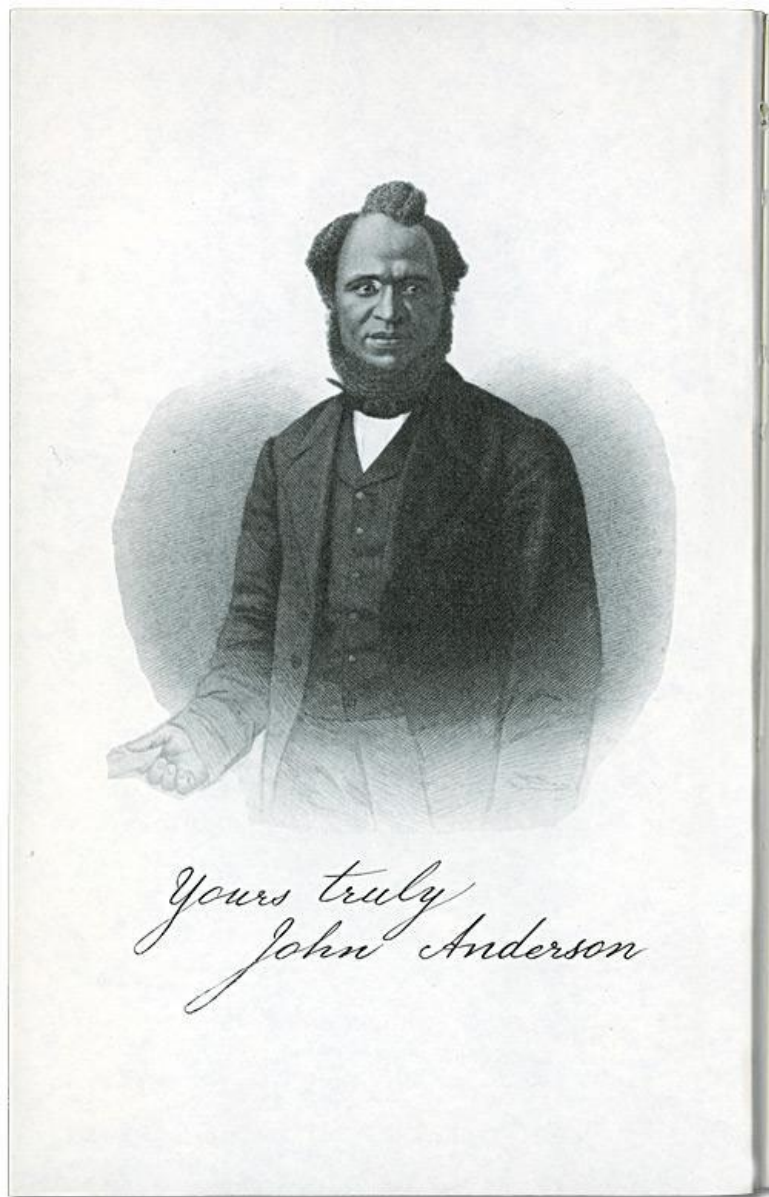


Title: The Case of John Anderson

Subtitle: Historical Inquiry and Oral Communication

Duration: 4-5 classes

Best Courses Fit: Law, History, English, The Origins of a Canadian Ethnic Group



Source: <https://www.thecanadianencyclopedia.ca/en/article/john-anderson-extradition-case>

Background Knowledge

John Anderson was originally named Jack Burton. He was born into slavery in Missouri in the early 1830s. As a child, his mother was sold away from him, and his father had fled from slavery. In 1850, Anderson got married and started a family with an enslaved woman named Maria Tomlin who lived several kilometres away. In 1853, Anderson was sold and separated from his wife and child. After being denied a travel pass to walk more than 50 kilometres to visit his family, Anderson decided to escape a life of bondage.

He fled on a September morning in 1853. A few days into his escape, he travelled near the farm of Seneca Digges, a White farmer. During this period, it was legal to seize any enslaved person found more than 32 kilometres from their home and return them for a reward. Anderson did not have a pass, so he ran. Digges and his enslaved property pursued him for several hours. When cornered by Digges, Anderson stabbed him. Digges later died of his wounds.

Anderson continued to flee. He crossed from Detroit into Windsor, Ontario in early November 1853 where he secured a job with the Great Western Railway, working on the section between Windsor and Chatham, Ontario. Between 1854 and 1860, Anderson moved several times and used different names to avoid being caught by slave hunters. By 1860, he had purchased a home in Caledonia (a few hours outside of Windsor).

In early 1860, Anderson was betrayed by a friend after he told him the truth about his escape and the death of Digges. Anderson was soon arrested and then released. He was arrested again and brought to the Brantford jail in September, 1860. The American Secretary of State appealed to the British government for Anderson's return to Missouri where he would stand trial for the murder of Seneca Digges.

The extradition request failed to list Anderson as formerly enslaved, but instead simply as a "man of color." As a result, the British government thought Anderson was a free man who had committed murder instead of an enslaved man who killed the person trying to capture and return him to slavery.

Because slavery had been abolished in Canada by that time, refugees from slavery escaping to Canada were free as soon as they reached Canadian soil.

Since he was listed as a free man, it was argued that under the Webster-Ashburton Treaty, Anderson could be returned to Missouri to stand trial for the murder of Seneca Digges. The case ended up becoming a national sensation.

Document A: The Arrest of John Anderson

**ARREST OF A NEGRO IN CANADA FOR MURDER IN
HOWARD COUNTY, MO.**

Detectives Gunning and Blodgett of this city, have tracked and now have under arrest at Canada West, John Anderson, negro, for the murder of Seneca T.P. Digges, of Fayette, Howard County, Missouri, in 1854. Anderson fled Missouri immediately after the murder of the planter and arrived in Windsor.

Last spring, officers Gunning and Blodgett learned that Anderson was at Brantford. They went there, had him arrested and held in custody, while they set about getting the testimony from Missouri to identify him. Thirty-one days passed and it had not come, and it being the day of jail delivery under the Canada laws, Anderson was released.

A Missouri gentleman is now on his way back to obtain further proof that Anderson is the murderer of Digges; the fact that Anderson is a slave being used by the Canadian authorities as an excuse for requiring the strictest proof that he is a murderer.

The excitement of the negroes and sympathizing whites in Simcoe is so great that a rescue of Anderson was feared, and he has been transferred to the Brantford jail.

Document B: John Anderson's Petition

John Anderson's Petition

The following petition was presented to the Governor General of Canada, by John Anderson.

To His Excellency the Governor General of Canada, &c., &c.

“The petition of the undersigned, John Anderson, confined in the jail of the county of Brantford, humbly sheweth:--

“That your petitioner was born in the state of Missouri and to the best of his knowledge he is of the age of thirty years.

That he was the slave of Burton and another.

That your petitioner had always felt that he had a right to his freedom.

That in his course to Canada he had to pass the plantation of Seneca F.T. Digges, and that while passing it he was accosted in nearly the manner mentioned in the evidence transmitted to your Excellency.

That when said Digges refused to allow this excuse for not having a pass, your petitioner found it necessary to make his escape, and endeavoured to do so.

That your petitioner was run down, having been chased for nearly an hour, and at the moment he was looking for success, Mr. Digges appeared before him.

That he dashed against said Digges with an open knife and that he did to obtain his liberty.

That your petitioner therefore prays that your Excellency will be withhold an order delivering your petitioner to the authorities of the state of Missouri, and the evidence shows that he only used such force as was necessary to maintain that freedom there.

Signed JOHN X ANDERSON. mark

Witness A.S. REACHIE, Deputy Jailor

Brantford, 1st October, 1860

Document C: Article X of The Webster-Ashburton Treaty

Background Knowledge

The Webster-Ashburton Treaty was created to resolve disputes over the boundary line between the American state of Maine and the British Canadian province of New Brunswick. Criminal issues were also included in the Treaty. The "arrests" of foreigners on American or British soil had posed problems in the past, so the Webster-Ashburton Treaty established clear guidelines for the extradition of fugitives in each other's nation.

The United States requested the extradition of John Anderson for the murder of Seneca Digges under the provisions of Article X of the Webster-Ashburton Treaty.



Source: <https://www.thecanadianencyclopedia.ca/en/article/webster-ashburton-treaty>
(courtesy David/Flickr/CC)

Article X

It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisitions by them, deliver up to justice, all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found, within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged, shall be found, would justify his apprehension and commitment for trial, if the crime or offense had there been committed.

VOCABULARY

jurisdiction – area

asylum – government protection in another country

Source: Excerpt adapted from https://avalon.law.yale.edu/19th_century/br-1842.asp#art10

Document D: The Ashburton Treaty and The Slave Code

Background Knowledge

The case opened on November 24, 1860 in Toronto. John Anderson's defense team was led by Samuel Freeman, who argued that Anderson had a right to kill his pursuer in seeking liberty and that when Digges tried to capture Anderson, he was acting under a slave law which did not exist in Canada. For these reasons, the team argued that Anderson should be freed. The crown, on the other hand, insisted that a literal reading of Article X of the Webster-Ashburton Treaty indicated that Anderson should be returned to Missouri.

THE ASHBURTON TREATY AND THE SLAVE CODE

The extradition case continues to excite much interest among lawyers, politicians, fugitive slaves and friends of humanity generally. Everyone feels that if the slave is given up on the demand of the authorities in Missouri, because he has committed what they call murder, but what we deem justifiable homicide, or at most, manslaughter, no fugitive slave in Canada is safe on our soil. Send back John on the ground that we are obliged to recognize the slave-code of the Southern States, and there is not a fugitive in Canada whose extradition may not be demanded "upon evidence sufficient to put the accused upon his trial," which, is all that the law requires—for some one of the offences mentioned in the treaty! Is this what the British Government intended when the treaty was negotiated? Was it meant to make Canada the hunting-ground of Southern slave-catchers, and our magistrates courts, and governors, the agents, the gaolers, the blood-hounds of the slave-master?

VOCABULARY

justifiable – reasonable, valid

homicide - murder

extradition - to send a person who has been accused of a crime to another state or country for trial

Source: Excerpt from *The Ashburton Treaty and The Slave Code*, The Globe, Toronto, ON, Monday, December 8, 1860.

Document E: Judgment of the Court

THE EXTRADITION CASE
JUDGMENT OF THE COURT
A Majority Against the Prisoner

Judgment was pronounced on Saturday by the Court of Queen's Bench in the case of Anderson, now in custody on the charge of having murdered a man in the State of Missouri, while making his escape from slavery. It will be seen that Chief Justice Robinson and Mr. Justice Burns refused the application for Anderson's discharge, while Mr. Justice McLean took strong ground that he was entitled to be discharged. A profound silence was made during the reading of the judgments except that when Mr. Justice McLean had finished reading his opinion there was a burst of applause. The prisoner, an intelligent-looking man, listened with the closest attention as they read their judgments. When all was over, a shade of disappointment rested on his face. It was very evident that he was painfully sensible of the horrible results that would follow his being consigned to the tender mercies of a jury of slaveholders.

Chief Justice Sir John Beverley Robinson	Justice Archibald McLean	Justice Robert Easton Burns
<p>The one outstanding piece of evidence was the fact that Seneca Digges “was acting under legal authority” at the time he detained Anderson. Anderson had therefore killed a person who was acting with the state’s authority, and he was subject to extradition according to the treaty.</p>	<p>Seneca Digges was pursuing Anderson “for the unholy purpose of riveting his chains more securely...in my judgment the prisoner was justified in using any degree of necessary force to prevent what to him must inevitably have proved a most fearful evil.” Missouri laws were “passed by the strong for enslaving and tyrannising over the weak” and should never be recognized in Canada. “I think that, on every ground, the prisoner is entitled to be discharged.”</p>	<p>“However much I may detest the doctrine that any one portion of the human race has a right to deprive another portion of its liberty, and reduce that class to a state of slavery, yet when called on to explain and interpret an agreement between our own nation and another, and what is the legal effect of it, a duty attaches so sacred that private feelings ought in no manner to be allowed to warp the mind or pervert the judgment...it would be neither fair nor honest to interpret the treaty by the laws of one of the countries, without reference to the laws of the other as they stood at the time the treaty was entered into.”</p>

Source: Excerpt adapted from *The Extradition Case from The Globe*, Toronto, ON, December 17, 1860.

Source: Patrick Brode, *The Odyssey of John Anderson* (Canada: The Osgoode Society, 1989), 59-62.

Document F: The Verdict

Background Knowledge

On Saturday, February 16, 1861, the judges of Common Pleas were ready to read their verdict.

“On Saturday, February 16th, at noon, Anderson was brought before the judges and discharged from the Brantford Jail. The discharge has been ordered on two distinct grounds. First. The warrant recites that Anderson stands charged for that he did “Willfully, maliciously, and feloniously, stab and kill one Seneca T.P. Digges of Howard County,” which might amount to manslaughter.”

“We heartily congratulate the people of Canada on the narrow escape we have thus made from what would have been a deep and indelible stain on the fair fame of our country. We can all heartily rejoice that the poor fugitive to our shores, who dared to strike a freeman’s blow for liberty, will not be surrendered by Canadian hands to be burnt at the stake by exulting traffickers in human blood!”

* It was reasoned that because the warrant had only used the word ‘kill,’ that could have meant manslaughter or even justifiable homicide, not necessarily murder, which was the exact term mentioned in the Treaty. In addition, the warrant had multiple flaws that were so serious, it had to be quashed.

Source: Excerpt adapted from The Toronto Globe as it appeared in Harper Twelvetrees, *The Story of the Life of John Anderson, the Fugitive Slave* (London: William Tweedie, 1863), 80-81.

Document G: John Anderson's Own Words

Background Knowledge

John Anderson delivered this speech in 1863 in London, England.

"My master allowed me to go and see my wife once a week. I did not, however, care much for his orders, and I used to go almost every night. When we had been married about a year and a half, Maria fell sick, and I wanted to go more frequently to see her. My master would not permit me, but I disobeyed him. On one occasion when I had been to see her, and had remained all night, my master was on the look-out for me when I returned in the morning. When he saw me, he said, 'Jackey, where have you been?' I replied, 'Oh, I've been walking about.' 'I'll walk you about,'" he said, and came up to me to give me a licking with a rawhide which he had in his hand. I warded off his blows with my arm. He then went and got a rope and threw it over the branch of an old walnut tree. I knew very well that he wanted to tie me up and whip me, and I determined that I would not be whipped. He ordered me to strip and cross my hands, that I might be bound and drawn up, but I refused. He cursed and swore, and threatened, but I still refused. He then fetched his gun and said he would shoot me. He then said he only wanted to frighten me, but that he would sell me to someone who would break my spirit. Burton hired me to a man of the name of Paterson. It was while I was working for this man that my owner met with McDonald, who lived on the other side of the Missouri river. This man offered to buy me. He was already the owner of about thirty slaves. When I came back to Burton's, he came upon the farm to look at me, and to see what sort of a hand I was, and how I went about my work. He went away, and I remained with Burton about three months longer. He did not want me to know that he had made a bargain with McDonald. It was on a Saturday that he told me I should do no more work for him, and that he would hand me over to McDonald on Monday. On the Monday morning, when I saw the money paid for me, I said to Burton, 'That's a great deal of money, and I think you ought to give me some of it;' but he made no reply. When my new master was taking me across the river, he told the ferryman to take care that he never allowed me to recross it. On the way, he said if I attempted to escape from him, he would tie me up and cut me to pieces. When we arrived at the plantation, I felt the separation from my wife very much and made up my mind that I would run away for good; that I would get away some Sunday, and after bidding her good-bye, would start for Canada. When I had been with him about six months, I asked to be allowed to go and see my wife and bring back some clothes with me. He told me I should never see my wife again; that he would not let me cross the Missouri river anymore, and that I must take one of his slave girls for my wife, for that his plantation would be my future home. Here, again, you see what kind of religion it is that the slaveholders possess: he wanted me to desert my wife and child and become the father of children who should be his property. I knew he would refuse my request to go and see my wife, but I determined to ask him, that I might have a fair excuse for leaving him. When he answered as he did, I said nothing, but resolved that the approaching Sunday should be my last in his service."

Source: Excerpt adapted from Harper Twelvetrees, *The Story of the Life of John Anderson, the Fugitive Slave*. (London: William Tweedie, 1863), p. 131-134.

Document A

Sourcing
How do you know this source can be believed?
Why was this source produced?
Contextualization
What does this source suggest about John Anderson?
Why might the article have failed to mention that John Anderson was enslaved at the time of his escape?
Close Reading
According to this source, why did John Anderson flee?

Document B

Sourcing
John Anderson was illiterate, so his words were dictated to someone. How might this influence the trustworthiness of the source?
What does John Anderson reveal about himself?
Who was the intended audience? How might that have influenced the content and tone?
Contextualization
Why might John Anderson not have known his age?
Corroboration
How does information from this source support or extend information from Document A?
Close Reading
According to this source, why did John Anderson kill Seneca Digges?

Document C

Sourcing
Why was this source produced?
Contextualization
What was happening in the United States when the Webster-Ashburton Treaty was ratified in 1842?
Corroboration
How does this source help you to better understand Document B?
Close Reading
Given Article X of the Treaty, do you think that John Anderson should have been extradited for the murder of Seneca Digges?
What are the reasons that justify setting John Anderson free?

Document D

Sourcing

The Toronto Globe newspaper was founded by George Brown. He was one of the founders of the Anti-Slavery Society of Canada. How might this information influence the reliability of the source?

Contextualization

Why might there have been so “*much interest among lawyers, politicians, fugitive slaves, and friends of humanity?*”

Why would the author refer to the crime as “justifiable homicide?”

The author wrote, “*but what we deem justifiable homicide.*” Who was he speaking of when he wrote *we*? Explain your answer.

Corroboration

How does information in Document C help you to better understand Document D?

Close Reading

According to this source, how would an extradition of John Anderson impact freedom-seekers who escaped to Canada?

According to this source, how would an extradition of John Anderson impact enslavers/slave-catchers?

Document E

Sourcing

Give one reason why you might trust this source.

Why was this source produced?

Contextualization

What does this source suggest about why so many people came to the trial?

What does the article suggest about Chief Justice Robinson and Mr. Justice Burns? Explain.

Close Reading

According to this source, what did the decision mean for John Anderson?

According to this source, does the author feel that John Anderson would get a fair trial in Missouri? Explain.

The Judges' Decisions - Analysis Chart

Judges	Decisions <i>Should John Anderson be extradited?</i>	Reasons <i>How/Why did they arrive at their decisions?</i> (provide evidence from the chart in Doc E)
Justice Sir John Beverley Robinson		
Justice Archibald McLean		
Justice Robert Easton Burns		

Document F

Contextualization
Why did Britain have the final say in the matter? Consider the timing.
Why do you think Britain arrived at a different decision?
Why do you think the murder of Seneca Digges might have been deemed manslaughter?
How do you think the three countries might have reacted to the news? Canada, the United States, and Great Britain? Explain your reasoning.

Corroboration

In what way(s) does Document F contest information in Document C?

Close Reading

According to this source, why was John Anderson acquitted?

Do you agree or disagree with the verdict? Explain your reasoning.

Document G

Sourcing

Provide one reason you might trust this source.

Provide one reason you might not trust this source.

What does John Anderson tell us about himself?

Contextualization

Why do you think John's new owner wanted to find him a new wife?

What do his words reveal about the nature of slavery?

Why might John Anderson have fled to Canada instead of a northern state?

Corroboration

How does information in Document G support or extend information in Document B?

Close Reading

What does this source reveal about John Anderson's character?

According to this source, what events motivated John Anderson to flee?

Should John Anderson Have Been Extradited?

My position: _____

You must use evidence from at least three sources to support your position. Share your position, evidence, and explanation orally with your class.

Document	Evidence from the Document to Justify Your Response	Explanation

Original Sources

Document A

**Arrest of a Negro in Canada for
Murder in Howard County Mo.**

The Detroit Advertiser of the 12th
says:

Detectives Gunning and Blodgett,
of this city, have tracked and now have
under arrest at Simcoe and at Brant-
ford, Canada West, John Anderson and
John Brown, negroes, the first for the
murder of Seneca T. P. Diggs, of
Fayette, Howard county, Missouri, in
1854, and the latter with the murder
of "Indian Sue," at Cleveland, Ohio
in 1858.

Anderson fled Missouri immediately
after the murder of the planter, and
arrived in Windsor, whither he was fol-
lowed by a Missouri gentleman, named
Brown. The latter, assisted by officer

Warren of this city, and officer Samuel Port of Windsor, and others attempted Anderson's arrest, but he drew a knife and made at them, and being also assisted by his sympathizers there, made his escape. The party followed him to Cathman and there a mob was raised who attempted Brow's life, alleging that he was merely in pursuit of slaves, and was using the pretense of being after a murderer, the better to accomplish his real purpose. He proved a man of pluck, and kept his enemies at bay, and was finally rescued.

There the matter rested until last spring, when officers Gunning and Blodget learned that Anderson was at Brantford. They went there, had him

arrested and held in custody, while they set about getting the requisite testimony from Missouri to identify, &c. Thirty-one days passed away, and it had not come, and it being the day of jail delivery under the Canada laws, Anderson was released. The testimony came just two hours afterwards. The negroe made good use of his time, and before he could be caught again, he was far into the "Indian woods," near Smicoe. Officer Gunning and an Indian searched about the country, and finally found him among some negroes of the town, and arrested him.

This was a few days since. Last Thursday officer Blodgett went there, to be on hand when wanted. on Tues-

be on hand when wanted. on Tuesday morning of this week, he went into a barber shop to be shaved, and there recognized in the person of his barber the negro Brown, who had murdered the girl in Cleveland two years ago. He trembled with anxiety lest the negro should recognise him as he used to live here, and it was with the greatest difficulty that he could command self-possession enough to sit still while Brown was waiting. As soon as he could get clear of the shop, he procured a warrant and Brown arrested.

Many of the citizens, and Fe-ry way, are over-zealous in Corrections.

a negro is in the case, after rescue him, but Blodgett coolly and making the case known. Queen's attorney, received his de-claration, and lodged the prisoner in jail. This done, he telegraphed to Cleveland and Mr. John Odell of the city police was sent, arriving there the next night with a white woman who was witness to the murder, and who knew Brown. The examination was progressing yesterday, with everything favoring detention of Brown till a requisition could be had. The woman recognized him as the murderer.

Mr. Baker, a Missouri gentleman, who has been at Simcoe, in connection with the identification of Anderson as the murderer of Diggs, is now on his way back to obtain further proof; the fact that Anderson is a fugitive slave being used by the Canadian authorities as an excuse for requiring the strictest proof that he is a murderer.

The excitement of the negroes and sympathizing whites in Simcoe is so great that a rescue of Anderson was feared, and he has been transferred to the Brantford jail.

We understand that there is a reward for the Missouri murderer of one thousand dollars.

Document C

ARTICLE X.

It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisitions by them, or their Ministers, Officers, or authorities, respectively made, deliver up to justice, all persons who, being charged with the crime of murder, or assault with intent to commit murder, or Piracy, or arson, or robbery, or Forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found, within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged, shall be found, would justify his apprehension and commitment for trial, if the crime or offense had there been committed: And the respective Judges and other Magistrates of the two Governments, shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such Judges or other Magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge it shall be the duty of the examining Judge or Magistrate, to certify the same to the proper Executive Authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the Party who makes the requisition and receives the fugitive.

Document D

The Globe.

TORONTO, MONDAY, DEC. 8, 1860.

**FOR INTERESTING AND IMPORTANT
READING MATTER, SEE FIRST AND
FOURTH PAGES.**

THE ASHBURTON TREATY AND THE SLAVE CODE.

The extradition case continues to excite much interest among lawyers, politicians, fugitive slaves and friends of humanity generally. Every one feels that if the slave Jones is given up on the demand of the authorities of Missouri, because he has committed what they call murder, but what we deem justifiable homicide, or, at most, only manslaughter, no fugitive slave in Canada is safe on our soil. Send back Jones on the ground that we are obliged to recognize the slave-code of the Southern States, and there is not a fugitive in Canada whose extradition may not be demanded "upon evidence sufficient to put the accused upon his trial," which, according to the *Leader*, is all that the law requires—for some one of the offences mentioned in the treaty! Is this what the British Government intended when the treaty was negotiated? Is this what the Canadian Parliament intended when it passed the Act 12 Vic. chap. 19, to extend the scope and facilitate the operation of the treaty? Was it meant to make Canada the hunting-ground of Southern slave-catchers, and our magistrates courts, and governors, the agents, the gaolers, the blood-hounds of the slave-master? It will require stronger reasoning than that of the *Leader*, or than that which was offered by the Attorney General through his agents when the case was argued before the Judges, to convince us that any such consequence was intended or even contemplated as possible, by either the Imperial or Canadian Parliament when the treaty was negotiated.

Document E

THE EXTRADITION CASE.

JUDGMENT OF THE COURT.

A Majority Against the Prisoner.

Judgment was pronounced on Saturday by the Court of Queen's Bench in the case of Anderson, now in custody on the charge of having murdered a man in the State of Missouri, while making his escape from slavery. The Court-room was densely crowded, a considerable portion of those present being of the same race as the prisoner. On having been brought into the Court at twelve o'clock, the Judges proceeded to read the decisions at which they had arrived. It will be seen that Chief Justice Robinson and Mr. Justice Burns concurred in refusing the application for Anderson's discharge, while Mr. Justice McLean took strong ground that he was entitled to be discharged. A profound silence was maintained in the Court during the reading of the judgments, and no demonstration of feeling was made by the audience except that when Mr. Justice McLean had finished reading his opinion there was a burst of applause. The Chief Justice marked his disapprobation of this proceeding by half rising from his seat and looking towards the Sheriff, who authoritatively commanded silence. The prisoner, an intelligent-looking man, listened with the closest attention to the learned Judges as they read their judgments. When all was over, a shade of disappointment rested on his countenance. It was very evident that he was painfully sensible of the horrible results that would follow his being consigned to the tender mercies of a jury of slaveholders—the fate allotted to him by a majority of the Judges. The following are the judgments:—