



## Notes on the Garner Fugitive Slave Case

So, what happened to the Garners?

The Cincinnati Enquirer article left the Garner family in jail. Below are some notes covering the facts of what happened. After reading the notes, write your own story. Include any and all information found in the notes.

Here are some basic facts of the Garner Fugitive Slave Case:

January 29: In the station house the slaves awaited the process of law.

- The young mother, Margaret Garner sat stunned in jail.
- Friends and supporters brought food and encouragement.
- Abolitionists applied for, and got, a writ of habeas corpus. Legal custody of the Garners was disputed, but they were kept in the county jail, which was the jurisdiction of the State of Ohio.

January 30: Commissioner Pendery conducted A hearing

- John Jolliffe, a prominent antislavery attorney of Cincinnati, represented the Garner family.
- Colonel Francis T. Chambers of Cincinnati and two lawyers from Covington, Kentucky represented Mr. Gaines and Mr. Marshall.
- Jolliffe said that since the Constitution of Ohio prohibited slavery on her soil the slaves had become free, and this status could not be taken from them. And because Margaret Garner had previously been taken to Ohio with the consent of her owner, she was free. Since her children were born after that time, they were free at birth.
- Colonel Chambers said that supposing that Margaret Garner was legally free, because she voluntarily returned to Kentucky, she gave up any free status she might have acquired in Ohio. Also, Simon and his parents had never been to a free state and this argument didn't apply to them.
- Jolliffe asked for a postponement and Commissioner Pendery granted the postponement.
- The coroner's report read, "the murdered child was almost white, and was a little girl of rare beauty." It also said that she had been killed by her mother, Margaret Garner. Margaret had also tried to kill her other children. The two Garner men were named as accessories.
- Jolliffe, in a move to keep the Garners from slavery, got the State of Ohio to issue warrants for the arrest of all four adults on a charge of murder.

February 10: When the federal hearing resumed, Jolliffe, asked Commissioner Pendery to let state officers arrest the Garners at once. The Garners, he said, would rather hang than go back to slavery.

- Colonel Chambers said that it was wiser for them to go back to Kentucky because there was at least a chance that someday they could escape again.

- Jolliffe condemned the Fugitive Slave Law saying it was against the word of God and the Constitution and pleaded with the Commissioner to have moral courage and decide in favor of the defendants.

- Colonel Chambers stressed the authority of the Supreme Court over the state courts and that without obedience to the law; the Union between the slave and non-slave states could not be preserved.

- Commissioner Pendery said that he would give his decision on March 12.

- Meanwhile, the State of Ohio had indicted the 4 Garner adults for murder. A hearing was set for February 26.

- Commissioner Pendery suddenly announced that he would make his ruling on February 21 instead of March 12.

- February 26: Judge Leavitt heard from the attorneys on the murder charge and said he would rule in two days.

- Immediately after Judge Leavitt stepped down, Commissioner Pendery announced that he had reached a decision, which was that the slaves were to be returned to their owners, that Simon and his parents were fugitives because they had never been in Ohio and therefore never free. Margaret gave up her free status, if she ever had it, because she willingly returned to a slave state. Her children were never free. However, the Marshal had to wait until Judge Leavitt ruled before he could take custody of the Garners.

- February 28: Judge Leavitt ruled that he had tried very hard but had found no way to keep the Garners in custody because they had been arrested first by the Federal Marshal. Prisoner could not be arrested by Ohio's criminal process until the United States legal action had been completed. Therefore Garners had to be turned over to the US Marshal and do whatever Commissioner Pendery ruled. He hoped that the State of Kentucky would return the Garners to Ohio to be prosecuted for murder.

- Judge Leavitt ordered the prisoners into the custody of the United States Marshal. An hour after Judge Leavitt's ruling, the Garners were in Kentucky.

- The Garners were sent to the deep South and on the way, their ship collided with another ship. Margaret Garner and her baby fell into the water. Margaret was rescued but the baby drowned.