

SAMUEL E. SEWALL

A Memoir

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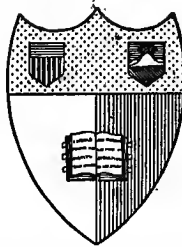
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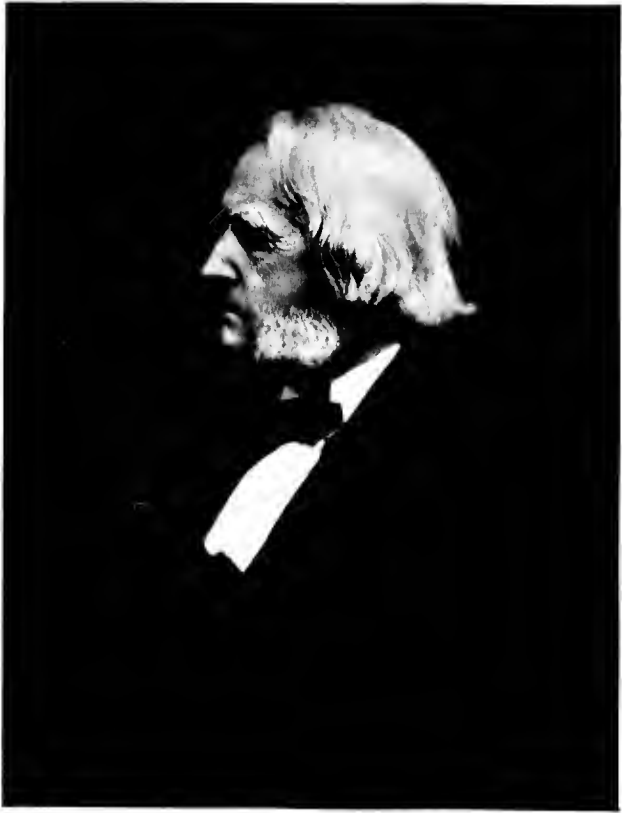
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S. Sewall

SAMUEL E. SEWALL

A Memoir

BY

NINA MOORE TIFFANY



BOSTON AND NEW YORK
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1898

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SAMUEL E. SEWALL

*Like that ancestral judge who bore his name,
Faithful to Freedom and to Truth, he gave,
When all the air was hot with wrath and blame,
His youth and manhood to the fettered slave.*

*And never Woman in her suffering saw
A helper tender, wise, and brave as he ;
Lifting her burden of unrighteous law,
He shamed the boasts of ancient chivalry.*

*Noiseless as light that melts the darkness is,
He wrought as duty led and honor bid,
No trumpet heralds victories like his, —
The unselfish worker in his work is hid.*

JOHN GREENLEAF WHITTIER.

PREFACE

So few of Mr. Sewall's contemporaries are now living that the material for a memoir of him has necessarily been limited. Moreover, immersed as he was in the conduct of affairs, he could never be a voluminous letter-writer. His daughter, Mrs. Cabot, has collected such survivals of his correspondence as she has been able to procure, and has chosen from among the family letters those which can be given to the public. If by these an impression of his character and personality is given, her main desire with regard to the volume will have been fulfilled.

Valuable preliminary notes and information have also been gathered together by Mr. Francis Jackson Garrison. His kind care of the memoir from first to last, and the indispensable daily collaboration, through all parts of the book, of Francis Buchanan Tiffany, are gratefully acknowledged.

Especial thanks are also due to Mr. George A. Dary for many facts, records, and documents generously supplied, and to Mr. George T. Angell, Dr. M. E. Zakrzewska, Mrs. Abby Morton Diaz, and others.

N. M. T.

ST. PAUL, October 15, 1898.

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SAMUEL E. SEWALL

CHAPTER I

ANCESTRY AND BIRTH

Stately and slow, with thoughtful air,
His black cap hiding his whitened hair,
Walks the Judge of the great Assize,
Samuel Sewall the good and wise.
His face with lines of firmness wrought,
He wears the look of a man unhought,
Who swears to his hurt and changes not;
Yet, touched and softened nevertheless
With the grace of Christian gentleness,
The face that a child would climb to kiss!
True and tender and brave and just,
That man might honor and woman trust.

WHITTIER, *The Prophecy of Samuel Sewall.*

“YOU have often desired that I would give you some account of the family of which you are,” wrote Samuel Sewall, the old chief justice, to his son in 1720. “And although I am much less able to do anything of this nature now when I have been left of my dear Parents very near Twenty years, yet, considering the longer I stay the more unfit I shall be, take what I have to say as follows :

“Mr. Henry Sewall, my great Grandfather, was a Linen Draper in the City of Coventry in Great Britain. He acquired a great Estate, was a prudent Man, and was more than once chosen Mayor of the City.

“Mr. Henry Sewall, my Grandfather, was his eldest Son, who out of dislike to the English Hierarchy sent over his onely Son, my Father, Mr. Henry Sewall, to New England in the year 1634, with Net Cattel and Provisions sutable for a new Plantation. Mr. Cotton would have had my Father settle at Boston; but in regard of his Cattel he chose to goe to Newbury, whether my Grandfather soon followed him.

. . . “In the year 1667 my father brought me to be admitted [to Harvard College]. . . . I was admitted by the very learned and pious Mr. Charles Chauncey, who gave me my first Degree in the year 1671. . . .

“In 1674 I took my 2^d Degree and Mrs. Hannah Hull, my dear Wife, your honoured Mother, was invited by the Dr. [Dr. Hoar, then President of Harvard College] and his Lady to be with them a while at Cambridge. She saw me when I took my Degree and set her affection on me, though I knew nothing of it till after our Marriage; which was Feb. 28th, 1675-6.”

In this letter the most renowned of the Sewalls¹ tells us all that we shall be likely to know of the direct descent of his branch of the family. His great-grandfather, Henry Sewall, mayor of Coventry, was the founder of the Sewalls and Sewells of the United States and Canada.

The name is an ancient one, probably derived from the Sasualo, who, Sir William Dugdale thinks, must be conceded to have been "no lesse than a thane in the Saxon's time;" and whose descendants, Sewalls, Sewaells, Sewells, and Shewells, were plentiful in Warwickshire. Henry Sewall, in writing his name, adhered to its simplest form, and to the *a* found in the Latinized Sewallus.

The "dislike to the English hierarchy," which drove Judge Sewall's father and grandfather to New England, argues individuality and independence to have been family traits at the outset. His own career was marked by two other characteristics which have come to be associated with the name, — conscientiousness and a deep religiousness. These pervaded his daily life and his dealings with men; these, nothing less, goaded him

¹ He does not mention his own worldly honors. He was the first of a long series of distinguished Sewalls. Out of the period of one hundred and twenty-two years, from 1692 to 1814, eighty-four saw some member of the Sewall family in the highest court of Massachusetts.

on to fatal zeal in the days when he wrote in the margin of that imperishable diary, — “Vae, vae, vae witchcraft.” Moreover, as his judgments in the days of witchcraft were stern, so, when the delusion had passed, was his sense of error deep. Public confession alone could restore peace within ; and he is at no time more lovable than when he is seen waiting at the Old South Meeting-House, the confession of error in his hand, — that “bill” in which he “desires to take the blame and shame” of his part in the matter upon himself, — giving the paper to Mr. Wilson as he passes by, “standing up at the reading of it, and bowing when finished.”

Mistress Hannah Hull, who, as Judge Sewall says, saw him when he took his degree and “set her affection” on him, was the daughter and sole heir of John Hull, Esq., a goldsmith and principal merchant in Boston, master of the colonial mint from 1652 for many years, treasurer of the Colony of Massachusetts in 1676, one of the earliest benefactors of Harvard College, and one of the assistants of the colonial government of 1683.¹

¹ *Family Memorials*, by Edward E. Salisbury. “Hannah Hull’s dower is mythically said to have been her weight in Pine-tree shillings.” (*Ibid.*) Her mother was Judith, daughter of the first American Edmund Quincy. John Hull named for his wife the headland known as Point Judith, which was part of his possessions.

The second son of the first chief justice and Hannah Hull was Joseph, minister for fifty-six years of the Old South Congregational Church of Boston, and known as the "good Dr. Sewall."¹ He married Elizabeth Walley, and had but one son who lived to maturity, Samuel, a merchant of Boston and a deacon in his father's church. Samuel married Elizabeth Quincy, and left a number of children, among them Joseph, who became treasurer of the Commonwealth of Massachusetts, and who was the father of the subject of this memoir.

Joseph Sewall, the treasurer, was born in 1762. He was early left an orphan. At the beginning of the Revolution, the relatives under whose care he was placed sent him out of Boston, and he was for some time at Dummer Academy in Newbury. The turbulent days of the Revolution over, he returned to Boston to begin his training for mercantile life with his brother-in-law, Samuel Salisbury, and later established himself in business at Marblehead. It happened that at this time the

¹ On the 11th of May, 1724, he was chosen President of Harvard College, another candidate being Cotton Mather, who solaced himself for his own disappointment by this sarcastic record in his diary: "This day Dr. Sewall was chosen president *for his piety.*" Dr. Sewall declined the office. In 1731 he received the Doctorate of Divinity from the University of Glasgow.—*Family Memorials.*

wife and daughter of Thomas Robie,¹ a royalist refugee, were visiting relatives or friends in Marblehead; and, an inherited tradition of friendship between Robies and Sewalls having paved the way to acquaintance, Joseph Sewall applied to Thomas Robie for his daughter's hand.

JOSEPH SEWALL TO THOMAS ROBIE.

MARBLEHEAD, July 29, 1788.

SIR, — Letters by this conveyance will introduce me to your notice as a person aspiring to the Honor of a Connection with your Family. On this important occasion, the Character and Circumstances of the Person soliciting are, I conceive, Sir, the principal objects which claim a Parent's attention. . . .

¹ Thomas Robie was the son of Thomas Robie who graduated from Harvard in 1708, and who was afterwards a tutor there, as well as librarian and fellow, and died in 1729. The son fled at the time of the Revolution to Halifax, and returned to this country only after the lapse of several years. He was a Sewall by descent, his father having married Mehitable, daughter of Stephen Sewall. A warm affection existed between his first cousin, Jonathan Sewell, and himself, as is shown by their correspondence, carried on through many years. This Jonathan Sewell was John Adams's intimate friend. It will be noticed that Samuel E. Sewall was descended from the first chief justice and also from his brother Stephen; and that he inherited a double share of the Quincy strain, through Judith (Quincy) Hull and Elizabeth (Quincy) Sewall.

In Nov. 1785 I came to this place with a small assortment of Goods which I had taken on credit — the amount did not exceed £300 — my own right in them was short of £50. . . .

My Property at present may be estimated at £900. To this estimate permit me to add, what in your mind may be of more essential importance, a Knowledge of Business and a Habit of Industry, obtained by a regular Education in the mercantile line. But do not consider this, Sir, as the dictate of vanity or affectation; for in soliciting you to approve of a Connection in which I feel that my happiness is deeply interested, I should wrong myself to omit the smallest circumstance which might tend to reconcile you to the absence of an amiable Daughter. — I confess, Sir, that all which I can offer appears to me very inadequate to my purpose, and I shall always feel sensible how much I am indebted to your benevolence and to her Condescension, if I am so fortunate as to succeed in this attempt.

I should not have presumed, Sir, to make this application, if I had not met with some degree of encouragement from Mrs. Robie, for whom I shall ever entertain the most grateful regard; by her and by your amiable Daughter I am refer'd to you for a decisive answer: I cannot easily express how much my happiness depends on that decision.

With Sentiments of the highest Esteem and
Respect, I remain, Sir,

Your most ob't Serv't,

JOSEPH SEWALL.

THOMAS ROBIE, ESQ.

To which Thomas Robie replied : —

“I cannot express my own Mind on the Occasion better than by quoting the words of Mrs. Robie's Father¹ to me in answer to an Application of the same kind, which was to this purpose —

“‘My concern for my dear child is principally that she may so pass through life as that she may finally attain that complete Felicity which awaits the Pious and Virtuous in the next World.’”

The marriage took place, and Mrs. Joseph Sewall wrote to her father, December 22, 1788, “Ever since my union with Mr. Sewall I have found my regard for him daily increase, as I every day discovered in him some good and amiable qualities which proved him more worthy of my esteem. As I think this will give you satisfaction I am induced to mention it, and further to add, that as far as

¹ Thomas Robie married Mary Bradstreet, great-great-granddaughter of Simon Bradstreet, Governor of Massachusetts. Thus Samuel E. Sewall was a descendant on his mother's side of Governor Bradstreet, and of his wife, Anne, who was celebrated as the first poetess of New England, and who was the daughter of Thomas Dudley.

depends upon him, I make no doubt but I shall be happy — yet as happiness below is always imperfect, I dare not promise myself too much.”

The minor key in this fragment of a letter came rather from a gentle self-distrust than from any gloom ; for although the succeeding years brought to the wife and mother many sorrows, — of her eleven children only two survived her, — she could yet write at the age of sixty-five : “ When I look back on my past life and reflect how much I have to be grateful for, the kind and affectionate friends who have travelled with me the journey of life, a journey diversified with many changes, but in which enjoyment has predominated, in which my hope has never failed, . . . I have sometimes felt as if I had had more than a common portion of enjoyment, and have asked myself, How have I deserved all this ? and how shall I prove my gratitude ? ” This spirit of unfailing cheerfulness she bequeathed to her son.

During the years of the married life of Joseph and Mary Sewall in Marblehead six children were born to them, namely, Mary, who died in 1816, Thomas, destined with Samuel to survive all the other members of a large family, two little girls named successively Elizabeth, and two boys bearing in turn the name Joseph. The last four died in infancy.

In 1799 Joseph Sewall removed to Boston. Here he went into partnership with his nephew, Samuel Salisbury, Jr., under the name of Sewall & Salisbury, as importers of dry goods. Other partners were afterwards added to the firm, and the business was prosperous and considered large in those days.

On the 9th of November, 1799, in a house in or near Sudbury Street, Samuel Edmund Sewall was born. Younger brothers and sisters of Samuel who were also born here were Edward, Martha, Elizabeth, and Frances.

The mother's letters show Samuel in his progress through early childhood,— as a fine baby, “fat as a beach bird;” as a prospective victim for inoculation with “kine-pox,” which was “quite the rage;” as a lisper demanding his Aunt Hannah and, in her absence, missing her good government; as going every day at four years of age to “Aunt Louisa's school,” and always saying when he came home that he had “been a good boy;” and as being very fond of his black nurse, Flora.

Flora, indeed, was the first of her race and of her sex whose cause the young defender espoused. Some one called her black. “Flora's not brack, she's b'own,” he insisted. There was a tradition that as a small boy he had a very quick temper, and that when this same nurse would say to him,

“Sam, swallow your temper,” he would succeed in doing so. Still, on occasion, even in after years, a sudden really furious burst of wrath at some wrong-doing would break out, startling those who knew him to be habitually tranquil and composed.

CHAPTER II

YOUTH

SAMUEL E. SEWALL was prepared for college at Phillips Exeter Academy, and in 1813, when not yet fourteen years of age, entered Harvard College, from which, since the graduation of the first chief justice with his class of ten, no fewer than seventeen Sewalls, descendants of the Mayor of Coventry, had received their degrees.

Of the lad's career in college we have few records. His was a noteworthy class, numbering, as it did, among its representatives, George Bancroft, the historian, Caleb Cushing, whose path was to diverge so far from Mr. Sewall's as to lead him into Pierce's cabinet, David Lee Child, Samuel A. Eliot, George B. Emerson, Samuel J. May, Stephen H. Tyng, Paul Willard, and Alva Woods. Samuel J. May, who was Mr. Sewall's cousin, and after the first year his chum, as well as in later years his companion-in-arms in the struggle against slavery, says of him that he was "a diligent student and a distinguished scholar." In that class of

sixty-seven his rank on graduation was seventh or eighth, and in the August commencement he had a part, a thesis in Latin on the Science of Logic. Of his writings while in college an exhibition exercise "De Literis Rerum Publicarum" survives, as does an essay on "The Improvement in Composition since the Reign of Queen Anne." One other extant essay, on the advisability of using English instead of Latin for the triennial catalogue, indicates that even at that early day he had begun to suggest improvements in the existing order of things; though it was not until 1890 that this change was accomplished, and he was never able to read his name in the roll of baccalaureates as plain Samuel Edmund instead of Samuel Edmundus.

In 1817, when the Harvard Law School was newly established, Sewall entered its first class and remained two years, receiving his degree of LL. B., when such degrees were first conferred, in 1820. During his vacations he studied in the office of John Gallison, a connection of the family and a lawyer of great promise.

For the few personal touches that have been handed down concerning this period, we are indebted to his aunt, Miss Hannah Robie. An inmate of the Sewall household, she was devotedly attached to him, and her letters are enlivened by frequent allusions to "Sam." She describes him

as being "the general favorite of the house and of everybody who knew him;" always the one to be called on for errand-running and small helpfulnesses. On one occasion, it is true, being asked to step to the market and bring home a melon, the young law student looked somewhat scandalized. The request was immediately withdrawn, but he appeared a few minutes later with the desired purchase under his arm, remarking laughingly that he had "tried to make it look as much like a book as possible."

In the autumn of the year in which he finished his studies at the law school he made a journey with six companions, including May, Emerson, and Cushing, to the White Hills, then hardly so accessible as is the Yellowstone Park to-day. "On Monday morning," he writes to his mother, "we left Kennebunk . . . and on Wednesday evening arrived at the house of a Mr. Crawford, who was our guide to the top of the White Hills. The distance we had gone over was only eighty-one miles, the greater part of which I was on horseback. The next day at twelve o'clock we set out for the mountains and stopped at a house about six miles off [the Willey House], where we left our horses and wagon. This is the only house in a distance of twelve miles. We then set off on foot with our blankets and provisions on our backs. We followed

the road for two and a half miles till we came to what is called the notch. . . . Just after we passed this, we turned off into the mountain and began to ascend it by a narrow path, which has lately been made through the forest. . . . After laboring for two hours we arrived at what Crawford calls his camp. . . . At five o'clock the next day we set off. . . . At last we arrived at the foot of Mount Washington, the highest land in the United States. . . . We erected on the top a pyramid of stones to immortalize our ascent."

A year later he spent August and September with his kinsfolk in Halifax, from which place the young Puritan wrote: "The people here think so much of rank and titles;" and "visiting and dissipation is here made too much the business of life." But after a fortnight his Puritanism seems somewhat to have relented. "My manner of living here is very different from what it was in Boston. Visiting and riding about are my most serious occupations, and I read, write, and study a little by way of recreation. I find dining at five and six o'clock agrees very well with me. . . . I hope the custom will soon be introduced into Boston. The more I see of this place, indeed, the better do I like the whole style of living here. The people of Halifax certainly understand the art of society better than my own countrymen. As I am living with so dis-

tinguished a personage as the Solicitor General, I have had an excellent opportunity of seeing the most important characters in the place, and being introduced among the most fashionable society."

In Boston, indeed, his social life was chiefly that of the large family circle. His sisters were delicate and shy, his mother retiring by nature. Aunt Hannah and her favorite nephew were evidently the leading spirits in such gayety as they could create. "We have got almost sick of the great eating family parties," she wrote to her sister, "and Sam and I were *head conspirators* in trying to do something about it. . . . We aspired to something much greater than we accomplished, but all parties are much gratified in what was finally decided on. Mr. May's, Mr. Greele's and our family meet at each other's house regularly once a week, . . . and we allow no corporeal food but one kind of cake with tea, and in the evening only bread and cheese and a basket of apples. We depend on reading for part of our entertainment. Some new publication or some pleasing poem or essay is generally selected and recommended by one of the company."

Miss Robie also speaks of fortnightly meetings with Dr. Channing, whose church the family attended. "They are pleasanter than ever, as there is more freedom in conversation than there

used to be." Referring to these meetings and to the family parties, she says, a little on the defensive: "They shew some of our sources of what we consider rational enjoyment," and adds philosophically, "You will not at least doubt that they are an innocent substitute for more showy and expensive recreations and that it is happy for us we can enjoy them, as the one is within our reach and the other is not."

Upon Sewall's admission to the bar in 1821,¹ he was about to enter into partnership with Mr. Gallison, but the plan was frustrated by the latter's death. He then formed a connection with Willard Phillips. The basis of this partnership was the same as that proposed by Mr. Gallison, and was that the junior partner should attend to office business and should receive one half of the net profits, with a guarantee of five hundred dollars a year for two years. They continued in partnership from 1821 to 1826, with offices in Rogers Building.

During the early years of practice, while the young lawyer was at his desk with more or less legal work on hand, he yet found or made leisure for various experiments in writing. He was for a time editor of the "American Jurist;" and in it he published articles on Damages on Bills of Exchange,

¹ He was admitted in the Court of Common Pleas January 5, 1821, and in the Supreme Judicial Court March 5, 1823.

on Manufacturing Corporations, on Literary Property, and on Bankrupt and Insolvent Laws. In 1836, in connection with Mr. Phillips, he prepared a second American edition of Sir John Bayley's book on "Bills of Exchange and Promissory Notes."

A review of children's books, sent to the "Christian Examiner," was probably an outgrowth of his interest in educational matters as a teacher in Dr. Channing's Sunday-school. This interest, as might have been expected, leaned toward the progressive side. In "The North American Review" for April, 1830, appeared an article by him on Catherine Beecher's "Suggestions respecting Improvements in Education," of which he heartily approved. "Much of the existing evil in the world," the article says,—and the sentence reveals the mainspring of his actions, — "may be removed by human agency. Perhaps," he continues, "that heavy mass, the public, which is oftentimes so difficult to move, but whose momentum is so irresistible when once it is set in motion, may be forced into action by this and similar publications."

A number of years of anxiety and sorrow for his father's family began with the misfortunes of some relatives in New York, for whose debts his father's firm, now Sewall, Williams, & Co., had become responsible. In 1826 the firm made an

assignment of their property for the benefit of their creditors. "The partners readily obtained a full discharge from all their debts," says Samuel E. Sewall, "and the creditors had a large dividend. I am happy to say also that both Joseph Sewall and John Williams afterwards succeeded in paying their shares of all the debts which had not been fully paid under the assignment. From this, however, I believe must be excepted debts where they were merely sureties for others."¹

Almost immediately after this honorable failure Joseph Sewall was chosen by the legislature treasurer of the commonwealth, and continued to fill the office during the five years allowed by the constitution. "His being chosen to an office of so great responsibility immediately after his personal financial embarrassment, showed the high confidence which his fellow-citizens entertained of his integrity and business capacity. He experienced no difficulty in finding sureties on the heavy official bonds which the law required of him."²

Financial reverses were but forerunners of heavier trials. In 1828 Samuel's sister Elizabeth fell a victim to consumption; and her death was followed within a year by that of his dearly beloved brother Edward. In the next year died Frances,

¹ *Memorial Biographies of the New England Historic Genealogical Society*, vol. i. p. 253.

² *Ibid.*

and in 1832 Martha. Finally, in 1834, his mother passed away, leaving to survive her of her eleven children only Thomas and Samuel.

Six months before the death of Frances, Miss Robie went with her to the South, in the hope that the climate of Florida might avert the disease to which all the sisters finally fell victims. Samuel accompanied them, and remained at St. Augustine long enough to see them settled as comfortably as the accommodations of the place at that time would permit.

In his letters to his mother he described St. Augustine, with its roses, green grass, and birds in February; but it is easily seen that his thoughts, which were hereafter to be occupied so much with the question of slavery, were already turning toward the problem presented by the condition of the negro race. "What strikes a stranger from the North more than anything is the number of blacks which he sees everywhere. In the streets we meet at least six blacks to one white. They generally look like idle, good-for-nothing vagabonds. They are universally lazy, doing the least possible quantity of work with which they can escape punishment. . . . They moved so very slowly that at first I was often on the point of asking if anything was the matter with them."

CHAPTER III

MARRIAGE

IN the summer of 1835 Mr. Sewall spent some days in New York for the purpose of attending the anti-slavery convention held there. In the house at which he stopped were Mr. and Mrs. Nathan Winslow, of Portland, Maine, and their daughter Louisa. At the close of the convention the Winslows and Mr. Sewall returned together to Boston, and during a visit of three or four weeks paid by the family in the city, the young people saw each other frequently. Miss Robie wrote: "The young lady is a Quaker and about nineteen years old. . . . Sam was afraid to let her return to Portland without securing her. He has made two visits of several days to Portland since. . . . The engagement is not known among the Quakers, and Sam has not been introduced to her connections generally; they wish for the present not to have it known, as a Quaker marrying one of the *world's people* is disowned, as it is termed, by them. The engagement here is pretty well

understood. . . . Her father is very well off, but I suppose this is a consideration that never occurred to Sam. The liberal disposition of all the family is a much stronger recommendation. Report speaks well of [her] as being the finest girl in Portland."

The young girl was an enthusiastic abolitionist, and ardently ready for the other new gospels preached in that heyday of reform.

Mr. Sewall's proselyting, if proselyting it may be called, was very gentle. He was himself so thoroughly imbued with the spirit of tolerance and with respect for the convictions of others that he could not have urged upon her a belief toward which she showed no inclination. Yet, when he found her eager to receive ideas which were of supreme value to himself, he shared them freely with her.

The influence of Channing and Unitarianism had become a prominent factor in the religious life of the day. Mr. Sewall, as a follower of Channing, gave her a volume of his sermons; the following fragments from their correspondence show with what result.

SAMUEL E. SEWALL TO LOUISA M. WINSLOW.

July 28, 1835.

I am very glad to find you have so good an opinion of Unitarianism. On my part, my respect

for Quakerism has very much increased since I knew you. I have been reading, as I told you, Clarkson's "Portraiture of Quakerism." I am not going to become a convert to the theological doctrines of Quakerism, but the Quakers have certainly done more than any other sect to maintain the pure morality of the gospel, both by their opinions and their conduct. . . . There are some things in their discipline which do not please me, particularly their disowning persons who marry out of the society.

LOUISA M. WINSLOW TO SAMUEL E. SEWALL.

October 18, 1835.

The committee have called again, but I did not see them. They talked a great deal with mother, and asked her if she did not think I might be induced to change my mind. She told them "she did not think it impossible." She does not know me so well as I know myself. . . . The more I know of Unitarianism, the better I like it. That faith appears to me much the most rational, and I cannot bear to hear the Unitarians condemned as infidels by those who have never read any of their works. . . . It is a great task for me to attend their [the Quakers'] meetings now, and I only do it because mother thinks it necessary to prevent them from excommunicating me immediately.

S. E. S. TO L. M. W.

October 29, 1835.

The great error in most, if not all, Christian denominations has been to give an undue importance to speculative opinions or to forms of worship and church government. But how unimportant are these things compared with a heartfelt belief in the essentials of Christianity. Whether a person believes or disbelieves in the doctrines of the Trinity, original sin, or the eternity of future punishments, he is a good Christian if he loves God, believes in the divine mission of Jesus, and conforms his life to the moral teachings of the gospel. So it seems to me of very little consequence whether a person prefer a form of prayer with the Episcopalians or not; whether he is opposed to a salaried clergy, a clerical dress, and ornamented places of worship, like the Quakers, or not. . . . These are not the points which Jesus Christ urged in his preaching. The great object of his instructions was to inculcate love to God, an expansive benevolence towards our fellow-men, and a pure and exalted morality. . . . Though I have no doubt that the opinions of some sects have a more favorable influence on character than those of others, yet I believe that exemplary Christians may be found in all. It has been easy in all ages

for men to find subjects to dispute about, and it has been natural for them to exaggerate the importance of their own peculiar sentiments, and thus be led to quarrel with those who differed from them. These contests have too often made them lose sight of the real spirit of their religion.

L. M. W. TO S. E. S.

November 28, 1835.

Lucy Ellen and Harriet¹ have become quite Unitarians as well as myself. Lucy Ellen says she has derived more consolation from Dr. Channing's discourses than from any book she ever read.

February 29, 1836.

Since I commenced this letter grandmother has been in. She wished to see all the family together, as she had something very important to say to us. Poor woman, she is greatly concerned about us. Last week I lent her Dr. Channing's discourses, and she says she has hardly given sleep to her eyes or slumber to her eyelids since she has read it. She thought it a most deceiving, pernicious book, and believed it was a snare which the enemy of souls had laid for us, seeing we had departed from the straight and narrow way. She brought up all the passages of Scripture which she

¹ Her sisters.

thought would [refute] the Unitarian doctrine. . . . I should not wonder if we had all the Quaker preachers in the country to visit us.

Even the "isms" of the day were not allowed to pass unheeded. Phrenology roused Louisa Winslow's lively curiosity: Grahamism found her a ready disciple. With simplicity and earnestness Mr. Sewall bent his attention upon these subjects, since they were of importance to her. He was somewhat concerned lest the reports made of him by the phrenologists should cause her uneasiness.

"I believe I promised to let you see Jones's report on my head," he wrote; "I therefore enclose it. He represents my organization so unfavorably on some points (though perhaps he has flattered me on others) that I should feel seriously alarmed if I did not feel confident that you would rather judge me by your own observation than by the representations of a phrenologist. . . . I know you will be distressed by the charge which seems brought against me of being deficient in attachment to my friends. . . . Do not think me vain, therefore, for what I may say in my own praise. . . . Attachment to my friends has always been one of the most active principles of my nature."

To which she replied: "I wish he had given you more adhesiveness. But I believe, notwith-

standing what he says, that you possess that organ large. You say that you love me with your whole soul, and I am sure that is the language of adhesiveness.”

S. E. S. TO L. M. W.

October 14, 1835.

If I were sure that I should enjoy a clearer mind and a healthier body by adopting the system, I would become to-day as faithful a Grahamite as you are. I found that I lost part of the lecture in consequence of my thoughts wandering to Portland. Do you suppose my becoming a Grahamite would make me more attentive to what is going on about me?

November 30, 1835.

Your friend Graham has played a curious trick upon his admiring auditors here, which does not seem to me at all to his credit. He advertised at first a course of lectures, I think upon the Science of Life. But no matter what he called them, everybody expected them to contain a development of what is called the *Graham system*. He finished his course last Wednesday evening, but had given very little information on the subjects of diet and regimen which we had all gone to hear about. But at the end of his last lecture he informed his audience that he was going to deliver another series of lectures, in which he would tell

them all they wanted to know. In other words, he was not going to disclose his grand mysteries until his hearers would pay him another fee. This manœuvre has lessened my opinion of the creature very much. His views may be very correct, but I am afraid there is more love of money than philanthropy in his lecturing. However, I have been so much interested in his lectures, though they abound in repetition and circumlocution, to say nothing of his stupendous self-conceit, that I mean to attend the other series. I mean for your sake to give myself a fair chance of becoming a Grahamite.

And again : —

“If you should succeed in making a Grahamite of me, you will be fairly revenged for what I have done towards making a Unitarian of you.”

L. M. W. TO S. E. S.

We have placed several of those hyacinths you gave us in November in water, and have given them names. Yours is the most flourishing. Lucy Ellen says it is because I selected the best root for your name.

January 27, 1836.

The abolitionists are generally kindred spirits. It seems as if they were surrounded by a purer

moral atmosphere than the rest of the world, and it is almost impossible to be near them without feeling its elevating influence. It seems that Dr. Channing's work has been referred to several times in Congress. One of the Southern members thought it would do more hurt than anything the abolitionists had ever written. . . . I am glad they have begun to discuss the subject at last.

Mr. Sewall's estimate, in the following letter, of his own power, or lack of power, upon the platform is probably a just one. In argument he was always forcible; in public speaking he was sometimes, when stirred by his finely passionate indignation, touched to eloquence; but more frequently the deliberateness of his manner and an habitual length and fulness of exposition forbade effectiveness.

S. E. S. TO L. M. W.

April 12, 1836.

I am much obliged to you for thinking so well of my speech. You have a most delightful way of praising me. You must take care not to make me vain by paying too much attention to what I write or speak. I confess your approbation delights me—not, I think, from idle vanity—but as a mark of the interest which you feel in me. You wish to hear me speak in public. You would

be sadly disappointed if you should. . . . I shall never be an orator. Do not, my dear Louisa, indulge your imagination one moment with the idea that you are going to marry one. You will not find me a worse husband because I am an ordinary speaker.

In this may be seen also the sensitive conscientiousness of the man who will not be loved for gifts which he does not possess.

He is editing his law-book, and groans to her over its tediousness.

“I am glad to hear that you are so busy.” (This was in April, when she had confided to him that she was much occupied with sewing.) “It seems to me a very good omen. I hope your business is more agreeable than writing law-books. I think a few days will finish all the labor on my book, except looking over a few proofs. I shall feel light enough to jump to the moon, or to Portland, when this load is removed from my shoulders.”

Toward the end of the period of waiting the letters become more personal. There is one, half playful and wholly earnest, which pleads in thirty arguments for a shortening of the time. Others inclose, rather diffidently, verses which he says are bribes to obtain more frequent replies.

S. E. S. TO L. M. W.

May 11, 1836.

It is exactly a year to-day since I left Boston to attend the anti-slavery meeting in New York. I little thought when I left here that that visit was to produce so agreeable a change in all the prospects of my future life. Little did I think that I was to meet one who would appear to me to combine more attractions than my imagination had ever painted—one who would fascinate and intoxicate me at first sight—and yet seem more worthy of my devoted love the longer I should be acquainted with her. I lived in a strange state of agitation and excitement, of hopes and doubts and fears, from the first moment I was introduced to you, till I began to feel in Boston that I had won an interest in your affections. But I do not know why I am repeating this old story, which I have told you I do not know how many times.

The 8th of June, 1836, was finally set for the wedding day. Louisa wrote, “Mother has had our wedding cake made of anti-slavery sugar; I think it ought to be Graham bread.”

But lest the Quakers should suspect that the ceremony was about to take place and should take some action which might mar the tranquillity of

the event, Mr. Sewall was requested not to arrive before the day itself. He therefore made arrangements to take the boat on the evening of the 7th. Fate and fog, however, prevented the steamer from sailing on the 7th, and the marriage had to be postponed, though probably only until the next day. During their wedding journey, upon which her sister, Lucy Ellen Winslow, accompanied them, Mr. and Mrs. Sewall visited Springfield, Albany, and Trenton Falls. Early in July they arrived in Boston, where they made their home with Mr. Sewall's father, in Morton Place.

CHAPTER IV

ANTI-SLAVERY BEGINNINGS

FOR the origin of Samuel E. Sewall's interest in the cause of the slaves, it would be no more than fair to go back to the year 1700, when his great-great-grandfather, the first chief justice, published "The Selling of Joseph," which was nothing more nor less than a vigorous anti-slavery pamphlet.

"Originally and naturally," this pamphlet declares, "there is no such thing as slavery." This was precisely the position taken by the anti-slavery men of a later day, who never allowed themselves to use the term "owner" in speaking of the master of a slave.

"These Ethiopians," said Judge Sewall further, "as black as they are, seeing they are the sons and daughters of the first Adam, the brethren and sisters of the last Adam, and the offspring of God; they ought to be treated with a respect agreeable."

For sentiments such as these, "frowns and hard words" were his reward. The same reward awaited

his descendant, when, more than a hundred years later, he raised his voice against slavery, now grown a hundred times more formidable.

It is probable that from childhood he had recognized the evils of slavery. Certainly in the twenties, which were alike his and those of the century, he was ready to put his hand to the plough. One who had taught his sisters told Miss Robie, in after years, that it had always seemed to her "as if Martha and Sam were the originators of the anti-slavery movement," as they were undoubtedly "among the first [anti-slavery] writers."

Of Martha's writings no traces remain. An article by her brother entitled "Remarks on Slavery in the United States" was printed in 1827 in the "Christian Examiner," and the same periodical accepted in 1831 his review of Stephen's "West India Slavery."

Those were the days when the Union was still young, and the new nation held its restive elements with a tense and anxious grasp. Conciliation was the motto of those who had assented to the compromises of the constitution, and a tradition handed down by them to the next generation. In the South, although the tragic complications arising from the system of slavery had made many a slaveholder groan under the load he carried, a silence on the subject both tacit and enforced prevailed. At

the North, hardly less peremptory was the finger on the lip. Men knew that in the situation itself disaster lay coiled : to agitate it, however cautiously, was to let destruction loose.

Thus dreading any action, Massachusetts indulged in a lethargy sanctioned by public interest, quieting her conscience with languid deprecation of the irremediable evil. There was the Colonization Society for the removal of free negroes ; benevolence could aid that without incurring reproof, if benevolence were sufficiently blind. There was even the occasional word of commiseration printed in some obscure paper. Articles decidedly condemning slavery, if published, made a temporary stir ; but they were soon forgotten.

Then, precursor of the coming storm, a storm which was to gather force until it culminated in civil war, thundered forth the voice of Garrison.

It is of not infrequent occurrence that a man arises who has the vision of things as they might be laid open before him. Such men, and Samuel E. Sewall was one of them, have a genius for infinite hope. Fortunately for the world, the necessity of their nature concentrates their powers of sight upon the future, and they ignore the difficulties by the way as completely as a child whose mind takes cognizance only of his one great desire. Of this type Garrison was a transcendent example.

To the first lecture given by Garrison in Boston Mr. Sewall went, with A. Bronson Alcott¹ and Samuel J. May. "Truer men," as May afterwards said² of his companions, "could not have been found." The three kinsmen went to Mr. Garrison after the lecture was over, introduced themselves, and asked him to go with them to Mr. Alcott's house for further conversation. "He went," says Mr. May, "and we sat with him until twelve that night, listening to his discourse, in which he showed plainly that *immediate, unconditional emancipation was the right of every slave, and could not be withheld by his master an hour without sin.*"

Mr. Sewall's conversion, like that of the others, was complete. He entered warmly into Garrison's plans, secured for him a better hall in which to repeat the first lecture, afterwards helped him to establish the "Liberator," and through all the differences of opinion as to methods that inevitably arose between them, remained his fast friend.

A letter written by Mr. Sewall in April, 1831, and printed a few years ago in the "Springfield Republican," is interesting as giving his early impressions of the strong personality in whose presence he stood. It is in part as follows:—

¹ Mr. Alcott was Mr. Sewall's cousin by marriage. His wife was Abigail May, Samuel J. May's sister.

² *Recollections of S. J. May.*

“I agree most cordially in all your wishes for the improvement of our colored population. The complete restitution of this injured race to all their rights as human beings is, I am afraid, far distant. Yet I do not think we ought, on that account, to relax our exertions. Every one whose views on this subject are sound becomes a centre from which light is diffused through the community. Mr. Garrison has established a paper here called the ‘Liberator,’ expressly to advocate the rights of the people of color, whether bond or free. He has received a liberal patronage from the blacks in all parts of the country, but not so much from the whites. . . . His paper I believe will exert a powerful influence in correcting those unchristian prejudices against the African race, which now more than anything serve to perpetuate its slavery and degradation. He has one great fault, however, which weakens very much the good effects his paper would otherwise produce. I refer to the violent and abusive language which he is constantly pouring out, not only upon slaveholders and the advocates of slavery, but also upon all who differ with him in their views of the best mode of removing the great evil. He uses too much newspaper slang, calling all slaveholders thieves and robbers, declaring that no slaveholder can be a Christian, and accusing every one who does not think exactly

as he does of wilful blindness and want of principle. I am sorry to say that his violent and rude clamor has given great offence to many persons whose views of slavery coincide very nearly with his own. Notwithstanding all this, his paper is doing good."

"Such was the equity and moderation of his [Mr. Sewall's] character," says the publisher of this letter, "that he saw in Garrison the defects of his high qualities." It would, perhaps, be more just to both men to say that Mr. Sewall, though recoiling from what then seemed to him unnecessary and repellent violence, could yet look beyond his own preferences and trust those "high qualities" with which he was truly at one.

This earnest support of Garrison's work bears testimony to increasing belief in Garrison himself. "Had it not been for Samuel E. Sewall," Mr. Garrison said in a speech on the twentieth anniversary of the establishment of the "Liberator," "I never should have been able to continue the paper. He was the man who gave money again and again, never expecting and never asking for the return of it."

The possibility of concentrating the scattered abolitionists of New England into an organized working force was next considered. Mr. Sewall wrote to Mr. May in July, 1831: "If the enemies

of oppression throughout our country can once be brought to act in concert on this subject, the whole system of slavery will fall to pieces with a rapidity which will astonish even those who are expecting this consummation."

It was decided that if twelve persons could unite upon some plan of organization, a meeting should be called and a constitution presented. On the 13th of November fifteen men assembled at Mr. Sewall's office to consult as to the basis of the proposed society. Only nine could bring themselves to agree, and the gathering broke up without having come to any decision. Another attempt was made in the same place about a month later. Matters then looked more propitious, and Mr. Sewall, David Lee Child, and Ellis Gray Loring, representing the more conservative element, with Mr. Garrison and Oliver Johnson, representing the more uncompromising, were appointed to draw up a constitution.

At first it seemed as if the milder counsels would prevail. "They are trying again to get up an anti-slavery society," wrote Miss Robie to her cousin, Miss Hetty Higginson, of Salem, "and had a meeting of ten at Sam's office and chose a committee of five to draft a constitution, Sam and Garrison being two of them; but Mr. Garrison troubles them considerably, he is so furious. Sam,

however, has got a majority of the moderate ones on his side. Can you help them to a name? Philo-African, . . . Negroes' Friend, Friend of the Blacks, etc., have been thought of."

The stumbling-block was not any question of objective aim. Garrison had won them all, as Mr. Sewall declares, "to a belief in the principle of immediate abolition." It was rather the question of the attitude to be presented to the world. Mr. Sewall and some others felt that nothing would be gained, but much lost, by a violence in tone and an extreme point of view, which must excite hostility.

At the next meeting the constitution prepared by the committee of five, after undergoing some change, was accepted. The proposed title, "Philo-African," was struck out, and "New England Anti-Slavery Society" substituted. With the constitution was a preamble which still caused dissension, and this was given to a committee, consisting of Mr. Sewall, Mr. Garrison, and two others, for revision. In its revised form it became: "We, the undersigned, hold that every person, of full age and sane mind, has a right to immediate freedom from personal bondage of whatsoever kind, unless imposed by the sentence of the law, for the commission of some crime. . . . We hold that whoever retains his fellowman in

bondage is guilty of a grievous wrong. . . . While we advance these opinions as the principles on which we intend to act, we declare that we will not operate on the existing relations of society by other than peaceful and lawful means, and that we will give no countenance to violence or insurrection."

This definite stand upon immediateness counted as a direct defeat for Mr. Sewall, who had urged that the prominence given to so startling a doctrine would cripple the young organization.

At the fourth preliminary gathering, which was held, in spite of a fierce northeaster, on January 6, 1832, in a room under the African Baptist Church in Belknap Street, the preamble was adopted, and the constitution was signed by the requisite twelve; and though Mr. Sewall, Mr. Loring, and Mr. Child at that time refused their names, it was not long before they yielded themselves heart and soul to forwarding the work of the society. In the following July Mr. Sewall became one of the Board of Managers, and in November, 1833, he was enrolled as a life member.

In much of the work of the society he was able, by reason of his profession as a lawyer, to render services of peculiar value. This work included such matters as increasing the educational facilities for colored children, placing colored lads at

trades, and procuring the liberation of persons who had been kidnapped. In these matters he was kept busy drafting petitions, remonstrances, and resolutions, preparing arguments, and outlining defences. In addition to his legal services, his pen was constantly in demand. The second and third annual Reports of the Society were prepared by him, and he frequently wrote articles for the "Liberator" and other papers.

So much was he occupied in these and other ways that he could not spare time, in 1833, to attend the convention at Philadelphia, called to form a national anti-slavery society. Instead of going himself, he defrayed the expenses of John Greenleaf Whittier, destined to become his life-long friend as well as co-worker in the cause.

The ceaseless activity of the abolitionists had, by 1834, drawn upon them the enraged attention of a large portion of the American people. Their societies multiplied, recruits came flocking to their standard, the doubters of one year were their staunch supporters in the next. Every section of the country was invaded by their publications, alike unwelcome to the Northern merchant and to the planter of the South.

To add to the ferment, George Thompson, who had done so much in England toward securing West Indian emancipation, came over to aid the

abolition movement in the United States. This was more than could be endured. Mobs gathered to silence him ; public feeling against the abolitionists rose to a high pitch. From a gathering of Southern men in New York in 1835, and from another in Richmond, came appeals to the North to put the abolitionists down ; their denunciations gave fresh impetus to the spirit of vindictiveness throughout the country.

In Canaan, New Hampshire, Noyes Academy became a point of attack. As one of the trustees of this academy, Mr. Sewall had been instrumental in throwing open its doors to colored students. In retaliation the citizens called a town-meeting, and voted to drag the building from its site. With a hundred yoke of oxen they pulled it through the streets, and finally dropped it near a Baptist meeting-house amid the cheers of three hundred spectators. This was but a faint echo of the persecution that two years before in Connecticut had lodged Prudence Crandall in jail for persisting in her efforts to educate young colored girls.

“In New York,” wrote Mr. Sewall to Louisa Winslow in August, 1835, “the excitement against the abolitionists is greater, even, than in Boston. They are in great fear of personal violence. It is said that a large reward has been offered on 'Change by the Southerners for the head of Arthur

Tappan. Mr. Wright¹ has barricaded the windows of his house for fear of an attack. I hope no personal violence will be attempted. But whether it is or not, those who believe in the benevolence of the Deity who presides over the world, and that He has implanted in his children a love of goodness and justice which cannot be eradicated, will not doubt that the final issue of the present struggle must be favorable to the friends of freedom and humanity.”

This letter was written before the August meeting in Faneuil Hall, a meeting called for the purpose of rebuking abolitionists, and countenanced by such men as Abbott Lawrence, Harrison Gray Otis, Peleg Sprague, Theodore Lyman, then mayor of Boston, and Richard Fletcher, who afterwards became a supporter of anti-slavery measures, and was also associated with Mr. Sewall in the practice of law. Peleg Sprague denounced George Thompson as “an avowed emissary” and “a professed agitator.” Harrison Gray Otis affirmed that to debate the expediency of abolishing slavery was the same as to debate that of abolishing the Union. When, therefore, the Boston Female Anti-Slavery Society advertised a meeting to be held October 21, in the hall at 46 Washington Street,

¹ Elizur Wright, Jr., one of the officers of the American Anti-Slavery Society.

at which it was rumored that George Thompson would be one of the speakers, popular indignation vented itself in the outburst which has become known in history as the "Garrison mob."

Accounts of this mob have often been given, but Mr. Sewall's description of it in the following letter has value as a contemporaneous document.

SAMUEL E. SEWALL TO LOUISA M. WINSLOW.

BOSTON, October 22, 1835.

MY DEAR FRIEND, — You have probably already seen accounts of the riot in this place yesterday. By the way, the account in the "Advertiser" is very incorrect as well as very mean-spirited. I will give you an account of the disturbance, chiefly of what I saw myself. The ladies had called a meeting of their anti-slavery society at three o'clock in the afternoon. When I approached the entrance to the hall I found the street choked up with people. I succeeded, however, in pressing through the crowd which filled the stairs. When I got to the door of the hall, I found the mayor there, and the mob pressing violently to get into the room where perhaps thirty ladies were assembled. The mob had prevented many others from entering. The mayor requested the ladies to adjourn their meeting. They accordingly agreed to adjourn to Mrs. Chapman's house. He

then called out to the mob to make way for the ladies. With some difficulty a passage was cleared. I walked down with the two ladies who came out first, and escorted them through the crowd without molestation. I then pressed back through the mob to the outer door of the building, where I found the rest of the ladies going out, and the crowd hissing them, but offering no other molestation.

After the ladies had retired, the mayor succeeded in clearing the house of the mob and guarded the outer door with constables. I remained on the outside. At first they cried out very loudly for Thompson. The mayor and others assured them that Thompson was not in town. For a long time they persisted in declaring that Thompson was in the building, but at last they seemed to be satisfied that he was not to be found, and began to call out for Garrison. Every now and then there was a general yell of "Garrison, Garrison," and a rush towards the door of the building, which, however, the police officers prevented them from entering. The faces of these wretches while making these assaults seemed transformed with malice and passion. I never recollect seeing such a diabolical exhibition. After a while the attention of the crowd was directed to the sign having the words "Anti-Slavery Office" on it. They roared out to have it thrown down to them.

The sign was soon taken down, either by the consent, or without objection, of the mayor. As soon as the large sign was thrown down, they rushed on it and broke it to pieces almost instantaneously, and many of them carried about fragments of it, waving them in the air as trophies of their prowess. One fellow, who had a splinter, said he meant to send it for a toothpick to a slaveholder of his acquaintance.

After this the violence of the mob seemed to abate a little, and it was proposed among some of them to send in a committee to search the building to see if Garrison was there, and then report to their comrades. About this time I went into the building. Upon looking out of the second story at the back, we found a shed with a box on it, to which Garrison might reach by letting himself out of the window. I then went and found Garrison in the upper story of the building. He seemed more agitated than I had ever seen him.¹ He had been in the building ever since the ladies' meeting. By their advice he went into the office.

¹ No one could suppose the agitation to be that of fear. He was only deterred from going out to the mob by the earnest entreaties of his friends. When Mr. Sewall saw him, he was probably annoyed at being in hiding, which he had protested against. All eye-witnesses agree in speaking of his perfect courage and his high composed demeanor in the most trying moments of the occurrence.

While there, when the mob was in the building, they broke through the panel of the door, and some of them, he said, looked through and cried out, "There he is, there he is." Burleigh then went out and defended the door of the office as long as the crowd was in the building. Garrison afterwards went into the upper story, where I found him.

Before Garrison got out of the window, John R. Cambell went out and reported that they could get through into Wilson's Lane. Garrison then got out, and I was very much rejoiced, supposing he would escape. Soon after this, Sheriff Parkman went to one of the front windows and said that he had made diligent search for the body of William Lloyd Garrison through the building and could not find him, and that if he had a precept against him he should return upon it that he was not to be found. He therefore requested the people to disperse. Some of them cried out for him to let them have some of the tracts. Parkman replied, "We have no tracts for dissemination."

Supposing that Garrison had got off safe, I now went down to his house. A black girl came to the door, and said that Mr. and Mrs. Garrison were both out attending a meeting, and would not be back till five or six o'clock. The girl said this in the most quiet manner, and seemed as unaware of the excitement which prevailed in the city as if she had been living in the moon.

On returning to the scene of action, I found scarcely any one near the Anti-Slavery Office. But I found a great crowd collected round the City Hall. I soon ascertained that Garrison was still in great peril. After escaping from our building, he went into a carpenter's shop fronting on Wilson's Lane. But before he and Cambell could get into the lane, a mob was rushing into it, so that escape was impossible. The carpenters were very kind. They conducted him into the second story and concealed him among some boards, contrary to his own wishes. The mob, however, to whom his attempted retreat had been betrayed by some rascal, soon burst into the shop. They at first seized Cambell, mistaking him for Garrison, but soon discovered Garrison and tied a rope round his body. Some proposed to throw him out of the window upon the pavement. He was conducted downstairs,¹ and dragged through the street by the rope. The mob were very violent in their language and conduct. After a while a truckman named Cooley seized on him and protected him in a great measure from the violence of the mob. They proposed to carry him to the Common, intending probably to tar and feather him there. One wretch struck a blow at Garrison with a club, which would probably have killed him, if Cooley

¹ A ladder was raised and he descended upon that.

had not warded it off with his arm. As they were dragging Garrison by the City Hall, the mayor rushed out, seized him, and tore him from the arms of the crowd, and carried him to the mayor and aldermen's room. Garrison thinks he owes his life to the mayor's interposition on this occasion.

The mayor went out on the portico in front of the hall and addressed the crowd. He told them that he was bound to preserve the peace and good order of the city, and that he was determined to protect the lives and property of the citizens, if he died on the spot where he stood. The multitude cheered him, though a few hissed.

It was soon after this that I got back. I found the stairs to the mayor's office guarded by constables. I went up and found Garrison. I have seldom seen him in such high spirits, though he had just escaped from the hands of ruffians, and the same bloodthirsty wretches then surrounded the hall and were only waiting for the darkness of night, which was rapidly approaching, to make a general assault on the building and wreak their vengeance on him.

It was thought very important to convey Garrison to some place of security before dark. The mayor accordingly had a coach driven to the door of the hall. Into this they succeeded in putting Garrison with a constable. The hack seemed to me to be

completely wedged in by a dense mass of people, some wishing to tear Garrison out and impede its motion, and some evidently pressing it forward. For some moments I felt very doubtful whether Garrison would not again be in the hands of the wild beasts who surrounded the carriage. At last the wheels started, but very slowly, but after getting forward a hundred feet they began to move more rapidly, the crowd running on, some before and some after the carriage. Whenever the coach attempted to turn a corner, people would spring on the horses and endeavor to stop them. The coach at last arrived at the jail, where Garrison was safely deposited. I saw him in the evening. He seemed very cheerful. He was not at all injured, though his clothes were very much torn, when he was in the hands of the mob, and his hat lost.

The excitement here has been tremendous. The city officers were very anxious that Garrison should leave town for a short time. His friends also, thinking that he might be exposed to violence, were of opinion that he had better not be seen for a few days. He has therefore gone to Brooklyn with his wife. The feeling, however, against Thompson is much stronger than that against Garrison. If Thompson had been in town at the ladies' meeting, Garrison would not have been thought of. The brutes, being disappointed in not finding the grand

object of their malice, naturally looked round for some one else on which to exercise their evil passions.

One thing was very observable in the riot, that is, that most of the persons engaged in it were well-dressed people. The poor and laboring classes had little hand in it. The merchants connected by business with the South were undoubtedly the chief instigators of the movement.

October 23.

You can judge a little of the agitation of our community by the following circumstance. Yesterday Dr. Codman, the owner of the building in which our Anti-Slavery Office is situated, and two of the tenants who occupy shops in the lower part of the building made the most urgent entreaties to the managers of our society that we should evacuate our office that very day, as they were apprehensive if we continued there the building would be burnt or sacked and their property destroyed. It seemed to me a groundless panic. We replied that we were willing to leave our office when we could have another found for us suitable for our purposes. This of course they could not do, and so we remain in our office. . . . Farewell,

S. E. SEWALL.¹

¹ For a subsequent letter (October 27, 1835) from Mr. Sewall to Mr. Garrison with further comments on the mob, see *Life of W. L. Garrison*, ii. 42.

Harriet Martineau, who was visiting Boston about this time, incurred a share of the public displeasure. Mr. Sewall wrote of her in November to Miss Winslow : —

“ I shall send by mail to-day’s ‘Advertiser.’ . . . It contains a very rude and mean-spirited attack on Miss Martineau for having dared to attend the Ladies’ Anti-Slavery meeting here. . . . Miss Martineau’s *indiscretion* in going to this meeting has created quite a sensation, I am told, among some of our most fashionable people, and it is said she will not be received into the best society. I am really grieved that Miss Martineau should be subjected to this low persecution of the press. As to being excluded from high life in Boston, I suppose she will bear the punishment, should it be inflicted, with due meekness.”

Following hard upon the unofficial condemnation of the abolitionists in New York, Richmond, and Boston came resolutions from Southern legislatures asking the non-slaveholding States to suppress abolitionism within their limits; and Edward Everett, then Governor of Massachusetts, called attention to the matter in his message for 1836. The Massachusetts legislature, nothing loath, appointed a committee to consider the subject; and the committee, at the request of Samuel J. May, granted the abolitionists a hearing. Of this hear-

ing, which holds its place in anti-slavery chronicles as one of the victorious defeats, Mr. Sewall wrote to Miss Winslow :—

“ A good many ladies were present. Dr. Channing was also there. The chairman of the committee, named Lunt, was exceedingly supercilious and captious. He said a number of times that we were heard as a matter of favor and not as a matter of right, as we had not presented any remonstrance to the legislature. Mr. May, Mr. Loring, Mr. Goodell, Mr. Garrison, and Dr. Follen addressed the committee. . . . Mr. May and Mr. Goodell were interrupted a number of times, and their speeches cut short, by the chairman’s insisting that their arguments were irrelevant. Soon after Dr. Follen began to speak, he grew quite animated. He said if the legislature passed any censure of abolitionists, it would be a signal for the mob to attack them, as the Faneuil Hall meeting had been the cause of the mob in Boston. The chairman here interrupted him and intimated that what he said was disrespectful to the committee and the legislature. Dr. Follen said he meant no disrespect. [‘ Am I then to understand that speaking disrespectfully of mobs is disrespectful to this committee ? ’ said Dr. Follen.] . . . The scene was very exciting ; . . . the ladies enjoyed it very much.

“ We sent in a remonstrance this morning against

the resolutions of the Southern legislatures, and we shall probably have another hearing before the committee as a right. I expect to have to address them. I feel in as much trepidation about it as if I were a girl."

The next letter continues the story: —

"We had a second hearing before the committee of the legislature yesterday. The committee acted, if possible, worse than before. I shall send you a newspaper giving an account of the proceedings. Mr. May spoke with a great deal of warmth and eloquence. . . . I send you the 'Atlas,' which contains a very imperfect though not an unfair sketch of what I said. . . . I do not think it does me any credit. It is the mere shadow of a shade. For what I said was but the shade of what I intended to say."

The second hearing was even more stormy than the first, and ended in a second dismissal and an angry informal breaking up of the session of the committee, George Bond, Gamaliel Bradford, and others defending the right of the abolitionists to be heard, and Mr. Lunt refusing to listen further. The report brought in by Mr. Lunt declared the conduct of the abolitionists to be "not only wrong in policy, but erroneous in morals," and maintained that the charges brought against the abolitionists by the South were strictly applicable to

them. His report, however, was laid upon the table.

Dr. Channing's open support counted strongly for the abolitionists. His book on "Slavery," published in 1835, made many converts, and his "Letter to the Hon. Henry Clay," the printing and distribution of which Mr. Sewall superintended, was widely disseminated and helped to form public opinion. Nor, while he hated controversy and "all passionateness," did he fail to give the needed help at a critical moment. When the Alton riot aroused the indignation of the community, his decisive action set on foot the Faneuil Hall demonstration.

Mr. Sewall has himself, in a letter written in 1880, reviewed the incidents which connected Dr. Channing with the Lovejoy meeting.

"His eloquence and weight of character," says this letter,¹ "rendered him a great power in the anti-slavery movement. At its very outset, he spoke with perfect freedom against slavery from his pulpit to a congregation, many and probably most of whom did not sympathize with him. During the rest of his life, his thoughts dwelt much on the subject, and he spoke, wrote, and published

¹ Report of the memorial services held in Brooklyn, New York, April 7, 1880, in honor of the one hundredth anniversary of the birth of William Ellery Channing. Boston, 1880.

abundantly upon it. I well remember a sermon which he preached in his own church, in which he said emphatically: 'Man cannot have property in man.' A very respectable lawyer, on our leaving the church, at this time said to me: 'I do not know what Dr. Channing meant. Slavery is legal in all the Southern States.'

"One or two circumstances, though very fully related in Dr. Channing's *Life*, by his nephew, are so imprinted on my recollection that I venture to refer to them briefly. When Elijah P. Lovejoy was murdered at Alton, Illinois, for attacking slavery in his paper, Dr. Channing proposed that a meeting should be held in Faneuil Hall to express the sentiment of Boston on this crime against the freedom of the press. A petition was accordingly prepared, headed with his name, asking the mayor and aldermen to grant the use of the hall for this purpose. A counter petition was immediately sent in to them; and they, yielding to the pressure of what seemed to them public opinion, refused the hall. Without delay or hesitation, Dr. Channing published an address to the citizens of Boston, in the '*Daily Advertiser*,' vindicating his course and appealing from this decision. This appeal was seconded by a meeting in the courthouse. A new petition for the hall, again headed by Dr. Channing, was granted, and a great meet-

ing held there. Dr. Channing was the first speaker; others followed, and resolutions drawn by Dr. Channing were adopted.

“It was at this meeting that Wendell Phillips first surprised and charmed his hearers by his eloquence, and established his reputation as a great orator. I make no comment on Dr. Channing’s course on this occasion. The bare statement of the facts is the highest eulogy.” . . .

Hearings, remonstrances, pamphlets, speeches, meetings, resolutions, — such was, to the superficial observer, the tedious round circled by Mr. Sewall in his work of reform. But the inner history of this apparently dry routine is alive with human interest. The sufferings of men came in very concrete guise to his door; appeal after appeal importuned him, and his daily life was in reality a warm outpouring of his abundant sympathy and good-will.

There were, for example, in the single field of kidnapping, imprisonment, and maltreatment of free negroes, many cases brought to him for redress.

Letters like this came into his hands: —

BATON ROUGE, September 19, 1836.

MRS. HANNAH SMITH: I wish to inform you that I was taken up as a runaway slave and sent to the Jail of the Parish of St. Martin in the State

of Louisiana, and remained there for three months, and am now in the Depot to remain two years, and then will be sold out as a slave to pay expenses unless I can obtain papers to prove my freedom. . . . Please get the papers for me as soon as you can and forward them to me. . . . Your compliance will oblige your son,

JAMES SMITH.

A darker story of abuse, which is in his own handwriting, was probably taken down as it came from the narrator:—

“Francis was foremast man [of the Brig Nahant]. He was left at Norfolk. He and Capt. had some difficulty. He never spoke a cross word to Capt. He was carried on shore in irons. He was supposed to be put in jail. The Capt. said he was put in jail and died there. When the list was called on the return of the vessel the mate winked at the white man to answer to Francis’s name. The custom-house officer said he was black man. The mate then said that he had run away. . . . We none of us saw Francis after he went on shore. The Capt. has sold his clothes. Nothing was ever said of his being sick till we heard he was dead. The mate on being asked said he did not know what was the matter with him. He was beat before being set on shore—I heard mate stamp on him. Was beat very severely.”

Efforts to protect free citizens of Massachusetts from maltreatment of this kind received slight encouragement. The hearings and petitions which Mr. Sewall and others pushed year after year finally resulted in the appointment of Samuel Hoar as special agent for obtaining relief and redress for imprisoned seamen and others. His immediate and almost forcible expulsion from South Carolina has passed into history.

Even from distant places came urgent calls for help. The underground railroad was not without its disasters. Charles T. Torrey died in a Southern prison while undergoing sentence for assisting slaves to escape; Drayton and Sayres were prosecuted and imprisoned for taking seventy-eight escaping negroes down the Potomac in the Pearl; William L. Chaplin evaded death only by forfeiting his nineteen thousand dollars bail. And in all these cases the appeals to the Massachusetts abolitionists for money were received and circulated, as well as generously responded to, by Mr. Sewall.

As a foil to these graver occurrences came incidents like the following.

SAMUEL E. SEWALL TO LOUISA M. WINSLOW.

BOSTON, April 6, 1836.

A few days ago a black man named Joshua Lewis . . . engaged passage in the stage for Salem ;

. . . his trunk was carried to the stage office . . . he jumped into the stage, but was soon told that he could not ride inside, though there were only three or four other passengers. He got out, but refused to ride on the outside. He was then going off with his trunk, but was told that he must pay 25 cts. for bringing his trunk there. He refused to submit to this iniquitous extortion, and then came to me. I went with him to the bar-room and asked the bar-keeper for the trunk. He said his orders were not to give up the trunk unless 25 cts. were paid. . . . I told him we should sue him for the trunk. . . . I soon got a writ of replevin and sent for a sheriff to serve it. . . . The Sheriff was very unwilling to go, and thought it would be much better to pay the quarter of a dollar. Seeing him so reluctant, and also enjoying such scenes as I expected, I went with Lewis, the Sheriff, and Mr. Kimball, who happened to be here, to the bar-room. As soon as we got there, there was a visible excitement among the rabble there. But the stage agent, as soon as he understood our business, gave up the trunk and waived all further claim for the 25 cts. Having thus obtained the victory, I did not think it advisable to sue the stage owners for damages for not carrying Lewis on the inside. . . .

CHAPTER V

SLAVE CASES

INFORMATION of any difficulties into which escaping slaves had fallen was quickly passed to the officers of the Anti-Slavery Society, who were prompt in taking measures for relief. The demands upon Mr. Sewall's time were unremitting.

SAMUEL E. SEWALL TO COMFORT H. WINSLOW.

BOSTON, July 31, 1836.

. . . We had been talking all the week of going to Portland on Saturday, but a case in which I was engaged yesterday rendered our going last evening out of the question.

Some colored people here ascertained yesterday that two colored persons were on board the brig Chickasaw, just arrived from Baltimore, who were evidently kept under restraint by the captain, as he had anchored the vessel in the stream instead of bringing her to the wharf, and would not allow any colored men to go on board. Application being made to me, I went to the chief justice and succeeded in getting a habeas corpus to bring the

women before him. I went in a boat to the vessel with a sheriff. The mate refused to let us come on board, but on being informed that it was a sheriff made no further opposition. The girls were very much frightened when they first saw us, but when they understood what our errand was, they were frantic with joy. One of them, a very pretty and intelligent mulatto, burst into tears and said that she had been thinking the Lord would deliver them. . . . The case will be heard before Judge Shaw on Monday. . . . A constable from Baltimore is here on behalf of a Mr. Morris, who claims these girls as his slaves. . . .

Monday, Aug. 1. You will be glad to hear that the poor women have escaped. After the chief justice this morning had given his opinion that they must be discharged, but before actually giving the order for their discharge, the agent of the owner asked if he could take them without a warrant. Upon this all the colored people rushed to the door with the women, thinking probably that they were actually discharged and no time was to be lost.¹ They were soon placed in a carriage and conveyed out of town. I hope they will get clear, though

¹ An old colored woman, of great size, who did the scrubbing in Mr. Sewall's office, was present in court; she threw her arms about the neck of one officer, and effectually prevented his interference with the fugitives.

I am sorry for the disorderly proceedings of the colored people.

Diligent search was made for the fugitives, but they were safely forwarded to Halifax. Nathan Winslow wrote to Mr. Sewall with manifest enjoyment: "Mr. Turner is now in this city [Portland], and with the Marshal of Maine has made a thorough search in my house for the Yellow Girls. They had a guard round my house before they entered it. I was not in the house at the time, but was perfectly willing they should believe I had secreted them or sent them away."

Upon Mr. Sewall fell most of the blame. "People have got very angry with Sam," wrote Miss Robie, "and very abusive things have been said about him in the papers."

Abusive letters also came. "I never saw you, nor do I wish to," runs one of them, signed "A Member of the Baltimore Bar." "Should you, however, put your countenance inside the limits of the city of Baltimore, I trust you will be received with that hospitality for which our city is proverbial, and that your distinguished efforts in the cause of abolition, as displayed on Monday last, be properly appreciated."

And another: —

MANCHESTER, VA., August 9, 1836.

SAMUEL E. SEWALL, ESQ.

Sir, — By a communication in the “Richmond Enquirer” I see that your honour took a conspicuous part in the rescue (alias) the stealing of Mr. Morris’s two negro slaves — runaways from the city of Baltimore. Now, sir, this conduct was extremely reprehensible in you — your name is held up to the public as aiding the above negroes to escape from their lawful master — and, sir, I beg leave to inform you that if you are ever discovered within the limits of this or any other slave State, your neck will be apt to pay for your temerity. Sir, why do you stay at the North where your services are not needed to advocate the hellish and damnable doctrines of Tappan, Garrison, & Co., — fiends “whose hands are clotted with the gore of earth and whose hearts are festering with the fires of hell”? Why . . . do you not come to the South, where the evil which you pretend to remedy exists in its most perfect state? . . .

The usual threats follow, with allusions to Judge Lynch. This letter has the merit of being signed with the writer’s name, but the name may be allowed to rest in oblivion.

Nor were threats all. A belligerent sympathizer with the South attacked Mr. Sewall in his

office, intending to horsewhip him. Mr. Sewall's slight build and gentle, courteous manner made him appear a not formidable antagonist; but in one of his sudden and rare transports of rage he seized his assailant, ran him back against the wall, and knocked his head there until he was quite willing to be allowed to take himself away.

The little slave child, Med, became in that same August, 1836, the centre of interest, while her fate and an important point of law were being decided in the famous case of *Commonwealth v. Aves*.¹

She had come from New Orleans to Boston in attendance on Aves's daughter, Mrs. Slater, and at the instance of the Boston Anti-Slavery Society was brought before one of the justices of the Supreme Court. Her case, conducted by Mr. Sewall and Ellis Gray Loring, assisted by Rufus Choate, finally came before the full bench. It was ably argued by Mr. Loring and Mr. Choate. An outline of the points to be made is among Mr. Sewall's papers, and is a fair example of the solid groundwork furnished by him to those who stood more fully in the public view. Portions of his notes are as follows:—

“We contend that this child is free by the law of Massachusetts. . . . The constitution of Massa-

¹ 18 Pickering, 193.

chusetts . . . declares that all men are born free and equal and have certain inalienable rights, among which are life, liberty, and the pursuit of happiness. . . . By these words it is well known that all the slaves in Massachusetts were made free. Our courts did not consider any statute necessary to give efficacy to the declaration of a great principle, but boldly acted upon it and destroyed the slave property of thousands of slaveholders in this State. Shall not the same principle be applied with equal courage to the property of a stranger? . . . It is admitted that this child does not come within the provision of the Constitution of the United States, which acts upon the case of runaway slaves. . . . It is not disputed that the Constitution makes no provision for the case of this child. There is no other fountain of obligation on the States except the law of nations, which, as already shown, rejects with indignation the claim of Mrs. Slater.”

In delivering the opinion of the court, Chief Justice Shaw took substantially the same grounds. He remarked upon the importance of the case, as the first of its kind in the Commonwealth. Lawyers commonly believed, he said, that a slave coming into Massachusetts became free, but no decided case had been reported.

It may be said, in parenthesis, that Judge Shaw

had previously expressed himself with regard to slaves brought into Massachusetts in the case of Francisco, for whom Mr. Sewall was counsel. The supposed owner of Francisco, a Mrs. Howard, had expressly disclaimed holding him as a slave, but she so worked upon the boy's feelings that he declared himself quite willing to go with her. It was decided that he might do as he pleased, the chief justice saying, "If Mrs. Howard in her return to the writ had claimed the boy as a slave, I should have ordered him to be discharged from her custody. The boy, by the laws of Massachusetts, is in fact free."¹

In the Med case the court declared it to be the law of Massachusetts that an owner voluntarily bringing a slave into the State had no authority to detain him against his will, or to carry him out of the State against his consent.

This decision caused a widespread sensation at the South. Warned by it, masters coming into Massachusetts with their slaves tried to evade proof of ownership, or were prepared to set up as a defence that their charges were willing to return. An instance of this occurred in 1841. A Mrs. Taylor came to Massachusetts from Arkansas, bringing with her a negro boy eight years old. Upon being brought before the court on a writ of

¹ Pamphlet case of the slave child, Med.

habeas corpus procured by Mr. Sewall, she disclaimed all intention of taking the boy back with her unless with his consent, but it appeared that she had full belief that he would consent, and that she intended to carry him back with his consent. The court was unable to distinguish the case from that of Med, and held that the consent of so young a child would not authorize his removal into a state of slavery.¹

In another case Mr. Sewall was not so successful. He tried to free from her master a young girl named Amy ; but it was proved that she “ appeared happy and contented and was acting under no visible restraint,” and the judge held that her master might carry her back to the South. “ This owl-like decision,” says Mr. Sewall, in one of his letters, “ made me very angry, — as if a child could not laugh and play without its being proof of a wish to go as a slave to New Orleans.”

In contradistinction to the Med case came, in 1842, that of George Latimer, in which Mr. Sewall again acted as counsel. Latimer, unlike Med, was a fugitive. He was, therefore, distinctly under United States jurisdiction, and his master, Grey, had merely to prove ownership before a United States court to be able to carry him away. During the delay granted to Grey for obtaining proofs, Latimer was

¹ *Commonwealth v. Taylor*, 3 Metcalf, 72.

confined in the county jail. Here was an advantage for those who were defending him, for the jailer had no right to detain him. They asserted that he must instantly be discharged from custody, and in this dilemma his master was glad to close with an offer of purchase which came from some philanthropists. Mr. Sewall wrote on November 27:—

“Latimer is free. We paid four hundred dollars for him, which about pays one half what his master had expended in the pursuit. The sheriff has prohibited the jailer from receiving slaves into the jail again under such circumstances. I have never known the people so much roused before. I do not believe we shall ever have a slave-hunter in Massachusetts again. I have no doubt Latimer would have been freed by some means or other, and I only consented to the money being paid for fear of riot and bloodshed, and a little apprehension that he might be smuggled away by Grey. A Latimer journal was published in Boston for two or three weeks every other day, to fan the public excitement, edited by Dr. Channing’s son and Dr. Bowditch.”

The rescue of Shadrach was a break in the clouds ; but in 1850 the passage of the Fugitive Slave Law made the position of the negroes in Boston more uncertain than ever. To Massachusetts came the added pain of Webster’s support of the measure.

His 7th of March speech was to many of his admirers a sudden reversal of all that they had conceived him to be. Mr. Sewall, however, had perceived the change in Webster years before. In 1838 he had written to Mrs. Sewall: —

“It seems wonderful that the enthusiastic and idolatrous veneration with which I formerly worshipped Webster should have changed into the most complete indifference. I will not call him unprincipled, and I cannot deny his great services to his country, but yet I cannot help believing that he is the slave of a selfish ambition. I remember very well the time when I could not speak to him without my voice trembling and my face flushing from the excess of my admiration. It is not pleasant to have the god we have worshipped thus metamorphosed into a common mortal. I wonder how I should have felt in regard to Webster, if I had not become an abolitionist.”

As to the Fugitive Slave Law itself, Mr. Sewall believed that the courts might well hold it to be unconstitutional. “The opponents of the act should take,” he said, “the impregnable ground that slavery cannot be legalized by statute or constitution.” What he and many others hoped from the judiciary of the country is indicated by his comment on the action of the Supreme Court of Wisconsin in the case of Sherman W. Booth. That court set Booth

at liberty on a writ of habeas corpus upon the ground of the unconstitutionality of the Fugitive Slave Law, when he had been sentenced by the federal court for rescuing from the marshal a captured slave. In a letter to Samuel J. May, in February, 1855, Mr. Sewall wrote : "The Supreme Court of Wisconsin, by discharging Booth when committed by the United States Court, has done more to protect the rights of the people of the free States than has been done for fifty years. If other courts will only follow, the Fugitive Slave Law is effectually nullified."

The question as to how far Massachusetts would support the law was raised in 1851 by the seizure of Thomas Sims. In this case Mr. Sewall was actively engaged in the legal proceedings, which, however, in the language of the "Boston Daily Courier," "terminated in the peaceful triumph of the law over all the obstacles which professional ingenuity and fanatical philanthropy could interpose."

Sims had escaped from Savannah by hiding in a Boston-bound vessel. He was not discovered until the vessel came inside of Boston harbor, when he was taken from his hiding-place and locked in the cabin. At night he unscrewed the hinges of the door, lowered a boat, and rowed ashore. Agents from the South were sent after him, and on the 3d of April, while he was talking with another

colored man near his lodgings, he was arrested. Both men resisted the officers, and Sims, in his desperation, stabbed one of them in the thigh ; but he was finally captured and taken to the courthouse, where he was confined in a room which was under the jurisdiction of the United States.

News of the capture reached Mr. Sewall that same evening. Hastening to Court Square, with a good deal of impetuosity he commanded an officer whom he met to tell him where Sims was imprisoned. The officer refused. "You must tell me," thundered Mr. Sewall. "I have a right to know ; I am his attorney." Whereupon the officer arrested him for making a disturbance in the street and took him to the watch-house. He was immediately released, but the incident is significant, for without the support of a public opinion adverse to abolitionists the officer would never have ventured to arrest on so flimsy a pretext a man of Mr. Sewall's standing.

Sims was taken before the United States commissioner, George T. Curtis, on Friday morning, April 4. Seth J. Thomas appeared for the claimant, and Robert Rantoul, Jr., Charles G. Loring, and Mr. Sewall for Sims. The following letter, from one who was connected with Mr. Sewall's family, will serve as an introduction into the courthouse, which was guarded by soldiers and fenced about with chains.

BOSTON, 4th Mo. 17th, 1851.

My DEAR SISTER : . . . I wish thee could have been here to go with me to hear the trial before the commissioner. I was one of four who obtained admittance. I went with Mr. Sewall and Mrs. Alcott, as none were admitted without they went with a lawyer, who had to obtain a permit from the marshal, while Southern men were admitted by merely saying they came from the South. . . . It would have done thy heart good to hear the earnest Rantoul and the calm and logical Loring before the wicked commissioner, and the depth of feeling and solemnity of Sumner¹ and Sewall before the more than wicked Judge Woodbury.

At the close of the claimant's proofs, which occupied two days, the defence was forced to admit that it had no evidence to produce. This was inevitable, for by an iniquitous provision of the act the evidence of the alleged fugitive was inadmissible. An adverse decision by the commissioner upon the questions of law involved was virtually a foregone conclusion; and well-nigh the only hope lay in obtaining a postponement, during which Sims might possibly be aided by a writ of habeas

¹ On the evening of Sims's arrest application was made to Judge Woodbury for writ of habeas corpus, Charles Sumner and Richard H. Dana arguing in support of the petition.

corpus, or by some other device, which should take him out of the hands of the federal authorities. Every effort was made, therefore, to gain a few days' or even a few hours' time. These efforts cannot be described here. It is sufficient to say that, directly or indirectly, the friends of Sims invoked in his behalf, during the days of the trial, not only the federal courts and the courts of the State, including the Supreme Court, the Court of Common Pleas, and the Municipal Court of Boston, but also both branches of the legislature. Even the chief executive of the Commonwealth and the attorney-general were forced to take a hand in the proceedings.

Not until Tuesday, April 8, did Mr. Rantoul complete his famous argument on the constitutionality of the Fugitive Slave Law. Then, after an argument from Mr. Loring, Mr. Thomas, speaking briefly in reply, announced that he had closed. All reasonable grounds for delay had been exhausted. But Mr. Sewall could not give up. With the pertinacity of one who will not acknowledge himself beaten even in the face of defeat, he asked for further postponement on the strength of an affidavit of Sims to the effect that he had free papers at Savannah, — an affidavit which had already been excluded because of Sims's incapacity to testify, and which was again refused consideration.

But there was a telegraphic dispatch, Mr. Sewall said, from Mr. Dana, one of the advising counsel. Postponement was desired on that ground. The commissioner said the defence had had ample time to prepare, and the prisoner had had a full and fair hearing. He could listen to no motion for postponement. Once more Mr. Sewall arose. There was a United States warrant against Sims for an assault upon an officer. This might have detained Sims in the State a few days longer. The commissioner, however, refused to know anything about the process judicially, as no complaint had been preferred before him. He would give his decision, he said, on Friday.

Accordingly, on Friday morning he announced his decision, in which he upheld the constitutionality of the law, and found that Sims was the slave of Mr. Potter. Still the abolitionists clutched at one last straw. On Friday afternoon Mr. Sewall, in behalf of Sims, presented to Judge Woodbury, of the United States Circuit Court, a writ of personal replevin against the marshal, and moved the court to appoint some person to serve the writ. It was useless. Mr. Thomas objected to Mr. Sewall's acting in this new case as counsel for Sims, and claimed, as the attorney for Mr. Potter, to be also admitted as counsel for Sims, his servant. The judge granted the validity of this claim, and refused Mr. Sewall's motion.

“And here,” closes the “*Courier*,” “ended the legal traverses attempted by the counsel for Sims.”

Here, indeed, did end the legal traverses. The futility of contending by a mere appeal to the courts against the Fugitive Slave Law had been too plainly demonstrated. But here only began the determined attempts of Mr. Sewall and his fellow workers to cripple the act by means of legislation which should at least throw obstacles in the way of its execution.

So fierce had been the excitement created by the surrender of Sims that it seemed as if he must be the last slave remanded from Massachusetts; that the slaveholders themselves must refrain from pressing the matter further. But there was to be one more contest. In May, 1854, two days after the final passage by the House of the Kansas-Nebraska bill, while the abolitionists and even non-abolitionists at the North were still in the heat of their resentment, came the arrest of Anthony Burns. He was confined, as Sims had been, in the court-house, and the trial ran the easily foreseen course.

During the short delay granted to the defence, the executive members of the Vigilance Committee, which had been formed immediately after the passage of the Fugitive Slave Law, met for consultation. The whole legal equipment of Massachusetts

had been too weak to save Sims. It was not to be doubted that the commissioner would arrive at an adverse decision with regard to Burns. Under these circumstances, the committee could do no less than discuss the possibility of rescue. Every plan proposed, however, was thought impracticable, and no definite result was reached. Mr. Thomas Wentworth Higginson, in his "Cheerful Yesterdays," has given an account of the late maturing of Martin Stowell's plan after the session of the committee was over. It was, as he has said, "one of the best plans that ever failed." Its chance of success was based on the fact that on that evening, the 26th of May, a great Burns meeting, called to order by Mr. Sewall, was held in Faneuil Hall. While the meeting was in progress, Mr. Higginson, with a small band of followers, attacked the courthouse. They expected the immense audience from Faneuil Hall to stream to their support. Through some misunderstanding, or lack of concert, or difficulty of egress from the hall, the audience, though informed of the attack, failed to arrive in time to second the attacking party, who had battered in the door, but who then, while waiting for reinforcements, had been scattered by a posse of police.

Before morning a force of marines from Charlestown had marched into Boston. United States troops from Fort Independence and the state militia

were called out ; and the streets and the court-house were strongly guarded. On the other hand, from the country towns, men poured into the city ; women, even, could not stay in their houses. “ Can nothing be done ? ” was the question in every face. From moment to moment outbreak was apparently imminent, though the soldiers held the crowds at their mercy with cannon and armed patrols.

Whittier, the man of peace, trembled for the result.

JOHN G. WHITTIER TO SAMUEL E. SEWALL.

AMESBURY, 29th 5th mo. 1854.

MY DEAR FRIEND, — I do earnestly hope and pray that no violence or brute force may be resorted to by the friends of freedom. I would die rather than aid in that wicked law ; but I deplore all forcible resistance to it. I know the case is an aggravated one, but in the end forbearance will be best for all parties : I feel sure that thy influence will be on the side of peace ; and I beg of thee *to take especial pains with our colored friends to keep them from resort to force.* May God in his mercy keep us from evil, in opposing evil !

Thine ever,

JOHN G. WHITTIER.

Mr. Sewall must have felt the futility of any

further attempt to rescue Burns. He was evidently unaware of the plan for the first attempt even, for he left the Burns meeting early and went home to Melrose. Miss Robie wrote that same evening: "Sam has just got home, about ten o'clock, having been detained in a meeting at Faneuil Hall. It was crowded to overflowing, and the feeling very strong against his [Burns's] being allowed to be carried away as a slave, and quite unanimous. We cannot tell how it will end to-morrow, but I hope without bloodshed, of which there is danger. Sam says he shall have nothing to do with the rescue, but I think he is very willing it should be done, and I am sure I hope it will."

His opinion of rescues in general he had expressed three years before in a letter to Mr. May.

"Much as I abominate bloodshed, I think it far better that two or three slaveholders and their assistant slave-hunters should be killed than that a man should be dragged back into slavery. . . . I cannot blame a man for fighting for his liberty, or any one else for fighting for him. I have not advocated attempts to rescue in Boston, but it has been simply on the ground that the attempts would probably fail and involve too great a risk. I do not believe that there are many places in Massachusetts, out of Boston, from which the people would not prevent a fugitive from being carried."

The trial of Anthony Burns ended by another triumph for the Fugitive Slave Law. As soon as possible after the adverse decision of the commissioner, Burns, surrounded by a special body guard, was carried between close ranks of soldiery to the vessel that waited to bear him South. And though buildings were draped with mourning, and the bells of the city tolled, while at every cross street along the route stood angry crowds groaning and hissing as the marshal and his charge passed by, the threatened outbreak did not occur. So strong, however, was the demonstration of popular resentment that public opinion found almost judicial utterance from the conservative lips of Chief Justice Shaw when he said, "No law can stand another such strain."

CHAPTER VI

DOMESTIC LIFE

THROUGH all the hardest years of that struggle to arouse his country's conscience Mr. Sewall found in his wife sustaining confidence and support. Louisa Sewall was a woman of great earnestness and high ideals. Her energy and practical ability relieved him of many cares, while her vivacity and charm as a companion made his home life always bright and cheerful.

"I am sure you, if any one," she wrote to him, "well deserve the gratitude of the slaves. . . . There are but few among the abolitionists who have done or risked so much for them. You at least have the satisfaction of knowing that you have not labored in vain, and that many of your fellow creatures are indebted to your exertions for their dearest rights."

With appreciation from her he could endure disapproval from others. Yet it cannot be said that he would under any circumstances have suffered acutely from the cold looks bestowed upon

him. The chill of an adverse public opinion could not penetrate his sunny, well-tempered soul.

On April 9, 1837, a new joy came to them in the birth of their little girl, Lucy Ellen Sewall. Mrs. Sewall's frequent visits to Portland and a longer enforced absence were the cause of a correspondence which gives glimpses of their married life, of the child, and of the other interests which they had in common.

L. M. S. TO S. E. S.

Dearest and best beloved of poets, I am much obliged to you for the verses you have sent me. Of course I need not tell you that they are beautiful, but I must say that they gave me more pleasure than any I have ever read; for though you have addressed verses to me before, yet it was when you did not know me so well as you do now, and I feared your imagination might be loving an object of its own creation. But I do not see as familiarity has at all diminished your affection, and I am sure it has only increased mine.

June 17, 1837.

Did you read that article in the last "*Liberator*" on the rights of women? I think the law there proposed would be an excellent one. I hope the men of Massachusetts will be disinterested enough to pass such a one, not on my account, but on that of my sex.

S. E. S. TO L. M. S.

June 29, 1837.

Mr. Fletcher, our representative in Congress, wishes me to take charge of his law business, as he is to be so much at Washington. It will be a great opportunity for me, as he has done more business, I think, than any lawyer in Boston for several years.

July 3, 1837.

I am going to-day to Mr. Fletcher's office. I anticipate a considerable increase of business and income from the arrangement. He very liberally puts all his business and clients into my hands as far as he can. I do not enter into any partnership with him. He will be away from Boston three quarters of the year, and wishes to have nothing to do with the common run of business. When he is in town, I shall employ him to argue important cases, as I always have done, if I have occasion. Perhaps you may think I am delighted with such an opportunity to increase my business, but in truth I am not. I want to make myself independent of my profession as soon as I can, and then retire from it to spend my time and money in what may not only be more agreeable to you and me, but more useful to our fellow creatures than practising law. I think if I had leisure and

property I should not make a bad use of them, but this may be a mere delusion.

Mr. Sewall's association with Richard Fletcher continued for many years. In 1848 Mr. Fletcher was appointed one of the justices of the Supreme Judicial Court. Mr. George T. Angell, with whom Mr. Sewall formed a partnership in 1852, records that Judge Fletcher at that time, speaking of his late associate, stated that there was no lawyer in Massachusetts in whose legal opinion he would have greater confidence.

S. E. S. TO L. M. S.

July 18, 1838.

How I wish that I were rich, that I might breathe the sweet air of the country with you in summer, instead of being pent up in this prison of a city, seeing nothing but bricks and mortar, and inhaling nothing but dust and poisonous vapors. Then instead of toiling at the dull drudgery of the law (I do not mean that it is worse than most other employments) I could engage more actively in benevolent pursuits and literary occupations.

August 8, 1838.

Nothing would reconcile me to your absence but the belief that you and little darling are probably better in Portland than here, during the

intolerable hot weather we have had here this summer. . . . Something occurs to me almost every day in the course of my business so ludicrous, queer, or interesting that I long to have you here to tell it to. . . . I think a lawyer has remarkable opportunities of seeing the varieties of human character, and therefore could make a most interesting diary.

S. E. S. TO L. M. S.

June 20, 1837.

The Sunday before last a notice was read from Dr. Channing's pulpit that the Miss Grimkés would address a meeting of ladies on the subject of peace at the Spring Street Chapel on Wednesday afternoon. The Standing Committee of the Parish were very much incensed, and blamed the sexton for carrying up such a notice. . . . I suppose the Standing Committee thought that Peace and the Miss Grimkés savored of abolitionism. It appears, however, that they claim the right to determine what notices shall be read in the pulpit.

Last Sunday a notice was sent me to be read in our church, of a meeting of the Ladies' A.-S. Society, at which the Miss Grimkés were to speak, on Monday. I was directed to give the notice to the minister myself. I accordingly, just before

the services commenced, posted myself in the entry of the church to await the arrival of the minister, Mr. Stetson, of Medford. Soon after I had stationed myself, —, one of the Standing Committee, came into the entry, and stood there like a great dragon to keep watch of the portal. Presently Mr. Stetson came up. I handed him the notice and requested him to read it. — immediately stepped up and said that the Standing Committee had passed a vote that no notices should be read except such as had been approved by the Committee, and wished that I would submit . . . the notice to the Committee. I replied that I denied the authority of the Committee to act in the case, and said that they had no more right to dictate what notices should be read by the minister than I had. . . .

Mr. Stetson said that his feelings were entirely with me, that he should read such a notice from his own pulpit, and should be glad to read it from any other, but under the circumstances thought it would not be proper for him to interfere. . . . After this he shook hands with me and passed into the church. After meeting, the two Chapmans, father and son, and I had a warm controversy for a few minutes with some of the Committee and others on the sidewalk; but, seeing that a great crowd was collecting, we thought it

advisable to disperse. It is a great piece of impertinence in the Committee to pretend to dictate what notices the minister shall read. . . . I should not wonder if the Committee in their inquisitorial capacity should attempt to eject me from the Sunday-school for preaching anti-slavery to the children. It happened that last Sunday, before I received the notice, I had, in addressing the children, spoken to them of the Broad Street riot. I spoke of the prejudices against the Irish as having been the cause of the cruel treatment they received, and then said the prejudices against the slaves, on account of the color, etc., occasioned their being much worse treated every day than the Irish were. . . . I then stated a number of particulars in regard to their treatment, etc., etc.

Aunt Southwick had an abolition party last evening. The Miss Grimkés were there. . . . We had a very pleasant time. I talked a little with Angelina and liked her very much. Should not you like to have an abolition party at our house when you get back?

In 1842 Mrs. Winslow became ill. Mrs. Sewall, who was herself far from strong, consented to go with her mother to Madeira, where Mrs. Winslow's death occurred. Mrs. Sewall wrote in February, 1843, just after her great loss: "You

cannot imagine how dreary and desolate I feel, how I long to fly home for sympathy, but uncle will not hear of my going. He says it would be madness to go into a cold climate when by staying two months longer I might return well." She did not return until March.

S. E. S. TO L. M. S.

June 1, 1843.

I have been hard at work practising law. I go to my office in the morning and work till dinner time, and then again in the afternoon and work until half past six; then I usually go to see Mr. Fletcher, who has been sick, and then home and put baby to bed and have my supper about eight. Occasionally I have some writing to do in the evening, but not more than once or twice a week.

In the above letter and in the following we have a glimpse of his devotion to his little girl.

February 11, 1843.

Do not feel anxious about me and baby. . . . She has been writing you a letter this morning, which I shall send if I can. She is like you, full of love and affection. . . . I can see much more of her than I could at Roxbury, as I come to the house every day at dinner. . . . She is very affec-

tionate, and now you are away seems to give me as many kisses as she did us both when you were here. . . . It seems to me I never saw a child so full of life and spirits. I fancy she must be very much what you were at her age. I do not think she has the fear of me which most children have of their fathers. This I like. I know that she is not governed by fear, but when she behaves well that she has learned to govern herself.

After the birth, in 1846, of his second daughter, Louisa Winslow, Mr. Sewall left Roxbury and made his home farther out in the country, near the village of Melrose, on land which was then part of Stoneham. Here he had, besides his garden, some thirty acres of woodland; and the happiness of outdoor leisure on his return from his office in the city was added to the days.

In Melrose, with occasional returns to the city, life flowed tranquilly on until 1850. Then came the shock and break. In the autumn of that year Mrs. Sewall died.

SAMUEL E. SEWALL TO HANNAH ROBIE.

MELROSE, November 10, 1850.

I have been too much depressed since the loss of Louisa to write letters or do anything else. The suddenness of her death was a dreadful shock.

What made it worse was that I did not see her before all was over. . . .

I am going to board at Mrs. Southwick's this winter. . . . I cannot bear to spend the winter here. By living in Boston I shall have the children more in my sight. . . . Next spring I expect to return to Melrose. . . . I had always hoped that you would make my house your home. I should not urge you to leave Uncle Robie, but if you prefer to live in this country I still hope you will consider Melrose as your home.

. . . I shall say nothing about my feelings. I have suffered a great deal, and am still weak and depressed. I am going to the office to-morrow, and shall try to do a little business, though I cannot do much. I know I ought not to let my mind dwell altogether on one sad subject. The sooner I force myself into active life the better. As it respects Louisa herself, the suddenness of her departure was a blessing, as she was spared the pain and anxiety of lingering sickness. This ought to mitigate the anguish which I feel. I have no doubt she is happy now, and her removal from this earth is directed by a higher power which does all things right, however mysterious they seem to us.

After a time, with Miss Robie and the children,

he reopened the Melrose house. There he busied himself with his daughters and with his garden. His letters to his children, written when they were away from home, show how intimately they were interwoven with his life.

Three years after his wife's death he wrote: "I believe death is always a blessing to every one it comes to. But no belief will prevent grief for the loss of those we love."

CHAPTER VII

SERVICE IN THE SENATE

AFTER the death of his wife, Mr. Sewall threw himself more earnestly than ever into work.

“He spent almost half his time,” says Mr. George T. Angell, who was for fourteen years his partner, “in endeavoring to protect the weak and defenceless. His private office was headquarters for nearly all the abolitionists and Free-Soil men in the Commonwealth, — John Brown and a multitude of others. He frequently had there Sumner, Wilson, Andrew, Garrison, and Wendell Phillips. I should think that almost a peck measure of keys intended to open prisons and jails for the freeing of alleged slaves were kept at his office by the committee of safety.”

A colored youth who wished to study law was hospitably taken into this office, a kindness so unusual that even Dr. Henry I. Bowditch confessed himself struck with Mr. Sewall’s moral courage in permitting the young man to be there.

In 1840 he had definitely joined hands with

those anti-slavery men who believed in political action. His indorsement of the Liberty party, afterward absorbed by the Free-Soil party, was a marked divergence from the Garrisonian abolitionists. Garrison hoped everything from the spread of ideas untrammelled by association with politics; Mr. Sewall believed that the political party must give force and weight to ideas, if they were to find expression in concerted action. The differences of opinion on this and other practical points made a split in the abolition ranks, painful to those who had long been close comrades, but inevitable from the growth of the movement and the number and variety of individuals engaged in it.

In the only bit of autobiographical writing ever wrung from Mr. Sewall, — a letter written to Rev. Edward G. Porter in 1884, in response to a request for some personal details, — he said: “I did not follow Garrison in believing in non-resistance, in refusing to vote, and in recommending a dissolution of the Union. I always voted, and joined the Liberty party as soon as it was formed. From this I became in due course a member of the Republican party.”

The Liberty party made Mr. Sewall its candidate for governor of Massachusetts yearly, from 1842 to 1847. In 1842, indeed, the office came very

near being thrust upon him. "I have narrowly escaped being governor," he wrote to his uncle, Simon B. Robie, in Halifax. "At one time there seemed to be quite a possibility that I should be chosen by the legislature in consequence of the two great parties in the legislature being nearly equally balanced. It would have been very uncomfortable to have come in under such circumstances."

At an earlier date he had written to his wife:—

BOSTON, November 27, 1842.

The Liberty party have defeated the election for governor. Our vote is nearly doubled since last year, being not much, if any, short of 7000 in the State. We have defeated the election of seven out of ten representatives to Congress, and thrown both parties into great confusion. Every day people tell me I shall be chosen governor by the legislature. I think, however, the prospect is that the Democrats will have a majority in the House, and so fill the vacancies in the Senate with their own men, and then choose Morton governor. Father is terribly afraid I shall be chosen. . . . You would ask, I suppose, "What are your own wishes on the subject?" I can hardly tell. I am rather indifferent about it. If any other Liberty man were a candidate, I should take a deep inter-

est in the result. But now there are so many disagreeable things about being governor, that though I should enjoy the triumph of the party, I think I had quite as lief be excused from being the successful candidate myself.

And again in December:—

“You know that I have never been very desirous of the office. But now there seems some danger of it, I like the idea less than ever. The only thing that could reconcile me to it is the belief that it would promote the anti-slavery cause, which it certainly would.”

Mr. Sewall was not elected governor, but in 1851 he was chosen to the Massachusetts Senate as a Free-Soil candidate. This was the year in which the coalition of the Free-Soil and Democratic parties proved so disastrous to the Whigs, a coalition which scored as one of its victories the election of Charles Sumner to the Senate of the United States.

While in the Senate Mr. Sewall held the position of chairman of the judiciary committee, and was therefore enabled to mould legislation on a number of important subjects.

One bill which he introduced was often referred to by him in after years as the shortest ever made into an act by a Massachusetts legislature. It

read: "Aliens may take, hold, convey, and transmit real estate." Always in favor of simplicity, he was desirous of doing away with many of the technicalities of court procedure, and modified and improved a report already before the legislature for that purpose.

Among reports made by him of bills which did not at that session pass, but which were embodied in or affected subsequent legislation, was one to amend the law of evidence so that witnesses should not be debarred from testifying because of disbelief in a God or on account of their religious opinions. Another was a minority report on the expediency of amending the law of divorce, a reform of which he was then and in after years an earnest advocate. His bill made extreme cruelty and habitual intemperance grounds for divorce from the bond of matrimony, and not merely from bed and board; it also reduced the time of desertion necessary to justify a divorce from five to three years, and permitted re-marriage. He drew up a long report in favor of the abolishment of capital punishment.

"I am glad to remember," he wrote in his letter to Mr. Porter, "that while I was in the Senate I introduced a bill to protect the property of married women, which, though I now see that it was very defective, was the first in this State that proposed

to make a wife the legal owner of her property. It was largely used, both in substance and form, as the basis of the important law on the same subject passed in 1855. My bill, I think, passed the Senate, but failed in the House."

An effort to obtain aid from the State for the Female Medical College was without success. It was but the beginning of his exertions in behalf of medical education for women.

For the benefit of fugitive slaves a bill was reported, which failed of passage at that time, but which was substantially enacted in 1855, as part of those Personal Liberty Laws which caused so much discussion in 1859-60. A speech which he delivered in the Senate in urging this bill states forcibly his grounds for holding the Fugitive Slave Law to be invalid. A few extracts will illustrate the point.

MR. PRESIDENT:—The bill on your table introduces no new principle of law. The object of it is merely to aid the operation of the writ of habeas corpus, by giving new officers power to issue it, and giving a jury trial in favor of liberty. . . .

In this country . . . beside the United States Constitution, we have one fundamental law of the whole nation,—the Declaration of Independence. This celebrated instrument was not a mere mani-

festo . . . but a law adopted with unusual solemnity by the national Congress, and adopted and ratified substantially, if not formally, by all the States. . . . No one, indeed, can dispute that it is a law for some purposes.

. . . Whatever view may be taken of the legal bearing of the Declaration of Independence, . . . there is one impregnable position which every lover of justice ought to take on this subject. It is this: that the extradition of a fugitive slave is a great crime; that no constitution or statute can make such a crime legal; and that consequently the Fugitive Slave Act is as void in law as it is in the forum of conscience. . . .

Humanity is outraged when it becomes necessary to argue these questions. . . . Justice, the law of God, the law of reason, the moral law, the law of nature, by whatever name it may be called, is an essential, inherent part of the law of the land. . . . This justice, . . . implanted in us by our Creator, is of necessity a higher law than any human enactment. The statute must be submitted to it, must be measured by it. And it seems to me as clearly the duty of the judge to measure the statute by the higher law as to measure it by the Constitution.

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If I have not entirely failed in my object, I have shown that slavery is illegal at all times and

in all places. . . . Sooner or later the courts will declare it so. Let us pass this law, and give our court an opportunity of deciding this great question.

His single-hearted devotion to legislative duties involved a sacrifice of health and of private business which he could ill afford. "Sam is very much worn out with all his labors," Miss Robie wrote, "and looks so miserably that one person who had not seen him since last summer said she should not have known him, he was so much altered. . . . He admits he is much fatigued, but seems very glad he has accomplished so much in the legislature." He was obliged to refuse to be a candidate for reëlection. "I found," he said, "my business would not be likely to support my family, if I gave up six months in the year to the business of the State." But his successful term of service was a source of keen pleasure to him, and even late in life he often referred with satisfaction to the events and results of his short career as a senator.

CHAPTER VIII

EMANCIPATION

THE passage of the Kansas-Nebraska bill in 1854 united the North in a firm front of resistance to Southern encroachments, and was followed by a rapid massing of the contending forces.

“I believe we have at last come to the point where the slaveholders must be driven back,” Mr. Sewall wrote to Samuel J. May in the summer of that year. “I cannot doubt that the triumphs of freedom are about to commence, and that they will be as rapid as those of slavery have hitherto been. I always feel most hopeful when there seems the best reason for despair.”

The Fremont campaign seemed almost a justification of these hopes.

“The issue of the presidential contest,” he then wrote to Mr. May, “is now distinctly for the first time liberty or slavery. If Fremont is elected, liberty is triumphant. And although the Republican party has not as its avowed object the abolition of slavery, yet it is plain that when the

Northern party has once gained acendency in the national government, it must inevitably retain it; and that when the influence of the national government is on the side of liberty, it will be even more potent than it has been while on the side of slavery."

He was, however, severely tried by the actual result of the election, and by the Dred Scott decision.

SAMUEL E. SEWALL TO SIMON B. ROBIE.

BOSTON, March 8, 1857.

We have not much to hope from our new President, Buchanan. He has been a mere self-seeking politician all his life, and has never done any single good thing that I have heard of. He seems likely to be a mere crouching slave governed by Southern masters. The Supreme Court of the United States has just decided that a negro is not a citizen of the United States, and that Southern slaveholders can carry their slaves through the free States without making them free. I feel ashamed of living in a country where there is such a contemptible President and judges.

TO SAMUEL J. MAY.

April 9, 1857.

I am sorry I have no time to let loose a little indignation on the judges of the Supreme Court

of the United States for their infamous decision in the Dred Scott case. Is it not remarkable that Judge Curtis has come out on the right side in a very able opinion, but with no more moral feeling than an iceberg? Still he deserves credit for what he has done.

Mr. Sewall never lost courage. "It seems to me," he wrote a year later, "the slave system is going to pieces very rapidly, notwithstanding all appearance of prosperity." And in 1859: "I cannot see clearly and exactly how slavery is to be brought to an end. But I trust we are now witnessing its death struggles."

At intervals during the warfare that had already begun in Kansas, John Brown came to the Massachusetts men for aid. Mr. Sewall had frequent talks with him. He was acquainted with Brown's history and appreciated his character. He knew vaguely that his efforts to run slaves off to freedom were to be continued, but probably was as ignorant as the majority of the abolitionists concerning the means which Brown meant to employ.

The news of the seizure of Harper's Ferry came as a shock. Few acknowledged on the instant, as Garrison did, the hero and martyr. Mr. Sewall never felt, even in after years, that the heroism

of the attempt entirely obliterated its folly. But he was deeply moved by the self-sacrificing spirit of John Brown, and sympathized to the utmost with his devotion to the slaves.

After Brown's conviction, an attempt was made by his friends to bring his case before the Supreme Court of Virginia for review. Many lawyers believed that the indictment was bad, and a petition for a writ of error was prepared, which received the support of two eminent Southern lawyers, Samuel Chilton and William Green. Brown's counsel and the Attorney-General of Virginia agreed that the case should be fully argued at the time when the petition was presented, if the Supreme Court would consent. For this proposed hearing Mr. Sewall, in connection with John A. Andrew, actually prepared an able and elaborate argument in Brown's defence; but the Supreme Court refused to give the case further consideration, on the ground that the judgment of the county court was "plainly right," and the argument was never used.

Mr. Sewall had also busied himself in raising money for the relief of Brown's family, and as treasurer of the fund received the following letter: —

CHARLESTOWN, JEFFERSON COUNTY, VA.,

November 29, 1859.

S. E. SEWALL, ESQ., BOSTON:

My dear Sir, — Your most kind letter of the 24th instant is received. It does indeed give me “pleasure” and the greatest encouragement to know of any efforts that have been made in behalf of my poor and deeply afflicted family. It takes from my mind the greatest cause of sadness I have experienced during my imprisonment here. I feel quite cheerful and ready to die. I can only say for want of time, May the God of the oppressed and the poor in great mercy remember all those to whom we are so deeply indebted!

Farewell!

Your Friend,

JOHN BROWN.

“At the time of Brown’s execution,” says Mr. George A. Dary, “a small company of friends gathered at Mr. Sewall’s office, and spent an hour in commemoration of the event then taking place.” On the evening of the same day Mr. Sewall presided over that impressive meeting in Tremont Temple at which Garrison read to his deeply moved audience John Brown’s “Address to the Court.”

Nor did Mr. Sewall's connection with the Harper's Ferry affair end here. When the United States Senate constituted itself a court of inquiry, and Thaddeus Hyatt was summoned before its committee to give an account of his dealings with John Brown, Mr. Sewall and John A. Andrew were again co-workers in preparation of an argument showing why Mr. Hyatt should not be compelled to testify. But in spite of their efforts and the weighty support of Charles Sumner and John P. Hale, Hyatt was thrown into jail, and confined there three months, for refusing to testify in obedience to the Senate's demand; or, as Mr. Sewall put it, was punished "not for any crime, not for any real contempt of the Senate, which he might have felt, but for a technical contempt of that most contemptible body." Great indignation on the part of anti-slavery men greeted the action of the Senate; and Mr. Sewall, happening to be in New York at the time of the May meetings, expressed himself on the subject with more fire and bitterness than he was wont to reveal.

SAMUEL E. SEWALL TO LUCY E. SEWALL.

NEW YORK, May 13, 1860.

We have been in a complete whirl ever since we have been here, attending anti-slavery, wo-

men's rights, and Thaddeus Hyatt meetings every day till yesterday, and exchanging greetings with old and new friends. . . . There seems no end to the people we have seen, — Garrison, Phillips, S. May, Mr. and Mrs. Stevenson, Mr. and Mrs. Richards, Mrs. Stanton, Oliver Johnson, etc.

. . . I doubt whether the meeting to express sympathy for Hyatt would have taken place if I had not been here. I send you a copy of the "Herald," which has a fuller report of the meeting than the "Tribune." . . . Though much that I said is omitted, and much inaccurately and imperfectly reported, yet they have taken pains to put in two blackguardisms very exactly, one calling the Senate "a most contemptible body," the other calling Mason "a wretch." These expressions slipped out by accident. I do not believe there is any use in such abuse. More effect would be given to the same charges if expressed in milder terms.

It will be remembered that in 1852 Mr. Sewall, while in the Senate, introduced a bill in extension of the existing Personal Liberty Law, designed practically to nullify the Fugitive Slave Act. His unsuccessful bill, doubtless the work of many hands, was in 1855 substantially embodied in an act which was passed by the legislature.

The old law, enacted in 1843, after the Latimer case, forbade judges and justices to take part in the capture of fugitive slaves, and sheriffs, jailers, and constables to detain them. The new law, among its provisions, secured habeas corpus to the alleged fugitive; declared his confession inadmissible against him, excluded *ex-parte* affidavits, and cast the burden of proof upon the claimant; forbade state officers to issue warrants under the Fugitive Slave Act, attorneys to assist the claimant, and the militia to be called out in his aid; and required the governor to appoint commissioners to help defend fugitives and to secure them a fair trial. This law still stood, in a somewhat modified form, on the Massachusetts statute-book, and similar laws existed in other States; but, not content with the measure of protection already secured to fugitives, the abolitionists did not cease to besiege the legislature for more radical enactments. As late as the winter of 1859, Mr. Sewall appeared before the Committee on Federal Relations to ask for an act, which he had prepared, in the following terms:—

“Section 1. Slavery cannot exist in Massachusetts. Every person living in this Commonwealth is free. Every person who may hereafter come into this Commonwealth, or be born in it, shall be free.

“Section 2. Any person who shall arrest, im-

prison, or carry out of this Commonwealth, any other person, for the alleged reason that such other person is a slave, shall be punished by imprisonment in the State Prison not exceeding ten years."

It is not to be wondered at that these Personal Liberty Laws were a special grievance to the seceding States, and that South Carolina placed them in the forefront of her grounds for secession. When the country found itself threatened with disruption, many of the Northern leaders, appalled by the magnitude of the crisis, were ready to offer any concessions to avert civil war, and even Seward in the Senate spoke in favor of repealing the Personal Liberty Laws. A strong effort was made in Massachusetts to secure the repeal of certain of the provisions of her laws on this subject, and in particular those which were thought to be either unconstitutional, because they directly interfered with the Fugitive Slave Act, or peculiarly offensive to the South.

No man had done more than Mr. Sewall, as the "Nation" declared after his death, to promote these laws; and when he saw them in danger, he hastened to their defence. In a series of four articles in the "Daily Atlas and Bee," he vindicated their necessity and constitutionality.

The last article sets forth in broad lines his position on the underlying question of slavery

itself, and the concessions he was willing to make to it.

After stating from what grounds he derives his authority, he concludes:—

“But though it is agreeable to have my argument sustained by authority, I do not rest on it,— I appeal to the conscience of the legislature of Massachusetts. . . .

“State after State is seceding. Their alleged grievances are hollow pretences. The border States are claiming the right to extend slavery through the Territories, and demanding new guaranties for their inhuman institution. Is this the time for Massachusetts, instead of standing firmly and resisting these taskmasters, to kneel down and worship the golden image? . . .

“If we ever wish to have a harmonious Union, we must deal with the South in a far different spirit. We must tell them plainly how we regard their institution: that we mean to protect the Territories from it; that the power of the national government shall be thrown into the scale of liberty; that, though we claim no authority for Congress to abolish slavery as it exists in the States, yet we shall labor for such amendments to the Constitution as will enable the national government to aid those States that desire to remove it. . . .

“Those who talk of repealing our liberty laws seem not at all to reflect on the nature of the struggle in which we are engaged. It is the old elemental contest between right and wrong, which has been going on from the beginning of time. . . .

“But we entertain no hostility to the slave States. And while we should exhibit an unwavering detestation of their system of oppression, we should be ever ready to aid them in relieving themselves from this intolerable burden. . . .

“We should insist on the clause relating to fugitives from service being struck from the Constitution, as one incapable of being successfully enforced if held to relate to slaves, and a source of perpetual irritation and strife between the two sections of the country. In return for this concession we could agree to pay the Southern States from the national treasury such a sum as would make them great pecuniary gainers. . . .

“Whenever any of the slave States show a readiness to listen to any proposition looking to an abandonment of their system, an amendment of the Constitution might be proposed by which Congress should have the power of giving a certain sum to any State abolishing slavery, in proportion to the number of its slaves by the last census. There is no reason for paying the full market price of the slaves; for the value of the

lands in every State abolishing slavery would instantly increase very rapidly, and each State ought itself to bear a share of the cost of removing its own burden. But it is hardly necessary to pursue this topic. It is too plain for argument that slavery is the only source of the dissensions between the different parts of our nation. Nothing but the removal of this cause will restore harmony between them. . . . The perpetual fountain of discord would remain. Why should we sacrifice our principles to gain a beggarly truce, and postpone the contest which must inevitably come? The war of opinion must go on. Happy indeed will the nation be if it can be determined without bloodshed, in the only way in which a termination is desirable or possible.

“Will the repeal have the smallest tendency to bring back the seven seceding States? No one in his senses pretends it. Will it conciliate the border States, and preserve their fidelity to the Union? It is plain enough these laws are a very insignificant part of the causes of complaint which the South makes against the North. . . . The real ground of complaint at the South is not of our liberty laws, but of the love of liberty which dictates them.

“To repeal any part of these laws would be a virtual falsehood, a profession of the love of

slavery, which we do not feel. We never can satisfy the South, unless we can repeal the moral sentiment of Massachusetts. It is this against which the South is now warring. If we can change our opinions, then we can live in harmony with our Southern neighbors. When we can hunt slaves as cheerfully in Massachusetts as they do in Carolina, then, and not till then, shall we find Southern hostility to us cease.

“Thank God, that day can never come. Let the North only stand firm, and yield not one inch, not one hair’s breadth, to the arrogant demands of the slave power; and then as surely as omnipotent justice reigns, order will rise out of disorder, peace out of discord, and freedom from the grave of slavery.”

With his defence of the Personal Liberty Laws Mr. Sewall’s active career as an abolitionist necessarily closed. He could but wait and watch in anxious suspense the course of the rebellion, ever hopeful that events were rapidly shaping themselves to that final solution which he had long believed was the inevitable outcome of “the old elemental contest between right and wrong.”

His letters to his daughter Lucy, then pursuing her medical studies in Europe, reverted continually from personal interests to public affairs.

November 30, 1862.

I can see a number of reasons why the aristocracy of England sympathize with the South. They do not like republics, and especially one so powerful as ours, and therefore desire to see it divided and weakened. Then they see it is the North which, by blockading the Southern ports, has cut off the supply of cotton, and thus produced the greatest distress among the laboring population of Lancashire and elsewhere. Beside these permanent causes, the Trent affair aroused a very bitter and indignant feeling among all Englishmen, who very generally supposed Captain Wilkes, in capturing Mason and Slidell, was acting under the orders of our government and endeavoring to bring on a war with Great Britain. This feeling rankles in the breasts of many, though the cause was long since removed. Some of our own foolish, not to say villainous, newspapers are always laboring to increase the ill feeling between the two nations. All this is very unfortunate, as well as the scandalous course of the "Times" and other English papers. I hope Cairnes's book¹ and Mill's article in the "Westminster" will have a good influence.

It is said that the President will defend his emancipation policy and his proclamation in his message expected to-morrow.

¹ *The Slave Power*, by J. E. Cairnes.

December 14, 1862.

The state of the country produces a constant feeling of oppression. But the opinion is gaining ground that nothing but the extermination of slavery will end the war, and also that the dissolution of the slave system is going on rapidly. I look forward with confident hope, though not without anxiety. I hope the end of the war is coming quickly, but I do not dare to prophesy. The President on the 1st of January will proclaim freedom throughout the rebellious States. After that I believe it will be impossible to keep them [the colored people] as slaves.

The eagerly awaited emancipation proclamation was greeted in Boston by a jubilee concert at Music Hall in the afternoon, and in the evening by a large and enthusiastic meeting. Mr. Sewall was present at the concert, and witnessed the demonstration caused by the news that the proclamation was then passing over the wires. The whole audience broke into tumultuous applause, and then united in rousing cheers for Lincoln and for Garrison. In the evening he was one of a party of old friends, including Garrison, Phillips, Alcott, Julia Ward Howe, Samuel Longfellow, Frank Sanborn, and the sculptor Brackett, invited to the house of George L. Stearns, at Med-

ford, in honor of the arrival of Brackett's bust of John Brown, modelled at the request of Mr. Stearns. Phillips celebrated the installation of the bust by a short speech, and Emerson read again his "Boston Hymn," which had been but imperfectly heard in the afternoon at Music Hall.

It was in the following year that Whittier, publishing his volume of stirring poems, "In War Time," dedicated it "To Samuel E. Sewall and Harriet W. Sewall, of Melrose," with these lines :

"Olor Iscanus qneries : ' Why should we
 Vex at the land's ridiculous miserie ? '
 So on his Usk hanks, in the blood-red dawn
 Of England's civil strife, did careless Vaughn
 Bemock his times. O friends of many years !
 Though faith and trust are stronger than our fears,
 And the signs promise peace with liberty,
 Not thus we trifle with our country's tears
 And sweat of agony. The future's gain
 Is certain as God's trnth ; hut, meanwhile, pain
 Is bitter and tears are salt : our voices take
 A sober tone ; our very household songs
 Are heavy with a nation's griefs and wrongs ;
 And innocent mirth is chastened for the sake
 Of the brave hearts that nevermore shall heat,
 The eyes that smile no more, the nureturning feet ! "

"We ought to rejoice," wrote Mr. Sewall to Mr. May after the passage of the thirteenth amendment to the Constitution, "when slavery is absolutely and unconditionally abolished. But we

have been so long sure of the event that we are not so much impressed with its greatness. For with all its sad drawbacks, owing to the diabolical feeling of the Southern States and their Northern tools, still the abolition of slavery by the United States is the most important event in all history.”

CHAPTER IX

HARRIET WINSLOW SEWALL

THE three daughters of Nathan Winslow all possessed distinctive charm of personality. Against the sober background of a Quaker ancestry their figures stand out full of brightness and color, while each carried with her among the world's people somewhat of the sincere simplicity of the Friends' Society.

Harriet, whose life was the longest, became most widely known. She was early married to Charles List, a staunch abolitionist, whose death occurred not many years after that of Mrs. Sewall. In the desolation of Mr. Sewall's life and the loneliness of her own, the relation between them, always cordial, deepened, and in 1857 culminated in their marriage. From that time onward his is never again a solitary figure. Actively associated as she was with all his interests, philanthropic as well as personal, she was ever at his side, and those who best remember him in the later years instinctively picture him to themselves in companionship with her.

“In her,” a friend has said, “were united the dreamy poetic nature of an artistic temperament and the practical ability which was a marked characteristic of her father’s family.” Expression in verse was spontaneous with her. She never cared to be known as a writer, but many of her stanzas echo still in the memory of numerous readers who have forgotten or, it may be, never knew the author’s name. Her best known poem is that beginning —

“Why thus longing, thus forever sighing,
 For the far-off, unattained, and dim,
 While the beautiful, all round thee lying,
 Offers up its low, perpetual hymn ? ”

Nor did the artistic faculty confine itself to her writings. It permeated her daily life, her friendships, her activities abroad. The delicate grace which characterized her seemed to set everything about her in harmony, and she had the delightful faculty of imparting to others her own spirit of gladness and bright enjoyment of the passing hour. Her generous hospitality kept the Melrose house full. Miss Robie, who had since 1850 considered it her home, remained there still, beautiful in her age, and as devoted as ever to the nephew whose head was now as white as her own. Thomas Sewall and his family found it easy to make their short journey from Boston to Mel-

rose. Bronson Alcott came from Concord with his wife and daughters, including the well-known author of "Little Women." At rare intervals Samuel J. May visited them, and other relatives from more distant places kept up the cousinly intercourse.

Members of the old anti-slavery circle were not lacking. At one time came Wendell Phillips with his genial courtliness, at another Samuel Longfellow. Again, and more frequently, Sarah Grimké and Angelina Grimké Weld, gentle heroines of hard-fought fields, with Theodore D. Weld, famous in educational as well as in anti-slavery annals. Then there were those cherished friends and old comrades, Whittier, Lydia Maria and David Lee Child, the Pitmans, and the Garrisons.

Perhaps the most picturesque visitors of the earlier days were Mr. and Mrs. Elizur Wright and their round dozen of children, who came sometimes from the dusty city to spend a long day at Melrose. Later, when the Wrights lived in Medford, the families joined in private theatricals and other amusements.

The social life of the Sewall household was always of the simplest. None of its members cared for merely conventional society, but they loved to see frequently their chosen friends. Small informal gatherings, especially those in which young

people were to be entertained or strangers welcomed, would tempt them from their own hearthstone, even when the distance to be traversed was long; and June after June their lawn parties, when the guests might explore the wood paths, and returning be served from the tables spread beneath the trees, called together one circle of acquaintances or another to share in the beauty of some perfect day.

At such times Mrs. Sewall's slight figure, which never lost its girlish lightness, the beautiful gray hair encircled with her favorite blue ribbon, glided about among the guests, while Mr. Sewall was often seen with youthful alertness springing up and down the ascent between lawn and house, as shawl or cushion or footstool was thought of to add to the comfort of friends. An unusual intimacy united the little circle of Mrs. Sewall's own cousins, the Southwicks, of Wellesley, Emily Winslow Taylor, of Philadelphia, and Rebekah Northey Buffum, of Melrose. To them all Mr. Sewall was the kindest of cousins, ever ready with his most cordial welcome, so that one of them said she never met or parted from him without longing to exclaim, 'O king, live forever!'

One of their neighbors says, "How much we enjoyed seeing Mr. Sewall before breakfast in the summer mornings, always without a hat, clipping

his vines and shrubs and culling his sweet peas or roses, which we knew were to grace the plate of wife and guest! And what a home it was to greet the tired lawyer after office cares in the dusty city! In the long afternoons there was always time for a game of croquet, which husband and wife entered into with equal zest, and onlookers delighted in watching the two picturesque figures, neither hat nor bonnet on the silvery hair, wielding their mallets with youthful enthusiasm.

“An equally charming picture they presented when the cool autumn evenings came on, in the ruddy glow of the firelight, before the lamps were lighted and ushered in the reading of some favorite author.”

Reading was, indeed, the greatest of all their pleasures, and they loved to share with the evening circle the book in which they were interested. Their tastes and judgments were in the main the same. Among the novelists George Eliot ranked first with both, though Scott was also one of Mr. Sewall's favorites. Thackeray he took with a regretful shake of the head: “He has a great deal of wit,” but “his ideal of men and still more of women is low.” Emerson stood foremost. Burns he was fond of. Of Browning he must speak for himself. “On Friday evening we had a meeting of the Browning Club. I do not know whether

you are an admirer of Browning. But there are evidently two classes among them: one to which Hatty and I belong, who can admire all Browning's beauties which are apparent, and at the same time can see obscurities and defects. The other class regards Browning as inspired, and believes that everything he has written is the best possible, and that no amount of labor is wasted in discovering the hidden meaning of an oracular passage. Each class looks down a little on the other; and I feel obliged to any one who will let me share in the gold he has discovered." And again, I "cannot regard it as a special merit in a poem that it requires to be studied like a riddle."

The house was seldom long without the sound of children's voices. Little grand-nieces and grand-nephews and far-away cousins came to spend long holidays with Mrs. Sewall. Then the youngest daughter, Louisa Winslow Sewall, after her marriage to Mr. Edward C. Cabot, made frequent visits to Melrose with her husband and children. "Little Sewall," writes his grandfather, "has grown quite fascinating. He is not much of a speaker yet, but can say 'guanma' quite distinctly, and whispers 'guanpa' to me like a young lover learning to pronounce his mistress's Christian name. The little baby [Norman] is pretty, and good and fat, and his eyes full of wonder."

The light-heartedness with which Mr. and Mrs. Sewall met the small adverse occurrences of the day is illustrated by his humorous acceptance of the loss of a trunk, the actual value of whose contents he estimated at one hundred dollars. "There is always," he wrote to her, "some compensation, as Emerson says, for every misfortune," and he made out his account as follows:—

| | |
|---|---------|
| Pleasure of having new coat | \$5.00 |
| “ “ “ new thin coat | 3.00 |
| “ “ “ “ trousers | 2.00 |
| “ “ “ 5 new shirts at 50 cts. each . | 2.50 |
| Pleasures of telling story of loss 1,000 times at 1 ct. a time | 10.00 |
| Pleasure of never seeing old trunk | 1.00 |
| “ “ thinking loss no worse. | 10.00 |
| | <hr/> |
| | \$35.00 |

I had forgotten part of my compensation:—

| | |
|--|---------|
| Saving hack hire in Phil. | .93 |
| “ “ “ “ N. Y. | .90 |
| “ “ “ Boston | .50 |
| Pleasure of having no care of baggage from Phil. to Boston. | 5.00 |
| | <hr/> |
| | 7.33 |
| Brought over | 35.00 |
| | <hr/> |
| Total compensation | \$42.33 |

When the Boston Women's Club was founded in 1868, and Mrs. Sewall joined it, Mr. Sewall

was made an honorary member. Both were regular attendants at its meetings. After a few years she was made its treasurer. "She managed its finances with great skill," says Mrs. Ednah D. Cheney, in the memoir which introduces the volume of Mrs. Sewall's poems collected and published in 1889, "and by her tact and economy put them on a firm footing." Mr. Sewall had great admiration for the varied abilities of his wife, and as some fresh proof of them confronted him would exclaim, "Hatty can do anything, she's a genius."

Her own beautiful dependence upon him she has acknowledged in the poem "To S. E. S.:" —

"I please myself in lonely hours
By fancying what sweet joy 't would be,
Oh, dearest friend, could I requite thee
For all that thou hast been to me.

"Not only for eweet favors given,
For care and connsel sweeter far,
For love that lifts the veil of heaven,
And shows us what its glories are, —

"Oh, not for these alone I thank thee ;
I bless thee from my inmost heart,
Not only for what thou hast given,
But even more for what thou art.

"My faith in goodness is made firmer,
My hopes of what mankind may be

To loftier soarings are encouraged,
Beloved, when I think of thee.

“ And if my faith a moment fail me,
When outward wrongs my credence claim,
And doubts and weaknesses assail me,
They vanish if I breathe thy name.

“ And how could sorrow be surmounted,
Beloved, unless shared by thee,
By thy endearing love surrounded
And thy sustaining sympathy.

“ Oh, love may spring in sunny weather,
In smiling bowers may bloom and grow,
But only those who weep together
Its sweetest, holiest spell can know.”

CHAPTER X

THE DEFENDER OF WOMEN

Each year, with zeal and courage unabated,
Thy struggle was renewed against the wrong;
No failure could discourage or embitter
A heart and will so hopeful and so strong.

With such unwavering trust and patience gifted,
Oh, what to thee were laurels and renown?
By foresight of the future good uplifted,
Thy faith and zeal were both reward and crown.

In Memory of S. E. S., by H. W. S.

FREELY as Mr. Sewall had given himself to the cause of the slaves, his special work, and that for which he will perhaps longest be known, was his championship of women.

By nature chivalrous, tender, just, he could not see suffering without trying to relieve it, or witness the crowding of the strong against the weak without interposing a warding arm. Women were to him, even more truly than to the knights of old, objects of unselfish devotion. Nor was his regard for them less courtly for being based on absolute faith in their high worth. The character and

ability of the women engaged with him in the anti-slavery cause, women like Lucretia Mott, Lydia Maria Child, Harriet Beecher Stowe, — indeed, of the women of his own household, which embraced his aunt Hannah, his sister Martha, the daughters of Nathan Winslow, — were a powerful impetus to his desire to clear from the path of all women every obstacle of law or custom that hindered their progress. Through all the disabilities under which women struggled, he discerned the latent capacities which would be developed in them under wider opportunities.

A “modern knight-errant,” as he has been happily characterized, lance in rest against every form of injustice, he not only entered upon a crusade to obtain for women equality with men before the law, but in countless instances he took upon himself to succor individual distress. The case of Mrs. Denny is an example.

Mrs. Denny, who had come to Mr. Sewall to obtain a divorce, was thereupon accused by her husband of being insane. She was seized and confined in the McLean Asylum. Needless harshness in the treatment of patients had not yet entirely disappeared from this asylum, or from most institutions of the kind in this country. Under the generally prevailing system, many abuses failed to come to the knowledge of the

inspectors who at intervals visited the asylum. Mrs. Denny was subjected to much unnecessary suffering, and was cut off from communication with her friends. By secreting scraps of paper, she was finally able, at the risk of severe punishment in case of detection, to write a series of notes to Mr. Sewall as the one person who would be willing to come to her assistance. These she dropped, unobserved, from the carriage in which she was occasionally taken to drive; several of them were picked up and reached their destination. They brought Mr. Sewall to her rescue, and to the aid of all victims of similar oppression in the State. Through his persistent efforts in and out of court she was released, and at his instigation laws were enacted which secured to all Massachusetts institutions for the insane proper regulations for classification of patients and for communication with friends, as well as efficient visiting boards. By a later law, though this was not accomplished until after many years, women were added to the corps of attending physicians.

Twenty years before he entered the lists for Mrs. Denny, he had stood at the side of Lucretia Mott, Angelina and Sarah Grimké, and Abby Kelley, when prejudice would have driven them from public life. For it was with the awakening of the modern world to philanthropy that women

first felt themselves called to the front. The Grimké sisters, speaking for the slaves, soon discovered that they had a double mission to perform; and thus was initiated that broad movement for the vindication of women as persons entitled to a choice of vocation and to rights of citizenship which has ever since been steadily pressing onward.

“I feel,” said Angelina, “that it is not the cause of the slave only that we plead, but the cause of woman as a moral, responsible being; and I am ready to exclaim, ‘Who is sufficient for these things?’” When they timidly ventured to speak before a few women only, murmurs of disapproval were heard; but when at last they stood upon the platform to address a mixed audience, condemnation fell heavily upon them. They were expostulated with, ridiculed, denounced, threatened; their own Society of Friends almost came to the point of disowning them; the General Association of Congregational Ministers of Massachusetts issued their famous “pastoral letter,” a warning to the faithful against heretical abolitionists and preaching women. Even among the anti-slavery men, many at first, like Samuel J. May, felt their sense of propriety disturbed. Others, and among them such warm friends as Theodore D. Weld, whom Angelina eventually married, and

John G. Whittier, urged that the introduction at that time of the new reform must handicap and retard the emancipation of the slave. But, undaunted, Angelina continued to plead for the freedom of the negro, while Sarah was undeterred from publishing her letters "On the Province of Woman," or her other writings defending the claims of women to be heard.

The question of the admission of women to anti-slavery conventions on equal terms with men in 1840 widened the schism in the anti-slavery forces. Mr. Sewall, who could see nothing unwomanly in the persuasive eloquence of Angelina Grimké, and nothing unnatural in the admission of women as accredited delegates, stood with the Garrisonian abolitionists in favor of Abby Kelley, when the struggle for control of the American Anti-Slavery Society turned on the acceptance or non-acceptance of her name; and in the defeat of the objectors one of the first victories for women was won. He had absolutely no prejudices to overcome.

Of higher or specialized education for women he was one of the earliest promoters. He was the first subscriber to the first hospital for women carried on by women physicians in New York, an institution much needed by those who were studying or beginning the practice of medicine. He was one of the directors of the New England

Female Medical College, and in 1860 was instrumental in calling Dr. Marie E. Zakrzewska to Boston, to establish there a hospital department of the college.

Dr. Zakrzewska writes :—

“ When I first saw Mr. Sewall in 1856, it was in the house of his brother, Mr. Thomas Sewall, in Boston. His aunt, Miss Robie, a beautiful old lady of about sixty-five years, was enthusiastic concerning the advancement of women in any direction. It was chiefly she who made inquiries of me concerning my plans for practical education for medical students. Mr. Sewall, in his serious, quiet manner, looked at me with his piercing, beautiful eyes and made few remarks, yet I felt that he was profoundly interested in the subject and kindly disposed towards me. This impression was afterwards confirmed by my receiving an invitation from his daughter, Lucy, who later became well known as Dr. L. E. Sewall, to spend an afternoon and night at Melrose. After my removal to Boston in 1859, I had direct dealings with him, as I was connected with the New England Medical College, in which he was one of the most prominent directors. He resigned his post when I felt obliged to disconnect myself with that institution, and at once became director and legal adviser of the New England Hospital for Women and

Children. He served the cause for the education of medical women when this was so unpopular as to call forth ridicule upon any man who openly avowed it."

Dr. Zakrzweska recalls his expression of satisfaction and pride when his eldest daughter declared her intention of entering on the study of medicine, a satisfaction which only increased with the years of her successful career.

By far the greatest step which has yet been made towards establishing the legal equality of the sexes has undoubtedly been the removal of the disabilities of married women. "The last fifty years," wrote Mr. Sewall in his tract entitled "Legal Condition of Women in Massachusetts in 1886,"¹ "have done more to improve the law for married women than the four hundred preceding."

This was literally true. When he began his work in their behalf, married women in Massachusetts, and in most of the States of the Union, still rested under all the ancient disabilities of the common law. Marriage conferred on the husband the absolute ownership of all the personal property which his wife had previously owned, and of all

¹ Boston, 1886. This tract was originally prepared in 1868. A second edition containing notices of the changes in the laws was issued in 1870, and subsequent changes led to a third edition in 1875. The edition referred to is the fourth and last.

which might after marriage come to her. He might by his will deprive her of every cent of this property except her clothing and personal ornaments. He was entitled to the rents of her real estate, and in case of her death he might retain it during his life if any child had been born to them. She, on the other hand, if she survived him, had no absolute right to any part of his estate, except a life interest in one third of his lands. Her earnings were his. She could not make a gift or a will, bind herself by a contract, or bring an action in any court without his joining in the suit.

The first act which endowed married women with the power of holding property was passed in 1845. This act was followed in 1855 by what Mr. Sewall in his tract calls "the great act," which gave the wife sole ownership of her real and personal property, notwithstanding her marriage. It is not necessary to quote the language of the act, which he reproduces in his pamphlet both in its original form as found in the General Statutes, and in the briefer form in which it was afterwards embodied in the Public Statutes of 1881; but his comments are too characteristic of his zealous championship to be omitted.

"I confess," he observes, "I prefer the language of the General Statutes. . . ."

“The poet tells us that, striving to be brief, he becomes obscure. So I cannot help fearing that the compilers, aiming at brevity, may have let slip some protection to women. I admire the very redundancy of the earlier act, which gives blow after blow, to make certain that the old enemy, the common law, is so beaten out of the territory conquered by the new law that it can never claim any part of it again. Is it certain that if ‘a wife may receive and hold property in the same manner as if she were sole,’ there is no conceivable way in which property may come to her in which the common law claim of the husband cannot be interposed? I trust my fears may prove illusive. But every syllable of the great charter emancipating wives ought to have been held sacred.”

This is not the place to trace the successive enactments for the benefit of married women. Later acts conferred on them powers of conveyance and of contract equal to those of their husbands, gave them power to maintain their rights in the courts, and to dispose of their property by will. Still other acts secured for the widow a more liberal share of her husband's estate upon his death. Radical reforms were also made in the law of divorce. So sweeping were the changes that even Mr. Sewall, uncompromising reformer that he was, could write in 1886 of the law con-

cerning husband and wife in Massachusetts: "Although there still remain very serious defects in it, some of them bearing unfairly on both sides, and although the just equality of the two spouses is not acknowledged in all respects, yet we must admit that within little more than forty years a great revolution in the law respecting this relation has been effected, and all of it favorable to wives, recognizing and enforcing their rights to their property, their persons, and their children."¹

It was ever Mr. Sewall's habit, both as a lawyer and as a law reformer, to give little weight to precedent and mere tradition, and to insist upon broad principles which he applied with unhesitating logic. This was shown in his position in regard to the true interpretation of the Constitution in its bearing on the Fugitive Slave Law; and it is strikingly illustrated by his stout exception to the only vestige of the old law which remains in the acts conferring on wives the right to contract and to sue. The law still forbids contracts between husband and wife, and as a rule prohibits suits between them. "How difficult it is," he says, "to eradicate all the roots of a great tree after the trunk is cut down."² And, speaking of the limitation on the right of suit: "To say that a woman shall never bring a suit against her husband is just

¹ *Legal Condition of Women*, p. 54.

² *Ibid.*, p. 31.

as improper an interference with personal rights as it would be to prohibit suits between parents and children or brothers and sisters. Public exhibitions of family quarrels are to be regretted. They are, however, not the causes of quarrels or ill feeling, but usually the result of injustice on one side or the other.”¹

With the same logic he maintained the right of women to hold office, unless expressly prohibited by the Constitution or by statute. In 1871 he wrote to Mrs. Sewall:—

“The judges of the Supreme Court, you recollect, gave an opinion, just before you left Boston, that women could not be justices of the peace. The opinion was very weak and certainly wrong. But they have been so buffeted with ridicule and abuse for this absurd performance, that I should begin to pity them, if I did not know they were clothed in official mail, which is proof against all such attacks. I am writing a review of the opinion, which, if not so rough, will I believe be quite as conclusive as any of the others.”

Nor could he acquiesce even in the disability or the exemption, in whichever light it might be regarded, of women from serving on juries. “It is very clear,” he says, “that there are cases in which women ought to be required to serve as jurors.

¹ *Legal Condition of Women*, p. 35.

Where one of the parties to a suit is a woman, a portion of the jurors ought always to be of her own sex. . . . Female jurors would be likely to judge better of the truth, intention, character, and sanity of female parties to actions and of female witnesses, than men.”¹

An impressive appendix to his tract is a list of nearly one hundred and fifty statutes especially affecting women passed since 1841. He is silent upon the part which he himself played in bringing about their passage, and it is impossible in detail to supply his omission. Only those who were engaged with him in the great task know how untiring he was with word and pen, and how persistently year after year he importuned the committees of the legislature in the interest of those whose cause he had made his own. The acts which he thus helped to procure would certainly include a large part of those which he enumerates, and the bills which he urged without avail would make perhaps an even longer roll of honor.

Above and beyond all these separate advances in bettering the social, intellectual, and legal status of women, he maintained the importance of gaining for them the suffrage. “The denial of this franchise,” he says, in the pamphlet already alluded to, “is the most serious wrong done to

¹ *Legal Condition of Women*, p. 13.

women, since granting them the ballot would, no doubt, lead eventually to the redress of their other wrongs.”

In 1868 he was one of the signers of the call for the convention at which the New England Woman Suffrage Association was formed. Shortly before the convention he wrote to Samuel J. May:—

“I have seen slavery abolished, and now I do not despair of seeing women vote. We shall not have so long a fight for the latter object as we did for the former; for we have now only prejudices to contend with, and no great interests to be attacked.”

In maintaining the right of women to vote, as in the anti-slavery conflict, he sought his weapons of attack in the Declaration of Independence and the Massachusetts Declaration of Rights.¹

“The Declaration of Independence proclaims that ‘all men are created equal’ and have inalienable rights. We all admit this. And it is conceded that the word ‘men’ here includes persons of both sexes, and the word ‘equal’ means equality of rights, not of capacity. When Jefferson wrote these words, which have been cited many thousand times and are still worth citing, he was, no doubt, far from thinking of all the

¹ See *Legal Condition of Women*, pp. 4, 5, 6, 56, 57.

applications of the truth he was publishing. The Constitution of Massachusetts, following the Declaration, says, 'All men are born free and equal,' and have 'unalienable rights.' The Constitution of Massachusetts denies suffrage to woman, and thus is inconsistent with itself, and also violates the great principle of the Declaration of Independence, the organic law of the nation, by giving man this great right and refusing it to her who is entitled to it as his equal. . . .

"This refusal of the ballot perpetuates the stigma of inferiority on more than one half of the whole population of the State. The effect is obvious. We look upon the ballot as one of the great educators of male citizens, because it interests them in public affairs, and leads them to consider and discuss important questions of legislation. Our Constitution not only shuts out this great avenue of education from our female citizens, but the legal inferiority tends in every direction to produce the mental inferiority which it presupposes. It cramps thought and paralyzes effort.

"The secondary effects of this inferiority are equally if not more disastrous. Men fall short of the higher character which would be infused into them through the superior moral and intellectual power which women would acquire in con-

sequence of gaining the great franchise. Our legislation is degraded, and our society debased, because the two sexes do not associate as equals in the most important business of the nation.

“It is hardly necessary to add, that to deprive any class of persons who pay taxes of the right of voting violates the principle for which our fathers contended during the Revolution, that taxation without representation is tyranny. . . .

“In Boston, in 1873, women paid nearly thirteen hundred thousand dollars of the taxes levied by the city, being more than one tenth of the whole amount. The taxes paid by women now are, no doubt, much larger than they were in 1873. Yet women have no voice in directing the appropriation of their money, are compelled to submit to enactments from which their moral instinct revolts, and have no power to urge, effectually, reforms which they believe to be all-important. . . .

“The great difficulty to be overcome in effecting the complete emancipation of women is, not that most men are unwilling to do complete justice to the sex, or that the majority of women care nothing for this object, but it is simply a superstitious dread lest a change so radical should unsettle all the foundations of society, and bring down the whole fabric in ruins. The history of

the great legal reforms which have been accomplished in our generation shows how idle is this fear. We need never doubt the practical operation of a great reform in a community like ours, where it is based on a sound principle. . . .

“The next steps which are to relieve woman from all remains of feudal oppression, and restore her to the equality with man with which nature endowed her, are far less difficult than the ones already taken.

“When men and women are made equals in the eye of the law, and not before, shall we complete the foundations of a just commonwealth, which were laid by the Puritans, strengthened by the Declaration of Independence, and consolidated by the abolition of slavery. Then we may hope, by the united action of both sexes, to regenerate the republic and make it an example for the world and future ages. The experiment of a republic based on equal rights can never be fairly tried while one half of the adult population remains an inferior caste, with no voice in the laws which are to govern them.”

Each year the agitation for the suffrage went on; each winter Mr. Sewall, with Lucy Stone, Henry B. Blackwell, and others, appeared before the legislature with their demands which would take no denial; each year he published in the

“Woman’s Journal”¹ a clear-cut, lawyer-like presentation of the work accomplished and to be done. From the first the career of the “Woman’s Journal” was a more prosperous one than that of the struggling “Liberator;” but there were many times, as its editor has attested, when Mr. Sewall’s purse was opened to supply some deficiency in its treasury. When the legislature finally passed an act enabling women to cast their votes for school committees, he was ready to instruct the novices in the performance of their somewhat dreaded duty. His circular of instructions carefully prepared for the inexperienced, and presenting the several points of law in relation to the new right, was like a friendly hand guiding to the polls.

That he himself regarded his work for women as the most important part of his public life is seen in the so-called autobiographical letter already alluded to, which disposes of what he has to say of personal matters in the first few sentences, gives a short space to anti-slavery history, and devotes all the remaining portion, at least three fourths of the whole letter, to a recapitulation of the advance of women.

¹ In 1870 he became a stockholder in the Woman’s Journal Corporation, of which he was president from that time until his death.

“Our crowning aim,” the letter says, “has been to procure suffrage for women, which is to make them the legal equals of men; while at the same time we endeavor to reform all laws and customs that are unjust and oppressive to their sex.

“We have not yet gained full suffrage except in Wyoming and Washington territories. But school suffrage has been acquired quite extensively. Meanwhile the opportunity for common, higher, classical, and professional education of women has strikingly increased. Women, too, have become professors in colleges and teachers of the higher branches of knowledge, and some have become public speakers, many physicians, some clergymen, and, a very few, lawyers. Others are artists and authors and editors and correspondents of newspapers. Many avenues of employment too, in lower spheres, have been opened to many thousands. The improvements of the laws affecting women during the last thirty years in most, if not in all, our States have been wonderful.

“That all this improvement has been owing to the labors of professed suffragists is not claimed. But everywhere the suffragists have been an active and powerful force in effecting this great reform.

“To return to Massachusetts and myself. She is at this day one of the foremost States in legislation for women. A great revolution has been

going forward in our midst with one irresistible momentum, but yet so quiet and unattended by violent opposition that few people, even those most directly benefited by it, realize its nature and extent.

“Not only have women gone into the service of the State in humbler capacities, but they now may be elected members of school committees, and appointed members of the State Boards of Health, Lunacy, and Charity, and *must* be appointed Commissioners of Prisons, Trustees of the Primary and Reform Schools, Trustees of the State Alms House and State Workhouse, and Trustees of the State Lunatic Hospitals. An act passed this year also requires each of the Lunatic Hospitals to have a female physician. Women have gained the right of voting for members of school committees.

“The labor in obtaining improved laws for women of late years has been great and continuous. Much of my time, especially during the sessions of the legislature, has been devoted to this work. I cannot tell how many petitions, acts, and resolves I have drafted, how many hearings before legislative committees I have attended, and how many I have spoken before, and how many hours I have spent in preparing and revising a little tract on the legal condition of women in Massachusetts.

As already said, all the laws favorable to women have not been gained by the suffragists, though the influence of their exertions in this direction has been invaluable, and I am far from claiming for myself that I have worked more than, or even as much as, some others for this cause. It would be doing great injustice to valuable co-workers, whose names I need not mention in a letter not intended for publication, except my friends Lucy Stone and Henry B. Blackwell, who have for many years devoted their lives to securing the rights of women at great pecuniary sacrifice to themselves. So I end this perhaps too long story.”¹

¹ Mr. Sewall did not lack evidence of the gratitude felt by Massachusetts women for his knightly devotion to their interests. In the Cary Library in Lexington, Massachusetts, stands a bust of him executed in 1884 by Miss Anne Whitney, and presented by a woman citizen of the town. Below the bust, on a brass tablet, are engraved the lines of Whittier which are prefixed to this volume.

CHAPTER XI

LATER YEARS

“ One who never turned his back but marched breast forward,
Never doubted clouds would break,
Never dreamed, though right were worsted, wrong would
triumph ;
Held we fall to rise, are baffled to fight better,
Sleep to wake.”

WITH accumulated honor, with undiminished power to enjoy his own life and to add to the welfare of others, Mr. Sewall made of advancing age only another triumph. “ His long life had no failures.”¹ No one could be with him without perceiving the serenity of the heights upon which he dwelt. “ Those blue eyes of his,” said Julia Ward Howe,² “ had seen through many a storm-cloud the glory of the firmament beyond, and principles were always clear to him, however the heathen might rage together and the people imagine a vain thing.” Never had life seemed to him fuller of opportunity ; his imagination still

¹ John G. Whittier, *Woman's Journal*, December 29, 1888.

² *Ibid.*

ranged ahead. "I believe," he said in 1888, "that the inventions and discoveries of the nineteenth century will sink into insignificance when compared with those of the twentieth. We are only just beginning to find and make our tools. In the next century we shall use them, and what may we not expect?"

"These words of Emerson," says Mrs. Cabot, "were quoted many times by my father, with enthusiasm, and with strong emphasis on the last line. They always seemed to me written of his own spirit:" —

"The archangel, Hope,
Looks to the azure cope,
Waits thro' dark ages for the morn,
Defeated day by day, but unto victory born."

Since 1870, or even earlier, he had succeeded in giving up, to a large extent, court practice, and had occupied himself with trusts of properties, particularly those of women. It is interesting to note that among his clients of former days were Harriet Beecher Stowe, at the time when she was publishing "Uncle Tom's Cabin," and Hawthorne. Other clients were the Ticknors, the Tappans of New York, and the Boston Tudors. He was the legal adviser of some large corporations, and he was, as late as 1888, treasurer of the Nahant Land Company and president of the

Somerville Horse Railroad. For many years he served as one of the Harbor Commissioners, having been appointed by Governor Andrew. In the management of trusts he had with him as co-trustee Mr. George A. Dary.

Mr. Dary's description of him at his office desk is so vivid that he must be quoted at some length:—

“He was always in the midst of antique furniture, old bookcases, and dusty books, and the old-fashioned simplicity of his dress and manner well accorded with his surroundings. Attached to old associations, he made but one change of office in forty years, that from 46 Washington Street to 5 Pemberton Square. Most of his writing was done at a high standing desk, and he rarely sat during office hours, except at consultations. His working window always faced the east, characteristic of the man who never looked backward, except for encouragement, to measure the distance traversed, and to count the goals that had been reached. . . .

“At this old desk were drafted the arguments and briefs of a multitude of cases for human rights and for justice. Here were drawn with laborious care, year after year, the acts for the relief of women from the hardships of the common law. . . . Here also were written the numerous

kindly letters bearing comfort to the troubled, contributions to the needy, advice to the inquirer, and carefully prepared statements of accounts and business affairs. . . .

“But although these matters required close application and earnest thought, they were not accomplished without frequent interruption. The wonder was that they could be accomplished at all, as the stream of visitors was constant, and apparently ‘ran on forever.’ Unvarying kindness was shown to all, from the highest to the lowest. The wealthy lady from Beacon Street waited till her black sister from the lower end of Joy Street had finished her interview. Long drawn-out stories were heard with patient attention, and the little grain of real value extracted from the chaff and acted upon. Discordant elements at committee meetings were harmonized, business quarrels adjusted, family differences smoothed over, the hopeful solution of perplexing difficulties discovered, and wise and helpful counsel always given. With all this, there was time also for social intercourse, and the college classmate or the old friend who merely called for a pleasant chat or to revive old stories of their youth always received a cordial welcome. And so his busy office life continued, notwithstanding advancing years, till the end came.”¹

¹ *Woman's Journal*, December 29, 1888.

Of the time which he had devoted to his profession, much had always been freely given without pecuniary recompense. "So long as he lived," writes Mr. Blackwell, "no woman ever appealed to him in vain for advice or guidance." The poorer the client the more valid would appear to him her claim. Not only was his office overrun, even his home was invaded, by the needy. He gave freely to organizations and to individuals. "Now there is no reason why I should ask *you* to contribute," wrote Mr. May, in asking for money for some charitable purpose, "except that you are S. E. S.;" and many another applicant considered that a sufficient reason for his demands. Of course such generosity was sometimes imposed upon. Mr. Dary was one day surprised by seeing on Mr. Sewall's desk a number of boxes of cigars. As Mr. Sewall never smoked, the object of this large supply was asked. "They were cigars," Mr. Sewall replied, "of a foreign brand, left as security for a loan of fifty dollars made by him to an unknown man that morning." The foreign brand proved upon investigation to be "Village Street, Boston," and the borrower, it need hardly be said, never came back to reclaim his property.

The affection and appreciation of friends rose towards him in an unebbing tide. This letter speaks for itself: —

CHARLES SUMNER TO SAMUEL E. SEWALL.

WASHINGTON, 6th July, '73.

DEAR MR. SEWALL, — Your friendly letter of May 8th rises before me unanswered. But you will kindly receive the excuses of an invalid.

I am grateful for your constant friendship, which from my entry into public life has been to me a support and encouragement. While many howled and hissed, you were sympathetic and kind. Next to such friendship, and even before it, was the prompting of my own conscience, which has always been for me a final judge. Never have I acted except with a view to the public good; and never has this rule [been] more supreme with me than in these latter days when former supporters have turned against me.

Accept my best wishes always and believe me, dear Mr. Sewall,

Sincerely yours,

CHARLES SUMNER.

People were wont to approach him on personal matters with the same confidence which inspired Mrs. Child to write, "I want to consult with you as a friend whom I can trust." One of her letters ends, "Give my true love to your *as good* half. I will not say your better half, for that would be too much to say of mortal woman."

Another addressed to them both runs : —

WAYLAND, April 30, 1879.

I suppose my dearly beloved friends will like to know how their old companion is getting on.

The transit from city to country was a rather severe experience. . . .

I have felt greatly excited about the poor exiled freedmen. The practice of slavery teaches human beings *nothing* good, not even enlightened self-interest. How I *have* wanted to let out my indignation! But not a mortal in this sleepy town cares a button what becomes of the negroes. I console myself with the thought that their forced exodus may, in the end, prove a benefit to their much injured race. But, I tell you, if the Devil don't get our government, "there might as well be no Devil at all." It has expended all its energies in efforts to conciliate the oppressors, and has given no thought to the protection of the oppressed. Garrison's trumpet blast to the Faneuil Hall Meeting sounded like the old times. I myself, though tamed by age, felt ready to rush into the fight again. Trumpet tones will stir the blood of an old war-horse, however long he may have been dragging round his cart-load of stones.

I have n't got used to doing without my Park Street Sundays; but I suppose time will render

the loss more bearable, as it does with *all* losses. How curiously time lengthens or shortens, according to our moods! It seems as if the last Sunday I spent with you in Park Street was at least a year ago. Swedenborg says there is no *time* or *space* in the spiritual world; there are merely *states* of *mind*. If so, you and I won't have to travel much in order to be together there. . . .

With a heart full of love for you both, I am your affectionate old friend,

L. MARIA CHILD.

This was written only a year and a half before her death.

In quick succession old friends were passing away. Samuel J. May had died in 1871, Garrison in 1879; in the same year went Angelina Grimké and, five years later, Wendell Phillips. Mr. Sewall became one of a very few survivors in the old anti-slavery corps.

Death, except as a temporary parting, held for him no sadness. His faith and religious hope were as deep as ever.

He was not, for a number of years after Dr. Channing's death, distinctly associated with any particular church, although he had a profound admiration for Theodore Parker, and went often to Music Hall to hear his sermons. The leaders

of the Free Religious movement probably represented his own attitude toward the liberal thought of the time. He listened with pleasure to such men as Octavius B. Frothingham, John Weiss, Samuel Longfellow, Samuel Johnson, and, later, William C. Gannett. While his catholic habit of mind and openness to new light led him to investigate the phenomena of spiritualism, he was never fully convinced that the manifestations of the mediums he visited were what they claimed to be; though he was inclined to think there were many inexplicable things, and did believe in instances of clairvoyance and mesmerism.

For many years, in the absence of any Unitarian church in Melrose, he occasionally attended the Universalist church in the village, and had a pew there; but as soon as the Unitarian society was organized he transferred his interest to it, and derived great pleasure from the ministry and friendship of the minister, Rev. John H. Heywood.

In this age of restless curiosity and world-encircling travel, it is almost startling to note that Mr. Sewall never journeyed farther westward than Minnesota, and that Nova Scotia furnished his only experience of a foreign land. Yet his keen delight in his own limited range leaves little to be regretted for him. At the Isles of Shoals, at the Centennial Exhibition in Philadelphia, at his

nephew's home in St. Paul, his interest in everything about him was unflagging. From Magnolia, at the age of eighty-four, he wrote:—

“Almost all the people here seem like a pack of boys just let out from school, determined to extract the greatest amount of pleasure from every moment of their freedom. I confess I am one of them.”

Though the days crept on toward the close of the century, this wonderful enthusiasm and bodily and mental vigor in no wise abated, nor did he ever lose that wise discrimination and balanced judgment which marked every step of his career.

Although he had been an ancient Free-Soiler, and a supporter of the Republican party from its inception, in the days when he was accustomed to regard the Democratic party as the embodiment of all that was most evil in the national life, he yet had the quick perception to note the moment when the party names had ceased to represent the policies for which they had formerly stood; and in the presidential campaign of 1884 he threw the weight of his name and record in favor of the Democratic nominee. As an Independent Republican, or Mugwump, he wrote to the Independent Republican Committee of Melrose a strong letter, which was widely circulated as a campaign document throughout the State:—

“In reply to your letter of the 25th inst., I am very willing to give you my opinion in respect to the duty of Republicans who consider Mr. Blaine an unfit man to be President of the United States.

“No great issue now divides the Republicans and Democrats. The most interesting question at present before the people is, what changes ought to be made in the tariff. On this subject we find a great variety in opinions. In both parties we meet high protectionists and low protectionists, and a few theoretical free traders, but not one, probably, who desires to legislate with entire disregard of the immediate injury which any proposed measure might have on industries now protected.

“So we might go on with other subjects, like civil service reform, which has active friends among both parties. And we do not find one party more desirous than the other to stop the expensive and impolitic, not to say stupid, policy of buying and coining silver and heaping up dollars in the Treasury vaults; or to save the nation from the disgrace which must befall it, if silver be left a legal tender, whenever the day comes, as come it must, when our gold shall take wings and fly to Europe, and our debts abroad and at home will have to be paid in a depreciated currency.

“So much has been written and spoken to show

Mr. Blaine's unfitness for the presidency that I shall only refer to some of the facts which seem to me fully to justify this opinion. He is charged with having claimed a reward and received a large amount from a private corporation, on account of his having, when Speaker of the House, made a ruling which benefited the corporation. This charge appears so well proved that it has damaged seriously his reputation as a public man.

“His conduct as Secretary of State, especially in his dealings with the affairs of Chili, exhibits a lamentable want of statesmanship, while his recent recommendation of distributing the surplus revenue of the Union among the States is so monstrous as of itself alone to prove him unsuited for the presidency. This single act places him at once among the political charlatans, who seek for popularity without caring for the welfare of the people. While the nation is laboring under the weight of heavy taxation, this man comes forward, not to propose a measure to make this burden lighter, but to offer a nostrum which is to continue the injustice and oppression. The poor men who have paid the taxes which create the surplus revenue are not relieved. But the funds collected to pay the expenses of the national government are to be perverted for other purposes, in open defiance of justice and the Constitution.

“But the unfitness of Mr. Blaine for the high office which he seeks being proved, what course ought the Republicans who are satisfied on this point to pursue? Shall they vote for a man who they believe ought not to be elected; shall they refuse to vote; or shall they vote for Cleveland?

“Certainly no allegiance to party requires us to vote for Blaine, at a time when there is no vital question at issue between the parties. I feel attached to the Republican name, as that of the party which carried the country safely through the crisis of the rebellion, and rendered invaluable services to the nation both before and since the war. But without deserting this great party, we can rebuke its errors by withholding our ballots from Blaine, and showing its supporters that it must be reformed or broken in pieces. We can still vote for Republican members of Congress, governor, and other state officers.

“Thus it seems to me we are driven to the alternative of not voting, or of voting for Cleveland. If Blaine ought not to be President, true men who think so should not be contented with the half-measure of not voting, but ought to do all in their power to defeat his election. Fortunately, the Democrats offer us a man who, in every public office that he has held, has exhibited

qualities most needed in a President, fidelity to duty and administrative capacity. He has not only been honest himself, but has appointed only honest and capable men to office. On all occasions he has shown himself independent and courageous. He has refused to be governed by partisan motives, he has vetoed bad laws urged by Democrats, and signed good ones which his party opposed. He has always been the friend of reform in the government. The man who, as Mayor of Buffalo and Governor of New York, has bid defiance to his own party, cannot fail as President to show the same love of justice and force of character.

“I know that great fears are entertained, if the Democrats succeed, that the spoils system will rage with violence, good men will lose their offices and be replaced by others whose only merits are their political services, and that fraud and corruption will become rampant in all departments of the government. To this I can only reply that the new civil service regulations will do much to abate the evils of the change of our rulers; and that the principles which have guided Mr. Cleveland while Governor of New York will continue to lead him while President, and so prevent much of the evils which are feared. At any rate, the ill consequences likely to follow from Cleveland’s

election seem to me much less than those which would be sure to follow in the train of Blaine. I might say much more, but this is enough.

Yours very truly,

S. E. SEWALL."

July 27, 1884.

It will be seen from this letter how warmly he sympathized with civil service reform. "Tariff reform," has said one well able to speak for him,¹ "to the extent of unqualified free trade rejoiced in his hearty support." To the last absorbed in the questions of the day, even during his last illness he wished to have President Cleveland's message read to him; and although he was disappointed in the result of the recent national election, he predicted the election of a tariff reform congress two or four years thence.

The celebration of the two hundred and fiftieth anniversary of Harvard College found him at the head of the procession of the Law School Alumni, the oldest living graduate of the first class of the school. Erect and vigorous, with movements all alert, a fresh color and keen eye making the silvery hair no badge of age but only a fitting frame for the spiritual beauty of that finely chiseled face, his was a striking figure. Three

¹ William Lloyd Garrison, Jr.

cheers were given for him as the procession formed, and as it moved forward to the Hemenway Gymnasium applause followed him. Lifting his hat in response, he marched firmly on, "one of the finest and sweetest specimens of the result of simple living and high thinking that we have in all this republic."

At the dinner again an enthusiastic welcome greeted him when, "crowned with serenity and peace," he rose in his place next President Eliot to make the called-for speech, in which most fittingly he chose for his theme the improvements effected in legal procedure since his entrance upon the profession. The absence of any reference to what the law has done for women in his lifetime, or to any of his own hard-won battles, is only what might well have been expected from a man of his extreme modesty.

The New England Woman Suffrage Association, in 1888, made the evening session of their annual meeting the occasion of doing special homage to him. Two other reunions awaited him in that year, which proved to be his last. As the oldest living Free-Soiler he was called upon to speak at a gathering of the old clan in the Parker House, and did so most acceptably, not upon the issues of the past, but on the living reform of the hour. "I take the liberty to recommend to you,"

he said, "a cause which, though not the same as that we celebrate, is quite akin to it, and not less important, — the emancipation of women. Old Cato, whenever he was finishing a speech in the Senate, whatever the subject, always added: 'This I say, and Carthage must be destroyed!' So I conclude, 'The emancipation of women must be carried!'"¹

He never despaired of the success of his long-wished-for reform. A lady once said to him that she did not expect to live to see the full suffrage given to women. He was then in his eighty-seventh year, but he unhesitatingly replied, "I expect to see it."

His part in the anniversary meeting of the New England Hospital for Women and Children is thus described by an eye-witness: ² —

"The presiding officer asked him as he sat yonder to come forward; and it was not she alone who asked him to come, but every heart of those that filled the house joined in the request. We watched him as he came forward. He walked slowly. He came quietly on; and when he stood upon the platform and straightened himself up, and threw back that brow with the flowing hair, raising his head and looking on the audience, —

¹ Henry B. Blackwell, in *Woman's Journal*, December 29, 1888.

² Rev. J. H. Heywood.

then, as his voice, clear and distinct — no speaker of all the speakers of that day spoke so distinctly and so audibly as he — rang out, his words, full of cheer, gave utterance to his great hopes.”

It was in the spring of that year that he appeared for the last time before the Judiciary Committee of the legislature. Year after year he had tirelessly drafted and passed in and argued in favor of measures intended to reform one injustice or another. Year after year in the “*Woman’s Journal*” he had published his report of the results accomplished. At this time he presented the following six bills: —

1. To equalize the descent of real estate between husband and wife.

2. To equalize the descent of personal property between husband and wife.

3. To equalize the custody of minor children.

4. To legalize conveyances, gifts, and contracts between husband and wife.

5. To provide for testamentary guardians for wives as well as widows.

6. To repeal the act limiting the right of married women to dispose of real estate by will.

On all these matters the petitioners had leave to withdraw. “It was instructive to see him,” said Lucy Stone, “standing, with the dignity of age,

before a committee of young lawyers, pleading for such protection as his long experience had shown him was greatly needed, and after all to find his plea rejected.”¹ Nevertheless, his report for 1888 closes thus: “Party objects and inborn prejudice may delay, but they cannot defeat us. The legal and social position of women in the United States is rising higher and higher every year. Every educational, literary, business, official, and political advantage gained by them in any one State improves their political prospects in all the others. One must be blind indeed who cannot see the rising sun.”

On his eighty-ninth birthday Dr. Zakrzewska went to the Park Street rooms to carry him her usual gift of flowers. He was not at home, but after leaving the house she met him upon the street. “I congratulated him,” she says, “and told him that I would not return with him then, but meant to come next year. He replied, ‘I shall try to be at home and not like to-day waste time over a research of laws which are really dead letters and ought to be abolished; women are treated therein like idiots.’ ”

It was little more than a month after this, on December 20, 1888, that a fatal attack of pneumonia brought to an end his long and beautiful

¹ *Woman's Journal*, December 29, 1888.

service. Eloquent words were spoken of him then, praise and love did what they could to acknowledge the debt the world owes him and to express its sense of the elevation of his life and character. Yet no comment can equal the last connected sentence which this same friend heard from his lips. "I saw him," she says, "about three days before his death; when, quite clear in mind still, he remarked, 'After I recover my strength from this prolonged illness, I shall go before the legislature and see to the abolishing of those obsolete laws.'"

APPENDIX

A

THE following tribute to Mr. Sewall from one of the younger members of the profession which he so long adorned derives an added interest from the sad and untimely death of the writer as these pages are passing through the press : —

WALTHEAM, December 31, 1888.

MY DEAR MRS. SEWALL, — I do not want to let the year end before I place my tribute at the shrine of your husband's memory. To the survivors of his co-workers of the old anti-slavery days his loss must be very great, and yet I do not think that even they would wish that he had been kept from the perfect peace and rest which he so thoroughly earned by his constant and earnest work and love for humanity. These older people must consider him as one of their saints, and their tributes of gratitude and love must be many. My tribute is, however, that of a younger person, who has had good cause to learn to love and respect your husband. His interest in my beginning my professional life, his kindly assistance in sending me cases that would help build up my practice, his cheerful and affectionate welcome to me at his office, and his useful advice, given so

modestly and quietly that one must have followed it without any other reason than love of the adviser, — all these made me think of Mr. Sewall as of a friend and with perfect veneration. He had chosen my grandfather, my father, and my brother Samuel to use their more aggressive natures in his court cases, and I cannot tell you how it pleased me when he first confided in me a like trust. A long and pure life that must have been which has kept the love and respect of three generations of men. I have always heard my father say that your husband's unassuming and retiring disposition alone kept him from receiving the full public applause and recognition which he deserved so well. However, I am rather glad that that applause was neither sought nor given, for I like to think of him cherished in the quiet of the private homes and the heart of hearts of those he loved and labored for, rather than in the less sacred shrines of public fame and station.

I know how little anything human can do to lessen your sense of loss, but I know that the sympathy of those who have respected and loved the one that is taken is not devoid of comfort. Although I have never known you, dear madam, I wanted you to have what comfort there may be in the knowledge that young people as well as old have loved your husband, and will miss him now he is gone.

Yours very sincerely,

SHERMAN HOAR.

B

A PARTIAL list of cases argued by Samuel E. Sewall before the Supreme Judicial Court of Massachusetts.¹

- Wilson v. Nevers*, 20 Pickering, 20.
Foss v. Crisp, 20 Pickering, 121.
Orrok v. Commonwealth Insurance Co. 21 Pickering, 456.
Driscoll v. Fiske, 21 Pickering, 503.
Washington Bank v. Lewis, 22 Pickering, 24.
Fiske v. Witt, 22 Pickering, 83.
White v. Franklin Bank, 22 Pickering, 181.
Reed v. Pacific Insurance Co. 1 Metcalf, 166.
Dedham Bank v. Richards, 2 Metcalf, 105.
Perry v. Harrington, 2 Metcalf, 368.
Commonwealth v. Taylor, 3 Metcalf, 72.
Washburn v. Sewall, 4 Metcalf, 63.
Washburn v. Sewall, 9 Metcalf, 280.
Holm v. Low, 4 Metcalf, 190.
Commonwealth Insurance Co. v. Crane, 6 Metcalf, 64.
Winslow v. Goodwin, 7 Metcalf, 363.
Atkins v. Chilson, 7 Metcalf, 398.
Atkins v. Chilson, 9 Metcalf, 52.
Atkins v. Chilson, 11 Metcalf, 112.
Sewall v. Raymond, 7 Metcalf, 454.
Proprietors of Hollis St. Meeting House v. Pierpont, 7 Metcalf, 495.

¹ Prepared by Mr. George A. Dary.

- Foster *v.* Mackay, 7 Metcalf, 531.
Tillinghast *v.* Cook, 9 Metcalf, 143.
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