

THE CASE
OF
WILLIAM L. CHAPLIN;
BEING
AN APPEAL
TO ALL
RESPECTERS OF LAW AND JUSTICE,
AGAINST
THE CRUEL AND OPPRESSIVE TREATMENT TO WHICH, UNDER
COLOR OF LEGAL PROCEEDINGS, HE HAS BEEN SUBJECTED,
IN THE DISTRICT OF COLUMBIA AND THE STATE
OF MARYLAND.

BOSTON:
PUBLISHED BY THE CHAPLIN COMMITTEE.
1851.



GEN WM L. CHAPLIN.

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Entered according to Act of Congress, in the year 1851, by

WILLIAM R. SMITH,

In the Clerk's Office of the District Court of the District of Massachusetts.

ADVERTISEMENT.

So far as relates to the treatment of Mr. Chaplin in the District of Columbia, this book is addressed to the whole people of the United States. The District is theirs. To them, by their representatives in Congress, belongs the exclusive jurisdiction over it. In cases of gross official misbehavior, and the wresting of the laws, or the suffering them to be wrested, to the oppression of any, the humblest individual, the appeal lies directly to all the people of the United States; and to them it belongs, by their representatives in Congress, to take care that such misbehaving agents be brought to speedy justice.

So far as relates to Mr. Chaplin's treatment in the State of Maryland, the appeal is principally to the good citizens of that State; who are bound, if they are able, to preserve the integrity of their own laws, and the impartiality of the administration of justice by their own State tribunals. Great sufferer as Mr. Chaplin has been, we expect to be able to show that his interest in this question is infinitely less than that of the good people of Maryland themselves.

A P P E A L .

THE District of Columbia, as everybody knows, is a tract of about fifty square miles, embracing the cities of Washington and Georgetown, and a rural district besides, with a population of upwards of 50,000, of whom some 35,000 are whites, 12,000 free colored persons, and about 3,000 claimed and held as slaves. Of this population the city of Washington includes about 43,000, of whom 10,000 are free colored, and about 2,000 claimed as slaves.

This District, as everybody also knows, is under the exclusive jurisdiction of Congress, and that for the very purpose that it may be a common place of meeting for the transaction of the public business of the Union, and a place of free resort for all the inhabitants of the Union called thither for business or pleasure, without their being liable to any interruption or hindrance through the agency of any local legislation; it being in the power of Congress, at any time, to set aside or to nullify such interfering regulations, should any such be found to exist.

The laws of this District are the laws of Maryland, written and unwritten, as they existed in the year 1800, when Congress first removed to the District and assumed jurisdiction over it; together with such additions thereto, and changes therein, as may have been made by Congress up to this time. The existing laws of Maryland were adopted, in the first instance, in order that the District might not be without laws during the time that a code was preparing. But that code, owing principally to difficulties growing out of the slavery question, has never yet been prepared; and the District remains, as to its laws, in the anomalous situation above stated.

It is believed by most of the inhabitants of the District, and it is so held by the courts of law there, that slavery legally

exists therein by virtue of the adoption of the Maryland laws as they stood in 1800.

But this is denied by many, and among others by William L. Chaplin; and for the following reasons, which do not seem to admit of a very easy answer.

1st. All the legislation, authorizing the holding of slaves, which had taken place in Maryland previous to the year 1800, took place under the royal charter by which Charles I. granted the province to Lord Baltimore. The grant of the powers of legislation, as contained in the 7th section of that charter, was in the following words:—

“VII. And forasmuch as we have above made and ordained the aforesaid now Baron of Baltimore, the true lord and proprietary of the whole province aforesaid, know ye therefore further, that we, for us, our heirs, and successors, do grant unto the said now Baron, (in whose fidelity, prudence, justice, and provident circumspection of mind, we repose the greatest confidence,) and to his heirs, for the good and happy government of the said province, free, full, and absolute power, by the tenor of these presents, to ordain, make, and enact laws, of what kind soever, according to their sound discretions, whether relating to the public state of the said province, or the private utility of individuals, of and with the advice, consent and approbation, of the free men of the said province, or of the greater part of them, or by their delegates or deputies, whom we will shall be called together for the framing of laws when and as often as need shall require; and the same to publish under the seal of the aforesaid Baron of Baltimore and his heirs, and duly to execute the same upon all persons, for the time being within the aforesaid province . . . by the imposition of fines, imprisonment, or other punishment whatsoever; even if it be necessary, and the quality of the offence require it, by privation of member or life. . . . Which said laws, so to be published as above said, we will, enjoin, charge and command, to be most absolute and firm in law, and to be kept in those parts by all the subjects and liege men of us, our heirs, and successors, so far as they concern them, and to be inviolably observed, under the penalties therein expressed. So NEVERTHELESS, THAT THE LAWS AFORESAID BE CONSONANT TO REASON, AND BE NOT REPUGNANT OR CONTRARY, BUT (AS FAR AS CONVENIENTLY MAY BE) AGREEABLE, TO THE LAWS, STATUTES, AND RIGHTS OF THIS OUR KINGDOM OF ENGLAND.”

It thus appears that, by the terms of the royal charter, the provincial legislature of Maryland, so long as it remained a colony of Great Britain, was wholly disabled to enact any laws repugnant to the “laws, statutes, customs and rights,” of the

kingdom of England; and any such laws so pretended to be enacted were, of course, without authority, null, and void. In the phraseology of the present day, they were unconstitutional and not binding.

For many years it remained a doubtful question whether negro slavery was, or was not, allowed by the laws of England. Several learned lawyers had given opinions, that, by the laws of England, negro slavery was lawful. Colonial proprietors had adopted the practice of bringing their negro servants to England, and of claiming there to treat and use them, to buy and sell them, as slaves. It was reckoned that, in the year 1772, there were not less than ten thousand negroes so held and claimed in England,—several times the number of those so held and claimed at present in the District of Columbia. But in that year, in the remarkable case of *Somerset*, it was decided, after solemn argument, by the English Court of King's Bench,—and that decision has ever since been considered as settling forever all doubts upon this question,—that negro slavery was, and ever had been, utterly repugnant to the law of England; and that no claim to the service of any negro, as a slave, could be sustained in that realm, or under that law.

Somerset was a negro, whom a certain Mr. Stuart had purchased in Virginia, and had brought to England. But, after arriving there, *Somerset* declined to serve him as a slave, and ran away from him; whereupon Stuart caused him to be seized and put on board a vessel, to be carried to Jamaica, there to be sold. *Somerset* sued out his writ of habeas corpus, and the question to be settled under it was, whether Stuart, under the law of England, could hold him as a slave, and as such, send him out of the realm to be sold. "So high an act of dominion," said Lord Mansfield, in giving the decision of the court, "must be recognized by the law of the country where it is used. The state of slavery is of such a nature, that it is incapable of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, occasion, and time itself, from whence it was created, are erased from memory. It is so odious that nothing

can be suffered to support it but positive law. Whatever inconveniences may follow from this decision, I cannot say this case is allowed or approved by the law of England; and therefore the black man must be discharged." The immediate consequence of this decision was, that the ten thousand negroes then held in England as slaves were at once set free. And this further consequence also followed, that all the statutes of Maryland, allowing and approving of negro slavery in that province, were repugnant to the law of England, null and void.

It may, however, be supposed that the State constitution, adopted in 1776, by which the colonial government was superseded, remedied this defect, and gave the Maryland slaveholders a legal title to their slaves. This, however, was not so. The Declaration of Rights prefixed to the constitution of Maryland, and forming a part of it, declared, in its first article, "That all government of right originates from the people," — not from the "free men," a term used in some other clauses of the constitution, but "from the people," — "is founded in compact only, and instituted solely for the good of the whole." The fourth article declares, "That all persons invested with the legislative or executive powers of government are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old or establish the new government; *the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.*" While laying down these generous and noble principles, on which the revolution from a provincial to an independent government was founded, this same Declaration of Rights provided, in its third article, "That the inhabitants," — not free men, nor even the people, be it observed, but INHABITANTS, — "are entitled to the COMMON LAW OF ENGLAND," — that same common law, which, it had been solemnly decided only four years before, did not allow of negro slavery, — "and the trial by

jury according to the course of that law, and to the benefit of such of the English statutes as existed at the time of their first emigration, and which by experience have been found applicable to their local and other circumstances, and of such others as have since been made in England or Great Britain, and have been introduced, used, and practised, by the courts of law and equity; and also to all acts of assembly *IN FORCE* on the first of June, 1774, except such as may have since expired, or have been or may be altered by acts of convention OR THIS DECLARATION OF RIGHTS; subject, nevertheless, to the revision of and amendment or repeal by the legislature of this State; and the inhabitants of Maryland are also entitled to all property allowed to them from or under the charter granted by his majesty Charles I. to Cecilius Calvert, Baron of Baltimore."

Now, this clause contains several things very remarkable. In the first place, it acknowledges the validity and binding force of the charter, hitherto, by making it the foundation of all property in land. In the second place, it secures to all the inhabitants of Maryland "the common law of England," just decided by the highest English tribunal not to admit or allow of negro slavery. In the third place, it continues in force only such of the colonial enactments as were *in force* on the first of June, 1774; whereas the colonial enactments authorizing slavery never were in force at all, being void in their very inception, as repugnant to the charter. Even if they could be said in any sense to be in force, (which they could not,) still they were not recognized or continued by this clause, which specially exempted all such acts as had been "altered" by "this declaration of rights;" and certainly the declaration that government could only rightfully originate in "compact," that it must be "for the good of the whole," and that "the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind," — these declarations, together with the securing to the inhabitants the common law of England, did most certainly alter effectually the old colonial enactments authorizing or allowing the existence of negro slavery, supposing them ever to have been in force.

Hence we conclude—and how can we help it?—that in the year 1800, when the law of Maryland was declared to be the law of the District of Columbia, that law did not allow of or admit the holding of negroes in the perpetual hereditary bondage of slavery. If it did not, then slavery has no legal foundation in the District of Columbia; because this presumed law of Maryland is the only basis on which the legality of slavery in the District is supposed by anybody to rest.

Let us upon this point be perfectly understood. We are considering here only how slavery stood in the State of Maryland in the year 1800. We presume not to express any opinion whatsoever as to the legality of slavery in Maryland at this present moment. Far be it from us to venture, by the slightest suggestion, to call in question the most entire and perfect legality of slavery in that State. There has been a great deal of legislation on the subject in Maryland since 1800. The effect of that legislation to give to slavery the most complete legal establishment, we do not presume to call in doubt. We wish this pamphlet to be read and circulated in Maryland, and we do not wish to expose either ourselves or anybody else to the terrible penalties of the Maryland law. By an act of the legislature of Maryland, passed in 1835, (ch. 325, sect. 1,) it is declared a high offence against the supremacy of the State "for any person knowingly to circulate, or in any way knowing assist in circulating, among the inhabitants thereof, any pictorial representation, or any pamphlet, newspaper, handbill, or other paper, printed or written, of *any inflammatory character, having a tendency to create discontent among, and stir up to insurrection, the people of color of this State*; and that every person that shall be duly convicted of this offence shall be guilty of a FELONY, and shall be sentenced to undergo a confinement in the penitentiary of this State for a period of time not less than ten nor more than twenty years from the time of sentence pronounced on such offender."

Having a due fear of Maryland law, Maryland judges, and Maryland juries, before our eyes, and with the experience of Mr. Chaplin to guide us, we intend to steer clear of this enactment. If the five hundred thousand free people of Maryland can

afford to be gagged, for the convenience of eight or ten thousand slaveholders, by such a law as this, we must submit to it. It is obvious that under this law it is not safe to say one word calling in question in the slightest degree the legality or the beatitude of slavery as it exists in Maryland. Any such word whatever, under such an administration of justice as Mr. Chaplin has experienced, might readily be construed as uttered with intent to create 'discontent among, and stir up to insurrection, the people of color. Accordingly, in our travels through Maryland, we always take care never to carry with us either a Bible or a copy of the Declaration of Independence, lest they might be deemed by some learned and zealous prosecuting officer, magistrate, or judge, "of an inflammatory character." Nor shall we, in the present pamphlet, presume to drop the most distant hint that slavery in the State of Maryland is not the most entirely legal and thoroughly blissful and desirable state ever known or heard of. No wise and prudent man, in the face of such penalties, would venture to maintain that two and two make four.

As yet, however, the eight or ten thousand slaveholders who rule the State of Maryland at their will and pleasure—the actual rulers of the state are, indeed, as we shall presently show, a much smaller minority, being, in fact, but the smaller and more furious portion of the slaveholders—have not deemed it expedient to include within their "sedition act" publications addressed to free white citizens of the state, calling upon them to throw off the intolerable yoke of tyranny under which they are crushed. That liberty, therefore, we intend to use to a moderate extent, such as the present occasion seems to call for; and we embrace this opportunity the more anxiously, as we are by no means certain how long it may last. We should not be in the least surprised should the slaveholders insist—and, of course, whatever they ask for will be done—that a clause be inserted into the new constitution declaring that men, whether black or white, (slaveholders excepted,) have no rights, and totally forbidding any discussion whatever on that topic.

This is a digression intended to save us from the terrible grasp of the Maryland "sedition law." We return now to the District of Columbia.

We have already shown, that when the District passed under the legislation of Congress, there was no *legal* slavery existing there. We now proceed to maintain, in the second place, that even if there had been, Congress had and has no power to give to that system any continuance. For it must be recollected that although the laws of Maryland, as they stood in 1800, (except where Congress has altered them,) are in force in the District, they owe all their vigor there not to the legislation of Maryland, but to the *adoptive* legislation of Congress. If slavery legally exists at all in the District of Columbia, it exists there not by virtue of Maryland law, but by virtue of the adoptive legislation of Congress; and the doctrine we hold is, that Congress has no power to legalize slavery anywhere.

The legislation of Congress over the District of Columbia is exclusive, but it is not therefore unlimited. The restrictions upon the legislative power of Congress contained in the constitution of the United States apply as well to the District as elsewhere. If Congress has the power to establish slavery in the District, it has the same power wherever it possesses exclusive legislation. It has power to introduce slavery and slave labor into the forts, dock-yards, and arsenals, at Philadelphia, New York, and Boston, and everywhere else in the free States. It may be established on board every national ship, and sent, under the flag of the United States, to every part of the world.

Nobody pretends that the constitution confers any express power on Congress to establish slavery. The "establishment of justice," and of "the blessings of liberty," are mentioned in it, but nothing is said of a power to reduce any description of inhabitants to slavery. Nor is this power a necessary implication from any of the powers expressly given. In fact, in the amendments to the constitution, added by the watchful jealousy of the people, we find express prohibitions as to the exercise of any such power. The fifth article of amendment provides, among other things, that "no person shall be deprived of life, liberty, and property, *without due process of law.*" The history of this amendment is curious. It was proposed, in substance, by several States, but with variations of phraseology. Virginia, and other

States, used the words, "no freeman shall be deprived," &c. New York suggested "no person," and that—the most comprehensive of terms—was recommended by Congress, and adopted by the States. Would not the establishment of slavery in the District or anywhere else, by a legislative act, deprive persons of liberty and property without due process of law? Due process of law means judicial process; no lawyer will deny that: and the use of that term wholly excludes the idea that Congress had, or could have, at its arbitrary pleasure, any power to deprive certain persons of their liberty, and of their natural right to acquire property, for the special benefit of certain other persons. So by the fourth amendment,—“The right of the people to be secure in their houses, persons, and effects, against unreasonable searches and seizures, shall not be violated.” But how is this restriction upon the power of Congress consistent with the power to establish slavery, which, from its very nature, leads to habitual and constant violations of these invaluable household rights? The prohibitions, in the body of the constitution, against bills of attainder and corruption of blood and titles of nobility, all tend the same way. What worse attainder and corruption of blood than slavery? Does not slavery raise the free into a privileged class? Mr. McDuffie, of South Carolina, defends slave-holding on that very ground. It supplies, he says, the place of an order of nobility. Indeed it does. It is the substance of the thing; and little does it matter whether the title be marquis or master. The eight or ten thousand slave-masters of Maryland rule that State with a more iron rod than the same number of titled nobles, whether in Poland or elsewhere, ever ruled half a million of freemen before.

The only reply to these two arguments,—that against the non-existence of slavery under the laws of Maryland as they stood in 1800, and that against the want of power in Congress to continue slavery if it did exist under the law of Maryland,—is drawn from the fact that slavery does now, as a matter of fact, exist in the District, and that it always has existed there, ever since the territory became a District. And so other wrongs have existed, and may exist, and for a long time, too. Indeed, it is one of the

greatest and most noble functions of courts of justice and legislative bodies to rectify these long-established wrongs. Negro slavery had existed in England for a century and a half, or more, till *Somerset's* case put an end to it.

After this discussion as to the legality of slavery in the District of Columbia,—a claim of high dominion on the part of some men over other men, which, as we contend, Congress had no power to establish in that District, or anywhere else, and never did, in point of fact, attempt to establish there, —we proceed now to the more immediate subject of this address, with which, however, the foregoing discussion will be found to have a sufficiently close connection. That subject is, as set forth in the title-page, the cruel and oppressive treatment, under color and by the manifest abuse of legal proceedings, experienced by William L. Chaplin, first in the District of Columbia, and subsequently in the State of Maryland.

In the first place, who is William L. Chaplin?

William Lawrence Chaplin is a citizen of Massachusetts, born in Groton, in that State, about the year 1798, (the famous year of the triumph of Liberty, and the outburst against Adams' sedition law.) His father was the Rev. Daniel Chaplin, D.D., for many years the Orthodox Congregationalist (equivalent to what, in the Middle States, is called Presbyterian) minister of the town of Groton. On the mother's side, he is connected with the eminent family of the Lawrences, one of whom is now our minister to England. Mr. Chaplin was educated, first at Andover Academy, and then at Harvard College, and afterwards studied law, in the practice of which profession he settled in his native town, about the year 1826. His father's place as minister of that town had been supplied by the Rev. John Todd, now minister of Pittsfield, in Massachusetts. Of Mr. Todd's church Mr. Chaplin became a leading and very active member, the burden of the Sunday-schools resting very much upon his shoulders; a matter, however, which he carried through with the characteristic energy which has ever distinguished him in everything which he undertakes.

And here we insert a testimonial as to Mr. Chaplin's character, furnished by Mr. Todd himself, in an article published in the *New York Evangelist* of October 30, 1850, on the occasion of Mr. Chaplin's arrest in the District of Columbia, — a testimonial the more to the point, as Mr. Todd, in the same article, "utterly disapproves the principle on which Mr. Chaplin had acted," declaring that he does not believe "it is acting the part of good neighbors, citizens or Christians, to go to the South and entice their slaves to run away;" — a thing, by the way, which Mr. Chaplin does not appear to have done. What he did was to assist the escape of two slaves who had run away already, having, it may be supposed, from their intimate personal relations and daily social intercourse with two very patriotic and republican members of Congress, acquired some pretty clear ideas of the rights of man, and of the fact that it takes two to make a contract or bargain, without which, by the rules of natural law and justice, Messrs. Toombs and Stephens could have no claim to their services.

"We speak of him," says Mr. Todd, "as we knew him years ago. He is the son of a most venerable and perfect Puritan minister, — the Rev. Dr. Chaplin, formerly of Groton. He was the youngest son, — the staff of the old man's age. He relinquished all hopes and openings in his profession, — the law, — that he might comfort and support his aged parents on their way to the grave. Most dutifully did he perform every filial duty, till he had seen his parents laid in the tomb. Dr. James P. Chaplin, of Cambridge, so successful in the treatment of the insane, was an older brother; and his grandfather, Col. Prescott, was a commander at the battle of Bunker Hill. Finely educated, with a natural grace and eloquence, Mr. Chaplin is one of the finest speakers to whom we ever listened. But this is not what we would say. We say, fearlessly, that he has one of the noblest, most self-sacrificing, unselfish hearts, that ever beat in human bosom. We never saw a selfish act performed by him. The impulses of his nature are strong, lofty, and generous. His very defects of character arise from this source. We have no doubt but he honestly, conscientiously and fearlessly, thinks he is act-

ing on the principles which a God of mercy and of justice will sanction. He does not see as we do. Perhaps he thinks we are cold, selfish and hypocritical, in our opinions and in our religion. He must judge us as he sees best. But while we do not and cannot do evil that good may come, we give him the credit of being honest, sincere, unselfish, generous, devoted to the good of humanity, and one who would not value his life a straw, if by it he might alleviate the sorrows of the slave. He is a great-hearted creature. We look upon him as a sun which has broken away from the laws of its Maker, through the vehemence of its desires to throw his light and beams into December, and could not wait for the spring to return, ere he made flowers to grow among the snow-banks."

The temperance reformation taking its commencement about that time, Mr. Chaplin entered into it with great energy. Indeed, he had very early turned his attention to that subject, and had induced a large number of his school-mates, as early as 1819, on leaving Andover Academy for college, to sign a pledge to use no spirituous liquors. By his untiring exertions he contributed greatly to a remarkable temperance reformation in his native town. Indeed, it is believed that Mr. Chaplin assisted in forming, as early as April 1827, the first temperance society ever established on complete total abstinence principles.

It is well known that between the years 1831 and 1837 the attention of the people of the northern States was strongly drawn to the evils of slavery, — a circumstance very much forwarded, and some have thought mainly occasioned, by those remarkable debates in the Convention of Virginia, growing out of the Southampton insurrection. Mr. Chaplin's mind became very much impressed with this subject, and some domestic circumstances coöperating, he made over to his sisters the small patrimony he had inherited from his father, and resolved to devote himself entirely to philanthropical objects, temperance and anti-slavery holding the first place with him. It was in this capacity that he became editor, first of the *American Citizen*, printed at Rochester, and afterwards of the *Albany Patriot*, published at Albany; and it was as editor of these papers, and for

the purpose of furnishing information as to the proceedings of Congress upon the slavery and other kindred questions, which at that time were very much slurred over, and often entirely omitted, in the Congressional reports of the Washington papers, that Mr. Chaplin first visited Washington, about the end of the year 1844.

Mr. Chaplin's mind was very much impressed by the slave-prisons which he found in that city; by the slave trade, — now happily abolished by a recent act of Congress, but which he found in full operation in the capital of the nation; — and by slavery generally, as he found it existing in that District; especially by the horrible anxiety in which all slave parents lived, lest their children might at any time be snatched from them and sold to the South; an anxiety shared by the children themselves, as soon as they arrived at years of sufficient discretion to be aware of the danger to which they stood exposed. Many most heart-rending cases came to his knowledge, of young girls, religiously educated, as soon as they arrived at early womanhood, bought up by the slave-traders, and carried off to New Orleans and elsewhere, to be sold into prostitution.

The slaves of the District of Columbia are of a superior class; most of them house-servants, and not a few children of members of Congress, inheriting from their fathers not only a lighter complexion, but a higher degree, also, of intelligence and sensibility. The horrible danger of being separated from their families and sold to the South always hung over them like a suspended sword. Mr. Chaplin felt the highest interest in their unhappy case, and after a careful consideration of the circumstances, he finally arrived at the conclusion maintained in the early pages of this pamphlet, that slavery has no legal basis in the District of Columbia, and that those held as slaves there are held not by law, but by mere force; and that all the terrible exercises of power there exhibited are no better than mere exercises of brutal force. It is very easy to call this opinion fanatical and absurd; but no candid man, we apprehend, who has read the foregoing argument on the subject, will fail to admit, that it is an opinion so plausible, that a man at once

reasonable and humane might readily admit and honestly entertain it.

But, however Mr. Chaplin might be relieved, by this view, from the painful and humiliating idea, that he himself, as a citizen of the United States, adhering to the constitution and the Union, was a party to the existence of slavery in the District of Columbia, so long as a different view of the law was taken by all the courts and authorities in the District, Mr. Chaplin's view of the law, even allowing it to be correct in itself, did not tend in the least to the immediate personal relief of any particular individuals; and not any devotion to mere abstractions, but to carry comfort, hope, salvation and relief, to individual persons, has been the leading object of Mr. Chaplin's existence.

Upon looking more narrowly into the matter, Mr. Chaplin soon found that, even taking that view of the law which prevailed in the District as the correct and binding one, there was ample room for most abundant labors in aiding to obtain the relief of considerable numbers illegally held in slavery there, even in the view of the lawyers and courts of the District.

In fact, a variety of circumstances had concurred to concentrate in the District a very considerable number of persons really free, even under the prevailing interpretation of the laws, but yet held as slaves. In the first place, the law of Maryland, as it existed in 1800, when it was adopted as the law of the District, was very friendly to manumission, and strongly opposed to any increase from abroad of the number of slaves; and hence one act of that code, still in force in the District of Columbia, though since repealed in Maryland, prohibited (with certain limitations) the introduction of any new slaves from abroad into the State, declaring all slaves so introduced to be thereby made free. Slaves had been so introduced in various ways, contrary to the law, and they and their children were consequently entitled to their freedom, though in many cases they continued to be held in servitude.

It was formerly very customary, in Maryland, for persons to free their slaves by will, on their death-beds; but very frequently with the reservation that they should serve to a certain age.

Yet long after that age they would still continue to be held as slaves.

In these, and a great many other ways, many untenable claims to hold colored persons as slaves existed. As these alleged slaves, but really free persons, were poor, generally ignorant, and always helpless, they were utterly unable to enforce their claims without assistance. But their very poverty, helplessness and ignorance, seemed to Mr. Chaplin to give them a special claim upon his most strenuous efforts in their behalf. Accordingly he caused suits for freedom to be instituted on behalf of several persons held as slaves, and being furnished with funds to a moderate extent, by some philanthropical friends of liberty, he devoted himself, with great energy, during his periods of residence at Washington, to the investigation and prosecution of such claims.

There was once a time, when to labor to restore liberty to men, women and children, illegally deprived of it, was thought a meritorious thing, even in Maryland and Virginia. Their most illustrious lawyers of past times, — their Wirts and their Pinckneys, — were proud to give gratuitous services to such labors. Even to this day, by the common hallucination of substituting the past for the present, we are gravely referred, on the floor of Congress, to these facts, as going to prove that a colored claimant of freedom can have, and may generally expect, a fair trial of his claim at the South! But those times of republican frankness, truth and consistency, are long since past and gone. As well might one look to find a Jefferson, a Madison, a Patrick Henry, a Washington, among the present slaveholders in Virginia! As well might one refer to the splendid mansions, long since fallen to decay, — to the productive plantations, now abandoned and desolate, of the old planters of lower Virginia, — in proof of the present prosperity of that wasted and declining portion of the State, blasted and cursed by slavery.

The doctrine of the equal rights of man, which Jefferson preached so enthusiastically, which raised him and his two immediate successors to the head of the government, and which gave to the democratic party its long lease of power, is no longer

heard of at the South. If there are any who hold to it, they do not dare avow their opinion, — at least not above their breath. The Declaration of Independence is treated as a humbug, a blunder, a verbal flourish. The doctrine of to-day is not that of the unalienable rights of man, but that of the vested rights of slaveholders, — for the preservation of which, as we are gravely told, the constitution of the United States was alone, or mainly, formed !

The current doctrine now is, acted upon, if not openly avowed, that colored men are born to be slaves ; that they are endowed by the Creator with no rights ; that they have no claim either to life, liberty, or the pursuit of happiness ; that the sole object of their existence is to minister to the wants of a few lucky and lazy white men ; that if they are not actually held in slavery, they ought to be ; and that they are the rightful prey of the first white man strong enough to reduce them, or cunning enough to entrap them, into servitude. That this is the real, practical, prevailing doctrine of all the Southern States, — Louisiana, perhaps, excepted, where all sentiments of humanity, thanks to the French creoles, are not yet totally extinguished, — is sufficiently evident, among other things, from the ferocious legislation (all allusion to Maryland, out of respect to her gag-law, is here distinctly disavowed) by which it is sought to harass in every way the free colored population, and which seizes eagerly on every flimsy pretence for selling them into slavery, — a circumstance the more remarkable from the fact that, under the patriarchal system prevailing at the South, a considerable and constantly increasing proportion of the colored people are already blood relations of the whites, — bone of their bone, and flesh of their flesh !

Such being the state of feeling he was obliged to encounter, it naturally happened that, in the pursuit of his philanthropical object, Mr. Chaplin met with all sorts of multiplied difficulties. He could not rely with confidence in all cases on the lawyers he employed, and by whose advice he was obliged to be guided. The standard of professional honor, in the District of Columbia, is not remarkably high ; and the plunder, if not the

misguidance, of "a bloody abolitionist," seems to be thought, by some, a mere robbing of the Egyptians, — a thing rather meritorious than otherwise. So, in the matter of obtaining evidence, all possible difficulties had to be encountered; and Mr. Chaplin had the mortification, in several cases in which the right to liberty was perfectly certain, to find himself defeated by some technical objection, — some failure of proof, though as to the facts there could be no doubt, — some presumption against liberty, as all presumptions are in the slave States, — and to see free men, women and children, snatched out of his hands, and sold into interminable Southern bondage.

To prevent this distressing result, in several cases particularly heart-rending, he aided the unhappy victims to purchase their freedom. The money collected through his agency, and expended in this way, during Mr. Chaplin's residence in Washington, would amount, at a moderate estimate, to upwards of \$6000.

The fact that Mr. Chaplin sympathized with the colored man soon became known throughout the District; and, in the many scenes of domestic distress constantly occurring there, especially those occasioned by the domestic slave-trade, the colored people resorted to him, by day and by night, for assistance and advice. He was, in fact, completely overwhelmed with the most piteous applications.

In the same proportion in which the distressed and wretched looked to him for aid, he became an object of suspicion to the slaveholders, and to the miserable hacks — most of them, we are sorry to say, renegade immigrants from the Northern States — on whom the dirty work connected with the slaveholding system in the District of Columbia is principally devolved.

The most noted person of this description in the city of Washington is one John H. Goddard, by birth a Rhode Islander. This man was bred a shoemaker; but finding honest handicraft industry not respectable in a slaveholding community, he contrived to get himself employed as a born-bailiff and watchman, and by dint of a persevering spirit of servility, has risen to be captain of the night-watch, and one of the police magistrates. We wish to warn all

Northern men who may visit Washington against this very dangerous person, who has constituted himself chief slave-catcher and conservator of the slave property of the District; and who, in that capacity, whenever any chance of currying favor or making money may occur, would not scruple, at any time, to snap up any man or woman suspected of humanity, confident of being upheld by the authorities of the District, however illegal or ungrounded the arrest might be;—for, on any question relating to slavery, there is no hope of, or hardly any pretence to, anything like law or justice in any Southern State, any more than in Russia or Austria on questions relating to the rights of man. This Goddard, who may be known by the official cockade on his hat, and a knavish, treacherous smile on his face, is a cold-blooded, cunning, crawling creature, exactly the Uriah Heep of Dickens' "David Copperfield." Anybody who has read that admirable novel will have a complete conception of this man's character. If Goddard had set expressly for his portrait, the likeness could not have been more complete.

During a temporary absence of Mr. Chaplin from the District, two slaves, the body servants of Messrs. Toombs and Stephens, representatives in Congress from Georgia, had chosen to quit the unpaid service of their claimants, and had been concealed for some time by the servants of General Walter Jones, a well-known citizen of the District. Toombs and Stephens had sought out Goddard, the slave-catcher, and had offered him (at least, so he pretends) \$500 each for the recovery of their slaves. The promise of this large reward of course quickened the scent of this human bloodhound, and he and his subordinates followed up the two fugitives so closely that they were every instant in danger of being taken. Such was the state of things when Mr. Chaplin arrived in a hired carriage from the interior of Pennsylvania, whither he had gone on business, and whither he proposed soon to return. As soon as this fact became known, application was immediately made to him to favor with a conveyance across the Pennsylvania line the two fugitives referred to. With that caution which constant danger and suspicion has made habitual with the colored people, neither the names of the fugitives nor of

their claimants were communicated to Mr. Chaplin. He was merely told they were two smart young men, who had been in hiding for some time past, but who were followed up so sharply that they were certain soon to be caught, unless they could make their way out of the District.

This was rather a startling request; but, acting on the principle of doing to others as he would wish others to do to him, Mr. Chaplin consented, if the young men would meet him at a certain point, on a certain evening (the 8th of August last), to give them seats in his carriage. This was a common Pennsylvania family carriage, drawn by two horses, having a back and front seat inside, sufficient to accommodate four persons, with another seat in front for the driver, the back of which reached nearly to the projecting roof of the carriage; leaving, however, a space of about eighteen inches, through which the persons inside the carriage might look out and communicate with the driver.

This carriage, from its first arrival in the city, seems to have attracted the attention of Goddard, as destined to aid some persons or other in escaping from the District. He accordingly entered into an understanding with the keeper of the stable where the carriage was put up, to have notice of its movements; and organized a gang of ruffians for the purpose of intercepting it, if not indeed of murdering, or at least doing some grievous bodily harm, to the driver. This last intention seems to be a fair inference from what did actually take place.

The evening appointed for Mr. Chaplin to leave the District proved to be very dark, and by the time he had reached the point fixed for receiving his passengers, he could distinguish neither their color nor their number. He had no arms himself, and was entirely ignorant that they had any. A number of lanes or roads, from either side, run into the main northern road from Washington towards Pennsylvania; and, in order to be sure to intercept their prey, Goddard and his gang had taken a position on the main road, beyond the point of entrance into it of the last of these lanes, and very near the boundary line of the District. The road at this place was considerably ascending. Goddard

stood ready with a rail to lock the wheels of the carriage, and stations were assigned to the rest of his company, — two to seize the heads of the horses, two to secure the driver, others to guard the doors of the carriage, and so on. The noise of the approaching carriage gave notice to be ready. The slow pace of the horses walking up the ascent facilitated the operations of the ambush, and the extreme darkness of the night totally concealed the ambuscaders from Mr. Chaplin, who was driving, whistling or singing, his knees crossed, and his left hand resting upon them, holding both whip and reins. His first notice of any trouble was from the rubbing of the hind wheels along the ground, in consequence of the rail which Goddard had thrust between the spokes. Instinctively, Mr. Chaplin caught the whip in his right hand, and struck the nigh horse a smart blow. Almost at the same moment, amid loud outcries and imprecations on the part of the assailants, he received a stroke on his hand from a heavy club or cane, by which his fingers were disabled and severely wounded. This was immediately followed up by another blow, which knocked him from the seat, one of the assailants hastening his fall by seizing his collar and pulling him down. Without exactly knowing how he came there, he found himself on the ground, with four or five men upon him, crying out, "Rip him open!" — "Blow his brains out!" with other like exclamations, and flourishing pistols and bowie-knives, visible by the flash of pistols, which went off in rapid succession. One of these assailants pressed his knee into Mr. Chaplin's side, inflicting severe pain and injury.

Mr. Chaplin made no resistance, except by the involuntary effort of the muscles to withstand the pressure upon him, and to relieve his suffering side. Just as the firing was over, he heard the voice of some one approaching, which he immediately recognized as Goddard's, and to whom he said, "I am in your power; do you mean to let these men kill me?" Goddard made at first some brutal answer; but immediately assuming his usual calm, insidious, and deceitful tone, he directed the men not to injure him further.

They then bound him with cords and placed him in the car-

riage, in which Stephens' man had been found, and made prisoner. Two pistols were discovered on the back seat of the carriage, one a single barrel, the other a six-barrel revolver. The carriage was completely riddled with bullets, and one of the doors was much cut to pieces with a bowie-knife, with which one of the company had furiously assailed it. Stephens' man had escaped death only by the protection of a large, old-fashioned watch which he wore, which was deeply indented by a bullet. Toombs' man was nowhere to be seen. He came, in a day or two after, with a flesh wound in his shoulder, and surrendered himself. According to Goddard, Toombs paid up, like a gentleman. Of Stephens he complains bitterly, as having cheated him out of the promised reward. But nothing derogatory to Mr. Stephens ought to be rashly believed, on the assertion of so wretched a creature as Goddard.

Mr. Chaplin was conveyed back to Washington, and forthwith committed to jail on two warrants, made out by Goddard, charging him with having "abducted, stolen, taken, and carried out of and from the city of Washington," the two alleged slaves.

The owner, several days after, came for the carriage and horses; but Fendall, the District Attorney, detained them for three weeks, at Mr. Chaplin's expense, before he would allow them to go. We should like to know his authority for that petty annoyance. It was, we suppose, part of the general scheme of overwhelming Mr. Chaplin with expenses. The learned gentleman pretended to be in doubt whether he might not have occasion to use the horses and carriage, as a part of the evidence. Did he intend to bring them into court?

The next morning after the arrest, the story becoming known, considerable excitement was exhibited by the mobocracy of Washington, — a set of persons as to whom it was justly observed, by one well acquainted with them, that the whole together did not own a single "nigger," and had not among them the means to do so. These patriotic gentry proposed to improve the occasion, and to set matters right, according to the most approved southern plan, by pulling down the National Era office.

For the purpose of quieting their excitement, the mayor of the city waited upon Mr. Chaplin, in order to obtain from him, among other things, a disclaimer of any connection between him and Dr. Bailey, the editor of the Era.

Mr. Chaplin had been confined during the night in one of the lower criminal cells, without bed or furniture of any kind. His hand, head and side, were all exceedingly sore, from the blows and bruises he had received. His clothes were completely saturated with the blood of one of his assailants, who had, somehow or other, received from one of his companions a slight cut, which bled copiously, and the blood from which had flowed upon Mr. Chaplin, to whom, while bound in the carriage, the wounded man had served as one of the guards.

Previous to his interview with the mayor, Mr. Chaplin was removed to the debtor's apartment above, where there was but one prisoner confined, and was suffered to wash and dress himself. The persons present at the interview, besides the mayor, were the marshal, Goddard, — who doubtless intruded himself, according to his usual practice, for the purpose of picking up something which he might, as a witness on the trial, distort and misrepresent to Mr. Chaplin's disadvantage, — and a prisoner confined for debt, the only tenant of this department. Goddard, with his usual smooth impudence, undertook to claim Mr. Chaplin's thanks, on the ground of having saved his life; to which Mr. Chaplin replied, that, but for the band of assassins which he (Goddard) had organized, his life would never have been in danger. This led to a conversation between the two, as to the comparative morality and honor on the part of men born and educated at the North, of assisting runaway slaves to escape, and of trapping and hunting them up for hire. Of this curious conversation our limits will not permit us to give a sketch. Suffice it to say, that, much to the apparent amusement of the auditors, even the cold-blooded Goddard quailed and shook with shame and rage, under the scathing rebuke which he received. Well might the spectators exclaim, while that poor creature trembled under Mr. Chaplin's cutting rebuke,

“Which is the culprit? — which the officer?”

The contrast was indeed striking; nor was it possible for any man of honorable sentiment, whatever his interests or feelings on the subject of slavery might be, not to sympathize with the manly, heroic, disinterested Chaplin, as against the crawling, snaky, mercenary Goddard.

In reply to the questions of the mayor, Mr. Chaplin fully exculpated Dr. Bailey from any connection or sympathy with him in this matter of helping runaway slaves to escape. He had a regard for Dr. Bailey; but as to this point their views were widely different, as was, indeed, sufficiently apparent from the columns of the Era.

It soon became apparent to Goddard and his legal advisers that facts in relation to Mr. Chaplin would only sustain a charge, if any, of assisting the two slaves to escape; the penalty for which, by the laws in force in the District, is, at the utmost, but two hundred dollars for each slave. This would by no means satisfy the employers of the men who had waylaid Mr. Chaplin, with the probable intent to kill him; and who, having failed of that, were now anxious to deprive him of his liberty.

The idea was suggested, — and some Maryland members of Congress are supposed to have been busy in the matter, — that if the affray could only be transferred across the line into Maryland, however complete the defence might be, it would be quite impossible for Mr. Chaplin to escape out of the hands of a Maryland court and jury. This was too happy an idea to be thrown away. The murderous assault upon Mr. Chaplin had taken place very near the line, and of course Goddard and his company, seeing the object in view, found no difficulty whatever in satisfying themselves that it did occur on the Maryland side. Upon the oaths of two of Goddard's band, a justice of the peace of the District issued two additional mittimus to the jailer, to detain Mr. Chaplin, on charges of murderous assaults in Montgomery county, Maryland; and the same persons presently went before a Maryland justice with similar complaints. The very circumstances which they themselves stated were sufficient to show the absurdity and falsehood of this charge. It was admitted that Mr. Chaplin, waylaid by a band of unau-

thorized assailants, while in the act of whipping up his horses, was twice struck with a cane, and knocked from his seat into the road. Of course, he must have held the whip in his right hand; and how, while so doing, could he have fired two pistol-shots, — one at the man at the off horse's head, and another at the man on the other side of the carriage, who was, at the same time, beating him over the head? To back up this rather lame case, the ever-ready Goddard made his appearance. He was behind the carriage, the place of safety, when the firing took place, and of course he could not see from whom the firing came; but he swore that he saw a flash near Mr. Chaplin's face, and that he believed that it came from him. The theory of the witnesses was, that having in the same instant whipped up his horses and fired two pistol-shots, one on the left and one to the right (for the notion that he fired at Goddard, also, seems not yet to have been started), and being at the same time struck over the hand and head, so as to be knocked from his seat, Mr. Chaplin, in the act of falling, had thrown the pistol round himself into the carriage, so that it lodged on the back seat, being the six-barrel revolver found there! On the other hand, the man who was stationed by the side of the near horse, the best place for observation, says that Mr. Chaplin did not fire at all; nor did Butts, who struck him, or the man who pulled him from his seat, undertake to say that he did fire. Undoubtedly the shots came from the persons inside, who pointed their pistols through the opening between the back of Mr. Chaplin's seat and the roof of the carriage, so that the shots would seem to come from the vicinity of Mr. Chaplin's head. Upon the strength of these complaints, one of the company hastened to the Governor of Maryland and obtained a requisition, claiming Mr. Chaplin for trial in that State, which requisition was duly lodged, under a statute of the United States to that effect, with the chief justice of the District.

Mr. Chaplin meanwhile had retained counsel, and the sum of \$5000, deemed amply sufficient for that purpose, had been remitted to Washington, as an indemnity for those who might become his bail. He was speedily visited by two friends from

New York, one of them a lady. They found him very sore from his bruises, and with his hand and head badly swollen; but in excellent spirits, and well treated, his manly bearing and companionable spirit having already secured the respect and goodwill of all connected with the prison.

About a fortnight afterwards, being visited by another friend in New York, the excitement having apparently somewhat subsided, and arrangements having been made, both in the District of Columbia and in the State of Maryland, on the subject of bail, it was resolved to make an attempt to procure his release from prison. Judge Cranch had stated to Mr. Chaplin's counsel that he should require bail in \$3000. But when Mr. Chaplin was brought before him, on the 18th of September, Mr. Philip Fendall, the district attorney, no doubt for the very purpose of creating delay, and probably by a prearranged plan, made a furious declamation as to the alleged enormity of the offence charged, insisting that bail in a greater sum than \$3000 ought to be required, and objecting also to the sufficiency of the persons offered.

Now, whatever might be the private opinion of Mr. Philip Fendall as to the enormity of the offence, the law of the District had settled that question. It is true, that in the complaint drawn by Goddard, and sworn to by two of his assistants, Mr. Chaplin had been charged, not only with abducting, but with stealing, the two slaves. But this charge of stealing, Goddard, and Fendall, and Judge Cranch, all very well knew to be a mere false pretence, got up solely for the purpose of oppression. The Circuit Court of the District had solemnly decided, within two or three years before, upon very protracted argument, in the famous Pearl case, that a state of facts precisely like that in Mr. Chaplin's case *would not sustain a charge of larceny*, and that it amounted, at most, only to the misdemeanor of assisting slaves to escape, — the highest penalty for which was a fine of two hundred dollars for each slave so assisted; so that bail in one thousand dollars would have been amply sufficient. We wish to speak of Judge Cranch with all due tenderness. He is a man venerable for his age, distinguished for his knowledge of the law, and, in times

past, for his conscientious and manly judicial independence, and for his just regard for the personal rights of all appearing before his tribunal. When in his full vigor, he would never have allowed his better judgment to be controlled, either by the declamations of a demagogue district attorney, or by any popular outcry. In the famous case of Swartwout, more than forty years ago, in opposition to his two colleagues on the bench, who trembled before executive frowns and the clamor of party, he laid down (and he was sustained in it by the Supreme Court of the United States) the true law as to commitments for crime. "In times like these," he said, "when the public mind is agitated, when wars and rumors of wars, plots, conspiracies and treasons, excite alarm, it is the duty of a court to be peculiarly watchful, lest the public feeling should reach the seat of justice, and thereby precedents be established which may become the convenient tools of faction in times more disastrous. The worst of precedents may be established from the best of motives. *We ought to be on our guard, lest our zeal for the public interest lead us to overstep the bounds of the law and the constitution; for, although we may thereby bring one criminal to punishment, we may furnish the means by which an hundred innocent persons may suffer.*

"The constitution was made for times of commotion. In the calm of peace and prosperity, there is seldom great injustice. Dangerous precedents occur in dangerous times. It then becomes the duty of the judiciary calmly to poise the scales of justice, unmoved by the arm of power, *undisturbed by the clamor of the multitude.*

"Whenever an application is made to us in our judicial character, we are bound, not only by the nature of our office, but by our solemn oaths, to administer justice according to the laws and constitution of the United States. No political motives, no *reasons of State*, can justify a disregard of that solemn injunction."

Would to God that such judges might never grow old! How lamentable that the same judge, who, in the vigor of his youth, advanced this just and honorable doctrine, should have been driven, in the weakness of his old age, by "the clamor of the

multitude," into doubling the amount of the bail, which he had originally made up his mind to be sufficient, and which was in fact double or triple that which the circumstances of the case would have justified him in requiring. Yet let us give the aged chief justice the credit justly his due, of being, old and broken as he is, in knowledge of the law, in love of justice, and in capacity and disposition to do his duty in an impartial manner, vastly before any of the other judges of the District.

Not content with exacting the enormous bail of \$6000 in a case in which \$1000 would have been amply sufficient, the chief justice violated his duty as a judge in another particular of vast importance to Mr. Chaplin and his bail. Having taken their recognizances, instead of delivering the prisoner into their hands, he forthwith proceeded to deliver him up on the requisition from the Governor of Maryland previously lodged with him. If anybody has any doubts as to the entire illegality of this proceeding, and its incompatibility with the judge's official duty, while Mr. Chaplin was still held to answer a criminal complaint in the District, let him read Chief Justice Marshall's opinion on that point, 2 Burr's Trial (by Robertson) 492. These are the terms in which Marshall expresses himself on that point:—

"If a man have committed a crime in one jurisdiction, and be found in another, he may be arrested and sent to the former, unless there be a prior prosecution depending against him in the latter. But when any person is arrested and charged before any court, for an offence alleged to have been committed within its jurisdiction, that court is under an indispensable obligation to try him, and judge of the offence with which he is charged. Every court is bound to perform its own duties, and exercise its own jurisdiction. It cannot, in the exercise of its juridical discretion, give a preference to a foreign court. It would be strange, if the court had an absolute discretion to exercise its judgment, to send the party to a foreign jurisdiction, and yet not to try him for an offence regularly prosecuted and depending before itself. What is the duty of the court in such a case? It seems clearly to be, that it must exercise its own jurisdiction first, be-

fore it can send him to another district. And when this duty is performed, and the accused is released by an acquittal, or dismissal of the prosecution, then he can be sent to another district."

This course, however, on the part of Judge Cranch, had been foreseen and provided for, and a respectable magistrate of Montgomery county, in Maryland, had agreed to accept bail in one thousand dollars, as to the charges in that county, — a sum which, taking into account the nature and origin of the charges, and the testimony by which they were supported, he considered, and no doubt properly, quite as much as the circumstances of the case would justify him in demanding. The expectation and intention had been, having taken Mr. Chaplin before Judge Cranch and given bail, if the judge then surrendered him on the Maryland requisition, to follow him to the jail at Rockville (the county seat of Montgomery county), where the justice above referred to had agreed to be in waiting for the purpose of admitting him to bail; to act in which capacity certain competent persons had been procured; — all which it was hoped quietly to accomplish before the news had time to spread, and the sovereign mob to assemble, in order to stop the wheels of justice, if not to lynch Mr. Chaplin; — a thing which, according to the usual course of southern proceedings on such occasions, there was too much reason to apprehend. But these arrangements, no doubt by a plot between Fendall and the Maryland gentry who had interested themselves in the matter, were completely defeated. Fendall dilated on the question of bail, to give time to spread the alarm and collect a mob at Rockville. The infirm old judge, wearied out by the discussion, adjourned the decision till the next day; nor was it till noon of that day that the bail was finally put in, and the surrender made on the Maryland requisition. The officer to whom Mr. Chaplin had been intrusted dallied in like manner; nor was it till night of the second day that the company arrived at Rockville, where extensive preparations had already been made, and a mob collected, to intimidate the magistrate who had agreed to take bail.

For this purpose, certain lawyers, members of Congress and candidates for it, volunteered their services in aid of the prose-

cuting officer of the county, undertaking to argue, in violent speeches addressed rather to the assembled populace than to the magistrate, that in a case of this sort he had no authority to act. After sitting till eleven o'clock at night, the hearing was postponed till the next morning. The magistrate maintained his ground with dignity and firmness; neither he nor any lawyer entertained any doubts of his authority; but as the design of the opposing parties was apparent, and as there was every reason to suppose that if bail were accepted on the complaints already made, others would be trumped up for the purpose of detaining the prisoner, or that perhaps a scene of riot and lynch law would ensue, Mr. Chaplin's counsel judged it best to give over the attempt to bail him for the present, and to allow him to be committed to jail.

This jail was a building of some forty feet square, with four cells on the ground floor, and four above. Mr. Chaplin had a room on the second story, and by putting a glass window into it, — the original outfit of the jail being grates and board shutters, — and by providing some other conveniences, it was made tolerably comfortable. It happened, fortunately for him, that the sheriff of the county was a gentleman and a Christian, and the jailer a man of natural good feelings and humanity; neither of them in the least disposed to aggravate his misfortunes by unnecessary harshness, — in fact, inclined to do everything in their power, compatible with their duty and his safe-keeping, to make him comfortable.

This was very unsatisfactory to some of the neighboring inhabitants, who thought it very hard that Mr. Chaplin was not handcuffed, chained, fed on bread and water, and compelled to sleep on the bare floor. Forgetting that principle of law which esteems every man innocent till he is proved to be guilty, a public meeting of these gentry resolved that Mr. Chaplin "was a felon, and ought to be treated as a felon;" and they sent a committee to carry their resolutions to the jailer. He received them, however, with his doors locked, and very quietly advised them to go about their business. It is a great consolation to know, that, however the institution of slavery too often brutifies one

large portion of the inhabitants and infuriates another, it still leaves a certain number of men of honor, of Christian principle, of justice and humanity, at least of good-nature, ready to exhibit those qualities, even in the case of individuals charged with the horrible enormity of believing that black people are as well entitled to their freedom as white ones, and that an act which, done to a white slave in Morocco, would be esteemed the height of heroism, cannot, in the eye of God and conscience, be so very wicked, however the policy of law may see fit to inflict penalties upon it, when done to a black slave in America.

Upon his first commitment to this jail, Mr. Chaplin found but one tenant in it; a tenant, however, whose case displayed to him in pretty strong colors what he had to expect from Maryland courts. This prisoner was a young man, a native of Pennsylvania, who, probably from having resided for some time in the vicinity of a United States barrack, had taken a fancy for a military life, and had enlisted, at eighteen, into the army. He had served throughout the Florida war, as a dragoon, with credit, and had risen to be a sergeant. Having been discharged at the end of his term of enlistment, he had remained for some time in the Southern States, working at his trade as a plasterer; but, having a sort of natural instinct of the rights of man, he never could bring himself to see the justice of holding men in slavery. Upon returning to his friends in Pennsylvania, he found the same sentiments entertained by them. There were even some among them who had sometimes given shelter and food to runaway slaves.

Having had the misfortune, while on his way home, to be robbed of his earnings to the amount of five hundred dollars, — and having, as a soldier, and afterwards during his travels in the Southern States, acquired roving habits, — he presently took a journey into Maryland, in search of employment; and there, falling in with an immigrant from Pennsylvania, originally from his own neighborhood, he talked freely with him on the subject of slavery, and of the aid which had been extended, by their mutual acquaintances, to fugitive slaves.

It is one of the greatest vices of all despotic forms of government to nourish a host of spies and informers; and this wretched

Pennsylvanian, corrupted by his residence in a slaveholding State, immediately informed against his guest, who, on the testimony of their loose and confidential conversations (whether correctly or not stated by the witness), was found guilty of a conspiracy with persons unknown, to assist in the escape of slaves, and was sentenced by Chief Justice Dorsey, before whom the trial was had, — and who is perfectly ferocious on these occasions, — to three years' imprisonment, and a fine of \$500!

Mr. Chaplin found this unfortunate man in a most wretched condition. The clothes he had worn when committed to jail had been literally suffered, during his imprisonment for a year or more, to rot off his back; and though it was midwinter, the miserable man was barefoot, with no other clothing than a pair of striped cotton trousers and a checked shirt! As was natural, he shrunk from all observation, and it was only by great efforts that Mr. Chaplin was able to obtain his confidence. He gave him a pair of boots and some decent clothing, and invited him to his own table, thus setting an example of common humanity which was not without its effect. Attention being called to the case, and inquiries made, the opinion began to prevail that this unfortunate prisoner had been made the victim of an unprincipled informer, who had colored up and falsified the story to gain credit for himself. Efforts were even set on foot to obtain his pardon and release; but it is seldom, under any despotism, whether in Europe or America, that men condemned on suspicion of being friends of freedom obtain any mercy, however false may have been the testimony against them, or however disproportioned the punishment imposed by a brutal and vindictive judge. La Fayette was detained a prisoner in Olmutz for six or seven years, and then was released only on compulsion. As this unhappy man is not able to pay his fine, he will probably be detained a prisoner for life, — the same penalty with which the same ferocious chief justice threatened Mr. Chaplin.

Mr. Chaplin's residence in the Rockville jail furnished many other illustrations of the spirit and operation of slavery, of which

we can mention only one or two. The prisoners committed were principally slaves, either runaways or persons seized on execution and detained there for sale. One little fellow, some twelve or fourteen years old, who had run away in consequence of cruel treatment, was a most wretched specimen of humanity, — dirty, overrun with vermin, and half-starved. Having been, at Mr. Chaplin's instigation, washed up, probably for the first time in his life, and for the first time in his life too, it is likely, having enough to eat, the little fellow considered the jail a perfect paradise, and bitter and loud were his lamentations when his cruel master came at last to take him away!

A forlorn, miserable child of some six years old, enveloped in a bundle of rags, — the last wretched remnant of what once was a great Maryland estate, — furnished a sad illustration of the decline and fall of Maryland aristocracy. All the poor child's kith and kin, and all the great gang of slaves to which they had once belonged, had gone off by twenties, tens, pairs, and at last by single individuals, to supply the growing necessities of the owner, or to stop the pressing demands of his creditors. The mother had been sold some time before; and finally this poor, desolate child was seized to satisfy a bill of costs, and being sold at auction by the sheriff, passed, for the sum of \$180, into the hands of a slave-trading firm!

As all the money previously remitted to Washington to procure bail for Mr. Chaplin had already been used up, and more than used up, in consequence of the enormous sum demanded by the frightened old Judge Cranch, Mr. Chaplin's friends immediately took steps for raising a further sum. Counsel was retained at Baltimore, and an informal application being made to Chief Justice Dorsey to learn in what sum he would bail Mr. Chaplin, he intimated that bail in \$12,000 would be accepted. Seven thousand dollars having been raised in cash, and guaranties for an additional sum to a large amount having been obtained from six individuals of great and undoubted wealth, an agent was sent to Baltimore with this money and these securities, to make arrangements for giving bail.

For a long time it seemed as if there were only one man in that great city, or, indeed, in the State of Maryland, who had courage enough, being fully indemnified therefor, to become bail for a man guilty of the enormous crime of having assisted two fellow-men to escape from bondage into liberty. That person was an excellent gentleman of the Quaker persuasion, whose heart, however, is larger than his purse, and who alone would not have been accepted by the court as sufficient security. As well upon his introduction as upon the strength of numerous letters which he had brought with him from New York, the agent proceeded to visit many gentlemen of Baltimore, distinguished as well for their wealth (which is generally supposed to give to its possessor a certain degree of independence), as by a reputation for philanthropy and religion. The results of these visits afforded a sad specimen of the despotic reign of terror established in the State of Maryland by a little knot of ferocious and violent men, by which the better, more humane and more intelligent portion of the slaveholders themselves (including, there is reason to believe, a large majority of the whole number) are held in a pitiful, feeble and trembling subserviency, proper enough to Russia or Austria, but unsuitable and disgraceful in the highest degree, to the citizens of a free State.

These visits were paid, in the first instance, to Quakers, — of which society there are many wealthy members in Baltimore, — both because that sect has always enjoyed a high character for philanthropy generally, and especially for their opposition to slavery and the slave-trade, and also because the agent himself was a member of that society.

The first person visited was found living in a degree of splendor — made, on the whole, the more striking by the affectation as to some things of a certain simplicity — which indicated the possession of great wealth. He received the agent with truly brotherly kindness; but the moment the object of the visit was stated, assumed at once an exceedingly grave air. He very seriously warned the agent to “beware of his steppings;” he was a stranger in a strange country, employed in an exceed-

ing unpopular business, surrounded with dangers on every side; liable to be taken up at any moment, and instead of relieving Mr. Chaplin, finding himself in the same pit. These friendly warnings were given in a manner to leave no doubt of their sincerity, and to show that the same apprehensions which the giver felt for himself he felt also, and in a still stronger degree, for the rash man who dared to attempt, against the wishes of the ruling despotism, to secure for his friend the right of giving bail. It was altogether too dangerous an affair for him to have anything to do with, nor did he know of anybody that would.

The result of a second call, upon another wealthy Quaker, was much the same. He stated that Friends kept very still in Baltimore, seeking to keep out of heats and disputations. He too was very serious in his warnings to the agent to beware of false steps, as he was treading in the midst of secret dangers.

Substantially the same thing was repeated by many other wealthy Quakers who were called upon, and from whom the agent received abundance of kind offers of any personal service for himself. Indeed, it was sufficiently evident that it was no want of inclination, but a deeply-impressed fear and terror, overpowering every other consideration, — the same miserable fear and terror which keeps the slaves in subjection and forces work out of them, — which had caused him to meet with so little success. At last the name was mentioned to him of a wealthy commission merchant, of New England origin. On application to this person, he agreed to stand as bail. But he would have nothing to do with the guarantees, requiring the whole amount in cash.

By the time the agent returned from New York with the \$12,000 in cash, temporarily obtained by the advances of some friends, the district court had met at Rockville (November 13), and the case of Mr. Chaplin had been submitted to the grand jury. Attorney General Richardson (since dead and gone to his account) volunteered his services on the occasion, for the purpose of assisting the deputy attorney to turn the proceedings invented for the protection of life, liberty and property, into

engines of a horrible oppression. Thus urged and instigated, the grand jury — themselves, it is to be feared, equally malignant — returned seven bills of indictment against Mr. Chaplin. Three of these were for assaults with intent to kill — there being added to the two complaints formerly made, one by Goddard himself. How it was possible to find this bill consistently with what Goddard had sworn to on a former occasion, it is impossible to see. But Goddard, unwilling that any rascality should be perpetrated in which he did not bear a part, had probably invented a new story, suitable to the present emergency. Two other of the indictments were for *larceny* of the two slaves, of which there existed not the least proof or suspicion, and which, in spite of their oaths to return true bills, cannot be considered as anything more nor less than a pure malicious invention, and a gross piece of wilful perjury, on the part of the grand jurors. The other two indictments were for assisting slaves to escape, which, by a recent statute of Maryland, is subjected to a heavy punishment. But even in finding these latter bills, for which alone the circumstances of the case afforded any color, the grand jury and their advisers — the latter being the responsible parties — were guilty of a gross disregard of one of the best-established principles of law; namely, that several separate prosecutions for different offences, where the particular act charged is one and the same, cannot be simultaneously instituted and carried on. Upon this point we beg leave to refer to the following cases:—2 Leach, Crown Cases, 608. *King v. Doran*. 3 Carrington and Payne, 412. *Rex v. Smith*. 413, *Rex v. Flower*. The reason for this rule is sufficiently obvious. If a man could be indicted for one and the same act under all possible variety of forms which ingenuity could suggest, who would be able to encounter the expense of such a series of prosecutions, and who could hope to escape such a vindictive pursuit?

After the indictments were found, application was made to fix the amount of bail. The attorney general, upon this question, addressed a furious harangue to the court, in which he urged that the putting a stop to the escape of slaves was a ques-

tion of greater interest to the people of Maryland than any other; and though he did not venture to ask the judge to set the law at defiance by refusing to take bail at all, he did urge him to do the same thing in effect, by pressing him to fix the bail at an amount which it would be impossible for the prisoner to give. The bail was fixed by Judge Brewer according to a previous understanding between the judges (an endeavor being made to conceal the enormous and unjustifiable amount by distributing it among the several indictments) \$3000 on each of those for assault with intent to kill, and \$2500 on each of the other four, making in the whole the enormous amount of \$19,000.

To give bail at once in this amount was impossible. The agent, having only \$12,000 in hand, was not prepared to give the requisite indemnity, which had been thus so unexpectedly and unreasonably increased. Under these circumstances, delay was asked, and a continuance of the cases till the next court. It would seem to be reasonable, in the case of a man against whom seven indictments had been falsely trumped up, to give him a short time to prepare for trial; but the court insisted that the rule was to try all criminal cases at the first term. Fortunately, however, one resource remained. The laws of Maryland, which in many cases are mild and wise, having been enacted previous to the establishment of the present slaveholding despotism, provide that in case a prisoner shall make an affidavit that he cannot have a fair trial, by reason of the public excitement against him, in the county where he is indicted, he may obtain a transfer of the trial to such adjoining county as the court may appoint. Of this privilege Mr. Chaplin availed himself, and he made an affidavit accordingly. It was entirely true that he could not have a fair trial where he was, and that afforded ample ground for the affidavit, of which one principal object was to obtain delay. But, unfortunately, the prospect of a fair trial, in either of the adjoining counties, was not one whit better. In fact, such was the favorable impression made by Mr. Chaplin on the numerous visitors who flocked to see him in Rockville jail during the time that he remained there, that he would probably have had a fairer chance with a jury of that vicinity than with any other.

It was impossible to deny Mr. Chaplin's application for a change of venue, as the lawyers call it, the law being imperative; and accordingly the case was ordered to be removed, to be tried in the Howard district, at Ellicott's Mills, on the third Monday (the 17th) of March following.

This removal, however, was not without its drawback. It became necessary for the sheriff, in consequence of it, to have Mr. Chaplin present in the Howard district for trial at that time; and the ordinary course would have been, on the part of the sheriff, to secure himself against all responsibility, to remove the prisoner at once to the jail at Ellicott's Mills.

That jail was a horrible place indeed. It consisted of a single room of fourteen feet square, in which were confined at that time six negroes and one white woman. The place was reeking with filth, the stench was insupportable, and it was the opinion of everybody acquainted with the premises, that if Mr. Chaplin should be imprisoned there, he could not possibly survive to the time of his trial. Under these circumstances, the humane sheriff of Montgomery consented to retain Mr. Chaplin in the jail at Rockville, provided his friends would pay the expense of an additional watchman, which they did at the rate of three dollars per night, during the month that elapsed before Mr. Chaplin was able to give bail.

The agent again returned to New York, and having, by dint of borrowing, made up the requisite amount of \$19,000, he returned to Baltimore. But here another difficulty was encountered, which rendered it necessary to commence anew the labor of hunting up bail. The person who had agreed to act in that capacity, on being indemnified by a deposit of cash to the amount of his recognizance, proceeded as far as Washington on the way to Rockville, for that purpose. But on his arriving at Washington, he wanted the agent to advance him \$2000 for the payment of a note which he pretended (falsely, it is believed) was to become due that day; and, finally, he refused to proceed any further unless the whole \$19,000 were first deposited in his hands, — a thing which the agent refused to do, till he had first been accepted as bail. Thereupon he returned back to Balti-

more, and soon after had the contemptible meanness to send to the agent a bill of \$12.20 for services and expenses (his fare to Washington had been paid by the agent, and his expenses at Rockville and back would also have been paid, had he fulfilled his undertaking), an instant suit being threatened, if the bill were not paid. It remains, however, still unpaid, nor has the suit yet been brought.

The Quaker denomination having been pretty much exhausted on the former visit, application was now made to wealthy and religious men of the other denominations, particularly the Methodists; but they were all found just as timid and fearful as the Quakers. One of the persons now applied to—a man of great wealth, and whose wife and daughters had become deeply interested in the matter, and strongly urged him to act—declined, however, to do so, but advised that application be made to a distinguished advocate of the temperance cause, who might be supposed to feel some sympathy for Mr. Chaplin on that ground, if on no other. Application was accordingly made. That gentleman, though unwilling to become bail himself, lest it might lessen his temperance influence, yet expressed a desire to aid in the matter; and it was, indeed, his suggestions which finally furnished the means of obtaining bail. A distinguished banker at Washington, with whom the agent had some pecuniary transactions, hearing of the difficulty of obtaining bail, expressed his astonishment at such extraordinary pusillanimity, promised himself to find bondsmen, and wrote to a house at Baltimore to know if they would act in the matter. They promised to take the subject into consideration, and to consult counsel; but, upon being called upon for their final answer, declared that all their friends thought that it would be too hazardous to their business for them to venture to act!

It was at this seemingly hopeless moment—all the piety, the philanthropy, the common humanity, the decent manhood of Baltimore, standing trembling in its shoes—that the agent made up his mind to resort to a desperate expedient. Any thief, homicide, burglar, counterfeiter, swindler,—any villain, no matter of how deep a dye, whose friends had the money in hand to the

amount of the bail required, — might have found bondsmen without the slightest difficulty. But the man whose only crime, even in the estimate of all but the most rabid slaveholders, mad with feasting on human gore, and ferocious at having one single morsel of the quivering flesh snatched from their remorseless jaws, — cannibals, in whom excessive passion has extinguished every sentiment which elevates man above the tiger; — the man whose only crime, in the eyes of all but such men, — in the eyes of all the decent and humane part of the slaveholders themselves, whom we may charitably hope (frightened though they are, for the present, into a shameful and cowardly silence) to be the majority of the whole number; — the man whose only crime was, at the worst, but a mere piece of excessive and romantic generosity, — an attempt, as Mr. Todd has it, to throw God's light and beams into December, to make some little flowerets of liberty to spring up and blossom amid the wintry snow-banks of slavery; — such a man, educated, accomplished, winning, of high character in every particular, a gentleman, a Christian, in his labors for the temperance cause, as even slaveholders will allow, a distinguished philanthropist; — a man whose brain, perhaps, is not quite so sharp as Judge Dorsey's, and who may lack some portion of that person's acuteness at perceiving the mighty difference between tweedle-dum and tweedle-dee, but who has a heart large enough to supply the whole kith and kin of the Dorseys to the ten thousandth generation; — such a man, standing ready, with his money in his hand, could not find, in the whole city of Baltimore, one rich man with courage enough to become his bail! We say one rich man, for only rich men would answer the purpose. Money, if the possession of it sometimes makes men brave, not unfrequently, also, makes them cowards. Among the poor rnen of Baltimore, making no pretensions to be any better than their neighbors, there was doubtless many a great heart which would have risked anything and everything for the honor of becoming bail for such a man.

This certainly was a state of things which might well justify a resort to desperate expedients; and accordingly the agent made up his mind to apply to a well-known wealthy dealer

in slaves, the successor of the notorious Hope H. Slatter, as being perhaps the only person in Baltimore, rich enough for the purpose, whose position was such that he would dare to act with a decent degree of courage and humanity.

Accompanied by a friend, he hastened to the lofty buildings, — the scene of so many horrible agonies growing out of the domestic slave-trade, — and, having been shown through the court-yard and the slave-prison, on requesting a private interview with the head of the establishment, he was taken into a back parlor, very elegantly furnished, and being introduced, proceeded to state the object of his call, namely, to obtain him, since application had been made in vain to all the pious and philanthropical notabilities of Baltimore, to become bail for Mr. Chaplin, on being secured in cash to the amount of his recognizance. "Is that all your business?" said the slave-trader, with a sharp and penetrating look, which sought to dive into the heart of the applicant, and which seemed to imply doubt and suspicion of some secret stratagem or plot. Upon being satisfied, however, that the application was bona fide, he promised to take it into consideration, and to give an answer the next day.

Being called upon the next day at the appointed hour, the slave-trader stated that, having consulted his counsel and finding no legal difficulty in the way, he was willing, on being secured as had been proposed, to become bail for Mr. Chaplin.

What a strange state of things has been brought about in Maryland, under the reign of that ferocious regency by which, within the last ten or fifteen years, the supreme control of its affairs has been usurped! Maryland has a constitution and laws, and pretends to be a free republic; and so had and did France during the Reign of Terror. But, as the Jacobin club controlled everything in France during that period, and Robespierre played the despot under pretence of protecting France against its external enemies, so at present a few blood-thirsty, violent and ferocious men, hold the whole of Maryland under their thumb, and, under pretence of protecting the State against abolitionists, act the part of the most despotic tyrants. A man in Maryland, at the present moment, whom anybody may

choose to charge with being an abolitionist, is just about as badly off as a man in Paris was in 1794, whom anybody might choose to brand with being a royalist. Hence the excessive terror of all the people of Baltimore, who make any pretensions to piety or philanthropy, of subjecting themselves to that horrible charge, to which, as against them, they very well know that their piety and philanthropy will give a certain color. Let us, therefore, not judge them too harshly. Terror is a terrible thing. Even Peter, under that pressure, denied his Master thrice. Doubt not that these good men of Baltimore, when they shall hear the cock crow, and shall perceive the Lord looking at them reproachfully, will go aside as Peter did, and weep bitterly.

As to the slave-trader, being a shrewd man, and perfectly sure that the very nature of his business would effectually protect him from any suspicion of sympathizing with Mr. Chaplin's anti-slavery sentiments, no wonder that he was prompt to avail himself of so excellent an opportunity to gloss over, at no cost or risk, his reputation for humanity and good feeling, liable to such perpetual tarnish from the detestable business, — esteemed such even in slaveholding communities, — in which he is engaged. Satan, no doubt, would eagerly avail himself of any opportunity that might offer to go bail for the archangel Michael, especially if it so happened that all the priests, deacons and church-members, had first been asked and had declined.

Fortunately, however, the city of Baltimore was not to be subjected to such an extremity, to which, indeed, Mr. Chaplin and his friends would only have submitted in the last resort. It having come to the knowledge of the advocate of temperance above referred to that a distinguished citizen of Maryland, himself a slaveholder, had expressed himself with some contempt for the timid pusillanimity which had prevented Mr. Chaplin from obtaining bail in the quarters where it had been expected, the idea was suggested of applying to him. This was accordingly done, and he at once consented to act, and also to find some one to join him in becoming security.

Yet the conduct of this gentleman, who in so highly creditable a manner had consented, in this so unpopular case, to become

bail for a stranger, between whom and himself no ties existed of special religious or sectarian sympathy, and who could hardly have been influenced except by feelings of humanity, justice and fair play — ought not to be placed in contrast with that of the pious and philanthropical but timid rich men of Baltimore, in a light too unfavorable to them. He was a slaveholder, and from that circumstance had a hold upon the forbearance of the self-constituted despots of Maryland which the other gentlemen did not possess; and his relations to the public were also such as might serve to inspire those despots with some caution in undertaking to proscribe or punish him. Yet even he, or, at least, the friends whose opinions he felt bound to respect, were not beyond the influence of that terror by which the persons previously applied to were so completely subdued. This gentleman had been, and might again be, a candidate for office; and though it was on the votes of the non-slaveholders that he chiefly relied, — and it is a fact worthy of notice, that all the persons who inclined to recollect that Mr. Chaplin, though he had helped slaves to escape, was, after all, a man, and entitled to some human sympathies, belonged (with a single prominent exception) to the Democratic party, — yet they did not think it judicious for him to expose himself, by actually becoming bail, to the fury, rage and hatred, with which Mr. Chaplin was so extensively regarded. He had, however, no disposition to draw back from the agreement he had made, or to disappoint the expectations he had formed; and he suggested the names of two gentlemen who would sign the bond. Both were slave-holders, — one a retired builder, the other a lawyer; both of too much independence of character to be brow-beaten or frightened by the abuse, if not the personal danger, which such an act would be sure to draw down upon them.

Yet, though bail had thus at last been secured, the greatest caution and secrecy were thought necessary to prevent any violent out-of-door interference with the regular course of justice. It would have been most convenient for all parties to have taken Mr. Chaplin before Chief Justice Dorsey, who resides at Ellicott's Mills, and to have given bail before him. But

Dorsey had given on former occasions such palpable evidence of violent and ferocious hatred of Mr. Chaplin, that it was not thought expedient to trust him. Though the amount of bail fixed by Judge Brewer, at the time the indictments were found, had been, as was well understood, previously agreed upon at a conference of all the judges, there was reason to fear that Dorsey — and, indeed, he himself had intimated as much — would demand a still more extravagant sum; and it was finally determined to take Mr. Chaplin before Judge Brewer, who resides at Annapolis.

Annapolis may be regarded as the head-quarters of the self-constituted despotism by which at this time the laws and constitution of Maryland are substantially set aside upon all questions relating to slavery. Moreover, the constitutional convention was in session there — a body in which each of the wretched, decayed, impoverished southern counties, with eight or ten thousand freemen, has just twice as many voices as the great city of Baltimore, containing a third part of the entire free population of the State. It seems to have been the leading object of this convention not to give new weight and influence to the body of the people, but rather to devise new props and supports for that system of slavery which forms the sole drawback to the prosperity of Maryland. A large proportion of the members are quite rabid on the slavery question; and there was too much reason to apprehend, that, should the presence of Mr. Chaplin become known, they might resolve themselves into a lynch-law court, and proceed at once to the infliction of summary vengeance.

It is lamentable, indeed, that, in a pretended free State, persons engaged in a business which forms part of a judicial proceeding, and which ought to place them particularly under the protection of the law, should be obliged to go skulking like thieves, for fear of becoming the objects of illegal violence. This case, however, may serve to bring home to the minds of the good people of Maryland that liberty and despotism are at all times incompatible. If they will persist in the claim and exercise of despotic power over a certain class of their own population, they

must submit, also, in their turn, to become the subjects of an irresponsible and self-created despotism, however they may flatter themselves with the idea of preserving the forms of republican liberty. The gentlemen who had agreed to become bail for Mr. Chaplin proceeded by the steamboat to Annapolis, taking with them a carriage and horses, in order to have the means of speedily removing him, after bail should be given, from that seat of danger. The friends of Mr. Chaplin, who had been laboring so long to secure his liberation, proceeded by railroad to the Annapolis junction. There they met the sheriff and jailer of Montgomery county, having Mr. Chaplin in company. They had left the jail at Rockville, with the profoundest secrecy, at two o'clock that morning; and after a night ride of eighteen miles, over terrible Maryland roads, had reached a station of the Washington and Baltimore railroad, and having entered the morning train from Washington, had proceeded to the Annapolis junction. Still observing the same caution, Mr. Chaplin and his friends avoided all recognition of each other, and the entire party proceeded in silence to Annapolis, where they arrived about ten o'clock in the morning. From the station they went directly to the rooms of a lawyer, who had been retained in the case, and who awaited their coming. The bail had already arrived, and were ready. They proceeded with Mr. Chaplin, the sheriff and the lawyer, to the house of Judge Brewer, to whom their intention of giving bail had been announced, and whose behavior throughout this whole business, when called upon to act in his official capacity, presented a very favorable contrast to the violent and evidently malicious spirit of the chief justice.

Fortunately Judge Brewer did not consider it as within the purview of his duty to dally and delay, for the purpose of giving time to rally a mob. The necessary formalities were speedily despatched, and Mr. Chaplin was once more at liberty. As it happened, the party had entered Annapolis under cover of a tremendous rain. The streets were, in consequence, entirely deserted; and in going to and from the judge's chambers, not an individual was met. But though legally at liberty, Mr.

Chaplin could not be considered safe so long as he remained within the limits of Annapolis, and, indeed, of the State of Maryland. He hurried, with one of his bail, into the carriage which had been provided, and they forthwith started across the country, intending to intersect the railroad at Ellicott's Mills. The others waited the departure of the return train for Baltimore, in which they took passage, expecting to have met Mr. Chaplin at Ellicott's Mills. But such was the state of the roads that he did not arrive there till after the departure of the cars, and did not reach Baltimore till the next morning. There he remained a day longer; for, dangerous as the delay was, he could not refuse the pressing hospitalities of the gentlemen who had themselves encountered such serious personal risk, and, what most people dread still more, so much of social odium, in his behalf.

Thus, after an imprisonment of six weeks at Washington, and of thirteen weeks more at Rockville, was Mr. Chaplin delivered out of the hands of the Philistines; not, however, till his friends had paid for him the enormous ransom of \$25,000.

Prior to his discharge from imprisonment in Maryland, the grand jury for the District of Columbia, following in the footsteps of their Montgomery predecessors, had found four bills of indictment against Mr. Chaplin; two of them for a pretended larceny of the men claimed by Toombs and Stephens, — a gross piece of perjury on the part of the grand jury, since not only was there no single fact before them tending to that point, but it was well known to them, and to the district attorney, that the Circuit Court of the District had solemnly decided that precisely the state of facts before them did not amount to larceny; — the two others for helping the two slaves to escape. Here, too, as in the Maryland case, was another gross piece of oppression, in charging, at one and the same time, the same state of facts, as constituting two separate and inconsistent crimes.

It would have been easy to defend against the larceny indictments, and the highest penalty that could have been inflicted under the others amounted only to a fine of four hundred dollars. But in case of a trial, it would have been necessary for

Mr. Chaplin to have gone personally into the District; and what security had he against being assailed and overwhelmed by all sorts of false accusations, trumped up on purpose for his destruction? The grand jury which had found, and the district attorney who had advised, the indictments for larceny, might well be supposed capable of any villany whatever.

Under these circumstances, it was judged better for Mr. Chaplin to forfeit his enormous bonds of \$6000 than to expose himself to the unscrupulous malice of those in whom the judicial power of the District is vested, themselves but the supple instruments of that invisible spirit of ferocious despotism, by which the whole inhabitants of the Southern States, black and white, are alike held prostrate.

As to standing trial in Maryland, that would have been madness, indeed. This pretended trial would be but the mere covering up of lynch law under the trappings and formalities of justice. As well might a lamb expect a fair trial from a jury of wolves, with a catanfount presiding as chief justice. The very thought of the thing is ridiculous. Justice, law and evidence, were the last things thought of in the whole of these proceedings. They were got up for the purpose of enabling infuriated despotism to glut its malice under the forms of law. Chief Justice Dorsey, before whom the trial was to be had, had so far forgotten even those forms, as to have avowed his intention to send Mr. Chaplin to the penitentiary for life. It is said that Mr. Chaplin is to be demanded as a fugitive from justice, and that the \$19,000 extorted from him in the name of bail is to be spent in attempting to recover possession of his body. Whether, after he is caught, they intend to roast and eat him, or only to torture him slowly to death in prison, as they did Torrey, has not yet transpired. Whether it be the one or the other, he is first to be caught.

To every reader of this narrative the inquiry must forcibly present itself, What is the special occasion of the extraordinary ferocity with which Mr. Chaplin has been pursued? Not the loss, nor the danger of losing, two slaves, can have shaken the District of Columbia and the State of Maryland with such a

fearful excitement. The secret is, that, not content with theorizing, Mr. Chaplin has reduced to practice the doctrine that there cannot be any such thing as property in man. Doctrines never become of much consequence till they are reduced to practice. The advocates of slavery well know that Mr. Chaplin, by risking his liberty and his life in a practical attempt to carry out that doctrine, has done more to rouse the public mind of the slave States, and of the free States, to the baselessness of the claims of the slave-owner, than if he had written fifty volumes, and delivered ten thousand speeches, against it. The effectiveness of the blow which he has struck at the pretended rights of the slave-owner may be estimated by the ferocious anger with which that blow is sought to be retorted and avenged.

Let no man suppose that the danger and the sufferings encountered by Mr. Chaplin, and that the large sum of money necessary to save him from the blood-thirsty jaws of his infuriated enemies, have been vainly thrown away. Let no one regard Mr. Chaplin as a mere romantic enthusiast, who has foolishly and uselessly involved himself in all this danger and trouble, and his friends in all this expense. On the contrary, Mr. Chaplin is the truly practical man. Not content with safely preaching anti-slavery at home, he has acted it in the midst of the slaveholders themselves. And how he has pricked them to the heart, — how he has touched them in the tenderest spot of all, — what plainer proof can there be than the ferocity of which he has become the object?

Nor is this the whole. The difficulties he encountered in obtaining bail will serve to lay open in a palpable manner, as well to the people of Maryland as to those of the Union and the world, the truly wretched social condition of the South.

The condition of things in the slaveholding States, so far as relates to the slaves and the nominally free people of color, is well understood. That they are the subjects of a most unmitigated and unscrupulous despotism, everybody knows, — a despotism defended, like all other despotisms, on the devil's plea of necessity, as the only means of preventing the two races from cutting each other's throats. "The language is always the

same," so says Humboldt (*Essay on New Spain*, Book ii., ch. 6), "whenever it is proposed to allow the peasant to participate in the rights of a freeman and a citizen. I have heard the same arguments repeated in Mexico, Peru, and the kingdom of New Grenada," — and they may be heard now repeated every day throughout the slave States of the American Union, — "which in several parts of Germany, Poland, Servia, and Russia, are opposed to the abolition of slavery among the peasants. It is said that we must not interfere with the natives, because, on granting them more liberty, the whites would have everything to fear from the vindictive spirit and arrogance of the Indian race."

But, however the public may be generally informed of the close resemblance between Russia and the slave States, in the condition of the laboring classes, and of the identity of the arguments by which in both countries alike that position is vindicated, few comparatively are aware of the identity in position of the nominally free in both these countries. In both, within certain limits, a certain degree of freedom is enjoyed. You may discuss, in Russia, without restraint, the evils of democracy, the wretched condition of the American slaves, — everything, in fact, except the justice and equity of the Russian government and its system of administration. So, in Maryland and the other slave States, you may declaim against monarchy, aristocracy and Russian despotism, to your heart's content; but dare to question the slave system, its rightfulness, lawfulness and results, and you find yourselves at the mercy of an irresponsible power more terrible and more ruthless than the Russian police.

The essence of political freedom is to enjoy the liberty of fully discussing the social system under which you live, and of laboring, by all peaceable means, to overthrow and alter any part of it which you may think wrong or unwise. No such liberty exists in any part of the slaveholding States. Humanity, conscience, knowledge, stand fettered and padlocked. All the best, the most intelligent, the most virtuous and religious men in those communities, stand silent and trembling, in terror and dread of a little

knot of violent and vindictive men, who, under the name of the defenders of the slave system, have usurped the complete control of affairs, substituting in the place of law their own irresponsible decrees; or, what is worse yet, turning the officers of law and justice into the perjured instruments of their tyranny.

Can these unfortunate communities be said to enjoy a "republican form of government"? Does not, in fact, a case exist for federal interference, under one of the express guarantees of the constitution? The term "republican form of government" is somewhat vague, but it certainly means something; and what it means is perhaps better defined in Paine's *Rights of Man*, Part ii., ch. 3, than anywhere else. "What is called a republic is not any particular form of government. It is wholly characteristic of the purport, matter or object, for which government ought to be constituted, and on which it is to be employed. *RESPUBLICA*, the public affairs, or public good, or, literally translated, public things. * * * Republican government is no other than government established and conducted for the interest of the public, as well individually as collectively. It is not necessarily connected with any particular form, but it most naturally associates with the representative form, as being best calculated to secure the end for which a nation is at the expense of supporting it." Now, taking this definition of a republican government, which seems to be a fair one, "a government established and conducted for the interest of the public, as well individually as collectively," we should like to ask of the intelligent and patriotic citizens of Maryland, whether it is for the interest of the public, as well individually as collectively, that a perfect reign of terror, fortified by an infamous gag-law, should be established in that State, and that all pretences to freedom of thought or action, in anything directly or indirectly connected with the slavery question, should be abandoned, and the real control of affairs relinquished into the hands of an unknown and irresponsible volunteer committee of despots, — all for the sake of adding a problematical security to a certain species of property, which, at the most liberal estimate, does not amount to forty

millions in value, and which serves to degrade the free labor, and to cast a blight over the industry, of the State?

Will the free non-slaveholding people of Maryland, the vast majority of its population, — will all the decent, intelligent, humane portion of the slave-holders themselves, — submit to so base and degrading rule, exercised at the irresponsible pleasure of the most violent, unscrupulous, and ferocious men in the community?

And there is another question yet, and a greater one, and the time has now come to ask and to answer it. If the people of Maryland and of the other slave States do thus submit, will the freemen of the North allow a like miserable tyranny to be extended, through the agency of the base slaves of Mammon, over themselves?