

Holmes v. Ford

By Greg Nokes

On April 16, 1852, a former slave named Robin Holmes filed suit against his white former owner, Nathaniel Ford, in the only slavery case adjudicated in an Oregon court. Holmes was one of about fifty slaves who settlers had brought to Oregon from Missouri. Many of Oregon's first white settlers were non slave-holding farmers from Missouri and other border states, who had struggled to compete against farmers using slaves. Most were opposed to slavery, but they were also opposed to having African Americans among them, a sentiment reflected in several exclusion laws enacted in Oregon that prohibited free African American settlers. Ford was among a smaller group who did bring slaves to the territory. Although the first provisional government had passed a law in 1843 banning slavery, it had not been enforced. The case, *Holmes v. Ford*, made it clear that slavery was unlawful in Oregon.

Before immigrating to Oregon, Ford had been a four-term county sheriff and a major landholder in Fayette, Missouri, where he owned at least thirteen slaves. When his economic fortunes declined, he immigrated to Oregon in 1844. He took six slaves with him on the Oregon Trail, including Robin and Polly Holmes, three of their children, and an adult named Scott. Three other Holmes children were left behind, purchased by other slave owners.

Ford settled in Polk County, west of Salem—the town of Rickreall is on what was once Ford property—and promised to free his slaves if they helped him develop his mile-square farm. In 1850, he freed Robin and Polly Holmes, who now had five children in Oregon. Scott had died in an accident. Ford kept four of the children, allowing the couple to have an infant. When Holmes demanded return of his other children, Ford threatened to seize the entire family and return them to Missouri as slaves.

Holmes filed a *habeas corpus* suit against Ford in Polk County, alleging that his children were being held illegally. One child had died at the farm, and Holmes's testimony suggested that he blamed Ford and feared for the safety of the other children—eleven-year-old Mary Jane, seven-year-old James, and five-year-old Roxanna.

Even with the help of Reuben P. Boise, a prosecuting attorney and future chief justice of the Oregon Supreme Court, the case went badly for Holmes at first. Three judges declined to rule on the case, even though the law prohibiting slavery was clear. The odds did not appear to be in Holmes's favor: he was illiterate; he had lived in a culture where slaves were bought and sold at the whim of others, and he was up against a powerful man with powerful connections (Ford would serve five terms in the territorial legislature).

In 1853, however, President Franklin Pierce appointed George H. Williams from New York as the new chief justice of the Territorial Supreme Court. Within weeks of taking office, on July 13, 1853, Williams ruled that because Oregon did not have a law approving slavery, Ford must return the children to Robin and Polly Holmes. Williams later said that the case "was the last effort made to hold slaves in Oregon by force of law." He added: "There were a great many virulent pro-slavery men in the territory and this decision, of course, was very distasteful to them." The ruling in *Holmes v. Ford* was reaffirmed by Oregon voters on November 9, 1857, when they decisively voted down a proposal to make Oregon a slave state.

Following the ruling, and with their rights to their children restored, Robin and Polly Holmes moved to Marion County where they operated a successful plant nursery. Robin, who preferred in later years to be called Robert Holmes, bought a cemetery plot in what is today's Salem Pioneer Cemetery and is believed to be buried there with several of his children. The 1870 census listed Polly Holmes as a patient of the Oregon Hospital for the Insane in Portland.

Sources

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