

**The 1850 Fugitive Slave Act:
John Freeman's Journey to the Borderlands**

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In the United States, there is a long-tortured history of animosity between law enforcement and African Americans. Perhaps one of the least known interactions between a person of African descent and U.S. law enforcement is the 1853 fugitive slave case of John Freeman. Today, most people have the misguided belief that the tensions are a relatively new experience, perhaps beginning with the March 3, 1991, brutal beating of Rodney Glenn King by members of the Los Angeles Police Department¹ or the well known and loathsome court case of Dred Scott in 1857². The examples of King and Scott are a few of the many thousands, brutalized, incarcerated, or killed in the name of justice in the United States.

To be clear, Rodney King had broken the law before the police beat him. The police had witnessed him driving at a speed above the posted speed limit, and in an impaired manner, neither of which is a capital offense, and beating him was not a legally authorized punishment under the United States Constitution or that of the State of California. Once Rodney King realized that the LAPD had taken notice of him, e.g., activated the red lights and sirens on their patrol cars, he panicked and attempted to flee.

I suggest that King's reactions—albeit ill-advised—were reflexive and instinctive and based on a long, often cruel, relationship between law enforcement in the United States (both the courts and the police) and the African American community. The fear and apprehension felt by

¹ "Rodney King Beating. Footage Screener ©George Holliday," March 3, 1991, accessed, August 21, 2018, https://www.youtube.com/watch?v=5J7xHzI061k&has_verified=1
Maurantonio, Nicole. "Remembering Rodney King: Myth, Racial Reconciliation, and Civil Rights History." *Journalism and Mass Communication Quarterly* 91, no. 4 (12, 2014): 740-55, <http://search.proquest.com.proxy.lib.wayne.edu/docview/1626776969?accountid=14925>.

² In 1857, the United States Supreme Court, in a 7 to 2 decision, ruled against an enslaved African American, Dred Scott, his wife, and children, who had filed suit in Missouri State Court seeking their freedom after the owner held them in bondage in free territory which did not allow slavery. At the time, a number of enslaved persons had achieved freedom after living in free territory for an extended period. Today, many scholars believe that the Dred Scott decision was one of the sparks that ignited the U.S. Civil War in April 1861.

the African American community as a whole, and King as an individual, trace back to cases like John Freeman in 1853.

Twenty-one years after the first 19 documented Africans arrived in North America (traded for supplies by a Dutch ship captain, at the Jamestown colony), in 1619. John Punch and two European indentured servants were tried for escaping their master. The Colonial Court in Virginia ordered all three men flogged for their offense. The two Europeans had their indentures extended. Additionally, the two were ordered to serve one-year indentures to the community. However, in the case of John Punch, of African descent, the court ordered that Punch serve the rest of his life as a slave as punishment for the same offense. Other incidents followed first in the Colonial Courts, and later in the United States Courts.³

Perhaps, the best known and most loathsome case of injustice in the United States Courts was that of Dred Scott in 1857. In 1853, after living with his owner, for an extended period, in a territory which forbade slavery, Scott filed suit to gain his freedom. In *Dred Scott vs. John F. A. Sanford*, the United States Supreme Court (in a 7 to 2 decision written by Chief Justice Roger B. Taney) speaking of African Americans held that:

“They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit.”⁴

The U.S. Supreme Court decision in *Dred Scott vs. J. A. Sanford* stills stands today; it has never been reversed. Currently, it is viewed as one of the worse decisions rendered by the

³ Finkelman, Paul. *Slavery in the Courtroom* (Union, New Jersey: The Law Book Exchange, 1998), 3.

⁴ Judgment in the U.S. Supreme Court Case “*Dred Scott v. John F.A. Sanford*,” March 6, 1857; Case Files 1792-1995; Record Group 267; Records of the Supreme Court of the United States; National Archives, accessed, August 21, 2018. <https://www.ourdocuments.gov/doc.php?flash=doc=29true&> Lea Vandervelde, “The Dred Scott Case in Context” *Journal of Supreme Court History* Vol. 40, Issue 3, November 2015, accessed August 22, 2018. <https://onlinelibrary-wiley-com.proxy.lib.wayne.edu/doi/abs/10.1111/jsch.12082>

court and was made mute by the passage of the 13th, 14th, and 15th Amendments to the United States Constitution. Although Dred Scott lost his court fight for freedom, he eventually gained his freedom; he died of tuberculosis September 17, 1858. On the other hand, John Freeman lost his life's earnings, his business, and his citizenship—fleeing to the borderlands of Windsor, Ontario, Canada—where he later died as a freeman man of color.⁵

The issue of slavery and law enforcement came back to the forefront in Indiana's politics and news in a radically different way in the summer of 1853. Pleasant Ellington, a man that some newspaper suggested was a failed Methodist Minister, filed a claim for a runaway slave with William Sullivan, a federal commissioner in Indianapolis, June 21, 1853, under the authority of the "Fugitive Slave Act of 1850". Ellington's claim stated that an Indianapolis resident, John Freeman, was his long-missing runaway slave, Sam.⁶

The Fugitive Slave Act of 1850, was a part of the "Compromise of 1850," a set of laws that addressed slavery and its expansion in the wake of the Mexican – American War (1846-1848). Commissioner Sullivan issued a warrant for the arrest of Freeman, and Constable James H. Stapp, the acting United States Marshal for Indiana, located Freeman at his home and lured him to Sullivan's office under the pretense that his testimony was needed regarding another African American resident of the city, Freeman went willingly. Once in Sullivan's office, Stapp took Freeman into custody as Ellington's runaway slave, known as Sam, who fled Ellington's service in 1836. Freeman protested vehemently, insisting that he had come to Indianapolis from Monroe, Georgia in 1836 as a free man; his shouts drew the attention of John L. Ketcham, whose

⁵ Judgement in the Marion County Circuit Court Case "John Freeman vs. Pleasant Ellington," June 24, 1853, Records of the Marion County Circuit Court, Indiana Records Administration, Accession #2007236, AAIS #124906, Box 118, Folder 12.

⁶ *Indiana Free Democrat*, June 30, 1853, page 2. *Weekly Indiana State Sentinel*, June 30, 1853, page 1.

office was across from Sullivan's. Ketcham looked in and recognized Freeman and interceded, volunteering as Freeman's attorney.⁷

Under the Fugitive Slave Act, a hearing on the accusation of being a runaway was purely a formality as the testimony of accused slaves did not have to be accepted. Additionally, under the Fugitive Slave Act of 1850, the commissioners were paid fifteen (\$15.00) per fugitive slave claim processed, and the U.S. Marshal was paid five dollars (\$5.00) for his participation.⁸

Slavery had been a contentious issue in Indiana dating back to its territorial days, when the first Indiana Territorial Governor and former General, William Henry Harrison (1773-1841) openly advocated for the expansion of slavery into the Indiana territory. Harrison was Indiana territorial governor from 1801 to 1812. His headquarters were located at Vincennes in present-day Knox County, Indiana, along the Wabash River. Harrison's actions flew in the face of the Northwest Ordinance passed by Congress in 1787, which forbade slavery north of the Ohio River.⁹

The Indiana territory would become the states of Illinois, Indiana, Michigan, Ohio, Wisconsin, and the eastern portion of Minnesota. Indiana became the 19th state of the union in 1816—as a free state. The first African Americans recorded in Indiana, five unnamed slaves, were mentioned in a report on the French settlements in Louisiana; held at the outpost located along the Wabash River at Vincennes in 1746.¹⁰ The first named slaves, Alexandre and

⁷ Monroe, Walton County, Georgia, is a rural community located 40 miles east of Atlanta, Georgia.

⁸ The Fugitive Slave Act of 1850 was part of a package of laws that made up "The Compromise Act of 1850." The Compromise Act of 1850, called for the admission of California as a "free state," provided for a territorial government for Utah and New Mexico, established a boundary between Texas and the United States, called for the abolition of the slave trade in Washington, DC, and amended the Fugitive Slave Act of 1793. Fugitive Slave Act of 1850, *Our Documents*, accessed, March 14, 2014. <https://www.ourdocuments.gov/doc.php?flash=true&doc=27>

⁹ Northwest Ordinance (1787), U.S. Congress, July 12, 1787, *Our Documents*, accessed, March 24, 2018, <https://www.ourdocuments.gov/doc.php?flash=true&doc=8>

¹⁰ Emma Lou Thornbrough, *The Negro in Indiana Before 1900: A Study of a Minority* (Bloomington: Indiana University Press, 1985), 1.

Dorothee, appear in the records of St Francis Xavier Catholic Church located at Vincennes, Indiana, along the Wabash River in south-west Indiana, in 1749. They were the property of the church. Alexandre and Dorothee's daughter was baptized by the priest May 30, 1753.¹¹ Even though Indiana entered the union as a free state, the Territorial Governor, William Henry Harrison, and his allies worked openly to change the federal and Indiana laws to allow slavery until death in 1841.

The Compromise of 1850, included six major pieces of legislation, one of which was the Fugitive Slave Act. The idea for some of the provisions of the Compromise of 1850 came from provisions of the 1848 compromise legislation that has come to be known as the Wilmot Proviso, proposed by Pennsylvania Congressman David Wilmot. The Wilmot Proviso reinforced the requirements of the Northwest Ordinance (1787) which barred slavery in the territory north of the Ohio River. Slavery, however, already existed in the Northwest Territory. The U.S. Census of 1820 indicates that 160 slaves lived in Indiana, 118 of them in and around Vincennes in Knox County, 30 in neighboring Gibson County, and the remainder scattered throughout southern Indiana.

The records of St. Francis Xavier Catholic Church in Vincennes, includes the names of African Slaves who were baptized, married, and eulogized by the priest as early as 1749.¹² The existence of slavery in Vincennes, even though it was forbidden by the Northwest Ordinance of 1787 was not an anomaly, as the records of St. Ann's Catholic Church of Detroit reveal that

¹¹ The St. Francis Xavier Catholic Church and Parish are still at Vincennes, Indiana, although the first structures are long gone. Their early records are held at Indiana Historical Society, and in the Burton Historical Collection at the Detroit Public Library. Additionally, these same records have recently published in two books: Barbara Schull Wolfe. *St. Francis Xavier Catholic Church Records: Baptisms, Baptisms, 1749-1838, Knox County, Indiana*. Berwyn Heights: Heritage Books, 2008. Also, Barbara Schull Wolfe. *St. Francis Xavier Catholic Church Records: Baptisms, Marriage and Deaths, 1749-1838, Knox County, Indiana*. Berwyn Heights: Heritage Books, 2008.

¹² Emma Lou Thornbrough, *The Negro in Indiana before 1900: A Study of a Minority* (Bloomington: Indiana University Press, 1995), 4-5.

enslaved people were held in Detroit during the same period by some of Detroit's most prominent families, *e.g.*, Askin, Campau, Macomb, and May.¹³ Additionally, the former Michigan Territorial Governor, Lewis Cass, was a proponent of popular sovereignty, an idea that would take the issue of slavery out of the jurisdiction of the federal government and allow each state or territory to decide the issue locally.

Many Indiana residents did not agree with, nor approve of, slavery before the new Fugitive Slave Act 1850, which required everyone to assist slaveholders in the apprehension, and return of runaway slaves, or face criminal prosecution. Usually, this is where the accused runaway slave's story ends, apprehension and return to enslavement, often with severe punishment. However, John Freeman was not a runaway, and far from typical. He arrived in Indianapolis in 1844, as a free person of color with papers to prove his legal status. Shortly after arriving in Indianapolis, Freeman placed his life's savings of \$600 in a local bank. During his time in the capital city, he worked as a painter, acquired a small farm on the city's north side, a house, and opened a restaurant downtown.¹⁴ Freeman became acquainted with some of the city's most prominent and influential residents, *e.g.*, Lucian Barber, John Coburn, Calvin Fletcher,¹⁵ George W. Julian,¹⁶ John L. Ketchum, and Willis Revels.¹⁷

¹³ Tiya Miles, *Dawn of Detroit: A Chronicle of Slavery and Freedom in the City of the Straits* (New York: The New Press, 2017), 50-51.

¹⁴ *The Indiana Free Democrat*, June 23, 1853, page 2. *The Indiana Free Democrat*, June 30, 1853, page 2. Painters in 19th and most of the 20th century had to know how to mix their paints to achieve the desired colors. Knowledge of the materials and their applications defined the skill of the painter both enslaved and wage labor. John Freeman acquired his skills painter before arriving in Indianapolis.

¹⁵ Calvin Fletcher was one the earliest resident to move to Indianapolis in the 1821. Fletcher served terms as county prosecutor and state senator. In 1853, he was president of the State Bank in Indianapolis. His younger brother Stoughton A. Fletcher and nephew Stoughton J. Fletcher became some the city's first land speculators; and started and operated the Fletcher Savings Trust, which became American Fletcher National Bank (AFNB), later Bank-One, and finally purchased by Chase Bank. Calvin Fletcher is best remembered as one of Indianapolis' first and best chroniclers, his diaries span 1817-1866 with his death. Calvin Fletcher's diaries provide an un matched view into Indiana's past. Calvin Fletcher was a known slavery opponent but refused the title of abolitionist.

In 1853, Freeman was worth \$6,000 (adjusted for inflation, \$170,324 in 2018). Those financial resources allowed Freeman to launch an unheard of legal challenge to a fugitive slave claim. Ketcham enlisted the aid of two other prominent Indianapolis lawyers Lucian Barbour and John Coburn to aid in Freeman's defense. Calvin Fletcher and George Julian were well-known anti-slavery and abolition activists. Barber, Coburn, and Ketchem were well-known and politically connected attorneys who mounted an unexpected defense of Freeman. The trio's first act was to file a writ of habeas corpus in the Marion County Circuit Court, requiring the Marion County Sheriff to bring Freeman before the court and forestall his extradition until the issues raised by his legal counsel were addressed. The U.S. Supreme Court decision in the case of *Prigg vs. Pennsylvania* established the precedence based on the Northwest Ordinance of 1789 that the federal courts had jurisdiction over slavery issues, not state courts.¹⁸ However, their action put Freeman's case into the public sphere, put Ellington on notice that everyone was watching, and made clear that Ellington's claim on Freeman would not go unchallenged. Marion County Circuit Court Judge Stephen Major dismissed Ketcham's claim, returning the issue to Commissioner Sullivan on June 30, 1853.

Commissioner Sullivan convened a hearing to entertain the motions from Freeman's legal team. Freeman's counsel requested that Freeman be granted bail to assist in his defense and to tend his farm and restaurant. They offered a promissory note of \$1,600, payable by the State

¹⁶ George W. Julian was a local politician, attorney, and two term congressmen from Indianapolis. Julian was one of the states harshest critics of the institution of slavery and its supporters. Although not in office when Re-construction came Julian was a part of the

¹⁷ Reverend Willis Revels, M.D., a free person of color, was the brother Re-Construction Senator Hiram Revels of Mississippi. Revels was the outspoken minister of Bethel African Methodist Episcopal Church (Bethel A.M.E.) at the time the state and city's largest black church. Revels regularly preached at A.M.E. Churches through southern Indiana, and he founded two of the largest A.M.E. congregations in Louisville, Kentucky, before the abolition, where he could have easily been sold into slavery. Revels and Bethel A.M.E. were so active and effective in the underground railroad, that pro-slavery factions in Indianapolis burned Bethel A.M.E. to the ground in 1863.

¹⁸ *Prigg vs. Pennsylvania*, 49 U.S. 539 (1842), accessed, March 12, 2018, <https://supreme.justia.com/cases/federal/us/41/539/case.html>.

Bank, as security against damages, and a \$4,000 bond signed by some of Indianapolis's most prominent citizens. Ellington refused the offers. Ketcham argued that the proposal was most generous in light of the fact that Freeman's age placed his value as a slave at \$600 to \$800. Ellington's attorneys refused all offers of security and argued that Commissioner Sullivan had no judicial authority under the law to entertain such arrangements. Sullivan agreed and denied Freeman bail. Ketcham then requested time to prepare Freeman's challenge; Ellington's attorney's felt 30-days to be sufficient. However, Commissioner Sullivan gave Ketcham, Coburn, and Barbour until August 29, 1853, nine-weeks, to prepare. He then remanded Freeman into the custody of the U.S. Marshal for Indiana, John L. Robinson.¹⁹

Once Freeman was remanded back to the custody of U.S. Marshal Robinson, he returned Freeman to the Marion County Jail for the nine-weeks until his hearing resumed. Robinson took the extreme and irrational action of ordering a 24-hour guard placed on Freeman, while he remained inside the jail, he then billed Freeman three dollars (\$3.00) per day for the cost of the guards.²⁰ During the nine weeks, in an effort to prove his claim over Freeman, Ellington had gone to the jail accompanied by two other men claiming to be able to identify his slave, Sam. In the presence of his attorneys, Robinson instructed Freeman to strip naked, so that he could be inspected for scars and identifying marks. Freeman refused, and his attorneys strenuously

¹⁹ William Wesley Woollen, *Biographical and historical sketches of early Indiana*. (Berwyn Heights, Md.: Heritage Books, 2015.), 31-320. John Larnie Robinson, U.S. Congressional Representative from Indiana; born near Maysville, Mason County, Ky., May 3, 1813; attended the public schools; moved to Rush County, Indiana. Engaged in the mercantile business in Milroy, Indiana; county clerk of Rush County, Indiana, 1841-1845. Elected as a Democrat to the Thirtieth, Thirty-first, and Thirty-second Congresses (March 4, 1847 to March 3, 1853); Chairman, Committee on Roads and Canals (Thirty-first and Thirty-second Congresses). Appointed by President Franklin Pierce as United States Marshal for the Southern District of Indiana in 1853; reappointed by President James Buchanan in 1858 and served until his death. Appointed brigade inspector of the fourth military district of Indiana in 1854; trustee of Indiana University at Bloomington 1856-1859. Robinson died at Rushville, Indiana, March 21, 1860; interment in East Hill Cemetery, Rushville, Indiana, accessed, August 23, 2018. <http://bioguide.congress.gov/scripts/biodisplay.pl?index=R000343>.

²⁰ Gayle Thornbrough, Dorothy Riker, and Paula Corpuz, editors. *The Diary of Calvin Fletcher, 1853-1856*, Vol. 5, (Indianapolis: Indiana Historical Society, 1977), 84-85.

objected. Robinson demanded that Freeman comply, or he would have his attorneys removed from the jail, and then remove his clothes by force. Freeman relented and disrobed. However, Ellington's witnesses failed to identify Freeman as Sam.

Between June and late August of 1853, the legal team visited the states of Virginia, Georgia, Kentucky, Michigan, and Ohio, even Canada to collect the statements of witnesses and gather supporting documents. Over that summer, John Ketcham traveled to Virginia and Georgia where he interviewed witnesses and gathered documents for the hearing. Ketcham arrived in Monroe, Georgia on July 13, 1853, where he talked to people who claimed to remember Freeman, including the town's postmaster, Leroy Patillo. According to statements given by Patillo, John Freeman came to Monroe, Georgia in 1831, "He had free papers, which were recognized by the inferior court of this county, and a certificate granted him...There are hundreds of persons in this county who could testify that he came to this place as early as 1831." Patillo also stated that Freeman had participated in the 2nd Seminole War in the spring of 1836, accompanying a group of men from the Monroe area to Florida, as a cook.²¹

Ketcham arrived back in Indianapolis July 21, 1853, accompanied by Leroy Patillo. Ketcham sent word to Liston and Walpole, Ellington's attorneys, that he had a person at his office who was an old acquaintance of Freeman and that he could identify him as John Freeman. The attorneys and several prominent citizens gathered at the jail and then went inside to see if Patillo and Freeman actually knew each other. The two men looked at all of the people standing in the room, then caught sight of each other. Freeman exclaimed, "O, Massa Pattillo, is dis you?" Patillo was overcome with emotion as the two embraced. Spontaneously, the two men began to

²¹ Charles H. Money, "The Fugitive Slave Law of 1850 in Indiana," *Indiana Magazine of History* Vol. 17, No. 2 (June 1921), 188. Patillo's comment about a certificate granted him seems to indicate that John Freeman may have been an emancipated person of color.

talk of people and places in common, known only to those who had knowledge of the subject matter. The scene must have convinced everyone who witnessed it that Freeman had been telling the truth.²²

Ketcham's father-in-law, Samuel Merrill, traveled to the Detroit borderlands area in search of a witness. John Coburn traced the elusive Sam, from Ellington's former home in Greenup County, Kentucky to Salem, Ohio, where he learned that Sam had resided for an extended period and was going by the name William McConnell.²³ Several of the men were able to describe the scars that Ellington claimed were on Sam's body. According to the witnesses in Ohio, Sam (or William McConnell) had gone to Canada just after the passage of the Fugitive Slave Act of 1850. Samuel Merrill found William McConnell sitting in front of his cabin at Fort Malden, near Amherstburg, Canada—writing poetry.²⁴

Coburn convinced Henry A. Mead, a relative of Ellington, and James Nichols, both slaveholders from Greenup County, Kentucky, to accompany him to Fort Malden to identify Sam. Sam, fearing the Fugitive Slave Law, refused to travel to Indianapolis. Immediately upon arrival at Sam's cabin, Mead and Nichols recognized Sam, as he recognized both of them. Additionally, both men understood the significance of Ellington's claim that Freeman was Sam, yet they refused to support Ellington.²⁵ Sam acknowledged his identity in a statement as the

²² *The Indiana Free Democrat*, June 23, 1853, page 2. *The Indiana Free Democrat*, June 30, 1853, page 2. *The Indiana Free Democrat*, July 28, 1853, page 2. *The Indiana Free Democrat*, August 18, 1853, page 2. *The Indiana State Sentinel*, June 30, 1853, page 1.

²³ Greenup County, Kentucky, is located along the banks of the Ohio River, the town of Greenup located in Greenup County, at the confluence of the Ohio River and Little Sandy River, 134 miles south east of Cincinnati, Ohio. Salem, Ohio, is located 20 miles south west of Youngstown, Ohio.

²⁴ Charles H. Money, "The Fugitive Slave Law of 1850 in Indiana," *Indiana Magazine of History* Vol. 17, No. 2 (June 1921), 189-190.

²⁵ Charles H. Money, "The Fugitive Slave Law of 1850 in Indiana," *Indiana Magazine of History*, Vol. 17, No. 2 (1922), 189-190.

runaway slave that Ellington sought; Coburn took his account, and made a note of his scars and marks, then returned to Indianapolis.

Eventually, July gave way to August, and John Freeman remained confined in the Marion County Jail, as his attorneys built a solid case that Ellington's claim was not only without merit, it was fraudulent. Ketcham had brought Leroy Pattillo to Indianapolis, where he and Freeman greeted each other like old friends. Coburn had located many people in Salem, Ohio who knew Sam and provided statements to that effect. Coburn prevailed upon two men from Ellington's former hometown, both slaveholders and one of which was a relative of Ellington, to travel to Amherstburg, Ontario, to identify the real Sam.

With the case for his claim coming apart at the seams, Ellington's attorneys obviously prevailed on him to drop his claim on Freeman. Thus, the hearing scheduled for Monday, August 29, 1853, never took place as the claim was withdrawn the Saturday before the hearing was scheduled to begin. John Freeman was unconditionally released from the Marion County Jail, August 27, 1853, ending 9-weeks of torment. Ellington slipped out of Indianapolis in the middle of the night, never to be heard from again.²⁶

The people in Indiana were divided over the events surrounding John Freeman, and the newspapers reflected this rift. On August 29, 1853, at a public meeting held at the Masonic Lodge, several public speakers offered their thoughts. Indianapolis attorney and abolitionist George W. Julian railed against the claim against John Freeman and the Fugitive Slave Law, hoping to raise antislavery sentiment. The *Fort Wayne Democrat* offered the following reflection:

²⁶ *Indiana Free Democrat*, September 1, 1853, page 2. Charles H. Money, "The Fugitive Slave Law of 1850 in Indiana," *Indiana Magazine of History*, Vol. 17, No. 2 (1922), 192.

Freeman, the Colored man, who has been claimed as a slave by a Methodist preacher from St. Louis, named Ellington, has been released, having so clearly and incontestably proved that he was not the man sought, that the reverend slave catcher was compelled to give up his victim. Freeman's counsel are going to commence a suit against Ellington – damages laid at \$10,000.00. A more flagrant case of injustice we have never seen, and he is richly entitled to most exemplary damages.

It appears to us, that if in such cases the person swearing to the identity of the accused, and seeking to consign a free man to slavery, were tried and punished for perjury, a wholesome lesson would be given, which might prevent much injustice to free persons of color.

The Fugitive Slave Law evidently needs some amendment to give greater protection to free persons of color. As it stands, almost any of them might be dragged into slavery. If Freeman had not had money and friends, he most inevitably would have been taken off into bondage.

Any poor man, without friends, would at once have been given up and taken away, and it was only by the most strenuous exertions that he was rescued. A law under which such injustice can be perpetuated, and which holds out such inducements to perjury, is imperfect and must be either amended or repealed. The American people have an innate sense of justice, which will not long allow such a law to disgrace our statute books.²⁷

The *Brookville Democrat* was a bit more terse and condescending in its analysis of the Freeman affair stating:

Freeman, “over whom so much fuss has been made by free soilers, has been released from confinement in the jail of Marion County. We hope his friends will now be satisfied that he is at liberty and cease the eternal cry of persecution of the colored race. Ellington, the claimant, could not prove his identity, and the claim was abandoned.”²⁸

It should be noted that the editor/publisher failed to inform their readers that Pleasant Ellington, aided by others including U.S. Marshal John L. Robinson, falsely swore to Freeman's identity and that his scheme almost succeeded in dragging Freeman into bondage, with the aid of the United States Federal Courts.

²⁷ *Fort Wayne Sentinel* quoted in *Indiana State Journal*, September 8, 1853, page 1. *The Indiana Free Democrat*, September 1, 1853, page 2. *The Indiana Free Democrat*, September 8, 1853, page 2.

²⁸ *Weekly Indiana State Sentinel*, May 11, 1854, page 1.

The *Brookville American*, a Whig publication, stated the “Fugitive Slave case in Indianapolis has largely increased the anti-slavery feeling in Indiana.”²⁹ As Freeman’s case was drawn out over the summer, rumors spread about Freeman and Ellington and the harshness of the Fugitive Slave Act. At one point, a story circulated that some in the city were contemplating a rescue of Freeman, and U.S. Marshall Robinson used this unsubstantiated rumor as part of his justification for placing a 24-hour guard on Freeman.³⁰

In September 1853, Freeman’s attorneys filed a suit for damages in the amount of \$10,000 against Pleasant Ellington in the Marion County Circuit Court, at Indianapolis. The case was placed on the 1854 docket, and for his part, Ellington’s attorneys attempted to compromise. They offered Freeman \$1,500 as compensation or expenses incurred, including attorneys fees, \$2.00 per-day for lost time, and a reasonable amount for damages. Freeman and his attorneys countered with \$3,000.³¹

The suit against Ellington, for false imprisonment, went to trial in the Marion County Circuit Court in May 1854, where Ellington failed to appear. However, his attorneys proceeded with the case. The proceedings began with Deputy Marshal Stapp, recounting Ellington’s filing of his claim, getting the warrant for Freeman’s arrest from Commissioner William Sullivan, going to Freeman’s home to convince him to go to Sullivan’s office, his arrest in Sullivan’s office, and his seizure in Ketchum’s office. The court was then adjourned for lunch. When the court session resumed after lunch, the attorneys announced the case was settled for \$2,000, plus the cost of the suit. The decision ruled Ellington at fault and responsible for paying the \$2,000 to Freeman.

²⁹ *Indiana Free Democrat*, September 30, 1853, page 2.

³⁰ *Daily Indiana State Sentinel*, June 25, 1853, page 2. *Weekly Indiana State Sentinel*, June 30, 1853, page 1.

³¹ *The Locomotive*, September 3, 1853, page 2.

However, Freeman never received a penny from Ellington. Ellington had spent his time between August and May liquidating his assets in St Louis County, Missouri. By the time the decision was announced, Pleasant Ellington had disappeared. Leaving John Freeman with a hollow victory and no way to collect.³² Technically, 160-years later, the judgment against Pleasant Ellington remains outstanding and unsatisfied in the Marion County Courts.

John Freeman filed suit against United States Marshal John L. Robinson. Freeman's complaint charged that Robinson, as U.S. Marshal did, "assault the plaintiff, and strip him naked, and expose his naked limbs and body to diverse persons who were witnesses against the plaintiff, and thereby exposed the plaintiff to be carried into slavery for life by fraud and perjury." Additionally, Robinson, "by fraud, threats, and duress illegally extorted from the plaintiff the sum of three dollars per day during said period for a space of 60 days."³³ Freeman *vs.* Robinson eventually found its way to the Indiana Supreme Court where on December 21, 1855, the court held that extorting \$3.00 per day from Freeman, and forcing him to strip and exposing him to hostile witnesses were not part of Robinson's official duties. The Indiana Supreme Court also held that the Marion County Circuit Court did not have jurisdiction, that the case had to be filed in Rush County—where Robinson resided. There are no indications in the record as to why, but after the Indiana Supreme Court decision, Freeman did not pursue the case against Robinson further.

One can speculate that Freeman and his attorneys sensed the shifting of the political winds. The 1850s were a politically turbulent time in the United States, *e.g.*, the Fugitive Slave Act 1850, the Indiana 1851 Constitution with its "Black Codes," the controversial Kansas Border

³² *Weekly Indiana State Journal*, August 12, 1854, page 2.

³³ Freeman *vs.* Robinson, 7 Ind., p. 321. Indiana Supreme Court, John Freeman *vs.* John L. Robinson, December 22, 1855, records of the Indiana Supreme Court (November Term), Indiana Archives and Records Administration, Box 252.

Wars (1854-1861), the Kansas-Nebraska Act (1854). The story of Solomon Northup, whose odyssey through 12-years of enslavement after being abducted and sold into chattel slavery, finally ended on January 3, 1853, with the efforts of many in the abolitionist movement and the direct involvement of the governor of New York. The Dred Scott case was in the newspapers as it worked its way to the U.S. Supreme Court in 1857, where Chief Justice Roger B. Tanney read the Court's opinion from the bench. Taney declared, "...for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it."³⁴

Finally, John Freeman was growing destitute and weary of the court proceedings, as well as fearing another fugitive slave claim against wife or himself. The Fugitive Slave Act of 1850, and its exploitation by Pleasant Ellington, financially ruined John Freeman; he was never able to fully recover from the ordeal of fighting to maintain his freedom. Most of his wealth was tied up in his property, *e.g.*, his farm, his home, and his restaurant. His incarceration during the summer farming and construction season (June 21 to August 29, 1853) cost Freeman income. He lost his restaurant and had to sell his farm, with money raised by friends in Indianapolis and Monroe, Georgia, Freeman saved his home and garden plot.

Finally, with the Civil War approaching, fearing that the south might win and enforce slavery nationwide, a nearly destitute Freeman sold the last of his possessions, purchased a

³⁴ Judgment in the U.S. Supreme Court Case "Dred Scott vs. John F.A. Sanford," March 6, 1857; Case Files 1792-1995; Record Group 267; Records of the Supreme Court of the United States; National Archives, accessed, August 21, 2018. <https://www.ourdocuments.gov/doc.php?flash=doc=29true&>

wagon, loaded his wife and children into it, and made the arduous 300-mile trek, ironically, to the Detroit/Windsor borderlands. The records are unclear, but it is believed that he settled in Amherstburg area. Some suggested that after the Civil War, Letitia Freeman and a daughter returned to the United States to become part of the Exeduster Movement of the 1870s, and were lost to history.

What happened to John Freeman happened in public, everyone got to see it. It sent chills through the Indianapolis black community; it was no rumor, they knew that had it been any one of them, rather than Freeman, they would have been carried off into slavery. Law enforcement had not saved/protected John Freeman; it was his resources and politically connected allies in the white community. In the end, even that knowledge was not enough to allow Freeman to have a sense of security; the experience planted a seed of distrust in the entire black community, the rumor was spread like wildfire and rose to almost mythical status.

Policing, at its core, is society's attempt at social control, an effort to restrain some of the impulses of the masses. In part, this is perhaps what philosopher Thomas Hobbs was speaking to when he stated of, "Mankind in its natural state, life would be solitary, poor, mean, nasty, and short."³⁵ Looking to avoid Hobbs' admonitions, societies have attempted to regulate and moderate specific members activities. In larger communities public shame and moral constraints of the church are ineffective. Thus the policing concept was created in London, in 1829, to impose society's will. Policing arrived in Boston, Massachusetts, in 1832, then slowly spread across the nation.

³⁵ Thomas Hobbs, *Leviathan: Or the Matter, Form, & Power of a Common-Wealth Ecclesiastical and Civil*, Chapter XIII, Page 2, accessed, August 21, 2018, www2.econ.iastate.edu/classes/econ362/hallam/Readings/LeviathanXiiiXv.pdf

Until 1866, most U.S. laws in a significant portion of the United States did not apply to African Americans. Slaveholders or their designees were the arbiters of justice and thus meted out punishment as they saw fit, as Douglas Blackmon points out in *Slavery by Another Name*.³⁶ However, it was the time between the adoption of the Declaration of Independence in 1776 and the ratification of the United States Constitution in 1789, to the ratification of the 13th Amendment to the U.S. Constitution in 1866, the status of African Americans hung in limbo. It was during this period that law enforcement (federal, state, and local) under the United States government first *othered*, then dehumanized African and their descendants to justify the violent and brutal treatment exerted on enslaved African Americans.

The courts are a part of law enforcement in the United States and stand equally duplicitous with police in the unequal treatment of African Americans after 1776. It can be argued that the courts and police have little choice but to enforce the laws enacted by the legislative branch of government and that is true. The lack of discretion exercised, and the zeal used to implement the laws demonstrates why the distrust and animosity held by the African American community toward law enforcement are based on more than rumor. At times the strained has caused African Americans to relocate seeking refuge, many times to the mythical promised land of freedom for runaway slaves, the borderlands of Detroit and Windsor.

³⁶ Douglas Blackmon, *Slavery by Another Name: the Re-enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2008), 6.

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