

## THE IOWA FUGITIVE SLAVE CASE.

BY GEORGE FRAZEE.\*

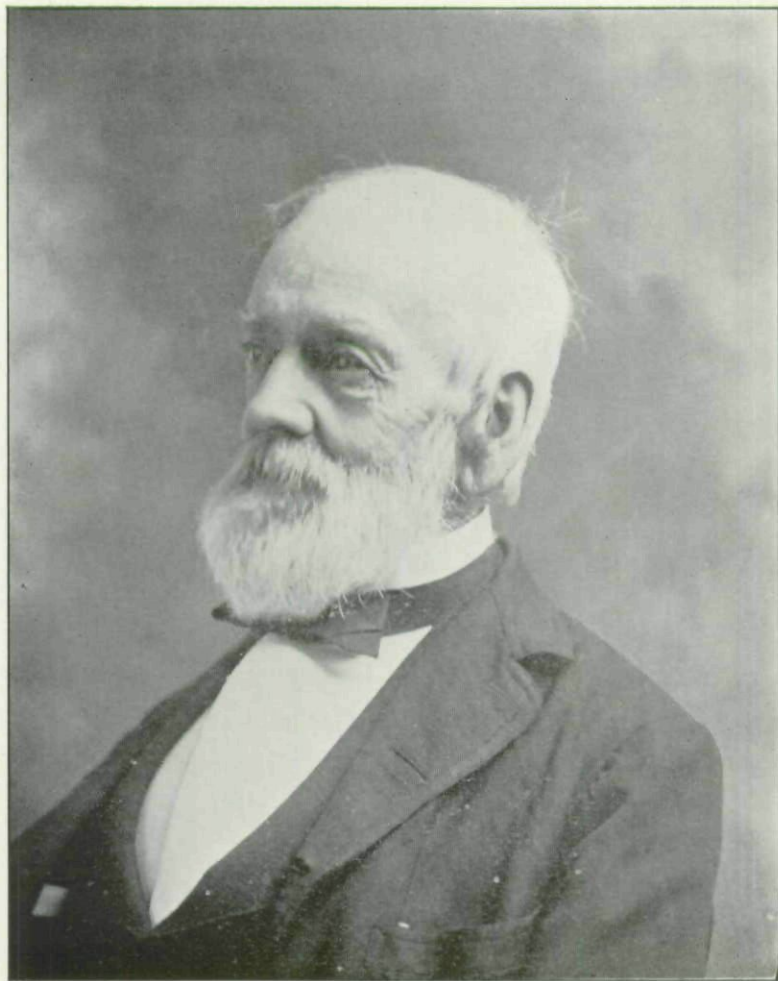
They called him "Dick." By way of additional certainty, they alleged that he was Dick Rutherford; that he owed service to one Thomas Rutherford, of Clark county, in the state of Missouri, under the laws of that state; that he had escaped from the custody of said Rutherford into the State of Iowa; that they had found him here, and now desired statutory authority to take him back to the master he had deserted. Such were the allegations which so operated as to afford me a very brief acquaintance with the negro they said was "Dick."

But Iowa is not Missouri. Its laws in some respects differed very materially from those of Missouri, and if the alleged Dick chose to forcibly resist his captors' assumed control over him, apparently he had as good right to do so as any man in the State. Such allegations were of no validity until made before a lawful tribunal and sustained by sufficient evidence.

The present generation has no actual knowledge of the practical operation of the slave system which prevailed throughout that immense region south of "Mason and Dixon's Line," the Ohio river, and west of the Mississippi river, as far north as the southern boundary of Iowa. The youth of today may have some traditional information in regard to the "Peculiar Institution" which, though now condemned by all civilized peoples, was formerly the pride and boast of the genuine Southerner. The poison of the system had so perverted his human nature, his intelligence, his sense

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*Very truly yours,*

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"The Iowa Fugitive Slave Case," etc.

of right and justice, his morality and even his religion, that he insisted that slavery was a blessing to the bondsman, as well as to his master, and even the preachers of Christianity were its advocates from the pulpit. They had become slaves of the system themselves, and so infatuated by its delusions as to hate with deadly malice all who ventured to express doubt of its blessedness. The whole race made themselves slaves that they might have slaves. The tyranny of the system made it dangerous for any freeman, white or black, to do or say anything which indicated opposition to its authority. An "Abolitionist" was an object of detestation and abhorrence so intense that if one ventured into the South and gave utterance to his opinions he might deem himself fortunate if he escaped with so mild a penalty as a coat of tar and feathers. In fact, very few known abolitionists did manage to escape so easily. Lovejoy, who was killed at Alton, in Illinois, by a mob, did not have to go so far. He died in a free state. The mob was probably composed of men from Missouri, just across the river, aided by the riffraff of the city, hungry like wolves for blood.

There were some, however, the richer class, mostly the actual owners of slaves, who were intelligent enough to perceive the evil which prevailed around them, but who still clung to the system because it gave them power and promoted their individual interests. It was this class that at last conceived the foul conspiracy which inaugurated the Great Rebellion, costing the country many thousands of lives, billions of money, and other injuries possibly more lasting and dangerous.

The system came very near perpetuating the separate independence of the original states. To secure the union of them all the Constitution was so conformed to the demands of a number of the slave advocates as to indirectly recognize the system. From the start it exerted a dominant influence and at last acquired absolute and almost unquestioned control of the national government. It decided who should be

President. Down to 1836, our chief executives, with the exception of the two Adamses, each of whom served but a single term, were all southern men and owners of slaves. After that date until the fortunate election of Lincoln, if we had northern men for presidents, they were generally of the same opinions as the southern political leaders, and did the bidding of their masters with submissive alacrity. At last, grown inordinately audacious because of the subserviency of their northern political allies, but fearful of deposition from power which seemed impending, the leaders succeeded in seducing the people of the South into an attempt to secede from the Union and set up a new confederacy of their own upon the basis of human chattelhood. What the conspirators really proposed to accomplish was the overthrow of republicanism and the ultimate establishment of a monarchy. Many of them so declared and actually found echoes among their northern partisans.

During all the seventy years prior to the election of Lincoln, the laws were fashioned according to the whims or desires of the slave owners. They began early and were constant to the end. They always had such control of the senate that no law could be enacted that interfered with their assumed prerogatives. Even when Lincoln was elected they and their partisans constituted a majority of that body, so that the northern sentiment of opposition to the slave system which prevailed in the house of representatives, could not possibly have perfected any law which the southern senators chose to resist. The laws upon the statute-book, every one of them, had their sanction, for all were enacted by their desire or approved by their consent. So that there was no danger of legislative invasion of the constitutional rights of the southern people if any were disposed to trample upon them.

It was no apprehension of wrong that moved the leaders of secession to persist in their purpose. It was simply their determination to be and remain masters, if not of the Union,

at all events of such parts of it as should succeed in repudiating their former connections. They were resolved to "Rule or Ruin" the Union, and it required four years of terrible warfare, an enormous sacrifice of life and treasure, the contracting of a vast debt under the burden of which the country still suffers, to convince the world that the rebellion was a failure and that the Peculiar Institution was at last abolished. It was a costly effort freemen were compelled to make. But it was worth all it cost. Henceforth and forever the great danger to the Union has disappeared, slavery is extinct, and the Union has at last so asserted its nationality that the idea of disintegration seems buried forever. The chief cause of internal dissension is removed and nothing remains to breed discord among our people, other than those differences of opinion and interests which are always manifested by men of different localities and diverse surroundings. These are not vital nor more dangerous here than elsewhere. In time all our citizens will harmoniously take a laudable pride in their country of whose strength and stability they have full assurance. They will have opposite and varying opinions in regard to public policy, but there will nowhere be a desire to repudiate the Flag which represents a strong, vigorous, self-sustaining Nation.

The matter of "Dick" arose out of the system prevailing prior to the deadly struggle. "Dick"—we must write of him under this name because no other has been ascertained—was unmistakably a negro. Apparently he was about fifty years old and a large, vigorous man, seemingly possessed of more than average race intelligence. Presumptively he was a fugitive from service in the neighboring state of Missouri. But to whom his service was due, or whether, though claimed to be due under the laws of that state, the claimant could have legally sustained his claim, remains unknown to this day.

It must not be forgotten that the thirteen English colonies under colonial government sanctioned negro servitude. As a matter of fact the British government not only per-

mitted but positively encouraged the importation of negroes and the slave trade. They had no scruples two hundred and fifty years ago in regard to the propriety and strict morality of capturing the African in his native regions, transporting him across the ocean at an immense sacrifice of life, selling him to any one who would buy, and subjecting him and his posterity to perpetual labor at the command of a master who regarded him, not as a human being, entitled to human treatment, but rather as a mere beast of burden. In short, the opinion of those days was pretty much as Judge Taney put it in his Dred Scott decision, that the negro had no rights which the white man was bound to respect. Perhaps the sole error of the judge was the assumption that opinions which were almost universal two hundred and fifty years before had continued unaltered down to the time our Constitution was adopted. That there had been a great change is evident from the serious conflict in the convention which formulated the Constitution, the cautious avoidance therein of any mention of the system, and its absolute prohibition of the importation after the year 1808. What recognition the system finds in the Constitution was a compromise submitted to because two or three of the most southern states would otherwise have refused to become members of the Union. Had the majority imagined that the system would result as it did, the probabilities are that they would have declined making the indirect recognition they did, even at the risk of losing two or three of the recent colonies. Most of the members of the convention were slave owners. But they believed slavery was an evil and were anxious to abolish it altogether. They at last consented to the compromise and another generation paid the enormous penalty.

Congress, during Washington's presidency, enacted a law to make effectual the constitutional provision that persons owing service in one state and escaping into another should be returned. This law was broad enough and severe enough. But, as the system extended and its supporters became more

numerous and politically powerful in the South, and opposition to it more general and energetic in the North, and escape of fugitives more frequent while those who assisted such escapes could very seldom be compelled to make good the asserted damage to the owner, the slave section demanded more security against the loss of their human chattels, and at last they obtained it. After they had engineered the annexation of Texas and had succeeded in robbing Mexico of half its undoubted territory, which they expected to convert into new fields where slavery would flourish and enable them to dominate the Union at pleasure, the advocates of the system became more insolent than ever. They insisted that the whole of their unholy acquisition should be at once dedicated to their system. But they encountered very stern opposition. The contest in congress resulted in what was styled the Compromise of 1850, of which one feature was the Act of September 9th, 1850, amendatory of the Act of February 12th, 1793, which very quickly acquired the title of "The Fugitive Slave Law," and was very generally and energetically denounced by the people of the North. It was execrated not so much because it provided for the return of the fugitives, but on account of its requiring every citizen, in certain contingencies, to aid in their capture and return, and imposed serious penalties if he refused.

The Act required the judges of the Circuit Courts of the United States to appoint as many commissioners as might be found necessary for the convenient disposition of all fugitive slave cases. It authorized these commissioners to examine and try all claims against alleged fugitives in a summary manner; to issue warrants for their apprehension; to appoint special deputy marshals to serve such warrants by making the arrests; and, upon proof of identity and service due and escape therefrom, to issue certificates to the claimant authorizing and empowering him to hold the fugitive and remove him to the state from which he had made his escape. And these commissioners were generally empowered

to do anything the judges of the Circuit Court might do to effectuate the removal.

If the statute had stopped with these provisions it would probably have encountered little opposition. But it went much farther. It imposed many penalties of fine and imprisonment upon any person who should interfere with the arrest of an alleged fugitive, or should harbor or conceal him, or should rescue or attempt to rescue him after his arrest, or while in custody of the marshal or the claimant, his agent or attorney, or do anything which tended to interfere with the peaceful arrest, detention and removal of the fugitive, in addition to the right of a civil action for the loss or damage sustained by the claimant. It also imposed heavy penalties upon the marshal who permitted a fugitive to escape, and required all citizens to aid the officers in making the arrest and preventing a rescue. If a rescue was apprehended, the marshal was authorized to call out the power of the county and convey the fugitive to the state from which he had escaped and there deliver him with the commissioner's certificate to the claimant. And any person who declined assisting the marshal upon his request was likewise made subject to penalties.

The statute also provided a novel and positive proof of service due and the escape therefrom, which left nothing but the identity of the fugitive to be established before the commissioner. The claimant had only to appear before any court of record in his own state, or the judge of such a court in vacation, and produce evidence of service due him and an escape, when a record was to be made, and a transcript of this record certified by the clerk under seal of the court authorized the claimant to arrest the fugitive in any state or territory where he might be found; and this transcript, upon being exhibited to any commissioner, was required to be accepted as full proof of service due and the escape, and, upon proof of identity, the commissioner was commanded to issue his certificate and deliver it and the fugitive to the claimant.



And as a climax to these outrageous provisions the testimony of the fugitive was expressly prohibited. All this and much more was very carefully and at great length set out in the statute which was approved by Millard Fillmore, then president. It was these extraordinary provisions, which seem to have been purposely made as offensive as possible to the consciences of a large portion of the northern people, that induced many of them to denounce it as infamous.

A year or two subsequent to the enactment of this statute, but without special reference to it, I had been appointed Commissioner of the United States Court for the district of Iowa, at the city of Burlington, which office I continued to hold until I resigned it some twenty or more years afterwards.

It was in consequence of this appointment that I was officially made acquainted with "Dick." My introduction occurred on the 23d day of June in 1855. My office was in the second story of a frame building used and known as "The National Hotel," situated on Jefferson street, then and still the principal business street of the city, running westward from the Mississippi river. The building was about a block and a half from the river and "went up" in flames in the winter of 1856-7 while I was still an occupant.

On that 23d day of June, as bright and pleasant a day as ever cheered the people of Iowa, about nine o'clock in the morning, as I was idly looking out the open window, I saw a common farm wagon stop in the middle of the street, around which a crowd of street idlers immediately gathered. This induced me to look more attentively at the occupants of the wagon, when I recognized as one of them Dr. Edwin James, whom I knew, and by his side a negro man. Dr. James was a venerable old gentleman, who resided about four miles west of the city, very quiet in his habits, but decided in his opinions, which to some people seemed eccentric. He was a man of culture, of extensive, and in some respects, very unusual acquirements. In his younger days he was a member, as

botanist and geologist, of the expedition to the Rocky Mountains under Major Stephen Long in 1819-20, and after its return compiled and published the history of the expedition. The four volumes which record the adventures of the party, what was seen and what was learned in that previously unexplored region, may be found in most public libraries, and do honor to his ability and sagacity. While on this expedition he ascended the mountain now known as "Pike's Peak," and is entitled to the credit of having been the first American who ever reached its summit. Afterwards the doctor was a surgeon in the regular army, stationed at a northern outpost, among the Indians, where he made himself so familiar with at least one Indian dialect that he was able to translate the New Testament into it. When or why he came to the vicinity of Burlington I have not learned, but I know he had resided here a number of years prior to 1855, and his residence here was continued until his decease, October 28th, 1861. It is worth while to say so much about Dr. James, who was not only a good but also a very able man, whose stay among us ought not to be forgotten.

What caused some people to think the doctor eccentric was the fact that he was an avowed "Abolitionist." That was not a word to conjure by in those days. Among certain classes the name was deemed opprobrious, and a much larger proportion of the people, though very much opposed to the slave system, did not exactly approve the methods of the ultra men, thinking them both useless and injudicious. Dr. James seems to have been an "out-and-outer," and was always active and zealous in assisting fugitives from bondage towards freedom and safety.

Abolitionists of the out-spoken sort were not very numerous at that time. Still there were enough of them to maintain what was denominated the "Underground Railroad" in pretty active service. The "way-stations" were frequent and sufficient. Dr. James was "station-master" at one of them, and I think did not care how many knew it. The law he deemed infamous had no terrors for him.

I suspected as soon as I recognized the doctor, and noted the negro by his side, and the growing crowd, chattering like magpies and gesticulating violently, that something unusual had occurred and that the doctor and the negro were the cause of the commotion. Both of them seemed disposed to allow the crowd to talk as much as they pleased, and said little themselves. The majority appeared to oppose any forward movement of the wagon. But what they were waiting for I could not guess until one of the onlookers came into my office and told me what he had learned about the affair pretty much as follows:

Dr. James had driven into the city early in the morning, bringing the negro with him; had crossed the river on the ferry-boat with the intent to speed the negro to the next station or to Chicago by the railroad which then reached the east bank of the river, and while waiting there, apparently unsuspecting of interruption, the starting of the train, they were suddenly pounced upon by two Missouri man-hunters, armed with pistols and bowie knives, who alleged that the negro was the slave of one Rutherford, of Clark county, Missouri, that his name was "Dick," and demanded that he should be surrendered to them as Rutherford's agents. What threats were made and what colloquy followed my informant had not learned, but the result of it was that all the parties returned across the river to the city and stopped in front of my office, the crowd keeping guard over the wagon while the Missourians hunted up a lawyer and others sought counsel for the fugitive, which occupied considerable time.

After learning these particulars, as I sat watching the actions of the crowd without being able to distinguish what was said, I was much amused as I noted the apparent alacrity with which some persons I knew appeared to take sides with the Missourians. Every man in the crowd who was himself a native of the slave-region, or the son of such a native—and there were many such in Burlington—seemed to be very zealous in his manifestations of sympathy with the slave

claimants. The amusing idea was emphasized by the fact that most of them were of the class in the South that never owned a slave, and who had migrated from that blissful land to the free soil of Iowa principally because they had become certain that if they remained in their original locality they would never be able to own one. They came here to better their condition. But unfortunately they brought with them all their local prejudices and habits, and especially their imbibed hatred of the negro who chanced to believe that he had quite as good a right to his personal liberty as the man who claimed to be his master and owner. Such a pretense on the part of the black bondsman was outrageous insolence, requiring at the hands of all white Southerners not merely admonition but prompt and decisive punishment. It disputed the white man's supremacy, and as to the non-slaveholder, deprived him of the coveted privilege of looking down upon a class inferior to his own. Such a privilege was not to be easily abandoned, and even now, when the system has been completely overthrown and the negro legally occupies the same platform as his former master, the virus of hate and scorn too frequently makes its presence visible.

And then the sympathy of the northern people in the crowd was scarcely less pronounced. They were probably very few, if any openly acknowledged "abolitionists" among them. But the system to the respectable people of the North seemed inhuman, and was also obnoxious because of its political influence. The sight of a victim of the system, seized by a couple of voluntary bloodhounds while seeking to escape from bondage, stirred the blood of those who thought that liberty was rightly purchased at any price. These men had no desire to interfere with the system where it existed. They were not responsible for it, and could do nothing under the Constitution to destroy it. But when it obtruded itself upon them and proposed to exert its power in their own streets, they were roused to action, and resolved that the

authority should be exerted under the strictest construction of the law. They did not know anything about the negro—whether he had ever been in Missouri or had always been free. What they evidently meant was that any claimant must, here in Iowa, prove his claim to the fullest extent and in the most strictly legal manner. So the crowd hovered about the wagon in which sat Dr. James and the negro, both quiet and cool, seemingly careless as to what was said or what might eventually be done. They did not appear to take any part in the talk that was noisily going on around and about them. The doctor was a silent man at all times. I imagine that he acquired the habit during his Rocky Mountain expedition in his early days and later long residence among the Indians of the northwest as army surgeon, and I suspect that he had suggested to Dick that the less he said the better it would be for him.

About an hour after the wagon stopped, the claimant's agent made his appearance in my office accompanied by his attorney, Mr. Browning, a prominent lawyer in the city, and a native of Kentucky. They filed a complaint against Dick, containing the several allegations stated in the first paragraph of this paper, in due legal phrase and form, praying that a warrant might be issued for his arrest and examination, and that, upon sufficient evidence, a certificate should be issued authorizing his conveyance back to Missouri in custody of the agent, who, having sworn to the complaint, affixed his signature as William C. Young.

Being thus called upon to act in the matter, I of course issued the warrant as required by law. It was placed in the hands of a deputy marshal, named Frederick Funk, for immediate service. He at once proceeded to the wagon and arrested the negro as Dick, and brought him before me. He was accompanied by Mr. T. D. Crocker, an able young lawyer who had been retained by some one to appear on behalf of Dick. Mr. Crocker moved that the examination should be adjourned until the succeeding Tuesday, assigning some cause

which I do not recollect. But the motion was promptly agreed to by Mr. Browning, and thereupon Dick was remanded to the marshal's custody to await the result of the investigation. So Dick was taken to the county jail and there detained until the final trial.

It became evident meanwhile that this William C. Young, who at the request of Thomas Rutherford was acting as his agent in the prompt pursuit and hunt for a fugitive called Dick, had not been honored with any acquaintance with that individual, was entirely ignorant of his personal appearance, and had assumed that the negro he found with Dr. James must be the Dick he was hunting for, on the faith of the description given him by Rutherford. The negro he had caused to be arrested might have been a resident of Iowa for twenty years and a free man all his life for aught this man-hunter knew or could guess. But he seemed to be certain of his prey, and probably gloated over his seeming success and the liberal reward for which he had stipulated. But he had some possible scruples when he found that it would be dangerous to make oath as to the identity and status of Dick in Missouri. But I think it was not so much his conscience that urged him to halt and consent to adjournment, as the fear that, if he were mistaken, his own liberty would not be absolutely secure. So he wended his way back to Missouri and sent up a son of the claimant to prove status, escape and identity.

The Hon. James W. Grimes was then governor of Iowa and had his residence in Burlington. Mrs. Grimes was then visiting her relatives in Maine. The governor was afterwards U. S. senator from Iowa, and his biography has been written and published by the Rev. William Salter, D. D., of this city. In this biography I find, in a letter to Mrs. Grimes dated June 24th, the day following Dick's arrest, the governor's contemporaneous account and opinion of the affair. He therein professed participation in the purpose and effort to thwart the return of the fugitive in any event, all

legal means being first exhausted. He says that able counsel would be employed in Dick's defense, that as governor he would do nothing in aid of the claimant, and would and could prevent State officials from affording assistance, that several personal collisions had already occurred between persons of opposite opinions, that the excitement was great, that he had notified his brother, with all the friends of the negro in his vicinity, to be present at the trial, that Judge Lowe, of the State District Court, would be here, so that if needed an application for a writ of *habeas corpus* could be made, and seemed to have no doubt that it would be issued.

Before the morning of June 26th I had become acquainted with some of the facts detailed by the governor, but not with all, and was quite ignorant of his personal intervention and acknowledged zeal in the fugitive's behalf. I knew that Colonel, afterwards Major General, Fitz Henry Warren, had manifested much interest in the matter and supposed that he was the principal mover in gathering the crowd of sympathizers with the unfortunate fugitive from bondage, and did not suspect that the governor had anything to do with it. I saw that there was considerable excitement, was aware that Judge Lowe had been summoned, that he had come from his home in Keokuk, and though I was not told, I surmised that it was intended to seek his intervention if it were ordered that the fugitive should be delivered to the claimant. I was not disturbed by the knowledge of the feeling evidently prevalent. It was quite in accordance with my own sentiments that the alleged fugitive should be supplied with counsel who would make sure that the claimant should get nothing except upon the strictest interpretation and observance of law. And I presumed that everybody would be satisfied with a purely legal defense, whatever might be the result. But it seems, according to Gov. Grimes' letter, that something farther was contemplated by him and his associates, and that it had been resolved that the negro should not be sent back to Missouri if by any

means it could be prevented. In view of the evident interest and excitement, I concluded to transfer the investigation from my office to the District Court room, where the probable crowd, or a greater part of it, might be accommodated.

When the doors were opened and the alleged fugitive, in custody of the marshal, was brought in, the large court room was immediately filled to suffocation by excited people. It was never so crowded before or since. The doors had to be closed and guarded to keep out a great mass of others, all anxious to witness the proceedings. The mayor of the city, Mr. S. A. Hudson, who chanced to be a genuine Kentuckian and who was a cousin of Gen. Grant, then entirely unknown to the public, voluntarily installed himself as door-keeper. Mr. M. D. Browning again appeared on behalf of the claimant, and Judge David Rorer, who, by the way, was a native of Virginia, and Mr. T. D. Crocker, were counsel for Dick. Along with Mr. Browning came young Rutherford, son of the claimant, who was of course supposed to be well acquainted with his father's negroes, and very certainly with the man, Dick, who was said to have escaped into Iowa. Everybody was agog to see the witness upon whose testimony the fate of Dick depended. Even the ladies, of whom a considerable number were present, seemed anxious to know how the man looked who was willing to consign the poor fugitive to life-long servitude. Mr. Browning offered the son as his witness, who was duly sworn. Next, Mr. Browning asked that the negro, who occupied a seat some distance from the witness, might be required to stand up, so that the witness might obtain a clear view of him. Without any hesitation Dick assumed a standing position and boldly confronted the witness. Mr. Browning then interrogated the witness as to the identity of "Dick." The answer was a surprise to all present, quite as much to me as to anyone. It had been taken for granted that the men who had fallen upon the "Dick" before them had not been mistaken, and it seemed improbable that two bondmen in Missouri, of similar general



appearance, had made their escape into Iowa about the same time. Instead of affirming that Dick was his father's, the witness promptly responded that the negro before him was not; that he did not know him and that he had never seen him before. No other evidence was offered, and Judge Rorer then moved that the fugitive should be released from custody and whatever property had been taken from him should be restored, and so it was ordered. So far as I had knowledge the only property taken from Dick was a huge, old-fashioned pistol, such as horsemen used to carry before Colt invented the revolver. I do not know whether or not it was loaded, but its possession seems to indicate that our Dick intended to make a desperate fight for his liberty, if it became necessary.

As soon as the order of discharge was made a joyous shout went up from those within the court room, responded to by the crowd without, much more vigorously. The fugitive's friends at once crowded about him, and he was conducted triumphantly from the room, disappearing from my sight and knowledge forever. At no time did I see the crowd which gathered outside the court room, but was told that more than a thousand exulting people escorted Dick to the ferry-boat on which Dr. James, Dick and plenty of guards crossed the river, and this time Dick was started by rail towards Chicago without detention.

Governor Grimes, who, according to his own statement, had interested himself on Dick's behalf from beginning to end, wrote to Mrs. Grimes the next day, while the proceedings were fresh in his memory. In this letter he expresses gratification with the result, his opinion that the city would have been dishonored by permitting the return of any fugitive, that the fugitive could not have been taken to Missouri, that this was the first case in Iowa under the Fugitive Slave Law, and that he was convinced that no fugitive could be taken from the county back to slavery. From which statements it may be inferred that if legal opposition had failed

and a certificate had been issued, a rescue would have been attempted and probably would have been successful.

Undoubtedly our "Dick" was a fugitive from Missouri who had reached Dr. James' station on the Underground Railroad to Canada and freedom, but of his former history I never learned anything. I presume Dr. James had some information, at least enough to satisfy him that Dick was entitled to his assistance. The doctor's demeanor throughout the investigation satisfied me that he understood from the start that the claimants were mistaken, that it would follow, of course, that Dick must be discharged, and that it would be best to await that result, without suggesting the mistake, lest a claimant more dangerous might appear. Evidently he had cautioned "Dick" to say nothing about his past or his name, which caution Dick seems to have strictly observed, for according to my recollection, I did not hear a single word from him, and his counsel could have learned nothing, since they seemed as much surprised at the disclaimer of young Rutherford as the rest of the audience.

What would have resulted had this fugitive been identified as Rutherford's Dick? If the identity had been satisfactorily established and the claimant had produced the statutory evidence of service due and escape therefrom, under seal from a Missouri court of record, I should have been compelled to issue the required certificate. But the claimant had no such transcript, and without it I doubt if any Missouri claimant could have successfully shown that his actual holding was a lawful holding. The actual and the legal holding are very distinct questions in Iowa. In Missouri it is probable that the actual holding, very easily proved, would satisfy the judge of any court of record. But in Iowa, a lawful holding must not only be alleged but proved beyond a doubt. At least as strict proof must be produced to replevy a man, presumed to be free, as would be required to replevy a horse. And it seems to me extremely improbable that any Missouri slave owner could, in Iowa, trace the genealogy of any of his

negroes back far enough to make the legal holding certain. I do not know what view Judge Lowe would have taken had a certificate of removal been issued and an application for a writ of *habeas corpus* been submitted to him. I suppose he would have issued the writ if he thought its allegations justified it. He was an able lawyer, afterwards Governor of the State and Chief Justice of its Supreme Court. He was honest, honorable and fearless, and would have done just what his opinion of the law required him to do.

It was a question in those days whether the marshal, armed with the commissioner's certificate, was obliged to pay any attention to such a writ issued under state authority; but my recollection is that it was finally decided that the marshal should furnish a copy of the certificate as his answer, and proceed with the performance of his duty, no state court or judge having power to review or set aside the commissioner's action or to obstruct the officer in the execution of his orders.

In this instance it is needless to speculate as to what the marshal would have done since he was not required to do anything. But I apprehend that if there had been a different result and Judge Lowe had issued the writ and had undertaken, after a review of the case, to discharge the fugitive from custody, there would probably have occurred a violent conflict between those who had enlisted on opposite sides. Fortunately the claimant's disclaimer put an end to the excitement and left nothing for contention.

This case of "Dick," so far as I have learned, is the only one ever brought before a commissioner in Iowa under the obnoxious Fugitive Slave Law of 1850. There had been civil suits under the original statute of 1793. But although there were doubtless frequent escapes from the border line of Missouri into this State, the fugitives seem to have had sufficient assistance to promptly convey them beyond the reach of those who may have pursued them.

I have set down these facts so that the young of today may learn something of the system which tyrannized the

Union before the Great Rebellion, and especially how it worked in the free states. They show that there was sufficient reason for the northern opposition to the system and desire for its overthrow, that its existence *did* concern them and that they were not intermeddlers with the south, where they had no business. It was the intrusion of the system into the north, its obtrusion among people who detested it, its assumption of authority, its exercise of political power in an arbitrary and insolent manner, and at last its efforts, by means of the Fugitive Slave enactment, to compel any and everybody to aid in hunting and capturing unfortunate negroes on the demand of alleged masters or their agents, which intensified the feeling of abhorrence among all classes in the north. They were intruded upon by the southern system and could not avoid repelling the intrusion which made itself offensive, especially when open avowal was made of intention to extend the system into territory then free, and eventually to involve all the states within its venomous grasp. It was about that time that Senator Toombs, of Georgia, predicted that the date was not far distant when he would be able to call the roll of his slaves on Bunker Hill, the border ruffians of Missouri were seriously seeking to convert Kansas into a slave territory, and the Supreme Court was about fulminating the Dred Scott opinion and decision.

It is well that these facts should be remembered. They do us no honor, it is true, but they may serve as an object lesson, teaching all the future generations that a wrong persistently sanctioned or permitted by a whole people will at last rebound and impose its own punishment and appropriate penalty. The penalty inflicted upon our country for its sanction of human slavery was the rebellion, and its four years of mutual slaughter in the war for its suppression. If we would avoid similar afflictions in the future, we must take care that no oppression be sanctioned and that humanity suffer no outrage at our hands. If the nation as a nation seeks to do right and set an example of impartial justice in its dealings

with its own people and with others, it will prosper. If it does otherwise, it is more than likely to work out its own disintegration and ruin.

BURLINGTON, IOWA, 1898.

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[A hand-bill from the Letters and Papers of Gen. George W. Jones.]

TO THE CITIZENS OF THE MINING COUNTRY.

*Whereas*, by information from Washington City, it is expected that a new territorial government will be established, to include the western part of Michigan territory, and the late purchase west of the river Mississippi, at the present session of Congress, and that the wishes of the inhabitants of the contemplated territory will have weight in the nomination of *Governor of Wisconsin Territory*. It is recommended that meetings of the people friendly to the appointment of our worthy fellow-citizen, General HENRY DODGE, be held at the times and places following, viz:

- At the White Oak Springs, on Saturday, the 22nd inst.
- At Murphy's, mill-seat bend, on Monday, the 24th inst.
- At Mineral Point, on Tuesday 25th inst.
- At Dubuque-town, on Wednesday the 26th instant.
- At Peru, on Thursday the 27th instant.
- On Saturday, 1st March next, at Rountree's, on Platte.
- Meetings to open at 12 o'clock, M.

At which meetings it is recommended that resolutions be adopted in favor of such nomination, to be transmitted to Hon. Lucius Lyon, Delegate in Congress.

Feb. 17, 1834.

WISCONSIN.

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When to the sessions of sweet silent thought  
I summon up remembrance of things past,  
I sigh the lack of many a thing I sought.

—*Shakespeare, thirtieth Sonnet.*

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