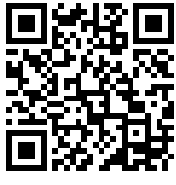

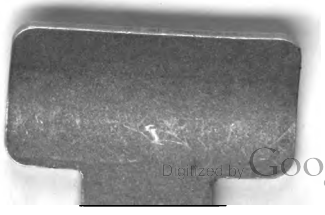

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THE UNDERGROUND RAILROAD.

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THE UNDERGROUND RAILROAD.

BY JAMES H. FAIRCHILD.

The irrepressible conflict between freedom and slavery in our land first appeared, in practical form, along the geographical line between free and slave territory. Indeed, it is quite conceivable that but for the collisions to which this line gave occasion the two systems might have co-existed indefinitely in the northern and southern portions of the country. The theories of human rights might have been shockingly out of harmony with each other, in the two different sections, but if there were no occasion for conflict of practical interests, existence under a common constitution might not have been intolerable. It is perhaps probable that in the course of generations the two civilizations resulting from the conflicting ideas would have diverged so widely that there could be no common interests out of which to construct a bond of union. Such a possibility is a matter of conjecture; but the experiment of such a co-existence was set aside by the early and persistent collision along this line of contact.

On one side of the line slaves were found more or less apprehensive and restive in their condition of bondage; on the other side there was the prospect of freedom, shadowy and uncertain indeed, but sufficient to excite the hope of an imaginative and impressible race. Under the mildest system of slavery, numbers would seek their fortune with their faces toward freedom; and American slavery was not the mildest. In the person of that fugitive there was a marketable value of five hundred or a thousand dollars—a sufficient motive to rally all available forces for the pursuit. The farmer will follow his strayed animal for days; the owner

of a fugitive slave would look up the track of his fleeing property for months or even years. In the case of the stray horse or cow, the owner meets the sympathy of all his fellow men near or more distant. The hunter of the fugitive would often find a strong sentiment of any community which he entered enlisted against him. He could reclaim his horse wherever he might come upon him; the problem of recovering his fugitive slave involved endless and ever increasing difficulties. If slavery had extended over the entire country these difficulties would not have appeared. The return of fugitive slaves would have been a common interest, like the return of straying cattle.

Very soon after the organization of the government the trouble began, and it did not end until, in the midst of the war of the rebellion, Congress enacted a law forbidding the return of fugitives by any officer of the Union forces. Under the Articles of Confederation, before the adoption of the Constitution, no arrangement seems to have existed for the return of the fugitive. This was one among many occasions which rendered the Constitution necessary. It is manifest that in the early days of the republic the permanence of slavery in the country was not contemplated. The radical principles of human liberty, announced in the Declaration of Independence, had pervaded the entire community north and south; and the opinion was expressed by public men in every part of the land that a system so repugnant to these principles as slavery must soon disappear. This conviction was exhibited in the care taken that the Constitution should contain no mention of slave or slavery, and should only incidentally recognize the existence of the system. It makes provision for the return of fugitives, or rather for their recovery, but in terms so obscure and inconclusive as to afford little aid or comfort to the pursuer. This is the provision: "No person held to service or labor in one state, under the laws thereof, and escaping into another, shall, in consequence of any law or regulation therein, be discharged

from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." This clause has a very inoffensive sound, and might properly belong to a constitution where slavery is unknown. Indeed, it is now thirty years since slavery was abolished in our land, and the clause still remains and may have its uses even when slavery has been forgotten. Certainly it is harmless at present. But while slavery existed it meant that the owner could pursue his escaped slave into any state of the Union, and take him back to his bondage. Legislation providing for the recovery of the fugitive followed in 1793, the next year after the adoption of the Constitution, and continued more than half a century, with now and then an amendment, until, in 1850, it culminated in the infamous Fugitive Slave Law, with its intenser heat and friction, which led on to Secession and the War.

The prevalent idea that slavery would give way before the principles of liberty proclaimed and vindicated in the war of the Revolution was realized in New England and the Middle States; and associations for the promotion of emancipation were organized which embraced not only the Friends or Quakers, but men of eminence and influence in public and private life, even in the slave states. Slavery as a system was generally disapproved, and under condemnation; but there was at first a tolerant and patient disposition, ready to grant any necessary time and to consider any reasonable provisions for the termination of the unfortunate system. All this was changed within a very few years in the early part of the century. Northern people came to feel an active repugnance to the system, while the people of the South, finding the system convenient and profitable, set themselves with all earnestness to maintain and extend it. The friction generated in the pursuit and recovery of fugitives tended constantly to intensify this difference of feeling.

In this business of Slave-hunting, Slavery exhibited itself in its more odious form, or did not put its best foot forward,

but rather a *cloven* foot. It was not a South-side view of slavery which was presented along the border line. In general, the slaves that were contented and well-cared for, and knew little of the positive cruelties of slavery, would not expose themselves to the risks involved in an effort to escape. Those that undertook the perilous enterprise, in general, had their tale of horrors, and their scars and stripes to show. They came with a timid and fearful look, like that of hunted animals. They found safe hiding-places by day, and guided by the north star, they traversed the pathless woods at night. In the earlier years, the fugitive commonly made the journey alone, leaving wife and children and friends behind. There was often a dim hope that he might blaze a path which these forsaken ones might follow, and this hope was sometimes realized. A mother sometimes brought her infant child, often to bury it by the way before she found her refuge. There are not a few of those humble, forgotten graves along the old tracks of the Underground Railroad. In such conditions the victims of the system presented themselves to the people of the North, who knew little more of slavery than they gathered from such signs as these.

Then, too, the men who made it their business to pursue these fugitives were not in general the select and cultured of southern society. They were not fair specimens of the slave-holding class. The men who gathered slaves for the market at the south were not recognized as belonging to good society; and those that made it their business to follow the fugitive and bring him back ranked even lower than these. In the far southwest, escaping slaves found refuge in the dismal swamps and cane-brakes of southern rivers; and the men who undertook to bring them back to their masters generally lived apart in solitary cabins where they could train a pack of bloodhounds for the loathsome hunt. Northern people traveling south among their friends, enjoying the far-famed southern hospitality, seldom encountered any of these forbidding features, and returned to deny their reality

among their neighbors. But the character and methods of these slave-hunters, as they appeared on northern soil, often made the darkest tales of the south seem credible. There were exceptions. Now and then an honest planter from some rural district would appear upon the scene as the claimant of a slave. But oftener such a man would sell his claim to a speculating hunter who would conduct the business without scruple or delicacy, with no apprehension of its repulsiveness to northern feeling. They were men whose natural utensils were the bull-whip, the pistol, and the Bowie knife; and their language and bearing corresponded with these weapons. Such a conception of the slaveholder was propagated by this business of slave-hunting, even in the country places of Ohio and Indiana.

Fifty or sixty years ago when the slave-hunting business began to attract wide attention, the general attitude of the country people in this and neighboring states was that of disapprobation of slavery, and a willingness to let the southern people manage the business for themselves without interference. There was a general recognition of the right of the South to pursue and recover their fugitives without help or hindrance from their northern neighbors. This seemed to be the extent of recognized obligation on this side of the line. But when the fugitive came starving, and frightened at every shadow, there was no one so destitute of humanity as not to feed him; few that would not offer him a hiding-place if the man-hunter were on the street; and there were some who, in the face of threats and penalties, would harness a horse by night and help him twenty miles on his way, leaving him with some good Samaritan who would contiuue the work. Such services were reckoned among the primal claims and rights of humanity. It was easy to stand at a distance and talk about the theory of the case, and the constitutional claims of the south; but when the poor man appeared at the door hungry and frightened, unsophisticated human nature would claim its own rights, in spite of theo-

ries and laws and courts. Worthless men were found in almost every community, here and there one, who would for a bribe help the pursuer; and there were lawyers and politicians a grade above these, who, when the slave was brought into court, would render legal aid, and maintain their self-respect in the thought that the constitution and the laws were on that side.

As the years passed on, men and women took their position openly. Those whose houses were open to the fugitive, or who would help him on his way toward freedom, came to understand each other, and would call upon each other for needed services at any hour of the day or night. Others could be depended upon for contributions of food or clothing or money to meet the expense of the continued journey. Others were gifted with the grace of silence, and would listen to the sad tale of the wanderer without a shred of information for the pursuer on his track. Indeed, most worthy people became shrewd in telling the truth without conveying any valuable information. A good deacon of Wellington was asked by a man-hunter one morning if he had seen a negro pass his house recently. "Yes," was his answer. "Which way was he going?" "North," was the answer, which meant towards Oberlin. At the same time the deacon had seen the negro, after passing his house toward the north, enter a cornfield and turn his face toward the south. Many people in those days were able by such casuistry to keep peace with their conscience on the subject of truth-telling. The deacon probably had the right to speak as he did, but not to flatter himself that he was telling the truth.

As to the fugitive, he was naturally expected to give any account of himself which would seem most useful. Without being a criminal he was an outlaw, surrounded by enemies, and could claim all the natural rights of self-protection. It was the prevalent idea that he had the same right to defend his liberty when pursued, that any man would have when set upon and surrounded by enemies. How this right on the

part of the fugitive could be reconciled with the right of the owner to pursue and reclaim his property was often not at all considered. But both rights seemed to have a substantial origin. In making the slave a man God gave him the right to his liberty, while the Constitution gave the slaveholder the right to recover his property.

The same man would sometimes maintain both of these propositions. One who denied the right of the slave to escape was called a "lower law man;" denying the right of the master to reclaim his slave, he was a "higher law man." A large portion of the people of the country would probably hold both of these ideas without any distinct consciousness of their contradictory nature.

Those who looked to the Scriptures for a settlement of these fundamental principles of righteousness would find on the one hand the fugitive slave law of the Mosaic institutions, "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee; he shall dwell with thee, even among you, in that place which he shall choose, in one of thy gates where it liketh him best; thou shalt not oppress him." The northern magistrate, with a fugitive before him, often found this high authority sufficient against the obscurer clause of the Constitution, "No person held to service or labor in one state, escaping into another, shall be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor is due." The Mosaic law sounds so much like the ten commandments that the counsel for the fugitive often took his stand upon it and won his case. The Epistle to Philemon would be urged on the other side, but its tone was so gentle and Christian that it failed to meet the case. It brought little aid or comfort to the average slave-catcher. It was found useful in the southern pulpit, when slavery was to be defended as a patriarchal institution, but was utterly out of place when a magistrate was called upon to return a scarred fugititive to his oppressor—"no longer a servant but

a brother beloved both in the flesh and in the Lord." The situation was perplexing from every point of view. The practical study of it, as compelled by the frequent recurrence of escapes and arrests, brought no relief, but only increasing disquiet and dissatisfaction—a demonstration of the irrepressible conflict.

The mass of the people were by no means abolitionists. Abolitionists were often held in contempt, and slaveholders were in general accorded the respect which they claimed for themselves; but human instincts are mightier than words or theories or constitutions, and to these the fugitive made his mute appeal.

There was in the North generally an intense prejudice against the negro. With the negroes as a body the great majority of the people wished to have nothing to do. They must remain South where they belonged. No greater calamity could be thought of than that they should be set free among us, which was supposed to be the aim of the despised abolitionist. Hence the political party supposed to be most favorable to slavery could command a majority almost everywhere out of New England; and, at the demand of southern politicians, many of the northern states were ready, in their state legislation, to show their sympathy with slavery by what were called "black laws," intended to make it difficult for the negro to find any resting place in a free state. But even the black laws failed to secure to the slave-hunter the human sympathy of the party which enacted them. Senator Bird, of Mrs. Stowe's wonderful book, who helped frame the black laws of Ohio, and went home to give shelter to the fugitive Eliza and her child, was by no means a mere product of the imagination. Slavery found itself in conflict with the mighty forces of human nature. It was a hopeless conflict. The great body of the people had accepted slavery in theory, as one of the institutions of the land, and would vote to let it alone, and even to sustain it, as long as it did not trespass upon their personal premises. This was the pre-

vailing attitude of the people in the great central states bordering on the Ohio river.

But in almost every community there were a few who were avowedly opposed to slavery, who were in the habit of attending antislavery gatherings, and were willing to have it understood that they would render aid to the fugitive whenever it was called for. They were the abolitionists. In some few communities these were in the majority, and formed the public sentiment. This was true in general of the Quaker settlements, and a few religious communities or New England colonies, like Oberlin. The northern name for the pursuer of a fugitive was kidnapper; the southern name for his helper was slave-stealer.

The great body of the avowed friends of the slave did not approve of any active effort to encourage slaves to escape. Not one in a hundred, probably, even if he were traveling in the South, would think it right to put forth any effort to entice a slave from his master; not so much because of any supposed right on the part of the master to the services of his slave, as because such efforts would not tend, on the whole, to a peaceable and successful termination of the system. The genuine abolitionist who had not lost all hope for his country and become essentially a pessimist, was looking and laboring and praying for a peaceful solution of the vexed problem. As long ago as 1840, I heard a hopeful old man of that class, when asked how long he thought it would be before the end of slavery, reply, "about twenty years." Yet he never dreamed of war and rebellion. Agitation, discussion, the diffusion of light, was his method.

Yet it was not strange that here and there one should appear, in the heat and stress of the time, who regarded himself as called to pass over into the hostile territory for the purpose of inducing slaves to make a strike for freedom in the way of a flight to the North. Such persons of course expected no mercy in case of detection. Nothing but the bitterest hatred awaited them, and the state prison was their

only hope of escape from lynching. Calvin Fairbank, an early student in Oberlin College, laid before me his plan of enticing fugitives from Kentucky. No dissuasion would avail with him; the duty was borne in upon him, and he felt that he had no right to count the cost. What practical result he brought to pass I never knew, but he suffered seventeen long years of imprisonment in the Kentucky prison, with such daily indignities of abuse and flogging as few men have ever known. He still lives somewhere at the East, and has recently published a book narrating his experience, which I have not seen.

Rev. Charles T. Torrey, a Congregational minister of Massachusetts, connected by descent and by marriage with many distinguished families of the state, in 1842 attended a slaveholders' convention in Maryland, as a Washington correspondent of several Northern papers. His presence there became known in the city of Annapolis, and after a narrow escape from lynching at the hands of the mob he was lodged in the Annapolis jail, a building old and ruinous, as he states, without bed or even straw for a prisoner. After several days he was released by the court, because there was no shadow of reason for his detention, but under bonds of $500 to keep the peace. While in the prison, he met a number of slaves who had been manumitted by their master, but were then awaiting a final trial which was to consign them to perpetual slavery, as was thought. In a letter in the *New York Evangelist*, published a few days after his release, giving an account of his imprisonment, he says, after speaking of the hopeless condition of the slaves he met, "I sat down and wrote and signed and prayed over a solemn reconsecration of myself to the work of freeing the slaves until no slaves shall be found in the land. May God help me to be faithful to that pledge in Annapolis jail. In that cell, God helping me, if it stands, I will celebrate the emancipation of the slave in Maryland before ten years roll away." By such experiences in those days young men were borne beyond the

lines of prudence and reason in their conflict with slavery; and it is not strange that, a few months after this, young Torrey was on his way to Virginia to help a fugitive get his wife and little children. He was arrested, convicted, and sentenced to six years in the penitentiary in Baltimore, in December, 1843. His health gave way in a hopeless decline, and multitudes petitioned the governor for his pardon, that he might die in his own home. But the governor, though favorably inclined, did not dare to face the intolerance and bitterness of public sentiment, and Torrey died in prison on the sixth of May, 1846. His friends were permitted to take his body to Boston for burial, and arrangements for his funeral were made in Park Street Church, where some of these friends were worshipers. But such was the timidity even in Boston in those days that the arrangements were set aside, and a bolder and braver church gave him a funeral in Tremont Temple, and buried him in Mount Auburn cemetery.

A few years later, William L. Chaplin, a young lawyer, a friend of Torrey, and his successor in the editorship of *The Albany Patriot*, while in Washington as a correspondent of his own paper, was induced to render aid, in their effort to escape, to two young men, slaves of Robert Toombs and Alexander H. Stevens. He was detected in the act, and after lying five months in jail he was released under bonds of $25,000 to appear for trial. Under the counsel of friends, these bonds were forfeited and paid. Gerritt Smith was the most prominent of his bondsmen, but did not approve the forfeiture of the bonds.

Such were the penalties incurred by any effort to aid the slave on southern soil, and even under the shadow of the Capitol of the nation. Yet these risks were encountered by many men of generous impulses and high character. Among these was Capt. Jonathan Walker, of Massachusetts, who, while engaged in constructing a railroad in Florida, was persuaded by some slaves in his employ to help them escape in

an open boat to the nearest British island. He was taken in the attempt, carried to Pensacola, tried in a United States court, branded on the inside of his right hand by a United States marshal with the capital letters S S (slave-stealer), sentenced to stand in the pillory, where he was pelted with rotten eggs, and to pay as many fines and suffer as many terms of imprisonment as there were slaves in the company that he tried to aid. Northern friends raised money to pay the fines, and after eleven months' imprisonment he was released. Such events did not relieve the tension of the public mind. Whittier seized the occasion to fire the Northern heart:

> "Then lift that manly right hand, bold plowman of the wave,
> Its branded palm shall prophesy 'Salvation to the Slave:'
> * * * * * * *
> Hold it up before our sunshine, up against our Northern air.
> Ho, men of Massachusetts, for the love of God look there!
> Take it henceforth for your standard, like the Bruce's heart of yore;
> In the dark strife closing round ye, let that hand be seen before."

The Southern feeling was so intense during these years that one suspected of any thought of aiding a fugitive could have little hope of a reasonable trial, when brought before the courts. The usual safeguards of human freedom ceased to be operative; even the ancient writ of *habeas corpus* lost its virtue; and any judicial form, however well established, must give way when it hindered or delayed conviction. As an example which I recall, one J. B. Mahan, a preacher of southern Ohio, was indicted in a Kentucky court in 1838 for enticing away slaves, and upon a requisition from the governor of the state was delivered up by Governor Vance of Ohio and hurried over to Kentucky soil for trial; yet it was ascertained, and was proved finally in court, that he had not been on the Kentucky side of the river for nineteen years. It is not improbable that his known character and known sympathy with the slave may have encouraged some slave in Kentucky to strike for freedom; but it was startling to find that this was a crime in Ohio punishable under the laws of Kentucky. After some months of imprisonment he was re-

leased, but his friends sought relief in vain through the *habeas corpus* writ.

One of my early student friends, George Thompson, while living at Quincy, Illinois, was approached one day by a colored man from the Missouri side of the river, who asked him to cross the river in a boat the next day to help him and his family over on their way to freedom. Thompson, with two companions, went over at the time appointed. They were met by an excited mob of Missourians who hurried them away for trial, for a crime which at the worst had not been committed, but only meditated. The probability seemed to be that the young men were victims of a plot. The colored man was an imposter, sent as a decoy; but the young men were consigned to the penitentiary of Missouri, and it was five long years before Thompson could obtain pardon for an offense that was never committed. The three counts in the indictment under which they were tried were, "for stealing slaves, for attempting to steal them, and for intending to attempt to steal them."

Such efforts as these, involving invasions of slave territory, doubtless contributed to swell the business of the underground railroad; but in general that business was confined to the free states, and consisted in sheltering the fugitive after he had passed the line, and in furthering him on his way toward Canada. Sometimes at his own risk, and in general against the advice of his helpers, a fugitive declined to push on to Canada and would make a home for himself in some antislavery community. Such persons were never secure until slavery lost its power in the war.

This work of helping fugitives, although quite effective, had no visible and little *real* organization. The most definite arrangements involved were found at certain points along the line, as at Cincinnati, or Philadelphia, or Wilmington, where there were communities of free colored people who could receive the fugitives and give them shelter for a time, until arrangements could be made with white people

to start them on their way to some quiet and friendly place. This was often a Quaker settlement in Ohio or Indiana, if the expedition was started from Cincinnati, where they would find shelter and friends until they could be moved onward to another station. These friends must be prepared to feed and clothe and hide their visitors, and to furnish a little money for their further transportation. These movements were generally at night, and if what appeared like a day train was employed it was commonly in the way of strategy, to divert the attention of pursuers. Able-bodied travelers were often sent off on foot at night with or without a guide, to reach another group of friends by daylight. If there were women or children in the company, as often happened, they were packed into a market wagon and driven off twenty or twenty-five miles, by day or by night, as seemed suitable, to another station. There was sufficient understanding between neighboring stations to insure welcome and protection to the travellers. Only a few people, two or three families, would need to understand the details. They would know whom of their neighbors they could trust in an emergency, and where they must place a guard. Some families at these stations had secret chambers in their houses, entered perhaps by a door behind a wardrobe, where their guests might find security. It is quite possible that such hiding places might be found to-day in different parts of Ohio, which originated in the demands of those times. The devices employed for covering the movements and misleading those in pursuit were endlessly varied, according to the resources and the shrewdness of those who managed affairs.

Two organizers of the underground travel require special mention, namely, Levi Coffin of Cincinnati, and Thomas Garrett of Wilmington, Delaware, both men of Quaker birth and education, honored and successful business men in their respective cities. Mr. Coffin, a man of remarkable shrewdness and humor, who stood at his post in Cincinnati more than thirty years, was known through all the land, north

and south, as the head-center of the Underground Railroad interests for the whole region west of the mountains. His shrewdness served him to outwit the pursuer in almost every instance, and to secure himself against prosecutions and fines. It is estimated that in the thirty-three years of his service he rendered aid to a hundred fugitives a year. Thomas Garrett was a man of the same spirit, and he devoted his life to the same work. He was not so fortunate as Mr. Coffin in escaping the penalties of the fugitive slave law. Four times the elder Bayard of Delaware conducted prosecutions against him before Judge Taney, and his ample fortune was swept away in fines. The auctioneer who offered his last earthly possession for sale took the occasion to express the hope that his experience would teach him not to transgress the laws of the land. "Friend," was Garrett's reply, "I have not a dollar of property in the world, but if thee knows a fugitive that needs a breakfast this morning, send him to me." There were heroes in those days, as well as in later years when the conflict for liberty was transferred to the bloody field.

Several parallel lines of the Underground Railroad system ran from the Ohio river to the lake, and fugitives were frequently shifted from one to the other for the sake of baffling the pursuer. Any point on Lake Erie was a convenient terminus at the north, because Canada was not far away, and there were captains of steamers and schooners, well known to antislavery people in Northern Ohio, who would cheerfully receive a colored passenger bound to Canada, and ask no questions and give no information. The presence of such a vessel at any point on the lake would be the occasion for bringing forth from their hiding places those who were contemplating the voyage. I recollect meeting one morning, about sixty years ago, a couple of people on horseback inquiring the road to Huron. As they came near, one of them proved to be a young man whom I knew; the other appeared to be a woman whom I did not know, but was really a young negro dressed and veiled as a woman, with face artificially

whitened to complete his disguise, as a passenger intending to embark for Canada.

In these northern parts of the state the pursuer was obliged to move with nearly as much circumspection as the fugitive. His friends were few, and a general announcement of his presence and purpose would thwart his scheme. No other danger threatened him but the loss of his game, if he conducted himself quietly. Sometimes when he had laid his hand upon his victim and seemed to be leading him off safely toward the South, a crowd would gather about, and require to see his papers, and finally would compel him to turn back to the court house to show that all things were done decently and in order. This involved delay and added expense in bringing witnesses from the South, and sometimes brought to light such irregularities in the proceeding that the fugitive was released from arrest and given another chance for his freedom—a chance that was likely to be successfully embraced. If the seizure had been attended with threats and violence, or with a show of weapons, as was often the case, a warrant was procured, and the man-hunter changed places with his victim. Such liabilities were vexatious, and rendered the whole business undesirable and unprofitable.

What the southern people demanded as their right, and labored to secure, was the same freedom and facility in the recovery of their slaves as they enjoyed in the recovery of their strayed cattle. This was essentially the condition of things within the limits of the slave states. But beyond their own borders their rights were based upon the Constitution, which called and treated their slaves as persons. Thus in pursuing their slaves into Ohio, they encountered all the principles of law which had been devised through all modern history to guard personal freedom. It was no rare thing to see these principles recklessly violated in the recovery of a fugitive. Indeed, it was rare to find them respected in any court called on to decide the right of the claimant over his

slave. But in the course of years these principles came to be practically understood in localities where arrests were common, and they were often brought to bear to the great surprise and embarrassment of the pursuer.

In such centers as Cincinnati and Philadelphia there were young lawyers who made these principles their study, and rendered much unpaid service in the defense of those claimed as slaves. Salmon P. Chase was one of these. It had been very common for slave owners to bring their slaves with them into a free state for a temporary sojourn, or to land at a free state port in passing from one slave state to another. In Cincinnati and in Philadelphia, and probably in other cities, such cases were carefully looked up by some competent committee, and by repeated decisions in the courts, following Lord Mansfield of England, the principle was established that slavery was so contrary to natural right and justice that it could exist nowhere except by positive local law. In Kentucky the master held his slave by such positive law, but when he brought him into Ohio, his claim was annulled and his slave free. If the slave escaped into Ohio, the Constitution, by its provision for the return of fugitives, continued the master's claim; but if the owner brought his slave into the free state, the claim ceased to exist, and could not be restored by the master's taking him back into slave territory. There were decisions which held that the master's title was restored if the slave consented to return with the master. I do not understand that this principle was ever confirmed in the highest court. In some parts of the country what was regarded as a reasonable margin was given to the master's claim, allowing him a few days sojourn with the right to take his slave back with him. In one case in the state of Indiana, where in general such privilege of temporary sojourn would be allowed, a slave successfully sued for his freedom because his master made some purchases in the state which indicated a purpose to set up business there.

Even an Indiana court would not allow that Kentucky slave law was operative beyond its own territory.

A case of much notoriety involving these principles occurred in Philadelphia, in 1855. Colonel Wheeler, of North Carolina, was appointed United States minister to Nicaragua, and proposed to take with him three slaves, his wife's nurse and her two little boys. He proceeded from Washington through Philadelphia, intending to sail from New York. At Philadelphia where they were delayed a few hours, some members of the antislavery vigilance committee, including Passmore Williamson, a prominent young business man of the city, a Quaker, were notified of the facts, and they went on board the steamer and announced to the woman that by the act of her master, bringing her into a free state, she and her boys were free; and if she wished to avail herself of her rights she could leave the steamer with them. The last bell of the Camden and Amboy steamer had rung, and there was not a moment for delay. Her master pressed forward to lay his hands upon the woman, and Mr. Williamson stepped forward to see that she had a clear passage. In a moment the woman and her children were driving away in a carriage, and Colonel Wheeler remained with Mr. Williamson on the wharf. The next step was a writ of *habeas corpus* served upon Mr. Williamson, issued by Judge Kane, of the U. S. Court, commanding him to bring the persons of Jane Johnson and her two boys before the court. Mr. Williamson made answer that the bodies of these persons were not in his keeping or under his control, that he did not even know whither they went or where they were. Judge Kane committed him to prison for contempt, characterizing his act as an infamous outrage, and saying that he knew of no law of Pennsylvania divesting a citizen of North Carolina of his property rights because he had found it needful to pass through the State, and that if there were such a law it could not hold in the courts of the United States. Williamson and his friends appealed to the Supreme Court of the State for

his release, but in vain, the court maintaining that Williamson carried the key to his prison in his own pocket and could come out when he pleased. On one occasion during the progress of the trials growing out of this case, the slave woman and her two boys were brought into the court as witnesses for the defense. It was an exciting hour. The United States attorney and marshal were there with a force of deputies, to see the fugitive slave law executed; and on the other side all the officers of the State court to maintain the honor of the court and to protect the witnesses brought there under the authority of the court. There was intense feeling and apprehension, but no collision. Jane Johnson and her two boys came and went without molestation, and no power of the State or of the United States disturbed her further. Passmore Williamson remained in prison from July to November, when he was released by Judge Kane simply on his repeating what he had so often said, that Colonel Wheeler's slaves were not in his keeping and he could not produce them.

This case affords an example of a tendency which was developing toward a conflict between the authority of the general government and that of the states, during these years of reclaiming fugitive slaves. The slave states became more and more dissatisfied with their success in recovering their property; and the free states became more and more awake to the necessity of maintaining the principles of liberty for which the fathers had fought, and for which they believed our country was to stand. But with the predominant influence of the South in the government, these principles were becoming compromised on every side. Things had reached such a pass that when Massachusetts sent one of its most honored and conservative citizens to South Carolina to look after the rights of its colored sailors, freemen, who had been imprisoned and sometimes sold into slavery under the laws of South Carolina, he and his daughter who accompanied him were instantly driven from the state without an hour's delay; and the same thing was repeated in Louisiana. At the same

time the general government, in all its departments, was so southernized that diplomacy was conducted in the interests of slavery instead of freedom; and even the Supreme Court in its Dred Scott decision finally announced the tremendous heresy that slavery was established by the supreme authority of the Constitution, and that freedom was sectional, depending upon local and positive law.

The tendency of all this was to strengthen in the minds of all antislavery men the growing feeling that the general government was on the side of slavery, and that the only defense of freedom was in the State governments. Under this impression, whenever the friend of the fugitive found himself liable to pains and penalties under the fugitive slave law as administered by the general government, he was disposed to invoke the protection of his own state government, and to everestimate its powers as against the federal government. Thus, even in the minds of antislavery statesmen and politicians, there was a growing disposition to adopt what has been called the Doctrine of State Rights, which in later years we regarded as the peculiar heresy of our Southern neighbors; and this tendency increased as time went on.

The fugitive law of 1850, demanded by the South and granted by the North as a measure intended to relieve the pressure, by giving assurance that there was an earnest purpose on the part of the government to secure the slaveholders in the possession and recovery of their property, utterly failed to bring any relief. The more successful the effort to reclaim the fugitive, the greater and more widespread was the resulting dissatisfaction at the North, and the more restive the people became under the pro-slavery administration of the Federal Government. The Black Laws of Ohio and of some other states, enacted to aid and abet the recovery of fugitives, were repealed, and gradually, in many of the Northern states the anti-slavery sentiment became operative in the administration of the State governments. There was unquestionably a growing feeling or apprehension that these

State governments might become the last refuge of liberty in the land. The whole business of catching fugitives was transferred to the Federal Government, its commissioners and marshals and courts; and in case of any apprehended resistance, Federal soldiers were liable to come to the front. The stars and stripes became, to large multitudes of people, north as well as south, the symbol, not of freedom but of slavery. The sentiment of patriotism was rapidly disappearing from the land. In looking back upon the situation from our present standpoint, it seems probable that if the South could have been a little less impulsive and impetuous and imperious, a northern secession instead of a southern might have come, and the Confederacy might have begun with the general government in its possession, with all the attendant prestige and power. The drift of public sentiment in this direction during the twenty years before the war may be illustrated by two attempts to recover fugitive slaves in Northern Ohio, the first at the beginning and the second near the close of this period.

From the year 1835 to 1860 Oberlin was of course a busy station on the Undergroud Railroad, but in all this period only two overt attempts were made at Oberlin to recover fugitives, both unsuccessful. The first of these occurred about 1840. The seizure was made at a house which then stood in the forest about a mile east of the center of the town. It was evening, and some meeting was in progress in the College chapel. When the alarm was given, crowds of citizens and students turned out unarmed, and pursued the slave-catchers. They overtook them on the State road two or three miles southeast of the village, and effectually hindered their further progress for the night. The crowd took possession of the road to the south, and in the morning induced the slave-claimants to go to Elyria, the county-seat, and substantiate before the judge their claim to their victims—a man and his wife. At Elyria they failed to produce the evidence required, the trial was deferred, and the slaves were committed to jail. The two Kentuckians narrowly escaped a similar catastrophe by giv-

ing bail for their appearance at court on the charge of house-breaking and threatening of life. They had entered the house where the fugitives were found with violence and threats and the show of weapons. Before the day of trial came, one of the two received a summons to stand before the "Judge of all the earth." The other returned, sad and dispirited, to the double trial; but the slaves meanwhile had broken jail and were safe, and the Kentuckian gladly accepted his release without a trial. There was no evidence of any help to the slaves from without. An inmate of the jail, a basket-maker, had been furnished by the jailer with implements necessary for his calling, and with these he opened a way for himself, and the rest followed. It was scarcely more a human plan than was the release of Peter by the angel.

The other instance of attempted seizure occurred nearly twenty years later, and became notorious in the land as the Oberlin-Wellington Rescue Case.

A negro boy named John Price, an escaped slave from Kentucky, had lived quietly at Oberlin six months or more without attracting any special attention. Monday morning, on the 13th of September, 1858, John was decoyed from town, two miles or more, under promise of work. On a by-road he was overtaken by two men in a carriage. These men, one of whom was a deputy United States marshal, another a deputy sheriff, both from Columbus, seized John, lifted him into their own carriage, and took the road to Wellington without coming through Oberlin. They were soon joined by a third man who belonged to the same company. A citizen of Oberlin met them on the road, and reported his suspicion in town that the boy had been kidnapped. Monday was our holiday in college, and a crowd of citizens and students were soon on the road to Wellington; and the crowd grew in numbers as it went on, some with guns, some without. At Wellington it was greatly increased, and surrounded the hotel where the slave-hunters held John waiting for the arrival of the train from Cleveland to take him south. After

some hours of indefinite parleying between the crowd and the group in the hotel, the train having come and gone without taking these waiting passengers, John was in some inexplicable way helped out of the hotel into a buggy, and borne toward Oberlin. There was no assault, not a shot was fired, nor was there a show of violence in any form.

On the 7th of December following, the grand jury of the United States Court for the Northern District of Ohio, under a remarkable charge from Judge Willson, found indictments for thirty-seven of the citizens of Oberlin and Wellington, and warrants were put into the hands of the United States marshal for their arrest. The same day the marshal appeared with his warrants at Oberlin, and afterward at Wellington, and made appointment with the different parties concerned to meet him before the court in Cleveland the next day, the marshal telling them that he felt as safe with their promise as their bond. These men were not criminals; they were respected and honored citizens in their own neighborhood, and some of them were public men with a wide acquaintance in this and other states. It seemed a great misfortune for the government that such men must be reckoned with evil-doers. Before the court they plead not guilty, and were dismissed upon their own recognizance to appear for trial the following March. The most prominent of these men had not been absent from the town on the day of the rescue, and could not have been directly engaged in the business; but they were conspicuous opponents of the Fugitive law, and might reasonably be indicted on general principles. Others were passed by who were more distinctly involved than they.

To show how easy it was to become a transgressor I may say that I was myself a resident of Oberlin at the time, but had driven out in the morning with my family to a neighboring town for a visit. I had never seen or heard of the boy John. But soon after I reached home in the evening two neighbors of mine in whom I had confidence, James Monroe and James M. Fitch, came to my door and asked me to take

the poor fellow in. He was three days and nights in a back chamber of my house; but no suspicion fell upon our house, and the United States marshal never gave us a call. But in giving the poor fellow a shelter, I had exposed myself to penalties of imprisonment and fines which would have broken up my home. Such were the tender mercies of the Fugitive Slave law as administered by the General Government in those days.

The trial before the United States court at Cleveland was deferred from the 8th of March to the 5th of April. It was then prosecuted from day to day until the middle of May, at which time two of the thirty-seven had been convicted and were serving out their terms of imprisonment in the Cleveland jail. Four of the able lawyers of Cleveland, Messrs. Spalding, Riddle, Griswold, and Backus, had volunteered their services and conducted the defense with great ability and warm personal interest. On the side of the prosecution was District Attorney Belden, assisted by Judge Bliss. The political aspect of the trial was very obvious in the fact that, with the exception of three members of the petit jury, every person connected with the court and prosecution, from the judge on the bench down to the claimants of the fugitive, was a member of the predominant party in the government. Within the court room the Fugitive Slave law had full sway, and all presumptions were in its favor; outside, throughout the city, and greatly throughout the State and all the North, the sympathies of the people were with the men in jail, the condemned and those awaiting trial. The men were tried separately. During the first trial, which continued more than a month nearly to the middle of May, the indicted men came freely into court and retired at the adjournment, from day to day, upon their own recognizances, without any restraint; but after the first conviction, upon a ruling of the court, which seemed very unreasonable to those awaiting trial and to their counsel, they withdrew their recognizances and were committed to jail, under the charge of

the sheriff and jailer of Cleveland, who at that time were David L. Wightman and Henry R. Smith. Those who knew these officers will understand that the accused men were received at the Cleveland jail less as criminals than as guests and friends. The court was on the side of the government and of oppression, the jail was on the side of the people and of liberty; and from the middle of April to the middle of July, 1859, that old Cleveland jail was the center of an intense and wide-spread interest, such as it never knew before and probably can never know again.

On the 21st of April a petition was addressed from the jail to the Supreme Court of Ohio, praying for the issuance of a writ of *habeas corpus* on behalf of the imprisoned men. This application was argued before the Supreme Court of Ohio at Columbus in full bench, by the counsel of the prisoners in behalf of the writ, and by the counsel of the prosecution against it. The application for the writ was unanimously refused by the court, on the ground that the United States District Court had the prisoners in charge, and that the trial was in progress. It was not reasonable to assume that they would suffer any injustice, and it would be entirely improper for any other court to intervene and interrupt these proceedings. They should be permitted to go on to the regular issue.

About this time, the middle of May, the case before the District Court had been simplified by eliminating from the list of the indicted, on one ground or another, the names of all the men from Wellington, leaving only Oberlin men for trial, citizens and students, fourteen in all, two of whom had been already convicted and were serving out their terms in the Cleveland jail. Meanwhile the court, which had been in session nearly two months, took a recess, and the cases were continued until the July term; which meant two extra months of midsummer in the jail, on the part of the accused. This condition of things gave occasion for a second application for a writ of *habeas corpus*. Bushnell and Langston had

been condemned and were serving out their sentence. It would no longer be a discourtesy for the State Court to look into the grounds for their imprisonment. Application was made to one of the judges, Judge Scott, who granted a writ addressed to Sheriff Wightman directing him to bring his prisoners before the full court at Columbus. The argument for and against their release was continued through four days at Columbus, Mr. Riddle, and the Attorney General of the state, Mr. Wolcott, speaking in behalf of the prisoners, and District Attorney Belden and Judge Swayne against their release. The occasion was felt on all sides to be a critical one. The State Gouernment was urged strongly to take action against the General Government. Mr. Wolcott closed his elaborate and impassioned address with these words: "Weightier consequences never hung upon the arbitrament of any tribunal. The strain of the Federal system has come, and your honors are to determine, at least for the citizens of Ohio, whether under that system there can be any adequate protection for the reserved rights of the states, or any sufficient safeguards for the liberty of the citizen. The cause of constitutional government is here and now on trial. God grant it a safe deliverance."

The court by opinions of three to two refused the application for release—Judges Swan, Scott, and Peck, against Judges Brinkerhoff and Sutliff. Thus the prisoners were returned to the Cleveland jail, and an immediate catastrophe was averted.

While this application to the Supreme Court for release was pending, a mass convention of Republicans and opponents of the Fugitive Slave law was called to meet in Cleveland, on the 24th of May. Thousands gathered from the Western Reserve and Northern Ohio generally, and held their meeting on the Public Square, so near to the high fence around the jail that, while there was no passing the gates, speakers could address the crowd from one side of the fence or the other as occasion required. Joshua R. Gid-

dings was elected president of the convention, and letters were read, from some, and addresses made by many other, distinguished men. The feeling was intense, and there were earnest utterances radical or conservative in varying degrees. The speakers from within the fence, Peck and Plumb and Fitch and Langston, spoke moderately with no attempt to move the passions of the crowd. Those without were not always so moderate. Cassius M. Clay of Kentucky, in a letter read to the convention, said:

"Are you ready to fight? If you have got your sentiments up to that manly pitch I am with you through to the end. But if not, I'll have none of your conventions—no more farcical campaigns; no more humbugs; no more Fourth of July orations; no more declarations of independence; no more glittering generalities — no more liberty, equality, fraternity. In obscure places, in silence and humility I will crush out the aspirations of earlier and better days, and attempt the dutiful but hard task of forgetting that I was born free."

Mr. Giddings was radical, almost revolutionary. He said: "I have no hesitation as to the means for acting upon the great matter which is now before us. I would have a committee appointed to-day, to apply to the first and nearest officer who has the power, to issue a writ for the release of these prisoners; and I want to be appointed on that committee. I will, if such a committee be appointed, apply to Judge Tilden," [the Judge was standing by his side] "and if he flinched in the performance of his duty, and refused to issue the writ, I would never speak to him again, or give him my hand. If he failed, I would go to another and another until death closed my eyelids. And now let me say to the Democrats, if there are any here, that so long as I have life and health I will use all my influence and all legal means to oppose the execution of this law. And when all such means fail, then so long as I have strength to raise and

wield an arm, so long I will resist unto death, and will work and pray for liberty with my latest breath."

Salmon P. Chase, then governor of the state, spoke moderately, cautioned against hasty action, and advised patience and dependence upon legal and constitutional means. The Federal Government, he said, was then acting under the Fugitive Slave Law, of which he had often expressed his opinion. He believed when the law was passed, and believed now, that that act was intended rather as a symbol of the supremacy of the slave states and the subjugation of the free states. The case had been brought before the courts of this state, and they are bound to carry out their duty under such a view of it. If the process for the release of any prisoner should issue from the courts of the state, he was free to say that so long as Ohio was a sovereign state that process should be executed. He did not counsel revolutionary measures, but when his time came and his duty was plain, he affirmed that the governor of Ohio would meet it as a man.

Hon. D. K. Carter, of Cleveland, said that while he bowed with the utmost deference to all law, he held in supreme contempt any law that enslaved any human being. You have repealed this law in Ohio. There are only just enough of monumental relics of the law now left to show that it exists somewhere else. Those who say that these poor, robbed, down-trodden people are designed by the Creator to be slaves, are open blasphemers, and don't believe in God, or hell, or immortality. That was his idea of the religious part of the law. He was the chief of sinners himself, but he wouldn't swap his chance of a decent immortality with one of those who help to sustain this law. He thought the audience would be satisfied with this conservative view of the subject, especially when he said that he was in favor of having those men out of that jail the best way they could be got out.

Similar opinions were expressed by Judge Tilden, Judge Hitchcock, Columbus Delano, and many others. Some seemed anxious to resort to extreme measures, but wiser

counsels prevailed, and the convention adjourned, having resolved that "Our fellow citizens of Lorain county, who are now in jail waiting the pleasure of the United States District Judge for their trial, are entitled to their liberty and must have it, peaceably and in conformity with the rules of law."

To give this resolution practical effect, Joshua R. Giddings, Herman Canfield, and Robert F. Paine, were appointed a committee to sue out a writ of *habeas corpus*, addressing their application to any judicial officer in the state of Ohio having power to grant the writ. The decision of the Supreme Court at Columbus declining to release the prisoners precluded any farther movement in that direction.

During the six weeks of summer heat that followed, the Rescuers in jail addressed themselves to their prison life as well as they could. The publisher organized a force of printers from the group, and issued a paper from the jail called "The Rescuer." Students gathered their books and went on with their studies, and various mechanics procured tools and materials for their different callings.

But all these pursuits were soon interrupted; a single number of "The Rescuer" had been issued when the four Kentuckians who had been engaged in the seizure and abduction of John, at Oberlin some months before, found themselves obliged to answer to an indictment for kidnapping in the Common Pleas Court of Lorain county. The day of trial was just at hand, July 6th. The writ of *habeas corpus*, issued by Judge McLean in their behalf, addressed to the sheriff of Lorain county, had failed of presentation in time, because of his absence on business, and so nothing remained but that these men must face a Lorain county jury who had been vigorously instructed in the doctrine of the unconstutionality of the Fugitive Slave law, and in the more recent doctrine of State Rights. The Ohio State Prison seemed to open before them. A conference between the officers of the two courts and the counsel of the two parties,

resulted in an exchange of prisoners—the twelve Oberlin men still awaiting trial, for the four Kentuckians; and thus the immediate conflict ended.

The *Cleveland Plain Dealer* of that day stated the matter thus: "We learn with astonishment that the United States District Attorney has nolled the indictments against the Oberlin Rescuers now in jail, on condition that the Oberlinites will nolle the indictments against the Kentucky witnesses who were under arrest on the trumped up charge of kidnapping. This arrangement, we understand, was made at the solicitation of the four Kentucky gentlemen, who, while under recognizance of the United States Court to appear here and testify in these rescue cases, were indicted by an Oberlin Lorain jury, and arrested while in the discharge of their duties, on a false charge of kidnapping. * * * Finding no law in Lorain but the higher law, and seeing the determination of the sheriff, judge, and jury, to send them to the penitentiary anyway, for no crime under any human law, but on a charge trumped up on purpose to drive them out of the country, and having been kept away from their families for most of the summer, and away from their business, at great pecuniary expense to themselves, for the government fees for witnesses do not pay board bills, they proposed to exchange nolles, and the District Attorney consented to it. So the Government has been beaten at last, with law, justice, and facts all on its side; and Oberlin, with its rebellious Higher Law creed, is triumphant. The procedent is a bad one."

While the *Plain Dealer* was circulating this lament through the city of Cleveland with its evening edition, the people were firing a hundred guns on the bank of the lake, and Hecker's band led the procession of Oberlin Rescuers to the Union depot and started them on their homeward way with the tune "Home, Sweet Home." And such a home-coming as was accorded to these men few have ever witnessed.

Thus ended the work of the Underground Railroad in these parts. This was in the midsummer of 1859. In the autumn of that year John Brown's soul began its ominous march; the next year Abraham Lincoln was elected, and all the powers of the General Government were restored to the service of Freedom, the slave-holding states renouncing their share in its responsibilities and its benefits; while the work of aiding fugitives was transferred to the camps of the Union army, and consisted in sheltering and feeding contrabands of war. In June, 1864, while the war was still raging, by one act of Congress, all the laws for the return of fugitives were swept from the statute books.

NOTE.—The authorities consulted for the foregoing statements are, Wilson's "Rise and Fall of the Slave Power," Levi Coffin's "Reminiscences," and J. R. Shipherd's "Oberlin-Wellington Rescue." Of many of the events the author had personal knowledge.