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*Cover: A steamboat
and three flat boats
on the Ohio River.
The Filson Historical
Society*

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A Flight to Freedom:

A True Story of the Underground Railroad in Illinois

CAROL PIRTLE

In 1787 the Northwest Ordinance decreed that neither slavery nor involuntary servitude could exist in the territories it created. However, the French, who originally settled Randolph County in southern Illinois, held slaves long before the Ordinance went into effect. At first, they held Indian slaves, but later brought African Americans into the area. Authorities differ on exactly how many black slaves they introduced into the Illinois Country. One speculation is that in 1719 Philippe Francois Renault “brought 500 negro slaves to Illinois, landing them at the site of the ‘ancient village of St. Philip.’”¹ Others claim that while Renault brought the first black slaves into southern Illinois, he owned only twenty-two.²

Regardless of how many slaves the French settlers held in southern Illinois, Randolph County attracted many settlers from the Deep South because of its lenient attitude towards slavery. Southerners could immigrate into Illinois and still keep their “property” because officials ignored the Northwest Ordinance and called the slaves “indentured servants.”

Such proslavery champions sought to legalize slavery throughout Illinois between 1822-24 when they proposed a Constitutional Convention that would, in effect, legalize and expand slavery in the state. The “convention crisis” during these years brought arguments from both sides of the slavery question, and while slave owners were in the minority statewide, the state’s residents elected governmental leaders who were, for the most part, slave owners or who held sympathetic views to the cause of slavery.³ Randolph County, which had supplied the state’s first governor, lieutenant governor, and secretary of state – all slave owners – was particularly sympathetic to pro-Convention sentiments. Not all Randolph County settlers, though, were proslavery even though they lived in a county where many viewed slavery through sympathetic eyes. Many originally from northern states were abolitionists who began forming antislavery societies in the 1830s. Their work eventually shifted from trying to introduce legislation abolishing slavery to taking an active part in winning freedom for African Americans. Abolitionists such as these made up a majority of those who served as “conductors” on the Underground Railroad.

The web of secrecy and intrigue known as the Underground Railroad criss-

crossed the country prior to the Civil War. Many names associated with this “railroad” (neither a railroad nor underground) are well known to students of antebellum America. Students and scholars alike study about Harriet Tubman, Levi Coffin, and Owen Lovejoy — all of whom were abolitionists who put their beliefs into action by becoming conductors on the Underground Railroad.

Historians, however, have generally focused on the most famous and infamous and have commonly ignored the many unknown heroes who tirelessly worked to free slaves in bondage. Among these was William Hayes, a conductor who worked in Randolph County, located in southwestern Illinois.

Hayes was a small-time dairy farmer and sometime land speculator who had moved to the Illinois Country from upstate New York in 1832, settling first in Peoria before moving in 1833 to Randolph County, near Sparta.

Approximately two hundred letters written to Hayes from the early 1820s to 1849 document his work in the Underground Railroad. Hidden until 1989 in an antique walnut writing desk owned by the Hayes descendants,⁴ the letters had long been a Hayes family treasure kept



Andrew and Martha Borders, as depicted in the Illustrated Historical Atlas of Randolph County, Illinois, 1875. Courtesy of the Sparta Public Library, Sparta, Illinois

private because some older members of the clan were embarrassed that their ancestor had been a lawbreaker. Included in the box was an 1844 court record from a civil suit brought by slave owner Andrew Borders, another Randolph County resident, who claimed that Hayes had “Unlawfully wrongfully & unjustly aided and assisted... the servants of the said plaintiff [Borders]... [who] absented themselves from the service of the said master.”⁵

Letters written in 1841 from family members in upstate New York indicate that William Hayes was engaged in something out of the ordinary. Not all were supportive. A brother, James Hayes, wrote in April that he had “heard you had trouble for helping the Blacks with a Ride... I should think it would be more pleasure and as much profit to wait on your own Family and let the Concerns of others Especially the Blacks go to others for help. I am opposed to Slavery but think free states better not interfere with the Laws of the States Where Slavery Exists no further than to exert a

good moral influence.” Other family members admired his work with escaping slaves. His brother-in-law, Michael Johnston, wrote in October 1841 from his home in Albany to “express my approbation of the course you have pursued in regard to the slaves that providence cast in your way.”

Hayes undoubtedly had been active for more than a year when five slaves belonging to Andrew Borders came to him for help. Borders was a slave owner originally from Georgia who had settled outside the present-day city of Sparta in 1816, two years before Illinois qualified for statehood. With him came his wife, Martha, a young daughter, and four slaves, among them five-year-old Sukey. At the time, the slaves comprised his entire assets, for he arrived with only fifty cents in his pocket. Like many southerners who flocked to the area, Borders may have decided to put down roots in Randolph County because he could continue holding his slaves while public officials turned a blind eye to the situation. Exactly why he decided to emigrate from Georgia, where slavery was legal, is unknown. Over the years, Borders accumulated enough land, wealth, and additional slaves to make him the largest and most powerful landowner in Randolph and surrounding counties.

Among the slaves Borders held in 1842 was Susan Borders (called “Sukey or Suky”)⁶ and Hannah Morrison, a “young woman [who] had been detained in the service of Borders 18 months over her time.”⁷ The others he held were Sukey’s young children: Jarrot, Anderson, and Harrison. Borders had indentured Anderson and Harrison on March 24, 1841. At that time, Anderson was some “two years and two months old” while Harrison was “Six months old.” When Borders drew up Jarrot’s indenture papers on September 2, 1839, he likely was eight or nine years old. Each of the children was indentured to the age of twenty-one.⁸

William Hayes immigrated to Randolph County much later than Borders. After an unsuccessful stint in land speculating in central Illinois in 1832, he moved his wife and family to Randolph County in 1833 to be near some old friends who had settled there in the late 1820s. William Hayes and his family were devout members of the Reformed Presbyterian Church, a group who called themselves “Covenanters.” Because of Covenanter doctrine, William Hayes was able, with a clear conscience, to break laws that protected slave owners like Borders.

Hayes belonged to the Covenanter church in Eden, a small settlement east of Sparta that had been settled by immigrants from North Carolina in 1821. These southerners had left their native state because they wanted to live in a “free” part of the country. Unfortunately, while Randolph County held far fewer slaves than did North Carolina, its populace nevertheless included many slaves held by former residents of the southern states.

Covenanters adhered to a strict interpretation of the Bible and held several

views contrary to the beliefs of most other Protestant denominations, even other branches of Presbyterianism. For example, Covenanters held no allegiance to either state or federal governments because their constitutions did not recognize Jesus as head of the State. Covenanters were encouraged to challenge any law the church considered not in keeping with God's laws. Because of this particular belief, Covenanters challenged governmental authority at every opportunity. Indeed, the Covenanter church did not recognize state government and "looked upon it [state and federal government] as 'an heathen and unbaptized government' which denies Christ; for which reason they have constantly refused to work the roads under the laws, serve on juries, hold any office, or do any other act showing that they recognize the government."⁹

Covenanters voted only once in any election before the 1960s. They voted in 1824 only because an election was held to change the Illinois State Constitution. In essence, the outcome of that election would decide whether Illinois would be slave or free. Devout Covenanters wholeheartedly believed that the state should be free of a system that held other people in bondage. At the time, they made their voices heard by means of the ballot when they voted unanimously against slavery.¹⁰ Despite their efforts, and though statewide, voters rejected the idea of actively embracing slavery in Illinois, approximately fifty-five percent of Randolph County residents voted to retain a system of indenture within the state.¹¹

Covenanters energetically supported abolitionism. They refused communion to slaveholders in 1801, one of the first denominations to do so.¹² Well before the Civil War, they opened their churches to abolitionist speakers, participated in antislavery societies, and worked in the Underground Railroad.¹³ In addition, according to a map drawn by Wilbur Henry Siebert, "the pioneer student of the Underground Railroad," known Underground Railroad stations in Illinois corresponded closely to places where Covenanters settled.¹⁴

The Bethel Church in Eden, to which William Hayes and his family belonged, may have been more outspoken than most on the subject of slavery. Theodore Pease, in writing his history of Illinois, mentions "the little Reformed Presbyterian group at Sparta and Eden who on occasion went so far as to pronounce the dissolution of a union tainted with slavery as not the worst misfortune that might befall."¹⁵ As a devout Covenanter, Hayes's beliefs allowed him to live the articles of his Christian faith. He was free, even encouraged, to defy public laws that he believed were contrary to those ordained by God.

Andrew Borders's moral and political views were completely opposite those of Hayes. Although he too was a religious man who belonged to a more mainstream branch of Presbyterianism, his church apparently ignored his slave holdings. During his early years, his ambition and hard work added to his

collection of African American servants.

Among the slaves acquired by Borders after his arrival in Randolph County were Hannah and her mother, Sarah, whom he purchased in 1825.¹⁶ Borders was notorious for his inhumane treatment of his slaves, so much so that their condition aroused “the sympathy of the whole neighborhood.”¹⁷ In 1841 Borders beat Sarah so severely that she escaped and hid at the home of a Randolph County sympathizer, possibly Matthew Chambers, a young shoemaker,¹⁸ whom Borders accused of “harboring” her on April 18, 1842.¹⁹ Chambers lost that case on April 26, 1842, when a jury found him guilty and fined him twenty dollars.²⁰ Eventually he succeeded in establishing his innocence, as the Illinois State Supreme Court reversed the judgment in December 1843.²¹

Also in 1842 the Friends of Rational Liberty, a group of Randolph County abolitionists, sued Borders in Sarah’s name for assault and battery and past wages.²² As he was to do in subsequent court cases, Andrew Borders won the suit against him in the circuit court at Kaskaskia. When his appealed case reached the Illinois State Supreme Court in order to test the legality of owning slaves in Illinois, the Court affirmed the lower court’s decision.²³

When Sarah fled the Borders farm, she left her teenage daughter Hannah behind, along with Sukey and her three sons. Before the Illinois Supreme Court reached a decision on Sarah’s case in 1843, however, the other five slaves had also escaped. An argument between one of Sukey’s children, probably Jarrot, and those of the Borders family precipitated their flight. The squabble escalated to the extent that Sukey intervened, an act that so enraged Martha Borders that she demanded that her husband beat Sukey for insubordination. This he refused to do, but he agreed to tie her up in the barn so that Martha could mete out the punishment. He also threatened to sell the little boys down South, the ultimate threat for a young mother. Rather than face a thrashing and the possibility of losing her sons, Sukey escaped “betwixt two suns” on August 31, 1842.²⁴ Taking Jarrot, Anderson, Harrison, and Hannah with her, Sukey sought the aid of William Hayes.²⁵

No one knows exactly how they reached the Hayes farmhouse, nor is it known how they knew Hayes would be a ready and willing helper. Possibly his work in the Underground Railroad was well known in the area. Hayes’s property lay about eight miles east of the Borders farm, so the trip could have



Drawing of the Knox County Jail, from the History of Knox County, Illinois, 1878. Courtesy of the C.E. Brehm Memorial Library, Mt. Vernon, Illinois

taken most of the night. They may have followed a narrow, nameless creek that flows back of the Borders property, then exited at some point into the fields to follow a road north, eventually turning east.

Unlike most conductors on the Underground Railroad, Hayes did not take the women and children to the next sympathetic farmhouse. According to depositions given at his trial, he took the five fugitives on a steamboat northward on the Illinois River. Wherever and however they boarded the steamboat, they debarked at the heavily wooded “mouth of Coperas [Copperas] Creek,” and they reached Farmington, in Fulton County, on September 5, 1842.²⁶ Hayes stayed in northwestern Illinois for several weeks. At Hayes’s trial, James McDowell testified that Hayes “[h]as frequently been in the habit of going North ever since he lived in Randolph County” and that he picked up Hayes in St. Louis and brought him home in “sept or Oct 1842.”²⁷

The *Western Citizen*, a popular antislavery newspaper published in Chicago, carried the first account of the slaves’ escape in an unsigned article on September 16, 1842. According to the account, on Monday, September 5, the two slave women and three children arrived at the house of an unnamed abolitionist resident who lived near Farmington, “on their way to a land of liberty. The negroes said they belonged in the southern part of the State, that they were free by the laws of the State, but were claimed by a man who had threatened to sell them out of the State to go down the river.” The incident stirred enough interest among the antislavery locals that they “subscribed about \$500 to defend their liberty in a court of justice; but as their would-be master threatened to sell them out of the State, and put his threat into execution upon two other negroes – they were advised by their friends to follow the North star.” Later that afternoon, Hayes and several other men took the slaves to the home of an acquaintance, the Reverend John Cross, living at French Creek, in Peoria County, just north of the Knox County line. A Justice of the Peace of that county, Jacob Knightlinger,²⁸ knowing that the fugitive slaves had passed that way, “collected a gang together, who armed themselves and went in pursuit. They overtook the man returning, whom they endeavored to stop by threatening to shoot him, and other acts of violence.” Knightlinger’s posse then hastened to Cross’s home, arrested the fugitives, and took them back to the Knoxville jail. During their return, Rev. Cross attempted to stop them from kidnapping the slaves, only to be “assaulted, and stopped, knocking down one of his horses.” The following day, a committee of Farmington residents who sought to free the fugitives retained legal counsel to “see that justice was done to these defenceless women and children.” On Wednesday, September 7, “the reputed *Justice* and some of his gang, were arraigned before N[ehemiah]. West Esq., upon complaint of Mr. Cross and the Farmington abolitionists, and the Justice with one of his associates, were fined fifty dollars each.”²⁹

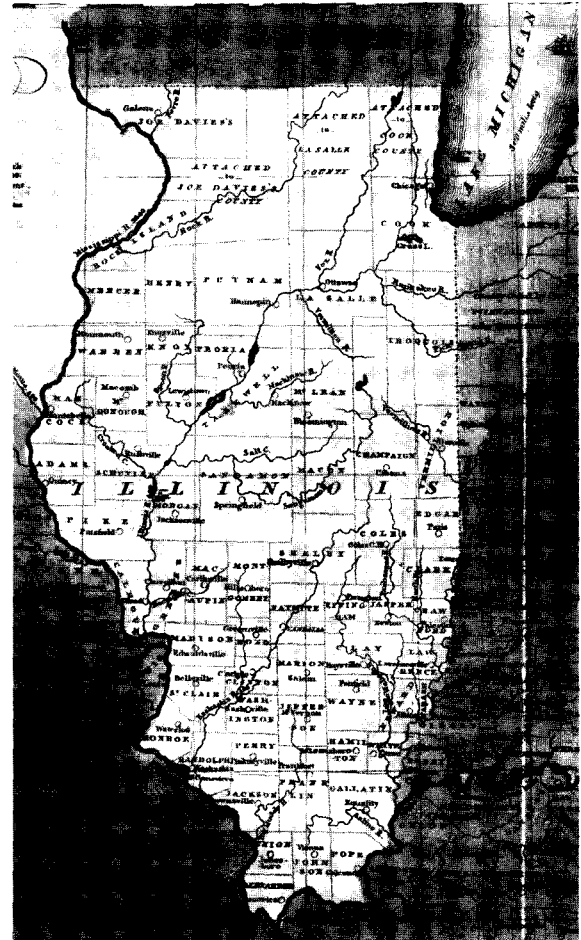
At the time, Knoxville was the county seat of Knox County. The jail, a dreary affair with few amenities, stood across the street from the Knox County Courthouse. Twenty feet square and two stories high, this glorified log cabin's only source of heat was a small fire in the center of the room.³⁰ The two women and the children were confined to the jail, "waiting for the arrival of the evidence of their freedom" that the appointed Knox County committee sought. A subcommittee soon formed to "see them supplied with all the necessities and comforts which a miserable jail will permit."³¹ Meanwhile, Sheriff Peter Frans advertised their imprisonment and tried to find their owner.³²

In late September, Andrew Borders learned of his slaves' whereabouts. With his son, James J. Borders, he traveled to west-central Illinois to claim his property. When he arrived, he admitted that Hannah had served her indenture, but he claimed Sukey and the boys. To his dismay, he had failed to bring their indenture papers and he went home empty-handed.³³ The abolitionists hoped they had seen the last of him.

The *Western Citizen* kept its readers apprised of new developments in the case. By October 7, it reported that the fugitives were "now out of jail and living with families in Knoxville."³⁴ A letter written to the paper on November 29, signed by "H. H. K." (likely Hiram Huntington Kellogg, president of Knox College) indicates that the sheriff had offered the women and children for sale on the courthouse steps. Though largely attended, most came simply for the spectacle of it, and the sale proved a failure, the sheriff having received only two bids and these each for only fifty cents.³⁵

For a time, life for the fugitives looked brighter. Hannah went to Galesburg to live, where she endeavored to learn to read and write. After staying a brief time with abolitionists in Knoxville, Sukey eventually rented a house of her own. She worked as a laundress for various families in Knoxville while Jarrot found employment in the fields near town. Sukey left the little boys at the local hotel (possibly Gum's Hotel) while she worked.³⁶

Their taste of freedom didn't last long. On October 24, Borders again thundered into town, this time with the proper papers proving he was their "owner."³⁷ Sheriff Frans helped him capture the little boys at the hotel and kidnapped Jarrot from the field where he was working, all before Sukey could



Illinois 1835. Cincinnati Historical Society Library, Cincinnati Museum Center

warn them. Frans threw all three boys into the Knox County Jail, this time without their mother.³⁸

At this point, the *History of Knox County* picks up the story. Sukey had been doing laundry at the home of a Rev. Cole, a Presbyterian minister, when she heard the news of her sons' arrest.³⁹ Naturally, she was frantic and attempted to go to her boys. Cooler heads prevailed, however, and the abolitionists persuaded her to don a disguise using Mrs. Cole's clothes. They then took her by sleigh into Galesburg, about two miles away. Borders hatched the plan that "if I can get the children I am not afraid but what the old one will follow."⁴⁰



THE RUNAWAY.

Picture used in hand bills and newspaper advertisements.

The Filson Historical Society

In the meantime, the committee formed to oversee the women and children sprang into action. They brought two suits against Borders and his son — one for trespass and the other for false imprisonment of the children. The local magistrate found the Borders men guilty of the latter charge and fined them \$500, a sum that Sheriff Frans paid. When Borders appeared in court a second time, he produced papers proving that he owned the children.⁴¹

The committee, however, found fault with the indenture papers. A large perforation located conveniently on Jarrot's papers where his age should have been, as well as other erasures that the probate judge of Randolph County had not certified, suggested fraud. Thus, the Borders men again heard themselves pronounced guilty and received the additional fine of \$400. When they refused to pay, they landed in the very jail that held Sukey's children. In addition, the judge

ordered them to appear at the next session of the circuit court. The accommodations at the jail, however, proved "too uncomfortable a place to spend the night," so the sheriff and others again supplied their bail and they were released.⁴² That day Borders and his son somehow secretly sent the children back to Randolph County.⁴³

In February 1843, Nehemiah West, a native New Yorker sometimes described as an "Old Line Abolitionist" who was the secretary of the first anti-slavery convention in that part of Illinois and whose home served as a station on the Underground Railroad, wrote to Hayes: "Mr. [George Washington] Gale Recd. Your letter which was the bearer of great Satisfaction to Susan [Sukey] as it allayed her fears about her Children being Sold into slavery."⁴⁴

With the knowledge that Sukey's sons were still in Illinois, the abolitionists in Galesburg remained hopeful that the family would be reunited. In his letter, West asked Hayes to search for proof that Sukey gave her consent for the boys' indenture, as required by the Act Concerning Apprentices. Consequently, he asked Hayes to search the records of the Probate Office in Randolph County "to ascertain when and where those indentures and by whom they were written." West also wrote that Hannah "is with me going to School and wishes to send to her mother [Sarah] that she is well."⁴⁵

Meanwhile, Hayes had his own legal difficulties. On February 8, Borders sued him in the Randolph County Circuit Court for \$2,500 and he filed for a deposition from Sheriff Frans.⁴⁶ Defendant Hayes asked for depositions from Gale, Frans, and West.⁴⁷ How Borders knew of Hayes's involvement in the affair is unknown. Likely he had heard local rumors that implicated him.

While embroiled in the legal controversy with Borders, Hayes apparently continued his work with the Underground Railroad. A February 27 letter from one T. A. Jones informed Hayes of the known routes along which to transport slaves to northern Illinois. "There is a line," Jones wrote, "from Quincy running through Canton And I expect to go north in the Spring and will do all I can to get one firmly established from your place to meet it either *at* Canton or *above*... If you can find any way to get the poor traveller to *Capt.* Breath's [A. Breath, a representative for the *Western Citizen*] near Marine. They will Send them up to Mr. McCords, Wafers, or Douglass'es. ... Send on all you can Get to any one of those men and they will be carried safely on."⁴⁸

Hayes may also have completed the search for the indenture records that West had requested in February. The *Western Citizen* reported on April 6, 1843, that "a gentleman to whom the committee had written for information arrived from Randolph Co., with a certificate from the acting clerk of Randolph Co.," by which it appeared that none of the persons whom Borders claimed was registered except the children's mother.⁴⁹

A flurry of legal papers crisscrossed Randolph County as Borders and Hayes prepared for the trial. Borders chose William H. Bissell, a Monroe County attorney and future governor of Illinois, and Gustave P. Koerner, a St. Clair County lawyer and future lieutenant governor, as his representatives.⁵⁰ Hayes hired Lyman Trumbull, a rising legal star and the current Illinois secretary of state, and William H. Underwood, both from nearby Belleville, to serve as his legal counsel.⁵¹ On April 28, 1843, the defendant's attorneys asked for a change of venue because "the minds of the inhabitants of said County are prejudiced [against] him."⁵² The following day, the judge ordered the case moved to Pinckneyville, in Perry County some twenty miles east of Randolph County.⁵³ Throughout the spring and summer of 1843 both plaintiff and defendant gathered depositions from parties in Knox County and prepared

for the trial in April 1844.

However, Borders had other legal matters on his mind. On May 9, 1843, Frans delivered a summons to Borders to appear in the Knox County Circuit Court to answer to “Hannah (a woman of color,) Of a plea of trespass on the case on promise to the damage the sum of Five hundred dollars.”⁵⁴ That case soon moved from Knox County to Warren County where the presiding judge dismissed it in November.⁵⁵

Borders’s other Knox County cases also came up in May, and the *Western Citizen* kept its readers informed of the developments: “Care had evidently been taken in selecting the jurymen, both petit and grand, to exclude every man who was known to have any sympathy for the slave.”⁵⁶

Regardless of the nature of the jury, the antislavery faction was doomed to lose the skirmish. The *Western Citizen* reported on July 6, 1843, that Borders had arrived at the Knox County Courthouse with a barrel of peach brandy for “his old friend the Sheriff,” and virtually everyone involved in the case, from the jury to the lawyers, imbibed freely. Only the judge refrained from the alcoholic bribe. As was customary in legal proceedings to which Borders was a part, he won this one, and “the petit jury brought in a verdict of 30 dollars damages against the Justice [West] who tried Borders in a suit for detaining his papers from Saturday night till Monday morning.”⁵⁷ In addition, the “grand jury not only found bills of indictment against those who had given food and shelter and clothing to the mother who had been robbed of her clothing, as well as children, by Borders, but whom the sheriff had not even demanded after he sent her off to shift for herself; but they seemed resolved to indict every man who could be indicted under any pretence.”⁵⁸ Back in Randolph County, Hayes prepared for his trial.⁵⁹

Borders v. Hayes began on April 15, 1844, in Pinckneyville, located twenty miles east of the Hayes home, with James Shields, soon to be elected to the Illinois supreme court, presiding.⁶⁰ The verdict would come three days later.⁶¹ The plaintiff’s lawyers presented a strong circumstantial case and because Illinois had a long history of oppression toward African Americans, the outcome seemed certain.⁶² Hayes’s lawyers did little to push his case forward, except to object to the legality of the case. Hayes never took the witness stand in his own defense. Over the objections of Hayes’ lawyers, Shields allowed depositions from several Galesburg residents into the plaintiff’s case.

Sheriff Peter Frans testified that he knew both Borders and Hayes from the time he held Sukey and the others in custody. “In conversation,” he stated, “the said Hays[sic] told me that he had brought the negroes away that he was paid for it that he was not an abolitionist.”⁶³ In another deposition, Frans related a conversation on the Knoxville Courthouse steps between Hayes, Nathan O. Farris, and himself. In that deposition, Frans again stated that Hayes had said he was not an abolitionist.⁶⁴

Sally Newman, in whose house Sukey had lived for a while after her release from jail, implicated Hayes in her deposition. Hayes had visited her, she said, sometime after the sheriff had released Sukey from jail. She said that Hayes reported that “he had brought her up to the mouth of Coperas[sic] Creek” and that when Sukey and Hayes met at her house, “They both appeared glad to see each other and Suky[sic] inquired about the health of his family.”⁶⁵

Nehemiah West’s testimony proved the turning point in the trial. In answer to “how did they say they [the women and children] got here,” West stated: “They said they ran away from Mr. Borders and came part of the way in a wagon – part of the way in a steam boat & part of the way afoot.” The final questions proved most damning to the Hayes case. The interrogator asked: “Did they say who fetched them on the wagon?” West dodged this by saying, “I should think they named a number of Individuals.” The plaintiff’s lawyer pressed further and asked, “Did they say that Mr Hays[sic] fetched them on the wagon”? West could hedge no longer: “I think they said they rode in Mr Hays’ wagon part of the way.”⁶⁶

Several Randolph County residents also testified at the trial, but none put William Hayes in a more favorable light. Hayes’s neighbor, John Finley, gave testimony that placed the fugitives at William Hayes’s home. Early on the morning of September 1, he had seen a black woman about thirty years old walking with two children past the lot where he was working. Later in the day, he saw her again, this time at Hayes’s house.⁶⁷ Sam McClinton, apparently a good friend of Hayes, corroborated the latter’s involvement in the affair when he said “sometime after [the] negroes went away... [Hayes] tried to procure certificates in the neighbourhood that the negroes in question were free.”⁶⁸

On April 18, 1844, the jury reached a verdict; it found in favor of Andrew Borders. However, they refused to grant him the entire \$2,500 that he had asked for. Instead they fined Hayes three hundred dollars, approximately the amount Borders had spent in recovering his slaves.⁶⁹ The defendant’s lawyers vowed to appeal the case to the Illinois Supreme Court.⁷⁰

The Illinois Supreme Court heard *William Hay[es] v. Andrew Borders* in December 1844.⁷¹ William Underwood, a lawyer from Belleville who joined the appeal, was optimistic about the eventual outcome. On New Year’s Day 1845 he wrote to Hayes: “I returned from Springfield a few days ago. Before I left your case against Borders was argued in the Supreme Court by Baker [David Jewett Baker, Sr., also on Borders’s legal team] and Koerner for Borders and by Trumbull and myself in your behalf. We had a long and desperate struggle, but I am very confident that we will reverse the judgment below.” The reasons he gave for such confidence rested largely on a technicality. “On a careful examination,” Underwood reasoned, “we found that the old Court of Common pleas was abolished four years before the time Sukey was registered, and her registry was of course a nullity. We had also decisions that the indentures of the children

were not binding on them and that they are void also. We produced law in a case like this, that the master of Sukey could not recover the value of her whole term of service before it expired. Judge Shields instructed the jury [at Pinckneyville]... [to] the contrary.”⁷²

Trumbull’s confidence in the highest court in Illinois was misplaced. The court affirmed the judgment of the Perry County Circuit Court, with only Justice Samuel D. Lockwood dissenting.⁷³

Hayes lost the case and, tragically, Sukey never saw her sons again. About a year after Borders kidnapped them, one of the boys [probably Jarrot] was killed in a horse mill accident on the Borders farm. The fate of her other sons remains a mystery.⁷⁴

The defeat in the Illinois courts did not deter William Hayes from participating in the Underground Railroad. In the spring of 1845, A. S. Bergen of Galesburg encouraged him in his antislavery efforts. “[H]op[e] You will be more Successful in this case than we wer,” Bergen wrote, “or than You wer in the case of Susan, That decision of the Supreem Court against You was an outrage against comon Sence, & in *violation* of the other dicession[decision] in case of *French Slaves*... Our Rail Road in this part of the State is doing but litle buisness this Season – I am glad Yours is so prosperous.” The letter closed with news about Sukey and Hannah: “Susan is Well. Hannah also & is improving in Education quite fast. don’t You think Susans litle boys are in danger of being run off by the vile hands laid upon those two men lately reported from Your County – cant Something be done to Secure them.”⁷⁵

Moreover, Hayes took part in other legal battles involving escaped slaves. On April 7, 1846, *The People v. William Hayes & Daniel Morrison* took place in Clinton County. This case, criminal rather than civil (as *Borders v. Hayes* had been), and thus carrying with it the possibility of Hayes serving jail time, followed from the two men’s arrest and indictment for “Harboring a Slave.”⁷⁶ The jury found Hayes and Morrison guilty, and the judge denied a motion for a new trial for Hayes but granted one for Morrison.⁷⁷ The second case was dismissed for costs in May 1849 when “one of the defendants [Hayes] since the last term of this court had died.”⁷⁸

Hayes died intestate in April 1849, leaving his widow an estate valued at just \$182.80. Among his effects were dozens of antislavery books and pamphlets, mute evidence that the abolitionist cause remained close to his heart until his death.⁷⁹ In contrast, when Andrew Borders died in 1864, he left an estate of approximately \$56,155.⁸⁰ Ironically, of all the players in this drama, only Sukey and Hannah lived lengthy lives. Both were living in 1878 when local historians published the *Knox County History*. Sukey remained in Galesburg, where she built a new life for herself, while Hannah relocated to New York City.⁸¹ Records indicate that Sukey received her certificate of freedom on May 1, 1845.⁸²

Thus, more than 150 years ago, the curtain rang down on a well-publicized

case that has remained part of the folklore of the Galesburg area. For the first time, though, the southern portion of the story has revealed itself to those other than the descendants of William Hayes. His story remains as one of many stories of those innumerable and invisible men and women who worked for the freedom of slaves, not only in Illinois but throughout the northern and southern states. ♡

Excerpted from Carol Pirtle, *Escape Betwixt Two Suns: A True Tale of the Underground Railroad in Illinois* (2000) reprinted with permission of Southern Illinois University Press.

1. *Combined History of Randolph, Monroe and Perry Counties, Illinois* (Philadelphia: J. L. McDonough & Co., 1883), 107; N. Dwight Harris, *The History of Negro Servitude in Illinois and of the Slavery Agitation in That State* (Chicago: A. C. McClurg & Co., 1904), 1-2, 9. Harris writes that "landowners were left unmolested in the management of their estates, and the question of the treatment of servants was very seldom if ever raised."
2. Carl J. Ekberg, *French Roots in the Illinois Country, The Mississippi Frontier in Colonial Times* (Urbana and Chicago: University of Illinois Press, 1998), 150, 309n53.
3. Suzanne Cooper Guasco, "The Deadly Influence of Negro Capitalists: Southern Yeomen and Resistance to the Expansion of Slavery in Illinois," *Civil War History* 47 (March 2001), 2-28.
4. The letters are part of the William Hayes Collection held by Mr. and Mrs. James V. Hayes, Sparta, Ill. (hereinafter cited as Hayes Collection). The author's 1989 transcription of the letters is located in the William Hayes Papers, Sparta Public Library, Sparta, Ill. and the Knox College Library, Galesburg, Ill. (hereinafter cited as Hayes Papers).
5. *Andrew Borders v. William Hayes*, Perry County Circuit Court, Trial Transcript, April 18, 1844, 2. This handwritten, forty-five-page document held by Mr. and Mrs. James V. Hayes is the only record known to exist. The Perry County Courthouse in Pinckneyville has no extant copy of the official court record. A transcript is in the Hayes Papers.
6. *Borders v. Hayes*, Perry County Circuit Court, Trial Transcript, April 18, 1844, 2.
7. *Western Citizen* (Chicago), July 6, 1843.
8. *Borders v. Hayes*, 21-25, 27. The indentures of Borders's servants were entered into the trial transcript.
9. Thomas Ford, *A History of Illinois, from Its Commencement as a State in 1818 to 1847*. (Chicago: S.C. Griggs & Co., 1854), 25. Many of the Covenanters' beliefs about voting persisted into the twentieth century. Covenanters refused to vote because they believed that voting would cause them to "profess allegiance" to a Constitution that was "in hostility to the kingdom of Christ, the head of the church, and the prince of the kings of the earth." In 1963 the Synod "decided that an oath to the constitution did not necessarily commit the oath taker to an unChristian position and it no longer forbade members to vote for a person publicly committed to Christian principles. The practical result of this was that most members of the denomination now felt free to vote for candidates whose platform they approved." *Reformation Principles Exhibited* (Philadelphia: The Reformed Presbyterian Church in the United States of America, Isaac Ashmead, printer), ch. 29, sect. 2, 252. According to the *Minutes of Synod of the Reformed Presbyterian Church*, "[i]n qualifying for any civil position or office, whether by appointment, political election or employment, the Christian may properly take an oath of allegiance to civil authority only if the church by orderly processes in her courts has determined that he is promising no more than due submission in the Lord, and that he is not directly or indirectly accepting any unChristian principle of civil government. When participating in political elections, the Christian should support and vote only for such men as are publicly committed to scriptural principles of civil government. Should the Christian seek civil office by political election he must openly inform those whose support he seeks of his adherence to Christian principles of civil government." *Minutes of Synod of the Reformed Presbyterian Church* (Pittsburgh: Church Headquarters, 1963), 58. The author wishes to thank Rev. Robert Morrow of Sparta, Ill., and Dr. David M. Carson of Beaver Falls, Penn., for their information and explanation of the Covenanter beliefs.
10. Ford, *History of Illinois*, 25.
11. Theodore Calvin Pease, *Illinois Election Returns, 1818-1848* (Springfield: Illinois State Historical Library, 1923), 28.
12. David Ray Wilcox, "The Reformed Presbyterian Church and the Antislavery Movement," (Ph.D. diss., Colorado State College of Education at Greeley, 1948), 72.
13. David M. Carson, "The Reformed Presbyterian Church of North America: A History," in Peter Lippincott, ed., *Psalm Singing of the Covenanters* (University City, Mo.: Prairie Schooner Records, 1977), 24.
14. Carson, "The Reformed Presbyterian Church and Slavery," *Covenanter Witness* (February 1994), 5-6.
15. Theodore Calvin Pease, *The Frontier State 1818-1848* (Urbana: University of Illinois Press, 1918), 375.
16. *Sarah, alias Sarah Borders, a woman of color v. Andrew Borders*, in J. Young Scammon, ed., *Reports of Cases Argued and Determined in the Supreme Court of the State of Illinois* (Chicago: Callaghan & Co., 1886), v. 4, 355 (hereinafter cited as *Sarah v. Borders*); Herman R. Muelder, *Fighters for Freedom: A History of Anti-Slavery Activities of Men and Women Associated with Knox College* (New York: Columbia University Press, 1959), 205.
17. Muelder, *Fighters for Freedom*, 206.
18. Born in Ireland, Chambers was thirty-seven years old in 1850. He and his wife, Nancy, lived in Randolph County (see *Index to the 1850 Census, Randolph County, Illinois* (Yakima, Wash.: Yakima Genealogical Society, 1976), 1. Another Matthew Chambers lived in Knox County, where he was the Anti-Slavery Society's first president in the winter of 1838-1839. Because the suit originated in Randolph County, the Randolph County Matthew Chambers is likely the one referred to in the suit (see Muelder, *Fighters for Freedom*, 68, 74n, 100n, 136, 142, 166, 167n, 380; *Matthew Chambers v. The People of the State of Illinois*, in

- Scammon, *Reports of Cases in the Supreme Court of Illinois*, v. 4, 364-72 [hereinafter cited as *Chambers v. The People*]).
19. *The People v. Matthew Chambers*, Randolph County Circuit Court, Record Book B., 97, Randolph County Courthouse, Chester, Ill.
20. *Ibid.*, 133.
21. *Chambers v. The People*, 364-72.
22. *Sarah v. Borders*, 354; Muelder, *Fighters for Freedom*, 206.
23. *Sarah v. Borders*, 364.
24. *History of Knox County*, 204.
25. *Borders v. Hayes*, 40.
26. *Ibid.*, 19-21; *Western Citizen*, September 16, 1842. J. M. Peck states that Copperas Creek "rises near Canton, runs a southeastern course, and enters the Illinois river in six north, five east. Much of it is timbered tract; some good prairie, and a large settlement" J. M. Peck, *A Gazetteer of Illinois, in Three Parts* (Philadelphia: Grigg & Elliot, 1837), 184.
27. *Borders v. Hayes*, 42.
28. *Western Citizen*, September 16, 23, 1842.
29. *Ibid.*, September 16, 1842.
30. A brick building completed in 1845 replaced the old log jail. *History of Knox County*, 140, 145.
31. *Western Citizen*, September 23, 1842.
32. *Ibid.*, April 6, 1843.
33. *Ibid.*
34. *Ibid.*, October 7, 1842.
35. *Ibid.*, December 23, 1842.
36. *History of Knox County*, 205.
37. *Western Citizen*, December 23, 1842.
38. *History of Knox County*, 462.
39. *Ibid.*, 206; Muelder, *Fighters for Freedom*, 211.
40. *History of Knox County*, 206.
41. *Western Citizen*, April 6, 1843; Muelder, *Fighters for Freedom*, 211-12.
42. *Ibid.*
43. *Ibid.*
44. West to Hayes, February 10, 1843, Hayes Collection; Jeriah Bonham, *Fifty Years' Recollections with Observations and Reflections on Historical Events, Giving Sketches of Eminent Citizens - Their Lives and Public Services* (Peoria, Ill.: J. W. Franks & Sons, 1883), 521-24.
45. West to Hayes, February 10, 1843, Hayes Collection.
46. *Borders v. Hayes*, 1, 11.
47. *Ibid.*, 11.
48. Jones to Hayes, February 27, 1843, Hayes Collection.
49. *Western Citizen*, April 6, 1843.
50. Bissell served in the United States House of Representatives from 1849 to 1855, and he was the first Republican governor of Illinois from 1857 to 1860. Koerner served as Illinois's lieutenant governor from 1853 to 1857 and as U. S. minister to Spain from 1862 to 1864. See John Clayton, *The Illinois Fact Book and Historical Almanac, 1673-1968* (Carbondale: Southern Illinois University Press, 1970), 103, 105.
51. Trumbull served in the Illinois House of Representatives from 1840 to 1842, as secretary of state of Illinois from 1841 to 1843, as justice of the Illinois Supreme Court from 1848 to 1853, and as a United States senator from 1855 to 1873. Underwood served in both houses of the Illinois General Assembly from 1857 to 1872. *Ibid.*, 101, 215, 221-23, 229.
52. *Borders v. Hayes*, 10.
53. *Ibid.*, 12; Randolph County Circuit Court, Record Book B., 160, Randolph County Courthouse, Chester, Ill..
54. *Hannah (a Woman of Color) v. Andrew Borders*, Case No. 191, November 9, 1843, Warren County Circuit Court Records, Box 7, Warren County Courthouse, Monmouth, Ill.
55. *Ibid.*
56. *Western Citizen*, July 6, 1843.
57. *Ibid.*
58. *Ibid.*
59. Hayes to Anna Hayes, n.d. [ca. spring 1844], Hayes Collection.
60. *Borders v. Hayes*, 1. Shields was appointed to the Illinois Supreme Court in 1843. He later served in the U. S. Senate from three states, Illinois, Minnesota, and Missouri, the only man ever to do so. Clayton, *Illinois Fact Book and Historical Almanac*, 101.
61. *Borders v. Hayes*, 38.
62. Illinois's 1819 "Black Code" protected slave owners by law and virtually assured the continuance of slavery in the state. Before 1840 free blacks did not have the right to own property, vote, serve as witnesses, hold public office, or attend school. Harris, *History of Negro Servitude in Illinois*, 9-10; *Combined History of Randolph, Monroe, and Perry Counties*, 120; Ford, *History of Illinois*, 32-34.
63. *Borders v. Hayes*, 17.
64. *Ibid.*, 28-31.
65. *Ibid.*, 19-21.
66. *Ibid.*, 32-35.
67. *Ibid.*, 42.
68. *Ibid.*, 43.
69. *Ibid.*, 44-45.
70. *Ibid.*
71. *William Hay[els] v. Andrew Borders*, in Charles Gilman, ed., *Reports of Cases Argued and Determined in the Supreme Court of the State of Illinois* (Chicago: Callaghan & Co., 1886), v. 1, 36 (hereinafter cited as *Hay[els] v. Borders*).
72. Underwood to Hayes, January 1, 1845, Hayes Collection.
73. *Hay[els] v. Borders*, 54.
74. *Western Citizen*, April 25, 1844.
75. Bergen to Hayes, April 7, 1845, Hayes Collection.
76. *The People v. William Hayes and Daniel Morrison*, Clinton County Circuit Court, Record Book C. 160, 182, 212, 242, 271, 308, 318, Clinton County Courthouse, Carlyle, Ill.
77. *Ibid.*, 182.
78. *Ibid.*, 318.
79. Randolph County Circuit Court Records, box 46, Randolph County Courthouse, Chester, Ill.
80. *Ibid.*, box 9.
81. *History of Knox County*, 203-206.
82. In the Matter of Susan's application for certificate of freedom, Sukey is listed as "Susan" in the Randolph County Circuit Clerk, Record Book B., 316. On that same day, one "Matilda Morrison" (previously recorded as "Sarah Morrison" and who may have been Hannah's mother), received her freedom. In the Matter of Matilda Morrison, application for Certificate of Freedom, *ibid.*, 315.)