

been returned by the courts. In view of these undeniable facts, the colored people realized that Mr. Stovall having taught school for a year in Sacramento would give weight to his actions. They also were aware of the fact that California was admitted to the Union as a Free State, and that the Constitution of the State also forbade slavery.

The Executive Committee of the Colored Convention decided to make the Archy case a test case as to the rights of Negroes to live in beautiful California. They staked their all upon the outcome and decided that if they lost and had to leave the State, they would not do so without a struggle. California's admittance as a Free State did not give them any more peace of mind than a Free Negro would have enjoyed in the heart of the Southland.

The officers of the Executive Committee living in Sacramento soon sent word to those living in San Francisco, Red Bluff, Marysville and other places throughout the State. They decided to fight the case to a finish, not in holding meetings and protesting, but to arm themselves with the best counsel available on the coast. The services of such an attorney required money and a lot of it. There were white people living in the State who believed that the Negro was human and entitled to the treatment of a human being, though such views always made the person unpopular among other white people. Hence to secure a good attorney they knew that they would have to pay a good fee. They secured a man who, while he valued his future career, was a deep, dyed-in-the-wool Abolitionist and a personal friend to the immortal Abraham Lincoln. The writer refers to Col. E. D. Baker, who conducted the second trial in San Francisco.

The first trial they employed a Mr. Winans, who came to California in 1849, after graduating in law from Columbia college. He was very popular and influential in organizing the San Francisco Bar Association. George Wharton James says: "His word was worth more than the biggest bond his richest client could give." What a splendid selection the Executive Committee made in employing such reliable counsel!

The second trial was held before Judge Freelon, and Archy was dismissed. Mr. Stovall immediately boarded a steamer for the States, carrying Archy with him. The colored people and the members of the Executive Committee sued out a writ of habeas corpus before George Pen Johnson, United States Commissioner. But who would serve the writ for them? One of the Executive Committee, a Mr. George Dennis, living in San Francisco, learning that ex-Judge Terry, an old friend of his, who, while a Democrat, still would do a kindness for those whom he liked, went to him and explained the case. He replied that if given the proper authority he would go out into the San Francisco bay and arrest Stovall. The Executive Committee of the Colored Convention chartered the tug "Goliath," paying the sum of three thousand and fifty dollars for the use of it. The tug being secured, ex-Judge Terry went out into the San Francisco bay and, as the steamer was about to pass through the Golden Gate, he hailed it and went on board and arrested Mr. Stovall for kidnapping Archy and returned to San Francisco, with both Stovall and the Negro slave-boy, Archy. The case was then tried before George Pen Johnson and Archy was defended by E. D. Baker, a lawyer of wonderful oratorical ability and a staunch friend to the Negro Race. E. D. Baker's pleading of the case was so forceful that George Pen Johnson, notwithstanding he was a southern man, granted Archy his liberty.

The Executive Committee spent altogether the sum of fifty thousand dollars in these different court trials in the interest of the Archy case. The money to defray the expense of the chartering of the tug "Goliath" was raised through the assistance of "Mammy Pleasants." Afterward the colored men and women begged, mortgaged their homes and gave concerts in an effort to raise the money to pay the cost of these trials. The battle was not for Archy alone, but because of the vital interest of the matter to all the people of color then living in California.

The few Free Negroes then in the State, with few exceptions, had earned their freedom after coming here and working in the mines after a long, hard trip overland by ox-team. If they were free when arriving in California, they used almost all their money in making the trip and were compelled to start life all over. Even so they handled this case as one would handle a great financial deal or adventure. They secured the best available attorneys, pledged themselves to the raising of the money to pay the cost and then opened battle, showing unity of purpose and marshalling of forces. Let the reader consider the thousands of miles lying between California and the men and women of the East who were using their voices, pens, money and time in an effort to influence public opinion in behalf of the Negro Race and the cause of freedom, trying, if possible, to convince the public mind that the Negro was actually made of flesh and blood, with a soul and with feelings the same as other human beings. These few Negroes and the loyal white persons in California who assisted the Negroes in this case are greatly to be admired.

After the final decision of the case it has been told the writer that San Francisco was on the verge of a riot, and that Mammy Pleasants hid Archy Lee in her home until the Executive Committee could secure him passage to Canada. In after years he came back to California and died in Sacramento. His demise was the cause of a revival of the case through the daily press. The following is from the Sacramento Daily Union, November 7, 1873, and which was republished in the Pacific Appeal of San Francisco under date November 10, 1873: "Archy Lee was found buried in the sand, with only his head exposed, in the marsh-lands of Sacramento. He was ill and claimed to have buried himself thus to keep warm. He was taken to the hospital where he died."\*\*Archy Lee arrived in Sacramento October, 1857.\*\*He was arrested in the Hackett house kept by colored people on Third, between K and L streets. Judge Robinson, who locked him up in the city prison, turned him over to James Lansing, Chief of Police, who issued a writ of habeas corpus directed to Dansing and Stovall, and on petition of Charles W. Parker, for whom Crocker and McKune appeared as attorneys. Smith and Hardy, opposing Judge Robinson, heard the case and it was continued a day or two. Meanwhile Stovall filed a petition with U. S. Commissioner George Pen Johnson, calling on him to enforce the Fugitive Slave Law. Winans and Crocker appeared for the slave in reply and moved to dismiss the petition. H. Johnson took time to consult M. Hall McAllister, United States Circuit Judge, and in a few days referred the case back to the State Courts. For two weeks the slave lay in prison when Judge Robinson released him and held that his master could not retake him. But Lansing detained the Negro, and refused to deliver him to Stovall, who petitioned the Supreme Court for a writ of habeas corpus for the recovery of his slave. In that case Stovall would be protected in his property and the chief was required to surrender the Negro to his master. He was escorted by a strong force of police from the court house to prison and three times tried to escape into the crowd surrounding him. The next day Officer O'Neal was detained to accompany Stovall and the Negro, heavily-ironed, was taken in a wagon out of town, a rescue being anticipated. The next heard of the matter was when Stovall and the Negro were in a boat in the San Francisco bay, ironed to a yawl and his master trying to get him on the steamer, while an excited crowd was on the wharf. A writ of habeas corpus was sworn out and an officer sent in a boat and the slave taken from his master and carried to the city hall, an immense crowd following him. The writ was heard before Judge Freelon a week later. Judge Hardy and Col. James appeared for the master, and Col. E. D. Baker, E. O. Crosby and W. H. Tompkins for the slave. On a motion to dismiss the warrant of arrest as fugitive slave, Judge Freelon denied it, whereupon Stovall set the Negro free and at once had him rearrested by U. S. Marshal, as a fugitive slave and George Pen Johnson heard the case. Meanwhile the Negro sued Stovall for \$2500 damages for imprisonment and beating. The case lingered for weeks exciting greater interest all the time. Witnesses were brought from this city and the trial was attended by an immense crowd. Finally, early in April, Johnson decided the case and released Archy Lee, holding that he was not a fugitive slave."

A portion of this chapter has been published in an article of the writer's under the title "Slavery in California" in the Journal of Negro History, January, 1918. Later the editor of this journal received a letter from a relative of the slave boy, Archy Lee. In the next issue of the magazine he published the following short sketch: "Mention of the slave boy, Archy, in Miss Beasley's 'Slavery in California' has called forth from a relative the following sketch:

" 'Archy's mother was named Maria. Maria had four children, Archy, Candace, Pompey and Quitman. (I am the daughter of Candace.) At the time Charles A. Stovall took Archy to California, Maria, with her other children were with Simeon Stovall, the father of Charles Stovall. Charles A. Stovall had been graduated in medicine and had returned home to begin practice, but his health having failed him, he went to California, taking Uncle Archy with him. My grandmother Maria heard through the relatives of Stovall of Archy during the time Stovall remained in California, but near the close of the Civil War, Charles Stovall returned to Mississippi and remained there until his death a few years later. After Stovall came back from California, my grandmother never heard any more of her son, Archy, except when she once heard that he was with the Indians who were treating him for some kind of sickness. Whether he died or whether this rumor was put out to keep the Stovalls from trying to steal him and bring him back to Mississippi, I have never been able to learn. My grandmother Maria continued to search for Archy, by writing several times to San Francisco, but without success. She died in 1884. Pompey and Quitman continued to live near Jackson, Mississippi. When Quitman died some time ago, Pompey was still alive when I last heard from him.' "

" 'Signed, MRS. R. A. HUNT, Marshall, Texas.' "