

Horton's

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A Shotgun Blast that had Unforeseen Consequences

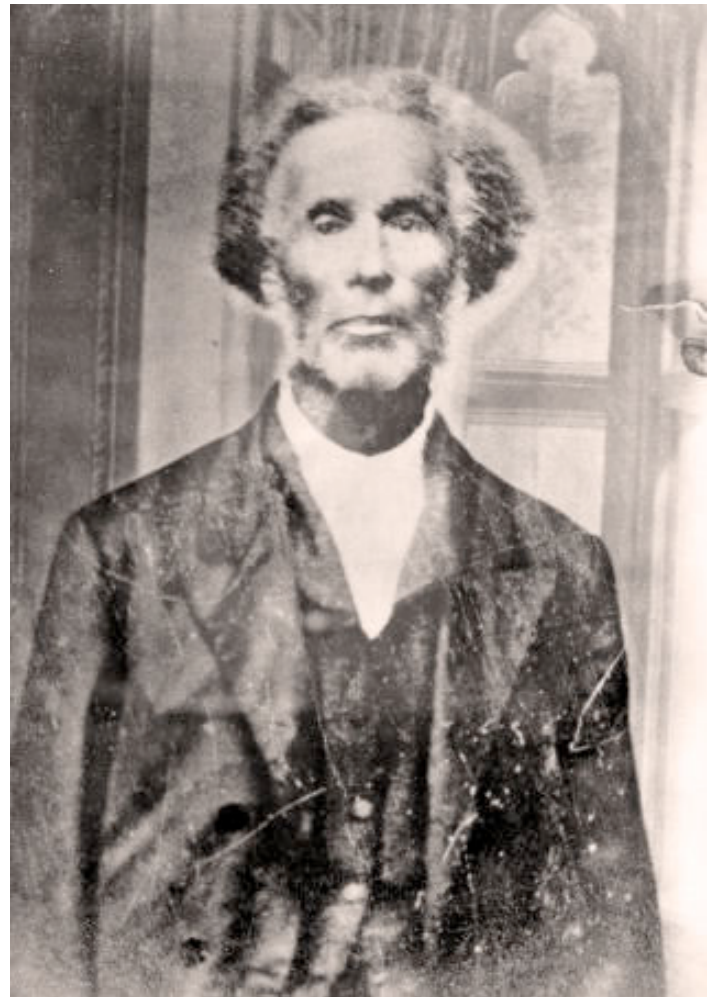
A shotgun blast could be heard that early morning coming from the Crosswhite home. It's sound (a pre-arranged signal) alerted neighbors that the family was apparently in trouble. And peril was precisely what they faced on that day—Jan. 17, 1847—in the form of the local sheriff and four armed men who had appeared at the front door.

What happened in Marshall, a small settlement in southwest Michigan, would have consequences that arguably helped ignite the Civil War—or at least added another bit of fuel to the steadily growing fires of passion and acrimony.

But the story also offers an added dimension, one that makes it still relevant to our own time, place, and circumstances. Then, as now, Americans deal with such issues as individual conscience pitted against the power of governmental mandate, civil disobedience versus legal authority, what constitutes an unjust law or unjust governmental action, the balance between local prerogative and federal authority, and the parameters of fair and equal treatment.

Overarching these considerations are the questions of 'What kind of society do we wish to be?' and 'What do we stand for?' All of those above-mentioned issues might, at first

glance, seem overly philosophical—dry and academic. But what took place in Michigan over 170 years ago and what's happening nowadays—a different time and place and set of circumstances between then and now, but with striking similarities—provides the human dimension and hopefully a reason for empathy.



Adam Crosswhite

Adam Crosswhite, his wife Sarah, and their three children were fugitive slaves. They had fled from a plantation in northern Kentucky in 1844 after Adam learned that the owner, Francis Giltner, planned to sell his eldest son. The runaways, like many other slaves who sought to escape from bondage in the South, utilized the Underground Railroad, described in one historical account as “a secret network of financial, spiritual, and material aid for slaves.”

Operating the network were sympathetic men and women, abolitionists opposed to slavery, who offered their homes, farms, and business establishments as safe havens. They provided the fugitives with food, a place to sleep, and assistance in reaching the next stop in the escape route.

These sympathizers, using the jargon of the railroad, were called conductors. They were also referred to as stockholders— “a term used to indicate faith in the abolitionist struggle.”

In aiding the slaves, these stockholders risked fines and even jail since federal law made such assistance a crime.

In 1847, when the shotgun was fired, Michigan had only been a state for a little over ten years. While the rush of settlers that marked the 1830’s had abated a bit due to an economic downturn, the state was still drawing farmers to its cheap land and storekeepers and young professionals to the emerging towns. Those who had arrived in the decade before had established the foundations of such social institutions as local government, churches, and schools.

Most of the white population came from western New York, and many of them had ancestors who migrated there from New England after the Revolutionary War. Given that cultural background, these new Michiganders brought a zeal for reform, a strong belief in individual freedom, and a firm

religious conviction—beliefs they had learned from their forefathers.

Many (perhaps even most) of the state’s residents opposed slavery—or at least an expansion of slavery into the new territories west of the Mississippi River—land that had been gained by the Louisiana Purchase.

A number of the residents were Quakers who were abolitionists, and they were a key part of the Underground Railroad. While the prudent destination for fleeing slaves was Canada where slavery was outlawed and they’d be free, several of them—like the Crosswhite family—chose to settle in southwest Michigan. They apparently felt safe due to the distance from the South, and the acceptance of their white neighbors.

When the Crosswhites arrived in Marshall, they joined a small group of other African Americans, numbering about 50. Most of them were also runaway slaves. They were part of the larger settlement of around 200 residents.

There were similar settlements in nearby Cass County where fugitive slaves enjoyed freedom in the midst of the larger, white population.

All was well for the next three years. However, back in Kentucky, Francis Giltner, and other plantation owners remained upset at the loss of this “property.” Hearing of these settlements, they supported a plan to send a scout (i.e. spy) to Michigan to see if the runaways could be identified and returned to their owners.

The young man who showed up in Marshall told the townspeople he was thinking of moving to the area. He was introduced around town and quickly became friendly with the sheriff. While there he talked with some of the black residents and learned of the Crosswhites and how they’d escaped from Kentucky.

He apparently showed enough interest in the family that, after his departure, suspicions

arose as to what he was actually up to. Hence the pre-arranged signal of the shotgun blast.

Those suspicions proved well-founded when the armed men—led by the young man who had been in town a few weeks earlier—rode up to the family home with the intent of taking its occupants back to Kentucky and slavery.

The historical accounts do not specify ‘why’ the sheriff was present. However, under the provisions of the Fugitive Slave Act of 1793, authorities in free states were required under federal law to return runaway slaves to their masters. That law had been passed as a way of better enforcing Article 4, Section 2 of the United States Constitution which required the return of fugitive slaves.

It was among the compromises made at the Constitutional Convention by the North to gain support from the Southern states—another one being to count slaves as 3/5ths of a citizen, thus boosting the South’s representation in Congress and in the Electoral College.

In the years after this law was passed, and as western expansion was occurring, “many Northern states wanted to circumvent the Act.” Some of them did so by enacting personal liberty laws, requiring a jury trial before an alleged fugitive slave was moved. Other state laws, going further, “forbade the use of local jails or the assistance of state officials in the arrest or return of slaves.”

And there were instances where local juries did not convict individuals for assisting the runaways or interfering with their capture or return.

This effort to circumvent the Act was aided when the U.S. Supreme Court ruled in 1842 that “states did not have to offer aid in the hunting or recapture of slaves.”

Needless to say, slave owners—regarding their slaves as property and not entitled to any legal or human rights—were angered by this situation. Anger turned out to be their

response to what became known as the Crosswhite Case.

The plan by the Kentuckians was, most likely, to pack up the family and begin riding back home. However, the shotgun blast worked. A sizable crowd of residents—both white and black—began showing up, preventing their departure. A standoff resulted, with threats made by both sides.

Finally, to resolve the matter, the opposing sides agreed to have the matter decided by a judge. As it turned out, the tables were turned. Crosswhite was able to obtain a warrant, charging the men with trespassing on his property, while a neighbor got a warrant stating that one of the armed men had threatened him with a gun.

While this legal proceeding took place, which resulted in a \$100 fine against the Kentuckians, the Crosswhite family escaped to Ontario, using the Detroit branch of the Underground Railroad.

Act Two of this drama came the following summer when Francis Giltner filed a suit against several of the men from Marshall who had been at the Crosswhite house on Jan. 17th. He sought financial damages for the loss of his slaves.

While a jury did not agree on a verdict in the first trial, a second trial heard before the U.S. Circuit Court of Michigan in Detroit resulted in the defendants being found guilty. The damages awarded to Giltner, along with the court costs, totaled nearly \$6,000—a huge sum that these men could not pay.

Faced with financial ruin, their neighbors as well as a number of citizens elsewhere in Michigan came to their rescue, raising the money. Among those helping was Zachariah Chandler, a wealthy Detroit businessman who would go on to help found the Republican Party and serve as an influential United States Senator.

One of the men fined for his part in the stand-off was Oliver Comstock, Jr., a medical doctor who had come to Marshall in 1835. He had served as the state's third superintendent of Public Instruction just prior to the Crosswhite incident. He was also remembered for being the superintendent of construction of the Michigan Central Railroad between Jackson and Kalamazoo.

In Kentucky, meanwhile, the story of what had happened in Michigan caused anger and prompted threats of retaliation.

One of Giltner's neighbors was Henry Clay. At the time he was Speaker of the House and had already enjoyed a distinguished career. He had represented Kentucky in both the House and Senate, alternating between the two chambers and had also served as the Secretary of State during John Quincy Adams's administration. Clay had also run three times as a presidential candidate, those bids coming in 1824, 1832, and 1844, and he was a leader of the Whig Party.

In 1848, he once again sought the presidency, only to lose the nomination to General Zachary Taylor—a victorious general in the just-ended Mexican-American War. Taylor went on to win the election. Clay, meanwhile, retired from the House, but was soon back in Congress after the state's legislature appointed him to serve as one of its U.S. Senators.

In that role he helped fashion the Compromise of 1850—an effort to deal with the new territory that came into the United States' possession as spoils of the war with Mexico.

Whether or not slavery should be allowed to expand into that territory and, if so, its impact on the balance of power between the South and North were front-and-center in the national debate and political calculus.

As the name implies, compromises were made. Among them was a measure designed

to gain Southern support, a new law that mandated severe penalties for those aiding runaway slaves or preventing their return. It also included a broader definition in what constituted illegal behavior, limited the previous legal rights exercised by runaway slaves, and sought to block northern states from circumventing enforcement of the law.

In explaining what became known as the Fugitive Act of 1850, an article in the *Encyclopedia Britannica* noted that “alleged runaway slaves were prohibited from testifying in court on their own behalf and could not have a trial by jury. In addition, the law imposed steep fines on federal marshals who refused to enforce the law or from whom a fugitive escaped; penalties were also imposed on individuals who helped slaves to escape. Finally, special commissioners were to have concurrent jurisdiction with the U.S. courts in enforcing the law.”

But there was more. Not only were state and local governmental officials now responsible for enforcing the law, thereby aiding slave catchers, the Act demanded the same cooperation—and threat of penalty—from individual citizens. The historical speculation is that the Crosswhite Case helped spawn this new, tougher measure, based on the belief that Clay would have heard of it from his neighbor and the angered response from others in his home state.

The demand that state and local officials, as well as individuals, assist in the re-capture of fugitives, or face fines and even jail, did not “cow” opponents of slavery or cause Northern officials to retreat. Rather it strengthened the abolitionist movement by causing many people who had been ambivalent about slavery and its spread to get off the fence, led to a more efficient Underground Railroad, and saw new personal-liberty laws passed by several Northern states, including Michigan.

These laws “forbade public officials from cooperating with the slave owners or the

federal forces sent to back them up, denying the use of their jails to house the captives, and requiring jury trials to decide if the owners could make off with their abductees.”

In fact, sections in major cities like Chicago, New York, and Boston became “no-go zones for slave catchers” and when slaves were apprehended, crowds would form to oppose and resist their removal

This opposition led to the threat of federal troops being sent to assist the slave catchers.

One casualty to all of this would be the Whig Party. They had selected Taylor due to his popularity but the president had died in July of 1850. Millard Fillmore, who was from New York, succeeded him. It was Fillmore who signed the Fugitive Act and who threatened to send in the troops. He failed to gain the Whig Party nomination, but did run for president as a candidate of the anti-immigrant, anti-Catholic Know Nothing Party.

The attempt by the Whigs to bridge the growing gap over the question of slavery between its Northern and Southern wings failed, in part due to the rejection by the North of this new law.

The Democratic Party won the next two presidential elections, but it, too, could not reconcile the sectional differences. Into the vacuum came the Republican Party whose members opposed the expansion of slavery into the new territories and advocated for the repeal of the Fugitive Slave Law.

On June 28, 1864, with the Civil War still raging, the Act was repealed.

As for the Crosswhites, they returned to Marshall after the war—to a place that had been their sanctuary and would, once again, be their home.

As we discuss immigration, the fate of the Dreamers, sanctuary cities, detention prisons, equal access to courts, and related matters, the story of this family, what happened to them,

and the repercussions that followed are worth remembering.

Perhaps they’ll help us decide ‘What kind of society do we wish to be?’ and ‘What do we stand for?’