



**The Trial  
of  
Anthony  
Burns**

**ENGLISH**

**VERSION**

**WAKE UP TO HISTORY!**  
Participate • Debate • Decide

**TheatreEspresso** 

## The Trial of Anthony Burns

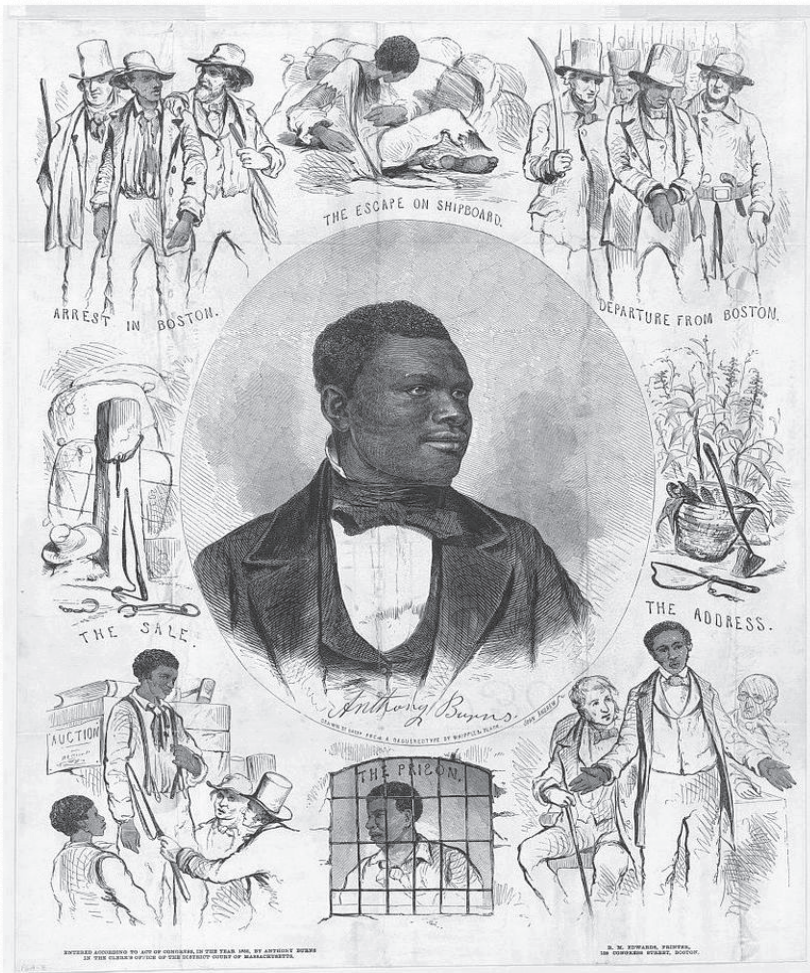
Before the Civil War, many people in Massachusetts supported the abolitionist movement, which opposed slavery. But because of the Fugitive Slave Act of 1850, state judges in free states like Massachusetts were required to return runaway slaves to their owners in the South.



In 1854, a slave named Anthony Burns escaped to Boston where he lived as a free man until he was captured and placed on trial. Before the trial, local residents gathered at Faneuil Hall for a freedom rally that erupted into a violent riot outside the Courthouse, where Burns was held.

During the trial, Richard Henry Dana and a team of Boston lawyers fiercely defended Burns' right to freedom. As a judge, Edward G. Loring felt obligated to follow the Fugitive Slave Law and ruled that Burns must be returned to his Southern master. His decision enraged citizens across Massachusetts, and inspired many people across the North to become abolitionists. Outrage over the Burns case made it a key event leading to the Civil War.

What Happened?



Anthony Burns

*The Trial of Anthony Burns* starts in 1858, four years after the Burns trial, when the Massachusetts Legislature tried to remove Loring from his position for his unpopular decision in the Burns Case. In the play you will act as a member of the Massachusetts Legislature. You will view a dramatization of the case, interview characters, debate the issues with your classmates, and vote on whether or not Loring will keep his position as judge.

### Questions to consider

- Should a judge be punished for enforcing a law that many people believe is immoral?
- Who should decide what is moral and what is immoral?
- What are the implications of removing a judge who makes an unpopular decision?
- Is it more important to follow the law or your own conscience?
- Should a state have to follow a federal law that goes against its own local laws?
- Should the life of one man be placed in jeopardy to help others? If so, under what circumstances?

### Arguments for

### Arguments against

**March 1854:** Anthony Burns, an escaped slave from Virginia, arrives in Boston.

**Wednesday, 24 May:** Burns is arrested as a suspect in a jewelry store robbery. At the Courthouse, Burns is confronted by his owner, Charles Suttle. Burns acknowledges Suttle by calling him “master.”

**25 May:** Attorney Richard Henry Dana offers to defend Burns. Burns refuses, as he fears his punishment will be worse if the case goes to trial and he loses. But Wendell Phillips convinces Burns to move forward with the trial, despite doubts that Burns will win the case.

**26 May:** Over 2000 abolitionists meet at Faneuil Hall. The crowd marches to the Courthouse and breaks down a door. In the chaos, a guard named James Batchelder is killed. Nine or ten attackers are arrested.

**27 May:** The mayor orders U.S. troops to guard the Courthouse, making it difficult for Burns’ lawyers to enter. Meanwhile, Reverend Grimes arranges to purchase Burns from Suttle to avoid a trial and secure Burns’ freedom. He collects money from local supporters.

**29 May:** Suttle’s lawyer informs him that it is illegal to buy or sell a slave in Massachusetts. Suttle backs out of the agreement with Grimes. The court proceedings begin.

**29-31 May:** Burns’ lawyers try to prove that Burns is not the same man who escaped from Virginia. They present nine witnesses who testify that they saw Burns in Boston before the date that Suttle claims he escaped.

**1 June:** Judge Loring announces his decision. Based on Burns’ conversation with Colonel Suttle on the night of his arrest (when Burns called him “master”), his identity is established. Loring orders Burns to return to slavery in Virginia.

**2 June:** Burns is brought to a ship bound for Virginia. The city is placed under martial law for most of the day, as 50,000 people line the streets to witness Burns’ departure.



1. The initial charge against Burns – robbing a shop – was never brought up after his arrest. Could there have been another reason he was arrested? If so, what?
2. Did Burns' lawyers really think that he was a different person? If not, why did they try to prove that he was someone else?
3. If the Fugitive Slave Law required Loring to return Burns, how could he have decided to let him stay?
4. What evidence did Loring use to prove Burns' identity?
5. Besides defending him during the trial, what tactics did the abolitionists use to try to free Burns?
6. Why were so many people interested in the outcome of this trial?



**Abolition Movement:** a social movement made up of people trying to end slavery in the United States.

**Abolitionist:** someone fighting to end slavery.



Thomas Wentworth Higginson

**Compromise of 1850:** an agreement reached by the U.S. Senate that established many controversial policies related to slavery.

**Fugitive Slave Law:** Part of the “Compromise of 1850,” this law required escaped slaves to be returned to their southern owners.

**Kansas-Nebraska Act:** Passed shortly before Burns' arrest in 1854, this law permitted slavery in the territories of Kansas and Nebraska. Abolitionists passionately opposed the expansion of slavery into U.S. territories, so they were outraged at the passage of this law.

**Martial Law:** a temporary rule by military authorities over civilians, such as in an area of military operations during time of war, or when civil authority has broken down.

**Massachusetts Personal Liberty Act:** In 1855, Massachusetts passed these laws in response to the Fugitive Slave Law and the public outcry over the Burns case. The laws guaranteed legal protection for runaway slaves, and made it difficult and costly for slave owners to prove their case in court. The act also called for the removal of any state official who aided in the return of runaway slaves.

**ANTHONY BURNS** was a fugitive slave who escaped from Virginia to Boston, Massachusetts in 1854 at the age of 19.

**RICHARD HENRY DANA** was an abolitionist lawyer who defended Burns. Though he opposed the Fugitive Slave Law, he supported Judge Loring and opposed the State Senate's decision to remove him from his position.



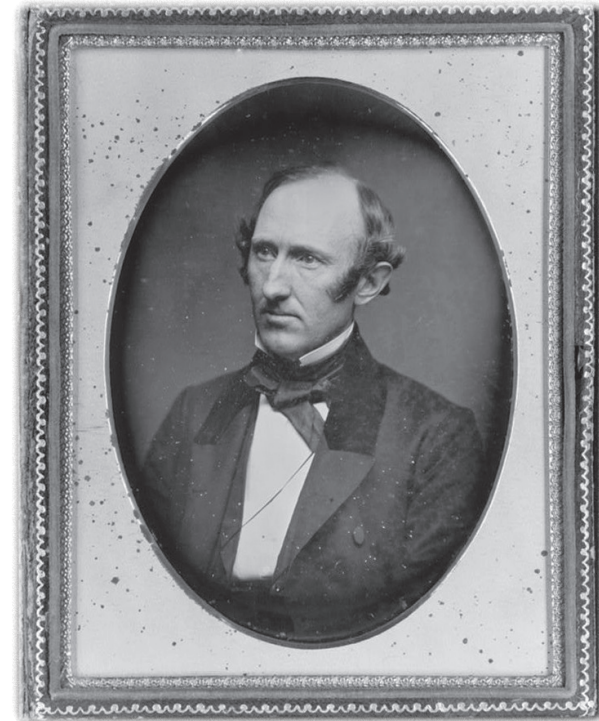
**REVEREND LEONARD GRIMES** was a leader of the black abolitionist movement in Boston and pastor of the Twelfth Baptist Church of Boston, known as the fugitive slave church.

**THOMAS WENTWORTH HIGGINSON** was a minister and abolitionist who strongly opposed the Fugitive Slave Law and believed in defending the freedom of escaped slaves at any cost. He was one of the major organizers of the attempt to rescue Burns from the Boston Courthouse.

**JUDGE EDWARD G. LORING** was both a Judge of Probate and the Commissioner presiding over fugitive slave cases in Massachusetts.

**COLONEL CHARLES F. SUTTLE** was the owner of the slave Anthony Burns.

**OFFICER JAMES BATCHELDER** was a Marshal's guard who was killed during the storming of the Boston Courthouse.



Wendell Phillips

**WENDELL PHILLIPS** was a prominent abolitionist lawyer and orator. Because he was a key speaker at the Faneuil Hall meeting that ended in a riot, he was put on trial for his role in the failed attempt to rescue Burns.

**LOUISA MAY ALCOTT**, part of a prominent family in Concord, Massachusetts, was active in the abolitionist movement. Alcott's father, Bronson Alcott, was a member of the crowd who stormed the courthouse to free Anthony Burns. Author of *Little Women*, Alcott became a famous writer.



As Massachusetts Senators, you will have the opportunity to ask questions of the following key players. Write down some questions that you may ask.

## My Questions

Judge Loring:

Wendell Phillips:

Richard Henry Dana:

Reverend Leonard Grimes:

**CAUTION!!**

**COLORED PEOPLE**  
**OF BOSTON, ONE & ALL,**  
 You are hereby respectfully CAUTIONED and  
 advised, to avoid conversing with the  
**Watchmen and Police Officers**  
**of Boston,**  
 For since the recent **ORDER OF THE MAYOR &**  
**ALDERMEN,** they are empowered to act as  
**KIDNAPPERS**  
**AND**  
**Slave Catchers,**  
 And they have already been actually employed in  
**KIDNAPPING, CATCHING, AND KEEPING**  
**SLAVES.** Therefore, if you value your **LIBERTY,**  
 and the *Welfare of the Fugitives* among you, *Shun*  
 them in every possible manner, as so many **HOUNDS**  
 on the track of the most unfortunate of your race.

**Keep a Sharp Look Out for**  
**KIDNAPPERS, and have**  
**TOP EYE open.**  
**APRIL 24, 1851.**

**TheatreEspresso** performs at the John Adams Courthouse in Boston (in collaboration with the Supreme Judicial Court), at the Lawrence Heritage State Park Visitors Center, and in schools and museums throughout New England. The company thanks Mass Humanities and the following foundations for their generous support.



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Since 1992, **TheatreEspresso** has toured its educational dramas to schools, museums, libraries, and courthouses throughout New England. **TheatreEspresso's** work challenges students to make critical judgments, explore social relationships, reflect on the role of law and human rights in our society, and question accepted truths about the history of America. These plays confront students with complex situations, based on actual historical events, that provoke a variety of opinions and solutions. By asking students to consider themselves participants in the drama, the company engages students in examining contradictory events and testimony in order to reach their decisions.

**TheatreEspresso** does not advocate any one viewpoint, but hopes to compel students to relate historical events to contemporary issues. **TheatreEspresso** is in residence at Wheelock Family Theatre.



**For further information, visit our website at**  
**[www.TheatreEspresso.org](http://www.TheatreEspresso.org)**