



The Oberlin Prisoners at Cuyahoga County Jail, April, 1859.

THE OBERLIN-WELLINGTON RESCUE

AN ANTISLAVERY CRISIS WHICH ALMOST PRECIPITATED THE CIVIL
WAR IN 1859 THROUGH THE SECESSION OF THE NORTH

By *Lida Rose McCabe*

PAINFUL DEATH

Died in the cells of the Jail, in this city early this morning, Ohio State Rights, aged just Eighty-three years.

The deceased was one of a numerous family, all born July 4, 1776. Their father's name was American Independence.

* * * * *

On the 8th of December, 1858, at Lorain County, Ohio State Rights received a severe blow, which has been followed by a succession of blows laid on at the U. S. Court-House by the paid agents of Slavery and Federalism. . . . On the 11th of May the fatal stab was given, and on the 25th the mangled body was taken to the operating-room at the State House before the full board of LL.D.'s . . . After much loss of blood from a severed artery, the patient has at length ceased to breathe.

Funeral takes place this afternoon, July 4th, 1859.—The body will be buried in the north-west corner of the Jail yard.—Procession will form upstairs.—Friends are invited.

From *The Rescuer*, published in the Cuyahoga Jail by the Political Prisoners.

NEVER in the history of nations, perhaps, did an obituary notice herald the

birth of more drastically revolutionary life! Aside from the fact that the medium through which it found expression—*The Rescuer*—was the forerunner of the Republican press, this death-notice marks the crisis of a series of events that contributed in no small measure to precipitate the War of the Rebellion.

Almost the last attempt to execute the Fugitive Slave laws of the United States culminated, in 1858, in what is known as the Oberlin-Wellington Rescue. The events which gave rise to this famous trial—or rather, series of trials—took place at Oberlin and Wellington, two villages within forty miles of Cleveland, Ohio.

The novelty of the issue, the character of the evidence, the argument of the counsel, based upon the central idea of property in man, strangely distinguishes the Oberlin-Wellington Rescue from all the subject-matter pre-

viously adjudicated in the courts of the United States.

It was practically an open conflict between Federal authority and State rights. Coming, as it did, shortly after the Dred Scott decision, which declared a slave not a "person" but a "thing," it anticipated the John Brown raid.

Indeed, had the decision which it evoked from the Supreme Court of Ohio been otherwise than it was, *the Civil War would doubtlessly have come in 1859, instead of 1861, and it would have been consequent upon the secession of the Northern rather than the Southern States.*

To recall this famous struggle is to revivify conditions that have passed away forever—conditions which in the enlightenment of present civilization are not without the gruesome fascination of mediæval lore, and wait but the genius of an historical novelist to re-create their glory and their shame.

I

THE SCENE OF CONFLICT

MORE than sixty years have elapsed since a hardy band of New England enthusiasts, fired by the spirit of their Plymouth progenitors, braved the dangers of the untravelled forests of North-

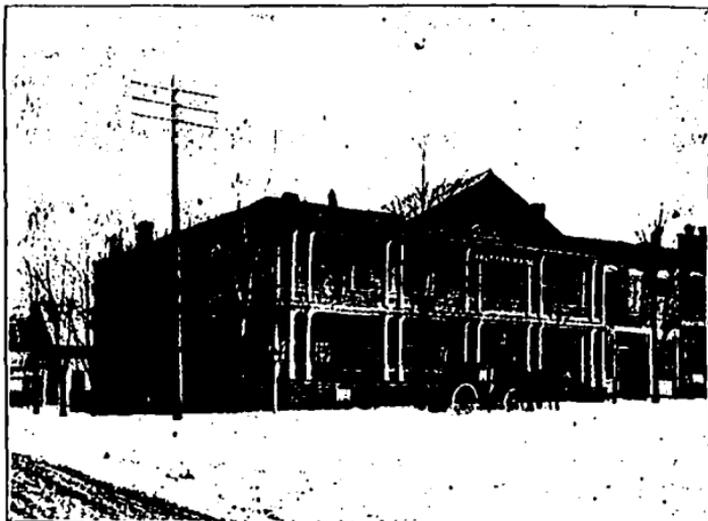
ern Ohio, to raise there, simultaneously, a college and a community destined to rivet, within a quarter of a century, the attention of the civilized world. Twenty years later offsprings of the same stock laid out the neighboring village of Wellington, recognized to-day as the second largest cheese-producing district in the United States. Oberlin lies nine miles north of Wellington. Both communities are in Lorain County, of which the county seat is Elyria, sixteen miles from Wellington and eight miles from Oberlin.

At the period of its national renown, 1858 and 1859, Oberlin had three thousand inhabitants, to which were added, during nine months of the year, some eight hundred students. Irrespective of sex, color, or creed, they came thither from all parts of the Union to avail themselves of the village's collegiate advantages. With the "Higher Law" the pioneers brought Whig principles into this unique community. Whig and Christian were synonymous terms until about 1837, when antislavery questions began to practically affect both State and general politics. The Oberlin vote was always against the proslavery element.

Its recognition as an active practical force in politics dates from the Lorain vote, which held the balance of power in the Legislature that sent Salmon

P. Chase to the United States Senate. Oberlin voted for Van Buren, Fremont, and Lincoln, because they were men who represented a movement that bore directly upon the power and extension of slavery.

Furthermore, Oberlin opened its collegiate doors to colored students. This revolutionary departure not only brought negro students to the college, but led colored families to seek homes in the town. The first-



The Inn, Wellington, Ohio.
Photograph by T. J. Rice, Oberlin.

comers were free colored people of the Slave States, ambitious to secure educational privileges for their children.

Despite its great distance from the slave districts, enterprising slaves soon heard of Oberlin. Escaping from their masters, they crept thither, generally under the cover of night, to see if all they had heard was true. Some had the courage to remain. The colored element thus gradually increased until it comprised, in 1858, about one-fifth of the population.

The great tide of immigration from the Eastern and Middle States ran by the very door of Oberlin into the highways and byways of every route then opening to advancing civilization. Oberlin students, professors, and divines—Owen Brown, father of John Brown, was a trustee of Oberlin College, and the immortal John himself was associated with the institution—impregnated with antislavery doctrines, carried the principle, the atmosphere of their schooling, into all parts of the Union. Their voices, their pens, waged war on every side against the inhumanity of the institution of slavery, and the unconstitutionality of the Fugitive Slave Act of 1850. For many years its antislavery position antagonized neighboring towns, which, in harmony with the rest of the world, regarded Oberlin as a hot-bed of unmitigated fanaticism. The very guide-post leading to the village betrayed the animosity of neighboring authorities. Not an index-finger, but a full-length fugitive running with all his might toward the town, warned the wayfarer of Oberlin's proximity. For years a tavern, four miles east, bore on its Oberlin face a representation of a fugitive slave pursued by a tiger.

During all these dark years Oberlin never permitted a slave within its gates to be carried back to bondage. Violent resistance was not encouraged. No instance of bloodshed or personal harm is recorded. But the people would



The First Congregational Church and Chapel in which the Rescuers Colored their Deliverance, Oberlin, Ohio.

Photograph by T. J. Itice, Oberlin.

rally in a mass and hinder the captor from proceeding with his victim; oblige him to exhibit his authority and repair at once to the nearest court to establish the legality of his proceeding.

Naturally Oberlin was an early and important station of the Underground Railroad.

II

THE UNDERGROUND RAILROAD

EVERYWHERE in the South of 1830-60 slave flights were of daily occurrence. The severest laws, the most alert patrol system, trained blood-hounds, brutal plantation rules, no less than the kindest treatment of master or mistress, were powerless to prevent the hapless negro from obeying the inherent instinct of freedom. The direction of the fugitive's flight depended largely upon his knowledge, sagacity, and circumstances. The Free States comprised at this period one-quarter of the present area of the Union. To their antislavery sentiment the fugitive trusted to make his way to Canada, where the British flag assured him the liberty, the protection, denied him under the Stars and Stripes.

Aside from the great number of slaves who found refuge in neighboring mountains, woods, and swamps—the remains of a large colony that established itself

in the dark recesses of the great Dismal Swamp, and remained there long enough to raise a generation have recently been discovered—more than 75,000 fugitives found refuge in Canada. There died in the last decade two ex-slaves, William Lambert and Harriet Tubman, who aided in the escape of no less than 32,000 fugitives.

But in the execution of the Fugitive Slave Law, which declared it a crime, punishable with fine and imprisonment, for a citizen to knowingly or intentionally interfere for the purpose of rescue, or to rescue from the owner an escaped slave, the Government met, in the Northern States, its most formidable obstacle in the Underground Railroad.

It was the self-imposed business of this corporation to "receive, forward, conceal, and protect fugitives." An invention of abolitionist zeal, it is not to be confounded with the underground railroad of modern times. It derived its name from the hidden methods employed in its operations.

Like John Brown, the stockholders of the Underground Railroad recognized that while "talk was a national institution it did not help the slave." Escapes were generally made under cover of night. Every possible conveyance by land and water was utilized. A favorite Pullman car of the "system" was a huge, open wagon, with a false bottom, in which negroes were often packed close as sardines. Empty barrels were then thrown on top, and with a crack of the whip and a merry song the driver made off for the Lake front, ostensibly for a load of grain. Frequently, with pastoral indolence, a fragrant load of new-mown hay wended along a country road concealing in its depth an entire family of fugitives. Funds were never wanting to facilitate the underground system. Every household of antislavery sentiment esteemed it a privilege to be "conductors," "officers," on the underground railroad. The surplus milk of farmers' dairies was saved to bathe footsore fugitives.

Of the four great channels of escape northward none served more fugitives than the Ohio-Kentucky route. Ohio had along her river front no less than twenty-three ports of entry for runaway



President James Fairchild.

Photograph by T. J. Rice.

slaves. From these initial depots the Ohio routes ran in zigzag lines covering some 3,000 miles, linking station with station in mysterious bond until a place of departure was reached on Lake Erie, where captains of sailing vessels or steamers were not wanting to despatch the runaway slaves to Canada.

III

THE CAPTURE

It was the Underground Railroad that brought to Oberlin, in the winter of 1856, the bone of contention with its marrow, the principle at stake in the Oberlin-Wellington Rescue. John Price was a black boy, eighteen years old. In company with "High-headed" Dinah, "Pop-eyed" Frank, and three fleet horses, he escaped from the plantation of Mr. John Bacon, of Mason County. Dinah and the horses were recaptured, while "Pop-eyed" Frank and black John made their way across the frozen Ohio River, whence the Underground Railroad safely conducted them to "Niggers' Heaven," as Oberlin was dubbed by her enemies.

John pursued farm work, until there came to the village, in August, 1858, one Andrew Jennings, a neighbor and friend of John's old master. Mr. Jennings, while in pursuit of fugitives from his uncle's estate, had learned that his neighbor's long lost John was in the town. He apprised his friend Bacon of the fact, and assured him that, with the assistance of a witness, and the power of attorney, he would be able to capture John and restore him to the domestic hearth. Five hundred dollars was to reward the slave captor's success. A witness was soon found in the person of Mr. Richard P. Mitchell, a former employee of John Bacon.

Duly empowered with legal authority to capture and return John to his master, Jennings and Mitchell set about to accomplish their self-imposed task. In an obscure part of the village was an inn, appropriately named "The Russia House." The landlord was a proslavery man. The inn was the favorite head-quarters of slave-hunters. Shortly before Jennings's arrival the village had been startled by cries of murder, evoked by the attempt of kidnappers to make off with an entire family at midnight.

Warned by the czar of the Russia House that an attempt to arrest John in the village precincts might lead to difficulties, if not to complete failure, the men-stealers resorted to strategy. Three miles north of the College they made the acquaintance of a gentleman farmer, Mr. Lewis D. Boynton. In his son, Shakespeare Boynton, a precocious lad of thirteen years, was found a willing accomplice to decoy John back to slavery. The plot was laid Sunday, and Monday morning Shakespeare came to town with a horse and buggy. He sought John and offered him large wages to go several miles in the country to dig potatoes. The negro said he could not go; he must stay and take care of "Pop-eyed" Frank, who had been injured. He offered, however, to go with Shakespeare in search of a negro, several miles distant, who would help him dig the potatoes. This offer was readily accepted by the strategic Shakespeare, buoyed by the promise of a twenty-dollar bill if he succeeded in delivering up his black brother. About

two miles from town they were overtaken by a carriage containing Messrs. Jennings and Mitchell, a deputy United States marshal, and a deputy sheriff. The officer seized John, and with threats and show of weapons hurried him into the carriage and took a diagonal road across the country.

IV

THE RESCUE

WHILE heading with all possible speed toward Wellington, the carriage was met by two young men on their way to Oberlin. They recognized the slave captors and the Federal officers. Their suspicions were aroused. They hastily sought the village and reported what they had seen. It did not take long to ascertain that John Price was missing. The news spread through the village; crowds congregated in the public square.

By common impulse, without concerted action, the citizens, irrespective of color or condition, peopled the road to Wellington. Every possible conveyance was pressed into service. Villages along the route added their mite, until



Professor H. E. Peck.

Photograph by T. J. Rice.



J. H. Scott, Ex-Slave and Surviving Prisoner.

Photograph by T. J. Rice.

the highway was an armed phalanx of vital form and color.

In the vanguard were Simeon Bushnell, a book-store clerk, and Richard Winsor, a theological student. All were armed. The horse they drove was the property of Mrs. Ryder, who, with Spartan pride, had said, "If necessary spare not the life of my beast, but rescue the boy."

There had been a fire that day at Wellington. The crowd it gathered readily joined the Oberlin men. The slave and his captors were found at Wadsworth's Tavern, where they were waiting the first train South. So completely did the crowd take possession of the tavern, notwithstanding the landlord's proslavery views, that John was taken to the garret for safe keeping. The rescuers were not harmonious in their views as to what ought to be done. The more conservative were disposed to ascertain that the proceedings had been regular under the Fugitive Slave Law. This proved that they were willing to let the party go on its way.

The majority, however, had no respect for the infamous law. They held it their duty to rescue the slave irre-

spective of the authority by which he was held.

Hundreds of proslavery men, equally eager to show their loyalty to the Fugitive Slave Act of 1850, gathered to protect the man-stealers. Troops were telegraphed for at Cleveland. It was the aim of the proslavery crowd to prevent the few antislavery men from getting the boy away before the troops arrived. The five o'clock train whizzed by. No troops appeared. Larger, more excited, grew the crowd.

"We'll have the boy or pull the house down! Off with the roof! Leave not a brick!" was the cry.

Various persons, among them a magistrate and a lawyer of Wellington, were shown the warrant authorizing the marshal to arrest John. This document was read to the crowd in the public square. It but added to the fuel. The theological student, named Winsor, and a tutor, had now, by the aid of a constable, gained access to the garret, where the officers and the slave-catchers guarded the black boy with drawn pistols. The door was fastened from the inside with ropes. Wadsworth's Tavern had three stories. Its attic window looked



W. B. Evans, Ex-Slave and Surviving Prisoner.

Photograph by T. J. Rice.



David L. Wightman, Sheriff of Cuyahoga County in 1859.

Photograph by T. J. Rice.

out upon the square. Below this window was a balcony, to which ladders were repeatedly raised, and the black boy was exhorted from time to time to leap for liberty. From the testimony of more than forty witnesses, summoned at the trials that ensued, we learn of the struggle of the crowd between dictates of conscience and obedience to the law.

"In the midst of the tumult," said a witness, "a young lawyer addressed the crowd. 'The officers,' he said, 'have a right to retain John according to the law. I have read the papers, and I believe they are legal.'"

The crowd listened, but refused to be comforted. "We want the negro, and we will have him."

In vain the slave-catchers and the officers tried to pacify them by conciliatory speeches from the balcony. John was finally brought out.

"Tell them," commanded Jennings, "that you want to go back."

Black as the ace of spades was this hapless negro, "a houseless, homeless, penni-

less vagabond, without kindred, without friends, a waif by the wayside, whose very presence offended the eye."

"They have sent for me," he said. "I suppose I will have to go."

Then Jennings led him back to the garret, continues a witness, and a counsel gives us this pen-sketch of the typical Kentucky slave-catcher:

"He was a well-proportioned man, six feet four, with a short, thick neck and bushy beard; an Arkansas toothpick at his waist, a brace of revolvers in his pockets."

Examination of the officer's warrant, disputes as to its legality, proposal to seek Elyria in quest of a writ of habeas corpus, interspersed with shouting, forcing in the windows of the tavern, and raising ladders to the attic, employed the energies of the crowd until twilight fell. Meanwhile in the attic the officers and the slave-catchers guarded their prey with drawn pistols. Of the rescuing party the theological student alone remained.

In his own words we have his story of what subsequently happened. "I now found that some of our students had reached the garret and stood outside the door. I took John Price to the other end of the room. The two kidnappers presented their pistols and dared me to touch the boy. Nevertheless I took him aside and asked him if he wished to go back to Oberlin. He



J. B. Smith, Jailer at Cuyahoga County Jail in 1859, and his Wife.

Photograph by T. J. Rice.

said he did. The sun was setting. In the light of the rays that fell upon the floor of the closet I wrote on a slip of paper a line to let the students outside know our position within. I put that note up the sleeve of my coat, and went to the door that was held fast by the kidnappers. There was a stove-pipe hole in the wall. Taking a chair near by, I stood upon it, and hearing the voice of Lincoln outside, I said, 'Lincoln, give me your hand.' Then, from my coat-sleeve, the note dropped into Lincoln's hand.

"Suddenly the door opened wide enough to permit the students to thrust in the muzzles of their guns, which kept the door from being closed upon their fingers. In holding on to the rope that fastened the door, Jennings's head covered the stove-pipe hole. The muzzle of a gun unexpectedly coming through the hole forced the gentleman to relinquish his grasp. With a united pull the door now came wide open. The two great Kentuckians filled the open space. A verbal war ensued. At this juncture I took the boy, and putting his arms around my waist and telling him to keep his hand close to my back between my shoulders, I stood beside his captors, pushing my head and shoulders forward, little by little, as if listening to the warm debate. Suddenly I gave a lurch, passed out with my prize, through that crowd, down the long flight of stairs to the buggy that was waiting for me in the public square, and was off before they knew what had happened."

For several days John was secreted in the house of Professor Fairchild, subsequently President of Oberlin College, from which covert he was finally shipped to Canada.

V

THE MAJESTY OF THE LAW

So flagrant a resistance to the execution of the Fugitive Slave Law was not long overlooked by the Government. To allow it to pass without serious punishment would doubtlessly have been fatal to the maintenance of the Union. The machinery of the Federal Government

was set in motion. It was determined to try the offenders in the United States Court at Cleveland. A grand jury was impanelled. The Government was represented by Judge Wilson, District Attorney Belden, and Hon. George Bliss. The Judge's elaborate charge to the Grand Jury embodies the law and the sentiment of the Government.

"There are some who oppose the Fugitive Slave Law," said his Honor, "from a declared sense of conscientious duty. There is, in fact, a sentiment prevalent in the community, which arrogates to human conduct a standard of right above, and independent of, human laws, and it makes the conscience of each individual in society the test of his own accountability to the laws of the land. While those who cherish this dogma claim and enjoy the protection of the law for their own life and property, they are unwilling that the law should be operated for the protection of the constitutional rights of others. It is a sentiment, semi-religious in its development, and it is almost invariably characterized by intolerance and bigotry. The leaders of those who acknowledge its obligations and advocate its sanctity are like the subtle prelates of the dark ages. They are versed in all they consider useful and sanctified learning. Trained in certain schools in New England to manage words, they are equally successful in the social circle to manage hearts; seldom superstitious themselves, yet skilled in practising upon the superstition and credulity of others—false as it is natural a man should be whose dogmas impose upon all who are not saints according to his creed, the necessity of being hypocrites; selfish, as it is natural a man should be, who claims for himself the benefits of the law and the right to violate it, thereby denying its protection to others. . . . Gentlemen, this sentiment should find no place or favor in the Grand Jury-room. The Fugitive Slave Law may, and unquestionably does, contain provisions repugnant to the moral sense of many good and conscientious people; nevertheless it is the law of the United States, and as such should be recognized and executed by our courts and juries until abrogated

or otherwise changed by the legislative department of the Government."

Moved by this charge the Grand Jury made out thirty-seven indictments against twenty-four citizens of Oberlin and thirteen of Wellington.* Professors, students, professional men, merchants, and mechanics were among the Oberlin citizens indicted, while those of Wellington included the most respected pioneers of the town.

That the United States marshal, who appeared at Oberlin to arrest these violators of the law, realized the delicacy of his mission, is manifest in his manner of procedure. He called first on Professor Peck and asked of him the favor of an introduction to the other rescuers. He accepted from each one the promise to appear at Cleveland, in Court, the next day. According to promise, the indicted were in Court December 7th, and asked for immediate trial. Judge Spalding, on behalf of the defence, entered the plea of "Not guilty." But at the instance of the prosecuting attorney the case was adjourned, first to March 8th and again to April 5th. The defendants declined to give bail, but they were sent away upon their own recognizance of one thousand dollars each.

The trials, with slight interruptions, continued to increase in interest until the middle of May, when the cases were put over until the July term. At this time two of the alleged rescuers, Simeon Bushnell, a white man, the book clerk who drove Mrs. Ryder's horse, and Charles H. Langston, a colored man, a native of England, had been convicted and sentenced.

The defence was ably conducted by Judge Spalding, Hon. A. G. Riddle, and S. O. Griswold, Esq., prominent lawyers of Cleveland, who volunteered their services free of charge. But conviction, despite their great skill, was a foregone

conclusion. Bushnell was sentenced to sixty days' imprisonment, a fine of six hundred dollars, and cost of prosecution, which amounted to an additional two thousand dollars.

The manly address with which the colored man, Langston, thrilled the court and the country, resulted in mitigating his sentence to a fine of only one hundred dollars and twenty days' imprisonment, with cost of prosecution. At the close of Langston's trial, when the cases were to be deferred from the middle of May to the July term, several of the indicted from Wellington entered a plea of *nolo contendere*. They were in consequence sentenced to pay a fine of twenty dollars each and cost of prosecution and to remain in jail twenty-four hours. Father Gillett, an old man of Wellington, was almost entreated to leave the jail and go home. "Not until I have shrunk small enough to slip through that keyhole will I leave this prison," was the old man's reply.

Fourteen Oberlinites, including the two convicted men, now remained in jail, where they had been since April 15th, and where they were destined to remain through the recess of court—two long summer months. How much longer no one could foresee. This continuance in jail was a point of honor.

At the beginning of the trial they had been allowed to come and go on their own recognizance, giving their personal pledge for appearance when called for. At the conclusion of the Bushnell trial there was a ruling of the Court so unjust that they gave notice that they would dismiss their counsel and make no defence. This decision met their counsel's approval. On the demand of the prosecuting attorney they were then taken in charge by the marshal, and declining to give bail were committed to jail. The unjust ruling was afterward recalled. They were notified that their own recognizance would be accepted as before. But a false record had been made, a record which put the defendants in the wrong, and the Court refused to correct it. Declining to renew their recognizance, or to give bail, the prisoners lay in jail from the 15th of April to the 6th of July.

* Names of the indicted: John H. Scott, John Watson, Simeon Bushnell, James R. Shepherd, Ansel W. Lyman, Henry Evans, Wilson Evans, David Watson, William E. Schmeiger, Henry E. Peck, James M. Fitch, William Watson, Thomas Gena, Oliver S. B. Wall, Walter Bontes, William Seiple, Ralph Plumb, John Mandoville, Matthew De Wolfe, Franklin Lewis, John Hartwell, Abner Loveland, Lewis Hines, Matthew Gillett, Chauncey Goodyear, Lorin Wadsworth, Daniel Williams, Henry D. Niles, Eli Botes, Charles Langston, James Bartlett, Robert Windsor, William E. Lincoln, Jeremiah Fox, John Copeland, James H. Bartlett, Robert L. Cummings.

DURING the recess of the Federal Court an attempt was made to appeal to the State Courts. A writ of habeas corpus was granted by one of the Judges of the Supreme Court, commanding Sheriff Wightman to bring Bushnell and Langston before the Court, that the reason of their imprisonment might be considered. The case was ably argued for a week before the full bench of the Supreme Court at Columbus, O. Hon. Joseph R. Swan was then Chief-Justice. His associates were Hon. Joseph Brinkerhoff, Josiah Scott, Milton Sutliff, and William V. Peck. The bench held "that the question in the case of Simeon Bushnell and Charles Langston, was not whether the Fugitive Act of 1850 was constitutional in respect to the appointment and power of commissioners, the allowance of a writ of habeas corpus, and the mode of reclamation; but whether Congress has any power to pass any law whatever, however just and proper in its provisions, for the reclamation of slaves, or to protect the owner of an escaped slave from interference when duly asserting his constitutional right of reclamation."

Attorney-General C. P. Wolcott, a man of brilliant parts, was instructed by Salmon P. Chase, then Governor of Ohio, to defend the prisoners on behalf of the State. The Attorney-General ably argued that the prisoners were deprived of their liberty without legal authority, and insisted that they should be discharged. Judge Swan maintained that if the prisoners were discharged "it must be on the ground that the laws of 1793 and 1850 have always been void, consequently that these and all other laws hereafter passed of any kind, will now and henceforth be persistently resisted by the State of Ohio.

"I have examined with some care," continued Judge Swan, "the reports of the decisions of other States, and have been unable to find a single decision of any Supreme Court of any State in the Union denying to Congress the power

to legislate on this subject. These prisoners can only be discharged by this Court declaring that Congress has no power to legislate. Each State may construe the Constitution in its own way to promote its own local interest.

"What will the Constitution of the United States become but a hydra of more than thirty heads uttering Babel, and conflicting commands such as each State in its own jurisdiction may deem it expedient to obey, or party strife may demand?"

There are living to-day many who recall the dignity, the solemnity with which Judge Swan delivered the peroration of this decision, fraught with so much significance to the Union—a significance more weighty in prospective, perhaps, than was realized by either the Court or the country at the time of its deliverance.

"For myself, as a member of this Court," continued this august jurist, "I disclaim the judicial discretion of disturbing the settled construction of the Constitution of the United States, and I must refuse the experiment of initiating disorder and governmental collision to establish order and even-handed justice. As a citizen I would not deliberately violate the Constitution or the law by interfering with fugitives from service. But if a weary, frightened slave should appeal to me to protect him from his pursuers, it is possible I might momentarily forget my allegiance to the law and Constitution, and give him a covert from those who were on his track. There are, no doubt, many slave-holders who would thus follow the impulse of human sympathy, and if I did it and were prosecuted, condemned, and imprisoned, and brought by my counsel before this tribunal on a habeas corpus, and were then permitted to pronounce judgment in my own case, I trust that I should have the moral courage to say before God and the country, as I am now impelled to say under the solemn duties of a judge, bound by my official oath to sustain the supremacy of the Constitution and the law: *The prisoners must be remanded.*"

Judges Scott and Peck concurred in this decision, while Judges Brinkerhoff and Sutliff dissented.

The decision was a severe blow to the men in jail. They, in common with the antislavery element, had relied with much confidence upon relief from that quarter. It was well understood that Governor Chase would sustain a decision releasing the prisoners by all the power at his command. To this end he had the State militia, which he was instrumental in organizing, and which were the first trained volunteers to respond to Lincoln's call, stationed across the street from the Supreme Court to enforce the decision, if necessary, at the point of the bayonet. But the United States Government was as fully committed to the execution of the Fugitive Slave Law. Judge Swan's decision was telegraphed to President Buchanan. The Government at Washington was in almost daily communication, by letter or personal visit, with the developments of these trials.

It is idle, dazzling speculation to consider at this distance the turn American civilization might have taken had Judge Swan's decision discharged the prisoners. It would have placed Ohio in conflict with the general Government in defence of State rights. Had the party of freedom throughout the North then rallied, as seemed probable, the war might have come in 1859 instead of 1861, with a secession of the Northern instead of the Southern States.

The vote of one man turned the scale. The party of freedom, after a little delay, took possession of the Government; the party of slavery became the seceders. The advocates of "Higher Law" who urged Ohio to the conflict did not anticipate war with the general Government. It was their purpose to force the general Government to retire from the execution of the Fugitive Slave Law, and thus remove the occasion of the conflict.

VII

THE POLITICAL ASPECT

From the outset the political aspect of the Oberlin-Wellington Rescue was apparent. All the parties connected with the prosecution were notoriously of one faith; all the prosecuted of another. Democrats well known to have

been actually engaged in the Rescue were not indicted. Two of the indicted, proving to be good Democrats, were not pressed on motion of the District Attorney.

The Clerk of the Court, who had the making of the jury in his own hands, summoned whom he chose without restriction. Out of forty, he was able to find only ten men who sympathized politically with the defendants, while he found thirty in accord with the courts. The ten sympathetic were immediately stricken off by the District Attorney. The defence were then given their choice of the remaining thirty.

This and other proceedings equally biased would seem to justify the public journals of the day in labelling their reports and editorials, "*The Political Trials at Cleveland.*" During a recess of the Court, following Judge Swan's decision, a mass meeting was held at Cleveland.

By thousands the people of Northern Ohio congregated to express their sympathy with the Rescuers, and their intense condemnation of the Fugitive Slave Law. Great was the enthusiasm.

Immense processions, with banners flying, passed through the streets and took possession of the square in front of the jail. Joshua R. Giddings, Salmon P. Chase, and other distinguished abolitionists addressed the assembly.

The resolutions adopted read to-day like emanations from a State's Rights Convention. The meeting yielded no immediate results to the prisoners. No such result was anticipated. It served only to notify the civilized world that the Fugitive Slave Law had met in Northern Ohio its Waterloo. Never again was Judge Swan called to the Supreme Bench. The Republican Party of Ohio, which he was so prominently instrumental in forming, never forgave him for deciding the Fugitive Slave Enactment of 1850 a binding force in Ohio.

VIII

IN A FELON'S CELL

Every hope of a speedy release having faded, the prisoners now settled down without any definite anticipation of when or how their cases would end.

Appeals were made to the public on behalf of their wives and children. Prompt and generous responses came from all parts of the country. All the delicacies of the market were at the prisoners' disposal. Sheriff Wightman, the jailer and his wife, provided them with every comfort within their official power.

The railroads carried relatives and friends to the prison, from all sections, at greatly reduced rates.

The jail-yard was converted into a huge workshop. The prisoners, who represented various trades, were allowed to prosecute their callings. Friends sent to each the implements of his trade. Soon the jail-yard was a busy hive of industry in which upholsterers and mattress-makers, saddlers and harness-makers, boot and shoe makers, printers and booksellers, vied with attorneys, real estate agents, and banker-brokers. The professors and students read Latin, Greek, and metaphysics, keeping up with their class work at college, at the same time flooding the press of the country with antislavery effusions.

Two of the prisoners were printers. A printing-office was established and a newspaper started called *The Rescuer*. It was to be issued every alternate Monday by the "Political Prisoners." The first edition was five thousand copies. The office of *The Rescuer* was five feet by ten. All hands contributed to the "setting up" of this unique sheet, which, it is asserted was the forerunner of the Republican press. Friendly newspaper offices donated type. A carpenter's plane with the irons knocked out was used as a "planer." A policeman's club answered for a mallet in "pulling proofs." A fellow-prisoner supplied "side-sticks," "quoins," and "reglets," made from a white wood board. Another prisoner sawed up a fence-board to make a "rack." A "shooting-stick" was fashioned out of a piece of stove;

PRINTERS AND BOOKSELLERS!

FITCH & BUSKNELL,

ARE not in partnership and never were; but as they agree so perfectly as to what should be done with fugitives and fugitive slave laws, they are sure they can still do business together. They were lately removed by *Marshal Johnson*, from Oberlin, O., where they had been long engaged in the above business, and have established themselves in the front hall of *Cleveland Jail*, where the "*Rescuer*" is published every alternate week. Having been successful in securing a large share of *government attention*, we expect, presently, to be able to do a good deal of **GOVERNMENT PRINTING**, for which we have no doubt we shall get our *pay*. Indeed, one of us has already been *paid in advance*.

In our jail Bookstore will be found valuable works. Constantly on hand, as soon as published, a *Narrative of the Oberlin Rescue Trials*, 250 pp., full of curiosities.

At their branch establishment in Oberlin, they still keep a choice assortment of *Anti-Slavery Literature*, which they specially recommend to "*Union Savers*" as worthy their notice. *Bibles and Testaments* will be sold to Administration Democrats strictly at cost; and to Lower Law men generally at very low rates. Hoping to check the progress of barbarism as well as of *slave catchers*, they have filled their shelves with many good books, which are real "*Helpers*." *Hallam's Middle Ages* is highly recommended as a valuable aid in settling the dispute as to whether Democratic America has yet advanced in civilization, beyond the Medieval Period. The attention of United States Judges, District Attorneys and others, is especially called to a neat little Manual which they offer, containing the Constitution of the United States, Declaration of Independence, Acts of Congress on Slavery, including the Fugitive Slave Act, and arguments showing the Constitution to be unconstitutional, and that negroes are "*persons*" now and "*things*" then, just as shall suit.

Their motto is,

"Consider well each deed you mean to do;
But, once resolved, with earnest zeal pursue."

From the Advertising Columns of "*The Rescuer*."

the door-stone served for an "imposing-stone." Curious were the advertisements, scarcely less passionate than the editorials in their personal expression, as the clippings disclose:

UPHOLSTERS AND MATTRESS MAKERS.

HENRY EVANS & BROTHER, (late of Oberlin, O.) have removed to the shed one door west of J. Scott's saddle and Harness shop. All persons who would secure a visit from

"Tired Nature's sweet restorer; balmy sleep," will please call and examine his work.

You can rest on his beds, if you can rest any where. Government officials need not apply.

HOGSKIN SADDLE & HARNESS-MAKING.

JOHN H. SCOTT, late of Oberlin, has opened a shop under the shed in the Jail Yard, in front of Wightman's Castle, Cleve-

land. Mr. Scott assures the public that hereafter he shall use hides of his own tanning, and will warrant his work to be thoroughly done.

N. B.—Dog Collars of all sizes made to order.

BOOT AND SHOE SHOP.

JAMES BARTLETT, late of Royce's extensive Manufactory, Oberlin, Ohio, has opened a shop in cell No. 3, upstairs, Cuyahoga County Jail, where he will be happy to meet his patrons.

Mr. B. feels confident that he can be of great service to those who, from constant girations in the dirt, have damaged their soles.

Lower Law Ministers, Hunkers, and Out Footed Politicians of all parties are particularly invited to call.

P. S.—Hides taken in exchange for work. Dark copper color greatly preferred.

Above one of the articles is a rude wood-cut, representing fugitives pursued by bloodhounds and mounted horsemen, the whole labelled

"NEGRO-CATCHING IN BOSTON

vs.

NEGRO-CATCHING IN CLEVELAND."

One of the prisoners, Rev. James M. Fitch, had been for fifteen years superintendent of the Oberlin Sunday-school. A visit to the prisoner of four hundred of his Sabbath-school children was a gala occasion. Religious exercises formed no small part of the prison life. Amusing stories are related of prayers offered by some of the colored brethren, who did not hesitate to invoke the Almighty to pulverize the bodies of their enemies and scatter them to the ends of the earth.

Meanwhile the slave-catchers and the officers engaged in the seizure of John Price, had been indicted in Lorain County on the charge of kidnapping. Their trial was set for July 6th, six days before the resumption of the trial of the rescuers in the United States Court at Cleveland. The indictment was not without apparent foundation.

The description given of John in the power of attorney was grossly deficient and inaccurate. There was not sufficient proof of title to John in the claimant who issued the power of attorney. The indicted kidnappers were abroad

on bail until near the time of trial at Elyria. A writ of habeas corpus was obtained from a judge of the United States Court, and an attempt made to deliver up the four men to the sheriff at Lorain County, that the writ might be served upon him, and his prisoners be released by order of the United States judge. An accumulation of hindrances prevented this delivery. The hour of trial was at hand. Alarmed lest the writ would be useless, the kidnapers, fearing personal violence, interceded with the United States Attorney, to propose to the counsel of the rescuers that the suits on both sides be dropped. To this the rescuers consented.

On July 6th, the prisoners were released. With bands playing, banners flying, and a salute of a hundred guns in the public square, they betook themselves in triumph to Oberlin, where, in the famous old church on the village square, a great experience meeting followed, at which the pent-up feelings of the rescuers, after eighty-five days' imprisonment, found expression in song, prayer, and story.

The *Plain-Dealer* of that day thus voiced the sentiment of the Government sympathizers: "So the Government has been beaten at last, with law, justice, and facts all on its side, and Oberlin, with its rebellious higher law creed, is triumphant."

Thus terminated the most decisive, if not the most interesting, trial held under that relic of barbarism, the Fugitive Slave Act of 1850.

IX

TWO-SCORE YEARS AFTER

TIME has spared almost none of the persons identified with the Oberlin-Wellington rescue—counsel, witnesses, or prisoners. Oberlin, however, continues to pursue the even tenor of its way, sending now, as formerly, equipped men and women into all parts of the world. It has not only outlived slavery, but witnessed many of its once derided principles, both religious and educational, incorporated in various educa-

tional institutions at home and abroad. The population has almost tripled since the war, while its old-time Puritanic morality survives. The saloon has never gained a foothold in the community, and but one tobacco-shop has managed to exist.

One winter evening of 1896, the writer was landed at Oberlin, by the Lake Shore Railroad, the village's one direct rapid transit communication with the outside world. The silence that moonlight, snow-flurry, and hoar-frost invite enveloped the apparently lifeless community. As the capacious bus rattled along the broad, deserted highway, its solitary passenger observed that the blinds of all the shops were closed.

At the one hotel of which the town boasts, the Park House, which pleasantly flanks the college park or public square, the Sabbath-like serenity was explained. It was Thursday evening. From time immemorial business has closed at six o'clock on Thursdays to permit the citizens to attend prayer-meeting. After supper at the hotel, which is served by college students, we stood at the spacious parlor windows confronting the park, and watched straggling groups, in response to the church bells vocalizing the frosty air, making their way to the various houses of prayer. On the northeast corner of the park swayed the historic elm under which, undisputed tradition says, the founders of Oberlin, Messrs. Shipherd and Stewart, knelt to pray for light upon their project. Little did these pioneers of simple faith then dream that in 1896 that same stately tree would coquet, as we beheld it, with the modern wizard, a neighboring electric light.

On every side of the college park flickered the lights from the numerous college buildings, which lend scholastic repose, if not architectural beauty, to the college campus. The extinguishment of the window lights is to the knowing observer the one sex line in this first of co-educational institutions. At nine o'clock the women students must retire, while the men may stay up until ten. Young women are not permitted to receive social calls from young men, students or non-students, after eight o'clock. These and divers relics of the "blue

laws" are recalled as the pedestrians disappear across the snow-carpeted campus.

"High thinking and low living" has ever thriven at Oberlin, and despite the rigidity of its moral code it is always intellectually abreast the times.

Nine o'clock found us in the classic repose of President Fairchild's home. The distinguished ex-president of Oberlin College, though born and reared in the village where his life has been so brilliantly spent, has the appearance, the address, of an English lord. According to lifelong custom, he had been to prayer-meeting, and his wholesome presence soon put a "spirit of youth into everything."

"I was probably the most culpable man in the Oberlin-Wellington Rescue," jocosely remarked President Fairchild, "but somehow I was above suspicion, and escaped indictment. The rescuers brought John to my house that night, and he stayed here three days before he was taken to Canada. Oh, those were stirring times, and almost everybody identified with them has passed away."

"We remember," said the President's daughters, "the night John came. Mother took us into a room, cautiously locked the door, and with hushed voice told us of John's capture and rescue and his concealment in our house. 'You must never tell any one in the world that John is here. And so long as you live, perhaps it will never be safe to betray the fact that we have sheltered in our house a runaway slave.'"

"In less than two years," smiled the ex-President, "we had the war, Lincoln, then emancipation."

Professor Monroe, President Fairchild's distinguished neighbor, soon joined the circle to add his reminiscence of the most exciting episode in Oberlin history. A delightful *raconteur* is the Professor. He rendered distinguished service in the State Legislature and was a member of Congress. He was a popular platform advocate of antislavery doctrine, and travelled extensively in its interest during Oberlin's tentative period.

"Yes, they are nearly all gone," said Professor Monroe, "nearly every man identified with the case, except perhaps

two of the prisoners. The latter still reside at Oberlin—Henry Evans and John H. Scott, both colored men."

Near the outskirts of the village the ex-prisoners were found in neighborly communion. The part they played in the rescue is the solace of their old age. Like the hero of Blenheim, they never tire recounting the "first siege of Oberlin" and their long imprisonment. In the village grocery, at the family fireside, on the church platform or the public rostrum, they have told and retold the story, for Oberlin never permits her traditions to sink into innocuous desuetude.

Evans and Scott are natives of North Carolina. They had gained their freedom before coming to Oberlin.

A singularly modest, winning old man is Evans, without the slightest betrayal of colored blood in the refined features of his beautiful face. His children, however, are as black as the native African. His wife is a yellow woman; large, imposing, almost tragic in her mien. She is stone blind. Her brother, Lewis Sherrard Leary, was one of the original four killed in the Shenandoah River during John Brown's raid. He was named after the wealthy planter, Sherrard, who liberated his slaves and sent them to Liberia. John A. Copeland, another distinguished figure in John Brown's raid, was a nephew of Henry Evans. All their kindred are connected with exciting war episodes.

There is no mistaking John Scott's African ancestry. His skin is copper-colored. A man of intelligence, he is proud of the penalty he endured for his prowess in the rescue. In lieu of battered limbs, rusty muskets, or shattered cannon-balls, these two picturesque survi-

vors are wont to exhibit, with pardonable pride, the printed records of the trial in which appear the speeches they made on the occasion of the Jubilee Celebration. No poet counts his favorite lines with greater unction than Scott his Jubilee Speech:

"We left our loved homes ere the snows of early spring had melted, and we returned not till the gardens were filled with flowers and the fields clothed with greenness. We had endeavored to maintain the truth, and we are not ashamed to send down the example to our children. God has been very merciful to us, and our families have been preserved in health. Surely God has encouraged us ever after this to 'Stand up for Jesus.'"

Scott was an active officer of the Underground Railroad. His memory is a storehouse of its comedy and its tragedy.

Forty years have wrought little change, we are told, in the nine-mile highway leading from Oberlin to Wellington. In an open buggy we sped over this historic road, dotted on either side with prosperous farms, imagination revivifying it, as the mile-posts vanished, with the excited disciples of "Higher Law" that peopled it that memorable September day of 1858.

Wadsworth's Tavern still stands in the public square of Wellington, and harbors "old reliabilities" eager to give their version of the rescue.

"What has become of John?" was repeatedly asked, to receive the same reply: "Never heard of since."

Like the natives of Venezuela, the hapless fugitive was but a cat's-paw to pull the chestnut out of the fire.

"John," to quote old man Evans, "ho no wuth shucks."