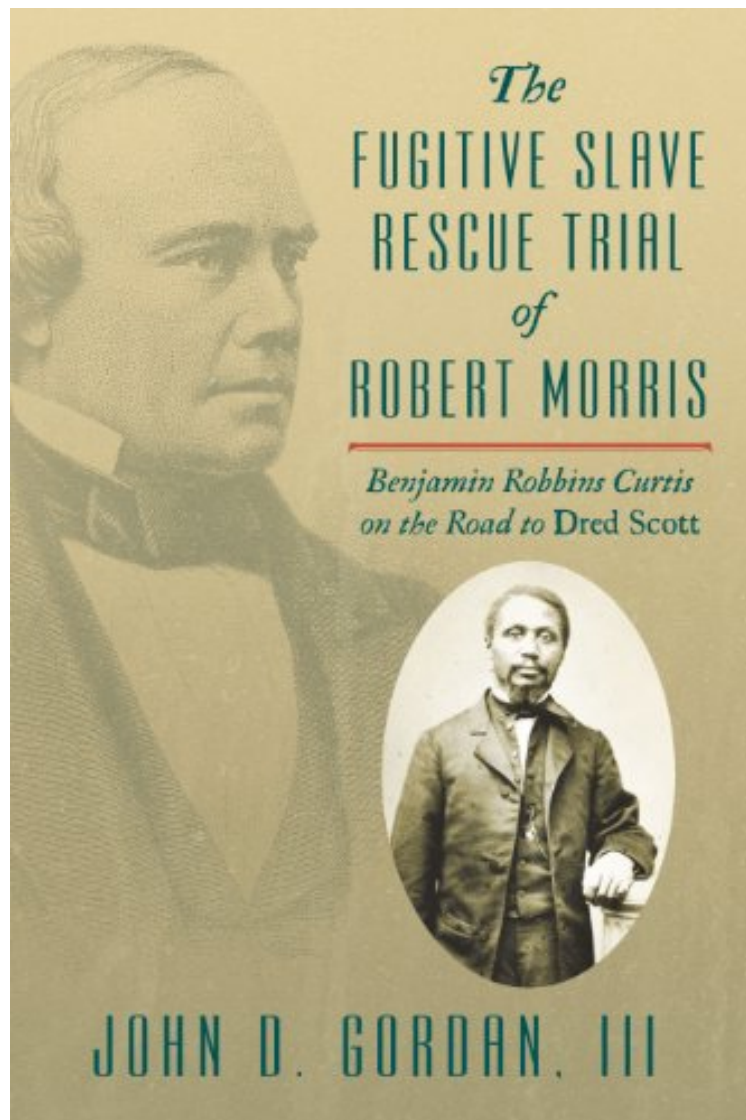


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John D. III Gordan : The Fugitive Slave Rescue Trial of Robert Morris: Benjamin Robbins Curtis on the Road to Dred Scott. before purchasing it in order to gage whether or not it would be worth my time, and all praised The Fugitive Slave Rescue Trial of Robert Morris: Benjamin Robbins Curtis on the Road to Dred Scott.:

1 of 1 people found the following review helpful. A Reappraisal of Justice Benjamin CurtisBy George A.

Davidson Supreme Court Justice Benjamin Curtis was not the friend of black Americans the modern reader of his dissent in the Dred Scott case might assume him to be. John Gordan shows that in his earlier role as trial judge in a prosecution of a black lawyer for aiding in the escape of a fugitive slave from a Boston courthouse, Justice Curtis bent the law to try to assure a conviction. How can the same man who dissented in Dred Scott have done such a thing? In both cases, Curtis was motivated to try to preserve the Union by respecting the political compromises on each side. Fearful of a Boston jury hostile to the aims of the Fugitive Slave Act, Curtis did what he did to encourage a conviction. (In the event, he failed.) The Dred Scott majority having destroyed the benefits of the Missouri Compromise to the anti-slave North, Curtis dissented and soon after left the Court in disgust. For Curtis, Union was all.

Relying on extensive surviving original records, this book analyzes the November 1851 trial in the federal circuit court of Robert Morris, the second black admitted to practice in Massachusetts, for rescuing a fugitive slave from the custody of the U.S. marshal in the federal courtroom in Boston. It demonstrates that Justice Benjamin Robbins Curtis, a supporter of Daniel Webster and the Fugitive Slave Act of 1850 presiding under a recess appointment, made two critical rulings against Morris that were at odds with existing precedents. Finally, the book contextualizes Morris's trial among the other trials for this rescue, the prosecutions for the attempt to rescue Anthony Burns, another fugitive slave, in 1854, and the Supreme Court's decision in Dred Scott in 1857. Published by Talbot Publishing, an imprint of the Lawbook Exchange, Ltd.

This 'small' book packs a large wallop. Gordan navigates the complexities of trial advocacy and trial procedure with unexcelled mastery. His analysis of the complex legal issues, including the power of the jury to rule on questions of law as well as fact, is persuasive. Gordan also throws a revisionist light on some of the major players - like John P. Hale who emerges from the wings as the real leader of the abolitionist bar; and Benjamin R. Curtis, whose manipulation of the law in the Morris trial illuminates his famous dissent in Dred Scott v. Sandford. A gem of a book. --R. Kent Newmyer, University of Connecticut School of Law
John Gordan's extraordinary sleuthing of documents and sources and keen insights provide a highly readable and intriguing account of the slave rescue trial of Robert Morris in 1851. The book reveals new insights about Benjamin Robbins Curtis, presiding as Circuit Justice, and sheds important new light on the differing views of the rule of law and jury nullification in 19th century America. --Christian G. Fritz, Henry Weihofen Chair in Law and Professor of Law, University of New Mexico
A wonderfully detailed exposition of the fugitive slave rescue trial of Robert Morris, John Gordan's work unearths a wealth of material about the events, the people, and the legal acumen of the lawyers and judges involved. It will enable scholars to evaluate a question central to our judicial system: What is the proper division of authority between judge and jury? The information contained in Gordan's book provides a much-needed historically accurate basis from which to answer that question. --Maeva Marcus, Director, Institute for Constitutional History, The New-York Historical Society, and Research Professor of Law, The George Washington University Law
About the Author
John D. Gordan, III, a graduate of Harvard College and Harvard Law School, clerked for the Honorable Inzer B. Wyatt, U.S. District Judge (S.D.N.Y.), from 1969 to 1971 and served as an Assistant U.S. Attorney (S.D.N.Y.) from 1971 to 1976. He was in private practice in New York City from 1976 to 2011.