

FUGITIVE SLAVE CASE.

THE first case in Pittsburgh under the famous Fugitive Slave Law of the last Congress came up for trial before Judge Irwin yesterday morning.

The prisoner gave his name as Woodson. He was arrested in Beaver day before yesterday on a warrant issued by the United States Commissioner Switzer; and is claimed as a fugitive from the service of Miss Rhoda B. Byers, of Louisville, Kentucky.

He was detained in the Marshal's Room, until the arrival of Judge Irwin, when he was brought into Court, in irons. He had been arrested by Benjamin S. Rust, Agent for the claimant.

Among the papers found on Woodson was a certificate of membership in the Methodist Episcopal Church, dated in 1847.

Jasper E. Brady, Esq. appeared as Counsel for the plaintiff.

Messrs. Wills, Reed and Burns for the defendants.

Mr. Brady said he did not feel that he had any apologies to make for his appearance in this case. He believed that the Southern men had a right to protection in recovering their property. It was not his first appearance on behalf of claimants for fugitive slaves. He believed that Southern men were entitled to claim them under the act of Congress; and he made these preliminary remarks merely in view of the excitement and feeling in regard to the subject.

Power of Attorney was read and objected to by Mr. Wills as insufficient, under the act of Congress. The document authorises Benjamin S. Rust to sell Woodson, after his recapture. Mr. Wills said that the power of Attorney was not properly certified; that is, by an officer of Court or other legal functionary. It was certified by the Mayor of Louisville, but did not *authorise*, as required by law of Congress, the said power of Attorney.

The Court overruled the objections of Mr. Wills, saying that there was no necessity of argument on the points.

Mr. Wills—may it please your—

Judge Irwin—Sir, the case is decided, I do not wish to hear any more on the subject.

William Reed—sworn—Is acquainted with Rhoda B. Byers, was her guardian, but has settled his accounts two years since; at that time Woodson had escaped; witness was the owner's agent for hiring Woodson out.

Examined by Mr. Brady—Raised Rhoda B. Byers and was her guardian. Woodson escaped from service in June, two years since. That is the man Woodson—[pointing to the prisoner.] Has known Woodson for about eleven years. Always endeavored to hire Woodson to such persons as he himself desired; for the last two years he had hired him in a grocery store, where the work was easy. Witness acted in this as guardian for Rhoda B. Byers, was appointed guardian by the Court. Is certain that the prisoner is the man. He, the prisoner, always went by the name of Woodson; his Mistress knew him only by that name, though he may have changed his name since.

Cross-Examined by Mr. Wills—Woodson was always hired out in the city. Is certain that the prisoner is Woodson, the escaped slave. It may have been three years next June since his escape; knows it is two at least; did not charge his memory particularly; witness resides in Louisville; Woodson was employed in driving cart for brick-makers.

Cross-Examined by Mr. G. M. Reed—When witness settled the guardian account, there was about \$1000 due Miss Byers, which was paid to her; the rest of her patrimony was ex

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pendent on her education; was not responsible for the escape of the fugitive. Woodson had a sister who is a slave in Louisville.—Woodson was owned by Miss Byers at the time of his escape.

By the Court—I hired the slave Woodson out as Rhoda B. Byers' slave for ten years.

Woodson was transferred to hands of witness as a slave by the Administrators of the estate. Witness is in no way responsible for the slave.

Mr. Reed—Why, sir, since you have no interest in this matter are you here?

Mr. Brady objected to the question, as witness had already been examined and satisfied the Court that he was a competent witness.

Judge Irwin sustained the objection of Mr. Brady.

Witness said he had no objection to answer the question.

By Mr. Reed—Witness is not positive as to the length of the time since the slave escaped. Witness had hired Woodson to a wine merchant, who accused him of stealing some articles; not wishing to have the boy's character injured, witness took him back, intending to hire him again: this was about three months after the settlement of the guardian accounts; he intended to hire Woodson again, but in the meantime the boy escaped. Had hired Woodson to the wine merchant while still guardian of Miss Byers. It may be three, but is inclined to think it only two years since the escape.

The claimants here rested their cause.

Mr. Wills said on the part of the defence he would call witnesses as to the identity of the prisoner.

John Peck—sworn—Knows the prisoner, has seen him frequently; his name is Gardiner; has known him about three years; thinks his first acquaintance with him was in the spring; does not know how long Woodson remained in Pittsburgh, or where he went to, when he left; Woodson was a member of the Methodist Church in good standing; became acquainted with him in the Church relations; he was an exemplary man.

Cross-Examined—Woodson was an exhorter, a Lay preacher in the church.

Judge Irwin—It is not important as to whether he belonged to any church.

Rev. Mr. Green—sworn—[Witness is a colored Clergyman.] Has known the prisoner since September, 1848; his name is Richard Gardiner; he was in this city at that time; he afterwards went to Beaver; while here he was a waiter; was not intimately acquainted with prisoner in church; he remained in Pittsburg until the spring of 1849; is positive that it was in the fall of 1848 that witness became acquainted with Gardiner; never knew the prisoner by any other name than Gardiner; does not know where he came from, nor heard him say himself.

Thomas Norris—sworn—Knows the prisoner; became acquainted with him late in the fall of 1848; became acquainted with him by seeing him at the church to which they both belonged; he left Pittsburgh in the spring of 1849. [The prisoner is quite a dark colored man, although the power of attorney described him as light for a negro.]

Mr. Wills—Did Woodson tell you where he came from?

Mr. Brady objected.

Mr. Brady objected.

After some discussion the court sustained the objection.

John Riddle—sworn—Knows the prisoner; thinks he has known him three years; certain it will be two years next June; knew him in Bridgewater Beaver county in 1849.

Mr. Wills said he had just sent for a witness who could prove that the prisoner came from Detroit; and asked the indulgence of the court for a few minutes until his arrival.

The court room was by this time thronged with spectators; a large number of colored persons being mingled with the crowd.

J. M. White—The witness expected by Mr. Wills—having arrived, he stated that he had seen the prisoner before, but could not say when or where.

The testimony being concluded.

Mr. Brady said he saw no necessity of arguing the question; the testimony was clear as to the identity. He would not, however, waive his right to the closing speech.

Mr. Reed said, for the defence, that while he did not impeach the credibility of the witness for the claimant, yet he did not know, nor had the defence been permitted to bring out, how far the witness was responsible for the loss of the slave to his ward. He considered, therefore, that the witness appeared under suspicious circumstances. Mr. Reed then proceeded to discuss the testimony, relying mainly upon the discrepancy or uncertainty of the testimony as to the elapsed since his escape, and upon the difference between the prisoner and the person described in the Power of Attorney. Mr. Reed thought the wrong man had been arrested, and that the witness had been mistaken. He referred to mistakes that had occurred in Philadelphia in identifying the prisoners where a man had been removed to Maryland as a fugitive, but whose owner on his arrival pronounced him the wrong man.

Mr. Wills said he had one or two remarks to make as to the nature of the testimony in this case; and the character which it should possess. His Honor [Judge Irwin] occupied a most responsible position—one of the most responsible in the country. The late law of Congress has invested extraordinary powers in the Judges. Owing to the confidence of Congress in the learning, ability and integrity of the Judiciary, the ordinary maxims and custom of our laws had been so far departed from as to repose power in a single individual; for the decision of the great question as to the slavery or freedom of a citizen the Judge becomes the possessor of the double power of Court and Judge—and by his fiat, consigns not only the individual himself; but, so far as short-sighted mortals can foresee, his posterity to slavery forever. He thought the Court should, as in criminal cases, presume the freedom of the prisoner, until the presumption was over-turned by positive testimony—in short act as a jury.

Mr. Wills then proceeded to examine the testimony relying mainly upon the difference between the description of the fugitive in the power of attorney, and the appearance of the prisoner.

He besought the Judge, as a man and as a high judicial functionary not to disregard the presumptions of law and the dictates of humanity in favor of the prisoner. The testimony for the claimant he said was flimsy; and at all events let not the humane spirit of the law be scouted from consideration in a case where was to be decided for a man and his posterity, the question of slavery or freedom.

Mr. Brady replied briefly, explaining the law, and contending that there was no real discrepancy between the appearance of the prisoner and the description given in the power of attorney so often alluded to. The prisoner he said was dark for a mulatto, but light for a negro. He referred to the Pennsylvania Law of '46, which he said was worse than the Fugitive Slave law so called. The sympathy on this subject he thought morbid. He wished only to see the law enforced, he desired no more. If Woodson was not the slave, let him go free, he (Mr. B.) would be the last to oppose his freedom; but he believed most sincerely that the case was clearly made out, and that Woodson was the slave of Rhoda B. Byers.

Thus far we copy the report of the *Commercial Journal*, but we cannot follow it out at length. Judge Irwin decided to deliver the man to the claimant, and his expressions of sympathy with him and the spirit of freedom are matters of no importance. "Benj. S. Rust swore that he feared a rescue, and the Marshall took the necessary steps for his protection." The man was taken in irons to Louisville, where he is now in jail. We have a private letter from a friend who has seen Woodson's wife. We were confined to our room yesterday by illness, and are too nervous to-day to write on this subject. The widowed wife is trying to raise funds to purchase her husband, and our strong anti-slavery men object to giving anything, on the ground that it would only be a premium on

slave-catching—that Woodson cannot be sold South, for the South will not buy him, lest he put mischief into the heads of other pieces of property—that he cannot be kept in Kentucky, for he knows the way out of it. This may be right, and it may be wrong; but God help the man, his wife and fatherless children! We cannot write, for our thoughts are at that humble hearth, made desolate.—He is, or was, a praying man, (he is a man no more,) and had a little freehold. There his children may kneel to ask for him, and their mother can say that he is gone—not to the grave, for there “the wicked cease from troubling, and the weary are at rest.” Thousands of happy families kneel down every evening, in this our happy land, to pray!—How many will remember these people in this their great affliction? It is not the quiet grave which stands between them and their protector; but the iron jaws of the slave prison, and the sting of the slave’s lash.

How do people learn to talk about these things when they come so near? We came to the city on purpose to give a full report of the whole matter, and now our head is aching, aching, and we can find no words. It is very terrible, and people look so calm and unconcerned, leading papers congratulate themselves and one another that law has been observed. The Gazette and Journal are so happy that all has been done decently and in good order. This offering upon the altar of our great national Moloch, has been respectably presented, and the services went off well, the Deums to the Union have been sung, thanksgivings offered up, the victim has been slain, the priests have sprinkled the altar with the blood, all have bowed towards Jerusalem, and each man returned to his home, there to take his baby upon his knee, to look into the face of his wife and forget the family ties that their hands have broken. Poor Maj. Kaine how—we pity him. He got down so low as to compliment that poor animal Sweitzer for the humane manner in which he did his bull-dog part! Why does not somebody throw a bone to Jasper E. Brady? He is hungry for a word of praise, and sure he is a faithful hound, one of the long-limbed breed, and could be trusted for a chase! He needed money! We know he needed money, and he got it, but he needs a word of commendation more! Why does not some one say “Bravo, Bounce!” and give him and Sweitzer a clean rug on which to lie down, and lick their weary paws, after they have picked their bones? Horses and dogs should always be well treated.

Mr. White, who once said the slave law was "morally void," shows great pleasure to find it "legally binding." He has the public printing, and keeps an eye on Washington. Like the victim in this case, he is a good Methodist; but the government might sell all the Methodist preachers in creation and Mr. White would be happy, so long as he gets government cash.

The Presbyterian Advocate says never a word. Woodson does not believe in the Confession of Faith, and Mr. Annan feels no bonds of Christian fellowship near his heart.

The Tribune, Dispatch and Enterprise have stood up manfully for truth and freedom, and deserve all honor and confidence for so doing.

The Judge is thought to have leaned very far over from mercy's side, and to have adjudged away a man's liberty on less evidence than would be required to convict one of petty larceny. The Mayor, too, called out the city police to aid the claimant, and our jail was used to keep the man all night. When Sheriff Curtis learned he was there, he sent for Sweitzer to take him away. Then he was kept in irons in a room of our public buildings, until Court hour. "On the side of the oppressor there was power," while the poor and the needy lifted up his hands in our midst, and there was none to deliver! Did the people of Allegheny county build the Court House for a slave-pen? Do the people of Pittsburg endorse the doctrine that a man shall not live with his own wife and support his children? Is the family relation no longer to be sacred in our midst? Can any one be torn from his family on the oath of one man, and consigned to hopeless slavery, and is there no redress? What is a Union worth that is to be maintained at this price? The old "union with death and with Hell," could scarcely have required more from its devotees.