

## *Antislavery Martyrdom: The Ordeal of Passmore Williamson*

ON JULY 18, 1855, John H. Wheeler, United States Minister to Nicaragua, was traveling through Philadelphia en route to New York City, where he would embark on a voyage to resume his duties in that Central American country. Accompanying Wheeler were three Virginia slaves whom he had purchased two years earlier, Jane Johnson and her sons, Daniel and Isaiah. Well aware of the antislavery sentiment existing in Philadelphia, Wheeler maintained close surveillance of his slaves, twice warning Jane that she was to talk to no one. After visiting a relative in the city, Wheeler and his party proceeded to Bloodgood's Hotel, near the Walnut Street wharf on the Delaware River. During the two-and-a-half hour wait at the hotel, Jane, disregarding her owner's orders, twice informed passing Negroes that she was a slave and desirous of her freedom. She accomplished these acts while Wheeler was eating dinner. Immediately after completing his meal, Wheeler rejoined his slaves and they then boarded the *Washington*, a boat upon which they were scheduled to sail at 5:00 P.M.<sup>1</sup>

Despite Wheeler's probable expectation that once aboard his wait for departure would be a short and uneventful one, events of quite a different nature transpired. After learning of the Wheeler slaves' situation, Passmore Williamson and other Philadelphians hurried to the *Washington* and liberated Jane Johnson and her two sons. Williamson, a Philadelphia Quaker, catapulted to national prominence shortly thereafter when he was imprisoned in connection with this rescue. His actions and the corresponding legal pro-

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<sup>1</sup> *Narrative of Facts in the Case of Passmore Williamson* (Philadelphia, 1855), 3; *Case of Passmore Williamson. Report on the Proceedings on the Writ of Habeas Corpus, Issued by the Honorable John K. Kane . . .* (Philadelphia, 1856), 164-165; (British) *Anti-Slavery Reporter*, Series III, III (October, 1855), 223; William Still, *The Underground Railroad* (Philadelphia, 1872), 90-91.

ceedings created another element of the already volatile slavery issue. Critical confrontations between North and South, particularly ones involving the slavery question, abounded during the period 1850 to 1855—a half decade best characterized as a series of crises, each building upon the previous set of unsolved problems. The ensuing ordeal of Passmore Williamson became one such confrontation and served as yet another development in the continuing movement toward dissolution of the Union.

Born on February 23, 1822, in Westtown, Pennsylvania, Williamson was brought to Philadelphia in 1833, and resided there for the remainder of his life. He maintained the Orthodox religious affiliation of his parents until “disowned for disunity” in 1848.<sup>2</sup> Thereafter, he remained a member of the Society of Friends, but worshiped with the more liberal Progressive Friends.<sup>3</sup> Williamson worked as a conveyancer with his father at their Seventh and Arch Street office. In the mid-1840s, he became extremely active in the antislavery movement and in 1847 joined the Pennsylvania Abolition Society. After serving as its Secretary from 1848 to 1851, his continued involvement as Secretary of its Acting Committee brought him in contact with slave cases. Williamson became one of the initial members of the Philadelphia General Vigilance Committee when it was revived in December, 1852, and also served on its four-member Acting Committee. He was concerned with the Abolition Society and its Acting Committee when he helped set free the Wheeler slaves. As a result of this action, he was brought to court, committed to prison on a contempt-of-court charge, and confined for a period of 100 days. Although his continued abolitionist work in the years after his release led him to the presidency of the Pennsylvania Abolition Society, an office which he held at the time of his death in February, 1895, Passmore Williamson’s most outstanding contribution to the movement was that of his imprisonment. His incarceration became one of the most publicized cases of

<sup>2</sup> Larry Gara, “Friends and the Underground Railroad,” *Quaker History*, LI (Spring, 1962), 14–15; Minutes of the Arch Street Philadelphia Monthly Meeting, 1845–1857, Friends’ Historical Library, Swarthmore College.

<sup>3</sup> Albert J. Wahl, “The Pennsylvania Yearly Meeting of Progressive Friends,” *Pennsylvania History*, XXV (1958), 132.

antislavery martyrdom and served greatly to increase sectional antagonism.<sup>4</sup>

The events which led to all of this would probably never have taken place had not Jane Johnson's urgent plea for assistance been transmitted to William Still. At 4:30 P.M. on July 18, 1855, Still received a hastily written note informing him of the plight of the Wheeler slaves. Being a member of the General Vigilance Committee and a clerk in the office of the Pennsylvania Anti-Slavery Society, he immediately relayed the message to Williamson.<sup>5</sup> Williamson, unable to assist the Negroes because he was preparing for a business trip, urged Still to obtain the names of the slaveholder and slaves and to telegraph New York so that a writ of habeas corpus could be secured to free the Negroes upon arrival.<sup>6</sup>

When Still hurried to Bloodgood's Hotel, however, to his surprise he met Williamson who had abruptly changed his mind and decided to participate. Boarding the *Washington*, Williamson and Still located Jane Johnson. After Williamson informed her that she and her children were free according to Pennsylvania law, Wheeler, Williamson, Still and a white bystander vigorously argued this question until the final bell for going ashore rang, when Williamson told the slave woman that she must act at once if she desired her freedom. Jane attempted to rise from her seat only to be pushed down by Wheeler. As she struggled to rise a second time, Williamson interposed and prevented further interference by her master. Jane and her sons were conducted off the ship to a waiting carriage by a group of blacks, who had followed Williamson and Still aboard, and carried away to safety.<sup>7</sup>

When released by Williamson, Wheeler pursued his slaves, but was physically restrained by two blacks who threatened "to cut his

<sup>4</sup> Birmingham (Chester County, Pa.) Monthly Meeting Membership List, 1815-1922, 208-209, Friends' Historical Library; *Friends' Intelligencer and Journal*, LII (March, 1895), 157; *Pennsylvania Freeman* (Philadelphia), Dec. 9, 1852; American Anti-Slavery Society, *Annual Report . . . May 7, 1856* (New York, 1856), 24; Margaret H. Bacon, *History of the Pennsylvania Society for Promoting the Abolition of Slavery; the Relief of Negroes Unlawfully Held in Bondage; and for Improving the Condition of the African Race* (Philadelphia, 1959), iii, iv.

<sup>5</sup> Still, 610-612.

<sup>6</sup> *Ibid.*, 87-88; *Narrative of Facts*, 3-4; *Case of Passmore Williamson*, 9-10.

<sup>7</sup> Still, 88-90; *Narrative of Facts*, 4-5; *Case of Passmore Williamson*, 9-10, 165.

throat from ear to ear." As the slaves were spirited away, Williamson presented his card to Wheeler and stated that he would assume full responsibility for the legal consequences of his actions.<sup>8</sup> Having accomplished the liberation of the slaves, Williamson returned to his office to continue preparations for his evening journey to Harrisburg.<sup>9</sup>

Even before his departure legal action against him was in progress. Wheeler appealed to John K. Kane, Judge of the United States District Court in Eastern Pennsylvania, for a writ of habeas corpus compelling Williamson to bring the slaves to Kane's court.<sup>10</sup> In order to appreciate the legal complications and the significance of the case, the content and purpose of Pennsylvania and federal laws must be understood. Even though the legal questions around which the case centered were never adequately resolved, these laws and their conflicting understanding in both North and South generated widespread controversy.

On March 1, 1780, the Pennsylvania General Assembly passed an act for the gradual abolition of slavery. This statute provided for the registration of all slaves by November 1, 1780; if bondsmen were not legally registered by that date, they would become free. Also, any children born of registered slaves were to obtain their freedom upon reaching their twenty-eighth birthday. The only exceptions were the slaves of congressmen from other states, of foreign ministers and consuls, of persons passing through or temporarily residing in Pennsylvania, and of seamen employed on non-Pennsylvania-owned ships. Modifying these exclusions was a six-month time limit on remaining in the state.<sup>11</sup>

These provisions remained in effect until March 3, 1847, when Pennsylvania enacted a so-called "personal liberty law." The last section of this act repealed that portion of the 1780 law that afforded

<sup>8</sup> *Ibid.*, 7, 20; *Narrative of Facts*, 5.

<sup>9</sup> *New York Tribune*, Sept. 20, 1855; *Case of Passmore Williamson*, 20.

<sup>10</sup> *Ibid.*, 3; *Narrative of Facts*, 7-8. John Kintzing Kane was a prominent Philadelphia lawyer identified with the Democratic Party after his vigorous support of Andrew Jackson in 1828. Within ten years, he was recognized as a leader of Pennsylvania Democrats. In June, 1846, he resigned his position as Pennsylvania Attorney General and was appointed United States District Court Judge. Henry Simpson, *The Lives of Eminent Philadelphians* (Philadelphia, 1859), 613-618.

<sup>11</sup> *Laws of the Commonwealth of Pennsylvania* (Philadelphia, 1810), 492-497.

slaveholders the right to bring their slaves into Pennsylvania.<sup>12</sup> Passage of this measure provided that, with no exceptions, a slave brought into the state by his or her master would be considered free the moment he entered. Fugitive slaves posed a different problem, one which came under the 1850 Fugitive Slave Law, a federal statute aimed at preventing fugitives from labor or justice from obtaining freedom by escaping from one state to another. In short, the difference between the 1847 Pennsylvania law and the federal statute was that the latter dealt only with *escaping* slaves and not those *brought* across the state border.

John Wheeler fully appreciated this fact when he appeared before Judge Kane on the evening of July 18. Since his slaves had been brought into Pennsylvania and had not escaped from another state, the Fugitive Slave Law had no bearing in the matter. Consequently, he based his claim on Virginia laws that regarded his slaves as his property. His affidavit stated that his three slaves had been "detained" from his possession for no criminal reason by Passmore Williamson; therefore, he applied for issuance of a writ of habeas corpus to command the presentation of the slaves. Judge Kane issued the desired writ.<sup>13</sup>

Not until Williamson's return from Harrisburg on July 20 did he learn of this action. Accompanied by a lawyer, Edward Hopper, he appeared in court as ordered and presented the following return:<sup>14</sup>

Passmore Williamson, the defendant in the within writ mentioned, for return thereto, respectfully submits that the within named Jane Daniel and Isaiah, or by whatsoever names they may be called, nor either of them, are not now, nor was, at the time of the issuing of said writ or the original writ, or at any other time, in the custody power or possession of, nor confined nor restrained their liberty by him the said Passmore Williamson. Therefore he cannot have the bodies of the said Jane Daniel and Isaiah, or either of them, before your Honor, as by the said writ he is commanded.

When the District Attorney challenged the return, Hopper, surprised at the course the case was taking, asked for time to prepare

<sup>12</sup> *Laws of the General Assembly of the Commonwealth of Pennsylvania* (Harrisburg, 1847), 206-208.

<sup>13</sup> *Narrative of Facts*, 7-8; *Case of Passmore Williamson*, 3.

<sup>14</sup> *Case of Passmore Williamson*, 4-5, 20; *New York Tribune*, Sept. 20, 1855.

a defense because of the limited period that had been available to him. Judge Kane refused and ordered the proceedings to continue.<sup>15</sup>

Various witnesses for the prosecution, including Wheeler, were heard and all stated that force had been used to abduct the slaves. The District Attorney then moved for both a contempt-of-court charge and a charge of perjury against Williamson for making an insufficient and untrue return. Williamson's lawyers objected, for they felt that the return was adequate and, even if it was not, its truthfulness would have to be determined by another hearing. They again asked for time to prepare a defense and were again refused. Williamson then testified as to the events in question and stated that he had acted only in accordance with the law and had refrained from any violation of it. Despite this stand, Williamson was bound over to the Marshal and held to answer a charge of perjury. Bail was set at \$5,000.<sup>16</sup>

Judge Kane's opinion, delivered on July 27, dropped the charge of perjury but committed Williamson to jail on a charge of contempt of court. The return was considered "illusory—in legal phrase, as evasive, if not false," for Williamson denied "that the prisoners were within his power, custody, or possession *at anytime whatever*." Kane insisted that the three slaves "*were* [italics mine] at one time within his [Williamson's] power and control." For refusing to tell the truth, Williamson was held in contempt of court and sentenced to prison for an indefinite period of time.<sup>17</sup>

Judge Kane also delivered an opinion concerning the status of slaves, even though it was not directly relevant to Williamson's contempt charge. He refused to recognize the existence of the 1847 Pennsylvania law and stated that, even if it did exist, it was in conflict with federal laws, and thus unconstitutional. In addition, he felt that Jane Johnson had not desired her freedom; therefore, Williamson was guilty of her forcible abduction as well. Kane dis-

<sup>15</sup> *Case of Passmore Williamson*, 5-6; *Narrative of Facts*, 9.

<sup>16</sup> *Ibid.*, 9-10; *Case of Passmore Williamson*, 6-11. This was not the first meeting between Williamson and Kane. Williamson had incurred "Cain's" wrath in an earlier case in Wilkes-Barre, Pa., and in the present situation he anticipated the "worst he [Judge Kane] could do, and expected that to be done in the most vindictive manner." Williamson to William Williamson, Aug. 6, 1855, *Passmore Williamson Scrapbook*, Chester County Historical Society (CCHS).

<sup>17</sup> *Case of Passmore Williamson*, 11-15.

played his lack of judicial impartiality and his total disbelief of Williamson's testimony when he stated that he was at a loss to understand how the defense counsel could ask for Williamson's discharge when no real defense had been presented. The truth of the matter remained that it was Kane who had refused to allow the defense time to prepare an argument. After the decision was pronounced, Williamson's lawyers asked for permission to amend the return to the satisfaction of the court, but Kane refused since the motion was not in writing. Yet, when the District Attorney spoke, Kane readily accepted his unwritten motion for commitment.<sup>18</sup>

Soon after Passmore Williamson entered Moyamensing Prison on July 27, his attorneys initiated the process of judicial appeal. On July 31, Ellis Lewis, Chief Justice of the Pennsylvania Supreme Court, received a petition applying for a writ of habeas corpus which would enable Williamson to present his case, but Lewis refused to grant the desired writ. In essence, his refusal stated that even if Judge Kane was totally wrong in his commitment of the prisoner, Lewis could not interfere with a decision of contempt made in a federal court. It was absolutely essential that Judge Kane should have "competent jurisdiction" in such matters as contempt.<sup>19</sup> In other words, no matter how illegally the contempt charge had been used, the decision was beyond Lewis' power to intervene.

Despite this setback, Williamson's lawyers appealed to the Court en banc. The Court, composed of Chief Justice Lewis, Judges Jeremiah S. Black, Walter H. Lowrie, John C. Knox and George W. Woodward, received Williamson's application for a writ of habeas corpus and agreed to hear arguments on the motion. These arguments concentrated on the question of Judge Kane's jurisdiction in the case. All the irregularities—Williamson's commitment without a trial, hearing, or verdict of a jury, the presumption of his guilt until he could prove his innocence, the questionable use of the writ of habeas corpus, and other judicial improprieties—were placed secondary to the question of competent jurisdiction. Defense attorneys argued that the question at hand was the right of each state "to regulate her own domestic relations and institutions." The

<sup>18</sup> *Ibid.*, 14-15; *Narrative of Facts*, 11-12.

<sup>19</sup> *Ibid.*, 16; *Case of Passmore Williamson*, 15-18.

Constitution of the United States prevented interference with a state's functions by a federal court; therefore, when citizens from one state entered another, they were bound to abide by the laws of that state. Despite this presentation, on September 8 the Court by a vote of four to one refused to grant the writ.<sup>20</sup> The most important section of the majority opinion, delivered by Judge Black, read as follows:

We have no authority or jurisdiction to decide anything here, except the simple fact that the District Court had power to punish for contempt a person who disobeys its process—that the Petitioner is convicted of such contempt—and that the conviction is conclusive upon us. The jurisdiction of the Court on the case which had been before it, and everything else which preceded the conviction, are out of our reach; they are not examinable by us, and, of course, not now intended to be decided.<sup>21</sup>

This, in effect, was almost exactly the same stance taken by Chief Justice Lewis five weeks earlier.

Judge Knox, the sole dissenter, expressed his fear that "the most cherished rights of the citizens of the State" were in jeopardy. To this end, he stated that anyone restrained by order of a court that had no right to rule in the case was eligible to be discharged. The right of the slaveholder to reclaim his slaves was not a matter on which the United States Constitution had any direct bearing. The law in question was that of the individual state; if the state statute declared a slave free when brought into that state, then a federal judge possessed no jurisdiction in the case. According to Knox, Kane had no right to issue the writ, so Williamson should be set free.<sup>22</sup>

The opinion expressed by Judge Lowrie, though part of the majority, pointed out some inconsistencies. He felt that the writ of habeas corpus had been badly misused in ordering the restoration of slaves to their master. The writ had never been used for such a purpose, nor had it been intended to be. Also, he could see no way in which a federal court could have jurisdiction in the matter at

<sup>20</sup> *Ibid.*, 19, 28, 60-62; *Narrative of Facts*, 18.

<sup>21</sup> *Case of Passmore Williamson*, 72.

<sup>22</sup> *Ibid.*, 85-87.



hand; nevertheless, despite these "very strong impressions," Lowrie found it impossible to overturn Judge Kane's decision.<sup>23</sup>

While Williamson's case was being argued, yet another trial relating to the liberation of the Wheeler slaves took place in Philadelphia. On July 19, John Wheeler brought complaints against the five blacks who had assisted Williamson and Still. A warrant was issued and all were arrested. After being charged with highway robbery, inciting to riot, riot, and assault and battery, they were forced to remain in jail when Alderman James B. Freeman set bail at the exorbitant sum of \$7,000 a person. Bail was later reduced to no more than \$1,000 a person, and the only charges mentioned in their indictment were riot and assault and battery.<sup>24</sup>

The trial of the five blacks and William Still, who was also indicted on charges of assault and battery, began in the Court of Quarter Sessions in Philadelphia on August 29.<sup>25</sup> Wheeler once again testified that his slaves had not desired their freedom, that they had been forcibly abducted, and that he had been violently manhandled. Since it appeared that the only available witnesses for the defense were either on trial or in jail, it seemed that Wheeler's testimony would go practically unchallenged. At this juncture, Jane Johnson, the "abducted" slave, dramatically arose in the courtroom gallery, where she had been seated with members of the Philadelphia Female Anti-Slavery Society. After her rescue, she had been spirited away to New York and then to Massachusetts, but had been brought back to Philadelphia to help defend those who had assisted her. Her testimony boldly contradicted Wheeler's on nearly all of the major points—she had desired her freedom, it was Wheeler who had restrained her, and she had not been forced off the ship. Having completed her testimony, Jane was escorted from the courtroom, despite the United States District Attorney's desire to detain her.<sup>26</sup>

In the light of this evidence, the jury retired to deliberate the

<sup>23</sup> *Ibid.*, 89-90.

<sup>24</sup> *Narrative of Facts*, 12-13; Still, *Underground Railroad*, 93.

<sup>25</sup> *Narrative of Facts*, 13.

<sup>26</sup> Anna Davis Hollowell, *James and Lucretia Mott: Life and Letters* (Boston and New York, 1884), 356-357; Philadelphia Female Anti-Slavery Society, *Twenty-Second Annual Report* (Philadelphia, 1856), 10; Still, *Underground Railroad*, 93-96; *Narrative of Facts*, 13-15.

case following the final charge from the presiding magistrate, William D. Kelley, who had reminded them "that when Colonel Wheeler and his servants crossed the border of Pennsylvania, Jane Johnson and her two sons became as free as he." The verdict of the jury exonerated all the defendants of the riot charge and declared only two guilty of assault and battery. When these two were sentenced to a week in jail and fined ten dollars and court costs, this trial ended.<sup>27</sup>

The next phase of Passmore Williamson's bid for freedom grew out of Jane's daring testimony at the August trial. On October 3, lawyers for Jane Johnson presented a petition to Judge Kane which, when argued three days later, would hopefully secure Williamson's release. As one of the three slaves named in the writ of habeas corpus directed to Williamson, Jane stated that Williamson had had no control or possession of her or her sons since July 18. The writ had been issued against her wish, since Williamson had exercised no control over her actions. In addition, she stated that the use of the writ to return her to slavery was contrary to its purpose of restoring liberty. Bearing these matters in mind, Jane Johnson requested that the writ which had been issued for her and her children's return be set aside and that Passmore Williamson be released from prison.<sup>28</sup>

Judge Kane refused her petition on the grounds that Jane, as a slave, had no status in his court. Kane asserted that slaveholders had the right to pass through Pennsylvania, or any other state, with their slaves, justifying this assertion by stating that slaves were property, and, as such, it was impossible to deny persons the right to bring certain types of property across state lines.<sup>29</sup> By refusing to allow Jane's petition, Kane not only again failed to recognize the 1847 Pennsylvania law but, more importantly, defined slaves as property, possessing no rights in court.

In addition to his ruling on the Johnson petition, Judge Kane attempted to clarify any misconceptions that Williamson's defense counsel might have had concerning an application to amend Williamson's return. Kane would accept an amended return if certain con-

<sup>27</sup> *Ibid.*, 16.

<sup>28</sup> *Ibid.*, 22-23; *Case of Passmore Williamson*, 164-166.

<sup>29</sup> *Ibid.*, 174, 183-190; *Narrative of Facts*, 23-24.

ditions were met. These stipulations were that the application to amend would have to be in written form and that Williamson would first have to purge himself of contempt and then state that the slaves had passed beyond his control, if indeed they had.<sup>30</sup>

Five days after the rejection of the Johnson petition, Williamson's lawyers presented an application on behalf of their client, and, although it was rejected, it signaled the beginning of the last stage of the Passmore Williamson case. Legal technicalities and minor points of contention forced the arguments between counsels and the Bench to continue for almost three weeks. In all instances, Judge Kane adamantly maintained that Williamson must first purge himself of the contempt charge before he could appear in court. Finally, on November 2, the judge accepted the following petition of purgation:

The petition of Passmore Williamson respectfully sheweth;—That he desires to purge himself of the contempt because of which he is now attached, and to that end is willing to make true answers to such interrogatories as may be addressed to him by the Court touching the matter heretofore inquired of by the writ of habeas corpus to him directed at the relation of John H. Wheeler. Wherefore he prays that he may be permitted to purge himself of said contempt, in making true answers to such interrogatories as may be addressed to him by the Hon. Court touching the premises.<sup>31</sup>

In spite of the fact that the word "legally" was not included, as Kane had insisted, the judge relented and ordered Williamson brought before him.

On the following day, November 3, 1855, Williamson left prison for the first time since July 27 and entered court, where he presented his final reply to the writ of habeas corpus:

I did not seek to obey the writ by producing the persons therein mentioned before the Court, because I had not, at the time of the service of the writ, the power over, the custody or control of them, and therefore it was impossible for me to do so. I first heard of the writ of habeas corpus on Friday, July 20th, between one and two o'clock A.M., on my return from Harrisburg. After breakfast, about nine o'clock, I went from my

<sup>30</sup> *Case of Passmore Williamson*, 190-191.

<sup>31</sup> *Ibid.*, 156-157.

house to Mr. Hopper's office, when and where the return was prepared. At ten o'clock I came into Court as commanded by the writ. I sought to obey the writ by answering it truly; the parties not being in my possession or control, it was impossible for me to obey the writ by producing them. Since the service of the writ I have not had the custody, possession or power over them; nor have I known where they were, except from the common rumor or the newspaper reports in regard to their public appearance in the city or elsewhere.<sup>32</sup>

While essentially the same as the first return on July 20, this reply deleted the words "at any other time" and stated that the slaves had passed beyond his control. On this basis, Judge Kane discharged the prisoner and stated that the District Attorney planned no further prosecution in his court. Thus ended the case of Passmore Williamson.<sup>33</sup>

The events that transpired after the liberation of the Wheeler slaves deeply affected Williamson's life. During his more than three months in Moyamensing Prison, Williamson was unable to be with his wife when she gave birth to their third child. Confined as he was in a second-floor, whitewashed, iron and stone cell, both his business and health suffered during his detention. Williamson's physician requested a transfer for his patient from the Spartan surroundings, but Judge Kane refused to grant the request unless the prisoner made a personal application, and this Williamson refused to do.<sup>34</sup> As a man of "great gentleness and iron resolution," he would not amend his return or make any concessions unless he was convinced he had done wrong.<sup>35</sup> Given his unwillingness to yield and Judge

<sup>32</sup> *Ibid.*, 159.

<sup>33</sup> *Ibid.*, 157-163. Though this was the end of the case against Passmore Williamson, legal action continued when Williamson brought charges of false imprisonment against Judge Kane on Dec. 17, 1856. *Passmore Williamson vs. John K. Kane. Action for False Imprisonment, Before the Court of Common Pleas of Delaware County . . .* (Philadelphia, 1857). Considering the fact that no newspaper printed the results of this case and that Judge Kane remained as United States District Judge until his death, it would appear that this case, *Williamson vs. Kane*, was either dismissed or dropped prior to the date of its assigned hearing in February, 1857.

<sup>34</sup> Edward Williamson to William Williamson, Aug. 30, 1855, CCHS; *New York Tribune*, Aug. 10, 25, Oct. 10, 30, 1855; Eliza Wigham, *The Anti-Slavery Cause in America and Its Martyrs* (London, 1863), 108.

<sup>35</sup> *New York Tribune*, Aug. 6, 1855; Passmore Williamson to William Williamson, Aug. 6, 1855, Scrapbook, CCHS.

Kane's adherence to his course of action, Williamson might well have remained in prison indefinitely had not a third force intervened. This instrumental factor, public opinion, played an extremely important role.

The case grew to much larger proportions than simply one of local Philadelphia interest. Though never legally resolved during the proceedings of the Williamson case, the issues at stake in the minds of many—the conflict between federal and state statutes, the constitutionality of the Pennsylvania law, the status of slaves, the rights of property, and the right of transit into and through other states—aroused national attention. The *New York Herald* on July 21, 1855, stated that “the result involves a constitutional decision of the highest importance . . . to the whole community of both sections of the Union.” Reaction to the case and its implications ranged from one extreme to the other, and, in general, opinions crystallized along sectional lines. There tended to be very little middle ground between the diverging points of view of the North and the South. Even though there were voices of opposition to the general sectional consensus, in the main, reactions to the case were indicative of the growing national conflict.<sup>36</sup>

After 1831, the South, in answer to the abolitionist movement in the North, began to take a firmer stand against all attacks on the “cornerstone of its society.”<sup>37</sup> Spiritual, economic, social, political and historical justifications were developed in defense of slavery, and this attitude manifested itself in the South's reaction to Williamson's “abduction” of the Wheeler slaves. Failure to prosecute such a “flagrant violation of both law and justice” would not only jeopardize the rights of property of all southerners, but also disrupt the “internal peace and security of the Union.” The issue of prime importance in the case involved the right of one segment of the Union, the North, to restrict the right of transit of people of another section, the South. The “mind of the South” saw laws such as the 1847 Pennsylvania law as illegal attempts to dissolve the master-

<sup>36</sup> Examples of this opposition were the *Fayetteville* (North Carolina) *Observer* in the South and the *Public Ledger* (Philadelphia) and the *New York Herald* in the North. Though these were vocal in their protest, their views represented only a small minority of each section's feelings.

<sup>37</sup> Arthur Y. Lloyd, *The Slavery Controversy 1831-1860* (Chapel Hill, 1939), vii.

servant relationship. This relation transcended state borders in that it followed a slaveowner and his slaves "into and through any other State"; no state possessed the constitutional power to interfere with a citizen's rights of transit or of property during transit.<sup>38</sup>

Northerners viewed the ramifications of the case in quite a different light. While abolitionist sentiment was by no means unanimous in the North, it was growing rapidly; its impact on major newspapers, such as the *New York Tribune*, was obvious. Passmore Williamson's interpretation of Pennsylvania's 1847 law was viewed as entirely correct, so that there was no "valid reason of law, or any other reason" why he should be confined. Kane's flagrant misuse of the writ of habeas corpus and the contempt-of-court charge led to demands for reform of the legal system. A northern newspaper referred to Pennsylvania as "conquered territory" of the South because Pennsylvanians failed to force the release of Williamson. Judge Kane's assertion that slaveholders had the right to carry their slaves into and through free states was seen as an attempt to make slavery "the natural condition of society" and to establish slaveholding as a natural right. The decision that slaves were property and could be transported as their owners saw fit, in effect, made all states slave states, in defiance of their own laws and constitutions.<sup>39</sup> The gross irregularities of the Williamson case clearly showed the tendency of slavery to expand and overwhelm opposition through all means possible, for there could be "no safety for . . . freedom while the slave power rules."<sup>40</sup> Succinctly, the case was an issue between tyrannical slave power and the spirit of liberty.<sup>41</sup> Neither section's point of view suffered from understatement of its case.

In a like manner, the two major figures in the case were seen in entirely different contexts. The South viewed Judge Kane's fearless

<sup>38</sup> *Richmond Enquirer*, July 24, 27, 31, 1855.

<sup>39</sup> *New York Tribune*, July 29, Aug. 3, 6, Oct. 13, 1855; *New York Times*, Aug. 3, Nov. 5, 1855.

<sup>40</sup> American Anti-Slavery Society, *Annual Report . . . May 7, 1856*, 24; (British) *Anti-Slavery Reporter*, Series III, III (November, 1855), 243; Western Anti-Slavery Society to Passmore Williamson, Aug. 26, 1855, Scrapbook, CCHS.

<sup>41</sup> William W. Patton, *Thoughts for Christians, suggested by the case of Passmore Williamson: A discourse preached in the Fourth Cong. Church, Hartford, Conn. . . . October 7, 1855* (Hartford, 1855), 9.

determination to do his judicial duty as the only redeeming factor; his steadfast concern for "the good of the country and the conservation of the principles of justice, right and the law" warranted the highest praise. Throughout the entire proceedings, he conducted himself in a totally "upright, dignified, and unimpassioned" manner. Equally as deserving of condemnation as Judge Kane was of commendation, Passmore Williamson and his actions represented a threat to the very essence of southern society. Those who admired such a weak-headed fool, possessed by a destructive fanaticism, sought to "make revolution a virtue, and treason a glory." Anti-slavery fanaticism, as typified by the abduction of Wheeler's slaves, had been endured to this point only through the South's love for the republic of sovereign states.<sup>42</sup> Williamson's imprisonment was legal and necessary if the courts were to retain respect and dignity. He could secure his freedom when he decided to forsake his notoriety and martyrdom and submit a true and respectable return to the court. Williamson had become a "tool of the politicians" who cared little about his suffering.<sup>43</sup>

The actions of Judge Kane and the conduct of Williamson naturally received quite a different presentation in the North. Kane, portrayed as one of the most tyrannical legal despots of all time, did more to disrupt "the social fabric and retard the progress of a people than the vices of private criminals in half a century."<sup>44</sup> By usurping jurisdiction in the case and abusing the contempt charge, Judge Kane had illegally and unjustly imprisoned a brave and good man.<sup>45</sup> Williamson had been made a "martyr in a good cause" in what was the "most outrageous abuse of power" ever seen. Through the strength of his convictions, he served as the representative of all honorable and truthful men. In spite of the suffering he endured in prison, Williamson's lot was infinitely preferable to that of the "arbitrary and abhorred magistrate who isolated truth and right."<sup>46</sup>

The flood of visitors, petitions, resolutions, statements of sym-

<sup>42</sup> *Richmond Enquirer*, July 24, 27, Nov. 13, 1855.

<sup>43</sup> *Charleston Daily Courier*, Nov. 9, 1855; *Public Ledger*, Sept. 10, Nov. 1, 1855.

<sup>44</sup> *New York Tribune*, Aug. 25, Nov. 5, 1855.

<sup>45</sup> Hallowell, *Mott Life and Letters*, 355-356.

<sup>46</sup> *New York Tribune*, July 28, 29, Sept. 20, 1855; Patton, *Thoughts for Christians*, 9, 13; Charles Sumner to Williamson, Aug. 11, 1855, Scrapbook, CCHS.

pathy, and letters of praise which Williamson received while in prison evinced the tremendous excitement generated by his situation. A book was maintained in which visitors and well-wishers signed their names or left their cards. Expressions of sympathy, admiration, and praise poured in from nearly every northern state and from Great Britain.<sup>47</sup> Resolutions and petitions from various societies and conventions condemned Judge Kane's actions and lauded Williamson's integrity. Sermons were preached with Williamson as the basis for their message.<sup>48</sup> Perhaps the most obvious demonstration of support came from the Pennsylvania Republican Party when it nominated Williamson for Canal Commissioner while he was in jail. Even though his name was eventually withdrawn, Williamson polled more than 7,000 votes in the following election.<sup>49</sup>

Despite the enormous pressure exerted by these means, it was probably the newspapers that were the most effectual levers of influence on Judge Kane. On September 20 the *New York Tribune* stated that Williamson's "only hope of a release is in the weight of public indignation and loathing." To this end, the *Tribune* and many other northern newspapers called for action to compel Kane to set Williamson free. As early as August 28, appeals for the judge's impeachment were circulating, and, although he remained at his post until his death in 1858, these petitions undoubtedly exerted considerable pressure on him.<sup>50</sup>

After the Supreme Court's refusal to grant a writ of habeas corpus, Judge Kane seemed to realize that he was Williamson's only avenue of escape. With the pressure of adverse public opinion increasing, on September 11 Kane told Sidney George Fisher, a Philadelphia lawyer and author, that he was willing to discharge Williamson if he petitioned for it, declared that he had meant no

<sup>47</sup> The Passmore Williamson Scrapbook contains many of these pieces of correspondence. A few of the notables who corresponded with him were Charles Sumner, Abraham Brooke, Thomas Higginson, Theodore Parker and Lewis Tappan.

<sup>48</sup> William W. Patton's *Thoughts for Christians* . . ., Oct. 7, 1855, and the Rev. W. H. Furness' message to the First Congregational Unitarian Church in Philadelphia on Sept. 9, 1855 (reprinted in *National Anti-Slavery Standard*, Sept. 15, 1855) were two such sermons.

<sup>49</sup> *New York Tribune*, Sept. 6, 1855; *Friends' Intelligencer and Journal*, LII (March, 1895), 157.

<sup>50</sup> *New York Tribune*, Aug. 28, Oct. 19, 1855; *Pennsylvania Telegraph* (Harrisburg), Nov. 7, 1855; *Public Ledger*, Nov. 9, 1855.



disrespect to the court, and answered all legal questions. Fisher, after relating this information to James Miller McKim, a close associate of Williamson, drew up a petition that he felt would satisfy Judge Kane,<sup>51</sup> but Williamson refused to sign the statement because he was convinced that Kane was trying "to force him into a false position."<sup>52</sup> Williamson's stubbornness, buttressed by the conviction that his actions were entirely legal and correct, prevented this "compromise" attempt.

Less than a month later this same offer was made openly when Judge Kane ruled on Jane Johnson's petition. Clarifying his statement of July 27 that he would not receive a motion to amend the return, he now averred that he meant only that it must be reduced to writing. If the slaves referred to in the writ of July 19 had passed beyond his control, then Williamson would have to declare this fact after purging himself of contempt.<sup>53</sup> This carefully worded statement signaled a retreat from Kane's defiant position and eventually enabled Williamson to obtain his release without actually obeying the writ—an order to produce the three slaves—or making any other substantial concessions.<sup>54</sup>

Throughout his 100 days of incarceration, but most conspicuously during the final days, Passmore Williamson maintained both a firm belief in the rectitude of his actions and an unyielding unwillingness to retreat from his chosen position. Despite Judge Kane's insistence that the word "legally" be included in the November second petition of purgation, Williamson refused "to take hold of such a bait." He saw that inclusion of the word would not only condone Kane's actions but also recognize his jurisdiction in the case.<sup>55</sup> Given Williamson's inflexible stance, it was the oppressive weight of adverse public opinion that finally forced Kane to relent. The *New York Tribune* proudly declared on November 5 that "his [Williamson's] release equally demonstrates that . . . the force of public opinion is sure at last to right the utmost wrong. . . ."

<sup>51</sup> Nicholas B. Wainwright, ed., *A Philadelphia Perspective: The Diary of Sidney George Fisher Covering the Years 1834-1871* (Philadelphia, 1967), 251.

<sup>52</sup> Edward Williamson to William Williamson, Sept. 20, 1855, CCHS.

<sup>53</sup> *Case of Passmore Williamson*, 188, 190-191.

<sup>54</sup> *New York Tribune*, Oct. 13, 1855.

<sup>55</sup> Thomas Williamson to William Williamson, Oct. 31, 1855, CCHS.

Passmore Williamson, acting out of conscience and a belief that the law stood firmly behind him, quite possibly could have remained in prison indefinitely had not the powerful force of public opinion intervened. The *Philadelphia Daily Sun* stated that "Judge Kane's decision . . . has made more 'abolitionists' and excited a more rancorous feeling against slavery than all the debates, feuds, and broken compromises of the past."<sup>56</sup> Though overstated, this quotation, nonetheless, stresses the importance of the role that the Passmore Williamson case played in the developing division of the Union. The Rev. William W. Patton declared that when a few more actions such as the repeal of the Missouri Compromise, the bloodshed in Kansas, and the imprisonment of Passmore Williamson had taken place, people would finally realize that slavery and freedom were incompatible and "that one or the other must die."<sup>57</sup> Viewed in this context, the case was indeed significant. The ordeal of Passmore Williamson served further to polarize sectional beliefs, and acted as yet another controversial wedge in the splitting of the Union.

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<sup>56</sup>Reprinted in the *Pennsylvania Telegraph*, Aug. 29, 1855.

<sup>57</sup>Patton, *Thoughts for Christians*, 18.