

## FUGITIVE SLAVE DAYS IN BOSTON

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BOSTONIANS were never more conscious of their traditional position in the United States as a Cradle of Liberty than during the 1850's when the Fugitive Slave Law was in effect. Residents of the capital of a sovereign commonwealth in the forefront of Revolutionary struggle, they absorbed history in their daily affairs. Worshipping in the same churches as the patriots, and walking the very streets they trod, the descendants of the Minute Men of '75 could never forget their heritage. Thus admonished to sacrifice their comfort for the liberties of others, they took the law into their own hands, and nullified the most hateful statute since the Alien and Sedition Laws.

### I

In no city had fugitive slaves felt greater security than in Boston where they even had their own preacher and church. Massachusetts law protected them, when following the United States Supreme Court's decision in the Prigg Case which prohibited states from legislating on fugitive slaves, the General Court passed a Personal Liberty Act to forbid judges and other law-enforcement officers from acting under the provisions of the national Constitution.<sup>1</sup> To all intents and purposes, after 1843 there was no way of recovering a slave legally in the Bay State.

The Fugitive Slave Law changed all that by providing machinery to operate through the federal courts.<sup>2</sup>

Cotton Whigs saw no cause for alarm over the act. The *Advertiser*, their leading journal, considered that the North had at last fulfilled a Constitutional requirement too long neglected. It was sure the South would have no further grounds for complaint, but it forgot that abolitionists threatened nev-

<sup>1</sup> Wilbur H. Siebert, *The Underground Railroad from Slavery to Freedom* (New York, 1898), 246; *Mass. Acts and Resolves*, Chap. 69 (March 24, 1843).

<sup>2</sup> For its provisions see *U. S. Statutes at Large*, ix, 31 Cong., 1 Sess., Chap. 60, 462-464.

er to uphold the law. Apart from its constitutionality, Horace Mann charged that there was no legal protection to the 8,000 free Negroes in Massachusetts "*from being turned into slaves, on any day, by the easy, cheap, and short-hand kidnapping of a legislative act.*"<sup>3</sup>

Rumors and fears multiplied haphazardly. In mid-October it was whispered that the first slave-hunters were in town. Quick action was urgent. A "non-partisan" meeting in Faneuil Hall, the night of the fourteenth, attended by an estimated 3,500, over which Charles Francis Adams presided, urged repeal of the act. Frederick Douglass, the famous Negro spokesman, expressed the fears the new law had struck into his heart and the hearts of others of his race. Though he had bought himself and had his "free papers," some irregularity might yet be discovered, which would result in his return to bondage. Perhaps the hunters were after him even as he was speaking. Denouncing the law as contrary to the Declaration of Independence and the Constitution since it deprived men of liberty without due process of law, the assemblage

*Resolved*, That we cannot believe that any citizen can be found in this city or vicinity, so destitute of love for his country and his race, and so devoid of all sense of justice, as to take part in returning a fugitive slave under the law.

A Vigilance Committee was instituted with the Reverend Theodore Parker, the intense leader of unorthodox thought, recently appointed chaplain to the fugitive slaves, as chairman of the executive committee. Abolitionists made elaborate preparations. In less than two days there were eighty members (at full strength there were 200), and a special Legal Committee to serve as counsel for fugitives was created, whose staff was to use all legal delays possible. Should a prisoner be adjudged a slave, they were to alarm the city.<sup>4</sup>

Organization was completed none too soon. On the after-

<sup>3</sup> *Boston Advertiser*, Sept. 13 and Oct. 8, 1850.

<sup>4</sup> *Boston Advertiser*, Oct. 23, 1850; John Weiss, *Life and Correspondence of Theodore Parker* (New York, 1864), II, 94-95.

noon of October 25, Parker returned home to find one of his associates on the committee, Dr. Samuel Gridley Howe, the famous teacher of the blind, anxiously awaiting him with the disquieting news that warrants had been issued for the arrest of William and Ellen Craft, a young couple in Boston since 1848. The machinery now swung into action, thus setting a pattern that was to become familiar. By means of handbills scattered broadcast, the city was alerted to the presence of the two agents of the Crafts' owner, John Knight, and a man named Hughes, the jailer of Macon, Georgia. Parker directed a relentless campaign of intimidation against them. He had them arrested for slander, although they were shortly afterward released on bail. Crowds jeered at them so threateningly that they feared to appear in public. Through it all Hughes piously declared, "It isn't the niggers I care about, but it's the principle of the thing." Having decided that the game had gone on long enough, Parker decided to take the final step. In an interview in their hotel room, with guards posted in a hall outside, he told them that he could not guarantee their safety much longer. Hughes, thoroughly cowed, admitted he could not fulfill his task. A few hours later they slunk away secretly.<sup>5</sup>

Though the Crafts were now safe, it was deemed wiser for them to leave the United States for Great Britain. Just before their departure, Parker married them legally in a solemn rite in a house on "Nigger Hill." At the conclusion of the ceremony, he put a Bible and a sword into William's hands and bade him use both with all his might. The liberated couple stayed in Britain where Parker saw them in 1859.<sup>6</sup>

The shame Massachusetts men felt at the thought of Americans having to flee to England to gain freedom can only be imagined by a later generation. Parker expressed the feeling of all abolitionists as he wrote:

<sup>5</sup> *Boston Advertiser*, Oct. 26, 1850; Parker to Edward D. Cheney, June 28, 1859, Letterbook 4, Parker Papers, Massachusetts Historical Society (hereafter abbreviated as MHS); Weiss, *Theodore Parker*, II, 96-98; Parker to S. J. May, Nov. 4, 1850, Letterbook 5.

<sup>6</sup> Parker to Cheney, June 28, 1859, Letterbook 4.

I keep in my Study two trophies of the American Revolution, one is a musket which my Grandfather fought with at the Battle of Lexington . . . against the "British;" the other is a great gun which he captured in that battle. He was the Captain of the Lexington Soldiers; and took the first prisoners, and the first musket taken in [the] war for Independence and the Rights of man. But now I am obliged to look to "the British" for protection for the liberty of two of my own Parishioners who have committed no wrong against us! Well, so it is, and I thank God that Old England, with all her sins and shames, allows no Slave-Hunter to set foot on her soil.<sup>7</sup>

## II

Abolitionists did not feel they were subverting law. To them the Fugitive Slave Act was illegal, no matter how constitutional. The fiery Charles Sumner, shortly to enter the United States Senate, best expressed their view when he called it a "cruel devilish law," a heathen bill which "set at naught the best principles of the Constitution, and the very laws of God!"<sup>8</sup> It is apparent that they considered America as much a society of men as of laws, while the Slavocracy were hiding behind the Constitution to enforce unjust demands. Even learned members of the bar supported this view. Richard Henry Dana, Jr., the author of *Two Years Before the Mast*, now a distinguished attorney, offered his services to the Legal Committee, as did Ellis Gray Loring and John Albion Andrew, the great Civil War Governor. These men were not rabble rousers nor demagogues, but charitable persons, to whom law and justice were synonymous. Slavery was illegal in Massachusetts, and no one could be enslaved from out of its territory, where the ground was hallowed by the blood of the mulatto "patriot," Crispus Attucks, "martyred" in an earlier defense of liberty (or that is what they were taught he died for). Parker, Dana, Andrew, and Howe were the sons of patriots who believed in freedom and fought for it. They would not be found wanting when their turns came.

<sup>7</sup> Parker to Rev. M. Martineau, Nov. 11, 1850, Letterbook 3.

<sup>8</sup> *The Commonwealth*, March 28, 1851.

The *Advertiser* might mumble about meeting the obligations due another section and partner in the Union, and that fugitives who had escaped their legal obligations elsewhere were not subject to Massachusetts law. "J" might even suggest that when cases arose, the populace might avert unpleasantness by buying the slave, but he was wrong in thinking anyone would take that proposal seriously.<sup>9</sup> Certainly the slave-owners didn't.

### III

In the months following the Crafts case, though there were several scares, not one slave was taken to court.<sup>10</sup> The Vigilance Committee proved effective. But in the midst of a bitterly fought Senatorial election, which was to result in the choice of Charles Sumner, the forces of the law, descending on a Cornhill coffee house, apprehended Fred Wilkins, a devout Christian who preferred to be known as "Shadrach" for obvious reasons. He was alleged to be the property of John Debree, a purser in the Navy, who had ordered the contest only to see if the act would be enforced. A battery of respectable and ordinarily very expensive attorneys, Samuel E. Sewall, Ellis Gray Loring, Charles G. Davis, Charles List, and Dana, appeared as counsel for Shadrach, to hinder proceedings as much as possible. Shortly after noon, on Saturday, February 15, they wheedled an adjournment until the following Tuesday out of Commissioner George T. Curtis, who was determined to give the slave every opportunity to prove his claim to freedom.

The room began to empty. Suddenly, an armed mob led by a fugitive slave long-time resident in Boston, rushed in, enveloped the prisoner, and escaped with him into the throng. By nightfall Shadrach, rescued as it were from a second fiery furnace, was out of the law's reach. The authorities tracked him to Concord where they lost the trail. From there he was

<sup>9</sup> *Boston Advertiser*, Oct. 21 and 24, 1850.

<sup>10</sup> For mention of agents and warrants issued, see Parker to S. J. May, Nov. 4, 1850, Letterbook 5; *The Commonwealth*, Jan. 20 and 31, 1851.

driven to Sudbury and to further stations on the Underground Railroad, until he reached Canada where he opened a barber shop.<sup>11</sup>

Let the Whigs howl if they would that "such exhibitions of the impotence of the civil authorities" jeopardized life and property in addition to disgracing the community. The *Courier* declared that the real question was no longer confined to the enforcement of the Fugitive Slave Law. Rather, the "point to be determined now is, whether *any* law shall prevail in Boston."<sup>12</sup>

Abolitionists scorned such mouthing. The important thing was that a man had been saved from Hell. What amazed Howe in the stand of the "decency & respectability" of Boston was that there was "not a blush of shame, not an expression of indignation at the thought that a man must fly *from* Massachusetts to the shelter of the red cross of England to save himself from the bloodhounds of slavery."<sup>13</sup>

Shadrach's sensational rescue had kept the record clear. No slave had yet been returned from Boston, but the lesson of February 15 was clear to those who could see. For example, the editor of the *Atlas* warned of the danger of mob rule resulting from disregard of a statute, no matter how onerous. The Vigilance Committee was treading on dangerous ground. If it persisted in stirring up the city, inevitably there would be bloodshed.

Law enforcement having twice been thwarted, the government took measures to safeguard its judicial processes. Three days after Shadrach's escape, the Board of Aldermen ordered that the Mayor direct the city marshal to assist agents of the state and federal government in the execution of their duty when obstructed by a mob. The same day, President Fillmore

<sup>11</sup> *Boston Atlas*, Feb. 19, 1851; *Boston Advertiser*, Feb. 17, 1851; Howe to Mann, Feb. 18, 1851, Howe Papers, Houghton Library, Harvard; *The Commonwealth*, April 3, 1851; F. B. Sanborn to T. W. Higginson, March 4, 1897, Higginson Papers, Houghton.

<sup>12</sup> *Boston Advertiser* and *Boston Courier*, both Feb. 17, 1851.

<sup>13</sup> Howe to Mann, Feb. 18, 1851, Howe Papers, Houghton.

ordered that prosecution proceedings be instituted against Shadrach's rescuers. Several persons were arrested, among them Elizur Wright of the *Commonwealth*.<sup>14</sup>

Just as the government girded itself for the next trial which all knew would come when a determined slaveowner appeared, so the Vigilance Committee strengthened its resources, financially and otherwise. Success continued to crown its efforts throughout the rest of the winter when, by quick, decisive action, it frustrated attempts of slave catchers in New Bedford. Parker convened his associates daily during the crisis. As he put it, "Our eyes must be 'in every place beholding the evil and the good.'" <sup>15</sup>

#### IV

On the morning of April 3, a United States deputy marshal arrested Thomas Sims, a young mulatto, as a fugitive from the service of James Potter of Chatham, Georgia.<sup>16</sup> Captured after a struggle in which he stabbed one officer, the prisoner was held at the Court House for a hearing. Though every effort was made not to arouse attention, within a few hours the Vigilance Committee learned of it. Parker and the others remained at their headquarters in Chauncy Place awaiting news, but all was quiet for the rest of the day.

The next morning a strange sight assailed the eyes of Bostonians when they reached the square. In addition to a company of 100 policemen who guarded the building, a great chain had been stretched around it on all four sides, three or four feet from the ground. The government was taking no chances. The truth was out; Massachusetts justice lay enchained at the

<sup>14</sup> *Boston Atlas* and *Boston Transcript*, Feb. 19, 1851; Elizur Wright to James Wright, March 21, 1851, Wright Papers, Boston Public Library (hereafter abbreviated as BPL).

<sup>15</sup> Theodore Parker's Scrapbook on the Simms [*sic*] and Burns Cases, BPL, March 15-21; Parker to Robt. White, Jr., March 17, 1851, Letterbook 6, MHS.

<sup>16</sup> *Boston Advertiser*, April 4, 1851. Potter insisted that his only object in reclaiming Sims was to test the efficiency of the law. He insisted that he had taught Sims a trade at which he could buy his freedom, but that Sims had never paid more than \$10, having spent the rest on drink and abandoned women. *Boston Advertiser*, April 18, 1851.

mercy of the Slavocracy. For years the abolitionists had said so, now they saw it. So that everyone might savor the disgrace, the *Commonwealth* published an engraving of the scene, the only time during its existence it ever ran a picture. Parker was glad of the symbol. He ostentatiously stepped over the chain, while he noted grimly that "old stiff-necked" Lemuel Shaw, Chief Justice, and the other judges grumblingly went under it, as subjects of slavery should.<sup>17</sup>

The committee held frantic consultations, but all they agreed on was Howe's proposal to hold a meeting in the State House Yard that afternoon. Posters were quickly prepared to announce it, but the legislature refused permission. The rally began on the Common instead, and then shifted to the Tremont Temple, where those assembled resolved to hold a great mass meeting on April 8.

While a crowd of several hundred milled around outside waiting for news, Sims's lawyers stalled for time before Curtis, who again had been tapped for the unpleasant task of returning a slave. Sewall introduced an affidavit attesting to the prisoner's free status, and Robert Rantoul, Jr., questioned the commissioner's power to order an alleged slave remanded. Curtis, still making every effort to meet their demands, again withheld judgment after the second day's testimony, adjourning court over the week end to give the defense more time to prepare.

Abolitionists were desperate; the Vigilance Committee was in almost constant session. No case had ever gone so far as this. The wildest schemes were proposed, much to Parker's pain and surprise.<sup>18</sup> Thomas Wentworth Higginson, then a young Unitarian minister of Newburyport, was shocked by the indecision among his colleagues on the committee. Summoned to Boston for the emergency, he arrived there on the fourth.

<sup>17</sup> Picture to be seen in the *Commonwealth*, April 9, 1851; Shaw described in Parker to Sumner, April 19, 1851, Letterbook 6.

<sup>18</sup> Parker's Scrapbook, BPL, April 4, 1851, 26-30, and 40; *Boston Advertiser*, April 5 and 7, 1851.



It is worth coming to Boston occasionally to see that there are places worse than Newburyport [he wrote Samuel J. May]; there is neither organization, resolution, plan nor popular sentiment—the Negroes are cowed & the abolitionists irresolute & hopeless, with nothing better to do on Saturday than to send off circulars to clergymen!<sup>19</sup>

Essentially men of peace, inexperienced in extra-legal work, there was little they could do. It would take many such incidents to educate them to an attitude of revolution. Even Higginson, ready for anything, found it strange to be on the outside of established institutions, to be obliged to lower his voice and conceal his purposes, to have to see law and order, police and military as the wrong side, good citizenship a sin, and bad citizenship a duty.<sup>20</sup> The only thing they really knew how to do was to talk, to pass resolutions, and sign petitions in the hope of carrying their view by the weight of public opinion. But this time, all their legal efforts were beaten. They could not enforce a writ of replevin, and Chief Justice Shaw rejected their application for habeas corpus; he could not interfere in a federal matter. Abolitionists needed no further proof that Massachusetts justice, already enchained, wore its bonds willingly.<sup>21</sup> The federal judiciary, rejecting another try for habeas corpus on April 11, proved no friendlier.<sup>22</sup>

There was now no further hope. Curtis ordered Sims returned to his master. In a long decision in which he examined all sides of the question, he spoke bravely. Though he would have been glad to have been relieved of his responsibility, there was no tribunal competent to assume the burden. He could not avoid his duty. Legally, the hearing had not been a trial, but merely a proceeding to establish the right of removal. The Georgia courts had the final trial right if there

<sup>19</sup> Thomas Wentworth Higginson to Samuel J. May, Sunday, April 6, 1851, Higginson Papers, Houghton.

<sup>20</sup> Incomplete manuscript by Higginson on the Burns case, page 2, document number 87-1, in a collection of papers on the Burns case Higginson deposited in the BPL.

<sup>21</sup> *Boston Advertiser and the Commonwealth*, April 8, 1851.

<sup>22</sup> *Boston Advertiser*, April 12, 1851.

were really any question.<sup>23</sup> He thereupon gave the marshal a certificate attesting that Sims was the slave of James Potter.

To avoid disturbance, the authorities sought to keep their plans for the return secret, but Higginson, maintaining a ceaseless vigil, waited in the square for any indications. At dawn he watched the police drilling.

They marched & countermarched, drew their cutlasses & went through various evolutions. Lastly they formed a hollow square & marched a little way up Court Street. It was a horrible thing, that hollow square. . . . Massachusetts ceased to exist & we seemed to stand in Vienna. . . . Yet I do not believe they will dare to carry out this plan; I do not think the blood even of Boston merchants could bear it.<sup>24</sup>

At 3:15 A.M., April 13, Parker was summoned to the scene. The others were already there. For an hour they waited as preparations were completed. At last the prisoner emerged between two guards who placed him in the center of the formation. The march to Long Wharf began. The abolitionists could not control their feelings. As the company approached the site of the Boston Massacre, they pointed out the holy spot. "Gloomy and silent those wretched men passed on, sacrilegiously desecrating by their act this martyr stand of the Revolution," wrote Dr. Henry I. Bowditch. There was an impromptu prayer-meeting, the Rev. Daniel Foster leading the service on the wharf as the brig *Acorn* sailed into the dawn. At its conclusion they broke out spontaneously into Bishop Heber's "Missionary Hymn" ("From Greenland's Icy Mountains"), which they sang as they walked up State Street to the Anti-Slavery Office.<sup>25</sup>

<sup>23</sup> The full text of his decision is to be found in the *Boston Advertiser*, April 15, 1851.

<sup>24</sup> Higginson's letter to the *Newburyport Union*, and undated clipping in the Higginson Collection on the Burns case, BPL.

<sup>25</sup> Parker's "Scrapbook on the Simms [*sic*] and Burns Cases," BPL, 41-42; *Boston Advertiser*, April 14, 1841; Vincent Y. Bowditch, *Life and Correspondence of Henry I. Bowditch* (Boston, 1902), I, 221-223. Austin Bearse in his *Reminiscences of Fugitive-Slave Law Days in Boston* (Boston, 1880), 28, says it was the "Old Hundredth."

Sims was given up primarily because the city still respected the abstract principle of law, no matter how offensive it might be at times. Conservative classes were satisfied with the conclusion of the case. Abolitionists felt otherwise. They realized now that there was no use in appealing to the judiciary. The Court House stood as the "Bastille of the Slavocracy" and would sanction any enormity.<sup>26</sup>

Feeling in Boston ran so high after the rendition of Sims that the Aldermen refused to rent Faneuil Hall to a committee of Webster supporters who wished to welcome him there. Much to the abolitionists' delight, the Secretary of State had to be received at the Revere House in Bowdoin Square.<sup>27</sup>

## V

In the years following the Sims case, opposition to the Fugitive Slave Law became more efficient. Freedom-loving men, spiriting hapless Negroes to liberty, grew used to furtive action, no doubt to Higginson's delight. Cities throughout the North organized their own vigilance committees. (New York and Philadelphia had them as early as 1838.<sup>28</sup>) Routes of escape from the Mason-Dixon line to the Canadian border were skillfully maintained and patrolled. Though dating back to the 1790's, the "Underground Railroad" experienced a remarkable expansion after 1850, with the further establishment of way stations and alternate routes almost as if it were a regular line in legitimate operation.<sup>29</sup>

While most fugitives escaped by way of the Ohio River tier of states, the relatively few who made their way by sea or land to Boston were assured of the most cordial reception possible. The Vigilance Committee kept up its work, meeting frequent-

<sup>26</sup> Sumner to Parker, April 19, 1851, Letterbook 10, MHS; The *Commonwealth* used the term "Bastille" throughout this period.

<sup>27</sup> *Boston Advertiser*, April 16 and 23, 1851.

<sup>28</sup> Siebert, *Underground Railroad*, 71.

<sup>29</sup> Siebert, *Underground Railroad*, 54-67; also by the same author, "The Underground Railroad in Massachusetts," *American Antiquarian Society, Proceedings*, n.s. 45, 25-100 (April, 1935).

ly, sometimes at Parker's house for dinner, or at Garrison's quarters, dubbed the "Anti-Slavery Office" at 21 Cornhill, or wherever they needed to.<sup>30</sup> Funds continued to pour in to meet expenses for printing posters to advertise the presence of the slave-hunters during the Crafts and Sims cases, and for carfare and board bills for dozens of slaves, none of whom attracted attention. The rescue of Shadrach, for example, cost \$1,820. Some of the most distinguished names are listed in the account book of the committee as contributors. In addition to Parker and Howe, there are references to Octavius Brooks Frothingham, James Russell Lowell, Charles Francis Adams, and John G. Palfrey.<sup>31</sup>

Austin Bearse was the jack-of-all-work for the committee. He notified the members of meetings, printed special tickets of admission, and guarded the doors. A native of Barnstable on the Cape, he had earlier made his living as the master of the yacht *Moby Dick*, in which he took pleasure parties on short trips. While he probably continued in this occupation, the committee bought him a new craft, the *Wild Pigeon*, specially designed for the transportation of fugitives. The ship appears to have been used frequently during these years.<sup>32</sup>

The conspiracy to violate a duly enacted law was much more widespread than one might have thought. Even those who would not flout it themselves, became accessories after the fact by not betraying those who did. George S. Hillard, for example, Sumner's old law-partner, who had broken with his abolitionist friends, and was now a commissioner, would have been obliged to issue a warrant for the capture of a slave, had he been asked, yet his wife kept a room in readiness for any

<sup>30</sup> 21 Cornhill was the editorial office of the *Liberator*. Mention of a dinner meeting is to be found in Parker's Journal, III, May 29, 1851, at the American Unitarian Association (AUA).

<sup>31</sup> *Treasurer's Accounts of the Boston Vigilance Committee Appointed at the Public Meeting in Faneuil Hall, Oct. 21, 1850, to Assist Fugitives*, 10 and a note of June 26, 1854, on an unnumbered page. The original book is in the possession of the Bostonian Society, in the Old State House; there is a photostat in the Widener Library, Harvard.

<sup>32</sup> Bearse, *Reminiscences*, 15, 34.

emergency without interference from him.<sup>33</sup> The police followed their consciences too.

When I was a marshal [one of them said later], and they tried to make me find their slaves, I would say, "I don't know where your niggers are, but I will see if I can find out." So I always went to Garrison's office and said, "I want you to find such and such a negro; tell me where he is." The next thing I knew, the fellow would be in Canada.<sup>34</sup>

The sight of a fleeing slave softened the hearts of the most determined letter-of-the-law men. In Sudbury, Nathan Brooks, father-in-law of E. Rockwood Hoar, who had long remonstrated with his wife against her lawlessness, wilted when Shadrach stood hatless before him on the night of the rescue. Immediately crossing the road to his own home, he brought one of his old silk hats which the fugitive wore happily away.<sup>35</sup>

The number of slave escapes mounted rapidly. By May 27, 1851, a little over a month after the Sims case, Parker estimated that 400 "citizens" of Massachusetts had fled as a consequence of the Fugitive Slave Law. He knew of one man who, besides having helped ninety-three to escape in the previous eight months, still had eight or ten more waiting.<sup>36</sup> In 1853, Lewis Hayden, a member of the Vigilance Committee, and himself a fugitive, had as many as thirteen in his house, "of all colors and sizes."<sup>37</sup> Since there was no end in sight to the steady stream, the committee established an employment office under a paid agent to whom fugitives might apply for assistance. Parker felt confident that the people would never allow another slave to be returned.<sup>38</sup>

## VI

For three years, not so much as one fugitive was arrested in

<sup>33</sup> James Freeman Clarke, *Anti-Slavery Days* (New York, 1883), 83.

<sup>34</sup> Clarke, *Anti-Slavery Days*, 87.

<sup>35</sup> F. B. Sanborn to Higginson, March 4, 1897, Higginson Papers, Houghton.

<sup>36</sup> Parker's Scrapbook, BPL, 64.

<sup>37</sup> Barse, *Reminiscences*, 8.

<sup>38</sup> Parker's Scrapbook, undated memo, 92, 95.

Boston, but the law of averages eventually caught up with the abolitionists. One clever master succeeded where so many others had failed. Shortly after eight o'clock on the evening of May 24, 1854, Anthony Burns, aged about twenty-three, was arrested in Court Street on a warrant alleging him to be the slave of Col. Charles T. Suttle of Alexandria, Virginia. The next morning Edward Greeley Loring, a distinguished member of the bar, lecturer at Harvard Law School, and Judge of Probate for Suffolk County, began hearing the case in his capacity as commissioner. Richard Henry Dana, Jr., appeared as defense counsel.

Few had as yet heard of the arrest except the interested parties. Speed and secrecy were of the essence. The city was in an ugly mood for another slave rendition. Since 1851 the temper of the people had changed markedly against enforcement of the law. The Kansas-Nebraska Bill, then under debate in Congress, had convinced even the most law-respecting Whig that there could be no compromise with the South. Curtis, who had earlier ordered Sims remanded, refused to act now, although he had originally been approached.

Though there was no doubt of Burns's identity, Loring granted Dana's request for more time to prepare his brief. In the meantime the Vigilance Committee remained in constant session to prepare for the new threat.<sup>39</sup> The seven-man executive committee took the invariable first move; it called a meeting at Faneuil Hall for Friday evening, May 26. So far everything had gone as usual, but now there came a profound change. Early on Friday morning Higginson urged an armed attack on the Court House, just as he had three years earlier, and just as before it was rejected. Young and impulsive (he was only thirty-two), he saw but one path open: forcible rescue. Precious hours were being wasted. Meetings and speeches were not going to free Burns. If necessary he would lead the assault himself. The Worcester clergyman (he moved there

<sup>39</sup> *Boston Advertiser*, May 26, 1854; Parker to Charles M. Ellis, Feb. 18, 1855, Parker Letterbook 5, MHS. One does not wish to say that Curtis favored violation, but only that he did not wish to involve himself with slave cases again.

during the intervening years) saw his chance to play a combined St. George and Siegfried fading.<sup>40</sup>

The more I pondered . . . the more hopeless our position seemed, & mainly fr. the inexperience & want of organising faculty among our own men. But that something should, be done first or last, I was determined. Let another slave be carried off without the *attempt* at resistance, & we should become so tame that future cases would occur with less & less trace of manly feeling on our part.<sup>41</sup>

Wasting no more time, he sent for his men to come into town from Worcester that evening. During the afternoon he purchased a dozen handaxes. He and Martin Stowell, another member of the executive committee, decided that an attack would have a better chance of success while the meeting was in progress, since they assumed the guards at the Court House would be unprepared for anything so early. Higginson hurried over to Faneuil Hall to tell his plan to the others. Howe and Parker, deeply involved in arrangements for the night's discussions, gave hasty approval, only half comprehending, as later events showed. Everything was done to make the maneuver look spontaneous, but Higginson always insisted that he had planned it carefully. At a conference with fifty or so of his company, he outlined the course of action. Only about half were willing to go along. Undaunted, Higginson was certain an adequate number of reinforcements to back up the initial assault would come running when the alarm was given.<sup>42</sup>

At eight Sewall called the throng to order. Dr. Howe presented the inevitable resolutions. Parker was in rare form, addressing the audience as "Fellow subjects of Virginia." Both he and Wendell Phillips, who followed, urged peaceful meth-

<sup>40</sup> Thomas Wentworth Higginson, *Cheerful Yesterdays* (Boston, 1899), 148. This judgment may be a little harsh, but all his letters of this period and ever after indicate the great glee and thrill he felt in the enterprise.

<sup>41</sup> Higginson, incomplete manuscript on the Burns case, in his collection of papers on the Burns case, BPL, no. 87-1.

<sup>42</sup> Receipt from Gardner and Thayer, May 26, 1854, Higginson Papers, Houghton; Higginson, *Cheerful Yesterdays*, 150; Higginson to Samuel J. May, Jr., Oct. 11, 1855, Higginson Burns Case Collection, BPL, no. 89; Higginson to mother, May 31, 1854, Burns Case Collection, no. 16a.

ods. They did not speak as if they expected an attack. In the midst of discussion, shortly after nine, Higginson's agent planted in the audience cried out that a crowd was rushing the Court House. Immediately, so far as can be determined, pandemonium broke loose as all made for the exits. Higginson, waiting outside, realized at once that the effort would fail. The "froth and scum" of the meeting had come out first. Unfortunately the auditorium had no separate stage exit. The leaders were still on the platform unable to get out.

By the time Howe could get over to the scene, the issue had been decided. A few attackers, Higginson among them, had managed to squeeze inside the door, but were beaten off. A guard named Batchelder was killed, but it was impossible to say who had fired the shot. Higginson, the man of God, had become so hardened to thoughts of violence that though he regretted the bloodshed, he was relieved that none of his men had been injured seriously.<sup>43</sup>

Loring's adjournment still in effect, the courts were closed the next day, Saturday. The city was quiet but tense. During the night army units were placed in and around the scene of the disturbance, and the streets leading to it were roped off. Attacks on the homes of Parker and Phillips, considered to be the ringleaders (although they had all along cautioned peace), were feared. The mayor, calling out the state militia, made what preparations he could to suppress disorder, but none was attempted. It was reported that federal marshal Asa Butman had received permission to send to New York for reinforcements.

Meanwhile poor Burns could be seen from time to time as he looked out of his cell window at the crowd gathered below. A quiet, devout Baptist, desirous of becoming a preacher to his people, he had captured the hearts of the populace as none of the earlier fugitives had. All grieved with him, in-

<sup>43</sup> Higginson, *Cheerful Yesterdays*, 152; Thomas Drew to Higginson, April 16, 1888, Higginson Burns Case Collection, BPL, no. 96, said he saw Martin Stowell shoot Batchelder, and claimed to have heard the shot.



cluding his captors. Boston was not the same city it had been during the Sims case. There had been a profound change. This time the *Advertiser* could understand why people should be tempted to violate a law. The repeal of the Missouri Compromise had incited public exasperation to such a pitch as to make execution of the Fugitive Slave Law more difficult than it had ever been. Sadly it acknowledged that the Compromise of 1850 was binding on one side only. The crowning touch to show the shift in attitude comes from the *Commonwealth*, which for the first time found its sister journal's remarks "sensible and judicious."

Parker's sermon on Sunday at the Music Hall was a masterpiece. In his "lesson for the day," he turned his fury on the distinguished jurist, Horace Mann's old law partner, Judge Loring, whom all had hitherto respected.<sup>44</sup> The others were not far behind him. It was in such a mood of hatred, sullenness, and suppressed rage that Boston faced the new developments.

Over the week end frantic attempts were made to purchase Burns. On Saturday two dozen men raised \$785 for his freedom. Samuel A. Eliot, who had voted for the passage of the Fugitive Slave Law, contributed \$50. Late that evening Loring joyfully prepared the papers, but the arrival of the Sabbath delayed the conclusion of the deal. By Monday, Suttle refused to treat. He had not come to Boston to "sell niggers." It was said that Ben Hallett, the United States District Attorney, had brought about the change in his attitude by telling him that it was illegal to sell slaves in Massachusetts. The negotiations were broken off.<sup>45</sup>

Abolitionists could find one satisfaction in all the disappointment and sleepless nights the case had caused them, the "wonderful" change in public opinion. Never had there been

<sup>44</sup> *The Commonwealth*, May 29-30, 1854; *Boston Advertiser*, May 29.

<sup>45</sup> T. C. Wales to R. H. Dana, Jr., May 27, 1854, Parker Letterbook 3, MHS; *Boston Advertiser*, June 6, 1854; Samuel May, Jr., to Higginson, May 29, 1854, Higginson Burns Case Collection, BPL, no. 10-B.

such agitation. Everett, the unshakable legalist, could neither approve nor resist the hostility to the law which he found strongest among the staunchest friends of the Compromise of 1850. "The *oldest* hunkers are among the saints," William Francis Channing wrote Higginson. "... John H. Pierson heads the petition in the Merchants Exchange for the repeal of the fugitive slave law; which has been rapidly filling up with the heaviest Boston names."<sup>46</sup>

But it was all of no avail. Though Dana took four hours to sum up his case, Loring ordered Burns remanded. Replete with tones of revulsion, his decision showed the dilemma of nonabolitionists trained in the law and sworn to uphold it, without regard to personal feelings. To this author, the judge's words are a remarkable display of judicial integrity. It is apparent from his text, though he never said so, that he would much have preferred to release Burns, but could not legally do so. The terrible vengeance an enraged public wreaked on Loring cannot compare to the agony he suffered as he sent the fugitive back into bondage. Wendell Phillips broke the news to the pathetic prisoner who plaintively asked if there was nothing more that could be done for him.<sup>47</sup>

Boston mourned, as if for a great popular hero, when Burns left that afternoon, June 2. A great concourse waited in the square, showing every mark of hostility to the agents of the law, who had mounted a six-pound cannon to maintain order. At 2:15, Burns, clad in the new suit the marshal and other special officers had brought him, took his place in the hollow square of 120 men, all with drawn swords and revolvers. To the tolling of the Brattle Street Church bell, the march began down Court Street between dense crowds, who, lining the route with continual hissing and groaning, fell in behind as the column passed. Besides Burns's personal guard there were

<sup>46</sup> *The Commonwealth*, May 29, 1854; Channing to Higginson, May 30, 1854, Higginson Burns Case Collection, BPL, 12.

<sup>47</sup> *Boston Advertiser*, June 1, 1854, for the last day's proceedings; the issue of the third has Loring's decision in full; Bearse, *Reminiscences*, 12.

a detachment of National Lancers, a company of army artillery, two corps of Marines, the cannon with its staff, and assorted marshals. Such a desperate character as Burns, numbed by his grief, had brought out a greater display of American armed might than had been seen in Boston during the Mexican War. Down past the lawyers' building at 4 Court Street, draped in black, they marched, then across Washington Street where the *Commonwealth's* offices were similarly decorated. From its windows, stretching to the opposite structure, a coffin was suspended on which was printed "Liberty." A shower of cayenne pepper greeted the conquering heroes as they passed under these emblems, but a bottle dropped at the same time, reputed to hold sulphuric acid, struck a protruding parapet. The procession swung into State Street, where it went before the Merchants Exchange in which the petition hung "in many long folds, & told by its signatures, that the most solid men of Boston . . . are fast falling into the ranks of freedom." Finally T Wharf was reached. At 3:20 the steamer *John Taylor* took Burns down the harbor to the revenue cutter *Morris*. The tragedy was over. "HE HAS GONE!" Samuel May despaired, "and Boston & Massachusetts lie, bound hand & foot, willing slaves, at the foot of the Slave Power, the most cruel & accursed despotism this poor world has ever been oppressed by."<sup>48</sup>

Dr. Howe, who had seen everything from the attack of the week before to the final rendition, "wept for sorrow shame & indignation" as he stood on the street that frightful day. Had it not been for the city police, he felt the people would have disarmed and routed the troops, but the

fear of *law*,—the *fetish* of law, disarmed & emasculated us.

The most interesting thing I saw in the crowd was a comely coloured girl of eighteen who stood with clenched teeth & fists, & flashing eyes, & tears streaming down her cheeks,—the very picture

<sup>48</sup> *Boston Advertiser*, June 3, 1854; G. Osgood to Higginson, June 6, 1854, Higginson Burns Case Collection, BPL, no. 26; Samuel May, Jr., to Higginson, June 2, 1854.

of indignant despair.—I could not help saying, “do not cry poor girl—he wont be hurt,”—“hurt”! said she, “I cry for shame that he will not kill himself! Oh! why is he not man enough to kill himself!”

To Howe, this was the intuition of genius. By martyrdom Burns would have “killed, outright, the fugitive slave law in New England & the North.” The doctor, for one, felt that he would have to emigrate or “choke in this disgraced community.” It was no longer a place for a civilized man.<sup>49</sup>

Abolitionists rededicated themselves to the maintenance of the city’s traditions. Wendell Phillips, as he told Burns the sad news, recalled the state’s schools, colleges, churches, courts, benevolent and philanthropic institutions, but above all

her great names, her Puritans, her Pilgrims. . . . There [in Burns’s cell] I vowed anew before the ever-living God I would consecrate all the powers He had given me to hasten the time when an innocent man should be safe on the sacred soil of the Puritans.<sup>50</sup>

They were determined never again to let their community forget to stand firm for freedom. Not two hours after Burns’s departure, Howe, though sick at heart and in body, began the preparation of a public statement to Loring telling him the people had lost confidence in him.

I have liked him surely; & am loth to lose the last of my old associates in that circle;—but I must;—if he is white, I am blacker than hell; if he is right, I am terribly wrong. . . . Good bye, my pleasant old friend;—if you are going up, I go down; & vice versa.<sup>51</sup>

“Better be the Slave returned to bondage, than the unhappy commissioner,” wrote Sumner from Washington. Perhaps Loring agreed. A few months later Howe reported, after a chance encounter, that the disgraced jurist had lost interest in life, and would have been glad to die but for his children.

<sup>49</sup> Howe to Mann, June 4, 1854, Howe Papers, Houghton; Howe to Parker, June 2, 1854.

<sup>50</sup> Bearse, *Reminiscences*, 13.

<sup>51</sup> Howe to Parker, June 2, 1854, Howe Papers, Houghton; Howe to Mann, June 4, 1854, Howe Papers.

Passion against him never cooled. In February, 1855, though he had not a personal enemy in the state, according to Parker, he was dismissed from his Harvard lectureship.<sup>52</sup> Efforts to remove him from his judgeship remained fruitless, however, until 1858.

Burns was not forgotten either. Within two years he was given his freedom, mostly through the kindness of Boston, including the marshals, who contributed to the fund raised for his purchase. He went to Oberlin to study for the Baptist ministry, in which calling he spent the few remaining years of his life, until his death in 1862.<sup>53</sup> A number of the rioters, Higginson and Parker among them, were arrested, but their indictments were quashed.<sup>54</sup>

## VII

There were no further slave renditions after the Burns case. In effect the Fugitive Slave Law was nullified in Boston. During the summer of 1854 Henry I. Bowditch organized the Anti-Man-Hunting League, a secret society "pledged to use all proper means for rendering difficult or impossible the coming or the remaining of the Manhunter amongst us."<sup>55</sup> For over two years they practiced carrying persons out of crowded halls in anticipation of an actual necessity for their services. In February, 1855, the less violent James Freeman Clarke founded the Defensive League of Freedom to aid those suffering penalties for opposition to the law. Unlike Bowditch's organization, the league was peaceable and open. Its object was only to see "that no man is beaten down by the Slave Power, without an adequate defence. . . ." The members pledged themselves to build so strong a moral resistance "that it shall

<sup>52</sup> Sumner to Parker, June 7, 1854, Parker Letterbook 10, MHS; Howe to Mann, Sept. 21, 1854, Howe Papers, Houghton; Parker to Moore, Feb. 16, 1855, Parker Letterbook 4.

<sup>53</sup> Burns to Parker, Jan. 13, 1856, Parker Letterbook 9.

<sup>54</sup> Telegram, T. W. Higginson to F. J. Higginson, June 10, 1854, Higginson Burns Case Collection, BPL, no. 32; Parker Journal, III, AUA, Nov. 29, 1854.

<sup>55</sup> Bowditch to Higginson, Aug. 10, 1854, Higginson Burns Case Collection, BPL, no. 81; V. Y. Bowditch, *Henry I. Bowditch*, I, 277.

be impossible to arrest a fugitive in this part of the Union.”<sup>56</sup> Neither of these groups was ever called upon to act; there was never a need.

As the decade wore on, and the government winked indulgent eyes, the Vigilance Committee grew devilishly effective in spiriting fugitives out of the country. Hundreds passed through Boston without difficulty, although it is impossible to say just how many.<sup>57</sup> Parker, Howe, and the others, especially Bearse, always stood ready to assist. They knew all the little tricks, the secret routes, the persons to see, the places to go. The story of the committee has never been written, perhaps it never can be, but if it ever should appear, it will show beyond all question why the South looked on Boston as its bitterest foe. The Vigilance Committee was proud of that enmity.

<sup>56</sup> Clarke to Howe, Feb. 21, 1855, Howe Papers, Houghton. This statement of the Defensive League of Freedom is to be found in the Howe Papers, Perkins Institution, Watertown, Mass.

<sup>57</sup> The letterbooks of Theodore Parker in the MHS and the account book of the Vigilance Committee give only an inkling of the number.