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A FUGITIVE SLAVE CLAIMED IN CANADA
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Over a year ago, a slave in Missouri, while fleeing for his liberty to Canada, killed a slaveholder who attempted to prevent his flight. The slave hounds followed him to Canada and had him arrested, and the case is now before the Canadian courts. Considerable excitement is manifested by the people in the matter, and if the decision of the Court goes against him, he will probably be rescued. A Toronto correspondent of the New York Tribune, under date of Nov. 26, gives the following history of the case:

The people of Canada, when reading the accounts with which your columns are so frequently filled, of the difficulties which arise consequent upon demands for the rendition of fugitive slaves, have congratulated themselves upon their freedom from such annoyances.-- Still they have wondered, sometimes, that they have not received more attention from the 'cute' men-catchers; it has not appeared impossible that a well-managed conspiracy, by which some unfortunate negro should be proved guilty of crime, would result in his rendition, under the terms of the Ashburton treaty. The false affidavits, the untrue evidence, which it has appeared are sometimes successful in the Free States of the Union, might be used with almost equal chance of success here. It is perhaps only needed that one attempt should be made, ending in hopeful results, to secure many others.

It is therefore with particular jealousy that the people of Canada look upon a case now pending in our Courts; and, though there is no reason to suspect foul play in the matter, still the circumstances surrounding it are of a character which invest it with the greatest interest, and command the fullest sympathy. On the 28th of September, 1859, Seneca T. P. Diggs, of Howard Co., Missouri, when returning home to dinner, saw walking across his plantation a strange negro, whom he hailed. In reply to a series of questions addressed to him by Diggs, the negro told a story to the following effect:

He said his name was Wm. Anderson, and that he was the slave of one Macdonald, who resided about thirty miles from Diggs's plantation. To this Macdonald he had been sold in 1833 by a Mr. Perkins, whose estate was but a short distance from Diggs's abode, and he was soon on his way thither for the purpose of either getting Perkins to buy him from Macdonald, or to exchange him for some other man. He had two reasons for desiring this; he had been much ill-treated by Macdonald, and he had a wife, slave to a man named Brown, whose estate adjoined that of Perkins's. It is said that according to the State law of Missouri, any negro found more than twenty miles from his master's plantation without a pass may be arrested and taken back; the person so taking him back becoming entitled thereby to a reward of \$5, and a mileage of ten cents. After hearing Anderson's account, Diggs asked him for his pass. The poor fellow replied that he had none. 'Then,' said the humane slaveholder, 'I can allow you to go no further until I hear from your



master. Come with me, and I will give you some dinner.' The pair walked toward the house for some distance, when the negro broke and ran. Diggs immediately called out to three 'black boys' who were near, 'Catch that runaway, and I'll give you the reward.' Away the three started in pursuit. Anderson ran in a circle, and was chased for near an hour by them. Diggs after a while was joined by his son, a lad of fifteen, and upon a signal from one of the black boys they crossed the circle and met the runaway just as he was nearing a fence. Over this fence the planter leaped, brandishing in his hand a large stick. Anderson waved a large dirk knife; before him stood the enraged planter, twenty yards behind him were hastening on his three pursuers armed with stout clubs. There was not a moment to be lost. The planter commanded the breathless, panting

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negro to surrender; the negro said he would kill any one who touched him. Insolvent language to fall from the lips of a slave! So thought the planter as he broke his stick over the fugitive's head. But the fugitive was as good as his word; he dealt a true blow, he plunged his knife into Mr. D's heart. It was now the planter's turn to fly; he endeavored again to get over the fence, and was assisted in his attempt by Anderson, who stabbed him again and tumbled him into the ditch. In less than forty-eight hours there was an end to Mr. Diggs. He lived long enough to make a full confession, and then departed for a land where he will inevitably be convinced of certain facts concerning 'niggers,' which he was fond of denying in his life-time.

Anderson succeeded in making good his escape to Canada, and took up his abode in the County of Brant. He lived a quiet and industrious life, being joined by his wife, felt himself truly a freeman. But some few months ago the bloodhounds of the Missouri law found him out, and made a demand for his rendition under the Ashburton treaty for the crime of murder. He was arrested and brought before the magistrates. The evidence adduced was in substance as I have given it above.

The magistrates felt themselves incompetent to decide, so the matter was referred to John A. Macdonald, the Attorney General of the Province. This was so long ago as the 28th of September, since which time the unfortunate fugitive has lain in prison. He was even put in irons by order of one of the above-mentioned magistrates, named Matthews, a notorious fellow, whose conduct has been most disgraceful throughout, and who has only been saved from a thick coat of tar and feathers by the strong love of law which pervades the community. The Attorney-General, after an inexplicable delay of two months, has decided that he is unable to decide, and has referred the case to the Judges. On Saturday last then, Anderson was brought up in the Court of Queen's Bench, by virtue of a writ of habeas corpus, and the Crown was called up to show why he should not be discharged. On the part of the prisoner, a competent counsel, Mr. S. B. Freeman, Q.C., of Hamilton, has been engaged.

You may think this is a very strange proceeding in Canada, but have a little patience. It is not contended that, had Anderson been a slave of Diggs, he would have been guilty of murder in killing him. Our law recognizes the right of every man to liberty. We can take no cognizance

of slavery at all. But, unfortunately, the Ashburton Treaty is rather vague on one point. It is contended that by it we are compelled to render up any fugitive from the United States who is guilty of crime according to your law, provided that the evidence of criminality be such as is admissible in our courts, and sufficient to sustain the charge made. Now according to the Missouri law, Diggs could legally arrest Anderson; there is no question about that. Then Anderson committed murder in killing Diggs, not only according to State law, but according to our Canadian law too. Can our courts then go behind your law of arrest, and inquire how it came to be enacted? Let the case be reversed. Canadian law allows imprisonment for debt. There are many States in the Union where no such thing exists. Suppose a man confined in a Canadian jail for debt killed his jailor and effected his escape to the United States, would your authorities say to us, "We cannot surrender him, because we have no law of imprisonment for debt?"-- Would it not suffice that the man killed his legal custodian? Could your courts inquire how the man came to be in jail? Can our courts then inquire how the law came to be in Missouri which gave Diggs the legal right to arrest Anderson?

According to the practice of our courts the counsel for the appellant had to speak first, and thus had to anticipate the arguments of his opponents. It does not appear to me that he fully met this point given above, in

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his speech. He argued upon the assumption that the Missouri law of slavery would be set up by the Crown counsel, and contended that we could not recognize it because it was a municipal law, not the law of the Republic. It may be, however, that there is a good answer to the cause set forth by the Crown.-- The treaty is not provincial law, nor a British law; it is an agreement between two great nations, and must be interpreted by the law of nations. This the counsel [for the Crown stated as the basis of their argument, and Vattel was quoted to the effect that in the construing of treaties all things which tend to place the contracting nations upon an equal footing must be taken into consideration.-- But they lost sight of this point, that the law of arrest in Missouri is not the law of the U.S.; or if you like, that the rendition of the fugitive is not demanded under the law of the Union, but under a law of a municipality within the Union. Diggs could legally arrest Anderson in Missouri, but not in New York.-- It certainly would not be placing Great Britain upon a footing of equality with the U.S., to demand that she should recognize merely a municipal law.

Then, again, all the evidence we have to prove that the law of Missouri is as I have stated above, rests upon the testimony of a lawyer who was imported to Canada from that State by slave-catchers. That may not be considered by our court sufficient to sustain the charge against Anderson.

There is, however, I am sorry to say, much doubt about this, as about all legal matters. Our Judges may be compelled to render a judgment adverse to the prisoner. Depend upon it, they will not do it unless compelled. And then--the poor fellow will be taken back, and probably burned to death by the brutes of the South. It will go very much against

the grain of the people to surrender him.--No attempt at rescue will be made, or, if it should be, it will most certainly fail. Judgment will be given on Tuesday next in Toronto.

Allow me to remind your good people that the ways out of Canada into the States are few. At this season of the year there are only four--Montreal, Prescott, (opposite Ogdensburg,) the Niagara Suspension Bridge, and across the Detroit River. And though we have no mind to break the law of Canada ourselves, yet you would very probably find plenty of people here who will give such information as will enable any among the citizens of the United States who may wish to meet the fugitives and the slave-catchers on the borders. It seems to me that, even tho' the decision of the Judges is in favor of Anderson, yet there are some foolish folks who might like to catch a glimpse of his captors expectant as they cross the line! Have you got near at hand that celebrated rail of Uncle Abe's?--fi so, send it along!

All that the people of Canada can do in a legal way they will do. Money has been subscribed for his defense, and he has been supplied with clothes. He is, I should suppose, about thirty years of age; a well-built powerful man, and has a very intelligent look. He is now in Toronto Jail. [[short line]]

Mr. Editor:-- The Toronto Leader of Nov. 2d is too fast in deciding that Anderson is a murderer. He killed the slaveholder--no doubt of that--but did he kill him 'with malice aforethought?' That is the question. The Leader places much stress on the statement, that Diggs 'ran for his life,' when the slave turned upon him, and when thus fleeing, was killed. But the slave killed him for fear that he would turn again on him, and retain him in slavery. Therefore, he killed him, that he might obtain his own liberty, of which he had been deprived 'without due process of law.' He is nothing like 'malice aforethought.' The prominent motive which induced Anderson to do the deed, was love of liberty. If a white man had performed such a work, under similar circumstances, he would

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