

From "A History of Cass County from 1825 to 1875"  
by Howard S. Rogers

For the Year 1847

During this year occurred, perhaps, the most exciting episode in the history of the county, viz.: the seizure and successful rescue of nine fugitive slaves, owned in Bourbon County, Kentucky.

These slaves belonged to personal friends of Henry Clay, and the pressure brought to bear by their owners had great influence in shaping his course and action on the Fugitive Slave Bill of 1850, which, in turn, was among the chief exciting causes of our civil war. The "Michigan riots" were cited by him in detail in Congress, and proved of great service in securing the passage of the bill.

Under these circumstances it has seemed advisable to allow sufficient space in this work for a detailed statement of this celebrated raid, and a separate chapter has been set apart for the purpose.

The facts collated have been gathered from all available sources, and carefully sifted and arranged, and in the main can be relied upon as correct; but unavoidable errors in details may have been committed, owing to the wide dissimilarity of recollection of the few living actors in this drama, which is largely due to their antagonistic political views.

Party politics ran high at that time and partisan prejudices were extreme, and it is not strange that, after a lapse of twenty-nine years, each should remember disputed data as he then wished them to be. There are no official records extant of this case. The Justice's docket and Commissioner's record for that year are not to be found. Whether they were accidentally lost, or maliciously destroyed by the parties whose interests they would have prejudiced, is, and will probably always remain, a mystery. The files are complete up to and succeeding 1847, but for that year they are wanting.

For the facts embodied in the sketches of the Underground Railroad, we are largely indebted to Erastus Hussey, of Battle Creek, and Dr. Thomas, of Schoolcraft, who were both active workers in the cause, and for the details of the raid to George B. Turner, Jefferson Osborn, D. M. Howell, Jordon P. Osborn, Joseph Harper, E. B. Sherman, and many other actors and witnesses.

## THE KENTUCKY RAID.

During the decade following the election of Harrison, in 1840, there flourished in its greatest vigor and usefulness that "organized Christianity" known as the Underground Railroad.

Two divisions of this road, viz., the "Quaker line," starting on free soil from the Ohio river, and the "Illinois line," from St. Louis, formed a junction in Cass County and pursued a common course to Canada.

The first of these was in effective operation as early as 1840, but was loosely worked and frequently failed in its object by allowing its passengers to be seized and returned to slavery. It was simply a chain of Quaker settlements extending through Indiana, at all of which fugitive slaves were harbored, fed and directed on their way; but there was no arrangement for providing local guides, and usually the conductor who started with the convoy from the South accompanied them as far as Cass County, Michigan.

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The Illinois line, established by John Cross in 1842, was thoroughly organized and equipped, and never met with any accidents so far as we can learn. Its stations were from ten to twenty miles apart, and each station agent was informed only as to the name and location of the agent ahead of him, and neither knew or sought to know aught of those behind.

Regular conductors plied between stations and were always ready, provided with fleet horses and covered wagons, to forward the hunted chattels toward the sheltering protection of the British flag. The password was in the form of a question by the conductor, "Can you furnish entertainment for myself and another person?"

There were two stations in Cass County, kept by Stephen Bogue and Zachariah Shugert, the latter acting also as conductor. They received fugitives from E. McIlvain, agent at Niles, per — Elliot, conductor, and forwarded them either to William Wheeler at Flowerfield, or Dr. Nathan M. Thomas at Schoolcraft.

Wright Modlin and William Jones (who enjoyed the *sobriquet* of "Nigger Bill") lived in this county and were actively engaged in "nigger running" from Kentucky via the Quaker line.

Some idea of the amount of business transacted by these two lines in six or eight years (for after the organization of the Free Soil party in '48 they were abandoned as unnecessary) may be obtained from the statement of Erastus Hussey, the agent at Battle Creek, who estimates that at least fifteen hundred runaway slaves, representing a million and a half of

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value, were fed and forwarded by him. Dr. Thomas of Schoolcraft, who divided his hospitality with C. Bird of Pavillion, assisted at least one thousand to escape from "free America."

"The woolly head in the cellar" was no myth to these brave zealots, who risked their property, their liberty, and sometimes even their lives in obedience to their Master's injunction to "Let the oppressed go free."

At first the slave running was done entirely by night, and the utmost precautions taken to escape observation; but as time went on and public sentiment became largely in sympathy with the fugitives, they were carried from station to station in broad daylight, and finally they became so emboldened by immunity as to settle down to labor and residence in the free States, but always clustering around their friends, the Quakers, for protection.

In 1846 it is estimated that there were one hundred runaway slaves in Cass County, mostly in Penn and Calvin Townships in what were known as the East and Osborn settlements, and, unlike some of their successors and descendants, they were honest, industrious and sturdy pioneers who sought to create homes of their own for themselves and families.

A large proportion of the refugees were from Bourbon County, Kentucky, which, by the continued exertions of Modlin, Jones and others of their ilk, was being rapidly depleted of slaves.

During the early part of the winter of 1846-7 an association of Bourbon County planters was formed at Covington, Kentucky, for the purpose of pursuing

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and returning to their lawful owners the servants that had been "stolen by the rascally Abolitionists."

This organization was similar in its form and workings to the societies for the prosecution and punishment of horse stealing in vogue at the present day.

A few weeks after the formation of this protection league a young Kentuckian entered the law office of Charles E. Stewart of Kalamazoo, ostensibly as a student, but in reality to spy out the land and locate the wandering property.

Under the name of Carpenter he visited the colored settlements in Calhoun and Cass Counties, and, representing himself to be an Abolitionist from Worcester County, Massachusetts, he was warmly received and afforded every facility for the execution of his real mission.

The first result of this movement was the attempted kidnapping of the Crosswhite family at Marshall, Calhoun County, by a party of Kentuckians under the leadership of one Francis Troutman, who claimed to have inherited them as a part of the estate of his grandfather.

They were foiled by the resolute defense made by Adam Crosswhite and his neighbors, who turned out some two hundred strong to resist the slave-hunters.

Upon their return home they detailed their defeat to their friends, and the utmost indignation and excitement was aroused. Mass meetings were held, and, as the tale of their wrongs and the outrages of the Abolitionists lost nothing by repetition, "the Southern heart was fired," and a memorial prepared

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to the Legislature setting forth their grievances was promptly met by an appropriation of money by the State which was thought to be sufficient "to secure the observance of the laws of the United States" in fanatical Michigan.

Suit was commenced in the United States Court at Detroit against Charles T. Gerham (late United States Minister at the Hague), Dr. O. C. Comstock, and Jarvis Hurd, to recover the value of the slaves and exemplary damages. These gentlemen seem to have been selected rather on account of their social position and pecuniary responsibility than for any especial prominence during the so-called riot.

The trial began in the latter part of 1847, and lasted three weeks. The jury disagreed. The second trial was in 1848, during the Presidential canvass between Generals Cass and Taylor. Party feeling ran high, and the defendants were convicted and required to pay one thousand nine hundred dollars and costs.

This amount was raised by subscription, by a Detroit merchant, a stranger to the defendants, who headed the list with one hundred dollars. That merchant has been heard from since. His name was Zachariah Chandler.

About the first of August, 1847, a party of thirteen men arrived at Battle Creek. They were provided with good teams and covered wagons, and had evidently traveled a long distance. They put up at the hotel, and some of their number represented themselves to be salesmen for an improved washing machine. Under pretext of showing their

wares, they proceeded to visit the houses of the negroes in and around the village; but before night, Erastus Hussey, always on the *qui vive* when any danger threatened his proteges, discovered their true character and designs.

He went at once to the hotel, and, assembling the company in the bar-room, charged them with being slave hunters, and notified them to leave town at once, as the people there had firmly determined that no fugitive should ever be returned to bondage from that neighborhood, and he could not be answerable for the consequences if their presence and purposes should become generally known.

The Kentuckians, cowed by the resolute earnestness of this "fighting Quaker," took counsel of their fears and quietly but speedily left the village, which knew them, or their kind, no more forever.

Immediately upon their departure, Mr. H. wrote to Zachariah Shugert and Stephen Bogue, of this county, advising them of what had transpired and notifying them to warn the colored people and their friends to be on the watch for a similar attempt to be made here, but, owing to the irregularity of the mail service, these letters were not received in time to prevent the mischief.

After leaving Battle Creek, the party proceeded southward into Indiana, and finally rendezvoused at Bristol. On the night of the third day they recrossed the St. Joseph at that point, and, crossing Porter Township, came to a halt in the woods, near the south line of Calvin. Here they left their wagons, as too cumbrous and liable to excite alarm,

and, dividing into small parties, prepared to make a descent upon the different settlements in Penn and Calvin, as nearly as might be, at the same time.

They were provided with complete maps of the roads and descriptions of the houses where their chattels were to be found, furnished by Carpenter, and designed to seize the negroes, hurry them back to the wagons and escape over the line into Indiana before a general alarm could be given or a rescue attempted. They preferred proving their property (if they should be compelled to do so at all) before an Indiana Justice and under the practice of that State.

The first arrests were made at Josiah Osborn's, where an old man and his two sons were seized, handcuffed in bed, and taken out on the highway.

No resistance was offered by the negroes or their friends, but the alarm spread like wildfire throughout the neighborhood.

At the East settlement four were taken, one of them a wench belonging to — Stevens, a Baptist preacher, being secured by strategy. She was in a cabin apart from the rest, and being alarmed by the noise incident to the capture of the others, fled, leaving her picanninny on the bed. The Rev. S. discovered the baby, and, coarsely saying, "If you want a cow you can tole her with her calf," shouldered it and started for the road, whereupon the mother rushed from her place of concealment and was secured.

Moses Bristow, who lived in a log hut on the farm of Stephen Bogue, offered the only resistance of the

night—being summoned by his master he refused to follow him and was struck down with the butt of a riding whip, cutting his ear and the side of his head severely.

The party who made the arrests at Osborn's waited some time for their friends who had been sent to the other localities, but, as the night wore away, and the free Negroes and Abolitionists gathered around them with no friendly mien, they moved northward to meet their associates, followed by some trusty men who only waited an opportunity to strike.

In the neighborhood of O'Dell's mill the parties came together and were speedily surrounded by an excited mob of citizens armed with rifles, shot-guns, straw cutters, axes, clubs and whatever other weapons chance threw in their way, who resolutely opposed their southward progress.

A parley was had, high words and threats exchanged, weapons drawn, and a bloody riot seemed imminent; but, fortunately, more moderate counsels prevailed and the Kentuckians agreed to go to Cassopolis and submit their case and proofs to the resident Justice.

The leading spirit in this rencounter was "Nigger Bill" Jones, who, after disarming one of the raiders who drew a revolver on him, and forcing the Rev. Stevens to carry the picanniny, and another of the party to relinquish his horse in favor of a wench, was shackled, at his own request, with a slave, and so remained until after the party reached Cassopolis.

The cortege that arrived in Cassopolis, about nine o'clock, was composed of the thirteen Kentuck-

ians, nine slaves, and a promiscuous following of about two hundred persons. Prominent in the procession were the Rev. Stevens, who bestrode a black horse with a negro baby cuddled close to his breast, and "Nigger Bill" Jones, manacled to a negro.

Immediately upon their arrival on the public square, they secured the services of George B. Turner, then a rising young lawyer, who advised them that the rendition of their slaves from Cass County was simply impossible in the then excited condition of the public mind; and that the best they could do would be to note the pecuniarily responsible parties, who might obstruct or hinder the execution of the law, and look to them for damages.

The slaves were hurriedly taken to the north room in the second story of Baldwin's tavern, and a guard placed at the door.

The preliminary steps were immediately instituted to prove ownership and recover property, and a writ of restitution applied for before D. M. Howell, Justice of the Peace, in accordance with the law of 1793.

Messrs. E. S. Smith and James Sullivan appeared for the fugitives, and succeeded in obtaining an adjournment of three days.

Only nine names of the raiding party have been preserved, and these by oral tradition, viz.: C. B. Rust, James Scott, G. W. Brazier, Thornton Timlenlake, John L. Graves (Sheriff of Bourbon County), Bristow, Rev. A. Stevens, Buckner, and Lemon. They were all gentlemen of the true Southern type, and slave-holders.

Immediately upon securing the adjournment, Mr. Bristow was arrested upon a charge of assault and battery. Four of his associates were taken for trespass upon the premises of Josiah Osborn, and the whole party, excepting Graves, who was unknown to the Abolitionists, were arrested upon a general charge of kidnapping. Their bail was fixed by the Justice at two thousand six hundred dollars. Asa Kingsbury, Amos Dow, and Daniel McIntosh were offered and accepted as securities.

At this time there were only fifty-two Abolition voters in Cass County, but the difference in the enumeration of the Whig and Democratic parties was so slight that they (the Abolitionists) held the balance of power, and were respected accordingly.

Taking advantage of the absence of A. H. Redfield, Circuit Court Commissioner of the county, the friends of the fugitives sent a courier to Niles, post haste, and secured the attendance of James Brown, an attorney, to assist Messrs. Sullivan and Smith, and E. McIlvain, Circuit Commissioner of Berrien County.

Upon the arrival of McIlvain, a writ of *habeas corpus* was sworn out, requiring the Kentuckians to show cause why the fugitives should not be discharged from custody. This occurred on the third day after the arrests. In the meantime the bloody warfare had waxed hot, and hotter, but prudent counsels having prevailed with the Kentuckians, no serious fracas had occurred.

The hearing upon the *habeas corpus* came on Monday, and Commissioner McIlvain decided the

case adversely to the Kentuckians, on the ground that there was no certified copy of the statutes of Kentucky offered in evidence showing the legal existence of slavery in that State.

Immediately upon the decision of McIlvain the Negroes were taken in charge by their friends and hurried to the farm of Ishmael Lee, where a party of fifty-two runaway slaves was made up, put in charge of Zachariah Shugert and started toward Canada. This party included probably all the fugitives from Bourbon County.

All of the criminal proceeding against the Kentuckians were then dropped, their object having been attained, and they were permitted to gather up their remaining property and depart to their Kentucky homes.

The year following suits were commenced by the owners of the slaves against D. T. Nicholson, Stephen Bogue, Josiah Osborn, Ishmael Lee, Zachariah Shugert, Jefferson Osborn, Ebenezer McIlvain, and William Jones in the District Court of the United States held in Detroit. Abner Pratt, of Marshall, was attorney for the plaintiffs, and Jacob M. Howard, of Detroit, for the defendants. The first trial resulted in a disagreement of the jury. Several adjournments were had from time to time, and finally, in 1851, D. T. Nicholson, one of the most wealthy of the defendants, compromised with Pratt by paying him, for the Kentuckians, \$2,755.

It is somewhat satisfactory to know that this money was absorbed by Pratt, and that neither the slave-

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owners nor their attorney, Mr. Turner, ever received one dollar of it.

The Quakers refused all offers of compromise from principle, terming such payments "blood money," but they liberally assisted Mr. Nicholson in his payment. Their individual expenses in the case were about one thousand dollars apiece.

Innumerable incidents and episodes occurred during this trial, but our space is too limited for their mention.

In 1849 Cyrus Bacon and George B. Turner were elected Representatives.

Freeman Tuttle, Sheriff.

George Sherwood, Clerk.

D. M. Howell, Register of Deeds.

Joshua Lofland, Treasurer.

C. Shanahan, Probate Judge.

Milo Powell and James W. Griffin, Associate Judges.

Charles G. Banks, Surveyor.

D. Histed and Joseph Smith, Coroners.

In this year the Michigan Central Railroad was completed to Niles, and a grand excursion to that place from Detroit and intermediate points took place.

This work was undertaken by the Territory in 1834, when a survey was made from Detroit to St. Joseph, which was designed to be the terminus, and the preliminary work was begun. It continued under the State management until 1846, when it was completed as far west as Kalamazoo. In its construction under the State management, the old-fashioned strap rails were used; and as a financial experiment, was decidedly unsuccessful, consequently