FUGITIVE SLAVE CASE IN BUFFALO, AUGUST 1851

The case of the capture and later freeing of "Daniel" (Daniel Davis) in Buffalo, New York, in August 1851, received considerable publicity in the local and state newspapers as the first case in Buffalo following the passage of the Fugitive Slave Law of 1850. The case itself was dramatic: Daniel had been struck on the head with a stick of wood during the course of his arrest, which resulted in the jailing of one of the slave catchers. The United States Commissioner at Buffalo was prepared to return Daniel to Kentucky as a fugitive slave, but a judge released Daniel on a writ of habeas corpus whereupon Daniel left for Canada. During Daniel's imprisonment, a letter appeared purporting to be from Daniel expressing his wish to return to slavery, but the letter was dismissed as a fake by Daniel's supporters, and reputed by Daniel after he had obtained his freedom.

BUFFALO COMMERCIAL ADVERTISER, AUGUST 15, 1851

ARREST OF A FUGITIVE.-- Deputy Marshall Gates this forenoon arrested the second cook of the steamer Buckeye State, on a charge of being a "fugitive from service"-- the Agent or the owner, who resides in Louisville, KY., having made the necessary affidavits to obtain process, &c. The negro attempted to escape, and received a severe blow upon his head. He was brought before U.S. Commissioner H.K. Smith, Esq., and the case is now undergoing investigation.

Quite a crowd gathered in front of Spaulding's Exchange, in which the office of the Commissioner is situated-- but there was little or no excitement, until an adjournment took place to the Court House. When the slave was taken to the carriage a rush was made by the negroes who followed it and stopped it once or twice.

BUFFALO COMMERCIAL ADVERTISER, AUGUST 16, 1851

HOME MATTERS. THE FIRST FUGITIVE SLAVE CASE IN BUFFALO.

As we briefly announced yesterday, a fugitive slave was arrested on board the steamer Buckeye State yesterday forenoon, and the examination resulted in his being delivered up to the Agent of the owner.

The particulars of the arrest, as we learn them are as follows:

Deputy Marshal Geo. B. Gates, Officer J.K. Tyler, Officer Pierce with some others in company with Mr. Benj. S. Rust, the Agent for the owner, Mr. George H. Moore, of Louisville, Ky., proceeded with the necessary warrant to the dock, at the foot of Commercial street, where the Buckeye State was lying, and on board of which the fugitive Daniel was employed as second cook. Unlike all other lake steamers the kitchen on board this boat is below the main deck, and is entered from the forward cabin below stairs, and has also an entrance by means of a small hatchway from the deck. Officer Tyler proceeded with the agent, Mr. Rust, through the cabin to the kitchen, where after Mr. R. had pointed out his man he left the officer and returned on deck. Daniel, who is a very stout negro, refused to accompany the officer and with his four companions laid hold of their knives as if determined to show fight, and threatened to "walk over corpses" if the arrest was made. Officer Tyler advised them to submit as he had not come there single handed and was bound to satisfy his warrant. He then sent for Marshal Gates and posse to come to his assistance and upon their approach Daniel dropped his knife, and darted up the small hatch later, to make his escape when his head came in violent contact with some substance-- supposed to have been struck by some one on deck-- causing him to fall back upon the stove. He was badly hurt and considerably burned, but was then secured and taken.

After the arrest the slave Daniel was taken to the officer of the U.S. Commissioner, Hon. H.K. Smith, in Spaulding's Exchange. A large crowd-- consisting principally of colored men-- soon assembled, but all were very quiet and orderly. The Commissioner arrived at his office about 2 o'clock, when an adjournment took place to the Court House. As soon as the officers started for a carriage, a rush was made, and the excitement began. The crowd followed the carriage through Main street, making demonstrations and uttering threats, and impeded its course by taking hold of the wheels and horses, but effected nothing further. There was considerable tumult in the street, and the colored people were much excited; and a few unprincipled white men, attempted to increase the disturbance by inflammatory appeals. But the citizens, generally, were ready to stand by the officers, in case of need, and to vindicate the law, and preserve the peace and character of the city.

The fugitive was taken to the Court House, when the following proceedings were had:

BEFORE HON. H.K. SMITH, U.S. COMMISSIONER.

Case of the Negro man, Daniel, arrested on a warrant issuing on a record made in the County Court of Jefferson County, Kentucky.

For the Claimants, Foster and Bowen.
For the Defense, Talcott and Hawley.
Daniel was arrested on the steamer Buckeye State, yesterday morning, on board which vessel he was engaged as 2d cook. He is a fine, athletic negro, of great value, doubtless, to his owner. In the attempt to escape, he had fallen on the cooking stove, in the kitchen, and when brought into the court it was with a great burn upon his cheek, and some severe contusions and flesh wounds about the head.

Defense claimed that the papers were insufficient, in that the record of the court in Kentucky was not properly sealed-- the seal being impressed upon the record and not affixed.

Geo. H. Moore, sworn-- Resides in Louisville, KY., was born there and resided there for the last six years. Am son of Geo. J. Moore, of Louisville; there is only one Geo. J. Moore there of my knowledge. Knew the negro, Daniel, in Louisville, Ky. Knew him first when I was very small-- have known him within the last two years-- don't know his master's name, think it was Fraser. Knew him at my father's about four months before he left-- my father purchased him of Fraser in 1850-- he ran away in August, 1850. My father had no other servant of the name of Daniel. I was present when he was bargained for. Bargain was made in Louisville. I did not know at the time of his escape, but knew of it shortly after. I have no doubt of his being the person. I shall be seventeen the 10th of next January.

Cross Examined. -- I have never seen the record, made up in the county court of Jefferson county, Ky. I do not know that he is the person described in that record. My father owns no other slaves but this one. I was at Louisville at the time of the alleged escape. Was at home at the time. Heard the bargain between my father and Fraser at Louisville, about five or six months before Daniel left. My father bought him for $700; do not know how it was to be paid of if there was an agreement for time. Have no knowledge of the payment of the money-- thinks he, Daniel, ran on the river, am not sure-- Daniel was not present at the bargain. Don't know where he was. Didn't hear any description given as part of the bargain. Father was well acquainted with Daniel. Didn't know whether he resided in or near Louisville. Mr. Rust told me the man's name was Fraser owned the slave. Daniel was cook part of the time, part a steward on a Steamboat-- while not on the boat he was at my father's house. Father did not own the Steamboat. Have seen him at the house several times. He was cook on the "Anna Lennington," when he escaped. He was hired out-- don't know for how long. His name is Daniel-- don't know his surname-- have heard him called Daniel. Can't tell the exact number of times I have seen him at my father's. He is alleged to have escaped about the 25th August, 1850, from the boat. She was a regular boat to Cincinnati. He went there as steward of the boat.

Here the defense claimed that the act of taking the slave to a free state enfranchised him, but his Honor, the Commissioner, held that the slave was not taken into a free state by his master-- but that even if he had, that act could not have the effect to enfranchise him, as any master has a right to take his slave through or into a free state.

Here the defense proposed to introduce testimony to destroy the identity, by proving that the prisoner had been longer in a free state than since the time of the alleged escaped, but after waiting a considerable time and the defense not producing any witnesses, the Commissioner decided that the proof was sufficient to warrant his commitment.

The Commissioner then made and signed the certificate required by the act of Congress, authorizing the agent of the claimant to take the slave back to his master.

The fugitive was then taken to jail; without disturbance, or any effort at hindrance.

Commissioner Smith, on announcing his decision, remarked that whatever we might in this section think of slavery itself, the law must be executed-- that the slave Daniel must be sent back to his master. it had been shown that he was purchased for $700, and he didn't know what others might do, for the purpose of securing his freedom, but he would contribute $25. John L. Talcott, Esq., announced to the colored people, that the Agent had no authority to make any arrangement for the sale of the slave, but would immediately telegraph to Louisville to his owner; and that he would not be removed until a reply was received.

The Commissioner remarked to the colored people, in pretty emphatic terms, that the law would be executed at all hazards, and that any attempt at rescue would be met in a summary manner.

Thus ended the first Fugitive Slave case in Buffalo. -- The law was allowed to take its course, regularly and speedily, even in the face of the strongest prejudices against slavery. All good citizens acquiesced-- but few noisy, brawling men attempted to create disturbance, in which they signally failed.

Great credit is due to the Sheriff-- the Commissioner, the Deputy Marshal and his assistants, and to Mayor Wadsworth, for the firmness and energy, with which they discharged and unpleasant duty. As the Courier remarks, the conduct of Mayor Wadsworth, was quiet but decided throughout. He walked by the door of the carriage containing the fugitive, from the Commissioner's office to the Court House, and although several efforts were made by some of the crowd who surrounded the carriage to open the door, he kept his position firmly and discharged his duty faithfully. His course in the whole matter contrasted strongly with some few of whom better things were expected, as law-abiding citizens, of whom we may take occasion to speak hereafter.

BUFFALO COMMERCIAL ADVERTISER, August 19, 1851

CASE OF MR. RUST. -- Mr. Rust came before the Police Court about five o'clock last evening, pleaded guilty to the charge
of Assault and Battery, and was fined $50-- amply sufficient as such matters go-- but not enough, of course, to satisfy the abolitionists or their organs.

We understand that Mr. Rust has a writ served on him for "private damages" to the slave Daniel. If a verdict is obtained, we suppose the sum awarded will go to the master-- he being in law the one pecuniarily "damaged" by the transaction...

BUFFALO MORNING EXPRESS, AUGUST 30, 1851

The colored man Daniel was arrested with a billet of wood, and by the aid of a summary and exparte proceedings under the 10th section of the slave law and the equally summary and illegal ruling of the Commissioner-- laid by the heels and incarcerated in a dungeon cell of our jail. With an order in the hands of the Marshall to take him to Kentucky which also adjudged that he is the slave of one Mr. Moore of Louisville, the prospects of Daniel are rather gloomy. Rust, the agent of Moore and who cut such a striking figure in the process of arresting and broiling Daniel on the stove preparatory to bringing him before the officer, was also in durance held to $1,000 bail in an action for assault and battery, in which action Daniel is plaintiff. The compromisers having got rather sick of the bludgeon process of executing laws in Buffalo now resort to the "Suaviter in modo" and Mr. Moore the claimant of Daniel appears and goes into jail, after a cosy interview with Daniel, to sign a release of the civil action against Rust for the assault. By what means Daniel was induced to release his action against Rust for being beaten and broiled, we will not now state, suffice it to say, he was in durance vile and supposed that he was subjected to the will and mercy of Moore and that he was to be taken back to Kentucky as his slave. It is not to be wondered at that he should do his master's bidding! It is said, we don't know whether it be true, that Moore gave Daniel $20 for the release-- it may be so, as it would be a safe investment, as the $20 would come back naturally when they got back to Kentucky! This is the first piece of slight of hand performed in this drama, and the actors will not have to live long, to become ashamed of this imposition upon an imprisoned and ignorant negro.

We anticipated that the customary lie to the effect that the man desires to go into slavery would be forthcoming in due time. We have been waiting for it for several days, and here it is. We put it on record:

To the Colored Population of Buffalo:

I thank you for what you have tried to do for me. You meant it for good, but it is of no use. -- We colored people of Kentucky are about as well off as you are. I am going back-- I had rather go than stay here. I hope you will not interfere with my going. My master, Mr. Moore, has always treated me well; I feel that I did wrong in running away-- he bought me at my urgent request; he placed confidence in me, and I do not feel that I ought to deceive him.-- If he had treated me ill I should feel differently about it. He never did. I was advised to run away and come to a free State, or I should not have done so; the advice was bad, though I reckon it was not so meant. We colored people of Kentucky are about as well off in Kentucky as you are here, and some of us better. I shall advise the Kentucky boys, when I get home, to stay where they are. We have plenty to eat and to wear, and are not so badly worked-- this every body knows who has been in Kentucky.

Again, my colored brethren, I thank you for your kind sympathies, and to my white Abolition brethren in Buffalo, I wish you the same, but I do not want you to do any more for me.
Daniel Davis, his X mark
August 28, 1851

This letter is the work of compromise politicians here, as well be apparent from the passage we have italicized...

NEW YORK DAILY TRIBUNE, SEPTEMBER 2, 1851

DANIEL IN THE DEN AND OUT.

It was Tom Hood, if we mistake not, who gave us all a hearty laughs some ten years since by two contemporary letters from a boy at school to his family, the first being the one written under the dictation and eye of the master; the second being the boy's own, written "unbeknown" to the master and dispatched on the sly. The contrast in the drift, tone, substance and diction of the two letters was very decided.

The Express and several lower-law co-laborers have been taken in by a letter purporting to be from Daniel, the alleged fugitive from Slavery in prison at Buffalo, which the least sprinkling of gumption would have told them was the Master's letter and not the Boy's Own. In this precious epistle, the knocked-down and head-broken fugitive is made to discourse Silvery Grey music as follows:

To the Colored Population of Buffalo:

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badly worked-- this every body knows who has been in Kentucky.

Again, my colored brethren, I thank you for your kind sympathies, and my white and abolition brethren in Buffalo, I wish you the same, but I do not want you to do any more for me.

Daniel Davis, his X mark
August 28, 1851

The Express, which has a very poor idea of Negro capacity in general, was greatly taken with this effusion, commenting on it as follows:

"This man Daniel, is evidently a person gifted with considerable more common sense and shrewdness than we are accustomed to look for among people of his class and color. In this letter of his he has manifested a keen power of penetration, which distinguishes him as an excellent judge of character. He has discrimination too, and a remarkable readiness in divining men's motives, with a particular aptitude of analysis in cases where hypocrisy and false pretenses are mixed up with a lying philanthropy and the schemes of the demagogue.

"This is the character of the man Daniel, as we infer from the sensible letter he has left as an invaluable legacy to the colored population of Buffalo. And being so intelligent and shrewd a person, what he writes, we repeat, is entitled to a profounder consideration than is commonly conceded to ordinary productions of negro literature."

Well: two days after the appearance of this letter, and before The Express had done singing its praises, Judge Conkling pronounced a decision which set this new star in the Literary firmament at liberty. No obstacle existed to his following his own inclination, whichever way it might head him. Of course, you suppose that he struck a bee-line for that patriarchal region whence he "did wrong in running away," where he was "always treated well," and where he would "advise the Kentucky boys to stay where they are," having "plenty to eat and to wear, and are not badly worked." Ah, my green friend! you should have read the Boy's Own letter! See "his X mark:"

Daniel, the Fugitive, at Liberty
Buffalo, Aug. 31, 1851.

The fugitive Daniel has been declared free by Judge Conklin, and has gone to Canada.

We are afraid there will be no more eulogiums on his "common sense and shrewdness," "keen power of penetration," &c., in the columns of The Express! "Negro Literature" is likely to be below par in that latitude for some time to come, even though the author is so intelligent and shrewd a person as Mr. Daniel Davis. This is a deceitful, changeable world.