

The Fugitive Slave Law In Indiana

By CHARLES H. MONEY

(Concluded)

II. THE WEST CASE

The second most important case during the decade before the Civil war was the West or Weston case. The litigation over West differed from that over Freeman in many particulars. West was a fugitive who had been captured by his master's slave hunter in the state of Illinois. The trial happened in Indianapolis because of the legal action taken by a company of abolition lawyers led by such men as George W. Julian, John Coburn and others. West was being taken through the city on his return to Kentucky, when legal battle was commenced by these abolition leaders for his liberty. He was not, therefore, a resident of the city, nor was it ever disclosed that he was or ever had been a free man because of any free papers. He seems to have been known to no one in the city excepting the colored population, who appeared to be much exercised and excited by his arrest. Some of these talked a great deal of rescuing West, but he was finally lodged in jail to await a hearing. The contest was purely a legal battle throughout. The abolitionist lawyers had planned to do one of three things, if possible. First, they intended to do their best to liberate West. Second, they were for attempting a rescue, if they should fail legally to liberate him. As a corollary, they had it in mind to delay action in the trial in every possible way in order to make it cost the claimant the value of his slave or more. By making it cost the claimant a great deal, the abolitionists felt that they could discourage slave hunting in Indiana, and at the same time make every slave master fear to return with his fugitive through Indianapolis, because of the intimidation he might be sure to encounter from them. All the abolitionists of the city, and they were numerous, both lawyers and non-professionals did their work gratuitously for the purpose of defeating the fugitive slave law and because of their hatred of the institution of slavery. Julian, their

acknowledged leader, had been in the house of representatives when the bill passed congress. He had voted against it and had, ever since its adoption, denounced it. He had been the free soil representative from the Richmond district and the leader of abolitionism at Centerville, the old county seat of Wayne county, before coming to Indianapolis to practice law.

West was the slave claimed by Austin W. Vallandingham of Kentucky. As has been said, Vallandingham's agent had captured West in Illinois and was passing through the city on his way to Louisville over the Madison and Indianapolis railroad. While resting here with his captured slave, waiting for a train to bear him to the southern shores of the Ohio river, proceedings were instituted, in the city courts, against Vallandingham on the charge of kidnapping a free negro.

The lawyers for the claimant were J. Roberts, R. L. Walpole, and T. D. Walpole. Those prosecuting the case were Ellsworth and Colley, John Coburn and George W. Julian. The case was tried in the court of Judge William J. Wallace, in December, 1857. The affidavit was filed in this court by Samuel Williams, a colored man.

When court convened to hear the case, the lawyers began wrangling as to whether Williams, a mulatto, could file an affidavit against a white man. Ellsworth said that an affidavit might be filed by a negro, a mulatto, or an Indian. The testimony to establish the facts sworn to in the affidavit was on the trial of the cause. He continued:

A negro might file his affidavit making a charge, while on the hearing of the cause, he might be excluded from giving testimony against a white man. As to the residence of the negro, it was not material at what time he got into the state, or what penalties were imposed upon him for coming in, he was here and feeling himself aggrieved, wronged and insulted he had filed the affidavit. He must be heard in any court throughout the state of Indiana. Whether the negro, Samuel Williams, had been in the state one day, or one year, or five years, he was entitled, whether regarded as a citizen or not, to sue for justice against aggression.⁵²

T. D. Walpole said that the testimony of Williams, a negro, was incompetent and illegal where a white man was an interested party and that he could not testify unless by the consent of the parties interested and such consent had never been given. Further he asked:

⁵² *Daily Sentinel*, Dec. 4, 1857.

Who has the right to make an oath? No negro or mulatto could testify by affidavit unless violence had been done to him individually. The right of a negro or of a mulatto to institute a proceeding in the courts of Indiana, coming as the negro Williams did into the state since 1857 in contravention of the constitution, is denied. He has no rights whatever in our courts where his own person had not been infringed. He is a violator of the laws of Indiana. He is no part of the sovereignty of Indiana. He is excluded from the state and he came into it in defiance of the constitution which his honor had sworn to maintain and support. No outside nigger could come into any Indiana court filing such an affidavit as this against a free white citizen of the United States. A vagrant negro instigated by others, if this affidavit was allowed, might put in jeopardy the rights, privileges and immunities of any white man. His Honor himself would, by any decision affirming this negro's oath, put himself in the power of any strolling African. This was a government of white men, constructed for their own happiness, and no negro, no vagrant and strolling negro in defiance of the constitution and laws coming into the commonwealth, could infringe on the rights of the citizens.⁵³

It was up to Judge Wallace to decide this wrangle concerning the affidavit of Samuel Williams. This he did in the following four points:

(1) At common law, negroes, unless slaves, are universally allowed to testify. A man's color has nothing to do with his testimony.

(2) Common law rights or natural rights may be restricted by an express statute, but such restrictive statutes are to be strictly construed. Just the restriction they give is to be taken but no more.

(3) The Indiana statute of 1853 prohibits negroes having one-eighth or more of negro blood, from testifying as a witness in a cause and no more. Being a witness is one thing and simply filing an affidavit is another and different thing and the true rule is undoubtedly laid down by Judge McDonald as follows: "In all cases, both civil and criminal, where affidavits are necessary, either for the institution of a suit or its continuance, or for any other purpose whatever, such affidavit may be made by an Indian, a negro or mulatto."

(4) Our supreme court has decided, "That the state is not a person of any particular color." Now, the object of an affidavit, in cases of felony is to inform the state that an offense has been committed against her and her laws, and as the state is of no color, it matters not what may be the color of the one who informs her by affidavit. The state has a right to demand and receive information, under oath, of offenses against her, from any source whatever.⁵⁴

The judge's decision was against the claimant on the question of permitting the affidavit to stand. Ellsworth, in an

⁵³ *Ibid.*

⁵⁴ *Weekly State Journal*, Dec. 10, 1857.

endeavor to gain time made a motion for a continuance of the trial for thirty days on the affidavit of Williams. The court overruled the motion for a continuance and this seemed to please Vallandingham, because shortening the time meant less expense to him. When the court reconvened in the afternoon R. L. Walpole appeared with Vallandingham. Ellsworth appeared for the state. Major Wallace announced his determination to go into the case. The state through Ellsworth entered a *nolle prosequi*, finished the matter and the negro was discharged.

After his discharge by Judge Wallace, West was arrested by Jesse D. Carmichael, United States deputy marshal, acting upon papers filed by the claimant, Vallandingham, before United States commissioner John H. Rea. The same attorneys were acting that had participated in the kidnapping trial preceding. West now had to prove himself a free man. T. D. Walpole opened for the claimant, saying that the case was a question of proving the validity of the proceedings of the claim and capture of West. To warrant extradition this was all that was necessary.⁵⁵

Mr. Coburn moved to quash the warrant, on the ground that there was no allegation in the indictment showing that West was Vallandingham's slave at the time of his escape. He said that the documents issued by the court of Franklin county, Kentucky, for identification were not proper certificates and they were without seals. Walpole contended that seals and certificates were not necessary in the case. All that was needed was identification and a warrant.

Julian said the affidavit was defective, because the name of the negro was not given, but was supposed to be West or Weston. Further it did not show that West escaped from Kentucky,—it mentioned his escape from his master at Louisville. Vallandingham and his agents had wrongfully deprived the alleged slave of his liberty and had violated the constitution of Indiana in bringing a negro into the state, for the constitution, article XIII, section I, specifically says, "No negro or mulatto shall come into or settle in the state, after the adoption of this constitution."

⁵⁵ *Weekly State Journal*, Dec. 3, '57.

On the second day Walpole claimed the affidavits proper in form, having the proper signatures and certificates attached. Julian contended that the form was wrong, that there was no state of "Kentuck" in the United States. "The uncertainty of the name of the alleged slave was very probable evidence that the claimant had wilfully sworn to a lie."

The court overruled the motion to quash the warrant and stated that "whatever might be the defect in the case he would hear evidence to prove the claimant's right to the alleged slave, and not deliver him to the reputed owner without the owner proving that the negro owed him service."⁵⁶

Coburn argued that West was a free man, because he had been and was now on free soil. He claimed that West had worked on a steamboat, called *Blue Wings*, which had plied up and down the Ohio river and had landed at different points in Indiana. He was, therefore, under the civil and criminal jurisdiction of Indiana and as Indiana's constitution prohibited slavery and involuntary servitude he was a free man. West had been brought into Indiana by his master while working on the steamboat ten years before, he was again brought into Indiana by action of his master and "the moment a slave touches our soil he becomes free."

Coburn said:

In the *Dred Scott* case, the supreme court said that a slave was free when taken into a free state by voluntary action of his master, but became a slave when going back into a slave state. The alleged fugitive, now before the commissioner, was brought into Indiana by his reputed master and was free according to the decision in the *Dred Scott* case. The supreme court of the United States is governed in cases similar to the present one by the laws of the state where the cause is heard. It is a question with the commissioner to determine whether the law of Kentucky or Indiana should prevail in our commonwealth.

Walpole replied:

Slaves in Kentucky might be held by prescription (West had been owned by the claimant for twenty years) they might be acquired by descent, they might be transferred orally by actual delivery. Slavery existed by the common law in that state. In that state—in that forum alone—could the question of title be determined. All the commissioner had to determine was the identity of the negro and whether a probable and reasonable claim had been made out against him. The fact that West

⁵⁶ *Indiana State Journal*, Dec. 3, 1857.

had fired a steamboat, which touched at points in a free state did not make him a freeman. Congress under the federal constitution regulated commerce between the states and under the laws of congress, and not under the laws of Indiana or Illinois were the rights of the master to be determined.⁵⁷

The powers of the commissioner were ministerial and not judicial. The identity of the fugitive is the question for decision.

Fugitives are delivered up under the fourth article of the federal constitution and a commissioner was an auxiliary officer to carry out this provision of the constitution. The question of freedom or slavery could not be determined before a commissioner any more than the guilt or innocence of a person charged with crime. The constitution of the United States would never place in the hands of one man the freedom or slavery of an individual. Such a question must be determined by a jury in a competent court.⁵⁸

Commissioner Rea said that his powers were ministerial and not judicial and that all proceedings before him must be of a summary nature. Witnesses were called immediately to identify West as Vallandingham's slave. The first witness called was Hezekiah Ellis, of Frankfort, Kentucky. He said he had known Dr. Vallandingham for twenty-five years, had known West, his mother and sister, all of whom were slaves. He said West had been owned by Vallandingham for eight years. West had fired on the steamboat, *Blue Wings*, and had been arrested at Naples, Illinois.

W. H. Rickets, of Frankfort, Kentucky, testified to having written an advertisement for Vallandingham in which a reward of \$250 had been offered for West's capture. West had worked on the steamboat, *Blue Wings*, for two years.

Austin W. Vallandingham, the claimant, testified that West had a scar on his back from the cut of an axe, and further stated that he had cut off the first joint of West's right fore finger for a bone felon.

George R. Vallandingham said he was a son of A. W. Vallandingham. West had been his playmate in childhood. Had seen him last in 1853 and not afterwards until his arrest in Naples, Illinois. He had brought him handcuffed to Indianapolis.⁵⁹

⁵⁷ *Daily Sentinel*, Dec. 3, 1857.

⁵⁸ *Weekly State Journal*, Dec. 3, 1857.

⁵⁹ *Indiana State Journal*, Dec. 3, 1857.

Such was the tenor of the evidence given to claim West as the slave of Vallandingham. The counsel for West could not do much more to save their client from slavery. Seeing they were being defeated, they proceeded to lambast Vallandingham, his counsel and the court and to arouse public sentiment, probably for a rescue. The speeches made, show plainly this intention. They were purely abolitionist in tone, temper and spirit and were made for the public, not especially for the defense of West.

T. D. Walpole, at the conclusion of the testifying, argued that the evidence of identity was sufficient for a certificate of extradition. Julian in reply said:

From the rulings of the commissioner, which had been uniformly in favor of the slave hunter in this case, yielding to federal usurpation and trampling the rights of citizens of Indiana into the dust, he now had little hope. From all that had been observed it was evident that the commissioner intended consigning the alleged fugitive to the slave pens of Louisville, to be sold to slave dealers for the New Orleans market, and doomed to the warm latitudes in which cotton grows, to a few years of toil under the lash of a master and to go hence to that home from which it is to be hoped that no slave ever returns to endure the misery of a plantation life. The counsel for the alleged master failed to prove the ownership of the negro. The laws of Kentucky regarded slaves as real estate, conveyed by title and bills of sale. No bill of sale establishing the transfer of West from one master to another, had been produced and no legal title to the slave, as required by the laws of Kentucky had been produced in this court. The claimant knew the laws of Kentucky regarding proof of slave property, and had failed to produce his bill of sale here as required by the laws of his state. The testimony that Dr. Vallandingham had cut off the first joint of West's forefinger for a felon was falacious, as any one could see. (Here Mr. Julian reached the climax by suggesting and instigating the rescue of the negro in defiance of the law under the full belief that the negro was free.) The fugitive act is a godless law, it is an unutterably infernal law and if its provisions are carried out, it will drag God Almighty from his throne, and inaugurate the reign of the devil upon the earth. There is not a doctrine taught by Jesus Christ which is not derided and trampled under foot by the law.⁶⁰

Mr. Colley, counsel for West, continuing the case said that:

He regarded a slave hunter as one of the most graceless, despicable and hell-deserving among men. If he should be offered \$500 to assist in enslaving a negro, he would refuse to take it. Should he receive it and go to market with a portion of it to buy provisions, he would cer-

⁶⁰ *Indiana Daily State Sentinel*, Dec. 3, 1857.

tainly stagger against some man with hog cholera pork and thus poison his family. He was poverty stricken—was as poor as Job's turkey—but the offer of \$500 to assist in enslaving a negro would be no temptation to induce him to commit so great a wrong. That was his position and those who did not like it need not partake of it.⁶¹

This remark thrust at the Walpoles caused quite a bit of laughter in the court room.

The case was a question of veracity between Vallandingham and the alleged fugitive. West swore that he was not Vallandingham's slave and Vallandingham swore that he was. West could give a reason why he was not a slave, but old man Vallandingham could not give a reason why he was a slave. That was the difference between them. There was reason with West, but none with Vallandingham. The claimant might object to occupy a position of equality with a negro in Indiana, but it would be a very exalted one for him to occupy. We sung Psalms on Sunday, and played on our organs and prayed, "Our Father who art in Heaven" and if that Father was just and holy, as he believed him to be, he would consign the man who sent the nigger back to bondage to the very lowest bottomless hell that could possibly be imagined. A man might just as well hope to get out of the bottomless pit of hell by a jury trial, and have the interposition of Almighty God to help him, as to talk of this boy getting out of Kentucky after he was delivered over to Vallandingham and his crowd. It was just like preaching to a man that he must repent and be saved and praying over him, and then turning round and telling him that God Almighty had decreed that he should be damned forever. This was a question of humanity. They would get the nigger onto the Jeffersonville cars this evening, if he was delivered over, and down the Ohio river they would go from one degree of disgrace to another.⁶²

In this way did the abolitionists attempt to arouse the people to rescue West, if possible. The evidence and argument was all in and the decision of the commissioner was now awaited. It was given on Friday at 10 o'clock in the hall of the house of representatives to which his court had convened to accommodate the crowd which attended the trial. Rea said in reference to the question of whether coming into a free state made West a free man, he had nothing to do:

On the ground that I am sitting here more in a ministerial than a judicial capacity, and that under the acts of congress creating commissioners and defining their powers, I had no power to decide the question of freedom or slavery. The act of 1850 gives the commissioners the power on the claim of the owner of a fugitive from service, to issue a

⁶¹ *State Journal*, Dec. 10, 1857.

⁶² *Daily Sentinel*, Dec. 3, 1857.

warrant, inquire into the case, and on finding the fact alleged, to issue a certificate and return him to the estate from which he escaped. Then what are the laws of that state? Every person so returned may then take his case to court and jury, try the merits and ascertain the fact of his being a slave. There is no state in this Union where any man by the laws of that state can be held as a slave, when he is a freeman, and not a slave. The courts, then, are open at all times to try the rights of freedom. A certificate of extradition then issued by a commissioner under the act of 1850 is not conclusive.

Time has been consumed in talking upon the abstract principles of slavery, in which questions have been raised, with which I have nothing to do in deciding this case. In the language of Judge McLean—"it is for the people." Judges look to the law and the law only. If the law be injudicious or oppressive, let it be repealed or modified. But this is a power the judiciary cannot reach.

After full investigation of the evidence, I have no doubt, but that the defendant does owe service to the claimant under the laws of Kentucky, and that he is the identical negro man West or Weston claimed by Austin W. Vallandigham, and as I am bound under oath of office, I must grant a certificate to said Vallandigham to take him back to the state of Kentucky from which he escaped as his fugitive slave.⁶³

The coterie of lawyers for West would yet try another ruse to save their client. They filed a writ of *habeas corpus* for West in Judge Wallace's court of common pleas. The writ was served upon Jesse D. Carmichael, the United States marshal, by the sheriff, whose name was Foudray. Judge Wallace's court convened in the hall of the house of representatives to hear this case. West was brought into court by Carmichael and his *posse* of men, for at the time the commissioner announced his decision, because he feared mob violence in the rescue of West, he had authorized the marshal to summon a *posse comitatus* to aid him in the discharge of his duties, and complying with the orders of the commissioner, the marshal had selected forty men as his deputies to attend him in taking West beyond the borders of Indiana under the power of the commissioner. Carmichael, in answer to the writ, filed an affidavit setting forth that he held West in custody because of a warrant issued by the United States commissioner, Rea, for his delivery to the claimant in the state of Kentucky.⁶⁴

⁶³ *Daily Sentinel*, Dec. 3, 1857.

⁶⁴ *Weekly Journal*, Dec. 10, 1857.

T. D. Walpole proceeded to set before the court the facts in the case:

Here was a warrant of extradition, given by the United States commissioner. Here was the authority of the United States for the removal of the negro by the United States officer to Kentucky. Any one, whether attorney, sheriff, judge or whosoever else, interfering with the lawful execution of the warrant was subjected to severe penalties—to five years' imprisonment in the penitentiary under the law of congress. Tonight at seven o'clock the negro, under charge of the United States marshal, was to leave for Kentucky. Any one resisting the due carrying out of the order of the commissioner would, perhaps find themselves in jail before the next morning.⁶⁶

Coburn denied that the certificate was sufficient evidence to make West the slave of Vallandingham, because he had not been proven to be a slave of anyone. He claimed that a certificate had been given on insufficient grounds. West had had no chance to get a fair trial before the commissioner. They had asked for three weeks' time in which to secure witnesses to prove that West was a free man. This had been overruled and he could not procure testimony for a proper trial. The claimant had failed to identify the man, and he must not be permitted to be taken off until a satisfactory proof had been made that he was the slave of any one.

After these explanations, the court stated that West was in the custody of the deputy marshal, and that he would take charge of him and appear before the court at nine o'clock the next morning to hear the decision on the marshal's answer to the writ of *habeas corpus*.

The court convened the next morning at the appointed time in the house of representatives, when Judge Wallace delivered his decision in the case. He said:

A United States commissioner had concurrent jurisdiction with a judge of the United States circuit court. The law made it so, and it was not for him to determine whether or not the law was right and proper. With that law and with the act under which the arrest of West, as a fugitive from labor, was made, no matter how odious it might be, he had nothing to do except to be governed by it in his official actions. If the laws were wrong appeals should be made to the legislative branches of the government. The courts had to deal with the law as they found it. In this case he looked upon the face of the certificate and in that document West owed services to Vallandingham and that he had es-

⁶⁶ *Daily Sentinel*, Dec. 5, 1857.

caped from such service. The law by which the court was governed, pronounced the certificate of the commissioner conclusive. This court was prohibited from discharging a person where he was held in custody under the authority of a court of the United States, or that of an officer having concurrent jurisdiction with such a court. He could not discharge the person sought to be released on the writ of *habeas corpus* from the custody of the United States deputy marshal. He would have to remain in his possession until the marshal had disposed of him as directed by the commissioner.

So the legal battle was over and West was handed over to slavery. The case had been legally decided, but whether justice had been received is another question. Geo. W. Julian later said of the case:

On the trial, he (West) was shown to have been free by the act of his master in sending him into a free state, but under cover of an infamous law, and by the help of truculent officials, he was remanded into slavery.⁶⁷

Mr. Julian, in one of his speeches in the commissioner's court, had suggested the rescue of West and had intimated that he would not be averse to giving aid in such an act against the iniquitous slave law, since he believed the negro was a free man. In accordance with this announcement a plan was adopted. Julian and about a dozen others were implicated in the plot. On the day the negro was to be taken south two or three men were to enter the jail and bid the negro goodbye, and others were to engage the marshal in continuous conversation. A free negro was to have a horse hitched nearby in readiness for West to escape. The marshal came for West in a buggy. While he was on the ground adjusting the reins of the horse and talking, West made his break for liberty. He made for the horse he thought appointed for him, but mounted the wrong one. He was awkward and clumsy and the horse he rode was a poor one. Carmichael discovering that his prisoner was taking to the woods quickly unhitched his horse from the buggy and started in hot pursuit. West was unacquainted with the best way to get out of town, broke for the woods north of the Northwestern Christian university. Carmichael, in his pursuit, was not out of sight of West except as the latter was turning the corners. After getting north of the university some distance, Car-

⁶⁷ Julian, *Political Recollections*, 163-4.

michael gained on West and nearing him discharged two pistol shots at him, neither of them taking effect. Being frightened by the discharge of the pistol, West surrendered himself to the deputy marshal, who brought him back to the city. In connection with this attempted rescue, Julian said of himself, in his *Recollections*: This is the only felony in which I was ever involved, but none of the parties to it had any disposition whatever to confess it at the time."

Julian and his friends had not succeeded in their undertaking. They had done their best to free West. Had the law permitted the court to be judicial instead of purely ministerial in its functions, they probably would have succeeded, for they presented good argument for his freedom. But the law limited the proceedings of the case, and their "free soil, free man" argument could not obtain. They had failed to free him or to rescue him. They did succeed in making it costly for the claimant. Dr. Vallandigham had to pay \$750 to get West through the courts at Indianapolis. This added to the expense of his capture at Naples, Illinois, and his transportation to and from Indianapolis made it a pretty costly excursion for the doctor. This last point was just the thing that Julian and his company of abolition friends wished to accomplish, if they failed to secure him his liberty.

On the Saturday following the trial, West was taken to the Palmer House, where he was cleaned up and dressed in respectable clothes which had been bought from a collection which had been taken up for him. From there he was taken to the Union depot. He was placed in a room above the ticket office to await the departure of the Jeffersonville train. About seven o'clock the negro accompanied by the marshal and his forty deputies came down the stairs to the train. The negro was led into the car and put into a seat accompanied by the *posse*. The expense of this *posse* was paid by the United States government. The blind was pulled down to prevent the crowd from gazing into the car.

There was an immense crowd assembled in and around the Union depot, composed in part of free negroes and their allies, the black abolitionists. Not a movement was made by the malcontents, notwithstanding the loudly uttered threats previously made, to interfere in any way with the legitimate action of the constituted authorities.⁶⁸

⁶⁸ *Daily Sentinel*, Dec. 7, 1857.

Not only were the marshal and his deputies fearing trouble, but the railroad company also feared it. The president of the Jeffersonville railroad, Mr. Ricketts, came to Indianapolis to see that all precautions were taken that nothing should happen in the transportation of West to Kentucky. If a rescue was not accomplished in the city, there might be an attempt to wreck the train on its way south. For twenty miles beyond Indianapolis he had stationed men to guard against the threatened proceedings of the free negroes and abolitionists with reference to the rails.

The Louisville *Journal* got information from W. H. Sponks of the Adams express company that the passengers and officers of the train were very much alarmed, fearing an attack by a mob. Mr. Ricketts accompanied the train. Before the train started he called the engineer into his presence and told him to proceed cautiously and slowly for the first ten miles. About three miles out from Indianapolis, they discovered a huge pile of rails and cross ties which had been placed across the track to cause an accident. About a mile further on was found a pile of greater magnitude against which, if the train had been moving with the speed usual at that place, they would have met with inevitable destruction. After clearing the track the second time, Conductor Walkup stepped upon the platform of the baggage car to let off the brake when he was dealt a severe blow over the head with a missile evidently from some sympathizer in ambush. Nothing further occurred to hinder the trip and the negro was safely landed in the Louisville jail.

This was the last great case before the tragedy of civil war fell upon the country. People were getting more bitter in their denunciations of the slave law and the institution of slavery. The *State Journal* which had said little or nothing in the days of the Freeman trial was now hurling its keen shafts against slavery. The Republican party had been born and its spokesman in Indiana was the *Journal*. The abolitionists were growing in number and were as active as ever. The churches of all denominations were now busy opposing the fugitive law. Ministers were urging opposition to the law and were picturing the horrors of slavery. The West case increased the heat of the flame. The preachers of the city

denounced the decision. Rev. J. B. Simmons, a Baptist minister, said:

West did not have a fair trial. He himself had heard the commissioner say that if West's witnesses had been present he would have heard them, but he could not wait for them to be sent for. The commissioner received the master's testimony and excluded the fugitives. Could he not have extended the time of the trial to give West a fair chance for liberty? There was no protection to the black man. Any of them could be picked up in our streets and be carried off by the same process which consigned West to slavery.

People were slowly but surely aligning themselves against slavery as the contest grew hotter.

III. MINOR CASES, THE NEW ALBANY CASE

The first case ever tried in Indiana under the new fugitive slave law, was at New Albany. There happened to be living in that city then a woman about fifty-five years of age, her daughter about thirty-five years old and a son of the latter who was probably about seven or eight years of age. The three had come to New Albany from Louisville, Kentucky, and had lived for about four months in the city, the little boy going to school with the white children, while his mother and grandmother worked. They were peacefully and happily living in the city, when one day there appeared before Squire Jocelyn, a man by the name of Dennis Framell of Arkansas, who charged that the three people were his fugitive slaves. A warrant being filed before the commissioner, they were all three arrested and thrown into jail to await their trial. This case aroused the people of New Albany to a high pitch of excitement, because to all appearances, the alleged fugitives were white persons. In the trial the next day, the oldest woman said she was a native of Baltimore, that many years ago her husband had been killed by the Indians, that she and her daughter had been carried away captive and that none of them were ever held as slaves. There seems to have been no trouble on the part of the claimant in proving them to be his property. In the meantime some one had appealed the case by a writ of *habeas corpus* to the United States court of Judge Huntington, thinking that by delay, evidence in the case might be procured from the former residents of the al-

leged fugitives. They were confined in the jail at New Albany to await the pleasure of the district court. Judge Huntington did not long delay his decision in the case, which confirmed that of Squire Jocelyn and he sent the United States marshal to deliver the three people to their claimant in Kentucky, from which state it was made to appear they had escaped, and where it was said they had once been arrested at Caseyville. A New Albany paper said of the trial:

We suppose Judge Huntington's decision is in accordance with the law, but not with justice. Our citizens exhibited a good deal of feeling when the facts became known, not because of any general sympathy for fugitive slaves, but because they believe that persons of Anglo-Saxon race have been unjustly deprived of their liberty.⁶⁹

When Framell was taking his three fugitives through Caseyville, Kentucky, they were torn from him by a mob of slaveholders and he was threatened with summary vengeance from the excited multitude. When milder counsel prevailed, the fugitives were brought before the proper tribunal and released as white folks. The people in Louisville were interested in their liberty, and in order to make sure of it several prominent citizens were proposing to raise the necessary funds to secure a title to the same. While this was happening in Louisville, the people of New Albany had already held a meeting to raise money for their relinquishment. Framell, seeing what sort of a position he occupied, agreed to give them up for \$600. This was quickly subscribed by the people of New Albany and a committee was sent to Louisville, where they received a bill of sale from Framell in exchange for the six hundred dollars, and the women and boy returned rejoicing to their residence in New Albany. *The Ledger* said of the case:

We hope never to hear of another such a case as this. For persons pronounced white by nineteen-twentieths of all who see them to be carried away captive and held as slaves is something revolting to the feelings of every American citizen. When the United States marshal came here to execute the order of Judge Huntington, he expressed his fears that our citizens would release the persons by force. But their best friends told the marshal to proceed in his mission and that he would not be molested. Mr. Meridith frequently said that this was the most

⁶⁹ New Albany *Weekly Ledger*, Dec. 4, 1850.

disagreeable duty he had ever been called upon to perform and when a subscription was being taken for their release, he gave \$15.⁷⁰

The *Statesman*, commenting on the case, said:

The first fugitive slave case under the new law, has resulted in carrying into slavery two white women and a little boy, neither of whom has a particle of African blood in his veins, all done in broad daylight, and with the sanction of the superior court and by the hands of the United States marshal. If so great an outrage can be perpetrated under this law, who will not raise his voice against the bloody bill? If the white women and little white boy may be dragged from their homes, incarcerated in a dungeon and consigned to slavery, what security is there for free negroes? Let the advocates of this infamous bill defend this outrage if they dare.⁷¹

This first case under the new law began to light the fires of hatred in the people against it. Here was a slave catcher who had proven property which did not belong to him and never had. The persecuted had testified that they had never been slaves, but because the law disclaimed the right of a fugitive to give testimony and demanded that the court act upon the testimony of the claimant and any whom he might secure as his witnesses in his behalf, they were remanded into slavery. This was dangerous business because it would enslave free people. This first case started sentiment which continued to grow.

A KIDNAPPING CASE

Charley Rouse and his wife Martha lived on a rented farm near Chestnut Hill, Franklin township, Washington county. He was forty-five years old and she was ten years younger than he. Besides working on their farm they did odd jobs for the neighbors. One evening while Charley was gone after the cows, Martha was stolen by five white men from Louisville, armed with shot guns. These men claimed that Martha was a fugitive from a certain Mr. Shreeve of that city. The report of the affair spread rapidly throughout the community and some seventy-five or a hundred men both whigs and democrats flew to arms and began a hot pursuit. The kidnappers hurried in a big wagon to Henryville, where they took a train for Jeffersonville. At that place Isaac S. Bloss and George Clark tried to buy the woman. The leader of the gang asked

⁷⁰ New Albany *Ledger*, Dec. 4, 1850.

⁷¹ *Indiana Statesman*, Dec. 12, 1850.

six hundred dollars, but said he could not sell her in Indiana, but would close the contract in Louisville. This was their ruse to get her into Kentucky, for when they arrived across the river they declared no money could buy her. She was sent south at once and nothing more was heard of her.

From the *Salem News* is taken the following in regard to the case:

We understand that Martha acknowledged herself as a slave of Mr. Shreeve and seemed willing to return to her master. It is said to be about ten years since she made her escape and took up her quarters in or near New Albany, where she was shortly afterwards married to Charley Rouse, a black man greatly her senior in years. They immediately removed to the neighborhood of New Philadelphia, where they continued to live together up to the time of her arrest. They were highly respected by their neighbors for their honesty and peaceable dispositions, and all appear to regret the event which has separated them. Our information states that she had never told her husband that she was a slave. The old man is represented as being deeply in distress for the loss of his wife, and it is said that he is about taking some steps to try to reclaim her, alleging that the man who made the arrest showed no authority for doing so.

We are not in possession of all the facts in the case, but if what we have heard be true, it appears to us that it would be wisdom on the part of our citizens in that neighborhood not to interfere in the matter. We already have difficulties and dangers enough to encounter upon the subject without getting into more of the same kind.⁷²

Whether Martha was a fugitive slave or not was never established by evidence. Five slave hunters from Louisville seemed fully convinced that she was the slave they wanted, though ten years had intervened since her escape. Seventy-five or a hundred Washington county people were just as thoroughly convinced that Martha had no just cause for being enslaved and made every effort to rescue her. In this, they did not succeed and we have to record another instance of a home being broken up by the thunder bolt from the clear sky which fell so suddenly and so crushingly.

FUGITIVES CAPTURED ON A RAILROAD TRAIN

By one of the *Madison papers*,⁷³ we are told the story of two fugitive slaves being arrested on a passenger train on

⁷² Quoted by the *Madison Daily Banner*, Oct. 17, 1851.

⁷³ Quoted by the *Daily State Journal*, Sept. 18, 1855.

the Madison and Indianapolis railroad, near Dupont, Indiana. They were arrested by John Mancourt, the conductor of the train, and William Monroe, the Adams express company agent. The story of their escape reads almost like *Uncle Tom's Cabin*. In their attempt at escape, they had been hunted with blood hounds on the Kentucky side of the Ohio. They had had a desperate fight with the dogs, but they managed to kill them with their knives. Crossing the river, they had wandered about from Sunday night until Friday, without anything to eat except what the orchards and forest trees provided them. They were worn out, ragged and foot sore. They were despairing of escape, when they concluded to try the train and ride northward to Indianapolis. They were seized by the conductor and express man who put them off at Vernon, where they were taken before the United States commissioner and remanded to slavery upon their own admission of being fugitives from service. They were returned to Madison on the first southbound train and before sun down were safe on the shores of our sister state, Kentucky.

At Vernon, when they were put off the train by the conductor, they seemed to have been taken in charge by a "respectable" young gentleman who was an attache of the post-office at that place, by the name of R. K. Reed. The *Vernon Banner* said:

Reed was seen hugging them from the cars down town and tried to get them lodged in the county prison, but the sheriff, Huckleberry, gave him to understand that he was going to take no part in their dirty work and they were compelled to find private rooms. It is said they were remanded upon their own admission of being fugitives. How true this is, we don't know. We tried to get into the commissioner's court to hear what the negroes had to say but we were not able to even learn where the court was, or where the negroes were and as yet we have not been able to see any one who was there or knows anything about it. If this is the manner that fugitives are tried, by "starchamber" courts, we say out upon them. Let the people frown down commissioners, marshals, and all that have had a hand in such sneaking, dirty work.⁷⁴

Thus was concluded this case which, to use the words of the *Banner*, was dirty work all the way through. The conductor, express agent and postoffice attache were not officers of the law, nor had they been called upon to act in this case

⁷⁴ Quoted by *Indiana State Journal*, Sept. 18, 1855.

by any marshal. They were volunteering their services that they might find remuneration. It could not have been otherwise. This case also brings out another abuse of the law and that is the secrecy with which it was carried out. In other cases the same thing occurred. The lack of publicity always indicates a bad conscience and fear of the people.

CASE FOR HARBORING A SLAVE

The first prosecution in this state for a violation of that section of the act of 1850 for harboring a slave, occurred in December, 1854. The case was between Mr. Marsh, deputy marshal, and Benjamin B. Waterhouse. He was prosecuted by Marsh as a violator of the seventh section of the fugitive act. This section provided for imprisonment for six months, a fine of \$1,000, and civil damages to the amount of \$1,000 to the claimant for obstructing the arrest, attempting a rescue, or harboring a fugitive after notice. It was on the last part of the act that the case was instituted. Waterhouse was accused of having harbored two slaves belonging to Daniel Payne whose names were Tom and Jim, aged respectively 23 and 20 or 21. George W. Julian and E. H. Brackett acted for the defense and the district attorney and R. W. Thompson acted as prosecutors in the case. The slaves who had run away from their Kentucky master had first disappeared at Louisville. Next they were heard of in Madison and Richmond, Indiana. At the time of the trial they were pleasantly located beyond the lakes at Windsor, Canada. In the evidence, Waterhouse was shown to be guilty of the offense as charged. According to the law, punishment was severe, but Julian and Brackett argued their case so well before the jury, that the defendant was fined the sum of \$50 and imprisoned one hour. Quoting an Indianapolis paper on this case: "Certainly the case gives little aid and comfort to those who think the rigid enforcement of the law necessary to 'save the Union'."⁷⁵

In the work of freeing the slave many persons took part, among them both men and women. Southern Indiana and northern Kentucky were the scenes of their rendezvous, and many were the numbers who owed to them the security of their

⁷⁵ *Indiana State Journal*, Dec. 13, 1854.

liberty. History does not record all their work and it is only a few of their names that have been revealed to us. Only now and then do we catch a gleam of their subtle movements. The greater part of it is shrouded in mystery and must remain silent forever with the actors who have passed on before.

Mention has been made of the work of Mrs. Laura Haviland of Adrian, Michigan, who did so much to rescue negroes from slavery. She had some thrilling experiences with slave-catchers and frequently looked into the mouth of pistols pointed at her or subdued the lurking blood hounds by the boldness of her actions. But her composure never failed her and she was rescued from perils from which it seemed impossible to extricate her. She continued her work in Kentucky south of Cincinnati, Rising Sun, and Madison until the Civil war ended it.

One of Mrs. Haviland's confederates in the work of rescuing the unfortunate colored people, was Calvin Fairbank. Fairbank was a New Yorker by birth and a descendant of old English stock. He came west into Ohio where he was educated at Oberlin college, an educational institution pre-eminently known for its anti-slavery sentiments and teachings. His steady and tender nature led him to seek the ministry as a vocation and he was soon ordained an elder in the Methodist Episcopal church and given a license to preach. It was while attending quarterly meeting, when a boy, with his father and mother that he heard a sad story told one night at the fireside of a pair of escaped slaves. The negro woman recounted her history for a period of thirty years, how she had been sold from home and separated from her husband and family. This story told in his youth had the same effect upon him that the sight of the slave auction in the streets of New Orleans had upon the youthful Lincoln. He vowed to strike it a blow whenever an opportunity presented itself, for he said: "My heart wept, my anger was kindled, and antagonism to slavery was fixed upon me." During his life he gave full execution to this resolve, for he says:

Forty-seven slaves I guided toward the North star, in violation of the state codes of Virginia and Kentucky. I piloted them through the forests, mostly by night, girls, fair and white, dressed as ladies, men and boys as gentlemen, or servants, men in women's clothes, and women in

men's clothes, boys dressed as girls, and girls as boys, on foot or on horse-back, in buggies, carriages, common wagons, in and under loads of hay, straw, old furniture, boxes, and bags, crossed the Jordan of the slave swimming, or wading chin deep or in boats, or skiffs, on rafts and often on a pine log and I never suffered one to be recaptured.

For aiding those slaves to escape from their bondage I was twice imprisoned, in all seventeen years and four months and received during the eight years from March 1, 1854, to March 1, 1862, 35,105 stripes from a leather strap fifteen to eighteen inches long, one and a half inches wide, and from one-fourth to three-eighth of an inch thick. These floggings were not with a rawhide or cowhide, but with a strap of leather attached to a handle of convenient size and length to inflict as much pain as possible, with as little real damage as possible to the working capacity.⁷⁶

Fairbank was operating south of the Ohio in conjunction with Miss Delia A. Webster, who was teaching school at Lexington, Kentucky. Miss Webster co-operated fully with Fairbank in his work of rescuing the slaves, and in the end suffered much persecution for her work.

On a September day in 1844 Fairbank met a negro by the name of Lewis Hayden. Hayden was seeking freedom for himself and his family. Upon being asked why he wished freedom he replied that he wished to be a man. Fairbank soon took the case in hand and in company with Miss Webster, they had the Hayden family in a hack on the way to the Ohio river. After losing a horse and securing another, they escaped safely across into the state of Ohio, where they made safe connections with the Underground Railroad. Fairbank and Miss Webster returned to Kentucky, where both of them were immediately put in jail. At the trial both were convicted, though there was no evidence produced against them, and sent to the penitentiary at Frankfort, Kentucky. Fairbank was sentenced to imprisonment for fifteen years. While he was incarcerated his father came to Kentucky with a petition, signed by many people in Alleghany county, New York, for his release. While he was endeavoring to secure such clemency, he was taken ill of cholera, from which he died. He was buried among strangers at Frankfort, Kentucky. However, in a short time Fairbank was pardoned by John J. Crittenden, the governor of that state at that time. After traveling much in Ohio and in the east, resting from the effects of his imprisonment, at the solici-

⁷⁶ *How the Way was Prepared*, pp. 10 and 11.

tations of his mother he concluded to return to Kentucky to get his father's body. But the weather was yet too warm for such work to be hygienically done, and as Indiana was in a hot contest over her constitutional amendment prohibiting negroes to settle within its limits, he concluded to come to our state and use his influence against it. He was campaigning in the lower tier of counties, when he was appealed to to rescue a young mulatto girl named Tamar, who was about to be sold from the block. He consented to aid her and crossed over the Ohio, by night, to Louisville in an old leaky skiff. He secured Tamar who, with a tin cup, dipped the water from the boat, while Fairbank, with a board, paddled the boat across to the Indiana shore near Jeffersonville. In a short time, they were speeding on their way toward Salem, Indiana, where Tamar was placed in safe hands. Fairbank returned by rail and on foot to Jeffersonville with the intention of going after his father's body. While at Jeffersonville he was attacked and kidnapped into Kentucky by A. L. Shotwell, and marshals Ronald and Hamlet of that state. The sheriff of Clark county permitted Fairbank to be taken from his hands in direct violation of the law of the land. Shotwell was Tamar's master and was very anxious to get Fairbank into Kentucky. The methods used to secure this end did not bother his conscience in the least. Fairbank was again lodged in Louisville jail for five months to await his trial, which was held before Judge Bullock. No evidence was given against Fairbank that proved him guilty of aiding in the escape of a slave, but he was, nevertheless, convicted and sentenced to fifteen years' hard labor in the Kentucky penitentiary. The whole affair was a sham, a travesty to justice, it having been prearranged what the outcome should be. Fairbank did not have a single witness in his behalf nor could any be procured for him because of the excitement that then existed over the death of an anti-slave worker by the name of Conklin, who had been tied with ropes and thrown into the Ohio, for attempting the rescue of a negro woman and her four children. Everything was against his liberation.

During his term of imprisonment, he was subjected to the most brutal, wicked and inhuman treatment conceivable. At his first entry of the prison, the profits arising from the labor

of the prisoners was divided between the state and the warden, the warden furnishing one-third of the expenses and sharing one-third the profits. Each prisoner was allotted so much work to be done each day, which was all that a strong man could do working at top speed. Fairbank was not a strong man and soon proved incapable of doing his task. He was then subjected to the most horrible and cruel punishment ever doled out in modern time. He was put at the hardest, dirtiest work possible and orders to that effect were given by Capt. Newton Craig, the warden, in the following words, "Mr. Davis, take Fairbank to the hackling house and kill him." They had to labor from daylight until dark. Their food consisted of old fat greasy bacon and corn bread mixed with hot water. Coffee consisted of burnt rye, the grounds of which were boiled over and over until they spoiled. Their beds consisted of a pile of dirty straw, with swarms of fleas and bed bugs for bed fellows. It was at this time that Fairbank sent word by a negro, who had been liberated from prison, to Levi Coffin and Dr. Brisbane at Cincinnati telling them of his deplorable state, and asking them to send him aid or he would perish. The necessary means were provided but to get the things to Fairbank was the problem. Laura Haviland came to the home of Coffin at this time and hearing of the sad condition of Fairbank, volunteered to go to his assistance. Dr. Brisbane feared for her to go at this time, but she insisted on going. Preparing her trunk with comforts and underwear, she crossed the Ohio to Kentucky. After much delay she was admitted to see Fairbank and bore to him some money and articles of comfort. It was learned that she was delayed because she was suspected to be Miss Webster, a woman who was greatly feared and hated by the slave holders. When they were fully assured that she was not Miss Webster she was allowed to see the prisoner and was finally permitted to return to Ohio. She tells of the excitement her visit aroused. She said that as she was passing along the streets she overheard a clump of men talking. One said, "great excitement in town, hear that another woman abolitionist worker has been caught—think it's Miss Webster." She merely remarks that little did they know that the little woman who was then passing them was the cause of all their

flurry, and how surprised they would have been had they known the fact.

Fairbank fared no better under the regime of Zebulon Ward, in fact he fared much worse. When Ward came to the prison his inaugural address was short and showed fully his determination. He said: "I'll not allow you to break me up. I came here to make money, and I'm going to do it if I kill you all." He increased the allotment per man, making it a rule to flog every one who failed to make his quota. Fairbank was then weaving flax and usually failed to make his two hundred fifty yards per day, though working at top speed all the time. The flogging was done by two whiskied overseers, Jack Page and Sam Thompson, two monsters in human form, who took turn about at the work, one getting his wind while the other flogged. These floggings took place during the noon hours and in the evenings. The whipping was inflicted upon the naked person, the victim leaning forward over a stool, chair or bench, where he received stripes that cut his back into pieces and made the blood flow freely. This cruelty took place under the administration of Ward. During the later period of his incarceration, Fairbank was treated more humanely, and was seldom ever whipped, though at one time he was dealt a blow on the head with a stick of stove wood which almost cost him his life, and which always bothered his equilibrium during his remaining days.

At length after twelve years of such horrible imprisonment in the Kentucky state prison, Fairbank was pardoned by Lieutenant Governor Jacobs, who restored him to his liberty without anything in this world, excepting a few faithful friends and the scars of affliction borne to his last day, the reward for the cause of a downtrodden race. But Fairbank's work of liberating the slaves from their masters was over. When he again breathed the air of freedom, the great Civil War was at its height, testing whether the union should be preserved and slavery be overthrown. There is probably not recorded on the pages of our history the story of another individual in our country, who suffered more for the cause of universal human liberty than Calvin Fairbank. He suffered long and endured much to attain the object of his youthful vow and indignation. Many another individual would have given up

hope and died under the lash, and such might have been the hard fate of Fairbank, but for the helping hand of steadfast friends who sent him money and clothing and what was worth more than all, words of good cheer, to help him bear up under the terrible strain.

DELIA A. WEBSTER

Miss Delia A. Webster was another of the anti-slave agents whose ostensible occupation was that of teaching school. She was located at Lexington, Kentucky, while at her chosen profession of teaching. To all appearances she was sincerely devoted to her profession. However, she never permitted an opportunity to go by to aid a slave in securing his freedom. She was a New Englander by birth, having been born in the state of Vermont and came west for the purpose of teaching. She hated slavery and did everything in her power to alleviate the misery of those in bondage and to harass the slaveholders of northern Kentucky. She was constantly engaged in the work of abducting slaves, though it was never proven at any time that she was so engaged, and of course she made no admission of the fact. She came to be hated by the slave masters as well as feared by them. While nothing could be established against her, she was constantly under suspicion and was subjected to threats intermingled with much persecution. With all this opposition, she continued her work just the same, traveling from one locality to another, always coming in contact with slaves and teaching them the avenues of escape and very frequently aiding them directly in the work herself. The scenes of her operations were all along the southern border of Indiana, but chiefly south of Jeffersonville, Madison and Rising Sun. How many slaves she succeeded in liberating is, of course, not known, but she was constantly at the work of persuading them to run away. Northern Kentucky suffered greatly from her effective work.

It will be recalled that she worked a great deal of the time in conjunction with Calvin Fairbank. Knowing him and working with him as his ally, she was not unacquainted with the principal conductors and agents in Indiana and was thoroughly acquainted with the different underground routes northward across our state to Michigan. She traveled con-

stantly along our southern border, while not engaged in teaching a short term of school. There can be no doubt of the fact that she was furnished financial aid in her work, by the abolitionists in Indiana and Ohio, otherwise she would not have been able to accomplish so successfully what she achieved. Besides acting as an abductor and agent, she was also a spy and much information was gleaned by the underground operators from her. She was fearless in her actions and lived among the slaveholders and catchers without being embarrassed by their braggadocia talk. She aided Fairbank in getting the Hayden family across the Ohio River onto free soil. Upon their return to the Kentucky side of the river, they were both arrested and jailed at Lexington. No evidence was produced at the trial to condemn them, and if ordinary justice had prevailed, they would have received a verdict of not guilty. But they were in the land of the slaveholder whose ire against abolition agents exceeded justice and equity by several degrees. They employed Sam Shy and Leslie Coombs as their attorneys. Three indictments were found against them which would have been sufficient to imprison them for forty or fifty years. Each case was tried separately, Miss Webster's being tried first. Miss Webster's father, Benaiah Webster, came from Vermont and every influence possible was brought into requisition to secure an acquittal for her, but nothing could stem the tide of prejudice against her, and she was condemned to imprisonment for two years in the Kentucky penitentiary for aiding and abducting slaves. She arrived at the prison while Newton B. Craig was warden. It was through his influence that she was pardoned by Governor Crittenden, after just six weeks' imprisonment.

Miss Webster seems to have been possessed of some of the alluring wiles of a Delilah and these she skilfully plied with complete success upon old man Craig, the keeper of the prison. Having gained her freedom from the governor, Craig seems to have been lost to her attention and confidence forever. Her cunning scheme had borne its fruit and Craig was left to reflect upon how he had been played as a pawn in the wily hand of the artful player. He bitterly repented of his action, when it was too late, and afterwards remorselessly pursued her in seeking revenge for being tricked.

After being freed from prison, Miss Webster traveled about doing her work in her usual successful manner. When Fairbank was arrested and kidnapped into Kentucky from Jeffersonville, Indiana, as a result of aiding Shotwell's slave, Tamar, to freedom in 1851, one of the papers, the *Herald* at Georgetown, Kentucky, noticing his arrest, asked: "Whar is Miss Delia Webster? as they hunted in couples, she ought to be somewhar in this vicinity." The *Madison Daily Banner* in reply, remarked that Miss Delia Webster arrived at that place yesterday morning on the mail boat General Pike. Where she was from, where she was going and what was her business west at that particular time had not yet been made public. These comments indicate that the southerners were watching Miss Webster's every movement with the eye of a hawk. They seemed to have been foiled in their detective work a great part of the time, for while they were watching her closely at Louisville, she was busy at her work near Evansville. At several other times some other woman was taken for her. When Mrs. Haviland was visiting Fairbank in prison, she created quite a furore of excitement, because many southerners thought that she was Miss Webster, and they cross-examined her very closely to make sure that she was not the active confederate of Fairbank. The jailor even asked observers to go with them into the prison, so that her actions might be closely scrutinized, while in the presence of the prisoner. The newspapers, acting as the exponent of public feeling, said that Miss Webster was again in their presence visiting Fairbank, and they were busy breathing out their threatenings, all of which showed how they hated and feared her.

After her pardon from prison, Miss Webster bought a large farm in Trimble county, Kentucky, which was located across the Ohio River from Madison, Indiana. Here she repaired to live, but no sooner was it made known what she had done than the Kentuckians began their work of annoying her. They sent her word that she had better leave the state to save her life, that they intended to burn her buildings and destroy her crops. They felt that she was not to be tolerated in their presence, since the suspicion of her real work was always uppermost in their minds, especially since the arrest of Rev. Norris Day, at Madison, Indiana, who was alleged to be her

partner in the business and who made her home in Kentucky the scenes of his maneuvers. They accused her of the loss of quite a great amount of their slave property and now to have her continue to live in their midst where she would furnish slaves an asylum and her place act as a center of operations for abolitionists upon their cherished institution, was more than they could tolerate. They were not going to permit her to live there. But all their threats and bluff could not deter Miss Webster in the least. Noticing that she did not seem to be perturbed by their orders and threats, they concluded to try legal action, when they probably could have her convicted and imprisoned. She was arrested and jailed by the Kentuckians. While in jail she was treated harshly and with but little or no respect. Later she managed to escape from jail and arrived safely in Madison, but the southerners were as relentless in their pursuit of her as they ever were after a fugitive slave. They hatched up the charge of violating the law in abducting slaves, but fearing that charge might fail against her, they brought forward and redocketed the three old indictments against her in 1844, which were then ten years old and upon one point of which she had been convicted and imprisoned before. The governor of Kentucky made requisition upon the governor of Indiana for her extradition which was granted. At this point we have the contest between the abolitionists on the one hand and the officers of Kentucky on the other. Fortunately, we have the words of Miss Webster herself regarding her experience during this time. She writes:

"The Indianians, indignant at such an outrage upon a peaceable citizen, hid me from my pursuers. Sometimes, they secreted me in the city and sometimes in the country—in hay-mow, in the woods, under brush heaps, in rye fields, in cleft of rocks—sometimes in one place and sometimes in another, until I was too feeble to be longer moved about.

While I was prostrate with sickness after some twelve days search, the officers got track of me, took me off from the bed, put me in an open buggy and drove me fifteen miles under a scorching July sun, and after dark made a daring attempt to smuggle me across the river. Here again they were defeated and took me secretly to Madison, where they confined me in jail, to await the arrival of the Kentucky officers.

The vigilant Indianians determined I should have the benefit of a *habeas corpus* and a large troop of volunteers stationed themselves around the jail to prevent my being kidnapped by the Kentuckians, and there I lay in close jail twenty days before I was able to be taken out for trial. The evening prior to the trial, another requisition arrived demanding me upon another ten-year-old indictment."⁷⁷

The trial of Miss Webster was held in Madison before Judge Walker. She was ably defended by Dunn, Hendricks and Joseph G. Marshall. She was tried on both warrants and on the evening of the twenty-first of July, 1854, she was discharged from custody by the decision of Judge Walker.

Old man Craig was, of course, the chief prosecuting witness. He had every reason to wish vengeance. He had been made the dupe of Miss Webster to get herself out of the penitentiary. He had also written her some endearing letters after her freedom which she had permitted to be published about the time he was up for re-election for warden before the Kentucky legislature. These letters had had the desired effect and Captain Craig was defeated. A Madison paper scored the old gentleman mercilessly for his foolish fancy. It said:

While he pursues Miss Webster venomously, he swears that she is "as pure as an angel in heaven." Who ever heard of an angel being suspected in Kentucky for negro stealing before? When Craig thought he was about to die, we are told, he insisted upon "seeing the girl once more." In this prosecution he appears before the public as a weak debauchee, whose honesty is entirely worn out like a pair of old shoes and whose principles are like a pair of pantaloons easily laid off for any leudness or dirty purpose.⁷⁸

The above quotation indicates that Craig was near death's door while at the trial in Madison. When the trial was over and he was about to return to Kentucky he was shot through the back by some one and nearly killed. The man who did the shooting was supposed to have been a Mr. Randall, who was a laborer on Miss Webster's place across the river. The condition of Craig became critical, since the bullet passed completely through his body. Craig, while yet severely wounded, wrote a letter to the *Louisville Journal* saying that he had not used a harsh or disrespectful word since he had been in

⁷⁷ *Indiana American*, Dec. 7, 1855, copied from the *N. Y. Independent*.

⁷⁸ *Madison Courier*, Aug. 16, 1854.

Madison and that he had positively been ordered to leave the place under the heaviest penalties. "My life was frequently threatened, and at last the most base and cowardly attempt was made to assassinate me in cold blood. I was shot, but it was done at my back, as assassins always do such things." Craig said that he knew who shot him, but he never followed the case up by a prosecution, which shows that he must have entertained some doubt regarding his statement.

Judge Walker was roundly denounced in Kentucky for his decision of the Webster case. Said the *Yeoman* of Frankfort, Kentucky: "The release of Miss Webster was caused by the contemptible quibbles and the illegal and corrupt holdings of an abolition judge, who disregarded the law of congress and the comity that should exist between the states." To this the *Courier* made a hot reply:

Every judicial officer in this state, or any of the free states, who fails to square his opinion of the law to suit the requisition of the slavery propagandists, is abused in the above chivalrous manner. Judge Walker is no abolitionist, is a gentleman and as a jurist he stands deservedly high.

That he cannot stultify himself or make his decisions conform to the slave owner's idea that "might makes right" is his misfortune, as well as the misfortune of nine-tenths of the people of Indiana.

There is a good deal of talk on the other side of the river about comity and good feeling, but very little exhibited by them unless the people of Indiana prostitute every manly feeling and every conscientious impulse to the service of negro hunting, or to help them in base passion for revenge upon a defenseless woman, persecuted by a lewd prison keeper under an alleged charge of negro stealing.

In a letter to the New York *Independent* Miss Webster tells of the tiger-like venom with which she was pursued in the plunder of her property in Trimble county:

Again foiled, those slaveholding Kentuckians returned to plunder my premises, and under the guise of law my house is robbed of its entire contents, my farming utensils are seized, my grain, hay, etc., are taken away, my cattle and other stock driven off and I am deprived of my entire personal property, even to my wardrobe. Nothing whatever is left upon the place save the growing crops, the property seized amounting to \$9,000. At the next circuit court their writ of attachment is dismissed and it becomes the duty of the officer to return the property to my possession. Insead of this, he secretly sells what had not before been destroyed, and the slaveholders pocket the money.

Are they satisfied now? While I was on a visit to my aged mother in Vermont, they take advantage of my absence, steal and sell my crops, pocket the money, and when I return to make a payment of \$2,000 on my place, lo, I have nothing with which to make it—am bereft of my last dollar, this payment due and I am penniless.

The last spring, to prevent my sending on tenants to take care of the place, they broke open and demolished six of my dwelling houses and burned the seventh. My close confinement in the four different prisons about to 193 days and the loss of property to \$11,050.

You have here but the outlines of my persecutions and are at liberty to make such use of them as your superior judgment shall dictate.

Respectfully and your truly,

DELIA A. WEBSTER.⁷⁹

In Miss Webster's case is seen the merciless fury with which every suspected slave agent was attended in a slave state.

THE BELL CASE

Early in the year 1857 a negro man by the name of Charles ran away from his master, Dr. H. Ditto, who lived in Brandenburg, the county seat of Meade county in Kentucky, just across the Ohio river from Harrison county, this state.⁸⁰ Charles was a very valuable slave because he was a blacksmith of excellence and consequently was worth more than the ordinary common run of slaves. His master, upon discovering that he had headed toward freedom, immediately dispatched handbills and runners in the direction of Brownstown in Jackson county, with the intention of heading him off and again securing him as his property. Bills were liberally distributed for his apprehension through Indiana and especially around Brownstown, since it was generally known that it was here that the Underground Railroad made good connection with the railroad north. It was thought that Charles would take this route. Newspaper notices and hand bills had not been out so very long before they began to bear fruit. Early in October, 1857, Mr. C. B. Johnston and a certain Mrs. Withers, both residing at Brownstown, Indiana, wrote letters to Dr. Ditto telling him that they could supply him with the names of persons who had aided in the escape of his slave. Dr. Ditto soon got into

⁷⁹ *Indiana American*, Dec. 7, 1855, from the *N. Y. Independent*.

⁸⁰ *Louisville Journal*, Nov. 10, '53.

communication with these two informants and the following facts were made known. Mrs. Withers said that a free negro by the name of Oswald Wright, who resided in Corydon, Indiana, had come to her house and made inquiry about breakfast for himself and the runaway slave, Charles. Wright said that he had left the fugitive at the depot and that he would bring him to her house provided both could secure their breakfast. This was agreed to by Mrs. Withers. After eating their morning repast, Wright took the fugitive to the train and saw him off on his trip to freedom. While at her house Wright had made known the fact that a family by the name of Bell, who lived on the Indiana shore opposite the town of Brandenburg had aided in the escape of the negro and that they contemplated to effect the escape of the wife of the fugitive whose name was Mary Ann and who was also in the possession of Dr. Ditto. C. B. Johnson said that he had seen the reward offered in the newspaper and had become interested in securing it, since it was an unusually liberal one. He began immediately to search for further evidence, plying this business with that of horse trading. He had visited Corydon where he had made it a business to see Wright, who had told him that he had aided in the escape of Charles and that he had brought him from the Bell farm to Brownstown where the negro had taken the railroad. Wright stated further that Charles Bell had told all about how he had stolen the fugitive away from Ditto at Brandenburg, ferried him over the river and had harbored him until he could be sent northward. He also said that Wright had asserted that he had loaned the fugitive his free papers to aid him if any one should question his right to freedom and that he had conveyed the runaway Charles to Brownstown on horse back. Having ascertained that the escape of Mary Ann was being planned, Johnston saw his opportunity to find out more about the Bells as underground railroad agents. He went to their neighborhood under the guise of a horse trader. He came to the Bell farm where he and his companions put up their horses and crossed over to Brandenburg where with the aid of the slave holders a plan was hatched to catch the Bells. Johnston said that he and his Jackson county confederates saw Charles Bell and agreed upon a plan for the escape of Mary Ann. The night was set and the Jackson

county men were to bring the negro woman to the river at a place agreed upon and at the signal of the striking of a match Bell was to cross over with a skiff and ferry her over. The negro Wright was to be at the Bell home to receive her and put her through to Brownstown. Upon the night set, at about 10 or 11 o'clock the matches were struck at the point agreed upon and although it was a very dark, rainy and windy night, in a few minutes of an hour, Charles Bell made his way to this signal on the Kentucky side. It was so dark that he was neither seen nor heard until he spoke and inquired, "Where is she?" The Hoosier who had given the signal replied that she was in an old mill upon the bank. Charles got out of the skiff and started to the mill to escort the colored lady to the skiff. On the way to the mill he passed within a hollow square of gentlemen who seized and placed him in jail. The skiff oars were muffled or wrapped with rags so as to prevent any noise in rowing.

The Kentuckians next crossed the river to secure the persons of Oswald Wright, the free colored man, and old Mr. Bell, the father of Charles Bell. David Bell's house stood back from the river a short way above high water mark. It was surrounded by some eight or ten men to prevent any one from escaping. Two men went to the door and knocked and were told to come in. When they entered they found the negro Wright in his sock feet, hoisted against the stove and old man Bell was reading a newspaper. One of the men told Bell that they had come for his guest. They turned to Wright, told him to put on his shoes and go with them, which was not readily agreed to, but with some demonstration of the force they intended to use Wright accompanied them to the ferry boat at the landing. They also took the two horses that Wright was to use to carry the woman off on. So far nothing had been said to old man Bell. A little later two or three of the men returned to the house and told Bell that they had taken the negro's horses and that he had better go with them to see if they had any of his property. This Mr. Bell did. Instead of going to the barn they took him to the ferry boat, where one of the company put his arms about him while a Kentucky constable read a warrant accusing Bell of complicity in stealing a negro named Charles, belonging to Dr. Ditto and commanded

that he be brought before the magistrate in Brandenburg. The work of the constable was supposed to be legal because Kentucky claimed jurisdiction over the Ohio River to low water mark on the Indiana side. Wright and the Bells were now incarcerated in the Brandenburg jail.

The preliminary trial was held before the Kentucky magistrate the next day. The main prosecuting witnesses were the Jackson county people. At the trial the witnesses swore that the negro Wright confessed that he had received Ditto's negro at the house of old man Bell and had run him through to Brownstown and that he had been notified by old man Bell when to come to his house with his horses. David Bell, they said, confessed that he had notified Wright to be at his house on a certain night to receive the slave and that he had furnished him with a pistol and a pocket compass, which he had purchased at Corydon to aid him in his get away. They said that Charles Bell had confessed that he had crossed to the Kentucky side to notify the negro when to be in readiness and on the day before the night of his escape he was at a shop where he told the slave that Wright was at his father's with horses and to be ready early that night. These confessions of David Bell and his son Charles were made, so they said, while they were planning the escape of Mary Ann. Such was the evidence turned against the Bells at their first hearing.

Charles and his father were each placed under \$5,000 bonds and the negro, Wright, under a bond of \$3,000. Bail was not forthcoming and they were all placed in jail. Here they remained until the May term of court. The grand jury was busy in the interim and they were all indicted on six points: (a) For enticing Charles to leave his master; (b) for stealing Charles from his rightful owner; (c) for conspiring to run off a slave named Charles; and (d) for furnishing Charles with forged and false papers. The other two points pertained to enticing a female slave named Mary Ann to leave her owner and with conspiring to run off a female slave named Mary Ann.⁸¹

In the meantime there was much excitement all along the river, both on the Indiana and the Kentucky side, because of the kidnapping of the Bells and the free negro. People in

⁸¹ Gresham, *Life of Walter Q. Gresham*.

Harrison and Floyd counties were aroused at the high-handed and illegal way in which they had been arrested and landed on slave soil. Old Col. William C. Marsh of Corydon, a life-long friend of old Mr. Bell, raised a large force of armed men with the intention of forcibly releasing the prisoners from the Brandenburg jail, but the plan miscarried because transports failed to reach Leavenworth at the appointed time. The people at New Albany were also ready to co-operate with any force that would attempt the rescue. On the Kentucky side people armed in defense of Brandenburg. The jail was guarded by a company of Meade county rangers. Soon the governor of Kentucky ordered a company of state militia to the border to prevent trouble. These troops were commanded by Capt. Jack Armstrong. It truly seemed as if there might be petty border warfare between the two states if only the proper spark were set to the powder. Fortunately nothing was done by the Hoosiers and in a short time the guard grew too strong for a rescue. The Bells were permitted to remain quietly in the Brandenburg jail to await their trial in the Meade county circuit court whose term was to begin in May.

The next scene in the drama appeared when Horace and John Bell, both sons of David Bell, returned from California. They had heard of the way in which their father and brother had been landed in the Meade county jail and had returned to their aid. Horace Bell was the oldest one of the sons, and before going to California had owned and operated the Brandenburg ferry, a popular crossing place from the earliest times from Harrison county to Brandenburg, over which the people in southern Indiana in this particular district passed to the Kentucky town to do their trading. A road passed north from this ferry by way of Mauckport to Corydon. Horace had followed his brother to the Golden State in the year 1851. John had been one of the original '49ers. Horace seems to have been endowed with something of the Captain John Smith disposition to see something of this world, so he later joined the Walker expedition of 1855 for the conquest of Nicaragua for the purpose of establishing the powers of the slavocracy there. For this reason Horace was not considered an abolitionist in the southern sister state, but was reckoned as one in sympathy with their favorite institution. Both of the boys had returned

to Indiana by way of the Panama route to New Orleans, then north up the Mississippi and Ohio rivers. They went to their old home where they visited with their mother for a short time. While here they were approached by some of their old-time friends who wished to aid them in rescuing their father and brother, but this they politely declined, saying that they would try fair and just means. They crossed over to Brandenburg to secure bail for their imprisoned relatives and finally found two slaveholders who agreed to go on the bonds. Their names were Alanson Mormon and Arly Richardson. When they found that the bond for each was \$5,000, they felt it was impossible for them to do anything since it was excessive in amount. Father and son were, therefore, left in prison.

On the day of the trial in May many Indiana friends of the Bells passed over to Brandenburg to witness it. People came down from New Albany and there were many from Corydon. The tragic manner of their arrest and the talk of their rescue had kept up the enthusiasm of those who were mere onlookers and had filled those who had been angered at the southern audacity with a grim determination to see that justice was done. The Bells were defended by such lawyers as Judge Porter, Samuel Kean and Walter Q. Gresham, all from Corydon. With such a company of legal lights it was evident that the Bells intended to fight the case to a bitter end. Feeling ran high at the trial and in many instances did not fail to express itself. The Bells were often jeered in the streets by the southerners. So exasperated did Horace become at their attitude that at the adjournment of court one day he made them a short speech in which he declared that he did not desire border warfare, that he had declined the aid of his armed friends and neighbors, that all he desired was justice. If he did not get this he and his brother would come alone, break the jail and set the prisoners free in broad daylight. This the southerners took to be a big joke. They considered it as so much braggadocia. It was during the early days of the trial that old Colonel Marsh was killed. He was a great friend of the Senior Bell and it was he who had planned his rescue. He had come down from Corydon to hear the trial. He was standing near the Brandenburg Hotel talking to two of his friends when he was shot by a man by the name of Stanley Young,

who was secluded in the balcony of the hotel. It was thought for a time that this affair was the result of hatred engendered by the Bell trial, but it was later found out that it was the result of a family feud, since previous to this time Marsh had killed Young's father.

Delay was the game that was played by the southern officials. It was some time before preliminaries were over and the real trial begun. When everything was in readiness the prosecution announced that it was not ready for trial and asked that the case be continued for six months. This was granted by the court and the Bells had to stay in jail. From all appearances it seemed that they were to be punished not by justice being meted out, but by the injustice of delay. They had already been in jail almost a year and it seemed that they were doomed to more of it. This was more than the impetuous Horace could stand, so bolder means were planned to free them.

Their plan was to disappear apparently and await for the excitement to subside and the guards to be lessened in number, when they would suddenly reappear and raid the jail. They talked the plan over with their mother who thought that it was possible for it to terminate successfully. Their plan was simple and direct. The two brothers were to cross over armed, surprise the jailor, free their father and brother, arm them, hasten to the boat without firing a shot if they could, but to fight to the last ditch if forced to do so.

They set the date for freeing their father and brother on Thursday, July 29th. At that time there was to be a barbecue at Garnettsville. Most of the people in Brandenburg would be out of town, for a barbecue was always a great gatherer in that day. It also happened that the jailor himself was absent on that day and there was no one in the jail except the wife of the jailor and a young man who had been left to act as a guard. The outer guards had not yet returned to their duty from dinner, since it was planned to make their move about noon or a little after when there would be a lull in all activities. At the appointed time John and Horace, both armed with a belt of revolvers and carrying a carpet bag containing ammunition and revolvers, came down to the landing where they found their mulatto boy awaiting in his skiff ready to carry them

over. Crossing, each took a different street to the jail which stood about three hundred yards back from the river bank. Arriving at the jail they both entered without trouble. Horace guarded the jailor's wife and the young man while John went above, got the keys from a bureau and liberated his father and brother. Both the liberated were given arms and hastened down stairs. In the melee, the jailor's wife fainted because of fear and the young man disappeared through a window of the jail to give the alarm. John hastened with his father and brother to the boat, while Horace covered the retreat. Shots were fired as they were getting into the boat, but they went overhead. They were soon out a distance in the river when some of the Brandenbergers fired upon them. The bullets struck in the water near the boat but did no damage. Horace stood up in the boat and fired back at them with a big Der-ringer and his shots came so uncomfortably close that the Kentuckians ceased to shoot and beat a hasty retreat.⁸² No one was hurt in the exchange of shots and the Bells paddled their way across to the Indiana side of the river. The feat of the brothers was heralded far and near by the papers and the whole river community jollified at their exploits, much to the chagrin and mortification of the Brandenbergers. The *New Albany Tribune* added its taunt by saying that the Bells were not only Bell-igerent but likewise Bell-impudent. The same paper on August 10 printed quite a lengthy ballad about the affair. The author, Forceythe Willson, wished to accord them a place among the heroes and to commemorate the bold deed in rhyme. Two verses are quoted:

Our brave Yankee yeomen—the Bells of the river
 Who crossed the deep river, the bright, tranquil river
 Unmasked and at noon, in the name of their Mother,
 To demand and deliver
 Their father and brother!
 Whose skiff skimmed the river when the sun was arisen.

Who thundered and walked through the doors of the prison—
 Of the Brandenburg prison!
 In the name of their Mother,
 Of God and AFFECTION!
 And took out their father, and took out their brother,
 And brought them both over without dereliction.

⁸² *New Albany Daily Tribune*, Aug. 9, '58.

It seemed that since the Bells were all safely lodged at home once more that that would be the end of the contest, but such was not the case. There had been too much dancing for joy. The southern pride had been stung and they must vent their wrath upon Horace Bell, if such was at all possible. They only waited their time when the second scene of the drama should be played. They were already secretly setting the stage in order, by offering a reward for the seizure and transportation of Horace back to the Kentucky side. Something near \$500 had been offered for his capture and in due time this brought results.

The Floyd county fair was held during the week of October 19-23 in the year 1858. In that particular period of our history it was well attended by the people of southern Indiana and northern Kentucky. It was here that the second scene occurred on Saturday, October 23, the last day of the fair. Old Mrs. Bell and her daughter had been at the fair that day and were going over to Louisville to visit. Horace had accompanied them to the Duckwall ferry which operated between New Albany and the Kentucky city. He had returned from the wharf and was waiting at the Depauw House where he was chatting with a few of his friends. It was early in the afternoon and most of the people of New Albany were out at the fair. But few people were about the streets, when Horace arrived at the corner of Main and Bank streets preparatory to going by stage to Corydon that evening. At this place he was surrounded by five men from Louisville, all of whom were fully armed. They immediately disarmed Bell and hurried him to the wharf, declaring to those whom they met in the streets that the one in their charge had committed a foul murder on the other side of the river. As soon as he was landed on the ferry boat, it was moving out into the river for the southern side. He was finally placed in the Louisville jail, but during the night he was taken by a man by the name of Merrill to Brandenburg. The Louisville gentlemen who did the kidnapping were John Rodgers, Jerry Antell, Thomas Antell, Sylvester Deshon, Joseph Sweeney and officer Ray, Blight and others.⁸³ These men were working for the reward that had

⁸³ *New Albany Tribune*, Oct. 28, '58.

been offered but not one of them realized a penny for their trouble.

The whole city of New Albany and surrounding country was filled with indignation at the outrage which had been perpetrated upon a citizen of the commonwealth of Indiana. They immediately armed for his rescue. A party of twenty-five men went to the court house at New Albany where they provided themselves with muskets, pistols, a swivel and ammunition. They procured the ferry boat, Adelaide, and by the time it left its mooring on Monday evening, it had seventy-five men on board. At Tobacco Landing in Harrison county about four miles above Brandenburg they added about forty more. When they came within a mile or two of Brandenburg about sixty men were landed who were to go overland and come down in the rear of the city at the same time that the boat should come opposite. Of those that went overland, all got lost but eighteen. Strangers to the roads and in a pitch black night they could not make their way successfully. In the morning the squad of eighteen made a descent upon the jail but found that Bell was not there. The jailor had been apprised of what was going to happen; so he had removed Bell to the interior of the state to vicinity of Big Springs and Elizabethtown. The citizens of Brandenburg, especially the merchants were conciliatory, because they feared that the armed men might resort to incendiarism. A town meeting was therefore held to settle the affair. Judge Alexander, William Fairleigh, Col. Moreman, Dr. Brown and Col. R. Buckner were appointed to act for the Brandenbergers and John R. Cannon, George Austin and Oscar Gregg were the committee selected to act for the invaders. The two committees agreed upon three points, first that the armed party should return home, second that Bell was to be brought back to town and given an immediate examination and if not discharged was to have a moderate sum assessed as bail, which bail was to be given by Brandenburg citizens, and third that Governor Morehead was to be asked to pardon all the Bells. With this agreement the army of invasion returned home and Bell was returned to Brandenburg for trial which was held on Wednesday, October 27, before two justices of the peace. Bell was charged with breaking jail and freeing his father and brother.

He pleaded guilty as charged and was admitted to a bail of \$750 to appear before the Meade county circuit court in November. Messrs. Alanson Mormon and J. M. Phillips of Brandenburg and John R. Cannon of New Albany were his sureties. Bell came to his old home where he stayed for a short time and then returned to California and the bond which had been given for his sake was forfeited. The bondsmen were later released from the payment of the bond by the executive branch of the Kentucky state government. So the curtain drops and closes one of the most exciting events that ever occurred on our border over the subject of slavery.

Before leaving the subject it should be said that Oswald Wright, the free negro, who figured in the case was later convicted for stealing slaves and was sentenced to five years in the state penitentiary at Frankfort. After serving out his term he returned to Corydon where he afterwards lived until his death.

In regard to David Bell, it is generally thought that he had been imprisoned for something that he was entirely innocent of. His neighbors never felt that he had anything to do with either harboring or running off slaves. He knew nothing about Charles nor Mary Ann, the two slaves. He was a man of seventy years of age and a man of that age would not be a very effective underground agent. A different story can be told with some degree of reliability about Charles Bell. He planned and executed the escape of Dr. Ditto's slave Charles. He had come to hate the institution of slavery because of the teaching of his Aunt Julia, who was bitterly opposed to slavery. Charles was surely one of the anti-slave agents that worked on the border. He did not get the reputation that was gained by Calvin Fairbank and Delia Webster, but no one can doubt the effectiveness of his work which was done quietly and secretly.