THE FUGITIVE SLAVE LAW OF 1850:
ITS ENFORCEMENT IN OHIO.

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PART ONE

Before 1850: Ohio's Attitude toward Slavery and the Freedman.

Chapter I

Introductory: A "House Divided" in Sentiment.

The role of Ohio in that great, tragic, political drama of our country which reached its climax in the War for the Union, in 1861, was distinctive. Rarely has the attitude of a single State toward a vexing national problem and the reaction of that State to the attempted solution of the problem carried so much weight in the ultimate course of national events. And rarely has a State which so largely influenced the life of the nation on a critical issue been so "divided against itself" in the popular sentiment upon that issue.

In order to appreciate the reaction of Ohio to the Fugitive Slave Law of 1850 it is necessary to inquire into the status of popular feeling, first, toward the institution of slavery, as it existed in the nation, and secondly, toward the freedman who sought residence and opportunity within the borders of the State. For while there was in 1850 throughout the northern states a pronounced sentiment of opposition to the enslavement of the negro, such feeling was not necessarily an indication of that spirit of constructive benevolence which would encourage the free negro to seek social and economic opportunity in the free states. And Ohio was no exception to the generality. For in the early fifties it was charged that
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[against the free negro] we should find that it attains its rankest luxuriance not in the rice swamps of Georgia, nor in the sugar fields of Louisiana, but in ... the plains of Ohio."¹

It is apparent that the response of Ohio to the compromise enactment of 1850, which was so admirably designed to defeat its own purpose, was not of sudden origin. It had its roots deep in the political and moral life of the State in the forty odd years which preceded the compromise effort. Especially in the two decades immediately preceding 1850, there had from time to time been expressed in the State - usually through extra-legal agencies - a growing sentiment in opposition to the "abominable institution". Impelled by a religious conviction of a "higher law" a certain element of the citizens of Ohio had resolved - and they supported their resolutions by effective action - to do what they could to bear out the scriptural injunction to "Remember them that are in bonds as bound with them. ..."

But the reaction of the State toward slavery and consequently toward the Fugitive Slave Law was not at any time from the beginning of her statehood until the fatal attack upon Fort Sumter of the sort which would indicate a unity of feeling among her citizens. "Many of the States of the Union include two communities of widely different origin, interests and standards, but even the upper and lower peninsulas of Michigan are not more diverse now than were northern and south-

¹ Jay, William, Miscellaneous Writings on Slavery, 373.
ern Ohio in the two decades from 1830 to 1850. ¹ So distinctly diverse were these two sections of the State that the old National Road is commonly referred to as a line which for many years was to Ohio politics what the Mason and Dixon line was to national politics - a line of cleavage.²

The explanation of this cleavage of opinion within the State is to be found chiefly in the diversity of the immigrant stocks from the older states which settled in the respective parts of the State. And beneath this factor is one more fundamental, namely, geography. The settlers who came from older eastern states into the territory and subsequently into the new State, entered for the most part over one of two most convenient routes, quite distinct. The normal course of migration from the New England states and New York was westward along the Mohawk valley and across the highlands of western New York to Lake Erie, then skirting that body toward the west. Those who came over this route and settled in Ohio - and there were many from New England - quite naturally located in the northeastern part of the State. A few journeyed southward along the course of the Ohio River and established their homes in the southeastern and southern portion, usually near the River. The twelve counties which developed from the Connecticut Western Reserve received a large flow of population.

² Shilling, D.C., "Relation of Southern Ohio to the South during the Decade Preceding the Civil War", in the Quarterly Publications of the Historical and Philosophical Society of Ohio, VIII, No.1, 3. Henceforth Shilling.
from that State.

The second normal course of migration from the Atlantic Coast states westward to Ohio was by way of the valley of the Potomac and across the highlands of southwestern Pennsylvania to the Ohio River. Over this route came people from the slave states of the seaboard - Delaware, Maryland, Virginia and North Carolina. Many of these found it to their liking to settle on the Military Bounty Lands in the south-central part of the State and along the River skirting the southern border. These were also supplemented by a number of Piedmontese who had earlier crossed from the back country of the seaboard states into the region of Kentucky and Tennessee, and who further migrated northward across the Ohio River.

From Pennsylvania there filtered into the east-central part of Ohio a smaller number of settlers from the middle area of the coast.

Generally speaking, the sons of the South who settled in Southern Ohio were quite naturally predisposed on the question of slavery and the negro. They were affected by bonds of blood and legal kinship and by general social relations. During the first three decades of the century especially their attitude toward the negro was at best one of passivity. ¹ The history of Cincinnati contains evidence of this fact. "For many years the people of Cincinnati were extremely reluctant to take a

¹ History of Cincinnati and Hamilton County, 344.
hostile attitude toward the South. Her history from the first was closely associated with Kentucky. ... Continual social and commercial relations - visits, intermarriages, friendship, and common interests - made her people feel as if those beyond the river were her kin." \(^1\)

Perhaps the strongest bond was the economic relations with the South. Cincinnati came to be a "southern city on free soil; the southern buyer gladdened the heart of the merchant; the southern traveller and his family took the best rooms in the hotels; and in times of crises southern sympathy for slavery was visible in the newspapers." \(^2\) This city ranked high as a point of exchange between the North and the South in 1850. It also became a center of manufacture to which the South looked for supplies of machinery, implements, furniture and food products. Its business men were not necessarily advocates of slavery but they were conservative of their material interests. They were therefore very sensitive to any movement or the activities of any agency which might tend to disturb their highly profitable commercial relations.

The same desire for the avoidance of agitation of the slavery question was manifested at other points in the southern part of the State. For the economic unity with the lands beyond the River is illustrated further agriculturally. One of the staple crops of the areas bordering both sides of the

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1 Hart, A.B., Chasa, 14.
2 Ibid.
River was tobacco. This sometimes resulted in an importation of slave labor into Ohio and in the thirties particularly "numbers of slaves, as many as two thousand, it was sometimes supposed, were hired in southern Ohio from Virginia and Kentucky, chiefly by farmers." 1

Quite in contrast with the prevailing connections of the southern counties of the State the antecedents of the settlers of the Western Reserve predisposed them somewhat toward antislavery. "No similar territory west of the Allegheny Mountains has so impressed the brain and conscience of the country ... from the beginning the spirit of reform was in the air. ... These pioneer settlers brought with them their love of liberty and respect for law. ... They had no respect for any distinctions resting upon property, color or race." 2 They were of Puritan stock, - a veritable "condensed Puritan New England", - a religious, well-educated type who established good schools and maintained excellent newspapers. Their settlement was somewhat concentrated so that from an early date the anti-slavery element predominated in the Congressional district of which Ashtabula County was a part. From 1838 to 1860 a son of that county, Joshua R. Giddings, was an outstanding champion of the anti-slavery cause in the Congress of the United States. To these people "Human liberty was as dear as religious liberty." 3

1 King, Rufus, Ohio, First Fruits of the Ordinance of 1787, 364.
2 Julian, George W., The Life of Joshua R. Giddings, 14.
Henceforth Giddings.
3 Williams, W.W., History of Ashtabula County, 33.
The part which the Western Reserve played in the anti-slavery activities of the State is not readily exaggerated. For regardless of the shifting sentiment, as it was expressed politically, in other parts of the State, there was always this one stronghold which could be counted upon to vote true to form. And the weight of this fact, especially in the third party efforts of the forties, was decisive. "Nothing is so stimulating to a party as to have some district in which it is generally victorious, ... to which in any circumstances it may reasonably look for support... . It was this circumstance that made it so much easier to maintain anti-slavery spirit in Ohio." 1

But the sectionalism of sentiment, which because of the diverse origin and connections of the settlers of the two parts of the State was pronounced, was not exclusive. There were not lacking those of New England antecedents who located in the southern part of the State and became powerful leaders of anti-slavery movements in that section. Indeed, it has been pointed out that while socially and economically Cincin-nati was as much a southern city as Baltimore, it was also a center of pronounced anti-slavery discussion, and the home of James G. Birney, the best known southern critic of slavery; of Gamaliel Bailey, the most vigorous anti-slavery editor; and of Salmon P. Chase, the most striking abolitionist in the West." 2

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2 Hart, A.B., Slavery and Abolition, 195.
A few of the staunchest champions of the rights of the Negro in the State were sons of slaveholders or themselves former slaveholders who had come into the State for the avowed purpose of fighting the institution. James G. Birney is a good example of this type.

Nor was there at all times complete unanimity of feeling toward the slave and the freedman on the Reserve. Oberlin, one of the first centers of abolition, in the earlier days was like "an island in the sea" of surrounding pro-slavery towns. ¹

And to further indicate that the National Road was not an absolute line of demarcation, the citizens of Mercer County, which lies north of that line and on the western border of the State, became quite incensed in 1847 over the prospect of a settlement of freedmen in their midst. When John Randolph of Virginia sought to colonize four hundred negroes whom he had emancipated, he purchased some land for that purpose in Mercer County. But the white settlers resolved "That we will not live among negroes, ... we have fully determined that we will resist the settlement of blacks and mulattoes in this county to the full extent of our means, the bayonet not excepted." ² The freedmen were removed and scattered in the vicinity of Troy, Piqua and Shelby.

This stern resolve of the citizens of Mercer County sug-

² Shilling, 9, quoting from the report of the American Colonization Society, 1847, 27.
gests another factor which perhaps more than mere blood relationship and even more than economic considerations was forceful in causing and maintaining the difference of feeling between the two sections of the State. This was the unequal distribution of negro population.

The colored population of Ohio between 1820 and 1840 increased four-fold. This in itself was not a serious matter for the total even in the latter year was only 17,342. But the fact of concentration aggravated the situation for most of the increase was in the southern part of the State. In the entire area of the Reserve in 1840 there were only 591 negroes, while the city of Cincinnati alone, ten years earlier, had a colored population of 2200. "The northern counties of the State knew negroes chiefly as 'panting fugitives'; the southern counties looked across the river upon a mild form of negro slavery and themselves had a plentiful sprinkling of freedmen of the negro race." 3

It seems apparent then that the diverse origins of the majority of the population which inhabited the northern and the southern portions of the State did cause a notable sectionalism to develop and that the difference of sentiment upon questions affecting the negro was caused and nurtured by the difference of social and economic relations and especially by difference of contact with the race over which the questions arose.

2 Hart, Chase, 29.
3 Ibid.
Chapter II

The Popular Attitude toward the Negro in Ohio as Expressed in her Laws.

In a democratic State it is assumed, with due allowance for the machinations of the politician, that the laws reflect the views and sentiments and the consequent attitudes of the majority of the people. Laws which do not reflect the majority will are presumably replaced by laws which are more to their purpose, or in any case the unpopular laws are not enforced. In this connection a reference to the laws of Ohio which affected the negro and which were on the statute books almost to the enactment of the Fugitive Slave Law of 1850 should enlighten us upon the reaction of the State to that enactment.

According to the specifications of the Ordinance of 1787 Ohio was dedicated to freedom. In the census of 1840 we have the last evidence of legal slavery within the State, 1 for until that time there were a few slaves of the pre-Ordinance days who were not included in its provision for freedom. In this State, despite the strongly southern element of its population, there never was a real effort made to set aside the prohibition of slavery as was the case in Indiana and Illinois. 2

There was also in this same Ordinance a provision which obligated the State to a regard for the property of her neighboring states to the south. It "Provided always, that any

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1 Hart, Chase, 34.
person escaping into the same, [northwest territory] from whom labor or service is lawfully claimed in any one of the original States, such fugitive [sic] may be lawfully reclaimed. ..." ¹

When Ohio had attained to the requirements of statehood, the framers of her first constitution were quite evenly divided in their views upon matters pertaining to the recognition of the negro. This was early illustrated in the debates of the convention when a clause which allowed the franchise to all negroes and mulattoes then resident in the territory, after considerable discussion, was accepted by a vote of 19 to 13. But the matter was reconsidered and the clause was subsequently stricken out by the deciding vote of the President of the Convention, Mr. Tiffin. The vote to remove the clause had been a 17 to 17 tie. ² "On the six motions [affecting the negro] which came before the Convention 201 votes in the aggregate were cast, - 99 pro and 102 con. There were 12 members who voted solidly for the negro on all six measures and 13 who voted solidly against." ³ Because of this close-drawn division of opinion there was considerable "warmth of feeling" manifested between opposing sides. "Finally it was agreed to drop all previous propositions in favor of a constitution for the free white population who alone were represented in the Convention. ... Persons of color were not counted in the enumeration

³ Quillin, Color Line, 14.
upon which representation was based." ¹

A detailed discussion of the laws which were enacted in keeping with the spirit of this Constitution is not to our purpose. These so-called "Black Laws" of Ohio were extremely harsh and were notorious throughout the country. An ardent abolitionist, William Jay, protested that "The laws of Ohio against the free blacks are especially detestable .... not only are the blacks excluded in that state, from the benefit of public schools, but with a refinement of cruelty unparalleled, they are doomed to idleness and poverty by a law which renders a white man who employs a colored one to labor for him one hour, liable for his support through life." ²

Among the earliest of these oppressive laws was one of the year 1804 which forbade the settlement of a black or mulatto person within the State unless he were able to present a certificate of freedom, to be filed with the clerk of the county of his intended residence. Persons who employed negroes without such evidence of their freedom were liable to a fine of from $10 to $50, and if the negro so employed should be proved a slave the employer was further obligated to the owner to the extent of fifty cents for each day's labor of the slave. ³

In 1807 this law was supplemented by an enactment by which

² Jay, William, Miscellaneous Writings on Slavery, 27.
³ Ohio Laws, II, 63.
no negro or mulatto was permitted to enter the State unless within twenty days after entry he should be able to furnish a bond in the sum of $500, signed by two freeholders as sureties. He was thus conditioned for good behavior and self-support. The penalty for employing an unbonded negro was $100. This same law of 1807 denied the negro the privilege of testifying in the courts of the State in any case to which a white person was a party. ¹

In 1831 a law which provided for the selection of jurors for the county courts specified as eligible those residents who had the qualifications of electors, and thus barred the negro from jury service. ²

A law of 1829 made provision for the establishment of common schools in the State, with the reservation that "nothing in this act shall be so construed as to permit black or mulatto persons to attend the schools." ³ However, the property of colored persons was exempted from taxation. In subsequent laws on the subject of education this same spirit of discrimination was manifested so that it was said that "Some remaining regard to decency and the opinion of the world has restrained the legislatures of the free States with one exception from consigning these unhappy people to ignorance by 'decrees unrighteous decrees' and 'framing mischief by a law'. Our readers, no doubt feel that the exception must of

¹ Ohio Laws, V, 53.
² Ibid., XXIX, 94.
³ Ibid., XXVII, 72.
course be Ohio."  

As has probably always been true of extreme measures, the "Black Laws", because of their severity in part, defeated the very purpose for which they were enacted. At the time of their repeal in 1849, it was said that they had "lumbered the statute books from the early days of the State, and with the exception of the testimony clause were to all intents a dead letter. ... An influence even stronger than these laws, - public sentiment, - rendered them a nullity."  

This statement did not apply locally in all cases with exactness. But it seems to have been generally quite true. In Cincinnati even certain features of the laws were long "winked at" as for instance the requirement of a bond. With the coming of abolition agitation in the thirties however, even this feature was more carefully enforced. In Cleveland, where the negro population was less dense, the acts of 1804 and 1807 were quite entirely ignored until about 1839 when an increase in the traffic of negroes into and through that city aroused the "slumbering animosities of the people" and the laws were accordingly more rigorously applied.  

The State did make some provision for the protection of her free negro residents. As early as 1819, because of the frequent escape of slaves from Kentucky, slave hunting in Ohio was quite common. On January 25 of that year the General As-

1 Jay, William, Miscellaneous Writings on Slavery, 385.
3 Hickok, 42.
4 Ortn, S.P., History of Cleveland, I, 291.
Asmably ruled that the removal of any free black or mulatto person from the State without having first presented him before a qualified county official and proved the right of such removal, should be punished by a term of from one to ten years in the penitentiary at hard labor. ¹ This law was substantially re-enacted in 1824 and again in 1831. In the latter year the penalty was changed to a limit of three to five years.

There was a large number of citizens of Ohio who decried the evil of ignorance among the blacks and in several successive legislatures of the forties brought pressure to bear upon the minds and consciences of the members of the assembly by pointing out "the want of logic, of justice, of humanity and of intelligent regard for the interest of the general public, involved in the exclusion of colored children from the common schools and the absence of any provision for educating such children." ² Finally the legislators were convinced to the extent that they passed a law on February 24, 1848, which provided that in communities where there were twenty or more colored children of school age, schools were to be provided, having their own colored directors with full powers of administration. ³ Where there were less than twenty colored pupils in a district, they were to be allowed to attend the white schools.

¹ Ohio Laws, XXII, 338.
² Cochran, W.C., "The Western Reserve and the Fugitive Slave Laws", in Western Reserve Historical Society Collections, CI, 54. Henceforth Cochran.
³ Ohio Laws, XLVI, 81.
schools with the unanimous consent of the white parents who had children in the schools. If this were denied, the property of the negroes was exempted from taxation but no provision was made for education. On February 10 of the following year, the same enactment which repealed the most hated of the "Black Laws" provided more adequately for the education of all negro pupils. ¹

From 1830 particularly, there were repeated and insistent demands on the part of some members of the General Assembly for the repeal of the odious "Black Laws". Memorials and petitions were submitted by the friends of the negro in large number to almost every legislative session from 1830 to 1848.² But the legislators were immovable. In 1839, the same session which bowed to the demands of the slaveholders of Kentucky by passing a notorious fugitive slave law ³ resolved "That in the opinion of this General Assembly it is unwise, impolitic, and inexpedient to repeal any law now in force imposing disabilities upon black or mulatto persons, thus placing them upon an equality with the whites, so far as this legislature can do, and indirectly inviting the black population of other states to migrate to this, to the manifest injury of the public interest." ⁴

Not until 1849, and then only by a peculiar circumstance as one item of a compromise "bargain", were the most of these

¹ Ohio Laws, XLVII, 17.
² Quilllin, Color Line, 36.
³ See below, 51.
⁴ Jay, William, Miscellaneous Writings on Slavery, 386.
objectionable statutes erased. It so happened that the legislature of 1848-1849 was so equally divided between the major political parties, the Whigs and the Democrats, that representative Morse of Lake County and representative Townshend of Lorain County, two Free Soilers, held the balance of power. There were two appointments of consequence to be made by the legislature. There was a vacancy in the Supreme Court of the State to be filled and also a vacant United States Senatorship. These two Free Soil representatives were both anxious to have the statute books purged of the "Black Laws" and they conspired to use their strangle hold of the balance of power to accomplish this. By agreement Mr. Morse proposed to the Whig members of the legislature that if they would help repeal these laws and also help elect Joshua R. Giddings to the Senate, he and Mr. Townshend would help them place a Whig on the Supreme Court bench. Mr. Townshend placed the same tempting proposition before the Democratic members, substituting the name of S.F. Chase for that of Giddings. In either case the negro would profit, for the oppressive laws would be removed and the slave would have an additional champion in the Congress of the United States. The Whigs were obdurate, but the Democrats yielded and Mr. Chase was sent to Washington. The most odious of the "Black Laws" were repealed. Negro immigrants to the State were not unhampered by bonds and certificates of freedom. Negro testimony was to be received in the courts. School privileges were extended. But the constitutional restriction against negro voting remained and the colored people were consequently not ad-
mitted to jury service, for the law which designated "electors" for the jury was not repealed.

Because of the method by which the repeal was effected it was natural that there should be strong popular expression on the subject. The Ohio State Journal (Whig) of February 24, 1849, asserted that "No act of the Legislature in this state for thirty years past has probably been received at different points with such diverse greetings as has this act repealing the "Black Laws". Their hardships were magnified by the repealers. ... The announcement was received in different quarters with alternate paeans and execrations." That journal itself was inclined to rejoice for its "sense of gratification at the repeal ... is a consummation long and diligently sought by a great body of our fellow citizens."

Even the Democratic Statesman, on March 5, 1849, regretted that "a disposition exists on the part of our Democratic friends in some parts of the State to make a fuss about the repeal of the so-called black laws of Ohio. We are as fully aware as they can be that it is an unpopular movement, and that the action of the Democrats on this question was wholly unexpected. ... We are decidedly opposed to the repeal at this time." But this journal advised to seek correction of the error at the next election of a legislature.

The laws were never re-enacted, partly because henceforth the question of slavery in the nation eclipsed the State issue. There came to be a "marked change in the sentiment of the people regarding the negro. As soon as they were given a legal
standing in the courts, they were treated more as men." 1

There was, however, little disposition to grant them the franchise, and still less to treat them as social equals. When it was proposed by a special committee of the Constitutional Convention of 1850-1851 that the word "white" be removed from the suffrage clause of the Constitution, there was a warm discussion. Even the anti-slavery members of that Convention admitted that public sentiment would not support the move and fear was expressed that the Constitution, which was to be popularly approved, would not be adopted with negro suffrage. The proposition was defeated by a vote of 66 to 12. 2

1 Hickok, 51-52.
2 Olbrich, Emil, The Development of Sentiment on Negro Suffrage to 1860, 103.
Chapter III

The Popular Attitude in Ohio toward Slavery as Expressed in Social Organization.

The laws of a State can scarcely be expected to represent the true moral sentiment of a people. And the question of slavery and of the free negro in the State was one which appealed with tremendous force to the moral sense. The ballot is not by any means an exact gauge of the public conscience on questions in which the emotional life is so deeply involved as it was in the issue of slavery.

Even in our own day of universal suffrage only a fraction of the potential "voice of the people" expresses itself at the most. And in the period under consideration, the majority political vote was far less truly representative of the feelings of the masses. It was the voice of the majority of the white male population who cared to vote. While Garrisonianism, with its aloofness from political participation, did not so strongly register in Ohio as in some states, there were always those of her citizens who insistently maintained their right to direct action under the principle of "higher law". Some who advocated "higher law" action also seized every opportunity to register their sentiments in the more formal fashinn of the ballot.

In a State in which the division of representative political opinion is as close as was indicated in the repeal of the "Black Laws" in 1849, there is quite certain to be a majority
moral sentiment on the side of what seems to be just and right. For a truer index of moral sentiment we might naturally turn to the records of the Christian Church as the one agency above all others which would be most apt to show a popular conscience "void of offense" on the issue of slavery. But we seek in vain for some effective expression which would indicate that the Church as a unit threw the weight of its social influence on the side of humanity and justice in the slavery controversy in the nation, and the Church in Ohio was no exception to the rule. There were notable exceptions in the smaller bodies of Christian believers and in the factions following the schism within the larger groups.

As a matter of fact it would be difficult to imagine the Church as a united force standing opposed to slavery, despite its specifically spiritual and moral mission. For while these are its primary concerns, the effective effort of the Church is seriously conditioned by material necessity. It was calculated on the basis of the Census of 1850 and upon the statistics of religious bodies that the following was the status of slaveholding among Protestants at approximately the time when the Fugitive Slave Law of 1850 was enacted.

<table>
<thead>
<tr>
<th>Denomination</th>
<th>Number of Slaves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Methodists</td>
<td>219,563</td>
</tr>
<tr>
<td>Baptists</td>
<td>115,000</td>
</tr>
<tr>
<td>Campbellites</td>
<td>101,000</td>
</tr>
<tr>
<td>Episcopalians</td>
<td>88,000</td>
</tr>
<tr>
<td>Presbyterians</td>
<td>77,000</td>
</tr>
<tr>
<td>Other Protestants</td>
<td>55,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>650,663</strong></td>
</tr>
</tbody>
</table>

The estimated value of these human chattels at $400 each was $570,225,240. "The influence of this fund must be met, resist-
ed and overcome by the influence which shall remove slavery from the churches." ¹ The church hardly dared antagonize its slaveholding constituency.

The general attitude of the Methodist Church before the schism of 1844 was certainly not favorable to anti-slavery or abolition agitation. In 1836 the General Conference of that body was held in Cincinnati. Two members of the Conference, George Storrs of New Hampshire and Samuel Norris of Maine, attended certain sessions of an abolition meeting in the city two days previous to the Conference. Action was taken by the delegates as a group against the conduct of the two members. They vowed by a vote of 124 to 14 that they were "decidedly opposed to modern abolitionism, and wholly disclaimed any right, wish or intention to interfere with the civil and political relation between master and slave as it exists in the slave-holding states of this Union." ² The offending members were condemned by an unqualified disapproval of their conduct in lecturing upon and in favor of abolitionism.

So far as Methodism in Ohio is concerned, evidence seems to point toward concurrence in the general spirit of this body. In 1835 the State Conference passed resolutions against abolitionists and anti-slavery societies. ³

There were however some Methodists who refused to countenance the apparent submission of the main body of that denom-

¹ Western Reserve Chronicle, July 30, 1851, quoting President Blanchard of Knox College, Illinois.
³ Townsend, Workman and Bayrs, Methodism, II, 126.
ination to the slave power. In 1842 the Wesleyan Methodist Con-
nection was formed. It was said of these people, as of the
Quakers, that any community in which a few of them lived was
apt to be a station of the Underground Railroad. At Wilmington,
Urbana and Piqua particularly these people assisted in this
practical service.

Sometimes the radical element within the sectional confer-
ences of the State troubled the peaceful waters by insisting
upon some expression by the State Conference on the subject of
slavery. The Erie Conference, which included a large part of
the Western Reserve, was thus disturbed in the annual session
of 1837. After some heated discussion the anti-slavery faction
determined upon separate action and formed an anti-slavery
society which bore the initials of the Erie Conference. Where-
upon that Conference resolved that "Whereas an anti-slavery
society is said to have been formed under the initials of the
Erie Conference, therefore, Resolved, That as a Conference we
disclaim all connection with such association." 1

Within the ranks of Presbyterianism in the State there
seems to have been more frequent commitment against slavery.
The Chillicothe Presbytery was quite outspoken against the
evil. In April, 1835, this Presbytery passed strong resolu-
tions among which were

"6th. Resolved, that to apprehend a slave who is endeavor-
ing to escape from slavery, with a view to restore him to his

1 Gregg, Rev. S., History of the Erie Conference, II, 46.
master, is a direct violation of the divine law, and when committed by a member of the Church, ought to subject him to censure. 

"8th. Resolved, that should any member of our church be so wicked as to manifest a desire to exclude colored people from a seat in the house of God, or at the Lord's table with white people, he ought, upon conviction thereof, to be suspend-from the Lord's table until he repent." ¹ These resolutions were sent to other presbyteries throughout the country and especially to others within the State with the request that they adopt them. So far as there is record, only the Presbytery of Huron adopted the resolutions. This body promised to stand by the brethren of the Chillicothe Presbytery in defense of the resolutions in the General Assembly or elsewhere. The Columbus Presbytery in April, 1836, stated that as a body it stood in accord with the resolutions in the conviction that "the holding of slaves and the entire system ... is indeed a great evil, and may justly be regarded as a curse to our country and to the church." But it doubted the wisdom of local action. ²

In 1847 a faction of Ohio Presbyterians organized as the Free Presbyterian Church. The region in which this new body was established, centering in Ripley, was dotted with Underground Railroad stations, and the house of the Reverend John

2 Ibid., 133.
Rankin, the leader of the faction, was known far and wide as a haven for fugitives.

Due to the local autonomy of the government of the Congregational Church, there was no State organization until 1852. Repeated efforts had been made to combine the local units into an association. Such an attempt was headed by Oberlin in 1836. But it was branded as an "Oberlin Movement", which carried with it a connotation of radicalism.

When at length in 1852 through the leadership of the Marietta Association of Congregational Churches a State Association of 187 churches was formed, "Sentiment upon the slavery question being at this time red hot, a strong and radical position was taken against that great evil, and declaring that the Conference should hold no correspondence with slave-holding bodies."

The Quakers were long known to be the most constant and resolute opponents of slavery of all the church bodies. The "Discipline of the Society of Friends in Ohio", adopted in 1819, printed in 1839 and reprinted in 1842, ruled that "As a religious society we have found it to be our duty to declare to the world our belief of the repugnancy of slavery to the Christian religion. It therefore remains to be our contin-

1 Siebert, W.H., The Underground Railroad from Slavery to Freedom, 96.
2 Brand, James, History of the Congregational Association of Ohio, 5.
3 Ibid., 63.
ued concern, to prohibit our members from holding in bondage our fellowmen....

"Believing, therefore, as we do, that a just and dreadful retribution awaits the unrepenting and obdurate oppressor, ... let us seek for, and cherish, that disposition of mind which can pray for these enemies of humanity. ..." ¹

The members of this communion were urged to treat kindly those negroes who were under their care and to educate those in their neighborhood not cared for. Friends who hired slaves for their business and thus contributed to the evil, were cut off from the church if obdurate. Those who freed their slaves were urged to follow up their good deed by a concern for the future welfare of the freedmen and their children.

But the good Friends did not stop at these requirements of their Discipline. As we shall learn (p.37), through their part in the activities of the Underground Railroad, they went the "second mile".

Neither in the pro-slavery or non-committal attitude of the larger groups of organized Christianity, nor in the resolutions and schisms of the smaller factions do we find the true heart-beat of Christian Ohio on this disturbing problem of human rights. That element of the larger bodies which grew restive under the compromising attitude of the majority, were inclined to resort to one of two expedients, or perhaps both. As al-

¹ 1 Page 63 et seq.
ready indicated, they might withdraw to form an organization of their own. Or they might unite under the banner of some organization whose principles were not impeded by the limits of denominationalism, and whose specific objective was anti-slavery agitation and warfare.

The activities of these organizations were sometimes extra-legal and usually without the sanction of the church. But they were tremendously scriptural and based upon the "higher law" of human rights. It is perhaps in these organizations that we find the true pulse of popular sentiment, for the discipline of a church or the resolutions of an association or the enactments of a legislature, depend for their quickening force upon popular sanction. And there is always a tendency when the feelings are thoroughly aroused over a stirring issue, for men to become a "law unto themselves" or, what amounts to about the same thing, for them to appeal to a higher sanction in divine law.

The humanitarian effort of that element of Ohio population which went beyond the Church and the State in its concern for the freedman and the fugitive, expressed itself in several ways. There were first, those who sought to solve the difficulty caused by the freedman by removing the cause. Their method of procedure was Colonization. There were, secondly, those distinctly anti-slavery groups previously referred to. They fought persistently, against great odds at first, but with growing success, ceaselessly agitating against the accursed institution. Their original purpose was to produce pressure
favorable to emancipation by moral suasion, but a more concrete objective in Ohio was the repeal of the offensive "Black Code". They opposed Colonization as a remedy, protesting against its unfairness to the negro. For more than three decades they kept the fires of moral suasion burning. Then there was, thirdly, a less conspicuous but very effective number who worked by skillful undercover methods to keep an increasing traffic of freedom-bound fugitives moving over the Underground Railroad. And these did not hesitate sometimes to employ force as a last resort when the cause of humanity was being crushed under the heel of the slave-holder.

Describing in general terms the status of popular sentiment toward slavery and the negro about 1830, Hart says that the first wave of anti-slavery opposition "seemed, after fifty years of effort, to have spent its force. The voice of the churches was no longer heard in protest; the abolition societies were dying out; there was hardly an abolitionist militant in the field; the Colonization Society absorbed most of the public interest in the subject, and it was doing nothing to help either the free negro or the slave. ... It was a gloomy time for the little band of people who believed that slavery was poisonous to the South, hurtful to the North, and dangerous to the Union." 1

Just how important was the part which the Colonization Society played in the solution of the negro problem in Ohio

1 Hart, A.B., Slavery and Abolition, 164.
it is difficult to determine. However, it is evident that there were many citizens of the State, especially of the southern part, whose antipathy was such that they would gladly have removed the problem bodily.

In the earlier days the abolitionists of Ohio had given serious consideration to colonization. The *Philanthropist* and the *Genius of Universal Emancipation* had both discussed the idea, and Benjamin Lundy, editor of the latter journal, was instrumental in an effort to establish a colony in Mexico. James G. Birney was an agent of the Colonization Society before he was the editor of the *Philanthropist*. 1 The *Ohio State Journal* of December 22, 1827 asserted that "The Colonization Society holds out the only satisfactory hope of relieving our State from this alarming and increasing evil [the immigration of emancipated slaves]. The Colonization scheme is every day more popular. ... Our State has ample means to assist in this benevolent measure". And a report of a Committee of the Ohio House of Representatives, which inquired into the condition of the colored population of the State, submitted in February, 1832, advocated colonization. Representative Worthington, a member of this Committee, urged "let us prepare for the gradual removal, with their own free consent, of those unfortunates now within the State to a country where they and their posterity ... belong... I do hope that the financial condition of this State will, before many years, ... enable us to effect this

most desirable object".  

And so through the thirties and forties efforts were made in the State in the direction of Colonization, or at least favorable opinion was expressed. One of the most ambitious attempts occurred in the late forties and early fifties, under the American Colonization Society for Ohio. In April, 1848, a plan was set forth through the press of Cincinnati to strike a blow at slavery by colonization in Africa. Charles McMicken of that city offered to purchase the needed land. Secretary McLean of the Society recommended a portion of Liberia as a proper location for the proposed colony. President Roberts of Liberia, arriving in the United States at about the time the plan was presented, approved it. Samuel Guerney, another citizen of Cincinnati, contributed $5000 for the purchase of additional land. Seven hundred miles of the slave coast was purchased by President Roberts with the money which was contributed. The parcel of territory was named Ohio. David Christy, representing the movement, wrote "With the consummation of this act a new era of African Colonization commences in Ohio. To give greater efficiency to the enterprise in which we are about to engage the parent society has appointed a 'Committee of Correspondence for Ohio' ... for the promotion of the Colonization cause in Ohio".  

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1 Ohio State Journal-Gazette, Feb. 1, 1832.  
2 Western Reserve Chronicle, Oct. 2, 1850, prints the circular dated Aug. 23, 1850, under the caption "Ohio in Africa", and signed by David Christy, Oxford, Butler County, Ohio.
charged with the duty of securing contributions from the churches of the State and was to memorialize the next legislature of the State to set aside a permanent fund in support of the design.

Mr. Christy, in his circular to the friends of the American Colonization Society in Ohio, setting forth some of the particulars of the plan, in August, 1850, said that "There are causes now operating, principally moral and commercial, that must soon lead to a rapid emigration of colored people to Africa. The reasons upon which this opinion is founded will soon be laid before the public, when it is believed there will no longer exist any serious objections in Ohio to the cause of Colonization". But apparently the scheme never did commend itself strongly to the popular mind and conscience. The public interest for the year or two following the presentation of the plan was quite completely swallowed up by the Fugitive Slave Law.

But an agency which operated with greater force toward the solution of the vexing problem was the organized anti-slavery movement. In no State did this organization attain to a greater influence than in Ohio. This was probably due in part to the presence on the statute books - until 1849 - of the challenging "Black Laws". Their repeal was a specific objective to be achieved and thus served as an unusual stimulus to the movement.

There were two chief areas of anti-slavery and abolition agitation, - one on the Western Reserve and the other in and about Cincinnati. For, as we have already suggested, there was
in Cincinnati a small group of men who were powerfully opposed to slavery by virtue of their personal experience and intimate contact with its damning influence. They had a genuine hatred for the institution and were willing to fight it.

The first attempts at anti-slavery organization were local and obscure. Perhaps the earliest dates back to 1815, when Benjamin Lundy organized the Union Humane Society at St. Clairsville. It was in the thirties that the "second wave" of organization which swept with increasing force toward the attainment of the goal, began to operate.

The Ohio Anti-Slavery Society, an attempt at the unification of local effort, was organized in April, 1835. The declared sentiment of this body was "Solemnly consecrated to the cause of emancipation, ... we subscribe our names to this declaration. The principles which it embodies we will by the grace of God forever cherish and fearlessly avow, come life or death."

The story of this organization, especially in its early years, is one of magnificent self-sacrifice in the face of fierce and sometimes brutal opposition. "In every part of Ohio, even on the Western Reserve, each new [anti-slavery] society was formed amid the crashing of stones against doors and windows, and the hootings of a mob. That all who assailed the abolitionists had any clear idea why they were doing it, is altogether unlikely. Some of them regarded the reformers as upsetters of society, deniers of the Bible, amalgamationists,—in short anarchists;"

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... but many others no doubt knew them merely as unpopular persons, and therefore as fair marks for rotten eggs and decayed vegetables. 1 On April 27-28, 1838, when the second State Convention of the Ohio Anti-Slavery Society met at Granville, the delegates were egged out of the town and held their meeting in the barn of Ashley Bancroft. 2

In Cincinnati, the official organ of the State Society was made the object upon which the vial of anti-abolitionist wrath was poured. Previous to 1836, this periodical was published at New Richmond, about twenty miles above Cincinnati. In July of that year, Mr. Birney, the editor of the Philanthropist, removed it to Cincinnati. But a meeting of pro-slavery citizens resolved that no abolition paper should be published or distributed in that city. On July 14 the office of the printer, Mr. Pugh, was defaced and partly destroyed. But the Philanthropist carried on. On July 23, another meeting of citizens decided to request the Anti-Slavery Society to cease publication of the paper. The request was of course refused and on July 30, 1836, the press and the materials of the printing establishment were crushed and thrown into the river. 3

And this same spirit of antagonism to abolitionists spread to other parts of southern Ohio. When, in January, 1837, Birney attempted to deliver an anti-slavery address in a Union Church

1 Smith, T.C., Liberty and Free Soil Parties, 16.
3 History of Cincinnati and Hamilton County, 260.
in Dayton, he was egged by a hostile mob, and on February 13 of that same year the Reverend John Rankin, leader of the Free Presbyterian Church, suffered the same fate, plus a severe blow. The mob further expressed its hatred of abolitionists on this occasion by destroying the windows and the stove and even the Bible of the Union Church.  

In September, 1841, Cincinnati was the scene of a fierce race riot, caused by differences between the Irish and the negroes. It seems that a mob of Kentuckians figured largely in the affray. To quiet the disturbance an assembly of citizens on September 2 promised their "Southern brethren to deliver up, under the law of Congress, every negro who escapes from his master and comes within our border". But more to the point, they also resolved that "We view with abhorrence the proceedings of the abolitionists in our city and that we repudiate their doctrines, and believe it to be the duty of every good citizen by all lawful means to discountenance every man who lends them assistance". 

But the anti-slavery spirit would not yield to mob treatment. In the latter part of 1849 and the earlier part of 1850 there appeared in the press of the State a long published call for Christians of all denominations throughout Ohio to combine in a convention to express themselves as a unit on the subject of slavery. The city chosen for the convention, which assembled April 17 to 20, 1850, was none other than Cincinnati, the

1 History of Dayton, Ohio, 175.
2 Cincinnati Daily Gazette, Sept. 6, 1841, gives a full account and admits that for a few days anarchy gripped the city.
former stronghold of anti-abolitionism. The meeting was well attended and the resolutions adopted were emphatic in their condemnation of the Church in its supporting attitude toward slavery. In April, 1851, a second such convention was held in the same place. The resolutions this time were even stronger and declared that slaveholding was atheism and that pro-slavery ministers and church members were "merely impostors under the cloak of religion".

A significant fact, eloquent of the changed sentiment of the city since the days of 1836 and 1841, and especially indicative of the reward of persistence, was that "not the least sign of disturbance was manifested at any period of the convention". 2

After about 1840 the anti-slavery sentiment of Ohio took a slightly different direction and the societies gradually tended to disappear and yet many of them continued their effort, particularly on the Western Reserve, until the Civil War. 3

Anti-slavery organizations, as such, were designed primarily to influence public sentiment more or less indirectly against a custom which was deeply grounded in the social and economic life. And the hopes for immediate results were vague. Frequently, emergencies demanded direct and immediate attention. It was on such occasions that the theory of moral suasion gave place to practical expedients.

1 Western Reserve Chronicle, June 19, 1850.
2 Ibid., May 7, 1851.
3 Smith, T.C., Liberty and Free Soil Parties, 13-14.
The Underground Railroad was the instrumentality by which in a direct, practical way the doctrines of humanity and justice which anti-slavery advocates preached were carried out. A few typical illustrations of the activities of this agency previous to the advent of the Fugitive Law of 1850 will help us to account in part for the subsequent circumvention of that Act.

Theoretically, the right of the slave-owner to pursue and recover his fleeing chattels without help or hindrance was recognized in Ohio. But when the fugitive, starving and fearful, came to the door, few refused to feed him and few refused him a hiding place. It was a human right and one circumstance which made the appeal to sympathy all the more effective was the fact that there were always some northerners who, too lazy to earn an honest living, preyed upon the runaway slaves. They were inclined to be especially watchful of abolitionist communities where they were the more apt to find victims in hiding.

Contrary to the usual custom of anti-slavery effort, the Underground Railroad was not formally organized. "Its operation was spontaneous, depending for efficiency rather upon the sagacity of individual operators than upon rules of organization". True, it had a "President" in the person of the staunch Quaker, Levi Coffin, of Cincinnati. But his "official" title was purely honorary, in recognition of long, faithful

1 Siebert, W.H., op. cit., 69.
devotion to the cause.

Due to factors of geography, physical and political, "It
is safe to assert that in Ohio the conditions favorable to the
development of a large number of stations, existed in a meas-
ure and combination not to be reproduced in the case of any
other State". ¹ With a river frontage of one hundred and sixty
miles on the border of Kentucky and two hundred and twenty-five
miles on the border of Virginia, and with communities of sym-
pathetic New Englanders in the northern and eastern portions
of the State and Quakers, Covenanters and anti-slavery South-
erners in the southern and western parts, Ohio seemed to offer
a welcome refuge to the hard-pressed fugitive. There was in
the State a veritable network of lines and cross-lines over
which traffic was routed. It is estimated that there were not
less than twenty main lines through the State leading toward
the chief havens of safety on the Lake to the north. Cities
like Ashtabula, Cleveland, Sandusky and Toledo were the prin-
cipal terminals.

The operating force of this "system" does not appear to
have been large in point of numbers, but the workers made up
in energy, often, what they lacked in numbers. Professor Sie-
bert estimates,² from the collections of material upon which
his monograph is based, that in Ohio the minimum number of
operators was 1540. These men served in various capacities,
some merely as station masters, who received, fed, clothed,

¹ Siebert, W.H., op.cit., 114.
² Ibid., 351.
and nursed back to health and strength the wretches whom a "guiding providence" had sent to their doors. Before they bade their charges God-speed they first ascertained whether the line was clear. The Reverend John Rankin lived on a hill 300 feet above the Ohio River and for thirty-three years his house kept a beacon light burning at night to guide the fleeing slave. His home was a much-frequented depot.

A noted refuge at the opposite end of the line was the home of Joshua R. Giddings, the sturdy abolitionist Congress-man from the Western Reserve. In his house at Jefferson, Ohio, there was an out-of-the-way bedroom which was constantly kept in readiness for the fugitive.¹ A citizen of Marion County, Joseph Morris, of Quaker stock, had the attic of his two-story house connected with the cellar by ingeniously hidden apartments. His house and barn were connected by underground tunnels.²

Various subterfuges were resorted to in order to assure the safe delivery of the fugitive, even the cloak of religion being used for that purpose. The story is told of one "Uncle John Finney", an ardent member of the United Presbyterian faith, and a reliable station master of the Underground Railroad, who assisted several thousand fugitives on their way to Canada. On one occasion eight or ten fugitives arrived at about the same time. The pursuers followed closely upon their

¹ Siebert, W.H., op. cit., 63.
² Jacoby, J.W., History of Marion County, Ohio, 61.
heels. "Uncle John" had scarcely finished hiding the men in the granary and the women in the loft of the house when the hunters arrived. He demanded to see their warrant. They had none but agreed to send one of their number on to Mansfield for the necessary authority. Meanwhile, he used his customary pre-breakfast devotional period as a cloak for the escape of the men who were hidden in the granary. Having sent them instructions for their flight, he prolonged the devotions very piously by reading the entire chapter from the Bible and then singing Psalm 119, the longest in the Scriptures. Then he prayed for half an hour. After a leisurely breakfast he allowed the hunters to search his barn, and they having found no evidence of their slaves, had not the nerve to ask to search the house of one so pious. And even the good Friend, Levi Coffin, when the pursuers inquired for a fugitive whom he was at that moment sheltering, took advantage of the form of their question. When they asked whether he had seen a negro of a certain description pass his gate he informed them that one answering the description had passed the gate a little while previously. But he did not tell them that the one they were looking for had passed through the gate. Instances of such evasion were numerous. In the name of humanity they were justified by even the most religious. What mattered if an improvised prayer-meeting were necessary to serve as a pretext for loud singing in order to drown out the possible wails of a

1 Baughman, A.J., "The Underground Railway", in Ohio Arch. and Hist. Publications, XV, 190-1.
babe which belonged to hiding fugitives? \(^1\) Was not such worship as acceptable to the God of love as any other?

Nor did the operatives of the Underground Railroad service hesitate upon occasion to use more forceful means of persuasion and opposition than mere concealment. The station masters were sometimes well equipped to resist by force of arms any attempt to seize those enroute to freedom who had been committed to their care. Robert Fee lived on the bank of the Ohio River. He kept a light burning at night for the encouragement and guidance of the fugitive, and the latch-string was out for him. But the door was well barred to the hunter, and his family, including the daughters, slept with loaded firearms within ready reach. Again and again his house was surrounded by violent slave-hunters who were checked by force.\(^2\)

In Oberlin, in 1841, three hunters seized a negro man and his wife, intending to remove them the next day, presumably without a trial. By the State Law of 1839 a hearing was assured the fugitive-suspect, and the townsmen insisted that this feature of the law be carried out. A lawyer was engaged to defend the negroes and he declared that the warrant for the seizure was illegal. The victims were lodged in jail, but before the time for the trial arrived, by some outside assistance the captives broke jail and escaped to Canada.\(^3\)

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2 Howe, Henry, *Historical Collections of Ohio*, I, 419.
In Randolph, Portage County, in 1847, two fugitives were employed by the local millers. Two young men from the South, in company with ten Ohio River boatmen, arrived one day to claim the fugitives. The millers were not taken by surprise and had secreted the slaves. They used axes as weapons to hold the hunters in check until a crowd of citizens came to the rescue. The searchers were escorted back across the River "more than ever disgusted with Ohio abolitionists". 1

The employment of physical force seems incompatible with the spirit of abolition effort generally, and especially with the usual law-abiding, peace-loving spirit of the non-resist-ant religionists who figured so largely in the work of the Underground Railroad. But the heartlessly cruel and manifestly unjust activities of the slave claimants and kidnappers seemed to even the more peaceful citizens to justify stern measures.

It is thought that through the efforts of the Underground Railroad in Ohio 40,000 human chattels were carried to freedom. A great part of the traffic occurred after 1850 but the foundations were established and the system was in excellent working order when the harsh enactment of that year was placed upon the statute books of the nation and at once the reaction to the Law was indicated in the increased traffic of the system.

1 History of Portage County, Ohio, 515.
PART TWO

The Law: Its Enactment, Provisions and Reception in Ohio to 1852

Chapter IV

The Enactment: Comparison with Former Laws.

The breach which since the early thirties had been widening between the two sections of the country because of differences of opinion on the subject of slavery had by 1850 become a veritable "impassable gulf". The events of the latter forties, particularly those incident to the war with Mexico, had fomented the spirit of sectionalism in the nation. In the halls of Congress threats of disunion were not uncommon. The story of the heroic effort of the "Great Compromiser" to adjust the most aggravating causes of dissension by his famous Omnibus Bill, is an interesting chapter of American History. The one feature of the six proposed for compromise which was most admirably designed to defeat the purpose of the whole effort was the Fugitive Slave provision. The Law which was ultimately enacted had its origin in the Senate but it was thoroughly in accord with the spirit and intention of Mr. Clay's original measure.

The story of the enactment of the Fugitive Slave Law is scattered through the records of the Senate, chiefly, covering the period from January 3 to September 18, 1850. On the former date Senator Mason of Virginia announced his intention to introduce a bill the object of which should be to provide additional accommodation to the owner of slaves in securing them
upon their capture in other states. On the latter date President Fillmore attached his signature to the bill, by which official act the law became operative. Between these dates there was much heated discussion in the Senate over the provisions of the bill and several substitute bills and a number of amendments were proposed. A few amendments were favorably received and adopted, but none which were designed to relieve the severity of the measure.

In the contest for the adoption of the proposed bill, the sons of Ohio in Congress "ran true to form". That is, they seemed to represent quite faithfully the divided sentiment of their State. Mr. Chase, who we will recall was sent to the Senate by a compromise "deal" in the State legislature, upheld the traditions of those who had sent him. He struggled valiantly against the bill. His colleague, Mr. Ewing, when the time for the final vote on the measure arrived, was found on the list of those free-state senators who had deserted or paired and therefore did not vote, thus giving tacit consent to the law.

Senator Chase offered several amendments to the bill, one of which is particularly worthy of note because it involved one of the most thoroughly hated items of the Law. On August 19, he sought to insert a provision for jury trial for the negro who was claimed as a fugitive. In this he failed, just as others who had tried to soften the harsh features of the bill had failed. Mr. Chase argued insistently that "It will

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2 Julian, G.W., Giddings, 333.
3 Congressional Globe, 31st Cong., 1st Sess., Appendix, 1589.
not do for any man to go into a State where every legal presumption is in favor of freedom and seize a person whom he claims as a fugitive slave, and say 'this man is my slave, and by my authority under the Constitution of the United States I will carry him off, and whoever interferes, does so at his peril'. He is asked where is your warrant, and he produces none; where is your evidence of claim, and he offers none. The language of his action is "my word stands for law; the laws of your State stand for nothing against my claim". ¹

In his opposition to the bill Senator Chase stood firm to the end and even on September 18, 1850, as an effort toward opening again the entire controversy apparently just closed, he introduced a bill in the Senate which was designed to prohibit slavery in the territories. ²

The story of the Fugitive Slave Bill in the House of Representatives is very brief and formal. Having passed the Senate, it was sent to the House, August 26. There it was read by title a first and a second time. On September 12 Representative Thompson of Pennsylvania, after speaking briefly upon the bill, and in favor of it, by an unfair parliamentary resort, precluded further discussion of it in the House. He moved the previous question immediately after he was through speaking. Several members of the House, among them Mr. Giddings, protesting against such procedure. "There was great indignation felt at the attempt to press such a bill through the House without

debate, and a motion was made to lay it on the table. It was the expectation and confident belief that every member really opposed to the bill would vote to lay it on the table, as that would have been a final defeat of the measure. The representatives of Ohio voted 13 to 5 in favor of tabling the bill, thus showing their colors quite clearly. But the motion to table was defeated and the bill was presented for passage. In the final vote of the House on the enactment, two additional Ohioans registered against it, making the Ohio vote 15 to 3 in opposition to the Law. The vote analyzed according to political affiliation is as follows:

<table>
<thead>
<tr>
<th>Party</th>
<th>For</th>
<th>Against</th>
<th>Not Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democrats</td>
<td>2</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Whigs</td>
<td>1</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Free Soil</td>
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<td>5</td>
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</tr>
</tbody>
</table>

In view of later developments in connection with the enforcement of the Law in Ohio it is well to keep in mind the fact that the Representatives of Ohio in Congress, who we may be sure, maintained a reasonably sensitive "ear" for the wishes of their constituents, disapproved the enactment, more than 80 per cent of the vote being against it. And as the voters were well distributed among the parties, a number of those above listed as Free Soilers being in reality Whigs elected by Free Soil aid, so the distribution of the opposition was well

1 Julian, G.W., Giddings, 333.
2 Congressional Globe, 31st Cong., 1st Sess., 1807; Biographical Congressional Directory; The Fugitive Slave Bill: Its History and Unconstitutionality, a pamphlet by Lewis Tappan.
scattered throughout the State. The three Ohio representatives who favored the bill with their votes were Taylor of Chillicothe, Miller of Mt. Vernon, and Hoagland of Millersburg. And one of those who failed to register his vote was from Delaware, Ohio. Indeed the distribution of the vote both for and against the bill and also of those representatives "not voting" was such that it seems to indicate a lessening of the clear sectionalism previously referred to. ¹

The idea of a Fugitive Slave Law was no new thing to the citizens of Ohio. Indeed this State was unique among the States of the Union in that it was so anxious to maintain amicable relations with the slave-holding States to the south that it went beyond the demands of the Federal Act of 1793 and in 1839, in response to the urge of its neighbor, Kentucky, adopted a law more rigid in its requirements than the demands of that Act. It would seem that the people of Ohio, under these two earlier measures, might have become well schooled in the art of assisting in the capture of fugitives, or at least have become inured to the distasteful experience of handing over to the pursuer those who sought their protection.

The Federal Fugitive Law of February 12, 1793, provided for the return of fugitives from justice and labor. Sections 3 and 4 of the Act deal with the latter. The substance of these two sections was:

Section 3 - A person who was held to labor under the laws

¹ Chapter I above.
of any State or Territory and who should escape into any other State or Territory, might be seized within that State or Territory by the person to whom the labor was due, or by his agent attorney. The person so seized was to be taken before any judge of a United States Circuit or District Court in the State or Territory in which he was seized, or before a town, city or county magistrate, and if the claimant could produce evidence satisfactory to the official that the claim was valid, he was to receive a certificate which should be sufficient warrant for removing the person claimed to the State whence he fled.

Section 4 - Any person who should knowingly and willingly obstruct or hinder the claimant in the arrest of the fugitive or who should rescue him after the arrest, or should harbor or conceal such person, should be fined in the sum of $500.¹

Thus, by the mere consent of a magistrate a person claimed under this Act to be a fugitive might be sent to slavery. There was no jury to decide and no provision for testimony in his own defense on the part of the person so claimed. The claimant exercised the power of an officer of the law in a State of which he was not a citizen. There was no consideration for the security and the rights of freedmen, the tacit assumption being that such rights were few, and protection from false arrest was not among the few. The presumption of the North was that a negro not clearly attached to a master was a free negro. This Act presumed that such "loose" negro was a slave, as was

¹ United States Statutes at Large, I, 302-305.
the customary way of thinking in the South.

As to the enforcement of this law, there are a number of instances which indicate that from time to time its requirements were carried out effectively in the State. A few of the more noted of these will illustrate.

One of the best known instances was the famous Matilda case in which Salmon P. Chase, as counsel for the one claimed, seems to have won his spurs as the "fugitive slave attorney". Matilda was a slave-daughter of a wealthy Missouri planter. Her master-father had gone to New York and had taken her with him, allowing her to pass in that city as his daughter, for there was little evidence of her negro blood. Returning through Cincinnati, he stopped in that city. Matilda disappeared, but was later found in the employ of James G. Birney, who had engaged her services without asking any embarrassing questions. In May, 1837, she was seized under the Law of 1793 as a fugitive from service. But the claim was contested by friends of the negro and Mr. Chase, then a young attorney of Cincinnati, made a valiant fight to disprove the validity of the claim.

His contention was that Matilda was not a fugitive according to the terms of the Law for it provided only for the seizure of slaves who had fled from one State or Territory into another. In this he was literally quite correct. Matilda had been brought into the free State of Ohio by the voluntary act of her master-father. But the judge in the case was not quite so literal nor so liberal in his sentiment for the victim, for
she was remanded to slavery. ¹ The Law was enforced even to the spirit.

A second instance which points to the fact that the Law could be and was enforced on occasion in Ohio was the Van Zandt case. John Van Zandt, a farmer who lived near Cincinnati was sympathetically disposed toward the negro and maintained a station of the Underground Railroad to help the fugitive. He carried his farm produce to the city in a covered wagon. As he was returning from town on April 22, 1842, he came upon a party of nine negroes on the highway. He asked no questions, but assuming that they were needy, he gave them a "lift" in his wagon. When he had travelled about fifteen miles out from Cincinnati, two men approached, seeking fugitives from Kentucky. Eight of the nine negroes were seized but the ninth escaped. Under section four of the Fugitive Act of 1793 Van Zandt was arrested. He had not particularly aided the escape of the one negro, but he had attempted to aid nine to escape according to the claimants. He lost the decision of the court in which he was tried and the penalty of $1200 which he was obliged to pay consumed his property. ²

But the instances which indicate that the law was enforced in Ohio constitute only a part of the story. We have already referred to that quiet-moving but efficient agency, the Underground Railroad, which accomplished so much toward rendering this Law ineffective. Indeed it seems that from an early day

¹ Birney, W. G., James G. Birney and His Times, 261.
² Hart, A. B., Chase, 75.
of the history of the State the Act did not function in accord with the demands of the slaveholding states, especially those on the border. For "the uniform success in evading the Fugitive Slave Act of 1793 as early as 1823 led to negotiations between Kentucky and the three border states toward more effective legislation". ¹ Sixteen years later the State of Ohio was convinced of the need of a more effective law to meet the needs of her neighbor to the south and showed a remarkable willingness on the part of a free State to exceed the requirements of the Federal Law by passing a more rigid State Law.

In January, 1839, two commissioners were sent by the legislature of the State of Kentucky to the Ohio State Legislature, requesting that body to take some measures to check the activities of the Underground Railroad through Ohio, whereby the slaves from the former State were escaping in troublesome numbers. "They came to secure the passage of a more vigorous and stringent fugitive slave law, although it had been shown that it was with utmost difficulty that the existing laws could be executed, as they rarely were .... Recently several slave-hunting cases had arisen in Ohio, .... which had disturbed the otherwise pleasant relations of the two peoples. The Kentucky Commissioners were received with open arms by the majority of the two houses. In the Senate, but five opposed their wishes.

Mr. [Benjamin] Wade was quite the most determined as the ablest of these. They could only debate, delay, and obstruct."  

Nor was there much time consumed in gratifying the wishes of the Commissioners. Their request was officially recognized on February 12 when the governor of Ohio sent it to the legislature with his approval. A bill satisfactory to the Kentuckians was framed and one week later, on February 19, by a vote of 54 to 15 the House adopted it. The Senate sanctioned it by a vote of 26 to 10.  

This bill showed quite clearly the influence of the Commissioners upon those who framed it, for every facility was provided for its effective execution.

This Ohio Law provided, in part

1. That the master of a fugitive slave, or his representative, upon a written oath declaring the escape and the place of residence, and setting forth the name, probable age and some description of the fugitive, was entitled to a warrant for the arrest. Any sheriff or constable in the State was required to make the arrest and the slave was to be brought before the judge of the Court of Record of the County in which the arrest was made.

2. Upon satisfactory proof before the judge of the validity of the claim, the claimant was entitled to a certificate by which he could remove the person claimed from the State.

3. Any willful obstruction of the arrest of any rescue of

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the prisoner from the arresting officer was punishable by a fine of $500 and sixty days in jail, plus liability to suit in the civil court for the value of the slave rescued.

6. Enticement or advice or counsel which might cause slaves to escape was punishable by the same penalty as rescue.

11. Any person who without proper authority should carry or aid in carrying out of the State any person, was liable to a penalty of from 3 to 7 years in the penitentiary at hard labor.

The latter provision was a saving quality which seemed to signify some regard for the popular feeling, for the free negro was thereby presumably protected from the kidnapper.

The Law aroused the deepest indignation throughout the State. There were many citizens who felt, as did Mr. Wade, who had in his opposition to the bill pointed out that Ohio would disgrace herself by thus yielding to the request of Kentucky.

One of the first and most noted cases arising under this Law was that of a negro in Marion, Ohio. "Black Bill", as he was popularly known, had come to Ohio in 1838 and settling in Marion, had by his industry in the capacity of butcher, barber, laborer and fiddler, won his way into the good will of the community. About the middle of July, 1839, eight citizens of Virginia appeared in the town and claimed Bill as a fugitive from the service of Mr. Van Bibber of Virginia. He was

1 Ohio Laws, XXXVII, 38.  
arrested under the new Fugitive Law of the State and taken before the Court of Common Pleas at the August term. He protested that he was free, but was not permitted to testify in the court. The Black Code disallowed this. Neither were there any witnesses who could attest to his freedom. When the "hearing" was concluded, the court room was crowded by those who were eager to hear the decision of the judge, on August 27, Bill was declared free, the evidence of ownership being insufficient to satisfy the judge.

But the claimants were unwilling to accept the decision of the judge. They seized the negro and presented pistols and other weapons in the open court to enforce their claim against the protests of the crowd which threatened to rescue him. The prisoner was hustled down the street by the claimants amid flying missiles from the enraged populace. The captors took him into the office of a justice of the peace to secure a new warrant of arrest for a new hearing. They guarded the doors of this office with their guns. The mob of citizens broke into the local arsenal and secured arms against the efforts of the sheriff to prevent the confiscation. The front entrance to the office of the justice of the peace was forced open and a rear door unfastened whence the negro escaped during the struggle between the captors and the mob. The Southerners were arrested on a charge of contempt of court for causing the disturbance in open court.  

1 Jacoby, J.W., History of Marion County, 62-64. The statement of Riddle in his Life of Benjamin F. Wade, 144, that no case ever arose under this Law is thus disproved.
A more successful effort for the Southerners under this Law was a case which occurred in Fitchville, Huron County, in 1842. Twelve fugitives, men, women and children, were arrested. They were taken back to Kentucky under guard and "without any attempt of rescue or resistance". ¹

But the feeling of opposition grew stronger all the while and culminated in 1843 when strong pressure was brought to bear upon the legislature for the repeal of the Act. On January 19, 1843, the legislature yielded to the popular will. Henceforth, until 1850, fugitives in Ohio were captured and returned only under the Federal Law of 1793, if at all.

In view then of the popular attitude toward these antecedents of the Fugitive Law of 1850 as it applied to Ohio, the probable reception of the Act of 1850 might have been predicted.

Efforts for the amendment of the Act of 1793 were made as early as 1796 and thenceforth at irregular intervals to 1850.² The Act of that year was not intended to cancel but merely to supplement the Act of 1793 by increasing the facilities and improving the means for the recovery of the fugitives from labor.³ Mr. Mason, author of the bill of 1850, asserted in defense of the measure that "Under the existing laws you may as well go down into the sea and endeavor to recover from his native element a fish which has escaped from you, as expect to

¹ Stewart, G.T., "The Ohio Fugitive Slave Law" in The Firelands Pioneer, N.S., V, 64.
² Siebert, W.H., op. cit., 22.
³ Ibid., 265.
recover ... a fugitive. Every difficulty is thrown in your way by the population [of the non-slaveholding states] ... there are armed mobs, rescues. This is the real state of things". 1

And at the time when the bill was under consideration in the Senate, Mr. Clay, on April 22, presented a petition from four citizens of Kentucky, each of whom had lost a slave. The petition stated that these slaves had taken refuge in the State of Ohio, and that it was in vain for them to attempt to recover their property without imminent hazard to their lives. 2

In view of such stubborn resistance to the enforcement of the existing law and to the former State Law it is worth our while to note somewhat in detail the provisions of the new Act which were intended to put "teeth" into the Act of 1793. The following, in brief, are the principal items:

Section 1 - All United States Commissioners were authorized and required to exercise and discharge all the powers and duties of the Act.

Sections 2 and 3 - The Federal Courts of the States and Territories were authorized to appoint a sufficient number of Commissioners to assure the proper enforcement of the Act.

Section 4 - Commissioners had the same powers as the United States Courts to grant certificates to claimants upon satisfactory proof of the claim, by which certificates the person claimed could be removed to the State from which he fled.

Section 5 - Marshals and their deputies were required to obey and execute all warrants under the Act directed to them; if they refused, or did not comply diligently with the requirements, they were liable to a fine of $1000; if the person claimed as a fugitive, having been arrested, escaped with or without the consent of a marshal, the latter was liable to the claimant for the value of the person if he were proved a slave.

Commissioners were authorized to appoint "one or more suitable persons" in their respective counties to execute their warrants, having the authority of commissioners to summon bystanders or a posse comitatus to their aid.

"All good citizens are hereby commanded" to assist in the prompt and efficient execution of the law whenever their services are required.

Section 6 - Claimants or their agents, with the power of attorney in writing, certified by some legal officer or the State or Territory in which executed, were allowed to pursue and reclaim fugitives by procuring a warrant on the basis of that certificate, from a court, judge or commissioner of the State to which the fugitive had fled. Such claimant was also empowered by his certificate to first seize and arrest his victim and then afterward secure the necessary warrant.

The claimant or his agent by affidavit or deposition was required to establish the fact of the escape of his slave and also some facts of identity.

"In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence".
Section 7 - Any person who obstructed, hindered or prevented the claimant or his agent or those assisting him from arresting a fugitive, or who rescued or attempted to rescue the fugitive from their custody, or harbored or concealed him so as to prevent his discovery, was liable to a fine of $1000 and an imprisonment of six months, plus civil liability of $1000 for each fugitive so lost.

Section 8 - Commissioners were entitled to receive a fee of ten dollars in each case in which they found sufficient proof of claim to issue the certificate of removal to the claimant and a fee of five dollars when the proof was insufficient and the claim denied.

Section 9 - If the claimant or his agent, having been granted a certificate of removal, suspected that an attempt would be made to rescue the fugitive from his custody, and he so asserted in an affidavit, it became the duty of the arresting officer to remove the fugitive to the State to which the claimant wished to take him. This officer was authorized to employ a sufficient number of persons to overcome any resisting force.

Section 10 - The claimant might receive from the proper authority of his own State upon adequate proof of his claim, a certificate for the seizure in another state with testimony of the escape and then by merely establishing the identity in the state in which the seizure was made, was entitled to execute the claim by the removal of the fugitive.¹

¹ United States Statutes at Large, IX, 462-65.
A brief comparative study of the measures of 1793 and 1839 and the Law of 1850 will well indicate the progress which the latter represented in this determination of the slave owner to secure his property in the free states.

The Act of 1793 contained only two main provisions: First, there was a general statement of the conditions upon which a claimant of a fugitive might receive the proper authority for the removal of his property. There was no suggestion of the increase of United States officials for the effective enforcement of the Law. The State Law of 1839 supplemented the administrative feature of this Act by enlisting the State Courts and the local and county constables and sheriffs in the service of apprehending the fugitive and executing the warrant. The provision for the removal of the person claimed was much the same in both cases. But the Law of 1850 went a great distance farther on this point, for it not only increased to an unlimited number the actually appointed commissioners and marshals - specifying a sufficient number to assure proper enforcement of the Act - but potentially the entire body of citizens was deputized at the mere beck and call of the officials. And the marshals and their deputies were goaded to a diligent effort to perform their duties by the penalty which attached to lassitude.

The second point upon which all three measures made provision was against obstruction of the execution of the Act. The Law of 1793, again in very general terms, simply assessed a fine of $500 for willful obstruction or harboring or conceal-
ing. To this penalty, which the State Law also provided, was added by the latter Act sixty days in jail and liability for civil suit for the value of the fugitive. The State Law also included the offenses of enticement or counsel toward escape as equally punishable, thus being more specific in its designation of violation of the Law. The Act of 1850 increased the cash penalty to $1000 and added the civil liability provision which had characterized the State Law. This Act also allowed adequate assurance to the claimant for the safe removal of his property, by making it possible for him to command the services of the authorities of the free State against any suspected attempt at rescue.

The Law of 1839 did provide against the unfair application of its provisions by specifying a penalty of hard labor in the penitentiary for anyone who should remove persons claimed from the State without the proper procedure according to the law. On this point neither of the Federal Acts gave any expression. And while the two earlier Laws were silent on the matter of whether or not the victim himself should have a voice in the "hearing", the Act of 1850 specifically barred his testimony. In the State of Ohio there already existed, at the time of the enactment of the Fugitive Law of 1839, a law which denied the negro the right of testimony in cases to which a white man was a party, hence the effect of the Law of 1839 was the same as the Act of 1850 on this point.

Notwithstanding the provision of the Law of 1850 against testimony in his own defense, the alleged fugitive was not en-
tirely without protection. He was assured a "hearing", biased as it was, before the claimant could remove him from the State and this provision made it possible for anti-slavery friends to interpose legal obstacles to the removal.\footnote{1}

The one point upon which the Act of 1850 excelled in apparent injustice— as compared with the Law of 1839 particularly—is in its provision for twice the amount of fee for the commissioner if he should find the claim of the slave-holder valid.

But in view of the fate of the Law of 1839 during its brief life of four years, there was slight promise for the faithful enforcement of the Law of 1850 even though its requirements were little more rigid than those of the former, especially when we consider that in the meantime the State had been growing less rather than more favorable toward the idea of returning the fugitive and had at least technically consented to the repeal of its Black Code. In the reaction of the citizens of Ohio to the obnoxious provisions of the Law of 1850 it probably added the oil of chagrin to the flame of hatred to be reminded that once upon a time, less than a decade previous, Ohio herself had enacted a measure almost as rigid, obeying the bid of Kentucky. In any case, the most hated of the provisions of the new Act were these:

1. Ex parte evidence. The mere word of the claimant was sufficient to establish the identity of the fugitive; the victim had no voice in the matter.

\footnote{1 See VI, 91 and VII, 98 below.}
2. Attempted coercion of officials. The marshals and deputies were coerced to diligent effort by a penalty.

3. Enlistment of citizens. All good citizens were liable to the summons of the arresting officials.

4. Penalty for obstruction. The cash penalty of the Act of 1793 was doubled and civil liability added.

5. Corruptive fee. The allowance to the Commissioner by which he was to receive double fee for remanding the slave to bondage savored of bribery. \(^1\)

It was viewed as "a law which authorizes and requires 260 Commissioners and an indefinite number of other officers to catch runaway slaves in the State of Ohio; which punishes humanity as a crime; authorizes seizure without a process, trial without a jury, and consignment to slavery beyond the limits of the State without the opportunity of defense and upon ex parte testimony." \(^2\)

\(^1\) Following the summary of James Ford Rhodes, *History of the United States*, I, 185.

\(^2\) Hickok, C.T., quoting Salmon P. Chase, 173.
63.

Chapter V.

The Reaction of Ohio to the Law of 1850 -to 1852.

"After the Compromise of 1850 the country settled down in the hope of having peace on the subject of slavery. The settlement of 1850 was regarded as a 'finality'; and the political and party forces of the country brought every agency and influence to bear to prevent any reopening of the agitation. The great body of public sentiment in both sections accepted the settlement, but the extreme pro-slavery disunionists and secessionists in the South and the radical abolitionists and Free-Soilers of the North were an exception to the generality."

The feeling of freedom from the annoying wrangles of the past few years was very comfortable to the majority of the people, and even some on both sides of the question who felt that their respective sides had sacrificed a part of their principles in the compromise, still were willing to acquiesce in a "bad" settlement rather than have none at all. "By the spring of 1851 the people generally had begun to accept the Fugitive Slave Law as a disagreeable but necessary part of the Constitution." And one year later the National Conventions of both the Democratic and Whig Parties at Baltimore with practical unanimity resolved that the Compromise of 1850 had finally settled the slavery question and that agitation must now cease."

1 Johnston and Woodburn, American Political History, II, 127.
2 Smith, T.C., Liberty and Free Soil Parties, 228-29.
3 Ibid., 246.
business men of the North were especially anxious that there be no further agitation of the question in order that the uncertainty which it occasioned might not continue to disturb and threaten their trade relations with the South.

But there were some portions of the North in which the claim of finality was more a hope expressed than a fact realized. And Ohio, especially in that portion of the State which had been of old a hotbed of reform agitation, made its voice heard in protest.

The Western Reserve seemed to rise "as one man" to condemn the obnoxious Fugitive Slave Law, a vital part of the Compromise. "Free Soil, Whig and Democratic papers lamented its passage and public meetings without respect to party uttered fiery denunciations, coupled with threats of disobedience." ¹ To all thorough-going anti-slavery men this Law was an object of execration and its repeal formed a new objective and rallying point for agitation. So that the very moment when - with the disruption of the third party elements - the anti-slavery tide seemed at its lowest ebb, "marks the beginning of a new phase in the anti-slavery history of the northwest." ² There had been a growing feeling in recent years among anti-slavery men that in the political activities of their group there had been a departure from the first principles which motivated them originally. Now a demand was made for a return. So that the agitation once more resumed a more religious and moral tone and was quite

¹ Smith, T.C., Liberty and Free Soil Parties, 227.
² Ibid.
apart from partisanship. It is possible that this act alone increased the number of anti-slavery people more than anything else which had occurred during the whole agitation. Many of those formerly indifferent were roused to active opposition by a sense of the injustice of the Fugitive Slave Act as they saw it executed. ..."  For the Act was especially well designed to play into the hands of the agitators by furnishing in nearly all the northern States object lessons on the necessary violence of slavery. "The spectacle of a master laying his hand upon a shaking fugitive and taking him before a United States Commissioner, was unpleasant, and it was still more hateful to the people of the North to see a negro seized by a professional slave-catcher, whom he had never seen before, ..." 2

While it is true that after 1852 there was generally little evidence of serious opposition, we may say that so far as Ohio was concerned this lack of evidence of opposition was but an indication of the failure of the Law to function. For to the very last years of the decade, wherever there was a serious attempt made to really enforce the law, there was apt to be a determined effort to resist its enforcement. 3

Actually, the first reaction of Ohio to the Compromise effort and particularly to the Fugitive Law, especially in the northern part of the State, was violent in its expression of resentment and in its insistence upon the right of continued

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1 McDougall, M.G., *Fugitive Slaves*, 43.
2 Hart, A.B., *Chase*, 163-64.
3 See page 114 below.
agitation against slavery. Perhaps no one person so aptly represents the virulence of this bitter expression as the Honorable Joshua R. Giddings, who in the Halls of Congress delivered himself with telling force against the proposition of "finality." In the second session of the 31st Congress, on December 10, 1850, Giddings defied the Fugitive Law as worse than ordinary murder and said that the freemen of Ohio would rather die than debase themselves to such an extent as to lend a hand in carrying out the law. "They may drown the fugitives in their blood but never will they stoop to such degradation. ... Let no man tell me there is no higher law than this fugitive bill." 1 At the opening session of the 32nd Congress in December, 1851, certain members of the House felt and expressed the hope that the Fugitive Slave Law had silenced all agitation. There were resolutions from various States lauding the Compromise measures with special reference to this Law. In response to such demonstrations, on February 11, 1852, Mr. Giddings addressed the gentlemen of the South as follows: "It is your privilege to catch your own slaves.... You have a constitutional right to do it; but we will not turn out and play the bloodhound for you. When you ask us to pay the expense of arresting your slaves ... [or attempt] to compel our people to give chase to the panting bondman, you overstep the bounds of the Constitution, and there we meet you, and there we stand and there we shall remain. We shall protect ourselves against such indignity; we shall pro-

claim our abhorrence of such a law. Nor can you seal or silence our voices." 1 And on June 23, 1852, speaking in the same vein against the "finality" planks of the National Democrat and Whig platforms, he refused to be silenced. Referring to a suggestion of a Whig editor that the nation pay for the uncaptured fugitives, he said "I would sooner see every slaveholder of the nation hanged than to witness the subjugation of Northern free-men to such a humiliating condition. ... If this law continues to be enforced, civil war is inevitable. ... At Christiana civil war already exists". 2 He averred that "In my own district are many fugitives who have informed their masters where they may be found. These men have become desperate. They desire to see the slave-catchers. They pant for an opportunity to make their oppressors 'bite the dust'" 3

While Mr. Giddings was "oratorical" in the terms of his expression, he probably represented quite fairly the sentiment of not only his own constituents but of the Reserve and of the State generally, with some modification for the southern portion.

It is reasonable to believe that the press of a community not only represents fairly accurately the prevailing sentiment but is at the same time a tremendous force in nurturing that sentiment. If we may judge from the tone of the press of

2 Ibid., Appendix, 740, referring to the Gorsuch incident at Christiana, Lancaster County, Pennsylvania.
3 Ibid.
Ohio, particularly on the Reserve, but also in other parts of the State, we may conclude that Giddings was not far wide of the mark of true representation in Congress. Only the most loyal of the administration press and the staunchest Democratic journals attempted anything approaching justification of the Law or dared advocate acquiescence in what was generally believed to be a wicked bargain.

The spirit of defiance and the demand for the repeal of the Law were very much in evidence especially in the first three months immediately following the enactment. Those newspapers which did not countenance the bill, but felt under obligation for political reasons to reserve or restrain their judgment, were inclined to merely express a hope for the amendment or repeal of the act. Those which regretted the enactment but felt or pretended to feel the need of supporting its enforcement in all good faith on the part of the North, in order to convince the South or Northern sincerity, played upon the emotional nature of the citizens in the name of the Union. They represented through their columns that nullification by resistance to its execution would result in Southern acts toward disunion in accord with the threats of Southern Congressmen. The Free Soil publications which had survived to 1850-51 bitterly scored the regular press at the first for what they felt was a compromising and acquiescing attitude. But after the first furor of excitement covering the last three months of 1850 and the earlier part of 1851, even these papers referred with decreasing frequency though always with severe
acrimony to the hated act. But the agitation was not allowed to die out entirely, for in the words of the editor of the Western Reserve Chronicle it was not the intention "to allow that infamous and bloody enactment of extremest scoundrelism to pass out of view so long as it exists on the statute books. ... True it cannot immediately be repealed, nor can a great variety of other objects be at once obtained, but that is no good reason for not insisting on them till they are secured. Slavery obtains its ends by everlastingly adhering to them. So must freedom".  

A few representative illustrations of the first reaction of the press of Ohio follow.

The Ohio State Journal, an administration supporter of the State and Whig to the core, on September 30, 1850, expressed the editorial opinion "that the fugitive slave bill ought not to have been passed. We think there was no public necessity that called for its passage ... the law of 1793 gave all the facilities for the recapture of fugitive slaves that good fellowship required ... but we should think it inexpedient to disturb it, till we know something of its practical workings. If the evils we apprehend ... do really exist, it is possible, nay probable, that the practical workings of the bill may modify or change our views". Just three days later, in the same spirit of watchful waiting the Journal said "The practical workings of this measure do not look right in the

1 June 16, 1852.
only case we have yet seen reported. There seems to be a facility for kidnapping ... that favors the idea that it will be used for villainous purposes. We hope we are mistaken in this. But the signs of the times indicate that the law if enforced as it has been in New York, \(^1\) will be resisted and that to the bitter end. While we would have our people comply with the constitutional obligations, ... yet if this or any other measure is not so guarded as to prevent abuses in its practical operation, we shall ask to have it modified so that a trial by jury may give that security to the free black that he is entitled to ... ."

However, as the expressions of popular resentment and defiance through the resolutions of assemblies called for that purpose became more numerous, the *Journal* seemed to recede somewhat from its former position. It pointed out that "The plainest provision of the constitution was set at naught and the law of 1793 which was intended to carry out that provision, proved wholly insufficient to protect the property of the slaveholder". It charged the northern fanatics with responsibility for the sterner law by defeating the law of 1793 in its intended purpose of returning fugitives. And on December 18, 1850, just three months after the enactment, this paper attacked the popular contention that the Law was unconstitutional and asserted that the resistance to the Law was

\(^{1}\) Referring to the Hamlet Case of New York. On September 26, 1850, occurred the first recorded case of enforcement of the Act when James Hamlet was remanded to slavery in Baltimore. McDougall, M.G., *Fugitive Slaves*, 43.
"unwise, inexpedient and falls but a step short of treason to our country". It also struck at the "higher law idea, this setting up of a standard for one's self". And in this same connection on December 26, 1850, the editor declared, "For myself, I am opposed to acts of violence, preferring to seek a remedy through the representatives of the North, who have it in their power at any time to repeal or modify any law. . . . We trust the people of Ohio who have avowed so decidedly their determination to follow South Carolina in setting at defiance the Law, will pause before it is too late. They will now see that reflecting men of all parties but their own rally round the standard of the administration and declare that practical treason and disunion shall receive no countenance at their hands. . . ."

Thus, whether for political expediency or because of a genuine fear of violence on the part of the citizens of Ohio, the Journal within the time of three months changed from its position of doubt to an attitude of acquiescence, at least to the extent of standing firmly back of the administration. On April 21, 1851, in a tone of complete submission to the demands of the Law the editor said "It is a disgraceful and dirty business [returning the fugitives] but it is sanctioned by the Constitution ... [and whatever things it pledges them to do, these things they intend to do, whether agreeable or disagreeable]."

The Cleveland Herald, also a Whig sheet, on September 30, 1850, declared that "Some of the provisions are directly op-
posed to what are considered in the North as sacred and personal rights, and feeling this, the people of the North will not aid in carrying out the provisions of the law". The Herald felt that the Law "goes beyond the requirements of the Constitution, and imposes obligations that it should not upon the people. Still it is the law of the land and as such to be obeyed until the people ... modify it, or their courts declare it unconstitutional".¹ But with the occurrence of a case of enforcement of the Law, the Rose case of Detroit, this journal was convinced that "It is these monstrous features of the law that make it so odious in those communities in the midst of which it is to be enforced. It is hostile to our institutions, hostile to the spirit of the people. ... The hostility will increase with every attempt to put it in force. Every slave seized will deepen the antislavery feeling.... The law must be repealed or modified".²

The Cincinnati Gazette, Whig, speaking from the most pro-slavery part of the State, on the day following the signing of the bill said "We thought that some amendment to the Act of 1793 was necessary, but such provisions as these take us by surprise". And one month after the bill became effective this periodical admitted "We do not hesitate, however, to declare that we regard many of its provisions as impolitic and unnecessary,—unnecessary as not needed to carry out any of the proposed ends in view; impolitic, as tending gratuit-

¹ October 5, 1850.
² October 17, 1850.
ously to exasperate the people of the free states, and the whole act therefore as an injudicious and unstatesmanlike measure ... nevertheless, the act with all its imperfections is now the law of the land. We are bound as good citizens, to obey it. If we would resist, it must not be by violence. We must test it as we may test any other law, legally, decently and in order". This journal urged upon the South due "candor, prudence and moderation" if they expected northerners even to acquiesce in its enforcement.

But the Cincinnati Inquirer, Democrat, was much less inclined to feel it necessary to apologize for the Law, and so far from cautioning gently those who avowed their purpose to resist the Law, this representative of a large segment of opinion of southern Ohio denounced threats of such action quite unsparingly as fanaticism. On November 20, 1850, commenting upon a public assembly in Guernsey County which declared its opposition to the Law, the Inquirer showed its extreme feeling by declaring "We did not suppose that such crazy people as those who met at Senecaville existed in any part of southern Ohio.... We are now willing to admit that there quite as crazy a set of lunatics off the Reserve as there is acknowledged to be on it. Senecaville, we think, can lay claim to any reward that may be offered for the most violent specimen of that class of unfortunates". These people had resolved "That we declare upon the altar of God and humanity, that we will not obey the requirements of that law, but will trample them with scorn, contempt and indignity beneath our feet .... That
our motto shall be REPEAL!! REPEAL!!! or dissolution of the Union". The Inquirer referred to these people as "Fugitives from Reason".¹

The Dayton Journal, another representative of that section of the State which we might expect to be most immediately affected by the enforcement of the Law, regarded the Law as "an unjust and oppressive enactment, which from its own intrinsic odiousness will defeat the purpose which it was intended to accomplish. The reclamation of fugitives, as we believe, will now be attended with more difficulty (and danger added) than under the old law. If the former law was a nullity, that now in force will prove a nullity also".² However the Journal thought that there was little chance for the repeal of the Law and that the agitation for repeal would "lead to further exasperation".

It is in the columns of the more radically anti-slavery press however that we find the real spirit of fierce hatred and unqualified opposition expressed. Though they spoke in the name of the people of Ohio, such periodicals as the Ash- tabula Sentinel and the Western Reserve Chronicle in truth represented only a small portion of the State so far as area was concerned. But they did represent a rather weighty part of the State politically, for the Reserve had proved itself a force to be reckoned with in the political affairs of Ohio. And in 1850 there was not any portion of the State of consid-

¹ Quoted by the Ohio State Journal of November 26, 1850.
² October 19, 1850.
erable dimensions but had a good sprinkling of population which was more or less in accord and active sympathy with the expressions of these radical journals. This is indicated by the almost numberless resolutions which were sent from various counties throughout the State for publication in the anti-slavery press.

The *Western Reserve Chronicle*, commenting upon the pending bill on September 11, 1850, remarked "We hear it said, almost daily, that such a law cannot be enforced in Ohio. We believe it; we believe that the slave-catcher will visit our soil at his peril, but that does not abate one jot or tittle from the odium of the law. There it stands, a black, damnable disgrace to a country calling itself the freest in the world .... " And becoming more pointed and personal the editor, on October 2, inquired "Where is the man in Trumbull County that will accept the office of Commissioner under the Fugitive Law? Is he to be found? ... we may readily believe there will be scores of them unless deterred from fear of popular indignation. We shall see who is sufficiently bold to become the tool of slavery". And in another connection, more virulently, "The dough-faces of the North will be selected as hounds to lead the sporting southern gentlemen ... so prepare yourselves Messrs Doughfaces, the South has a mortgage on your services and the devil on your souls.... You hold back in dread, do you? ... But you are too late ... You signed the bond .... You repudiate the bond, do you? Then speak out like men, .... Sound the tocsin of repeal! *repeal!! REPEAL!!!*" This journal in-
sisted on October 23, that it is up to the State of Ohio to protect her citizens and that the next legislature should be urged to pass a law providing for the punishment of all persons who would assist the slave-catcher. It maintained that "Such a law is loudly called for and will be sustained by the people of Ohio."

But even the Chronicle with the exception of occasional flare-ups incident to particularly odious instances of enforcement of the Law, spent its fury during the first few months, and after that there is less and less frequent reference to the Act, but the matter was never entirely dropped. On June 23, 1852, it denounced sternly the urge of the two major parties through their platforms for finality. On this subject the Chronicle remarked "Such shackles of silence might be borne by a people where all were alike degraded; but happily in the United States there are freemen yet left who will not wear the shackles thus basely forged; who will exult for good in spite of party resolves - in spite of party dictation.

The Ashtabula Sentinel, not to be outdone by the Chronicle or any other paper in its acrimonious expression toward the Law, suggested extreme resorts in the midst of an extreme situation. Under the caption "What Shall Our Fugitives Do?" the Sentinel advised "Shall they flee to British soil, or shall they arm themselves to defend the rights which God has given them? ... We would advise every fugitive to visit Canada; to set foot on free soil; to breathe free air ... They will then be free; and no law exists in any state by which they can be reenslaved. We
may then all defend them as free men ... But if fugitives now living in the free States cannot well go to Canada, we advise them to arm themselves at once.... If the slave-catching comes, receive him with powder and ball, with dirk or bowie knife or whatever weapon may be most convenient. Do not hesitate. Slay the miscreant. ... Wait not to determine whether it be Daniel Webster or the editor of the Cleveland Herald, if he comes to re-enslave you or your wife or your child, furnish him with a speedy and hospitable grave. Barbarous as the law is, it has not taken away the right of self-defense of the slave." ¹ And time did not abate the fierceness of the hatred of the Sentinel for the law, for on January 20, 1859, it declared that "Making war as it does on all that is manly in man, we will hate it while we live, and bequeath our hatred to those who come after us when we die. No fines it can impose, or chains it can bind upon us, will ever command our obedience to its unrighteous behests." Comparing the Law to the Alien and Sedition Law as alike arbitrary, undemocratic and unconstitutional, the Sentinel hoped "As did the one, so may the other rouse the country to a political and moral revolution which shall restore the doctrines of personal liberty and State Rights. ..."

And thus we might continue almost indefinitely quoting from the editorial columns of the newspapers of the State. Those which we have cited seem to indicate the prevailing sentiment of both extremes of the State geographically and also the ex-

¹ Quoted in Western Reserve Chronicle, October 9, 1850.
tremes of opinion socially. We have emphasized the editorial opinion because it is apt to both reflect and create popular feeling. The same holds true of the public officials of the State. We have already referred at length to the scathing denunciations which Mr. Giddings hurled at the Law. A few expressions from other leaders of public life will be further enlightenment.

Governor Wood, of Democratic political connections, assumed his office just three months after the passage of the odious bill and at a time when sentiment in opposition to its enforcement had about reached its acme. In his inaugural address of December 12, 1850, setting an example of good citizenship, he remarked that although he was opposed to slavery as an institution, he felt that the Law was consistent with the Constitutional obligations between the States. It was his opinion therefore that the Law was binding and obligatory and he strongly advised against opposition to it by any act of violence. Yet he did not defend the propriety and expediency of the Law and it was his prediction that public opinion would continue to hamper its execution and agitate its repeal. ¹ This was practically an admission on the part of the chief executive of the State that the law could not be enforced and naturally such frankness would not contribute toward strengthening the sentiment favorable to the enforcement.

Honorable Lewis D. Campbell who represented the Third Con-

¹ Western Reserve Chronicle, December 25, 1850. The text of the inaugural address is printed therein.
gressional District in the National house and who had cast his vote against the enactment of the Law, thus speaking for a constituency in the vicinity of Hamilton, Ohio, was quite as radical in his criticism of the measure as was his colleague, Giddings, who represented the Reserve. He was invited to attend a meeting of the citizens of Clinton County in southwestern Ohio about two months after the Law was enacted. He could not attend the meeting, but he voiced his hearty disapproval of the Law by letter in the following terms: "I condemn and denounce it on all occasions. I am against its iniquitous and unjust provisions and against all men who sustain it. It is the greatest outrage ever perpetrated upon liberty. I would trample it under foot. I have no right to dictate to others, but for myself, I say I will utterly disregard its obligations, and will never cease my opposition until it is wiped from the statute books." 1

Judge Benjamin F. Wade, at the time of the passage of the Act was holding a session of Court on the Reserve, at Ravenna. An indignation meeting was held at the court house and he was invited to speak. He willingly addressed the assembly, declaring that "For himself, regardless of fines and imprisonment, if called upon, he would grant to a fugitive slave the writ of habeas corpus, nay more, would give him his liberty under it. He would not counsel the people to forced and armed resistance against the execution of the Law, but he would say that in his judgment, should they imitate the example set by the old fath-

1 Western Reserve Chronicle, Dec. 4, 1850. It should perhaps be noted that there were a number of Quakers in this County.
ers in regard to the Stamp Act and the Tea Act, they would not err much." 1

Several attempts were made in the State Legislature in the session of 1850-'51 to record the sentiment of that body affecting the Act. One attempt in the lower House to pass resolutions in opposition to the Law, made at the time when agitation was raging in the State, failed by a vote of 38 to 33. Other resolutions were tabled without coming to a vote for passage. However, on March 22, 1851, the General Assembly committed itself as follows:

"While this General Assembly would urge the faithful observance of the law upon all the people of the State, ... as the most effectual mode of promoting their interests ... [it] would most earnestly recommend to Congress, the necessity of so amending and modifying the provisions of the Fugitive Slave Law, that while it secures a faithful compliance with all the obligations imposed by the Constitution of the United States, it will ... guard with zealous care, the rights of the freemen. And if said law ... cannot be so amended ... we then recommend the repeal of said law." A second resolution, appended to this, pointed out the obnoxious features of the Law and concluded by asserting that such a law "ought never receive the voluntary co-operation of our people, and ought therefore be immediately be repealed." 2

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1 Riddle, A.G., Life of Wadu, 167.
2 Ohio Laws, XLIX, 814.
In addition to the representative voice of the people editorially and officially expressed, we have abundant evidence that the "sovereign power" of the State insisted upon speaking for itself directly on the matter. The number of indignation meetings was legion, and the sentiments expressed in their resolutions varied from the most violent denunciations of the Law and threats of its violation, to the most insistent demands in the name of the Union that all good citizens faithfully support its enforcement. A few illustrations from various parts of the State will indicate the feeling thus represented.

An assembly of citizens of Cleveland on October 11, 1850, placed itself on record against the Law by a series of strong resolutions, among which was the statement "Regarding some portions of the Fugitive Slave Law as unconstitutional and the whole of it as oppressive, unjust and unrighteous, we deem it the duty of every good citizen to denounce, oppose and resist, by all proper means, the execution of said law and we demand its immediate and unconditional repeal. . . ." 1

And citizens of Ashtabula County about December 21, 1850, in a long list of 15 resolutions, declared among other things "we hold the fugitive slave law in utter contempt as being no law, . . ." and that "sooner than submit to such odious laws we will see the Union dissolved; sooner than see slavery perpetual we would see war; and sooner than be slaves, we will fight". They characterized the Law as a "law to strip us of

1 Western Reserve Chronicle, April 20, 1859.
our humanity, ... and herd us with bloodhounds and man-stealers upon penalty of reducing our children to starvation and nakedness. Cursed be said law!" They pledged their sympathy and their property for the relief of any person in their midst who would suffer for having violated the Law.¹

A group of the citizens of Chagrin Falls, also on the Reserve, resolved at all hazards to resist the tyrannous Law, "peaceably if we can, forcibly if we must". They viewed the traitorous acts of Benedict Arnold as patriotism as compared with the enactment of this Law. They vowed to welcome the pursuer "if need be with bloody hands and hospitable graves".²

A mass meeting of the citizens of Mahoning and adjacent counties assembled October 30 at Canfield. These people agreed to brand as a traitor anyone who would accept the office of commissioner or marshal under the Act. They insisted that they would agitate unceasingly until it should be repealed. "Come life or come imprisonment, come fine or come death, we will neither aid nor assist in the return of any fugitive but on the contrary we will harbor and secrete, and by all just means protect and defend him. ..."³

Opponents of the Law in Youngstown, Ohio, assembled in the Church of the Disciples on October 30. They drew up a regular "Freemen's Declaration of Independence". They absolved themselves from all allegiance to such iniquitous statutes and

¹ Ashtabula Sentinel, Dec. 21, 1850. Italics mine.
² Cleveland Herald, Oct. 22, 1850.
³ Western Reserve Chronicle, Nov. 6, 1850.
"solemnly promised to prudently and discreetly endeavor to render it null and void". 1

And such open expression of defiance to the Law did not confine itself to the northern counties of the State. For in the city of Wilmington, Clinton County, in the southwestern part of Ohio, a County in which the Quaker element was strong, a group of citizens in their resolutions declared that those who voted for the Law were traitors to the cause of human freedom, to the Constitution, to God and humanity and "preeminently worthy of political damnation." They committed themselves "to aid and assist the fugitive hereafter, as we have been proud to do heretofore, ... in defiance of all the enactments of all the governments on earth. And in this connection, if the Southern man-thief or his Northern tool, shall attempt, among us, to seize the fugitive or enforce the penalties of this nefarious law upon our citizens, we will make common cause in resisting it by all rightful means." 2

In Washington County, in the southeastern portion of the State, the citizens in an assembly resolved that "any man who in any way aids in the execution of this law should be regarded as false to God and totally unfit for civilized society." 3 It was quite commonly believed by such assemblies that "Disobedience to the enactment is obedience to God."

But there are some instances recorded in which the assemblies of the people were divided in their sentiment as to the

1 Western Reserve Chronicle, Oct. 30, 1850.
2 Ibid., Dec. 4, 1850.
proper attitude to be assumed toward the Law. And there were some assemblies which came together with the deliberate purpose of counteracting the frequent antagonistic groups by placing themselves on record as favorable to the Act. These latter are by far in the minority, and this is natural, for even a meeting and resolutions in favor of the Law created just that much basis for agitation and the thing which was devoutly desired by the friends of the measure was silence and "finality". To resolve in favor of the Law was potentially equal to admitting its weakness.

One good illustration of a disputed meeting was that which was held in Dayton, October 19, 1850. The majority of this assembly felt that the Law was unjust and oppressive and that the members of Congress who passed it deserved the rebuke of the people of the United States. They conceived it to be the "duty of good citizens to urge the repeal of the law, and that all proper influences should be brought to bear to bring about such repeal." But among those present was Clement L. Vallandigham, of later Copperhead notoriety, and he led a minority in opposition to these resolutions by counteracting with resolutions in approval of the Law. When it became apparent that the minority could not temper the will of the majority, a strenuous effort was made to adjourn the meeting without having passed any resolutions at all. Finally, on a division of the house, the required two-thirds majority prevailed, and the resolutions were adopted. ¹

¹ Ohio State Journal, Oct. 24, 1850.
Not to be outdone, the friends of the Law called a meeting of their own on October 18, and they declared in their resolutions "That we are for the Union as it is and the Constitution as it is, and that we will preserve, maintain and defend both at every hazard, observing with scrupulous and uncalculating fidelity, every article, requirement and compromise of the Constitutional Compact ... to the letter and its utmost spirit. ..." They expressed "loathing and contempt" for all who would in any way attempt to defeat the Constitution and laws and pledged themselves to the principle "The Union, the Constitution and the Laws, must and shall be maintained."

A great mass of the citizens of Cincinnati and Hamilton County assembled on November 14, 1850, "in pursuance of a call signed by the most distinguished and influential citizens of the city, composed of all parties, and all pursuits and occupations, judges of the courts, merchants, mechanics and laborers. It was an outpouring of all classes - a spontaneous burst of patriotism and love for our glorious Union and Constitution - of reverence for the laws and spirit and determination, to uphold and enforce them, and maintain the integrity of the Union, and the Constitution, and the execution of the laws in the face of all opposition and at every hazard." They passed a long list of resolutions in accord with the avowed purpose of their meeting. One of these declared

1 Ohio State Journal, Oct. 30, 1850.
"That we utterly condemn and will oppose all forcible resistance to the execution of the law of the General Government for the recapture of fugitives owing service or labor, that we regard such law as constitutional ... and that we will sustain and enforce it by all proper and legal means. ..."  

Thus it is apparent that the direct popular reaction to the Fugitive Slave Law from the first was quite decidedly in opposition to its enforcement. It is interesting to recall in view of the above differences of expression, that there still existed in the State some traces of the old sectionalism to which we referred in the first chapter.

In addition to resolutions, the popular anti-slavery voice was heard through the ballot. The Presidential election of 1852 indicates this. It will be recalled that both the Democrat and Whig parties in their National platforms in the spring of 1852 assumed the attitude of "finality". The strong plea for "finality" which was made in the campaign of the summer of 1852 was effective in bringing back to the folds of their regular parties most of those members who in 1848 had drifted to the Free Soil Party. But the situation in Ohio was somewhat different. The Free Soilers of this State had sufficient strength in the legislature of 1851 to hold a balance of power, even as was the case two years previously. By their influence Benjamin F. Wade, a Whig of strong anti-slavery principles, was sent to the Senate of the United States, just as Chase had been sent

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1 Cincinnati Commercial, Nov. 18, 1850.
at the earlier date, though without the stigma of "bargain" attaching to the choice. 1

The Whigs, in their State Convention in 1852, dared not endorse the "finality" plank of the national platform. They did the best they could by stating that since the Fugitive Slave Law was not an administration measure, every Whig was at liberty to hold his own opinion concerning it, and many local conventions passed anti-slavery resolutions, indicating that they were not thinking in terms of "finality". 2

Even the State Democratic Convention re-affirmed the anti-slavery position of the Convention of 1848, omitting to notice the compromise in their platform. Occasional local Democratic Conventions cried out in opposition to "finality" as for instance the Democrats of Lorain County. They resolved that they would not submit to nor endorse "these outrages upon our rights", and they stood upon their local platform of September, 1851, which declared that the Fugitive Slave Law was "in derogation of the genius of our free institutions ... and a monstrous exhibition of tyranny, injustice, cruelty and oppression." 3

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1 Smith, T.C., Liberty and Free Soil Parties, 177.
2 Ibid., 232.
3 Western Reserve Chronicle, July 14, 1852.
PART THREE

The Enforcement of the Law in Ohio.

Chapter VI

Successful Administration of the Law.

It remains for us to consider, in view of the spirit of resistance which predominated in Ohio immediately following the enactment of the Law, what degree of success attended the efforts of the government to enforce the odious measure in this State. Having passed through the first period of resentment by the end of 1852, it would seem that the sober second thought of the majority of the citizens of the State, as indeed of the entire North, was bound to prevail, and that the threats of resistance even to the degree of disunion, though made in all seriousness at the time, were not apt to be carried out as sentiment cooled somewhat. And there are a sufficient number of instances of successful and efficient execution of the Law to indicate that a large proportion of the claims for the return of fugitives were honored and the legal demands fulfilled. There are also a goodly number of instances of successful prosecution for the violation of the Law which seem to point to the fact that the Law with its penalties was not a dead letter. And yet, in some of those instances of the successful execution of the Law, when one who had won his way into the heart of a local community was remanded to slavery, the fires of resentment and of resistance were kindled anew. And the successful prosecution of a respected citizen of Ohio for the crime of aiding a fugi-
tive to his freedom was not the most successful method by which to smother the flame of opposition.

The period of relative calm of general acquiescence may therefore be more fittingly likened to the interval between eruptions than to any complete extinction of antagonistic feeling. The sympathetic sense of human rights and of justice for all men was too deeply rooted in the personal life of a large number of the people of Ohio to permit even the strong sense of patriotic loyalty to the Union to lull them to sleep, especially when ever and anon that sleep was disturbed by the nightmare of another victim ruthlessly dragged back to bondage.

The Law did operate successfully in many instances in Ohio. Sometimes, it seems, the patriotism which countenanced its efficient execution was bolstered by an appeal to cupidity. An instance of this sort is related as having occurred on January 15, 1851. A fugitive sought shelter in the home of a citizen of Hamilton County, near Miami. This man happened to be a Methodist class leader and prominent in his community life. It was necessary that he should set a good example of Christian loyalty to his country. He therefore gradually gained the confidence of the slave sufficiently to learn whence he had escaped: Then he communicated with the Kentucky master. The fugitive was delivered up according to the requirements of the Law, with the consent of the gentleman-patriot of Ohio. Incidentally, it is said that the good Methodist leader did not disdain to receive the reward which had been offered for the apprehension of the
slave - "the price of blood".  

On February 1, 1851, a citizen of New Orleans proved to the satisfaction of the citizens of Cincinnati that he was the owner of a slave who had been living in their midst for a long time and who was highly respected. Indeed she was so fair of countenance that by many she was not suspected of having negro blood in her veins. Her master valued her at $3000 and she was remanded to slavery without protest.  

The first contested case for the return of a fugitive in the Cincinnati district occurred in August, 1853. It involved a man by the name of George Washington McQuerry. Four years previously "Wash" had escaped from bondage. He had married a free woman and of this union were born three children. He was living with his family in Troy, Ohio, when a citizen of Piqua, John Russell, learned that he had escaped from the service of Henry Miller who lived near Louisville. Miller was informed of the whereabouts of his property and in due time placed a claim for him. Judge McLean of the United States Court of Cincinnati remanded the negro to slavery. This was one of those cases which caused the odiousness of the Law to stand out in bold relief for "Wash" was well respected in the community in which he lived. 

The heartless injustice of the Law was demonstrated in another case involving a negro whose name was Lewis Early. He

1 Western Reserve Chronicle, January, 22, 1851. Written by a "contributor" in a sarcastic tone, probably to be discounted. 
2 Ibid., February 12, 1851, quoting the Cincinnati Nonpareil. 
3 Greve, C.T., Centennial History of Cincinnati, 729.
had been freed by his master, Mr. Kilgour of Virginia. He came to Ohio bearing a certificate of emancipation from his master and was employed by John Robinson. In October, 1856, the house of Mr. Robinson was destroyed by fire and with it Early's evidence of freedom. Subsequently, a son of Mr. Kilgour, after the death of his father, presented a claim to the services of Early before United States Commissioner, C.C. Browne, of Cincinnati. Despite the testimony of Mr. Robinson to the effect that the certificate of emancipation had been destroyed by fire, Early was sent back to slavery and sold in Louisville to be sent South. 1

There are several very clear cases of the effective enforcement of the Law despite the interposition of legal obstacles. In some of these, though the fugitive was saved, the measure of "justice" by which the Law was satisfied, was meted out to the benefactor. Honorable Rush R. Sloane of Sandusky was the victim in one such instance.

In October, 1852, a party of fugitives, two men, two women and three children, were apprehended in Sandusky by claimants from Kentucky, aided by the local marshal, just as they were about to embark for Canada. The claimants took their captives before the mayor of the town and Sloane, a local attorney, was asked by friends of the fugitives to defend them. The mayor's office was crowded with people, many of them negroes and some of them armed. Sloane asked the claimants for their

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writ of arrest under which the fugitives were held. There was no response from the claimants. Whereupon Sloane remarked that he was no authority for detaining the prisoners. The crowd quickly hustled them out of the office onto a ship bound for Canada.

One of the claimants immediately held Sloane liable for the value of the slaves. There were two prosecutions, by two distinct claimants. The trials occurred in the United States District Court at Columbus in October, 1854. In the first, Gibbons vs. Sloane, it was found that the power of attorney of Gibbons was defective and Sloane was freed of the charge. But in the second, Weimer vs. Sloane, the defendant was found liable for the value of three slaves and had to pay $3000, plus the costs of prosecution, which amounted to $333.30 court fees and $1000 attorney fees. By popular subscription $393 of this amount was raised. The balance was paid by Sloane. 1

The Margaret Garner case of Cincinnati, because of its unusual emotional appeal to the universal respect for mother love, received nation-wide attention.

On January 27, 1856, a party of slaves escaped from Boone County, Kentucky, immediately across the river from the City of Cincinnati. Apparently there were 17 members of the original party. Some escaped, but Simon Garner and his wife and their married son with his wife and several children, were traced in Cincinnati and captured in the home of a colored resident of

1 Sloane, Rush R., "The Underground Railroad of the Firelands", in the Firelands Pioneer, M.S., V, 46.
that City where they had taken refuge. They resisted arrest and young Garner fired four shots at the slave hunters before he was subdued. His wife meanwhile seized a butcher knife and killed her little three-year-old daughter. She intended to kill the other three children and herself, so intense was her anguish at the thought of being returned to bondage. But she was prevented from further slaughter. Friends of the fugitives at once sought custody of the Garners by indicting them for murder under the State law. They were held in the county jail until by a writ of habeas corpus from the United States District Court a marshal removed them from the sheriff's custody. They were ordered by Commissioner Pendery to be delivered to the claimants and were hustled away in an omnibus.

On March 4, 1856, Governor Chase of Ohio sent a requisition to the Governor of Kentucky for the return of the murderess, arguing that slaves could not be permitted to cross the river into Ohio and there commit crimes with impunity. The Governor of Kentucky granted the request but the slaves meantime had been carried out of the State of Kentucky and the case was therefore dropped. 1 This unusually dramatic incident, in which a mother demonstrated that she would rather slay her little daughter than consent to have her exposed to the cruelty and shameful treatment which she herself had suffered, could not but appeal with tremendous force to the motherhood of the State and the nation and to every man in whom the spark of

1 Warden, R.B., Life of Chase, 346.
humanity was not smothered by selfish interests.

Sometimes the citizens of a community raised the arm of force in protest and successfully defeated the purpose of the law. Some such instances which shall consider under another head. But there were times when, as in the case of the legal obstruction of Mr. Sloane, the law triumphed over the resort to force in an endeavor to defeat its purpose, and the well meaning citizens of Ohio suffered the penalty which the law imposed. There were two cases of this sort of major interest and importance. They involved, more than all the others, the conflict between State and Federal authority in the execution of the Law. A few minor illustrations of the employment of force will show that sometimes the designs of rescuers miscarried and the legal authorities won the contest.

On September 20, 1860, when feeling was at its height over the approaching election, a group of slave hunters appeared in Iberia, Morrow County, which was then the seat of Iberia Central College. News of their presence in the community was carried to the school and soon a number of young men on horseback were following the hunters with their prey. Two slaves were rescued and a deputy and two assistants were caught and disarmed. They were taken to the woods where the hair of the deputy was closely clipped and the two assistants were required to take an iron-clad oath to cease hunting fugitives. They were severely whipped for their recent offense. President

1 The Ad White case and the Oberlin-Wellington case, below, 109.
Gordon of the College was present at the affair and he was prosecuted. He was fined $300 plus the costs which amounted to more than $1000, and he was sentenced to six months in jail.¹

On January 19, 1861, a posse of federal officers seized a mulatto girl, Lucy, from the home of L.A. Benton of Cleveland. She was claimed as the slave of William Goshorn of Wheeling. An immense crowd soon gathered at the court house threatening to liberate the unfortunate victim. Messrs Spalding, Riddle and Palmer volunteered legal counsel and applied the writ of habeas corpus to release her from the custody of the sheriff on the ground that he, as a State officer, had no legal right to hold her. But she was at once re-arrested by a United States marshal and placed under guard of 150 deputies. Time was allowed the claimant to secure depositions from Virginia. There was no legal ground upon which to defend her, so Judge Spalding appealed to the human feelings of the court at the hearing. Most intense excitement prevailed during the episode. Several women attempted to defeat the purpose of the Law, or at least hamper its execution, by blowing red pepper into the eyes of the marshal. An attempt was made to rescue Lucy from her captors even after she had been taken aboard the train but the plan miscarried and the Law was satisfied.²

² Orth, S.F., History of Cleveland, I, 295-96.
Chapter VII

Persistent Opposition to the Enforcement of the Law

Whatever degree of success in the execution of the Law was experienced in the State of Ohio could quite certainly not be attributed to a consistently friendly attitude on the part of State political leaders. We have already referred to the resolutions of the General Assembly on March 22, 1851. The second section of these resolutions very frankly declared, after enumerating the evils of the Law, that such an evil measure ought not to receive popular support and ought therefore to be repealed. If the official sentiment was thus even only in part represented, what might be expected of the popular temper? And it is very evident that such cases of successful prosecution as the Sloane incident in which a man of humane spirit paid dearly for his crime of humanity, or the Garner incident in which mother love preferred immediate death to the slow death of bondage for her little daughter, were not calculated to quiet opposition to the Law. And those who had been in the habit of speaking through the ballot, as well as those who acted more directly to gainsay the Law, made their voices heard.

A number of northern States made an effort at legal obstruction and among them was Ohio. On April 16, 1857, the General Assembly of the State enacted a law specifically designed to this end. The measure provided that "it shall be

1 Above, page 80.
unlawful to confine in prison, or to detain in the peniten-
tiary of this State, or in the jails of any county in this
State, or in a calaboose, lock-up, guard-house, or station
in this State any person or persons charged with simply being
a fugitive from slavery." It provided a term of from 30 to
90 days in jail and a fine of $500 for any violation of this
Act by any officer of the State. 1

And on the day following this enactment, in order to
check an increasing tendency toward kidnapping which had been
noted from the beginning under the Fugitive Slave Law, the
General Assembly provided a law against the custom. This lat-
ter Act was of course not deliberately opposed to the Law,
but it did aim to correct one of the pernicious attendant
evils which the enforcement of the Law carried in its wake.
This anti-kidnapping Act provided a penalty of from three to
nine months imprisonment in the county jail plus from $300 to
$500 fine for anyone who should seize or detain another per-
son as a fugitive from service, the charge against him being
false imprisonment. The second part of the Act provided from
three to seven years in the penitentiary at hard labor for
the one who should, without authority, attempt to remove an-
other person from the State with the purpose of holding him as
a slave in another State, the charge in this case being kid-
napping. 2

But these laws were not long upon the statute books of

1 Ohio Laws, LIV, 170
2 Ibid., 186.
the State, for a more servile Democratic legislature on Feb-

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ury 23 of the following year repealed the law against the

confinement of fugitives in the prisons of the State 1 and

on March 27, the Act against kidnapping. 2 These Acts of

repeal had the effect of giving "notice to all slave-hunters

that the Ohio Field was again open to the pursuit of negroes

and that no obstacles would be placed in their way." 3

In addition to this effort to hinder the enforcement of

the Fugitive Slave Law by State legislation, there were also

frequent efforts through the State Courts to hamper the Law.

In this connection, the usual process was to throw the wrench

of habeas corpus into the wheels of "justice". A famous in-

stance of this kind was the Rosetta case.

Rosetta was the sixteen-year-old slave of the Reverend

Henry Dennison of Louisville. A friend of Dennison, Mr. Mill-

er, removing Rosetta from Louisville to Wheeling in March,

1855, stopped enroute at Columbus. Some negroes of that city,

knowing the State Law, by a writ of habeas corpus secured a

hearing for Rosetta before the Probate Court of Columbus. She

was declared free and was placed under the guardianship of

one Mr. Van Slyke by that court. Mr. Dennison journeyed to

Columbus to get his slave, and feeling certain of her devo-

tion to his service, offered her the choice of freedom or

returning to Louisville. She chose freedom and was subsequest-

1Ohio Laws, LV, 10.
2Ibid., LV, 19.
3Cochran, W.C., 118.
ly arrested under the Fugitive Slave Law. Mr. Van Slyke, the

guardian, again interposed the writ of habeas corpus to pre-
vent her return to bondage and to secure for her a hearing be-
fore Judge Parker of the State Court. In this hearing her case
was pleaded by Salmon P. Chase and he was assisted by Ruther-
ford B. Hayes, than a young attorney of Ohio. Judge Parker
ruled that having been brought into Ohio by an agent of the
master, Rosetta could not be considered a fugitive in the
sense of the Law, and was therefore free, especially in view
of the fact that she had been offered her freedom while in
the State. 1 Clearly it was the writ of habeas corpus which
had twice saved the intended victim.

There were two other notable cases which resulted in con-
tested authority between the State and the Nation, both of
which seemed to cause much comment throughout the State, and
one of which - the Oberlin-Wellington case - because it rep-
resented a clear-cut test of authority between the courts,
commanded the attention of the nation.

The first of these in point of time was the rescue of
Addison White. In this instance several United States mar-
shals were arrested under the State law, charged with assault
with intent to kill. They had beated a sheriff who resisted
them when they were removing some citizens who were charged
with aiding a fugitive. This contest between the authorities
resulted in a draw, for Governor Chase, in an interview with

1 Warden, R.B., Life of Chase, 344-5, and Coffin, Reminis-
cences, 555-56.
President Buchanan and Secretary of State Cass, succeeded in having the suits pending in both the United States District Court and in the State Court dropped.

The second incident is known as the Oberlin-Wellington Rescue. This case was dragging in the courts for quite a long time. Simeon Bushnell and Charles Langston, two of the rescuers, were finally convicted under the Law. But while the trial of the other participants was pending an application was made to the Ohio State Supreme Court at Columbus for a writ of habeas corpus by which inquiry might be made into the status of the convicted men, aiming to raise the question of the constitutionality of the Law. The eyes of the nation were turned toward Ohio to see what course would be taken. The Ohio Supreme Court pondered well the situation and voted by a ballot of 3 to 2 against interfering with the decision of the Federal Court.

Meanwhile, however, A.G. Riddle, counsellor for the imprisoned rescuers, used a State process to indict the slave-catchers of a charge of kidnapping, for their act of seizing the negro who had been rescued. The administration at Washington sent Attorney General Black to inquire into the case. When Attorney Riddle proposed an adjustment by dropping prosecutions of both the remaining untried rescuers and the kidnappers, Attorney Black consented. Whereupon it was charged by an administration organ "So the government has been beaten at

1 Siebert, W.H., op. cit., 335.
last, with law, justice, and facts all on its side, and Oberlin, with its relentless, higher-law creed is triumphant."

One interesting development in the use of the State process against the operation of the Federal Law was the fact that "the doctrine of states-rights was vehemently urged as against the laws and authority of the United States." 2 Even Ohio was not yet willing to admit the supremacy of the general government, probably finding her pattern in the Southern States in such contention.

As might be expected, back of the attitude of the State Legislature and the Courts was a persistent popular sentiment opposed to the Law. We have referred in several connections to the flare-up of this popular feeling in the earlier months of the enactment. We have suggested that the gradual lull in the expression of this sentiment was more apparent than real, for each new incident of the harshness of the Law revived the feeling of hatred toward its provisions.

It will be recalled that the fundamental purpose of the Fugitive Slave Law of 1850 was to amend and supplement the Act of 1793. In modern parlance, it was designed to "put teeth into that Act". Our remaining concern is to note whether in the final analysis of the execution of the Law those "teeth" proved true or false - whether the added severity of the new Law produced in Ohio the results which the milder law of 1793 failed to produce, namely, to check the escape of fugitives

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1 Hart, A.B., Chace, 169-71.
2 Prince, Benjamin F., "The Fugitive Case of 1857", in Ohio Arch. and Hist. Society Publications, XVI, 308.
and to return those who had previously escaped.

The Underground Railroad was the one supreme agency of direct action against the institution of slavery and against any law which would tend to sustain that institution. Indeed, it was perhaps due to the eminent success of this agency as much as to any other cause that the Law of 1850 was enacted. A general check-up on the effect which the Law had upon the Underground Railroad it would seem, would in a fairly accurate measure indicate the degree of success of the Law in its actual operation.

Let us not forget that even before 1850 there were cases in which the plans of the conductors and station masters of the System miscarried. We have already illustrated to some extent the fact that despite the hopes and aims of the friends of humanity, the Law of 1850 was carried out by superior force contrary to all sense of justice and humane feeling.

And added to the injury of legitimate enforcement of the Law was the insult of an increased activity among kidnappers. "As might have been expected, there was renewed activity ... in the profitable business of capturing negroes, hustling them out of the State, selling them for $1000 to $1500 ... and dividing the proceeds. There was no way in which a brutal man with little education could make so much money as in slave-hunting or man-stealing, and the 'law' had now no terrors to restrain him."

Whether or not there was any imminent danger of actually

1 Cochran, W.C., 118-19.
being carried off into bondage, the very possibility of such unjust treatment was in certain parts of the State a constant nightmare to some of the free colored population, and, sympathetically, to their white friends. About the first of December, 1850, for instance it was noised abroad in the little town of Bloomfield, Columbiana County, that the wife of one William Jenkins was being sought by kidnappers. Mr. Jenkins was provided with firearms. The Chardon Free Democrat remarked "We do not think he is much in danger for the people of Bloomfield and the surrounding country will never permit the kidnapping of either himself or any of his family." 1 This report of the approach of hunters may have been pure rumor, but it had in it a horrible possibility of truth which called for stern preventative measures.

A citizen of Cincinnati on October 29, 1850, made an attempt to kidnap an old and respected negro from the street of that city. He was jailed "as it was supposed that his claim to the negro was based upon an overcharge of alcohol." 2 Such incidents were of little immediate consequence, but they demonstrated that a mean advantage of the free negroes could be taken under the cloak of the Law. They struck terror to the heart of every potential victim and deepened the conviction of the injustice of the Law in the hearts of the friends of the negro.

And not always was it a case of "Wolf! Wolf!" and there

1 Western Reserve Chronicle, Dec. 4, 1850, quoting the Chardon Free Democrat.
2 Cincinnati Gazette, Oct. 30, 1850.
was no wolf". On October 11, 1859, Oliver Johnson, a negro who resided near Chillicothe, was seized at night and carried to slavery in Kentucky without any examination whatever. Two Ohio kidnappers were subsequently tried for their part in the act but they were acquitted. Incidents of this sort were very fruitful in spurring the operators of the Underground Railroad to their best efforts to off-set the evil which the Law made possible.

The same religious sensitiveness to human need and the same determination to obey the scriptural injunction to minister to that need despite man-made laws, motivated a growing number of Ohio citizens to every evasion of the Law which could be religiously justified. Attorney Riddle, in his plea for one of the defendants in the Oberlin-Wellington Rescue case, gave expression to this inner urge which was quite universal on the Reserve, and which was not lacking in any parts of the State. He said "I have nothing to do with enticing slaves away, nor sympathy with those who do; but if a fugitive comes to me in his flight from slavery, and is in need of food and clothing and shelter and rest and comfort and protection and means of future flight, - if he needs any or all of these gentle charities which a Christian man may render to any human being under any circumstances, so help me the great God in my extremest need, he shall have them all!" 2

"Instead of being disheartened and subdued by the pains

1 Clarke, James Freeman, Anti-Slavery Days, 169.
and penalties imposed by the Fugitive Slave Law, and the vigorous campaign of 'pernicious activity' immediately inaugurated by the owners of escaped slaves and their willing tools ... in the North, the friends of freedom put on renewed zeal and diligence; the 'lines' of the Underground Railroad were increased, the 'stations' rapidly multiplied and the 'agents', 'conductors', 'engineers', etc. became aggressive and alert." 1

A correspondent of the Maysville (Kentucky) Eagle, under date of November 8, 1852, asserted, "A recent trip through Ohio, thence to Canada in pursuit of fugitives, has enabled me to collect such information as is calculated to excite our alarm for the safety of our slaves. ... During the week I remained in Sandusky upwards of thirty fugitives crossed the Lake. On my way to Malden, the captain of the Arrow, running from Sandusky to Detroit, told me that in the last two months over two hundred had crossed from the State of Kentucky alone. I have just received a letter from Mr. Troupe, upon the border of the Lake, who states that the number crossing is nightly increasing, and on Monday night, last, eighteen crossed at a single trip; the same week forty odd crossed at Cleveland. ..." 2

It is possible that this "correspondent" was the victim of exaggerated tales. But even with due allowance for possible exaggeration, these stories point to the fact that the enforcement of the Law tended to speed up the traffic of the Underground Railroad.

1 Lane, Samuel A., History of Akron and Summit Co., 579.
2 Quoted by the Western Reserve Chronicle, Dec. 8, 1852.
Not all the traffic went through to Canada directly. The decade of 1850 to 1860 saw an increase of 45 per cent in the colored population of Ohio and the flood of this increase seems to have struck the Western Reserve. In two counties of that part of the State the increase was 100 per cent. Cleveland was a favorite stopping place because of the chances for concealment until escape across the Lake could be arranged. Lorain County, especially the vicinity of Oberlin, was another safe haven. ¹

While the real nature of the activity of the Underground System as implied in its name, was covert and quiet and for that reason more effective, there were occasions when the extremity of the need was such that it would not yield to gentle treatment. Then the real mettle of the usually peace-loving "fanatics" was tested and force was met by force.

On October 17, 1852, a gang of 31 slaves escaped to Ripley, Ohio. They were traced by pursuers who were checked temporarily by armed negroes. The runaways were all concealed except five who continued their flight, three of whom were finally captured. The citizens of Ripley refused to obey the demands of the Law, and the claimants manifested much indignation at their refusal. ²

Since the early forties there had lived in Akron a negro by the name of Jim Worthington. He was an efficient and favor-

¹ Cochran, W.C., 119.
² Western Reserve Chronicle, Oct. 20, 1852, quoting the Pittsburgh Gazette.
ite barber and enjoyed a fine patronage. He prospered by his habits of industry and thrift and established a home in a neat house which he built. But Jim was a slave and his jealous wife betrayed him.

One day a "sheriff from Chicago", with the aid of Sheriff Wright of Summit County, arrested Jim on a charge of counterfeiting. The local officer became suspicious of irregularities when the "Chicago sheriff" and a cohort from Newark, Ohio, refused to allow Jim to engage counsel. Other citizens also grew suspicious and at the railway station they demanded to see the papers authorizing the arrest. These papers were found to be not legal and the prisoner was ordered to be released. But the officers threatened to shoot anyone who should attempt to release him from their custody. The crowd which had gathered now became furious and defied the officers, menacing them so that they were content to board the train without their victim. It was subsequently learned that the "sheriff from Chicago" was in reality an officer from Louisville, and was acting under the instruction of Jim's former master who at the time was in Cleveland directing the operation. It was also learned that the arresting officers had a genuine warrant under the Fugitive Slave Law authorizing the arrest but they feared to use it on the Western Reserve. The foiled master in Cleveland was heard to remark that "the Fugitive Slave Law didn't amount to much in Ohio anyway."

1 Lane, Samuel A., History of Akron and Summit County, 579.
We have referred to the anti-slavery societies of the State in various connections, but usually only as agitating and resolution-forming bodies. In their mission of propagandizing they most certainly did a splendid work. But they were capable of practical action also, as is demonstrated by the following incident:

On August 28, 1854, the Western Reserve Anti-Slavery Society was holding its annual convention at Salem, Ohio. At about three o'clock in the afternoon a telegram to the convention announced the fact that a slaveholder and his wife with their little slave girl, enroute from Pittsburg to Tennessee, would pass through Salem on a train which would reach that town at six o'clock. "With one impulse" the assembly prepared for action. The town joined the delegates in a mass meeting at the station. A special committee boarded the train and carried the twelve-year-old slave out of the coach amid the cheers of the crowd and against the protests of the owners. That evening a rousing meeting was held, and resolutions were adopted suggesting that the Societies of Cincinnati, Pittsburg and Boston "go and do likewise". ¹ This incident stands out in striking contrast to the early conventions of the State Anti-Slavery Society, as for instance that of 1838, when the delegates were egged out of Granville, Ohio.

But the most generally known, if not the most spectacular of Ohio rescue cases under the Law of 1850, are the two which

have previously touched upon in connection with the consideration of legal obstructions placed in the way of the Law. These rescues reveal especially the later popular reaction to the Law in Ohio and they are the more significant because they occurred in separate parts of the State, the first in the west-central portion and the second on the Reserve.

Addison White, a fugitive from Kentucky, had secured employment on the farm of Udney Hyde near Mechanicsburg, Champaign County, Ohio. This community had "always been noted for strong and unyielding prejudice against slavery among its people." It was a regular center of Underground Railroad activity and never surrendered its refugees.

The master of White traced him to his place of employment and in May, 1857, secured a warrant for his arrest from the United States District Court of Cincinnati. Benjamin Churchill and eight assistants went forth to Mechanicsburg to effect the arrest of the slave. He was a powerful fellow and had vowed that he would never be returned to slavery. In the loft of the house of Mr. Hyde where he slept he had stored a rifle, a revolver, a shot gun, a knife and an ax. He was found by the officers in his retreat, which was accessible only by a ladder. They first attempted to coax him down; then they tried to depurate Mr. Hyde to bring him down; then they called upon the onlookers who had assembled from the community. Finally deputy Elliot undertook to ascend the ladder to make the arrest. He

1 Above, page 94.
proceeded cautiously up the ladder, holding his gun before him. A shot rang out and Elliot dropped to the floor below, merely frightened. His gun had intercepted the bullet. Amid the taunts of the "audience" the officers departed for Urbana, thence to Cincinnati. Addison White took a trip to Canada.

At Cincinnati the marshal and his deputies obtained warrants for the arrest of Mr. Hyde and three others of the community who had "interfered" or refused to assist in the arrest when summoned to do so. A marshal's posse of fourteen men, headed again by Churchill and Elliot, proceeded to Mechanicsburg to arrest the four men. Having made the arrest, they did not return by way of Urbana, the County seat, and thus they were suspected of abduction by sympathizers with the prisoners. A writ of habeas corpus was hurriedly obtained from Judge Baldwin of Urbana and the sheriff of Champaign County followed the United States marshals to serve it and so secure custody of the prisoners. But the marshals with their captives had crossed the County line into Clark County. Meanwhile, however, certain citizens of Champaign County had anticipated their progress into Clark County and had carried a writ of habeas corpus to Springfield and placed it in the hands of Sheriff Layton of Clark County. With one deputy this officer set forth to intercept the fourteen marshals with their four prisoners. But the marshals were very serious about their responsibility as Federal officers and were not disposed to yield to the demands of a mere State officer, especially in view of the fact that they had previously been baffled in their attempt to ar-
rest the negro. They emphasized their intention to retain possession of their prisoners by administering a beating to Sheriff Layton, and they discharged a gun in the direction of his deputy. News of the affair was flashed through the County and into Greene County to the south, thus involving three counties in the episode. Sheriff Lewis of Greene County joined Sheriff Layton's posse and the marshals were forced to surrender. With their four prisoners they were returned toward Urbana, but the marshals were detained at Springfield on a charge of assault with intent to kill. The four prisoners, citizens of Champaign County, were returned to Urbana under the writ of habeas corpus and when no one appeared at their hearing to accuse them - their captors being in jail at Springfield - they were freed.

But subsequently Mr. Hyde was arraigned in the Federal Court for having refused to assist in the arrest of White, and the Honorable J.C.Brand was also arrested and prosecuted on a charge of having resisted Federal officers in the performance of their duties. Mr. Brand had conveyed the writ to Springfield and had secured the assistance of Sheriff Lewis of Greene County also.

The legal battle in the prosecution of the "criminals" under the Fugitive Law was fought by some of the best talent of the State and so close-drawn was the contest that at the end of about a year of struggle the jury failed to return a verdict. Thereupon the owner of the escaped slave agreed to settle the account for the price of the fugitive, $1000, provided the de-
fense would also pay all costs. This was agreed to and a bill of sale was executed. Ad White was now emancipated by law though for almost a year he was free in Canada.¹

The news of one such incident and its outcome travelled far and wide and carried with it the spirit of the men who dared to place the principle of human sympathy above devotion to their country under a law so oppressive. This case, one of the most serious in Ohio against the operation of the Law of 1850, had a wonderful effect in crystallizing popular sentiment of opposition to the Law and against the institution which the Law was designed to defend.

Citizens of the little town of South Charleston, Clark County, for instance, in a meeting held while the feeling of resentment over the incident was at its height, protested that they would not resist the execution of any legal warrant, but they resented the high-handed measures of drunken United States officers, and they further vowed "we will make our town too hot to hold any spy or informer, resident or foreign, who may be found prowling in our midst, endeavoring to involve our citizens in legal difficulties."²

It is worthy of note that the United States marshals who were detained in Springfield under the State law, on the charge of assault with intent to kill, were released by a writ of habeas corpus issued by Judge Leavitt of the United

States District Court of Cincinnati. When they appeared for their hearing on June 25, 1857, Governor Chase sent Attorney-General Wolcott of Ohio to plead the cause of the State, while Clement L. Vallandigham of later notoriety argued the cause of the marshals. Mr. Vallandigham scored the fanatics who had "discovered that the Constitution is all wrong,... that there is a higher law than the Constitution, and that discord is piety and sedition is patriotism." He charged Attorney-General Wolcott, and through him the Executive of the State, that the United States Government would not be awed by threats or be turned aside by demonstrations from enforcing its laws and the process of its courts. 1

The second, and the most widely known of all the Ohio Rescue Cases, was the Oberlin-Wellington incident. This occurred in September, 1858, just before the Congressional elections, indicators of the drift of national political sentiment. Happening as it did on the Western Reserve, which had come to be universally recognized as representing the acme of opposition to slavery and the Fugitive Law in Ohio, the attention of the nation was centered on the case.

The particulars of the rescue and the arrest and trial of the rescuers are briefly as follows: Oberlin had almost from its earliest days been reputedly a city of refuge for the oppressed, "panting" fugitive. The incident of a previous rescue, in 1841, has been cited above (p. ). The liberal

1 Vallandigham, C.L., The Record of Hon. C.L. Vallandigham on Abolition, the Union, and the Civil War, 237.
attitude of the educational institution was proverbial and
typical of the community of which it was a vital part. It was
a community to be avoided for the most part by the slave-hunter.

On September 13, 1858, John Price, a fugitive from Kentucky
since 1856, and at that time a resident of Oberlin, was en-
ticed out of the town through the machinations of several slave
hunters from that State. He was seized by three men and hustled
southward to Wellington, nine miles distant, there to board a
train for southern Ohio and Kentucky and bondage. But before
they reached Wellington, the captors with their prey were seen
by two young men of Oberlin, who being suspicious hastened to
their town and upon inquiry learned that John Price, the negro,
was missing. An alarm was sounded at once and residents of O-
berlin to the number of about three hundred sped southward to
Wellington by every means of transportation which offered. The
"kidnappers" were overtaken in the town, and the Oberlinites,
joined by a group of citizens of Wellington - a mass of people-
surrounded the Wadsworth House where the southerners were stop-
ping until train time. The slave was held captive by the claim-
ants in the attic of the hotel, awaiting the next train south.

The mass of people was without a leader and was divided in
sentiment. Some favored allowing the hunters to proceed with
their victim. Others called for a rescue. The train arrived
and continued its journey south without the passengers. The
crowd filled the hotel rooms. A small group of men crowded
into the attic and surrounded Price. At about sunset they de-
scended the stairs taking him with them. He was placed in a
buggy and carried to Oberlin. President Fairchild of the College was urged to shelter him. Three days later he was sent to Canada.

But the Law having thus been grossly violated must have its inning. The grand jury indicted thirty-seven men, twenty-four from Oberlin and thirteen from Wellington. Included in the number from Oberlin who were indicted were men of such repute as Professor Peck of the College, Mr. J. M. Fitch, Superintendent of a large Sunday School, and Ralph Plumb, a lawyer.

On December 7, 1858 the "criminals" left for Cleveland to answer the charge of having rescued a fugitive slave. R. P. Spalding, A. G. Riddle and S. O. Griswold, prominent attorneys, volunteered defense counsel. Through Judge Spalding they pleaded "not guilty", and the date for trial was set for March 8, 1859. The date was later changed to April 5. Refusing to give bail, the prisoners were allowed to depart on their own recognizance.

On January 11, 1859, a "Felons Feast", a "good social dinner, followed by a real feast of reason and flow of soul", was held in the Palmer House of Oberlin. It was a banquet given by the indicted citizens of Oberlin to their "brethren in bonds" of Wellington.

The trial commenced on April 5, 1859, but was interrupted about the middle of May, to be continued in the July term of the court. Nearly all those connected with the prosecution from the presiding judge to the claimants, including the jurors chosen, were inclined by political connections, toward the
enforcement of the Law. But the general popular sentiment of
the city of Cleveland and the State-wide sympathy was with the
prisoners.

Simeon Bushnell, the first prisoner tried, was found guilty
and sentenced to pay a fine of $600 and serve a term of sixty
days in prison. Charles Langston, a free negro, was tried be-
fore the same jury as had convicted Bushnell, despite the pro-
tests of the counsel for the defense. When it became apparent
that the same jury would be held to serve for all the cases,
the defense counsel balked and refused to call further witness-
es. They informed the court that the remaining accused persons
would give no bail, enter no recognizance, and make no promises
to return to court. Thereupon the "felons" were ordered con-
 fined in prison in Cleveland. Through the generosity of the
jailer, and the sympathy of outside friends, the prisoners
were well cared for, wanting little by way of comfort.

Several of the prisoners entered a plea of nolle contendre
and were fined each $20 with 24 hours in jail. Fourteen Ober-
lin men, plus the two convicted, remained in jail from April
15. Even when the Court changed its previous ruling and again
allowed freedom on recognizance, they refused to leave the jail.

On May 24, during the recess of the Court, a large mass
meeting was held in Cleveland to express sympathy for the
prisoners and condemnation of the Fugitive Slave Law. A great
procession with banners marched through the streets and around
the jail. The meeting was addressed by the Honorable Joshua R.
Giddings and also by Governor Chase.
Even the little children of Oberlin, future citizens of the State, were so imbued with the spirit of "higher law" that they honored the "criminals" under the Federal Law. On July 2, 1859, 400 pupils of the Oberlin Sunday School of which Mr. Fitch was Superintendent, journeyed to Cleveland to visit their leader, expressing their confidence in him and in the righteousness of the cause for which he was being deprived of his liberty.

The conclusion of the prosecutions was brought about in the following way:

The four southerners who had arranged and endeavored to effect the seizure were indicted in the Lorain County Court for kidnapping. They were scheduled for trial July 6. The prosecution of the rescuers was to continue on July 12. Through an arrangement between counsel for the kidnappers and the rescuers it was agreed that the prosecutions on both sides should be dropped and on July 6, the "felons" from Oberlin were informed of their release.

The return of the rescuers was no ordinary event. Their departure from Cleveland was marked by the firing of a salute of one hundred guns from Cleveland Public Square and a crowd of several hundred citizens marched with them from the jail to the station. As they reached Oberlin the whole town seemed to be at the depot to meet them. A mass of three thousand voices joined in the shout of welcome to the returning heroes. 1

To summarize briefly in conclusion,

We have noted that even from the beginning of its statehood, due to the antecedents of the two diverse streams of population which flowed into her borders, Ohio was divided in her attitude toward slavery. And to the same cause, modified by the unequal distribution of negroes in the State, may be attributed the sectional attitude toward the free negro who sought economic opportunity in Ohio. From first to last the relative immediacy or remoteness of the tangible object about which difference of opinion revolved was a determining factor in the shaping of sentiment.

The Black Code of the State was concrete proof that the balance of sentiment in Ohio was at least technically opposed to the welfare of the negro previous to 1850. But the practical and therefore the more accurate index of feeling is to be found in the patent fact that these laws were not supported by the necessary popular will which would assure their enforcement. And not only this withholding of support from the State laws which discriminated against the negro, but the effective resistance to the Federal Act of 1793, which in time became the pretext for the sterner Act of 1850, indicates that after all the majority of opinion was contrary to such Law.

The repeal of the Black Code was effected by the narrow margin of a balance of power in the State Legislature held by two anti-slavery "fanatics" who "bargained" to this end. But public opinion gave at least tacit consent to the "bargain" for the laws were never replaced.
Especially noteworthy was the popular opposition to the State Law of 1839 which more specifically anticipated the Federal Act of 1850. Its brief and ineffective existence of four years was not calculated to promote the confidence of the South in the pro-slavery stock of Ohio.

The apparently more liberal attitude toward the free negro and the slave which produced these changes in the laws of the State augured ill for any Act of Congress which should aim at the correction of the laxity of enforcement of the existing Federal Act. The very purpose of the Law of 1850 was to redeem the past by stemming the tide of popular feeling and reversing its progressive sweep to the end that the institution of slavery might be preserved for a section of the nation. The Law sought to coerce the popular will by imposing heavy penalties.

But true to the progressive trend of its history during the past two decades, the popular will of Ohio demonstrated anew, with emphasis, that an ounce of coercion may produce a pound of resistance. An Act which lacks the backing of public assent lacks the quickening force which alone makes it a Law in anything but name.

The earliest reaction in Ohio to the Law of 1850, both representative and direct, bespoke defeat. And although after a few months of heated agitation and antagonism there was a marked decline in the fervency of spoken opposition, this was not at all indicative of a reversal of opinion. It was rather an ominous halt which seemed to signify that having had their
say the people were now content to bide their time awaiting results. Occasional local instances of enforcement called forth the original vehemence with interest compounded, and sometimes echoes were heard in remote parts of the State in the form of renewed resolutions. And whether or not the hand of the Law was stayed by a rescue or a concealment, the result, so far as popular feeling was concerned, was to render the Law more unbearable.

There were of course exceptions to this general trend. There were localities which having been unjust were "unjust still." The early division of sentiment, traceable to the different origin of immigrant stock which early inhabited the State, was manifest even during the fifties. The vicinity of Cincinnati was almost as uniformly favorable to the discriminatory State laws and to the Federal Law as the Reserve was consistently opposed.
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