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### The People vs. Patrick Sneed: Court Papers from an 1853 Fugitive Slave Case

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# The People vs. Patrick Sneed

Court Papers from an 1853 Fugitive Slave Case



*Ariel N. Cook, Editor.*

August 7, 2018

The People } Opinion Sept 8. 1853  
of }  
Patrick Sneed } on Habeas Corpus

The prisoner Patrick Sneed was brought before me by the keeper of the jail of the county in obedience to a writ of habeas corpus issued to him on the 3<sup>d</sup> instant. The return showed as cause of detention a commitment by the Police Justice of this city, which was regular on its face and directed the detention of the prisoner for further examination on a charge of murder. The return was not denied, but the prisoners counsel interposed a traverse ~~not~~ under the 4<sup>th</sup> section of the act relating to writs of Habeas Corpus ~~claiming~~ <sup>alleging</sup> that the imprisonment was unlawful by reason of entire want of jurisdiction in the magistrate to issue the warrant of arrest & alleging also that the commitment was irregular & that he was entitled to be discharged. The traverse was heard ~~upon~~ in the manner pointed out by statute and a decision made supporting the allegations of want of jurisdiction & the irregularity of the commitment, & further deciding that it was my duty under section 43 of the same act to proceed to hear the testimony offered ~~by the people & the prisoner~~ <sup>with the return</sup> with the return & on the hearing thereof & the whole matter ~~came~~ was heard on behalf of the people & the prisoner on the 6<sup>th</sup> & 7<sup>th</sup> instant.

Judge James W. Sheldon's opinion on Patrick Sneed's case, written on September 8, 1853 (Buffalo History Museum).

# Acknowledgements

Thank you to Dr. Lisa Berglund for providing me with this incredible research opportunity and for guiding me throughout this entire process, as well as the support by the Undergraduate Summer Research Fellowship Program through SUNY Buffalo State. And I would like to extend my gratitude to Cynthia Van Ness, the Director of Library and Archives at the Buffalo History Museum, for allowing me to create an edition of these papers and of course, for your time and assistance in my research. The encouragement and kind words of support from the Buffalo History Museum and the Niagara Falls Underground Railroad Association did not go unnoticed by me.

Lastly, I would like to mention my deep appreciation of my wonderful and selfless mother, Susan M. Cook. You not only showed genuine interest in my project but went as far as assisting me in the meticulous process of proofreading the transcriptions— you have no idea how much you helped me.

# Editorial Method

## Spelling, Abbreviations, and Symbols

Accidentals such as writing the same word twice or obvious spelling mistakes will be silently corrected. Misspellings of proper nouns will be kept the same as the original, but there will be a “[sic]” after the misspelled names, to indicate that the error was from the original document and not the fault of the transcriber. All ampersands in the original will be written as “and” as well as “&c” will be expanded to “etc.” Archaic words will not be modernized and will remain as it did in the original with the accompanied footnote.

All abbreviations will be expanded silently to the full word, except people’s initials, “No.,” and “& Co.” (for businesses). If the initials of people’s names are unclear, the first name will be written in brackets and will be italicized, e.g. [*Sneed*].

Also, abbreviations that stand in place of a legal symbol will be replaced by the symbol, for example: “s.” which stands for “section,” will be replaced by “§” which is the legal symbol for section. Symbols that were in the original will remain in the transcribed edition as well.

## Grammar and Syntax

The grammar and syntax of the sentences will not be altered and will remain as originally written.

## Capitalization and Punctuation

Capitalization and punctuation will be silently altered for optimal readability. All proper nouns and the first word of the sentence will be capitalized. Punctuation will be added or removed as necessary to clarify meaning.

## Formatting Lines and Pages

Line breaks from the original manuscript will not be retained. The format of the paragraph breaks, headers, and closings has been standardized.

All pages that start with a new subject, witness, or day will have the date in the top right corner regardless of where it is written in the document. If the date was not included in the original document at the top, it will be written italicized in brackets.

The pages will not be broken up as the pages are in the original; there will be continuous pagination, but every new witness testimony or topic will begin on a new page. To the best of the editor’s knowledge and judgment, every page is in chronological order by the date. The handwritten page numbers will be removed from the original to avoid confusion.

## Names

Due to the number of names mentioned in the documents and the amount of times they are repeated, the documents will be preceded by a directory of names in alphabetical order, with brief biographies, so that readers may familiarize themselves with the principal persons involved and refer back to it easily.

## Words and Clarity

Words underlined in the original will continue to be underlined. Words that have not been deciphered will be enclosed in brackets followed by a question mark: for example, “[words?].” Any editorial insertions for clarity will be italicized in brackets.

# Introduction

Patrick Sneed's arrest on August 29, 1853 at the Cataract House in Niagara Falls became national news. The arrest and examination of the prisoner was covered by several newspapers outside of the Buffalo area, including *The New York Times*, *The Liberator* from Boston, *Fayetteville Observer* from North Carolina, the *Vicksburg Daily Whig* from Mississippi and many more.

In the same month of Sneed's arrest is where this all seemingly began. The Erie County deputy police, Joseph K. Tyler began receiving letters with requests to apprehend a fugitive from justice, who was accused of murdering a man in Savannah, Georgia, three years prior, in 1849. Tyler was sent a handbill with the physical description of the murderer who went by the name of Patrick Sneed. This correspondence was sent by a man who signed his name Alfred E. Jones. He had made the claim that Sneed had murdered his brother James M. Jones. The letters were asking Tyler to deliver Sneed to him for a reward, but Tyler made it clear that Jones needed to bring a requisition in order him to hand Sneed over to him.

Patrick Sneed was discovered employed as a waiter at a hotel known as the Cataract House, in Niagara Falls, NY. The Cataract House one of the last stops before Canada in the Underground Railroad and was a point of refuge for fugitive slaves to stay and work for pay. Sneed was a fugitive slave, living under the name Joseph Watson. When Tyler and a fellow policeman named Eli E. Boyington attempted to arrest Sneed at the Cataract House, Sneed called for help and several of the other waiters whisked him away from the police. They attempted to get him to escape to Canada on a ferry boat, but he did not make it. Sneed was arrested on a murder warrant and taken to Buffalo, where he was committed to jail.

While imprisoned, Sneed petitioned for a writ of habeas corpus, believing he was unlawfully imprisoned. He was brought before the Erie County judge, James W. Sheldon and was represented by a remarkable attorney, who was also the mayor of Buffalo at the time, Eli Cook. The following collection is a set of court papers and notes pertaining to the habeas corpus hearing. In this edition of the papers relating to the Sneed case the majority were handwritten by Judge James W. Sheldon, recording the testimonies of several witnesses, the prisoner's examination, and the Judge's final opinion. A few of the pages were written by the court's clerk, William Andre, and the Police Justice, Isaac V. Vanderpoel.

During the process, several of the people who had been involved with or come across Patrick Sneed one way or another, testified. But the one person who never was seen was Alfred E. Jones, the accuser. He never showed up or brought a requisition from Georgia, as deputy Tyler had stipulated. It was discovered that Alfred E. Jones was actually a man named David R. Dillion. Dillion was Sneed's owner from Savannah, Georgia, attempting to reclaim him as a slave. Several people, including Judge Sheldon, caught on to this concealed motive, through their

familiarity with a situation that happened a few years previous in Newark, Ohio to Sneed's half-brother Adam Mendenhall, during which Sneed successfully had gotten away to Buffalo before he was arrested in Newark and given to Dillion. There were letters from Dillion to the District Attorney, Charles Follett, of Licking County in Newark, Ohio. The evidence of letters from David R. Dillion matched the handwriting of Alfred E. Jones, along with the similarity in content. Once the motives of the so-called Jones were exposed in court, Patrick Sneed was released from custody on September 9, 1853 and immediately escaped to Canada.

When the documents were donated to the Buffalo History Museum, they had been property of William Hodge, Jr. The Hodge family were pioneers of Buffalo, his father, William Hodge, Sr., having arrived in 1805 when his son was only 5 months old (Severance, 170). The younger Hodge's connection to the case is not known, but there are several speculations of how and why he could have come in possession of Judge Sheldon's notes.

William Hodge seemed to have connections to the courts around the time of the case. One of the theories is that William Hodge had access to the court papers through his uncle Benjamin Hodge Jr., and had possibly wanted them to write an article in the newspaper. The 1854 Buffalo City Directory lists Benjamin Hodge as one of the city assessors, or an assistant to the judge or a magistrate. The city directories gather information from the previous year starting in July, therefore the 1854 directory would contain information from July 1853 to June 1854. It's possible that Benjamin Hodge was the assessor during Sneed's case because it had happened in September of 1853. There is no concrete evidence that William Hodge had written for the newspapers during 1853, but there is evidence that he had previously written for and published in several newspapers. William Hodge was definitely a writer, he even wrote a memoir on his father, William Hodge Sr. (Severance, 170). In addition, an article on the Sneed case was published in the *Buffalo Daily Republic*, September 9, 1853 titled, "The Case of Patrick Sneed." The article doesn't identify the writer, but it factually matches up well with the legal notes written by Judge Sheldon, even though, once again, there is no proof that Hodge had anything to do with that article.

It is highly likely that William Hodge and Judge James Sheldon had known each other—both had been well respected members of the Buffalo Historical Society since 1868, and had served as presidents. Hodge and Sheldon remained active members up until their deaths, which had happened within days of one another in 1887 (Buffalo Historical Society 1899). Assuming that Hodge and Sheldon became friends during the 20 years of being involved Historical Society members is certainly not inconceivable. The final speculation is that William Hodge didn't have much to do with the case at the time but could have been given the papers by James Sheldon. Hodge had frequently acted upon his love of writing about historical manuscripts. In his father's memoir, Hodge mentioned that he contributed an article in the *Buffalo Commercial Advertiser*, December 20, 1872. In the article he provides a letter from Judge Granger to Honorable Albert Gallatin in 1809, and Hodge writes in the article about the letter's history (Hodge, 32). This clearly shows that William Hodge had access to historical documents, most likely through the



Buffalo Historical Society and not only collected historical documents but wrote about and published them. It's very possible that he had the court papers given to him by Sheldon, with plans to write about them someday but had never gotten around to it.

## Biographical Glossary

### Individuals Mentioned

*Andre, William* – County clerk (The Buffalo Directory 1854).

*Austin, Benjamin H* – Could be referring to father or son, they were both attorneys in Buffalo and had the same name. It's not stated which, but one of the two was nominated to be district attorney in 1853 on the Democrat ticket. (“Democratic County Nominations”).

*Bailey, ?* – Unidentified, in context it seems as though he is a police officer.

*Blair, A. O., M.D.* – Doctor that lived in Licking County, Newark, Ohio. Not much is known about him, but letters were sent to him by De Leon, thanking him for his help in finding his slave, Adam Mendenhall (“The Case of Patrick Sneed”).

*Boyington, Eli* – One of the police constables who assisted Joseph K. Tyler in the arrest of Patrick Sneed.

*Burdick, Augustus P.* – Police constable in Niagara Falls, NY who assisted in the arrest of Patrick Sneed.

*Butler, Hope* – One of the witnesses for the case. *The Buffalo Evening News* wrote an article about remembering him and describes Hope as a “prominent colored man” who was a professional nurse who gained his freedom for saving someone's life in Maryland (“Peyton Harris' Days.”).

*Byers, J. M.* – According to the *Buffalo Daily Republic* paper in September 1853, Byers was a well-known citizen of Newark, Ohio. He wrote a letter to Sneed's attorney, Eli Cook, which states that Sneed and Mendenhall were actually in Newark at the time of the supposed murder they were accused of. Byers also enclosed a letter from Judge Sheftall in Savannah.

*Cook, Eli* – (1814-1865) Elected Mayor of Buffalo in March 1853, he was also one of the leading criminal attorneys in Buffalo and he represented Sneed in this case (Rizzo, 72).

*Cook, Josiah* – Commissioner of Deeds and part of Sneed's legal counsel (The Buffalo Directory, 1854).

*Cross, ?* – He delivered Adam Mendenhall to Edwin De Leon, in a comparable situation to this case, from Newark, Ohio in 1850.

*De Leon, Edwin* – Adam Mendenhall’s slave owner, who falsely accused Mendenhall of murder in Newark, Ohio in 1850, and was able to reclaim Mendenhall back as a slave.

*Dillion, David R.* – Patrick Sneed’s former slave owner from Savannah, Georgia, who posed as Alfred E. Jones and falsely accused Sneed of murder in order to reclaim him as a slave.

*Drake, Ebenezer H.* – County jailor in Buffalo.

*Follett, Charles* – District attorney of Licking County in Newark, Ohio, during which time he received letters from Alfred E. Jones (aka David Dillion) and Edwin De Leon in 1849 and 1850, looking for Patrick Sneed and Adam Mendenhall. Follett shared the similarities in content and handwriting between Jones and Dillion.

*Jones, Alfred E.* – Name used by David R. Dillion as part of his plan to falsely accuse Sneed of murdering his brother, James M. Jones, in attempts to get Sneed back as his slave. There was no evidence that Alfred E. Jones was a real person.

*Jones, James M.* – According to the U.S. Federal Census Mortality Schedule, a James M. Jones from Georgia that was murdered in July 1849 at the age of 25. It appears that Dillion used this man’s mysterious murder for his own gain.

*Marvin, Richard Pratt* – Justice of New York Supreme Court (1847 – 1871). He was the initial judge on Sneed’s case but in anticipation of his absence, the case was handed over to Honorable James W. Sheldon (“Marvin, Richard Pratt”).

*Mendenhall, Adam* – Patrick Sneed’s half-brother who was also a fugitive slave and had been accused of murder with Sneed in Newark, Ohio in 1849-1850. While Sneed escaped to Niagara Falls, Mendenhall was arrested and reclaimed by his owner, Edwin De Leon.

*Morse, Charles B.* – He was a witness for the case and in the 1853 Buffalo City Directory he was listed as the county coroner.

*Parr, William* – Sheriff in Licking County in Newark, Ohio in 1849.

*Pierce, John* – Listed as a deputy in the Buffalo City Directory from 1853 and 1854.

*Rathbun, ?* – Several Rathbuns are listed in the Buffalo City Directory in 1854. This may be James A. Rathbun, a new attorney and was previously a student of one of the judges in Recorder’s court. There is no further mention of him in any of the documents.

*Sheftall, Mortdecai, Sr.* – Judge in Savannah, one of his letters to a doctor named A.O. Blair was used in support of Sneed. In the letter Sheftall says that there was never any affidavit against either Adam or Patrick and that he is positive they are innocent (“The Case of Patrick Sneed”).

*Sheldon, James W.* – Erie county judge who presided over Patrick Sneed’s case and the man who wrote a majority of the documents in this edition.

*Sherwood, Sam B.* – According to the *Buffalo Daily Republic* news article in September 1853, he was an “eminent banker of Newark”; he had also written a letter to Sneed’s counsel. In the letter he claims he is confident that the case against Mendenhall was just a ploy to get him back into slavery, and he believed the same for Sneed’s case (“The Case of Patrick Sneed”).

*Sneed, Patrick* – Fugitive slave who escaped from his owner David R. Dillion in Savannah and found refuge at the Cataract House, where he was a waiter. Sneed was accused of murdering James M. Jones, by his supposed brother, Alfred E. Jones. He was arrested and put in jail in Buffalo, where he petitioned for a habeas corpus. Sneed was described to have a dark complexion, red hair, and freckles. When he was released on account of his innocence he fled to safety in Canada.

*Tyler, Joseph K.* – Deputy policeman of Erie County and the man who arrested Sneed after receiving letters from Alfred E. Jones.

*Vanderpoel, Isaac V.* – Police Justice in Buffalo who swore out the warrant that approved Tyler to go and apprehend Sneed.

*Watson, Joseph* – Patrick Sneed’s alias used when working at the Cataract House as a waiter.

*[August 28, 1853]<sup>1</sup>*

Erie county §–

To the keeper of the common jail of said county:

Receive into your custody and safely keep for further examination, Patrick Snad [*sic*]  
(alias) Joseph [Lewis?]<sup>2</sup>, who is charged before me on the oath of Joseph K. Tyler, with the  
murder of one James M. Jones and bring him again before me to be further examined and dealt  
with according to law.

Given under my hand and seal this 28th day of August 1853,

I. V. Vanderpoel

Police Justice

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<sup>1</sup> This page is believed to have been written by Isaac Vanderpoel.

<sup>2</sup> Appears to be a misunderstanding or mistake on the author's part, instead of writing Watson.

*[September 3, 1853]*<sup>3</sup>

People of the state of New York

To the keeper of the common jail of the county of Erie—

We command you that you have custody of Joseph Watson by you imprisoned and detained. As it is said, together with the time and cause of such imprisonment and detention, by whatsoever name the said Joseph Watson shall be called or charged before the Honorable James Sheldon, Erie County Judge, to do and receive what shall then and there be considered concerning the said Joseph Watson.

And have you then, there, this writ<sup>4</sup>—

Witness Honorable R. P. Marvin Justice, etc.

and this 3<sup>rd</sup> day of September 1853

William Andre  
Clerk

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<sup>3</sup> Page written by William Andre.

<sup>4</sup> "Writ" is a written command issued by the courts directing to whom it is addressed to refrain from a certain act (*OED Online*).

*[September 3, 1853]<sup>5</sup>*

Copy Commitment

Erie County §

To the keeper of the common jail of said county—

Receive into your custody and safely keep for further examination, Patrick Sneed, alias Joseph Watson, who is charged before me on the oath of Joseph K. Tyler with the murder of one James M. Jones and bring him before me to be further dealt with according to law.

I. V. Vanderpoel

Police Justice

---

<sup>5</sup> Believed to be William Andre's handwriting, just creating a copy of Vanderpoel's commitment.

[September 3, 1853]

The People  
vs.  
Joseph Watson  
Petitioner  
Eli Cook  
Petitioner's Attorney  
Buffalo<sup>6</sup>

Read and Habeas Corpus<sup>7</sup> granted  
September 3, 1853  
J. W. Sheldon  
County Judge

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<sup>6</sup> Top section written by William Andre.

<sup>7</sup> "Habeas corpus" is "a writ issuing out of a court of justice, or awarded by a judge in vacation, requiring the body of a person to be brought before the judge or into the court for the purpose specified in the writ" (*OED Online*).

[September 5, 1853]<sup>8</sup>

In the matter of the imprisonment of  
Joseph Watson, alias Patrick Sneede [*sic*]

And the said, Joseph Watson, who in the said warrant and return is called Patrick Sneed says that he ought not to be further restrained of his liberty by the said [*Ebenezer*] Drake, because he says that at the time of the issuing of the warrant, to arrest him by the supposed authority, where of he was arrested before he was committed by the warrant set forth in the foregoing letter. He was not in the county of Erie but was in the county of Niagara to wit<sup>9</sup>, at Manchester in the county last aforesaid. That he had not been in the county of Erie for a long time previous to that time. That there never was a complaint made to or before the said Isaac V. Vanderpoel, or any justice of the peace of the county of Erie, that this defendant had committed any crime in the county of Erie or elsewhere in the state of New York. But this defendant has been imprisoned and believes that a complaint was made before said, Vanderpoel on the information and suspicion of one Joseph K. Tyler, that he believes that this defendant had committed the crime of murder in the state of Georgia. But it was not alleged in said complaint or that he has been in the county of Erie wherefor this defendant alleges that the said Isaac V. Vanderpoel, the police justice by whom said the warrant purports to have been issued, had no jurisdiction of the officer there in charge or right or authority, whatever, to issue any process for the arrest of this defendant or any authority to commit him to jail for further examination.

This defendant further alleges that [he?] and was at the time of his arrest, a citizen of the province of Canada, to wit of the city of Toronto. That he was illegally and without any warrant or authority for that purpose, arrested in said province of Canada and against his will, and

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<sup>8</sup> These pages appear to be written by Josiah Cook.

<sup>9</sup> "To wit" is the archaic form of "that is" (*OED Online*).



without his consent, falsely imprisoned and carried from Canada aforesaid, to the county of Niagara, to the city of Buffalo in the county of Erie. And there without any right or lawful authority to do so, the said police justice issued the warrant set forth in the forgoing return.

Wherefore he prays that he may be discharged, etc.

His

Joseph † Watson

Mark<sup>10</sup>

Erie County §

Joseph Watson being sworn says that the forgoing pleading signed by him in substance and matter of fact.

His

Joseph † Watson

Mark

Sworn before me this 5<sup>th</sup> day of September 1853

J. W. Sheldon

County Judge

Filed September 5, 1853

J. W. Sheldon

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<sup>10</sup> "His Mark" was an indicator that the person signing the paper was illiterate and/or was unable to sign their name, therefore a notary will write the said person's name and the person unable to sign their name create a "mark" next to their written name as proof of their signature.

[September 5, 1853]

To the honorable James Sheldon, Judge of Erie County:

The petition of Joseph Watson sheweth<sup>11</sup> that he is now a prisoner restrained of his liberty in custody of Ebenezer H. Drake, jailor of the county of Erie, for a supposed criminal offence, that is to say on the charge of murder and a copy of his commitment is here to annexed—and the said petitioner avers<sup>12</sup> that he is not (to his best knowledge and belief) committed or detained by virtue of any process issued by any court of the United States or any judge there of or by virtue of the final judgement or decree—

Wherefore your petitioner prays a habeas corpus to discharge him from custody as he is advised by counsel and believed that his imprisonment is illegal in this, that he has not committed any crime or offence and is not detained by any legal or competent authority.

His

Joseph + Watson

Mark

Eli Cook

Attorney for petitioner

Erie County, Buffalo

City of Buffalo § –

Joseph Watson being duly sworn says he has heard read, the forgoing petition subscribed by him and knows its contents and the same is true in substance and matter of fact.

Sworn before me September 5, 1853

His

Joseph + Watson

Mark

Josiah Cook, Commissioner of Deeds  
for the city of Buffalo

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<sup>11</sup> “Sheweth” is a third-person singular simple present indicative form of shew, which is the archaic form of show (OED Online).

<sup>12</sup> “Aver” is to prove true, confirm, verify (OED Online).

September 6, 1853

The People  
 $\pi$ <sup>13</sup>  
Patrick Sneed alias  
Joseph Watson

B. H. Austin  
[Mr. Rathbun?]  
For People  
Eli Cook  
For Prisoner

### Habeas Corpus

The examination of witnesses and of prisoner on the return of habeas corpus.

Joseph K. Tyler sworn for people—

I am a public officer of the county, a deputy sheriff, and reside in Buffalo. I know the prisoner, I have since a week ago, last Sunday. That was the first I knew of seeing him. I arrested him at that time in company with others upon a charge of murder committed in Savannah, Georgia. I have a handbill<sup>14</sup> in which I think he is described as the murderer. I had this paper (newspaper) previous to his arrest issuing of the warrant, dated May 4, 1850 called, the Friend of the Family, reads the hand bill side offering rewards, etc. I got this paper by mail from Saratoga in this state accompanied by this letter, that dated at that place (letter offered to be read). I read the letter about the 20<sup>th</sup> August. It was mailed 16<sup>th</sup> August. I was away a day or so and I got it on my return (letter read). (Marked No. 1) I replied to that letter, answered it telling him that Sneed could be arrested up at Cataract House<sup>15</sup>.

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<sup>13</sup> Legal shorthand symbol meaning plaintiff (Jones).

<sup>14</sup> A printed notice or advertisement on a single page, intended to be delivered or circulated by hand (*OED Online*).

<sup>15</sup> Cataract House (1825-1945) was a large hotel in Niagara Falls, it was a very popular place to stay because of its close location to the Falls. The Cataract House was also involved with the Underground Railroad, helping fugitive slaves to freedom in Canada, as well as employing several of them as waitstaff so they were able to have refuge and start saving money. Patrick Sneed was employed as a waiter here ("Site of the Cataract House").

I received a letter in return dated, New York, August 24, 1853 from Jones. (No. 2) I answered that, I said that I had not been at Falls but had sent Boyington and that he had found Sneed who claimed to be a colored man and passed as one among the servants in the dining room, and that he was going by name of Watson. I wrote this because [Alfred] Jones has not before intimated that Sneed was a colored man. I then received this dispatch from Baltimore by telegraph in answer to my letter. It is as follows,

Dated August 27, 1853, James [sic]<sup>16</sup> K. Tyler–

Watson is the man I want. Bring him New York or Baltimore. Answer.

Signed James [sic]<sup>17</sup> E. Jones

When the above information<sup>18</sup> I swore out the warrant after I arrested him and brought him to Buffalo. I telegraphed Jones at Baltimore, that I had arrested Watson and he was here in jail. This was on Monday after the arrest and requested him to come to New York or Buffalo. This may have been on Saturday before last I telegraphed him to come.

Next, I heard from him he was in New York. On Monday, as I said, I again telegraphed, and that it would be necessary for him to come here. I received this dispatch,

New York, August 31, 1853 to J. K. Tyler–

If you cannot bring Watson to New York, I must go to Georgia for a requisition<sup>19</sup>, it will take 12 days answer.

Signed A. E. Jones.

---

<sup>16</sup> Mistake, Joseph K. Tyler.

<sup>17</sup> Mistake, Alfred E. Jones.

<sup>18</sup> Reference to the letters received by Jones.

<sup>19</sup> "Requisition" is a formal demand made by one state or government upon another for the surrender or extradition of a fugitive from justice (OED Online).

After I got that, I came and saw the district attorney<sup>20</sup> and acted under his advice and that I had better telegraph to Jones to come and make the proper affidavit, and if he came, Watson would be held. That was directed to New York care Demile & Co.<sup>21</sup> I got a dispatch signed Demile & Co.

Dated August 31<sup>st</sup>,

Jones left to get requisition, will try and get him word if not left. He will have all right.

Demile & Co.

I did not reply by dispatch. I waited for answer. I subsequently received two letters from Jones dated August 31, 1853 in New York, one No. 6 and No. 7, same date. There all the communications I have received and presume he sailed for Savannah.

I found Sneed at the Cataract House, I find another letter from A. E. Jones dated August 27<sup>th</sup>, to me. No. 8 I have conversed with this man, Sneed, on the way from the Falls. He said he has lived in Savannah and said he has been a waiter. He said he had no negro blood in him, that his father was Indian, and his mother was a Jewess. I do not recollect he said where he was born. Said he was married and a wife and two children in Toronto. [John] Pierce asked him whether his wife was white or colored, and he said white.

He said that he has never been a slave and then he also said that he was and had been. I told him that he was not arrested as a slave. He then said that he was a slave. I asked if he was a slave at Savannah and he said yes. And he said his masters name was not Jones. I asked him if he ever knew any family by the name of Jones at Savannah and he said no. And then I asked him if he had any recollection of hearing of a man by the name of Jones being murdered there and he said no, never knew or heard of any such circumstance.

He told me the name of his master, it was Dillion. I asked how he could be a slave if his father was an Indian and his mother, a Jew. And he said he was made a slave by his own act, that he hired out to a man for eight dollars a month and the man did not treat him well and he ran away.

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<sup>20</sup> District attorney of Erie County during this time in 1853 would have been John L. Talcott (*The Buffalo Directory 1853*).

<sup>21</sup> Unidentified, possibly a firm or other business in Saratoga County.

He said he could not tell how long since he came from Savannah. That he had no education and could not tell that he had lived at the Cataract House, two seasons and said he had previously lived in Canada but could not tell how long. He said he had no friends in Buffalo and had never lived here.

Cross No. by Cook—

I arrested him in the Cataract Hotel. Boyington, Pierce, and Bailey<sup>22</sup> were there. I called him out of the dining room. I called him Patrick and said put your jacket on and go with me, I want you. He asked what I wanted, Boyington came up and told him he had a warrant for him, for murder and he must go to Buffalo. Then, he showed resistance and I took hold him by the wrist in order to get the irons on him. He called for help and help came. The colored boys and filled the hall full and pulled us off of him and immediately the boys came for the initiator. My clothes were pulled off and he got away.

Next, I saw he was in a boat on the Niagara River. The handcuff was on one wrist and it was hanging there. [Augustus] Burdick was in the boat with Sneed. Burdick is a constable<sup>23</sup> at the Falls. The boat came up, so I could talk with him and I told them he was charged with murder. They said they would go down to Suspension Bridge<sup>24</sup> and [land?] him. They did so, and I went down in a carriage. In coming up, he appeared to be still and talked [but?] little, only in answer to questions.

I have never seen Mr. Jones or any other person who knew Sneed, I acted on this information alone. I have written to Demile and to Garvins<sup>25</sup> on [Saturday?] and Sunday last asking for information about Jones and the particulars. I have not received answers.

J. K. Tyler

Subscribed and Sworn to before me

September 6, 1853,

J. W. Sheldon

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<sup>22</sup> Unidentified person.

<sup>23</sup> A constable is an officer of the peace or a civil officer (*OED Online*).

<sup>24</sup> Niagara Falls suspension bridge (1848-1855) crossing the Niagara River into Canada, it was used frequently by Underground Railroad to help fugitive slaves to freedom (“Niagara Falls Suspension Bridge”).

<sup>25</sup> James Garvins, unidentified.

[September 6, 1853]

I. V. Vanderpoel–

I issued this warrant of commitment. I issued it at my house in Buffalo, where I board, a week ago last Sunday evening, 8:00 – 9 o'clock. The prisoner was not before me at the time, he was in jail here. He has never been brought before me. The warrant of arrest was in possession of officer Boyington at the time. It has never been returned to me, it was in my possession that evening I issued the warrant.

In my police justice office Buffalo, Joseph K. Tyler made the complaint. He was sworn. He did not profess in giving that testimony to have any personal knowledge of the murder. He swore that the murder had been committed as he was informed and believed. He had papers which he offered to produce and state their contents.

I cannot say whether he has ever seen Patrick Snead [sic]. He did not tell me he was employed at hotel at the Falls or at Cataract House. He said he thought he was employed in Niagara County, but he did not tell me at what place and I did not ask him. He said the murder was committed at Savannah, Georgia. The name was James A [sic] Jones, I believe it is in the warrant and in July 1848. I believe he did not state how he was murdered or the means used.

*[September 6, 1853]*

Augustus P. Burdick sworn for prisoner—

Knew prisoner by sight, seen him frequently, known him since a year ago last spring. The last summer he has lived at the Cataract House at the Falls and been a waiter, he was there in the house. I saw him at the ferry first.

1st point that Vanderpoel had no power to issue the warrant

2nd he had no power to issue the commitment because the prisoner was not before him and he had no jurisdiction to take any step in the matter.

3rd the magistrate had no power in such a case to commit indefinitely, but for a certain time only.

[Question?] whether [final?] or only for examination.

Vanderpoel- I did not give any written notice to district attorney at any time.

Cook offers to prove that the only object of his present detention is to give time for a requisition to be sent from Savannah

Overruled for the purpose of showing the detention unreasonable and illegal.



*[September 6, 1853]*

Hope Butler sworn for people—

I reside in Buffalo, I know the prisoner and first knew him latter part of summer 1849. He was at work here with my son Cornelius at carpenter and joiner's business. He worked till it came cold weather, then he went to drawing coal in a cart for Brown, Stephen Brown.

He said if the Fugitive Slave Bill<sup>26</sup> passed he would go to Canada. If Mr. Fillmore should sign the bill he would go, as he was a fugitive and if it was not passed he should stay. He went next spring or so, I missed him. I never asked him where he came from. He seemed to understand the use of tools as a mechanic.

His

Hope † Butler

Mark

Subscribed and swore to before me

September 6, 1853

J. W. Sheldon

Erie County Judge

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<sup>26</sup> Fugitive Slave Law of 1850, passed by U.S. Congress, states that a fugitive slave if captured legally must be returned to their owners even if they are in free states. It was signed into law by President Millard Fillmore, a native of Western New York ("Fugitive Slave Act...").

*[September 7, 1853]*

Augustus Burdick sworn for prisoner–

I am a constable and reside at Niagara Falls. I assisted in the arrest at the ferry. I went out in a boat. [Defendant?] had gone out in a boat. I first saw him in a boat crossing the river. When I got there, I heard a colored man say that Watson had got away from a Buffalo officer. I went out and finally we went down to Suspension Bridge.

I received a letter from a man signing himself Jones, A. E. Jones. I received a paper with it (paper like the one introduced by people).

(No. 9) I wrote to him that I should deliver him in New York or Savannah for the reward offered by himself, \$300, provided he came with the necessary documents so I could proceed legally to take him there. I received his on the 13<sup>th</sup> August and sent my answer on the 15<sup>th</sup>. I have never heard anything more from him.

Cross No. by Austin–

I directed my letter to Saratoga, mailed it 10 in the morning. I did not know anything about what was going on till I saw the rush at the ferry and I had no further communication with Jones.

A. P. Burdick

[add?] to September 7, 1853 (3:00 pm)

September 7, 1853

3 P.M.

Examination continued

Charles B. Morse sworn for people testified—

I reside in Buffalo and have for 19 years. I have seen the prisoner before about 3 years ago, about this time. He worked for somebody at Buckley's coal yard. In October, after that he worked for me 4 or 6 weeks, in October 1850. He told me he had lived in Savannah and in South Carolina. He said he was a slave there, said he was a cooper by trade<sup>27</sup>, said that, that was his business when he was down in that part of the country. I have not seen him since that fall until the other day.

C.B. Morse

Subscribed and Sworn to

before me September 7, 1853

J.W. Sheldon

Erie county Judge

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<sup>27</sup> "Cooper" is a profession that makes wooden vessels such as barrels ("Cooper (profession)").

[September 7, 1853]

People offer nothing more at present.

The prisoner declines to be examined.

Offers certain papers:

- A. 1<sup>st</sup> A letter from S. B. Sherwood dated at Newark, Ohio, August 31, 1853 to Eli Cook.
  - B. 2<sup>nd</sup> Letter from Edwin De Leon at Washington, February 18, 1850 to Dr. [A.O.] Blair, Newark, Ohio.
  - C. 3<sup>rd</sup> Letter from Judge Sheftall February 12, 1850 from Savannah to Dr. O. A. [sic] Blair.
  - D. Letter from J. M. Byers dated Newark, Ohio, September 1, 1853, to Eli Cook, enclosing these letters.
  - E. Letter at Savannah, November 9, 1849, from David R. Dillion to Chas [sic] Follett, Newark.
  - F. Letter from D. R. Dillion to Follett; December 1, 1849.
  - G. Same to same July 18, 1850.
  - H. Letter from Mr. Cohen<sup>28</sup>, dated 22 February 1850 to Follett.
  - I. Letter from Dillion to Follett from Baltimore; February 22, 1850.
  - K. Dillion to Follett; May 15, 1850.
  - L. Dillion to Follett; May 17, 1850.
  - M. From secretary executive of Georgia, 7 June 1850 to Follett.
  - N. Dillion to Follett; June 13, 1850.
  - O. Ed [sic] De Leon to Follett, No date.
  - P. Letter from Mordecai Sheftall Sr. to William Parr Sheriff and Caffee, Mayor of Newark, Ohio; January 27, 1850.
- Savannah Georgian, daily paper at Savannah offering reward \$1500 and \$1000 reward, July 13, 1849.

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<sup>28</sup> Mr. Cohen is unidentified.

*[September 7, 1853]*

William Parr sworn for prisoner—

I reside at Newark, Ohio and was sheriff in 1849 of that county (Licking county). I was there when proceedings were taken against Adam Mendenhall and Patrick Sneed as fugitive slaves. I arrested Mendenhall. It was in December 1849, I believe. I made the arrest, I do not know who claimed Mendenhall. He was kept in jail. No one arrested Mendenhall as a slave. He was arrested as a murderer, as a fugitive from justice, he laid in jail.

He was discharged on a habeas corpus. He was rearrested on a charge of murder and then I arrested him on the warrant of the Governor, charging him with murder, and I delivered him to Follett. I believe I never saw Sneed. I have seen his description in my handbill. This is the advertisement in the paper and also a handbill of same thing,

Cross No.

This was in 1849, that I was [in?] sheriff.

William Parr

Subscribed and sworn to before me

September 7, 1853

J. W. Sheldon

Erie County Judge

*[September 7, 1853]*

Charles Follett–

I reside at Newark, I am a district attorney of Licking County. I received Mendenhall from William Parr. I took him to Baltimore, I left him there with a man by name of Cross. Cross went with me as an assistant.

Witness looks at Jones' letters and says, "I should say that the same man who wrote them wrote the Dillion letters."

[September 7, 1853]

Nothing further on behalf of prisoner.

Nothing on behalf of people.

1 Sandford 701<sup>29</sup>

4 [J?] R. [Chancy?] 106<sup>30</sup>

Cook: sums upon—

Fugitive must be charged in the state where this offence was committed. Absence of all proof that he is charged in Georgia with the offence handbill of A. E. Jones. Unwillingness of Jones to come here and make the oath or make it anywhere, assumed name of Jones for Dillion.

Letter of Dillion and Jones.

Letter of Judge Sheftall.

Federal government has provided sufficient remedy, etc., for fugitive slave, Ashburton treaty of extradition<sup>31</sup>.

Austin for people—

Only a question for a crime probably been committed and is prisoner probably the offender. Proceedings for arrest and commitment must be same as if offence were here. Case to be considered as if prisoner was a white man ([true right?])

Requisition for murder [on Governor?] different rule between fugitives and offenders here.

1 Sandford 701

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<sup>29</sup> 1 Sandford 701 – Section 2, article 4 of the Constitution, reclamation by one state upon another for fugitives from justice, the requisition must show that the crime was committed within the territory of the requiring state (“Extradition” 288).

<sup>30</sup> Unidentified statute.

<sup>31</sup> The Webster-Ashburton treaty of extradition between the U.S. and Britain (including British territories such as Canada), explained in Article X, briefly states a fugitive from justice must be apprehended and committed to wait for trial, but it must be done under the laws of the country where the crime was committed. Seven crimes are subject to extradition, none of which are slave-related; therefore, the U.S. was unable to press for the return of fugitive slaves from Canada (Miller).

The People  
against  
Patrick Sneed  
alias Joseph Watson  
Opinion  
September 8, 1853  
J. W. Sheldon  
And announced September 9th – 9 A.M.



The People  
against  
Patrick Sneed

September 8, 1853  
Opinion  
On habeas corpus

The prisoner Patrick Sneed was brought before me by the keeper of the jail of Erie County, in obedience to a writ of habeas corpus issued to him on the 3<sup>rd</sup> instant<sup>32</sup>. The return showed as cause of detention, a commitment by the police justice of this city, which was regular on its face, and directed the detention of the prisoner for further examination on charge of murder.

The return was not denied but the prisoner's counsel interposed a traverse under the 48<sup>th</sup> section of the act relating to writs of habeas corpus, alleging that the imprisonment was unlawful by reason of [entire?] want of jurisdiction in the magistrate to issue the warrant of arrest and alleging also that the commitment was irregular and that he was entitled to be discharged.

The traverse was heard in the manner pointed out by statute and a decision made supporting other allegations of want of jurisdiction and the irregularity of the commitment and further deciding that it was my duty, under section 43 of the same act to proceed to hear the testimony offered with the return and on hearing thereof and the whole matter was heard on behalf of the people and the prisoner on the 6<sup>th</sup> and 7<sup>th</sup> instant.

The prisoner is sought be detained as a fugitive from justice and it is alleged that in the month of July 1849, he committed the crime of murder upon James M. Jones at Savannah Georgia and fled from that state and is found within the state of New York.

The proceedings for his arrest and commitment are declared by the revised statutes to be in all respect similar to those for the arrests and commitment of persons charged with the commission of offences within this state. The act of 1839 further declares that if it shall satisfactorily appear from such examination that such person has committed a criminal offence and is a fugitive from justice, the examining magistrate is to commit him to jail to await the requisition of the governor of the state where in the fugitive committed the offence, etc.

By reference to this statute in regard to the arrest and examination of offenders, their commitment, etc., it will be observed that its provisions relating to offences committed within this state differ in important particulars from the sections above stated as applicable to the arrest

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<sup>32</sup> "Instant" was a term used for recent events in the current month, therefore *3rd instant* in this case would mean September 3rd, 1853 (*OED Online*).

and commitment of fugitives from justice. It is provided by the [former?] that if it shall appear that an offence has been committed and there is probable cause to believe the prisoner to be guilty thereof shall be committed to prison to await his trial unless bail is offered if the offence beailable.

In the case under consideration, in order to commit, it must satisfactorily appear that the prisoner has not only committed a criminal offence but that he is a fugitive from justice, and in my opinion, it requires evidence of a different and more conclusive character to justify a commitment as a fugitive than would be necessary to detain as an offender against the laws of this state. Two essential points are to be satisfactorily established first that the prisoner has committed the crime of the murder of James M. Jones and second, that he is a fugitive from justice and I propose in belief to review the proof and allegations introduced by the people and the prisoner.

It appears that on the 20<sup>th</sup> of August, a police officer of this city received a letter purporting to be signed by Alfred E. Jones and dated at Saratoga, August 16<sup>th</sup>, which stated in substance that the writer had forwarded a newspaper to the officer relative to the prisoner and desiring to know what he would deliver the prisoner for in Savannah or Baltimore.

The paper is produced and upon one whole side are three advertisements in handbill forms offering large rewards for the murderers of James M Jones, one of which mentions the prisoner by name and contains an accurate description of his person and trade and to which I shall presently refer more particularly the officer answered that the prisoner could be arrested, and some correspondence then occurred when the officer swore out the warrant and made the arrest. Several other letters from Mr. A. E. Jones, all since the 20<sup>th</sup> of August are produced, which state that finally he has gone to Georgia to procure a requisition from the executive of that state. He had been informed that it was necessary for him to come here to prefer a complaint<sup>33</sup> and was aware as he states that a requisition is necessary to legally [remove?] the prisoner, but leaves this state, as he says, to expedite the forwarding of the papers. In his letters he claims that the prisoner is the murderer of his brother and offers a reward for his delivery at New York or Baltimore.

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<sup>33</sup> "Prefer a complaint" means to submit a complaint (Bishop).

Without further detail, it will be sufficient to state that upon this information desired from the letters of Mr. A. E. Jones and the handbill it is claimed on behalf of the people that they have satisfactorily established the propositions above stated and that the prisoner should be committed. The prisoner declined being examined and his counsel introduced certain letters of persons residing at Newark, Licking County, Ohio. The testimony of the sheriff and district attorney of that county and letters of one David R. Dillion at Savannah and other gentlemen at that place, all written in the winter of 1849, and spring and summer of 1850 [tending] to establish that in the fall of 1849 the prisoner, his half- brother, Adam Mendenhall, came to Newark, the [former?] remaining but a short time but the letter continuing to reside there.

Soon after the sheriff received a paper describing these two men as murderers and arrested Adam, but the prisoner escaped. Adam was released upon habeas corpus but was subsequently rearrested by virtue of a warrant of the Governor of the State of Ohio and delivered over to the District attorney who had upon the application of Dillion been appointed an agent to receive the fugitive and convey him to Georgia.

He was taken to Baltimore where he was claimed by Edmund De Leon of South Carolina, as his slave and not delivered to the authorities of the state of Georgia. Mr. De Leon's letters are introduced stating the accusation of murder against Adam to be false and claiming him as a fugitive slave.

The letter of Dillion in reference to the matter offer reward for the delivery of both of the offenders as murders but for what reason, he was solicitous to arrest or convict the murders of Mr. Jones, does not appear.

There are also two letters introduced from Judge Sheftall of Savannah to the authorities at Newark, denouncing the affair of the arrest of Adam and the attempted arrested of this prisoner as a scheme continued by Dillion, to repossess himself of Patrick his own slave and also, to procure Adam as the slave of De Leon, and also speaking of his own knowledge that neither of the alleged fugitives were ever suspected of the offence and that no affidavit or charge had ever been made against them.

The counsel for the prisoner contends that there is no foundation in truth for the accusation that the prisoner is anyway connected with the murder or that he is a fugitive from justice but that the proceedings for the present arrest, are taken by Dillion under the assumed name of Jones and the whole matter is an imposition upon the authorities of our state, having no

other ultimate design than the detention of the prisoner until he can be claimed as a fugitive slave.

The above cursory statement shows the nature of the respective allegations of the parties, and I have deemed it proper to depart from the observance of the ordinary rules of evidence in order to arrive at a conclusion in a summary manner which shall be satisfactory to my mind, I believe that such a course is justified by the statute and by eminent judicial decision pronounced in analogous cases.

I propose now to refer more particularly to the evidence before me. The newspaper referred to which contains the advertisements of reward purports to be a weekly paper published at Savannah and bears date on the first and second pages, May 4, 1850.

The third reward offered by Alfred E Jones is the sum of three hundred dollars for the arrest of Patrick Sneed, describing him and his trade and alleging that he is the murderer & this advertisement is the only one designating anyone as the guilty person. This is dated May 1850, but no day of the month and states that Patrick fled on the 7<sup>th</sup> day of that month from Savannah, which is three days after the date of this paper. This point escaped the attention of the prisoner's counsel as did also, the fact that the foot of the last column on the second page, ends with a part of a word and in the middle of a sentence, and no conclusion of the sentence is to be found upon the sheet; the third page where it should appropriately be found being entirely covered by the handbill. It is unnecessary to say that such circumstance greatly tend to impeach the credibility of the paper and would tend to show that the paper produced was no part of the regular edition of the newspaper, but was rather one of a number of extras struck off after the publication of the edition.

It would seem that no publisher of a paper would ever send forth such a mutilated sheet to his subscribers, the very leading article of which being a description of a Mayday fete<sup>34</sup> in that locality was left incomplete.

But I am led to a particular examination of the letters signed by Dillion in 1849 and 1850 addressed to one of the witnesses who has been sworn, in a course of correspondences between them, and also to the letters written during the past three weeks by Alfred E Jones to the officer in this city upon this subject. The witness spoken of, testifies that he received the letters from Dillion in answer to letters written by himself, and from an inspection of the letters of Jones he

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<sup>34</sup> "Fete" is a term for a celebration or festival (*OED Online*).

believes they are all written by the same person, and upon examining them myself it would seem that there is, to say the least, a most remarkable similarity not only in the form and style of the letters and the writing generally, but also in the composition and expression of the writers upon the same subject matter, the particulars of which it is unnecessary for me to state, but which cannot fail to be apparent even to an unpracticed examiner.

Besides this, it appears from the testimony that on the 15<sup>th</sup> of August last, Mr. Jones was within a few hours ride of Niagara Falls where as he alleges the murderer of his brother was employed, and that he well knew that fact. That before the arrest he was aware of the necessity of his presence and oath, to give form and substance to his accusation, and that although solicited to come to this place for those purposes, he has left the whole matter for others to attend to and not provided them with papers or fact, which he has had ample time to procure if any such there were, and which would have given this accusation a character, entitling it to the serious consideration of this tribunal.

I cannot conceive how such neglect and almost refusal on his part can be reconciled, for the ordinary emotions of our nature would prompt a very different course of action on the part of a man in the situation in which he claims to be placed.

over<sup>35</sup>

I am unable, in the few hours reserved by me for consideration, to enter more fully into a written statement of my views of this case, but after a careful review of the allegations and proofs before me, and an earnest endeavor to apply the law in such a manner that the public justice shall not be defeated nor the rights of the individual disregarded, I cannot avoid the conclusion and that there an absence of even probable cause to hold the prisoner, and that it does not, upon this examination satisfactorily appear to me that he has committed the criminal offence which is charged against him or that he is a fugitive from justice.

On the contrary it becomes me to declare after thus disposing of the case upon the merits, that I am fully convinced of the bad faith of this proceeding not on the part of the public officers who have only discharged their duty in an honorable and praiseworthy manner, but on the part of the person who has thus continued to impose upon the authorities. It deserves the condemnation

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<sup>35</sup> "Over" was placed at the end of the page in the original document, most likely meaning to turn the page over.

of community and as one of the chosen conservators of the peace, while ever desirous of upholding right and truth and enforcing obedience to the law, I deem it my duty to denounce the author of this proceeding as deserving not only the censure but the pity of all good citizens.

The prisoner must be fully discharged from custody.

J. W. Sheldon

Written September 7<sup>th</sup> - Midnight

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