

# EXPOSITION

OF THE

## PROCEEDINGS

OF

JOHN P. DARG, HENRY W. MERRITT,

AND OTHERS,

IN RELATION TO

THE ROBBERY OF DARG,

THE ELOPEMENT OF HIS ALLEGED SLAVE,

AND

THE TRIAL OF BARNEY CORSE,

WHO WAS UNJUSTLY CHARGED AS AN ACCESSARY.

---

NEW-YORK:

PUBLISHED BY ISAAC T. HOPPER.

---

1840.









## THE DARG CASE.

---

THE circumstances connected with and growing out of the elopement of Thomas Hughes, a colored man, from his alleged master, John P. Darg, have been partially known for more than a year past, under this name. "*The Darg Case*" has excited considerable interest in the public mind;—it has been the occasion of much comment by the daily press, in which the character of individuals has been maligned, and the cause of public justice wantonly insulted. It embraces many singular and interesting incidents; the indictment of several persons of good character, as participants in a felony; two protracted trials of one of the parties, and the final dismissal of the whole charge as unsusceptible of proof, after a continuous effort of nearly seventeen months, to fix upon reputable men, the stain of a criminal conviction. Justice to the assailed, calls for a plain statement of facts in regard to this extraordinary case. Respect for the *laws*,—a desire to contribute to their impartial administration, by exposing abuses practised in their name, and to warn the people of the necessity of vigilance on their part, to ensure from them *protection*, instead of *injury*, are additional incentives to such an exposition. The people as a body, are interested in the administration of law; they are safe, while those entrusted with its powers are actuated by an honest sense of duty; but when men, destitute of principle, and wholly regardless of every thing but their own interest, are elevated to stations of civil trust and authority, no vigilance can ensure the even-handed administration of justice;—the innocent are then scarcely less liable than the guilty, to become the victims of legal denunciation and punishment.

The writer is deeply impressed with the importance of these considerations to the public welfare, and as the following narrative will show that they have an application to existing facts, he respectfully solicits for it a candid and attentive perusal.

---

John P. Darg, as I have been informed, came with his wife to this city, about the 25th of 8th month, (August) 1838, and brought with him Thomas Hughes, whom he held as a slave.

But a few days had elapsed after their arrival, before Tom was brought to my house by a colored man, whose name I was afterwards informed, was Henry Clark, and who was employed as a waiter in a public garden in Broadway; he signified that the person with him was a stranger, and wanted accommodations for the night. My son kept a drug store in that neighborhood, where Henry was frequently sent for medicine, by which means, I suppose, he had come to



a knowledge of me, for I had never heard of Henry Clark, Thomas Hughes, or John P. Darg, and did not know that there were such persons in existence. I supposed it probable that Tom was a slave.

And here it may be proper to remark, that I have never taken any measures to make a slave dissatisfied with his condition, or to induce him to leave his master's service. But when fugitive slaves have called upon me and asked my protection, I could not take any steps to return them into bondage; in me it would be a crime to do so. But the next morning finding my suspicions confirmed, that he was a fugitive slave, I gave directions that he should leave my house; and when I returned to dinner he was gone. The next day after, I saw an advertisement in a paper called "The Sun," offering a reward of one thousand dollars for the apprehension and return of a mulatto man, who it was said, had stolen seven or eight thousand dollars from a house in Varick street; or a proportionate reward for any part of the money.

In consequence of this advertisement, I made inquiry where Tom could be found, and called to see him. I told him of the advertisement, and inquired whether it was true. He replied it was not, and said, it was very common for slave-holders to advertise their runaway slaves as thieves, and I believed him, concluding it was a stratagem adopted by Darg, to recapture him.

About this time Barney Corse called upon me, when I asked him what he thought of the advertisement in "The Sun," respecting a robbery in Varick street; he replied that he had not thought any thing about it, and asked if there was any thing peculiar in it. I then observed that I did not believe a robbery had been committed; upon which he called in company with Horace Dresser, a respectable lawyer, and D. Ruggles, upon the editor of that paper, who told Corse he was satisfied that the robbery had been committed, and added, "the man who has lost his money will manumit the slave in addition to the reward, if he can recover it; and if you will call upon him he will tell you so." Barney then called upon Darg, who fully confirmed what the editor had said. Corse stated to Darg his conscientious scruples respecting slavery, and said that he could have no agency in returning a fugitive slave to his master, but was willing to render what aid he could in recovering the lost money.

The information that Corse received from Darg and others, and which he communicated to me, led me to the conclusion, that the money had really been taken, and I felt desirous that it should be restored to its rightful owner. Just after this interview with Barney Corse, I was informed that Tom had said he had given to some person one hundred and fifty dollars, and had received but twelve dollars in exchange for it. I immediately took measures to find who that person was, and ascertained it to be Henry Clark, before mentioned. My son-in-law, James S. Gibbons, who boards in my family, stopped incidentally at my office, and at my request saw Henry Clark, and asked him to call on me, which he did. Clark was told that if his previous character was good, and he would tell where the money was, and use his exertions to assist in getting it, he should not be exposed. He then admitted that Tom had placed in his hands a sum of money, but how much, he could not exactly say.

J. S. Gibbons accompanied him to his place of residence, and obtained from him a roll of bank notes, which, with another sum subsequently



obtained at the garden, where it had been concealed, amounted to \$5,800. He then told us that a man by the name of Bob Jackson, had received \$1,025. I requested J. S. Gibbons to accompany Henry in search of Jackson, and they soon returned bringing him with them. Upon giving him the like assurance we had given Henry, that he should not be exposed, he acknowledged having received the \$1,025, as mentioned by Clark, but said he had placed it in the hands of a friend of his, who resided in Albany, to keep for him, and that his friend had taken it home.

I prevailed upon B. Corse to accompany Jackson to Albany to get this money, in which he was successful, and paid it to Darg the same evening that he returned. The particulars of this part of the business is related in the narrative of J. S. Gibbons, which is subjoined.

As soon as it was ascertained that Tom had stolen his master's money, and measures had been taken to secure its recovery, he was left to pursue his own way. Those who were willing to afford him protection as a suspected fugitive slave, could not conscientiously harbor him after they discovered he was a felon; and he seeing himself thus abandoned, among strangers, by those whom he considered as his friends, after a few days, voluntarily returned to his master.

It appears from Darg's account, that Tom had been a trusty and faithful servant; had fully gained his confidence; carried the keys of his trunk, and was frequently sent to it to get money, when it was wanted.

I would not, under any circumstances, countenance the act of Tom in abstracting Darg's money, but my sense of his guilt is not a little modified by the reflection, that all the tendencies of slavery, are calculated to blunt the moral sensibilities, and to destroy that power of discrimination between right and wrong, for which even educated slaveholders themselves are so little remarkable. And when I consider also, the evil influence of Darg's example upon Tom, (according to whose statements he is one of the most reckless of gamblers,) I am still less surprised at his perpetration of the act; his conduct truly verifies the adage, "Evil communications corrupt good manners."

Soon after Corse had been arrested, as mentioned by J. S. Gibbons, David Ruggles, charged as an accomplice, was taken into custody, and notwithstanding there was no shadow of proof against him, or cause for well-founded suspicion, he was committed to prison, and detained there about forty-eight hours, in a filthy cell, among several individuals of the most abandoned character; and that, too, after he had offered sufficient bail in any sum that might be demanded. At the close of my examination as a witness in his case, before the police, Lownds, one of the special justices, declared, that "*the position of Ruggles was not changed,*" and yet discharged him upon giving bail in the sum of three thousand dollars, thereby admitting that he had been unjustly imprisoned. Can it be credited, that in the city of New-York, a respectable citizen is dragged from his home and confined in a loathsome jail, among criminals, without the least proof of his having committed any crime, and that too, after competent bail had been offered? Yes, it is true! to the shame and disgrace of our city police. But he was a colored man. If such oppression may be tolerated in the case of a colored man, why not in that of a white man? for the law knows no difference. It will be difficult to find a more wanton, arbitrary, illegal and despotic exercise of power than is here exhibited. Soon after Ruggles was arrested, Henry Clark left the city, and a day afterwards his wife was taken into custody. Her affidavit will show what followed, viz :



"Catharine Clark, wife of Henry Clark, aged about twenty-two years, being duly sworn, according to law, doth depose and say, that on the morning of the 12th day of last month, I was quietly seated in my own apartment, in the house No. 19 Anthony street, in the city of New-York, when ——— Merritt, one of the police officers of that city, entered my room, and told me that I had better go to the police office, that the judge wanted to see me. I then went with him, and when we arrived there, Merritt requested me to go into a private room; he then asked me where Henry Clark, my husband was: I informed him that I did not know; he replied, that if I would tell where Henry was he would be my friend, but if I would not, he would lock me up; he then turned the key and left me to consider of it. He soon returned and asked me if I had considered the matter. I answered that I had, but that I knew nothing about my husband. He then told me that I could not make him believe that I did not know where my husband was. After being locked up about two hours, he let me out, and told me that I might go home on condition that if I got a letter from my husband I would immediately take it to him, and let him break the seal. Merritt did not pretend to have any warrant for arresting me. The next Sunday, officer Peck called at my room and informed me that officer Merritt wanted to see me at the police office, and that I must go there with him. On the way there, Peck frequently called me a liar, and used much threatening and abusive language. Upon arriving at the police office, I was conducted into a room where Merritt was sitting alone; he asked me whether I had not received a letter from Henry on the day that I returned home. I replied that I had not. He then said I have been frequently told that you have received a letter, and if you do not tell where he is we can send you to Blackwell's Island for six months, and the judge is now in the office, and if he knew you were here, he would send you there. I told him I did not know where he was. He then told me to call on Mr. Hopper, giving me directions where to find him, and to tell Mr. Hopper that Henry had left me in great distress, without any money, and to beg Mr. Hopper to tell me where Henry was, and to give me money to pay my expenses to him. He said I must not tell Mr. Hopper that I had been arrested, or that the officers had sent me, or that I had even seen them since the day they had searched the house for Henry; and, by threats, they endeavored to obtain a promise from me that I would not tell that they had sent me to Mr. Hopper, and said if I did tell, he had the power to punish me, and would do it if it was for six years to come, and that I must not attempt to leave the city, as he had persons watching me in every direction. I then went to Mr. Hopper's dwelling, and was told that he was at meeting, and I then discovered some man watching me. I then returned to the police office and told them Mr. Hopper was not at home. Merritt then told me to go to Mr. Hopper's again precisely at 6 o'clock, and to be at the police office at 7 o'clock. I went to Mr. Hopper's at 6 o'clock, and was told that he was out to tea. I then asked for young Mr. Hopper, who was called; I told him I wanted to know where Henry was, as he had left me in great distress and I had no money. Young Mr. Hopper then replied that he did not know, and he did not believe that his father knew where he was. I then returned to the police office and gave them this information. Merritt then told me that I must go see Mr. Hopper early next morning, before he went out. I went about 9 o'clock, and waited at Mr. Hopper's until dinner time, before I saw him. Mr. Hopper said he did not know where Henry was, nor could he give me any tidings of him. I then returned to the police office and told them what Mr. Hopper said; they then told me to call on him again in a few days to know if he had heard any thing from Henry.

"During officer Peck's visit to my house, he said we mean to scorch old Hopper like H—, for it is such as him that we want. Being alarmed and worried by their threats and interference, and not considering myself safe in New-York, I came on to Philadelphia.

Her  
"CATHARINE X CLARK.  
mark.

"Sworn and subscribed before me, (at Philadelphia,) this 9th day of October, A. D. 1838.

"J. HEINTZELMAN. Alderman."



Here again we see the same high handed, arbitrary and illegal exercise of power, as in the case of Ruggles; an unoffending, helpless female, arrested without a warrant, menaced and imprisoned without a crime even *alleged* against her. If such outrages are tolerated, may we not soon expect to see an inquisition established, and thumb-screws applied, in the city of New-York.

About the time Catharine Clark was maltreated, as before related, Bob Jackson, the person from whom the \$1,025 was obtained, was taken into custody; and also a mulatto man named Bob Cooper, who was supposed to have the balance of the lost money. Both those persons, it was evident, had had felonious possession of part of the stolen money, and yet they were liberated; the former an old convict, and were sent to the grand jury as witnesses. Jackson was employed by the police to call upon me in the same way, and for the same purpose as Catharine Clark, and with the like success.

Tom Hughes had been regularly committed to prison rather more than a month, when he voluntarily gave the following history of himself, viz:

"I was born at Richmond, Virginia; my father was my first master; at the age of eleven, months myself, mother and twin sister, were sold to my father's brother; who, as well as my father, was a planter of great wealth, before my recollection. My mother and sister were resold, but to whom, or where taken I never could ascertain. At the age of thirteen years, I was sold, and my father's son became my owner, who then resided in the state of Kentucky; his orders were so severe I remonstrated with him, for treating a brother as he did me; for doing which I was sold, hand-cuffed, and my feet tied under a horse's belly; taken to Maysville, shipped on board a boat for Louisiana, together with about five hundred more slaves, and sold; fortunately for me, as I supposed, my master was a gambler, and resided at Louisville, Kentucky, with whom, as his body servant, I soon returned. I resided with him for three years, when fortune turned against him, and he informed me he should be obliged to sell me. During my residence at Louisville, I ascertained my father had moved to Kentucky; I told my master that my father was a white man and a planter of great wealth; that if I could see him I thought he would purchase me and set me free. Upon which he consented to let me go and see him; on arriving in the place where he resided, I found he was quite as wealthy as he was in Virginia; I called upon him, told him that my name was Thomas, the son of his slave Rachel, and that from good information, I had no doubt he was my father, which he did not deny. I told him of the injustice of my relatives, in selling me; informed him that I was to be again sold, and begged him to purchase and manumit me. I told him of the miserable life I was leading, subject to the will of any person who might become my master; but to all my entreaties he turned a deaf ear, and in public would not speak to me as he passed me. I remained in the place two weeks, to ascertain if possible, where my mother and sister were; but so indifferent was he to their fate, he had not taken the name of their purchaser, or the destination of the drove of which they formed a part. I again returned to Louisville, and soon found myself going to Louisiana to be sold; on my arrival, Mr. John P. Darg became my purchaser, who being of the same profession as my former master, that is, a gambler, my life was spent in much the same manner as before; the fact of Mr. Darg's being a gambler, I have been compelled to contradict, but it is true. Two days previous to my leaving New-Orleans, I married one of my master's slaves. It is painful for me to leave my wife, but should I be taken to the South I am doomed never to see her, as I shall no doubt be sold; or should I remain his slave, his fortune may change, and I be for ever separated from my wife, and perchance family; or raise children only to augment his wealth, liable to be torn from each other at any moment; the idea of which made my situation doubly painful;—under these considerations I resolved, before I left New-Orleans, never to return a slave. As I



had ever been a trusty slave, my master allowed me to carry the key to the trunk in which he carried his money. I supposed by taking his money and leaving him, he would be willing to give me my liberty, in case his money was returned; but I found other difficulties; it was necessary to have some person to return the money; this, two colored men engaged to do, but as soon as my master advertised the money, offering a large reward, they became alarmed and sought to secret me. Had I informed the gentlemen who came to inquire if I had taken my master's money, of the facts, I have no doubt it would have been all returned; but I concealed the fact, in hopes the colored men would return it to my master, until my fears were awakened by one of the Friends, as to the safety of the money. I then told him to whom I had given it, and desired him to go and get the money, as I dare not do it, return it to my master and ask him to manumit me. To this he reluctantly assented, saying I had done very wrong, of which I am fully satisfied; but, as my master could state, were he here, he has intrusted me with larger sums for a long time and I never defrauded him of a cent.

"I trust, when I say I never had any other design than to secure my freedom, that my statement will be believed, and that I intended to return every farthing of the money to its lawful owner; neither was any man who has been implicated in this unhappy affair, ever to be benefited in any way; they ever manifested their regret to think I had been so imprudent, and notwithstanding officers Peck and Merritt have held out every inducement to get me to swear that they, the persons charged, knew of my intentions, and advised me to the step, before I took the money; saying that I should not be tried, but used as a witness, and many other promises of like purport; I clear my conscience, and do justice to innocent men, when I say they knew nothing of me until after I had left my master, and if any man is guilty I am the one; if any man is to be punished let that punishment fall upon me, and let those gentlemen be credited for their honorable motives in trying to restore to my master the money I had wrongfully taken.

"I will also here express my regret for concealing many things, and for having made statements at variance with this; but they were not true; I was compelled to do so by the presence of my master or one of the police officers above alluded to, who have ever done all they could to prejudice me against those men and the principles they profess, so much so, that it has seemed to me, they not only wanted me to swear to the truth, but to a little more than the truth, to suit their purpose.

"I have here stated every circumstance as it has occurred, and to whom the guilt of the whole belongs.

His  
"THOMAS X HUGHES."  
mark.  
Aged about twenty-two years.

"Witness present,  
HORACE DRESSER.

"Halls of Justice, New-York, Nov. 22d, 1838."

After suffering some time in confinement, Merritt and Peck, uncle and nephew, and both police officers, told him, as appears by the foregoing narrative, that if he would swear he was advised by us, Ruggles, Corse, Gibbons and myself, to rob his master, &c., he should not be prosecuted, but used as a witness. This was a trial upon his honesty too great to be resisted, and I have been informed, he agreed to do so; and the District Attorney informed me that application was made to him to enter a *nolle prosequi* in his case; but he declined doing so.

What higher bribe could be offered to any man, than a manumission from slavery? for a slave cannot be a witness in such a case, and an exemption from prosecution for felony. It cannot be supposed that an individual who had all his life been a slave, and, if his own account be true, and there is no reason to doubt



it, had lived a long time with gamblers, would have hesitated, under such inducements, to say any thing that might be required of him. This is a specimen of what is technically called the "stool pigeon" system, which was recently developed and exposed in the case of William H. Sparks, one of the police officers, a partner of Merritt's, and for which he was dismissed from office by the Court of Sessions. During the first six weeks after Tom returned to Darg, he was taken out of prison at the pleasure of the police officers. Peck furnished him with food and had him at his house, which afforded him an opportunity to tamper with, and prepare him for any measures he might wish to pursue, and there is no doubt but he made *good* use of the opportunity thus put into his power. As Tom could not be released to testify as a witness, they then endeavored to get him discharged from prison, and take him to the South; but in this they were again disappointed, for he refused to go, saying he would take his own life first. This so enraged Peck that he attempted to strike him in his cell, but was prevented by the keeper of the prison.

Tom Hughes returned to Darg on the 6th of the 9th month, (September,) 1838, and B. Corse had entered recognizance to appear at the Court of Sessions, three days before. The grand jury were then in session, and remained so nearly two weeks, but it does not appear that the complaint was laid before them; neither was it submitted to the grand jury of the next session, until the day they usually get through their business and are dismissed. The reader will be at a loss to understand why the business should have been so long protracted; more especially as Darg was a great distance from home, and was very anxious to return. But the secret will be unravelled when he is informed that overtures had been made to B. Corse, to pay the balance of the lost money, and the prosecution against him and others should be abandoned; and his connexions being wealthy, they no doubt flattered themselves with the hope that this would be done. There was also another reason why the business should be delayed. I had sued Darg for the reward, and I was threatened with prosecution, though not then indicted; but it was frequently intimated to me, that if my suit was withdrawn, no further proceeding would be had in the case; and some time was required to effect this object. At length, after the grand jury had been in session about twelve days, and Darg and his party found their overtures were rejected, the complaint was laid before them, and on the 16th of 10th month, (October,) 1838, a bill of indictment was found against Thomas Hughes for grand larceny, and against Barney Corse, James S. Gibbons, Henry Clark, David Ruggles and Isaac T. Hopper, for that we "did feloniously receive, harbor, aid and maintain, with intent and in order that he the said Thomas Hughes might avoid and escape from arrest, trial, conviction and punishment."

Darg and his accomplices well knew that they could not produce a particle of evidence against James S. Gibbons or myself, and therefore never attempted to call us before the police justices, where we could have the opportunity of rebutting and disproving their testimony, and therefore reserved their efforts to criminate us before a grand jury, where they could be screened from detection in any false statements they might make. They, doubtless, thought that if they could only succeed in getting us indicted, their object would be gained; concluding, as a matter of course, that we would succumb to any kind of extortion.



they might please to exact, rather than submit to a trial as accessories to a felony; but in this they were wholly disappointed. We were informed that we could take advantage of some technical defects in the indictment and have it quashed, but we declined to do this, and insisted upon having a trial on the merits of the case. If Barney had been so disposed, it is very clear from the offers made to him in the commencement of the business, as will appear in the sequel, that he could have readily settled the matter with a much smaller sum than it cost him in his defence; but he rejected every offer of the kind with becoming dignity and decision.

It is difficult to conceive what testimony was given before the grand jury that could justify them in finding a bill of indictment. I have been informed that one of the most intelligent and respectable among them, told them, that they had done so without a particle of evidence. There were nineteen present, and seven voted in the negative; but the persons accused were abolitionists, and of course, it required but very little testimony to indict them. Walter C. Sparks, brother to William H. Sparks, before mentioned, and James Ferris, alderman, two of their number, rendered themselves conspicuous by their violence and hostility against the accused. And some of the jury, it is said, were so zealous on the occasion, that having heard that one of my sons had gone of an errand in relation to this business, and as they could not ascertain which of them it was, they urged indicting both, that they might be sure to get the right one. Did these men duly consider the obligations which justice, and the oath they had taken, imposed upon them?

Thomas Hughes was tried and convicted at the Court of Sessions, held in the 2d month, (February,) 1839, and sentenced to imprisonment for the term of two years. The court said that was the shortest time the law allowed for the matter of which he was convicted.

After repeated efforts by B. Corse to bring on his case, he finally succeeded, and it was brought to trial in the 3d month, (March,) 1839. A. L. Jordan, who was employed by Darg, and J. R. Whiting, District Attorney, appeared as counsel for the people, and W. C. Wetmore and David Paul Brown for the defendant. After the counsel had closed, the Recorder charged the jury clearly and decidedly in favor of the accused, but not agreeing upon a verdict, they were discharged, and the case was continued, to be tried again.

The persons accused were repeatedly charged in the newspapers with abducting Tom, and countenancing him in taking his master's money, although there was not the most remote ground for it. While he was in prison, and before he was tried, he told the Recorder and two or three of the aldermen, in a private examination, that no white man knew any thing about his intentions until after he had taken the money and disposed of it. The prejudice and excitement which prevailed to a great extent in the public mind against abolitionists, were invoked to aid Darg and his accomplices in their mischievous designs. The following editorial remarks appeared in the New-York Gazette, on the morning of the last day of the first trial of B. Corse, and were intended, there cannot be a doubt, to influence the jury against him. C. F. Daniel's, who then edited that paper, enlisted himself an auxiliary of Merritt, Darg, &c., in the consummation of their purposes. It is a question worth consideration, how far the court sustained its own dignity in permitting such publications to pass unnoticed. The Gazette



was not alone, there were several other papers in this city that lent their aid to promote the same object, but there were none quite so grossly abusive as the one from which the following is extracted.

*From the New-York Gazette of March 8th, 1839.*

"Barney Corse, one of the individuals—a prominent is the negro Ruggles—about to be tried in the Court of Sessions, on a charge of being accessories to the robbery of Mr. Darg, by his negro man Tom, is now on trial, and we have no idea of meddling with him until it is over. When it is over, we assure him and his friends, that his case shall be properly placed before the public. Tom has been sent to Sing-Sing, and if he has to sing psalms alone and without any accompaniment by those who are more to blame than himself—a thousand times more to blame,—it must all be put down to "philanthropy." We shall not fail to look into the case and to do full justice to the jury that passes upon the case of Barney Corse. We believe there is but one opinion of the relative merits of Tom Hughes and Barney Corse, but it would be improper to state that opinion until the *white man* has *justice* done him. The public opinion is pretty unanimous in his case, but the law presumes him innocent until the verdict of the jury says otherwise. It is a very charitable maxim of the law, and as lovers of law, even to the full extent of its technicality, *we* hereby declare our belief of the innocence of Barney Corse—until the jury pronounce him guilty. After that event—an event which our present impressions teaches us to hope for—we shall consider it our duty to say that the verdict is right—that we never doubted that this poor mulatto was abundantly less blameable in the crime he committed, than those who urged him to it, or endeavored to screen him from its consequences afterwards. Whatever may be the result of the trial, and whatever may be the verdict of the jury, we shall watch the testimony upon the trial, and place the case as well as the jury in a fair light before the public. The public undoubtedly expect the jury to convict Corse—but if it acquits him it will be our duty to show the grounds upon which the verdict is grounded."

The pro-slavery papers were never more ardent in their labors in any political controversy than they were in this case, to prejudice the public mind against the accused.

In the 10th month (October) following, B. Corse was tried the second time. The Recorder having connected himself with A. L. Jordan in business, since the former trial, deemed it improper to sit as judge, and D. P. Ingraham, one of the judges of the Court of Common Pleas, supplied his place. No witnesses were examined on behalf of the accused, except Israel Corse and the Recorder; the testimony of the latter is given by J. S. Gibbons. The charge of judge Ingraham on the second trial, like that of the Recorder on the first, was decidedly in favor of Corse. The jury again disagreeing, after being out a considerable time, were discharged; they were about equally divided.

During the first trial, Merritt and Peck both swore, that upon entering the parlor at Darg's, as the money and papers were laying before him on a chair, and Merritt arrested Corse, James S. Gibbons snatched them up, and that *Peck* laid hold of his hand and took them from him.

On the second trial, they both swore that *Merritt* did it. The fact is, neither of them did it. Corse and Gibbons both aver that no attempt was made to snatch or take the papers by either of them.



Much censure has been cast upon Corse, because it was supposed he knew where Tom was, and would not inform the police officers; and this, with the agreement made with Darg, not to prosecute him, was the sole ground upon which the prosecution claimed a conviction. And in the course of the trial much stress was laid upon these two circumstances, they were held up by the prosecution as highly criminal in Corse; when Jordan well knew that he and Darg had done all they could to effect the very same object, by their repeated offers to compound the matter, as will presently be seen. What effrontery to pursue Corse in the manner they did, when at the very time they were exerting all their ingenuity to accomplish the very object with which they charge him. And they persevered in this, as long as they had any prospect of success. Tom returned to Darg the 6th of the 9th month, (September,) and was then, or very soon after, placed in prison by what is called a temporary commitment; so that they could take him out when it suited their purpose, and he was not permanently committed until the 20th of the 10th month, (October,) following. They were in hopes, no doubt, in the intermediate time, of compounding the matter with Corse; but finding all their plans prove abortive, they made application to the Court of Sessions to have Tom discharged, that they might take him to the South. In this they were opposed by the abolitionists, who believed that Tom was free by virtue of Darg's agreement with Corse, and he refused to go, saying he would cut his throat first; in consequence of which, he was detained in prison and tried as has been mentioned.

If Darg and his adjuncts ever hoped to convict Corse, that hope was based upon the great excitement existing in the public mind against abolitionists, and the prejudice produced by the many false statements in the newspapers. It has been seen that Cooper and Jackson, the latter an old convict, and whom the officers knew had had felonious possession of part of the stolen money, were discharged, after being arrested. If it was wrong in Corse to refuse to tell where Tom was, if he knew, surely it was much more so in the police officers to discharge those who were equally guilty with him, after they had been arrested.

Corse took no measures to prevent Tom's arrest, and conceiving himself under no moral or legal obligation to aid in it, he declined to do so. I am aware that there are some who profess to think that he was; but as for myself, I would have no agency in arresting any young man, and consigning him to the state prison, who had sustained a fair reputation, for an offence of the kind that Tom had committed, if he freely surrendered the property he had taken, and manifested contrition for the act. I have known some individuals detected in acts as gross as that committed by this man, who afterwards made respectable, worthy members of society, when, if they had been exposed, would, in all probability, have been ruined forever.

No evidence was elicited against Ruggles, and he was discharged in the 11th month, (November,) 1839.

It seems, according to Ambrose L. Jordan's account, that Darg applied to him for legal advice, and after communicating to him the part Corse had taken in the matter, and that he was to be at his house that evening, Jordan, Darg, and Oliver M. Lowndes, the last then in the station of special justice, met at the office of the District Attorney, where



the measures to be pursued were concocted. A warrant for the arrest of Corse was issued by Lowndes, and put into the hands of Merritt and Peck, police officers, whose exertions were stimulated by the hope of obtaining the \$1,000, offered by Darg for the recovery of the lost money.

After B. Corse had been arrested and had given the \$2,003 to Darg, at Lowndes' house, as mentioned in James S. Gibbons' statement, Jordan proposed, that "*If Tom and the balance of the money could be returned, J. P. Darg would go home and forfeit his recognizance, and there the matter would rest.*" When W. C. Wetmore came in, Corse informed him of this proposition. Wetmore then observed that he thought he could meet their wishes, and the parties agreed to be at Jordan's office the next day at 12 o'clock, and to meet Lowndes at the police office at 1 o'clock. They met pursuant to agreement, when Wetmore informed Jordan that his proposition could not be complied with. Jordan requested Wetmore to try again, and take another day for the purpose. About this time Darg came in, when Corse asked Jordan if Darg had agreed to his proposition. Jordan and Darg then withdrew into the private office, but soon returned, when Jordan informed Corse that he had. Wetmore and Corse proceeded to the police office, and informed Lowndes of Jordan's proposition, and the business was postponed to the next day to give further time to consider of it. This was done at the instance of Wetmore, for Corse had determined from the first to make no compromise of any kind; being conscious that his whole procedure in the matter had been influenced by pure motives, and that he had done nothing but what would bear the test of the most severe scrutiny. The next day he entered into recognizance to appear at court.

Again on the 4th of 9th month, (September) last, Dr. Stearns called on Israel Corse and took him to a house in Fulton street, where Stearns got out of his gig, and J. P. Darg took his place in it and went with Israel to Jordan's office; when the latter made the following proposition for a compromise, which I now have in his own hand-writing, viz—"Money stolen by Tom, (say) \$1,500, that has never been returned. This money, being at the time uncurrent, Mr. Darg will take in lieu thereof, \$750. Add to that all his expenses in the matter, such as taxable costs, counsel fees, and other disbursements, actually paid by him, and for which he is liable, \$——.

"On receiving the above amount, Mr. Darg will give a release of all demands against all persons implicated, receiving alike discharge of Hopper and others, on account of the reward, and Mr. Darg will consent that the District Attorney enter a *nol. pros.* on the indictment."

While Israel Corse was at Jordan's office on this occasion, he put the question to Jordan, whether he really thought his son intended to keep any part of Darg's money, to which he promptly answered no, and added, "they made a law in New-England to hang Quakers, and they did hang them." By which I. Corse understood him to imply, that Barney had technically committed himself, and must be punished, though innocent, unless he would submit to their terms.

Merritt, while at Lowndes' house, observed to Corse, that "if this matter should become publicly known, your life will not be safe, it will create a riot, and your house may be pulled down." Lowndes made a similar remark respecting the danger his life would be in if the matter



should become public. I think the reader must now be satisfied that it was Darg's object to extort the balance of the lost money from Corse, and take Tom to the South as a slave, and not to give him up to public justice; and that the conduct of the police officers was influenced solely by the hope of getting the reward.

It has been seen that the proposition to manumit Tom, in addition to the reward, was first voluntarily made by Darg, and every step Corse took in the business was at his instance, and by his authority; though he admitted, under oath, when he was examined as a witness on Corse's trial, that he never intended to carry into effect the agreement he had entered into. But this is not surprising when we recollect that he also stated that he followed the business of *speculating in slaves*.

Congress have declared the foreign slave-trade piracy, and punish with death those engaged in it. And is the domestic slave-trade less abhorrent to every feeling of humanity and justice? The turpitude is the same.

B. Corse took much pains to recover the lost money, without any expectation or desire to put a cent in his pocket; all he asked for was the manumission of the slave; and not knowing whether I would demand the reward, he was careful not to do any thing that might seem to lessen my claim to it, and therefore covenanted with Darg that it should be paid; and for his labor herein, has been treacherously subjected to a protracted and expensive prosecution.

It will be seen by J. S. Gibbons' account, that Corse was counting the money in Darg's presence, to pay it to him, when he was arrested, and but for this interruption, there is hardly a doubt that in a very little time, the whole would have been recovered; but, instead of pursuing an honest straight-forward course, he chose to follow the advice of his friend Peck, and that of his brother-in-law, Dr. Stearns, (not the respectable physician of that name in White street,) whereby the opportunity of obtaining it was lost. This Stearns has been an officious, active coadjutor with Darg, Merritt and others, in the whole business. It would seem they laid a snare to take Corse, who was acting with the most entire good faith, but happily for the cause of justice, they were caught in it themselves.

As soon as I was notified that a bill of indictment was found against me, I repaired to the court and informed them that I wished to have a speedy, full and open examination, into all the circumstances of the case; that I had engaged no counsel, and that as far as I was concerned, I should manage the case myself; that I thought to employ counsel would be giving more consequence to it than it merited; that I presumed the court were acquainted with the law, and I knew I was with the facts, and I thought there would be no difficulty in disposing of it. I appeared at court almost every term, which is held monthly, and demanded a trial, but could not prevail with them to bring it on. On the first day of the term, held in the first month, (January,) of the present year, I gave the court notice, that, unless I was tried during that term, I should, on the last day of it, request that a *nolle prosequi* should be ordered. The trial not coming on, I attended accordingly, when Corse, Gibbons and myself, were discharged without opposition.

Although I was aware that every possible means would be used by Darg and his associates, to carry into effect their purpose, I never felt the least concern as to the final result, being entirely satisfied with all I



had done in the affair ; and I was convinced that my accusers, with all their ingenuity and malice, could not get a jury of twelve men in this city, without at least one honest intelligent man among them ; and in that case, I knew perfectly well that I should be safe.

I now ask the reader to give the trial a careful examination, and then point out, if he can, a sentence in the testimony that implicates either of the parties in the charge brought against them. A. L. Jordan, counsel for the prosecution, exerted his ingenuity to the utmost, but was unable to elicit any thing that could effect that object.

The propriety or legality of keeping an infamous charge hanging over the heads of respectable citizens, for about seventeen months, to say the least of it, is very questionable.

I will now say a few words in relation to the suit I brought for the reward. Barney Corse had been arrested and bound over to appear at court, and I had been threatened with indictment. These threats I disregarded ; but it appeared to me reasonable and just that Darg should pay the expenses that his own perfidy would occasion, and I sued him for the reward, though not desiring any pecuniary benefit to myself. And I saw no other way to insure a legal investigation of the charges made against me ; for I was perfectly satisfied from the first, that my accusers would never have the audacity to meet me before a court of justice, if they could avoid it. A few individuals, over fastidious, seem to have taken offence at my having done so ; but I think, after an investigation of all the circumstances of the case, there is no impartial, unprejudiced person, but must admit, that if suits at law are justifiable in any case, it is in this.

Before I commenced the suit, I advised with some of our most respectable and intelligent citizens, and they gave it as their opinion, that justice, and a due regard for my own character, demanded that I should adopt that course. It is clear that Darg would never have recovered his money without my interference, and he told Corse that he might as well pay the reward to those who had recovered it as to the police officers, for that he expected to pay it to somebody ; so that Darg would not have been benefitted if I had not demanded it. And whether I may think proper to pursue the matter or not, I have the satisfaction of having been the means of preventing the police officers from getting it as a reward for their iniquity.

In conclusion, I will briefly remark : few men act without a motive, and the reader may inquire what object Oliver M. Lowndes could have had to induce him to step aside from the path of duty in this case. Perhaps the following facts may solve this question. The time for which he was appointed police justice had nearly expired ; and he and Merritt were competitors for the office. These men knew that abolitionists were unpopular, and it would seem they were ambitious to perform some act that might commend them to the favorable notice of those in authority, to secure the appointment.

Barney Corse is a worthy member of the Society of Friends, and exceeded by few for benevolence and kindness of heart : Lowndes had been well acquainted with him and his family for many years, and knew that he would be as far from committing a criminal act as any man ; and yet we find him leagued with others to entrap him. This case reminds me of a saying of Judge Foster,



an eminent English jurist—"A popular judge, that is, one who in his decisions, seeks after popularity, is one of the most contemptible beings in the world."

I am inclined to think that this case will have a beneficial influence upon the police; they have learned that oppression and injustice will not always go unrebuked, and it may serve to stimulate the Court of Sessions to keep a more strict supervisory care over that department. Having had an opportunity, I have been gratified in observing a determination in the Recorder to correct some abuses found in it; his vigilance and independence entitle him to the gratitude of his fellow-citizens; and if duly supported, in a very little time, I have no doubt, we shall witness a thorough reformation.

---

*Narrative of James S. Gibbons, before referred to.*

At a late hour on the night of the 28th of 8th month, 1838, a person came to the house where my father-in-law, Isaac T. Hopper resides, and with whom I live, and inquired for one of the Mr. Hoppers. The family had retired, and I spoke to him from an upper window. He refused to communicate his business to me, and I called one of the brothers. Supposing from the unseasonableness of the hour that something unusual was going on, I went down stairs, and saw two colored men, unknown to me then, but whom I afterwards ascertained to be Henry Clark, a waiter in Contoit's garden, and Tom Hughes, a fugitive slave. The former made it understood that the latter was a stranger, and wished a lodging for the night. There was nothing singular in the circumstance of Isaac T. Hopper being asked to give temporary accommodations to a colored man, and I retired. The next morning the man admitted that he was a runaway slave, and left the house. On the same day, an advertisement appeared in "The Sun," offering \$1,000 reward for the apprehension of a colored man, who was said to have stolen seven or eight thousand dollars from a house in Varick street—but as neither the name nor residence of the loser was given, it was supposed to be a stratagem to recover a fugitive slave by describing him as a felon. Those with whom Tom had sought refuge suspected him to be the fugitive, but had no suspicion that he had robbed his master.

On the afternoon of the 31st, I called at I. T. Hopper's office in Broadway, and he informed me that Tom said he had given \$150 to Henry Clark, to be exchanged for current money, and had received in return only \$12. He requested me to see Clark, and ask him what disposition he had made of this money. He at first denied having received it, but subsequently acknowledged it, when promised that he should not be exposed, if all the money could be recovered, and if it should appear that his previous character had been good. He promised to use all his exertions to obtain the money, and went in quest of it. In order to prevent his retaining any portion of it, I voluntarily accompanied him to his lodgings, and received from him there, a



roll of bank notes. He subsequently produced another roll, which he had concealed at the garden, the two together amounting to \$5,800. He named an accomplice, Bob Jackson; and agreed to bring him to the office. With a view to guard every point of escape or concealment, and solely with this view, I accompanied him on this occasion also. Bob Jackson admitted having received \$1,025, of the stolen money, but said he had sent it to Albany—that he could probably get it by going for it, the next day, which he promised to do. I suggested to I. T. Hopper that it would hardly be safe to trust him alone, and that some one ought to accompany him to prevent further villany. Barney Corse was engaged by Isaac T. Hopper for that purpose. He wished to see Darg first, and have an explicit understanding of the conditions on which he would go. At his request, I accompanied him to Darg's lodgings, and an agreement was then made, providing for the manumission of the colored man, the payment of his (Corse's) expenses, and the exoneration from criminal prosecution, of any person or persons concerned in the robbery, *if it should be necessary to secure the money*. This agreement was subsequently reduced to writing and signed by Darg. On the next morning, Corse went to Albany with Bob Jackson.

On the same evening on which the \$5,800 was recovered, I. T. Hopper gave it into my possession for safe-keeping, and I stated to him my intention to place it in the bank, and to inform some well-known individual thereof, in order to protect my own character from any charge of improper motives in retaining it. Accordingly, the next morning, I informed Reuben Withers, the cashier of the Bank of the State of New-York, that the said money had been entrusted to me for safe-keeping, and that it would be returned to the proper owner, so soon as the measures then in progress for the recovery of the balance should terminate; an unseasonable disclosure it was feared, might defeat those measures.

On the 2d of the 9th month, (September,) B. Corse returned from Albany, having succeeded in obtaining from Bob Jackson \$1,025. He communicated to the Recorder of the city, who was a fellow-passenger on the boat, the nature of his business; exhibited to him the money, and the agreement with Darg, and received from him counsel and advice relative to the best mode of carrying out his purpose. In regard to this interview, the Recorder stated in evidence, that Corse's manner was frank, and that he manifested no disposition improperly to shield a criminal from justice. He admonished Barney that the paper which he had was not a manumission, but only an *agreement to manumit*, and that he should take care to have a manumission properly drawn and executed. In the cross examination he was asked if he had advised Barney to get the manumission *executed*; to which he answered, *yes*. Counsel for the prosecution then asked him, if, before giving that advice, he had read the clause of the agreement which promised an exoneration from criminal prosecution; to which he answered "*yes, I distinctly remember reading that clause.*" This testimony, because it went to exonerate Corse, was so unpalatable to the counsel for the prosecution, that he immediately made a motion that the whole of it should be rejected, and that the court should instruct the jury to give it no weight whatever; the infamous proposition was promptly rejected by the court.



On the same evening that he returned from Albany, Corse requested me to accompany him to witness the return of the \$1,025. Darg declined receiving it, though Corse offered it to him several times. This was in conformity with the advice of police officer Peck, whose object was to catch Corse with the money on his person, and then make it appear that he had felonious possession of it. Darg's father received it.

After our return from Darg's, I. T. Hopper requested me to hand over to Corse the \$5,800 which had been intrusted to my keeping. On comparing the notes with memoranda given by Darg, there appeared to be a deficiency of ten or fourteen hundred dollars; in consequence of which, it was determined to confront the parties implicated in the transaction, to discover, if possible, how this had been disposed of. On the evening of the 3d, Tom Hughes, Henry Clark and Bob Jackson, were brought together at Isaac T. Hopper's house, and Tom declared that he had given a part of the money to another person, not present, and who was *in company* with Clark at the time. Clark was finally induced to expose the name of this individual, and agreed to meet any of our number after ten o'clock that night, to go in quest of him. The object of the interview being attained, the parties separated. I agreed to meet Corse in the neighborhood of Darg's, at nine o'clock, to witness the return of the recovered money. We met at the appointed hour—and Corse began counting the money, in presence of Darg and several other members of the family. While in the act, and before he had delivered it into Darg's hands, Merritt and Peck rushed into the room, snatched up the money and papers, and arrested Barney Corse for compounding a felony. They were followed immediately by two or more other men, one of whom as it afterwards appeared, was Ambrose L. Jordan, a lawyer, and counsel for John P. Darg. Corse expressed his astonishment at such an outrageous attack, and said he was willing to go before any magistrate that might be named. Merritt replied, he had made arrangements with Lowndes, who was then at Niblo's Garden, but would be at home soon. Either he or Peck asked how much money had been recovered in all; Corse replied, "nearly \$7,000." Merritt, Corse and myself, proceeded in company to Lowndes' dwelling, in Liberty street. Immediately on leaving Darg's house, Corse told Merritt, that he had the remainder of the money that had been recovered, in his pocket, and that he intended to give it to Darg, but under the altered circumstances of the case, he would give it to Justice Lowndes. Merritt stated on oath, that Corse said nothing about having any more money in his possession, until he threatened to search him, and that he then surrendered it. I feel bound in justice to Barney Corse, to pronounce this untrue; and I speak *positively*, because I did not leave him for an instant up to the time when he gave the money to Darg in Lowndes' house. Not a word about search was uttered, until after Corse informed Merritt, more than once, that he had the money in his possession, and would give it to Justice Lowndes, as soon as he should see him. Merritt wished to become possessed of the money, that he might himself return it to Darg, and thus be entitled to the reward, and Corse suspecting his object, was not inclined to favor it. Merritt then remarked, "you know I have a right to search you, Mr. Corse." Corse handed the money to Darg, and he transferred it to Merritt.



These are the material facts of the case of which I was cognizant ; they form but a small part of its entire history. The outrageous assault of the police, the clamor of a profligate press, and the anxiety of the District Attorney to propitiate the popular sentiment, by convicting an abolitionist, have given to it a degree of notoriety to which its bare importance does not entitle it. Nevertheless, this may have its uses. I am much mistaken if the exposition now offered will not prove the necessity of a rigid scrutiny into the conduct of our police officers. Corruption pervades every department of our *police system* ; its first victims may be among the humblest of our citizens, and those who are most odious in the public eye ; but, if aggression on these be suffered to go unpunished, the community generally must soon become exposed to inroads of reckless marauders, whose official character may serve only to shield them from the just sentence of the law.

The parties who undertook to ferret out the stolen money for the sole purpose of returning it to its owner, have been charged with imprudence. It is difficult to conceive how they could have acted with more prudence. The whole amount of money recovered was \$6,908 ; \$5,800 of this was entrusted to my keeping, and I immediately informed Reuben Withers of the fact, for the express purpose of protecting my own character from a possible imputation of dishonest motives. B. Corse procured \$1,025 at Albany, of which he informed the Recorder of the city. Was not this prudent ?

What man in the community would not feel safe in his integrity after confiding his purpose to the guardian of one of the first financial institutions of the city, or to its first judicial officer ? But, because that confidence was not reposed in some petty police officer in preference to those gentlemen, Merritt and Peck, aided by a speculator in slaves, and Ambrose L. Jordan, a lawyer, determined on an ambuscade which should involve the parties in the liability of a criminal conviction ! And Jordan, fearful that his adjuncts in the scheme might fail in some essential point, proceeded to the house of Darg, and superintended its execution in person.

The conduct of the District Attorney during the progress of the trials, was undignified and unmanly. His object seemed to be *conviction*, not justice. He appealed to the prevailing prejudice against *abolitionists* to effect that object. He sought to prepossess the minds of the jury with the "*necessity of appeasing the South*," by convicting Barney Corse of being accessory to a felony !! The offence charged had nothing to do with abolition, technically or morally, and it was not becoming the dignity or responsibility of his office, to invoke the aid of passion and prejudice. That he supposed it necessary to resort to extra legal aids, implied a consciousness on his own part, of inability to sustain the prosecution on other or fair grounds. His appeal was answered, for no sooner had the jury retired to their room, than one of their number declared that he *never would acquit an abolitionist* ! I will not be charged with the employment of harsh language, when I repeat, that it was *unmanly* in the District Attorney to attempt to procure a criminal conviction by appealing to *known inveterate prejudices*. The law takes no cognizance of opinions ; it regards no man as censurable or odious, on account of his sentiments, political or religious ; and the minister of the



law has no more right to invoke condemnation for opinion's sake, than he has to claim an acquittal, on the same grounds, of the most reckless depredators on the peace and property of the community.

The conduct of this functionary, in another particular, evinced an extent of unscrupulousness, as to the means employed, which I am sure he cannot himself deliberately approve. One of the witnesses for the commonwealth, was known to have had dishonest possession of a part of the lost money. It was the duty of the police officers to arrest him, but instead of that, they took him into official favor, and employed him as a witness before the grand jury who found the bill of indictment. This man was exonerated from criminal prosecution, and admitted to testify on two successive trials of Barney Corse. Is it possible that the District Attorney could have considered such testimony credible? No! It would be an impeachment of his intelligence to suppose it. Why then did he call him as a witness? Such a resort is unworthy of his official station, and cannot be approved by impartial and high-minded men. I do not make these statements and remarks for the purpose of casting discredit on his reputation, but under a sense of high regard for the cause of public justice. If such proceedings be authorized in the case of the humblest and most despised member of the community, they *may* and *will* be employed to criminate our most worthy and useful citizens. The occasion only will be needed, and avarice will not be slow to prompt, when corrupt officials are so ready to execute.

Another circumstance connected with this extraordinary case was, the effort on the part of the prosecution, to settle the matter by compromise. The District Attorney did not, so far as it appears, render his personal aid and countenance to the measure; but the *principal* being responsible for his *agent*, he cannot, and should not be held entirely excusable. The law gives no right to any functionary or tribunal to compromise a criminal prosecution,—it does not admit the offending party to purchase exemption from its penalties; it holds no treaty with crime in any shape. With what propriety then did the District Attorney, by his legal representative, voluntarily offer to dismiss the prosecution, on condition of receiving a certain amount of money? This view of his responsibility in the case may appear harsh, but we must either admit it to be correct, or allow that he was true to his official trust, in confiding his prerogative to a man whose avarice overcame his integrity, and banished from his mind all sense of obligation to law and justice.

I am aware that in the present state of public sentiment, but little sensibility can be expected in regard to violations of law or justice, when the victim is an abolitionist. Much of the calumny and vituperation that have issued so liberally against Barney Corse, may doubtless be attributed to this circumstance. His firm, dignified, and successful resistance to the efforts of the prosecutors to make the laws subservient to private and mercenary ends, entitles him to the thanks of every friend of liberty and justice. In despite of police trickery and falsehood, abetted by profligate editors and a corrupt public sentiment, his character for integrity is unimpeached,—the failure of a prosecution characterized by the most unscrupulous and rancorous hostility, prove it to be *unimpeachable*.

J. S. GIBBONS.



The foregoing exposition contains a true account of the most material facts of the "Darg Case," which had it not been for the excitement that prevailed against the friends of human liberty, would not have been kept pending in the Court of Sessions more than sixteen months; neither would the prosecuting party wished to have kept it so long there, if they had not hoped to have coerced B. Corse into a compromise. After they had given up all expectation of the kind, they abandoned their case as hopeless.

I freely acknowledge that I am a friend to human rights. I believe slavery to be a sin of the deepest dye, and an evil of the greatest magnitude. I will state a few cases, out of the many, that have occurred under my own observation, in corroboration of these views.

A few years ago, a slave who had left his master's service, was arrested and placed in prison, in Philadelphia; and when his master called at the prison to take him out and convey him to the South, after pleading with his oppressor in the most pathetic manner to sell him to some person in that city, but finding him inexorable, cut his own throat, and fell at his master's feet. A surgeon was called and the wound was dressed—the windpipe was nearly severed. In this situation the claimant insisted upon taking him home, notwithstanding the doctor assured him it would be impossible to get him outside of the prison walls alive; and he was restrained by force only. Another individual when about to be dragged from his wife and child into slavery, cut his throat, and I saw him lifeless on the pavement in the city of Philadelphia. The coroner's inquest rendered the following verdict:—"Suicide, occasioned by the dread of slavery, to which the deceased knew himself devoted."

I have seen an industrious worthy man, who provided comfortably for his wife and several small children, seized and manacled in their presence; and the children ran to me, and with convulsive grasp lay hold of my knees, exclaiming, oh! my father, my father, don't let them take my father. My blood chilled in my veins, and the horror of the scene is fresh before me while I write!!! What man with human feelings could lend his aid to promote such accumulated sufferings as are the inevitable concomitants of slavery?

I am aware that this case has given some of my friends concern, who were not fully acquainted with the circumstances. I have said before, it gave me none, but I think it has been productive of some good; and, perhaps, not the least that will result from it, is, it has had its share in awaking the authorities to the awful corruptions of the police department; and the city councils have commenced an investigation that bids fair to correct some of its malpractices.

ISAAC T. HOPPER.

*New-York, 3d month, 1840.*



## SYNOPSIS.

---

I think the reader will find the following facts sustained in the foregoing treatise.

1st. Tom Hughes eloped and took seven or eight thousand dollars from J. P. Darg.

2d. That having become acquainted with Henry Clark and Robert Cooper, two colored men, he placed it in their hands, and that Clark gave to Robert Jackson, another colored man, \$1,025.

3d. That the parties above mentioned, were all strangers to B. Corse, J. S. Gibbons and myself.

4th. That Tom Hughes was brought by H. Clark, late at night, to my house; one of my sons, at that time keeping a drug store in the neighborhood, where Clark was employed as a waiter, to which he was often sent for medicine, and by that means came to a knowledge of me.

5th. That as soon as I had reason to believe that the money was really lost, as advertised in "The Sun," I used my utmost exertions to recover it for the owner, and was successful in getting \$6,908, which was paid to J. P. Darg, without any expectation or desire of receiving the reward that was offered for its recovery.

6th. That B. Corse went to Albany at my request, for \$1,025, the sum given by Clark to Jackson, and which forms part of the \$6,908 above mentioned; that Darg agreed to pay his *disbursements*, which should not exceed \$300. Corse having understood that the man to whom Jackson had given the money, was servant to a person who lived in Michigan, and he did not know how far he would have to pursue, before he could over-take him; but no more than his *actual disbursements* were to be paid by Darg.

7th. Immediately upon Corse's return from Albany, he paid Darg the money he received there, and received from him a description of the money which had been lost.

8th. The same evening after B. Corse paid Darg the money he got at Albany, I requested J. S. Gibbons to hand to him the \$5,800 which had been recovered from Clark, and which had been given to Gibbons for safe-keeping. Upon comparing the money recovered with the description given by Darg, it appeared that there was a deficiency of \$1,000 or \$1,400. To endeavor to find where this money was, Clark, Hughes and Bob Jackson, were convened at my house; but I never knew who brought Hughes there, or who took him away, and I never saw him afterwards until I saw him in Court.

9th. We believed that we discovered in this interview, who had the balance of the lost money, and made arrangements to get it, and think we would have been successful, if we had not been interrupted by the arrest of Corse.

10th. The agreement to manumit Tom in addition to the reward, was first voluntarily proposed by Darg, through the editor of "The Sun," and afterwards confirmed by himself. The agreement *not to prosecute*, was on condition, that it should become necessary to give that assurance, to recover the money.



11th. Corse could not conscientiously take any part in returning a fugitive slave to his master, but he did nothing toward concealing Tom Hughes, or to prevent his arrest, he merely declined to aid in it.

12th. Before Corse knew any thing about Tom or the money, he made a contract with Darg as to the terms upon which he would exert himself to get it.

13th. Darg voluntarily entered into this contract, but it afterwards appeared that he did not intend to carry it into effect, and adopted it merely as a stratagem to find part of the lost money in the possession of Corse, and then compel him to find Tom, and extort from him the balance, agreeably to the advice of his friend Peck.

14th. Corse reserved the two thousand dollars for a final settlement, and Darg would have received it on the evening of the arrest, if he had complied with the terms of their agreement.

15th. It would have been the extreme of folly in Corse to have attempted to retain the two thousand dollars which he surrendered at Lowndes' house, even if he had been so disposed, for he was aware that J. S. Gibbons and myself had placed it in his hands, to be given to Darg; and it was known to the cashier of the New-York State Bank, that \$5,800 had been received in addition to the \$1,025, so that it would have been impossible to have kept it without being exposed; and his character and situation in life places him above any suspicion of the kind; in these respects, he stands far above any of his accusers.

16th. That after the most severe investigation, it did not appear that David Ruggles had had any thing to do with the matter whatever; notwithstanding, he had been imprisoned, and subsequently indicted by the Grand Jury, but was finally discharged without trial.

17th. That twelve out of nineteen of the Grand Jury concurred in finding a bill of indictment against four respectable men, without any evidence, as will be seen by examining the testimony given on the trial of B. Corse, unless there was testimony given before them which was not produced on the trial, and I have not been able to learn that this was the case. That, in finding the bill, it would seem they were governed by inveterate prejudice against abolitionists, notwithstanding they had solemnly sworn to "present no one from envy, hated, or malice," \* \* \* \* \* but that they would "present all things truly, as they should come to their knowledge."

I. T. H.



## TRIAL OF BARNEY CORSE.

---

COURT OF SESSIONS, TUESDAY MARCH 5, 1839.

Before the Recorder and Aldermen J. R. Taylor and Cook.

The District Attorney moved on the trial of Barney Corse, who, with others, was indicted as accessories after the fact, in the larcenies of John P. Darg.

The counsel on the behalf of the accused—David Paul Brown, Esq., of Philadelphia, and W. C. Wetmore of this city—claimed for the accused a separate trial; which right was conceded by the District Attorney.

The indictment charged the individuals that they “did feloniously receive, harbor, aid and maintain, with intent and in order that he the said Thomas Hughes might avoid and escape from arrest, trial, conviction and punishment.”

Barney Corse was then put on his trial on the indictment above stated; and a jury being called to the box, without challenge, the Court, at the request of the counsel, inquired of the jurors called, whether they had formed any opinion or received any bias on the subject matter of the indictment? and they all answering in the negative they were duly empannelled and sworn.

The District Attorney (with whom was Mr. Jordan,) then stated the case to the jury—the particulars of which have long been familiar to the public—as established upon the trial of Tom Hughes. He then produced and read a record of the trial and conviction of Tom at the last term of this court, for the larceny in which Corse is indicted as an accessory after the fact.

Mrs. Martha Darg was then sworn for the prosecution. Lives at No. 133 Varick street; husband's name is John Darg; John P. Darg is her adopted son; he resides at Helena, Arkansas. In August last he came to this city; arrived on the last Friday of that month. He brought with him his wife and Thomas Hughes his servant. They put up at witness' house, and occupied rooms in the second and third stories. Witness was present at the trial of Tom Hughes—he is the same boy that her son brought here as his servant. John P. Darg had a sum of money with him, over \$9,000, when he arrived. He had it in an india rubber belt which he wore round his body, and on the Sabbath after his arrival he gave it in charge of witness, to take care of. Witness and her husband counted it, placed it in the india rubber belt, and placed it under the coverlids of a bed; and the next morning she returned it to her son, who gave it to his wife, and told her to lock it up. His wife put it in a large travelling trunk in the front parlor bed-room, but witness did not see the money, after returning it to her son, till a part of it was returned, after having been stolen. It was stolen the following evening, about dusk. On that day her son and his wife had been out riding, and Tom was with them. They returned about dusk and sent Tom of an errand, for some brandy to wash their feet with, and in a few minutes the whole of the money was missed. Witness saw Tom go out with the bottle, and he did not return that night, nor till after some of the stolen money was returned, after some eight or ten days absence. Witness would know some of the bills should she see them again. Two bills shown her she recognized by the writing on the back of them. There were three \$1,000 bills which had endorsements on them of specie payment having been demanded at the bank; the bills in court are two of them.

Witness has seen Barney Corse before to day.—The first time she saw him was at her own house, on the evening of the first Friday after Tom had eloped. She had not in the meantime seen Tom. When Tom went away he was very nicely clad. He had on a black beaver hat, his coat was white, and he wore linen. When witness first saw Barney Corse at her house she had no conversation with him. He came about eleven o'clock at night, when they were all in bed. Her son



and his wife came down, and witness followed them, and in the front parlor she saw her son and two persons conversing together. She then went and brought her husband down, and both of them went into the back parlor. The parlors were divided by sliding doors, which were wide open, and there was a light in the front parlor. Witness sat near the sliding doors. The gentlemen in the front parlor were standing. They were Barney Corse and Mr. Gibbons. Both of them wanted her son to sign a paper, which she did not see, and Corse told her son that if he would sign the paper and free Tom, he should have all his money back;\* and it should not cost over three hundred dollars. He said several times that he wanted no reward himself, and that the liberation of Tom and the three hundred dollars for expenses, not more would be requisite to insure the return of the whole money.† Her son had offered one thousand dollars reward for the return of the money and for Tom; and Corse said he had seen the advertisement.

It was late, and her husband advised her son not to sign any paper. Mr. Corse left his address and number—eighty something Cliff street. He said he wanted to start for Albany or Troy, early next morning, and some arrangement was made between him and her son to see each other again before he went. Soon after Corse and Gibbons left, her son went out.

The next she saw of Corse was the following Sabbath evening, when Corse and Gibbons again came to witness' house. He then brought \$1,025—two \$500 bills, a 20, and a 5. Her son was home and saw Corse. Corse wanted him to sign a paper, which he had with him, and which witness saw. In that paper \$1000 was added to the stipulations before stated, to secure the return of Tom and the money. Her son seemed angry at the demand, and said he would not sign it; and he threw down the pen. Witness can't say whether Corse had handed over to her son the \$1025 before that or not. Witness and her husband urged him to sign it, as he could not otherwise secure his money. Corse said he might think himself lucky to get back his money on those conditions, as, if the police officers had got hold of it, her son would not ever have recovered any of it.‡ Witness and her husband thought that if that was the case, her son was indeed lucky, and under that supposition, urged their son to sign the paper. Corse told him that if he would not sign it, he, (Corse,) would stop where he was in the business, and claim his proportion of the reward offered for the \$1,025 he had returned, and which was then lying on a chair, from which her husband took it. After much solicitation her son signed the paper with a pencil, and Corse put it in his pocket. The paper in court (shown her by Mr. Whiting) she thinks is the same. Mr. Corse said he would call again next day, and he did so in the afternoon, accompanied by David Ruggles. Her son was not at that time at home. They both came into the front parlor, and Barney Corse put into her husband's hand \$1,500 in bills of various amounts—some \$500 bills, some \$100. He showed them \$2,380, which he took away with him. The 80 of this he said he had recently taken away from Tom. The \$2,300 were in large bills, southern money. Her husband asked him if he knew where Tom was, and Ruggles answered that he was on his way to Canada. He showed the \$2,300 to show them that he had the money, and he expressed, in substance, that he should want his \$1,000 reward in current money that evening. He said he did not want it for himself; that it was for some friend. He also wanted another paper signed, which he handed to witness—a paper manumitting Tom. Her husband gave Corse to understand that his demand would be complied with. The money brought by Corse corresponded in kind and character with that stolen. Both Corse and Ruggles spoke of Tom's clothing, which they wished to have packed up, and delivered to them.

---

\* Corse did not say that he should have all his money back; but that he would use his best endeavors to get it for him.

† It is not true that Corse said, "not more would be wanted to insure the return of the whole of the money."

‡ Recent disclosures in the police department will show whether there were good reasons for this opinion or not.



The paper which Corse left for her son to sign, she put on the mantel-piece, from which it was taken by Mrs. Dr. Stearns. It was ready written when he first exhibited it.

Corse returned the same evening, accompanied by Mr. Gibbons. Her son was then home. They came about ten o'clock. Witness told her son that he would be called on, but not what had transpired in the afternoon, as he was unwilling to hear or say any thing about it. When they came in the evening her husband let them in. They came in and seated themselves on the sofa. They asked for her son, and she brought him. When he entered Corse told him he had brought him \$2,380.—Her son asked him if that was all he had or could get, and he said it was, but he had a clue to another batch, and, if he could get it, her son should have it. Corse drew up a chair, and began to count the money on it. There was a lamp on the same chair. Mr. Gibbons assisted him to count it, and they found it all right. Mr. Corse then asked her son if he had signed the paper, and her son told him he had not seen it. Witness then asked Mr. Stearns to hand the paper to her son. Mrs. S. took it from the mantel-piece and handed it to her son, who looked it over, but did not sign it. Her son asked Corse when he had seen Tom, and Corse said he had seen him that day. Officers had been placed in the back parlor by her son, and while her son still held the paper, and a moment after Corse said he had seen Tom that day, Justice Merritt stepped into the front parlor, and told her son to sign no paper in his presence. Merritt took up the \$2,380 from the chair, and when he did so, both Corse and Gibbons attempted to seize it. Merritt however got it, and there it ended. Officer Peck was there also. Corse and Gibbons appeared very much terrified. Merritt told Corse he was his prisoner, and the officers took them off. Corse asked what they were going to do with him, and they answered, take him before a magistrate. Merritt asked Corse if he had any choice in the magistrate before whom he would appear, and Corse answered Justice Lowndes. Witness had no further intercourse with Corse.

When Tom went away he was dressed like a gentleman, and when he came back he was very filthy and dirty. His linen shirt was gone, and he had a coarse muslin shirt on. His breast pin was gone. He had an old rusty hat on. All his garments were changed, and his outer clothes were very bad.

*Cross examined by Mr. Brown.* John P. Darg is a relative of witness by adoption only; he is a trader. He is now at the South. He left New-York the last week in October. His family went with him; he has not been here since. Witness knew he had the money the day he arrived here; he told her he had it. Witness had it in her custody on Sunday, and retained it till Monday. There were three \$1,000 bills, some \$500, a good many \$100 and \$50 bills—some of a less amount. The most of it was southern money. The total was something over \$9,000—can't say how much. When she returned the money to her son, he put it in his bosom or pocket, and witness saw none of it till the next Sunday evening, when she saw Corse with some of it. On Monday her son went out with the money, and returned to dinner. Tom was about the house during Monday and Tuesday. The trunk in which the money was deposited happened to be unlocked at the time the money was taken; Mrs. Darg thought it was locked. Tom had been in the room at times, but witness did not see him there on that day. She heard her son say that the money was in the trunk on the afternoon of the day on which it was stolen. After returning from the ride on Tuesday, Tom was up stairs several times. The \$2,380 taken by justice Merritt, her son showed her the next morning, and told her that Merritt handed it over to him. He recovered \$6,900 altogether.

To Mr. Whiting. Of this money \$2,000 were in two bills of \$1,000 each, and she recognized the two bills as soon as she saw them. When Corse exhibited the \$2,380 on Tuesday evening, he stated that the paper he had left for her son to sign must be executed before he could give up that money.

Robert Jackson (black) sworn. Lives at No. 25 Leonard street; has been there about two months; is a waiter by profession. Had the pleasure of seeing Tom Hughes but once, which was at Mr. Isaac Hopper's house in Eldridge street, sometime in August or September last. It was in the evening, about six o'clock. He had made an appointment with Mr. Hopper to be there at that hour. He made the



appointment with Mr. Hopper at his store in Broadway. Henry Clark, who did live in Anthony street, came to witness and sent him to Mr. Hopper's store. He went, saw Mr. H. and made the appointment before mentioned. Clark was a waiter at Contoit's and was to have gone to Mr. Hopper's house with him, but he did not go. On arriving at Hopper's house he sat down in the hall a few minutes, and presently David Ruggles came in and went up stairs. Witness was then asked up stairs by Mr. Hopper or his son; he went up, and in a room he found Barney Corse, old Mr. Hopper and his son, and David Ruggles. Tom Hughes came in afterwards, in ten or fifteen minutes.—He had no hat on when he came in; had on light pantaloons and dark coat. His hair was very bushy—long and full. When Tom came in, Mr. Hopper or Mr. Corse asked him whether he recognized witness, and he said no. They asked him whether he ever gave witness any money, and he said he never had. By this time Henry Clark had got into the room; and Tom said then, that Henry Clark was the man who got his money. Hopper told Clark, if he had any more of the money, to give it up; and Hopper and Corse took Henry out of the room, and conversed with him privately. Henry did not return to the room, but left the house before witness did. Hopper came back into the room and discharged witness, saying that he might go, that he could find nothing against him, and to go and behave himself until he was called for again, or until he should wish to see him again. With that witness left, leaving Hopper, Ruggles and Tom in the room. Whether Corse remained or not he don't remember. The same evening he saw Clark standing at the garden gate. Witness had heard of the robbery of Mr. Darg before going to Hopper's, and before seeing Hopper in Broadway. Heard of it the day after it occurred, on Wednesday; it was on Friday he was sent for by Mr. Hopper. Clark requested witness to accompany him up to Hopper's store, and he did so, and found Hopper and a young man whom he supposed was Hopper's son there. Hopper questioned witness and Clark about the money Tom Hughes had given them, and witness told how, when, and from whom he got it. It was spoken of as money that Tom had stolen from his master. Witness told Hopper he had received \$1,025 from Henry Clark, and he would return it to Henry. Clark gave it to him in his own house in Anthony street. It was in two \$500 bills, one 20 and one 5, on the Vicksburgh bank. Clark had the money in his hat, and witness asked him where he got it.—Clark replied, "never mind, you take it and keep it."

Without concluding the examination of this witness, the court adjourned to Wednesday.

### WEDNESDAY.

On the opening of the court, the District Attorney proposed to show, by the witness Robert Jackson, whose testimony was interrupted by the adjournment on Tuesday, certain declarations of young Hopper, as witness called him, but who proved to be Mr. Gibbons, son-in-law of Mr. Hopper, at the time he directed this witness to go to his father's—the elder Hopper. Mr. Brown objected to the competency of such testimony, and a long argument ensued, which resulted in the rejection of the proposed assertions of Mr. Gibbons at that time.

Examination of R. Jackson resumed. Heard nothing said at the house of Hopper, of the robbery of Darg; did not hear Darg's name mentioned.

Cross examined by Mr. Brown. Heard nothing said on any subject, except in relation to getting the money back. Hopper told witness that it would be the best thing for him to give the money back; witness returned what money he had, to Mr. Corse, in Albany, previous to the meeting at Hopper's house, but after being at Hopper's store. Witness at that time gave Corse two \$500 bills, one 20 and a 5. After witness got the money from Clark, he went to Albany with Corse, to obtain the money. Corse took the money, without saying what he was going to do with it; and Corse returned on the following day, Sunday, to the city. The Recorder was on board at the same time. Corse told witness that he wanted witness to go and get the money and give it to him (Corse;) that it would be better for witness to do so; that the money taken, was not honestly come by, that witness had part of it, and he, Corse, wished it from him. Corse inquired of witness if he had any



more, and witness told him he had not. Did not understand from Corse for whom he was getting the money; did not mention Mr. Darg's name. Witness gave him every cent of the money he had received. Witness can't fix the date of his visit to Hopper's store; thinks he went to his store on Friday afternoon, and to Albany the next day. Saw nobody but the elder Hopper and Mr. Gibbons at the store. Had no previous knowledge of Corse, whatever. Hopper told him at the store that the money had not been honestly got, and had better be given up; and witness then told Hopper he had given it to a man who had gone to Albany.

To Mr. Whiting. It was on the previous Wednesday witness learned that Mr. Darg had been robbed; learned it at the house of one Green, No. 19 Anthony street, about one o'clock in the day. First met Mr. Corse on board the steamboat; had no acquaintance with him previously. Mr. Gibbons had told him that a gentleman would be on board to accompany him to Albany, but he did not understand what the name of the gentleman was. Witness sent the money away to Albany on Wednesday morning, about seven o'clock, before he had heard of the robbery. Received it at Albany from the same person to whom he had given it. Gibbons gave witness a ratan to take on board the boat, and told him that the gentleman who would come and ask him for the ratan, would be the gentleman to accompany him to Albany. This arrangement was made at Mr. Hopper's store. Witness saw Mr. Gibbons in Barclay street next morning, on the way to the boat, when Mr. G. gave him the ratan. They went together to the boat and found Corse on board. Mr. Gibbons pointed Corse out to witness, and they had some conversation together, and Corse gave him three dollars, to pay his passage with. Witness lost the ratan on board. On their passage up they had no conversation about the money; they arrived at Albany at nearly dusk; they went together to look for the man, whose name, witness told Corse, was Thomas Jones; that he resided in Michigan, with a gentleman with whom he was travelling, and that they would be found at the American Hotel. Corse went with witness to the American and Congress hotels, in search of Jones, but found he had gone to Troy. In the evening Jones returned from Troy, witness met him in State street, and witness got from him the two \$500 bills. Jones had left the \$25 balance at Troy, and witness took the \$500 bills to Corse, went to Troy the same evening, got the \$25, and in the morning gave it to Corse on board the boat. Corse gave witness more money to pay his passage down; they came down in the same boat; witness recollects no conversation with Corse as to the money after recovering it; and the next he saw of Corse was at Hopper's house, a few days afterwards, on the occasion he has before spoken of. It was on the following Tuesday or Wednesday. Witness at the time knew that Clark had the principal part of the money, and saw Clark give Gibbons some of it on the previous Friday at Hopper's store. Some of the bills were large. It was a very large roll; witness cannot tell the amount. Thinks he saw \$1000 bills among the bills returned at that time; saw Clark with \$1000 bills. The two \$1000 bills in court resemble those bills very much. When Clark gave up that lot, Mr. Hopper said he wanted the remainder of the money, as that was not all. Clark denied having any more, but he would go home, and bring up "dribs and drabs" at times. Witness did not see him bring back these "dribs and drabs," but Clark told him of it. Witness saw Clark have more of the money after the delivery in Hopper's store; saw some \$100 bills; don't recollect whether he saw any \$1000 bills. Don't recollect ever seeing Corse and Clark together, before the meeting at Hopper's house; he saw no money delivered there. He did not know where Tom was, or had been, previous to seeing Tom at Hopper's—knows nothing about him no how. After the meeting at Hopper's house, witness had no further communication with any of the parties on the subject of the money.

Samuel Dudley sworn. Resides in Mobile, his family lives at No. 124 Second street. Witness was in this city last August; has never seen Tom Hughes. Witness has a brother who resides in New-Jersey and sometimes on Staten Island. His name is William E. Dudley. When his brother is in the city, he sometimes puts up at Mr. Shoemaker's in Rivington street. Saw him several days since in the



city. [The district attorney stated this witness proves to be the brother of the man he wanted.]

Mrs. Martha D. Stearns sworn. Is the wife of Dr. D. D. Stearns. Was at the house of Mr. John Darg, in Varick street, on the occasion when Corse was there. It was on Monday evening. On that occasion, he took a paper from the mantelpiece, read it, and returned it without giving it to any body. The first that the paper read about was the emancipation of Tom, the second about \$300, and the third about \$1000. At the bottom was some writing, in pencil, directing Tom's clothes to be got ready. In the evening she saw the same paper on the mantelpiece, under a lamp or vase. She understood that Mr. Corse had left it there for her brother to sign. The paper in court (exhibited to her) is the same. In the evening Corse came again and asked her brother John (by adoption) if he had seen the paper he had left there in the afternoon.—John said he had heard of the paper but had not read it. The paper was then called for by some one present, and witness went and got it from where she had left it, and handed it to John, who looked it over, apparently reading it. Previous to this Corse had said he had come with \$2,380: and after reading the paper her brother asked Corse if he must sign that paper before he could receive any more money. Corse said yes. When witness went after the paper she passed a gentleman whom she did not know near the folding doors. She supposed it was one of the officers who came in afterwards. After Corse said yes, her brother laid the paper down, and some conversation passed between them, during which Corse said her brother had been fortunate in getting so much of the money without its getting into the hands of the police.\* He said he had got \$80 of the money from Tom. Gibbons was with Corse, and said it was very singular how Tom had disposed of the money in giving it to those fellows. Corse drew up to a chair and began to count the money, with the paper in his hand.—Previous to that John had asked Corse whether Tom was in the city, and Corse said yes. He then asked Corse if he had seen Tom that day; and Corse said he had. After Corse began to count over the money, John took a chair by him, and witness stood by her brother. After the money was counted her brother commenced looking over the paper again, and at that moment Mr. Merritt came in and told her brother to sign no paper. Officer Peck was with him. Two or three attempted to take the money, but Merritt got it, and also took the paper from John. Merritt then told Corse that he was his prisoner, and said something to Gibbons, and asked him his name. Gibbons told him and asked Merritt his name, which Merritt gave. The females were then sent into the back room, and shortly after the gentlemen left.

Cross examined by Mr. Brown. Witness went to the house a little after candle light, and staid till near 11. Was there on the previous Saturday. John was in when witness got there on Monday evening. Her mother, Darg, was the only person she knows of having been in the back parlor, where the paper was, that evening. When Corse came her brother was lying down. When the money was counting, Corse, Gibbons, witness and Mr. and Mrs. Darg, and John were in the room. Did not hear Corse say he had any difficulty in getting the money. She did not see John make any attempt to sign the paper—he had no time—he did not actually refuse to sign it. There was no harsh language at all. Her brother did not touch the money. She did not hear Corse say he had no interest in the matter; she was present in the front parlor all the time Corse was there, except when she went into the back parlor for the paper.

To Mr. Whiting. During the conversation, when Corse said he had brought \$2,380, her brother asked him if that was all he (Corse) could get; and he said it was. Witness thinks there were no \$1000 bills in this \$2380. When Corse said he could get no more of the money, he said he had a clue to another batch, which, if he could get his hand upon it, her brother should have it; but if he could not, he

---

\* Nobody will doubt this that has heard of recent disclosures in the police department.



should demand a per centage on what he had returned.—In the conversation allusion was made to Tom having stolen the money.

Henry W. Merritt sworn. Is a police magistrate; in August and September last was an officer. Was at the house of Mr. John Darg, in Varick street, once when Corse was there. Don't remember the date—the same day the affidavits were made before Justice Lowndes. Went there between 8 and 9 o'clock in the evening. When he first entered the house he found Corse, Gibbons, and young Darg sitting in the front parlor, around a chair with a candle on it. Heard Corse say there is \$2380. Mr. Darg then asked him if he must sign that paper—pointing to one on the chair—before he received that money, and Corse said he must. By that time witness had approached them, the backs of Corse and Gibbons being toward him, and reached over and took the money, saying, there must be no signing of papers there, or words to that effect. At the same time he told Corse he was his prisoner—that he had a warrant for him. Both Corse and Gibbons appeared to be alarmed. They rose on their feet, and Gibbons asked Corse what this all was, what it meant. At the same time Gibbons snatched up from the chair a parcel of papers, but officer Peck took them from him.—There were several papers lying open on the chair—witness supposed them to be the papers meant to be signed. Witness then told them they must accompany him to Justice Lowndes' house, and they started, witness having Corse on one side, and Gibbons on the other.

On the way down to Mr. Lowndes', Corse asked witness what would be the consequence, and witness explained to him the nature of the offence of an accessory, &c. Before they reached Mr. Lowndes' house, Corse told witness that he had something like \$2000 more of the money. They did not find Mr. Lowndes at home, and witness asked him for the residue of the money he had; but Corse refused to surrender it except to Mr. Lowndes. Witness told him it was his intention to hand the whole over to Mr. Lowndes. Corse then took two \$1000 bills, and a \$3 bill from his pocket, and handed them to Mr. Darg, who was with them. The two \$1000 bills in court are the same. They remained till Mr. Lowndes came, counsel was called in, and after some consultation, Corse and Gibbons were permitted to go, on the pledge of their counsel, Mr. Wetmore, that they should appear next day.

Cross examined. The warrant was issued by Mr. Lowndes, on the same day it was executed, who also called upon witness to execute it. He had seen Mr. Darg, and Darg accompanied him when he started from the police. He did not accompany Darg home; parted with him near the police. It was agreed that witness should go to the vicinity of Darg's house. Had seen Darg in the course of the day, but had had no conversation with him. He had no knowledge of the proceedings against Corse till he was called upon to take the warrant. He had not spoken to Mr. Darg in relation to complaining against Corse. Witness saw the publication of the reward offered. The warrant did not embrace Mr. Gibbons. Mr. G. was not arrested, he went voluntarily. Witness had heard Corse was to be at Darg's that evening; don't remember who stated the fact. Witness and Peck entered the house through the rear—no person let them in. Witness does not know Mrs. Darg. He saw an elderly lady there, but had no conversation with her. A young lady accompanied them to the house; who she was witness don't know. There were several ladies there, whom witness did not know. The young lady who accompanied them to the house came for them into Spring street, to Dr. Harriott's house.—Witness never made any threats against Corse: never offered Mr. Darg to secure the money without the reward. Don't recollect of Corse's asserting, on their way to Mr. Lowndes' house, ignorance of any evil in what he had done: nor that Corse said any thing about the trouble he had taken to recover it. He said he saw the Recorder on board the steamboat, and had a conversation with him. He said he had seen Tom that same evening, and witness inquired of him where Tom was, but he would not tell him. He stated something which he said the Recorder had told him about it; but what it was witness does not recollect. At Mr. Lowndes' house, Corse protested that his motives were entirely free from wrong.

To Mr. Jordon. When Corse would not tell witness where Tom was, something was said about legal consequence of concealing a felon; and witness explained to Corse what the consequence was. After that, as well as before, Corse refused to tell him where Tom was. Witness told him he was desirous of arresting Tom for the offence. It is usual, in arresting a prisoner, to search him on the spot, but as there were many ladies present at Darg's when he arrested Corse, he did not then search him. On the way down, witness told Corse the cause of his not searching him at Darg's, and after that Corse acknowledged having the \$2003.



Officer Peck sworn. Accompanied Mr. Merritt to the house of Mr. Darg on the night spoken of, and took from Mr. Gibbons' hands some papers. Gibbons grabbed up the papers from the chair, and witness took them from his hand. The next morning witness returned the papers to the clerk of the police, Mr. Callender. The two papers in court were a part of them.

The cross-examination of this witness elicited nothing of interest.

To Mr. Whiting. Mr. Darg came to witness at the theatre, on the evening of Saturday prior to the delivery of the \$1025, and told witness that Barney Corse had been to see him, and asked him if he would manumit his slave, it by so doing he could recover his money; and Darg wanted his advice about it. Witness told him, that if they could get hold of any individual with a portion of the money, they would probably thereby obtain a clue to the whole; and to that end he advised Darg to promise Corse any thing so as to get hold of Corse with part of the money. Darg said Corse had a paper setting forth the conditions—to wit, the manumission of Tom, the payment of three hundred dollars for expenses, and a stipulation to prosecute nobody, and Tom in particular. Witness told him that no such obligation would be binding; and if he would agree to it, it might lead to the recovery of his money.

Mr. Whiting then read in evidence the several papers identified by Peck, by which he obligated himself to manumit Tom, exonerate him and all connected with the theft and recovery of the money, and to pay three hundred dollars for expenses, in addition to the one thousand dollars reward offered in the Sun, in consideration of the restoration of his money.

Robert H. Haydock was then sworn, and proved the genuineness of the bills in court, and the fact of their being worth the face of them, and even more, the holder being entitled to interest at the rate of twenty per cent. since the date of their presentation for specie at the bank.

The prosecution here rested, and the court adjourned to Thursday.

#### THURSDAY.

Moses Y. Beach sworn for the prosecution. Is proprietor of the Sun newspaper; its circulation is about thirty thousand. Knows John P. Darg. The advertisement published in the Sun of the 29th August last, stating the robbery of Mr. Darg, and offering one thousand dollars reward for the recovery of the money and of the thief, Tom Hughes, was inserted at the instance of Mr. Darg, and was written at the office of the Sun, under Mr. Darg's direction. It was inserted three times.

Cross-examined. Mr. Darg's father was with him, and said he had seen the money. Witness wrote the advertisement, as dictated by Darg, and believes the amounts and descriptions are correct, as stated by Mr. Darg. After the appearance of the advertisement witness saw Darg repeatedly, and had conversations with him relative to the money. Witness also had conversations with other parties in relation to the same. Mr. Corse called at the office the second day that the advertisement appeared; his object appeared to be to ascertain whether the advertisement was genuine, and whether the money was stolen. Witness communicated to him the residence of Mr. Darg, the advertiser, or rather of his father, where Darg put up. Corse called about 10 or 11 o'clock. Mr. Dresser and David Ruggles were with him. Witness told him he had no doubt the money was actually lost. Witness informed Darg of Corse's visit—perhaps the same, perhaps the next day.

Witness told Darg that he thought it probable Corse and the two who called with him knew something about the slave, or the money, or both. Witness wished Corse to go up to Darg's house, to see the parties, and to ascertain further about the loss of the money. Corse stated no other object in calling than to ascertain the genuineness of the matter. Something might have been said about the slave having his freedom in case the money was given up. Witness spoke to Mr. Darg on that subject, and communicated to him all that had passed between him and Corse; but whether Darg had or had not then seen Corse, witness cannot now say. Darg said he would cheerfully release the slave if the money was returned, and the slave required his freedom. Witness thinks, that at, or about that time, witness communicated to Mr. Corse the expression of willingness to release the slave, on the condition named, made by Darg.

To Mr. Jordon. Corse did not demand the liberation of the slave. Witness cannot say positively that at his first interview with Corse any thing was said about the manumission of the slave; he has a faint impression such was the case.

To Mr. Whiting. Witness had known David Ruggles by sight for a year or so before. Ruggles called upon witness the day before Corse did, in the afternoon. He called with an advertisement. Witness don't recollect that the advertisement of Ruggles was presented at the interview between witness and Corse the next day. The visit of Corse appeared to have been occasioned by what witness had said to



Ruggles the day previously, in relation to the advertisement Ruggles brought. Witness does not recollect that either Corse or Ruggles spoke of having seen Tom. Some one of the three appeared to doubt whether the money had been really stolen. Witness don't know that Corse again called at the office. Witness thinks, that on witness' first conversation with Ruggles, on the same day the advertisement first appeared, something was said between them concerning the manumission of Tom; and at his interview with the three before named, on the following day, the substance of that conversation was repeated. The substance of the conversation was, that there was no doubt the money was stolen, and that they ought not to protect the thief, as it would injure the anti-slavery cause. Witness also said, that the advertisement offered by Ruggles on the previous day, was an improper one, and he had declined inserting it. It was published in the American. Witness does not recollect that the advertisement was shown, or the purport of it stated, at the interview.

Dr. D. E. Stearns sworn. Is acquainted with John P. Darg. He resides at Helena, Arkansas. The shortest route there is about thirteen hundred miles. In the travelling season the route from Baltimore to Wheeling is by land carriage, which he believes is six or eight hundred miles. Letters sent by Darg to witness have been from twenty-five to forty-three days, after the post-mark, on their passage.

The prosecution here rested, and Mr. Wetmore opened the defence.

Horace Dresser, Esq. sworn for the defence. Witness called at the office of the Sun in company with Mr. Corse, on the occasion spoken of by Mr. Beach. From curiosity witness went into the office to ascertain the truth of the advertisement. The first inquiry of Mr. Beach was as to the truth of the advertisement. Mr. Beach said he had no doubt of it in his mind, for the person advertising described the bills with great minuteness. Mr. Ruggles and witness stated their belief to be that it was only a pretext, resorted to to get hold of some runaway slave. Something was also said in relation to an advertisement which appeared in the American the day before. Mr. Beach referred Mr. Corse to the author of the advertisement, and something was said by Mr. Beach in the same conversation about the willingness of the master to manumit his slave if he could get back his money. Mr. Beach advised Ruggles and Corse that it would be proper to make inquiry and endeavor to find out the slave, and thinks Mr. Beach remarked, that in some of their proceedings, they (anti-slavery people) had been precipitate, and suggested that they ought to proceed cautiously in order to avoid injuring their cause. Mr. Beach advised them to see the master and ascertain what could be done. Mr. Corse told witness he would go see the master. Witness thinks nothing was said there as to where Tom was, or whether Corse or Ruggles knew where he was. They were in the office fifteen or twenty minutes. Witness had no subsequent conversation with Mr. Beach on the subject. Thinks Mr. Corse is not a member of the Anti-slavery Society.

Cross-examined. Witness is a member—can't say whether Ruggles is or not. Has seen Ruggles at their meetings. Ruggles and Corse came into witness' office together on the morning of the interview spoken of, and were there perhaps half an hour before they all left together. They conversed with witness about the advertisements in the Sun and American. They did not say who put the advertisement in the American, but from their conversations, gathered, that Ruggles did. Witness has since seen the advertisement; the one in the court is the same. It was thought best by them to ascertain as to the truth of the matter, and, if true, whether the boy could be found. Witness never saw Tom till after he was in prison, and indicted.

After parting with Corse at the Sun office, witness did not see him again till after his arrest. Witness was never at Mr. Hopper's house in his life, nor at Mr. Shoemaker's, and never was present at any other interview than that before spoken of in relation to the business.

Eliza Jones sworn. Has resided in Mr. Corse's family nine years. On Friday, the last day of August last, between ten and eleven in the evening, a person who said his name was John P. Darg, came to Mr. Corse's house. Witness met him at the door, and on ascertaining from her that Corse was not in, he inquired of her when he would be in. Witness could not inform him when, but told him she would be sure to deliver any message to him on his return. He said he wished to see Mr. Corse himself. He said he had lost a sum of money, that Mr. Corse had said he thought that he could get it, and he desired witness to tell Mr. Corse to persevere and do all he could, and no person should be injured, for the money was all he wanted—he wanted to injure no person. He told witness to be sure to tell Mr. Corse as soon as he came in. Witness told Mrs. Corse, and she told her husband. After she closed the door, she saw Mr. Darg sitting on the steps of the house, and there she saw the last of him. In the course of an hour Mr. Corse returned. Wit-



ness has never seen Tom Hughes about the house, nor elsewhere. The next morning Corse started for Albany.

Cross examined. The night was neither very light nor very dark. It was a considerable time after leaving the door that she saw Mr. Darg sitting on the steps. Witness was sure it was the same man whom she saw on the stoop, for he had an umbrella. She did not speak to him. Witness always looks out of the window of her bed-room, in warm weather, before going to bed. It was perhaps an hour after she looked out the window that Mr. Corse came in. Witness has never seen Ruggles at Corse's house, nor in company with Corse. Does not know Henry Clark.

James S. Gibbons affirmed. Resides with his father-in-law, I. T. Hopper, No. 150 Eldridge street. Is a receiving teller in the Bank of the State of New-York. Knows Mr. Corse, the defendant; has been acquainted with him 3 or 4 years. The first connection that Corse had with the affair of Tom Hughes, was on the Friday evening of the week in which the transaction occurred. Witness's father-in-law sent for Corse on that evening, and told him that he wished him to go to Albany the next day, to obtain a portion of the money said to have been stolen from John P. Darg, a part of which he had learned was sent to that city. He agreed to go, and he was told that a person would go up in the boat with him to get the money. Corse stated he would require to know the person who was to go.—Witness told him he would meet him at the boat and show him the person.

He said he must see Darg again before he went, and obtain a clear understanding of the conditions on which he would pursue the business. He asked witness to go over to Darg's with him, which he did, after tea. They went into the house and found John P. Darg and one or two other persons there—perhaps his father and mother. Corse said he wished to be indemnified for any expenses that he might incur, and supposed they could not exceed \$300. He said also that it was no interest to him to go in pursuit of the money; that the manumission of the man would be sufficient; but that he would not take a single step in the transaction on any conditions that did not provide for such manumission.

Corse proposed to him (Darg,) also that Tom should be exonerated from any criminal prosecution; and that any other person might likewise be exonerated if it should be necessary in order for the recovery of the money;—to all of which Darg assented. He declined signing any paper then, but said he would call on Corse after consulting with friends, at 5 o'clock next morning. That hour was fixed because it would be necessary to go in the boat at 7. Corse gave Darg his address, and they left the house. That is all witness recollects. Corse had never seen Tom at that time. They (Corse and witness) then returned to I. T. Hopper's house, and I. T. H. and Corse together dictated to witness the paper on which these conditions are prescribed—the paper in court dated the first of September. Corse then left the house, with the understanding that witness and I. T. Hopper would call on him at 5 o'clock next morning, which they did. Corse left the house between 11 and 12 the preceding night. When they met Corse at his house next morning, witness agreed to meet him at the boat at 7 o'clock, to point out Robert Jackson; and to provide against the possibility of a failure to do so in person, he took up a walking stick which stood in the entry, and told Corse that he would give that to Bob Jackson. Witness went to the boat, met Bob Jackson in the immediate neighborhood and gave him the cane. On crossing the street he saw Corse on the upper deck of the steamboat, and pointed him out to Bob Jackson. Corse came down, and Bob said he had no money to pay his passage. Corse gave him \$3 for that purpose. Witness asked Corse when he would return, and he said next day, Sunday. Witness went down to the steamboat landing on Sunday evening and met Corse. He said he had been successful. They walked up town together until they came to the neighborhood of the Park. He went to his own house, and witness went home, with the understanding that he would come up after tea. He came up, informed I. T. Hopper of his success, and expressed a wish to go immediately to Darg and to surrender that portion of the money. He asked witness to accompany him, which he did.

They went into the house together, where they found John P. Darg, his father and mother. Corse told Darg that he had recovered \$1,025, and offered it to him. He declined receiving it. Corse pressed it on him. He declined again, saying, "I don't want it, keep it till you get it all." Corse said he preferred giving it up. Darg's father said, "I will take it, give it to me;" and Corse gave it to the elder Darg. Corse said "I have further good news for you. The individual who has been instrumental in procuring the discovery of a portion of the money says, that he will pay the disbursements mentioned in the paper as not to exceed \$300 out of the reward." Darg said "I did not expect that—did not expect to pay more than \$300." Corse replied "that was to cover my personal disbursements. I had no control or authority whatever in reference to the reward as advertised in The Sun. I have



no personal interest in the matter. I wish the stipulation to be clearly understood." Witness proposed therefore that we so write it on the paper, to which, after some little conversation, Darg consented. At that time the erasure which appears in the paper was made—Darg placed the paper on a chair before him, and after the erasure was made, wrote with a pencil on it. At the same time Darg agreed that the reward should be in current money. The erasure was made first with a pencil and then with a pen, there, by Darg himself. Corse then asked Darg for a memorandum as nearly as he could recollect of the notes stolen. He made out the memorandum of the missed notes, still writing on the chair. It was stated to be near \$8,000. Darg did not know himself precisely. They then left the house. No displeasure was manifested, nor angry words used at all. It was entirely harmonious. They then again returned to I. T. Hopper's house, and I. T. H. requested witness to hand over to Corse all of the lost money witness had in his possession. Witness gave him \$5,800 at that time. Till that moment Corse did not know witness had possession of that money. Corse compared it with the memoranda given him by Darg, and found that there was yet a deficiency. The remark was made by some one of the three that Tom must be seen and searched. They three then went over to Shoemaker's, No. 47 Rivington street, searched Tom, and the sum of 80 or 83 dollars was found upon him. He said it was his own money, that his mistress had given it to him. They then separated for the night, and each went to his respective home. Up to that time Corse had never before seen Tom, and did not know where he was, and had no control or exercise over him. The next evening, Monday, Corse came to the house (I. T. Hopper's) and there was company there, and he was invited in the room above—Bob Jackson, David Ruggles and Hughes, came in about the same time—I went up myself, and my father-in-law was there.

Tom was then asked if he ever saw Jackson, who was pointed out to him, and he said no, there is another man, a short, stout, yellow man, also named Bob. He said he gave the money to Henry Clark and the other Bob. My father-in-law questioned Henry Clark (who was also there,) very closely, and said he must tell who that other person was—that there was no use in trifling—that he must and should tell. Clark showed no disposition to tell, and my father took him by the coat and said, "Henry we must be alone," and then went down stairs. I followed in a few minutes and found them sitting in the back room. My father said to me, "it is coming out at last, we shall have the other man." Henry was in great distress and crying. All the persons except the family then left the house. My father stated to Corse and myself that Clark admitted having given some money to another man, and that he would meet us, or any of us, at half past 10 that evening, at the corner below Con-toit's Garden, and said he could not get from his business before that hour. Barney Corse asked me if I would go over to Darg's house with him to deliver up what money had been procured. I said I did not wish to leave the house so early as some of my friends were there, but would meet him at the corner above Darg's at half past 9. My father agreed to meet us at the rendezvous with Clark at half past 10. I met Corse on the corner, where we found old Darg. We then went into the house together, and Corse said I have come to pay you some more money. Mrs. Darg (the old lady) was there, and two or three other persons. Corse asked if J. P. Darg was at home, and one of the ladies said he was, and she called him. He came down and sat in the centre of the room. Corse asked, "have you seen that manumission paper I left here?" He replied no. It was then brought from the other room, and Corse drew up to the front window, and commenced counting the money. Darg moved his chair up, saying, "you wish me to sign this paper?"—Corse replied that was the agreement, and continued counting the money. While counting, a man stepped in from behind, between me and the chair on which Corse was counting the money; he snatched up the money, saying "no signing of papers in my presence." He touched Corse on the shoulder and said "you are my prisoner, I have a warrant for you." At the same moment that Merritt snatched the money, Peck snatched the paper. The statement that I attempted to snatch the paper is not true. Corse said "if there is any thing wrong in this business, I don't know it," and added, "where do you wish me to go?" Merritt said, to Justice Lowndes; he is at Niblo's Garden, but I have made arrangements with him. Some one asked the question how much money had been received in all, and Corse replied nearly \$7,000. Merritt turned to me and asked my name, I replied "Gibbons; what is yours?" He said "Officer Merritt, Mr. Corse and I need no introduction." I said this was a very high-handed piece of business.—Merritt asked if I would go to Justice Lowndes, and I assented. There was another person in the room, whom I had never seen, but I discovered him to be Jordan. He came up near the company at the same time the officers did. Merritt asked Peck to go for Justice Lowndes. They left the house, Corse, Merritt, and witness, in company; and proceeded down Varick street on their way to Lowndes. Corse took Merritt's left arm, having a cane in his own left



hand. Witness took Merritt's right arm, having a cane in his own right hand. They went on, and Corse asked Merritt, "What is the charge against me?" Merritt replied "compounding a felony." Witness expressed his surprise at such a charge, and said "If any felony has been compounded, it has been by Darg himself. Corse acted by his directions, and his name is affixed to the papers." Merritt said, "Darg signed those papers by the advice of the police officers." Witness replied, "Then Darg has compounded the felony, if any felony has been compounded." Witness then asked Merritt if this affair was to be adjusted quietly, or be exposed? Merritt replied, "Quietly, I hope.—If any exposure is made, there will be a mob, your house will be pulled down, and your life exposed." Corse said "I don't care for mobs. I have other \$2,000 in my pocket, and as things have turned out, I shall give it to Justice Lowndes." Witness did not let go of Merritt's arm from the time they left Darg's till they arrived at Lowndes'. Witness proposed once that he would go and inform Barney's friends of what had taken place; but Merritt said he preferred witness should go with them. Merritt's statement that witness went round to speak to Barney Corse is not true. Merritt said he did, in his testimony. Witness did not leave Merritt's arm, nor attempt to go round by Corse at all.—Nothing was said about searching Corse before he said he had \$2,000 in his pocket. Nothing was said about a warrant for Tom.

Lowndes was not at home when they arrived. They sat down on the sofa, which backed to the front windows in the front room. Witness and Corse sat then together, and Merritt sat on a chair sideways, in front of Corse. A few minutes after they got in, Darg and one or two others entered. Merritt said, "Mr. Corse you had better give me that money," and Corse said, "I prefer giving it to Justice Lowndes." Merritt said, "You know I have a right to search you, Mr. Corse." Corse replied, "There would be no use in that—I acknowledge I have the money in my pocket." Merritt said, "You had better give it to me." Corse said, "I will give it to Mr. Darg," and he did so. Merritt held out his hand and asked Darg for it, and Darg gave it to him. At Darg's house Corse said he had obtained about seven thousand dollars of the money, and on the way to Lowndes', he said he had two thousand dollars of it in his pocket.

Cross-examined. Witness is twenty-eight years old. First heard of the robbery of Darg either on the first or second day of its being advertised. Don't remember from whom he learned it. It was matter of public notoriety. Had seen Tom before he heard of the robbery—saw him the night he came to Hopper's house, which, he believes, was Tuesday night. He came there near midnight—all the family had retired. Henry Clark came there with him. Witness did not know Clark's name at that time. Tom staid there that night; Clark did not. He slept in the front parlor down stairs, on the floor. Witness does not know whether he breakfasted there, nor where he was next day. Witness left the house about nine o'clock in the morning. Tom left before him. He saw Tom lying on the floor in the morning, but did not speak to him. Witness did not hear of the robbery before Tom left the house. Witness might have heard of it during that day. Did not see Corse that day that he remembers. I. T. Hopper and one of his sons saw the two colored men the night they came to I. T. Hopper's. Witness heard that their names were Henry and Tom. Never saw either of them before. Witness made no inquiry about them that night. When they came to the door Henry inquired for Mr. Hopper. Did not see Tom again till the following Sunday evening, when they went to search him. On Friday afternoon witness went to look for Henry at the request of I. T. Hopper. He went to Contoit's Garden, found Henry, and asked him if Tom had given him any money. He said no. Witness went and told I. T. Hopper of Henry's denial, and then witness went back and told Henry to go to I. T. Hopper's. Henry did so. On the same afternoon he went after others. Before going to Henry, I. T. Hopper told him that Tom said he had given \$150, in southern money, to get changed for him, and had but twelve dollars returned of it. I. T. Hopper then said he supposed Henry must have the \$150, and then sent witness to Henry as before stated. When Henry came to Hopper's, he seated Henry before him, and told him that he must know something of the transaction, and he must disclose all he knew, and make no attempt to hold it back. He told him, that if he (Hopper) should find that he (Henry) had heretofore sustained a good character, and all the stolen money should be restored, he would not expose him; otherwise, there was no help for him. Henry then began to cry, said that he had some money in his possession, that he would give it all up and tell all he knew about it. As he was going out, witness suggested to Hopper that a man who would receive stolen property was none too good to keep part of it back; and to prevent that, he, (witness) would accompany Clark. Clark took witness to his lodgings in Anthony street, and took from a shelf in a closet a tin ladle, from which the handle had been taken, leaving the socket vacant. Clark gave witness the ladle, and he got out a quantity of bank



bills, which had been wadded into the socket, and the end of the socket battered down over the aperture. Witness took the money, and with it and Clark returned to Hopper's office. Hopper asked Clark who else was concerned in this business? and after some quibbling, Clark said there was a Bob Jackson concerned in it; and he would go and bring Bob to the store. Witness told Hopper that it would not do for Clark to go alone, for that Bob might see him and run, and that he (witness) would go with Clark. He did so, and found Bob in a porter-house in Anthony street. Henry took Bob and witness into his room, and Henry said to Jackson, "Now Jackson, this thing is all out—you must give up that money." Jackson said that he had sent it that morning to Albany, to a friend who lived there, who was to keep it six months, and after that it would be at his [Jackson's] disposal. Witness asked them if there was any one else concerned in this? and Jackson made use of the name of Bob. Witness asked Henry what Bob that was; and Henry said "This is the Bob, there is no other." Witness did not believe him, but did not say so. They then went back to Hopper's store, Clark and witness together, and Jackson lagged behind. Jackson said he was a man of character, and did not wish to be seen walking in their company like a culprit. At the store Jackson said Clark had given him \$1025, which he had sent to Albany. Clark did not deny it. Mr. Hopper asked Clark if he had no more of the money, and he said he had more at the garden, and brought back another bundle, which he gave I. T. Hopper. Jackson said he would go to Albany the next morning and get that \$1025. Witness told Hopper it would not do to let Jackson go alone, that he would only be so far out of the way, and he would take care to put himself still further out of the way. Bob said he had no money to pay his passage, and I. T. Hopper told him that would be attended to. The two boys then went away.

Witness and I. T. Hopper then went home, and on the way witness expressed to Hopper his uneasiness at having so large an amount of stolen money about him, and supposed the case of his being found with it by the police officers. He also said that he would inform Reuben Withers of the circumstance, and place the money with him. On arriving at home they counted the two rolls of money and found there was \$5800. The money was locked up in a desk drawer. Barney Corse was sent for by Hopper that evening to go to Albany with Jackson the next morning. Barney came in the course of the evening, and Hopper told him that he had lighted upon a chain of discoveries in relation to the stolen money advertised in the Sun, and had learned that a portion of it had been sent to Albany, and wished him [Corse] to go to Albany the next day after it. He did not tell Corse any thing about the money that had been recovered; nor from whom the money had been stolen; nor where Tom was. Corse did not inquire where Tom was. The arrangement before stated was then made as to meeting the boy Jackson at the boat.

On the same evening witness and Corse went to Darg's, at the suggestion of Corse, for the object before stated. Nothing was said between them, on the way, as to the conditions to be proposed to Darg. The paper containing the conditions was not drawn up until after their return from Darg's to Hopper's. When Tom first came to Hopper's he was dressed like a gentleman, except that his hat was somewhat slouched. He had a large head of bushy hair. Witness thought he was too good looking to be a slave. Witness did not communicate to Darg, on the occasion of his first visit, on Friday evening, the fact that he had already in his possession \$5,800 of his [Darg's] money, because he did not feel authorized to assume any such responsibility. He did not consider it his business, but I. T. Hopper's; and he told neither Darg nor Corse of it. Neither did he communicate the fact of that recovery on Sunday night, when the \$1025 were given up to him. Corse did not say that he would go no further if Darg did not then sign the paper containing the stipulations. Darg did not object to signing the paper, but appeared to be a little disappointed that any thing more than the three hundred dollars were to be required. Corse did not then say he had no more of the money, nor did Darg ask him.

On Sunday night, after returning from Darg's, and before going to Shoemaker's to search Tom, the \$5,800 were given to Corse. On Monday evening Corse and witness went to Darg's again, and on that visit nothing was said to Darg about the \$5,800. Darg asked Corse if he must sign the paper before getting the money. To which Corse answered, "That was the agreement." Witness is most positive Corse did not say "Yes, you must." Tom was not inquired after by Darg on Monday night. Darg inquired where Tom was on Sunday night, and Corse said he did not know. Darg never asked, in witness' hearing, to be informed of means by which Tom may be found by him; nor did he ask how they got the money. Witness does not remember noticing, on seeing Tom at Shoemaker's on Sunday night, that his hair had been cut; he afterwards heard his hair had been cut. Witness saw Tom at Hopper's on Monday evening. He came from some



other house or place. He left the house after the interview spoken of by Jackson; witness does not know where he went. Shoemaker's house is but a few rods from Hopper's, on different blocks—the former in Rivington street, the latter in Eldridge street. Each house is one lot from the intersection of those streets. I. T. Hopper is not intimate with A. Shoemaker; the latter person has not been out of his room for months, and probably for years.

To a juror. On Monday evening witness noticed a striking difference in the appearance of Tom.

Isaac T. Hopper was then called to the stand for the defence, but Mr. Brown declined examining him, and handed him over to the opposite counsel for cross-examination.

Cross examined by Mr. Jordan. Witness has a son John who boards with him, saw him this morning; can't say whether he was at home last night or not; thinks he was not at home yesterday—can't say certainly. His business keeps him down town. Witness is in this indictment with Corse, and has acted and advised with Corse in preparing the defence. Mr. Gibbons is also one of the indicted parties, and he has acted and advised with them. Witness does not know that John has met Corse at witness' house. When Tom Hughes came to witness' house, he was respectably clad. Tom slept that night at witness' house, and left in the morning. The next he saw of Tom was at Abraham Shoemaker's, on the next first day evening. Witness had understood from some of his family that Tom was at Shoemaker's, on sixth day. He did not tell Corse that Tom was at Shoemaker's. When witness sent for Corse on sixth day, he supposed that the \$1025 said to be at Albany, was stolen from Darg by Tom; and he then knew Tom was at Shoemaker's. Witness never communicated to J. P. Darg, through Mr. Corse, that he knew where Tom was. Saw Tom at Shoemaker's but once. On the morning after Tom came to his house, he suspected he was a fugitive slave, and left directions with his wife to send Tom from the house. Witness never knew nor heard of Henry Clark till the night he brought Tom there. Witness did not see the advertisement in The Sun till sixth day. Witness wrote a part of the first paragraph of the advertisement which appeared in the American, and supposes Ruggles wrote the rest. Tom's head had been shaved, and himself disguised, between the first and second times witness saw him: but he does not know who did it. Witness had nothing to do with the papers in which are stated the conditions to be required to be signed by Darg in return for the restoration of the money.—Corse communicated the stipulations he had made with Darg to witness, and witness put them on a paper, but he had no hand in requiring them to be suggested to or required of Darg. Witness considered the advertisement in the Sun sufficient for all his purposes, and has prosecuted Darg for the reward. It was never witness' intention, in the first place, to give up Tom as a slave to his master, but he never took any measures to the effect of keeping him out of the way of his master.

David Ruggles was sworn for the defence, and, like Mr. Hopper, handed over to the counsel for the prosecution without a direct examination.

Cross-examined by Mr. Jordan. Recollects being at the Sun office with Corse and Dresser on Thursday, 30th August last; it may have been on Friday. Had seen the advertisement in the Sun before that. Went to the Sun office for the purpose of convincing Mr. Corse that there was some truth in the advertisement, and spoke to Mr. Beach about it. Mr. B. stated to Corse what he had told witness the day before, and Corse appeared to be impressed with the truth of the advertisement; and Mr. Beach advised witness and Corse to see Darg about it, as Darg was willing to emancipate the person who he supposed had taken the money.—When witness saw Mr. Beach the day before, Mr. B. stated to witness that the facts expressed in the advertisement were true. Witness thinks that at that interview he stated that if it was true the man was a slave to Darg, and the advertisement was true, the slave had manumitted himself and got his master's money to boot. The suggestion about the manumission of the slave was first made by Mr. Beach, and not by witness. Witness first saw Tom at Hopper's house on the Monday following, when Corse, Clark, Jackson and others were present.—Never saw Tom at Shoemaker's, and did not expect to see Tom when he went to Hopper's. Did not know where he was. The only time witness ever saw Tom, except when a prisoner, was at Hopper's on the occasion before mentioned.

To a juror. Witness was once at Darg's with Corse, but did not then hear any inquiry about Tom. Witness was at Darg's alone the day before that, and he was asked where Tom was, to which he answered he did not know.

The defence here closed, and Mr. Merritt was recalled for the prosecution. On the way down from Darg's to Lowndes, Gibbons did propose to go after some of Corse's friends, and at the same time Gibbons stepped round and got by Corse—



which movement on the part of Gibbons caused the remark from witness about searching Corse, which immediately preceded Corse's acknowledgement that he had \$2,000 more of the money. After arriving at Lowndes', witness stated to Darg and his counsel, in the presence of Corse, the conversation about searching which he had with Corse on the way down; and Corse did not deny that such conversation had passed. It is witness' impression that Corse said, before leaving Darg's, the \$2,380 then present was all the money he had; and he is certain that on being asked the question, Corse said that about \$5,000 was all the money he had recovered in all. He said he thought he had a clue which would enable him to lay his hand on another batch.\*

Dr. George Harriott sworn. Was at Mr. Lowndes' house on the occasion in question, and heard Mr. Merritt insist upon searching Corse, who refused at first. Merritt was insisting upon Corse's giving up other money which he suspected he had, and Corse refused. Merritt said he should search him if he did not give it up to him; and Merritt got up with the intention of taking the money away from Corse, when Corse gave it up. He afterwards talked about \$1,500 which he said they were in a fair way to get. Witness heard Mr. Darg and Mr. Jordan ask Corse where Tom was, and Corse said he thought he could find him. This took place at Darg's, after the arrest. Witness and Mr. Jordan followed Merritt, Corse and Gibbons, down to Lowndes', but did not see Gibbons leave Merritt's arm and go round to Corse. Witness was not so near to them as to have seen it had it occurred. Witness thinks Corse delivered the two \$1,000 bills to Merritt at Lowndes'.†

Officer Peck recalled. After the \$2,380 were taken by Merritt, he asked Corse if he had any more of this money; thinks he replied "no sir;" is not certain; it is his impression. Witness asked how much money was received in all, and he heard the reply "something over \$5,000;" can't say who made the reply. Nothing was said of \$7,000. Is certain Gibbons resisted him in taking the papers.

To Mr. Brown. Saw the money counted but once.

John Darg sworn. Recollects his son being at his house last summer—recollects Barney Corse coming there. Corse first came there on Friday afternoon, and said he had called to inquire about the robbery. Witness told him that between seven and eight thousand dollars had been stolen. He expressed some disbelief of the robbery at first, but witness thought he convinced him of the reality before he left. When he went away he said he would call again. Witness told him who stole the money. He came again late on the evening of the same day. He then wanted John to sign a paper, and witness advised John to sign no paper then. Corse said if John would sign the paper, he could probably get the money sooner. John did not sign it, though Corse told him that if he would sign it, the expense attending the recovery would not exceed three hundred dollars—he wanted no reward. He went away leaving his address. He did not produce any paper. He came again on Sunday evening, quite early, and brought \$1025. He then again urged his son to sign a paper, representing that it would facilitate the speedy return of the whole money. The paper stipulated for setting Tom free, and for the payment of one thousand dollars besides the three hundred. Corse told his son that if he did not sign the paper, he, Corse, would stop where he was. John asked Corse if he knew where Tom was; and witness thinks Corse said he did know, or had seen him; but he is not certain. He said he got 1025 dollars at Albany, and had just arrived. He came again on Monday afternoon, and paid over some money. John was not at home. He left a paper for John to sign, manumitting Tom. He paid witness fifteen hundred dollars, and showed witness 2380 dollars more. The eighty dollars

---

\* The committee of the City Councils appointed to examine the proceedings of the police, reported the following charges against Merritt, which were published in the Evening Signal, of the 24th inst. They will enable the reader to form a proper estimate of his veracity.

1. With standing by, seeing a robbery committed, and neglecting to arrest the offender.
2. For permitting William Moore and others to manufacture forged notes.
3. For permitting a robbery to be committed in order to get the reward.
4. For giving false testimony on the trial of Smith Davis.
5. For not committing John B. Cornell, when he had evidence such Cornell was a thief.

† Those who believe Dr. Harriott, must do so on his own credibility, and not because his testimony corresponds with Merritt's, or others who speak of the same circumstances.



he got from Tom. Said it was all he had. He took it away with him again, and said he would call again in the evening about 9 or 10 o'clock. He gave witness to understand that John must sign the paper before would pay over the 2380 dollars. He also desired Tom's clothes to be put up. Witness asked him where Tom was, and he said Tom was gone to Canada, or was about going there. About ten o'clock the same evening, Corse came again, accompanied by Gibbons. Corse asked for the paper he had left in the afternoon for John to sign, and Mrs. Stearnes got it. He asked if he must sign it, and said he would not sign it before he read it. While John was still reading the paper, the officers came in and stopped the whole proceeding. It was done in a minute; witness never saw any thing done so handsome. Mr. Corse appeared to be frightened a little at first, but he soon got over it. Tom was dressed very clean when he went away, and was very dirty when he came back—so much so that witness did not know him at first. The poor fellow was glad to get home.

Cross-examined. It was near 1 o'clock when Corse left the house on Friday night. John was then in, but he went out immediately after Corse did. Witness' wife was present at all the interviews. Witness did not know that the officers were coming—that was the beauty of the thing. Thinks he understood John, that he went to Corse's on Friday night.

Mrs. Darg recalled. The evening the officers came, witness saw the officer take papers out of Gibbon's hand. The papers had previously laid on the chair. They were the papers Corse had requested her son to sign.

The testimony here closed on both sides, and the court adjourned to Friday.

#### FRIDAY.

The whole of the day was occupied by the counsel. In the evening the Recorder charged the jury and they retired and remained out all night. The court adjourned to half-past 7 o'clock the next morning, when the jury came in and stated that they had not agreed, and that there was no probability that they would agree; they were then dismissed, and the case was continued to be tried again, as mentioned in the foregoing exposition.