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Southern Sympathies in Illinois as Expressed Through *Nelson versus The People*

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During the antebellum period, Illinois proved to be problematic for the North. Geographically, it is a Northern State. Population wise, it was split between Northern and Southern tradition. Around the Chicago area, abolitionism had a strong pull as expressed by the various colored conventions held there, as well as the variety of Whig/Republican newspapers. From the state capital of Springfield and further south, many people held Democratic viewpoints and could sympathize with their Southern neighbors. As Illinois had slave states on two sides, it is easy to understand how these neighbors had an impact on Illinoisan culture and politics. Illinois was not the only Northern state to enact Black Laws, but theirs were certainly among the harshest. While enforcement of these laws was sporadic, most of the cases of violations were found in the Southern part of the state. One of the laws that proved to be among the most scandalous was the Black Exclusion Law of 1853. This law prohibited any blacks from coming into the state with the intention of living there. Punishment proved to be especially harsh in that it found a way to make slavery legal in the eyes of the law. While Chicago may have supported abolitionism, much of the rest of the state pushed for legislation to keep blacks out. The traditional Southern opinion of the lower status of blacks is engrained into the very fiber of this Northern state. The Illinois Supreme Court case, \textit{Nelson versus The People}, is littered with southern sympathies as it all started with a violation of the Black Exclusion Law of 1853 in Hancock County. Through exploration of how this law came into being, and the intricacies of the case, it can be better understood how Southern ideas and culture were very much involved in the political opinions of the state until the Exclusion Law was repealed in 1865.

\textbf{History of Illinois and the Black Laws}

In the early 1700s, the territory that would become known as Illinois was settled by the French who brought their slaves with them (See Image 1). When the territory was annexed by
the British in the 1760s, it was decided to keep the tradition of slavery. It was already the custom established by the French, therefore it made sense to keep it alive and use it as an incentive to convince French settlers to accept British rule.¹ By some accounts, the British version of slavery was much more relaxed than that of Southern slavery. Illinois slaves were given time off for holidays, restrictions were laxer on Sundays, and received generally fair treatment. At this point in time, the black laws that were in place were nowhere near the severity that they would later become known for.² In the following decades, however, Illinois saw a dramatic decrease in population. Many of the French settlers did not want to submit to British authority so they left the state, taking their slaves with them. With this land opening up, the population increased quite a bit.³ The people who jumped on this opportunity were slave holding planters from the Carolinas, Tennessee and Kentucky.⁴ Along with slaves, the new settlers also brought their ideas about slave regulations. It is after the turn of the century that their power began to manifest.

In 1803, the first legal code was put in place. Under this code, slaves could be brought in under the guise of being an indentured servant. However, there were age restrictions on how long someone could serve, and all of them had to be registered with the county clerk. In return, the masters had to provide them with everything they needed to survive and to make an effort not to mistreat their servant while punishing them.⁵ Keeping with southern sentiments, a section mandated that if the servant refused to serve, he/she could be sold south of the Mason-Dixon Line and into slavery.⁶ With these provisions were put in place, Illinois’ population once again

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¹ Norman Dwight Harris, The History of Negro Servitude in Illinois, and of the Slavery Agitation in That State, 1719-1864 (Ann Arbor, MI.: University Microfilms, 1968), 4-5.
³ Harris, History of Negro Servitude, 4-5.
⁶ Gertz, “The Black Laws of Illinois,” 460; and Harris, History of Negro Servitude, 7-12.
grew. This time however, a good number of slaves were being registered as indentured servants. With the social and agricultural conditions being ideal, slave owners from the South continued to arrive in significant numbers.\(^7\)

In 1818, there was the push for Illinois to join the Union as an official state, but this would mean confronting the issue of slavery and indentured servitude. To meet the requirements of being a Northern state, Illinois had to remove indentured servitude as it had been set up under the legal codes of 1803. According to Elmer Gertz, legislators had a plan to remove the codes by giving them a “verbal gloss” to make them not look so bad. Then, once Illinois was admitted as a State, the codes could be put back in place.\(^8\) However, there were delegates at the convention who were firmly against any kind of servitude, as well as some who were willing to compromise. Ultimately, the party of compromise won out. Thus, came Article VI: all forms of slavery and indentured servitude would be abolished except as a form of punishment.\(^9\) The obvious loophole can easily be seen in this statement and as Gertz attests, slave holders were not attempting to hide their agenda in the slightest.\(^10\) When the 1818 State Constitution made its way before Congress, it received mixed reviews. Some, such as James Talmidge from New York, said that the Constitution was not firmly set against slavery and needed to be rejected. Others, such as George Poindexter from Mississippi, said that the provisions laid out in the Constitution were well suited to the political, social, and economic climate in Illinois. After some debate, Congress passed the Constitution with a vote 117 to 34. The Senate passed it as well without debate.\(^11\) With this vote, Illinois becomes what Gertz calls “a southern-oriented citadel in the North.”\(^12\) The passage of the

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\(^7\) Harris, *History of Negro Servitude*, 11-12.
\(^12\) Gertz, “Black Laws of Illinois,” 463.
1818 Constitution shows a leniency towards the idea of indentured servitude and by extension slavery despite the Ordinance of 1789 stating that slavery is prohibited in the North. This is a victory for the Southern ideals and communicates that the law is tending to sympathize more with Southern culture then the abolitionist north. It also sets the stage for the extremely comprehensive Illinois Black Laws of 1819.

These codes are what established Illinois as having the most severe Black Laws in the North. Territorial laws had been passed but this is the first-time black regulation laws were passed over a large area rather than a small locality. The changing codes also coincide with the demographic change taking place in the early 1820s. Instead of being largely slave owners, the newcomers were lower to middle-class farmers from the South who did not own slaves. This population change marks a new trend in legislation in which this Northern state began to function like that of a slave state. Under these laws, all black citizens had to have a certificate of freedom from their local county clerk. They also had to pay a 1000-dollar bond to prove that they had the funds to not become a county charge, meaning they would need tax payer assistance to survive. This was particularly important because one of the leading arguments for excluding black immigration was that they would all be poor and become a burden on the state and tax payers. If the individual failed to pay the bond, they would be fined an additional sum and face possible arrest. Under these laws, slave owners were prohibited from bringing their slaves into Illinois and setting them free. If any slave owner violated this, they would be fined. There was also a section pertaining to blacks living within the state. If a black person was caught without freedom papers, it would be assumed that they were a run-away slave. If the individual could not produce the papers, the local sheriff would advertise his/her sale at auction for six weeks. The

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13 Harris, History of Negro Servitude, 25-6.
individual would then be sold to the highest bidder for a year of work. After that year, the person would then receive the wages that he had been hired for in the first place. If a master had not come forward to claim the individual, he/she would be given a certificate of conditional freedom, which means they could still be claimed if someone came forward. Also, if a white citizen hired a black person that did not have freedom papers, they would be subject to a set fine for every day’s worth of work done. There were also some sections within these laws that worked to protect the black community, at least to some extent. Any person who lied to procure a black person as a slave or indentured servant would be punished for committing perjury. There were also explicit instructions to not kidnap free or indentured blacks.14

Most of the laws were meant to control them. The black laws put in place in the South were designed to control the slaves and prevent uprisings. In Illinois, these laws served a similar purpose. They were the means by which the black community was being controlled. It was also a means by which to discourage blacks from coming into the state. White settlers viewed blacks as inferior. They didn’t want them settling next to them or bringing their financial problems. In no way did they want to support a person they felt wasn’t worthy of being a member of their society. This also implies an inherit fear of blacks. From the stories of slave revolts, whites feared what would happen to them if they left the black community uncontrolled. The Black Laws of 1819 were updated in 1848. More sanctions were put in place to punish whites that were caught helping blacks. They were heavily fined for helping blacks that did not have freedom papers.15 It is worth mentioning that by 1840, the black population in the census was 4,065, less than one percent of the total population.16 They posed little threat to the whites living there, yet

the hatred for blacks pushed forward legislation to control them and prevent more from entering Illinois. A short time later, at the 1847 Constitutional Convention, the Black Exclusion Act, otherwise known as Article XIV, was introduced.

The Black Exclusion Act

The 1847 Constitutional Convention was originally called to address the state’s questionable spending habits, extreme debts, and a general distrust of the state’s banks. However, the concept of race quickly became an issue. A few within the Convention wanted to introduce legislation that promoted equality between the races, such as voting rights and removing all distinction between the races in legislation. What soon became apparent is that most of the Convention did not share the opinions of the abolitionist minorities. The Senate Judiciary Committee said in its report that “No act of legislation will or can raise the African in this country above the level in which the petitioners find him… he can never aspire to those privileges while there remains one of the Anglo-Saxon race.”\(^{17}\) It is quite blatantly revealed that the white legislators did not view blacks very highly, and in keeping with the theme of needed regulations on the black population, on June 25\(^{th}\) the Black Exclusion Act was first brought onto the floor at the Convention. Previously, parts of Illinois had passed territorial exclusion laws in which blacks could not settle in select counties. Now under this new legislation proposed by former state senator, Benjamin Bond, blacks could not settle in the entire state. This not only included free blacks but also any masters that wanted to bring their slaves with the intention of freeing them.\(^{18}\) Once this provision made it into the Constitution, getting rid of the law would be very difficult. In short, a repeal meant that a majority of Illinoisans would have to support its


removal. Yet, in this particular political climate, removal was unlikely. As expressed by Edward West, a Whig from Adams County, many whites came to Illinois from the South to get away from slavery and a black population.\textsuperscript{19} It is unlikely that people coming to the state to escape blacks would allow them to settle.

The Convention of 1848 provided the foundation for the law to be enacted. It was not until February 12\textsuperscript{th}, 1853 that the Act was put into law and enforced. During several conventions held between 1848 and 1853, Article XIV was introduced but there was not enough support. It was not until Jacksonian Democrat John “Black Jack” Logan rallied enough support to finally push it through in 1853.\textsuperscript{20} Voted on separately from the Constitution, it was passed with 87 in favor and 55 against. Those who were for the bill were largely Democrats from the South. Those against were largely Whigs from the Northeast. The Exclusion Law passed easily when 87 of Illinois’s counties voted in favor of the law. The only counties that voted against the bill were in the Chicago area. On the opposite end of the state, 13 counties in Little Egypt voted with over a 90 percent approval rate (See Image 2). Saline County heartily approved with a 98 percent vote in favor of the law.\textsuperscript{21} This vote clearly demonstrates how the majority of the state, especially the parts close in proximity to other slave states and settled by upland southerners, strongly supported this legislation. Southern opinions clearly had an effect.

The Exclusion law itself was made up of several parts. First and foremost, it established that whites were not permitted to bring blacks within the borders of Illinois. If any white person was caught doing this, they would be fined. If the individual could not pay the fine, they would be jailed for one year. According this section, it matters not whether the black person was free or

not. The white person would still be fined for bringing them into Illinois. Animosity is not being geared towards a social status, but a racial status. This is expressed in Section Three of the law that any “negro or mulatto,” no matter if they are free or a slave, would be subject to a fine of 50 dollars if they were caught being in Illinois for more than ten days with the intent to settle. The individual would receive a trial in front of a jury of 12 white men. Upon a guilty verdict, the convicted would have to pay the fine. If they could not, the sheriff would then make it known that there will be an auction in ten days’ time of the notification. Then at the auction, the highest bidder would pay the criminal’s fine and the convicted then worked off the money the bidder spent. After the fine was paid, if the “negro” had not left the state within ten days, they would again be liable for arrest and a fine. However, this time the fine would increase to 100 dollars. If the criminal could not pay the 100-dollar fine, they are again subject to the same manner of punishment as the first offense. If, after the second time, the “negro” did not leave the state, the fine would keep increasing by 50 dollars until they left the state or died.\(^2\)

However, there was a section that worked in favor of any accused blacks. Section six allowed for the right to appeal a verdict within five days of the sentence. As a sign of good faith that the accused would not run and would appear in court, their fines were doubled. If found guilty, the “mulatto” was subject not only to the fines associated with the verdict but would also have to pay the fines and costs associated with the lawsuit. In further sections, any white man could claim any “negro or mulatto” that has been caught if he provided sufficient proof that he was the owner. Upon demonstrating ownership, the owner would be subject to pay all fines and court fees amassed. The second to last section of this law proved to be among the most interesting despite how short it was. Section ten stated, “Every person who shall have one-fourth

negro blood shall be deemed a mulatto.” This is a definition as to whom this law applied, but it also demonstrates how it was not an issue of having a social status as a slave. It had become more about race. It is evidence of racial superiority that was prevalent in both the South and the North. Because of these differences, even the slightest bit of black “blood” means the “mulatto” could not reach the heights needed to associate with white society. They must be separate, or in the best-case scenario, removed altogether. It is on this point that many Northerners could sympathize with the South. As evidenced by the numerous Northern states that also enacted black laws, they also felt that regulations were needed to control their black populations. However, the severity of these regulations was often lesser than that of the South. Only in Illinois did the black laws rival that of the South. Even Southern newspapers admit that there was a certain type of ruthlessness displayed in Illinois to enact an Exclusion Law. In the South, blacks were treated as lesser beings, yet they were still a part of everyday life and could exist alongside their white counterparts. That is, given they always remembered the societal hierarchy.

The exact reason for the passage of this law is up for debate. It may have been intended as a blow to the abolitionist cause. Another option was that it was an attempt to boost the economy and provide the state with extra funds. However, one thing is known for certain. There was bipartisan disapproval of the law. A majority of the opposition came from Chicago and its extremely active black community. The passage of the 1853 legislation brought about a new drive to demand action from the state to remove the black laws. Active disapproval was not limited to Chicago. Presses across the state clearly made their voices heard about how awful the

23 Laws of Illinois, 58-60.
25 Harris, History of Negro Servitude, 188.
law was. Most held to the claim that the Act of 1853 was unconstitutional and could not be easily enforced. The *Alton Telegraph* expressed its fears that the law would allow a kind of slavery to be institutionalized within Illinois. Supposedly, the *Quincy Herald* and Springfield’s *State Register* were the only Democratic papers loyal enough to the administration to defend the law.\(^{27}\) Despite all the bluster from the papers, it seems the ardent opposition that was being reported was exaggerated. As stated earlier, the vote on the Exclusion Act won easily across a majority of the counties. No action was ever taken by administration to undo any of the black laws at this time. In fact, no black laws that were instituted since the early 1820s were removed until 1865, the week after the fourteenth amendment was passed.\(^{28}\) There was continued backlash against the black laws, yet nothing was done to remove them until after the Civil War. It is clear that Illinoisans were sympathetic to Southern ideas, morals, and standards. While many Illinois citizens probably did not support slavery, they most certainly did not want blacks living in their communities.

**Nelson versus the People**

Although many critics claimed that the Black Exclusion Law of 1853 could not have possibly been enforced, it did not stop people from trying. Within the first year of its enactment, three arrests were reported. The first two individuals were auctioned and sold as the law specified. The last of the three was an escaped slave whose master came to claim him. When brought before a judge, section eight, which stated that master’s were liable to pay for court costs and fines, was declared illegal because it interfered with the master’s right to claim their slaves that was given by Congress through the Fugitive Slave Act of 1850.\(^{29}\)

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\(^{27}\) Harris, *History of Negro Servitude*, 236-37.


\(^{29}\) Harris, *History of Negro Servitude*, 237.
These were not the only instances to be recorded. The *Quincy Daily Whig* reported on July 7th, 1854, of the arrest of seven black men from the week prior. Three of them were cooks on a steamer passing through Illinois and were quickly released after a minimal fine. The remaining four were brought to the court of Judge Sheldon to be promptly discharged. The editor states, “Men from free States and men from slave States were alike mortified and humbled to know that in Illinois, such things, at this day, could be possible.”  

This statement demonstrates a distaste for the Exclusion Law, and not just on the Whig side. Tradition holds the North to be enlightened and a beacon of virtue. For the editor, the law is slowly putting out the light of Illinois, bit by bit with every arrest.

A little further down the line, another arrest was reported in the *Quincy Daily Whig*. On December 2nd, 1859, an article was reprinted from the *Olney Times* from a week earlier. An Irishman with black hair and a dark complexion was arrested in Little Egypt having been mistaken as a “mulatto” who was trying to settle in the state. Upon being questioned, it was discovered his name was Thomas Leary and he had been in the state for 12 years and had been living in the Chicago area. Despite the knowledge that he was not, in fact, violating the Act of 1853, his “captors” would not release him until the State paid out the reward it gave to citizens who turned in illegal blacks. As of the publication of the article, the situation had yet to be resolved. In keeping with the trend of adamant opposition from Illinois newspapers, the short article ended with a passionate plea for forgiveness from the people being targeted by the black laws and sorrow that not more was being done to stop it. The article proclaims, “we are sorry that our country within her borders one man so steeped in moral degradation as to voluntarily attempt to arrest a man because he happened to be a little dark, and was not blessed with an ordinary

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degree of intelligence, to carry him into perpetual bondage.” The editor clearly outlined his contempt of Illinois citizens turning in blacks in a state with no slavery. However, as stated earlier, actions speak louder than words. Despite all the protesting against the Exclusion Act, very little was done to stop it.

Arrests continued to occur after 1859. In 1862, a case against the Black Exclusion Law of 1853 was set in motion. In December 1862, “a tall slim mulatto, about 55 years old,” along with his wife, came into Hancock County from St. Louis, Missouri (See Image 3). They came at the invitation of Orestes Hawley, a Republican, to work on his farm for ten dollars a day along with room and board. The preliminary version of the Emancipation Proclamation had been issued September 22nd, 1862. When he heard of the Proclamation, Nelson thought he had been freed and could leave to work for Hawley. In February 1863, both Hawley and Nelson were arrested for violation of the Black Exclusion Law of 1853. The two were arrested along with five other blacks who had also violated the Exclusion Act. They were promptly brought before Judge George M. Child in Carthage, Illinois. Child, a lifelong Democrat, was involved in an open feud with Republican Governor Richard Yates. With this trial, Child saw an opportunity. This trial would be the perfect tool with which to separate Illinois law and order from that of the Illinois native, President Abraham Lincoln, in Washington D.C. At the trial, three witnesses were called to testify that Nelson had violated State law. One was Metgar Couchman, a white resident of Hancock County and a prominent Democrat. The second was Hancock’s white County Sheriff, William Hamilton. The last was a black man that had come into the State at the same time as Nelson, named John. Nelson’s defense argued that the third testimony from John was unusable because blacks could not testify in court. However, Child overruled the defense stating John’s

31 “Excitement In Egypt,” The Quincy Daily Whig, December 2, 1859.
testimony would stand because the law did not apply to a black man testifying against another black man. On February 6th, 1863, a jury of 12 white men found Nelson, Hawley, and the other five blacks guilty. Nelson was fined 50 dollars, as well as court fees.32

Of course, Nelson could not afford to pay these fines, so the sheriff posted a notification for an auction. However, Nelson along with the other five put in a request for an appeal to the Hancock circuit court at the end of his five-day limit. On March 6th, 1863, a new jury was convened, and more witnesses were called. One of these witnesses included Orestes Hawley. The prosecution presented the same argument; by coming into the state for more than ten days with the intention of settling down, all six men had violated the Exclusion Law. The defense argued that the Act was unconstitutional and immoral, and argued that it conflicted with the Fugitive Slave Act passed in 1850. It is here that the historical record becomes vague. It is known that the prosecution objected, to what exactly is unclear. However, their objection was sustained, and the argument of the defense was thrown out. Thus, the jury had no choice but to decide upon another guilty verdict. On March 7th, the defense requested a change of venue to nearby Adams County. The new trial ran accordingly until the closing statements. Both the prosecution and the defense had prepared closing “instructions” for the jury. These statements were the summary of the respective side’s argument and their wish for how to jury was to rule. The prosecution’s instructions were read. The defense’s instructions were not. The defense tried to pass a motion declaring an error on the trial, but the judge overruled them. Despite all of this, the jury in Adams County found him guilty again.33 The defense pushed for Nelson’s case to go to the

32Adams County Circuit Clerk, records, Quincy Illinois, File Number 1877 (March 1863.); and Thomas Bahde; and The Life and Death of Gus Reed: A Story of Race and Justice in Illinois during the Civil War and Reconstruction (Ohio University Press, 2014) 137-42.
33 Adams County Circuit Clerk, records, Quincy Illinois.
Supreme Court arguing that the Exclusion Law was unconstitutional. Fortunately, the Supreme Court did acknowledge the error during the Adams County trial.34

Representing Nelson was the law office of Grimshaw and Williams. Jackson Grimshaw was born in Pike County Illinois and moved to Quincy in Adams County as a young adult. Archibald Williams was born in Kentucky before he also came to Quincy to settle in the 1820s. Both men are remembered among the best lawyers to have practiced in the state of Illinois. Both were also closely linked to Abraham Lincoln.35 On the prosecuting side was State’s Attorney James B. White. He was born in Greene County Ohio in 1828 before coming to Illinois. In 1857, he was recommended for prosecuting attorney for the state, a position he filled until 1865. He was known for being a progressive and liberal democrat with the unique ability to separate himself from his work.36 During this time period, the State of Illinois did not have an Attorney General position, so White was to fill the role. To complete the cast of characters was Chief Justice Pickney H. Walker. Walker was born in Kentucky and moved to McDonough County Illinois as a youth. He first served in the Pike County Circuit Court before being moved to the Illinois Supreme Court in April 1858.37 One other judge provides an interesting aspect to this case, but he will be discussed later.

The opinion published in February 1864 by the Illinois Supreme Court agreed with the decisions made by the three previous trials. The court stated that the servitude detailed under the Act of 1853 is a form of punishment and it is the state’s right to define crimes and prescribe punishments. The court also determined that the State of Illinois can prevent blacks from

34 Laws of Illinois, 246.
37 The Bench and Bar of Illinois, 876.
immigrating because it is making use of its police powers. In the state’s eyes, poor free blacks and freed slaves would be a burden on the state. Therefore, they would be a danger to the livelihoods of the white people living there. In the court’s opinion, the Exclusion Law was protecting the well-being of its citizens. The court also found issue with a clause within the law which it recommended be removed. There is a part in which the master must pay all fines associated with the capture and prosecution of his runaway slave. The Supreme Court agreed that masters would be liable for fines accumulated with the capture of their slaves but paying the remainder of their fine acts as an obstacle between the master and his property. Associated with this, the State of Illinois tried to set up a separate “tribunal” to ascertain whether a black person was a runaway slave. The court also ruled this as contesting with the federal Fugitive Slave Act because it was acting as a block between a master and his property. The owners only had to do as much as the Fugitive Slave Law required for proving ownership. In all, the portions that did not comply with national law were removed. The remainder, including the use of labor as punishment, was left in force.

Nelson’s case was not the first to come before the Illinois Supreme Court regarding the issue of slavery. In 1843, *Eells v. The People* came before the Supreme Court. The basic problem behind this case was owners’ rights over slaves. In the early 1840s, Eells was an abolitionist who was caught helping a slave. He was convicted for helping runaway slaves and providing work for them. Eells argued that he did not know the individual in question was a slave, so he was not stealing the owner’s property. However, the Supreme Court ruled in favor of the owner. This case contributed to the established precedent that was relied upon in ruling on Nelson’s case. As historian Paul Finkelman explains, this ruling established the precedent that slave owners would

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38 *Nelson (a mulatto) v. The People Of The State Of Illinois*, 33 (Illinois 390 1864), 244-45.
receive the benefit of the doubt to keep state relations strong. He also emphasizes to the important fact that Illinois was proving “its willingness to convict citizens of the state for helping fugitive slaves.” Finkelman provides important insight into this issue. Illinois was surrounded by Southern states; it is vital to the state government to be on civil terms with its neighbors. Following precedent that citizens will be punished as laid down by *Eells v The People*, the State could distinguish what was legal and what was not. The State possessed the right to define its penal code and the court did not have a say in the matter. This brings us back around to another interesting figure in the case. There was one dissenting vote in *Nelson v. The People*, Justice Beckwith. Corydon Beckwith was a celebrated lawyer, considered to be one of the best in Chicago. The original vote about the Exclusion Law had the least amount of support in the Chicagoland area. The one justice who did not approve of the opinion was from this area. Chief Justice Walker was an upland Southerner who settled in a boarder county. The majority of the population held views almost opposite to that of their northern counterparts. They had the most exposure to a culture in which blacks were of a lesser standing. While the newspaper coverage can be deceiving, Illinoisans support for the Black Exclusion Law of 1853, and Southern way of life can clearly be seen through one lonely vote against it.

**Conclusion**

In the legal arena, things stayed relatively quiet until the end of the Civil War in 1865. It was after the passage of the Thirteenth Amendment that change began to occur. A week after the

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41 *Nelson v The People of Illinois*, 250-52.
42 *Nelson v The People of Illinois*, 252.
43 *The Bench and Bar of Illinois*, 645.
Amendment’s passage, the “infamous Black Laws” were repealed. This included the Black Exclusion Act of 1853. As Harrison explains, in a “glorious new era” of freedom, the Republicans were riding high and a progressive agenda, aided by the fact they held the majority in the General Assembly.\(^4\) There was a clear effort to take steps to embody the changes that the Civil War was fought over. The *Chicago Tribune* tells of petitions being created and signed all over the state to have the Black Laws removed. The article goes on to sing the praises of John Logan, the man who had originally introduced the Black Exclusion Law.\(^4\) In 1865, Logan became a general under the command of Ulysses S. Grant in the Civil War. In a dramatic role reversal, he had become a radical Republican and would later serve as a senator.\(^4\) The article portrayed Logan as proud of the work they were doing to undo what he had created. It shows a dramatic change in approach to this topic. In 1907, the *Quincy Daily Journal* published an article entitled the “The Dark Pages in Illinois’ History.” This article provides a comprehensive timeline for all the legislation that was passed regarding the Black Laws. It acknowledges the southern strength that was found in the southern part of the state. Yet, it goes on to stress how these pieces of legislation were loathed, and it was celebrated when they were removed.\(^4\) In the editor’s eyes, it is quite clear that, in hindsight, these laws were a stain on the legacy of President Lincoln’s home state. However, not everyone celebrated. The newspapers that were loyal to the Democratic agenda had no kind words to spare for the repeal. The *Illinois State Register* published a scathing article ripping the Republicans to shreds calling their actions “a most glaring piece of effrontery,” echoing to the original vote on the Exclusion Law in which 175,000

\(^4\) Harrison, “We Are Here Assembled,” 341.
citizens voted in favor.48 By removing it, the editor is arguing that the Republican-General Assembly is not following the will of the people. This thought brings up an interesting point: The people who sympathized with the South had not gone anywhere. They were still citizens of Illinois and a change in legislation did not mean a change of opinion. The hostilities towards blacks were still present, and the Republican newspapers were desperate to project an image that was as far from Southern as possible to downplay exactly how rampant racism was.

As for Nelson, the record becomes foggy. After the Supreme Court did not rule in his favor, his fines would have been reinstated. He still would have been unable to pay his fines and would have been auctioned off. However, when the laws were repealed in 1865, Governor Yates pardoned all of the men charged.49 It is entirely possible one of these men was Nelson, but it is unclear. The fate of Nelson may have been lost, but his journey speaks volumes. Illinois was a geographical Northern state driven by a Southern culture. A good number of middle-class, white planters were settling, and they brought with them their ideas about how blacks and whites should interact. This tension kept building, ultimately culminating in the Black Exclusion Law of 1853. Those found guilty of violating this law were subjected to a legal slavery in the form of punishment. Nelson quickly found upon his arrest that the Illinois Court system generally did not find favor with anyone who threatened to rock the boat, so to speak. There was a consensus that extra care should be taken with slave owners to maintain the state’s good relations. The Supreme Court held a similar philosophy. The fact that only one justice dissented from the stated opinion demonstrated the predominately Southern attitude of the state. While Illinois may be the “Land of Lincoln,” it has a darker side that demonstrated a cultural clash. A Republican minority to the

north, and a strong Democratic majority to the south; the rural parts of the state showed their influence in the legislation, much to the chagrin of the abolitionists in Chicago. It is this clash of cultures and southern sympathies that made Illinois such a problematic state.
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Appendix

Image 1: The first image territory that was under the control of France in the early 1700s. The second image shows how the landscape changed when the land was given to the British as of 1765.

Image 2: This is a county map of Illinois. The green section is the section of the state known in the 19th century as “Little Egypt”.

Image Source: http://littleegyptcivilwar.leadr.msu.edu/understanding-egypt-introduction/understanding-egypt-geography-and-name/
Image 3: A general map of all the counties within Illinois.

Image Source: https://geology.com/county-map/illinois.shtml