

# The Fugitive Slave Law and Its Victims

Samuel May

A decorative background pattern consisting of various geometric shapes in a vibrant pink color, set against a solid blue background. The shapes include circles, triangles, squares, and lines, some of which are arranged to form larger, more complex patterns like crosses and nested shapes. The overall effect is a modern, abstract geometric design.

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SLAVE LAW AND ITS VICTIMS \*\*\*

*ANTI-SLAVERY TRACTS. No. 18.*

**THE  
FUGITIVE SLAVE LAW  
AND  
ITS VICTIMS.**

**AMERICAN ANTI-SLAVERY SOCIETY,  
138 NASSAU STREET, NEW YORK.  
1856.**

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*ANTI-SLAVERY TRACTS. No. 18.*

# THE FUGITIVE SLAVE LAW, AND ITS VICTIMS.

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The Fugitive Slave Law was enacted by Congress in September, 1850, received the signature of HOWELL COBB, [of Georgia,] as Speaker of the House of Representatives, of WILLIAM R. KING, [of Alabama,] as President of the Senate, and was "approved," September 18th, of that year, by MILLARD FILLMORE, Acting President of the United States.

The authorship of the Bill is generally ascribed to James M. Mason, Senator from Virginia. Before proceeding to the principal object of this tract, it is proper to give a synopsis of the Act itself, which was well called, by the *New York Evening Post*, "An Act for the Encouragement of Kidnapping." It is in ten sections.

## SYNOPSIS OF THE LAW.

SECTION 1. United States Commissioners "authorized and required to exercise and discharge all the powers and duties conferred by this act."

SECT. 2. Commissioners for the Territories to be appointed by the Superior Court of the same.

SECT. 3. United States Circuit Courts, and Superior Courts of Territories, required to enlarge the number of Commissioners, "with a view to afford reasonable facilities to reclaim fugitives from labor," &c.

SECT. 4. Commissioners put on the same footing with Judges of the United States Courts, with regard to enforcing the Law and its penalties.

SECT. 5. United States Marshals and deputy marshals, who may refuse to act under the Law, to be fined One Thousand dollars, to the use of the claimant. If a fugitive escape from the custody of the Marshal, the Marshal

to be liable for his full value. Commissioners authorized to appoint special officers, and to call out the *posse comitatus*, &c.

SECT. 6. The claimant of any fugitive slave, or his attorney, "may pursue and reclaim such fugitive person," either by procuring a warrant from some judge or commissioner, "or by seizing and arresting such fugitive, where the same can be done without process;" to take such fugitive before such judge or commissioner, "whose duty it shall be to hear and determine the case of such claimant in a summary manner," and, if satisfied of the identity of the prisoner, to grant a certificate to said claimant to "remove such fugitive person back to the State or Territory from whence he or she may have escaped,"—using "such reasonable force or restraint as may be necessary under the circumstances of the case." "In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence." All molestation of the claimant, in the removal of his slave, "by any process issued by any court, judge, magistrate, or other person whomsoever," to be prevented.

SECT. 7. Any person obstructing the arrest of a fugitive, or attempting his or her rescue, or aiding him or her to escape, or harboring and concealing a fugitive, knowing him to be such, shall be subject to a fine of not exceeding one thousand dollars, and to be imprisoned not exceeding six months, and shall also "forfeit and pay the sum of one thousand dollars for each fugitive so *lost*."

SECT. 8. Marshals, deputies, clerks, and special officers to receive usual fees; Commissioners to receive ten dollars, if fugitive is given up to claimant; otherwise, five dollars; to be paid by claimant.

SECT. 9. If claimant make affidavit that he fears a rescue of such fugitive from his possession, the officer making the arrest to retain him in custody, and "to remove him to the State whence he fled." Said officer "to employ so many persons as he may deem necessary." All, while so employed, be paid out of the Treasury of the United States.

Sect. 10. [This Section provides an additional and wholly distinct method for the capture of a fugitive; and, it may be added, one of the loosest and most extraordinary that ever appeared on the pages of Statute book.] Any person, from whom one held to service or labor has escaped, upon making

"satisfactory proof" of such escape before any court of record, or judge thereof in vacation—a record of matter so proved shall be made by such court, or judge, and also a description of the person escaping, "with such convenient certainty as may be;"—a copy of which record, duly attested, "being produced in any other State, Territory, or District," and "being exhibited to any judge, commissioner, or other officer authorized," &c. "shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned;" when, on satisfactory proof of identity, "he or she shall be delivered up to the claimant." "*Provided*, That nothing herein contained shall be construed as requiring the production of a transcript of such record as evidence as aforesaid; but in its absence, the claim shall be heard and determined upon other satisfactory proofs competent in law."

The name of the NORTHERN men who voted for this cruel kidnapping law should not be forgotten. Until they repent, and do works meet for repentance, let their names stand high and conspicuous on the roll of infamy. Let the "slow-moving finger of scorn" point them out, when they walk among men, and the stings of shame, disappointment, and remorse continually visit them in secret, till they are forced to cry, "my punishment is greater than I can bear." As to the *Southern* men who voted for the law, they only appeared in their legitimate character of oppressors of the poor—whom God will repay, in his own time. The thousand-tongued voices of their brother's blood cry against them from the ground.

The following is the vote, in the SENATE, on the engrossment of the bill:—

YEAS,—Atchison, Badger, Barnwell, Bell, Berrien, Butler, Davis (of Mississippi), Dawson, A.C. DODGE (of Iowa), Downs, Foote, Houston, Hunter, JONES (of Iowa), King, Mangum, Mason, Pearce, Rusk, Sebastian, Soulé, Spruance, STURGEON (of Pennsylvania), Turney, Underwood, Wales, Yulee.—27.

NAYS.—Baldwin, Bradbury, Chase, Cooper, Davis (of Massachusetts), Dayton, Henry Dodge (of Wisconsin), Greene, Smith, Upham, Walker, Winthrop.—12.

ABSENT, OR NOT VOTING.—Benton, Borland, *Bright* of Indiana, *Clarke* of Rhode Island, Clay, *Cass* of Michigan, Clemens, *Dickinson* of New York, *Douglas* of Illinois, *Ewing* of Ohio, *Felch* of Michigan, *Hale* of New Hampshire, *Hamlin* of Maine, *Miller* of New Jersey, Morton, *Norris* of New Hampshire, *Phelps* of Vermont, Pratt, *Seward* of New York, *Shields* of Illinois, *Whitcomb* of Indiana. [Fifteen Northern Senators absent from the vote.]

On the final passage of the Bill in the Senate, the yeas and nays were not taken. *D.S. Dickinson* of New York, who had been absent when the vote was taken on the engrossment, spoke in favor of the bill. Mr. Seward was said to be absent from the city, detained by ill health.

When the Bill came up in the HOUSE OF REPRESENTATIVES, (September 12th,) JAMES THOMPSON of Pennsylvania, got the floor,—doubtless by a previous understanding with the Speaker,—and addressed the House in support of the Bill. He closed his remarks by *moving the previous question!* It was ordered, and thus all opportunity for reply, and for discussion of the Bill was cut off. The Bill was then passed to its third reading—equivalent to enactment—by a vote of 109 YEAS, to 75 NAYS; as follows:—

YEAS.

*Maine.*—THOMAS J.D. FULLER, of Calais; ELBRIDGE GERRY, of Waterford; NATHANIEL S. LITTLEFIELD, of Bridgton.

*New Hampshire.*—HARRY HIBBARD, of Bath; CHARLES H. PEASLEE, of Concord.

*Massachusetts.*—SAMUEL A. ELIOT, of Boston.

*New York.*—HIRAM WALDEN, of Waldensville.

*New Jersey.*—ISAAC WILDRICK, of Blairstown.

*Pennsylvania.*—MILO M. DIMMICK, of Stroudsburg; JOB MANN, of Bedford; J.X. MCLANAHAN, of Chambersburg; JOHN ROBBINS, Jr., of

Philadelphia; THOMAS ROSS, of Doylestown; JAMES THOMPSON, of Erie.

*Ohio.*—MOSES HOAGLAND, of Millersburg; JOHN K. MILLER, of Mount Vernon; JOHN L. TAYLOR, of Chillicothe.

*Michigan.*—ALEXANDER W. BUELL, of Detroit.

*Indiana.*—NATHANIEL ALBERTSON, of Greenville; WILLIAM J. BROWN, of Amity; CYRUS L. DUNHAM, of Salem; WILLIS A. GORMAN, of Bloomington; JOSEPH E. MCDONALD, of Crawfordsville; EDWARD W. MCGAUGHEY, of Rockville.

*Illinois.*—WILLIAM H. BISSELL, of Belleville; THOMAS L. HARRIS, of Petersburg; JOHN A. MCCLERNAND; WILLIAM A. RICHARDSON, of Quincy; TIMOTHY R. YOUNG, of Marshall.

*Iowa.*—SHEPHERD LEFFLER, of Burlington.

*California.*—EDWARD GILBERT.

[All these Northern Traitors called themselves *Democrats!* save three—*Eliot* of Massachusetts, *Taylor* of Ohio, and *McGaughey* of Indiana, who were Whigs.]

==> Every Representative of a Slaveholding State, who voted at all, voted YEA. Their names are needless, and are omitted.

NAYS

*Maine.*—Otis, Sawtelle, Stetson.

*New Hampshire.*—Amos Tuck.

*Vermont.*—Hebard, Henry, Meacham.

*Massachusetts.*—Allen, Duncan, Fowler, Mann.

*Rhode Island.*—Dixon, King.

*Connecticut.*—Butler, Booth, Waldo.

*New York.*—Alexander, Bennett, Briggs, Burrows, Gott, Gould, Halloway, Jackson, John A. King, Preston King, Matteson, McKissock, Nelson, Putnam, Rumsey, Sackett, Schermerhorn, Schoolcraft, Thurman, Underhill, Silvester.

*New Jersey.*—Hay, King.

*Pennsylvania.*—Calvin, Chandler, Dickey, Freedley, Hampton, Howe, Moore, Pitman, Reed, Stevens.

*Ohio.*—Cable, Carter, Campbell, M.B. Corwin, Crowell, Disney, Evans, Giddings, Hunter, Morris, Root, Vinton, Whittlesey, Wood.

*Michigan.*—Bingham, Sprague.

*Indiana.*—Fitch, Harlan, Julian, Robinson.

*Illinois.*—Baker, Wentworth.

*Wisconsin.*—Cole, Doty, Durkee.

*California.*—Wright.

#### ABSENT, OR NOT VOTING.

Andrews, Ashmun (Mass.), Bokee, Brooks, Butler, Casey, Cleveland (Conn.), Clarke, Conger, Duer, Gilmore, Goodenow, Grinnell (Mass.), Levin, Nes, Newell, Ogle, Olds, Peck, Phoenix, Potter, Reynolds, Risley, Rockwell (Mass.), Rose, Schenck, Spaulding, Strong, Sweetser, Thompson (Iowa), Van Dyke, White, Wilmot (Penn.) [33—all Northern men.]

[Fifteen Southern Representatives did not vote.]

DANIEL WEBSTER was not a member of the Senate when the vote on the Fugitive Slave Bill was taken. He had been made Secretary of State, a short time previous. All, however, will remember the powerful aid which he gave to the new compromise measures, and among them to the Fugitive Slave Bill, in his notorious Seventh of March Speech, [1850.] A few extracts from that Speech will show how heavily the responsibility of the existence of this law rests upon DANIEL WEBSTER:—

"I suppose there is to be found no injunction against that relation [Slavery] between man and man, in the teachings of the Gospel of Jesus Christ, or of any of his Apostles."—*Webster's 7th March Speech, (Authorized Edition,)* p. 9.

"One complaint of the South has, in my opinion, just foundation; and that is, that there has been found at the North, among individuals and among legislators, a disinclination to perform, fully, their Constitutional duties in regard to the return of persons bound to service, who have escaped into the free States. In that respect, it is my judgment that the South is right, and the North is wrong." \* \* \* \* "My friend at the head of the Judiciary Committee [Mr. MASON of Virginia] has a bill on the subject now before the Senate, with some amendments to it, WHICH I PROPOSE TO SUPPORT, WITH ALL ITS PROVISIONS, *to the fullest extent.*"—*Idem.* p. 29.

He proceeded to assure the Senate that the North would, on due consideration, fulfil "their constitutional obligations" "*with alacrity.*" "Therefore, I repeat, sir, that here is a ground of complaint against the North well founded, which ought to be removed, which it is now in the power of the different departments of this Government to remove; which calls for the enactment of proper laws authorizing the judicature of this Government, in the several States, to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them Wherever I go, and whenever I speak on the subject, and when I speak here, I desire to speak to the whole North, I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what, I think, the Constitution peremptorily and emphatically enjoins upon her as a duty."—*Idem.* p. 30.

In a speech in the United States Senate, July 17, 1850, made with an evident view to calm that Northern feeling which had been aroused and excited by his 7th of March speech, beyond the power of priest or politician wholly to subdue, Mr. WEBSTER said there were various misapprehensions respecting the working of the proposed Fugitive Slave Bill:—

"The first of these misapprehensions," he said, "is an exaggerated sense of the actual evil of the reclamation of fugitive slaves, felt by Massachusetts and the other New England States. What produced that? The cases do not

exist. There has not been a case within the knowledge of this generation, in which a man has been taken back from Massachusetts into slavery by process of law, not one." \* \* \* \* "Not only has there been no case, so far as I can learn, of the reclamation of a slave by his master, which ended in taking him back to slavery, in this generation, but I will add, that, as far as I have been able to go back in my researches, as far as I have been able to hear and learn, in all that region there has been no one case of false claim. \* \* \* *There is no danger of any such violation being perpetrated.*" [A].—*Webster's Speech on the Compromise Bill, in the United States Senate, 17th of July, 1850, edition of Gideon & Co., Washington, pp. 23-25.*

[A]

See also Mr. Webster's letter to the Citizens of Newburyport, dated May 15th, 1850, wherein he urges the same point, with great pains of argument.

With such words did Mr. Webster endeavor to allay Northern alarm, and to create the impression (which was created and which prevailed extensively with his friends) that the Fugitive Law was only a concession to Southern feeling, and that few or no attempts to enforce it were likely to be made.

But when a few months had proved him a false prophet, and the Southern chase after fugitive men, women, and children had become hot and fierce, and in one or two instances the hunter had been foiled in his attempts and had lost his prey, Mr. Webster changed his tone, as follows:—

In May, 1851, at Syracuse, N.Y., he said: "Depend upon it, the Law [the Fugitive Slave Law] will be executed in its spirit and to its letter. It will be executed in all the great cities—here in Syracuse, in the midst of the next Anti-Slavery Convention, if the occasion shall arise."

Certainly, so far as in Mr. Webster lay, so far as was in the power of Mr. Fillmore, and the officers of the United States Government generally, and of the still larger crowd of *expectants* of office, nothing was left undone to introduce the tactics, discipline, and customs of the Southern plantation into our Northern cities and towns, in order to enforce the Fugitive Law.

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The remainder of this Tract will be devoted to a record, as complete as circumstances enable us to make, of the VICTIMS OF THE FUGITIVE SLAVE LAW. It is a terrible record, which the people of this country should never allow to sleep in oblivion, until the disgraceful and bloody system of Slavery is swept from our land, and with it, all Compromise Bills, all Constitutional Guarantees to Slavery, all Fugitive Slave Laws. The established and accredited newspapers of the day, without reference to party distinctions, are the authorities relied upon in making up this record, and the *dates* being given with each case, the reader is enabled to verify the same, and the few particulars which the compass of the Tract allows to be given with each. With all the effort which has been made to secure a good degree of completeness and exactness, the present record must of necessity be an imperfect one, and fall short of exhibiting all the enormities of the Act in question.

JAMES HAMLET, *of New York, September, 1850*, was the first victim. He was surrendered by United States Commissioner Gardiner to the agent of one Mary Brown, of Baltimore, who claimed him as her slave. He was taken to Baltimore. An effort was immediately made to purchase his freedom, and in the existing state of the public feeling, the sum demanded by his mistress, \$800, was quickly raised. Hamlet was brought back to New York with great rejoicings.

*Near Bedford, Penn., October 1.* Ten fugitives, from Virginia, were attacked in Pennsylvania—one mortally wounded, another dangerously. Next morning, both were captured. Five others entered a mountain hut, and begged relief. The woman supplied their wants. Her husband went out, procured assistance, captured the slaves, and received a reward of \$255.

*Harrisburg, Penn., October.* Some slaves, number not stated, were brought before Commissioner M'Allister, when "the property was proven, and they were delivered to their masters, who took them back to Virginia, by railroad, without molestation."

*Detroit, 8th October.* A negro was arrested under the new law, and sent to jail for a week, to await evidence. Great numbers of colored people armed themselves to rescue him. Result not known.

HENRY GARNETT, *Philadelphia*, arrested as the slave of Thomas P. Jones, of Cecil County, Maryland, and taken before Judge Grier, of the United States Supreme Court, October 18, 1850, who declared his determination to execute the law as he found it. The Judge said that the claimant had not taken the course prescribed by the fugitive act, and proceeded to explain, in a detailed manner, what the course should be in such cases. As the claimant thus failed to make out his case, the prisoner was ordered to be discharged.

*Boston, about 25th October.* Attempt to seize WILLIAM and ELLEN CRAFT. William Craft armed himself, and kept within his shop. Ellen was concealed in the house of a friend. Their claimants, named Hughes & Knight, were indicted for defamation of character, in calling W.C. a slave, and brought before a magistrate. The feeling excited against them was so great, that they at length fled from the city. Shortly after, it being considered hazardous for Mr. and Mrs. Craft to remain in the country, they were enabled to escape to England.

[In a letter, dated Macon, Georgia, Nov. 11, John Knight gives a particular account of the proceedings and experiences of himself and his friend Hughes, on their then recent visit to Boston for the purpose, to quote his own language, "of re-capturing William and Ellen Craft, the negroes belonging to Dr. Collins and Ira Taylor." Willis H. Hughes also published his statement.]

*New Albany, Indiana.* A woman and boy given up, and taken to Louisville. They were so white that, even in Kentucky, a strong feeling arose in their favor on that ground. They were finally bought for \$600, and set free.

ADAM GIBSON, *Philadelphia, December 21, 1850.* Surrendered by Edward D. Ingraham, United States Commissioner. The case was hurried through in indecent haste, testimony being admitted against him of the most groundless character. One witness swore that Gibson's name was Emery Rice. He was taken to Elkton, Maryland. There, Mr. William S. Knight, his supposed owner, refused to receive Gibson, saying he was not the man, and he was taken back to Philadelphia.

What compensation has the United States Government ever made to Adam Gibson, for the injurious act of its agent, Ingraham? Had not the

Slaveholder been more honorable than the Commissioner or the makers of the Fugitive Law, Gibson would have been in Slavery for life.

HENRY LONG, *New York, December, 1850*. Brought before Commissioner Charles M. Hall, claimed as the fugitive slave of John T. Smith of Russell County, Virginia. After five or six days' proceedings, there being some doubt of the Commissioner's legal right to act, the alleged fugitive, Long, was taken before Judge Judson, District Judge of the United States. The Castle Garden Union Safety Committee retained Mr. George Wood in this case, as counsel for the slave claimant. Long was surrendered by Judge Judson, and taken to Richmond, Virginia. Judge J. was complimented by the *Washington Union* as "a clear-headed, competent, and independent officer, who has borne himself with equal discretion, liberality, and firmness. Such judges as he," continues the *Union*, "are invaluable in these times of turmoil and agitation." At Richmond, Long was advertised to be sold at public auction. On Saturday, January 18th, he was sold, amid the jeers and scoffs of the spectators, for \$750, to David Clapton, of Georgia. The auctioneers (Pullam & Slade), in commencing, said there was one condition of the sale. Bonds must be given by the purchaser that this man shall be carried South, and that he shall be kept South, and sold, if sold again, to go South; and they declared their intention to see the terms fully complied with. Long was subsequently advertised for sale at Atlanta, Georgia.

*Near Coatsville, Chester County, Penn.* On a writ issued by Commissioner Ingraham, Deputy Marshal Halzell and other officers, with the claimant of an alleged fugitive, at night, knocked at the door of a colored family, and asked for a light to enable them to mend their broken harness. The door being opened for this purpose, the marshal's party rushed in, and said they came to arrest a fugitive slave. Resistance was made by the occupant of the house and others, and the marshal's party finally driven off—the slave owner advising that course, and saying, "Well, if this is a specimen of the pluck of Pennsylvania negroes, I don't want my slaves back." The master of the house was severely wounded in the arm by a pistol shot; still he maintained his ground, declaring the marshal's party should not pass except by first taking his life.

*Marion, Williamson County, Ill., about December 10, 1850.* Mr. O'Havre, of the city police, Memphis, Tennessee, arrested and took back to Memphis a fugitive slave, belonging to Dr. Young. He did so, as the Memphis paper states, only "after much difficulty and heavy expense, being strongly opposed by the Free Soilers and Abolitionists, but was assisted by Mr. W. Allen, member of Congress, and other gentlemen."

*Philadelphia, about January 10, 1851.* G.F. Alberti and others seized, under the Fugitive Slave Law, a free colored boy, named JOEL THOMPSON, alleging that he was a slave. The boy was saved.

STEPHEN BENNETT, *Columbia, Penn.*, arrested as the slave of Edward B. Gallup, of Baltimore. Taken before Commissioner Ingraham; thence, by *habeas corpus*, before Judge Kane. He was saved only by his freedom being purchased by his friends.

*The Huntsville (Ala.) Advocate*, of January 1, 1851, said that Messrs. Markwood & Chester had brought back "*seven of their Slaves*" from Michigan.

*The Memphis (Tenn.) Eagle*, of a later date, says that within a few weeks "at least five fugitive slaves have been brought back to this city, from free States, with as little trouble as would be had in recovering stray cows." The same paper adds, "We occasionally receive letters notifying us that a slave, said to be the property of some one in this vicinity, has been lodged in jail in Illinois or Indiana, for his owner, who will please call, pay charges, and take him away."

*In Boston, end of January, 1851.* A colored man, lately from North Carolina, was sought by officers, under Marshal Devens, aided by a lawyer, named Spencer, provided by the New York Union Safety Committee. The arrest was not attempted. It was found that the colored man was too strongly guarded and protected.

Mrs. TAMOR, or EUPHEMIA WILLIAMS, *Philadelphia, February, 1851*, mother of six children, arrested and brought before Commissioner Ingraham, as the slave Mahala, belonging to William T.J. Purnell, of Worcester County, Maryland, admitted to have been absent since 1829—twenty-two years. Children all born in Pennsylvania; oldest about seventeen

—a girl. Her husband also in custody, and alleged to be the slave of another man. Under writ of *habeas corpus*, Mrs. Williams was taken before Judge Kane, of the United States Circuit Court. After a full hearing, she was discharged, as not being the woman alleged.

SHADRACH, *in Boston, February 15, 1851*. Arrested in Taft's Cornhill Coffee House, by deputies of United States Marshal Devens, on a warrant issued by George T. Curtis, United States Commissioner, on the complaint of John Caphart, attorney of John De Bree, of Norfolk, Va. Seth J. Thomas appeared as counsel for Caphart. After a brief hearing before G.T. Curtis, Commissioner, the case was adjourned to the following Tuesday. Shortly after the adjournment, the court-room was entered by a body of men, who bore away the prisoner, Shadrach. After which he was heard of in Montreal, Canada, having successfully, with the aid of many friends, escaped the snares of all kidnappers, in and out of Boston. The acting President, MILLARD FILLMORE, issued his proclamation, countersigned by DANIEL WEBSTER, Secretary of State, requiring prosecutions to be commenced against all who participated in the rescue.

*Shawneetown, Illinois*. A woman was claimed by Mr. Haley, of Georgia, as his slave; and was delivered up to him by two Justices of the Peace, (early in 1851.)

*Madison, Indiana*. George W. Mason, of Davies County, Kentucky, arrested a colored man, named MITCHUM, who, with his wife and children, lived near Vernon. The case was tried before a Justice of the Peace, named Basnett, who was satisfied that Mitchum was Davis's slave, and had left his service *nineteen years before*. The slave was accordingly delivered up, and was taken to Kentucky, (Feb. 1851.)

*Clearfield County, Penn., about 20th January, 1851*. A boy was kidnapped and taken into slavery.—*Mercer (Pa.) Presbyterian*.

*Near Ripley, Ohio*. A fugitive slave, about January 20, killed his pursuer. He was afterwards taken and carried back to slavery.

*Burlington, Lawrence County, Ohio, near the end of February, 1851*, four liberated slaves were kidnapped, re-enslaved, and sold. Efforts were made

to bring the perpetrators of this nefarious act to punishment, and restore the victims to freedom.

*At Philadelphia, early in March, 1851,* occurred the case of the colored woman HELEN or HANNAH, and her son, a child of tender years. She was taken before a Commissioner, and thence, by writ of *habeas corpus*, before Judge Kane. An additional question arose from the fact that the woman would soon become the mother of another child. Judge Kane decided that she was the property of John Perdu, of Baltimore, together with her son, and her unborn child, and they were all surrendered accordingly, and taken into slavery.

*Pittsburg, March 13, 1851.* RICHARD GARDINER was arrested in Bridgewater, Beaver County, Pennsylvania, claimed as the property of Miss R. Byers, of Louisville, Kentucky. Judge Irwin, of the United States District Court, "remanded the fugitive back to his owner." He was afterwards bought for \$600, and brought into a free State.

*The Wilmington (Del.) Journal,* in March, 1851, says kidnapping has become quite frequent in that State; and speaks of a negro kidnapped in that city, on the previous Wednesday night, by a man who had been one of the city watchmen.

THOMAS SIMS, arrested in *Boston*, April 4, 1851, at first on pretence of a charge of theft. But when he understood it was as a fugitive from slavery, he drew a knife and wounded one of the officers. He was taken before Commissioner George T. Curtis. To guard against a repetition of the Shadrach rescue, the United States Marshal, Devens, aided by the Mayor (John P. Bigelow) and City Marshal (Francis Tukey) of Boston, surrounded the Court House, in Boston, with heavy chains, guarded it by a strong extra force of police officers, with a strong body of guards also within the building, where the fugitive was imprisoned as well as tried. Several military companies also were called out by the city authorities, and kept in readiness night and day to act against the people, should they attempt the deliverance of Sims; Faneuil Hall itself being turned into barracks for these hirelings of slavery. Every effort was made by S.E. Sewall, Esq., Hon. Robert Rantoul, Jr., and Charles G. Loring, Esq., to save Sims from being returned into slavery, and Boston from the eternal and ineffaceable disgrace

of the act. But in vain. The omnipotent Slave Power demanded of Boston a victim for its infernal sacrifices. Millard Fillmore, Daniel Webster, and their numerous tools, on the Bench, in Commissioners' seats, and other official stations, or in hopes of gaining such stations bye and bye, had fallen upon their faces before the monster idol, and sworn that the victim should be prepared. Thomas Sims was ordered back to slavery by Commissioner G.T. Curtis, and was taken from the Court House, in Boston, early on the morning of April 11th, [1851,] to the Brig Acorn, lying at the end of Long Wharf, and thence in the custody of officers, to Savannah, Georgia.

There, after being lodged in jail, and severely and cruelly whipped, as was reported, he was at length sold, and became merged and lost in the great multitude of the enslaved population. The surrender of Sims is said to have cost the United States Government \$10,000; the City of Boston about as much more; and Mr. Potter, the claimant of Sims, about \$2,400, making a total of some \$22,000, directly expended on the case.

*Vincennes, Indiana, April, 1851.* Four fugitive slaves were seized, claimed by one Mr. Kirwan, of or near Florence, Alabama. The magistrate, named Robinson, gave up the fugitives, and they were taken into slavery.

*In Salisbury Township, Penn., April, 1851,* an elderly man was kidnapped and carried into Maryland.

*Near Sandy Hill, Chester County, Penn., in March, 1851,* a very worthy and estimable colored man, named Thomas Hall, was forcibly seized, his house being broken into by three armed ruffians, who beat him and his wife with clubs. He was kidnapped.

MOSES JOHNSON, *Chicago, Illinois,* brought before a United States Commissioner, discharged as not answering to the description of the man claimed.

CHARLES WEDLEY, kidnapped from *Pittsburg, Pennsylvania,* and taken into Maryland. He was found, and brought back.

*Cincinnati, Ohio, June 3, 1851,* an attempt to arrest a fugitive was made. But a scuffle ensued, in which the man escaped.

*Cincinnati, Ohio.* About the same time, some slaves, (number not stated,) belonging to Rev. Mr. Perry and others, of Covington, Kentucky, were taken in Cincinnati, and carried back to Kentucky.

*Philadelphia, end of June, 1851,* a colored man was taken away as a slave, by steamboat. A writ of *Habeas Corpus* was got out but the officer could not find the man. This is probably the same case with that of JESSE WHITMAN, arrested at Wilkesbarre.

FRANK JACKSON, a free colored man in *Mercer, Penn.*, was taken, early in 1851, by a man named Charles May, into Virginia, and sold as a slave. He tried to escape, but was taken and lodged in Fincastle jail, Virginia.

THOMAS SCOTT JOHNSON, free colored man, of *New Bedford*, was arrested near Portsmouth, Virginia, and was about to be sold as a slave; but, by the strenuous interposition of Capt. Card, certificates were obtained from New Bedford, and he was set at liberty.

ELIZABETH WILLIAMS, *West Chester County, Penn.*, delivered into slavery by Commissioner Jones. (July, 1851.)

DANIEL HAWKINS, of *Lancaster County, Penn.*, (July, 1851,) was brought before Commissioner Ingraham, Philadelphia, and by him delivered to his claimant, and he was taken into slavery.

*New Athens, Ohio, July 8, 1851.* Eighteen slaves, who had escaped from Lewis County, Kentucky, were discovered in an old building in Adams County, Ohio. Some white men, professing to be friendly, misled them, and brought them to a house, where they were imprisoned, bound one by one, and carried back to Kentucky. [The enactment of the Fugitive Slave Law is the direct stimulating cause of all these cases of kidnapping.]

*Buffalo, August, 1851.* Case of DANIEL ——. D. was a cook on board the steamer "Buckeye State." He was engaged in his avocation, when Benj. S. Rust, with a warrant from United States Commissioner H.K. Smith, went on board the boat. Daniel was called up from below, and as his head appeared above the deck, Rust struck him a heavy blow, upon the head, with a large billet of wood, which knocked him back into the cook-room, where he fell upon the stove and was badly burned. In this state, he was brought before the Commissioner, "bleeding profusely at the back, of the head, and at the

nose, and was moreover so stupefied by the assault, that he fell asleep several times during the brief and very summary proceedings." For most of the time he was unable to converse with his counsel, and "sat dozing, with the blood slowly oozing out of his mouth and nostrils." After a very hurried form, and mockery of a trial, Daniel was ordered to be delivered to Rust, the Agent of George H. Moore, of Louisville, Kentucky. By a writ of *Habeas Corpus*, Daniel was brought before Judge Coakling, of the United States Court, at Auburn, who gave a decision that set Daniel at liberty, and he was immediately hurried by his friends into Canada. Rust was indicted, in Buffalo, for his brutal assault on Daniel. It was fully proved; he afterwards plead guilty, and; was let off with the paltry fine of fifty dollars.

JOHN BOLDING, *arrested in Poughkeepsie, New York*, claimed as the property of Barret Anderson, of Columbia, S.C. Bolding was a young man, of good character, recently married, and had a small tailor's shop in P. He said he was told, when a boy, that he was the son of a white man. He was tried before United States Commissioner Nelson, who ordered him to be delivered up to his claimants, and he was taken quietly from the city to Columbia, S.C. The sum of \$2,000 was raised in New York, and paid to Bolding's owner, who had consented to take that sum for him, and Bolding returned to his family in Poughkeepsie.

*Christiana, Lancaster County, Penn., Sept. 1851.* Edward Gorsuch, (represented as a very pious member of a Methodist Church in Baltimore,) with his son Dickinson, accompanied by the Sheriff of Lancaster County, Pa., and by a Philadelphia officer named *Henry Kline*, went to Christiana to arrest certain slaves of his, who, (as he had been privately informed by a wretch, named Wm. M. Padgett,) were living there. An attack was made upon the house, the slave-holder declaring (as was said) that he "would not leave the place alive without his slaves." "Then," replied one of them, "you will not leave here alive." Many shots were fired on both sides, and the slave-hunter, Edward Gorsuch, was killed.

At a subsequent trial, a number of persons (nearly forty) were committed to take their trial for "treason against the United States, by levying war against the same, in resisting by force of arms the execution of the Fugitive Slave Law." CASTNER HANWAY was of the number. After suffering

imprisonment and being subjected to great loss of time and heavy expenses, they were all discharged.

*Syracuse, October 1, 1851.* JERRY, claimed as the slave of John McReynolds, of Marion County, Missouri, was brought to trial before Commissioner J.F. Sabine. He was rescued by a large body of men from the officers who had him in custody, and was next heard of in Canada.

*James R. Lawrence*, a lawyer of Syracuse, acted as counsel for *James Lear*, attorney of McReynolds.

[N.B. Daniel Webster's prophecy was not fulfilled.]

*Columbia, Penn.*, (fall of 1851.) Man named HENRY, arrested as the slave of Dr. Duvall, of Prince George's County, Maryland,—taken to *Harrisburg*, before United States Commissioner McAllister and by him consigned to slavery.

*Judge Denning*, of Illinois, discharged a negro brought before him as a fugitive slave, on the ground that the Fugitive Slave Law was unconstitutional.

*Two alleged slaves arrested at Columbia, Penn.*, on warrant of United States Commissioner McAllister,—claimed as property of W.T. McDermott, of Baltimore. One was carried into slavery, one escaped. (November, 1851.)

*Near New Philadelphia, Maryland*, a woman, married to a free colored man, with whom she had lived ten years, was arrested as the slave of a Mr. Shreve, of Louisville, Kentucky. She was taken back to Kentucky.

RACHEL PARKER, free colored girl, kidnapped from house of Joseph S. Miller, West Nottingham, Penn., by the "notorious Elkton Kidnapper, McCreary," Dec. 31, 1851. Mr. Miller tracked the kidnappers to Baltimore, and tried to recover the girl, but in vain. On his way home, he was induced to leave the cars, and was undoubtedly murdered,—it was supposed in revenge of the death of Gorsuch at Christiana. Mr. Miller's body was found suspended from a tree. A suit was brought in the Circuit Court of Baltimore County, for the freedom of Rachel Parker, Jan. 1853. Over sixty witnesses, from Pennsylvania, attended to testify to her being free-born, and that she was not the person she was claimed to be; although, in great bodily terror,

she had, after her capture, confessed herself the alleged slave! So complete and strong was the evidence in her favor, that, after an eight days' trial, the claimants abandoned the case, and a verdict was rendered for the freedom of Rachel, and also of her sister, Elizabeth Parker, who had been previously kidnapped, and conveyed to New Orleans.

==> McCreary was demanded by Gov. Bigler, of Pennsylvania, to be delivered up for trial on a charge of kidnapping; but Gov. Lowe, of Maryland, refused to surrender him. See *Standard*, July 2, 1853.

JAMES TASKER, *New York City*, (Feb. 1852,) arrested through the treachery of Police Officer Martin, and brought before United States Commissioner George W. Morton, as the slave of Jonathan Pinckney, of Maryland. He was given up, and taken back to slavery.

HORACE PRESTON, arrested in *Williamsburg, New York*, as the slave of William Reese, of Baltimore, Maryland;—Richard Busted, of New York, being Attorney for the slaveholder. He was brought before United States Commissioner Morton, 1st April, 1852; for several days previous he had been kept a prisoner, and his wife knew not what had become of him. He was given up by the Commissioner, and was carried into slavery. The same policeman, Martin, (who acted in the case of James Tasker,) was active in this case; being, doubtless, the original informant.

Preston was afterwards bought for about \$1,200, and brought back.

*Columbia, Penn.*, (end of March, 1852;) a colored man, named WILLIAM SMITH, was arrested as a fugitive slave in the lumber yard of Mr. Gottlieb, by Deputy Marshal Snyder, of Harrisburg, and police officer Ridgeley, of Baltimore, under a warrant from Commissioner McAllister. Smith endeavored to escape, when Ridgeley drew a pistol and shot him dead! Ridgeley was demanded by the Governor of Pennsylvania, of the Governor of Maryland, and the demand was referred to the Maryland Legislature.

Hon. J.R. Giddings proposed the erection of a monument to Smith.

JAMES PHILLIPS, who had resided in *Harrisburg, Penn.*, for fourteen years, was arrested May 24, 1852, as the former slave of Dennis Hudson, of Culpepper County, Virginia, afterwards bought by Henry T. Fant, of Fauquier County. He was brought before United States Commissioner

McAllister. Judge McKinney volunteered his services to defend the alleged fugitive. The Commissioner, as soon as possible, ordered the man to be delivered up; and, after fourteen years' liberty, he was taken back to slavery in Virginia. Afterwards, bought for \$900, and taken back to Harrisburg.

*Wilkesbarre, Penn.*, (Summer of 1852.) Mr. Harvey arrested and fined for shielding a slave.

*Sacramento, California*; a man named Lathrop claimed another as his slave, and Judge Fry decided that the claim was good, and ordered the slave to be surrendered. Mr. Lathrop left, with his slave, for the Atlantic States.

*A beautiful young woman*, nearly white, was pursued by her owner [and father] to New York, (end of June, 1852.) There a large reward was offered to a police officer to discover her, place of residence. It was discovered, and measures taken for her apprehension; but the alarm had been taken, and she escaped.

*Sacramento, California*; three men were seized by a Mr. Perkins, of Mississippi. The Court decided them to be his property and they were carried back to Mississippi.—*Standard*, July 29, 1852.

*Petersburg, Penn.* Two fugitives from Alabama slavery were overtaken, and taken back, September, 1852.

JOHN HENRY WILSON, a lad of fourteen years, kidnapped from Danville, Pennsylvania, and taken to Baltimore, where he was, offered for sale to John N. Denning. Kidnappers committed to jail, October, 1852.

[==> DANIEL WEBSTER, the endorser of the Fugitive Slave Law, died at Marshfield, Mass., October 24th, 1852, in the very height of the Law's triumphant operation.]

*LOUISA*, a colored woman, claimed by Mrs. Reese, of San Francisco, California, was seized by five armed men, and put on board Steamer Golden Gate, and carried it is not known whither. The aid of the Law was not invoked. The California *Christian Advocate*, from which the above is taken, says, "Two colored men, stewards on the Golden Gate, were sent back to the States on the last trip under the State Fugitive Law."

*A mulatto woman, in San Francisco, was ordered to be delivered to her claimant, T.T. Smith, Jackson Country, Missouri, by "Justice Shepherd,"—San Francisco Herald—in Standard, November 4, 1852.*

*Sandusky, Ohio.* Two men, two women, and several children were arrested and taken from a steamboat just about to leave for Detroit. Taken before Mayor Follett, by a man who claimed to be their owner. R.R. Sloane, Esq., was employed as counsel for the slaves. No one claiming custody of the slaves, or producing any writs or warrants, Mr. Sloane signified to the crowd present that there appeared to be no cause for the detention of the persons. Immediately a rush was made for the door. A man, who before had been silent, exclaimed, "Here are the papers—I own the slaves—I'll hold you individually responsible for their escape." The slaves escaped into Canada, October, 1852. Mr. Sloane was afterwards prosecuted for the value of the slaves, and judgment given against him to the amount of \$3,950.

*Thirty slaves, says the Maysville (Ky.) Eagle, "escaped from Mason and Bracken Counties, a short time ago. Some of them were captured in Ohio, by their owners, at a distance of about forty miles from the river." "They brought the captured slaves home without encountering the least obstacle, or even an unkind word."—Standard, November 4, 1852.*

THE LEMMON SLAVES. At New York, eight persons, claimed by Jonathan Lemmon, of Norfolk, Virginia, as his slaves, were brought before Judge Paine, November, 1852. It appeared that they had been brought to New York by their owner, with a view of taking them to Texas, as his slaves. Mr. Louis Napoleon, a respectable colored man, of New York, procured a writ of habeas corpus, under which they were brought before the court. Their liberation was called for, under the State Law, not being fugitives, but brought into a free State by their owner. Said owner appeared, with Henry D. Lapaugh as his counsel, aided by Mr. Clinton. At their urgent request, the case was postponed from time to time, when Judge Paine, with evident reluctance, decreed the freedom of the slaves. E.D. Culver and John Jay, Esqs., were counsel for the slaves. The merchants and others of New York subscribed and paid Mr. Lemmon the sum of \$5,280, for loss of his slaves. The *New York Journal of Commerce* was very active in raising this money. The same men were invited to contribute something for the destitute men, women, and children claimed by Lemmon. The whole amount given

by them all, was two dollars. About one thousand dollars were raised for them among the better disposed but less wealthy class.

THOMAS BROWN alias GEORGE BORDLEY, *Philadelphia, November, 1852*, was claimed by one Andrew Pearce, Cecil County, Maryland. Given up to claimant by Commissioner Ingraham. The arrest of the man was made by the notorious kidnapper, George F. Alberti. Mr. Pettit, counsel for the claimant.

[Transcriber's note: The following note is inserted after the next section but does not refer to any specific reported incident.]

==> The Slaveholders of Kentucky begin forming associations for mutual protection against loss of runaway slaves. The preamble of the plan of association proposed at a meeting at Minerva Kentucky, held in the winter of 1852-53, is as follows:—"Whereas it has become absolutely necessary for the slave-owners of Kentucky to take such steps as will secure their property, we, the citizens of Mass. and Bracken counties, do recommend," &c. [end note]

RICHARD NEAL, free colored man, kidnapped in Philadelphia and carried from the city in a carriage towards Maryland. A writ of *habeas corpus* was obtained, the kidnappers were overtaken, and Neal brought back after resistance and various hindrances. The Supreme Court of Pennsylvania discharged him. February, 1853.

*Ten slaves*, arrested in Indiana, and taken back to Tennessee, by W. Carney and others. Resistance was made, and W. Carney "was very badly injured during the fracas."—*Nashville* ----, March 5, 1853. [Transcribers' note: ---- substituted for word cut off on original page.]

*Alton, Illinois*. A man claimed to belong to Walter Carrico, of Warren County, Missouri, was arrested by police officers from St. Louis. After being lodged in jail in St. Louis he made his escape, and again went into Illinois. He was pursued, found, and taken back to St. Louis.—*St. Louis Republican*, March, 1853.

AMANDA, a slave girl, was brought to St. Louis, from near Memphis, Tennessee, a year before, by a son of her master, and by him set free,

without his father's consent. After the father's death, an attempt was made to seize Amanda, and take her back to Tennessee without trial. This was prevented by officers, the girl taken from the steamboat *Cornelia*, and brought before Levi Davis, United States Commissioner. He decided in favor of the claimants, (the heirs of the estate, of course.)—*St. Louis Republican*, March 17, 1853.

JANE TRAINER, a colored child, about ten years old, in the possession of Mrs. Rose Cooper, *alias* Porter, (a woman admitted by her counsel to be a common prostitute,) was brought before Judge Duer, of New York City, by a writ of *habeas corpus*, which had been applied for by Charles Trainer, the father of the child, (a free colored man, who had followed the parties from Mobile to New York,) and who desired that the custody of his daughter's person should be granted to him. [June, 1853, and previous.] Judge Duer decided that it was not within his jurisdiction to determine to whom the custody of the child belonged; the Supreme Court of New York must decide that. Judge D. proposed to both parties that the child should be put into his hands, and he would provide a proper person for her care and education, but the woman (Porter) would not consent to this. She evidently designed to train up the child for a life of shame, and perhaps of slavery also. The case was brought by a writ of *habeas corpus*, before Judge Barculo, of the Supreme Court, sitting at Brooklyn. The effort to serve the writ was at first defeated by the notorious New York bully, Captain Isaiah Rynders, acting, it was said, under the advice of James T. Brady, counsel for Mrs. Porter. For this interference with, the law, Rynders and some others were arrested and taken before Judge Barculo, who let them off on their making an apology! The second attempt to serve the writ on the child was more successful. After hearing counsel, Judge Barculo adjudged "that the said Charles Trainer is entitled to the care and custody of said Jane Trainer, and directing her to be delivered to him as her father," &c. In giving his decision, Judge B. said, "It is not to be assumed that a child under fourteen years of age is possessed of sufficient discretion to choose her own guardian; a house of ill-fame is not a suitable place, nor one of its inmates a proper person for the education of such a child." Jane Trainer's mother was afterwards bought from slavery in Mobile, Alabama, and enabled to join her husband and child.

In 1854, Charles Trainer obtained a verdict in King's County Court, New York, for \$775 damages, against Rose Cooper.

[N.B. Though not strictly a case under the Fugitive Slave Law, this is very properly inserted here, as the whole spirit of the woman, of her counsel, and of the means he took to accomplish his base designs, was clearly instigated by that Law, and by the malignant influences it brought into action against the colored people, both slave and free.]

BASIL WHITE, Philadelphia, was summarily surrendered into slavery in Maryland, by United States Commissioner Ingraham, June 1, 1853. He was betrayed into the clutches of the kidnapper Alberti, by a colored man named John Dorsey.

*Two slaves* of Sylvester Singleton, living near Burlington, (Ky.?) escaped and reached Columbus, Ohio; were there overtaken by their master, who secured them and took them back with him.—*Cincinnati Enquirer*.

JOHN FREEMAN, a free colored man, seized in Indianapolis, and claimed as the slave of Pleasant Ellington, a Methodist church-member, (Summer, 1853,) of Missouri. Freeman pledged himself to prove that he was not the person he was alleged to be. The United States Marshal consented to his having time for this, provided he would go to jail, and pay *three dollars a day* for a guard to keep him secure! Bonds to any amount, to secure the marshal against loss, if Freeman could go at large, were rejected. Freeman's counsel went to Georgia, and "after many days returned with a venerable and highly respectable gentleman from Georgia, Mr. Patillo, (post-master of the place where he resides,) who had voluntarily made the long journey for the sole purpose of testifying to his knowledge of Freeman, and that he was well known to be free!" But Freeman was still kept in jail. After several days, Ellington brought witnessess to prove F. to be his slave. The witnesses, and Liston (counsel for Ellington) wished to have Freeman strip himself, to be examined naked. By advise of his counsel he refused. The marshal took him to his cell, and compelled him to strip. The witnesses then swore that he was Ellington's property. Freeman's counsel produced further evidence that he had been known as a free man *twenty* years. Ellington claimed that he had escaped from him *sixteen* years before. The man who did escape from Ellington, just sixteen years before, was discovered to be

living near Malden, Canada. Two of the Kentucky witnesses visited and recognized him. Freeman was then released, but with a large debt upon him, \$1,200, which had grown up by the unusually heavy expenses of his defence and long imprisonment, Freeman brought a suit against Ellington for false imprisonment laying damages at \$10,000. A verdict for \$2,000 was given in his favor, which was agreed to by Ellington's counsel.—*Indiana Free Democrat*, May, 1854.

*Three slaves*, two men and a girl, fled from near Maysville, Kentucky, into Ohio. Were pursued by their owners and assistants, five men armed, and were overtaken, says the *Maysville Weekly Express*, "at the bridge over Rattlesnake Creek, on the Petersburg and Greenfield road, about ten o'clock at night," the slaves being, armed, and accompanied by a white man. Both parties fired, the negro girl was wounded, but still fled; one of the negro men was also wounded, and, says the *Maysville paper*, they "were tracked a mile and a half by the blood." The other slave was secured and taken back to Kentucky, "much bruised and cut in the affray." "The white man," says the same paper, "was also caught and beaten in a very severe manner with a club, and strong hopes are entertained that he will die."—*Wilmington (Ohio) Republican*, July, 22, 1853.

*A colored girl*, between four and five years old, suddenly disappeared from Providence, R.I., July 13, 1853; at the same time, a mulatto woman, who had been heard to make inquiries about the child, was missing also. Believed to be a case of kidnapping.

*A negro boy*, says the *Memphis Inquirer*, "left his owner in this city," and went on board the steamboat *Aurilla Wood*, bound for Cincinnati. By a telegraphic message he was intercepted, taken from the boat at Cairo, Illinois, and taken back to Memphis. (Summer, 1853.)

GEORGE W. MCQUERRY, *Cincinnati, Ohio*. A colored man, who had resided three or four years in Ohio, and married a free woman, by whom he had three children, was remanded to slavery by Judge McLean (August, 1853.) The man was taken by the United States Marshal, with a posse, across the river to Covington, Kentucky, and there delivered to his *master*!

*Two men kidnapped* from Chicago, and taken to St. Louis. See *Chicago Tribune*, quoted in *Standard*, Aug. 27, 1853.

*Three Slaves taken by Habeas Corpus*, from steamboat Tropic, and brought before Judge Flinn, at Cincinnati, August, 1853. The woman Hannah expressed a wish to return to her master in the boat. Judge Flinn ordered her into the custody of the claimants without investigation. Judge F. asked Hannah if she had the custody of the child Susan, to which she answered that she had. Whereupon the Judge also ordered her back into the custody of the claimants, without examination. Mr. Jolliffe protested against ordering the child back without examination. The Court said they would take the responsibility. The examination then proceeded in the case of the man Edward. It appeared that they were purchased in Virginia, to be conveyed to Mississippi. The boat stopped at Cincinnati, and the slaves were twice taken by the agent of the owners on shore, and upon the territory of Ohio. Mr. Jolliffe commenced his argument at 7, P.M., and argued that the slaves, being brought by their owners upon free territory, were legally free. Mr. J., before finishing, was taken ill, and obliged to leave the court-room; he first begged the Court to adjourn until morning, which was refused by Judge Flinn. Judge Keys said the Ohio river was a highway for all States bordering on it, whose citizens had a right also to use the adjacent shores for purposes necessary to navigation. Mr. Zinn stated that Mr. Jolliffe had been obliged to retire, in consequence of illness, and had requested him to urge the Court to continue the case. Judge Flinn said—"The case will be decided to-night; that is decided on. We have not been sitting here four or five hours to determine whether we will decide the case or not. It will be decided, and you may come up to it sideways or square; or any way you please; you must come to it." Mr. Zinn said he was not going to argue. He had made the request out of courtesy to a professional brother. He doubted the power of the Court to deliver the boy into slavery. Judge Flinn said—"I do not wish to hear any arguments of that nature." The man was then ordered to be taken by the Sheriff, and delivered to claimant on board the boat,—which was done.—*Cincinnati Gazette*, 27th August, 1853.

PATRICK SNEED, a colored waiter in the Cataract House, Niagara Falls, arrested on the pretended charge of murder committed in Savannah, Georgia. He was brought, by *Habeas Corpus*, before Judge Sheldon, at Buffalo, (September, 1853,) and by him ordered to be "fully discharged."

BILL, [or WILLIAM THOMAS,] a colored waiter at the Phenix Hotel, Wilkesbarre, Penn., described as a "tall, noble-looking, intelligent, and

active mulatto, nearly white," was attacked by "Deputy Marshal Wynkoop," Sept. 3, 1853, and four other persons, (three of them from Virginia.) These men came "suddenly, from behind, knocked him down with a mace, and partially shackled him." He struggled hard against the five, shook them off, and with the handcuff, which had been secured to his right wrist only "inflicted some hard wounds on the countenances" of his assailants. Covered with blood, he broke from them, rushed from the house, and plunged in the river close by, exclaiming, "I will be drowned rather than taken alive." He was pursued, fired upon repeatedly, ordered to come out of the water, where he stood immersed to his neck, or "they would blow his brains out." He replied, "I will die first." They then deliberately fired at him four or five different times, the last ball supposed to have struck on his head, for his face was instantly covered with blood, and he sprang up and shrieked. The by-standers began to cry "shame" and the kidnappers retired a short distance for consultation. BILL came out of the water and lay down on the shore. His pursuers, supposing him dying, said, "Dead niggers are not worth taking South." Some one brought and put on him a pair of pantaloons. He was helped to his feet by a colored man named Rex; on seeing which, Wynkoop and party headed him and presented their revolvers, when BILL again ran into the river, "where he remained upwards of an hour, nothing but his head above water, covered with blood, and in full view of hundreds who lined the banks." His claimants dared not follow him into the water; for, as he said afterward, "he would have died contented, could he have carried two or three of them down with him." Preparations [rather slow it would appear,] were made to arrest the murderous gang, but they had departed from the place. BILL then waded some distance up the stream, and "was found by some women flat on his face in a corn-field. They carried him to a place of safety, dressed his wounds," and the suffering man was seen no more in Wilkesbarre.—*Correspondence of New York Tribune.*

Wynkoop and another were afterwards arrested in Philadelphia, on a charge of riot, the warrant issuing from a State magistrate of Wilkesbarre, on the complaint of William C. Gildersleeve, of the place. Mr. Jackson, the constable who held them in custody, was brought before Judge Grier, of the United States Supreme Court, by *habeas corpus*. Judge Grier, during the examination, said:—

"I will not have the officers of the United States harassed at every step in the performance of their duties by every petty magistrate who chooses to harass them, or by any unprincipled interloper who chooses to make complaints against them—for I know something of the man who makes this complaint." "If this man Gildersleeve fails to make out the facts set forth in the warrant of arrest, I will request the Prosecuting Attorney of Luzerne County to prosecute him for perjury. \* \* \* If any tuppenny magistrate, or any unprincipled interloper can come in, and cause to be arrested the officers of the United States, whenever they please, it is a sad affair. \* \* \* If *habeas corpuses* are to be taken out alter that manner, I will have an indictment sent to the United States Grand Jury against the person who applies for the writ, or assists in getting it, the lawyer who defends it, and the sheriff who serves the writ. \* \* \* I will see that my officers are protected." On a subsequent day, Judge Grier gave an elaborate opinion, reciting the facts in the case, *as stated by the prisoners*, and ordering them to be *discharged!* He said:—"We are unable to perceive, in this transaction, anything worthy of blame in the conduct of these officers in their unsuccessful endeavors to fulfil a most dangerous and disgusting duty; except, perhaps, a want of sufficient courage and perseverance in the attempt to execute the writ!"

Wynkoop and the other were discharged by Judge Kane on the ground that they did only what their duty, under the Law, required. (May, 1854.)

*A family of colored persons*, at Uniontown, Pa., were claimed as slaves by a man in Virginia. They admitted that they had been his slaves, but declared that they had come into Pennsylvania with their master's consent and knowledge, on a visit to some friends in Fayette County, and were not, therefore, *fugitives*. This was overruled, and the negroes were sent back by a United States Commissioner, name not given. (September, 1853.)[\[A\]](#)—*Pittsburgh Saturday Visiter*.

[\[A\]](#)

*A correspondent of the New York Evening Post*, writing from Columbus, Ohio, September 1, 1853, states that a very large number of fugitive slaves are continually passing through that State; that they are generally armed; and that they find increasing

sympathy among the people on the road, and the boatmen on the lakes.

*A desperate fight* between a party of four fugitives and about double the number of whites, took place in Carroll County, Maryland. Four white men shot—none dangerously. Two of the slaves wounded, one severely. They were captured. (October, 1853.)—*Westminster (Md.) Democrat*.

*Washington, Indiana.* In April, 1853, GEORGE, a negro man, was arrested and claimed by a Mr. Rice, of Kentucky, as his slave. Judge Clemens ordered his surrender to Rice, who took him to Louisville, and there sold him to a slave-trader, who took him to Memphis, Tennessee. Here a man from Mississippi claimed that George was *his* slave, obtained a writ of replevin, and took possession of him.

JOSHUA GLOVER, colored man, claimed as the slave of B.S. Garland, of St. Louis County, Missouri, was arrested near Racine, Wisconsin, about the 10th of March, 1854. Arrest made by five men, who burst suddenly into his shanty, put a pistol to his head, felled him to the ground, handcuffed him, and took him in a wagon to Milwaukee jail, a distance of twenty-five miles. They swore that if he shouted or made the least noise, they would kill him instantly. When visited, says the *Milwaukee Sentinel*, "We found him in his cell. He was cut in two places on the head; the front of his shirt and vest were soaking and stiff with his own blood." A writ of *habeas corpus* was immediately issued; also a warrant for the arrest of the five men who assaulted and beat him in his shanty. Thousands of people collected around the jail and court-house, "the excitement being intense." A vigilance committee of twenty-five persons was appointed to watch the jail at night and see that Glover was not secretly taken away. The next day, at about five o'clock, P.M., a considerable accession of persons being made to the crowd, and it appearing that every attempt to save Glover by the laws of Wisconsin had been overruled by United States Judge Miller, a demand was made for the man. This being refused, an attack was made upon the door with axes, planks, &c. It was broken in, the inner door and wall broken through, and Glover taken from his keepers, brought out, placed in a wagon, and driven off at great speed.

S.M. Booth, editor of the *Milwaukee Free Democrat*, Charles Clement, of the *Racine Advocate*, W.H. Waterman, and George S. Wright were arrested for aiding and abetting the rescue of Glover. Booth was subsequently discharged by the Supreme Court of Wisconsin, on the ground that the Fugitive Slave Law is unconstitutional. He was, however, re-arrested, and held to answer in the United States Courts, on the same charge; the offered bail was refused, and he was lodged in jail. The case was subsequently tried before the District Court of the United States, at Milwaukee, on the question as to the right of a State judiciary to release prisoners under a writ of *habeas corpus*, who may be in the lawful custody of United States officers; and also to determine the constitutionality of the Fugitive Slave Law. (*Washington Star*, September 20, 1854.) The Attorney General, Caleb Cushing, made himself very active in pushing forward this case. Mr. Booth, early in 1855, was fined one thousand dollars and sentenced to one month's imprisonment. John Rycraft, for same offence, was sentenced in a fine of two hundred dollars and imprisonment for ten days. All for acts such as Christianity and Humanity enjoin. On a writ of *habeas corpus*, Messrs. Booth and Rycraft were taken before the Wisconsin Supreme Court, sitting at Madison, and discharged from imprisonment. This, however, did not relieve them from the fines imposed by the United States Court. The owner of the slave brought a civil suit against Mr. Booth, claiming \$1,000 damages for the loss of his slave. Judge Miller decided, July, 1855, that the \$1,000 must be paid.

EDWARD DAVIS, *March, 1854*. As the steamboat Keystone State, Captain Hardie, from Savannah, was entering Delaware Bay, bound to Philadelphia, the men engaged in heaving the lead heard a voice from under the guards of the boat, calling for help. A rope was thrown, and a man caught it and was drawn into the boat in a greatly exhausted state. He had remained in that place from the time of leaving Savannah, the water frequently sweeping over him. Some bread in his pocket was saturated with salt water and dissolved to a pulp. The captain ordered the vessel to be put in to Newcastle, Delaware, where the fugitive, hardly able to stand, was taken on shore and put in jail, to await the orders of his owner, in Savannah. DAVIS claimed to be a free man, and a native of Philadelphia, and described many localities there. Before Judge Bradford, at Newcastle, Davis's freedom was fully proved, and he was discharged. He was again arrested and placed in

jail on the oath of Captain Hardie, that he believed him to be a fugitive slave and a fugitive from justice. After some weeks' delay, he was brought to trial before United States Commissioner Samuel Guthrie, who ordered him to be delivered up to his claimant on the ground that he was legally a slave, though free-born. It appeared in evidence that Davis had formerly gone from Pennsylvania to reside in Maryland, contrary to the laws of that State; which forbid free colored persons from other States to come there to reside; and being unable to pay the fine imposed for this offence (!) by the Orphan's (!) Court of Harford County, was committed to jail and sold as a slave for life, by Robert McGaw, Sheriff of the County, to Dr. John G. Archer, of Louisiana, from whom he was sold to B.M. Campbell, who sold him to William A. Dean, of Macon, Georgia, the present claimant. Thus a free-born citizen of Pennsylvania was consigned, *by law* to slavery for life:

[==> In May, 1854, the Kansas-Nebraska Bill was enacted.]

ANTHONY BURNS, arrested in Boston, May 24, 1854, as the slave of Charles F. Suttle, of Alexandria, Virginia, who was present to claim him, accompanied by a witness from Richmond, Virginia, named William Brent. Burns was arrested on a warrant granted by United States Commissioner Edward Greeley Loring, taken to the court-house in Boston, ironed, and placed in an upper story room under a strong guard. The hearing commenced the next morning before Mr. Loring, but was adjourned until Saturday; May 27, to give the counsel for A. Burns time to examine the case. On Friday evening, (26th,) an attack was made upon the court-house by a body of men, with the evident design of rescuing Burns; a door was forced in, and one of the marshal's special guard, (named Batchelder,) was killed, whether by the assailants or by one of his own party is uncertain, it being quite dark; upon the cry of Batchelder that he was killed, the attacking party retreated and made no further attempt. The trial of the case proceeded on Saturday, again on Monday, Tuesday, and Wednesday, when the Commissioner said he would give his decision on Friday. During the trial, Burns was continually surrounded by a numerous body-guard, (said to be at least one hundred and twenty-five men,) selected by Watson Freeman, United States Marshal, from the vilest sinks of scoundrelism, corruption, and crime in the city to be Deputy Marshals for the occasion. These men, with every form of loathsome impurity and hardened villainy stamped upon their faces, sat constantly around the prisoner while in the court-room, the

handles of pistols and revolvers visibly protruding from their breast pockets. A company of United States troops, from the Navy Yard, occupied the court-house, and guarded all avenues to the United States court-room. The testimony of numerous highly respectable witnesses was adduced to show that Anthony Burns was in Boston a month earlier than the time at which he was said to have left Richmond. R.H. Dana, Jr. and Charles M. Ellis, counsel for Burns, made very eloquent and able arguments in his behalf. Seth J. Thomas and E.G. Parker were the counsel for Suttle, the case being constantly watched and aided by the United States District Attorney, Benjamin F. Hallett, who was in regular telegraphic communication with the President of the United States, (F. Pierce,) at Washington. An effort was made, and followed up with much patience, to buy Burns's freedom, Suttle having offered to sell him for \$1,200. The money was raised and tendered to Suttle, when difficulties were interposed, especially by Mr. Attorney Hallett, and the attempt failed. Suttle afterwards declared he would not sell Burns for any sum, but that he should go back to Virginia. On Friday morning, June 2d, Commissioner Loring gave his decision, overriding all the testimony in Burns's favor, using certain expressions which fell from Burns in the first heat and confusion of his arrest, as testimony against him, and concluding with ordering him to be delivered up to the claimant. Some four hours were consumed in getting Court Street, State Street, &c., in a state of readiness for the removal of the prisoner. A regiment of Massachusetts Infantry had been posted on Boston Common, under command of Col. Benjamin Franklin (!) Edmands, from an early hour of the day, in anticipation of the Commissioner's decision. These troops, which had been called out by the Mayor, Jerome V.C. Smith, were marched to the scene of the kidnapping, and so placed as to guard every street, lane, and other avenue leading to State Street, &c., the route through which the slave procession was to pass. No individual was suffered to pass within these guards; but acts of violence were committed by them on several individuals. Court Square was occupied by two companies of United States troops, (chiefly Irishmen,) and a large field-piece was drawn into the centre. All preparations being made, Watson Freeman (United States Marshal) issued forth from the court-house with his prisoner, who walked with a firm step, surrounded by the body-guard of criminals before mentioned, with drawn United States sabres in their hands, and followed by United States troops with the aforesaid piece of artillery. Preceded by a company of

Massachusetts mounted troops, under command of Colonel Isaac H. Wright, this infamous procession took its way down Court Street, State Street and Commerce Street, (for the proprietors of Long Wharf refused to allow them to march upon their premises, through a public highway in all ordinary cases,) to the T Wharf, where the prisoner was taken on board a steam tow-boat, and conveyed down the harbor to the United States Revenue Cutter Morris; in which he was transported to Virginia.

It may not be amiss to have given, in a single instance, this somewhat detailed account of the process of seizing, trying, and delivering up a man into slavery, whose only crime was that he had fled from a bondage "one hour of which is fraught with more misery than ages of that which our fathers rose in rebellion to throw off," Thomas Jefferson, the Virginian slaveholder, himself being witness.

Anthony Burns, having been sold into North Carolina, was afterwards purchased with money subscribed in Boston and vicinity, for the purpose, and returned to Boston.

The *illegality* of the Mayor's conduct in ordering out the military, and giving to the Colonel of the regiment the entire control of the same, was fully shown by different and highly competent writers, among whom was P.W. Chandler, Esq., whose two articles, in the *Boston Advertiser*, deserve to be remembered with respect. The Mayor's excuse was that he desired to *keep the peace*. But these Massachusetts troops received pay for their day's work from the United States Government. Judge HOAR, in a charge to the Grand Jury, declared the act of the Mayor, in calling out the militia, to be an infraction of law.

STEPHEN PEMBROKE, and his two sons, *Robert* and *Jacob*, 19 and 17 years of age, were arrested in New York almost simultaneously with the seizure of Burns in Boston; claimed as the slaves of David Smith and Jacob H. Grove, of Sharpsburg, Washington County, Maryland. They escaped May 1st, and came to New York, followed closely by their masters, who discovered their retreat in Thompson Street, and pounced upon them by night. At 8-1/2 o'clock, next morning, they were taken before United States Commissioner G.W. Morton, "where the case came up for the most

summary and hasty hearing that has ever characterized our judicial proceedings." Dunning and Smith were counsel for the masters, but the fugitives had no counsel; and the hearing was finished, and a warrant granted to the slave claimants before the matter became known in the city. When Mr. Jay and Mr. Culver hastened to the court-room to offer their services to the prisoners, as counsel, they were assured by officers, *and by Commissioner Morton himself*, that the men wanted no counsel, and were not in the building. On search, however, it was found they were in the building, locked up in a room. They said they desired counsel and the aid of friends. A writ of *habeas corpus* was obtained, but before it could be served the three men had been removed from the State, and were on their way to Baltimore. [See the published. Card of E.D. CULVER, Esq.] Stephen Pembroke was the brother, and his sons the nephews of Rev. Dr. Pennington, of New York City, Pastor of a Presbyterian (colored) Church. Stephen Pembroke was purchased and brought back to New York, (\$1,000 having been contributed for that purpose,) and related his experience of the slave's life, at a public meeting, held in the Broadway Tabernacle, July 17, 1854. His sons had been sold, and remained in slavery.

JAMES COTES, free man of color, residing in Gibson County, Indiana, went to Jeffersonville, (Ind.,) to take the cars for Indianapolis. On going to the depot, at 6, A.M., for the morning train, he was knocked down, "beat over the head with a brick-bat, and cut with a bowie-knife, until subdued. He was then tied, and in open daylight in full view of our populace, borne off bleeding like a hog." He was undoubtedly taken to the jail, in Louisville. On crossing the river to Louisville he met the captain of a steamboat, who knew him to be a free man. (About June 1, 1854.) The kidnapper was arrested and held to bail in the sum of \$1,000, to take his trial at next Circuit Court.

*Near Cedarville, Ohio, May 25, 1854*, about noon, "a colored man, of middle age and respectable appearance, was walking on the Columbus and Xenia turnpike. He was alone. A man in a buggy overtook him, and invited him to ride, saying he was a friend to the colored man, and promising to assist him in obtaining his liberty." He took the colored man to the house of one Chapman, "three miles south of Selma, in Greene county." There Chapman and the other, (whose name was William McCord,) fell upon the colored man, struck him with a *colt* upon the head, so that he bled severely,

and bound his hands behind him. "Soon after the negro got loose and ran down the road; McCord ran after him, crying 'Catch the d——d horse thief,' &c., Chapman and his son following; negro picked up a stone, the man a club and struck him on the head, so that he did not throw the stone. He was then tied, and helped by McCord and Chapman to walk to the buggy. McCord asked Chapman, the son, to accompany him to Cincinnati with the colored man, promising to give him half the reward (\$200) if he would. They then started, driving very fast." "We had not gone over two or three miles," said Chapman, "before the negro died, and after taking him two or three miles further, put him out, and left him as now discovered,"—viz. in a thick wood, one mile south of Clifton. The above facts are taken from the testimony given at the coroner's inquest over the body. "The jury gave in substance the following verdict:—Deceased came to his death by blows from a colt and club in the hands of one William McCord, assisted by the two Chapmans." Chapman, the son, said that McCord made him a proposition to join and follow kidnapping for a business, stating that he knew where he could get four victims immediately. McCord was taken and lodged in Xenia jail. The Chapmans bound over to take their trial for kidnapping.—*Wilmington (Ohio) Herald of Freedom*.

*Columbus, Indiana.* A Kentuckian endeavored to entice a little negro boy to go with him, and both were waiting to take the cars, when mischief was suspected, and a crowd of people proceeded to the depot, and made the kidnapper release his intended victim. (June, 1854.)—*Indiana Free Democrat*.

---- BROWN, a resident of Henderson, Kentucky, was arrested for aiding four female slaves to escape from Union County, Kentucky, to Canada. United States Marshal Ward and Sheriff Gavitt, of Indiana, made the arrest. He was lodged in Henderson jail.—*Evansville (Ind.) Journal*, June 2, 1854.

Several Kentucky planters, among them Archibald Dixon, raised \$500 in order to secure Brown's conviction and sentence to penitentiary.

[Transcriber's note: The following note appears as a footnote to this section without specific reference to any of the cited cases.]

==> The case of SOLOMON NORTHUP, though not under the Fugitive Law, is so striking an illustration of the power which created that law, and

of the constant danger which impends over every colored citizen of the Northern States, fast threatening to include white citizens also, that it must not be passed over without mention. He was kidnapped in 1841, from the State of New York, and kept in slavery twelve years. Two men, named Merrill and Russell, were arrested and tried as his kidnappers, and the fact fully proven. But the case was got into the United States Courts, and the criminals went unpunished. [end of note]

*Nine slaves* left their masters in Boone County, Kentucky, on Sunday, June 11, 1854, having three horses with them. Arrived at the river, they turned the horses back, and taking a skiff crossed at midnight to the Ohio shore. After travelling two or three miles, they hid during Monday in a clump of bushes. At night they started northward again. A man, named John Gyser, met them and promised to assist them. He took them to a stable, where they were to remain until night. He immediately went to Covington, Kentucky, learned that \$1,000 reward was offered for their apprehension, and gave information of their place of concealment. At evening a strong band of Kentuckians, with United States Deputy Marshal George Thayer, assisted by three Cincinnati officers, surrounded the stable and took the nine prisoners, on a warrant issued by United States Commissioner Pendery. They were all given up to their claimants, and taken back to Kentucky.

*A New Orleans correspondent of the New York Tribune*, in a letter dated July 3, 1854, writes, "During a recent trip up the river I was on several steamers, and on every boat they had one or more runaway slaves, who had been caught and were being taken in *irons* to their *masters*."

*On the Steamer Alvin Adams*, at Madison, Indiana, a man was arrested as a fugitive and taken to Louisville, Kentucky. He was claimed as the slave of John H. Page, of Bowling Green. The *Louisville Journal*, edited by a Northern man, stigmatised him as a "rascal," for his attempt to be free. (July, 1854.)

*Two colored men*, on their way to Chicago, were seized and taken from the cars at Lasalle, Illinois, by three men, who said they were not officers. The colored men were known to be free; one was "a respectable resident of Chicago." Some of the passengers interfered; but it being night, and very

dark, and the cars starting on the colored men were left in the hands of their kidnappers.

*Chicago, Illinois.* Three men from Missouri, with a warrant from the Governor of that State, to take a certain fugitive slave, seized a man whom they met in the street, bound him with a handkerchief, and to quicken his steps beat him with the butt of a pistol. He succeeded in shaking off his captors and fled, a pistol-bullet being sent after him, which did not hit him. He made good his escape. The men were arrested and held to trial for assault with deadly weapons. By an extraordinary conspiracy on the part of District Attorney Hoyne, Sheriff Bradley, and others, these men were taken from jail to be carried to Springfield, Illinois, two hundred miles distant, to appear before Chief Justice Treat, that he might inquire "whether said alleged kidnappers were justly held to bail and imprisoned." It was so suddenly done that the counsel for the kidnapped man and for the State of Illinois had not time to reach Springfield before the men were discharged and on their way to Missouri. The Grand Jury of the County (in which Chicago is) had found a true bill against them, of which the Sheriff professed to be ignorant, (which was deemed hardly possible,)—under which bill they would probably have been convicted and sentenced to the State Prison. Thus the omnipotent Slave Power reaches forth its hand into our most Northern cities, and saves its minions from the punishment which their lawless acts have justly merited.—*Chicago Daily Tribune*, Sept. 21, 1854.

==> The three kidnappers published a statement in the *St. Louis Republican* of September 26.

HENRY MASSEY, at Philadelphia, September, 1854, was brought before United States Commissioner E.D. Ingraham, claimed by Franklin Bright, of Queen Anne's County, Maryland, as his slave. Arrested in Harrisburg.

HARVEY, arrested near Cumminsville, Ohio,—escaped,—taken again in Goshen, about ten miles from Cincinnati, and lodged in the jail of that city. An investigation of the case was had before United States Commissioner Pendery, and the slave remanded to the custody of his master.—*Cincinnati Commercial*, September 22, 1854.

*Byberry, Pennsylvania, September 18, 1854.* A carriage load of suspicious looking men came to this place in the afternoon. They waited until nightfall, when they burst into the house of a colored family, "seized the man in presence of his wife and another woman, threatening to shoot them if they interfered—dragged him out, beating him over the head with a mace. The poor fellow continued to scream for help until his voice was stifled by his groans; they forced him into their carriage and drove off, before any effectual assistance could be offered." He was a sober and industrious man, and much respected. His wife was left heartbroken, with one child.—*Norristown (Pa.) Olive Branch.*

*The Frankfort (Ky.) Yeoman*, of November 18, 1854, said:—"Kidnapping free negroes in Ohio, and deluding our slaves from their masters to recapture and sell them, is an established profession of a gang located upon the borders of the Ohio River, combining with negro-traders in the interior of this State." The names of some employed in this business are given, two of whom, having been arrested and imprisoned, threatened to burn the city of Frankfort for interrupting their business.

JANE MOORE, a free colored woman, at Cincinnati, November, 1854, seized in the house of her sister, (Sycamore Street,) beaten, and with the help of a deputy marshal from Covington, Kentucky, carried over to Covington, and lodged in jail, on pretence of her being a fugitive slave. She was taken before the Mayor of Covington, "who heard the case with impartiality." Her freedom was established, and she released.

*At Indianapolis, Indiana, December, 1854,* Benjamin B. Waterhouse was indicted for harboring fugitive slaves, contrary to the provisions of the Fugitive Law. He was found guilty, but the jury recommended him "to the favorable consideration of the Court, and stated that the evidence was barely sufficient to convict." He was fined fifty dollars and to be imprisoned one hour, and the government to pay the costs.—*Chicago Tribune.*

*A Proposition for Kidnapping*, on a large scale, was made by John H. Pope, "police officer and constable," in a letter dated "Frederick, Maryland, United States of America, January 1, 1855," and addressed to Mr. Hays, Sheriff of Montreal, Canada. "Vast numbers of slaves," says Mr. Pope, "escaping from their masters or owners, succeed in reaching your

Provinces, and are, therefore, without the pale of the 'Fugitive Slave Law,' and can only be restored by cunning, together with skill. Large rewards are offered and will be paid for their return, and could I find an efficient person to act with me, a great deal of money could be made, as I would equally divide. \* \* \* The only apprehension we have in approaching too far into Canada is the fear of being arrested; and had I a good assistant in your city, who would induce the negroes to the frontier, I would be there to pay the cash. On your answer, I can furnish names and descriptions of negroes."

This letter was published, doubtless at the Montreal Sheriff's request, in the *Montreal Gazette*, January 13, 1855.

==> The *Montreal Gazette*, of February 3, published a second letter from J.H. Pope.

*A warrant was issued in Boston, January 10, 1855, by United States Commissioner Charles Levi Woodbury, for the arrest of JOHN JACKSON, as a fugitive from service and labor in Georgia. Mr. Jackson, who had been for some time in the city, was nowhere to be found.*

ROSETTA ARMSTEAD, a colored girl, was taken by writ of *habeas corpus* before Judge Jamison, at Columbus, Ohio. Rosetta formerly belonged to Ex-President John Tyler, who *gave her* to his daughter, the wife of Rev. Henry M. Dennison, an Episcopal clergyman of Louisville, Kentucky. Mrs. D. having deceased, Rosetta was to be sent back to Virginia in care of an infant child, both being placed in charge of a Dr. Miller, a friend of Mr. Dennison. Passing through Ohio, the above writ was obtained. Rosetta expressed her desire to remain in freedom in Ohio. The case was removed to Cincinnati, and was delayed until Mr. Dennison could arrive from Louisville. (*Ohio State Journal*, March 12, 1855.) The girl was set free; "but was again arrested by the United States Marshal upon the same warrant which Judge Parker had declared illegal; thereupon another *habeas corpus* was issued, which the Marshal refused to obey; when he was fined \$50, and imprisoned for contempt." Even United States Commissioner Pendery, before whom the case was brought as that of a fugitive slave, pronounced the girl free, and she was placed in the care of a guardian. The United States Marshal being taken by *habeas corpus* before Judge McLean,

of the United States Supreme Court, was set at liberty, Judge McL. alleging that the proceedings in the State Court were null and void!

GEORGE CLARK, a colored boy, eighteen years of age, in Pennsylvania, was decoyed into the house of one Thompson, (February 23, 1855,) where he was seized by three men, one of whom was Solomon Snyders, a well known ruffian and kidnapper in the neighborhood, who said to him, "Now, George, I am going to take you to your master." The screams of George fortunately brought deliverance to him. The three men were arrested, tried, and sentenced to imprisonment for kidnapping, by the Court of Dauphin County.—*Norristown (Penn.) Olive Branch*.

*The Norristown (Penn.) Olive Branch*, (in connection with the last named case,) speaks of a case which had occurred a short time before, under the Fugitive Law, before United States Commissioner McAllister, at Harrisburg, Pennsylvania, and which has not yet been mentioned in this record. A colored man and his wife, with their infant child, were taken, "one morning, very early," before Commissioner Richard McAllister, and before any counsel could reach the spot the case had been decided against the man and woman; but the babe, having been born in Pennsylvania, they did not "dare to send that" into slavery; "so the only alternative was to take it away from its mother," which was done, and that evening the man and woman were taken South. No time had been allowed to bring forward witnesses in their behalf, and there was only a single witness against them, and he a boy about seventeen years old, and a relative of the slave-claimant. The woman's sufferings, on account of the separation from her child, seemed greater than for her own fate. The article from the *Norristown* paper is in the *National Anti-Slavery Standard*, June 2, 1855.

GEORGE MITCHELL, a young colored man, at San Jose, California, arrested and taken before Justice Allen, April, 1855, "charged with owing service and labor to one Jesse C. Cooper, of Tennessee." Mitchell was brought into California by his then owner, in 1849, the year before the enactment of the Fugitive Slave Law. His arrest was made, under a Fugitive Slave Law of California. By *habeas corpus* the case was carried before Judge C.P. Hester, of the District Court. Mitchell was discharged on the ground (we believe) that the California Law was unconstitutional; also that the proceedings were "absolutely void." On the 21st April (or May)

"another attempt was made to reduce George to slavery at San Francisco." He was brought before the United States District Court, Judge Hoffman presiding, claimed under the United States Fugitive Law as the property of the above-named Cooper. [The result of the trial not known.]—*San Jose Telegraph*.

*At Dayville, Connecticut*, June 13, 1855, an attempt was made to seize a fugitive slave; "but the citizens interfered and the fugitive escaped." He was claimed by a resident of Pomfret, who said he had bought him in Cuba.—*Hartford Religious Herald*.

*At Burlington, Iowa*, a colored man, called DICK, was arrested and taken before United States Commissioner Frazee. "Much excitement was caused." He was claimed as belonging to Thomas Ruthford, Clark County, Missouri. Dick was discharged as not being the man claimed. (June, 1855.)

*A white girl*, fourteen years of age, daughter of Mr. Samuel Godshall, of Downingtown, Chester County, Pennsylvania, while walking upon the road, was seized by two men, a plaster put upon her mouth, and she taken in a close carriage in the direction of Maryland. After going twelve miles, they put her out of the carriage, "in a secluded and woody portion of the country, threatening to kill her if she made any alarm, when they drove away as fast as they could." Some colored people met her, got the plaster off her mouth, and aided her home. It was supposed the kidnappers mistook her for a mulatto girl; but discovering their blunder dismissed her.—*Philadelphia Ledger*, July 9, 1855.

*The Norristown (Penn.) Herald* relates a case similar to the preceding. Benjamin Johnson, a white lad of fifteen, on his way from his father's, at Evansburg, to S. Jarrett's, near Jeffersonville, was invited to ride by a man in a carriage. The man took him by an unusual route; night coming on, the boy was alarmed and attempted to escape, "when the villain caught him and drove off at full speed, and by threats and blows prevented him from making any alarm." He drove to a distance of fifteen miles beyond Jeffersonville, when the boy succeeded in making his escape. (July, 1855.)

JANE JOHNSON, and her two sons, (colored,) brought into Philadelphia (on their way to New York and thence to Nicaragua) by John H. Wheeler. Stopped to dine at Bloodgood's Hotel. Jane there made known her desire to

be free. Information of the same was conveyed to Passmore Williamson, Secretary of the Pennsylvania Abolition Society, an old association founded by Benjamin Franklin, Benjamin Rush, and others. Mr. Williamson went to the hotel, and found that the party had gone to the steamboat, at the foot of Walnut Street. He proceeded thither, found them, and told the mother that she and her sons had been legally made free by being brought by their master into a free State. After some delay, Jane rose to leave the boat. Wheeler endeavored to detain her. Williamson held Wheeler back, and the woman went on shore, a number of colored persons taking up the boys and carrying them from the boat. They were enabled to escape. (July 18, 1855.)

The celebrated case of PASSMORE WILLIAMSON followed, before Judge Kane, of the United States District Court. (See "Case of Passmore Williamson," reported in full, and published in Philadelphia, by Uriah Hunt & Son, 1856.) On the 27th July, Mr. Williamson was committed to Moyamensing Prison, by Judge Kane, "for a contempt of the court in refusing to answer to the writ of *habeas corpus*;" Mr. W. *having answered* that he had not, and never had had, the custody of the three alleged slaves, and therefore could not produce them in court. Mr. Williamson was kept in prison until November 3d, when he was discharged by Judge Kane, the technical "contempt" having been removed.

CELESTE, a mulatto woman, claimed as a slave, before Judge Burgoyne, Cincinnati, Ohio. It appeared that she was brought to Cincinnati by her master, and she was set free.—*Cincinnati Gazette*, July 7, 1855.

*Two fugitives*, in Indiana, (September, 1855,) requested aid of the conductor of the Madison and Indianapolis Railroad. The aid given was to take them back to Madison, whence they were conveyed over the river to Kentucky. Before leaving that State they had been hunted and attacked by dogs. These they had despatched with their knives. The conductor was dismissed from his position. An agent of the express company was said to have aided him in the surrender of the men.—*Madison Courier*.

JACK, a colored boy, nine years of age, "claimed by Joseph Tucker, of Mobile, as his slave, was sent back to his master from Boston, in the brig Selma, Captain Rogers, on the 18th inst." (October, 1855.)—*Boston Times*.

JACOB GREEN, a colored man, was seized near Hollidaysburg, Pennsylvania, by one Parsons, as a fugitive slave. Parsons could show no authority for detaining Green, who, with the help of some bystanders, released himself and escaped.—*Hollidaysburg Standard*, October 24, 1855.

*Four men indicted for kidnapping* at Greensburg, Indiana, in the Spring of 1855. Their names—David and Thomas Maple, Morrison, and McCloskey. Charged with kidnapping two men, whom they conveyed to a slave state, and sold as slaves. The two Maples, fearing the indictment, absconded. The other two were arrested, and brought to trial in October, 1855, at the State Court, before Judge Logan. "Defendants' counsel moved to quash the indictment, for the reason that the section of the statute of Indiana against kidnapping was in violation of the acts of Congress, and, therefore, void; and the Court accordingly quashed the indictment"—*Indianapolis Journal*.

*Eight fugitives from Kentucky* reached Adams County, Ohio, closely followed by several Kentuckians, who attempted to search the houses of several of the citizens. "The people, indignant at this outrage, assembled with arms, and placed an injunction upon these summary proceedings." "The men-hunters then offered \$2,000 to any traitor who would betray the fugitives into their hands. But, so far as we have learned, the bribe was as unsuccessful as the attempted search." (November, 1855.)—*Carroll Free Press*.

*At Wilson's Corner, Bensalem, Buck's County, Pa.*, Dec. 13, 1855, a colored man in the employ of John Henderson was seized by three men, who tied him, threw him into a wagon, and drove off at full speed. They were seen, and quickly followed by men on horseback. After two hours' hard riding, the kidnappers were overtaken. A fight ensued—the black man was released; when three pistol-shots were fired by the kidnappers, killing a horse, and wounding one of the rescuing party severely. A statement of the facts was published, as an advertisement, in the *Philadelphia Ledger*, signed by William Williams and John Henderson.

"*Two very bright mulatto girls*," says the *Staunton (Va.) Spectator*, "one belonging to Mr. John Churchman, and the other to the estate of Colonel Crawford, deceased, took the cars at Staunton, on the morning of December 30, 1855, and made their way successfully to Baltimore, en route for a free

State. At Baltimore they were detected just as they were about to take the train for Philadelphia, and information of their arrest was immediately forwarded to D. Churchman, of this place." On the following Friday they were taken back to Virginia. "They were so nearly white that their success in imposing upon the conductors of the cars is not astonishing, and the only wonder is that they were detected at all. Since their return, the negro girls have been sold—Mr. Churchman's for \$1,050, and the other for \$950."

FANNY, a colored child of five years old, was taken from Chicago, Illinois, into Tennessee, and sold for \$250. A man named F.M. Chapman, with his servant William R. Tracy, were arrested as the kidnappers, and taken before Justice DeWolf. Chapman claimed to have owned the child in Arkansas, and to have brought her to Illinois [thereby making her free.] He procured Tracy to take the child to Tennessee and sell her. The result of the case not known. (January, 1856.)

*Two fugitives*, passing through Ohio, (January, 1856,) were closely pursued and nearly overtaken at Columbus, Ohio. "Ten minutes previous warning only saved the fugitives from their pursuers." Deputy Marshal J. Underwood, being called on to act in the case, refused, and resigned his office, saying, he did not expect to be "called upon to help execute the odious Fugitive Slave Law."—*Cincinnati Commercial*.

[==> The following may, not improperly, find a place here.]

The House of Delegates of Virginia, early in 1856, adopted the following:—"Be it resolved by the General Assembly, That our Representatives in Congress are requested, and our Senators be and are hereby instructed, to secure the passage of a law making full compensation to all owners whose slaves have or may hereafter escape into any of the non-slaveholding States of this Union, and there be withheld from those to whom such service or labor may be due."

*Fourteen persons of color*, held at Los Angeles, California, early in 1856, as the servants of one Robert Smith, were brought before Judge Benjamin Hays, on a writ of *habeas corpus*. Smith alleged that he formerly resided in Mississippi, where he owned these persons; was now about to remove to Texas, and designed to take these persons with him as his slaves. Judge Hays decided that they were all free, and those under twenty-one years of

age were placed in the charge of the sheriff, as their special guardian.—*Los Angeles Star*. The opinion of Judge Hays (who was said to be a native of South Carolina,) is a very able one, and under the circumstances, of much interest. It may be found in the *Standard*, of April 5, 1856.

*Two colored lads*, named RALLS and LOGAN, living in Cincinnati, were kidnapped thence by two men, named Orr and Simpkins, and taken to St. Louis, Missouri, where the men tried to sell them. The men were arrested as kidnapers. (March, 1856.)

*The Decatur (Illinois) Chronicle* states that "a man charged with being a fugitive slave was recently arrested at that place and carried off, no one knows where. The sheriff of the county was the willing instrument in the hands of the claimants; no attempt to appeal to the law was made, the negro being carried off as if he were a stray horse or dog." The *Chicago Tribune* says: "If this is a true statement of the affair, that sheriff has laid himself liable to the charge of kidnapping, and should at once be proceeded against with such rigor as his offence demands." (April, 1856.)

MARGARET GARNER *and seven others*, at Cincinnati, Ohio, January, 1856. Of this recent and peculiarly painful case we give a somewhat detailed account, mainly taken from the Cincinnati papers of the day.

About ten o'clock on Sunday, 27th January, 1856, a party of eight slaves—two men, two women, and four children—belonging to Archibald K. Gaines and John Marshall, of Richwood Station, Boone County, Kentucky, about sixteen miles from Covington, escaped from their owners. Three of the party are father, mother, and son, whose names are Simon, Mary, and Simon, Jr.; the others are Margaret, wife of Simon, Jr., and her four children. The three first are the property of Marshall, and the others of Gaines.

They took a sleigh and two horses belonging to Mr. Marshall, and drove to the river bank, opposite Cincinnati, and crossed over to the city on the ice. They were missed a few hours after their flight, and Mr. Gaines, springing on a horse, followed in pursuit. On reaching the river shore, he learned that a resident had found the horses standing in the road. He then crossed over to the City, and after a few hours diligent inquiry, he learned that his slaves

were in a house about a quarter of a mile below the Mill Creek Bridge, on the river road, occupied by a colored man named Kite.

He proceeded to the office of United States Commissioner John L. Pendery, and procuring the necessary warrants, with United States Deputy Marshal Ellis, and a large body of assistants, went on Monday to the place where his fugitives were concealed. Arriving at the premises, word was sent to the fugitives to surrender. A firm and decided negative was the response. The officers, backed by a large crowd, then made a descent. Breaking open the doors, they were assailed by the negroes with cudgels and pistols. Several shots were fired, but only one took effect, so far as we could ascertain. A bullet struck a man named John Patterson, one of the Marshal's deputies; tearing off a finger of his right hand, and dislocating several of his teeth. No other of the officers were injured, the negroes being rendered powerless before they could reload their weapons.

On looking around, horrible was the sight which met the officers' eyes. In one corner of the room was a nearly white child, bleeding to death. Her throat was cut from ear to ear, and the blood was spouting out profusely, showing that the deed was but recently committed. Scarcely was this fact noticed, when a scream issuing from an adjoining room drew their attention thither. A glance into the apartment revealed a negro woman holding in her hand a knife literally dripping with gore, over the heads of two little negro children, who were crouched to the floor, and uttering the cries whose agonized peals had first startled them. Quickly the knife was wrested from the hand of the excited woman, and a more close investigation instituted as to the condition, of the infants. They were discovered to be cut across the head and shoulders, but not very seriously injured, although the blood trickled down their backs and upon their clothes.

The woman avowed herself the mother of the children, and said that she had killed one and would like to kill the three others, rather than see them again reduced to slavery! By this time the crowd about the premises had become prodigious, and it was with no inconsiderable difficulty that the negroes were secured in carriages, and brought to the United States District Court-rooms, on Fourth Street. The populace followed the vehicle closely, but evinced no active desire to effect a rescue. Rumors of the story soon

circulated all over the city. Nor were they exaggerated, as is usually the case. For once, reality surpassed the wildest thought of fiction.

The slaves, on reaching the marshal's office, seated themselves around the stove with dejected countenances, and preserved a moody silence, answering all questions propounded to them in monosyllables, or refusing to answer at all. Simon is apparently about fifty-five years of age, and Mary about fifty. The son of Mr. Marshall, who is here, in order, if possible, to recover the property of his father, says that they have always been faithful servants, and have frequently been on this side of the river. Simon, Jr., is a young man, about twenty-two years old, of a very lithe and active form, and rather a mild and pleasant countenance. Margaret is a dark mulatto, twenty-three years of age; her countenance is far from being vicious, and her senses, yesterday, appeared partially stultified from the exciting trials she had endured. After remaining about two hours at the marshal's office, Commissioner Pendery announced that the slaves would be removed to the custody of the United States Marshal until nine o'clock Tuesday morning, when the case would come up for examination.

The slaves were then taken down stairs to the street-door, when a wild and exciting scene presented itself; the sidewalks and the middle of the street were thronged with people, and a couple of coaches were at the door in order to convey the captives to the station-house. The slaves were guarded by a strong posse of officers, and as they made their appearance on the street, it was evident that there was a strong sympathy in their favor. When they were led to the carriage-doors, there were loud cries of "Drive on!" "Don't take them!" The coachmen, either from alarm or from a sympathetic feeling, put the whip to their horses, and drove rapidly off, leaving the officers with their fugitives on the sidewalk. They started on foot with their charge to the Hammond Street station-house, where they secured their prisoners for the night.

The slaves claimed that they had been on this side of the river frequently, by consent of their masters.

About three o'clock application was made to Judge Burgoyne for a writ of *habeas corpus*, to bring the slaves before him. This was put in the hands of Deputy Sheriff Buckingham to serve, who, accompanied by several

assistants, proceeded to Hammond Street station-house, where the slaves were lodged. Mr. Bennett, Deputy United States Marshal, was unwilling to give them up, and a long time was spent parleying between the marshal and the sheriff's officers. The sheriff being determined that the writ should be executed, Mr. Bennett went out to take counsel with his friends. Finally, through the advice of Mayor Faran, Mr. Bennett agreed to lodge the slaves in the jail, ready to be taken out at the order of Judge Burgoyne. Mr. Buckingham obtained the complete control of the slaves.

On the morning of the 29th, Sheriff Brashears, being advised by lawyers that Judge Burgoyne had no right to issue his writ for the slaves, and remembering Judge McLean's decision in the Rosetta case, made a return on the writ of *habeas corpus*, that the slaves were in the custody of the United States Marshal, and, therefore, without his jurisdiction. This returned the slaves to the custody of the Marshal. By agreement, the parties permitted the slaves to remain in the county jail during that day, with the understanding that their examination should commence the next morning, before Commissioner Pendery. An inquest had been held on the body of the child which was killed, and a verdict was found by the jury charging the death of the child upon the mother, who it was said would be held under the laws of Ohio to answer the charge of murder. An examination took place on Wednesday, before the United States Commissioner. Time was allowed their counsel to obtain evidence to show that they had been brought into the State at former times by their masters. A meeting of citizens was held on Thursday evening, to express sympathy with the alleged fugitives.

The *Cincinnati Commercial* of January 30, said:—The mother is of an interesting appearance, a mulatto of considerable intelligence of manner, and with a good address. In reply to a gentleman who yesterday complimented her upon the looks of her little boy, she said, "You should have seen my little girl that—that—[she did not like to say, was killed]—that died, that was the bird."

The *Cincinnati Gazette*, of January 30, said:—We learn that the mother of the dead child acknowledges that she had killed it, and that her determination was to have killed all the children, and then destroy herself, rather than return to slavery. She and the others complain of cruel treatment

on the part of their master, and allege that as the cause of their attempted escape.

The coroner's jury, after examining the citizens present at the time of the arrest, went to the jail last evening, and examined the grandmother of the child—one of the slaves. She testified that the mother, when she saw they would be captured, caught a butcher knife and ran to the children, saying she would kill them rather than to have them return to slavery, and cut the throat of the child, calling on the grandmother to help her kill them. The grandmother said she would not do it, and hid under a bed.

The jury gave a verdict as follows:—That said child was killed by its mother, Margaret Garner, with a butcher knife, with which she cut its throat.

Two of the jurors also find that the two men arrested as fugitives were accessories to the murder.

"The murdered child was almost white, and was a little girl of rare beauty."

The examination of witnesses was continued until Monday, February 4, when the commissioner listened to the arguments of counsel until February 7th. Messrs. Jolliffe and Gitchell appeared for the fugitives, and Colonel Chambers, of Cincinnati, and Mr. Finnell, of Covington, Kentucky, for the claimants of the slaves. A great number of assistants, (amounting very nearly to five hundred,) were employed by the United States Marshal, H.H. Robinson, from the first, making the expenses to the United States Government very large; for their twenty-eight days' service alone, at \$2.00 per day, amounting to over \$22,000. February 8th, the case was closed, so far as related to the three slaves of Mr. Marshall, but the decision was postponed. The examination in regard to MARGARET and her children was farther continued. It was publicly stated that Commissioner Pendery had declared that he "would not send the woman back into slavery while a charge or indictment for murder lay against her." Colonel Chambers, counsel for the slave-claimants, in his argument, "read long extracts from a pamphlet entitled, 'A Northern Presbyterian's Second Letter to Ministers of the Gospel of all Denominations, on Slavery, by Nathan Lord, of Dartmouth College,' approving and recommending Dr. Lord's views." Colonel Chambers having alluded, in his remarks, to Mrs. Lucy Stone Blackwell, and said that she had sought to give a knife to Margaret Garner, the Court

gave permission to Mrs. Blackwell to reply to Colonel C. Mrs. B. preferred not to speak at the bar, but addressed the crowded court-room directly after the adjournment. Her eloquent remarks will be found in the papers of the day. At the close of the hearing, February 14th, the commissioner adjourned his court to the 21st, afterwards to the 26th, when, he said, he would give his decision.

Meantime the case was making some progress in the State courts. Sheriff Brashears having made return to the Common Pleas Court that the fugitives were in the custody of the United States Marshal, Judge Carter said this could not be received as a true return, as they were in the County jail, under the sheriff's control. The sheriff then amended his return, so as to state that the prisoners were in his custody, as required in the writ, and this was received by the Court. The fugitives now came fully into the charge of the State authorities. The sheriff held them "by virtue of a *capias* issued on an indictment by the grand jury for murder."

The slaves declared they would go dancing to the gallows rather than to be sent back into slavery.

On the 26th February, Commissioner Pendery gave his decision. First, he refused to discharge Margaret and three others from the custody of the United States Marshal and deliver them to the Sheriff of Hamilton County, although held to answer, under the laws of Ohio, to the charge of murder. He then proceeded to consider the claim of Marshall to three of the slaves, decided it to be valid, and ordered them into Marshall's custody. He then considered Gaines's claim to Margaret and her three surviving children, decided that also to be good and valid, and ordered them to be delivered into the possession of said Gaines.

The case of the rightful custody, as between the United States Marshal and the Ohio Sheriff also came on, February 26th before Judge Leavitt, of the United States District Court, and was argued by counsel on both sides. On the 28th, Judge Leavitt decided that the custody was with the United States Marshal. The substance of Judge L.'s argument and decision is found in the following extract.

"Judge McLean says: 'Neither this nor any other Court of the United States, nor Judge thereof, can issue a *habeas corpus* to bring up a prisoner who is

in custody under the sentence or execution of a State Court, for any other purpose than to be used as a witness. And it is immaterial whether the imprisonment be under *civil or criminal process*.' If it be true, as there asserted, that no Federal Court can interfere with the exercise of the proper jurisdiction of a State Court, either in a civil or criminal case, the converse of the proposition is equally true. And it results that a State Court cannot take from an officer of the United States, even on a criminal charge, the custody of a person in execution on a civil case.

"It is said in argument that if these persons cannot be held by the arrest of the Sheriff under the State process, the rights and dignity of Ohio are invaded without the possibility of redress. I cannot concur in this view. The Constitution and laws of the United States provide for a reclamation of these persons, by a demand on the Executive of Kentucky. It is true, if now remanded to the claimant and taken back to Kentucky as slaves, they cannot be said to have fled from justice in Ohio; but it would clearly be a case within the spirit and intention of the Constitution and the Act of Congress, and I trust nothing would be hazarded by the prediction that upon demand properly made upon the Governor of Kentucky, he would order them to be surrendered to the authorities of Ohio to answer to its violated law. I am sure it is not going too far to say that if the strictness of the law did not require this, an appeal to comity would not be in vain."

Mr. Chambers said his client, Mr. Gaines, authorized him to say that he would hold the woman Margaret, who had killed her child, subject to the requisition of the Governor of Ohio, to answer for any crime she might have committed in Ohio.

Judge Leavitt's decision covered the cases of the four adult fugitives. Another legal process was going on, at the same time, before Judge Burgoyne, of the Probate Court, viz.—a hearing under a writ of *habeas corpus* allowed by Judge Burgoyne, alleging the illegal detention, by the United States Marshal, of the three negro children, Samuel, Thomas, and Silla Garner, which took place in the Probate Court, before Judge B., on the afternoon of February 27.

Mr. Jolliffe said he represented the infants at the request of their father and mother, who had solicited him to save the children, if possible.

Messrs. Headington and Ketchum appeared for the United States Marshal.

Judge Burgoyne intimated that, in view of the serious and important questions involved, he should require some time to render a decision. He intimated, however, that a majority of the Judges of the Supreme Court having passed on the constitutionality of the Fugitive Slave Law was no reason why he should not take up the Constitution and read it for himself, being sworn to support the Constitution of the United States and the Constitution of the State of Ohio.

Mr. Ketchum suggested that his Honor was as much bound in conscience to regard the decision of the majority of the Judges of the United States Courts as the express provisions of the Constitution itself.

Judge Burgoyne said, that however the decisions of the Judges of the United States Courts might aid him in coming to a conclusion, where the obligations of his conscience were involved, he could not screen himself behind a decision made by somebody else.

Judge Burgoyne subsequently decided that, in as far as the Fugitive Slave Law was intended to suspend the writ of *habeas corpus*—and he believed that it was so intended—it clearly transcended the limits prescribed by the Constitution, and is "utterly void." Judge B. required the United States Marshal to answer to the writ on the following Friday; and on his neglect to do so, fined and imprisoned him. Judge Leavitt, of the United States Court, soon released the Marshal from prison.

The *Cincinnati Columbian*, of February 29, gave the following account:—The last act of the drama of the fugitives was yesterday performed by the rendition of the seven persons whose advent into the city, under the bloody auspices of murder, caused such a sensation in the community. After the decision of Judge Leavitt, Sheriff Brashears surrendered the four fugitives in his custody, under a *capias* from an Ohio court, to United States Marshal Robinson. An omnibus was brought to the jail, and the fugitives were led into it—a crowd of spectators looking on.

Margaret was in custody of Deputy-Marshal Brown. She appeared greatly depressed and dispirited. The little infant, Silla, was carried by Pfc. Russell, the door-keeper of the United States Court, and was crying violently.

Pollock, the reporter of the proceedings in the United States Court, conducted another of the fugitives, and all were safely lodged in the omnibus, which drove down to the Covington ferry-boat; but, although a large crowd followed it, no hootings or other signs of excitement or disapprobation were shown.

On arriving at the Kentucky shore, a large crowd was in attendance, which expressed its pleasure at the termination of the long proceedings in this city by triumphant shouts. The fugitives were escorted to the jail, where they were safely incarcerated, and the crowd moved off to the Magnolia Hotel, where several toasts were given and drank. The crowd outside were addressed from the balcony by H.H. Robinson, Esq., United States Marshal for the Southern District of Ohio, who declared that he had done his duty and no more, and that it was a pleasure to him to perform an act that added another link to the glorious chain that bound the Union. [What a *Union!* For what "glorious" purposes!]

Mr. Finnell, attorney for the claimants, said he never loved the Union so dearly as now. It was proved to be a substantial reality.

Judge Flinn also addressed to the crowd one of his peculiar orations; and was followed by Mr. Gaines, owner of Margaret and the children. After hearty cheering the crowd dispersed.

Further to signalize their triumph, the slaveholders set on the Covington mob to attack Mr. Babb, reporter for one of the Cincinnati papers, on the charge of being an abolitionist, and that gentleman was knocked down, kicked, trampled on, and would undoubtedly have been murdered, but for the interference of some of the United States Deputy Marshals.

A legal irregularity on the part of the Sheriff was brought to the notice of Judge Carter on the morning of February 29. It was passed over lightly.

On the Sunday after the delivery of the slaves, they were visited in the Covington jail by Rev. P.C. Bassett, whose account of his interview, especially with Margaret, was published in the *American Baptist*, and may also be found in the *National Antislavery Standard* of March 15, 1850. Margaret confessed that she had killed the child. "I inquired," says Mr. Bassett, "if she were not excited almost to madness when she committed the

act! 'No,' she replied, 'I was as cool as I now am; and would much rather kill them at once, and thus end their sufferings, than have them taken back to slavery and be murdered by piece-meal.' She then told the story of her wrongs. She spoke of her days of suffering, of her nights of unmitigated toil, while the bitter tears coursed their way down her cheeks."

Governor Chase, of Ohio, made a requisition upon Governor Morehead, of Kentucky, for the surrender of Margaret Garner, charged with murder. The requisition was taken by Joseph Cooper, Esq. to Gov. Morehead, at Frankfort, on the *6th of March*—an unpardonable delay in the circumstances. Gov. Morehead issued an order for the surrender of Margaret. On taking it to Louisville, Mr. Cooper found that Margaret, with her infant child, and the rest of Mr. Gaines's slaves had been sent down the river in the steamboat Henry Lewis, to be sold in Arkansas. Thus it was that Gaines kept his pledged word that Margaret should be surrendered upon the requisition of the Governor of Ohio! On the passage down the Ohio, the steamboat, in which the slaves were embarked, came in collision with another boat, and so violently that Margaret and her child, with many others, were thrown into the water. About twenty-five persons perished. A colored man seized Margaret and drew her back to the boat, but her babe was drowned! "The mother," says a correspondent of the *Louisville Courier*, "exhibited no other feeling than joy at the loss of her child." So closed another act of this terrible tragedy. The slaves were transferred to another boat, and taken to their destination. (*See Mr. Cooper's letter to Gov. Chase, dated Columbus, March 11, 1856.*) Almost immediately on the above tragic news, followed the tidings that Gaines had determined to bring Margaret back to Covington, Kentucky, and hold her subject to the requisition of the Governor of Ohio. Evidently he could not stand up under the infamy of his conduct. Margaret was brought back, and placed in Covington jail, to await a requisition. On Wednesday, Mr. Cox, the prosecuting-attorney, received the necessary papers from Gov. Chase, and the next day (Thursday), two of the Sheriffs deputies went over to Covington for Margaret, but did not find her, as she had been taken away from the jail the night before. The jailor said he had given her up on Wednesday night, to a man who came there with a written order from her master, Gaines, but could not tell where she had been taken. The officers came back and made a return 'not found.'

The *Cincinnati Gazette* said,—“On Friday our sheriff received information which induced him to believe that she had been sent on the railroad to Lexington, thence via Frankfort to Louisville, there to be shipped off to the New Orleans slave market.

He immediately telegraphed to the sheriff at Louisville (who holds the original warrant from Gov. Morehead, granted on the requisition of Gov. Chase,) to arrest her there, and had a deputy in readiness to go down for her. But he has received no reply to his dispatch. As she was taken out on Wednesday night, there is reason to apprehend that she has already passed Louisville, and is now on her way to New Orleans.

Why Mr. Gaines brought Margaret back at all, we cannot comprehend. If it was to vindicate his character, he was most unfortunate in the means he selected, for his duplicity has now placed this in a worse light than ever before, and kept before the public the miserable spectacle of his dishonor.

We have learned now, by experience, what is that boasted comity of Kentucky on which Judge Leavitt so earnestly advised Ohio to rely.”

The assertion of the *Louisville Journal*, that Margaret was kept in Covington jail “ten days,” and that the Ohio authorities had been notified of the same, is pronounced to be untrue in both particulars by the *Cincinnati Gazette*, which paper also declares that prompt action was taken by the governor of Ohio, and the attorney and sheriff of Hamilton County, as soon as the fact was known.

Here we must leave MARGARET, a noble woman indeed, whose heroic spirit and daring have won the willing, and extorted the unwilling, admiration of hundreds of thousands. Alas for her! after so terrible a struggle, so bloody a sacrifice, so near to deliverance once, twice, and even a third time, to be, by the villainy and lying of her “respectable” white owner again engulfed in the abyss of Slavery! What her fate is to be, it is not hard to conjecture. But friendless, heart-stricken, robbed of her children, outraged as she has been, not wholly without friends,

“Yea, three firm friends, more sure than day and night,  
Herself, her Maker, and the angel Death.”

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Extract from a sermon recently delivered in Cleveland, Ohio, by Rev. H. BUSHNELL, from the following text: "And it was so, that all that saw it, said, There was no such deed done nor seen from the day that the children of Israel came up out of the land of Egypt unto this day: CONSIDER OF IT, TAKE ADVICE, AND SPEAK YOUR MINDS."—JUDGES XIX: 30.

A few weeks ago, just at dawn of day, might be seen a company of strangers crossing the winter bridge over the Ohio River, from the State of Kentucky, into the great city of our own State, whose hundred church-spires point to heaven, telling the travellers that in this place the God of Abraham was worshipped, and that here Jesus the Messiah was known, and his religion of love taught and believed. And yet, no one asked them in or offered them any hospitality, or sympathy, or assistance. After wandering from street to street, a poor laboring man gave them the shelter of his humble cabin, for they were strangers and in distress. Soon it was known abroad that this poor man had offered them the hospitalities of his home, and a rude and ferocious rabble soon gathered around his dwelling, demanding his guests. With loud clamor and horrid threatening they broke down his doors, and rushed upon the strangers. They were an old man and his wife, their daughter and her husband with four children; and they were of the tribe of slaves fleeing from a bondage which was worse than death. There was now no escape—the tribes of Israel had banded against them. On the side of the oppressor there is power. And the young wife and mother, into whose very soul the iron had entered, hearing the cry of the master: "Now we'll have you all!" turning from the side of her husband and father, with whom she had stood to repel the foe, seized a knife, and with a single blow nearly severed the head from the body of her darling daughter, and throwing its bloody corpse at his feet, exclaimed, "Yes, you *shall* have us all! take that!" and with another blow inflicted a ghastly wound upon the head of her beautiful son, repeating, "Yes, you *shall* have us all—take that!" meanwhile calling upon her old mother to help her in the quick work of emancipation—for there were two more. But the pious old grandmother could not do it, and it was now too late—the rescuers had subdued and bound them. They were on their way back to the house of their bondage—a life more bitter than death! On their way through that city of churches whose hundred spires told of Jesus and the good Father above; on their way amid the

throng of Christian men, whose noble sires had said and sung, "Give me *liberty*, or give me *death*."

But they all tarried in the great Queen City of the West—in chains, and in a felon's cell. There our preacher visited them again and again. There he saw the old grandfather and his aged companion, whose weary pilgrimage of unrequited toil and tears was nearly at its end. And there stood the young father and the heroic wife "Margaret." Said the preacher, "Margaret, why did you kill your child?" "It was my own," she said, "given me of God, to do the best a mother could in its behalf. *I have done the best I could!* I would have done more and better for the rest! I knew it was better for them to go home to God than back to slavery." "But why did you not trust in God—why not wait and hope?" "I did wait, and then we dared to do, and fled in fear, but in hope; hope fled—God did not appear to save—*I did the best I could!*"

And who was this woman? A noble, womanly, amiable, *affectionate mother*. "But was she not deranged?" Not at all—calm, intelligent, but resolute and determined. "But was she not fiendish, or beside herself with passion?" No, she was most tender and affectionate, and all her passion was that of a *mother's fondest love*. I reasoned with her, said the preacher; tried to awaken a sense of guilt, and lead her to repentance and to Christ. But there was no remorse, no desire of pardon, no reception of Christ or his religion. To her it was a religion of *slavery*, more cruel than death. And where had she lived? where thus taught? Not down among the rice swamps of Georgia, or on the banks of Red River. No, but within sixteen miles of the Queen City of the West! In a nominally Christian family—whose master was most liberal in support of the Gospel, and whose mistress was a communicant at the Lord's table, and a professed follower of Christ! Here, in this family, where slavery is found in its mildest form, she had been kept in ignorance of God's will and word, and learned to know that the mildest form of American slavery, at this day of Christian civilization and Democratic liberty, was worse than death itself! She had learned by an experience of many years, that it was so bad she had rather take the life of her own dearest child, without the hope of Heaven for herself, than that *it* should experience its unutterable agonies, which were to be found even in a Christian family! But here are her two little boys, of eight and ten years of age. Taking the eldest boy by the hand, the preacher said to him, kindly and

gently, "Come here, my boy; what is your name?" "Tom, sir." "Yes, *Thomas*." "No sir, *Tom*." "Well, Tom, how old are you?" "Three *months*." "And how old is your little brother?" "Six *months*, sir!" "And have you no other name but Tom?" "No." "What is your father's name?" "Haven't got any!" "Who made you, Tom?" "Nobody!" "Did you ever hear of God or Jesus Christ?" "No, sir." And this was slavery in its best estate. By and by the aged couple, and the young man and his wife, the remaining children, with the master, and the dead body of the little one, were escorted through the streets of the Queen City of the West by a *national guard of armed men*, back to the great and chivalrous State of old Kentucky and away to the shambles of the South—back to a life-long servitude of hopeless despair. It was a long, sad, silent procession down to the banks of the Ohio; and as it passed, the death-knell of freedom tolled heavily. The sovereignty of Ohio trailed in the dust beneath the oppressor's foot, and the great confederacy of the tribes of modern Israel attended the funeral obsequies, and made ample provision for the necessary expenses! "And it was so, that all that saw it, said, *There was no such deed done, nor seen from the day that the children of Israel came up out of the land of Egypt unto this day*; CONSIDER OF IT, TAKE ADVICE, AND SPEAK YOUR MINDS!"

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With the sad case of MARGARET GARNER we close, for the present, the record of the Fugitive Slave Law, as its history has been daily writing itself in our country's annals. Enactment of hell! which has marked every step of its progress over the land by suffering and by crimes,—crimes of the bloodiest dye, groanings which cannot fully be uttered; which is tracked by the dripping blood of its victims, by their terrors and by their despair; against which, and against that Wicked Nation which enacted it, and which suffers it still to stand as their LAW, the cries of the down-trodden poor go up continually into the ears of God,—cries of bitterest anguish, mingled with fiercest execrations—thousands of Rachels weeping for their children, and will not be comforted, because they *are not*.

Reader, is your patriotism of the kind which believes, with the supporters of old monarchies, that the Sovereign Power can do no wrong? Consider the long record which has been laid before you, and say if your country has not enacted a most wicked, cruel, and shameful law, which merits only the condemnation and abhorrence of every heart. Consider that this law was

aimed at the life, liberty, and happiness of the poor and least-privileged portion of our people—a class whom the laws should befriend, protect, and raise up. What is the true character of a law, whose working, whose fruits are such as this meagre outline of its history shows? Is it fit that such deeds and such a law should have your sanction and support? Will you remain in a moment's doubt whether to be a friend or a foe to such a law? Will you countenance or support the man, in the church or in the state, who is not its open and out-spoken opponent? Will you not, rather, yourself trample it under foot, as alike the disgrace of your country, the enemy of humanity, and the enemy of God? And nobly join, with heart and hand, every honest man who seeks to load with the opprobrium they deserve, the law itself and everything that justifies and upholds it?

In this tract no mention is made of that great company of slaves who, flying from their intolerable wrongs and burdens, are overtaken before reaching the Free States—(alas, that we should mock ourselves with this empty name of *free!*)—and carried back into a more remote and hopeless slavery; nor of the thousands who, having fled in former years, and established themselves in industry and comfort in the Northern States, were compelled again to become fugitives, leaving their little all behind them, into a still more Northern land where, under British law, they find at last a resting-place and protection; nor to any great extent of the numerous cases of white citizens, prosecuted, fined, harassed in every way, for the *crime* of giving shelter and succor to the hunted wanderers. To have included these—all emphatically *victims* of the Fugitive Slave Law—would swell our tract into a volume. What a testimony against our land and our people is given by their accumulated weight! EVERY LIVING MAN AND WOMAN is GUILTY OF THIS GREAT SIN, WHO EITHER BY APOLOGY, OR BY SILENCE, LENDS IT THE LEAST SUPPORT.

==> In a record like the foregoing, dealing so largely with facts and dates, perfect accuracy is not to be expected, although much pains have been taken to make it strictly correct. Any information, on good authority, which will help to make the record more exact, or more complete, will be very gratefully received. It should be addressed to SAMUEL MAY, JR., No. 21 Cornhill, Boston, Mass.

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[Transcriber's note: The following remain as in the original: Pittsburg,  
Pennsylvania; Los Angelos; Pittsburgh Saturday Visiter.]

\*\*\* END OF THE PROJECT GUTENBERG EBOOK THE FUGITIVE  
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