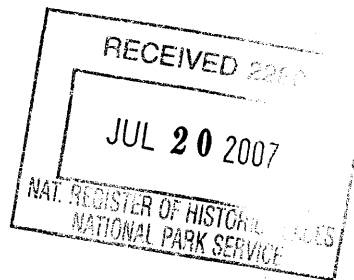


857

United States Department of the Interior
National Park Service

National Register of Historic Places
Nomination Form



This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Lewelling, Henderson and Elizabeth (Presnel), House

other names/site number Lewelling Quaker Museum

2. Location

street & number 401 S. Main Street not for publication N/A

city or town Salem vicinity N/A

state Iowa code IA county Henry code 087 zip code 52649

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this X nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property X meets does not meet the National Register Criteria. I recommend that this property be considered significant X nationally X statewide X locally. (See continuation sheet for additional comments.)

Donell J. Soite Deputy SHPO July 19, 2007
Signature of certifying official Date

STATE HISTORICAL SOCIETY OF IOWA
State or Federal agency and bureau

In my opinion, the property meets does not meet the National Register criteria. (See continuation sheet for additional comments.)

Signature of commenting or other official Date

State or Federal agency and bureau

4. National Park Service Certification

I, hereby certify that this property is:

Signature of Keeper

Date of Action

- entered in the National Register
 - See continuation sheet.
- determined eligible for the National Register
 - See continuation sheet.
- determined not eligible for the National Register
- removed from the National Register
- other (explain: Additional Documentation Accepted)

Jana M. Cloward

8/31/07

Lewelling, Henderson and Elizabeth House
Name of Property

Henry County, Iowa
County and State

5. Classification

Ownership of Property

(Check as many boxes as apply)

- private
- public-local
- public-State
- public-Federal

Category of Property

(Check only one box)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property

(do not include previously listed resources in count)

Contributing	Noncontributing	
_____	<u>3</u>	buildings
_____	_____	sites
_____	_____	structures
_____	_____	objects
<u>0</u>	<u>3</u>	Total

Name of related multiple property listing

(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of contributing resources previously listed in the National Register

1

6. Function or Use

Historic Functions

(Enter categories from instructions)

DOMESTIC / single dwelling
GOVERNMENT / government office

Current Functions

(Enter categories from instructions)

RECREATION AND CULTURE / museum

7. Description

Architectural Classification

(Enter categories from instructions)

MID-19th CENTURY / Greek Revival

Materials

(Enter categories from instructions)

foundation STONE/limestone
walls STONE/limestone

roof ASPHALT
other WOOD

Narrative Description

(Describe the historic and current condition of the property on one or more continuation sheets.)

Henderson and Elizabeth Lewelling House
Name of Property

Henry County, Iowa
County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "X" in one or more boxes for the criteria qualifying the property for National Register listing)

- A** Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B** Property is associated with the lives of persons significant in our past.
- C** Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D** Property has yielded, or is likely to yield information important in prehistory or history.

Criteria Considerations

(Mark "X" in all the boxes that apply.)

Property is:

- A** owned by a religious institution or used for religious purposes.
- B** removed from its original location.
- C** a birthplace or a grave.
- D** a cemetery.
- E** a reconstructed building, object, or structure.
- F** a commemorative property.
- G** less than 50 years of age or achieved significance within the past 50 years.

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS)

- preliminary determination of individual listing (36 CFR 67) has been requested.
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey

- recorded by Historic American Engineering Record

Areas of Significance

(Enter categories from instructions)

LAW

POLITICS/GOVERNMENT

AGRICULTURE

SOCIAL

Period of Significance

1848

c.1842-1847

Significant Dates

c. 1842

1848

Significant Person

(Complete if Criterion B is marked above)

Lewelling, Henderson

Cultural Affiliation

Architect/Builder

unknown

Primary Location of Additional Data:

- State Historic Preservation Office
- Other State agency
- Federal agency
- Local government
- University
- Other

Name of repository:

Lewelling, Henderson and Elizabeth, House
Name of Property

Henry County, Iowa
County and State

10. Geographical Data

Acreage of Property 1.61 acres

UTM References

(Place additional UTM references on a continuation sheet)

	Zone	Easting	Northing	Zone	Easting	Northing
1	<u>15</u>	<u>616170</u>	<u>4523131</u>	3	<u> </u>	<u> </u>
2	<u> </u>	<u> </u>	<u> </u>	4	<u> </u>	<u> </u>

See continuation sheet.

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Rebecca Lawin McCarley / significance statement by Lowell J. Soike and Rebecca McCarley
organization SPARK Consulting / Iowa Historic Preservation Office date October 12, 2006
street & number 1138 Oneida Avenue / 600 E. Locust Street telephone 563-324-9767 / 515-281-3306
city or town Davenport / Des Moines state Iowa zip code 52803 / 50319

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps: A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs: Representative **black and white photographs** of the property.

Additional items

(Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of the SHPO or FPO.)

name Lewelling Quaker Museum, Inc.
street & number 401 S. Main Street telephone 319-258-4341
city or town Salem state Iowa zip code 52649

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC 20503.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 7 Page 1 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

7. Narrative Description

The Henderson and Elizabeth Lewelling House is a two-story, four-bay, side gable, stone house located on the south side of Salem in Henry County, Iowa. It is an excellent example of the vernacular Greek Revival. The Lewelling House features a full front porch, interior end stone chimneys, two façade entries, and six-over-six-light double-hung wood windows. The rear stone ell is original, and the roofline extends over porches on either side of the ell. The porches are partially enclosed on each end. While the house is adjacent to the town of Salem, it sits on a large 1.61-acre lot at the south edge. The house faces Main Street to the east, and it is across from an early brick house. Construction of the Lewelling House dates to the early 1840s. Though the date of 1840 is found on an interior chimney, Henderson Lewelling did not officially buy this property until August 31, 1842 (deed filed on September 5, 1842), from the town founders (for \$350). Local tradition maintains that Henderson Lewelling built the house, and it sold for \$1,800 in 1853, five years after he had moved to Oregon. Lewelling settled in the area in 1837, and it is possible that he may have occupied this property prior to the official sale. However, he did own other property in this area. The lot currently includes three small outbuildings, stone and concrete walks, a picnic area, a parking area to accommodate visitors to the museum, and several trees, including an apple tree grafted from an original tree taken to Oregon by Henderson Lewelling. The property is in excellent condition, and it retains a high level of integrity, with little alteration from its original construction.

The front section of the house, the two-story side-gable portion, is composed of four bays on the façade (east elevation) and two bays on each side elevation (north and south). This section measures about 33 feet in width and 20.5 feet in depth. The façade is symmetrically balanced with four openings on each story. The first story openings follow the pattern of window, entry, entry, window, while the second story openings include four windows spaced across the façade. The entries on the first story are spaced slightly farther apart than the corresponding second story windows. Each entry has a paneled wood door and simple stone lintel. All the windows have six-over-six-light double-hung sashes, wood shutters, simple stone lintels, and slightly projected stone sills. A wide wood frieze extends across the façade, characteristic of the Greek Revival style. The current porch extends across nearly the full width of the façade, with four square wood columns, two wood pilasters, and a wood floor. Three concrete steps with a wood rail on either side lead up to the center. A low wood rail also extends between the porch columns on the remainder of the porch, as well as around the top of the flat roof. The north and south side elevations are similar with two six-over-six-light double-hung on each story. These windows are identical to those on the façade, with simple stone lintels and sills and wood shutters. A three-light basement window is found under each set of windows on the north elevation and under the east set on the south elevation. A cellar door covering steps to the basement is found under the west set on the south elevation. The wide frieze continues on these elevations, with gable returns also defining the simple Greek Revival features of this house. Interior end stone chimneys extend above the roofline at the peak on the north and south elevations.

An undated historic photograph shows few alterations to this section of the house (Figure 1). The photograph appears to date to the late 19th century, while the Garretson family owned the property. The overall symmetry and fenestration placement remains intact. Likewise, the photograph shows the wide frieze, gable returns, and interior end stone chimneys. The primary difference between the current appearance and this historic photograph is the front porch. The porch on the photograph is a shed-roof porch that extends across only the two middle bays. It appears to be wood, with perhaps some latticework. With this porch design, the two basement windows under the exterior sets of

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 7 Page 2 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

windows on the façade would have been exposed. Currently, these openings are visible in the basement and under the existing porch, but they are filled with brick. The current porch was on the building when it was purchased in 1959. It is believed that the Garretson family added this porch, perhaps in the 1920s.



Figure 1. Undated photograph of the Lewelling House.
(Collection of Lewelling Quaker Museum Inc., Salem)

The one-and-one-half-story rear ell extends about 30.5 feet behind the house. It is original, with a main stone portion flanked by wood porches on the north and south sides. The east and west ends of each porch are enclosed, though it is not clear if this was original. The enclosed sections have historic wood siding with lath and plaster on the interior. Additionally, they are enclosed on the above photograph. Thus, if not original, they are an early, likely 19th century, modification. A brick chimney is located at the peak of the roof near the center of the rear ell. The exposed stone rear (west) elevation has two windows with details similar to the main portion: six-over-six-light double-hung sashes, simple stone lintels, and slightly projected stone sills. Likewise, wood pilasters define each corner of the stone section, likely covering the junction. The somewhat inelegant meeting of this section with the enclosed sections of the porches on either side suggests they were a modification after the original construction. The remainder of the rear elevation on either side of the center stone section is the west side of the enclosed sections of the north and south portions. There are no additional openings. The north side of the rear ell consists of the open

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

Section 7 **Page** 3 **Property name** Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

porch with enclosed sections on the east and west ends. The enclosed east end has a four-over-four-light double-hung window. Within the open section of the porch, there is an entry into the rear ell, and an entry, perpendicular to this first entry, into the enclosed west end. Both retain historic wood paneled doors. The south side of the ell consists of a similar arrangement, with an open porch and enclosed east and west sections. Both enclosed sections have a four-over-four-light double-hung window on this south elevation. Within the open porch, there are two entries into the rear ell, as well as an entry into the east enclosed end of the porch. All retain historic wood paneled doors. Additionally, a portion of this open porch has been recently screened in, with the west entry in the open porch still completely open. A new concrete ramp leads to this section of the porch. The ramp has metal rails on either side.

The interior is divided into five main rooms on the first story, two main rooms in the basement, and two main rooms on the second story (Figures 2-4). The first story contains three rooms in the front portion of the house and two main rooms in the rear ell. Entry to the main room on the south side of the front portion of the house (Room 1A) is gained from a front entry. It is a large room, with a large fireplace on the south elevation. The historic mantel remains intact, and the room has a historic wood floor. The wood moldings are also intact. The north half of the front portion of the house is divided into a front (east) room (Room 1B) and a slightly smaller rear (west) room (Room 1C). It is reached via a separate entry, and it reportedly composed a sitting room and office for Henderson Lewelling and his nursery business originally. After the Lewellings moved to Oregon in 1847, the house was at least partially used as a community building, with the Justice of the Peace, Nelson Gibbs, using this sitting room and office space as his office in the late 1840s. Both rooms retain historic wood floors and wood moldings. The double stone fireplace opens onto both rooms, split by the dividing wall. The fireplaces were uncovered by restoration work in the 1970s, and neither has a mantel. Stairs to the second story are also found near the center of the house. The rear ell of the first story has two main rooms, with direct access to one of the enclosed rooms of the porch on each side. The first large room is a dining room (Room 1D). Built-in bookcases are also found along the north portion of the west wall. The small, enclosed room of the east end of the north porch (Room 1F) is accessible from this room. It has a non-original trap door in the floor. Basement stairs are also entered from the dining room, under the second story stairs near the center of the front portion of the house. The dining room also retains historic wood floors and moldings. The rear room of the ell is the kitchen (Room 1E). A brick chimney breast extends to near the middle of the wall between the dining room and kitchen, with a historic stove placed on the kitchen side. A built-in cabinet is found in the northwest corner of the room, along the north wall to the left of the entry. To the south of these features, there is an original trap door in the floor. Local tradition states that this was typically covered by a rug or piece of furniture to conceal the opening, and that fugitive slaves crawled into a small dug-out area under this space to hide from slave catchers. The opening is approximately two feet two inches by two feet five inches. The small, enclosed room of the west end of the south porch is entered from the kitchen (Room 1I). The rooms retain historic wood floors and wood moldings.

The basement consists of two finished rooms under the front section of the house, and an unfinished shallow space under the rear ell. Both main rooms had brick floors, which were recently replaced by a brick paving floor and concrete edge. Small metal poles and reinforcement beams extend through both spaces but do not detract from the overall space. A modern furnace and air conditioner are also located in the north room. The only opening to the space under the rear ell is that cut behind the furnace for ductwork. The stairs extend down into the north room (Room 0B). The stone chimney breast extends into this space along the north wall, but no openings are provided for a fireplace. Three-light windows flank the chimney breast, and a third window along the north section of the east wall has been enclosed with brick. An opening near the center of the dividing stone wall leads to the south room of the basement (Room 0A).

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 7 Page 5 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

remain intact. Likewise the feeling of the house as a 1840s building is strong, and it retains the appearance to reflect its association with events of the 1840s.

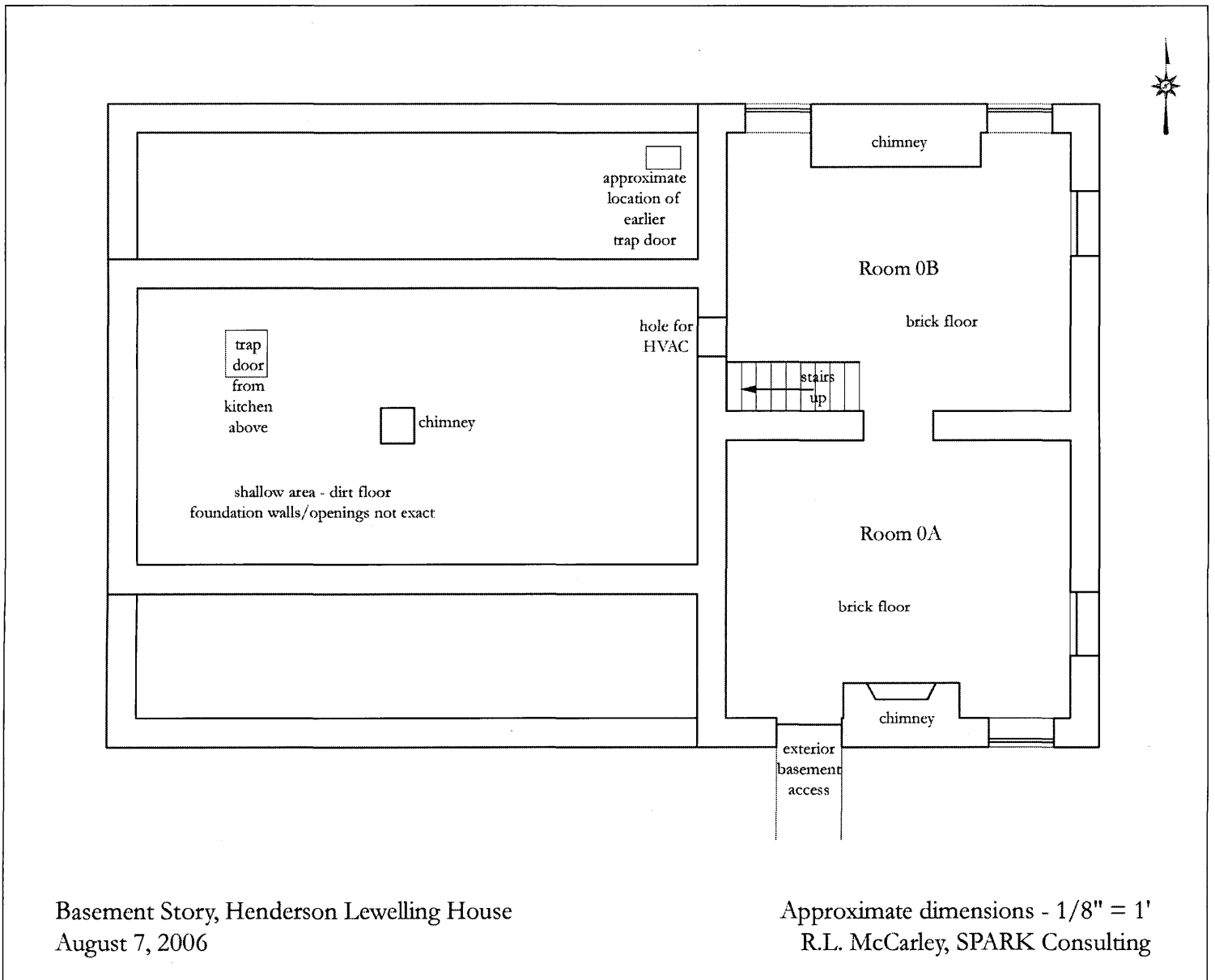


Figure 2. Basement plan of the Lewelling House.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 7 Page 6 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

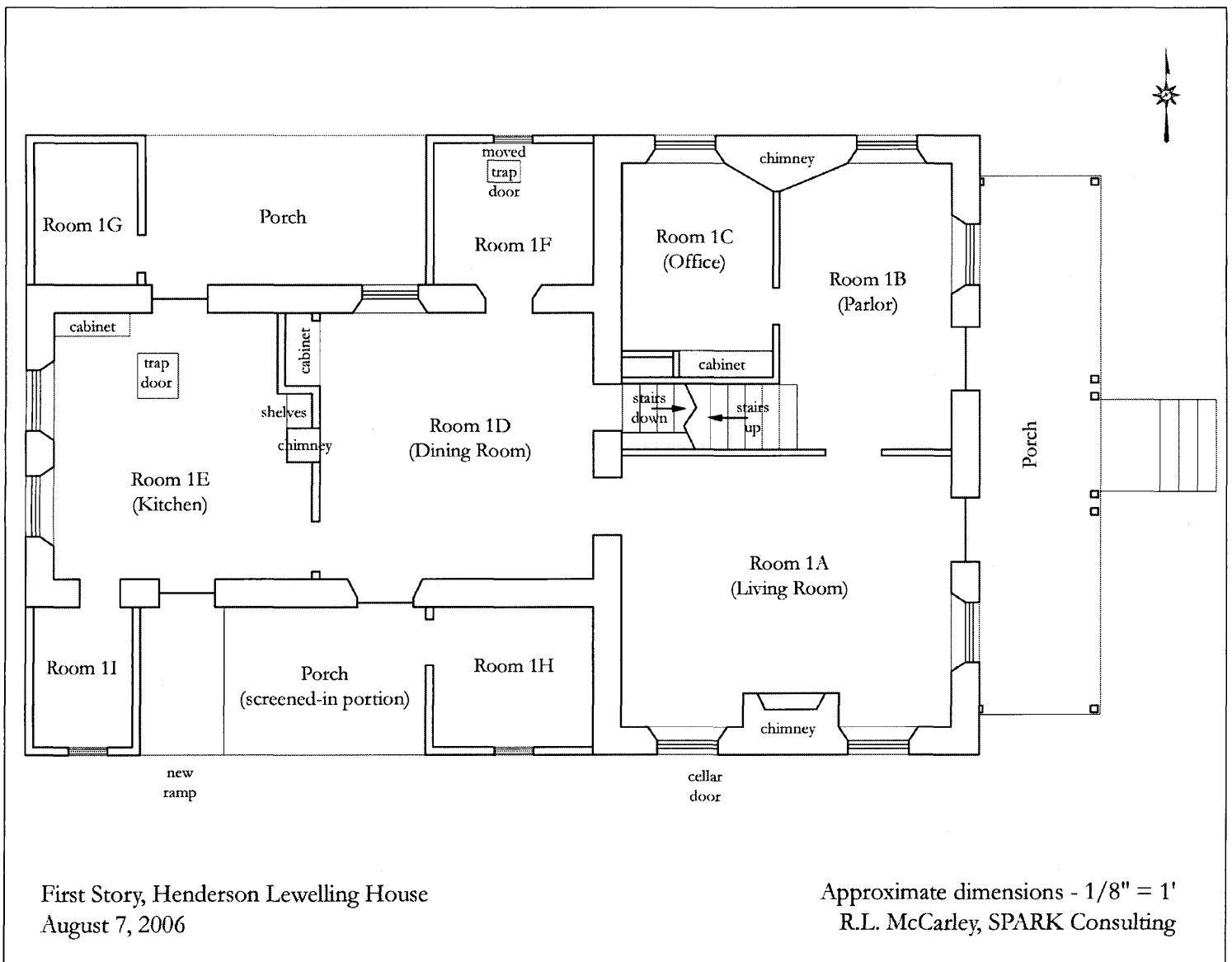


Figure 3. First story plan of the Lewelling House.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

Section 7 **Page** 4 **Property name** Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

The chimney breast also extends to this space, with a large fireplace and hearth provided. Local tradition states that Henderson Lewelling used this room as a greenroom for nursery stock in the early spring to protect them from the cold conditions. An entry to the right (west) of the fireplace provides access to the exterior basement stairs to the south side of the house. A three-light window is located on the left side of the fireplace, and a window opening in the south portion of the east wall has been filled with brick.

The second story consists of two main rooms in the front portion of the house and an attic space above the rear ell. This attic space is entered through a small door at the bend in the stairs (Room 2C). A floor has been recently added to this space, and the walls consist of the sloped pitch of the roof. The brick chimney extends through the middle of this space. The north room in the main portion of the house is a large bedroom (Room 2B). The fireplace centered on the north wall extends slightly into the room, and a historic wood mantel remains. The room retains historic wood floors and moldings. A door to the south room is located near the center of the dividing wall. This large bedroom (Room 2A) has the larger fireplace along the south wall with a chimney breast that projects further into this room. The room also retains historic wood floors and moldings.

The Lewelling House sits on a 1.61-acre lot on the south edge of the town of Salem (Figures 5-6). This large lot extends along South Main Street, creating a long north-south profile. Behind the house on the west side are three small noncontributing outbuildings: a gable-roof storage shed (older garage) in the northwest corner of the property and two shed-roof buildings immediately to the west of the house that serve as "outhouses" for the museum. The grafted apple tree, from an original tree taken to Oregon by Lewelling, is to the southwest of these two buildings. Additional shade trees surround the house. A picnic area is located to the south of the house. Between this area and the house, there is a water pump. A gravel parking area and circular drive is located to the south of the picnic area. A stone walk extends from the east end of the parking area to the front porch of the house. A concrete walk extends from the west end of the parking area to the handicap ramp to the south porch. The grassy area to the south of the parking area has a few trees and has been recently planted with young trees.

The Lewelling House has been open to the public as a local history museum since 1960. Five men - Herman Elgar from Mount Pleasant, and John Moxley, Roy White, Elbert Brown, and Howard Pittman of Salem – purchased the house in 1959 for this purpose from the Garretson family, who had owned the property for about 70 years. Since the purchase, they have completed various restoration and rehabilitation projects, preserving the historic appearance. Interestingly, in 1967 at the suggestion of Charles Emerson of Roseburg, Oregon, and in cooperation of Mr. and Mrs. Zenas Olson of Milwaukee Historical Society and Harold Miller, a graft was taken from each of the three remaining trees in Oregon planted by Henderson Lewelling. Under careful watch, the three grafted trees were cultivated in Iowa, and then planted on April 13, 1969. The grafted apple tree currently on the property is the only one to survive (Salem History Book Committee, hereafter referred to as SHBC 1996: 22, 25-26; Henry County Bicentennial Commission, hereafter referred to as HCBC 1982: 283).

Overall, the Henderson Lewelling House retains excellent integrity. It retains its original location, setting, and relationship to the town of Salem. Significant new development has not occurred to the south of town, so the house retains its location on the south edge of this historic community. The setting remains generally rural, with the house located on a spacious lot. The design, materials, and workmanship of the original construction of the early 1840s

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 7 Page 7 Property name Lewelling, Henderson and Elizabeth, House

County and State Henry County, Iowa

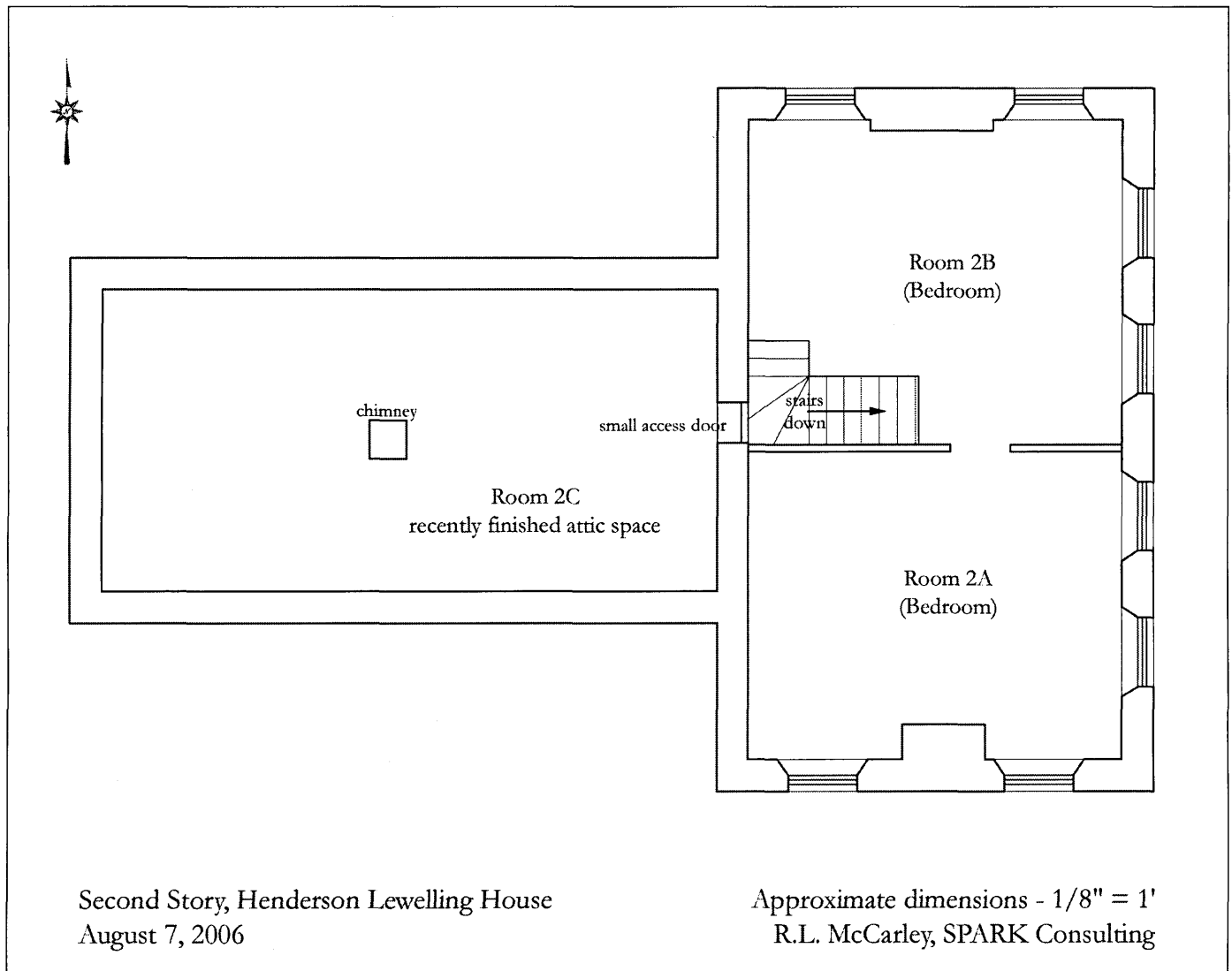


Figure 4. Second story plan of the Lewelling House.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 7 Page 8 Property name Lewelling, Henderson and Elizabeth, House

County and State Henry County, Iowa



Figure 5. Site plan of the Lewelling House property.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 7 Page 9 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa



Figure 6. Location map of the Lewelling House property.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

Section 8 Page 10 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

Narrative Statement of Significance

The Henderson and Elizabeth Lewelling House, under Criterion A, is nationally significant for its direct association with the Ruel Daggs fugitive slave event and with rising antislavery activity in the western Midwest, including:

1. The vital role played by certain Quaker communities in antislavery and Underground Railroad activity; and
2. Personal and financial risks accepted by Salem's Quaker residents in the face of widespread anti-black feeling in the Midwest and against helping enslaved blacks escape northward.
3. Breakdown in the Fugitive Slave Law of 1793, which failed to help masters retrieve their runaway slaves or compensate them for losses when slaves were rescued by antislavery activists.
4. Missouri's vulnerability to slave escapes after 1846, which made Missouri a border state voice urging greater enforcement and the Fugitive Slave Act that became part of the Compromise of 1850;

The Lewelling House thus stands in Salem, Iowa, as the extant site best associated with the Daggs case and with the ability to convey important aspects of the antislavery experience in Quaker settlements and the western Midwest. Together, the historical associations noted above may qualify the property for consideration as a National Historic Landmark(NHL) if so recommended by National Register staff. The Lewelling property appears to meet NHL registration requirements contained in the Multiple Property Documentation form completed in September 2000 for the National Park Service on "Underground Railroad Resources in the United States: Theme Study." The Lewelling House does for Quaker antislavery activity what the George B. Hitchcock NHL House does for Congregationalist involvement in the western Midwest, namely serving as a significant tangible reminder of a group of people willing to risk much for the aid of runaways and stand up for their beliefs against a hostile majority.

The property is also significant at the local and state levels under Criteria A and B within the areas of agriculture and social history for its direct associations with Iowa's first Quaker settlement and the prominence of Henderson Lewelling's pioneering horticultural activities between circa 1842 and 1847. In addition, future survey and evaluation in this community would likely reveal that this stone building with Greek Revival detailing is significant under Criterion C as well. The potential for archaeological significance of the site remains to be examined.

The property has been previously listed in the National Register of Historic Places with a state level of significance under Criterion B for its association with Henderson Lewelling, pioneer nurseryman of Iowa. This amended nomination recognizes the additional national significance of this building for its association with events relating to antislavery and fugitive slave activity. It replaces the earlier nomination.

Following a brief background statement of facts underlying the importance of the Lewelling House, each aspect of significance noted above is considered respectively.

A. NATIONAL/REGIONAL LEVEL

BACKGROUND

In the Midwest and nation by the 1840s, the slavery issue was moving to the fore, prompted by contention and argument over slavery in new western states and territories. With legal systems becoming ineffective for

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 11 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

returning fugitive slaves and with runaways now escaping from Missouri to Iowa as well as through Illinois, legislators from the border states called for tighter, stricter measures to ensure the return of the slave holder's human property.

In 1848, the town of Salem was but twelve years old, having been established as soon as the Black Hawk purchase opened to settlement in present day Iowa, then in Wisconsin Territory. This Friends community, the first major Quaker settlement west of the Mississippi River, lay in close proximity to Missouri and felt the influence of antislavery agitation rising among Quakers and within national party politics. Salem Quakers, working in concert with nearby towns (Congregationalist Denmark, Presbyterian Yellow Spring) and others in western Illinois, became strongly engaged in antislavery and Underground Railroad activities.

The federal fugitive slave case of *Ruel Daggs vs. Elihu Frazier et al* concerned charges that residents of Salem, Iowa, in June 1848 prevented Daggs' attempt to recapture nine slaves who escaped from his Clark County, Missouri farm. In the turbulent events of June 5, 1848 Missouri slave catchers confronted Salem townsmen, whose actions centered at and about the distinctive looking, large stone house on the southern edge of Salem known as the Lewelling House. Justice of the Peace Nelson Gibbs maintained an office in the Lewelling House (the Lewelling family had moved to Oregon the previous year). At this office Gibbs heard the first arguments over issues surrounding the capture of nine African-Americans just south of town. The slave catchers were unsuccessful in demonstrating that the black persons were runaway slaves of Ruel Daggs. Two months later, dissatisfied with what Salem residents had done to obstruct the work of his slave catchers, Daggs sued in federal court to recover damages for wrongful taking of property. By June 1850 was re-filed under provisions of the Fugitive Slave Act of 1793.

This regionally important clash between anti- and proslavery forces and the ensuing legal proceedings became, perhaps, the last federal court case tried under the Fugitive Slave Law of 1793 and the only one brought to adjudication in the Trans-Mississippi West.¹

Scholars have been drawn to the Daggs fugitive slave episode and the ensuing federal court case for what it says about slavery's impact in the western Midwest. Legal historian Paul Finkelman, a specialist in slave related cases, sees the Salem, Iowa events and ones in South Bend, Indiana as showing that the antebellum North was less racist than has been claimed. In his article "Fugitive Slaves, Midwestern Racial Tolerance, and the Value of 'Justice Delayed,'" Finkelman concludes from these incidents and elsewhere that "large numbers of white Midwesterners . . . were willing to risk much to protect blacks from enslavement." Robert R. Dykstra's *Bright Radical Star* devotes a chapter to this story in examining "white racism on the notoriously racist Middle border." In his study, the Salem events join others to show how a pioneering people responded to the "egalitarian prospect" of black equality. Yet additional meaning to the Salem event is seen by Robert J. Willoughby in "'I'll Wade In Missouri Blood': Daggs v. Frazier: A Case of Missouri Runway Slaves." In his view this "last major fugitive slave case argued wholly on the Act of 1793" shows that while the 1793 law is today "utterly reprehensible," it was seen at the time to be supported by evidence as "a triumph for justice."

¹ The June 7, 1850 trial and decision preceded by three months the new Fugitive Slave Law as part of the Compromise of 1850 passed by Congress September 18, 1850.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 12 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

The importance of each aspect of significance is sketched below, following by a brief recounting of the Daggs event and the court case that followed during ante-bellum times when slavery itself came to be increasingly on trial.

Quaker Communities in Antislavery and Underground Railroad Activity

Salem was antislavery like other Quaker communities, but it was something more as well. It numbered among the minority of Friends settlements where numerous members were willing to take direct action against the institution. This was not coincidental. A core of settlers had come from the strongly abolitionist and Underground Railroad area of Indiana, the Cherry Grove Monthly Meeting in Randolph and northern Wayne counties. This Quaker section of northeastern Indiana, which included Wayne, Henry and Randolph counties, was also where lived radical Quaker abolitionists, among them Levi Coffin—famed Underground Railroad leader (see his Reminiscences), whose sister moved to the Salem, Iowa, vicinity. The large Orthodox Indiana Yearly Meeting embraced settlements from Ohio to Iowa.

As sentiment against slavery increased, the issue especially strained relations among conservative and all-out abolitionist Quakers in Indiana. In the minds of the majority, Quaker members should not go outside the Society of Friends in their antislavery work by joining “public” abolition and colonization societies. A strong minority, however, argued that one could be true to their principles only by joining such outside organizations. Conservative Quakers tended toward gradual colonization of African Americans and penning appeals against slavery while radical Quakers were more outspoken for immediate abolition and against “black laws” passed by Midwestern states to prevent black migration into their area, engaged in aiding fugitive slaves, and even joined work to rescue enslaved persons from captivity.

Whereas in eastern states Quakers avoided political activity other than voting, on the frontier Friends were active in political life as Whigs serving in state legislatures and constitutional conventions. With western Quakers participating in western political life, internal strains split Quakers in states represented by the Orthodox Indiana Yearly Meeting over how directly to engage in broader antislavery activity.

Finally, in 1842, the Indiana majority had had enough. The executive committee (aka Meeting for Sufferings) of the Orthodox Indiana Yearly Meeting, purged eight leading abolitionist troublemakers, including Levi Coffin of Newport, Indiana, and Rev. Thomas Frazier in Salem, Iowa. A recent historian described what happened next:

[T]he leaders thrown out of the executive committee of the Indiana Yearly Meeting went ahead and formed an abolitionist church, the Indiana Yearly Meeting of Anti-Slavery Friends. From Indiana to Michigan to Iowa, twelve monthly meetings of Anti-Slavery Quakers were formed and joined the Anti-Slavery Friends at their first Yearly Meeting in Newport in September, 1843 (Jordan, 15).

Salem, Iowa was one of the twelve. Ultimately the schism cost the parent body about two thousand members

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

Section 8 **Page** 13 **Property name** Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

out of some twenty-five thousand Orthodox Friends in the Indiana Meeting (Drake, 165).

Salem's breakaway body comprised at least fifty members. They established their own cemetery area and built an antislavery meeting house (non-extant) near the Lewelling House. Henderson Lewelling became chairman of the local group.

Personal and Financial Risks to Salem's Abolitionist Quakers

New settlers to Iowa typically got along by going along with majority anti-abolitionist opinion in surrounding settlements. But strongly felt convictions among the radical contingent in Salem made them willing to sacrifice much to protect escaped slaves. Mid-nineteenth century Iowa and the Midwest, it is apparent here, were not immersed in racism, but containing people willing to take risks for racial justice. Though in their time strivings for racial fairness meant achieving political and legal more than social equality, Salem abolitionists were determined that black arrivals receive a due process hearing, which would declare them to be free blacks unless proven to be slaves.

For their work preventing return of the blacks to Daggs' slave catchers, discussed below, Salem's antislavery Quakers paid a price. On June 7, 1848, two days after the Salem event, a large and angry Missouri mob swept into town, closed road access, and subjected suspected participants to searches of their houses and belongings looking for the runaways. Following this were the law suits and their expenses, which rose as the case became mired down in the slow pace of the courts. Then defendants faced the myriad costs associated with fighting to stymie the judgment of \$2,900 placed against them. And, of course, throughout the Daggs episode and ensuing court action, Salem participants faced an angry press and complaints of their being unrealistic fanatics.

Nevertheless, Salem's abolitionist Quakers withstood the criticism and engaged directly in slave escape activities. Places reputed to be associated with the Underground Railroad in Salem included the Henderson Lewelling House, Isaac Gibbs House, Collins House, Gibson House, Shriner House, Bee Hive, Henderson House, Henderson hotel, and nearby farms of Joel C. Garretson and James D. Hoag. The Lewelling House is the only associated site in Salem remaining extant (Fisher 1969: 23; HCBC 1982: 60; SHBC 1996: 11, 20, 169).

Breakdown in the Fugitive Slave Law of 1793

The Salem events of June 1848 and its ensuing court actions and aftermath highlighted the weakening state of the 1793 Fugitive Slave Law. Intended to give teeth to provisions of the U. S. Constitution that protected slavery, Congress in 1793 had made it a federal crime to assist an escaping slave and set forth a procedure for seizing the slave, bringing the slave before a magistrate, and returning the slave to its owner. But these guarantees that the slave owner could recover his escaped slaves ran up against shortcomings in the law that became increasingly apparent as northern public hostility grew toward slavery. One shortcoming was the law's failure to protect free blacks from being kidnapped and sold as slaves. Another was the law's absence of a mechanism to enforce its provisions in places where people were hostile to a ruling favorable to a slave holder. This rendered the law incapable of protecting a slave owner desiring to retrieve his property or be compensated

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 14 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

for its loss. In response to these shortcomings, two informal extralegal systems entered into the issue of balancing personal liberty and personal property rights: slave catchers, and the Underground Railroad.

Ruel Daggs learned these legal lessons all too well from the Salem events. Throughout, his legal costs went up as Salem defendants mastered delay to frustrate his claims. Thus writes legal historian Paul Finkelman, adding that the "Salem abolitionists exploited the vulnerability of the legal system and showed the value of using technicalities and procedures to tie up an opponent they could not otherwise defeat" (1992: 122). Although Daggs won a judgment of \$2,900 plus costs of the suit, he never collected any of it. Defendants either sold off their property ahead of time or left Daggs weighed down with legal fees and expenses in his subsequent attempts to collect on the awarded judgment. Ruel Daggs finally gave up after a court ruled in 1853 that, upon reviewing arguments and examining documents of the case, Daggs' bill of proofs and exhibits was insufficient, ordered it to be "dismissed," and directed Daggs to pay \$33.56 in court costs. This case well represented the final inability of this fifty-five year old law to cope with changing realities.

Missouri's Growing Vulnerability

Westward growth made times increasingly difficult for Missouri slaveholders as new settlements hostile to slavery grew in Iowa and western Illinois. The Salem events, in particular, reminded northeastern Missourians that slaveowners faced slave escapes not only across the Mississippi River to Illinois, but now to Iowa. Indeed, Salem's event signaled a turning point in northeastern Missouri as explained by the editor of the *Hannibal Journal*:

These enthusiasts, these Fanatics, as they are called by some, but who deserve no softer appellation than Theives, have commenced their operations in a new quarter. Heretofore our only danger has been from Illinois, in which direction we had some safeguard in the fact that the Mississippi river intervened. Now a more dangerous outlet is opened in the north in the facilities of getting to Salem in Iowa, which is said to be the headquarters of these depredators and in which direction there is no similar barrier, the River Desmoin almost at all times being easily crossed by an individual without assistance from others. (quoted in *Keokuk Telegraphic Weekly Dispatch*, July 13, 1848)

The next year after the publicized escape from Daggs farm, more events blamed on "the fruits of abolitionists" cemented growing fear and distrust of Iowa. An aborted escape by twenty-seven slaves occurred in Lewis County. The group was discovered preparing to head north to Iowa, this scarcely a week after the murder of two children at the hands of a slave in adjacent rural Marion County. Three months later another slave from Marion County set fire to a stable in town then escaped on a horse and was believed headed toward Iowa.

Tolerance toward anything but proslavery sentiment came to an end in northeastern Missouri. Local newspaper editors could no longer discuss as before the advisability of colonization through voluntary emancipation of one's slaves for re-location in Africa (Dempsey, 111, 125-133).

In this atmosphere of growing slaveholder fear, Salem became known to fearful Missourians as a hotbed of radicalism, and a symbol to many conservative Iowans of what was wrong with abolitionists.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 15 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

Northeastern Missourians also reacted by forming local anti-abolition societies and stepping up border patrols of the Des Moines River along or near the border. Reportedly, when Elihu Frazier (who later became a defendant in Daggs' case) once traveled to Missouri on a mission in the interests of slaves, he was captured by the patrol. Tortured to reveal his plans, Frazier said nothing, and eventually was released and sent on his way home (Garretson 1924: 430). Rewards of \$500 were offered for the capture of Salem area residents, Ely Jessup and Joel Garretson, at one time (SHBC 1996: 11).

Consequently, Border States increasingly urged a new fugitive slave act upon Congress that would bring greater federal protection for recovering escaped slaves. Missourian slaveholders, unlike those in the deep south, felt themselves in an especially precarious position where their slave property could more easily escape to Iowa and Illinois. So when congressional debate surrounding the Compromise of 1850 included the fugitive slave act among its provisions, border state members were its most insistent promoters. Missouri's Senator David Atchison, in the words of historian William Freehling, argued that "While 'very few' northerners committed 'this larceny,' 'there are enough of them' to create 'serious concern . . . in the border states'" (Freehling: 503). And Atchison's Senate colleague, Thomas Hart Benton, spoke of how the seduction of slaves was where "non-slaveholding States . . . have given just cause of complaint to the slave-holding States" (Trexler: 147). When the Compromise bill came up for a vote, *only* the fugitive slave portion of the combined measures received the unanimous support of Missouri's congressional delegation (McCandless: 251).

B. THE SALEM RESCUE SKETCHED

In April 1848, John Walker had fled enslavement at Ruel Daggs farm in Clark County Missouri and reportedly took refuge in or near Salem. He returned in late May for his family and friends still at Daggs' farm (Willoughby 2005: 115; Dykstra 1993: 91; Berrier 2001: 50). Ruel Daggs had lived thirteen years in Missouri, having moved from Virginia to Clark County in northeast Missouri, settling near Luray in Folker Township (Figure 8). The 1850 census shows Ruel Daggs, age 76, with wife Nancy, age 75, living in Clark County with \$4000 in real estate (U.S. Census records). Characterized as a kind owner, Daggs was getting older and the difficulty in keeping the slaves was likely wearing on him. His slaves had heard rumors that he was considering selling them south (Garretson 1924: 431; Willoughby 2005: 116).

Late on Thursday June 1, 1848, Walker and eight other of Dagg's slaves began their way north. The group included John Walker (age 22-23), his wife Mary, Julia (age 18), Sam Fulcher (age 40-45), his wife Dorcas, Martha (under age 10), William, a younger child, and an infant (Frazee 1850: 3; Dykstra 1993: 92). They arrived first at the home of Richard (Dick) Leggen (Liggon) near the Des Moines River, who had sympathy for runaways and whose household included several free blacks brought with him from Kentucky around 1846. The nine arrived at night only to be faced with heavy rain. The following night, they continued on, with Leggen finding a raft so that they could cross the swollen river near Farmington (Garretson 1924: 431-32; Dykstra 1993: 92). There they apparently hid for the day and then continued towards Salem on Saturday night.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 16 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

When Ruel Daggs realized his slaves were missing on Friday morning, June 2, he sent for his son George W. Daggs, who lived to the south in Lewis County, Missouri. After searching the immediate vicinity the next day, George and a neighbor, James McClure traced them north to a river crossing near Farmington. They met Samuel Slaughter, a Lee County farmer who was apparently offered a reward for his assistance in their capture. McClure and Slaughter continued north towards Salem on Sunday, while Daggs' son returned to Missouri (Frazee 1850: 5; Willoughby 2005: 117; Dykstra 1993: 92). They followed fresh wagon tracks north to Salem, and Slaughter sped up to overtake the wagon as it drew into sight. The wagon was being driven fast, and he caught up to it about a half mile south of Salem, where it pulled off the road into the brush. Slaughter found three young men with the wagon, who claimed to be returning from a fishing trip. Seeing no blacks in the wagon or nearby, Slaughter rode with the wagon into Salem, where McClure arrived about an hour later (Frazee 1850: 5-6, 10-11; Willoughby 2005: 117; Dykstra 1993: 92; Garretson 1924: 432).

In Salem, word quickly circulated that fugitive slaves were in the vicinity. The slave catchers, assisted by local residents Henry Brown and Jesse Cook, had no luck searching for the slaves about Salem and spent Sunday night at the local hotel ("The Salem Affair," *Burlington Hawk-Eye*, June 15, 1848, p. 2, col. 4; Willoughby 2005: 117; Dykstra 1993: 92).

On Monday June 5, Samuel Slaughter and James McClure searched the brush south of Salem near where the wagon had pulled off the road the day before. Within a short distance off the road – later noted to be about 200 yards – they found nine black persons (two men, three women, and four children). Only John Walker offered much resistance, and he was put on a horse. They made their way back to the road, and Slaughter rode into Salem to get the assistance of Jesse Cook and Henry Brown while McClure guarded the fugitive slaves. Returning with Henry Brown, he found a number of Salem men had gathered near the group. Elihu Frazier and Thomas Clarkson Frazier appeared as the leaders, and they requested that the accused fugitive slaves be taken before a Justice of Peace to prove that they were fugitives. Slaughter, feeling outnumbered, agreed to go back to Salem for a hearing before Nelson Gibbs, Justice of the Peace at the Lewelling house (Frazee 1850: 5-7; Dykstra 1993: 93; Willoughby 2005: 117-18; Finkelman 1992: 123-124).

By the time they rode down the road to Salem, the nine accused fugitive slaves had reduced in number. John Walker disappeared into the crowd, as did Mary and the infant. And, being tired, Dorcas, Julia, the young girl Martha, and another small child stopped to rest south of Salem. Samuel Slaughter permitted them to stay, as Sam Fulcher assured him that if he went back to Missouri, they would too. On the edge of Salem at the Lewelling house the crowd continued to grow, with about 50 to 100 people present. (Frazee 1850: 5-6, 9-10; Willoughby 2005: 118; Garretson 1924: 432; Dykstra 1993: 93-94; Finkelman 1992: 124-125).

The hearing started at the office of Nelson Gibbs, Justice Of The Peace, at the Lewelling House (Garretson 1924: 432). As the number of people increased, all agreed to move proceedings to the Anti-Slavery Meeting House (non-extant), which was located east in the block across the street from the Lewelling House. The portion of the hearing held at the Anti-Slavery Meeting house lasted for about 30 minutes. Aaron Street Jr. acted as lawyer for the fugitive slaves, assisted by Albert Button. Nelson Gibbs conducted inquiry into whether

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 17 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

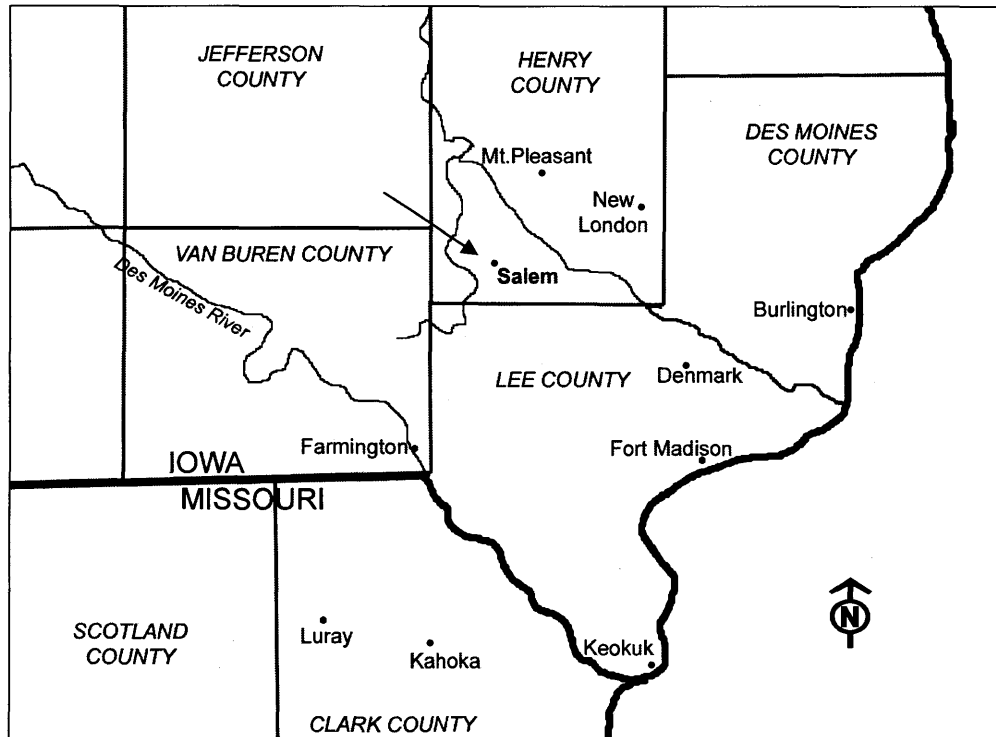


Figure 9. Map of key sites associated with the Dags Case (McCarley 2006).

his court had jurisdiction. Did the slave catchers, he inquired, have “a certificate from the clerk of the court in Missouri with his seal to prove the property” (Dykstra 1993: 94; Finkelman 1992: 126)? Samuel Slaughter answered he had no such certificate and was not personally acquainted with the fugitive slaves, though he offered to prove their identity through the testimony of James McClure, who was staying in the background. Slaughter stated that he had no other evidence to provide (Frazee 1850: 4-5, 9-11; Garretson 1924: 433; Willoughby 2005: 120; Dykstra 1993: 94-95). The issue then turned to how Slaughter and McClure came to pursue the alleged slaves. When asked for written authority to retrieve the runaways, they could only recount their verbal conversations with Dags (Frazee 1850: 9-10; Garretson 1924: 433; Willoughby 2005: 120). After this discussion “Gibbs was asked to discharge the negroes and declare them free. He said he had no jurisdiction, and they were free as himself, for all he knew” (Frazee 1850: 9; Finkelman 1992: 126).

The crowd moved out of the Anti-Slavery Meeting House, including the two accused fugitive slaves present. Thomas Clarkson Frazier reportedly told Samuel Slaughter that he could leave Salem unharmed, but could not take the fugitive slaves with him. James McClure reportedly left town earlier, likely picking up the four blacks left on the road south of town, for they were returned home about a week after their disappearance (Willoughby 2005: 120-21; Frazee 1850: 4). Reportedly, John Walker, Mary, and the infant escaped from the crowd, never to be seen again. Sam Fulcher and his son William hid north or east of Salem near New

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 18 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

Garden until Thursday, when they were reportedly transported to Denmark by residents returning to the community from Salem. All five escapees allegedly traveled east through Yellow Spring near the Mississippi River, on to Chicago, and then to Canada (Dykstra 1993: 97; Berrier 2001: 51).

But more soon was in store for Salem residents. Story of the incident produced anger and excitement among Clark County residents. On Wednesday, June 7, the Missouri citizens gathered "for the purpose of devising measures to recover the negroes, and if possible, to guard against such occurrences for the future," as "If this state of things should continue, negroes will be useless property here" (Dykstra 1993: 96). A heavily armed group of Ruel Daggs' friends and neighbors – led by James McClure and numbering from 60 to 100 according to various accounts – arrived in town on Wednesday afternoon. With blank warrants in hand from a justice of the peace in another township, they sealed roads out of town to prevent anyone from leaving. The men proceeded to search the town of Salem, entering every house in their hunt for the fugitive slaves. By evening, they arrested John H. Pickering, Thomas Clarkson Frazier, Eric Knudson, Elihu Frazier, Isaac C. Frazier, John Comer, and a few others, and they held them overnight at the hotel. At night, two Salem men apparently slipped through the roadblock; one went for the Sheriff W.S. Viney in Mt. Pleasant, while one of the Fraziers went to Denmark for reinforcements (Garretson 1924: 433-36; Jones 1914: 191; *History of Henry County 1879*: 543; Dykstra 1993: 96-97; SHBC 1996: 11; "The Salem Affair," *Burlington Hawk-Eye*, June 15, 1848, p. 2, col. 4; Berrier 2001: 51; Willoughby 2005: 121).

While accounts vary over the next day's chain of events, once the sheriff arrived and concluded the Missouri men had no legal authority for their action, he ordered them to release the prisoners and disperse. Reportedly, they went to nearby Washington, Iowa, drank all the liquor, threatened to return to Salem and burn the town, but then quietly went back to Missouri. The newspaper notes that by this time about 40 men from Denmark had arrived and would have assisted the Salem residents if they had returned ("The Salem Affair," *Burlington Hawk-Eye*, June 15, 1848, p. 2, col. 4).

The headline in next week's leading St. Louis newspaper read "Abduction of Slaves – Their Recovery, and Rescue by a Mob," while that in the *Keokuk Register* on June 8 read "Riot at Salem," which tempered its editorial comment by expression of trust that reports were exaggerated as Salem was known for its morality and obedience to law (Willoughby 2005: 121; Dykstra 1993: 95). Early accounts agreed that it was a scandalous, criminal affair, of which Iowans should be ashamed (Dykstra 1993: 95). More extensive accounts appeared in the *Keokuk Telegraphic Weekly Dispatch* and *Burlington Hawk-Eye* the following week. The *Burlington Hawk-Eye* actually carried two stories by different authors. The first, on "The Salem Affair," provided an account from "two old and worthy citizens of the town" who could be trusted to tell the truth ("The Salem Affair," *Burlington Hawk-Eye*, June 15, 1848, p. 2, col. 4). The second, covering "The Affair at Salem," recounted the chain of events and stated that people may be ignorant of the guarantee of slaveholders to recover escaped slaves through the Fugitive Slave Act of 1793 ("The Affair at Salem," *Burlington Hawk-Eye*, June 15, 1848, p. 2, col. 7, reported from Mount Pleasant on June 10, 1848).

C. THE CASE OF RUEL DAGGS VS. ELIHU FRAZIER ET AL., 1848-1850

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 19 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

On August 3, 1848, Ruel Daggs filed suit against Elihu Frazier, Thomas Clarkson Frazier, William Johnson, John H. Pickering, John Comer, Paul Way, Eric Knudson, Isaac C. Frazier, and 11 other residents of Salem for his loss of the slaves named Samuel Fulcher and his wife Dorcas, John Walker and his wife Mary, Julia, Martha, William and two children. Action started on the case in September (Frazee 1850: 3; Willoughby 2005: 122; SHBC 1996: 10-11). Daggs filed suit in trover, a common law action to recover damages for the wrongful taking of personal property, for the purpose of recovering compensation for lost services of the nine escaped slaves from those who had assisted the fugitives to elude the control and custody of plaintiff's agents (Frazee 1850: 3; Finkelman 1992: 127). The case was initially brought forward not under the Fugitive Slave Law of 1793, but instead, because the plaintiff and the defendant were from different states, was heard under diversity jurisdiction in the federal court, in the Southern District of the U.S. District Court of Iowa. The suit contained six counts: "The first two allege that the slaves were rescued from the plaintiff, or his agents. The third and fourth, that they were harbored and concealed, so that they afterwards escaped from and were entirely lost to the plaintiff; and the fifth and sixth, that the plaintiff was hindered and prevented from recovering his slaves by the acts of defendants; and the amount of damages claimed was \$10,000" (Frazee 1850: 3). The two men were valued at \$900-\$1000, the three women at \$600-\$700, Martha at \$250-\$300, William at \$200, and the two small children at nothing. Additionally, the lost services were valued at \$100 per year for the men and \$50 per year for the women (Frazee 1850: 3-4; Willoughby 2005: 123). Depositions were taken through the fall, and continuances were heard.

In January 1849, Judge John J. Dyer heard the case at the capitol in Iowa City. Judge Dyer held that "trover will not lie in this state to recover the value of fugitive slaves" and permitted Daggs' lawyers to withdraw the plea and gave them thirty days to amend the declaration (Finkelman 1992: 127-28; Willoughby 2005: 123; Dykstra 1993: 97-98; "Important Trial - Fugitive Slaves," *Burlington Hawk-Eye*, June 13, 1850, p. 2, col. 2). Ruel Daggs fired his initial lawyers and hired two Keosauqua lawyers, Augustus Hall and a man named Knapp. They re-filed the case as an action of trespass, claiming damages under the Fugitive Slave Act of 1793 as the basis (Willoughby 2005: 123; Dykstra 1993: 98; "Important Trial - Fugitive Slaves," *Burlington Hawk-Eye*, June 13, 1850, p. 2, col. 2). The case was continued from term to term of the U.S. District Court, as more depositions were taken and demurrers were filed. In frustration, Ruel Daggs fired his new lawyers, and hired the noted Burlington lawyer David Rorer (Dykstra 1993: 99; Finkelman 1992: 128).

With the case reconstituted, Judge John J. Dyer again presided at the trial. After Dyer agreed with defendant's counsel to exclude previous depositions gathered on behalf of Daggs' case, David Rorer immediately subpoenaed several of the defendants as witnesses to supply as far as it was possible the want of evidence occasioned by the exclusion of his depositions (Frazee 1850: 3). These witnesses added not much to Rorer's case, but perhaps enough to ultimately win a final judgment. Daggs' charges were the same as had been earlier filed in trover: "The first two allege that the slaves were rescued from the plaintiff, or his agents. The third and fourth, that they were harbored and concealed, so that they afterwards escaped from and were entirely lost to the plaintiff; and the fifth and sixth, that the plaintiff was hindered and prevented from recovering his slaves by the acts of defendants" (Frazee 1850: 3). On June 6, 1850, the case went to trial before a jury. In the morning several Salem residents, Samuel Slaughter, and William Daggs gave testimony recounting the chain of events. The afternoon was taken up with arguments by David Rorer for the plaintiff and John T. Morton for the defendants (Frazee 1850: 12; Finkelman 1992: 128-129; Willoughby 2005: 124).

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 20 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

At the conclusion of proceedings and closing arguments, Judge John J. Dyer turned the case over to the jury. He cautioned members that:

It is a case well calculated, at this time, to create some degree of interest in this community. For, while our whole country is agitated upon the subject of Slavery--while towns, counties and States, have been and are arrayed against each other in an almost warlike attitude, and this great Confederacy is thus threatened with destruction, and the fears of citizens in various portions of the Union are exciting and inflaming their minds, and driving them to acts, which, it is feared, will have soon, if they have not already, brought us to the very verge of Destruction--I repeat, it is not strange that there should be some interest manifested in the result of this case. (Frazee 1850: 34)

Judge Dyer pointed out the jury's role was to decide whether the blacks "owe service or labor, according to the laws of the State from which they fled, to the person claiming him," but also to decide whether the slave catchers were actually agents of Daggs and whether the defendants knew this at the time (Finkelman, 1992: 130; Frazee 1850: 34). On the charge of "harboring and concealing" Dyer said the key for jury deliberation is deciding whether the slave catchers statements amounted to sufficient notice for residents of Salem to know not to take steps that "defeat the means of the claimant to secure the fugitives." As for additional instructions requested by attorneys of the defendants and plaintiff, Dyer did grant a vital one by the plaintiff: "That there need not be positive proof to enable plaintiff to recover, but circumstantial proof is sufficient, if satisfactory in the minds of the jury" (Finkelman: 131; Frazee 1850: 40).

With evidence in the case being largely circumstantial, it took the jury but an hour or two to return with a verdict, "finding the defendants, Elihu Frazier, Thomas Clarkson Frazier, John Comer, Paul Way, John Pickering, and William Johnson, *guilty* upon the *first, second, third* and *fourth* counts of the declaration, and assessed the damages at TWENTY-NINE HUNDRED DOLLARS. As to the rest of the defendants, the Jury said, *not guilty*" (Frazee 1850: 40). The next morning, June 8, 1850, defense arguments for a new trial were denied. Judge Dyer further ruled that although the verdict was bad upon the *first, second, and third counts*, it was good upon the *fourth* concerning the charge of harboring and concealing, which was sufficient to uphold the verdict. Adding to the \$2900 judgment, Dyer allowed Daggs to collect costs of the suit.

Reaction varied in local newspapers. The *Burlington Tri-Weekly Telegraph* provided quick facts of the verdict on June 8, noting that six defendants "were convicted yesterday, in the U.S. District Court now in session in this city, and fined \$2,900 for the offence. The Counsel for the defence gave notice of a motion for a new trial, which will be argued this morning" ("Important Trial and Conviction," *Burlington Tri-Weekly Telegraph*, June 8, 1850, 2). A short article appeared in the *Burlington Hawk-Eye* on June 13, 1850, presenting the case factually and in a straightforward manner. The editor noted:

Much interest was manifested by the public during the continuance of the trial, the court room being fully occupied with anxious listeners until its termination, perhaps owing as much to the discussions and excitement now existing in Congress upon this identical subject, among others, as to any immediate concern for the result of the cause. It may be proper to add that the verdict has given universal

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 21 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

satisfaction, both to those who were in attendance and the public. The jury was an excellent one, and, we cannot doubt did full and impartial justice to the parties.

("Important Trial – Fugitive Slaves," *Burlington Hawk-Eye*, June 13, 1850, p. 2, col. 2)

For most state editors, the verdict spoke for itself, underscoring consequences lowans could face for defying the federal law. The *Keokuk Valley Whig and Register* went as far as noting that "The verdict will be a warning to meddlers" (Dykstra 1993: 104).

However, when the *Burlington Hawk-Eye* published the courtroom events on July 11, 1850, the editor commented on the case's relationship to national events:

The trial, and attendant circumstances, created much excitement in Henry, Van Buren, and Lee counties in this State, and in Clark County, Mo. – We were not present at the trial. It may be somewhat puzzling to the readers of the evidence as it has been to us, how a jury could find a verdict of 2,900 dollars, with costs running up to about a thousand more, in favor of the plaintiff. It certainly shows a disposition to give to the South all they can possibly claim; and all this clamor about the necessity of more stringent laws to catch runaway slaves, as far as Iowa is concerned, is all a humbug.

("The Trial – South should be satisfied," *Burlington Hawk-Eye*, July 11, 1850, p. 2).

Though the court found that Ruel Daggs was entitled for \$2,900, he never collected even a portion of it. Defendants had earlier taken steps to transfer or sell off property that might be attached.²

The federal court case became one of the last major cases tried under the Fugitive Slave Act of 1793, this during a time of national discussion surrounding the new soon-to-be-enacted Fugitive Slave Law. The case, the only one west of the Mississippi River thought to be tried under the provisions of the Fugitive Slave Act of 1793, expressed the strength of rising sectional conflict and slavery issues in the then frontier west.³ The

² Between the time of the incident in June 1848 and the time of the verdict in June 1850, land records and sales of the convicted defendants and the 1850 census support that they owned little if any property. John H. Pickering had also sold property on January 9, 1848, filed on September 13, 1849 in Salem (Town Lots Book H: 529). Thomas Clarkson and Lucinda Frazier transferred property south of town to his father Thomas Frazier on December 28, 1849 (Town Lots Book H: 41). William C. and Elizabeth Johnson sold property north of town on October 3, 1849, filed on November 3, 1849 (Town Lots Book H: 603). Paul Way sold numerous pieces of property from December 6, 1848 to December 6, 1849 (with some deeds not filed until February 5 and June 8, 1850), as well as platting an addition to Salem on July 27, 1849 (Town Lots Book H: 467). The 1850 census shows that Elihu Frazier (age 31) was a farmer with \$0 in real estate, living with his wife Orpha and five children. Thomas Clarkson Frazier (age 37) also had \$0 in real estate, and he worked as a carpenter and lived with his wife Ruth and seven children). John Pickering (age 40) was also reported as a farmer with \$0 in real estate, listed with his wife Mary and a Hobson boy. The only William Johnson (age 21) identified was listed as a painter in the household of John Johnson. Likewise, John Comer (age 20) was a farmer listed in the household of James Comer (age 45). The only defendant to claim any real estate value was Paul Way (age 66), listed as a farmer with \$200 in real estate, living with his wife and son (U.S. Census Bureau).

³ Legal historian Paul Finkelman noted "This was one of the last cases argued solely on the basis of the Fugitive Slave Act of 1793. It was also one of the few fugitive slave cases heard in Iowa" (Finkelman 1985: 80). By Jonathan Hall's statement in court, it was the "first suit of the kind ever brought west of our mighty river" (Frazee 1850: 12). As such, it appears that the case of *Ruel Daggs vs. Elihu Frazier et al* was the first and only case heard west of the Mississippi River for the recovery of damages under the Fugitive Slave Act of 1793. The case demonstrates the relevance of these national issues on frontier states and territories of the west. The only other known case to occur in the timeframe between May 1850 and the passage of the new Fugitive Slave Law on September 18, 1850, is the case of *Norris v.*

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 22 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

house remains today to convey this story of fugitive slave events. The federal case itself that followed the Salem events was heard in Burlington in June 1850 at a building that no longer stands, which leaves the Lewelling House in Salem as the extant site most strongly associated with the events and the ensuing case.

D. LOCAL AND STATE LEVEL

Several years before it became associated with events leading to the Daggs case, the two-story stone house was built in the early 1840s for Quaker pioneer settler and nurseryman Henderson Lewelling and his wife Elizabeth. As one of the first settlers of the Quaker community of Salem in 1837 as part of the arrivals from Indiana Quaker centers, he expanded his nursery business from Indiana to this western frontier, providing fruit trees and products throughout this portion of the state. Henderson Lewelling was also associated with the Society of Anti-Slavery Friends in Salem by 1843, and his home is reputed to have been a stop on the Underground Railroad. In 1847, Henderson Lewelling moved to Oregon, again taking his nursery with him.

The Lewelling family first arrived in 1837, just one year after Aaron Street and his brother-in-law Peter Boyer laid off the town of Salem and began selling lots. The Lewellings, originally from Wales, had settled in North Carolina in the late 18th century. Henderson Lewelling, son of physician and nurseryman Meschack Lewelling, was born on April 23, 1809, and grew up in Randolph County, North Carolina. Like many other Quakers in this period, he moved about 1825 with his family to near New Castle, Henry County, in east-central Indiana. On December 30, 1830, Henderson married Elizabeth Presnel, also a Quaker from North Carolina. With his brother John, Henderson established a nursery business in 1835. When they heard accounts of the Black Hawk Purchase in 1837, three Lewelling brothers—Henderson, John, and William—traveled to investigate the possibilities. The three brothers bought land near Salem. Henderson and John opened a nursery business to service this newly settled area. John returned to Indiana to continue to operate the nursery there, while Henderson operated the nursery near Salem to great success. John finally moved to Salem in 1841 (SHBC 1996: 18-19; Garretson 1929: 549-51).

By 1840, Salem's population was near 300 and the town had become a key community for westward bound Quaker immigrants entering Iowa. The Lewellings were making their mark on Salem and the surrounding area. John arrived in Salem in 1841 to assist Henderson with the growing nursery business. Their fruit trees included apples, pears, peaches, plums, cherries, and fruit shrubs, and they supplied homesteads in southern Henry County, Lee County, and Des Moines county. Henderson was focused on maintaining the best stock available, traveling at least 14 times to Indiana and other eastern nurseries between 1837 and 1847. With the abundant apple harvest, they saturated the local market and began a group of teamsters to haul fruit to markets, regularly as far away as 80 miles to the west to Oskaloosa and 80 miles to the north to Cedar Rapids. They stopped at points along the way, as well as traveling further to Marshalltown and Newton. An advertisement in the Burlington newspaper listed 150 varieties of fruit stock available at the nursery, selling for around \$1 or \$1.50 each (Garretson 1929: 551; SHBC 1996: 19).

Newton et al. that involved enslaved persons escaping from Kentucky who were found in Michigan. The Daggs and Norris cases constituted the last two known cases under the 1793 act. No extant sites associated with the Norris case have been identified (Regan-Dinius to McCarley, August 10, 2006).

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 23 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

"Almost every homestead in the southern part of Henry County and the northern part of Lee County," writes Joel Garretson, "was bountifully supplied with fruit trees from the Lewelling nurseries." Henderson Lewelling—Iowa's first commercial nurseryman—had gathered together 35 varieties of apples, pears, cherries, peaches, plums and small fruit varieties from fourteen trips back east to Indiana and elsewhere.

For the family house, Henderson Lewelling bought a section of land south of Block 24 on August 31, 1842 from Aaron Street, Jr. and Peter Boyer for \$350 (Lands Book C: 308). The land measured about 560 feet south along Main Street to the quarter section line and 1080 feet to the west, a total of about 13 acres. His brother John had also arrived in Salem, buying Lots 1 and 2 of Block 22 on the same day (Lands Book C: 310). Though the date of 1840 is found on an interior chimney, local tradition maintains that Henderson Lewelling built the house. The stone was reportedly from a quarry on a small seven-acre tract southwest of Salem, near Little Cedar Creek. The quarry basin supplied water for his nursery stock (SHBC 1996: 19). Henderson Lewelling had an office in the front portion of the house to manage his nursery business. A basement under the front (east) portion of house reportedly served as greenhouse space to protect fruit stock in early spring. This basement section was also reputedly used to hold fugitive slaves, though they could hide temporarily in a crawl space under the kitchen entered via a trap door (SHBC 1996: 19).

Antislavery sentiments of the Lewellings showed themselves after the Indiana Yearly Meeting of Friends disowned their own Reverend Thomas Frazier for being an abolition troublemaker. A group at Salem quickly formed a Society of Anti-Slavery Friends which was officially organized at Salem on July 22, 1843. They dedicated themselves "as Christian citizens" to "entering a solemn protest against this detested institution and by using every reasonable means to create a sentiment against it," and feeling duty bound "to assist in liberating the bondmen wherever found" (Garretson 1924: 429-430). Similar to meetings in Indiana, the remaining body of Friends in the Salem Monthly Meeting responded to the formation of an antislavery group by disowning them over the next couple of years, mostly for lack of attendance.⁴ By the end of 1845, at least 50 members—including five Lewelling family members—had been disowned by the regular Monthly Meeting in Salem (Jones 1914: 139). The Anti-Slavery Friends bought their own five-acre plot south of the Friends Cemetery to have their own burying ground. They also had a separate Meeting House in the southern part of town near the cemetery and the Lewellings' stone house (SHBC 1996: 10). It was the decision to stand for their antislavery beliefs that brought together those who confronted slave catchers in June 1848 and landed several of the group in federal court as defendants in the lawsuit of Ruel Daggs.

The prominence of antislavery Quakers in Salem, including Henderson Lewelling, made them the target for a visit from the London [England] Yearly Meeting in October 1845. Four prominent members of the London Yearly Meeting arrived in Richmond, Indiana, on September 29, 1845, to promote reconciliation in the Indiana Yearly Meeting. After meeting with the Indiana Yearly Meeting, they decided to meet with some Monthly Meetings of Anti-Slavery Friends, much to the dismay of the Anti-Slavery Yearly Meeting who had hoped they

⁴ Aaron Street, Jr. and Eli Jessup were disowned in 1843, followed in 1844 by Amos Raley, Aaron Dow, Henderson Lewelling, Isaac Pidgeon, William Lewelling, John Lewelling, Marmaduke Jay, Charles Osborn, James Comer, Elihu Frazier, Thomas Frazier, William Marshall, Francis Frazier, Isaac Frazier, and Stephen Frazier.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

Section 8 **Page** 24 **Property name** Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

would meet with leadership on both sides. Salem, the westernmost location of the dissatisfaction, they selected for a visit and arrived there on October 26, 1845. They implored the Anti-Slavery Friends to rejoin the regular Monthly Meeting, without addressing the circumstances leading to the separation. The Salem antislavery group's response, signed by Aaron Street, Jr., Thomas Frazier, Henderson Lewelling, Marmaduke Jay, William Lewelling, Dr. Gideon Frazier, Elizabeth Lewelling, Anna Johnson, Hannah Blackledge, and Cyrena Lewelling recommended that the London Friends take the matter up with the Indiana Yearly Meeting of Anti-Slavery Friends rather than with individual Monthly Meetings. The London group continued their travels without success (Edgerton 1856: 327-339; Jones 1914: 142-44; Jordan 2000: 21).

When after eleven successful years in the nursery business at Salem the Henderson Lewelling family headed west in April 1847, Salem would lose one of its earliest settlers, and one that had made a significant mark on the young state of Iowa. Henderson Lewelling had read accounts of Lewis and Clark's travels, as well as John C. Fremont's expeditions, and he had heard accounts of settlers in Willamette Valley, Oregon. In 1845, he began to talk of again moving to the edge of the frontier, but problems selling his land delaying his departure. In fall of 1846, he began to make serious preparations to leave in the spring. A nurseryman at heart, he envisioned a plan to transport fruit trees and shrubs along with his family and provisions. When they left Salem on April 17, 1847, the Lewelling family had a wagon for the family, two wagons for their household goods and provisions, and one wagon lined with dirt-filled boxes with 700 tiny fruit trees for nursery stock. Of these, about half survived the long trip west according to son Alfred, who was 16 at the time. On November 17, 1847, they arrived in the Willamette River Valley, settling on the east side of the river from the growing town of Portland. There Henderson Lewelling became a noted pioneer nurseryman who established the first nursery in the Northwest. By 1851, over 18,000 fruit trees were available for sale at his Oregon nursery. His trees and resulting nursery would be the first grafted fruit stock on the West Coast, and his contributions to the fruit industry of the Northwest continue to be noted today (Garretson 1929: 554-59; SHBC 1996: 20-21).

While it is unknown if anyone continued to live in the Lewelling House in Salem immediately after the family left in 1847, Henderson would continue to own the property until September 23, 1853. Then, through Anderson Lewelling, he sold the house and 13 acres to Joseph Hobson for \$1800 (Henry County Lots Book L: 527). It is known that young Nelson Gibbs operated his office as Justice of the Peace from this location at least during the late 1840s, as he was located here when the events occurred in June 1848 that led to the Ruel Daggs case.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 8 Page 25 Property name Levellings, Henderson and Elizabeth House
County and State Henry County, Iowa



Figure 7. Location of Salem noted with star on portion of c.1840 map published by J. Calvin Smith, *Guide through Ohio, Michigan, Indiana, Illinois, Missouri, Wisconsin & Iowa*.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 9 Page 27 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

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United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

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County and State Henry County, Iowa

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**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

Section 9 **Page** 29 **Property name** Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

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United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section 10 Page 30 Property name Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

10. Geographical Data

Verbal Boundary Description

The following map depicts the boundary for the Henderson Lewelling House. The boundary follows the current (2006) parcel boundary for the Lewelling House, and it encompasses approximately 1.61 acres.



Boundary Justification

The boundary includes the land historically associated with the Lewelling House that currently is under the ownership of the non-profit organization, the Lewelling Quaker Museum, Inc..

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

Section Photos **Page** 31 **Property name** Lewelling, Henderson and Elizabeth, House
County and State Henry County, Iowa

Photographs

All photographs of the Henderson and Elizabeth Lewelling House, Henry County, Iowa, were taken by Rebecca Lawin McCarley, SPARK Consulting, on August 7, 2006. The negatives for the photographs are on file with the Historic Preservation Office, State Historical Society of Iowa, Des Moines, Iowa.

1. Setting of house, looking southwest.
2. East elevation, looking west.
3. North elevation, looking south.
4. West elevation, looking southeast.
5. South elevation, looking north.
6. Room 1A (Living Room), looking southeast.
7. Room 1B (Parlor), looking north.
8. Room 1C (Office), looking northwest.
9. Room 1E (Kitchen), looking north.
10. Room 0A (South room in basement), looking south.