On Saturday morning, September 3, 1853, U.S. Federal Marshal George Wynkoop of Philadelphia and two deputies, John Jenkins and James Crossen, sat down to breakfast in the dining room of the Phoenix Hotel on River Street in the Luzerne County seat of Wilkes-Barre. At the far end of the room was a handsome, powerfully built mulatto named Bill (or, according to various newspaper accounts, known as Britt or Bitt), who was busily clearing dishes from a table. Suddenly, the three federal agents sprang from their chairs and rushed toward him. One of the officers seized Bill by the waist and threw him to the floor, certain that he was none other than the fugitive William Thomas, a runaway slave. When he scrambled to his feet, Thomas was brandishing a fork in one hand and a carving knife in the other in a frantic attempt to defend himself.
“Why don’t you shoot him?” someone cried out.
“We don’t want a dead Negro,” shouted another.
Jenkins managed to wrest the knife from the panic-stricken fugitive as the others delivered blow after blow to his body. In an attempt to handcuff the fugitive, Wynkoop was able to only shackle his prey’s right wrist. Desperate to escape, Thomas swung the unfastened shackle wildly through the air like a pin-wheel. He struck Crossen on the head, inflicting a deep gash on the deputy’s temple, stunning him momentarily. Wynkoop and Jenkins flung themselves at Thomas in a futile attempt to restrain him, but he was too strong. He pried himself loose and made a wild run for the nearby Susquehanna River.

Bloodstained, his clothing in tatters, and with the officers dogsly chasing him, Thomas ran into the river. Standing on the river bank, the federal officers brandished their revolvers and ordered Thomas to come out of the water, or they would shoot.

“You can shoot me,” Thomas yelled, “but you can’t take me!”

News of the standoff spread rapidly and a large crowd of spectators gathered along the Susquehanna. Many of the community’s black residents came to see if they could assist the fugitive. “Drown yourself, Bill, drown yourself,” shouted Rex, a black barber. “Don’t let them take you!”

The agents began shooting their revolvers into the air to intimidate Thomas, but some of the white residents who had gathered pleaded, “Don’t hurt him!” With his head covered in blood from a wound from an apparent bullet graze and water up to his neck, others reportedly scolded the officers. “Shame!”

The sympathies of the growing crowd, both white and black, were with Thomas. As he began to make his way around a bridge abutment and along the shoreline above Union Street, the crowd hampered the efforts of the federal officers to pursue him any farther. Even Wilkes-Barre’s sheriff refused to give them any assistance. A group of black men seeking vengeance set upon the agents, who scurried to their carriage and barely made their own escape down River Street. The New York Tribune reported that Thomas waded some distance upriver and was found face down in a cornfield by several women who carried him to safety and tended to his wounds. Thomas vowed afterwards that he would have died contented and taken two or three pursuers with him rather than submit to slavery again.

William Thomas eventually found refuge in Canada. The federal officers were arrested for “inciting a riot,” but their prosecution was overturned by a federal circuit court that rejected the prosecution’s claim of state sovereignty. Known as the Wilkes-Barre Fugitive Slave Case, or Maxwell v. Righter et al., U.S. Supreme Court (1853), the incident reflected the growing ambivalence of northeastern Pennsylvania’s Wyoming Valley towards slavery and created a national controversy in the enforcement of the federal fugitive slave law.
Regional agreements among free colonies requiring the return of fugitive slaves date to as early as 1643. Article 4, Section 2, of the U. S. Constitution of 1787 provides, “No person held to Service or Labour in one State . . . escaping into another, shall . . . be discharged from such Service or Labour, But shall be delivered upon Claim of the Party to whom such Service or Labour may be due.” While Article 4 does not mention the word slave, Southern slave states assumed it was implied. The first federal legislation specifically addressing fugitive slaves was enacted in 1793, prompted by Pennsylvania’s attempt to extradite three men from Virginia who kidnapped a runaway slave in Pennsylvania named John Davis and returned him to Virginia. Pennsylvania, like other free states, strongly opposed federal legislation that voided personal liberty laws.

Another key decision by the U. S. Supreme Court, Prigg v. Pennsylvania (1841), amounted to a setback for the antislavery movement. In 1832, Margaret Morgan escaped from John Ashmore, a Maryland slaveholder, and was living in York County. In 1837, Edward Prigg, a slave catcher hired by Ashmore’s heirs, kidnapped Morgan and her children, including one born in Pennsylvania. The heirs intended to sell them at auction. Pennsylvania authorities arrested Prigg and three accomplices. In 1839, Prigg was convicted by the Court of Quarter Sessions of York County under Pennsylvania’s 1826 law prohibiting the abduction and transport of slaves found in the Commonwealth. The U. S. Supreme Court overturned the conviction, negating the 1826 law, and declared unconstitutional a 1788 amendment to Pennsylvania’s 1780 gradual abolition law. However, there was one victory for abolitionists. The court ruled that state magistrates could participate in the return of slaves, “unless prohibited by state legislation.” The phrase “unless prohibited” meant that, despite Southern objections, Pennsylvania’s law prohibiting state and local officials from assisting in the recovery of slaves was left standing.

Thomas had escaped from slavery in the late 1840s, setting his sights on Pennsylvania. The exact date or the means by which he escaped remains unknown. Since 1780, when the state legislature passed the Pennsylvania Act for the Gradual Abolition of Slavery, the Mason-Dixon Line—was the boundary between the free states of the North and the slave states of the South. Word quickly spread that Pennsylvania offered sanctuary for fugitive slaves.

Thomas’s owner, Isham Keith of Fauquier County, Virginia, would not be denied his property. Assuming that Thomas had fled to Pennsylvania, Keith hired an agent to find Thomas and took out a warrant for his arrest.

After Congress passed the Fugitive Slave Act in 1850 as a compromise with the South, all citizens, both in the North and the South, were required to assist in the enforcement of the act, or be “subject to a fine not exceeding one-thousand dollars, and imprisonment not exceeding six months.” In addition, the act did not require a jury trial, eliminating the possibility of sympathetic treatment for the alleged fugitive. Instead, cases were heard by local magistrates, who were obliged by federal law to review the warrant of arrest and papers detailing proof of ownership. If those papers were in order and the slave owner, or his agent, was accompanied by a U. S. federal marshal, magistrates were compelled to return the slave to bondage.

The Thomas case was not the first challenge to the fugitive slave law. On September 11, 1851, at Christiana, in Lancaster County, a bloody gun battle erupted between a band of free blacks, who were harboring three fugitives, and Edward Gorsuch, a Baltimore slaveholder, and his posse. Gorsuch was killed and the fugitives fled to Canada, along with William Parker, a free black who was protecting them. The incident heightened the resolve of antislavery groups to fight the law and emboldened Frederick Douglass (1818–1895), the famous African American newspaper editor and abolitionist. A former fugitive, Douglass had been committed to a peaceful resolution of the slavery issue, but he argued the “rightfulness of forcible resistance.” Urging free blacks to arm themselves, Douglass insisted that the “only way to make the Fugitive Slave Law a dead letter is to make a half dozen or more dead kidnappers.”

Antebellum Wilkes-Barre was divided over the issue of slavery. Of the community’s 2,723 residents, only 121 were blacks. Many were lured by the opportunity for employment in the anthracite mining industry or on nearby farms. In 1848, free blacks established the Bethel African Methodist Episcopal (A.M.E.) Church in Wilkes-Barre. Like other A.M.E. churches throughout the North, the church formed a close-knit network
with fugitive slaves and became the center of Underground Railroad activity in the Wyoming Valley. Fugitives knew they could rely on the church for shelter and sustenance on their flight northward. Bound by the common ties of kinship and, for some, the personal experience of slavery, Bethel’s members did everything in their power to assist fugitives in obtaining freedom. Bethel’s strong commitment to abolitionism compelled them to work together with sympathetic white activists.

William Camp Gildersleeve (1795–1871) was the most prominent of Wilkes-Barre’s white abolitionists (see “Finding Sanctuary at Montrose” by William C. Kashatus, Winter 2007). Born at McIntosh, Georgia, he was the son of the Reverend Cyrus Gildersleeve (1768–1837), a Presbyterian minister and owner of a cotton plantation. Having observed firsthand the brutality of slavery on his father’s plantation, the younger Gildersleeve developed a strong disdain for the institution at an early age. In testimony before the American Anti-Slavery Society in 1839, Gildersleeve said, “Acts of cruelty, without number, fell under my observation. . . . So hardening is the influence of slavery, that it very much destroys feeling for the slave.”

In 1821, the family moved to Wilkes-Barre where the elder Gildersleeve became minister of the First Presbyterian Church. His son established a dry goods store on the north side of Northampton Street where he began to hide fugitive slaves. He expanded his clandestine activities sometime after 1839, when he opened his house on North Franklin Street as a station on the Underground Railroad. The short, stocky abolitionist hid runaways in his kitchen until nightfall when he shuttled them by wagon to nearby underground stations at Scranton, Abington, and Montrose. Gildersleeve was aided by two fugitive slaves whom he later employed, Lucy Washburn, a maid, and Jacob Welcome, a laborer, both members of the Bethel A.M.E. Church. PHMC installed a state historical marker in 2004 in Wilkes-Barre commemorating William Camp Gildersleeve and his testimony presented during the case of Maxwell v. Righter.

Many of the fugitives began their journey in Pennsylvania in the southeastern counties. After crossing the Mason-Dixon Line into free territory, the runaways were channeled north by William Still (1821–1902), a free black abolitionist, clerk, and, later, chairman of the Pennsylvania Anti-Slavery Society’s General Vigilance Committee at Philadelphia. One of the hundreds of fugitives Still interviewed, but did not recognize at first, turned out to be his brother, Peter Still. Through a biracial, loosely connected, and extensive network of stations, fugitives could make their way north to Bethlehem and then on to Wilkes-Barre through Palmerton.
in Carbon County. Other fugitives traveled the Pechoquealin Path, known also as the Lower Road, which cut through the Pocono Mountains from Stroudsburg in Monroe County. From Wilkes-Barre, conductors Charles Bailey, Leonard Batchelor, and John O. Fell guided the escaping slaves northward to Montrose, Towanda, and Friendsville, and eventually into New York.

The consequences of being discovered by federal authorities were severe for Underground Railroad agents, but their antislavery commitment was unwavering. For many, it was inspired by their religious beliefs. When asked why he assisted fugitives, Gildersleeve replied he was beholden “to a higher law than those of the government.” Predictably, he, like other local agents, endured personal attacks and risking injury for the cause. According to the Wilkes-Barre Record, abolitionists were “hooted and howled at almost as bad as the escaping slave, treated with contempt, and their families were ostracized from society.”

The majority of Wilkes-Barre’s white residents denounced abolitionism. Churches denied the use of their buildings for antislavery gatherings and the county commissioners refused similar requests for the use of the courthouse on Public Square when the Reverend John Cross, a nationally-known abolitionist and Underground Railroad superintendent, arrived in the city to speak. The Friends of the Union, a local pro-slavery organization affiliated with the Democratic Party, in 1842 condemned the “mischievous spirit of abolition,” insisting that the “subordination of the Black race to the white was recognized as a valid condition of the Federal Constitution.” Their resolution added that abolition “has not its origin in any sound or well-adjusted principles of human benevolence but from a total misapprehension of the great purposes of God’s Providence” and that Southern slavery was “a matter of direct necessity and a common benefit to both North and South.”

Among those who signed the resolution were several of Wilkes-Barre’s most prominent citizens and stalwart Democrats, including former congressman Andrew Beaumont, G. L. Bowman, General Isaac Bowman, Samuel D. Brobst, Eleazer Carey, N. G. Howe, E. E. LeClere, F. W. Nicholson, Samuel T. Nicholson, General W. Oliver, Henry Pettebone, F. W. Streeter, William Streeter, and Daniel Wagner. Some of these individuals owned and operated coal mines in the Wyoming Valley. They feared the possibility of displacing a white workforce with black laborers, and the violence that would inevitably result from it. Others were politicians beholden to blue-collar votes; if they supported the abolitionist cause, they would be thrust out of office.

Because of the prevailing fear that emancipation would result in job competition, most white residents complied with the fugitive slave law and reported any knowledge of runaway slaves living in the region. In late May 1852, fugitive slave James Phillips, who had been living in Wilkes-Barre for fourteen years, was arrested and taken back to his owner in Fauquier County, Virginia, the same county from which William Thomas escaped. In another case, Jamison Harvey, a mine owner, hired a runaway slave named Hansen, who was reported to federal authorities by other coal miners. Indicted by a federal court, Harvey paid the slave owner a settlement fee and agreed to return Hansen to him in order to avoid prosecution. Both of these cases were resolved locally with little attention.

The Thomas case heightened public ambivalence in the Wyoming Valley towards the infamous fugitive slave law, primarily because of the severe physical abuse suffered by Thomas at the hands of the federal marshals. This attitude was reported in the September 14, 1853, edition of the Luzerne Union, a newspaper affiliated with the local Democratic Party. The author of the account identified himself simply as “a citizen of Wilkes-Barre” and admitted that he was not an “eye witness to all [the events] that occurred,” but those “scenes” which he did observe led him to insist that Thomas’s treatment by the federal marshals was “truly shocking to humanity.” Following a “hasty sketch” of the event, the writer took to task individuals whose behavior he considered objectionable.

“Whether these ruffians were duly authorized to arrest the colored man, I know not. But we in this cold climate and free country have one request to make of our southern brethren, who are cursed with the peculiar institution [of slavery]: that when they send among us to recapture their runaway servants, they will send respectable men, to execute an odious law in a reasonable, humane and lawful manner. If they do so, they will find no resistance here.
But we cannot consent, quite yet, to have the blood of whites and blacks commingled upon our parlor furniture without a little previous notice.

The anonymous author made an important distinction between the validity of the fugitive slave law and the manner in which it is executed by the federal agents. While he condemned the brutal treatment of Thomas by the slave-catching “ruffians,” he insisted that they would find “no resistance” among residents if the federal authorities transact their business in a “reasonable, humane and lawful manner.” The publishers of the newspaper added an editorial note to the writer’s account.

We are not the apologist of slavery, but we certainly think the abolitionists treat all such cases very unfairly. . . . If the Negro was a fugitive slave, his owner has a constitutional right to capture him and a constitutional right to the assistance of others to accomplish it. If in attempting that capture, harsh means were used, what occasioned them? The Negro made a bloody resistance, and inflicted terrible wounds upon these men, and we think any white man who had his head cut open by a Negro, while performing a lawful duty, would feel inclined to send a bullet after him. One thing is certain. If the Negro had killed every one of his pursuers, a deafening to paeon would have gone towards the heavens from the throat of every abolitionist in the country. We do love to see human nature free itself from selfishness, and look on both sides of a question.

The editorial note is important in three respects. First, the publishers identified the writer as a “respectable source,” probably a prominent member of the Democratic Party who did not want to divulge his identity. Second, the publishers upheld the position of the Democratic Party to comply with the fugitive slave law without condition. Finally, they defended the brutality of the federal agents by citing Thomas’s “bloody resistance” in “inflicting terrible wounds” on the agents. While the Democrats may have been divided over the issue, local abolitionists were not.

Shortly after the Thomas assault, James Crossen and John Jenkins were arrested on a warrant issued by Gilbert Burrows, a justice of the peace for Wilkes-Barre. The action was initiated by Gildersleeve who charged the officers with “inciting a riot by beating and wounding a certain colored man, named ‘Bill,’ with pistols and other weapons” and “with intent to kill him.” After their arrest, the deputies were placed under the custody of J. B. Chollet, Wilkes-Barre constable. When the U. S. Circuit Court at Philadelphia attempted to dismiss the prisoners, the motion was denied on the grounds that Crossen and Jenkins were “held by a warrant from a state magistrate for an illegal criminal offense against the state of Pennsylvania.” The action, which upheld a state’s rights over those of the national government, provoked federal officials to assert their authority in enforcing the fugitive slave law.

George Wynkoop, the federal marshal for Pennsylvania, received authority from the secretary of the interior to employ counsel and defray legal expenses for his deputies. He attempted to shield Crossen and Jenkins from the penalties of Pennsylvania law by filing a petition for a writ of habeas corpus and brought it before U. S. Supreme Court Justice Robert C. Grier (1794–1870). Grier heard testimonies from Wynkoop, Burrows, Gildersleeve, and two eyewitnesses to the incident, Joseph Easterline and James Collins. According to the court transcript, Gildersleeve admitted he “was not present” at the capture of Thomas, but that he took out a warrant after hearing Easterline’s account of the incident.

Grier dismissed the charges against the deputies on the grounds of insufficient evidence against them. “We are unable to perceive in this transaction anything worthy of blame in the conduct of these officers,” he ruled. “I will not have the officers of the United States harassed at every step in the performance of their duties by every petty magistrate who chooses to harass them, or by any unprincipled interloper who chooses to make complaints against them,” he added. “If this man Gildersleeve fails to make out the facts set forth in the warrant of arrest, I will request the Prosecuting Attorney of Luzerne County to prosecute him for perjury.” Grier further threatened an indictment against “the person who applies for the writ” of habeas corpus, “or assists in getting it, the lawyer who defends it, and the sheriff who serves the writ.”

The Thomas case should have ended there. Instead, Gilbert Burrows, the Wilkes-Barre justice who had issued the arrest warrant for Crossen and Jenkins, sought revenge. Insulted by Grier’s reference to him during the trial as a “two-penny magistrate,” Burrows filed a criminal suit in the local county court against Wynkoop, Crossen, and Jenkins. After a Luzerne County grand jury indicted the three defendants, the
I made an affidavit stating facts according to the best of my knowledge and belief, and which was strictly and literally true. I informed the magistrate that I had not been an eye-witness of the facts stated. Hence there was no fraud practiced or attempted. Perhaps then it would still more aid and comfort felons, if you would request all prosecuting attorneys to prosecute all grand jurors for perjury, whenever the facts they had sworn to were disproved on trial. In other words, whenever a person is acquitted on trial, send the jurors who indicted him to the State prison for perjury!

Gildersleeve reproved Grier for “intimidating” him with the “threat of a hanging” and for his enforcement of the “despicable Fugitive Slave Act,” which is not only “unconstitutional” but also a “foul disgrace to our country.” Referring to Thomas’s brutal treatment, Gildersleeve condemned Grier for his ruling which suggested that “no degree of violence and brutality in catching Negroes is culpable or illegal” in spite of the fact that the “arrest of an alleged fugitive is a civil, not a criminal process.” Gildersleeve reminded Grier of the validity of a lower court’s right to arrest those who break the law, regardless of their station or professional occupation. “It may be humiliating to you,” he concluded, “but a tuppenny Pennsylvania magistrate has a perfect right to order the arrest not only of a deputy Marshal, but a Judge of the Supreme Court of the United States, on a charge of contempt for resigning his position rather than carry out the legal tasks associated with the return of slaves to their owners. The U. S. Supreme Court overruled the judge’s contempt action and father and son later reconciled, but not before the judge was vehemently denounced by abolitionists and the antislavery press. The Hartford Religious Herald derided Kane as a “tyrannical judge” and “one of the vilest and most dangerous of despots.”

Calling upon all abolitionists to “come to the rescue of Liberty,” Frederick Douglass made Wilkes-Barre synonymous with the patriotic stand against the British during the Boston Massacre of 1770 and the valiant resistance of black Underground Railroad agents against Baltimore slave catchers at Christiana, Pennsylvania, in 1851.

“There, in immortal splendor, Wilkes-Barre will remain,” he wrote, “until the Almighty has allowed us to work out the most glorious triumph of Liberty in America.”

Frederick Douglass (seated right at table) attended the 1850 Fugitive Slave Law Convention in Cazenovia, New York. Abolitionist Gerrit Smith (outstretched arms) was a presidential candidate.
Travel Tips

In the Winter 2007 edition of Pennsylvania Heritage, William C. Kashatus detailed Underground Railroad history in Susquehanna County with “Finding Sanctuary at Montrose.” There were a number of Travel Tips accompanying this story designed to put visitors on the path of fugitive slaves and the African American struggle for freedom. Suggested museums and organizations included were the Center for Anti-Slavery Studies in Montrose (www.antislaverystudies.org), the Bethel Hrambbee Historical Service in Lancaster (www.livingtheundergroundrailroad.com), the National Civil War Museum in Harrisburg (www.nationalcivilwarlmuseum.org), and the Richard Allen Museum in Philadelphia (www.motherbethel.org/museum).

The Civil War and Underground Railroad Museum in Philadelphia bears repeating. In addition to its museum of nine galleries, the institution holds more than seven thousand photographs, three thousand artifacts, and four hundred cubic feet of archival material. In addition to research opportunities and interesting exhibits for the entire family, the organization is developing an educational curriculum for fifth, eighth, and eleventh graders. More information may be found on the Web at www.cwurmuseum.org.

While in Philadelphia, visitors should include on their itineraries two institutions that have been telling the stories of ancestors and Pennsylvania’s history, including those of African Americans, for more than a century. The Historical Society of Pennsylvania (HSP), founded 1824, and the Genealogical Society of Pennsylvania (GSP), founded 1892, share the same facilities at 1300 Locust Street. HSP holds six hundred thousand printed and microfilmed items, twenty million manuscripts, and three hundred thousand graphic items. The GSP is integrating much of its collection into historical society’s holdings. HSP is on the Web at www.hsp.org and GSP is on the Web at www.genpa.org.

Initiated in July 2007, one of Gettysburg’s newest attractions is an Underground Railroad tour of Adams County, conducted by Freedom Lies North (FLN). The tours last about two and a half hours and a portion of the proceeds support historic preservation in the Gettysburg area. Historic Gettysburg Adams County, a preservation organization, assisted FLN organizer Debra McCauslin in crafting agreements with private property owners to gain access to such historic sites as Yellow Hill Cemetery, a burial place for Civil War-era United States Colored Troops. The cemetery is normally not open to the public. To learn more about the tour, visit www.gettysburghistories.com.

In northwestern Pennsylvania, the Mercer County Historical Society offers an Underground Railroad Driving Tour. With ten stops along the way, the tour takes an estimated four to five hours to complete. Attractions include several historic churches, the Johnston Tavern, the Gibson House, and the Freedom Road Cemetery, all that remains of the fugitive slave town of Liberia, established by freed slaves. To plan a visit, go to www.discovermercercountypa.org on the Web.

Other ideas for trips relating to the Underground Railroad can be found on the Web, including, in Wilkes-Barre, the Luzerne County Historical Society, at www.luzernecountyhistory.com, and Quest for Freedom, which takes visitors on a driving tour from Philadelphia to Valley Forge, Lancaster, Columbia, York, and Gettysburg, at www.questforfreedom.org.

FOR FURTHER READING


