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Acton was born in Shropshire, England in 1941; his ancestors had been of that country since the twelfth century. In recent generations, however, his branch of the family had lived, married, and worked on the continent of Europe. Acton was the first in the direct male line to have been born in England since 1709. Three acts of Parliament were thereafter passed to confirm the family's nationality

— a situation most genealogists perhaps do not encounter.

In March 1988 Acton married a professor at the University of Iowa College of Law, and since then has divided his life between England and Iowa. He has spent his time in Iowa writing, and he became interested in the history of Iowa because it was the home state of his wife, Patricia Nassif Acton. As he had spent much of his life in southern Africa, he became interested in early Iowa race relations and thus became familiar with the case of Ralph. His research has led to a series of articles about early Iowa history that will appear in this and future issues. The following article commemorates the 150th anniversary of the first reported decision by Iowa's territorial supreme court, on July 4, 1839.

To Go Free

by Richard Acton

There were slaves in early Iowa. The first star-spangled banner hoisted at Dubuque, on the Fourth of July, 1834, was made by a black slave woman. Dred Scott is believed to have built a wooden shack on his master's plot near Davenport in the mid-1830s. Sixteen slaves, all at Dubuque, were counted in the Iowa census of 1840, compared to one hundred and seventy-two "free colored persons." The previous year one former slave had been dramatically judged to belong in the ranks of the free. His name was Ralph.

Ralph was born in about 1795. He was a slave in southern Kentucky and belonged to a man

Above: Lithograph of Dubuque in 1845, by J. C. Wild.



Acton is from a family of historians. His cousin, Sir Harold Acton, is a distinguished author of histories of Florence and Naples. A younger brother, the Hon. Dr. Edward Acton, is senior lecturer in Russian history at the University of Manchester, England. His great-grandfather, the first Lord Acton and eminent British historian, may be best known for his phrase: "Power tends to corrupt and absolute power corrupts absolutely."

Acton hopes to continue to divide his time between England, where he will be active in the House of Lords, and Iowa, where he means to try to follow the advice of his great-grandfather to students of history: "Learn as much by writing as by reading."

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CASH FOR NEGROES.



I will pay as high cash prices for a few likely young negroes as any trader in this city. Also, will receive and sell on commission at Byrd Hill's, old stand, on Adams-street, Memphis.

BENJ. LITTLE.

500 NEGROES WANTED.



We will pay the highest cash price for all good negroes offered. We invite all those having negroes for sale to call on us at our Mart, opposite the lower steamboat landing. We will also have a large lot of Virginia negroes for sale in the Fall. We have as safe a jail as any in the country, where we can keep negroes safe for those that wish them kept.



BOLTON, DICKINS & Co

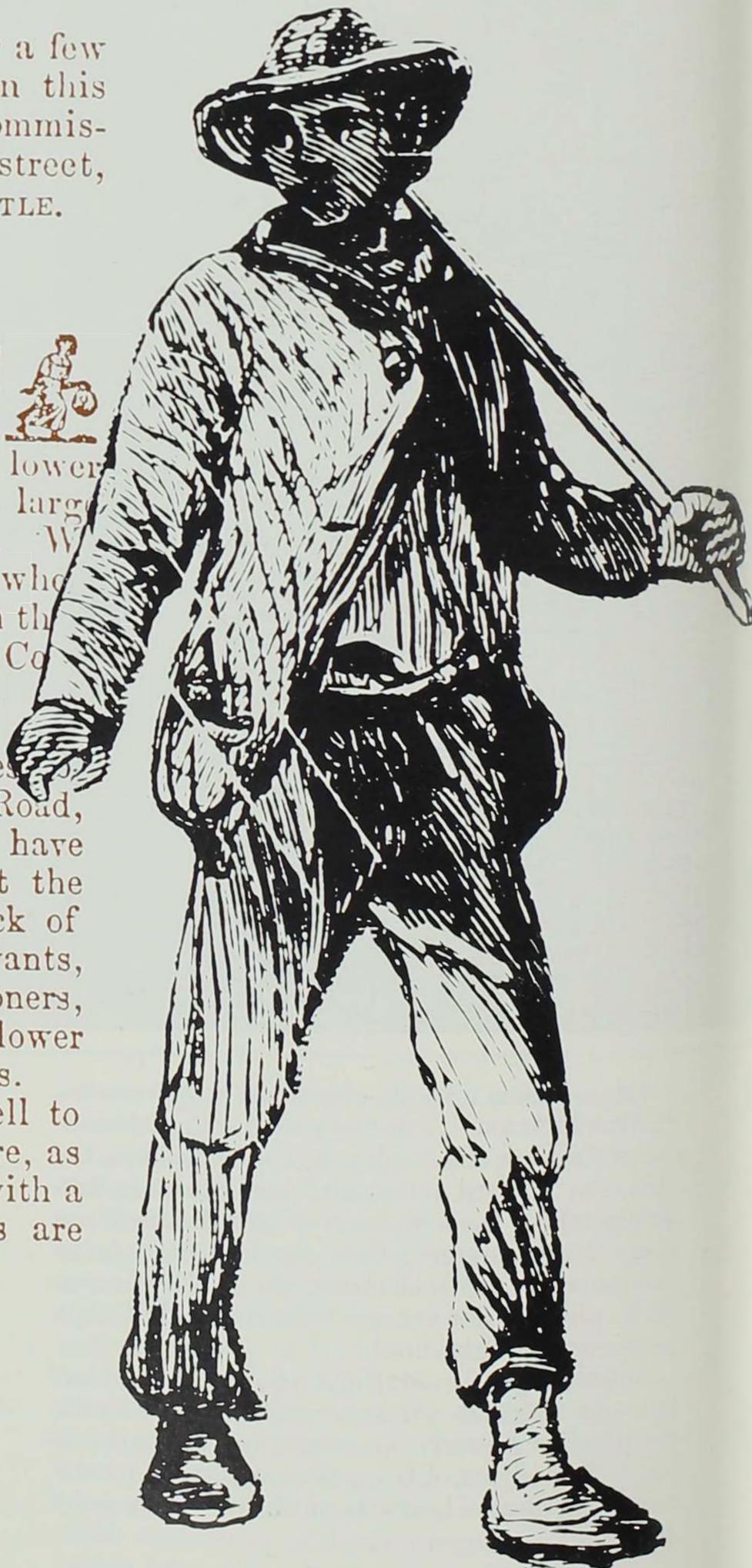
SLAVES! SLAVES! SLAVES!



FRESH ARRIVALS WEEKLY. — Having established ourselves at the Forks of the Road, near Natchez, for a term of years, we have now on hand, and intend to keep throughout the entire year, a large and well-selected stock of Negroes, consisting of field-hands, house servants, mechanics, cooks, seamstresses, washers, ironers, etc., which we can and will sell as low or lower than any other house here or in New Orleans.

Persons wishing to purchase would do well to call on us before making purchases elsewhere, as our regular arrivals will keep us supplied with a good and general assortment. Our terms are liberal. Give us a call.

Slave ads are from Harriet Beecher Stowe's *A Key to Uncle Tom's Cabin*, presenting the original facts and documents upon which the story is founded (1853). Opposite: A portion of the 1830 Kentucky bill of sale records Jordan J. Montgomery's purchase of Ralph, with four other slaves for \$820, from his father. (No images of Ralph are known to exist. The images used here to depict Ralph are taken from nineteenth-century history sources.)



named William Montgomery. On November 5, 1830, Montgomery sold five of his slaves for \$820 to his son. The bill of sale read: "sold to the said Jordan J. Montgomery one negro man by the name of Ralph aged about 35 years." The next two slaves sold were "one negro man, Ben, aged about 80, one negro woman Celia aged about 60 years." (Ben and Celia were the right age to have been Ralph's parents.) Also sold were Harry, aged fifty, and Delilah, aged forty. The bill of sale was registered on the day it was made in Lincoln County, Kentucky — the home of both Montgomerys.

In 1832 Jordan Montgomery moved Ralph and his other slaves to Marion County in northeast Missouri. He registered the Kentucky bill of sale at the county seat, Palmyra, on May 21 of that year. The twenty-seven-year-old Montgomery and his wife Susan had a young family — by 1840 it had grown to seven children under the age of fifteen. Montgomery owned a block of land near Palmyra, and Ralph's life in Missouri was presumably spent as a farm laborer. Montgomery's cash position seems to have deteriorated in the next years, and he took a paid job as county assessor of state taxes for the year 1835. But the previous year he had already taken a step to raise money. He had made a written contract with Ralph to sell him his freedom.

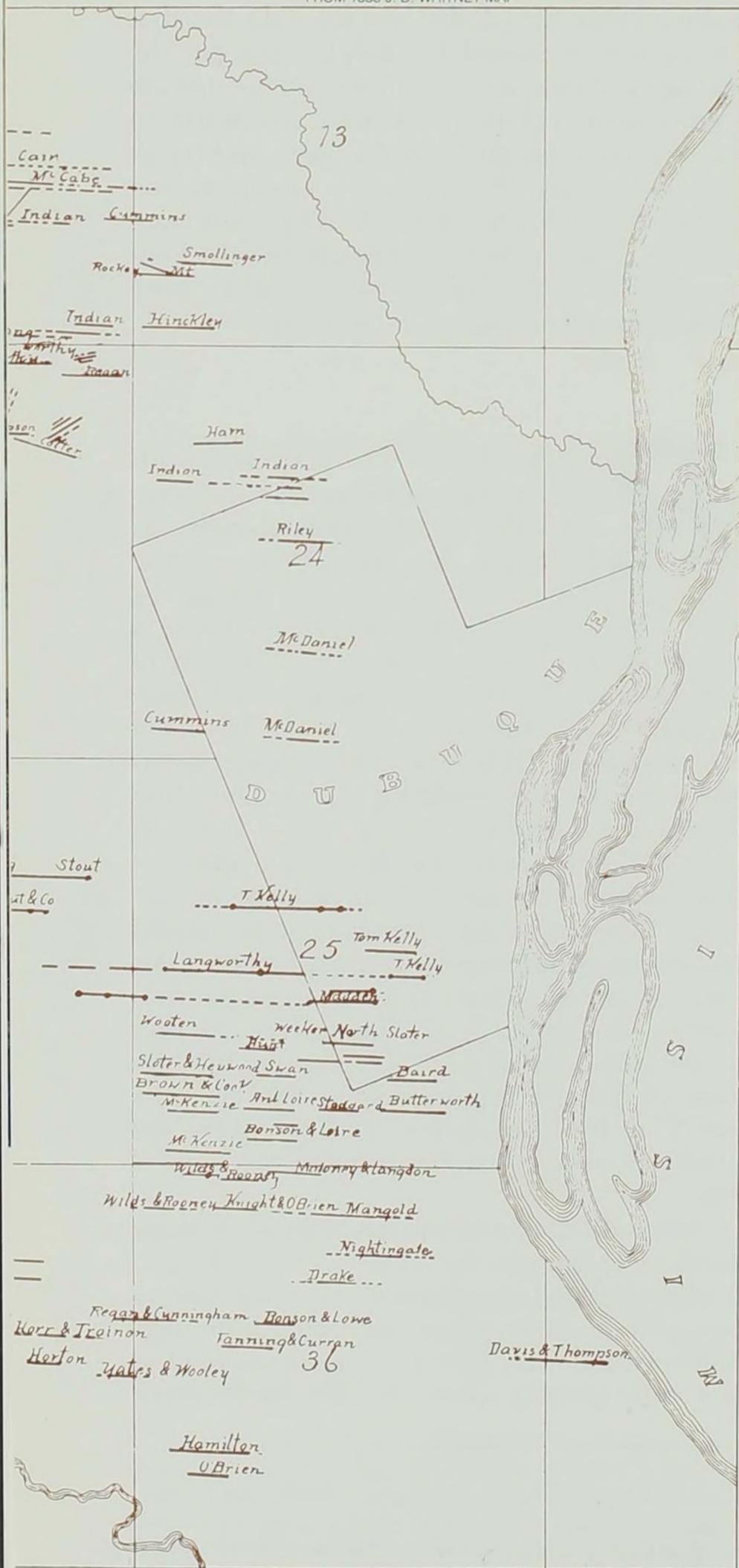
The contract was undoubtedly made for reasons of commerce rather than sentiment. Jordan Montgomery was no abolitionist. He already owned two slaves when he bought Ralph, and he still held a young woman slave in 1840. The price of Ralph's freedom was five hundred dollars, with an additional fifty-dollar payment for his hire. The sale price was about average in Missouri then for a male slave of Ralph's age. Slaves were often hired out by the year, and the going rate for a year's hire was slightly above 10 percent of a slave's market

value. So the fifty-dollar hire fee indicates that the parties envisaged that Ralph would pay the full amount in a year. Fortunes had been made mining lead in Dubuque (in what was shortly to be referred to as the Iowa District), and Ralph hoped to make the necessary money in the mines to buy his freedom. As a precautionary measure, the contract stipulated interest from January 1, 1835. Jordan Montgomery gave Ralph permission to go to Dubuque.

RALPH SET OUT from Palmyra with the contract in his pocket and traveled the three hundred miles to Dubuque. He arrived there in the first half of 1834 and commenced mining for lead. Little is known of his home life. There is reference in a Dubuque miner's 1845 diary to Ralph's wife, but when the marriage took place is unknown. One historian records that a woman named Tilda, who contributed twenty-five cents to the building of the Dubuque Methodist Church in 1834, was a sister of Ralph. But whatever his family and spiritual life, Ralph's lead mining was not a great success. Despite being industrious, he hardly made enough money for food and clothes, let alone to pay Montgomery for his freedom. References to Ralph's lead mining show his diggings a little to the west of Dubuque. Slightly east of Ralph's diggings were the crevices worked by Alexander Butterworth, an Irishman who was to play a vital part in Ralph's life.

Alexander Butterworth left Missouri to mine lead in Dubuque the same year as Ralph. Unlike Ralph, he prospered — in addition to his mine he had a wheat and cattle farm near the town and was a partner in one of Dubuque's few early grocery stores. In 1838 Butterworth

to the said Jordan J. Montgomery one negro man by the name of Ralph aged about 35 years



An 1858 map of Dubuque shows lead deposits mined by Butterworth, McKenzie, and Bonson, names that figure in Ralph's story. Ralph's diggings were probably a little to the west of Butterworth's.

was elected a trustee of the town council of Dubuque and served on the town committee to arrange the dinner to celebrate the birth of the Territory of Iowa on July 4.

Thomas S. Wilson, then district court judge resident at Dubuque, described Butterworth as "noble hearted," a quality he undoubtedly inherited from his spirited old mother. The ancient Mrs. Butterworth was able to date her birth by the fact that she was sixteen when the Catholic Stuart cause had been finally defeated in 1746 at the Battle of Culloden in Scotland. When Butterworth was married in 1837, his mother — then an incredible 107 — danced "quite briskly" at the wedding.

The early population of Dubuque was so small that everybody must have known everybody. Alexander Butterworth and Ralph had adjacent mines, and doubtless Ralph and everyone else frequented Quinlan and Butterworth's grocery store. Ralph and Butterworth were obviously acquainted. But in May 1839 Butterworth would prove they were more than just fellow miners who had both come from Missouri. They were friends.

While Ralph was still toiling in the lead mines, the Iowa Territorial Assembly passed "An Act to Regulate Blacks and Mulattoes" in January 1839. Under section 6 of the act, if any person (or his agent) applied to a justice of the peace and proved that a black person was the claimant's property, the justice of the peace was required to direct the sheriff to arrest and deliver the individual to the claimant or agent. This law would affect Ralph's future.

MEANWHILE in Missouri Jordan Montgomery had become county clerk of Marion County. In November 1838 he entered deep financial waters. With three partners he borrowed four thousand dollars from the Bank of the State of Missouri. The terms of the loan required the money to be repaid on May 15, 1839, and Montgomery was liable for the full amount. Montgomery's financial position was extremely weak at the time — in February he was taking advantage of his position as county clerk to borrow \$60.95 from the county. With May approaching there was nothing like the

necessary money to repay the huge loan to the bank. Montgomery was owed \$550 and five years' interest by Ralph. Slave prices had risen since their contract. One source of funds could be tapped; an asset could be realized. Jordan Montgomery sent an agent or agents to Dubuque.

In the last week of May 1839 the Virginians (as the two agents have always been known to historians) swore an affidavit in front of a justice of the peace that Ralph was the property of Jordan Montgomery and that they were his representatives. The justice issued his precept under the Blacks and Mulattoes Act directing the sheriff to deliver Ralph to Montgomery's agents. Ralph was working on his mineral lot a little to the west of Dubuque when he was seized by the sheriff and handed over to the Virginians. They handcuffed him, put him in a wagon, and — deliberately avoiding Dubuque — drove south to Bellevue. There Ralph was taken on board a boat bound for Missouri, and the boat's master confined him in the vessel.

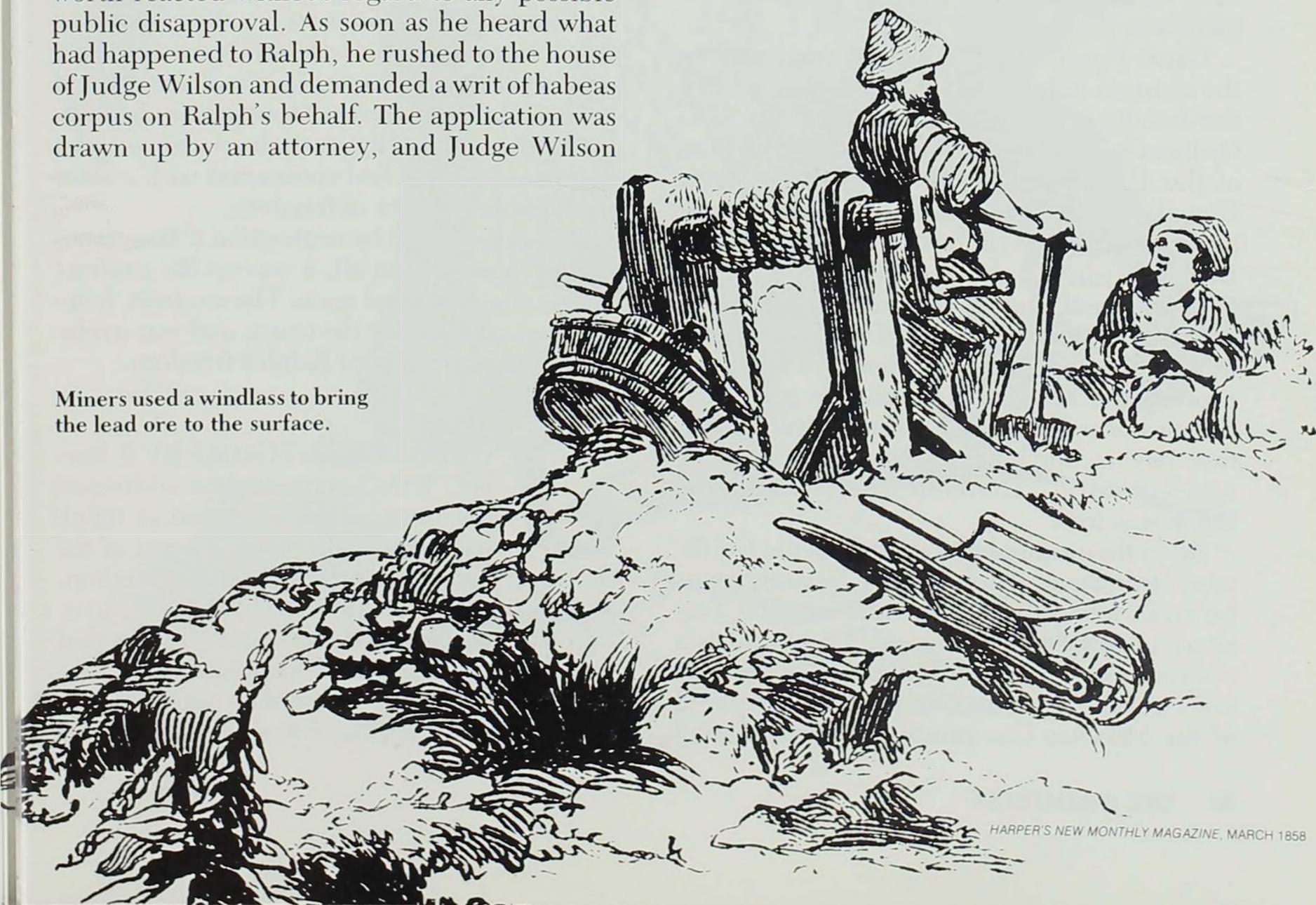
Word of Ralph's fate reached the ears of Alexander Butterworth, who was plowing on his farm on the outskirts of Dubuque. Butterworth reacted without regard to any possible public disapproval. As soon as he heard what had happened to Ralph, he rushed to the house of Judge Wilson and demanded a writ of habeas corpus on Ralph's behalf. The application was drawn up by an attorney, and Judge Wilson

issued the writ of habeas corpus. The sheriff in obedience to the writ galloped off to Bellevue, and Ralph was rescued from the boat. The sheriff returned to Dubuque with Ralph, who appeared before Judge Wilson.

There is no court record of Ralph's appearance in the District Court. The *Iowa News* in Dubuque reported on June 1, 1839: "A case of importance to the owners of slaves in this Territory was last week brought before Judge Wilson, which has not yet been determined, time having been granted for bringing up witnesses at a distance." Judge Wilson later explained how he proceeded: "The case was heard, but at my suggestion was transferred to the Supreme Court of the Territory, because of its importance." The Supreme Court opinion stated that this transfer occurred by agreement of the parties.

The Supreme Court of the Territory of Iowa consisted of Chief Justice Charles Mason, a brilliant New York lawyer, Associate Justice Joseph Williams, a clever and witty Pennsylvanian, and Associate Justice Thomas S. Wilson, a popular Ohioan appointed at the amazing age

Miners used a windlass to bring the lead ore to the surface.



of twenty-four. Each supreme court justice was in addition responsible for the district courts in one of the three districts into which Iowa was divided.

Sitting in Burlington at 8:00 A.M. on July 4, 1839 — the first birthday of the Territory of Iowa — the Supreme Court heard what would become the first case reported in the Iowa Law Reports. The case was *In the matter of Ralph (a colored man) on Habeas Corpus*. The Supreme Court Order Book signed by the chief justice records that only Chief Justice Mason and Associate Justice Williams heard the case. Presumably it was thought unsuitable for Associate Justice Wilson to sit, as the matter had already come before him as judge in the District Court.

The lawyer for Ralph (the petitioner) was the brilliant David Rorer of Burlington, who represented Ralph without charge. Rorer was a native Virginian who had manumitted his own slaves while living in Arkansas. Rorer gave the oral presentation before the Supreme Court and was assisted by his partner W. Henry Starr, J.D. Learned of St. Louis, assisted by John V. Berry of Dubuque, represented Jordan Montgomery (the claimant). The facts had been agreed on by the parties, and the argument was purely on the law.

David Rorer began a lengthy argument to the court on Ralph's behalf. He first urged that the Articles of Compact contained in the 1787 Ordinance for the Government of the Territory of the United States northwest of the river Ohio (known in history as the Northwest Ordinance) applied to Ralph. Ralph had resided at Dubuque when it was part of the Territory of Wisconsin and later when it became part of the Territory of Iowa. By means of section 12 of the Organic Laws (the constitutions) of both territories, the Northwest Ordinance governed. The ordinance provided: "There shall be neither slavery nor involuntary servitude in the said Territory." Therefore, Rorer reasoned, Ralph was free.

Rorer then argued that apart from the Northwest Ordinance, Ralph became free as soon as he came to reside in what was now the Territory of Iowa with his master's consent, as a consequence of the 1820 Act of Congress known as the Missouri Compromise. Section 8 of the Missouri Compromise began: "[I]n all

that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state contemplated by this act [Missouri], slavery and involuntary servitude . . . shall be, and is hereby, forever prohibited." As the Territory of Iowa lay in the area where slavery was prohibited, and as there was no law by which Ralph could be removed, he was free to exercise his right to remain in Iowa. In support of this argument Rorer relied on various authorities, and concluded with an appeal to "much earlier and higher authority" — the law of the prophet Moses.

The Blacks and Mulattoes Act of 1839 had prohibited blacks from settling in Iowa without evidence of freedom and the posting of a five hundred dollar bond. But Rorer argued that as Ralph had come to Dubuque before the Territory of Iowa was founded (in fact, before there was even a civil government in the area at all), Ralph could not be said to have violated that law. Furthermore, Ralph was not a fugitive slave under the Blacks and Mulattoes Act or under the laws of the United States. He had come to Iowa by the voluntary consent and agreement of his former owner. By permitting Ralph to come for an indefinite period to that part of the United States in which slavery had been prohibited, Jordan Montgomery had virtually manumitted Ralph. Indeed, the very fact that Montgomery had contracted with a slave presupposed a state of freedom.

Rorer concluded by urging that if Montgomery had a remedy at all, it was on the contract for the money agreed upon. The contract, however, was not before the court, and was irrelevant to the question of Ralph's freedom.

JORDAN MONTGOMERY'S lawyer, J.D. Learned, then addressed the court. He argued that as Ralph had failed to perform his part of the contract by not paying the price of his freedom, he should be regarded as a fugitive slave. Accordingly, he could be claimed under that section of the Missouri Compromise that provided: "[A]ny person escaping into [the territory thus set apart], from whom labor or



service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

He further urged that slavery was not prohibited in the Territory of Iowa. The Missouri Compromise was not intended to affect the rights of individuals without further legislative action. It was merely meant to direct local legislatures to pass laws prohibiting slavery. And the Missouri Compromise contained no sanction and consequently had no binding force.

Alternatively, Learned argued, even if the Missouri Compromise was intended to operate without further legislation, it did not work as a forfeiture of slave property. So it would go no further in this case than to merely require Montgomery to remove his property (Ralph) out of the territory. Learned compared the case to one of property invested in private banking contrary to the provisions of a statute, where although the owner might be made liable, the property would not be confiscated.

THE SUPREME COURT issued its decision the same day. In the handwritten record of its proceedings of July 4, 1839, were the following words: "[I]t is therefore ordered and adjudged that he [Ralph] be discharged from further duress and restraint, and that he go hence."

The unanimous opinion of the Supreme Court (made available to the press within two days) was written by Chief Justice Mason. The opinion first dealt with procedural irregularities — the case had come before the Supreme Court by none of the ordinary methods of application in an appellate court. Nevertheless, "[t]he proceedings having been transferred to this court, it will be proper for us to make such a disposition of the matter as might have been made by the District Judge while the subject was before him."

The court roundly dismissed the argument of Montgomery's lawyer that because Ralph had failed to pay the price of his freedom he should be regarded as a fugitive slave: "Such a construction would introduce almost

unqualified slavery into all the free States. . . . We cannot countenance such a doctrine. . . . [T]he claimant permitted his slave to come to this Territory. The permission seems to have been absolute; but there was also an understanding that the latter was to pay the former a certain amount, as the price of his freedom. How the failure to comply with this understanding could render a removal, undertaken with the master's consent, an escape, we are unable to comprehend." Although Ralph should, indeed, pay the debt, the court stated that "no man in this territory can be reduced to slavery" for failure to do so.

The court also rejected the argument that the Missouri Compromise was a mere naked declaration requiring further action and sanction by the given territory: "Congress possesses the supreme power of legislation in relation to the Territories, and its right to prohibit slavery, at least in relation to slaves subsequently introduced, is doubtless legitimate. Has that right been exercised in relation to this Territory? The language of the Act of 1820, in relation to the district of country in which this Territory is embraced, is, that slavery therein 'shall be, and is hereby, forever prohibited.' This seems to us an entire and final prohibition, not looking to future legislative action to render it effectual."

The court dealt with the additional argument that the Missouri Compromise, if applicable, did not work a forfeiture of slave property: "It is true that the Act . . . does not, in express terms, declare a forfeiture of slave property, but it does, in effect, declare that such property shall not exist."

The court continued: "The master who, subsequently to that Act, permits his slave to become a resident here, cannot, afterwards, exercise any acts of ownership over him within this Territory. The law does not take away his property in express terms, but declares it no longer to be property at all."

The opinion went on to reject the argument that private banking was indistinguishable from slaveholding: "Property, in the slave, cannot exist without the existence of slavery: the prohibition of the latter annihilates the former, and, this being destroyed, he becomes free."

In the light of its ruling under the Missouri

Compromise, the court apparently felt it was unnecessary to consider Rorer's argument that Ralph was also free by virtue of the Northwest Ordinance. The opinion ended with a powerful statement of principle: "When, in seeking to accomplish his object, [the claimant] illegally restrains a human being of his liberty, it is proper that the laws, which should extend equal protection to men of all colors and conditions, should exert their remedial interposition. We think, therefore, that the petitioner should be discharged from all custody and constraint, and be permitted to go free. . . ."

THE SUPREME COURT DECISION was a major item of news. It was prominently reported by both Burlington newspapers in their next editions, and the following week both newspapers printed Chief Justice Mason's opinion in full. One of the papers, the *Iowa Patriot*, commented: "This decision will doubtless secure the approbation of all who profess to be the friends of humanity and law throughout the Country, and obtain for the Judiciary of the infant Territory of Iowa a name abroad, which could not, under other circumstances, have been gained."

The immediate reaction of slave owners in the Territory of Iowa is not recorded. The following year, however, the heads of eleven Dubuque families announced their defiance of the law to the assistant marshal who took the federal census. He enumerated sixteen slaves among these eleven households. Instances of slavery continued to be reported, and as late as

1852 a man called L.P. "Tune" Allen brought two young slaves into Iowa from North Carolina. He held them there a year and then sold them to someone in Missouri.

Following the Supreme Court's decision, Ralph continued his mining in Dubuque. Judge Wilson reported that "he afterwards struck a big lode, but gambled it away." Certainly the scattered references to Ralph in the contemporary diary of Richard Bonson, an Englishman who ran a blast furnace and mined lead in Dubuque, showed that Ralph had erratic fortunes. In August 1841 the diarist was "weighing Rafe's mineral." A year later he went to Mackenzie's diggings "to take [over] Rafe's part of the diggins." In October 1844, however, Bonson was "weighing for Black Rafe" again. Ralph's fortunes seem to have taken a new plunge in 1845. In May Bonson's wife was sick, and Bonson, needing domestic help, went to town "to get Black Rafe's wife to come and stop with us," and on July 14 "had . . . Rafe spading in garden." Later that month Ralph was again in front of Judge Wilson in the Dubuque County District Court. A blacksmith named William Newman had judgment awarded against "Rafe Montgomery" for \$17.37 with court costs of \$1.64.

By the late 1840s the golden age of Dubuque lead mining was over. During that decade the black population had declined by more than half, and Muscatine had overtaken Dubuque as

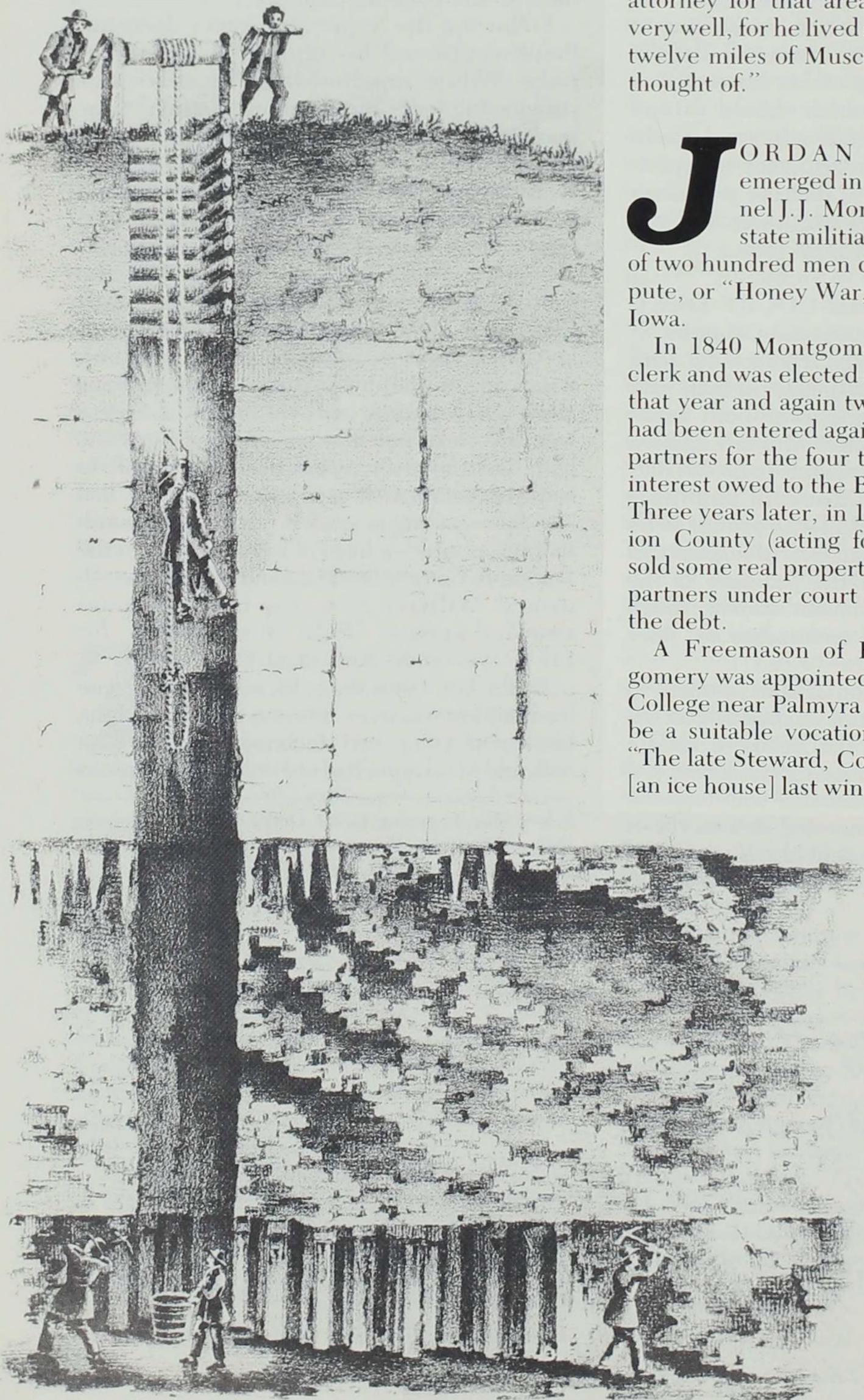
Below: The Supreme Court Order Book (Volume A, 1838-1853) states the court's decision in "Jordan J. Montgomery vs. Ralph, a man of color."

Thursday morning July 11. 1839. Court met pursuant to adjournment. Present, Charles Mason Chief Justice, and Joseph Williams associate.

Jordan J. Montgomery

Ralph a man of color

And now on this day, this cause was submitted to the Court by consent, on a case of facts stated and on file; and it appearing to the satisfaction of the Court, on argument of Counsel, that the said "Ralph a man of color, is free by operation of Law; it is therefore ordered and adjudged, that he be discharged from further duress and restraint, and that he go hence without day



the largest center of black residents in Iowa. Ralph seems at least to have found a measure of tranquility. T.S. Parvin, at one time district attorney for that area, said: "I knew [Ralph] very well, for he lived and died on a farm within twelve miles of Muscatine where he was well thought of."

JORDAN MONTGOMERY emerged in December 1839 as Colonel J.J. Montgomery of the Missouri state militia commanding a regiment of two hundred men during the boundary dispute, or "Honey War," between Missouri and Iowa.

In 1840 Montgomery resigned as county clerk and was elected sheriff of Marion County that year and again two years later. Judgment had been entered against Montgomery and his partners for the four thousand dollar debt and interest owed to the Bank of Missouri in 1840. Three years later, in 1843, the coroner of Marion County (acting for Sheriff Montgomery) sold some real property of Montgomery and his partners under court order towards satisfying the debt.

A Freemason of Palmyra Lodge, Montgomery was appointed steward of the Masonic College near Palmyra in 1844. It proved not to be a suitable vocation. His successor wrote: "The late Steward, Col. Montgomery, erected [an ice house] last winter, the roof of which fell

In the 1840s Ralph continued to mine lead in Dubuque. Here, a cross-sectional view of a lead deposit. (From David Dale Owens, Senate Document 407, Congressional Series #437)

in with the first heavy rain last spring . . . if it were repaired, its location is so distant from the refectory that it would be comparatively of little value." Montgomery's farming efforts were similarly unfortunate: "The farm has been occupied by . . . the Steward for the purposes of husbandry, and so far as the Steward is concerned, has yielded no profit this year. . . . The yield of the crop would have been considerably larger, but for the wretched condition of the fencing, allowing much to be destroyed by horses and hogs." In June 1845 the Board of Curators of the Masonic College reported that they had ended Montgomery's career as steward. Jordan Montgomery moved to St. Louis, where he became an insurance agent and lived in the house of one of his sons. Thirty years earlier he had owned at least five slaves and a considerable amount of land. By 1860 his net assets had dwindled to \$1,400.

THE DECISION in Ralph's case stood for seventeen years and was followed in such lower Iowa court cases as Rachel Bundy (1841) and Jim White (1848). The principle of law in *In the matter of Ralph* was annulled by the majority of the United States Supreme Court in the 1857 decision *Dred Scott v. Sandford*, which Abraham Lincoln called "an astonisher in legal history." Ralph's case was not cited by any of the justices in their opinions in *Dred Scott*.

A very eminent jurist considered the place of *In the matter of Ralph* in history. In 1906 the Honorable John F. Dillon said: "True it is that the Dred-Scott decision afterwards rendered was in direct conflict with Judge Mason's decision on Ralph's case. But in the civil war, a higher body than either of those courts, namely the American people, in their primary and sovereign capacity, overruled the Dred-Scott decision and re-established the doctrines of the Iowa court in Ralph's case."

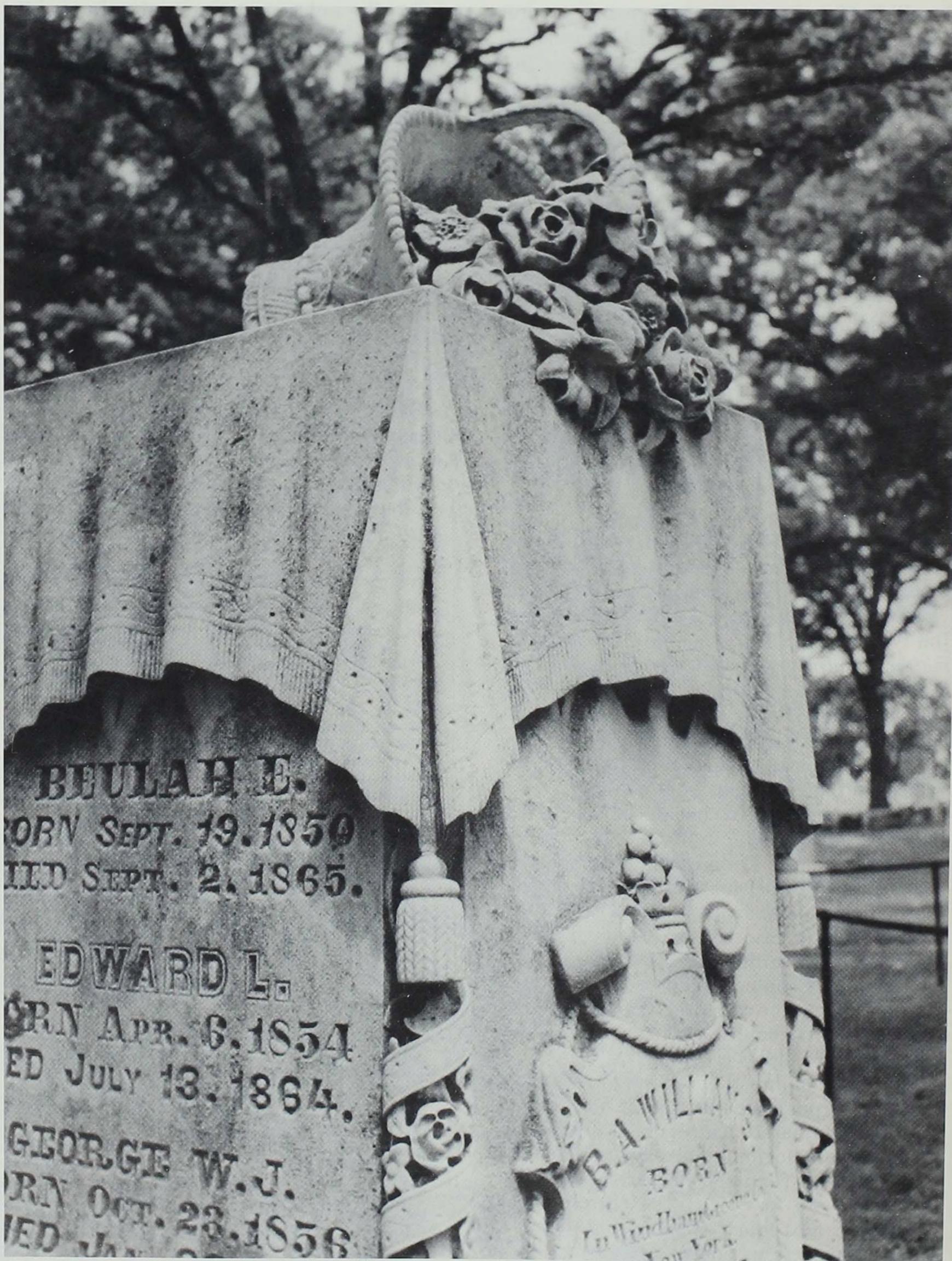
Although Ralph had benefited from the law of habeas corpus, many laws of the first years of Iowa discriminated against black residents. From the very beginning the congressional act setting up the Territory of Iowa in 1838 had given the vote to white male citizens only. During the next four years a battery of racist laws were passed: schools were opened only to

whites; the militia was confined to free white males; blacks coming to Iowa were required to produce a certificate of freedom and a five hundred dollar bond; blacks were prohibited from being witnesses against whites in any court case; marriages of blacks and whites were declared illegal and void; and statutory relief of the poor was denied to blacks. Just six months after the decision in his case, Ralph was even denied the vote in his own town — the "Act to incorporate the City of Du Buque" limited the municipal franchise to white male citizens.

But to Ralph the freedom of Iowa was infinitely preferable to the slavery of Missouri. One morning several years after the court case Judge Wilson, who had issued the writ of habeas corpus, found Ralph working in the judge's Dubuque garden. Judge Wilson asked him why he was there. Ralph replied: "I want to work for you one day every spring to show you that I never forget you." — A gesture of gratitude for the right to go free. □

NOTES ON SOURCES

The information on Kentucky and Missouri is from records in the offices of the Marion County (Missouri) circuit and county clerks; federal censuses; Masonic pamphlets; R. I. Holcombe, *History of Marion County Missouri 1884* (reprint; Hannibal, The Marion County Historical Society, 1979); Harrison Anthony Trexler, "Slavery in Missouri, 1804-1865," *Johns Hopkins Univ. Studies in Historical and Political Science*, ser. 32, no. 2 (1914). The report of the case is in Bradford's Reports (Galena, 1840) and Morris Reports (Iowa City, 1840). Ralph's Dubuque life is from "Address of Judge T. S. Wilson at the Opening of the Supreme Court-room," *Iowa Historical Record* (April 1887), pp. 460-61, and a typed copy of Richard Bonson's manuscript diary located at the Dubuque County Historical Society. Butterworth's life is from Dubuque contemporary newspaper accounts and county histories. The details of Ralph's arrest are from Judge Wilson's accounts and J. A. Bradford, *Reports of the Decisions of the Supreme Court of Iowa . . .* (Galena: Pub. by Order of the Legislature, 1840), pp. 3-7. The original summary of the judgment is in the Supreme Court Order Book, vol. A (1838-1853). Other authorities include Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford Univ. Press, 1978); Lucius M. Langworthy, "Dubuque, its history etc.," *Iowa Journal of History and Politics* 8 (1910), p. 417; (1910); Robert R. Dykstra, "Dr. Emerson's Sam: Black Iowans Before the Civil War," *Palimpsest* (May/June 1982) and "White Men, Black Laws: Territorial Iowans and Civil Rights, 1838-1843," *Annals of Iowa* (Fall 1982); Theodore S. Parvin, "The Early Bar of Iowa," *Historical Lectures Upon Early Leaders in the Professions*; Hon. John F. Dillon, "Early Iowa Lawyers and Judges," *The American Lawyer* (June 1906); contemporary Dubuque and Burlington newspaper accounts; the federal census; and early statutes of Territorial Iowa. An annotated version of this article is on file at the State Historical Society in Iowa City.



BEULAH E.
BORN SEPT. 19. 1850
DIED SEPT. 2. 1865.

EDWARD L.
BORN APR. 6. 1854
DIED JULY 13. 1864.

GEORGE W. J.
BORN OCT. 23. 1856
DIED JAN. 1. 1865.

B. A. WILLIAMS
BORNE
In Windham County
New York