

Summary of the events surrounding the Crosswhite family and the case of Francis Giltner vs. Charles Gorham et. al.

In 1840, Francis Giltner was in his seventies. He lived in Carroll County in northern Kentucky. He had an older son named Michael and a younger son named David. One of these sons had a daughter who was married to a man by the last name of Troutman. The family was involved in the business of farming in the counties of Carroll and Bourbon in Kentucky and in the census of 1840, Francis Giltner is recorded as the owner of 21 slaves.

On August 5, 1843, six of Francis Giltner's slaves escaped over the Ohio River into Indiana. The six were a family named Crosswhite with four children, the only girl being the youngest. Francis Giltner sent his son David and a group of others into Indiana to recapture the Crosswhite family, but the men were unsuccessful in finding the fugitive slaves.

Adam and Sarah Crosswhite and their children John, Ben, Cyrus, and Lucretia apparently fled through Indiana and Illinois, settling in Michigan at some point during the next two years. During 1845, the family added another daughter named Mahala who is listed as having been born in the state of Illinois according to the 1870 U.S. Census. By January of 1847 the Crosswhites had been living in the village of Marshall, Michigan in Calhoun County not far from Detroit most likely for over a year as they were established and well-known in the community.

Somehow the Crosswhites were discovered by Francis Giltner's grandson-in-law Francis Troutman. Some suggestions exist that implicate another local black man in the Crosswhites being discovered. David Giltner along with Francis Ford and James Lee traveled from Kentucky to Michigan to retrieve the fugitive slaves for David's father. In the early morning of January 27, 1847 the four men along with the local deputy sheriff named Dixon went to the Crosswhite house where Giltner and Troutman broke in the door. The family, with the possible exception of one of the older boys, was held in the house until a wagon could be arranged to take them to a trial in town based on a warrant the men were carrying from Kentucky.

Before the Kentuckians could transport the family local residents who knew the Crosswhites began to gather. Adam Crosswhite says he agreed to go to a fair trial at the courthouse, but not so early in the morning, but Sarah Crosswhite absolutely refused. The pursuers offered to take only the children and leave Adam and Sarah alone according to depositions from both sides. At this point, Adam Crosswhite stated in his deposition that he ordered the men out of his house. At this time the family may have been restrained in the house for a while.

The crowd outside the house grew to between 100 and 200 people. Some spoke to the Kentuckians. As many as three claim in court depositions to have been threatened by Troutman with a pistol. Most were unarmed and when a black man named Patterson came on a horse ringing a bell and carrying a shotgun, one of the outspoken white men, Charles Gorham persuaded him to leave again. Some in the crowd proposed "resolutions" ranging from taking the matter to a justice of the peace to tarring and feathering the captors or giving them a short time to leave the village. The Kentuckians apparently did not feel they could successfully take the Crosswhites from the area. It is disputed as to whether anyone actually stopped them. Troutman identified himself, their

purpose, and their authority to take the family based on the Constitution and an act passed in 1793.

The man who described Troutman preventing him from entering the house and pulling a pistol on him was named Calvin Hackett. He left the property (often described as the “ground” in the depositions) and went into town to obtain a warrant against Troutman and the other men.

Eventually, all but Troutman headed into town in need of refreshments and soon Troutman went as well. Adam Crosswhite describes going into town earlier escorted by the deputy sheriff and returning after apparently checking on Troutman’s authority under his warrant. It seems the Kentuckians may have lost the assistance of the deputy sheriff at that point. When the whole group was in town, a warrant was served against the four men from Kentucky and a trial followed that same afternoon in which members of the Crosswhite family testified to cheering from an overflow crowd.

The same evening, several men allegedly helped to collect money, obtain a horse and wagon and assist the Crosswhites in leaving Marshall. They told the men from Kentucky that the family had left the country and the Crosswhites are listed in the 1851 Canadian Census as residents in Ontario (part of Canada West). Others who were against the family being seized advised the family not to run either and Troutman claimed he had changed his mind and decided not to bother the Crosswhites any further.

On June 1, 1847 Francis Giltner filed a case with the United States Circuit Court in the Eastern District of Michigan. The suit was against three white men, Charles Gorham, Oliver Comstock, Jr., and Jarvis Hurd, three black men, Planter Moss, William Parker, and Charles Bergan and at least five other defendants who were later discontinued. Much of the record of these events comes from the depositions taken from residents of Marshall, Michigan at the time of the confrontation and residents of Carroll and Bourbon Counties in Kentucky.

In June of 1848, shortly after proceedings were discontinued against several of the defendants the case went to trial. After hearing evidence from the 28<sup>th</sup> of June through the 11<sup>th</sup> of July the jury states on the 12<sup>th</sup> that they can not agree and is dismissed. A commission is appointed to take further depositions and the case is retried beginning with a new jury being called in November of 1848. Evidence is heard from November 11<sup>th</sup> through December 5<sup>th</sup> and the jury assesses damages in the amount of \$1,926 to the six remaining defendants. The plaintiff, Francis Giltner, had estimated his losses at \$4,000. Francis Giltner appears to have passed away sometime before the summer of 1850, his sons owning a combined six slaves in the 1850 census and only two by 1860, although holding fairly lucrative estates.

The Crosswhites, with Ben and two daughters still living with them, had returned to Marshall, Michigan by 1870. Adam was 70 and Sarah 74 at that time. They are both listed as unable to read or write, while the younger members of the family are not marked as unable. Adam and Ben are listed as laborers. They had been listed as a carpenter and shoemaker, respectively in the 1851 Canadian census.