

Rich Man, Poor Man, Assemblyman, Thief: The Decline of Dan Seybert

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Mordecai Jackson's men waited in the dark, surrounding the Widow Jackson's mansion in Berwick. A private detective had told them the Whipple Gang would rob the house that night (August 29, 1885), the latest in a string of area burglaries. Sure enough, the thieves arrived and broke in the cellar door. The watchers pounced, but most of the thieves got away. One who reached his home in nearby Salem Township was arrested the next evening: the Honorable Daniel F. Seybert, former two-term state legislator and leading Democratic politico.



Elizabeth Seybert Jackson, Daniel's cousin

How had one of the area's leading citizens come to be snared as a common thief? The records show this wealthy heir's downward spiral to old age as a despairing jailbird, but leave murky the reasons for the decline.

Daniel Fowler Seybert was born June 22, 1821 in Salem Township, just east of Berwick. His father Bernard owned substantial fertile farms in the township, along with a gristmill, sawmill, and distillery at Foundryville, Columbia County.

When Bernard died intestate in 1843, young Daniel was named Administrator of the estate. Somehow, Daniel wound up with the 450-acre homestead farm, the mills and distillery, and much other property, and his ten siblings were furious. When his sister Margaret wrote her will in 1852, she left everything to her brothers and sisters equally, but specified that "nothing whatsoever" should go to her brother Daniel.

Beginning in 1859 various siblings sued him to recover their rightful inheritance. Thirty years later, the protracted legal wrangling about the estate led Daniel into bankruptcy, as we shall see. But for many years, Daniel was comfortable in wealth and prestige. The 1870 U.S. Census shows him by a large margin as the richest man in Salem Township, owning real estate worth \$37,800 when no other householder was rated above \$20,000.

As a wealthy young heir, Daniel rose rapidly in Luzerne County Democratic political circles. He was appointed a Canal Commissioner representing his township in 1849 and a delegate to county Democratic parleys often. By 1862 he was well-known enough that he was accosted on the steps of the Exchange Hotel in Bloomsburg by some local Republicans, and in the ensuing debate, crowed the *Columbia Democrat*, "he totally demolished the whole party." The paper went on: "He demonstrated, incontrovertibly, that their leaders were, *per se*, disunionists, and scathed them unmercifully, proving that a Republican as naturally turns into an Abolitionist, as a Tadpole turns into a Bull Frog."

In 1864 he was elected as a Democrat to represent Luzerne County in the state General Assembly, and the next year was re-elected. He did not get bills passed under his name, but he did serve his two terms creditably.

In the meantime, he was becoming locally famous, or rather notorious, as a constant presence in county courts. In a fifty-year period beginning in 1851, he figured as plaintiff or defendant in over sixty civil suits, mostly in Luzerne County but also in Columbia County, since he had businesses and farms in both. As a Wilkes-Barre newspaper commented, there was rarely a quarterly term in which he was not present at the courthouse. "Daniel is never happy," commented *The Wilkes-Barre News*, "unless he is over head in law."

His suits derived chiefly from business disputes. He often sued others for keeping a "tippling house" or tavern, apparently because he himself kept a tavern and was trying to put down competitors. In turn, he was sued by at least ten different persons for keeping such a house or for banned sales to minors or on Sunday. A large number of the suits in which he was a defendant were brought by his own siblings in connection with their father's estate.

In addition to the constant civil suits, Daniel in middle age ran afoul of criminal law. In June of 1872 he was indicted in a federal court at Williamsport for "removing distilled spirits to a place other than a bonded warehouse"—in other words, for trying to avoid the excise tax on liquor from his Foundryville distillery. He was convicted and sentenced to a year in federal prison. His political enemies gloated, and predicted venomously that within a few months his Democratic connections would get him released; "the bargaining is already made," a paper reported in August, and predicted "he will be out of the penitentiary before the October election and working for the success of the radical ticket." They were wrong—he served his full term. In his absence, noted the county historian, the "trouble about the whisky tax . . . destroyed all business at that place [the Seyberts' mills]."

A few years later a Hazleton newspaper reported that "D. F. Seybert talks of starting the old Foundryville distillery again before long. He is now making preparations for repairing it." The article goes on to comment snidely, "We were under the impression he had enough of the whisky business."

In 1878, a personal tragedy struck him. Never married, he had adopted a son named William Dornick, who was about 20 years old. At the family homestead, the two men set to work to repair the backyard well, which was rock-lined and 90 feet deep. The son was going down, with a safety rope held by the father, when a stone was dislodged and the well casing collapsed, burying William under fifty feet of rock and soil. His father tried desperately to hold on to the rope to save him, but his hands were skinned bloody in vain. Neighbors came to help rescue, but it took almost a week to dig the son's body out.

At about this time, Daniel's legal troubles began to pile up overwhelmingly. The homestead farm of 96 acres, with a gristmill and distillery, was put up for sale by the sheriff at the suit of Daniel's cousin George B. Seybert, who had loaned him money. In 1884 he accused seven nearby residents for various alehouse infractions, but his information was wrong and he had to pay the court costs.

More serious was a complicated insurance case. In 1869 he had induced a neighbor named Brockway to take out \$10,000 life insurance policies with four different companies, with Daniel as beneficiary; when Brockway died a year later, the companies refused to pay and Seybert sued. In 1885 it was proven that Brockway's will which Seybert had entered in evidence was a forgery, and Seybert faced charges of forgery and conspiracy.

While those charges were pending, two older cases came to trial in Luzerne County, one for theft of a harness and another for assault and battery against a neighbor. Daniel was found guilty in both trials, and sentenced to ten months in the county jail at Wilkes-Barre.

The night before his sentencing, he tried to commit suicide with an overdose of laudanum. The judge, believing that Seybert was just trying one more dodge to delay his punishment, ordered him carried to court and sent him straight to jail.

In June, 1886 Seybert published in a Wilkes-Barre paper a lengthy letter written from Luzerne County jail in which he explained in detail his side of the story about the harness theft. He begged the "good Christian people in this enlightened and refined age of literary taste and religious elevation" not to allow "an old man to languish and perhaps expire" in prison.

When his term ended, Seybert still faced trial in Columbia County court on a burglary charge, deriving from his association with the Whipple Gang. This "Gang" was a loosely-associated group of lawless men, centered in three Whipple brothers of Columbia County, who made a living by stealing horses, taking them many miles away, and reselling them as their own. They also robbed houses, stables, and storage sheds of anything they could carry away. Dan was reported to be the financial backer of the gang and also sometimes a participant, such that the group was labeled the Seybert-Whipple Gang in some newspapers. When Abe Whipple got out of prison in July 1884 after serving his third sentence, Daniel had let him live in a Beach Haven house and even loaned him a horse and wagon which he used on his "skirmishes" or stealing forays.

Thus Seybert came to trial for the August 1885 break-in at the Jackson mansion—the story we began with. The legal issue involved was novel, because a private detective named Charles R. Holland, to make a case against the Whipple Gang, had instigated the burglary and in fact was the only "robber" caught on the spot. The case created such a sensation that it was moved to Union County for trial, which lasted five days in April, 1887. The Union County jury found Seybert guilty. A Wilkes-Barre newspaper commented, "the hingeing question was whether an individual could be convicted of burglary when he had been led to the commission of the same by a detective hired for that purpose. Decided in the affirmative." (Holland also was tried for the robbery, but was acquitted.)

Daniel was sent to Eastern Penitentiary near Philadelphia for a year. He was freed a few months early by a pardon from Governor Beaver. While he was there, his money troubles overwhelmed him. His brother-in-law J. M. Wilcox won a judgment against him of \$20,220—at that time, a small fortune (at a retrial, reduced to \$11,082). Another brother-in-law, who had loaned Seybert \$6,000, won a judgment of over \$10,000. Other plaintiffs had won smaller judgments as well.



Eastern State Penitentiary from their website

In prison at Philadelphia, Daniel was forced to sign an indenture in which he turned over to his creditors his wealth—fourteen specified properties including seven farms of over 100 acres each, and for good measure “Also all other real estate whatsoever and wherever and also all the goods, chattels, and effects and property of every kind.” (He had at least ten other properties.) He was left absolutely penniless. In 1892 he was jailed for insolvency, and no one furnished bail.

Well, he wasn’t quite penniless. After the assignee of the creditors had sold off most of Seybert’s properties to satisfy the court’s awards, there was at least one farm outside Berwick left over and this reverted to Seybert. The sheriff released him from debtors’ prison.

He also, amazingly, won a suit in 1900 against his home township, Salem. A passing train had frightened his horse, sending his carriage down a steep bank, and the jury awarded him \$2500 because the township hadn’t erected a proper guard rail!

Daniel Seybert lived out his last years on his farm near Berwick. He died of prostate disease December 5, 1906 at Salem, aged 85. In his will, he left bequests totaling \$11,500 (from the anticipated sale of the farm) to children of his sister Elizabeth.

To this day, apparently, Dan Seybert holds the Luzerne County record for the number of court cases involving a single individual. Even after his death, several of his cases, both as plaintiff and as defendant, continued to clog the courts for a dozen years.

What had brought down the model citizen of the 1860s, a legislator and civic promoter? Simple greed? Too much tippling at his own tavern? Too high an opinion of his cleverness? The machinations of his enemies, especially his own relatives? All of the above? Whatever the answer, Dan Seybert remains a sobering tale of riches to rags, of honor to infamy.

Author’s Note: I was introduced to the Whipple Gang by long-time CCHGS volunteer George Holdren, who provided much source material. The sources for the Seybert story include over 100 newspaper articles, official records (deeds, wills, courts) of Luzerne and Columbia Counties, and prison records at the state Archives.