

## The Law in Black and White

By David Heighway

Westfield has always been proud of its connection to the Underground Railroad, and justly so. There are many stories that have been told of individuals bravely challenging an unfair law and assisting those in need. Regrettably, most of the stories can't be proved. After all, the UGRR was a secret organization with no written records. However, there is one story that has an abundance of evidence – the story of John Rhodes and his family. Court records, deeds, and newspapers can actually prove it. In addition, it has an exciting but little-known sequel.

There are several versions of this story, but they all begin in Missouri in 1837. A man named Singleton Vaughn had bought three slaves - Sam Burk, his wife Maria, and their baby daughter Lydia. What Vaughn didn't know when he bought them is that their previous owner had lived for some time in the free state of Illinois and rather than risk the slaves declaring their freedom, he had sold them back into a slave state.

Vaughn owned a few other slaves and was apparently considering selling Maria and Lydia to someone else. Fearing the possible breakup of the family, the Burks decided to run away. Since they were already familiar with the state of Illinois, they felt their chances of escape were good. Taking an ax and a few other simple tools, they started out one night. When they reached the Mississippi River, Sam used the ax to make a crude raft out of logs and grapevines, and they crossed successfully. By the time Vaughn had discovered they were gone, the trail was too cold to follow, so he began sending out notices. Sam, Maria and their child were recaptured in Illinois and placed in a jail.

Fortunately, there were agents of the Underground Railroad in that part of Illinois. They broke into the jail, freed the slaves and pointed them on the right path before Vaughn could get up to reclaim them. Sam and Maria continued northeast through Illinois and Indiana with the intention of reaching Canada. However, when they reached the Hamilton County section of the Underground Railroad, they were near exhaustion.<sup>1</sup>

An important thing to note about the Underground Railroad in this county is that it was not only the Quakers at Westfield, but also the Wesleyan Methodists at Bakers' Corner who were the conductors. In fact, the whole western side of the county, from Boxley to Bethlehem (Carmel), was considered a stronghold of abolitionism.<sup>2</sup> When Sam and Maria reached this area, people like Owen Williams and Nehemiah Baker encouraged them to settle here, feeling that it was far enough away from Missouri to be safe.

The two former slaves did decide to settle here and changed their names to John and Louann Rhodes to escape detection. After a few years of hard work, they were able to purchase some land of their own near Baker's Corners. (The ten acres were close to what is now the intersection of 236th Street and Highway 31.)<sup>3</sup> They might have earned some of that money by helping to clear the land of the new settlers at Robert's Settlement – free Blacks from North Carolina. John built a cabin on his land out of sturdy logs, with a mud and stone chimney. Still wary of capture, he built it to be defended. There were no windows and the only entrance was the door.<sup>4</sup> As it turned out, this was a good idea.

In 1844, as unlikely as it seems, Singleton Vaughn found out where his former slaves were living. He came to Hamilton County with two "assistants" and procured a warrant for their capture from a judge in Strawtown. Then, one night, with five men hired locally, he descended on the cabin.

Despite the surprise, John's planning worked well. His only weapon was his ax but he had nothing to lose by using it. The slave-catchers were armed with guns, but shooting John and his wife in this state would have resulted in a murder trial. When the slave-catchers broke the door down, John re-barricaded it with furniture. When they tore down the chimney, Louann was on the other side with hot coals and a large stick of firewood. So a standoff ensued, while John and Louann shouted for help from the neighbors. One version of the story says that the neighbors heard the shouting and came running.<sup>5</sup> The court record says that John surrendered when he saw his family threatened by the guns, but asked to be taken to a neighbor's house to collect a fifty-dollar debt. Vaughn agreed since, as the slave owner, he would actually collect the money. This was actually a clever trick by John. There was no debt and the neighbor was an Underground Railroad operator who immediately challenged Vaughn.<sup>6</sup>

Other neighbors also showed up - in droves. At first Vaughn tried to threaten them, but cooler heads prevailed and it was decided to take all parties before a judge to see if Vaughn's claim was legitimate. So the Rhodes family was placed in a wagon and they proceeded south. When they reached the intersection of two roads, now Highways 38 and 31, the crowd had grown to about 150 people, mostly hostile to Vaughn. At the intersection, a disagreement occurred. Most of the crowd wanted to go to Westfield to find a judge. Vaughn, knowing it was a nest of abolitionists, wanted to go to Noblesville and, as a result, a standoff ensued.

Suddenly, in the midst of the confusion, a man named Daniel Jones leapt into the wagon seat, told the slave-catchers to shoot if they dared, and whipped the horses toward Westfield. It took the slave-catchers a moment to react to this and, being physically blocked by the crowd, they were unable to catch up with the wagon until it reached Westfield.<sup>7</sup> When they did, the Rhodes family was gone - escaped during the ride. They hid at first in the Dismal Swamp on Aaron Lindley's property and then in a haystack on the Tomlinson farm. The Tomlinsons kept them supplied with food and clothing while they hid.

Vaughn was left with no recourse but to sue for the loss of his property, starting with Owen Williams, who had sold John Rhodes the land for his cabin. The local Quakers responded by creating a defense fund. This was necessary because the trial cost the defendants \$600.00 before it was over.<sup>8</sup> The judge was very strict in pointing out that the trial was not about whether slavery was right, but only about the legal status of the Rhodes family. It was during the trial that Vaughn found out that the Rhodes had lived in a free state before he bought them.<sup>9</sup> This information would not have been useful after the passage of the Fugitive Slave Act in 1850 and the Dred Scott decision in 1854. In

the end the jury found for the defendants and Vaughn returned to Missouri empty-handed.

Since that time, many families in Westfield have continued to tell the story of an ancestor's involvement in the escape. An interesting development is that as the years have passed, people have forgotten the connection between the families' stories. As a result, different parts of the Rhodes incident, such as the confrontation, the wagon ride, and the hiding out, have been told as separate incidents.<sup>10</sup> However, when one looks at primary documents such as court records and period newspapers, it is obvious there is only one family. That said, it should be acknowledged that Westfield was on the Underground Railroad and did help other slaves escape. There are other cases that can be proved by contemporary documents. We also have the names of fugitives like Louis Talbert and John Burtwell, but who helped them and when is not clear.

John and Louann Rhodes settled down in Hamilton County. The next year, 1845, their only son, John, was born. They eventually had five children and bought more land.<sup>11</sup> When John Rhodes wrote his will in 1850, it was mostly straightforward legal terms to make sure his wife and children got everything. However, between the time that he wrote his will and the time he died, he added a marginal comment that showed he had not let his guard down. Separate from the main text he wrote, "After my departure, I give to my son John Rhodes, one gun and one horse." It's not known exactly when he died, but the will was probated in January of 1857. He was probably in his 60's

Louann may have died soon after that. The census record for 1860 shows the son, John, and the other children living with their older sister Lydia. By then, she had been married to a man named Charles Allen. Information in this period is very sketchy. The census record for 1870 shows no members of the family left in Hamilton County except for John. At that time he was a farmhand for Jesse Baker, the son of Nehemiah Baker. However, soon after this, John Rhodes made a dramatic re-appearance in the historic record.

He made this appearance because of the nature of Adams Township at this time. It was not as well settled as other parts of the county and was apparently something of a trouble area. The largest town was Boxley. The railroad had not come though, so Sheridan was just a little crossroads called Millwood. The impression given by the county newspaper of the time, The Hamilton County Register, is that church meetings were about the only social activity other than drinking. Of course, the drunks found it very entertaining to disrupt the church meetings, including shooting through the windows. Apparently there were a few people who made a habit of it. The Harbaugh boys, Frank and Cass, were the leaders of such a group. The Harbaugh gang was also noted for committing robberies.

They met their match in the sheriff at that time, David W. Patty. He had come from a family of gunsmiths, served in the cavalry during the Civil War, been captured and spent time at Andersonville, and was now reading to become a lawyer. He was almost overqualified for police work in the 1870's.<sup>12</sup> This is how the Register reported one of the confrontations between the Harbaughs and Patty.

*Noblesville Register, February 15, 1871*

“Last Saturday night Sheriff Patty and Deputies Austin and Waddel visited the church called Phillippi four miles northwest of Cicero for the purpose of making a couple of arrests. The gentlemen who were wanted were Mr. Harbaugh and Mr. Bennett, the first on a charge of robbery, the latter for disturbing a meeting. They had been eluding the officers for some time and had talked of shooting and other foolishness. The Sheriff and his deputies walked in quietly and the Sheriff invited the preacher to stop his discourse for a minute or two, he then told the congregation to remain quiet and keep seated, that he had a warrant for a couple of young men and should arrest them. Mr. H. and Mr. B were soon ornamented with bracelets, the latter making some resistance. The Sheriff then said that if there was anyone who would go their bail, he would wait, but if not he would travel. One gentleman thought it rather rough to take the young men off so suddenly, but declined the Sheriff’s polite invitation to bail them. The Sheriff and his party walked their prisoners a mile or so to where the horses were left, he there hired a wagon to take them to town, and in due time they were put in a place where there was no danger of their getting hurt, the next day some of their friends bailed them out.”

However, the sheriff had some problems the next time he was in the area.

*Noblesville Register, March 8, 1871.*

“Sheriff Patty met with a serious accident last Friday. He was up near Boxley on business, his horse fell on him putting his arm out of place. He was brought down on Saturday, and is doing duty in Court this week. These old soldiers take a terrible sight of killing.”

So with the sheriff out of commission, the only way to deal with the Harbaugh gang was to form a group of special deputies – what in other circumstances might be called a “posse”. One member of the group, and probably the first person Patty chose, was Dr. Cyrus Burrows, the town doctor of Boxley. This was likely done while Burrows was tending to Patty’s injuries. Burrows had moved to Hamilton County between 1860 and 1863, just in time to serve with the 101<sup>st</sup> Indiana Volunteers, one of the emergency regiments that had been created to deal with Morgan’s raid. He was 36 years old, married, and had one child.<sup>13</sup> The next three members of the posse were “A. Smith”, “J. Elliot”, and “W.D. Harvey”. They haven’t been clearly identified.

The last two posse members are the only ones besides Burrows that are certain. One was Henry White, a Black man 23 years old, unmarried, and whose father, Dennison White, was one of the early settlers of Robert’s Settlement.<sup>14</sup> The other was John Rhodes, 25 years old, unmarried, and with a good sense of what the law means. All of these men lived in or near Adams Township.

Why did Rhodes and White become involved? It is not known what their motivation was. It may have been simply a sense of civic duty, or a personal reason. Whatever their reason, it was obvious from the news story that they were effective. Incidentally, the newspaper uses various slang terms, some of which are inappropriate today, to describe the African American members of the party. The phrase “Fifteenth Amendments” was a reference to the newly-passed amendment to the constitution giving the right of citizenship to former slaves.

*Noblesville Register March 15, 1871, p. 3.*

*column 3:* “On Monday night a party composed partly of Fifteenth Amendments, made a raid in Adams township capturing Cass Harbaugh and Frank Harbaugh, at the residence of Daniel Lane, five miles northwest of Boxley; they also captured Lemuel Haines at the residence of Vic Haines. These are the gentlemen who have been eluding the Sheriff for some time. There were six persons in the party which captured them - they were John Rhodes, Henry White, W. D. Horney, [*sic*] A. Smith, J. Elliot and [C.] Burrows. The three men who were wanted are now in jail awaiting further proceedings.”

*column 1:* “The Harbaugh boys and Lew Haines have come to grief. They were taken up by a party of the Fifteenth Amendment. They say they would not have cared so much to be taken if the d-----d nigars had not done it.”

*column 2:* “Circuit Court Case of the State vs. Harbaugh was nolie pros’d and the defendant gave security for his appearance to answer any indictment that may be found.”

So the Harbaugh boys were out of jail on bail again. This was obviously too much for one of the residents of Boxley, who then wrote a letter to the paper.

*Noblesville Register - March 22, 1871, p. 1.*

“Sir - For some time our Sheriff, Mr. Patty, has been operating in this section of the country trying to catch a certain gang of desperados, by name Cass Harbaugh, Frank Harbaugh, and Lemuel Hains. But not being successful he deputized Dr. C. Burrows for that business, and he in company with Messrs. Harvey, Elliot, Smith, Roads, and White, the last two being colored gentlemen, made the arrest, and on Tuesday morning safely landed them in jail. But this morning (Wednesday), they are back again, with the report that they were acquitted. Now the question is, is this so? If it is, where is the justice in the law? These men were arrested for theft, all of them, under the most aggravating circumstances. Was it because there was no evidence? Surely not, for there is enough of evidence against them to send them to the penitentiary. Was it because of any deficiency on the part of the prosecuting attorney? It surely was not that, for the county pays enough to secure the best talent. Then, why was

it? How does it come that desperados cannot have justice meted out to them? How long must a civil community suffer? If this was the first time, we could excuse it, but it is not by many. Our religious exercises are disturbed night after night by those same men and have we any assurance that they will atone of themselves? ....”

Unfortunately, on the microfilm, the rest of the letter is illegible, including the name. It is here that the historic record dries up. The next issues of the paper up to 1874 are missing. The materials at the county courthouse from this time period are very sporadic. The best that has been done at present is to track the history of the individuals.

Among the “desperados”, Lemuel “Lew” Haines, son of Francis Victor “Vic” Haines, died in 1873 at the age of 23.<sup>15</sup> Cass Harbaugh died in 1878 of a “congestive chill” at a similar age.<sup>16</sup> The identity of Frank Harbaugh may never be clearly known, since there were at least three men that were known by that name at this time. On the other side, Sheriff Patty became a lawyer and eventually became county prosecutor. He died in 1911.<sup>17</sup> There was a large national depression in the 1870’s which is probably what influenced Dr. Burrows to move to Iowa in 1875.<sup>18</sup> Henry White stayed in the county, farmed, and raised a family. He died around 1926.<sup>19</sup>

As for John Rhodes, the rest of his family had already left the county. He and his sister Elizabeth sold the last of their father’s land in 1873.<sup>20</sup> Interestingly, the next time John appears, he is on the wrong side of the law. He was courting the Sheriff’s cook in May of 1875 when the two of them went to a social event that turned into an altercation. It happened again in September when he was with a couple of friends. The newspaper called these altercations “bellings”. The second time, John was brought before the judge and fined \$15.00. The newspaper, which described John as being physically big and handsome, said that the judge spoke to John and told him that he hoped that John would settle down and become an asset to the community. The impression is given that people in the community liked Rhodes when he wasn’t being rambunctious.<sup>21</sup>

Unfortunately, it may never be known if John Rhodes settled down. There is no more mention of him after 1875 and he is not in the 1880 Hamilton County census. It is possible he moved out of the area to be with his family. However, there is a tantalizing hint in a newspaper article from 1927.<sup>22</sup> The article stated that T.W. Newby, living northwest of Deming, had brought a relic in the form of an old and rusty revolver to the newspaper office. It had the appearance of being a very fine weapon in its day, but the cylinder was gone, the trigger did not work, and the barrel was thick with rust. He had found the gun behind the chimney of an old log cabin on his father’s farm.

Newby said the cabin had been built during the Civil War by a Black preacher named Billy Allen. Allen had lived there until some years previous, when he had moved to Michigan and died at an advanced age. He was well remembered by people in the Deming area. It was presumed that he had the revolver for his protection and forgot it when he left. Newby also said that the cabin was built unusually in that it had an ordinary door on the south side, but the only other opening was an eight inch by ten inch

window on the east side. Allen was said to be a tall man and the bottom of the window came up to his chin. People who knew Allen said that he never went to bed without putting an ax at the head of the bed. They believed that he did it for protection, but from what, was not known. The article ended by saying that if the revolver could talk, it would probably have quite a story to tell.

A fortress-like cabin, built in the same area where the Rhodes family had lived, guarded by an ax and a gun, and owned by a tall man whose last name was the same as John Rhodes' brother-in-law. Did John Rhodes change his name and become a minister? His parents had freely changed their names when they left slavery. The facts may never be known. So while there are still questions to answer, the parts of the story we do know are a proud part of local history. The images of a community standing up for an embattled family and an African American serving as a law enforcement officer in a country barely out of slavery speak well for the ideals of this area. The story of the Rhodes family offers a fascinating look at Black history in Hamilton County.

---

<sup>1</sup> Some versions of this can be found in: Augustus Finch Shirts, *A History of the Formation, Settlement, and Development of Hamilton County, Indiana, From the Year 1818 to the Close of the Civil War* (Noblesville, Ind., 1901), p. 247-261; *Hamilton County Ledger*, April 6, 1909, p. 1; Julia S. Conklin, *The Underground Railroad in Indiana*, *The Indiana Magazine of History*, (Indianapolis, Ind., Indiana Historical Society) Vol. VI, No. 2, June, 1910.

<sup>2</sup> Conklin, *Underground Railroad in Indiana*.

<sup>3</sup> Deed, Owen Williams to John Rhodes, April 2, 1839, Hamilton County Recorder's Office.

<sup>4</sup> Shirts, *History of Hamilton County*.

<sup>5</sup> *Ibid.*

<sup>6</sup> Vaughn v. Williams, 28 Federal Cases, p. 1115-1118.

<sup>7</sup> *Ibid*; Shirts, *History*.

<sup>8</sup> Free Labor Advocate and Anti-Slavery Chronicle, May 17, 1844, p. 1; May 25, 1844, p. 1; July 5, 1844, p. 1.

<sup>9</sup> Vaughn v. Williams.

<sup>10</sup> Examples can be found in John F. Haines, *History of Hamilton County, Indiana: Her People, Industries and Institutions* (Indianapolis, Ind., B.F Bowen & Co., 1915); *Ledger*, October 3, 1923; *Ledger*, September 9-12, 1927; *Our Westfield, 1834-1984: A History of Westfield and Washington Township*, edited by Leanna K. Roberts...[et.al.] (Noblesville, Ind., Image Builders/Rowland Printing Co., Inc., 1984); and other writings about Westfield and the Underground Railroad..

<sup>11</sup> U.S. Bureau of the Census, Census of 1850; Deed, Owen Williams to John Rhodes, November 4, 1848, Hamilton County Recorder's Office; Deed, John Rhodes to Nehemiah Baker, June 7, 1849, Hamilton County Recorder's Office; Deed, Aaron Lindley to John Rhodes, December 1, 1851, Hamilton County Recorder's Office.

<sup>12</sup> Portrait and biographical history of Hamilton and Madison counties, 1895.

<sup>13</sup> Haines, *History*; Joe H. Burgess, *Hamilton County in the Civil War* (Noblesville, Ind., Joe Burgess, 1967); U.S. Bureau of the Census, Census of 1870.

---

<sup>14</sup> U.S. Bureau of the Census, Census of 1860, 1870; Stephen A. Vincent, *Southern Seed, Northern Soil: African American Farm Communities in the Midwest, 1765-1900* (Bloomington, Ind., Indiana University Press, 1999), p. 55, 61-62, 95.

<sup>15</sup> U.S. Bureau of the Census, Census of 1870; Gravestone, Ridge Cemetery, Adams Township.

<sup>16</sup> Ledger, September 27, 1878, p.1.

<sup>17</sup> Sheridan News, September 29, 1911, p.1.

<sup>18</sup> Haines, *History*.

<sup>19</sup> Ledger, March 25, 1936, p. 7.

<sup>20</sup> Deed, Elizabeth Rhodes and John Rhodes to Micajah Waldron, September 12, 1873, Hamilton County Recorder's Office

<sup>21</sup> Ledger, May 28, September 24, October 15, 1875.

<sup>22</sup> Ledger, September 1, 1927, p. 1.