whose reward, or pecuniary interest in any form, depends on the success of the suit, be permitted to testify. And all this for the plain reason, the well-established doctrine of law, that no man is allowed to swear money into his own pocket, by being a witness in his own case.

Further. We suppose it to be a notorious fact, that agents employed to recover runaway slaves are usually interested in the success of their exertions; that their pay is to depend on their success. Whether this creates a presumption that they are interested, sufficient to exclude their testimony, we doubt; but it certainly affords good ground for making them answer, under oath, the question, whether they are or are not interested in the result of the suit. Unless they make oath that they have no such interest, they cannot be permitted to testify.

Yet again. If the deputy or agent makes oath that he has no interest in the result of the suit, and is therefore admitted as a witness; still, the jury will have a right to consider his *credibility.* They will have a right to consider, from the general appearance and demeanor of the witness upon the stand, from his connection with the pretended owner, from the known character of men often engaged in this employment, from any testimony concerning his moral character that may be laid before them, how worthy he is to be believed. And as they find reason to believe concerning his testimony, they *must bring in their verdict.*

Mr. Garrison says,—referring to the Constitution of the United States,—"The service or labor claimed must be 'due' to the claimant; but what judge or jury will have the hardihood to decide, that the victims of plunder are indebted to the plunderers, or that the oppressed owe any thing to the oppressors?" This reasoning, we think, will not hold. The Constitution does not require that the "service or labor" should be shown to be "due" in equity; but only that it should be shown to be "due" according to the laws of the State to which the parties belong. The equity of those laws is not to be made a question in such cases. That those laws are according to equity, this clause in the Constitution requires us to take for granted. If it be *proved that the person claimed is* "held *to service* or labor" according to those laws, he must be delivered up. But the claimant must prove that the "service or labor is due;" that he, or his employer, is the person to whom it is due; that the person claimed is the person from whom it is due; and he must prove these facts before a jury, by the testimony of disinterested witnesses, of good character for veracity.

It cannot be objected, that a slave, in law, is not a "person," but a *thing*, a "chattel;" for the fact that the being who is claimed *is* a slave, is the very point to be proved, and therefore may not be taken for granted. And besides;—the Constitution makes no provision for delivering up runaway *things,*—runaway "chattels." Its words are "No *person* held to service," &c. *If claimed under this section, he must be claimed* as a "person," and, of course, as having the rights of *persons*, and among the rest, the right to trial by jury. It is astonishing, that other practices should ever have prevailed.

Probably, Judge Harrington's celebrated decision, at Middlebury, Vt. had a better foundation in law than has commonly been supposed. The claimant, in a case of this kind, was told that his evidence was insufficient; and again, that his evidence was insufficient; till, irritated and out of patience, he demanded what evidence the court would allow to be sufficient. Judge Harrington replied, "A bill of sale from the Almighty." It is probable that Harrington saw the insufficiency, on legal principles, of the testimony actually produced, and rejected it on good legal grounds; that he felt no inclination to instruct the plaintiff how to enforce what he regarded as an unrighteous law; and indeed, that, in his utter detestation of slavery, he neither knew nor cared, what evidence, short of "a bill of sale from the Almighty," would be sufficient; deeming it enough for him, to admit such evidence if it should ever come before him.

We are not particularly versed in the history of such cases, and do not assert that the mode of proceeding has always been such as Mr. Garrison describes. We suppose, however, that it has. We hope the subject will now receive such attention, that the legal rights of persons claimed as absconding slaves will be fully vindicated.

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