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Boston and the Fugitive Slave Law

SOME correspondence, which has come to the Society, of the Mayor of Boston in April, 1851, in regard to the threat of a "tumult, riot, and mob" over a fugitive slave case, recalls the time when slavery was not only a very live issue, but one which split the North into two bitterly hostile camps. For years Boston abolitionists carried on their campaign in the midst of a community hardly more sympathetic with their views than the South itself. Until within a few years of the war, to join their ranks meant social ostracism at the least. The economic interest of the propertied class was closely bound up with that of the cotton-growing South, and its social sympathies were with the planter rather than with the negro. The sons of revolutionary leaders had become the conservatives of their generation, and the impulse toward extending the blessings of liberty to the colored race came from men of little education and standing.

The cause gained ground slowly, and recruits came to it from among men of prominence, like Wendell Phillips, Ellis Gray Loring, and Charles Sumner. Men of letters like Ralph Waldo Emerson, James Russell Lowell and John Greenleaf Whittier lent it the support of their pens. But the year 1851 still found the bulk of Boston respectability solidly arrayed against the "fanaticism" which proposed to disregard the fundamental fact of private property in the interests of an impracticable ideal.

The attitude of this element toward the fugitives slave law is summed up by its chief constitutional authority, Benjamin R. Curtis. The real difficulty, he thought, arose from the fact that

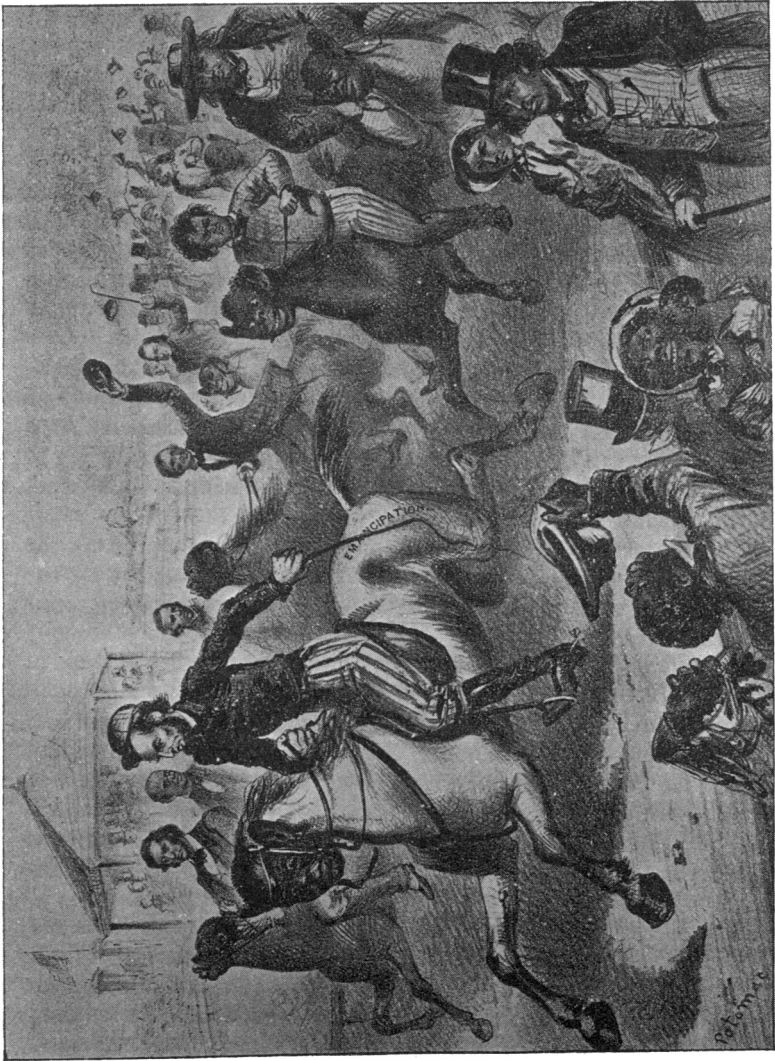
two communities with conflicting institutions, must perforce live side by side on the same continent. "You may break up the Constitution," says he, "and the Union tomorrow; you may do it by a civil war or by, what I could never understand, the method or the principles of — what is called a peaceable secession; you may do it in any conceivable or inconceivable way; you may draw the geographical line between slave-holding and non-slave-holding *anywhere*; but when we shall have settled down, they will have their institutions and we shall have ours. One is as much a fact as the other. One engages the interests and feelings and passions of men as much as the other. . . .

"If any one in this age expects to live in peace, side by side with the slaveholding States, without some effectual stipulation as to the restoration of fugitives, he must either be so wise as to foresee events in no wise connected with human experience, or so foolish as to reject experience and probabilities as guides of action."

The law which Mr. Curtis and his party accepted so calmly, stirred up much feeling in other quarters, however. Two escaped slaves, William and Ellen Craft, who had for some time been living peaceably in Boston, had been rescued by a vigilance committee, from an attempted capture. A third negro, Shadrach, by name, was carried off through the open door of the Court House by a crowd of men of his own race.

"In truth," says Henry Greenleaf Pearson in his article on preliminaries of the Civil War in the *Commonwealth History of Massachusetts*, "the Fugitive Slave Law had brought the slave question before the Northerner in a new light. He was forced to ask himself whether he would give aid in returning a runaway to his owner. Would he betray a hiding place? Would he refuse help to a fugitive when the pursuers were close upon him? To put the case in general terms, was he bound to render obedience to what he regarded as an unjust law? The problem thus became the question of the hour — a personal question, which no one could ignore."

The next test of popular feeling on the subject occurred in April, 1851, when one Thomas Simms was seized in a hotel where he was a waiter. Some of Mayor Bigelow's official correspondence on the subject, in the possession of the Society, shows that the answers of the citizens of Boston to this personal question gave the authorities some anxiety. Mayor Bigelow writes to Colonel Holbrook of the Militia that "whereas it has been made to appear to



A CIVIL WAR-TIME CARTOON ON EMANCIPATION

me, John P. Bigelow, Mayor of the City of Boston, that there is threatened a tumult, riot, and mob of a body of men acting together by force, with intent to rescue by force and violence a prisoner, now in lawful custody of the authorities of the United States, and by such tumult, riot and forcible assembly to endanger both persons and property, and otherwise to break and resist the laws of the United States . . . and that Military Force is necessary to aid the civil authority in suppressing the same.

"Now therefore, I command you that you cause one or more companies of your Regiment armed and equipped with ammunition, as the law directs, and with proper officers either attached to the troops or detailed by you to parade at said Boston on this and every subsequent day and night until further orders from me at Faneuil Hall."

The *Advertiser*, sound and conservative in its views, takes comfort in the Mayor's action, although it does not admit to any fear that the populace will become disorderly on so unreasonable a pretext. On April 4, it announces the arrest on the previous day of Simms, claimed as a fugitive from "service and labor" by James Potter, of Chatham, Georgia.

"The arrest was made without any great difficulty," runs the notice. And the fugitive was conveyed to a place of safety for the night, and no unusual excitement appeared to prevail on account of the matter.

"About 11 o'clock Mr. Samuel E. Sewall went upon the steps of the Court House, apparently in a very excited frame of mind, and created so much disturbance as to induce an officer to arrest him and take him to the watch house. After remaining there about half an hour he became comparatively calm and was discharged."

The next day, to prevent a repetition of the Shadrach affair, a chain was placed breast-high around the Court House, reinforced by a strong police guard. The trial was begun, with Messrs. Charles G. Loring, Robert Rantoul and Samuel E. Sewall, all prominent men who had thrown in their lot with the abolitionists, for the defendant, and Mr. Seth J. Thomas appearing for the claimant. The lawyers for the defense requested a postponement of the hearing several times, and in the next few days the threatened excitement did not seem to materialize, much to the satisfaction of the *Advertiser*.

The prisoner is described as "quite an intelligent looking dark

mulatto, apparently about 25 years of age, and has been in this city only about 4 weeks, and since his arrival has been boarding at a colored seaman's boarding house, kept by one Aiken, at 153 Ann Street."

A meeting of protest was called on the Common, as the State House yard was closed to it, and the following placard was put up to invite the public notice:

"Public Meeting — *Kidnappers in Boston* — Men of Boston, one of your fellow citizens was last night seized by slave hunters. He is in most imminent deadly peril. The citizens of Boston and its neighborhood are earnestly invited to assemble without arms in front of the State House at four this (Friday) afternoon, to consult for the public good."

The meeting was small, though the speeches of the devoted few were fiery. It soon adjourned to Tremont Temple, which it filled to about one third of its capacity. The *Advertiser's* approving comment is:

"The eloquence of Mr. Phillips and Mr. Colver on the Common, and their successors in the Temple, did not succeed in getting up much enthusiasm against the quiet and ordinary administration of the laws."

An interesting incident occurred in the course of the meeting, when someone called for "three groans for Daniel Webster," and the call was responded to by three cheers instead.

On April 7 the crowd around the scene of the trial was still sparse. Two or three colored men, to be sure, "let their feelings get the mastery over their good judgement, and indulged in language to the policeman on duty, which rendered it necessary to take them into custody, which was quietly done." Colver, Parker, Phillips and others who had counselled a mass meeting, says the reporter, were seen in and about the Court House, but the masses who were to be there were absent.

The next letter of the group is written on May 7, from the City Solicitor, Peleg W. Chandler, in answer to a request for advice from the Mayor. While stating that it is the duty of the municipal officers "*to keep the peace, at all hazards and at whatever cost,*" he says he does not believe "a forcible conflict between the officers of the United States, and the Sheriff of this county and his officers, to be probable or even possible." In the event of such a conflict, he is at a loss to prescribe the precise action for the city authorities.

“But it is clear,” says he, “that the law of the United States on this subject is paramount. It is equally clear, that the city Marshal cannot be expected to discriminate between conflicting jurisdictions, and in my opinion he will be justified in protecting the officers of the United States while in the exercise of their duties under the act of Congress, from all assaults by whomsoever made.”

From the cheerful language of the newspaper, one would not gather that the county officials were expected to be refractory, but apparently the Mayor had some such fear. For the next few days events went forward quietly enough. The prisoner's counsel had the hearing postponed twice. Their arguments were largely an objection to the constitutionality of the law, which was finally overruled by Commissioner Curtis.

Meanwhile, on the 8th, the crowd increased, with a larger proportion of colored people appearing. The witnesses from Georgia were followed home by a crowd of men and boys. Almost at the witnesses' lodgings, a negro tried to hit one of them with a club, and was immediately seized and locked up. One more incident is noted by the paper, which reflects a much debated feature of the abolition movement, the participation of women in public meetings. Garrison's espousal of the cause of equal rights for women alienated from him many who would have joined with him wholeheartedly had he confined himself to emancipation. The Rhode Island Congregational Association refused to receive a memorial from an abolitionist convention in Boston on the ground that it came from an “unscripturally women-ruled convention.” The *Advertiser* heads its item “A Melancholy Exhibition of Fanaticism,” and continues:

“Three middle-aged females made themselves quite conspicuous about noon today, by promenading about the Court House among a crowd of loungers and giving utterance to a torrent of abuse against the officers on duty. They were dressed like ladies, and their general appearance indicated that they had been favored with advantages which they were abusing. One of their number inquired of one of the officers, what pay he got for standing guard? Upon being told that he expected to get all that was promised him, besides having the satisfaction of knowing that he had faithfully performed his duty; she said, ‘I'll give you a better offer.’ The officer, however, declined listening to her proposals. The women walked on and held a parley with one or two other officers, but did not succeed in winning one of them from his duty. When politely

asked for their names and addresses, the females refused to give them."

On April 12, the decision was given. Colonel Holbrook's letter hints that the authorities were still apprehensive. He writes: "The U. S. Marshal has signified to me his intention of removing immediately the Fugitive Slave from the Court House and if you want the troops under arms at Faneuil Hall ordered out for his assistance or to preserve the peace of the city they are ready for such duty on receipt of your precept to that effect."

No violence was attempted, however, and Simms was marched quietly to the boat which was to take him away with an armed escort of one hundred or more city police. An indignation meeting was held at Tremont Temple, "where Messrs. Pillsbury, Phillips and others, interrupted by Abby Folsom and others — abused the Boston press and the Boston pulpit to their hearts' content.

"We believe that now all the 'law's delay' has been gone through with," the *Advertiser* says in conclusion, "and that Messrs. Sumner, Dana, Rantoul, Sewall, Wendell Phillips and Miss Abby Folsom will now retire from the field. They none of them believe in an open appeal to physical force in their own persons."

Thus it would seem that law and order were masters of the field in Boston at the time of the Simms case. In the next three years, anti-slavery feeling made such headway that Anthony Burns, the last fugitive slave to leave Boston, was taken amid a storm of popular indignation, and at the cost of \$40,000 and the life of one officer.

Handling coal at Hoboken in the '80's

A *Scientific American* of 1882 contains an article, with several illustrations, describing the gravity coal piers of the Delaware, Lackawanna and Western Railroad, at Hoboken, New Jersey. The enormous traffic in coal carried on at this port, says this author, requires broad, cheap and rapid methods of handling large quantities at once.

"A typical illustration of the means which have been devised," he continues, "for meeting the larger necessities of this great traffic may be found in the docks and piers of the Delaware, Lackawanna and Western Railroad Co. . . . A fair idea of the extent of these appliances for the delivery of coal may be obtained from an