THE FUGITIVE SLAVE CASE.

EXTRAORDINARY NIGHT SESSION.

DECISION OF THE COMMISSIONER.

THE PRISONER RELEASED.

SCENES, INCIDENTS, &c., &c.

After a protracted examination of this case, the Commissioner of the United States has decided that the alleged fugitive arrested in Harrisburg is not Daniel Dangerfield, of Loudoun county, Virginia, but Daniel Webster, of Harrisburg, and he has, accordingly, set him free.

This has been an extraordinary case—one of the *causes célèbré* of our history. Not from the feeling which has been so intensely manifested—but from the singular chain of circumstances which almost seemed to condemn him, and the peculiar nature of the testimony of identity that finally set him free. Condensing the substance of the remarks of Messrs. Brewster, Earle, and Peirce into a few descriptive sentences, we resume the thread of our report, which was abruptly snapped yesterday morning on account of the lateness of the hour.

After the testimony for the claimant had been closed, a recess of a few minutes was taken. Few persons left the room, and when the court reassembled, at 12½ o'clock, the crowd was as dense and uncomfortable as it had been during the day.

Mr. Brewster said it was now his duty, in view of the evidence submitted and the points of law he would submit, to ask the Commissioner to return the man, Daniel Dangerfield, to those to whom he owed rightful service and labor. The duty of the marshal had been performed—and he was glad to say it—in a gentlemanly and courageous manner. The power of attorney and the warrant based thereon answered, in his mind, the provisions of the act of Congress of 1850 relative to fugitive slaves, and were amply sufficient to prove the claim in this instance to be well founded. The owner of the slave had faithfully complied with every legal requirement, and the fact of the bondage and the escape being proven by these papers of record admitted in evidence, the question for consideration and final determination was, whether one who had thus conformed to the law, in its most absolute demands, was entitled to the protection of the law. The details of ownership and flight being proven conclusively, the date of such escape was surplus matter, and impertinent to the issue. It is of no matter whether Dangerfield escaped in 1850 or 1853, so long as the great pre-requisite proofs referred to are established.

The question of identity—and this was the main question the Commissioner was bound to consider—was a very simple one. Was the man before the Commissioner—the prisoner—was he the Daniel Dangerfield demanded by the representatives of Mrs. French Simpson? The evidence of Dr. Luckett was cited as singularly conclusive.

Twenty years active experience at the bar, had made the speaker observe the proceedings of the courts, and in that eventful period he had never seen a witness who entered or left the witness stand with more credit to himself. The Doctor was subjected to a thorough and oftentimes insulting examination, yet he conducted himself as became a perfect gentleman. And this evidence of the Doctor's so plain, so pointed, and so disinterested, was pressed to the attention of the Commissioner as peculiarly positive and clear.

The men who knew this man was a slave, and that he escaped from bondage, have come forward and *told us positively that that man was Dangerfield*. That they have come from Loudoun county, Va., is all the better. It simply proves their capability of swearing to the identity of Daniel Dangerfield; they have seen him day after day; they are corroborated by the record. At different places and under different circumstances they testified that they knew him, and that they still know him. The officers of the law, by their experience, can readily recognise the different aspects of the human face. This is a faculty peculiar to *themselves*, and they *seldom fail in proving* the identity of those whose character has been described to them. They have confirmed Dr. Luckett in all his statements.

The speaker went on to examine the evidence of those who had been called on to prove that this man was not Daniel Dangerfield, but Daniel Webster, a free man of Pennsylvania. These witnesses were respectable people, at least they appeared to be *so*. They evidently told what they supposed was the truth—he would not deny that; but yet these are only *transient acquaintances*, not men who have known him for many long years, and worked at his side.

You were told on Saturday that Mr. McKim knew, by a despatch from Harrisburg, that witnesses important to the case were in that city, and yet the witnesses testified that they were not called on until last night at ten o'clock. Of all the men in Harrisburg who knew this man, only three men are brought here to corroborate the demand of the learned lawyer. They could keep up telegraphic communication—could employ lawyers—and yet not one living, breathing white man appears to say that he knew him—employed him, or testify to that knowledge. He demanded of that law, whose seat is the bosom of God and whose voice is the harmony of nature, that the bald and unsatisfactory defence made up by these learned gentlemen should not be allowed to controvert the cloud of testimony he had offered on behalf of the claimant.

In his examination of Mr. Jones he took the old man through all his life, through the main incidents of the life—and when he asked him as to who built the bridge at Columbia, he could not answer. He had seen the man, he said. Now, the man Burr, who built these bridges, was a great man, one of the greatest men that ever lived, and yet he was not known by this old man, who was so positive as to his knowledge of Daniel Dangerfield.

Let us look at Mr. Smith's testimony. He testifies to knowing Daniel at Baltimore in 1847. And *yet he is contradicted by four gentlemen from Virginia*, and is unsupported by any human being—not even by Mr. Jones or any of his own witnesses; and further, he volunteers that he is so turbulent that he has been bound over to keep the peace. And on turbulent and contradictory witnesses like these you are asked to release this man.

Mr. Brewster examined Mr. Smith's testimony with great minuteness, and closed about 2 o'clock.

[*Two o'clock.*—Mr. Brewster has ceased speaking. The audience is very large and very few are departing. All the ladies still remain, though about twenty are asleep. The crowd outside the bar is not as large as during the day, and in the street there are about two hundred people. The air is quite cold and frosty.]

Mr. Earle said for the first time in his life he arose to speak in a court of justice, and under such circumstances. He had never seen so many interruptions—never felt so exhausted. He was aching in his head, throat, and his lungs. He had been refused rest.

The Commissioner had commanded the session to go on, and he bowed submissively to the mandate. Nothing has been said by the Commissioner, in this case, to make him believe that the case has not been prejudged. It did not appear to him like a court of justice. Rather, was it a legislative hall, where a caucus had determined to crush out a minority, and the question was only one of time and endurance. The Commissioner was establishing a fearful precedent. Nearly three in the morning, at the close of a very long session, the physical man exhausted and worn, they were forced to the close of a very important cause. He had heard his friend, Mr. Brewster, deliver very philosophical disquisitions on law, but never, until to-day, had he heard him call an appeal to conscience a flight of rhetoric.

Mr. Earle went on at great length to argue against the general nature of slavery, and the fugitive slave law, a bourne from which no traveller had ever returned, but in one instance when the man who had been returned by Commissioner Ingraham to slavery was found to be the wrong man, and was accordingly sent to the free States from whence he had been rudely torn. This case was dwelt on by Mr. Earle, in concluding, as a beacon light for the Commissioner's guidance, and a fearful warning to the present magistrate.

Mr Peirce followed Mr Earle on behalf of the alleged fugitive. The claimants had asked to be judged by the letter of the bond, and asked that they should be judged by the bond. They had asked us to stand by the letter of the law, and we would stand by the letter of the law. If one jot or title of this law gives the shade of an advantage to the prisoner he hoped to God the Commissioner would give that advantage to the prisoner. He said this *as* a lawyer, and not *as* a man.

[Three-and-a-half o'clock. The crowd in the court room slowly thins away. A great number yet remain. The two thousand outsiders have dwindled away to about two hundred. The officers outside patrol their beat—those inside are nearly all asleep. Mr. Earle is slumbering gently, and one or two vigilant reporters have succumbed. The prisoner is in a deep sleep. The women who have been here during the whole day are nearly all awake, and look as bright and blooming as ten hours ago.]

Mr. Peirce continued criticising the evidence of the claimants, and particularly that of Marshal Jenkins. He thought it a hard thing that the expressions of a man tortured from him by fear should be used to his disadvantage. The validity of the record as a matter of evidence was also argued for over an hour. The evidence of the witnesses for the claimant he thought was contradictory, and proved nothing. He was very sarcastic on Mr. Gulick, who had scruples as to an oath, but who would tell a lie. He compared the evidence of his own witnesses with those of the claimant, and thought, in balancing the ledger, the account was on his side.

[Half-past five.—Daylight begins to break. Mr. Peirce has just concluded. Several night-long sitters are departing, but fresh arrivals are pouring in. The excitement grows as the hours grow, and as the case approaches its termination the interest becomes intense. Mr. Brewster rises to speak. Daniel is awake.]

Mr Brewster closed in a speech of over an hour in length. It was impassioned, earnest, and eloquent. He spoke of the odium that he had received on account of this case, and said that he had received an anonymous letter taunting him in a cruel and heartless manner. He had been told twice during that day, "There was Brewster once." He would say there was a *Brewster* now. That the "Brewster once" and the "Brewster now" are law abiding men. When the "Brewster once" could not stay in a country and obey its laws, he left it. He was doing his duty in his case, and he would do it. It was the first he had ever been engaged in—he hoped to God it would not be the last. He asked the Commissioner to read the evidence, and if the evidence warranted the discharge of this prisoner, in God's name let him go free.

The Commissioner. I had intended to decide *this* case when the counsel had closed; but as an appeal had been made to me by the counsel to weigh the evidence carefully on both sides I will take a recess of a few hours in order that I may *deliberate* on the propriety of sending this man back to Virginia. Four o'clock is the earliest hour I can fix, as the court room is occupied, and so the court stands adjourned to four o'clock.

And so, at five minutes to six o'clock, in the gray hour of the morning dawn, the court adjourned. The police who had been on duty during the night were dismissed until three o'clock by the chief, and the crowd slowly dispersed.

AFTERNOON SESSION.

An immense crowd congregated in the vicinity of the Court-house long before the hour of commencing the case. It was estimated that there were about 3.000 persons, a majority of whom were colored, collected in the middle of the street. In the event of the prisoner being remanded, abundant preparations had been made by the Mayor and Chief of Police to prevent a rescue. The avenues leading to the court-room were lined with police, while there were several hundred officers in the vicinity waiting to be called on if their services were required.

In the court room there were the same familiar faces—woman maintaining her ascendency in numbers with usual firmness. Lucretia Mott, J. Miller McKim, Passmore Williamson, and many other prominent Abolitionists and friends of the man, were also present.

The man Daniel Webster sat in his usual seat, on the south of the room, surrounded by the officers of the marshal. He looked very well, but appeared unconscious of all that was going on, seeming to take no interest further than to examine the faces of the curious throng around him.

The court was opened at 4 P. M. A little delay was occasioned in waiting for Mr. Earle, who arrived in a few minutes, and the Commissioner, without any further preliminaries proceeded to deliver his decision amid the deepest silence.

Many things, said the Commissioner, had occurred during the course of the examination of this case that had pained him. The duty he was called on to execute was a plain and simple one. He came there not as an actor or an athlete, to amuse the crowd that congregated around the court room; he came simply to execute the provisions of the law of the country, and he expected, while in the performance of that duty, to be assisted, as far as was possible, by the eminent gentlemen who appeared before him as counsel in the case. He had not received this aid to such a degree as he had a right to expect. Appeals had been made to his sympathy, his feelings, and his heart. Rhetorical flourishes, insinuations and he might say threats, had been employed against him, with much frequency. Virginia, the mother of statesmen, had been calumniated, her laws reviled, and her sons insulted. He had heard pathetic appeals about martyrdom, and saw thrilling pictures drawn of the pestilence, famine, slavery and death, and all this intended to influence him in the course he was to pursue.

When the warrant for arrest of the prisoner had been issued, and he had been brought before him, he expected to hear the case calmly, quietly, and deliberately in his own private office. It was adjourned to the jury room, and as he knew from the manner of counsel, and from the preparations they were making for the defence, that it was to be a show case, he determined to hear everything that would be said by them, no matter to what license of speech they would depart. He believed in the largest liberty of speech; he believed in permitting counsel to use every advantage the law and professional courtesy allowed them, and particularly while in the exercise of magisterial functions he was slow to interfere.

A circumstance had arisen in the course of the testimony on which he had been requested to retire. It was said that, having acted as an attorney, he could not rightly act as a judge. The facts of the case were very plain. He had been assailed for this conduct in the choicest language by one of the gentlemen for the defence. It must have been evident to that gentleman during the cross-examination of the witnesses, that the charges made against the Commissioner by him were *unfounded*. Mr. *Hopper*, in a private and gentlemanly way, had called upon him and was informed of the real facts of the case. Before Mr Hopper retired he must have consulted his friend who had made this attack, and the explanation he had volunteered in his own defence to Mr. Hopper must have been present in his mind.

The Commissioner then proceeded to make a statement he had carefully prepared, explaining his own connection with the matter, showing that in giving the advice he had given in relation to the validity of the documents brought from Loudoun co., Virginia, he was but doing his duty under the law. The paper that Mr. Rogers had shown to him was only the power of attorney. That was the only paper he examined, and it was proper he should examine it before issuing a warrant. In this circumstance his recollection was borne out by the testimony of the witnesses, Mr. Rogers and Mr. Gulick. A copy of the record was also shown him, and on examining the papers very carefully, after they had been amended, he granted his warrant and the fugitive was brought before him. J. Miller McKim, as the next friend of the fugitive, was qualified, and as he stated that he could produce evidence from Harrisburg in a day or two that would tend to liberate the prisoner, he granted the continuance as a matter of justice to the accused, whose liberty depended on the result of the decision. A second hearing was had, and another adjournment was granted with great reluctance, and only after he had been assured by counsel that they needed time to consult with their client, and that one of their most important witnesses was absent.

Now, after a long and patient investigation, it became his duty to execute the functions imposed on him by the Constitution of the United States. And that duty would be executed without sympathy or sorrow. He laid aside all these feelings, as beneath the consideration of the magistrate. He looked upon the man before him in two lights—either as a species of property of a certain value to any one who might own him, or as a man endowed with life and asking for that liberty which he claims of right. He recognised this distinction, and this only. The compact under which the fugitive can be restored to his master is a solemn compact, one made with the States of a great nation, and as old as the existence of those States. He would exercise no power other than that given by this compact. If this man was sent back wrongly, if there was an error made here and by this court, there is a provision in the law of Virginia providing for the restitution of the man to *freedom*. That law provides for the correction of any errors he might make unwittingly. But if he made an error in the judgment of this case and made that error wilfully, all the opinion of the world would sink into insignificance, before the silent, poignant, and eternal torture of a guilty conscience.

The tenth section of the act of 1850 provides an ample way for the slaveholder to get back his slave. And following the provisions of that section, the path of the Commissioner was clear. It had been contended, in this case, that the record offered in evidence, as proof of the identity and ownership of Daniel Dangerfield was not in accordance with the law. He had examined this carefully, and on turning to the act of Congress, was informed that the claimant must produce conclusive evidence. It need not be particularly exact or precise, but it must be conclusive. What might appear defective to Pennsylvania lawyers, and be rejected in Pennsylvania courts, would be perfectly proper and just in Virginia. However defective this title might appear to us, it had been passed upon by a Virginia court and with the certificate and seal of that court affixed, it was a valid document, and as such he received it.

The identity of the man was the last and the main point in the case. On this point he had the record, his *description*, and the *testimony* of four or five witnesses on either side, together with two or three introduced as rebuttal. He found that the man Daniel was last seen by Patton in July, 1854, and the record told him he escaped in November 1854. It has been argued that this is surplusage, not evidence. He did not think so. The description of a man, though sometimes deceptive, was the best evidence that could be offered in a case like this. A slight deviation in the description could weigh but little in the mind of a Commissioner, provided the other points were correct. He had looked at this prisoner several times during the hearing—looked at him as he was walking across the floor—and it had struck him that he was somewhat taller than the man described in the record as being five feet seven inches. To satisfy himself on this point, he had measured him,—measured him carefully—and had found his height to be five feet ten inches with his boots on, and five feet eight inches and nine-tenths with his boots off.

In examining the testimony of the claimant's witnesses he would dwell more particularly on that offered by Dr. Luckett and Sanford P. Rogers. It was the custom of lawyers to take one or two witnesses as representing their case, on account of their position, intelligence, and the bearing of their testimony on the matter in issue. Following that example, he would examine that offered by these two gentlemen minutely. One was a man of much intelligence—a resident of this city, and a disinterested witness in the claimant's behalf. The other was the friend and relative of the claimant, and her legal representative here. The Doctor's testimony was clear and conclusive, as was that of Mr. Rogers. The former had known the man Daniel Dangerfield, had attended him in sickness, but had not seen him since 1852. Mr. Rogers knew him, but had not seen him since 1853. Another credible witness testifies to having seen him in the month of July, 1854, and the record says he left Virginia in November, 1854. Yet there was a witness who testified to knowing the prisoner who is claimed to be Daniel Dangerfield in Harrisburg, in 1853 and the person who testifies thus is entitled to belief.

He had looked at this witness—Dr. Wm. M. Jones—when on the stand, closely. He had listened to the long and close cross-examination by the learned gentleman, Mr. Brewster; and he must say that the old man's bearing favorably impressed him with his truthfulness and sincerity. He had been incorrect about the dates of many important facts in our history, it had been urged but this did not injure the subject matter of his evidence. The Commissioner had found it, as the result of his experience, to be almost universally the case, that the negro race (and he used the word negro in an etymological not an offensive sense) was very incorrect about dates. He listened carefully to the old man's testimony and had it not been supported by the receipt book exhibited he might have found some reasons for doubt. That receipt book corroborated his evidence in a satisfactory degree. He did not doubt the authenticity of the book—nor did he suppose for a moment that it was manufactured for the occasion.

Nor did he say that even from his testimony he was satisfied the prisoner was at Harrisburg in the spring of 1853, but he must believe from the Doctor's testimony, and that of the other witnesses that the prisoner was there in the *fall* of that year. This old man recollects some things very well. He recollects building, three houses, and buying the lots. Circumstances like these, in a life like that Dr. Jones appears to have led, would be more important ones than even the birth of a child, particularly when there are a great many of them. The circumstance of building this house was vivid in the old man's mind; he also remembered digging the cellar, and seeing the prisoner there employed. It was the first time the witness saw him, and had it been the only time, the Commissioner might have doubted the Doctor's memory. But he had seen him subsequently, at church, in the street, and at a private party in his own house, near the close of the year. He had no doubt of the prisoner being the same man. The elements in his mind that led him to identify the prisoner as the man he had known in Harrisburg in 185 , and subsequently, were of as correct a character as those which led the more intelligent mind of Dr. Luckett to identify him as the man he had seen in Virginia, for the last time, in 1852.

This man's testimony, said the *Commissioner*, had given him anxious thought. He wanted, above all things, to satisfy his own mind. Dr. Jones' evidence was well corroborated by the other witnesses. It is true, his son was mistaken on *one point*, as to the cellar being dug in the spring or fall of 1853. But as he looked at the young man on the stand, he felt convinced that he was endeavoring to tell the truth, and that the contradiction arose from confounding the building of the cellar with another circumstance. He had not the appearance of a man committing wilful perjury. As to the testimony of the man Smith, it did not weigh in his mind one jot or tittle, and he would say no more about it.

It would be unjust for him to send this man back to Virginia, if his mind was not perfectly satisfied as to his being the Daniel Dangerfield described in the record, and claimed as being a fugitive from labor. His mind was not clear upon the point; he did not feel perfectly satisfied of the identity of the prisoner. Under these circumstances he had but one duty to perform. *He was not satisfied on the point of identity*—he was not satisfied that the prisoner was the Daniel Dangerfield who escaped from Virginia in 1854, and accordingly he ordered his discharge.

While the decision was being delivered the court room presented one of the strangest scenes we ever beheld. There was not an inch of standing room, and the silence was so intense that even a sigh might have been heard. When the Commissioner commenced, many sympathizing ladies, who were expecting that Daniel would be sent to Virginia, were "like Niobe, all tears." Presently their eyes brightened, as the Commissioner progressed, and when, finally, he ended by saying, in a calm, pleasant way, "the prisoner is discharged," one wild storm of applause broke it. It was in vain the officers called or Marshal Yost screamed at the top of the voice. One weak old lady with a very strong voice ran to the window and called out,—"He's free! he's free! give three hearty cheers!"

Daniel was taken by some of the officers and put into a cab. The horses were taken out, a rope was tied to the carriage, and a crowd of colored people took hold and paraded him around the streets, as was done to Fanny Elssler many years ago. The enthusiasm was kept up until a late hour of the night—general joy was manifested among his friends at the unexpected result.

The New York *Times* understands that Gen George P. Morris declines the consulship at Havre, which was tendered to him by the President. The inadequacy of the salary, and the arduous and confining nature of the duties of the office, which are not at all congenial to the habits and tastes of a literary gentleman, have decided him to this course.

It is stated that, in the case of the remains of the female left in a box at the Hudson River Railroad depot at Albany, the body has been subjected to the injection of a fluid to preserve it from decay, the left arm had been cut off with a saw, and the entire scalp had been skilfully removed, leaving no doubt that the remains were those of a "subject" from the medical college.

Large Sale of Real Estate, part Peremptory.—J. M. Gummy & Sons' sale, this evening, embraces a large amount of real estate, neat cottages in Germantown, elegant residence near Logan Square, warehouse on Swanson street, &c., &c. Catalogues may be had at the office, No. 529 Walnut street.

New York Stock Exchange, April 6.

SECOND BOARD.

8000	Missouri 6s		87¾	200	Chic & Rock I		65¾
200	Cary Imp Co		6¾	200	do	s10	65¾
200	Pac Mail S Co		78¾	100	do	b60	65⅞
50	do	b60	78¾	200	do	s15	65¾
100	do	s30	78	100	do	s3	65¾
100	do	b60	78¾	250	Stonington R		69¾
1600	N Y Cen R		75¾	100	Mich S Guar		39¾
200	do	b60	75¾	400	do	b3	39¾
550	do	s10	75½	100	do	s15	39
100	do	s30	75¾	200	do	s15	39¾
100	do		75¾	100	do	s10	39¾
400	do	s60	75¾	100	do	b60	39¾
700	Hud Riv R		33¾	100	do	s30	38¾
200	Harlem R	b60	12¾	100	do	s10	39
100	Reading R	s10	49¾	100	do	s3	39¾
50	do		50¼	200	do	b30	39¾
100	Mich S & N Ind		13¾	100	Clev & Tol R	s30	24¾
425	Panama R		18¾	100	do		25