HISTORY
OF
THE MATSON SLAVE TRIAL IN 1847

Perhaps no event connected with the early history of this County attracted more local interest than this trial, and the incidents which led up to it. The trial itself, occurred in the Fall of the year 1847. For many years prior to that time, one, General Robert Matson, resided in the state of Kentucky, and was the owner of slaves, among which was the subject of this trial-Jane Briant, and her children. The husband of this woman was Anthony Briant, who was a free man, and a licenced Exhorter in the Methodist Church in that state. Some time during the year 1845, Matson being pressed with debt, brought this woman and her four children to this state in order to save them from being taken and sold for his debts, and located them on his farm some three miles east of where the Town of Newman now stands. The woman, while an ignorant slave, seemed to have gotten the idea somehow that by her coming to a free state she would become a free person. Her husband, old Anthony, came voluntrialy, along with his said wife and children, and was living with them at the time of the occurrences as hereinafter related.

In the early part of the year 1847, it became noised abroad that this man, Matson, had determined to take this family back to the state of Kentucky, their former home, and this brought up the incidents as hereinafter related.

In the summer of 1847, Mat Ashmore, as he was familiarly called, kept a hotel in the village of Oakland. He was a man of about forty years of age, was a wide-awake business man. Nothing pleased him so well as a stiff, legal fight, and in these contests he never knew when he was whipped, and like the bull dog, he never let go. His father had been a Captain under General Jackson. His reverence for that distinguished hero was so profound, that he believed that the sun had its first rising at the General's birth, and would go down in total darkness at his death. He was a Tennessean, a pioneer of 1829, and built the first house in Douglas County. Like most pioneers, he died poor, but left as a legacy to his thirteen children, his hate and detestation of the institution of Slavery.

The news of the determination of General Matson to take Jane and her four children back to Kentucky soon became known to them, and as might naturally be expected, threw them into a paroxism of grief. While old Anthony was a free man, he could not be compelled to return with his family to Kentucky, but neither he or his wife could bear the idea of being separated from one-another, and she supposing that she became free by coming to a free state, strenuously objected to returning with her children into slavery. In her desperation she sent the old man out for aid and help. He naturally carried his sorrows to his church brethren at Camargo and Sargent. They were dreadfully sorry for him, would pray for him, but could not help him. Above all they begged of him not to mention the
fact that he had called on them, and so with soft words "Sent him empty away," Sick at heart, he came to Oakland knowing no one, but by the merest accident happened to blunder against Mat Ashmore, and told him his entire story, and his failure with his own people. Ashmore went at once and counseled with Doctor H. Rutherford, and they decided to protect them whatever the cost might be. Whatever may have been Ashmore's motives can only be conjectured. He was a strong anti-slavery man, and a strict Presbyterian, and hated the Methodists most cordially.

Ashmore and Rutherford informed old Anthony of their determination to protect him and his family, and assured him that no means should be spared to prevent his wife and children from being taken back into slavery. The joy of the old negro can be better imagined than described. He returned to his home, loaded his family into his four horse wagon, and early the next morning arrived at Ashmore's hotel, bag and baggage, wife, children and all. He told Doctor Rutherford that he had started in the middle of the night and had left "Massa Bob done gone fast asleep."

Ashmore and Rutherford, now the guardians of these otherwise friendless slaves, got into a buggy and drove down to Charleston, where they laid the case fully before their mutual friend, Col. Ficklin, and with good judgment took his advice. They then returned to Oakland to await developments. All the while, poor old Anthony and his enslaved wife and children, were carefully cared for at Ashmore's Hotel, without cost or charge therefor, little dreaming that they were to be the subjects of the romantic incidents which were so soon to take place.

Upon every hand it was plainly visible that a storm of no small magnitude was brewing. Matson was making threats of vengeance against both Rutherford as well as Ashmore. The great majority of the people were in full sympathy with these two heroes. The only question was, will they stand firm. The magnitude of the undertaking was fully realized. Matson was determed, and at that distant period the laws of the state seemed to be in his favor. Everybody was waiting in suspense, but they did not have to wait long. In about two weeks the storm broke, and the legal contest, which was to determine the freedom of Jane and her children, was to take place. It commenced by the issuance of a writ by one, William Gilman, a Justice of the Peace, commanding Jane Bryant and her children to appear before him forthwith and answer the claim of Robert Matson, claiming their service as due to him, etc.

How absurdly preposterous such a proceeding seems to us, as we stand upon the summate of the civilization of the nineteenth century, and look back upon it. The idea, that a poor ignorant
justice of the peace should assume to sit in judgment upon the question of the freedom or bondage of five human beings, would seem beyond the range of possibility. But strange as it would seem, it was, nevertheless, a veritable fact, and will forever stand as a burning blot upon, not only the history of this county, but that of the entire state of Illinois.

Immediately upon the service of that monumental writ, Mr. Ashmore, wishing to conform to the laws, bundled Jane and her children into a wagon, and himself drove them down to Charleston, where they were, under a pretext of being safely kept, lodged in Jail and kept in confinement as felons until their trial, which was set two days later.

Mr. U. F. Linder was Matson's attorney, and Gilman was a mere tool in his hands. With him to decide the case, the trial would be a mere farce. Mr. Picklin wisely called for a board of three associated to sit with said Gilman, and Captain John Easton and a gentleman by the name of Shephard were put on the bench. Shephard was said to have some little sympathy with the defense. Easton was as rank a pro slavery man as Gilman, but was a conservative man, and careful in making his decisions. It would seem almost a hopeless undertaking to go before such a court, two to one, and expect an acquittal, but it was the best that could be done. The evidence was simple enough, and undisputable. Matson had brought these people to the state of Illinois, a free state, and domiciled them there. Enough evidence was taken to occupy two days in the taking of it. It was written down with the view of submitting it to the coming Circuit Court. But that was what Mr. Linder determined should never happen. While all that was going on, Ashmore and Rutherford announced that they would not stop short of the Supreme Court of the United States. Linder felt sure of his case. He said it was his business to furnish the Court with a plausible reason for conviction, and as to an appeal, he would manage that. Matson's benchman, Jo. Drew, had sworn that when the defendants arrived from Kentucky, Matson had called his attention to the fact and declared that he did not intend to free the negroes by so doing, but would keep them here temporarily and return them to Kentucky at his convenience. He had done the same thing with other negroes years before, two of them being the sons of this same woman. On that evidence, Linder tried to float the laws of Kentucky into the state of Illinois, calling it the law of the domicile following the master and his property wherever he went, quoting Blackstone, and other authorities in abundance. He threw all the force of his great forensic powers into his argument. Dr. Rutherford in speaking of that effort says "I have heard him a hundred times, but never knew him to make so great an effort." The Court adjourned for dinner. Watson was elated. He and I boarded with Judge Cullum and ate at the same table. We were always on speaking terms and discussed our controversy in good temper. He had the manners of a gentleman, and in the afternoon Mr. Picklin made, by way of reply, as I think, the very best effort of his life. I felt that honors were easy at least. the Court turned all out of doors and proceeded to make up their verdict.

During the progress of the trial, outside work was going on. Anticipating a verdict, Jo Drew had procured a pair of horses
and wagon with cover, hitched to the Court House fence, and had thoughtfully put straw in the bed of the wagon, and was seen to put pieces of bed cord in the wagon, the design of which, as all knew, was to hustle Jane and her children inside, tie her and then he, with an assistant as driver, and James and Van Easton, as horse-back guards, were to make a rush for the state line. While this preparation was going on, Dr. Rutherford and Ashmore were not idle either, and had organized a pursuing company of some eight or ten determined men. Tow of this last named squad are still living, Col. Chapman and Dr. VanMeeter of Charleston. They, like the Eastons, had also tied their horses to the Court House fence in waiting the result, while pistols, guns and other weapons flouted dramatically in the air. Things now looked as if bloodshed was inevitable. The whole community was aroused to a fever heat, and it was plainly evident that in case the Court should order Jane and her children to be returned into slavery, that desperate measures of resistance would be resorted to and which would inevitably result in bloodshed. Mr. Ashmore's brother, the Squire, had taken the necessary affidavit of Jane Bryant, and the children, preparatory to suing out a Writ of Habeas Corpus, or appeal. Unfortunately Linder was the Master in Chancery and the only official in the County who could issue the proper writ to take them out of Matson's hands, in case he should secure possession of them. Linder had promised the prompt performance of that duty repeatedly. However, a Deputy Sheriff had been found, and provided with horses, which were tied to the fence, ready to carry the writ, and go with the possey in pursuit of, and to arrest the fugitives.

Evidently the case before the court would have been lost had not the court by some means become aware that the conditions on the outside were not mere theories. Easton's brothers were in the scheme to rescue the defendants, and he himself was the leading mind of the court. The court discovered that "It had no jurisdiction, that Jane and her children were of African descent, and found in this state without a certificate of freedom, and that they be committed to the county jail to be advertised and sold for jail fees", as the black laws of that day directed.

That judgment was better than had been expected. Linder raved and cursed the court for its poultrunacy, and boasted that he would have refused the application for the Writ of Habeas Corpus had Matson gained the case. Poor Jane and her four innocent children had to go back to Jail again to await the day when they would be sold under the hammer to pay the fail fees, but which their bold and noble defenders determined should never take place, and which be it here said, never did take place, as the subsequent history of this wonderful trial will show.

But to return to the thread of my story. As this poor innocent woman holding her still more innocent children by the hand marched back to jail, a large crowd followed them, and in all that throng there was hardly a dry eye to be seen. Never, perhaps was seen in this county a greater manifestation of true, genuine
sympathy upon any occasion. That night as the infamous Joe Drew left the town, he was egged in a most horrible manner. Old Matson was arrested and brought from his farm down to Oakland and bound over to Court for keeping a mistress in his house. In return for this indignity, Linder brought suit against Ashmore and Rutherford for harboring five persons of negro descent, contrary to the provisions of the so called black laws for $2500 each.

Matson tried to steal the negroes out of jail upon two different occasions, but failed in both instances, as Lewis Hutchinson, the then Sheriff, was an honest man.

The Circuit Court convened at last, and with it was to come the long deferred sale of the negro woman and her children for the jail fees. Old Bob Matson appeared upon the scene again. He had now arranged to bid in the woman and her children for those jail fees, but the galant Co. Ficklin went before the court, which was then presided over by Judges, Wilson and Treat, and procured an order stopping the sale, until the further order of the Court. This order was postponed from time to time until on one Saturday night when the case was heard, the written evidence above alluded to was submitted and arguments were made by Linder and Abraham Lincoln for old Matson, and Co. Ficklin and Charles Constable for the negroes. Linder's plea was light and weak, compared with his effort before the Justices of the peace. His Kentucky law was out of place in that court. Lincoln's argument was poor too, and he gave the cause way by admitting that if Matson brought the slaves to this state and set them to work on his farm, they were entitled to their freedom. Ficklin and Constable, on the other side, acquitted themselves in a manner worthy of their subsequent fame, and the cause they then pled. The judgment of the Court was that the negroes became free by being so brought into this state, and the order for their sale was set aside, and they were ordered to be released from imprisonment, which was accordingly done. Late that Saturday night, old Matson learned what was the judgment of the court, and mounting his horse struck out in the darkness for his farm at Black Grove, thirty miles away. On Monday morning at ten o'clock, he crossed the Wabash River and never came back again. The next morning, which was Sunday, Mat Ashmore loaded Jane and her brood into his wagon, and started home to Oakland by way of St. Omer, and Dr. Rutherford on horseback took the straight line through the timber, and reached Oakland considerably in advance of Ashmore in the wagon. As Dr. Rutherford was dismounting from his horse, Old Anthony saw him and came breathless for the news of the result of the trial, which being told him, he went on double quick in his old gig tearing down the road to meet his family, with Ashmore in the wagon. He met them some two miles out in the country and Ashmore afterwards stated that it was worth a horse to have seen the jubilee. As soon as Old Anthony same in sight, he began to shout and sing, and at the same time, his wife and children began on the same strain. They sang and laughed and prayed and hugged one another all at the same time. Their joy was indescribable. It knew no bounds. No wonder, poor things, their redemption was now complete. They were in a free state and no longer slaves, but free in all which that word implies.
But this brief sketch of this wonderful drama will not be complete without a more particular reference to the persons engaged in it, and in the discharge of that duty, I don't know that I can do better than to use the language of Dr. Rutherford himself in speaking of his attorneys that were engaged in that litigation. He says of the subsequent history of Mr. Lincoln we are all familiar, and while I would detract nothing commendable therefrom, still justice demands that it be said that neither his speeches or his conduct at and during this litigation was worthy of his name, and subsequent fame. Mr. Linder, as an old-times member of the Coles County Bar, was as an orator certainly remarkable. Charles Constable, who was afterwards the honored Judge of the Circuit Court in this County, was retained to defend against the "Black Laws" suit, was the best educated lawyer at the bar, the only one who had ever attended a Law School. He, with his able assistant, Col. Ficklin, threw the case off of Court, and with it ended the operation of the so called "Black Laws" in this county. Of Mr. Ficklin, little need be added to what has been already written. At a ripe old age he was gathered to his fathers. It was my privilege, says Dr. Rutherford, with many other old friends, to pass by his coffin, to look upon his familiar face and to see him, with due honors, placed in the ground. That night the Court convened, and held a memorial service to his honor. I sat by and heard, with pleasure, the many good and kind things said about him by his fellow members of the Bar, but strange to say, the best and greatest event of his life was not mentioned. They did not know perhaps that in that last journey, he would reach St. Peter's gate bearing, as a ticket-Pass, the shackles of five slaves, for the good Apostle to look upon and honor.

Mr. Chairman, it was not my good fortune to be present at the Bar meeting last above referred to by Dr. Rutherford, and I now beg to digress from the thread of my story to put on record my feeble tribute to the memory of Co. Ficklin. He was my life long friend, and I shall never to my dying day forget his pains-taking kindness to me when I first commenced the practice of the law thirty five years ago. I had repeated occasion to go to him, or to some of the older members of the Bar for advice on points of practice and otherwise. It made no difference how busy he might be, he always would stop and answer my questions fully and carefully. He was a man of remarkable kindness of heart, and possessed of one of the most equitable dispositions I ever met with. He was by far a better man than generally considered. I join heartily in all that Dr. Rutherford says concerning him, and would adopt his beautiful language as my own.

But to return to the thread of my story. Jane Bryant, the slave, was about forty years of age, a stalwart woman, slightly pock-Marked, and a bright mulatto. She was said to be the daughter of James Matson, an elder brother of old Bob Matson. Her mother was a concubine, and Jane had a younger brother, Sim, who lately died at Tuscola, who was as black as ink. Jane shared the condition of her mother. Her two eldest boys were evidently of white parentage.
One of the little girls she had with her had long red hair, and blue eyes. The other three were darker than herself, but one was clearly legitimate. All the others were without "surnames". With all this degeneration, Jane possessed two striking characteristics—a desire for freedom and a greatful heart. The first due to her Saxon blood, the last is preeminently the negro birthright. Soon after her return from Charleston, she had a son born to her, whom she named for Mr. Ashmore. Poor woman, that was all she could do in the way of payment for his great services. As might naturally be expected, she dreaded Matson's vindictiveness. She feared lest her children would be kidnapped, and carried back into slavery, and accepting an offer from the Colonization Society, she went to Liberia. Settling down there, her last child was born, and in greatful remembrance of her redemption from bondage, and the great services done in her behalf by Dr. Rutherford, she honored him with its name.

Jane, the Slave, but subsequently a free woman, now sleeps quietly beyond the seas in her own native soil of distant Africa. And good old Anthony, after his sad and more than eventful life, has laid his weary body down, with all his sorrows and hear-aches and gone to that reward of which he loved so much to sing and talk while with us here below.

Mat Ashmore, that brave and noble man, full of years and good works laid down his burden too some four years ago in the neighboring state of Wisconsin. In fact all the actors in that extraordinary proceeding so noted at the time and so soon forgotten, have passed away, one by one, save one, and of whom I shall next speak.

That same Dr. Hiram Rutherford, the last of the Mohegans, still of Oakland, Illinois, that grand old man, the noblest of Roman of them all, every inch a hero, I am glad to say is still remaining with us, although far past the four score mark in years. Loved and respected by all who know him, may his last declining days be peaceful and serene, and in happy keeping with this, and the many other noble deeds of his more than useful life. To him is due the honor of planning the campaign, while his able and efficient Lieutenant, Ashmore, with him drove the battle triumphantly to the very gates, and won a victory that will go down to coming generations as a lasting and resplendent star in the diadem of good old Coles County.

By reason of the respective characteristics of those gentlemen, they were well fitted for that grand undertaking. Their exceeding kindness of heart, their devotion to freedom and their sympathy for the down-trodden, was mutual and identical.

Here, therefore, ends the history of one of the first skirmish battles, which we are proud to say was fought and won on the soil of this county, in the cause of human liberty and against that most detestable and horrible institution of human slavery, and the saving from its unspeakable grasp, at least one mother and her four children.

Respectfully Submitted

D. T. McIntyre.