ITEMS.

For the Pennsylvania Telegraph.

FUGITIVE SLAVE CASES.—*Commissioner McAllister's Administration of Law—The Removal of Mr. Mellot.*

Four young negro men, ranging from 18 to 25 years of age, and calling themselves John Thatcher, John Bell, Fenton Mercer and Edward Michael, were arrested on Thursday the 25th September, at Fairville, in Dauphin county, some 24 miles south of Harrisburg, as the information, it is said, of one Michael Lentz, a tavern keeper there, "charged on suspicion" (in the warrant of commitment sets forth) "with being fugitives from justice and participators in the late riot, revolt and murder committed in Lancaster county." They were committed to the jail of Dauphin county by Daniel A. Mumich, Esq., a Justice of the Peace, who issued the warrant for their arrest without any further evidence, and there not being a particle of proof, or a single probable ground of suspicion to connect them with that riot. It is confidently believed that the arrest was made by a false and fraudulent reverence to confine them in their jail, till certain reward-seeking persons could care about for their real, or assumed owners; and that the said Michael Lentz was induced to become the machinery to effect that object, chiefly through the instrumentality of a certain Harrisburg gentleman, nearly related to the said justice, who it is alleged, fell in with the said negroes on the day preceding their arrest, and pretending to be their friend, induced them into stopping over night at the tavern where they were arrested the next morning; the said Harrisburg gentleman being then and there present to witness, if not specially to participate in the proceedings against them.

The persons who subsequently appeared as the owners or their agents, claiming the negroes as slaves, and to whom they were delivered, had been at Harrisburg some days before this come, in search of them; had handbills offering rewards for them, and had given to the committees and others here a particular description of their persons and appearance.

On Friday afternoon the 26th Sept., at the instance of M. McKinney and Chas C. Rawn, Esqrs., who had been just then retained to act as counsel for them, a habeas corpus was issued returnable before His Honor Judge Pearson, on Saturday the 27th Sept., at 2 P. M., at the Court House, that being the earliest time, as stated by his Honor, that he could hear the case.

At the time appointed they were brought into the Court House, and seated together on one side of the counsel table, and closely pressed and surrounded by a formidable posse of temporary officials, who had attended them, from the jail and who turned out to be the officers, sub-officers, attendants and suite of the U. S. Commissioner, Mr. M'Allister, with their usually attendant sympathizers. The counsel for the negroes contended that the warrant of commitment set forth no legal ground for their detention. The warrant did not state that the charge was on oath or affirmation. This was at once conceded by James Fox Esq., the District Attorney, and he said Commissioner, who justified his interference in the matter, by stating that as he was a U. S. officer, he should have felt called upon to prosecute, had they been implicated in the matter charged against them. There seemed to be no desire upon the part of either of said parties that the negroes should be detained a moment longer on the commitment. The justice who committed them and the person who made the information were called for, not by the Commonwealth's counsel or said commissioner, but by the counsel for the prisoners, that something might be learned of the grounds for such suspicion, but they were not forthcoming, although about half an hour afterwards when the negroes were before the commissioner at his office, the justice was observed to be among the crowd. His Honor Judge Pearson sustained the objection to the commitment, deciding that it was defective and perfectly void, and that the magistrate was guilty of a gross dereliction of duty in issuing a commitment without evidence, and made some very significant remarks with respect to the responsibility of persons implicated in groundless prosecutions, and ordered the prisoners to be discharged. He had hardly uttered the order, when the negroes were pounced upon by the posse aforesaid, and manacled with hand-cuffs, almost within reach of his Honor's pen, and before he had finished entering the discharge; Commissioner McAllister waving his hand towards the negroes as soon as the discharge was ordered, saying "they are in the hands of my officers." He uttered these words in the immediate presence and hearing of Judge Pearson, at the counsel table, and while the Judge was recording the discharge which he had just ordered. So palpable was the outrage, so bold and daring the contempt of court, and so curious and violent the conduct of the said posse in rushing upon and manacling the negroes, that the Judge ceased writing, and rising from his seat, in a burst of indignation, called silence several times, and said that he would indict every man connected with the outrage for a contempt. Not the smallest regard appeared to be given by the posse and its head to the court, and the negroes being ironed, in defiance of all that had been said, were marched out of the Court House, under the lead of said U. S. Commissioner, to his office.

When the colored men were brought before the U. S. Commissioner, he stated that they had been arrested as fugitive slaves, on warrants issued by him. The counsel who had been employed in their behalf on the habeas corpus appeared for them. As to two of them their alleged owners were personally present; and as to the other two, a person as agent of their alleged owners attended and demanded their delivery to him.

Each of the arrested men was called, in order, by the Commissioner to stand up before him; he was told of the claim against him; and he was examined, on direct and leading questions by the Commissioner, being asked by him such questions as "Are you the slave of Mr——?" naming the alleged owner; "Was you in his service?" "Did you escape from his service?" "Do you want to go back to him?" It was objected by their counsel that any examination of the men, and particularly in such a manner, was illegal; but the Commissioner justified it, and persisted therein, declaring that he was acting as an officer of the United States, in a capacity of similar to that of an examining magistrate in a criminal case, and that he had a right in this manner to get at the truth; that it was no ex parte and preliminary proceeding, and the colored men could have a trial in Maryland.

The witnesses for the claimants were examined in chief by the Commissioner himself only, in direct leading questions; the claimants themselves, either as the alleged owners or their agents, being present; though this was course of examination, and the manner of the questions objected to; the Commissioner justifying the same for the reasons above mentioned.

The Commissioner, in this manner, first called John Bell, alias Lee, and his alleged master John L. T. Jones, and proposed to ask Lee if he is not Mr. Jones' slave. It was objected by McKinney and Rawn, that his admission or denial of that fact was not evidence; that, if it is a fact which he cannot possibly know. The Commissioner insisted however, that he will ask the question, and that, "if he admits his slavery, and wants to go back, he will send him back without anything more."

Lee was confronted with Mr. Jones, and asked if he is not his slave. He answered affirmatively.

Mr. Rawn then proposed to cross-examine him, as the Commissioner had made him a witness. The Commissioner objected. Mr. Rawn asked Lee if he did not owe any yesterday that he was not a slave. He said he had of any so yesterday. How do you know you are a slave or owe service or labor to Mr. Jones? His answer shows he knows nothing about it, except that he had lived with Jones and been taught to believe himself a slave, and had run away from him.

Hezekiah W. Trundle, sworn, proved that Mr. Jones lives in Montgomery county, Maryland, about 20 miles S. W. of Baltimore, that he knows Lee as far back as the four or five years past, that he was publicly reported to be, and considered as Mr. Jones' slave—that he escaped 6th of September, with three other slaves, one belonging to witness, one to Mrs. Mary E. Shreve, and one to Mrs. Esther Trundle.

On the cross examination he was asked how he knew that such was the public consideration and report, and whether he had ever heard the subject spoken upon by any one; to which he replied in substance that he had been used to see him working at Mr. Jones; also, that there are many free negroes in his neighborhood.

The Commissioner declared that the testimony was satisfactory to him, and declined hearing any discussion or proceeding with the other cases until he made out the certificate in the case, and accordingly did so.

Hesson Lee, alias John Saucher, was next called for by the Commissioner, to stand up before him and similar questions were addressed to him by the Commissioner in the same manner, as to his being the slave of Mrs. Mary E. Shreve, with similar objections by Messrs Rawn and McKinney, as in the case of Lee.

Daniel Shreeve, produced a Power of Attorney, constituting himself Agent, purporting to be executed by his Excellency Benjamin Mosher of Frederick county, Maryland, trustee of Mary E. Shreeve to retake said Hesson Lee as her slave.

It was objected by McKinney and Rawn, to this Power of Attorney,

1st. That no acknowledgment before a notary public, was not sufficient; it not being shown that he had authority to take the acknowledgment of such instruments.

2nd. That there ought to be the certificate in due form of a Judge or other proper officer, that the person so styling himself was such notary public.

3d. That there was no evidence of Mosher's being such trustee.

There was not a particle of competent evidence of any kind whatever, proving the appointment of Mr. Mosher as trustee, or how he became such.

The Commissioner overruled all the objections, as soon as made, refusing to hear any argument whatever on the subject, and again called the name.

Hezekiah W. Trundle, who, being examined by the Commissioner, proved that Hesson Lee is known as the slave of said Mrs. Mary E. Shreeve; that he had seen him working there and knew him as such for some 10 years, and that he escaped the 6th September, inst.

On the cross-examination, he proved that said Mary E. Shreeve is a married woman, has been married about 18 or 20 years, to Col. Benjamin Shreeve, who is living, and they live together, that he had failed and that the trustee referred to had been appointed for him.

It was then further objected to the power of attorney 4th, That it set forth a trustee for her, and the proof was of a trustee for her husband.

John L. T. Jones was also examined by the Commissioner, to prove property in said slave to be in Mrs. Shreeve. His testimony was of the same nature as that of H. W. Trundle in Lee's case, and his answers on the cross-examination of like character and equally indefinite.

The Commissioner would hear no argument, nor proceed with another case until he had made out the certificate in this case, which he proceeded to do under a declaration that the testimony was satisfactory to him.

In this case, it was urged by the counsel of the alledged slave, that whatever might be the proof of the slavery and escape, the Commissioner was not authorized to give a certificate, under the Act of Congress, to a person claiming him as the agent of the owner, or her trustee, without evidence of such agency and trusteeship.

Nelson Cox, alias Fenton Mercer, was next called on by the Commissioner, who addressed similar questions to him as to his being the slave of Mrs. Esther Trundle, with similar objections by the counsel, Messrs. Rawn and McKinney, as heretofore.

Daniel Shreeve produced a Power of Attorney, constituting himself agent &c., and purporting to be from one Stephen N. C. White, styling himself [illegible] of said Exeter, a lunatic, acknowledged, as the latter Power of Attorney, before a notary public. It was objected to by counsel Rawn and McKinley, for same reasons assigned against the other; especially that the record evidence of his being such Committee is indispensable.

There was not a syllable of evidence, written or unwritten (that he was such Committee.

The Commissioner overruled all the objections, abruptly refusing to hear any discussion on the subject, and called the name.

Hezekiah W. Trundle, who being examined by the Commissioner, proved that Mrs. Trundle is his aunt; that she had been a lunatic during 25 years or upwards, and before her husband died; that he has been dead some 20 years and that he left two children. He at first said he had died intestate, but afterwards recollected that he had made a will, designating his brother to distribute his slaves among his heirs.

At this point Daniel Shreeve evinced considerable dissatisfaction with the witness, and whispered to him, at whose back he stood, in the crowd that was huddled into a small room where the counsel were obliged to to take notes, if any, as best they could, on their laps, hands, or otherwise; no accommodation whatever, in pens, paper, or table, being furnished for that purpose. They objected to the witness being so faulted and prompted; and at once charged Shreeve, who did not could not deny it, with doing so. The Commissioner justified it, alledging that the witness might be corrected and reminded of the facts.

After such prompting, the witness said he had died intestate—and then, that he did not know whether he had made a will or not, but finally, being urged for his present belief on the subject, said he believed he had made a will. It was then further objected that the will and dectribution should be produced.

The Commissioner overruled all the objections—refusing to hear discussion, as before, or to proceed with the other case, till he had made out the certificate in this case. He said the evidence was satisfactory to him; which was all that was required.

It was especially urged by the counsel, that as the finding of the said Mrs. Trundle to be a lunatic, and the appointment of the said Mr. White as her committee must have been by a proceeding in a court of justice, or before a competent judicial officer, to be proved as by the record thereof, in the total absence of any such evidence the Commissioner was not authorized to issue a certificate to the said Daniel Shreeve, as agent above said, whatever might be the proof or admissions as to the ownership of such alledged slave and his escape; that if a fugitive slave, he could be delivered up, under the Act of Congress, only to the owner or his agent, duly sworn to be such, that even if the slave was willing to return to the owner, he might do so by his own voluntary act, but he could not be delivered up on the decision or certificate of the Commissioner, under the Act of Congress.

John L. T. Jones was then called as a witness, and in answer to questions put by the Commissioner, proved that Lucil McCubbins, alias Edward Michael, was the slave of the said Hezekiah W. Trundle. This was done by evidence of the same character and about as definite as the said Hezekiah had given to prove Lee to be the property of the said John L. T. Jones.

The course of the Commissioner in these proceedings was marked by an evident determination, accompanied by haste and impatience, to bring them to a close as speedily as possible. In many respects he restrained the counsel from a fair and full cross-examination of the witnesses produced by the claimants; in some instances peremptorily preventing answers to legal questions which were calculated to elicit truth materially pertinent to the issue. It will be well remembered by those present, that the Commissioner positively forbade and prevented a witness answering a question of the counsel as to the manner in which the owners or claimants had obtained information of the arrest and custody of the negroes at Harrisburg; that officer manifesting with regard to that point a peculiar and anxious concern.

During the whole investigation the commissioner exhibited the most marked dissatisfaction and uneasiness at the presence of Messrs. Rawn and McKinney as counsel, sometimes making directly insulting remarks, such as "McKinney, you're not enough to make a dog sick," (clapping) "McKinney, you're a hard one," &c; at other times ironically commending his course as counsel, and frequently expressing to both the counsel that he did not know how or by what authority they were there. Among the questions put by the Commissioner to two or three of the negroes, was this "Do you want Mr. McKinney to act as your counsel," to which one of them replied "Yes, sir, if he has no objections." Shreeve or Jones not liking his answer, said he did not mean that; he meant he did'at want him to act as his counsel, if he had no objections. The fellow negro being more effectually urged and prompted from the rear, replied to the same question in a half smothered negative, whereupon the Commissioner said, "Why McKinney, you aint popular with the niggers."

This ridiculous mockery of a trial having been gone through with in the four cases, to the satisfaction of the Commissioner in each and every one of them, as he declared, the negroes were marched off between 5 and 6 o'clock, manacled and attended as before, to the Shakespeare Hotel, in Locust st., from whence they were removed to the cars about 10 o'clock that night, and accompanied to Baltimore by the officials named in the following letter of said Shreve, Jones and Trundle, (published in the Baltimore Sun) and by another most important personage, omitted, we suppose altogether by accident, to be named in said letter, to wit: Richard M'Allister, Esq., U. S. Commissioner aforesaid, who went on, it is understood, not as one of the marshal's staff or posse, but for the more interesting and dignified purpose of receiving the $900 reward, offered for said negroes.

They got to Baltimore, it is said, about daylight on Sunday morning, and either that day or very early on Monday morning the four negroes were sold to a trader for $3400, the $900 reward handed over to the said Commissioner, and himself and that now important administering money-lent safely landed in Harrisburg about midnight of the same Monday.

THE LETTER.

Correspondence of the Baltimore Sun.

POOLESVILLE, Montgomery Co., Md., }
September 29 1851.

MESSRS EDITORS—The undersigned, citizens of Montgomery county, State of Maryland, desire to send them a few of the testimonials of the well conducted and satisfactorily regulated manner in which the duties of the fugitive slave law are executed by the officers and commissioner appointed to the arrest and protection of slave property in Pennsylvania.

On the 5th of the present month, four slaves, to wit, Nelson Cox, the property of Esther Trundle; Lucil McCubbins, the property of John L. T. Jones; Hesson Lee, the property of Mary E. Shreeve; and Lloyd Mc'Cubbins, the property of Hezekiah W. Trundle, escaped from Montgomery county, and fled together into Pennsylvania. A fruitless search was made after the fugitives, and the undersigned returned home hopeless of success.

Previously to the public papers that four negroes had been arrested near Harrisburg, and impressed there on a charge of participation in the Christiana outrage. Never did we think we were in Harrisburg, supposing that, by possibility, the prisoners might be our slaves.

The moment we heard our eyes upon them we saw they were our boys; and in response to our call of Lee, Lloyd, Hesson, and Nelson they came to us, and expressed their pleasure at seeing us—said they had been enticed away by certain persons on the Chesapeake and Ohio Canal; that they had a very hard time since their escape, sleeping among the mountains without food or shelter, and that they were perfectly willing to return home. They also informed us that a lawyer had been to see them and told them to conceal their proper names and deny their masters—advice of certainty in little consonance with the teachings and example of the great apostle, and of remarkable parallel with the conduct of the traitor, Judas Iscariot.

We went to the office of the U. S. Commissioner, Richard McAllister, Esq., and made the requisite information, upon warrants were issued for the arrest of our fugitives. The Commissioner informed us the same day by letter, that a habeas corpus had been issued for the boys of the petitioners, and that a hearing would be had before him (the Commissioner) on the following day, at the hour of the Circuit Court, viz: 2 o'clock, and that a clear case was made out in connection with the riot, and that they would, therefore, be committed. The negroes were placed in the hands of officer Richard Schaefer. The prisoners were brought into the court-house at 2 P. M., in charge of an efficient posse.

The court room was crowded with interested spectators and many participants, among the latter the notorious Abolitionists, who attended them and were quietly received by officer Shaefer and his assistants, and conducted to the U. S. Commissioner's room. Messrs. W. Kinsey and Rawn appeared as counsel for the slaves. Mr. Kinsey addressed the court, and prayed to be allowed to confer with our fugitive prisoners in a private room, which request the commissioner granted, and took the precaution to direct an officer to accompany them.

After a short interview they returned and the hearing proceeded. Each case was proceeded with separately until conclusion, in spite of the protest of Rawn and Kinsey, who claimed that they were slaves, and that they understood, and, with us, were their owners. One of the slaves gave one of the volunteer counsel a mortal rebuke, as he said he was personally known by just such a man as him, the latter not counsel replying.

Notwithstanding the dark allusions of our servants to one of the recaptured who had run away from his master, sometime before, in order to avoid the necessity of his having to leave his wife, and who had been induced to return by the promise that he should not be separated from her, it was evident that he received an opportunity from the Abolitionists present to confer with her, and that he returned with her in defiance of the commissioner's officer.

The objections were disposed of in a quiet and able manner by the commissioner, the slaves were remanded, and certificates of removal issued in each case.

Upon making the proper affidavits under the fugitive law the officer making the arrest was directed to retain the prisoners in his custody and remove them back to Maryland. Officer Schaefer, with his assistants, John Sanders, Benjamin Snyder, Henry Lawyer, Henry Lyon, Washington Westfall, George Hammon, Jacob Foster, Jno. L. Morris and C. W. Eichelberger, received the slaves, and safely delivered them to us in the city of Baltimore.

To Richard McAllister Esq., the able and efficient U. S. Commissioner, for the faithful manner in which he has promptly and fearless discharged duty, are our most grateful acknowledgments. To officer Richard Shaefer and his faithful assistants we return our heartfelt acknowledgments, and from the citizens of Harrisburg generally we received without the least treatment and willing support.

We would state, in conclusion, that no Southern man need hesitate to go to Harrisburg in pursuit of his constitutional rights, and there is no apprehension to be entertained of such violence there, as long as the fugitive law is administered by the present U. S. Commissioner and his talented and efficient body of officers, countenanced and supported by a sound public opinion.

Very truly, your ob't servants,

RACHEL T. SHREVE,
HEZEKIAH W TRUNDLE,
JOHN L. T. JONES.

This letter is dated on Monday, Sept 29th. It will be for the candid observer to judge, whether it was not prepared on the previous Sunday by Commissioner M'Allister, for the benefit of the case, the statements made in the letter, and its manner and style lead very strongly to this conclusion. It is pertinent to this respect, that there is an omission in the letter to notice Mr. M'Allister's going to Baltimore with the owners, negroes, and gentlemen; or at the same time, a fact which those owners would naturally mention in such a letter, but which he might have particular reasons for not stating. The letter was intended for publication. Worth may also be inferred from the alleagation in the letter, that use by means of the "public papers" that the owners had first got information of the arrest and imprisonment of the four negroes at Harrisburg, &c. There are grave grounds for believing this statement to be untrue. The fact asserted could be barely possible, as the negroes were put into jail on Thursday evening, and the claimants arrived here on Saturday at noon. They may be defied to produce any newspaper of Friday, Sept. 26th, which could be seen by them before leaving their home for this place, containing an account of the arrest. If the communication of the arrest to the owners had been made by an individual in a particular one time, there would be no inducement in their part to withhold a notice of the circumstance; or to misrepresent the matter; but it might be otherwise with that individual. And we find that it be said, by those who speak from their own knowledge, that Mr. M'Allister has actually claimed the $900 reward in his own right, on the ground of his having telegraphed the information of the arrest and imprisonment of the negroes to the claimants on the day of their occurrence, or the next day thereafter. And this fact, if it be so, has a material bearing as to his determined opposition to any inquiry in reference to such information on the hearing of the cases before him, as above stated.

To those who know something of the Commissioners practice scholarship in, and aptness at quoting, "the teachings and example" of the great apostle," or his ready perception of a parallel between "the conduct of the traitor Judas Iscariot" and such "volunteer counsel," as may stand in the way of Othello's occupation, the paternity of his letter is very palpable.

The tracks or finger marks of his "fearless and manly" way of expressing himself, are more by about himself, and "his manly and fearless discharge of duty" his "not 1 and 2 testimony" and "able and efficient" rendering of facilities, but also, about "his fearless and efficient body of officers," for example, "Michael Schaefer and his "fearless assistants" cannot be mistaken. Then who could have noted so accurately, for the benefit of the "volunteer counsel," that the negroes said "I know that boy to see them," "I said told them to conceal their proper names and deny their masters," or that impudence and "mental rebuke" by one of the slaves to some of the volunteer counsel "that he was personally known to just such a man as him," the learned counsel meaning of course that in spite of the caution of Rawn and McKinney, the negroes admitted that they were slaves? Who could have observed at the Court House, the smaller indications of which the Shakespeare of the pledge keep them from the sentence; or that the negroes were "peremptorily restrained by officer Schaefer and his assistants" at the Court House when the charged by Judge Pearson? Who, who else