

NEITHER NORTHERN NOR SOUTHERN: THE POLITICS OF SLAVERY
AND FREEDOM IN PHILADELPHIA, 1820-1847

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ABSTRACT

This dissertation examines the conflict over slavery and freedom in Philadelphia from 1820 to 1847. As the northernmost southern city in a state that bordered three slave states, Philadelphia maintained a long tradition of abolitionism and fugitive slave activity. Conflicts that arose over fugitive slaves and the kidnapping of free African-Americans forced Philadelphians to confront the politics of slavery. This dissertation argues that until 1847, Pennsylvania was in effect a slave state. The work of proslavery groups, namely slave masters, their agents, white and black kidnapers, and local, state, and national political supporters, undermined the ostensible successes of state laws designed to protect the freedom of African-Americans in Pennsylvania. Commonly referred to as “liberty laws,” this legislation exposed the inherent difficulty in determining the free or enslaved status of not only fugitive slaves but also African-American kidnapping victims. By studying the specific fugitive or kidnapping cases that inspired these liberty laws, one finds that time and again African-Americans and their allies forced white politicians to grapple with the reality that Pennsylvania was not a safe-haven for African-Americans, regardless of their condition of bondage or freedom. Furthermore, these cases often precipitated into desperate rescues and bloody riots on the streets of Philadelphia; these civil wars in miniature reflected the negotiated and compromised realities of living while black in the city. Ordinary African-Americans living in Philadelphia bore the burden of comity, or friendly relations between states, by practicing what I term “street diplomacy”: the up-close and personal struggles over freedom and slavery that had local, state, and national ramifications. In a larger sense, street diplomacy in Philadelphia magnified the stakes of national comity, i.e. the Union, by showcasing how dividing states by their

condition of bondage remained impossible due to permeable geographic borders that fostered perpetual fugitive slave and kidnapping crises. Thus, this dissertation argues that African-Americans and their allies' struggles with slave-masters, slave-catchers, kidnappers and proslavery politicians disrupted the best efforts of white politicians to maintain a compromised and compromising Union.

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In an attempt to round-out my goal of earning degrees from every school in the Big Five, a sports reference I still do not understand, I enrolled in a master's program at Villanova University in 2007. Maghan Keita always challenged me to both "read how I was taught to read" and then scrap however I interpreted what I just read and instead, "read against the grain." Furthermore, Dr. Keita imparted a bit of pedagogical wisdom: he would often begin class by casually tossing that week's text on the table and query us, "what do you want to do with it?" Karen Kauffman deserves thanks for being the first person to suggest that I pursue a doctoral degree in history. While I avoided the colonial era in this project, her passion for that era (and the Phillies) motivated me to take more than just a brief glance at the founding generation. I would also like to thank Paul Steege and Paul Rosier, both of whom taught me with great vigor and at times, vim.

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“Are you serious, Elliott? Your acknowledgements are four-pages long?” asked Vanessa. At one point, yes, this section was only four-pages long. I dedicate this

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Vanessa: my love for you is cosmic; thank you for teaching my heart.

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Life is beautiful.

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INTRODUCTION

TERROR IN AN AGE OF SLAVERY

War is father of all and king of all; and some he manifested as gods, some as men; some he made slaves, some free. – Heraclitus, *Fragments*

The notorious Philadelphia slave-catcher George F. Alberti sat patiently while abolitionist James Miller McKim asked him how many slaves he had caught in his life. Reflecting on his infamous career then in 1859, Alberti answered, “I have been 40 years in the business: *forty years*. A hundred isn’t so many when you think of the length of time I have been at it.” Alberti then enumerated tale after hair-raising tale, painful anecdotes that involved tearing families apart, remanding men women and children to unscrupulous slave masters, and rescinding the hopes of generations of Philadelphia’s African-Americans.¹

McKim, a close confidante of Underground Railroad doyen William Still, continued to pepper Alberti with queries in order to understand what motivated him to engage in this most dangerous game of slave-catching. Alberti justified his practices with language not unfamiliar to Southern fire-eaters: religion sanctioned slave-catching and slavery as did the Constitution of the United States. Plus, Alberti added, a number of African-Americans assisted his man-stealing efforts, including a local black preacher. In

¹ “Interview with George Alberti,” *National Anti-Slavery Standard* [NASS], February 19, 1859; On Alberti, see also, Peter A. Browne, *A Review Of The Trial, Conviction, And Sentence, of George F. Alberti, for kidnapping*, (Philadelphia: s.n., 1851); A. D. Byron, *Life of the Notorious Kidnapper, George F. Alberti*. (Philadelphia: Self-published, 1851); Frederick Douglass Paper, August 12, 1853; *New York Times*, July 27, 1869; William Still, *The Underground Rail Road: A Record of Facts, Authentic Narratives, Letters, &c., narrating the Hardships, Hair-breadth Escapes and Death Struggles of the Slaves in their Efforts for Freedom, as related by themselves and others, or witnessed by the author, together with sketches of the largest stockholders and most liberal aiders and advisers, of the Road* (Philadelphia: People’s Publishing Company, 1871), 534-536.

fact, his most controversial trial occurred in 1851, when Alberti and an African-American kidnapped a black woman and her two-year old child. For this escapade Alberti and his accomplice, James Frisby Price, were sentenced to ten years in Eastern Penitentiary - until then-governor William F. Bigler of Pennsylvania pardoned Alberti as a way to prove his state's loyalty to the slave south.²

The abolitionists McKim and Still and professional slave catcher Alberti shared a vital set of connections with Philadelphia's black community. Alberti's despicable yet at times legal act of hunting African-Americans ran counter to the acts of his uncle, Thomas Shipley, a white abolitionist who at the time of his death in 1836 served as the vice-president of the Pennsylvania Abolition Society. These intimate relationships between slave masters, slave-catchers, fugitive slaves, and black and white abolitionists epitomized the dangerous reality of black life in Pennsylvania. Friends with Still and McKim, and protégé to Thomas Shipley, the black abolitionist Robert Purvis realized this fact of life for Philadelphia's black community, remarking that at any moment he or any other African-American "may fall a victim to the hellish talons of a northern kidnapper, be thrown into the presence of a prejudiced judge, and, without an intercessor, doomed to hopeless, hapless, interminable bondage."³

Despite living in a free city in a free state, Philadelphia's African-American community faced innumerable threats to their personal safety and freedom during the antebellum era. Kidnappers and slave catchers prowled the streets of Philadelphia in

² NASS, *ibid*; Still, 654-659; Ira V. Brown, "Miller McKim and Pennsylvania Abolitionism." *Pennsylvania History* 30 (January 1963): 56-73.

³ Pennsylvania Abolition Society General Meeting Minutes, 1825-1847, December 31, 1835; ; Robert Purvis, *A Tribute to the Memory of Thomas Shipley, The Philanthropist* (Philadelphia: Merrihew and Gunn, 1836), 6-7. See also, Isaac Parrish, *Brief Memoirs of Thomas Shipley and Edwin P. Atlee, Read Before the Pennsylvania Society for the Promoting the Abolition of Slavery* (Philadelphia: Merrihew and Gunn, 1838).

search of potential victims, violent anti-black riots erupted in the city, and white Philadelphia politicians legislated to contest, curtail, and undermine black freedom. Yet African-Americans influenced the politics of slavery at the local, state, and national level by exploiting the ambiguities of borders more imagined than real within Philadelphia, or what the historian Elizabeth M. Geffen called the country's "most southern of northern cities."⁴

Until 1847, Pennsylvania was a slave state. This dissertation explores how African-Americans in Philadelphia shaped local, state, and national politics from 1820 to 1847. During this time period a confluence of forces worked to complicate the reality of free black life in the city, where wayward slave-owners and their agents fought against black and white abolitionists on the streets, ultimately inspiring three different and unique pieces of "liberty law" legislation that in 1847 abolished slavery in Pennsylvania. Legislative processes at the state and national level acted in concert with contests over slavery and freedom at the local level, and underlined the inability of white politicians to resolve what it meant for an African-American to inhabit a free state within a slave society. African-Americans and their allies forced Pennsylvania politicians to grapple with increasingly desperate compromises to preserve the Union. In short, this study explores the process by which slavery ended in Pennsylvania.

Philadelphia is a key site for a case study about the history of freedom and slavery in America because of the long tradition of abolition and fugitive slave activity associated

⁴ Russell F. Weigley, *Philadelphia: A 300 Year History* (New York: W.W. Norton, 1982), 355, 363-416; Mary Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (Berkeley: University of California Press, 1997); On Philadelphia as a "keystone" of freedom, see Richard Newman and James Mueller, eds. *Antislavery and Abolition in Philadelphia: Emancipation and the long Struggle for Racial Justice in the City of Brotherly Love* (Baton Rouge: Louisiana State University Press, 2011); On slave societies versus societies with slaves, see Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998).

with the city. Reformers from Philadelphia worked to enact a gradual emancipation law in Pennsylvania in 1780 and in different ways fought to protect the state's African-Americans. Following Pennsylvania's emancipation law, Philadelphia came to contain the largest number of free African-Americans outside of the slave states as well as a large and mobile population of fugitive slaves. On the other hand, kidnappers and slave-catchers who stalked Philadelphia threatened fugitive and free African-Americans throughout the nineteenth century. Black community groups and their allies collided with anti-black groups to create representative events which reveal how Philadelphians practiced the politics of slavery in Philadelphia. Yet these conflicts over freedom and slavery at the local level became fused with national political issues. The ability to classify enslaved African-Americans as property and as human beings represented a fundamental tension in national politics throughout the antebellum era. Pushing this tension further, all African-Americans embodied potential fugitive property regardless of their status or location in the nation. Studying the struggles within Philadelphia's reveal that legislative endeavors and physical violence exist in a dialectical relationship, and that proslavery and antislavery politics mutually constituted each other.

Conflicts that erupted over the kidnapping of African-Americans, the flouting of the state's personal liberty laws, and urban riots were really miniature civil wars and provided a crucial context in which to critique the liberating potential of Pennsylvania. In reality, Philadelphia experienced "freedom by degrees," as historians Gary Nash and Jean Soderlund have termed it, as white politicians reacted to efforts made by African-Americans, fugitive or free. The continuing conflict over abolition within Philadelphia

encouraged both of these political groups to continue and even intensify the struggle to define freedom throughout the nineteenth century.⁵

Placing Philadelphia's local politics in the context of national events during the antebellum era will help historians understand the coming of the Civil War. African-Americans and their slave-hunting opponents understood that national decrees of federal power or hollow promises of interstate comity shattered slavery's borders, and thus made these borders more imagined than real. Conflicts over kidnapping, personal liberty laws, and "living while black" in Philadelphia both set the groundwork for how political parties would practice the politics of slavery in Philadelphia and illustrated how African-Americans shaped Philadelphia's politics from a compromised freedom toward a freedom that could not be solved through compromise. Kidnapping attempts, race riots, slave catchers, and the willingness of white politicians to indirectly and directly aid slave-owners reflected increasingly desperate responses to the presence and power of the city's African-American community. These competing groups confronted each other by exploiting and violating porous antebellum borders related to a changing political culture, evolving attitudes toward race, and the ambiguities of living in a free state within a slave society. Finally, analyzing how African-Americans fought Philadelphia's proslavery

⁵ Gary Nash, *First City: Philadelphia and the Forging of Historical Memory* (Philadelphia: University of Pennsylvania Press, 2006); Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill : University of North Carolina Press, 2010).; See also Steven Hahn, *Political Worlds of Slavery and Freedom* (Cambridge: Harvard University Press, 2009).; Gary Nash and Jean Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and its Aftermath* (New York: Oxford University Press, 1991); James Oakes, "Conflict vs. Racial Consensus in the History of Antislavery Politics," in *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation*, edited by John Craig Hammond and Matthew Mason, 291-303. Charlottesville: University of Virginia Press, 2011; On northern Democratic party politics see Jean Baker, *Affairs of Party: The Political Culture of Northern Democrats during the Nineteenth Century* (Ithaca: Cornell University Press, 1983); Leon Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana University Press, 2000); Lawrence Kohl, *The Politics of Individualism: Parties and the American character during the Jacksonian Era* (New York: Oxford University Press, 1989).

groups reveals how the restless, everyday divisions of a city wracked by decades of racial violence influenced the coming of the Civil War.⁶

This dissertation explores how the political culture of Philadelphia revolved around slavery. William Cooper's idea of a "politics of slavery" characterized the central thrust of antebellum racial politics in that Southern politicians strove to guard their rights to human property throughout the nation, not just in the slave states. Maintaining the Union required convincing non-slaveholding states of the benefits of a proslavery ideology. Larry Tise argued that a consistent proslavery history of the Union originated in the northern states and became incorporated into the mainstream of American political culture from the founding era through the Early Republic. However, Tise's work contained several shortcomings that need to be addressed, namely, modifying his periodization to study how proslavery activity manifested itself after 1840 through the actions and debates of politics and ordinary people, and more importantly, analyzing the

⁶ Top-down political histories of Pennsylvania highlight the connections between Philadelphia politicians and slaveholding politicians (in addition, some of these men were both slaveholding Philadelphia-area politicians). See Philip Shriver Klein, *Pennsylvania Politics, 1817-1832: A Game without Rules* (Philadelphia: Historical Society of Pennsylvania, 1940); Charles M. Snyder, *The Jacksonian Heritage: Pennsylvania Politics, 1833-1848*. (Harrisburg: Pennsylvania Historical and Museum Commission, 1958); John F. Coleman, *The Disruption of the Pennsylvania Democracy, 1848-1860* (Harrisburg: Pennsylvania Historical and Museum Commission, 1975); See also Larry Tise, *Proslavery: A History of the Defense of Slavery in America, 1701-1840* (Athens: University of Georgia Press, 1987); Daniel Kilbride, *An American Aristocracy: Southern Planters in Antebellum Philadelphia* (Columbia: University of South Carolina Press, 2006); William Dusinger, *Civil War Issues in Philadelphia, 1856-1865* (Philadelphia: University of Pennsylvania Press, 1965); Tise, *Proslavery*, 260. Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North, 1780-1861* (Baltimore: Johns Hopkins University Press, 1974), 43-58; Nash and Soderlund, *Freedom by Degrees*; Gary Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988); Andrew Keith Diemer, "Black Nativism: African-American Politics, Nationalism and Citizenship in Baltimore and Philadelphia, 1817 to 1863" (Ph.D. diss., Temple University, 2011); John Henderson, Joseph Watson, Job Brown, Thomas Bradford Junr., R. L. Kennon, Joshua Boucher, H. V. Somerville and Eric Ledell Smith, "Notes and Documents: Rescuing African American Kidnapping Victims in Philadelphia as Documented in the Joseph Watson Papers at the Historical Society of Pennsylvania," *The Pennsylvania Magazine of History and Biography*, Vol. 129, No. 3 (Jul., 2005), pp. 317-345. Jonathan Daniel Wells, "Half-free:" Kidnapping, Fugitive Slaves, and the Coming of the Civil War," (working paper, Temple University, 2012), 10-11.

relationship influence of antislavery activities on proslavery advocates. The historian Stanley Harrold explored “border wars,” conflicts that arose in the lower North over kidnapping, slave catching, and the decline of interstate comity. Whereas Harrold preferred a broad geographic scope, studying how “border wars” occurred in a single location may reveal and add further nuance to the context of change within racial politics over time. In addition, while Harrold focused on how “interstate diplomats,” those white politicians who negotiated freedom and slavery between states like Pennsylvania and Maryland, this study expands diplomacy to ordinary people, most importantly, people of color, and examines diplomatic efforts at the street level (more on that point below). Finally, John Ashworth suggested that slave resistance drove the politics of slavery and acted as a “necessary condition” in causing the Civil War. Philadelphia’s proslavery advocates were not prone to discriminate between free or fugitive African-Americans when resisting antislavery activities or the growing and mobile presence of the black community. In the apt words of Carol Wilson, freedom for black Philadelphians was always “at risk.” Taking a cue from these historians, this dissertation argues that the border between slavery and freedom may be pushed northward past the so-called free states and even eliminated when one examines the politics of slavery and freedom in Philadelphia, a city mired in fugitive slave activity, the kidnapping of free black people, slave catcher rings, and white politicians who strived to marginalize who they perceived as the most dangerous threat to the Union: Philadelphia’s vibrant African-American community.⁷

⁷ William Cooper, *The South and the Politics of Slavery, 1828-1856* (Baton Rouge: Louisiana State Press, 1978); Tise, *Proslavery*; Harrold, *Border War*; John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic, Volume 1: Commerce and Compromise, 1820-1850*. (New York: Cambridge University Press, 1995); On using the federal government to protect slavery see James Huston, *Calculating*

The historiographical pendulum on abolitionism has swung from portraying abolitionists as raving fanatics who pushed the nation into Civil War to depicting them as a mild-mannered cadre of white middle-class reformers to the current trend of appreciating the multiple and contested antislavery interests of the time period. Social historians deserve credit for at once legitimizing abolitionism as a noble pursuit and recognizing the organizational and community efforts of black men and women who practiced abolition during the antebellum era. Current historiography on abolitionism appears to trend toward the multiracial aspects of the movement, and this dissertation builds upon these relationships as a means to further the literature on the dangerous realities and shortcomings of multiracial political activism within Philadelphia. Unpacking these relationships, often intimate, contested, and violent, represents one goal of this dissertation, and in a larger sense, reveals how individual efforts and individual choice in the spur of the moment dictated freedom or (re)enslavement. Thus in keeping with analyzing these contests over freedom and slavery, this dissertation magnifies the

the Value of the Union: Slavery, Property Rights, and the Economic Origins of the Civil War (Chapel Hill: University of North Carolina Press, 2003); Robin Einhorn, *American Taxation, American Slavery* (Chicago: University of Chicago Press, 2006); David Ericson, *Slavery in the American Republic: Developing the Federal Government, 1791-1861* (Lawrence: University Press of Kansas, 2011).; Following the works of “revisionist” scholars like William Freehling and David Potter, I hope to emphasize the commonalities between the North and the South during the antebellum era. I use Elizabeth Varon’s definitions of “fundamentalist” and “revisionist” scholarship on Civil War causation. See Elizabeth Varon, *Disunion!*, 2-4, 349-350.; Examples of works by “fundamentalist” scholars include James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988); John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic, Volume 2: The Coming of the Civil War, 1850-1861* (New York: Cambridge University Press, 2007); Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: Norton, 2005); Bruce Levine, *Half Slave and Half Free: The Roots of Civil War* (New York: Hill and Wang, 1992); Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1995); Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982); See also David Potter, *The Impending Crisis, 1848-1861* (New York : Harper & Row, 1976); William Freehling, *The Road to Disunion Volume I: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1991) ; William Freehling, *The Road to Disunion Volume II: Secessionists Triumphant, 1854-1861* ((New York: Oxford University Press, 2008); Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in early Baltimore* (Baltimore: Johns Hopkins University Press, 2009).

intimate nature of specific fugitive or kidnapping cases in the hopes of reminding historians of more than just the cliché “all politics is local”: when it comes studying fugitive slaves or “legal” and illegal kidnappers, all politics is personal. Free and fugitive African-Americans as well as the multiracial cohort of abolitionists will be portrayed not only as individuals with agency making choices but the fact that the efficacy and success of their decisions prompted a backlash from forces intent upon restricting black freedom as much as possible in a free state and projecting these racialized limits onto the national stage.⁸

The violent activities of the kidnapping and slave-catching networks who acted in response to African-Americans garner brief mention in scholarly works on the Underground Railroad. William Still highlighted the more than 700 incidents of fugitives who passed through Philadelphia as well as the organized, multiracial character of the

⁸ The accounts which portray abolitionists as fanatics appear fresh from the “blundering” generation school of Civil War causation. Hazel C. Wolf identified antebellum abolitionism as a “martyr” complex endemic to American identity. See Hazel C. Wolf, *On Freedom’s Altar: The Martyr Complex in the Abolition Movement* (Madison: University of Wisconsin Press, 1952).; On abolitionists as mild-mannered yet naïve reformers, see Ronald G. Walters, *American Reformers, 1815-1840* (New York : Hill and Wang, 1978); Ronald G. Walters, *The Antislavery Appeal: American Abolitionism after 1830* (New York: Norton, 1978); Martin Duberman et al. defended abolitionism as a psychologically “normal” response to the injustice of slavery in Martin Duberman, ed. *The Antislavery Vanguard: New Essays on the Abolitionists* (Princeton: Princeton University Press, 1965); James Stewart downplayed the role of violence within the abolitionist movement in James Stewart, *The Holy Warriors: The Abolitionists and American Slavery* (New York: Hill and Wang, 1976); Lewis Perry and Michael Fellman relied upon quantitative data to examine the social origins of abolitionism and also sought to disprove the negative accusations of abolitionists as “social control” advocates in Lewis Perry and Michael Fellman, eds. *Antislavery Reconsidered: New Perspectives on the Abolitionists* (Baton Rouge: Louisiana State University Press, 1979).; Groundbreaking works on black abolitionists include Leon Litwack, *North of Slavery: The Negro in the Free States*, (Chicago: University of Chicago Press, 1961); Benjamin Quarles, *Black Abolitionists* (New York: Da Capo Press, 1971); James Oliver Horton and Lois E. Horton, *Black Bostonians: Family Life and Community Struggle in the Antebellum North* (New York: Holmes and Meier, 1979); See also Newman, *The Transformation of American Abolitionism*; John R. McKivigan and Stanley Harrold, eds. *Antislavery Violence: Sectional, Racial, and Cultural Conflict in Antebellum America* (Knoxville: University of Tennessee Press, 1999); Stanley Harrold, *Subversives*; The works of Herbert Aptheker also focus on the violent strain of abolitionist activity and slavery in general, though he falls victim to Walter Johnson’s warning on the perpetual resistance-as-agency trope. See Herbert Aptheker, *Abolitionism: A Revolutionary Movement* (Boston: Twayne Publishers, 1989). Thanks to Randall Miller for helping me refine my thoughts on the historiography of abolitionism.

abolitionist movements, yet he offered a limited view of kidnappers or those who sought to return fugitives to bondage. Wilbur Seibert's multivolume history of the Underground Railroad spotlighted white "conductors" to the expense of African-Americans, and like Still, gave little space to anti-black networks. Larry Gara's *The Liberty Line* corrected Seibert, whom Gara argued mythologized slave escape narratives at the expense of the central figure: the fugitive. Gara believed that Seibert (like Still) exaggerated the extent to which the Underground Railroad operated as an organized institution. Recent works on fugitive slave rescues within the northern states underscore the well-ordered and spontaneous character of fugitive slave networks and in particular the multiracial Vigilance Committees. These former and informal networks utilized violence like their proslavery forces, often mobbing slave-owners and their allies while attempting to rescue accused fugitives; the latter and formal Vigilance Committees seemed to espouse violence indirectly by supporting "John Brown's forerunners" or rhetorically in their efforts to prevent slave-owners or their agents from seizing African-Americans in Philadelphia.⁹

⁹ Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850-1860*. (Chapel Hill: University of North Carolina Press, 1968); Carol Wilson studies the status of free blacks and the underground railroad community on the Pennsylvania border in Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865*. (Lexington: University Press of Kentucky, 1994); William Still, *The Underground Rail Road: A Record of Facts, Authentic Narratives, Letters, &c., narrating the Hardships, Hair-breadth Escapes and Death Struggles of the Slaves in their Efforts for Freedom, as related by themselves and others, or witnessed by the author, together with sketches of the largest stockholders and most liberal aiders and advisers, of the Road* (Medford: Plexus Publishing, Inc. 2005); Wilbur Henry Seibert, *The Underground Railroad from Slavery to Freedom* (New York: The MacMillan Company, 1898); Larry Gara, *The Liberty Line: The Legend of the Underground Railroad* (Lexington: University of Kentucky Press, 1961); See also See David W. Blight, *Passages to Freedom: The Underground Railroad in History and Memory* (Washington: Smithsonian Books, 2004); Fergus M. Bordewich, *Bound For Canaan: The underground Railroad and the War for the Soul of America* (New York: HarperCollins Publishers, Inc., 2005); Stanley Harrold, "John Brown's Forerunners: Slave Rescue Attempts and the Abolitionists, 1841-1851." *Radical History Review*. No. 55 (Winter 1993), 89-110; For another look at impassioned Northern intellectual's views of the relationship between abolitionist efforts and violence, see George Frederickson, *The Inner Civil War: Northern Intellectuals and the Crisis of the Union* (New York: Harper and Row, 1965); Stephen B. Oates, *To Purge this Land with Blood: A Biography of John Brown* (New York: Harper and Row, 1970); Jeffery Rossbach, *Ambivalent*

The historiographical success of placing the fugitive slave at the center of the narrative still lacks an understanding of the organizational capacity of anti-black and proslavery networks. By gleaning manuscript collections focused on fugitive slave activity one can discover the motives, identities, and actions of kidnapping and slave-catching networks in Philadelphia. Understanding the latter group, along with their connections to better-known political figures, will both provide a greater appreciation for African-American efforts to defy (re)enslavement and fill a scholarly void as to who kidnappers and slave-catchers were and why they engaged in that notorious business. Yet I also keep in mind how Walter Johnson conceptualized agency through which individuals made choices within their own personal context.¹⁰

Writing about slavery in an age of terror, I explore how terror functioned in a time of slavery. The fact that slave-owners, professional slave-catchers, and kidnappers employed, collaborated with, and depended upon African-Americans to act as decoys, lookouts, and informants throughout the 19th century echoes a historical and

Conspirators: John Brown, the Secret Six, and a Theory of Slave Violence (Philadelphia: University of Pennsylvania Press, 1982); John Stauffer, *The Black Hearts of Men: Radical Abolitionists and the Transformation of Race* (Cambridge: Harvard University Press, 2002). Thanks to Judith Giesberg for these suggestions.

¹⁰ Important monographs on fugitive slave rescue include Gary Lee Collison, *Shadrach Minkins: From Fugitive Slave to Citizen* (Cambridge: Harvard University Press, 1997); Albert Von Frank, *The Trials of Anthony Burns: Freedom and Slavery in Emerson's Boston* (Cambridge: Harvard University Press, 1998); H. Robert Baker, *The Rescue of Joshua Glover: A Fugitive Slave, the Constitution, and the Coming of the Civil War* (Athens: Ohio University Press, 2006); Nat and Yanna Kroyt Brandt, *In the Shadow of the Civil War: Passmore Williamson and the Rescue of Jane Johnson*. (Columbia : University of South Carolina Press, 2007); Gordon S. Barker, *The Imperfect Revolution: Anthony Burns and the Landscape of Race in Antebellum America* (Kent: Kent State University Press, 2010); Scott Christianson, *Freeing Charles: The Struggle to Free a Slave on the Eve of the Civil War* (Chicago: University of Illinois Press, 2010.); Some works that elude to slave-catchers in the south include Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge: Harvard University Press, 2001); John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 1999); Robert H. Gudmestad, *A Troublesome Commerce: The Transformation of the Interstate Slave Trade* (Baton Rouge: Louisiana State University Press, 2003); Walter Johnson, Ed., *The Chattel Principle: Internal Slave Trade in the Americas* (New Haven: Yale University Press, 2004).; Walter Johnson, "On Agency," *Journal of Social History*, Vol. 37 No. 1 (October, 2003), 113-124.

historiographical concern. A “historical” concern as archival evidence presented the fact that some African-Americans chose to work with proslavery groups for a variety of reasons: out of greed, self-interest, racism, or simply as a means of survival. This historical concern dovetails with the “historiographical” concern in the sense that in “giving back” agency to African-Americans who exercised their agency in an illiberal or negative manner – i.e. acknowledging that some African-Americans helped slavers retrieve or kidnap other African-Americans - abides by Johnson’s dictum for historians to overcome condescending attitudes toward these individuals. Every contest over slavery and freedom enacted and reenacted by the forces of slavery and the forces of freedom reflected how these groups ensured the ontological status of each other. Slavers, fugitives and free(d) people defined each other’s existence by relating to each other as “ready-to-hand” instruments in the context of their overall project: local contests over determining both the legitimacy of slavery in a free state and the legitimacy of freedom in a slave society.¹¹

¹¹ Walter Johnson, “On Agency,” 113-121.; Here I draw upon the terminology of the German philosopher Martin Heidegger. Heidegger asserted the inseparable nature of human existence (or in his words, “Dasein” [trans. ‘being-there’]) from human beings’ active engagement in the world. In other words, to Heidegger, our “Being-in-the-world” reflects the fact that Dasein is inseparable from its world and other human beings. In my study, the relationships between these human beings (slave-owners, slave catchers, kidnappers, fugitive slaves, free(d) African-Americans, and abolitionists) as such evinced the ‘project’ of slavers slave-catching and kidnapping African-Americans to sell into slavery as well as free and fugitive African-Americans and their abolitionist allies preserving or (re)asserting African-American freedom. This ‘project’ and thus the project’s participants demonstrated a “ready-to-hand” relationship in which individuals (the aforementioned slave-owners, et al.) utilized each other as instruments within the context of their own personal projects of freeing or (re)enslaving African-Americans, and thus failed to acknowledge the latter’s existence as fundamentally engaged in a world with others. In short, I suggest that while slave-owners viewed African-Americans as ready-to-hand instruments in their overall project of enslaving, African-Americans and their allies viewed fugitives or would-be kidnapping victims as sites of a human potential toward becoming free. Martin Heidegger, *Being and Time*, trans. Joan Stambaugh (Albany: State University of New York Press, 1996), 62-83, esp. 67. For an example of a work heavily-influenced by Heidegger’s philosophy, see Edmundo O’Gorman, *The Invention of America: An Inquiry into the Historical Nature of the New World and the Meaning of its History* (Bloomington: Indiana University, 1961). Michel-Rolph Trouillot’s work also influenced how I interpreted agency, choice, engagement, and the materiality of history, see Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 2015), esp. chapter 1. Thanks to Andrew Isenberg, Harvey Neptune, and

Unlike studies of political culture that rely solely upon representative ideas or political characters, this study is organized around representative events within the racial politics of the region. Works by the historians Eric Foner, Jean Baker, Alexander Saxton, and others that focused on racist attitudes proved useful to this study's emphasis on racialized behaviors and practices highlighted through the events which those works ignored or overlooked, including race riots, kidnappings, and fugitive slave activity. Just as important, Richard Newman and Gary Nash argued that blacks formed stable, long-lasting community institutions of their own which enabled them to weather a white political ideology premised upon a mix of racism, proslavery attitudes, and unionism. White "deliberative" politics relied on "persuasive" African-American actions to adjust to "free" society. Representative events within the city illustrate how "gradualist, paternalist, and segregationist" emancipation modernized racism. While I agree that colonizationists in Pennsylvania played a role in reforming and reconceptualizing racial politics within Philadelphia, the evidence that fugitives or accused fugitives dwelled on colonization while making their escape, or better yet, hoped to escape the south for fear of being colonized, remains elusive at best, and such concerns, while valid no doubt to free African-Americans living in Philadelphia, did not emerge over the course of this study as a vital component to understanding the fugitive slave crisis in Pennsylvania. Confining this study to the fugitive slave crisis reveals how white politicians and their

Whitney Howell for helping me refine my understanding of African-Americans' roles in fugitive slave and kidnapping events, critiquing their "agency" therein, and examining how best to apply Heidegger's philosophy in a precise manner.

lesser-known allies practiced racial politics in response to the black community in general and abolitionist and fugitive activity in particular.¹²

Historians have characterized Philadelphia as a “border city” and “the most southern of northern cities,” as well a “keystone” of abolitionism and a safe haven for escaped slaves. These conflicting labels make Philadelphia a prime location for the study of urban racial politics in the nineteenth century city. Works on antebellum cities prefer in large part to utilize the prism of class or focus solely on the white population. Yet this study accentuates this historiography by showing the similarities and unique features Philadelphia enjoyed in the context of other antebellum cities. Similar to works by the

¹² Eric Foner, *Free Soil, Free Labor, Free Men*; Jean Baker, *Affairs of Party: The Political Culture of Northern Democrats during the Nineteenth Century* (Ithaca: Cornell University Press, 1983); Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America* (New York: Verso, 1990), Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979); On political cultures more generally, see Formisano, *The Transformation of Political Culture*; Richards, *The Slave Power*; Kohl, *The Politics of Individualism*; William Gienapp, *The Origins of the Republican Party, 1852-1856* (New York: Oxford University Press, 1987); Tyler Anbinder, *Nativism and Slavery: The Northern Know-Nothings and the Politics of the 1850s* (New York: Oxford University Press, 1992); see also David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: University of North Carolina Press, 1997); On the Second Party System see Richard P. McCormick, *The Second American Party System: Party Formation in the Jacksonian Era* (Chapel Hill: University of North Carolina Press, 1966); Joel Silbey, *The American Political Nation, 1838-1893* (Stanford: Stanford University Press, 1991); See also, Michael Holt, *The Political Crisis of the 1850s* (New York: Norton, 1983); Michel Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), ix-xiv; William Dusinberre identifies the Whigs, Nativist, Union and Republicans as the “non-Democratic” Parties in antebellum Philadelphia in Dusinberre, *Civil War Issues in Philadelphia*; Arthur Zilversmit, *The First Emancipation: The Abolition of Slavery in the North* (Chicago: University of Chicago Press, 1967); Jean Soderlund, *Quakers and Slavery: A Divided Spirit* (Princeton: Princeton University Press, 1985), 187; Nash and Soderlund, *Freedom by Degrees*; See also, Gary Nash, *Forging Freedom: The Formation of Philadelphia’s Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988); Richard Newman, *Freedom’s Prophet: Bishop Richard Allen, the AME Church, and the Black Founding Fathers* (New York: New York University Press, 2008); James Brewer Stewart, “The Emergence of Racial Modernity and the Rise of the White North, 1790-1840.” *Journal of the Early Republic*, Vol. 18, No. 2 (Summer, 1998), 181-217; I borrow John L. Brooke’s use of the “deliberative” and “persuasive” public spheres as outlined in John L. Brooke, *Columbia Rising: Civil Life on the Upper Hudson from the Revolution to the Age of Jackson* (Chapel Hill: University of North Carolina Press, 2010), 4-7; On colonization in Pennsylvania see Beverly C. Tomek, *Colonization and its Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania* (New York: New York University Press, 2011); Andrew K. Diemer, “Black Nativism: African American Politics, Nationalism, and Citizenship in Baltimore and Philadelphia, 1817-1863,” (PhD diss., Temple University, 2011). Thanks to Randall Miller for pointing out this lacunae in my work.

historians Shane White, Seth Rockman, Karen Oertel, and Joshua Rothman, Philadelphians confronted the paradox of American freedom, a freedom intertwined with slavery, capitalism, and disrupted geographical and racial boundaries. These case studies also highlighted in perhaps a more subtle manner the nature of interstate comity, whether as black and white laborers comporting themselves to their roles as interchangeable labor source working on the mud machine in Baltimore, the fraught border conflicts over slavery in Kansas that give the lie to historians who periodize their work around the fugitive slave crises of the 1850s and not earlier decades, and the fevered and frenzied reality of how southern cities enjoyed a transitory population of thieves, gamblers, and confidence men that echoed northern urbanite fears of unchecked and disorderly mobs bringing ruin to their own cities. Similarly, this most northern of southern cities laid the groundwork for contests over slavery and freedom, a daily geopolitical reality experienced by Philadelphians during the antebellum era.¹³

While Philadelphia remained quite similar to other antebellum cities that experienced the multiple shocks of the market, transportation, abolitionist and proslavery revolutions, the city possessed several key features that make it stand out as a unique

¹³ Weigley, *Philadelphia*, 355, 363-416; Newman and Mueller, eds. *Antislavery and Abolition in Philadelphia*, 1; Works that focus on class (and the making thereof) within the nineteenth century city include, Stephan Thernstrom and Richard Sennet, eds., *Nineteenth-Century Cities: Essays in the New Urban History* (New Haven: Yale University Press, 1969); Allen F. Davis, and Mark H. Haller, eds., *The Peoples of Philadelphia: A History of Ethnic Groups and Lower-Class Life, 1790-1940* (Philadelphia: University of Pennsylvania Press, 1998); Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class* (London: Oxford University Press, 2004); Bruce Laurie, *Working People of Philadelphia, 1800-1850* (Philadelphia: Temple University Press, 1980); Michael Feldberg, *The Philadelphia Riots of 1844: A Study of Ethnic Conflict* (Westport: Greenwood Press, 1975); Steven Joseph Ross, *Workers on the Edge: Work, Leisure, and Politics in Industrializing Cincinnati, 1788-1900* (New York: Columbia University Press, 1985); Billy Smith, *The "Lower Sort": Philadelphia's Laboring People, 1750-1800* (Ithaca: Cornell University Press, 1990); Shane White, *Somewhat more Independent: The End of Slavery in New York City, 1770-1810* (Athens: University of Georgia Press, 1991); Karen Oertel, *Bleeding Borders: Race, Gender, and Violence in pre-Civil War Kansas* (Baton Rouge: Louisiana State University Press, 2009); Rockman, *ibid.*; Joshua Rothman, *Flush Times and Fever Dreams: A Story of Capitalism and Slavery in the Age of Jackson* (Athens: University of Georgia Press, 2012).

geopolitical reality. First, the city's prime location along waterways at the confluence of four states – two nominally free and two slave - provided a constantly moving stream of Americans who in many ways made the city more of a process and waystation for freedom and slavery than a stable and free urban center. Second, that many of these travelers to the city were African-American meant that a conflict over freedom and slavery could break out at any moment: these street battles in Philadelphia acted as microcosms for the entire country in that Americans could not in any definitive way decide the true state of African-American freedom without resorting to bloodshed. Third, African-Americans themselves and their abolitionist allies made Philadelphia special: the strength of the African-American community, the largest in the north during the antebellum era, matched the vaunted antislavery and then abolitionist movements that permeated the city's history, from the 1688 Germantown protest to the 1780 Gradual Emancipation Act to the 1820 Pennsylvania liberty law and beyond. A population on the move, and an African-American one at that, combined with the city's antislavery and abolitionist legacy resulted in the inevitable increase in conflicts over comity on the streets of Philadelphia. Yet while this study investigates how Philadelphia's antislavery networks functioned, it pays special attention to how these networks as well as proslavery and anti-black networks flourished in the city, ultimately creating a geopolitical struggle that spotlighted how racial politics connected grassroots efforts to national politics.¹⁴

¹⁴ Ryan, *ibid.*; Rothman, *ibid.*; Reséndez, Andrés, *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850* (Cambridge: Cambridge University Press, 2006). Studies that would be most helpful for this project and would serve as models for how to analyze racial politics in a city include, Stanley Harrold, *Subversives: Antislavery Community in Washington, D.C., 1828-1865* (Baton Rouge: Louisiana State University Press, 2003); Ignatiev, *How the Irish became White*; Anthony Gronowicz, *Race and Class Politics in New York City before the Civil War* (Boston: Northeastern University Press, 1998); Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 2005); Matthew Countryman, *Up South: Civil Rights and Black Power in Philadelphia* (Philadelphia: University of Pennsylvania Press, 2006); Heather Ann Thompson, *Whose*

Studying racial politics in Philadelphia adds to historian's understandings of Pennsylvania's role in the rise of sectional politics. Historians have overlooked or given short shrift to middling regions like Pennsylvania, the only northern state to border three slave states, even though geography wedged the state between political cultures of freedom and slavery, two key dialectical elements within the "new" political history. So while Philadelphia's racial politics not only embody local and national issues, they clarify the dialectical relationship between legislative edicts and racial incidents such as kidnappings, riots, and fugitive slave activity and encourage historians to reconsider Pennsylvania's place in the nation. Conceptualizing political relationships in this way connects the local to the national story and shows how ordinary people confronted the fluidity of freedom and slavery as both a part of everyday life and in moments when flaring racial tensions brought violence, death, and destruction upon the city.¹⁵

The cases studies that I analyze speak to my own efforts as a historian, one who can at times obsess over the minutiae of individual stories of freedom and slavery contained within manuscript collections, court records, newspapers, and genealogical

Detroit? Politics, Labor, and Race in a Modern American City (Ithaca: Cornell University Press, 2001); See also, Thomas Sugrue, "Affirmative Action from Below: Civil Rights, the Building Trades, and the Politics of Racial Equality in the Urban North, 1945-1969," *The Journal of American History*, Vol. 91, No. 1, (June, 2004), pp. 145-173. Again, thanks to Randall Miller for encouraging me to justify my methodology.

¹⁵ Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge: Harvard University Press, 2003); Given the burgeoning scholarship on the rise of partisan and sectional political cultures, I only list the most pertinent works (either as models or examples of making space for Pennsylvania vis-à-vis Philadelphia), see Lawrence Kohl, *The Politics of Individualism: Parties and the American character during the Jacksonian Era* (New York: Oxford University Press, 1989); Ronald P. Formisano, *The Transformation of Political Culture: Massachusetts Parties, 1790s-1840s* (New York: Oxford University Press, 1983); Leon Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana University Press, 2000); Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995). Eric Foner, *Gateway to Freedom: The Hidden History of the Underground Railroad* (New York: W.W. Norton & Company, 2016), 51.

websites. Dissecting these lesser-known cases accomplishes more than just stating the obvious: how the most revered and famous cases did not represent ongoing freedom struggles in antebellum America. Rather, this meticulous approach suggests that the concept of freedom itself struggled in antebellum America and produced possibilities that, once placed under the microscope, became a perpetual flux of improvisatory choices made by individuals in a given historical context. Across this study I discovered how choosing to support freedom or slavery translated into minute actions that disrupted the politics of everyday life on the streets of Philadelphia. One question that emerged during the course of my research was, “how long could Americans, Philadelphians or otherwise, ignore the pleas of African-Americans being dragged down the street by a slave owner or constable to what may result in interminable slavery?” By the 1850s, such a question forced Americans to decide between an America whose future depended on a Union of freedom or slavery, but no longer both. Unsolvable by peaceful means and unable to sort out these sets of choices, the war came.

Fleshing out the political culture of Philadelphia speaks to the historiography on racial ideology. Edmund Morgan’s landmark thesis on the intertwined and codependent nature of slavery and freedom during the colonial era as well as the political scientist Rogers Smith’s assertion that revolutionary notions of liberalism and republicanism contained at their core an “ascriptive” white Americanism have provided a framework for how Philadelphians patrolled racial boundaries. As James Brewer Stewart and others argued, these boundaries shifted from a malleable environmentalist to an ossified essentialist form of racism throughout the nineteenth century. Philadelphia’s unique demographic context consisted of white and black African-Americans living in close

proximity with each other for decades, with each group crafting, redefining, and practicing race through traditional political means as well as violent necessities when social relations broke down. Investigating how divisions not only between but also within racialized political partisans surfaced through key events adds greater nuance to the notion of solidifying racial ideologies over the course of the nineteenth century.¹⁶

The “demographic peculiarities” of Philadelphia – especially the growing significance of a working-class black and white population - mixed race and class and race as class motivations and fueled race-based conflicts. These conflicts often blended what the historian Alexander Saxton referred to as “hard” and “soft” racisms, where violent “hard” racism enforced racial boundaries set by a “soft” racism rooted in popular culture and paternalism. Democrats and their allies formed anti-black networks to hunt African-American. African-Americans organized anti-kidnapping committees of vigilance to not only maintain their limited-freedoms, but also enforce them and strive for further liberties. Both groups collided on the streets and in the press over national political directives and the contested reality of local politics. Racial politics “happened”

¹⁶ Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: Norton, 1975); Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997); See also Tise, *Proslavery*; Aziz Rana, *The Two Faces of American Freedom* (Cambridge: Harvard University Press, 2010); Carole Smith-Rosenberg, *This Violent Empire: The Birth of an American National Identity* (Chapel Hill: University of North Carolina Press, 2010); James Brewer Stewart, “The Emergence of Racial Modernity and the Rise of the White North, 1790-1840.” *Journal of the Early Republic*, Vol. 18, No. 2 (Summer, 1998), 181-217 and responses, pgs. 218-236; See also, Richard S. Newman, “Protest in Black and White: The Formation and Transformation of an African-American Political Community during the Early Republic,” in *Beyond the Founders: New Approaches to the Political History of the Early American Republic*, ed. Jeffrey L. Pasley et al. (Chapel Hill: University of North Carolina Press, 2004), 180-206. Richard S. Newman, *The transformation of American Abolitionism: Fighting slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002), chapters 4-5; David Waldstreicher, “The Nationalization and Racialization of American politics: Before, Beneath, and between Parties, 1790-1840,” in *Contesting Democracy: Substance and Structure in American Political History, 1775-2000*, eds. Byron E. Shafer and Anthony J. Badger (Lawrence: University of Lawrence, 2001), 37-64. Thanks to my entire dissertation committee for recommending that I emphasize these self-reflexive points.

in Philadelphia when African-Americans initiated and agitated for anti-slavery efforts to protect themselves from the pro-slavery politicians and small-time denizens intent upon redefining and perpetuating the unfreedom of the city's political culture.¹⁷

Philadelphia witnessed numerous "civic wars" over the meanings of freedom and slavery throughout the antebellum period. These conflicts erupted when African-Americans asserted their status as free people in a nominally free state. The legacy of abolitionism in Philadelphia gave strength to black community efforts to maintain their freedom, yet the ongoing legacy of slavery in the United States prompted white Philadelphia politicians and their allies to form and defend an anti-black political culture. African-American resistance wore down the capacity of white politicians to solve the fugitive slave crisis in Philadelphia, and their desperate efforts to compromise reveal a fragmented north and "illusory" borders between freedom and slavery. Studying the fugitive and kidnapping crises in Philadelphia synthesizes the historiographies of political culture, abolitionism, and racial politics. This dissertation investigates how African-Americans influenced politics in Philadelphia, and how their efforts produced national

¹⁷ E.P. Thompson, *The Making of the English Working Class* (New York: Pantheon Books, 1963), 9; Herbert Gutman, *Work, Culture, and Society in Industrializing America: Essays in American Working-Class and Social History* (New York: Knopf, 1976); Berlin's full quote read: "In short, if slavery made *race*, its larger purpose was to make *class*, and the fact that the two were made simultaneously by the same process has mystified both." Ira Berlin, *Many Thousands Gone*, 5; Following Tise and Brewer Stewart, what I suggest here is that the ongoing process of southern slavery contained an ongoing northern proslavery ideology during the antebellum era.; Tise, *Proslavery*; Brewer Stewart, "Racial Modernity"; Alexander Saxton, *The Rise and Fall of the White Republic*, 148-149; Eric Lott, *Love and Theft: Blackface Minstrelsy and the American Working Class* (New York: Oxford University Press, 1993); Other whiteness studies that will be consulted include Ignatiev, *How the Irish became White*; David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 2007); Mark E. Neely, *The Boundaries of American Political Culture in the Civil War Era* (Chapel Hill: University of North Carolina Press, 2005); On mobbing, Paul Gilje, *Rioting in America* (Bloomington: Indiana University Press, 1996); Leonard Richards, *Gentlemen of Property and Standing: Anti-Abolition Mobs in Jacksonian America* (New York: Oxford University Press, 1970); David Grimsted, *American Mobbing, 1828-1861: Toward Civil War* (Oxford: Oxford University Press, 1998).

consequences. In sum, the contested nature of freedom and slavery in Philadelphia made the city “neither northern nor southern” and thus, in the end American.¹⁸

I introduce and utilize the term “street diplomacy” in chapter two in order to explain the process by which Philadelphia’s African-Americans bore the burden of keeping the Union together through the up-close and personal struggles over freedom and slavery that had local, state, and national ramifications. The constant contests over street diplomacy brought together the complicated and even overlapping personal relationships of various historical individuals, and in most cases, defied a linear narrative that ended with freedom or slavery. In short, street diplomacy not only translated the personal into the political, but in doing so, challenged Americans to confront the fact that black life in America and black freedom in America depended upon improvisatory and often violent actions, which by the end of this study resulted in the demise of slavery in a state renowned for its antislavery and abolitionist principles. In a larger sense, street diplomacy in Philadelphia magnified the stakes of national comity, i.e. the Union, by showcasing how dividing states by their condition of bondage remained impossible due to the ongoing reality of the fugitive slave and kidnapping crises and thus, despite the best efforts of white politicians to maintain a compromised and compromising Union.

This dissertation studies the fugitive slave and kidnapping crises in Philadelphia from the passage of the 1820 liberty law in Pennsylvania until the end of slavery in the state in 1847. Chapter one examines the making of Pennsylvania’s 1820 anti-kidnapping law, commonly referred to as the state’s first personal liberty law. This chapter emphasizes the pro and anti-slavery activities within Philadelphia as the linchpins that

¹⁸ Ryan, *Civic Wars*; Hahn, *Political Worlds*, 2; Tise, *Proslavery*, 260.

drove white politicians to take a stand against kidnapping at the state level and the extension of slavery at the national level.

The next two chapters analyze the two liberty laws passed by Pennsylvania legislators during the 1820s. Chapter two analyzes the consequences of the 1820 anti-kidnapping law, and how unintended consequences stemming from the execution of the law fostered hostilities between state officials from Pennsylvania and Maryland. In addition, this chapter highlights the activities of black and white abolitionists, whose efforts molded the ultimate scope of the 1826 personal liberty law, which both reaffirmed Pennsylvania states' rights to protect its inhabitants and served to succor southern slave owners. Chapter three explains how the 1826 law operated on the streets of Philadelphia, emphasizing the role of thick description when analyzing individual cases of accused fugitives and kidnapping victims as well as connecting these cases to broader political themes in Pennsylvania and the United States.

Chapter four studies how Nat Turner's rebellion had important ramifications in Philadelphia and Pennsylvania. In light of this rebellion, many politicians debated black emigration in order to prevent a slave revolt in Pennsylvania. This chapter also delves deep into two major race riots experienced by black and white Philadelphians in 1834 and 1835. The source of the 1834 lay within white Philadelphian's growing fears of race-mixing, while the 1835 riot receives special treatment because of its lack of scholarly study. This latter riot resuscitates the story of an enslaved man who in a fit of rage attacked his master, and highlights how the city's fugitive slave crisis influenced bouts of civil disorder.

Chapter five analyzes the role of fugitive and free African-Americans in the revising of Pennsylvania's constitution in 1838, which disenfranchised the state's African-American community. In addition, this chapter examines the rise and fall of Pennsylvania Hall as well as a number of case studies involving the process by which slave masters and their agents blurred the line between "legal" fugitive slave rendition and illegal kidnappings. The final case examined in this chapter - that of Margaret Morgan - precipitated Justice Joseph Story's ambivalent decision in *Prigg v. Pennsylvania*. Story's decision declared Pennsylvania's 1826 liberty law unconstitutional, yet at the same time, gave space for states like Pennsylvania to modify the process by which slave-owners could retrieve fugitives in the state. Finally, chapter six examines the aftermath of *Prigg*, and traces the local, state, and national factors that contributed to Pennsylvania's 1847 personal liberty law, which abolished slavery in Pennsylvania.

CHAPTER 1

A PRECARIOUS FREEDOM

Introduction

The value of a thing sometimes lies not in what one attains with it, but in what one pays for it – what it *costs* us. -Friedrich Nietzsche, *Twilight of the Idols*

Perry Frisby knelt down at his bedside and began to pray one autumn night in 1819. No sooner had he done so when he heard several loud bangs at his front door. A male voice urged him to come outside and console a dying woman in her final moments. Frisby ran out of his house and came face-to-face with “the monster,” Constable George F. Alberti, Jr., who welcomed Frisby with a sharp blow to the head. Alberti proceeded to drag Frisby down the street, all the while ignoring pleas from bystanders and the city watch to cease in his assault. Soon the pair arrived in Southwark, located in the southern outskirts of Philadelphia. There an unnamed Philadelphia magistrate granted Alberti a certificate of removal for Frisby to Maryland, where Alberti sold Frisby for \$600. Despite this woeful tale, Frisby somehow made it back to Philadelphia by October 19, 1819. With the help of Pennsylvania Abolitionist Society (PAS) Acting Committee member Thomas Shipley, Frisby pressed assault and battery charges against Alberti in the Mayor’s Court. Several witnesses, including Frisby’s wife Flora, offered testimony. Yet on December 31, 1819 the court decided that Frisby lacked the proper material witnesses to prove Alberti’s guilt, and thus discharged him.¹

¹ *Franklin’s Gazette*, Jan. 21, 1820; *Poulson’s American Daily Advertiser*, Jan. 25, 1820; *Journal of the Thirtieth House of Representatives of the Commonwealth of Pennsylvania [microform] commenced at Harrisburg, Tuesday the Seventh of December... 1819* (Peacock: Harrisburg, 1819-1820), 323 (hereafter cited as *House Journal, 1819-1820*); Mayor’s Court of Philadelphia, Record Group 130.1 Docket. 12-31-1819; *McElroy’s Philadelphia City Directory*, 1819.

As Frisby's plight shows all too clearly, African Americans experienced a tenuous freedom in the antebellum north. Mundane activities such as praying at night, walking down the street, or scrounging for work bristled with danger. Living in a free city within a slaveholding republic exposed black Philadelphians to both legal slave-catching efforts and kidnappings. Black and white Philadelphians alike grappled with the ambiguous relationship between these two forms of removal. While historians have placed fugitive slaves at the center of late-antebellum politics, few have examined how kidnappings worked in tandem with and thus complicated fugitive retrieval in earlier decades, in particular those cases that precipitated the 1820 liberty law debates. So-called "legal" and illegal removals of free and fugitive African Americans in and around Philadelphia produced political crises in Pennsylvania and forced both black and white Pennsylvanians to ponder to what extent the state should protect blacks within the state's borders; geographical liminality presented a dynamic dialectic that exacerbated legal liminality. Building on the historian Walter Johnson's definition of the "chattel principle," the idea that a slave's identity was bound to a price, this chapter argues that the threat of removal, both legal and illegal, bound African Americans, even ostensibly free, into slavery.²

² On late-antebellum fugitive slave activity, see William Still, *The Underground Rail Road: A Record of Facts, Authentic Narratives, Letters, &c., narrating the Hardships, Hair-breadth Escapes and Death Struggles of the Slaves in their Efforts for Freedom, as related by themselves and others, or witnessed by the author, together with sketches of the largest stockholders and most liberal aiders and advisers, of the Road* (Medford: Plexus Publishing, Inc. 2005); Wilbur Henry Seibert, *The Underground Railroad from Slavery to Freedom* (New York: The MacMillan Company, 1898); Larry Gara, *The Liberty Line: The Legend of the Underground Railroad* (Lexington: University of Kentucky Press, 1961); John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic, Volume 1: Commerce and Compromise, 1820-1850*. (New York: Cambridge University Press, 1995); William Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2003); David W. Blight, *Passages to Freedom: The Underground Railroad in History and Memory* (Washington: Smithsonian Books, 2004); Fergus M. Bordewich, *Bound For Canaan: The underground Railroad and the War for the Soul of America* (New York: HarperCollins Publishers, Inc., 2005); Important monographs on fugitive slave rescue also contribute to this historiography, see Gary Lee Collison, *Shadrach Minkins: From Fugitive Slave to Citizen* (Cambridge: Harvard University Press, 1997); Albert Von Frank, *The Trials of Anthony Burns: Freedom and Slavery in Emerson's Boston* (Cambridge: Harvard University Press,

The ongoing threats of kidnappers collided with the reality of fugitive slave life in Philadelphia and elsewhere across Pennsylvania and often rendered the border between slavery and freedom blurry and contested. With their freedom always subject to questioning, African-Americans in Philadelphia embodied the contested borders between North and South, between black and white, and between slave and free. Kidnappers used these blurred categories to carry out unlawful removal under the guise of fugitive slave removal. As a cosmopolitan city in border state Pennsylvania, a state connected to three slave states, Philadelphia was a place where the tensions of a slave society founded on the principle of freedom were most on display. On Philadelphia's streets, free African Americans, escaped slaves, white residents, kidnappers, and professional slave catchers intermingled and used the blurred categories to serve themselves – at the same time exposing the tenuousness of life and freedom at the border.

This chapter analyzes the crafting of the 1820 Pennsylvania liberty law. The frequent removals of African Americans from Philadelphia encouraged white politicians

1998); H. Robert Baker, *The Rescue of Joshua Glover: A Fugitive Slave, the Constitution, and the Coming of the Civil War* (Athens: Ohio University Press, 2006); Nat and Yanna Kroyt Brandt, *In the Shadow of the Civil War: Passmore Williamson and the Rescue of Jane Johnson*. (Columbia : University of South Carolina Press, 2007); Gordon S. Barker, *The Imperfect Revolution: Anthony Burns and the Landscape of Race in Antebellum America* (Kent: Kent State University Press, 2010); Scott Christianson, *Freeing Charles: The Struggle to Free a Slave on the Eve of the Civil War* (Chicago: University of Illinois Press, 2010), Graham Russell Gao Hodges, *David Ruggles: A Radical Black Abolitionist and the Underground Railroad in New York City* (Chapel Hill: University of North Carolina Press, 2010); Works that deal with earlier examples of fugitive slaves and kidnappings include Julie Winch, "Philadelphia and the Other Underground Railroad," *The Pennsylvania Magazine of History and Biography*, Vol. 111, No. 1 (Jan., 1987), 3-25; Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865*. (Lexington: University Press of Kentucky, 1994); This dissertation calls upon the following studies which refine and redefine antebellum borders Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill: University of North Carolina Press, 2010); William Freehling, *The Road to Disunion Volume II: Secessionists Triumphant, 1854-1861* ((New York: Oxford University Press, 2008); Ed Ayers, Patricia Limerick, et al, ed., *All Over the Map: Rethinking American Regions* (Baltimore: Johns Hopkins University Press, 1996), 3-10, 62-80; .; William Freehling, *The Road to Disunion Volume I: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1991); Ramón A. Gutiérrez and Elliott Young, "Transnationalizing Borderlands History," *The Western Historical Quarterly*, Vol. 41, No. 1 (Spring 2010), pp. 26-53.; Walter Johnson, *Soul by Soul: Life inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999), 19.

to pass an “Act to Prevent Kidnapping” in 1820. By analyzing the specific kidnapping cases mentioned during the 1820 debates, this chapter shows the difficulties white politicians encountered when trying to disentangle removals considered legal under the Federal Constitution and the 1793 fugitive slave act from illegal removals subject to penalty within Pennsylvania. The 1820 Act converged with the actions of Pennsylvania’s national representatives during the Missouri crisis. Ultimately, the combined efforts of African-Americans and their white allies convinced Pennsylvania state legislators to restrict the power of the federal Constitution by both devising stringent punishments for kidnapping and severely limiting the number of state officials allowed to assist in federally-approved and legal removals.

Pennsylvania Legislation, Federal Law, and Kidnapping, 1780-1817

I cannot forbear to urge upon your attention the necessity of some provisions for the punishment of the crime of kidnapping, more adequate to the prevention of the offence, as well as more proportioned to other punishments for crimes of inferior grade. It is a melancholy fact, that our laws regard the stealing of a horse a more heinous offence than that of stealing a man. – Pennsylvania Governor William Findlay, 1819.³

Pennsylvania Governor William Findlay addressed a variety of concerns in his 1819 address to the Pennsylvania state legislature. Findlay proposed new laws to suppress “vice and immorality,” highlighted “the greatness of reward” stemming from the potential of interstate canal building, and suggested awarding silver and gold medals to Pennsylvanians who “gallantly volunteered” to serve under Oliver Hazard Perry at Lake Erie in the late war against Britain. While some historians argued that Findlay “followed rather than led the fortunes of the state,” two years prior to this address he emancipated his only slave, a man named George. Findlay stated on the occasion of George’s

³ *House Journal, 1819-1820*, 26.

emancipation that, “the principles of slavery are repugnant to those of justice,” and perhaps indicative of the entire character of the emancipatory potential of Pennsylvania, the *Franklin Gazette* noted that Findlay’s actions were not “merely an unmeaning declaration [but one] accompanied by a sacrifice of interest.” Like many politicians in the antebellum north, Findlay could not avoid the politics of slavery that brought slave and free states together in paradoxical discontent. Most significantly, then, Findlay’s 1819 address included a plea to revise legislation regarding the “natural concomitant” of emancipating the enslaved: the kidnapping of free blacks in Pennsylvania. Such kidnappings and the legal renditions of fugitive slaves in Philadelphia took place in a context of broader state, regional and national concerns. Philadelphia African-Americans found themselves in a “deep and deadly game” between kidnappers and those who could be kidnapped as well as slave catchers and those who could be caught.⁴

The Pennsylvania legislature had long grappled with defining Pennsylvania as a so-called “free” state in a republic that permitted slavery. Such tensions underscored the demographic reality that by the end of the American Revolution, approximately 16,000 African-Americans lived in Philadelphia, or one-twelfth of the entire population of the city. Pennsylvania’s Gradual Abolition Act of 1780 offered African-Americans what the historians Gary Nash and Jean Soderlund called “freedom by degrees”: children of slaves born after the passage of the act were to be freed at age 28. The 1780 Act required visiting slave masters to register their slaves within six months of entering the state or

⁴ *House Journal, 1819-1820*, 20-28; Philip Shriver Klein, *Pennsylvania Politics, 1817-1832: A Game without Rules* (Philadelphia: Historical Society of Pennsylvania, 1940), 75-112. ; Pennsylvania House of Representatives, *The Parole and Documentary Evidence, Delivered before a Committee of the House of Representatives, Appointed to Inquire into the Conduct of the Governor of the Commonwealth of Pennsylvania*, (J. Wyeth: Philadelphia, 1820), 5.; *The Kaleidoscope: Or, Literary and Scientific Mirror*, (13), 102, Sept. 26, 1820.; William C. Armor, *Lives of the Governors of Pennsylvania* (Norwich: T.H. Davis & Co., 1874), 331.

risk their immediate emancipation. A Supplementary Act passed in 1788 responded to slave owners who failed to register their slaves or brought new ones into the state, and dictated that slaveholders who intended to establish residency in Pennsylvania could not bring their slaves with them. The act also established that any person who “sent or carried away” i.e. kidnapped a black person against his consent would face a fine of 100 pounds and six months in prison. Pennsylvanians had for a time made ostensible antislavery strides.

As this chapter will show, these state laws offered limited protection to African-Americans for the simple fact that slave-owners, fugitive slaves, and abolitionists established a contested relationship between freedom and slavery, law and order, and state and federal powers on the streets of Philadelphia. That these groups conflated these powers to their own benefit throughout the 19th century meant that no simple paths led to freedom or slavery; an endless existential, life-or-death struggle occurred whenever a slave owner or their agents claimed to recognize their political and economic right to their “property” as the gradations of freedom in Pennsylvania served the much the same purpose for those same potential fugitives and their allies who manipulated the condition of servitude to satisfy their moral interests. Thus, despite – or perhaps because of - state measures that ostensibly protect black freedom, Pennsylvania’s own status as a state enslaved to a slaveholding republic meant that blacks were subject to the Federal Fugitive Slave Act of 1793.⁵

⁵ “African-American Migration,” *The Encyclopedia of Greater Philadelphia*, accessed January 28, 2017, <http://philadelphiaencyclopedia.org/archive/african-american-migration/>. ; Gary Nash and Jean Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and its Aftermath* (New York: Oxford University Press, 1991); John Purdon, *A Digest of the Laws of Pennsylvania, from the year One Thousand Seven Hundred, to the Thirteenth Day of October, One Thousand Eight Hundred and Forty* (Philadelphia: McCarty and Davis, 1841), 788-793; *Proceedings and Debates of the House of Representatives of the*

The Fugitive Slave Act of 1793 permitted slave-owners or their agents to pursue, arrest, and remove fugitive “property” from anywhere in the United States. The 1793 Act required slave-owners to obtain an affidavit from a magistrate in their home state to certify that the fugitive had escaped from service. Next, this Act empowered slave-owners to seize and arrest fugitives, bring them before a federal judge, state judge, or local magistrate. After having examined the slave-owners’ evidence, the judge or magistrate could draft a certificate of removal allowing the master or their agent to bring the fugitive back to the state from which they fled. Finally, anyone who attempted to rescue or “knowingly and willingly” obstructed the claimant while they transported, seized, or arrested the fugitive faced a stiff penalty of five-hundred dollars.⁶

In practice, the process by which a slave owner could retrieve and remove fugitive slaves required state and local government officials to intervene on behalf of the federal government, even where local laws sought to protect African American freedom. At the very least, these laws were designed to disrupt kidnapping. However, federal support was lacking in regards to local enforcement. By 1820 the federal judiciary still consisted of a skeleton crew; most states possessed one district judge, and circuit judges resided in only nine states. As a result, slave-owners relied on local and state magistrates to issue certificates of removal. The city recorder, city judges, and city aldermen had the power to issue these certificates or jail fugitives until slave-owners procured sufficient evidence to secure their property. In addition, some slave-owners, wary of the physical risks

United States at the Second Session of the Second Congress, Begun at the City of Philadelphia, November 5, 1792., “Annals of Congress, 2nd Congress, 2nd Session (November 5, 1792 to March 2, 1793),” 1414-15;

⁶ *Proceedings and Debates of the House of Representatives of the United States at the Second Session of the Second Congress, Begun at the City of Philadelphia, November 5, 1792.*, “Annals of Congress, 2nd Congress, 2nd Session (November 5, 1792 to March 2, 1793),” 1414-15.

associated with retrieving and then traveling with a person who had escaped once already, hired as their agents members of local law enforcement of the state where the fugitive fled.⁷

In 1820 Philadelphia possessed fourteen constables, one from each city ward, as well as a high constable. As locally-elected officials since the colonial era, constables were empowered to “to arrest and apprehend all night-walkers, malefactors and duty-suspected persons, who shall be found wandering, and misbehaving themselves.” In some ways, the constable's duties acted as a precursor to the federal officers charged with bringing in fugitives under the 1850 Fugitive Slave Act. In a more convincing way, the paranoia that some historians have assigned to Americans living in the 1850s appears to be already present in 1820s Philadelphia. Even more interesting, constables were allowed to recruit bystanders - and if the bystanders refused (again, similar to the 1850 Fugitive Slave Act), they would be fined. Such broad local powers enabled constables to act with relative impunity, especially when they applied the law to the African-American population of the city. Most white Philadelphians who witnessed a constable arrest an African-American on the street assumed that the subject was a fugitive and did not interfere. In public spaces, Pennsylvania’s laws protecting African American freedom and eliminating slavery simply did not apply to people with black skin, who under federal law were suspected of fugitive slave status. African-American sail maker James Forten explained the terror that such incidents could evoke among the black community:

The Constable, whose antipathy generally against the black is very great, will take every opportunity of hurting his feelings! Perhaps, he sees him at a distance and having a mind to raise the boys in hue and cry against him, exclaims, “Halloa! Stop the Negro?” –The boys, delighting in the sport immediately begin to hunt him, and immediately from a hundred tongues, is heard the

⁷ Campbell, 8-9; Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity* (Chapel Hill: University of North Carolina Press, 1980), 64-5.

cry –“Hoo, Negro, where is your Certificate!” –Can anything be conceived more degrading to humanity!

Driven by violence, local constabulary duties became federal responsibilities when fugitives or slave-owners entered the city of Philadelphia and the state of Pennsylvania in general. Yet the more slave-owners depended on state officials and local law enforcement to help them execute the 1793 Act, the more African-Americans and their allies thrust the “complicated legal and human questions” regarding fugitive retrieval into politics.⁸

Finally, African-Americans faced innumerable threats to their freedom from slave masters-turned-kidnappers and actual kidnappers who used the ambiguous nature of black freedom in Philadelphia to assert power over them. Freed blacks who traveled from the South to Philadelphia faced the possibility of unscrupulous owners who “sold them running” for pennies on the dollar, denied ever freeing them, or misplaced their manumission papers. Bounty hunters could make a quick, albeit dangerous profit from recapturing emancipated blacks. For example, abolitionist Isaac Hopper caught Maryland bounty hunter David Lea with his pockets stuffed with runaway advertisements as a ploy to arrest recently-freed black men who lived in Philadelphia. Abolitionist John Kollock of Georgetown, Delaware warned Pennsylvania Abolitionist Society member Thomas Shipley in 1817 of “negro thieves,” making their way to Philadelphia to reclaim fugitive blacks by any means necessary. Even worse, the entire Philadelphia black community,

⁸ John Cole Lowber, *“Ordinances of the Corporation of the City of Philadelphia: To which are Prefixed, the Original Charter, the Act of Incorporation, and Other Acts of Assembly Relating to the City; with an Appendix, Containing the Regulation of the Bank of the River Delaware, the Portraiture of the City, as Originally Laid Out by the Proprietor, &c. &c.”* (J. Maxwell: Philadelphia, 1812), 37-38.; Howard O. Sprogel, *The Philadelphia Police, Past and Present* (Philadelphia, 1887), 70-72; John Henderson, Joseph Watson, Job Brown, Thomas Bradford, Jr., R. L. Kennon, Joshua Boucher, H. V. Somerville and Eric Ledell Smith, “Notes and Documents: Rescuing African American Kidnapping Victims in Philadelphia as Documented in the Joseph Watson Papers at the Historical Society of Pennsylvania,” *The Pennsylvania Magazine of History and Biography*, Vol. 129, No. 3 (Jul., 2005), 320-321; Julie Winch, “The Making and Meaning of James Forten’s ‘Letters from a Man of Colour’”, 5.

fugitive, freed, or free, faced the terror of professional kidnapping gangs, black and white. In short, African-Americans hunted other African-Americans. These criminals of the “other Underground railroad” regularly utilized Philadelphia’s prime geographical location to steal and sell African-Americans in the lucrative interstate slave trade.⁹

Alarmed by the increase in “man-stealing” in and around the Philadelphia region, in 1817 Philadelphia federal judge and Pennsylvania Abolitionist Society (PAS) member Richard Peters, Jr. wrote to “The Abolition and Manumission Societies in the United States” encouraging the groups to pressure their respective state legislatures into acting to remedy the “unjustifiable and nefarious” practices of kidnapping. Besides sending memorials or petitions, Peters urged the friends of abolition to “be aroused to continual watchfulness.” Stemming the tide of “lawless violence” required daily action and surveillance best exemplified by an enforcer group within the PAS: the Acting Committee. The PAS created the Acting Committee in 1787 and assigned them the responsibility to meet between the quarterly general meetings of the PAS. Acting Committee members were composed of a revolving set of typically young, entrepreneurial white men who interacted with members of the black community on an everyday basis. The Acting Committee addressed matters of education, obtained

⁹ Between 1816 and 1819 the average price of a slave rose from about \$300 to \$500. Samuel Williamson and Louis B. Cain, “Measuring Slavery in 2011,” <http://www.measuringworth.com/slavery.php#text1>, MeasuringWorth 2013 Access Date: Tue Aug 27 2013 10:35AM EST; *National Anti-Slavery Standard*, Dec. 12, 1840, Daniel Meaders, *Kidnappers in Philadelphia: Isaac Hoppers Tales of Oppression, 1780-1843* (New York: Garland, 1974), 65-68; PAS Loose Correspondence, Incoming 1796-1819, Series 2.3, John Kollock to Thomas Shipley, Aug. 8, 1817; On the interstate slave trade, see Michael Tadman, *Speculators and Slaves: Masters, Traders, and Slaves in the Old South* (Madison: University of Wisconsin Press, 1989) and Walter Johnson, Ed., *The Chattel Principle: Internal Slave Trade in the Americas* (New Haven: Yale University Press, 2004), ix-54; Wilson, *Freedom at Risk*, 10-11, 19-39; Julie Winch, “Philadelphia and the Other Underground Railroad,” *The Pennsylvania Magazine of History and Biography*, Vol. 111, No. 1 (Jan., 1987), 3-25; Ledell Smith, “Notes and Documents”, 320-321; Thanks to Andrew Isenberg for encouraging me to explore the idea of African-American kidnapers.

manumission papers, and most importantly, investigated kidnapping activities within Philadelphia. The PAS delegation reported to the 1817 American Convention of Abolition Societies, which met in Philadelphia that year and acted as a stage for a burgeoning abolition movement, that the Acting Committee had successfully prevented 30 cases of kidnapping out of the 54 that received their attention that year alone. “Notwithstanding the numerous and increasing demands on the attention of our acting committee,” the PAS believed that the Acting Committee, “had a tendency to thwart the designs of those avaricious and unprincipled marauders, who have extensively combined for the purpose of enslaving their fellow beings.” The work of the Acting Committee as well as the group’s records and informants in the black community provided indispensable insights not only into “peculiar” kidnapping or slave catching cases, but also revealed how the everyday experiences of and threats against ordinary African-Americans influenced this particular group of white abolitionists. The Acting Committee’s interactions with local blacks helped influenced the push for state lawmakers to revise kidnapping legislation¹⁰

Kidnapping Case Studies

¹⁰ On the American Convention see, Richard Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002), 1-38. Peters served as the judge of the District Court of the United States, located in Philadelphia. Richard Peters, Jr., “To the Abolition and Manumission Societies of the United States,” 1817; PAS, American Convention Acting Committee Minute Book, Series 5.16, Sept. 1, 1817; American Convention for Promoting the Abolition of Slavery, “Minutes of the Proceedings of the Fifteenth American Convention” (Philadelphia: Merritt, 1817), 9-10; Wayne J. Eberly, *The Pennsylvania Abolition Society, 1775-1830* (University Park: Pennsylvania State University, 1973), 62-66.

Analyzing specific kidnappings of free African-Americans sheds light on the precarious nature of black freedom in Pennsylvania. Instead of privileging elected state officials, these case studies remind historians of the shared intimacy of kidnappings and fugitive retrieval experienced by ordinary people who participated in these harrowing tales; put simply, one finds it difficult to divorce personal from political actions. Kidnappers used the veneer of legality to succeed at their task and counted on the blurred border between legal and illegal removals. For their part African-Americans worked with and relied upon their white allies to prevent kidnappings, at times even cooperating with kidnappers and slaveholders to arrest other kidnappers and more importantly rescue kidnapping victims. Furthermore, when black and white Philadelphians lobbied Pennsylvania legislators to revise the state's anti-kidnapping law, they in turn forced white legislators to confront the difficult task of disentangling state law from federal responsibilities. Yet forcing white legislators to act did not prevent these same legislators from resisting changes to kidnapping legislations by means of vigorous legislative debates. As politicians they considered the bounds of black freedom more as an enterprise to negotiate with slaveholders rather than simply allowing such liberating legislation to pass unexamined. Thus Pennsylvania legislators cited several kidnapping cases as a means to protect free blacks in Pennsylvania and in doing so, asserted state authority to push back against federal law. The 1820 Liberty law debate placed politicians, kidnappers, slave-owners, African-Americans and their allies alike in the middle of ever-shifting borders between freedom and slavery in Pennsylvania.

Case Study: Abraham Quomoney

The Acting Committee addressed the case of Abraham Quomoney in 1816. John Adams, Samuel Talbot, and Samuel Neales, all of Milford, Delaware, informed them that a certain Captain John Milnor and deckhand William Miller of the sloop *Betsey* of Philadelphia had hired a free black boy named Abraham Quomoney, also of Philadelphia, under false pretenses. Milnor and Miller convinced Quomoney to join them aboard the sloop for a quick trip to Cohansey Creek, New Jersey to pick up a load of wood. However, instead of sailing for New Jersey, Miller and Milnor took Quomoney to Sussex County, Delaware, where they sold him into slavery. Quomoney soon escaped, however, and then met Adams, Talbot, and Neales, who sent him back to Philadelphia, as they reported in a letter to the Acting Committee. As a result, the Acting Committee convinced Philadelphia Mayor Robert Wharton to issue an arrest for Milnor and Miller. High Constable Anthony Elton traveled to Delaware and brought both men to Philadelphia, where they and Quomoney appeared in front of Wharton.¹¹

Milnor and Miller admitted to Wharton that they took Quomoney aboard the sloop, but testified that Quomoney jumped off the small boat and then refused to get back in the boat with Miller because “the mosquitoes bit him” and he wished to go to work at Milford. Milnor testified that Miller only told him that Quomoney had ran away once

¹¹ Milnor did not appear at trial and was therefore charged for his bail, which landed him in the “Debtor’s apartment.” PAS 1.5, Jun. 24, 1817, Nov. 6, 1817; Philadelphia City Archives, Mayor’s Court 130.1 Docket, November 1, 1817 and November 12, 1817.

they reached the shore. Wharton weighed the testimony of the defense, ruled that Milnor and Miller be held on \$2,000 bail, and pushed the case to the next session of the Mayor's Court. The trial came to court in November 1817, at which time Wharton found Miller guilty of kidnapping, fined him \$100, and sentenced him to a year in prison. Because of the Quomoney case, which went on for over two years, the Acting Committee argued that the state should adopt harsher laws against kidnapping.

The PAS general committee sent a memorandum to both the Pennsylvania and federal legislatures in January 1817 to address "some of the evils to which the people of color are subjected," evils experienced firsthand by Quomoney and his PAS allies. In March 1817, the PAS received letters from Pennsylvanian politicians, U.S. Senator Jonathan Roberts and U.S. Representative Joseph Hopkinson, both of whom reportedly presented the memos to their respective chambers in early February to little effect. The PAS viewed its connections with these important national political figures as vital to revising state and national legislation on kidnapping and consequently fugitive slaves, especially since all three offered their legal skills to the PAS to aid African-Americans. The intimacy of white politicians and the PAS echoed the intimacy of kidnappers and their victims.¹²

The combined realities of kidnapping and elite whites working together prompted the PAS to petition their members' representatives in Congress in January 1818 in order to fend off a proposal made by Representative James Pindall of Virginia to revise to the Fugitive Slave Act of 1793. The proposed amendments were, the PAS wrote, "a clear and complete statement of the proslavery viewpoint" since they compelled northern state

¹² PAS Series 1.1 General Meeting Minute Book, Jan. 25, 1817.

magistrates to honor certificates of ownership issued in southern states and to deliver up alleged fugitives, thus circumventing habeas corpus and encouraging kidnappings of free blacks. Pennsylvania Senator John Sergeant responded to Pindall's proposed amendments by proposing to instead "change the nature of the bill by making judges of the State in which apprentices, slaves, etc., are seized, the tribunal to decide the fact of slavery, instead of the judges of the States whence the fugitives escaped." This approach respected the right to fugitive slave retrieval and maintained interstate comity. "Comity" or the peaceful set of relationships between states served as the foundation of the Union. Perhaps reflecting on the hazards of comity when appeasing his constituents, Sergeant hoped that such an agreement would ensure that a fugitive or kidnapping victim received a trial in a friendlier northern court. Although Pindall's revisions never mustered enough votes to pass both houses of Congress, the Congressional debate spurred by cases like *Quomoney's* and influenced by the PAS confirmed the difficulty of separating fugitive slaves from kidnapping victims while at the same time preserving the Union between free and slave states. Debates in the national Congress added ammunition to antislavery perspectives that would emerge in the 1820 state legislature debates over kidnappings in Pennsylvania.¹³

Case Study: William Young

¹³ PAS Series 1.1 General Meeting Minute Book, Jan. 25, 1817, Mar. 27, 1817, Jan. 5, 1818, and Jan. 16, 1818; Newman, 29-30, 58; Morris, 35-40, Sergeant quote on 39; H. Robert Baker, "The Fugitive Slave Clause and the Antebellum Constitution," *Law and History Review*, Nov. 2012, Vol. 30, No. 4, 1146-1148.; Finkelman, 46-69.

African-Americans depended on white support at the local level to somehow encourage political support at the state and possibly even national level. Kidnappings and fugitive slave retrieval created a space in which black and white antislavery advocates could interact and influence political decisions. In December 1817 the PAS Acting Committee received a request from a local black abolition society to assist in a case involving an African-American man named William Young. Unfortunately, the name of this particular society did not survive in the historical records, yet clearly their work and embeddedness in Philadelphia allowed them to accuse Young of kidnapping two black men and a black little girl. That this unnamed society had already contacted lawyer John Swift, who brought the case before Alderman Samuel Badger, suggested that at the ground level African-American antislavery activists relied upon not only word-of-mouth and constant vigilance, but also the value of making appeals to white law enforcement officials whose imprimatur acted as another hopeful immunity to preserve an individual's freedom. Alderman Badger committed Young to the Court of Quarter Sessions. Having "progressed in the case as far as they [felt] competent" the black abolition society opted to have the Acting Committee take the case under its care. The Acting Committee took up the case because Young, a man accused of kidnapping African Americans, was African-American himself. The collaboration between the local black abolition society and the Acting Committee was an example of how coalitions of anti-kidnapping agents, white and black, named and unnamed, worked together to prevent and respond to kidnappings. On the other hand, blacks allied with white kidnapers and thus slavery by abducting other African-Americans.¹⁴

¹⁴ PAS 1.5, Dec. 11, 1817; *Poulson's Daily American Advertiser*, Oct. 1, 1818; *Hallowell Gazette*, Oct. 14, 1818.

According to an account published in *Poulson's American Daily Advertiser*, the case came before Judge Richard Rush in late September 1818. A year earlier Young “seduced” three African-American men, John Wood, John Dorden, and Benjamin Bennet, from Moyamensing Township in the southern suburbs outside the city limits to sail a shallop to Delaware where they would cut wood; no one in the community had seen the men since that time. However, many witnesses did see Young transformed upon his return to Philadelphia without the men. According to witnesses Young appeared “better clad, and had the command of more money.” Much like a slave-owner who might sell an enslaved person to purchase a luxurious accoutrement, Young transformed those whom he betrayed into slavery from human beings into clothing. When one of Bennet’s friends confronted Young about Bennet’s whereabouts, Young reportedly lied and told him that a constable had taken Bennet to the workhouse. This story might have seemed plausible, since constables routinely seized black men for vagrancy, and Young sought to frame Bennet as an idle body and “de-facto criminal.” Suggesting the evolving sense of race in the early 19th century, it was quite revealing how Young appealed to these anti-black stereotypes to ensure his kidnapping of African-Americans. Young then explained that Wood and Dorden had left the shallop and were on their way back to the city on another boat – another lie. Young lied a third time when he declared to Alderman Badger that he was the “*only* person of Colour” on that boat. An eyewitness who piloted another shallop alongside Young for two hours swore that Young was accompanied by “*two* coloured Men, and a *black Man*.” Authorities never recovered Wood, Dorden, or Bennet. Judge

Rush reasoned from Young's "lies and inconsistent tales" that he was responsible for kidnapping the three other men, and found him guilty.¹⁵

The Young case and Rush's sentence reflected the permeability of geographic borders and the malleability of racial identities. First, Rush emphasized the barbarity of the kidnapping act itself by asserting how if it were in his power to do so, he would make Young "experience a state of servitude *for life*, equally galling and severe, with that you have brought upon your Fellow Creatures." Rush's rationale for such a harsh punishment reflected his antislavery upbringing, being the son of Benjamin Rush, signer of the Declaration of Independence and one-time secretary of the PAS, as well as his overall moderate antislavery temperament later evidenced by his involvement in the American Colonization Society. Second, Rush remarked on the growing significance of the internal slave trade, which in many ways magnified the geography of kidnappings by commenting upon the ease with which kidnapers, similar to legal slave coffles of the "second" middle passage, passed over borders:

Considering all the circumstances, it is to be feared, some inhuman monster in the State of Delaware, stood ready to receive the victims, and has hurried them, ere now, to the Banks of the Mississippi, to the utmost verge of Georgia, or even to some Island in the West Indies, where they may be at this moment suffering under the daily lash of a merciless Task-Master.¹⁶

¹⁵ *Poulson's Daily American Advertiser*, Oct. 1, 1818; *Hallowell Gazette*, Oct. 14, 1818; Simon P. Newman, *Embodied History: The Lives of the Poor in Early Philadelphia* (Philadelphia: University of Pennsylvania Press, 2003), 45.

¹⁶ John H. Powell, *Richard Rush: Republican Diplomat, 1780-1859* (Philadelphia: University of Pennsylvania Press, 1942), 202-203.; On the internal slave trade and the "second" middle passage, see Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998).; Walter Johnson, Ed., *The Chattel Principle: Internal Slave Trade in the Americas* (New Haven: Yale University Press, 2004); Robert H. Gudmestad, *A Troublesome Commerce: The Transformation of the Interstate Slave Trade* (Baton Rouge: Louisiana State University Press, 2003); Steven Deyle, *Carry Me Back: The Domestic Slave Trade in American Life* (New York: Oxford University Press, 2005); Michael Tadman, *Speculators and Slaves: Masters, Traders, and Slaves in the Old South* (Madison: University of Wisconsin Press, 1989); *Poulson's Daily American Advertiser*, Oct. 1, 1818.

Yet Rush did not exaggerate the scope and distances involved with kidnappings that originated in Philadelphia: kidnappings that began as deals between individuals in neighboring states often extended across the entire United States. Thus by 1820, Pennsylvania in general and Philadelphia in particular faced a perpetual kidnapping crisis that produced civil wars in miniature between those acting in the interest of slavery and those combatting the terrifying reality of a borderless slave republic via Pennsylvania's own relation to the federal compact. America's national story of the so-called "road to emancipation," not only featured but in a sense required messy, often bloody and violent contests on the streets.¹⁷

Rush also commented on Young's racial identity. As Rush noted and what black and white abolitionist societies saw as a "delicate" situation, what made Young's crime particularly heinous was that Young was a "Man of Colour" who kidnapped two "coloured" men and one "black" one. Distinguishing between "Man of Colour" and "black" represented a phenotypical distinction that Rush did not explain but would be obvious to everyone in the Courtroom: Young was a mixed-race person. Though *Poulson's* did not use that language, a brief account of the case in the *Hallowell Gazette* identified Young as "a yellow man" who had carried off "two yellow men and a black man." Young could therefore utilize his physical appearance to present himself as both a potential employer and kidnapper. By appearing to be "black," Young had blended in to convince his victims of his good intentions: as an African-American kidnapper, Young passed as a friend and foe, a savior and slaver. His case showed both how he exploited

¹⁷ *Poulson's Daily American Advertiser*, Oct. 1, 1818; PAS 1.5, Jul. 19 and Sept. 5, 1820.; James M. McPherson and William J. Cooper, eds., *Writing the Civil War: The Quest to Understand* (Columbia: University of South Carolina Press, 1998), 145-150.

the mutability of racial phenotypes and how threats to black freedom did not always come from white kidnapers.¹⁸

Although correlation may not equate to causation, the fact that Pennsylvania legislators sought to revise kidnapping legislation shortly after the cases of Quomoney and Young begs the question. When Judge Rush moved to the punishment phase of the case, he lamented the insufficient nature of the laws of Pennsylvania regarding kidnapping. “While it punishes a man, who steals a *Horse*, with hard labour for *seven* years, it imposes for stealing a *Man*, a fine of *one hundred* pounds, and hard labour not exceeding *one* year.” Thus, Rush reasoned that Young deserved a three-hundred pound fine and three years hard labor because those were the maximum punishments afforded him by the state of Pennsylvania.¹⁹

While Rush lamented the fact that state law prevented him from exacting a harsher penalty on Young than required by state law, possibly revealing the antislavery tone of his judgeship, African-Americans and their allies in the PAS faced grave threats over the protection from kidnapers due to an 1819 decision by Pennsylvania Supreme Court Judge William Tilghman. In *Wright v. Deacon*, Tilghman explicitly upheld the constitutionality of the 1793 Fugitive slave Act. Tilghman stated, “Whatever may be our private opinions on the subject of slavery, it is well known that our southern brethren would not have consented to become parties to a constitution under which the *United States* have enjoyed so much prosperity, unless their property in slaves had been secured.” Thus to Tilghman, state courts could not prevent a slave’s removal as they would block the right of slaveholders to retrieve their property throughout the United

¹⁸ *Poulson’s Daily American Advertiser*, Oct. 1, 1818; *Hallowell Gazette*, Oct. 14, 1818.

¹⁹ *Ibid.*

States, a dangerous precedent which threatened to disrupt the survival of the Union itself.²⁰

With Tilghman's ruling fresh in the minds of Philadelphia blacks and their white allies, the PAS pressed Pennsylvania Governor William Findlay in December 1819, who in his annual speech echoed Rush's thoughts on kidnapping in his annual address to the state legislature. If local kidnapping incidents seriously threatened black freedom in Philadelphia, then establishing harsher punishments to fit that crime would resolve a glaring shortcoming in state law and allow Pennsylvania to afford "security for life, liberty and property" for its residents, black or white. In addition, Findlay's timing proved auspicious, as his comments on Pennsylvania had greater national resonance in 1819; at the same time that he proposed revising the state's kidnapping laws, members of Congress engaged in debates about restricting the spread of new slaves into Missouri.²¹

The Missouri debates of 1819-1822 forced Congress to address the issue of whether it had the power to restrict slavery as the United States expanded into new territories. In 1819 Republican Congressman James Tallmadge proposed to amend a bill allowing for Missouri statehood. What would become known as the "Tallmadge amendment" sought to prohibit new slaves from entering the state and ensure a gradual emancipation scheme for children of slaves when they reached the age of twenty-one. The debates turned into a full-blown crisis when surprised northern Congress members met with a fierce and expedient proslavery defense concocted by their southern

²⁰ "Replevin," Cornell University Law School, accessed January 28, 2017, <https://www.law.cornell.edu/wex/replevin>; Walker, 180-182; Baker, 1146; Morris, 42; , Leslie, 432-433, Newman, 81-3, Finkelman, 47-65; "Wright v. Deacon," The University of Chicago, accessed January 28, 2017, http://press-pubs.uchicago.edu/founders/documents/a4_2_3s11.html.

²¹ Leslie, 433; Poulson's *Daily American Advertiser*, Oct. 1, 1818; *Hallowell Gazette*, Oct. 14, 1818.

colleagues. However, southern Congress members could not dismiss the idea of restricting the spread of slavery as mere New England or Federalist-inspired sectionalism. The Missouri debates placed middle states like Pennsylvania in a disproportionately important position.²²

Local kidnapping events in Philadelphia became magnified as Pennsylvania's Congressional delegation linked these contests to America's national political debates. Senator John Sergeant of Pennsylvania played a key role during the Missouri debates. Sergeant delivered a speech to Congress in early February 1820 in which he argued that Pennsylvania could not both abolish slavery in its own territory and turn a blind eye to the spread of slavery into a new territory: "Can it be, that we sincerely believe it to be an evil, and yet will gravely insist that it is a right of every new state, to do what? I was going to say, enjoy this evil, but that would be a perversion of terms – afflict and injure herself, and her associates, too by admitting it within her limits?" Allowing slavery to spread over space, Sergeant explained, extended an "evil" not only to the slave but also to African-Americans born afterward - free or otherwise - who bore the "unalterable physical mark" of slavery upon their skin. Here Sergeant acknowledged the burgeoning internal slave trade, which over time would again reinforce the reality of a second middle passage inextricably linking the southern states to each other under the auspices of a federal compact that enslaved Pennsylvania, too. Drawing on his knowledge about kidnappings and his work with the PAS, Sergeant also noted that if Congress failed to restrict the further spread of slavery into Missouri then a "great inland domestic slave trade" would be established in the United States, complete with both "the horrors of the

²² Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill: University of North Carolina Press, 2007), 33-86.

middle passage” and more importantly, the “most cruel accompaniments of that hateful traffic.” As a Pennsylvanian, Sergeant had witnessed the way the frayed margins of Upper South slavery abutted and encouraged kidnappings of free blacks in Philadelphia. The Young case had exemplified this tendency. The instability of black freedom exhibited by Quomoney and Young influenced how white politicians debated the interlocked fates of how best to address fugitive slave retrieval and kidnappings.²³

Case Study: Henry Hudson

The third case mentioned by Pennsylvania state legislators in their 1820 debates over the revised kidnapping law featured a similar set of contests over geography, law, slaveholder’s rights, and the frayed freedom of African-Americans in Philadelphia – regardless if the tale of their kidnapping even included an actual kidnapping victim. Henry Hudson was born a slave in Kent County, Delaware in 1797. In 1805 Hudson was bound to Smith Forsett of Wilmington who told him that he would free him upon his twenty-first birthday. However, when Forsett died in 1814 his will dictated that Hudson work for Nathaniel and Alice Luff, also of Wilmington. Hudson served the Luff family for four years until his twenty-first birthday on May 30, 1818, at which point the Luffs freed him. Alice Luff and Hudson then travelled to Philadelphia to write up his official certificate of freedom. Having the notarized certificates in hand, Hudson journeyed to

²³ John Sergeant, “Speech on the Missouri Question, delivered in the House of Representatives of the United States, on the Eighth and Ninth of February 1820,” in *Selected Speeches of John Sergeant* (Philadelphia: E.L. Carey and A. Hart, 1832), 220-1, 246-7, 238-9.

Germantown in the northwest suburban outskirts of Philadelphia, where he found work on a farm owned by Quaker Reuben Haines III.²⁴

Haines lived in the Philadelphia-area for his entire life. Born in 1786 at his family's ancestral home of "Wyck" in Germantown, Haines attended Westtown School as a boy. He worked briefly as a merchant in Philadelphia, but by 1809, he grew tired of his chosen profession and decided to pursue agriculture back at Wyck. From about 1810 to 1820 Haines (and later, his wife Jane) split his time between pastoral Germantown and bustling Philadelphia, shuttling back and forth between working at the homestead and maintaining ties with Philadelphia's cultural elite, a group that included his cousin Roberts Vaux and friend William Rawle, both members of the PAS leadership. By 1820, Haines had decided to remain at Wyck with his family year round so that he could devote his attention both to them and "improvement" projects such as developing the agricultural potential of his home and the general infrastructure of Germantown. Thus when Hudson met Haines, both men appeared to be in a state of transition. The former explored his newly earned freedom, while the latter fixated on improving his home, family, and community.²⁵

Hudson lived at Wyck for almost a year before he disappeared while working in a field in broad daylight on April 30, 1819. Haines immediately enlisted the help of his uncle Abraham Garrigues of Philadelphia to assist him in sorting out the details of

²⁴ Document 9, "Testimony from Nathan Luff"; Document 3, "Henry Hudson's Certificate of Freedom," Series III: Miscellany re: Henry Hudson (a runaway slave), Box 119, Folder 417, Wyck Association Collection, American Philosophical Society (Hereafter cited as Series/Box/Folder/Wyck Papers, APS).

²⁵ Sandra F. Mackenzie, "What a Beauty there is in Harmony": The Reuben Haines Family of Wyck," (MA Thesis, University of Delaware, 1979), 3-19, quote on 19, 51-7; see also John M. Groff, "All that Makes a Man's Mind more Active": Jane and Reuben Haines at Wyck, 1812-1831," in *Quaker Aesthetics: Reflections on a Quaker Ethic in American Design and Consumption*, Emma Jones Lapsansky and Anne A. Verplanck, Eds. (Philadelphia: University of Pennsylvania Press, 2002), 90-121.

Hudson's apparent kidnapping. Garrigues, a merchant who owned a small shop in the city and a member of the PAS, took to the streets to investigate. He interviewed nine Philadelphia Justices of the Peace, five of whom were from the southern neighborhoods outside the city limits - the districts of Moyamensing, Passyunk, and Southwark - as well as a handful of eyewitnesses in Germantown. These eyewitnesses made several contradictory claims as to what they observed the day that Hudson disappeared. John Snovel's wife saw a yellow carriage driven by two or more men - one of whom she described as "a coarse rough looking man" with light hair - turn past her house on Pickens Avenue on the afternoon of the 30th. Sarah Hamilton had just arrived by stage in Germantown when she also saw the same "pretty handsome yellow carriage" and a white driver. Christian Dillman's wife and daughter swore that they saw a yellow or possibly orange hack driven by a black man "who showed a very white set of teeth" as he passed their house. Dillman also told Garrigues that he discovered a piece of fence that he been trampled by a carriage that had most likely attempted to turn around in the field next to the spot where Hudson was supposed to have been taken. These clashing accounts produced a great anxiety in both Garrigues and Haines, the former of whom after suffering "a sleepless night" offered his own theory: "some evil disposed Person has plotted the carrying him of between the Hours of rest of the different plowman i.e. viz. 12 or 2 O'Clock and this poor fellow he has fallen a Sacrifice to some remorseless Tyrant." Clashing accounts revealed how confusion permeated kidnappings; even eyewitnesses professed an inability to convey specific details, details that often meant the difference between freedom and slavery. Garrigues sent Haines another letter suggesting that Hudson's kidnappers took him to Hare's Corner in Delaware, a well-known meeting

place for “the receptions of Kidnapped Blacks.” He said he would contact Wilmington abolitionist Evan Lewis to see if he had any information about Henry Hudson.²⁶

Local newspaper picked up on the Hudson case, remarking on the seriousness of the kidnapping problem in Philadelphia that emerged most likely from a combination of the horrifying event itself as well as Haines’ own standing in society. In a piece in Philadelphia’s *Poulson’s Daily Advertiser* on May 5, 1819, one writer used the Hudson case to warn that Philadelphia was “infested with men stealers” because the “times were uncommonly evil,” and that it behooved every good citizen to be vigilant. Two weeks later, *Poulson’s* published an article that added new details to the case: the kidnapers utilized not one but two carriages, and “rushed upon their victim, whom they carried off without interruption, no person being aware of their design.” Haines believed that the carriage came from Maryland and he contacted Baltimore abolitionist Isaac Tyson and asked him to place a \$100 reward ad in the *Baltimore Patriot*. The *Patriot* described Hudson as a “very civil, inoffensive man” and noted that “keepers of turnpike gates, toll bridges and taverns, are particularly requested to give such information as may be in their power.” Haines’ friend James Canby brought a copy of the reward advertisement with him to Norfolk, Virginia and placed it in several southern newspapers. Soon other

²⁶ The list of Aldermen and Justices of the Peace as well as interviews with witnesses appear in Abraham W. Garrigues to Reuben Haines, ?/1819, II/17/216, Wyck Papers, APS; Garrigues joined the PAS in 1795. See PAS, *Centennial anniversary of the Pennsylvania Society for Promoting the Abolition of Slavery* (Philadelphia: Grants, Faires & Rodgers, Printers, 1875) 58.’ Abraham M. Garrigues to Reuben Haines, Apr. 30, 1819, Series II/17/213, Wyck Papers, APS; Hare’s Corner was also known as “Clark’s Corner” and was located at the intersection of three routes: one to New Castle, one to Christiana, and one to Frenchtown. John Haire and Nicholas Quinn each owned taverns which sat at this intersection at the time of the “kidnapping,” the latter man’s tavern described as one of a few “orderly, comfortable, and respectable public houses.” Perhaps one or both of the taverns served as kidnapping hotspots alluded to by Garrigues in his letter to Haines. “Historical Perspective [of Hare’s Corner],” accessed February 15, 2014, http://www.deldot.gov/archaeology/hares_corner/pdf/hares_historical_perspective.pdf, 18-19; Henry C. Conrad, *History of the State of Delaware* (Wilmington: Published by the Author, 1908), 504-505.

newspapers from across the country disseminated both Hudson's story and Haines' plea, which as we will see may have merely added to the confusion. By mid-May, no one had heard from or seen Henry Hudson.²⁷

On May 18, Haines received the first major break in the case when a letter arrived from a man named Ephram Carsons of Warwick, Maryland. Carsons wrote that he knew of several slave traders who kept a man claiming to be Hudson at their hideout. He also told Haines not to worry about the \$100 reward for he required "nothing more than to have such wretches brought to the most condign punishment and to aid the cause of suffering humanity." Carsons urged Haines to hurry to Warrick because the traders wished to put Hudson on a ship in Baltimore by the end of the month, sail to Georgia, and sell him. He ended the letter by warning Haines not to mention the letter to anyone as he travelled south. Haines' trip to the south revealed his faith in interstate comity, that he could pass over borders between freedom and slavery unmolested and with the expectation that slave-owners would assist him in his search.²⁸

Haines left Philadelphia with Hudson's original indenture paperwork and certificates of freedom in hand. He arrived in Wilmington on May 24th where he obtained a notarized deposition from Silas Sylvas, who knew Hudson as a boy and the attending circumstances of his indenture and free status. Haines also procured a provocative letter from Wilmington Quaker James Canby to Richard Lockwood of Middletown, Delaware, a "notorious" slave owner who persisted in retrieving runaway slaves. Canby and Haines

²⁷ *Poulson's Daily American Advertiser*, May 18, 1819; *Baltimore Patriot* May 7, 1819; Newspapers that advertised the reward for information regarding Hudson's whereabouts included the *Commercial advertiser of New York*, May 8, 1819; *The Times Connecticut* May 18, 1819; *Illinois Emigrant* June 5, 1819; *Alexandria Gazette* Jun. 1 through Sep. 25, 1819; Reuben Haines to Jane Haines, May 30, 1819, II/22/324, Wyck Papers, APS.

²⁸ Ephraim Carsons to Reuben Haines, May 19, 1819, II/17/324, Wyck Papers, APS.

sought Lockwood's "prompt and efficient aid" in recovering Hudson. By seeking the assistance of a notorious slave owner, Haines and Canby not only demonstrated the extent of the anti-kidnapping network and their determination to rescue Hudson. The letter also demonstrated the extent to which the men believed that legal categories were meaningful. Lockwood, who owned slaves and used federal fugitive slave law to retrieve the people he believed were his property, respected the category of free African-Americans by honoring Hudson and Haines' claims to freedom. While as beneficial as Lockwood's advice may have been, in actuality he may have hoped to avoid any implication in kidnapping blacks when he himself ventured to Philadelphia to retrieve his slaves (as will be discussed later). Haines and Lockwood might have been on opposite sides of a north-south border, and might have had very different ideas about the place of slavery in American society, but they were both powerful white men who mixed in the same social circles, and Haines must have believed that Lockwood could be of help to him in finding Hudson.²⁹

Haines left Wilmington on the 25th after recruiting Evan Lewis, a "veteran in the cause of abolition" to join him. The men journeyed to Middletown, Delaware and met with Lockwood, who advised them to wait until morning to recover Hudson and "seize and secure the kidnappers [emphasis in the original]."³⁰ Haines and Lewis arrived in

²⁹ Document 8, "Statement of the mysterious [sic] disappearance of Henry Hudson from "Ketter Fields" Near Germ. 4th Mo 30th and of his return 10m 30th" (hereafter "Statement") III/119/417, Wyck Papers, APS; James Canby of Wilmington to Arthur Davis and Richard Lockwood of Middletown DE, May 24, 1819, II/17/213, Wyck Papers, APS; According to the 1820 United States Federal Census, Lockwood owned four slaves in 1820. In 1822 a black man named Joseph Wilson stabbed Lockwood in the head when the latter arrested him as a supposed runaway. See, PAS 1.5, Jan. 10, 1822 and Jun. 22, 1822; PAS American Convention Assorted Materials (Undated), Series 5.36, Letter from Isaac Barton [?] regarding Joseph Wilson.

³⁰ "Statement," Wyck Papers, APS; Reuben Haines to Jane B. Haines, May 27, 1819, II/22/324, Wyck Papers, APS; Letters from Haines and his mother Hannah revealed how they sought to assuage Jane Haines

Warwick, Maryland on the 25th where they met the man who had written Haines a detailed letter, Ephram Carson. The meeting was revelatory, as Haines realized that the letter had been a hoax, forged by a local “dealer in blacks,” Daniel Coalman; Coalman’s making a joke of Haines’ search and Hudson’s kidnapping, while perhaps rare, exposed another unpredictable variable to the plight of kidnapping victims and their allies. In short, Coalman’s levity bolstered the confusion and nonlinear character of rescuing kidnapping victims. Haines returned to Philadelphia the next day, the question of Hudson’s whereabouts unanswered.³¹

As if to emphasize the geographical scope of kidnapping networks and victims, i.e. the plausibility of victims being sold hundreds of miles south, on June 8, Haines received a letter from Savannah, Georgia signed “Henry Hudson.” Hudson wrote that he had been kidnapped and taken to Georgia but had made his escape and was now in jail. Hudson requested that Haines forward his freedom papers to Savannah lawyer Richard W. Habersham. Haines sent Hudson’s certificates to Habersham and to Robert Campbell, an associate. Campbell wrote to Haines a week later on June 16 to explain that he had been made victim of another hoax. Campbell and Habersham concluded that “some one of more meanness than wit” hoped to embarrass Habersham for becoming a member of the local colonization society. Campbell promised to return Hudson’s documents to Haines, remarking that that “although we are a Slave Holding people, and do not know when we shall be otherwise, yet assure yourself, that there are very few in this place who would not have promptly attended to your letter had it been addressed to them.” The legal

of her husband’s safety. See Hannah Haines to Jane B. Haines, May 23, 1819, II/22/324, Wyck Papers, APS.

³¹ Reuben Haines to Jane B. Haines, May 27, 1819, II/22/324, Wyck Papers, APS; Hannah Haines to Jane B. Haines, May 28, 1819, II/22/ 324, Wyck Papers, APS.

categories, Campbell seemed to suggest, mattered, and he tried to distance lawful slave holding and retrieval from the crime of African American kidnapping.³²

Four months later, Haines received another letter from a person claiming to be Henry Hudson. This letter, dated October 4, 1819, came from Upper Makefield Township, Bucks County about thirty miles north of Germantown. This Henry Hudson wrote, “I Take this opportunity to let you Know where I live. I was informed by John Coons that you expected I was Kidnapped. I am very much oblige to you for the trouble that you have taken. I am verry [sic.] well at present and I hope that this letter will find you all the same.”³³

On October 30th Henry Hudson appeared in Haines’ front yard “well [-] clothed and apparently well fed.” Hudson told Haines with “a great deal of simplicity and apparent candor” that he had left Wyck Farm on his own volition. One day, he wandered away from Wyck and got a job as a hostler at a tavern in Bustleton for one month. He decided to return to Germantown, but only made it halfway back when he changed his mind once again and went back to Frankford. Somebody else took his job at the tavern, so he travelled to Bucks County where Robert Knowles hired him. Now back at Wyck, Hudson agreed to work for Haines for a month without pay. After working “industriously” for that time, Hudson returned to Robert Knowles on December 4, 1819.³⁴

³² “Statement,” Wyck Papers, APS; R. Campbell to Reuben Haines, Jun. 16, 1819 II/17/214; Haines heard that Coalman was in Savannah around the time he received the second letter from “Henry Hudson.”

³³ “Statement,” Wyck Papers, APS; Henry Hudson to Reuben Haines, Oct. 4, 1819, II/17/215, Wyck Papers, APS; *McElroy’s Philadelphia City Directory*, 1820.

³⁴ Whether out of joy, frustration or both, Haines underlined “Henry Hudson” four times in his notes on the supposed kidnapping. “Statement,” Wyck Papers, APS; The APS categorizes Henry Hudson as a “runaway slave” in the description of the Wyck collection. Someone, possibly an archivist (or two), wrote notes on a few of the documents explaining the confusion. One writer remarked “Was not kidnapped at all, but after causing a deal of trouble Mr. Haines, in the [illegible], came back 6 months after his departure and said he

The case of Henry Hudson is important for several reasons. First, Hudson's actions demonstrate an unexpected mobility by a freed African American man that confounded Haines, as well as newspaper accounts of the case. While in some ways Haines (and later, state legislators) assumed that Hudson lacked personal agency, they also acknowledged the violent physical force of kidnappers that turned Hudson into a victim of kidnapping. Haines privileged the kidnapper's ability to kidnap over Hudson's ability to make a choice to leave his employer; perhaps this embarrassing travail led Haines to complain to his politician friends and push the Hudson case into the 1820 debates. The truth was that Hudson had exercised more freedom than they expected a black man could. Second, Haines' efforts to retrieve Hudson mirrored to some degree the efforts of slave owners to retrieve fugitive slaves. Perhaps Haines' felt that his compassionate northern paternalism entitled him to Hudson's labor at Wyck. At the same time, Hudson possessed more scruples and exercised his own sense of fairness when he negotiated his freedom and compensated Haines for his troubles; after all, Hudson did not need to write to Haines nor return to Germantown. Third, the anti-kidnapping network generated by Haines and his allies generated an extensive, active, and persistent anti-kidnapping network that problematized the north-south divide and even included unlikely helpers in the form of Lockwood and Campbell. All of these participants were white men of social standing who believed in the legal categories bestowed by state and federal law.

had wandered away, apparently in a half-demented condition." Another person wrote "Within a few days I have come across some additional papers containing information respecting [crossed out Henry Hudson] the negro Henry Hudson mentioned in these papers [read to the historical society] From these papers it appears that he was not abducted or kidnapped but wandered away during a fit of mental aberration and went to work at Bustleton and later in Bucks Co. In Oct he returned to [Germantown] and worked for one month for R.H. without pay as a compensation for RH's trouble in trying to release him from the supposed kidnappers. He then returned to the place where he had been working in Bucks Co." See Abraham W. Garrigues to Reuben Haines, undated, II/17/213 and II/17/216, respectively.

Ironically, the initially fruitless though peaceful resolution to search for Hudson recreated the dilemma over how much states like Pennsylvania should respect and protect the freedom of blacks despite federal responsibilities that empowered slave-owners hunting for fugitives in free states. In sum, Hudson's tale highlighted how rumors were powerful narratives. Witnesses who offered contradictory evidence as to Hudson's disappearance provided realistic enough tropes that provided fodder for the search party led by Haines. In addition, rumors about Hudson's whereabouts encouraged hoaxers to draw on similar tropes to embarrass Haines and his intermediaries. In 1820, Pennsylvania lawmakers glossed over the Hudson case (but not its unlikely conclusion) to build support for legislation to revise the state's kidnapping law. That lawmakers likely knew the true circumstances of Hudson's ordeal meant that white politicians political savvy did not preclude them from seeking changes to kidnapping legislation by any means necessary.

Case Study: Peggy Ward

In early April, 1819, Margaret Flannery alias Peggy Ward hired the twelve-year old daughter of African-American widow Sarah Hagerman of Philadelphia. Within a week, both Flannery and Hagerman's daughter had disappeared. Rumors flew that Flannery kidnapped the girl, brought her to Delaware, and sold her. Approximately the same time that Flannery and the young girl vanished, "a washerwoman" –Margaret Flannery - lured a free woman of color named Betsey Everson to go to her house and meet an interested gentleman. Everson complied and went to the washerwoman's house

where she met not one but two men: James Welsh and John McKee. Soon Everson found herself imbibing drinks with the men; another kidnapping strategy akin to hoodwinking. One man became “extremely sociable with her” and convinced her to follow them to Almond Street wharf. Everson “was so drunk that she scarcely knew what she was about” and fell asleep when she boarded a boat. She awoke the next morning to find the boat had sailed down the river and out of sight of Philadelphia. The boat landed in Wilmington, Delaware and the trio disembarked to buy some rum. However, Everson suspected that she was to be kidnapped, and made her escape from Welsh and McKee. The men pursued and caught her, but with the help of “some white person,” Everson made her getaway and soon returned to Philadelphia. Sarah Hagerman’s daughter remained missing.³⁵

The Acting Committee of the PAS worked diligently to track down Hagerman’s daughter as well as Flannery, Welsh, and McKee. Acting Committee member Robert Murphy submitted a short piece to *Poulson’s* in mid-May warning African-Americans about the kidnapper Flannery and urging southern newspapers to “do an act of humanity by inserting this advertisement”; Pennsylvania newspapers thus encouraged comity through the printed word. Thomas Shipley received a response from Robert Lane of Wilmington, Delaware on May 28th informing him that Hugh Cain of Baltimore was a “close acquaintance” of Flannery’s. Although unclear as to how (much) these surviving efforts aided in the search, by June 15 authorities in Delaware apprehended McKee and Welsh while Flannery was confined in Baltimore. What remained clear was that after

³⁵ *Poulson’s Daily American Advertiser*, May 18, 1819; *New York Commercial Advertiser*, Jul. 9, 1819; PAS 1.5, May 11, 1819 and Jun. 15, 1819.

these arrests the Acting Committee immediately applied to Governor Findlay to bring the kidnapers to Pennsylvania for trial.³⁶

Harnessing the power of the state to combat the illegal use of federal power, on June 22nd Findlay appointed Philadelphians George W. Campbell and John Dolbert to serve as agents of Pennsylvania to retrieve Flannery from Maryland and Welsh and McKee from Delaware. Campbell worked as a city constable of the Lower Delaware ward and would later be appointed high constable by Mayor James Nelson Barker in 1820. John Dolbert served as sexton of Swedes' Church and lived in Southwark. The appointment also requested that the governors of those states use "all convenient dispatch" to expedite the process. A year earlier Findlay extended the same courtesy to deliver a Maryland kidnapper named Orange Bush who was confined in York County to an agent of Maryland. In early July Campbell traveled to Delaware and Dolbert to Maryland; the PAS paid the expenses for both missions and later the office of the Governor reimbursed them.³⁷

Welsh and McKee were brought before Mayor Barker on July 3rd and charged with kidnapping. Eveson explained the details of her ordeal, and the defendants' own words corroborated her statements. Mayor Barker found them guilty and required that they pay their \$1,000 bail fee. Neither man being able to make such a payment, Barker confined them to prison. However, the Acting Committee reported on August 30th that

³⁶ *Poulson's Daily American Advertiser*, May 18, 1819; PAS Loose Correspondence, Incoming 1796-1819, R. Lane to Thomas Shipley, May 28, 1819; PAS 1.5, Jun. 15, 1819.

³⁷ Gertrude MacKinney, Ed., *Pennsylvania Archives: Ninth Series, Volume VII, 1818-1821* (Philadelphia: 1931), 4875, 5130; *Franklin Gazette*, Jan. 3, 1820; *McElroy's Philadelphia City Directory*, 1819-1820; PAS 1.5, 1.5 Jul. 6, 1819; PAS Correspondence, Incoming 1796-1819, James Trimble to PAS, Sep. 1, 1819.

Welsh had apparently escaped incarceration while McKee was brought to trial for another kidnapping where he was acquitted.³⁸

Meanwhile, Flannery was convicted in the Mayor's court for kidnapping Hagerman's young daughter, and was sentenced to one year in prison and fined one hundred pounds. Writer "S.T." wrote an editorial in *Poulson's* in which they urged an "honest slaveholder" who may have purchased the girl to return her to her friends and family in Philadelphia. S.T. also lambasted the fact that ongoing presence of slavery in the United States influenced Peggy Ward, herself a widowed mother of five, to play the "diabolical game" of kidnapping; in short, people like Ward revealed the lack of a clear-cut border between freedom and slavery. To make matters worse, Ward's confession involved no less than eight other people, with S.T. adding, "most of whom have been long in the trade." S.T. condemned the end results of Ward's work: a "miserable existence" for Hagerman and her daughter, the former whose feelings of loss defied description, the latter who would linger "under the lash of a southern planter." Finally, S.T. made a plea for "enlightened Pennsylvania" to amend their laws on kidnapping, which in all cases seemed like a slap on the wrist. "Twelve months in confinement and 100 pound fine" were not commensurate to lifetimes lost through kidnapping activities – for which S.T. concluded: "*This needs no comment!*"³⁹

The Acting Committee discharged the committee on the case of Sarah Hagerman's daughter on November 24th, 1819. However, a week later there appeared to be a break in the case. PAS member John H. Willits sent a letter describing how he

³⁸ *New York Commercial Advertiser*, Jul. 9, 1819; PAS 1.5, Aug. 20, 1819.

³⁹ *New York Commercial Advertiser*, Jul. 9, 1819; PAS 1.5, Nov. 24, 1819; *Poulson's American Daily Advertiser*, Nov. 16, 1819.

followed a lead from none other than James Welsh. Since absconding from his bail Welsh had been arrested and confined for burglary in Philadelphia. He admitted to kidnapping Hagerman's daughter and then selling her to Jesse Cannon near Norway's Fork Bridge in the state of Maryland. Welsh suggested that if Willits left immediately he could rescue the girl before Cannon sold her even further south. "This duty having devolved upon me," reported Willits, "I prepared without delay to fulfill it. Similar to the Hudson case, the geographical scope of kidnapping did not just mean taking victims to the first available slave state: victims could (and did) end up in any slave state.⁴⁰

Willits left Philadelphia for Maryland on November 13th and brought with him a young man by the name of Miller to identify the girl. The two men made their way to Denton, Maryland, and met with lawyer John Brown. Brown and Willits hoped to enlist the aid of the sheriff of Carolina County, Maryland. Unfortunately the sheriff had no jurisdiction because Jesse Cannon lived over the state line in Delaware. However, the sheriff recommended Willits apply to Anthony Wheatley, a member of the Maryland Abolition Society. Wheatley was "well-acquainted" with Cannon and his work, and often saved potential African-American victims from Cannon and his gang. Willits and Miller journeyed to see Wheatley, who told them that while ordinarily he would "cheerfully"

⁴⁰ John Jones congratulated Samuel Hagerman on the capture of Flannery but regretted having no additional information regarding Hagerman's niece. He also suggested that James Welsh may have been involved in the girl's kidnapping. PAS Loose Correspondence, Incoming 1796-1819, John Jones of Wilmington to Samuel Hagerman, Jun. 28, 1819. Interestingly, a "Reverend Ware" suggested to Reuben Haines and Joseph Paxson that James Welsh may have kidnapped Henry Hudson. See Revered Professor Ware to Reuben Haines or Mr. Joseph R. Paxson, ?/1819, II/15/157, Wyck Papers, APS; PAS 1.5, Nov. 24 and Nov. 30, 1819. On the Cannon-Johnson Gang, see George Alfred Townsend, *The Entailed Hat, or, Patty Cannon's Times: A Romance* (New York: Harper and Brothers, 1884).; R.W. Messenger, *Patty Cannon Administers Justice, or Joe Johnson's Last Kidnapping Exploit: A Tale of the Delaware Peninsula in its "Dark Ages"* (Cambridge: Tidewater Publishers, 1926). Ted Giles, *Patty Cannon: Woman of Mystery* (Easton: Easton Publishing Co., 1965). ; Sammy Miller, "Patty Cannon: Murderer and Kidnapper of Free Blacks, A Review of the Evidence," *Maryland Historical Magazine*, 72.3 (Fall 1977), 419. ; Richard Bell, "'Thence to Patty Cannon's: Gender, Family, and the Reverse Underground Railroad,'" *Slavery & Abolition*, 37:4, 661-679.

accompany the men to see Cannon, he doubted that they would find her. Wheatley explained that they should discuss the matter with Hatfield Wright, who lived near Cannon and had recently had a falling out with him over “stolen property.”⁴¹

Willits and Miller traveled to Wright’s house as cautiously as possible. They labored to avoid detection because they were not only “among the friends of Cannon” but also “surrounded by persons engaged in the same trade.” If discovered, their plans would be expedited to Cannon – or worse. By 1819, Cannon, his wife Patty, and their son-in-law Joe Johnson had operated as kidnapers in Delaware, Maryland, and Pennsylvania for almost a decade. Tales of their deeds – not only kidnappings but also murder – became legendary, and as a result, Willits and Miller could not afford to take any unnecessary risks which might inform the Cannon-Johnson gang of their presence. When Willits and Miller arrived at Wright’s he told them that approaching Cannon’s house would be “needless” as the gang’s informants lurked everywhere. Instead, Wright told them to wait at his house until they could procure a trustworthy “agent” to scout the property. “After some difficulty” a man was found for a fee of five dollars. The agent returned the next day and reported he saw a girl husking corn on the premises who matched the description of Hagerman’s daughter. More of a military exercise, these unnamed agents operated as intermediaries who for a fee would surveil black and white kidnapers – and border-crossing abolitionists - and offer this intelligence to either side.⁴²

The believability of locating Hagerman’s daughter on the basis of a possible sighting of the girl lifted Willits’ spirits, so expecting comity, he and Miller ventured to magistrate Samuel Laws of Sussex County, Delaware to procure a search warrant of

⁴¹ PAS 1.5, Nov. 30, 1819.

⁴² Ibid.

Johnson's house. Laws directed the men to go to Bridgeville, where they could find a constable willing to serve the warrant. Upon reaching Bridgeville they discovered that the constable was in court at Georgetown. Despite having to backtrack fifteen miles, they found another constable named Robeson in that city who would assist them. However, both constables "expressed much apprehension of the violent opposition which we should probably have to encounter." They reiterated Johnson's criminal history and called him "a most desperate ruffian" whom they failed to punish let alone apprehend for a number of years; clearly Johnson's reputation preceded him in the eyes of law enforcement officials. Given the "desperate and savage ferocity of this miscreant" everyone agreed that they should recruit additional reinforcements from the towns of Georgetown and Bridgeville. Only two men volunteered to accompany Robeson, Willits, and Miller.⁴³

The five men reached the outskirts of Cannon's house at sunset. Willits described their strategy in military terms. First, they divided their "small force" with one "division" to sneak toward the house via the main road and the other (Willits') division advanced through the woods "for the purpose of intercepting the retreat of any negroes who might attempt to escape or conceal themselves in that direction." Johnson often warned his African-American victims that any strangers who came to the house were likely slave traders from the Deep South. Thus, Willits' explained that preventing a retreat through the woods served the purpose of disabusing anyone who ran from the house that they were friends, not their "direct foe." In a sense, Willits had declared war on the kidnapers.⁴⁴

⁴³ Ibid.

⁴⁴ Ibid.

Willits and Miller saw three or four black girls when they reached the front door of the house. Miller thought that he caught Sarah Hagerman's daughter darting into the garden, and pursued her. As he rounded the corner Johnson surprised him by placing a gun to his head and promising to "blow his brains out" if he did not identify himself. The rest of the rescue party were already in the house when Johnson came in with Miller. Johnson then pointed the gun at the assemblage and told them not to lift a single latch in the house. Robeson began to read the search warrant, but Johnson interrupted him and said that it had expired because the sun had already set; a grim technicality. Robeson seemed to agree with Johnson, but Willits insisted upon a search, the sun not having fully set in the moments when they first arrived at the hideout. Johnson relented, allowing only Miller and Robeson to conduct the search "on condition that no questions should be asked of any negroes, whom they might find." To ensure that they obeyed this stipulation, Johnson and Jesse Cannon (also lurking inside the house) accompanied them, loaded pistols in hand.⁴⁵

The four men ascended the stairs to the second floor and came upon a large garret which had a small, barred closet containing five young black women. All the women were bound in heavy chains. Johnson asked Miller if any of the girls looked like Sarah Hagerman; the women looked up at Miller "with an eye of the most piteous disposition, and in the silent but emphatic language of the heart, seemed to implore him to take compassion on them, and by rescuing them out of the hands of their cruel

⁴⁵ Ibid; Wilson erred in her reading of Willits' account. She wrote that Robeson urged Johnson to honor the warrant and that Willits went in with Robeson to search the house. In reality, Miller, not Willits searched the house with Johnson. Willits explained, "Not being myself permitted to accompany them, I have no personal knowledge of the events which transpired during the search, nor of the victims incarcerated within the walls of this detestable prison. From Miller however I afterwards learned the following particulars." Wilson, 19-20.

oppressors.” Yet Miller examined and passed by each one to no avail: none were the missing girl, but all were awaiting sale. The men then proceeded to the basement with Johnson still pointing a pistol at Miller’s head to prevent him from uttering a word, but there was nobody held there. Johnson commented that he had more “negroes [and] they might see them all” outside behind the house in a small hut. They left the house – which Willits referred to as “the mansion or dwelling of these wretches” – and came upon the hut. Inside was an assortment of young black children (none of them Hagerman’s daughter) as well as two adults, the latter of whom appeared drunk. Johnson told these men that Miller and Robeson had come for them and that they needed to put on their coats. The men refused and replied that they were “very well contented” and would not leave Johnson. With a look of “great self-congratulation” Johnson pronounced, “you see gentlemen, I treat my slaves so well, that they would not leave if it were in their power.” This interaction featured several unanswered questions. Were these African-American men also kidnappers? Were they wearing masks of obedience in front of Johnson in order to bolster his sense of mastery? In either case, these men did not help Willits retrieve Hagerman’s daughter.⁴⁶

The search party men left the Cannon-Johnson house empty-handed and dispirited. Willits floated the idea of returning the next day, but Robeson dismissed this thought as impractical and pointless. Admitting defeat at the hands of this “den of thieves,” Willits wrote,

When I came to reflect on the character of the people we had to deal with, that any further prosecution of the search would result only in an unprofitable sacrifice of my own time... [and] not doubting that as their suspicions were now excited, they would have ample opportunity before the next day of removing the girl to the houses of some of their accomplices, where she would be effectually secreted, even admitting that she was now in their possession.⁴⁷

⁴⁶ PAS 1.5, Nov. 30, 1819.

⁴⁷ Ibid.

Similar to the Hudson case, the search for Sarah Hagerman's daughter required rescuers to cross geographic borders and enlist local slave state resources in the hope of finding and liberating a kidnapping victim. In this case, the kidnappers had the upper hand as the rescue party could not infiltrate the Cannon-Johnson gang's hideout without alerting the kidnapper's informants. Hagerman's missing daughter valorized Willits' inability to free the other young women whose physical and emotional circumstances led him to believe that they, too, were daughters of other mothers like Sarah Hagerman; a "den of thieves" who utilized unnamed black and white informants, who in a sense, mirrored multiracial anti-kidnapping informants in Philadelphia. Both groups understood the reality that kidnapping free African-Americans transformed victims into fungible property. Such transactions that began in Philadelphia often ended in mysterious and dangerous enslaved locales. Despite the best efforts of African-Americans and their white allies, kidnappings still lacked a severe enough punishment in Pennsylvania to deter the crime from taking place. Until the state legislature recognized the problem of kidnapping in Pennsylvania in general and Philadelphia in particular, the kidnappings would continue.

The 1820 Debates

In order to get a sense of the stakes of the 1820 debates over legislating on the kidnapping crisis in Pennsylvania, one must examine the political alliances that dominated the state at the time. By 1820 two political coalitions had firmly rooted themselves in the state: the "Old School" Democrats and the "New School" Democrats.

“Old School” Democrats claimed to represent traditional Jeffersonian views but in reality consisted both of men who desired to regain public office and former Federalists. Led by agitator-cum-editor William Duane of the Philadelphia-based newspaper *Weekly Aurora*, the Old School espoused egalitarianism in the form of anti-caucus sentiment, supported a popular convention system to nominate candidates, lambasted James Monroe, and favored hard currency during the Panic of 1819. When its candidate and Revolutionary War veteran Joseph Hiester lost the 1817 gubernatorial election, the Old School did everything in its power to wreak havoc on William Findlay’s administration and tarnish the governor as the “spurious child of a corrupt system,” up to and including holding impeachment proceedings against him in the state legislature.⁴⁸

Unlike their Old School opponents, “New School Democrats” supported the caucus system, paper currency, and President James Monroe. They forged a coalition known as the “Family Party,” which consisted of Philadelphians George Mifflin Dallas, Secretary of the Commonwealth Thomas Sergeant, Richard Bache, and William Wilkins of Pittsburgh, all of whose families had intermarried. These politicians quickly became Findlay’s closest allies in the state during his administration. Under Bache’s editorship the *Franklin Gazette* operated as the organ of the party. The paper trumpeted the respectability of the caucus system while at the same time castigated the Old School as “fragments and patches of faction.” Both schools re-nominated their candidates from 1817 again in 1820. Folding to popular and Old School anti-caucus pressure, the New School nominated Findlay by convention, too. In light of the aforementioned cases,

⁴⁸ Kim T. Phillips, “Democrats of the Old School in the Era of Good Feelings,” *The Pennsylvania Magazine of History and Biography*, Vol. 95, No. 3 (Jul., 1971), 363-382; Philip S. Klein and Ari Hoogenboom, *A History of Pennsylvania* (University Park: Pennsylvania State University Press, 1980), 132-3; Klein, 75-112; *Weekly Aurora*, Mar. 20, 1820.

pressure from abolitionists, and pleas from Governor Findlay, Pennsylvania politicians addressed the issue of kidnapping in the state legislature at Harrisburg in January, 1820. Within this political framework the state legislature turned to the kidnapping question.⁴⁹

The 1820 state legislature debates to revise Pennsylvania's 1788 anti-kidnapping statute revolved around two main issues. First, lawmakers hoped to create harsher penalties to deter the kidnapping of free African-Americans. On January 5, 1820 New School Democrat Wilkins proposed in the House increasing the penalty for kidnappings. A freshman representative, Wilkins promoted internal improvements, defended Findlay when a committee investigated him for corruption, and in 1819 supported Duane's appeal to oppose Missouri's entry as a slave state. He proposed fixing the punishment for kidnapping "not less than two nor more than ten years." Josiah Randall of Philadelphia, the representative who presented the original petition to investigate Findlay's misconduct in 1819, replied that ten years would be too lenient as "this offence was the highest, and most flagrant that could be committed." Instead, Randall thought the length of punishment should be fixed at seven to twenty years because African-Americans dreaded kidnappings more than death. This bipartisan agreement over harsh penalties highlighted the concern over kidnappings in the state. Wilkins disagreed, arguing that if the legislature set such a harsh mandatory sentence, juries might be less likely to convict. Randall responded that most kidnapping crime was committed in Philadelphia, a locality in which "prejudice existing in the minds of the citizens against the perpetrators of it,"

⁴⁹ *Franklin Gazette*, Mar. 17, 1820; To save face on switching to the convention system the *Franklin Gazette* noted that "Mr. Findlay is the properly nominated and acknowledged candidate of the democratic party for Governor of Pennsylvania; and we should presume that no real democrat would engage in a cabal for the purpose of subtracting even a single vote from the republican party on that occasion." *Franklin Gazette*, Mar. 18, 1820.

juries would have no problem convicting “thieves and robbers” whatever the length of the sentence. James Thackara, another Old School representative from Philadelphia, agreed with Randall’s terms and put forward a rhetorical question, “can there be any hesitation then to inflict such a punishment? Is there anything dearer than liberty? *Then why hesitate?*” The high costs of African-American liberty in Pennsylvania deserved a stiffer monetary penalty.⁵⁰

The second issue acted as a corollary to these illegal removals, as politicians sought to limit the role of Pennsylvania officials in participating in legal fugitive retrieval. Legislators addressed the role of Aldermen and Justices of the Peace when the debates continued on January 11. The state and federal Constitution permitted both Aldermen and Justices of the Peace to issue legitimate removals of fugitive slaves. Corrupt officials, however, issued removals under false-pretenses, masking African American kidnapping with fugitive slave retrieval and protecting their own freedom by pleading plausible deniability. Wilkins reported this happening whenever a Philadelphia alderman “who may be connected with those barbarians who traffic in human flesh,” he said, had approved a warrant to remove a free man. Dishonest aldermen, he argued, should not be able to hide behind the Constitution after issuing bogus warrants. Wilkins argued that a provision to punish Aldermen and Justices of the Peace for misusing their power would remind them of the dangerous responsibility of providing for legal fugitive renditions. Better that they were made aware of “the opportunity of committing the offence [they were] desirous to guard against.” Thackara agreed to this point so long as it

⁵⁰ Sewell E. Slick, “William Wilkins: Pittsburgh Extraordinary,” *Western Pennsylvania Historical Magazine*, Vol. 22 No. 4 (Dec. 1939), 217-236; *Franklin Gazette*, Jan. 8, 1820; *House Journal, 1819-1820*, 175.

provided a “*variety of optics*” that anyone – perhaps a nod toward African-Americans – would be able to comprehend the provision. John W. Roseberry of Berks and Schuylkill counties cautioned the House that although such abuses occurred, Aldermen should not suffer for misinterpreting evidence. Scrutinizing Alderman or Justices of the Peace would not solve the problem because both could technically still perform their duty albeit “in a manner not compatible with the sound dictates of reason and justice.” In the end, the House voted against Wilkins’ amendment to punish Aldermen and Justices of the Peace for issuing illegal removals and proposed to debate the topic at a future date. These clashes between federal and state authorities demonstrated the ambiguity of each entities’ power over freedom and slavery, an ambiguity that gave these same entities room to maneuver.⁵¹

The debate about the legal responsibilities of Aldermen and Justices of the Peace exposed the limits of state instruments to protect African American freedom. Corrupt local officials used federal law permitting fugitive slave removal to mask their role facilitating unlawful kidnappings, and the Pennsylvania legislature found itself unable to censure them. James Thackara commented that “it was well known that justices do cooperate [sic] with those who are daily engaged in this most outrageous practice of man stealing.” He alluded to a Justice of the Peace from Northern Liberties who permitted the illegal removal Henry Hudson. Josiah Randall claimed to know the full details of the case, perhaps the fact that Hudson was not a kidnapping victim, and exonerated the magistrate from “improper conduct.” Just as Alderman and Justices of the Peace used the cover of the federal fugitive slave law to mask their role in facilitating kidnapping,

⁵¹ *Franklin Gazette*, Jan. 13, 1820.

Pennsylvania politicians relied on the same plausible deniability to justify voting against an amendment that would make it tougher for men in those positions of power to do so.⁵²

Pennsylvania state legislators returned to assessing legal sanctions against of Aldermen and Justices of the Peace for their participation in kidnappings on January 18. Wilkins urged his colleagues to reconsider his provision to punish magistrates more harshly in order to stop the “inhumane practice” of kidnapping. He criticized the ease with which any person could use the 1793 Fugitive Slave Act to remove African-Americans from Pennsylvania. Any interested party – a legitimate master or a kidnapper – could give a deposition that entitled an agent to drag an African-American before a magistrate without a warrant, who could issue on the basis of such a deposition a certificate of removal. In mere moments these transactions, conducted under color of law, converted free people into slaves. Magistrates who failed to record the circumstances of removals or the names of those removed compounded the problem. Due to a lack of oversight by the state, and perhaps, too, in order to ease the burden of state culpability for the already-confusing status of such fugitive or kidnapping cases, Wilkins argued that slave-owners, kidnappers, and the magistrates themselves all subjected victims to an “abominable traffic,” leaving victims’ families and allies to mourn.⁵³

By increasing the penalties on magistrates for facilitating unlawful removals, the Pennsylvania state legislature attempted to clarify the boundary between removals legal under Federal law and illegal kidnappings. By requiring better record-keeping, the state hoped to bring more order to removals. More importantly, legislators recognized what their colleagues on the federal level had already resisted in the national Congress; debates

⁵² Ibid.

⁵³ *Poulson’s Daily American Advertiser*, Jan. 25, 1820; *Franklin Gazette*, Jan. 21, 1820.

over the spread of slavery west into Missouri exacerbated the reality of kidnappers spreading slavery north by stealing free African-Americans in Pennsylvania. To support his case, Wilkins briefly cited the example of Peggy Ward. While the perpetrator, Peggy Ward, had served a brief one-year sentence for her crime, Wilkins lamented that the kidnapped girl faced a permanent and ongoing punishment in a foreign and violent place. Unlike Henry Hudson, she suffered the fate of most kidnapping victims: she was “gone and was never again heard of or seen.” Clearly the punishment did not fit the crime, in this case.⁵⁴

The “abominable traffic” cited by Wilkins, a fluid and contested traffic primed to explode in the nominally free and frayed border state of Pennsylvania, featured slave rescuers, kidnappers, and victims who passed back and forth between freedom and slavery with relative ease, but this did not render geographical borders entirely meaningless. Both legal fugitive slave retrieval agents and kidnappers used geographical borders to carry out their actions. Slave owners used the Federal law to pursue and protect their slave property, even across borders, thus rendering the idea of a non-slave state meaningless. In short, kidnappers and slave-owners understood borders as a means to an end; especially the former group, who as criminals by definition did not follow the law. Kidnappers used borders to smuggle people out of non-slave states, into slave states, where African American freedom was invisible and difficult to protect. Pennsylvania legislators were grappling with a Federal Constitution that required Pennsylvania to facilitate rather than obstruct the serious problem of how to protect African American

⁵⁴ Ibid.; On January 8th James Estep of Westmoreland County and Rees Hill of Greene Hill motioned that the house bring to justice those judicial officers known to ignore kidnapping; this motion was laid on the table, *House Journal, 1819-1820*, 232.

freedom in a legal regime that upheld slave owners' property rights even within the borders of the state, borders that served to protect kidnappers when they exited Pennsylvania with abducted African Americans. The roles of state and local legal officials, including magistrates, Aldermen, Justices of the Peace and constables in facilitating kidnappings and giving them color of law, were under debate at the legislature.

On January 20, Duane reframed the debate, arguing that corrupt Justices of the Peace reflected corrupt appointments made by a corrupt Governor: William Findlay, who had appointed 120 Justices of the Peace in the last year alone. Next, he acknowledged that while numerous people had complained about magistrates abusing free African Americans, the problem was not that these officials were actively supporting kidnappings, but that Pennsylvanians could do little in a context of the Federal constitution permitting fugitive slave removal from non-slave states. While Pennsylvania allotted Justices of the Peace the power to rule over matters up to the value of one hundred dollars, federal law asked Justices of the Peace to ignore due process of law and allow ex parte testimony (in which not all parties needed to be present at the proceedings, i.e. full faith in the words of agents who worked for slave owners) to determine the liberty or permanent slavery of African-Americans. Duane argued that, however unfair, the power to alter the 1793 Fugitive Slave Act lay vested with the national Congress. Yet while the act of Congress placed freedom or slavery in the hands of the magistrate, and provided "no check but conscience," the first article of section eight of the Constitution "did not contemplate the creation of justices of the peace, except in the district of Columbia, much less [than] authorize congress to confer power upon persons deriving

their authority from the individual states, and to them alone answerable for breach of duty.” Thus, only Pennsylvania could modify the duties performed by state magistrates in relation to fugitives from labor; an early clamoring for northern states rights. In short, while the federal Constitution required Pennsylvania to facilitate legal removals, Pennsylvania lawmakers agreed that the state could exercise its own power to determine who could participate in those removals. Rather than hazard African-American freedom or encourage unscrupulous Justices of the Peace, Pennsylvania politicians used the kidnappings of black Pennsylvanians as a way for state power to supersede federal power.⁵⁵

Conclusion

The house deliberated a few more times on the subject of kidnapping over the next two months to modify the wording of the provisions. Unfortunately, neither the records of these final debates survive nor do we know exactly which legislators voted for or against the act. Yet state representatives Wilkins, Duane, Thackara, and Randall, men whose political loyalties to Findlay stood counterpoised, in a way exercised a political brinkmanship in order to satisfy their own political agendas, by aligning themselves with the general antislavery tone of federal representatives, and perhaps only as an ancillary benefit, employing state laws to countermand, or at least overcomplicate, both the responsibility of Pennsylvania to deliver fugitives and the relationship between Federal guidelines outlining proper rendition and state laws that had the ultimate effect of

⁵⁵ *House Journal, 1819-1820*, 337-341; *Weekly Aurora*, Jan. 31 and Jul. 24, 1820.

protecting free African-Americans in Pennsylvania. Findlay signed “An Act to Prevent Kidnapping” into law on March 27. The first two provisions declared the kidnapping of “any negro or mulatto” a felony. Any person who “by force or violence” carried away “any negro or mulatto” for sale outside of Pennsylvania would be fined no less than \$500 and no more than \$2,000 “one half whereof shall be paid to the person or persons, who shall prosecute for the same, and the other half to this commonwealth.” Those found guilty faced a sentence of no less than seven and no greater than twenty year’s hard labor. In addition, anyone who knowingly sold “any negro or mulatto” out of Pennsylvania would be subject to the same fines and sentences. These harsh punishments designed to protect free blacks complemented the next provisions that threatened slaveholders who hoped to fast-track removals.⁵⁶

The last two provisions of the 1820 Act limited the power of Pennsylvania state officials. No Alderman or Justice of the Peace of Pennsylvania had the right to hear cases of fugitive slaves nor the power to grant any certificates of removal. Only state judges or recorders maintained their power to remove “any negro or mulatto claimed to be a fugitive from labor” and required said them to certify and record the “name, age, sex, and a general description of the person of the negro or mulatto.” By severely limiting the number and type of Pennsylvanian officials allowed to assist in fugitive retrieval under federal law and increasing the safeguards against illegal removals (i.e. recording the “general description” of the person to be removed), Pennsylvania legislators succeeded in crafting legal protections for free African-Americans in Philadelphia. Thus the 1820 act

⁵⁶ *House Journal, 1819-1820*, 341.; On this lack of debate, see *House Journal, 1819-1820*, 983, 987, 1069, 1081, 1088; *Franklin Gazette*, Jan. 24, 1820. In addition, some members used the opportunity to dredge up the issue of limiting black emigration, but the house laid these attempts on the table, *Franklin Gazette*, Jan. 21, 1820; *House Journal, 1819-1820*, 341; *Poulson’s American Daily Advertiser*, Apr. 8, 1820.

redefined Pennsylvania states' rights as a means to address the abuse of federal rights to enslave; that these rights mutually constituted each other meant that future battles over freedom and slavery would be waged in Pennsylvania.⁵⁷

Despite this victory, several tensions underlay African-American freedom in Pennsylvania. First, although Pennsylvania now had stronger protections for African Americans and limited the role of petty magistrates in upholding the Federal Fugitive Slave Act, state officials still had to find ways to honor the claims of slave-owners in neighboring states. Much like Pennsylvania's representatives in the national Congress, state legislators debated the "detestable traffic" of kidnapping and preferred to truncate rather than outright violate or fully deny the right of slave-owners to enslave within their own borders and pursue runaways in the North. Pennsylvanian politicians preserved interstate comity through allowing the 1793 Act to refine the 1820 act, and vice versa; as we will see, the dynamic and contested interrelationship of state and federal power through comity evolved through strife over the course of the Antebellum Era. Yet legislative actions depended upon bringing to light violations of African-American freedom, a mission embraced by the combined forces of ordinary blacks and their white allies in the PAS. Against heavy odds and by no means a linear nor teleological set of steps on the road to freedom, African-Americans and their allies pushed white politicians both to reconsider their states' relationship to the federal compact with slavery, and to reconstruct how Pennsylvania should resist kidnappers who passed freely over the border between freedom and slavery.

⁵⁷ Poulson's *American Daily Advertiser*, Apr. 8, 1820; John Codman Hurd, *The Law of Freedom and Bondage in the United States* (Boston: Little, Brown, and Company, 1862), 70-1.

CHAPTER 2

STREET DIPLOMACY, 1820-1826

Introduction

Constant exposure to dangers will breed contempt for them. -Seneca the Younger, *On Providence*

Ann Chambers left her house on Arch Street to go to work early one morning in September, 1822. No sooner had she arrived at the house of her employer James Beatty when three men burst through the door and dragged her out into the street. The men - John Weisener, Lewis Gale and James Clarke - threw her into a carriage and sped away to District Court Judge Richard Peters, Jr.'s residence outside of the city. Gale swore an oath to Peters claiming Chambers as the slave of a relative of his named Raisin Gale of Chestertown, Maryland. However, Chambers made "the most solemn assurance" to Peters of her freedom, and convinced him to contact the PAS Acting Committee. In the meantime, Peters confined Chambers to prison so that she could gather evidence of her freedom. As Chambers and the three men drove back toward the city, Gale began to waver about whether Chambers was in fact his relative's missing slave. He debated the matter with his colleagues, and eventually reasoned that he would use "promises and threats to induce her to say that she was the slave of some person, if not of said R. Gale." As the carriage approached the southern part of the city, Gale changed his mind again. He decided to leave Philadelphia entirely and told Clark to drive into town for him. The PAS noted that then "Clark proceeded down Arch street in the carriage and when it arrived near the house of the girl's residence, told her to dry her tears, wipe her face, and not tell any of the damned Quakers anything about his conduct or they would make him sweat for it." This unceremonious emancipation brought an end to a nightmare in which Ann

Chambers transformed from a free woman to an enslaved person to a kidnapping victim over the course of a few hours.¹

The trials of Chambers did not end with Clarke pushing her out of the carriage on Arch Street. The PAS pursued Clarke and Weisener and took them to court on the charges of assault and battery and attempted kidnapping. James Beatty also charged the men with trespassing when they pulled Chambers out of his house. *Poulson's* covered Chambers' story, and in doing so impugned Clarke's character. As a result, Clarke threatened to sue the paper for libel. Perhaps in response to *Poulson's* article, Clarke wrote the PAS in September 1822 stating that although he was a "Negro Ketcher" he "would go as far as any man" to establish the freedom of a kidnapped African-American. The day before Clarke and Weisener were to appear before the Mayor's Court, Clarke presented the PAS with a witness who swore that Chambers was a fugitive from a Baltimore slave owner. The PAS attempted to test the "degree of reliance" of the witness by placing him in a room with Chambers herself. The plan backfired when he immediately recognized her as the missing slave. The PAS switched gears and agreed with Clarke's offer to compromise: the PAS and Beatty would drop the charges against him in exchange for Clarke discontinuing the charge of libel against Poulson. The PAS also stipulated that Clarke pay \$200 toward emancipating Chambers within six months. However, Clarke moved from Philadelphia to Delaware by the end of 1822 and never paid for Chambers' freedom. Meanwhile Chambers remained in Philadelphia a woman neither free nor fugitive.²

¹ PAS 1.5, Sept. 24, 1822.

² According to the 1820 census Gale had seven slaves in 1820; Details of the Ann Chambers case also appeared in PAS 1.5, January 11, 1823. Interestingly enough, Clarke also cited the illegal dealings of the Cannon-Johnson gang in his letter to PAS. See PAS Papers Series II, Correspondence, Loose

The attempted removal of Ann Chambers in 1822 reflected the precarious nature of black freedom in Philadelphia. This chapter explores how the 1820 kidnapping law played out on the streets of Philadelphia. While Pennsylvanians believed that the 1820 law worked in tandem with the 1793 Fugitive Slave Act to root out false claims, prevent kidnappings, and protect African-Americans, the seizing of African-Americans after 1820 stimulated new crises. Now witnesses to the arrest of a supposed-fugitive had mere moments to decide whether to facilitate the procedure under federal law or disrupt the arrest under state law. Black Philadelphians and their allies manipulated this ambiguity through street diplomacy when they interposed themselves between slave-holders and kidnappers who profited the benefits of interstate rendition. “Street diplomacy” involved local ordinary people’s experiences with kidnappings and fugitive slaves, experiences that influenced the trajectory of legislation and legislators, and often intimate contests between freedom and slavery on the local level that heightened concerns over preserving the Union on the national level. African-Americans performed street diplomacy in a variety novel and improvisatory ways, including employing violence to resist arrest, using informal networks to organize escapes or rescues, and utilizing white allies. As a result of these efforts across Philadelphia, African-Americans forced the hand of slave-owners to take desperate measures to secure their enslaved property in a free state.

Historians typically cite how the failed removal of John Read in 1820 epitomized the continuing struggle for black freedom after the passage of the 1820 anti-kidnapping law. After explaining the Read incident, scholars then shift their focus primarily to what

Correspondence, incoming 1820-1863 (hereafter PAS 2.4), James Clarke to William Masters, September 17th, 1822; PAS member Isaac Barton contacted John Cummings of Smyrna, Delaware to see if he could find additional details about Chambers. The latter had nothing to report. See PAS 2.4, John Cummings to Isaac Barton, September 19th, 1822; PAS 2.4, James Clarke to Isaac Barton, January 20, 1823.

Stanley Harrold calls, “interstate diplomacy” or the debates over freedom, slavery, and comity between white politicians. The key element to this approach is that it shows how these diplomatic efforts failed to stave off border wars and eventually the Civil War itself. The merits of emphasizing the key role of Lower North states like Pennsylvania notwithstanding, the idea of “interstate diplomacy” lacks a clear analysis of how African-American “diplomats” dealt with the threat of removal and (re)enslavement, an essential perspective to understand the 1826 liberty law debates.³

Struggles at the street level and legislative debates mutually constituted each other. The cases discussed in this chapter provide a contextual backdrop to the ways in which the 1820 anti-kidnapping act functioned in practice. These cases reveal how blacks resisted the removal process by accusing slave-owners of kidnappings under state law and in doing so limited the ability of slaveholders to implement legal removal under federal law. Fed up with years of failed legal removals, the state of Maryland sent representatives to the Pennsylvania legislature in 1826 amend the 1820 anti-kidnapping

³ [Unknown Author], “What Right Had a Fugitive Slave of Self-Defence against His Master?” *The Pennsylvania Magazine of History and Biography*, Vol. 13, No. 1 (Apr., 1889), pp.106-109; William R. Leslie, “The Pennsylvania Fugitive Slave Act of 1826,” *The Journal of Southern History*, Vol. 18, No. 4 (Nov., 1952), pp. 429-445; Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850-1860*. (Chapel Hill: University of North Carolina Press, 1968), 1-25; Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North, 1780-1861* (Baltimore: Johns Hopkins University Press, 1974), 43-58; Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity* (Chapel Hill: University of North Carolina Press, 1980), 46-69; Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865*. (Lexington: University Press of Kentucky, 1994), 83-116; Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (Oxford: Oxford University Press, 2001), 205-230; Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill : University of North Carolina Press, 2010), 72-93; Richard S. Newman, "Lucky to be born in Pennsylvania': Free Soil, Fugitive Slaves and the Making of Pennsylvania's Anti-Slavery Borderland." *Slavery & Abolition* 32, no. 3 (September 2011): 413-430; H. Robert Baker, *Prigg v. Pennsylvania: Slavery, the Supreme Court, and the Ambivalent Constitution* (Lawrence: University Press of Kansas, 2012), 65-81; H. Robert Baker, "The Fugitive Slave Clause and the Antebellum Constitution." *Law and History Review* 30, no. 4 (11, 2012): 1133-1174; David G. Smith, *On the Edge of Freedom: The Fugitive Slave Issue in South Central Pennsylvania, 1820-1870* (New York: Fordham University Press, 2013), 87-114.

act. White and black abolitionists responded in kind, and dispatched their own emissaries to sway state lawmakers against undoing the 1820 anti-kidnapping act.

In this way African-American victims and opponents of kidnapping contested, blurred, and exposed the limits of state and federal law drove the legislative debates among white politicians over interstate comity. At the street level, however, comity became more of a contest between street diplomats, and appeared in the form of tense diplomatic standoffs between slave owners and African-Americans; the tension over slavery and freedom acutely felt by all parties in these mere moments could result in remanding one to perpetual servitude, arouse the fury of pro and antislavery mobs, or in some cases, both events could happen at the same time. The street diplomacy performed by slavers and their allies and African-Americans and their allies epitomized the dynamic relationship between slavery in a nominally free state and freedom in a blatantly slaveholding republic. Street diplomacy thus became, in the persons and actions of slave hunters and African-Americans, the local, spontaneous, and improvisatory contests over whether Americans would accept and respect slaveholder's guaranteed by the Constitution.

Pennsylvania Politics, 1820

Any discussion of Philadelphia street politics required acknowledging the inextricably intertwined nature not only of freedom and slavery in the city, but also how these contests over freedom and slavery influenced the scope of Pennsylvania state politics. Local and state politics could not avoid integrating the national debates over

slavery and freedom; seemingly microscopic fugitive crises in Philadelphia served as macroscopic reminders to all Americans of the stakes of American freedom. Thus, the gubernatorial election of 1820 between William Findlay and Joseph Hiester could not avoid the topic of slavery in light of the ongoing Missouri question and the passage of the kidnapping bill in March, 1820.

While slavery was not necessarily on the forefront of voters' minds in a down-economy – after all, the Panic of 1819 threw nearly 12,000 Philadelphians out of work and wages declined about 80% from 1816 to 1819 – Philadelphia newspapers displayed their candidate's experiences with slavery and African-Americans. In July, 1820 the pro-Hiester *Pennsylvania Gazette* claimed that Findlay still owned an enslaved woman named Hannah, whom he inherited from his father-in-law but never emancipated. The *Harrisburg Republican* and the *Franklin Gazette* denied this accusation and stated that “some informality” had prevented him from initially emancipating the woman but he nevertheless did as soon as he caught the error in the registry. The *Franklin Gazette* went further and published the manumission papers of “George,” an enslaved man the Governor inherited from his father and whom Findlay immediately manumitted in 1807. The newspaper even presented a table which compared the candidate's principles on this “great question” of slavery:

Hiester and Slavery VS Findlay and Freedom	
<ul style="list-style-type: none"> • Joseph Hiester voted to continue the <i>slave trade</i>. • He voted to continue the cruel practice of separating husband and wife, parent and child, <i>to any distance</i>, without their consent. • He voted against the punishment for <i>manstealing</i> and <i>selling</i> him into bondage. • He was a <i>slave holder</i> in 1804, and was probably a slave holder in 1788, and voted against the abolition law, because he wanted to retain the offspring of his slaves in slavery. • <i>Quere</i> – Is not Joseph Hiester at this time a slave holder? 	<ul style="list-style-type: none"> • In 1804, Wm. Findlay’s father purchased a slave, to prevent him from being taken out of the state. • In 1807, this slave had become the property of Wm. Findlay, the present governor, <i>who liberated him from bondage</i>, as will appear from the following manumission which shows the principles of Mr. Findlay, as tested by a sacrifice of his interest.

Hiester’s opponents also criticized his voting record in the state senate and the national Congress. As a state legislator he voted against the state’s 1788 abolition law, which among other provisions prevented enslaved husbands and wives, parents and children from being separated by more than ten miles and as mentioned before, penalized kidnappings. As a Congressman, Hiester initially avoided voting to restrict the further introduction of slavery into Missouri. The *Franklin Gazette* argued that these “cruel and unjust votes” should not exalt Hiester nor deliver him to the governor’s chair. To “trust such a man,” the paper warned, “would merit the loss of our character and our liberties.”⁴

⁴ *Franklin Gazette*, Jul. 19-20, Aug. 2, and Aug. 15, 1820; *Lancaster Free Press*, Jul. 6, 1820; *Weekly Aurora*, Sep. 25, 1820; John Codman Hurd, *The Law of Freedom and Bondage in the United States* (Boston: Little, Brown, and Company, 1862), 69-70; Cathy Matson, "Mathew Carey’s Learning Experience: Commerce, Manufacturing, and the Panic of 1819." *Early American Studies: An Interdisciplinary Journal* 11, no. 3 (2013): 477-478. It should be noted that Duane’s *Weekly Aurora* focused mostly on Findlay’s misconduct as state treasurer and governor. See for example the *Aurora* of Aug. 21, 1820 in which Duane lists twenty reasons not to elect Findlay, seventeen of which dealt with corruption.

Pennsylvania abolitionists saw no reason to divide these issues, and from May to June the PAS distributed 500 copies of the kidnapping bill, 750 copies of John Sergeant's speech in Congress on the Missouri Question, and 200 copies of an essay written by members Nicholas Cullin, William Atlee, and William Rawle which honored the "preserving and virtuous support" of justice from those Congressmen who voted to prevent the further introduction of slavery into Missouri. These documents circulated in and around Philadelphia and reminded voters of the link between protecting African-Americans at home in Pennsylvania and preventing the spread of slavery abroad in other states. Given both the razor-thin margin by which Findlay was elected governor in 1817 and the confusing set of political alliances across the state, both political campaigns presented a variety of different tactics to convince voters of the merits of their candidate.⁵

That October Pennsylvanians took to the polls in record numbers and elected Joseph Hiester by a mere 1,605 votes. Approximately 72% of the city and 53% of the county of Philadelphia voted for Hiester. Historians have pointed out that issues such as the caucus system, corruption and the economic depression contributed to Hiester's victory. Although those issues may have had a greater impact, the temporary flare-up of a politics of slavery spotlighted not only the candidate's positions and actions toward slavery, but also the positions and actions of African-Americans and their allies in Philadelphia. That politicians appropriated issues of kidnappings and fugitive slaves to fit their own political needs revealed how the politics of slavery, including the nature of debating black freedom, seeped into Pennsylvania politics.⁶

⁵ PAS Series 1.1 General Meeting Minute Book, Mar. 30, Apr. 13, and Jun. 29, 1820.

⁶ Bruce Irwin Ambacher, "George M. Dallas: Leader of the 'Family' Party," (PhD diss., Temple University, 1970), 29-30; Klein, 105-112, 408; Kim T. Phillips, *The Pennsylvania Magazine of History and*

Street diplomacy

African-Americans and their allies negotiated federal and state law by practicing street diplomacy. Unlike forms of comity that existed within the realm of white politicians, street diplomacy confronted ordinary people, white and black, with the dilemma of African-American freedom in Philadelphia. Those who attempted to seize African-Americans on the streets of Philadelphia forced witnesses to make a vexing choice: either interfere with a legal removal and face prosecution under federal law, or bear witness to a kidnapping under state law. Complicating matters further, African-Americans did not stand idle during these incidents, and instead employed a host of strategies to resist removals regardless of federal or state mandates. African-Americans utilized less aggressive forms of resistance, such as calling upon white allies who used legal means to prevent removal. These allies, often members of the PAS, relied upon secret networks of informants within the black community to alert them of potential kidnappings. These networks employed more aggressive forms of resistance, including often improvisatory rescue attempts. However, some individuals seized by slave-owners or potential kidnappers did not necessarily wait for those networks to assist them; rather, they freed themselves when given the slightest opening. Finally, African-Americans resorted to physical violence, rioted, and in one case, even killed those who attempted to remove them to slavery.

In an era when white politicians were slowly beginning to realize the inherent difficulty of ensuring black freedom in a slave republic, interstate diplomacy between

Biography, Vol. 95, No. 3 (Jul., 1971), 363-382; Philip S. Klein and Ari Hoogenboom, *A History of Pennsylvania* (University Park: Pennsylvania State University Press, 1980), 133.

white diplomats seemed like a viable solution to ensuring interstate comity. The historian Stanley Harrold outlined the numerous efforts made by what he termed “interstate diplomats” to stave off the fugitive slave question in the hopes of maintaining peaceful interstate relations. Attempts by the Pennsylvania state legislature to compromise with Maryland for perceived injustices originated not through the plight of slave-owners but rather through street diplomacy, where African-Americans and their allies participated in negotiating and defying the laws of slavery on the streets. These cases remind historians of the need to sketch in finer detail the mysteries and miseries of the Philadelphia fugitive slave crisis given the limited availability of archival evidence. Like many ambitious interpretations, these relatively-unknown accounts beget their own historicity by presenting the flummoxing and messy reality of freedom and slavery, a unity-of-opposites that bonded local, state, and national politics.⁷

John Davis

The first kidnapping case tried under the 1820 Act occurred not long after the Pennsylvania gubernatorial election. In September the Acting Committee received word from informants that a black man named John Davis living by the banks of the Schuylkill River had a child in his possession “under very suspicious circumstances.” Four committee members immediately rushed to the man’s house and after “some difficulty”

⁷ Martin Heidegger, *Being and Time*, trans. Joan Stambaugh (Albany: State University of New York Press, 1996), 17-23.; Carol White, “Heidegger and the Greeks,” in *A Companion to Heidegger*, ed. Hubert Dreyfus and Mark A. Wrathall, (Oxford: Blackwell Publishing Ltd., 2005), 121-140, esp. 127-129. Harrold, *ibid.* Thank you to Randall Miller for encouraging me to emphasize the importance of understanding the “finer” detail of these cases.

found the man with the child. Davis identified himself by a number of aliases and could not explain why he had the child without contradicting himself. The Acting Committee decided to take the man before Alderman Samuel Badger because “the child, who was a remarkably sprightly little fellow could give no precise account of himself.” However, when Davis appeared before Badger he complained of being sick, so Badger discharged him. The seemingly arbitrary release of Davis pointed to how randomness guided the course of the kidnapper. His victim remained in custody: the committee placed the child in the almshouse.⁸

The next day Acting Committee members Caleb Carmalt and Samuel Mason, Jr. went to interview the child “more particularly.” He said that his name was James Bowser and that he liked to play with a “lame boy” named Henry Hutchinson who lived near Shippen and George Streets. The Acting Committee members asked several residents of that neighborhood if they knew either of the two boys. Bowser’s mother soon appeared and they escorted her to the almshouse where she was reunited with her son. Davis was arrested and taken to the Mayor’s court to answer for the “atrocious” crime of kidnapping a five-year old boy to sell as a slave. On October 27th the court found Davis guilty and sentenced him to seven years hard labor and fined him \$500. A writer known simply as “M” communicated to both *Poulson’s* and the *National Gazette* that he hoped the punishment would have the “salutary effect” of deterring further kidnappings. To this latter point, newspapers in Connecticut, New York, and Washington, D.C. also published details of the Davis case, the final paper headlining the story as “A Warning to Kidnappers.” Issuing warnings to kidnappers also alerted potential African-American

⁸ PAS 1.5, Sept. 18, 1820.

victims and encouraged them to act vigilant towards their own freedom and protect themselves.⁹

While the 1820 act succeeded in punishing Davis for kidnapping, threats from both within and outside the black community in the guise of attempted arrests empowered African-Americans to conflate kidnapping events with their legal counterpart, fugitive slave removal. Davis' initial release by Badger showed how arbitrary choices played a role in kidnapping and anti-kidnapping efforts, too. Both forms of removal incidents always contained an element of mystery which forced the pursuer, accused, and bystander to make spur-of-the-moment and often violent decisions.

John Read

A lack of faith in Pennsylvania's ability, or perhaps any American's ability, to protect its residents inspired an African-American named John Read to employ one surefire method to elide the confusing circumstances involving would-be slave-masters and kidnappers: he armed himself. In December 1819 Read escaped from his master, Samuel Griffith of Baltimore, and relocated to West Chester, Pennsylvania, where he found work as a farmer. Almost a year later on December 14th, 1820, Griffith, his overseer Peter Shipley and two other men made their way to Read's house "on the business of taking the black." The group demanded that Read open the door, prompting a stiff refusal from the latter. While the men argued, Read placed a large cider barrel on his side of the door to prevent a break-in. After pounding on the door for some time the

⁹ PAS 1.5, *Ibid.*; *Poulson's American Daily Advertiser*, Nov. 4, 1820; *National Gazette*, Nov. 8, 1820; *Albany Gazette*, Nov. 14, 1820; *Connecticut Gazette*, Nov. 15, 1820; *Washington Gazette*, Nov. 21, 1820.

men outside grabbed a nearby rail and lifted the door off of its hinges. The door fell over the cider barrel, and Read shouted, “It is life for life!” Griffith quickly entered the house holding two loaded pistols and ran face-first into the flashing muzzle of Read’s musket; Griffith died instantly. Shipley rushed in next, only to be met with repeated sharp blows from Read’s “oaken club.” With one dead man, another mortally wounded man sprawled out in his house, and the other two running for their lives, Read went to a neighbor’s house to tell them what had happened. Read claimed that he did not know who they were, and assumed (like his neighbor) that they were kidnappers “as there were handcuffs found at the door.” Lying to maintain his fugitive freedom, Read killed two men.¹⁰

Read went to trial twice for murder. In May 1821, the judge told the jury that Griffith was a kidnapper according to the 1820 law only if they found that Griffith and company did not plan on taking Read to a judge for a certificate of removal prior to taking him to Maryland. The jury thus instructed they found Read not guilty of murdering Griffith as he had acted in self-defense of his liberty; perhaps here the jury privileged Read’s status as a Pennsylvania resident (albeit a fugitive status) over the rights to retrieval exercised by Griffith and company, i.e. slave-hunting interlopers. In November 1821 Read came before Judge Darlington for the murder of Shipley. A writer for the *West Chester Village Record* claimed that “it appeared sufficiently clear that Read was the child of Muria, formerly an African queen, recently a slave” and had no proof of his manumission. Mr. Duer, speaking on behalf of the Commonwealth, contended that Griffith had a right under the law of Congress to seize Read “at any time and place, and

¹⁰ “What Right had a Fugitive Slave of Self-Defence against his master?” *Pennsylvania Magazine of History and Biography*, Vol. 13, No.1 (Apr., 1889), 106-109; *Poulson’s American Daily Advertiser*, Dec. 25, 1820.

at any hour.” Read resisted the arrest, and by doing so, proved that he knew Griffith as his master and not a kidnapper. By making this distinction, the prosecutor for the state of Pennsylvania’s offered a crucial point: the 1820 act applied only to kidnappers, and not masters who intended to claim their runaway slaves. In this rendering, Read and other African-Americans like him in Pennsylvania became trapped by their drive for freedom: if they resisted arrest, the law viewed them as an enslaved person; if they went willingly with the slave-master, they condemned themselves to slavery: a unity of enslaved opposites. Darlington modified the prosecution’s terms in a lengthy discourse on the 1820 kidnapping act, and explained how the previous judge erred in their interpretation. In sum, a master could not be penalized for legal removal, even if there was no “conclusive proof” that Read knew that his master or overseer came to his door to remove him. Finally, although Darlington advised the jury to disavow Read’s neighbor’s testimony that Read confessed to beating “the deceased ‘till he thought him quite dead,” they found Read guilty of manslaughter and sentenced him to nine years in the penitentiary.¹¹

Antislavery activists had hoped that the 1820 act would prevent everyone, including masters from retrieving fugitives in Pennsylvania. While masters possessed “legitimate” claims to runaway slaves, the 1820 law could be implemented by African-Americans on the street in such a way as to make the slave-owners appear as attempted kidnappers, and therefore, illegal. In short, African-Americans implemented the 1820 law to transform legitimate slave-masters into kidnappers. The significance of the Read

¹¹ *The Berks and Schuylkill Journal*, Dec. 1, 1820; *Poulson’s American Daily Advertiser*, Dec. 25, 1820; Leslie, 434. On the trappings of black masculinity and enslaved resistance, see François Furstenberg, “Beyond Slavery and Freedom: Autonomy, Agency, and Resistance in Early American Political Discourse.” *The Journal of American History* 89:4 (March, 2003), 1295-1330.

incident lay not only within the fact that judges and juries were willing to distinguish between legitimate and illegal removals, but more importantly how in the face of removal African-Americans who thought that they could plead plausible deniability when confronted with their former masters or those sent in their stead forced judges and juries into making such a distinction in the first place. African-Americans who practiced street diplomacy pushed the issues and freedom and slavery in Pennsylvania and in the process proved how white jurists who, vexed with runaway slaves, their masters, and potential kidnappers, had by no means the final say on the legality of a removal attempt.

“Hezekiah Cooper”

Two years after the Read trial another case wore away at the protections of the 1820 Act. In 1823, Marylanders “Mr. Corbin” and Peter Case seized in Huntington County, Pennsylvania a black man who identified himself as a free man named Hezekiah Cooper. The basis for the arrest depended upon a witness who stated that Cooper told them that he was in fact a slave to Edward Williams, a Maryland slave owner. Instead of following the protocol of the 1820 law, i.e. bringing Cooper before a Pennsylvania judge, Corbin and Case instead placed the man in jail at Hagerstown, Maryland. As a result agents for the Commonwealth of Pennsylvania arrested Case for kidnapping Cooper. Case claimed that Cooper belonged to a major Edward G. Williams of Washington County, Maryland, and that the fugitive’s real name was Peter Berry. Williams valued Berry at \$800, and paid Case and Corbin to retrieve the man. The pair found Berry living under the assumed named of Hezekiah Cooper, who in reality was a free black man who

died sometime prior. A unique form of passing: that sometimes free or freed blacks who passed away in Pennsylvania “passed-on” their freedom to living African-Americans still susceptible to enslavement or kidnapping. Berry’s counsel argued that the 1820 Act did not distinguish between whether the kidnapped person was a free person or a slave; the crime “was the same” in both cases, and thus Case deserved the harshest punishment under the 1820 law: a \$2,000 fine and twenty-one years imprisonment.¹²

The presiding judge Charles Huston’s interpretation of the case exposed flaws in the 1820 anti-kidnapping act. He disagreed with the Commonwealth’s understanding of that act and went further to instruct the jury to disregard the antislavery precepts of such a claim. To Huston, all that mattered in this case were the “laws” of the land – namely, the 1780 act for gradual emancipation of slavery in Pennsylvania, the 1788 anti-kidnapping act, the 1793 fugitive slave law, and the 1820 anti-kidnapping act - all of which protected owners who sought fugitives in Pennsylvania and ironically, free blacks themselves. Section 9 of the 1780 act gave owners the right to “demand, claim, and take away his slave or servant;” section 3 of the 1788 act forbid the illegal removal of slaves from the state, and section 7 of that act punished the kidnapping of free blacks. The 1793 law outlined the procedure by which owners could claim their slaves, and as a supplement, Tilghman’s ruling in *Wright v. Deacon* stated that no state could revise this federal procedure. Like Tilghman before him, Huston claimed that interstate comity depended upon “every good citizen” of Pennsylvania aiding owners in reclaiming their slaves. Huston asserted that the 1820 act only modified the 1788 punishment for kidnapping free African-Americans by increasing the penalty from \$75 to \$1,000. Yet he hinted such a

¹² *Niles’ Weekly Register*, Dec. 1, 1821, 214; *Niles’ Weekly Register*, Oct. 2, 1824, 79.

punishment was too harsh. A writer for *Niles* pleaded for Pennsylvania to repeal or modify that provision “for the sake of peace and harmony” between Pennsylvania and Maryland, thus anticipating how fugitive slaves and kidnappings portended disunity and exacerbated comity. In reality, Huston stressed how the 1820 act upheld prior state, federal, and judicial precedents on retrieving fugitives, and explicitly recognized that no “no part of [the 1780 act] is repealed or *altered* [emphasis in original]” – including the fateful words of the 11th section, that slave-owners have the right “to demand, claim and take away his slave or servant” in Pennsylvania.¹³

Both the testimony regarding Berry admitting to his former enslavement as presented by the defense and Huston’s interpretations of state and federal law regarding fugitives slaves ensured that the jury would find Case not guilty of the crime of kidnapping. At first glance this ruling reinforced and in a way expanded the power of the 1793 Fugitive Slave Act to the detriment of the 1820 act. Huston argued that a slave could and should be removed at once without recourse to a judge if they “did not *pretend* to be free [emphasis in original].” Caught in a paradoxical bind similar to that John Read, African-Americans who pretended to be free were to be treated as slaves, and those who did not pretend to be free were also to be treated as slaves; both left little wiggle-room for black freedom in Pennsylvania. Slave-owners who came to Pennsylvania needed only to present a certificate of removal from their home state, an extraterritorial document that maintained interstate comity. However, when the fugitive claimed their freedom, they must abide by the 1820 law and appear before a judge. Thus, because Berry admitted to

¹³ *Niles Weekly Register*, Oct. 2, 1824, 79; John Bioren, *Laws of the Commonwealth of Pennsylvania: Volume II* (Philadelphia: John Bioren, 1810), 443-446.

his enslavement, Corbin and Case had the power to transport him to Maryland without going to a Pennsylvania judge.¹⁴

African-Americans in Philadelphia understood the lesson exposed by the case of Peter Berry alias Hezekiah Cooper when they practiced diplomacy on the streets, a bitter lesson fraught with all the tensions and contests inherent in the relationship between freedom and slavery. Not only did claiming one's freedom lay at the heart of street diplomacy, but enacting that claim meant making any attempted legal seizure appear like a kidnapping. Injecting plausible deniability into chaotic street battles over slavery and freedom gave the African-American community the strength and confidence to riot against would-be captor and enlist further aid (if necessary) from white allies. Street diplomacy in Philadelphia after the passage of the 1820 law meant interfering with both the federal compact to compromise on the slave issue and the peaceful relations between white politicians in slave and free states.

Ezekiel Freeman

In March 1821 a Marylander named Solomon Lowe arrived in the city to retrieve an escaped slave named Ezekiel Freeman. Lowe, William Flint and a man known only as "Dardin," perhaps a local Philadelphian, seized Freeman on the streets of Philadelphia. United States District Attorney Charles Ingersoll, who along with his father Joseph frequently represented southern masters who travelled to Philadelphia searching for their slaves, advised the Lowe to abide by the 1793 law and take the Freeman to the residence

¹⁴ Ibid.; See also *Wright alias Hall v. Deacon*, 5 Sergeant and Rawle 62.

of the city recorder, Joseph Reed, and in sense, restore order to the situation. However, Reed had made plans for the weekend and postponed the case until Monday.¹⁵

While Lowe went to visit with a friend, he left Freeman in the possession of Flint and Dardin. The trio walked down Spruce Street when two African-American men who happened to pass by the procession stopped and asked then what were they doing with Freeman. The interposition of these African-Americans street diplomats forced Flint and Dardin to quickly answer answered that Freeman was a runaway and must be kept in custody until a judge would hear them. Soon two other “gentlemen” appeared on the scene and along with the African-American men insisted that Flint and Dardin needed to take Freeman before a magistrate and obtain a warrant before meeting with a judge. The two men agreed and proceeded to Alderman Abraham Shoemaker. However, in heeding this advice Flint and Dardin bought Freeman valuable time and allowed the black and white bystanders to gather together and plot his escape. Soon Lowe rejoined the trio, but as they neared the Alderman’s office they saw that a large crowd awaited their arrival. Finding that the alderman had gone to dinner, Lowe and the other men decided to wait on the office doorstep. With their backs to the crowd, the trio formed a human shield in front of Freeman and waited patiently for Shoemaker’s return.¹⁶

Meanwhile, several African-Americans, possible the pair who spread the word of Freeman’s initial arrest, ran and informed Quaker Isaac Hopper of the situation. Hopper

¹⁵ Irwin F. Greenberg, “Charles Ingersoll: The Aristocrat as Copperhead,” *The Pennsylvania Magazine of History and Biography*, Vol. 93, No. 2 (Apr., 1969), pp.190-217; See also Larry Tise, *Proslavery: A History of the Defense of Slavery in America, 1701-1840* (Athens: University of Georgia Press, 1987), 250-254; L. Maria Child, *Isaac T. Hopper: A True Life* (Boston: Jewett and Company, 1860), 185-186; Daniel E. Meaders, ed. *Kidnappers in Philadelphia: Isaac Hopper’s Tales of Oppression, 1780-1843* (New York: Garland, 1994), 203-206.

¹⁶ Child, *ibid.*; Meaders, *ibid.*; *National Gazette*, Jan. 1, 1824. Although Hopper took the witness stand, the *Gazette* does not mention him nor the “Irishman”; Samuel Mason also served as one of the secretaries for the PAS from 1823 to 1827.

appeared on the scene and asked Lowe, “Who can tell whether he is thy slave or not? What proof is there that you are not a band of kidnappers? Dost thou suppose the laws of Pennsylvania tolerate such proceedings?” When Lowe turned around to argue with Hopper he inadvertently created a small opening in the wall of slave-hunters, which gave Freeman all the space he needed to escape; so he did. Lowe and his men shouted “Stop thief!” and along with the crowd, quickly ran after him. According to Hopper an Irish man joined Lowe’s group and secured Freeman. Hopper persuaded the Irishman to empathize with Freeman as a slave “running for his liberty” and not a thief. The man obliged and proceeded to throw Freeman’s captor to the ground. Off Freeman ran once again, this time into the shop of watch-maker and PAS Acting Committee member Samuel Mason, Jr. who hastily locked the door just as Lowe, Flint, Dardin, and the rest of the crowd reached the entrance. Freeman escaped out the back door of the shop and was never recaptured. Mason opened the door to Lowe, who asked him for Freeman. Mason replied, “He is not on or about my premises, and I do not know where he is.”¹⁷

The seizure, pursuit, and rescue of a fugitive like Freeman in broad daylight was a familiar sight to Philadelphians. For example, two years later a large group of free African-Americans armed with wooden clubs attacked law enforcement officials and rioted outside the county courthouse in 1824 to rescue another man arrested as a fugitive; their efforts failed, however. Recorder Reed fined the two ringleaders and sentenced them to prison for one year. Reed believed that such a punishment both respected “the rights due to the citizens of other States” and operated “as an example [to] convince the coloured population of this city, of the danger of any interference with the execution of

¹⁷ Ibid.

the laws of the Union.” In a similar way, Freeman’s escape provoked questions regarding both means of assisting fugitives and the responsibilities of Pennsylvania to slave-masters.¹⁸

Fugitive slave retrieval begat street diplomacy and disorder on the local level and reflected the difficulty of federal officials to make sweeping national dictums that satisfied free Americans and slave-masters. Lowe sued Mason for the loss of Freeman before Judge Richard Peters, Jr. of the federal Eastern District of Pennsylvania in June, 1822. In a lengthy decision, which in many ways reflected in a nutshell the southern position on federal powers that protected the rights of slaveholders, Peters reiterated that while Pennsylvania abhorred slavery, this feeling did not justify ignoring the rights of neighboring slave states. Retrieving escaped slaves represented “the great ligament” of interstate comity that bound together not only Pennsylvania and Maryland, but all the states of the Union. The 1793 Fugitive Slave Act remained crucial to this bond between the states, and Lowe’s seizing of Freeman in Pennsylvania enacted the phenomenon of diplomacy on the streets, regardless of the antics that surrounded the event. “Any other construction,” Peters remarked, “would render the [1793] act of congress a dead letter.” Furthermore, although Peters believed that only Congress had the power to legislate a safe space for slave-owners to confine seized fugitives for a “reasonable time,” he also acknowledged that Pennsylvania must uphold the 1820 anti-kidnapping act. If “we are equally bound to guard against abuses attempted to be practiced under [the 1793 Act]” Peters argued, Pennsylvania should, “from a sense of justice and legal obligation, restore those of an opposite character.” However, Mason “knowingly and willingly” disrupted

¹⁸ National Gazette, Sept. 9, 1824 and Jan. 27, 1825.

interstate comity through his improvisatory actions within the realm of street diplomacy, namely, when he used the pretense of the 1820 act to violate the 1793 act. Peters fined him \$500 for Mason's split-second decision to lock the door, which allowed Freeman to escape his supposed-kidnappers.¹⁹

Mason's actions represented the last stage of what Peters called the "violent and intemperate conduct" of black Philadelphians: namely, their efforts to resist legal removal when attempting to rescue Freeman through street diplomacy. These unnamed African-Americans had no problem violating the 1793 act and in Peters' words, spared "no means in their capacity and power to dry [the fugitive's] tears." First, as street diplomats, the unnamed African-American men who questioned Lowe interposed and demanded explanations as to the status of Freeman's freedom. Second, a few more nameless black Philadelphians utilized a well-known resource anti-kidnapping resource in the person of Isaac Hopper. Third, the crowds that assembled in front of Shoemaker's office distracted and intimidated Lowe to the extent that the slave-owner forged a human barrier to prevent rescuers from seizing the seized man, Freeman. Peters condemned this spectacle as a sop to sentimentality over Constitutionality, in that "naturally and sympathetically colored people crowd around the victim, and do not 'let the stricken dear go weep.'" Ultimately, the street diplomacy of ordinary African-Americans and their allies showed how the 1820 Act played out on the streets of Philadelphia: they facilitated the escape of Freeman from potential bondage as he slipped out of the backdoor of Mason's shop to resume his fugitive freedom.²⁰

¹⁹ *Easton Gazette*, Jul. 27, 1822.

²⁰ *Ibid.*

Mason's travails did not end with the hefty \$500 fine. He appealed Peters' ruling on a writ of error and in October 1822 went before the Circuit Court for the Eastern District of Pennsylvania, presided over by Bushrod Washington. Washington reversed Peters' decision through what amounted to semantics. He cited a strict construction of Section 4 of the 1793 act, namely, the portion that identified the actual moments when a person obstructed the law: "that any person who shall knowingly and willingly obstruct or hinder such claimant, his agent, or attorney, *in so seizing or arresting* such fugitive from labor, or shall rescue such fugitive from such claimant, his agent or attorney, *when so arrested* pursuant to the authority herein given and declared [emphasis added]."

Washington understood this language to mean that one could only obstruct the seizure before or during an arrest, and not after the claimant made the arrest. Once a claimant initiated the arrest, Washington argued, "no subsequent obstruction, whilst the custody continues, although it should afford an opportunity for an escape or be a restraint upon the free will of the claimant, can constitute the offence of obstruction, or hindrance mentioned in the fourth section of the act." In addition, if a claimant desisted in making the arrest and abandoned "all attempt to make a new seizure" they could not then charge an outside party with obstruction. Washington's hyper-technical argument asserted that Mason indeed obstructed Lowe, but obstructed him outside the scope of the act: not before or during but "after" Lowe and his group made the arrest. He also obstructed Lowe when he did not immediately allow him to enter his shop; but after Mason opened the door, Lowe made the decision not to pursue Freeman any further, thus abandoning his claim. As a result, Washington sent the case back to Judge Peters in the district court.

Semantics and decisions made in mere moments mattered, especially because these words and choices dictated the success of a fugitive slave or slave-master.²¹

The parties reconvened in the District Court in Philadelphia during the November 1823 sessions. At stake at this third trial were two intertwined questions: how would Pennsylvania protect claimants who hoped to retrieve their human property, and since obstructing claimants depended upon mere moments, how could Pennsylvanians protect fugitives in a lawful manner? More importantly, the fear of unlawful retrieval, i.e. kidnappings, imprinted itself into the entire process of answering these questions. Within each legal pursuit contained the seed of illegal action: bystanders to street diplomacy had only moments to decide whether the removal they were witnessing was legitimate, illegitimate, or both.

National political figures provided legal counsel for both sides, which in a way revealed the gravity that such fugitive cases held in their political worlds. Charles Ingersoll and his brother Joseph represented Lowe. They claimed that Mason hindered and obstructed the pursuit of Lowe's property. Despite only lasting a few moments, Mason unlawfully harbored Freeman before allowing him to escape. PAS attorney John Sergeant acted as legal counsel for Mason and retorted that his client had no connection with the crowd chasing Freeman and locked the door to protect his property; that Freeman's freedom was by this point actualized by Freeman himself did not factor into courtroom discussions. Ironically, in protecting his property from the crowd, Mason

²¹ Hill v. Low, case no. 6,494, Circuit Court, E.D. Pennsylvania, 12 F. Cas. 172; 1822 U.S. App. Lexis 406; 4 Wash. C.C. 327, October, 1822, Term.; *National Gazette*, Jan. 1, 1824.; Salmon P. Chase, *Reclamation of Fugitives from Service: An argument for the defendant, submitted to the Supreme Court of the United States, at the December term, 1846 in the Case of Wharton Jones vs. John Vanzandt* (Cincinnati: R.P. Donogh and co., 1847), 18-20.

protected the supposed property of Lowe, which allowed Freeman to seize the moment and render himself a free man. Sergeant also explained that Lowe never gave Mason notice of his pursuit, and thus could not be held liable to assisting him retrieve his slave. The Ingersolls argued that Mason should have presumed Freeman to be an escaped slave, and claimed that Lowe had contacted Mason previously to ask for his assistance in retrieving Freeman. Peters agreed with the Ingersolls that clearly Mason received notice. Furthermore, Peters argued that this notice under the 1793 Act superseded Mason's right to prevent Lowe from entering his shop, not to mention the fact that Mason eventually opened the door for Lowe. Yet even though Peters admitted that "no person is legally bound, however from comity it may be done, to assist in arresting a slave," in reality, the presumptive right of a claimant like Lowe to enter a shop or dwelling after giving notice forfeited the right of a defendant like Mason to protect themselves, their non-human property, or those they presumed free.²²

Overzealous slave-owners, free state bystanders, and African-Americans whose future hung in the balance were beholden to what Peters called the "transaction of a moment" to enforce, modify, or break either a state law that prohibited kidnappings or a federal law that permitted removal; these options demarcated as well as terrorized African-American freedom in Philadelphia. Unfortunately, the jury did not decide the case within a few moments, let alone a few hours. They met and debated for five days before asking Peters for a discharge, which he granted. It appeared that a man named Benjamin Thaw represented the lone hold-out in the jury room; he declared that "he

²² *National Gazette*, Jan. 1, 1824; Child, 185-186; The 1820 census listed Lowe as owning ten slaves; the 1830 census listed him as owning nine. 1820 and 1830 United States Census, accessed through *Ancestry.com*.

would eat his Christmas dinner in the jury-room, before he would consent to such a flagrant act of injustice.” Somehow Thaw convinced his fellow jurors to acquit Mason in November 1824; Lowe, meanwhile, was rumored to have gone bankrupt as a result of the case. The success of increasing fines for kidnappings under the 1820 law obscured the fact that the law was by definition difficult to enforce, as a multiplicity of variables, improvised, legal, or otherwise, often prevented a clear-cut distinction between supporting slave-owners rights or the rights of African-Americans in Philadelphia, and thus, the 1820 act revealed fragility of a half-slave, half-free Union.²³

Richard Lockwood, Caleb Davis, and Joseph Wilson

Other less publicized cases of failed removals illustrated how Philadelphia blacks constantly struggled for freedom in a city that presumed their fugitive status. According to the Acting Committee records of the PAS, the “notorious” slave-owner Richard Lockwood of Middletown, Delaware seized a man named Caleb Davis on Christmas day, 1821. Following federal protocol, Lockwood brought Davis before City Recorder Joseph Reed and told him that Davis had escaped from him fourteen months prior. Lockwood’s attorney pressured Reed to confine Davis in jail, which he did. After five days imprisonment, the PAS and several black witnesses spoke on Davis’ behalf and proved that he had lived in Philadelphia for more than a year and a half. Reed released Davis from jail but no charges were brought against Lockwood for this case of mistaken identity.²⁴

²³ *National Gazette*, *ibid.*; Child, *ibid.*

²⁴ PAS 1.5, Jan. 10, 1822.

Lockwood returned to Philadelphia in May, 1822 to hunt down another fugitive and therefore precipitate another serious bout of street diplomacy. A “serious struggle” took place at 5am on May 8th in which Lockwood, two Philadelphia constables, “and others” attacked an African-American man named John Stanley alias Joseph Wilson on Market Street. Wilson pulled a knife and stabbed Lockwood and one of the constables in the head. The group overpowered Wilson, bound him, and then dragged him to a tavern a few blocks away. The men shoved Wilson in an awaiting hack and drove to Belmont Mansion, home of federal District Court Judge Richard Peters, located on the outskirts of the city six miles away. Lockwood and other slave-owners went directly to Peters’ house not only to obtain a federal certificate removal, but also clear themselves of kidnapping charges, and avoid further resistance from blacks within Philadelphia. Interestingly, Peters’ affiliation with the PAS appeared to have little bearing on Joseph Wilson’s freedom. After a brief examination the judge bound himself to the interests of interstate comity, in other words, legal removal, and issued a “passport” to Lockwood to take Wilson. Lockwood vowed to sell Wilson, and maybe even his family, further south once he returned to Delaware. Here Lockwood’s threat reminded participants of the multigenerational stakes of freedom and slavery; re-enslaving or kidnapping had the potential to keep a person and their descendants in permanent bondage.²⁵

Philadelphia’s black community sprang to action during and immediately after the attack on Wilson and implemented a host of street diplomatic strategies on the ground

²⁵ Joseph Wilson was listed as a laborer in the 1822 Philadelphia Directory; PAS 1.5 June 22, 1822; PAS Papers Series 5.36, Miscellaneous, Assorted Materials (undated), [Narrative and] Subscription list for “the purpose of redeeming a coloured man named John Stanley, alias Joseph Wilson, his wife and their children from slavery.”; The PAS “supposed” that Ann Chambers’ kidnappers planned to take her to Peters’ house. See PAS 1.5, Sept. 24, 1822 and also Sept. 25, 1827.

level that for all intents and purposes worked to enforce the 1820 Act. The “desperate struggle” that erupted on Market Street involved bystanders who assisted Wilson, namely, Wilson’s wife. Even though Mrs. Wilson was by all accounts a free woman, the PAS believed her and her children to be “liable to seizure” by Lockwood. While Lockwood and his associates drove off with Wilson to Peters’ house, Mrs. Wilson quickly apprised both her husband’s employers and the PAS of the situation. Having received the certificate to remove Wilson, Lockwood demanded \$400 for his freedom. Wilson’s employers advanced \$200 and the PAS recruited subscribers to pay the other \$200 “for which their liberty was purchased.” Thus, local support for Lockwood and the rousing response by African-Americans and their allies – in other words, the street diplomacy of these contested moments - reflected how Philadelphia street politics of freedom and slavery bound the slaver and supposed fugitive to the national dilemma of asserting one’s freedom in a slaveholding regime.²⁶

Charles Anderson

On September 4th, 1822 Captain Benson of the schooner *Mary Ann* offered several African-American men work as sailors aboard his ship. One man, Charles Anderson, had worked for Benson in the past and like the others accepted Benson’s proposal. Although Anderson grew suspicious when Benson told him that they would sail

²⁶ PAS members Isaac Barton, Joseph Pyle, Dillwyn Parrish, and Thomas Shipley put forward funds. Other subscribers included Isaac Jones, Thomas Yardley, William Yardley, and P.S. Bunting; “James Fortune” appeared in the subscription list and may have in fact been wealthy African-American sail maker James Forten, as neither the 1820 census nor the 1822 Philadelphia directory listed anyone with that name. PAS 1.5, June 6, 1822; PAS Papers Series 5.36, Miscellaneous, Assorted Materials (undated), [Narrative and] Subscription list for “the purpose of redeeming a coloured man named John Stanley, alias Joseph Wilson, his wife and their children from slavery.”

for Savannah later that day, he joined the other men aboard the *Mary Ann* because Benson still owed him wages for his prior service. Once aboard, Benson refused to pay Anderson and immediately ordered the crew to untie the boat from the wharf and set sail down the Delaware River. Benson reassured Anderson and the others that he would let them off near South Street. However, the vessel showed no sign of stopping once it passed the South Street wharf. Somehow Anderson or one of the other men alerted bystanders at the dock, and told them to dispatch a vessel to rescue them before the *Mary Ann* reached open sea. Perhaps realizing that such a rescue would take too long, street diplomatic efforts became nautical: Anderson and another man jumped off of the ship and swam to the South Street Wharf, while a few of the other African-Americans aboard the ship commandeered a small boat attached to the *Mary Ann* and sailed for the Point House, located safely on the southeastern corner of Passyunk.²⁷

By this point the African-American community had already informed Acting Committee members Joseph Rowland and Thomas Hale of Benson's kidnapping attempt. Rowland and Hale procured a stagecoach and drove to Wilmington, Delaware to intercept Benson and rescue his "cargo." When they reached Wilmington the next day, the collector of the port Colonel Allen McClane gave them authority to search the *Mary Ann* if and when it appeared in port. In the meantime, one of the abolitionists (the manuscript does not specify) traveled to Newcastle to investigate whether the vessel, Benson, or the kidnapped African-Americans reached the city. The other PAS member recruited an "officer" to man a barge and pursue the *Mary Ann* in the waters surrounding Wilmington. Neither PAS search and rescue mission succeeded, of course, for Anderson

²⁷ PAS 1.5, Nov. 8, 1822; William Bucke Campbell, *Old Towns and Districts of Philadelphia* (Philadelphia: City History Society of Philadelphia, 1942), 115.

and his fellow black shipmates cum potential kidnapping victims had rescued themselves the night before.²⁸

Thomas Shipley interviewed Anderson shortly after his aquatic escape from Benson. In Shipley's opinion Anderson was not the victim of an attempted kidnapping, and asked Isaac Barton to call off Rowland and Hale's search. That Shipley viewed Anderson's dilemma as illegitimate spoke not only to Shipley's experience as an abolitionist but also to the internal dynamics of white abolitionists trying to determine legitimate kidnappings: whatever Anderson presented to Shipley did not fit what Shipley considered the typical profile of a kidnapping victim. Regardless of Shipley's thoughts on the matter, Barton interviewed Anderson and another unnamed African-American man who boarded the *Mary Ann*. Both men asserted that Benson told them to hide below deck when leaving the wharf in Philadelphia. Anderson "positively refused to do so under a belief that it was the Capt.'s intention to confine him them." Barton concluded that Benson intended to kidnap the men as his "integrity could not in all ease [be] depended upon." Even worse, given the unknown whereabouts of Benson or his vessel, the odds of catching him seemed improbable at best, so Barton instructed Hale and Rowland to return to Philadelphia. Benson and his victims were never heard from again.²⁹

African-Americans participated in street diplomacy when they resisted slave-owners and would-be kidnapers after the passage of the 1820 act. Attempts to remove supposed fugitives forced bystanders to make spur of the moment decisions to abide by

²⁸ According to the 1822 *Philadelphia Directory* Joseph Rowland worked as an iron merchant; he joined the PAS in 1822 and served as a delegate to the American Convention. Thomas Hale was a broker and joined the PAS in 1819. PAS, *Centennial Anniversary of the PAS* (Philadelphia: Grant, Faires, and Rodgers, Printers, 1875), 63-64; 1822 *Philadelphia Directory*; PAS 1.1, 12-28-1821; PAS 1.5, 11-8-1822; PAS 2.4, Isaac Barton to Joseph Rowland and Thomas Hale, September 5th (noon), 1822.

²⁹ PAS 2.4, Isaac Barton to Joseph Rowland and Thomas Hale, September 5th (noon), 1822; Isaac Barton to Joseph Rowland and Thomas Hale, September 5th, 1822.

state or federal law; a difficult and at times, unavoidable choice given how African-Americans and their white allies acted as street diplomats to interpose and conflate legal removals and kidnappings. These incidents, violent or otherwise, allowed antislavery forces to spring into action in order to interpose and qualify mandates regarding fugitives. These actions had political consequences. When participants in such incidents appeared in court, Pennsylvania judges hoped to distinguish between federal and state law, and in the cases of John Read and Ezekiel Cooper, reinterpreted and weakened the scope of the 1820 act. By 1826, the 1820 anti-kidnapping law had become a dead letter, as far as accusing slaveholders of kidnapping was concerned. Regardless of this turn of events, street diplomacy functioned as a means to question and combat slavery in Pennsylvania. At the local level, African-Americans and their allies focused their energies on bringing to light cases from their experiences with street diplomacy that might attract the attention of national political figures, and thus, reenact the contested nature of freedom and slavery in Pennsylvania.

The 1826 Liberty Law Debates

White politicians struggled to make sense of kidnappings of free blacks in Pennsylvania while at the same time preserve peaceful interstate relationships. In light of the passage of the 1820 anti-kidnapping law and numerous incidents involving slave-owners and African-Americans, Marylanders insisted that Pennsylvania aid in recovering runaway slaves. In 1821 the Maryland state legislature first took its case to the national Congress and requested for that body to demand Pennsylvania to devise new legislation.

However, their assertions failed to gain traction in the House of Representatives and were laid on the table. As William R. Leslie wrote, “it had become apparent that Congress was not at that time the proper arena in which to improve legislation on reclaiming runaways.”³⁰

As no federal fugitive slave case presented itself in federal court, inaction at the national level forced Maryland to take their protests to the Pennsylvania state legislature. However, the PAS preempted Maryland and enlisted Thomas Shipley to draft a letter to Governor Hiester imploring him to interfere on the behalf of “individuals kidnapped and held in slavery,” and not slave-owners looking for runaway property. Shipley urged Hiester to strengthen the 1820 law and declare his “determination...to arrange and reward the detection of these atrocious offenders” that came into Pennsylvania to kidnap free blacks. Hiester also received a letter in March 1822 from Maryland Governor Samuel Sprigg, “respecting the encouragement given to, and harboring and employing negroes absconding from this state.” Sprigg went so far as to attach two resolutions from the Maryland state legislature on the matter. Hiester delivered the letter to the Pennsylvania House of Representatives and asked that they adopt measures to “prevent the evil complained of.” In response, the PAS drafted a memorial the next year (1823) that noted that while the 1793 Act proved “abundantly sufficient” for owners to retrieve their property, “every man is presumed to be free, until it is duly proved that he is a slave, as every man is presumed to be innocent till legal proof of his guilt.” While the group respected the rights for their “sister state” under the federal Constitution, the PAS and

³⁰ William R. Leslie, “The Pennsylvania Fugitive Slave Act of 1826,” *The Journal of Southern History*, Vol. 18, No. 4 (Nov., 1952), 435-6; *American State Papers*, 17th Congress, First Session, No. 506 “Recovery of Fugitive slaves” Dec. 17, 1821.

their African-American allies believed that Pennsylvania alone possessed the right to modify existing legislation regarding kidnappings.³¹

The Maryland state legislature formed a delegation to visit with the Pennsylvania state legislature in early 1826. Maryland Governor Joseph Kent explained in a letter to Pennsylvania Governor Andrew Shulze in January that these interstate diplomats hoped to address “the immense losses sustained by the citizens of [Maryland] by the absconding of their slaves, and the great difficulties experienced in recovering them.” The delegation, comprised of State Senator Ezekiel F. Chambers and State Representatives Archibald Lee and Robert H. Goldsborough, first met with the Delaware state legislature in December 1825, where they secured a stronger fugitive slave law that made preventing rendition a crime. Pennsylvania need not “disgrace” itself like Delaware, according to the *Genius of Universal Emancipation*, by pleasing this delegation. Asserting the liberating potential of Pennsylvania made the state unique; tethered to a national compact that bound freedom to slavery made the state of Pennsylvania, in many ways, similar to any other state in the Union.³²

The Maryland commissioners arrived in Harrisburg on February 2nd, 1826, accompanied by the Philadelphia judge Richard Peters, who hoped that he could learn

³¹ Interestingly enough, several Maryland state legislators had been rebuffed while trying to retrieve their slaves in Pennsylvania see Jeffrey R. Brackett, *The Negro in Maryland: A Study of the Institution of Slavery*, (Baltimore: N. Murray, 1889), 87; *Easton Gazette*, Jul. 20, 1822; The *Baltimore Patriot* viewed the “the laws relating to runaway negroes appear to be defective” and demanded the interposition of the state legislature, *Baltimore Patriot*, Jan. 25, 1822; George Edward Reed, ed. *Pennsylvania Archives, Fourth Series, Volume V: Papers of the Governors*, (Harrisburg: Wm. Stanley Ray, 1900), 371-373; PAS 1.5, Apr. 4, 1821; PAS Series 1.1 General Meeting Minute Book, May 14 and Dec. 27, 1821 The PAS also contacted Hiester because they lacked the funds to track down kidnapping victims see PAS Series 1.1 General Meeting Minute Book, Mar. 29, 1821 and Feb. 28, 1823; PAS Series 5.1, PAS, to his Excellency, Joseph Hiester, Governor of the State of Pennsylvania, 1821.

³² Pennsylvania Archives Ninth Series, volume 8, 6403; H. Robert Baker, *Prigg v. Pennsylvania: Slavery, the Supreme Court, and the Ambivalent Constitution* (Lawrence: University of Kansas Press, 2012), 76; Pennsylvania Archives, Fourth Series, 627-629; *Genius of Universal Emancipation*, Feb. 18, 1826.

how to cultivate their “merits and talents” toward aiding the free people of color in Pennsylvania. Peters’ role as a federal judge lent the imprimatur of federal responsibility toward upholding peaceful relations between states, in a word, his accompanying slave-owning Marylanders preserved the Union. He found the Marylanders to be humane and sympathetic to Pennsylvania blacks, and even stated that one could find no “firmer or more ardent friends to the abolition of slavery in the United States, upon proper and *constitutional* principles.” A writer to *Poulson’s* who identified themselves as “Stoney Point” rebuked the arrival of the Maryland agents, and questioned why Pennsylvania legislators greeted the commissioners with such “pomp and circumstance.” As “the Representatives of the Freeman of this Commonwealth,” legislators ought not to enmesh the dignity of Pennsylvania with “some *dark policy*” that granted slave owners “greater security to their property *in the flesh and blood of men!*” These mixed opinions demonstrated how interstate diplomacy between white politicians conjured comfort and caution over asserting black freedom in Pennsylvania.³³

The Maryland agents presented their fugitive slave bill to the Pennsylvania state legislature on February 2nd. The proposed bill authorized claimants to file an affidavit with any Justice of the Peace in Pennsylvania in order to procure a warrant. This warrant entitled the claimant to the aid of constables to bring the supposed fugitive back to the Justice of the Peace, whose summary judgment could issue a certificate of removal. These provisions obviously worked to the detriment of the 1820 act, which prevented Justices of the Peace from drafting any certificates of removal. The bill also revived the

³³ *Easton Gazette*, Feb. 25, 1826; *Poulson’s*, Feb. 13, 1826; Here I make use of Stanley Harrold’s terms “interstate diplomats/diplomacy.” See Harrold, 72-93. All italicized quotes in the paragraph are from the original emphasis in the text.

idea of a pass system which had floated around the legislature for a number of years. African-Americans travelling without a pass or clear account of their freedom were to be put in prison.³⁴

The sixth provision of the bill punished those who obstructed any part of the rendition process with a fine of \$500 to \$1,000 and three to twelve months in prison. This provision served multiple purposes. First, it hoped to protect slave owners and their agents (whether “assistants” from the south or constables from Philadelphia) from bodily harm and prevent assaults during rescue attempts. Second, the bill transferred the 1820 fine directed toward constables or Justices of the Peace who issued removals to the rescuers themselves. Finally, the threat of a heavy fine and a prison sentence preempted blacks and whites who might claim plausible deniability when they witnessed the seizure of a supposed-fugitive on the street. In sum, the sixth provision sought to both render powerless and place the burden of recapture on those Pennsylvanians most likely to participate in such an action, ordinary blacks and their white abolitionist allies who engaged in street diplomacy.³⁵

Proponents of the bill praised the “highly respectable gentlemen” from Maryland and believed that their proposal “would be humane to the slave; enable the Maryland owner to recover his property in a peaceable and legal manner; prevent the scenes of outrage and tyranny which often occurred in the capture of colored person[s] within our borders, and protect the sovereignty and the feelings of Pennsylvania from violation upon such occasions.” Richard Peters seemed convinced that the bill did not stray from the purview of Pennsylvania’s responsibility to the Constitution. Besides, he pointed out,

³⁴ *National Gazette*, Feb. 14, 1826.

³⁵ *Ibid.*

better to place a fugitive under “guardianship and protection of one of our officers” than deliver them to a master “excited to resentment.” However, Peters failed to acknowledge that Pennsylvania officers employed violence in the first place to retrieve said fugitives, especially local officials like Justices of the Peace and constables who willingly helped slave-owners.³⁶

Opponents of the bill remarked that Philadelphians “have witnessed extraordinary things within the few years past” but even they were surprised by the audacity of the Maryland bill. Clearly, the sixth section interfered with “just and humane interposition,” i.e. those rights possessed by both black and white Pennsylvanians who hoped to disrupt a “groundless” arrest or detention on the streets of Philadelphia. Critics remarked that the proposed bill opened “a door for Kidnappers to seize on one class of our free and equal citizens.” “J.G.” wrote in *Poulson’s* that the new bill represented a “mistaken courtesy” toward Maryland because Pennsylvania already obeyed the 1793 FSA and furthermore crafted its own anti-kidnapping bill in 1820. In addition, although Marylanders hoped to recover runaways legally, the bill made it “*much easier for unprincipled men to kidnap and drag away free blacks* [emphasis in original].” The kidnapping of one free black by a “mercenary man-stealer” under the new bill represented a greater affront to Pennsylvanians than if Maryland failed to retrieve “a single runaway.” Finally, “VERITAS” wrote an open letter to *Poulson’s* that contained a dark prophecy should Pennsylvania accept the Maryland “slave bill.” He promised readers that in the not-so-distant future they would stand as “idle spectators” to slave-owners seizing “any poor black” in broad daylight; “a freeman like ourselves, borne off triumphantly,” forced

³⁶ *Baltimore Patriot*, Feb. 4 and Feb. 8, 1826; *Easton Gazette*, Feb. 25, 1826.

southward, and “doomed to Slavery and bondage that will only be terminated by death.” Pennsylvanians needed to prevent this stark scene from becoming a “sad reality” – erring on the side of caution, VERITAS highlighted the reality that the 1820 Act failed to solve what was truly a national political crisis: fugitive slave retrieval.³⁷

The introduction of the bill served as a clarion call for Philadelphia’s African-Americans and their white allies, those who over the course of the previous six years improvised and found new ways to fight for comity on the streets: black and white abolitionists, but especially the former group, displayed their willingness to teach white politicians about the politics of street diplomacy in the state legislature itself. Not only did black Philadelphians send memorials “praying that no further legislative act may be passed relative to run-away negroes,” African-American community leaders Richard Allen and Stephen Gloucester ventured to Harrisburg, where the pair cornered Jonathan Roberts (then a state senator). Allen interrogated Roberts with a relentless barrage of questions and opinions, perhaps mentioning his own experiences with slave catchers in Philadelphia. Regardless of Allen’s enthusiasm (or maybe because of it), Roberts believed that Allen remained “entirely ignorant” about the bill. Allen’s aggressive attitude toward him forced Roberts to reassure his wife that “he kept the fanatics in check” while the MD delegation stayed in Harrisburg. That proslavery or at the very least pro-Union northern politicians would term the African-Americans who advocated for their own freedom in-person in Harrisburg as the effrontery of “fanatics” subliminally put blacks and their white allies on the subversive side of contemporary political thought, one that cherished peaceful relations between the free and slave states. Nonetheless, the

³⁷ *National Gazette*, Feb. 11 and Feb. 14, 1826; *Poulson’s American Daily Advertiser*, Feb. 14, 15, and 16, 1826.

presence of African-Americans in Harrisburg served as visual reminders to Pennsylvania legislators and the Maryland agents just whose freedom was in danger.³⁸

The news of the recent kidnappings of black children in Philadelphia sparked further controversy in the midst of the 1826 debates. Mayor Joseph Watson received multiple letters from Mississippians John Hamilton and John Henderson in early January and coincidentally (if not outright purposely) published the missives in several Philadelphia newspapers. Henderson wrote that Ebenezer Johnson offered to sell them three boys and two girls the previous fall. Johnson was brother to Joseph Johnson and a relation of Patty Cannon, and worked with the notorious “corp[s] of little negro stealers” in Delaware. No doubt the mere mention of the Cannon-Johnson gang incited black Philadelphians and their white allies, for after all, the 1820 anti-kidnapping bill featured one of the gang’s victims: Sarah Hagerman’s daughter. Certainly the PAS and black delegations to Harrisburg cited cases like these when they, in the words of PAS member Thomas Shipley, “enlighten[ed] the minds” of state legislators and Maryland commissioners alike during their stay in Harrisburg. After a series of letters back and forth between Watson, Hamilton, and Henderson, the Mayor advised the Mississippians to take custody of the children and ensure their safe passage back to Philadelphia (these cases are discussed further in chapter three).³⁹

³⁸ Jonathan Roberts to Eliza Roberts Feb. 27, 1820, Letters 1815-1832, Jonathan Roberts Papers, Historical Society of Pennsylvania; *National Gazette*, Feb. 14, 18, 20 1826.

³⁹ *Poulson’s American Daily Advertiser*, Feb. 13, 1826; *American Sentinel*, Feb. 15, 1826; John Henderson to Joseph Watson, Jan. 2, 1826, Joseph Watson Papers, Historical Society of Pennsylvania; PAS Papers Series 2.4, Correspondence, Loose Correspondence, incoming, 1820-1863, Joseph Watson to William Rawle, Jul. 4, 1826; Jesse Green to Joseph Watson, Mar. 12, 1827, Joseph Watson Papers, Historical Society of Pennsylvania; Thomas Shipley to Joseph Parrish, Feb. 16, 1826, Cox-Parrish-Wharton Papers, Historical Society of Pennsylvania.

At the same time Allen and Gloucester made their appearance in Harrisburg, the PAS held emergency meetings on February 10th and 11th in Philadelphia to draft a memorial to the state legislature. Although PAS President William Rawle declined the offer to be part of a PAS delegation to the state capital, he advised that the memorial object to the Pennsylvania legislature “enforcing and even extending the provisions of a law of the U.S. in favour of a subject so revolting to us.” The memorial incorporated Rawle’s advice and asked several questions revolving around the issue of comity. Why must Pennsylvania “do more than submit to the execution of those Laws with the Government of the Union may think proper to establish?” pondered the memorialists, and why Pennsylvania must “join...with the slave holding States, in concurrent acts of legislation on this subject?” Furthermore, did not the 1820 act remedy actual abuses by corrupt officials and make “more inroads” amongst ordinary Pennsylvanians “than the present state of things can possibly make upon the pecuniary interests of the people of Maryland?” The PAS also expressed disgust at the provision which addressed interfering with recovery, not only because it represented an important weapon in their street diplomacy arsenal, but also because it “might make benevolent individuals the companions of convicts.” Similarly, if Pennsylvania asked the slave states to participate in a trade “obnoxious to them,” the slave states would decline. Maryland slave owners had no right to dictate state policy to Pennsylvania, nor did they have the right to further implicate Pennsylvanians in facilitating the “odious traffick” of the growing domestic

slave trade. In sum, the PAS memorialists called upon politicians to redouble their efforts to preserve a Union being bound closer and closer to slavery.⁴⁰

The legislator who worked the hardest to resolve this impasse was William Meredith, a recently-elected state representative from Philadelphia City. Meredith received letters from prominent Philadelphians who weighed-in on the matter of how best to protect Pennsylvania blacks from kidnapping. PAS member Roberts Vaux warned Meredith that the infamous sixth provision would “never be submitted to by the freemen of this Commonwealth,” and if the bill passed as stated, might result in the arrest of abolitionists like Vaux. His point was that as street diplomats, African-Americans and their white allies were willing to disrupt any type of removal and as a consequence, face arrest. While Vaux avoided outright condemnation of the 1793 Act or the Constitution, he did not shy away from asserting northern states’ rights when he asked Meredith, “Is this state bound to legislate for the South on this hateful matter? I say no: the law of Congress may have its course throughout Pennsylvania [and] we will do nothing to impede it, but in the name of Mercy spare us from the disgrace of lending such assistance to the merciless slave keeper and dealer in human flesh and rights.” White abolitionists like Vaux struggled to respect an interstate comity that clearly favored slave state interests to the expense of Pennsylvania’s state rights.⁴¹

Meredith’s father William informed his son that the “most violent” opposition to the bill in the city came from “uninformed” individuals like Vaux and his allies.

⁴⁰ PAS Papers Series 2.4, Correspondence, Loose Correspondence, incoming, 1820-1863, William Rawle to PAS, Feb. 10, 1826. PAS Series 1.2 General Meeting Minute Book. Feb. 11, 1826; *National Gazette*, Feb. 14, 1826.

⁴¹ Meredith defeated Josiah Randall by 78 votes in a special election for Philadelphia City representative held January 17, 1826, *National Gazette*, Jan. 19, 1826; Robert Vaux to Stephen Duncan and William M. Meredith, Feb. 9, 1826.

Furthermore, the “public feeling being so strong” in Philadelphia prevented the elder Meredith from debating the finer points of the Constitution or the 1793 Act with the bill’s opponents, many of whom remained rooted in “absolute ignorance.” This group astonished him when they insisted that they were “not bound by the Const. [and] consequently not by the Act of Congress to do anything in order to give [the 1793 act] effect.” Such a strident remark by abolitionists, one tantamount to the collapse of the Union itself, showed both how these activists worked with their black allies and practiced street diplomacy in Philadelphia, and more importantly, how high the stakes of abolitionism had risen as early as 1826. Finally, while he counseled patience toward the “hurricane” unleashed by the delegation from Maryland and the radical anti-kidnapping proponents in Philadelphia, Meredith’s father hinted that abiding by this “general sentiment” might render an “expedient” solution.⁴²

Richard Allen did not mince words in his letter to Meredith: the passage of the fugitive bill would be “bad.” Allen explained how a few years prior a Maryland slave-owner came to Philadelphia, recruited a city constable, claimed him as a fugitive slave, and brought him before Alderman Alexander Todd. Fortunately for Allen, Todd knew him to be a free man, having lived as a “neighbor” of Allen’s for the last sixteen years. The slave-owner “supposed that he was mistaken” and offered Allen one-dollar for his trouble, which the latter refused. Allen also commented on the timing of the incident itself. The slave-owner and constable waited until dusk to seize him in order to prevent Allen from “calling upon any of [his] friends” to disrupt the arrest, whether nearby African-Americans, white abolitionists, or both. A similar occurrence happened in recent

⁴² William Meredith to William M. Meredith, Feb. 13, 1826, Meredith Family Papers (HSP).

weeks, Allen explained in his letter, when a county constable arrested a man on his way to work, claimed him as a fugitive, and imprisoned him several hours. However, “finding that spectators began to get numerous,” the constable conceded to the street diplomacy of the moment and gave the supposed-fugitive five dollars and released him. To Allen and other Philadelphia blacks, those who practiced street diplomacy, not only did slave-owners and kidnapers straddle the line between legal and illegal removals, they were one in the same.⁴³

A stentorian practitioner of street diplomacy, Allen made it clear to Meredith that while these incidents appeared to have a happy ending, they were in fact anomalous. His larger point was that all blacks in Philadelphia faced the threat of having their freedom questioned by slave-owners and thus could be kidnapped relatively easily on an everyday basis. He drew Meredith’s attention to Watson’s open letter on the kidnappings of black children in *Poulson’s*, and stated how “we” – i.e. the black community and their allies – “frequently receive letters from Kentucky, Alabama, New Orleans, etc.” In other words, kidnapping victims traversed the Union, visiting numerous waystations of the internal slave trade before arriving at the terminus of the growing cotton economy in New Orleans. The incoming correspondence to the PAS lent credence to Allen’s claim. Barely a month earlier Allen received a letter from Adam Brown of New Orleans informing him that a woman named Hettey Gibbins, also of New Orleans, owned a girl who claimed to be from Philadelphia. This girl told Brown of her father’s affairs in Philadelphia, and noted how a minister Glasgow frequented her parent’s house. Brown begged Allen to send proof of the girl’s freedom but to be careful with whom and how he sent the

⁴³ Richard Allen to William M. Meredith, Feb. 14, 1826; Hopper, 69-73.

documents to prevent them from “being destroyed” in transit. A year earlier, slave-owner Robert Layton of New Orleans wrote James Forten regarding an African-American boy named Amos from Philadelphia who had been sold to him illegally as a “slave for life” sometime in 1825. In December 1825 Layton delivered several letters from Amos’ father in Philadelphia and assured Allen that he would do nothing to prevent the boy from “obtaining his Liberty.” When Layton needed to travel to New York on business, he took the precaution of paying for Amos to stay in jail for safe-keeping. With Layton out of the state, Amos hired a lawyer to represent him and attempt to free him in a New Orleans court. When Layton returned, he strongly advised Amos against this “injurious” course of action, yet the boy seemed inclined to follow the murky motives of his new legal advisor. Layton pleaded with Forten, who as a “friend of this boy, and as a man,” to convince Amos of Layton’s advice and “the claims I have on him in equity and justice” to prevent Amos’ trial and possible re-enslavement. It is unclear whether Amos ever received the help from Forten, and whether he decided to try his luck and free himself in the slave state of Louisiana.⁴⁴

One wonders of the countless other tales of woe that resulted from the inability of Pennsylvanians and Pennsylvania law itself to prevent kidnappings. If the Maryland bill passed, Allen speculated that “five freemen to one slave” would be taken from Pennsylvania and sold south. Ultimately, Allen asserted that “it is unknown to you how many depredations are committed upon our race by persons from the South.” Allen wrote

⁴⁴ Richard Allen to William M. Meredith, Feb. 14, 1826; PAS 2.4, Adam Brown to Richard Allen, Jan. 15, 1826; Robert Layton to James Forten, May 5, 1825.

under his signature that he “represented a large body of Coloured persons,” each of whom experienced the unpredictable nature of living while black in Philadelphia.⁴⁵

Meredith presented a compromise package to the Pennsylvania state legislature on February 13th. He preserved the punishments for “the infernal crime of kidnapping” as well as the 1820 provision which prevented petty magistrates from enforcing the 1793 Fugitive Slave Act. More importantly, Meredith addressed Maryland’s plea to revive the role of state officials in assisting with fugitive seizure on the state level. He argued that allowing claimants to apply with a warrant returnable only to a judge ensured “equal protection” to African Americans. This provision modified the 1793 law which allowed “any person...without oath, warrant, or officer” to seize an African-American and bring them before a judge “under pretense of [them] being a fugitive slave.” Meredith justified the new provision with a strict construction of the phrase “shall be delivered up” within the 1793 Act: “A paramount power may come and *take* him, but surely it is the *State* alone that can possibly “*deliver him up.*” Since only Pennsylvania could “deliver” fugitives, Meredith asserted that his proposal maintained state sovereignty through its own removal process, ensured harmony with Maryland slave owners, and protected free blacks from “arbitrary seizure” within the state. Meredith hoped his bill would make the federal law “fall into comparative disuse” because only legitimate claimants would go through the complicated state process rather than risk seizing a fugitive without the state and thus being charged with the crime of kidnapping.⁴⁶

Legislators reconvened on the 14th to discuss Meredith’s speech and other potential amendments. Likewise, PAS members Thomas Shipley and Caleb Carmalt went

⁴⁵ Richard Allen to William M. Meredith, Feb. 14, 1826.

⁴⁶ Leslie, 438, Baker, *Prigg v. PA*, 78, *National Gazette*, Feb. 23, 1826; Morris, 50-1.

to work polling and conversing with “most prominent members of the House.” Shipley and Carmalt were part of the aforementioned, now joint PAS-Quaker delegation sent to Harrisburg to suggest amendments to the bill “as to make it worse for slave holders than no bill at all.” The “Quaker” amendment suggested by this group would repeal Section 11 of the original 1780 “Act for the gradual abolition” because it contradicted that act in that it allowed any slave-owner “residing in any state or county...the right and aid to demand and claim” any runaway in the state. The second suggested amendment disallowed the oath or evidence of the owner or other interested party during a fugitive slave hearing. Instead, the agents or attorneys of the claimant would need a certified affidavit from their place of residence. The efforts of Shipley and Carmalt proved successful as the final proposal contained these two amendments. Emphasizing the geography of slavery and the porous nature of Pennsylvania borders, the combined abolitionist forces, including African-Americans who squared off face-to-face with white Pennsylvania legislators, struck a chord with Meredith, whose influence among his Democratic colleagues, many of whom came from Philadelphia County as well as other counties that bordered Maryland, allowed these same legislators to cross party-lines in a Democratic-controlled house and senate vote for the new kidnapping law. The bill passed the Pennsylvania house by a vote of 44-39 on February 15th and Pennsylvania Governor Andrew Shulze signed it into law on March 25th, 1826.⁴⁷

⁴⁷ Leslie, 440-443; While a record of the vote does not survive, 77 Democrats and 23 Federalists presided over the Pennsylvania House of Representatives during the 1825-1826 session, which indicated that legislators crossed party lines to vote for the bill; similarly, the composition of the state Senate (27 Democrats to 6 Federalists) required legislators to cross party lines and vote 16-12 in favor of the kidnapping bill. See Morris, 46 ft. 19, 51 and Wilkes University. “The Wilkes University Election Statistics Project.” Accessed Feb. 4, 2017. <http://staffweb.wilkes.edu/harold.cox/legis/>; *National Gazette*, Feb. 18 and 23, 1826; Thomas Shipley to Joseph Parrish, Feb. 16, 1826, Cox-Parrish-Wharton Papers (HSP).

The 1826 act changed the 1820 anti-kidnapping act in numerous ways. First, rather than simply “an Act to prevent kidnapping,” the new act, entitled, “An Act to give effect to the provisions of the constitution of the United States, relative to fugitives from labor, for the protection of free people of color, and to prevent kidnapping,” emphasized the struggle and overlap between northern states’ rights, federally-sanctioned fugitive removal, and illegal kidnappings. Much-like their colleagues at the national level, Pennsylvania politicians confronted southern demands with a nod toward an evolving defense of northern states’ rights to antislavery actions instead of outright abolition; interstate comity held too strong of a grip on such questions, thus perpetuating the dilemma of free states in a slaveholding republic. Abolitionist groups, black and white, reiterated the basic concern of street diplomacy: that African-American freedom was a freedom made and not begotten, subject to questioning, harassment, and violence, and ultimately, incoherent and insecure. Making matters worse, even the best efforts to secure freedom for “legitimate” kidnapping victims could and did fall flat in the face of the combined forces of southern slavers, local anti-black groups, and wary northern judges. Second, although both acts prohibited state officials from issuing removals under the 1793 act, the 1826 act now permitted state officials to issue removals under state law and thus favored slaveholders’ rights by increasing the number of Pennsylvanians who could legally participate in fugitive removal. Just as significant, this amendment also modified federal retrieval and portended future questions regarding black freedom in a nominally free state and slaveholding republic. Third, the 1826 act hoped to stave off kidnappings by threatening state officials with a heavy fine (not coincidentally the same assigned to kidnapping free blacks) if they failed to make a record of a removal. Fourth, in a clear

nod to both the PAS and more importantly, the experiences of Philadelphia's black community, the 1826 act disallowed slave-owner testimony. So while blacks in Philadelphia still remained responsible for defending their own freedom, slave-owners would not have the final word on their (re)enslavement.⁴⁸

Conclusion

The case studies in this chapter reveal how the force and efficiency of the 1820 Act ebbed and flowed not unlike the fraught and precarious freedom experienced by African-Americans in Pennsylvania in general and Philadelphia in particular between 1820 and 1826. Street politics facilitated and exacerbated contests over freedom not only at the local level, but state and national levels, too. Slave-owners and would-be kidnapers traveled to Philadelphia to hunt African-Americans and in doing so, exercised their rights under the federal Constitution; state politicians like Meredith displayed only enough clout to reach a legislative détente with the Maryland delegation: no clear picture of free soil Pennsylvania emerged when these state politicians passed the 1826 Act. Despite their best efforts, African-American and their white allies understood the inextricable links street diplomacy made between the local, state, and national politics of freedom and slavery. The combined improvisatory actions of black and white abolitionists – rescues, court cases, and the lives of the supposed fugitives themselves – brought street diplomacy to the fore: their physical movement as abolitionist delegations

⁴⁸ Francis J. Troubat and William W. Haly, *A digest of the acts of Assembly of Pennsylvania: passed in the sessions of 1824-5, 1825-6, 1826-7, 1827-8, and 1828-9, with an appendix containing the acts passed in 1829-30. With notes of judicial decisions* (Philadelphia: Robert H. Small, 1830), 105-111.

from Philadelphia to their notable physical presence state capital – especially an African-American presence - addressed the contests over slavery and freedom that were at-once local, state, and national concerns.

In sum, these white and black abolitionists resisted removal in a variety of ways by practicing street diplomacy. First, the 1820 act allowed African-Americans and their allies to purposefully conflate instances of legal retrieval with kidnappings. Second, disrupting the removal process forced bystanders and slave-owners to make risky choices, namely, whether they could or should honor federal or state mandates. Third, street diplomacy thrust battles over freedom and slavery onto Pennsylvania courtrooms and more importantly, the neighboring slave state of Maryland. African-Americans' strategic use of street diplomacy precipitated interstate diplomacy between Maryland and Pennsylvania, forcing the latter state to dispatch interstate diplomats to the Pennsylvania legislature. The fact that the debates over the 1826 act passed as a compromise meant not only that northern politicians listened to those African-Americans and their allies who sought protection from illegal and legal removals, but also that black freedom still represented an ongoing question rather than an assumption - perhaps especially - in Pennsylvania.

CHAPTER 3

FUGITIVE FREEDOM IN PHILADELPHIA, 1826-1833

Introduction

“You have asked me to give a history of the motives which induced me to undertake the late insurrection, as you call it--To do so I must go back to the days of my infancy, and even before I was born.” -Nat Turner, *The Confessions of Nat Turner*

Six-year-old Eli Harman wandered along south Philadelphia’s wharves on his way home from school in the spring of 1826. Seeing a boat attempting drifting toward a nearby wharf, Harmon ran to tie the vessel’s rope to the dock. As he leaned over to pick up the rope, hands seized him, put a gag in his mouth, and took him below deck of a waiting vessel. The boat sailed to Maryland where the kidnappers sold Harmon to a man named John Martin, who “kept [Harmon] at work for some time bear headed [sic.] and half naked till the sun burned his skin so yellow that he was able to sell him.” Slave traders sold Harman two more times that summer before Lewis Wimberly of Bibb County, Georgia purchased him. Harmon explained his story to an anonymous Bibb County resident who wrote the Pennsylvania Abolitionist Society (PAS) asking for their help. An anonymous person from Gibb County met the boy and wrote the PAS on July 25th, 1826: “Tho’ I know not your name,” the letter began, “I have taken the liberty to write to you on a subject that ought to concern every man that [possesses] one spark of humanity.” The writer stated that Harman claimed to have lived on Water Street in Philadelphia with his family. He gave the names of a few family members and knew that his father William worked as a ship carpenter for a “Capt. Grot.” The writer remained doubtful that the boy came from Philadelphia, but nevertheless instructed the PAS to have an account of Harman published “so that his friends may hear of him.” The letter

concluded with an ominous P.S.: “The boy has made one attempt to escape and get home.” The combined efforts of the PAS and the African-American community came to no avail. No one ever found out what happened to Eli Harman.¹

The case of Eli Harman revealed the precarious nature of black freedom in Philadelphia. This chapter explores the relationship between kidnappings, fugitive slaves, abolitionism and street diplomacy. Kidnappings of free blacks in Philadelphia represented a breach of state law due to the various legislative efforts passed by the Pennsylvania state legislature from 1780 to 1826. Philadelphia abolitionists and the black community worked with local politicians to retrieve both the kidnappers and victims in a stunning and positive display of interstate comity. Even if multiple state law enforcement officials did not catch the kidnapper, at least Pennsylvanians could rely on slave states to help facilitate their rendition. Over time, however, cracks in interstate comity began to appear in Philadelphia through diplomatic activity on the streets, as free and slave states confronted immediate abolitionism and the difficulties inherent in judging an actual kidnapping victim from a fugitive slave.

Educated in the school of street diplomacy, many if not most black Philadelphians presumed that any seizure of an African-American person on the streets of Philadelphia represented an attempted kidnapping, regardless of their status of freedom. Most white Philadelphians thought the exact opposite and worked to quell street disturbances caused by African-Americans, namely, when they rescued other blacks in the custody of slave-owners and constables. These riotous actions undertaken by black Philadelphians faced a brutal response from white Philadelphians. The increased motivations for preserving law

¹ Anonymous to PAS Acting Committee, July 25, 1826, Pennsylvania Abolition Society Series 2.4 (hereafter “PAS 2.4”), Loose Correspondence, Incoming 1820-1863, Historical Society of Pennsylvania.

and order in a country ensnared in a whole host of revolutions, revolutions in markets, transportation, abolitionism, work, leisure, and the law itself helped catalyze the belief that pitting slavery against freedom on the streets of Philadelphia epitomized a threat to the union itself. This chapter analyzes how Pennsylvanians grappled with the 1826 Liberty Law while acknowledging the perils of street diplomacy.²

“A Dishonored Crops of Little Negro Stealers”: Philadelphia, 1826

“In the years 1826-1827 there were frequent alarms in relation to kidnapping colored children, which created much excitement.”³

In January 1826 Mississippians John Hamilton and John Henderson alerted Philadelphia Mayor Joseph Watson to the fact that Ebenezer Johnson offered to sell them three boys and two girls the previous fall. Johnson was brother to Joseph Johnson and a relation of Patty Cannon, who (as mentioned in chapter one) led what Delaware resident Jesse Green termed a “dishonored corp[s] of little negro stealers.” Henderson related to Watson that all four of the boys were bound to masters in and around Philadelphia; he procured this information from the boys themselves, who, risking their lives, volunteered their stories. Fourteen year-old Samuel Scomp, nine year-old Enos Tilghman, and eight

² On the revolutionary nature of the antebellum era, see Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991); Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (Oxford: Oxford University Press, 2007); Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: Norton, 2005); Jacqueline Jones, *American Work: Four Centuries of Black and White Labor* (New York: W.W. Norton, 1999); Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America* (New York: Verso, 1990); Lawrence Kohl, *The Politics of Individualism: Parties and the American character during the Jacksonian Era* (New York: Oxford University Press, 1989); John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic, Volume 2: The Coming of the Civil War, 1850-1861* (New York: Cambridge University Press, 2007).

³ J. Thomas Scharff and Thompson Westcott, *History of Philadelphia, 1609-1884* (Philadelphia: L.H. Everts & Co, 1884), 617.

year-old Alexander Manlove explained that they were kidnapped by a “yellow” man named John Purnell, who offered them work carrying fruit to the wharves in Philadelphia. Once aboard the ship, they were bound and gagged by Purnell and Joseph Johnson. Purnell, Johnson, and the ship’s captain Thomas Collins transported them to the gang’s hideout in Delaware, and stayed there for a week before sailing for Alabama, where Johnson sold Sinclair. The group then traveled by wagon more than 600 miles to Rocky Spring, Mississippi. During the course of the journey Johnson beat to death an African-American boy named Joseph. These accounts no doubt horrified Hamilton, who demanded that Johnson produce a bill of sale for these “slaves.” Johnson did so, though he claimed plausible deniability if his brother Joseph or Collins “delivered these negroes to him [...] if they were stolen.” Despite being apprised that blacks could not give testimony against whites in Mississippi, Johnson panicked, left the “slaves” with Hamilton, and promised to return after he obtained “correctness” of his ownership.⁴

Like Hamilton, Henderson grew increasingly suspicious of Johnson’s motives and implored Watson to aid in finding the parents and masters of the kidnapped children and possibly even publish their accounts so that “the coloured people of your City and other

⁴ William R. Leslie, “The Pennsylvania Fugitive Slave Act of 1826,” *The Journal of Southern History*, Vol. 18, No. 4 (Nov., 1952), 429-455; John Henderson to Joseph Watson, Jan. 2, 1826, Joseph Watson Papers, HSP (hereafter “Watson Papers”); PAS 2.4, Jul. 4, 1826; Jesse Green to Joseph Watson, Mar. 12, 1827; See also, John Henderson, Joseph Watson, Job Brown, Thomas Bradford Junr., R. L. Kennon, Joshua Boucher, H. V. Somerville and Eric Ledell Smith, “Notes and Documents: Rescuing African American Kidnapping Victims in Philadelphia as Documented in the Joseph Watson Papers at the Historical Society of Pennsylvania,” *The Pennsylvania Magazine of History and Biography*, Vol. 129, No. 3 (Jul., 2005), pp. 317-345. Ledell Smith, 323; “Narrative of Samuel Scomp,” *African Observer* (May 1827): 39-41; According to Scomp, Johnson would send fake buyers to purchase the kidnapping victims. These buyers would pretend to sympathize with the victims, and ask them the means by which they were “procured.” When the victims explained their true origins, Johnson would beat them. In this way, kidnapper seasoned their victims; “this discipline is continued at intervals until they become so completely *drilled*, that a stranger, whether the professed owners is present or not, can scarcely obtain from them, by any means whatever, any other account than the false one which has been prepared for them.” See “Narrative of Samuel Scomp.”

places may be guarded against similar outrages.” Watson wrote an open letter to the Philadelphia public in *Poulson’s Daily American Advertiser*. Not only did he urge “reputable blacks” to submit depositions and inform the families of the missing children, he also cautioned and in a way condemned the open secret of kidnappings in the city. “The agents in this most inhuman transaction, are at present not within my reach,” though Watson argued, “the characters of some of them [...] are not unknown to the Police.” Watson wrote Hamilton in March assuring him that he would take the proper measures to secure Johnson, namely by contacting Pennsylvania governor John Shulze and encouraging him to “demand Johnson from the Governor of your state, as a fugitive from the justice of ours.” With the help of the PAS and the black community, Watson engaged in street diplomacy and sent Henderson and Hamilton a packet featuring more than thirty pages of depositions as well as warrants for the arrest of the Johnsons, Thomas Collins, and John Purnell in order to prove the freedom of the kidnapped boys. Hamilton followed Watson’s instructions, delivered Tilghman and Scomp to New Orleans where they boarded a ship to Philadelphia. The boys arrived in the city on June 29th and met with Watson, where Scomp confirmed that “a small mulatto man” named John Purnell kidnapped him and the others ⁵

True to his word, Watson implemented street diplomacy as the means to extradite the kidnappers. Watson’s antislavery, or at least pro-black stance derived from his being a member Society of Friends. He attended the Philadelphia monthly meeting, where he

⁵ Henderson to Watson, Jan. 2, 1826, Watson Papers; *Poulson’s American Daily Advertiser*, Feb.13,1826; Watson to Hamilton, Feb. 24,1826; Watson to Hamilton and Henderson, Mar. 10,1826; Henderson to Watson, Mar. 20, Apr. 17, May 5 and 8,1826; “Abstract: A list of documents forwarded to John Henderson and J. W. Hamilton,” all in Watson papers. “Narrative of Samuel Scomp,” *African Observer* (May 1827): 39-41; Ledell Smith, 327; Gertrude MacKinney, ed. *Pennsylvania Archives: Ninth Series, Volume IX* (Harrisburg: Wm. Stanley Ray, State Printer, 1934), 6619).

no doubt engaged in debates over the moral sanctity of slavery alongside Quakers and PAS members Thomas Shipley and James and Lucretia Mott as well as the Nealls and Parrishs, two august families within the PAS. That these antislavery activists met, prayed, and conversed with each other meant that Watson was, in a way, primed to confront head-on the illegal kidnappings of black youths within Philadelphia.⁶

Interstate Intermediary: Governor John Shulze

Watson's letters to Pennsylvania Governor John Shulze deserve further analysis. No newcomer to the politics of interstate comity, Shulze has assisted the PAS the previous year in the liberation of Emory Sadler. Sadler's master, Ebenezer Massey of Kent County, Maryland, sold Sadler to Arnold Jacobs (also of Maryland) under the stipulation that Jacobs would not sell Massey out of state. Jacobs went a step further with his promise to Massey, and told Massey and Sadler that the latter would be hired-out to earn his freedom not in Maryland, but in Philadelphia. Thus Sadler arrived in Philadelphia in 1825 as what can only be described as an enslaved freedman. A skilled artisan, Sadler quickly found work at a tannery owned by a leather-dealer named William Pritchett. However, within a few months Jacobs appeared in Philadelphia to collect Sadler's wages, at which point he offered Sadler his freedom – but Sadler would need to return to Maryland to file the manumission papers. Despite the skepticism of the PAS

⁶ Ledell Smith, 318-318; Daniel Neal served as Vice President of the PAS in 1820, his son Daniel Jr. served as the PAS secretary in 1838; Isaac Parrish joined the Pas in 1784; his son Dr. Isaac Parrish served as Vice President of the PAS in 1832; Dr. Joseph Parrish served as the PAS president in 1816 and attended the American convention as a Philadelphia delegate; Dillwyn Parrish also served as PAS president in 1832 and his brother William Parrish served as PAS secretary in 1842. See Pennsylvania Abolition Society, *Centennial Anniversary of the Pennsylvania Society* (Philadelphia: Grant, Faires, & Rodgers, 1875), 51-66.

(whom Sadler consulted on that matter), his wife, and his mother, Sadler agreed to Jacobs' offer, and accompanied him back to Maryland, where he was promptly put in chains and sold. Having again placed the burden of the union squarely on the backs of those whose lives meant that at any instant they could become enslaved, the slaver Jacobs' use of Sadler brought to the fore the strained relationship of interstate comity.⁷

Although confined to a jail cell in Warwick, Maryland, Sadler combatted his re-enslavement by writing to those who were best-positioned to help him: Pritchett, the PAS, and his family, street diplomats all. These combined forces implemented their understanding of street diplomacy: the presumed freedom of Sadler and the blatant treachery of Jacobs. Pritchett, the PAS and Sadler's family contacted Shulze, who then wrote to Maryland Governor Samuel Stevens, Jr. multiple times in late 1825 requesting that Stevens extradite Jacobs to Pennsylvania to stand trial for kidnapping. Shulze's first letter cited both Pennsylvania's 1820 anti-kidnapping statute as well as the extradition clause of the Constitution; Stevens promptly refused to deliver-up Jacobs because Sadler's freedom was not proven. Meanwhile, the PAS and Sadler's supporters grew tired of what they called Stevens' "apparent contradiction of the Constitution and laws of the United States" and went about gathering depositions, which they themselves sent to Stevens; again, he ignored their pleas. In early December 1825 the PAS brought the case to the Philadelphia Court of Oyer and Terminer, and that tribunal declared Jacobs guilty of kidnapping, thus making him an official fugitive from justice. Equipped with this new

⁷ I rely on two main sources for the account of Emory Sadler: Isaac Hopper's article in the *National Anti-Slavery Standard* from April 15th, 1841 and PAS 1.5 records. Where there is a discrepancy over dates and details I defer to the PAS records both because they were written closer to and during the entire ordeal and because they square with government records from the Pennsylvania archives. Daniel E. Meaders, *Kidnappers in Philadelphia : Isaac Hopper's Tales of oppression, 1780-1843* (New York: Garland, 1994), 105-106; PAS 1.5 Jan. 18, 1826; Information on William Pritchett from *The Philadelphia Directory, 1825; Centennial*, 64.

knowledge Shulze responded to Stevens' rebuff by sending him a second missive later in December in which he declined withdrawing his demand for Jacobs.⁸

There does not seem to be any evidence of an official response from Stevens relating to this second letter from Shulze. Governor Shulze then appointed John Thompson, Jr., the sheriff of Philadelphia himself, to extradite Jacobs, and the PAS even paid him \$50 to defray travel expenses. Thompson delivered the requisition request to Maryland Governor Joseph Kent, who issued a warrant to a Maryland sheriff to work with Thompson to arrest Jacobs. This sheriff refused to execute the warrant, so Thompson journeyed to Jacobs' house by himself. Jacobs "received [Thompson] politely," even after Thompson explained the nature of his visit, and told him to stay the night so that they could discuss the warrant the next morning. Upon waking Thompson walked into the parlor, where Jacobs sat with two loaded pistols pointed directly at him. Jacobs threatened to "shoot [Thompson] dead on the spot" if he mentioned the warrant; Thompson left and returned to Philadelphia empty-handed.⁹

Thompson explained his encounter with Jacobs to the PAS. Dissatisfied with his account, the PAS ordered that Thompson return to Maryland; Thompson refused and found someone else to go for him. At the same time, Maryland Governor Kent received word of Thompson's meeting with Jacobs, and summoned a posse comitatus to assist the

⁸ PAS 1.2, Dec. 29, 1825; MacKinney, *Ninth Series, Volume IX*, 6333, 6391.; Behind the scenes at the 1826 liberty law debates in Harrisburg, Thomas Shipley negotiated for Sadler's freedom with Maryland commissioners Colonel Ezekiel Chambers and William Welch. After conversing with Shipley about the case, Welch proposed to William Rawle in February 1826 that the PAS drop the case against Jacobs in exchange for Sadler's return to Philadelphia "if he would be purchased for anything near the usual price of such persons in the country." It was unclear whether Welch or the PAS would foot the bill, but Rawle's eagerness to agree to these terms suggested that Welch would pay for Sadler's freedom. However, once the debates over the liberty law were settled, Welch apparently ignored several letters written by the PAS in June 1826 which requested updates on Sadler's recovery. See PAS 1.5, Jun. 23, 1826.

⁹ PAS 1.2, *ibid.*; MacKinney, *ibid.*

new agent. Just as before, the Maryland sheriff refused to aid the Pennsylvania agent, stating that “Jacobs was constantly provided with weapons of defence which he had publicly avowed it to be his determination to use to the fullest extent in resisting any attempts to arrest him under that warrant.” The rest of the posse numbered no more than a “very few persons.” Somehow Jacobs heard of the posse’s mission; when they arrived at his house, he shouted from inside that “would not be taken alive.” The posse scattered, and like Thompson before him, the second agent from Pennsylvania gave up and returned home.¹⁰

The PAS contacted Governor Shulze a third time to retrieve Jacobs. In February, 1827 Shulze forwarded to Governor Kent “certain depositions and other authentic documents,” which most likely attested to Sadler’s character and freedom as well as Jacobs’ subterfuge. The content of these documents convinced Kent to issue a proclamation and a \$200 reward for the arrest and delivery of Jacobs to Thompson “for the crime of kidnapping a certain negro man, called Emory Sadler.” Several Maryland newspapers (as well as *The Genius of Universal Emancipation*) published this proclamation May and June, 1827. Despite the reward and tenuous cooperation between Pennsylvania and Maryland, Jacobs was never arrested for the kidnapping of Emory Sadler. More importantly, Sadler remained lost in slavery.¹¹

The PAS received word in July 1827 that Sadler was working as a slave in Athens, Alabama. William Rawle advised sending certified copies of the laws of

¹⁰ PAS 1.5, Dec. 25, 1826; Meaders, 109.

¹¹ PAS, *ibid.* MacKinney, *Ninth Series, Volume IX*, 6634-5, 6638-6639, 6576; *Baltimore Gazette and Daily Advertiser*, 5-14-1827; *Republican Star and General Advertiser* 5-15-1827; Reward posted in *Easton Gazette*, 6-16-1827; *Genius of Universal Emancipation*, 6/1827, Volume 2, Issue 30, p. 239; *Genius of Universal Emancipation*, 6/1827, Volume 2, Issue 31, p. 248.

Pennsylvania to the unnamed Alabamian. The PAS negotiated the release of Sadler over the course of the next two years. Unfortunately, nobody recorded these debates.

However, in 1829 Sadler was finally brought back to Philadelphia through the efforts of a local abolitionist named Ezekiel Birdseye, who spent \$150 of his own money to liberate him. William Pritchett, Sadler's former employer, paid for most of these expenses, and in March, 1831, Sadler himself paid the final \$25 to the PAS.¹²

Sadler's ordeal showed the extent to which black and white Philadelphians worked together with state officials – in this case, Governor Shulze - to secure the freedom of black kidnapping victims. More importantly, the breakdown and general unpredictability of respecting comity between governors of free and slave states (at least initially) appeared in the person of Maryland Governor Samuel Stevens, Jr. Steven's Democratic political affiliation matched his overall distrust of blacks. In 1825, for example, he proposed legislation in his annual address to prevent Maryland blacks from gathering or holding meetings, for "it is at these haunts...where they frequently perfect their plans for escape." His refusal to assist Governor Shulze represented a crack in the interstate bonds of union, one quickly restored only when Stevens left office and Joseph Kent lent his aid. Nonetheless, Sadler's kidnapping and the subsequent difficulties retrieving him marked a turning point, with southern slave-owners, elected officials, and interstate diplomats cherry-picking legitimate from illegal seizures of black freedom in the north.¹³

¹² PAS 1.5, Sept. 25, 1827; PAS 1.2, Feb. 5, Jun. 25, Dec. 31, 1829; PAS 1.2, Mar. 31, 1831.

¹³ *Republican Star and General Advertiser*, Jan. 10, 1826.

To Catch a Kidnapper

The correspondence between Mississippians Henderson and Hamilton, Watson, and eventually Shulze revealed how the presence of fugitive or free African-Americans embodied the tensions at the heart of interstate comity, which in effect meant preserving the delicate balance of freedom and slavery. Citing the extradition clause of the Constitution, in late March 1826 Watson wrote to Shulze, who permitted Watson to appoint Samuel P. Garrigues to arrest and retrieve the kidnapers from the states of Virginia, Alabama, and Mississippi. In fact, Mississippi Attorney General Richard Stockson contacted Watson around that time to pledge his support in the hunt for “those infamous miscreants who thus deal in human suffering.” However, by this time the kidnapers appeared to have fled from the Deep South and returned north, possibly to the Cannon-Johnson house on the border of Delaware and Maryland.¹⁴

In keeping with interstate comity Watson enlisted the help of the governors of Delaware and Maryland. While the contact in Delaware seemed wary of engaging the Johnson brothers directly for fear of Garrigues’ safety, Maryland Governor Joseph Kent reported to Garrigues that he would assign the sheriff of Talbot County to assist in the arrests. On January 25th, 1827 Watson went even further and pledged a reward of \$500 for information leading to the capture of any member of the Cannon-Johnson gang. “Instances of such high-handed and atrocious villainy,” he wrote, required that public

¹⁴ Trimble to Watson, Mar. 29, 1826; *African Observer* (May 1827),42; Job Brown to Watson, July 5,1826.; MacKinney, *Ninth Series, Volume IX*, 6418, James Trimble to Watson, 3-29-1826; *African Observer* (May 1827),42; Rumors spread that the Johnson’s returned to New Jersey at some point in early 1826. There Gloucester county Justice of the Peace Job Brown heard from a farmer who had recently hired Purnell to work for him in recent weeks. The farmer cited the article in Poulson detailing the travails of the victims, and even mentioned how Purnell bragged “that he could sometimes make from fifty to an hundred dollars in a Week” kidnapping African-Americans. See Job Brown to Watson, July 5, 1826.

must pay, “most watchful attention of all classes of the community to prevent its repetition.” Watson’s decree served as a temporary high point for securing the safety and security of Philadelphia’s African-American community. All Philadelphians were charged with the task of ferreting out the interracial cast of slavers and kidnapers who threatened the freedom of black Philadelphians.¹⁵

Despite successfully utilizing street diplomacy to preserve interstate comity, Watson and Garrigues never brought any of the white leaders of the Cannon-Johnson gang to justice. Delaware abolitionist Jesse Green alerted Watson in March 1827 that the gang had returned to ““their old business of kidnapping... [and] will have as usual some blacks to assist and decoy etc.” Black decoys, as previously mentioned, operated as a fifth column in the war between freedom and slavery; that Green qualified their use by stating “as usual” reified the ever present fear of kidnapers in the black community – apparently African-Americans could not trust each other in this slave-catching world. Green recommended sending Garrigues to Concord, Delaware to intercept the gang, but warned of Joe Johnson’s “army [of] little rascals” – more African-American informants? - “that will give him information of the approach of any officers.” Perhaps fearing for his safety, Garrigues did not travel south to Delaware. Nonetheless, the exploits of the Cannon-Johnson gang came to end in 1829 when Delaware authorities indicted the Johnson brothers and Patty Cannon herself for a slew of murders on their property. The

¹⁵ Samuel J. Garrigues to Watson, Mar. 23 and 27, 1826; Ledell Smith, 323, 327; *Philadelphia Democratic Press*, Jan. 25, 1827.

brothers fled to parts unknown, and Cannon committed suicide in jail after confessing to the murders of eleven people.¹⁶

Fortunately, the efforts of black and white Philadelphians to pursue interstate cooperation were not in vain, for in June 1827 Garrigues apprehended Purnell in Boston. Having traveled more than 2,000 miles from Philadelphia to Maryland, Mississippi, and Louisiana over the course of the previous year, Garrigues brought Purnell to Philadelphia where he stood trial in the Mayor's Court and the Quarter Sessions Court. Purnell appeared before Watson with Henry Carr, a black oyster shop owner who also had links to the Cannon-Johnson gang. The Mayor's Office was "crowded to excess" with members of the black community, the most important of whom were Purnell's kidnapping victims. Despite the testimony of the recently-freed Cornelius Sinclair and Alexander Manlove, the pair were found not guilty. However, Purnell did not have such luck at the Quarter Sessions Court. This time the boy's testimony seemed to work to great effect.¹⁷

Cornelius Sinclair testified that Purnell stole him at Second and South streets in broad daylight. Samuel Scomp explained that Purnell asked him to carry some watermelons to the dock, and when he did so Purnell kidnapped him. Calling it a "marvelously good joke at being decoyed in this manner," Scomp laughed at his treatment in such a way to make the audience laugh along with him. Enos Tilghman and Alexander Manlove concurred with the two older boys. The Quarter Sessions Court found Purnell guilty, fined him the maximum \$1,000 for each kidnapped boy and

¹⁶ Jesse Green to Watson, Mar. 12, 1827, Watson Papers; Ledell Smith, 327; Carol Wilson, *Freedom at Risk: The Kidnapping of free Blacks in America, 1780-1865* (Lexington: University Press of Kentucky, 1994), 32-33.

¹⁷ *Poulson's American Daily Advertiser*, June 15 and 19, 1827; Ledell Smith, 327-328.

sentenced him to forty-two years in prison. Perhaps hoping for a harsher sentence, the *African Observer* commented that “the prisoner might have been prosecuted by the laws of the United States [i.e. death by hanging], but those of the state were preferred, probably from the motives of humanity.” Purnell died in prison six years later.¹⁸

Purnell’s second trial offered further compelling insights into how kidnapping threats emanated from within the Philadelphia black community. An African-American man named Simon Wesley Parker testified that he first met Purnell in Henry Carr’s oyster shop in 1825. Parker witnessed Purnell ask a boy in the shop if he had made up his mind to go with him (Purnell). The boy agreed and the two left. Purnell returned shortly thereafter – alone - and warned Parker that “if he ever mentioned any thing of this he would blow his brains out.” Parker’s astonishment signaled Carr to reassure Purnell that Parker was his friend, and that “if he imposed on him, he imposed on Carr.” A moment later the boy entered the shop; he and Purnell then left a second time. Carr ran after Purnell, perhaps to inquire about whether they should include Parker in the kidnapping. When Carr reentered his shop he told Parker to stay and that Purnell was going to take the boy aboard a boat and sell him. While Parker pondered taking a cut of the kidnapping proceeds, Joseph Johnson entered the oyster shop. After meeting with Johnson, Carr insisted that Parker not tell anyone about the kidnapping; Parker obliged. Carr and Parker then went to the navy yard to rendezvous with Johnson onboard his boat. The three shared a drink, at which point Johnson said to Parker, “I had like to have taken you for one,” i.e. Parker would make a good kidnapper. Johnson then told Carr that he expected

¹⁸ *Poulson's American Daily Advertiser*, *Ibid.*; *Freedom's Journal*, June 22, 1827; *African Observer* (August, 1827, 139); Carr left Philadelphia and died in either Alabama or Arch Street Prison in 1828, see Ledell Smith, 327, ft. 46 for the conflicting accounts.

him to “fetch” one or two more boys before the next day. Parker and Carr left the boat in search of potential victims. Carr called to a few young boys on South Street, but they fled. Later Carr and Parker met with Purnell on Shippen Street. Purnell gave Carr \$25 for helping kidnap the boy in his shop; Carr split the money with Parker.¹⁹

The next day Parker helped Purnell carry a trunk to Johnson’s house on Race Street, which may have acted as a base of operations for Johnson and his associates. Purnell told Parker that Carr had cheated him and that he wanted Parker “to go partners with him in kidnapping.” He even tried to entice Parker by splitting the profits from two persons that he and Carr had stolen and were now in a house in Virginia. Purnell seemed to have grand designs for this partnership, even sharing a grisly family anecdote in which his father, also a kidnapper, slit his own throat rather than be taken by the authorities. Parker’s own testimony remained unclear as to how he replied to these proposals; perhaps he feared incriminating himself, for his account ended with him telling the court that he saw Purnell once in 1826 and that the name of the boy kidnapped from the oyster shop was named Jacob. Purnell’s attempt to enlist Parker showed how economic motives overrode any sense of racial solidarity when it came to kidnapping blacks to sell into slavery.²⁰

Abolitionists heaped praise upon those involved in bringing to light the Philadelphia kidnapping crisis of 1825-1826. The American Convention offered resolutions in both 1827 to 1828 thanking the “unwearied and successful exertions” of Watson and Garrigues; Pennsylvania delegate Thomas Shipley added that through

¹⁹ *Poulson's American Daily Advertiser*, June 19, 1827. Parker may have been “Simeon Parker,” a black cordwainer listed in the 1825 *Philadelphia Directory*.

²⁰ *Poulson's American Daily Advertiser*, *ibid.*

Watson “kidnapping has received a check, which must have a salutary influence on the perpetrators of that diabolical crime.” “A number of citizens of Philadelphia” sent Henderson and Hamilton two silver pitchers to commemorate their “disinterested, spirited and benevolent” actions to free those “who had by force or fraud been taken from their homes.”²¹

Despite these deserving plaudits, white and black abolitionists reminded themselves that anywhere from dozens to “hundreds” of victims still suffered in the southern states due to many cases that were never brought to light or if brought to light never solved; for example the anecdote that opened this chapter: the case of Eli Harman. The difficulties inherent in finding whites willing to travel great distances to relieve these “poor victims” meant that they were often “doomed to irredeemable slavery.” Besides travel distances, the mere fact that these interstate abolitionist diplomats faced local violence at the hands of slavers and kidnappers alike was enough to discourage such journeys. Possibly as a response to this crisis, black Philadelphians organized a “Protecting Society” auxiliary to the PAS, thus unofficially integrating the parent society. Richard Allen’s son John acted as secretary of the group, which published the following advertisement in *Freedom’s Journal* on April 25th, 1828:

²¹ Sept. 27, 1827 Minutes, Pennsylvania Abolition Society Series 1.2 (hereafter “PAS 1.2”), General Meeting Minute Book, Volume 3, 1825-1847; *Freedom’s Journal*, Dec. 19, 1828; *African Observer* (May, 1827) 37; Henderson to Watson, July 16, 1827, Watson Papers; The PAS created a committee to compensate Garrigues for his work, though it was unclear how much or if they paid him anything. See PAS 1.2 Sept. 5, 1828.

NOTICE. The Protecting Society of the city and county of Philadelphia, for the preventing of Kidnapping and man-stealing, auxiliary to the Abolition Society of the above city, deem it expedient to inform their Coloured brethren generally, that this Society was formed in the year 1827; hoping that all will use their best endeavours to carry the benevolent views of the Society into operation. Of the many evils to which we as fallible creatures are liable, none is more to be dreaded and execrated than the system of kidnapping free persons of Colour, which has been carried on even in this city by a set of unprincipled men, for some years past. Persons desirous of assistance in the recovery of their friends who have been kidnapped, must make application personally or by letter post paid, addressed to the Secretary of the Society. JOHN ALLEN, Sec'y. Philadelphia, April 24, 1828.²²

Little is known of this society's anti-kidnapping exploits, yet they represented an example of grassroots immediatism practiced by African-Americans; the notice served as a manifesto for street diplomacy. In its capacity to "prevent" kidnapping and man-stealing the group may have officially supplied the PAS with informants or witnesses to aid in recovering friends or family who disappeared. Then again, perhaps offering to assist "their Coloured brethren generally" meant that they also took on cases of an unofficial character independent of the PAS. In either case (or both), the Protecting Society's formal announcement of its own existence offered a glimpse of how African-Americans assigned themselves the task of bringing the "benevolent views" of the PAS into fruition; New York abolitionists followed suit and formed their own protecting society, too. While it remains unclear exactly how the Philadelphia "Protecting Society" defined "auxiliary," if they meant "auxiliary" as a part of the PAS, then the PAS integrated much earlier than other historians have supposed.²³

African-American women also utilized their knowledge of the 1826 liberty law: as street diplomats they made this law work for them, and in effect, upheld interstate

²² *Freedom's Journal*, Feb. 15, Apr. 25, May 23, July 25, 1828.

²³ Richard Newman stated that the PAS integrated in 1842. See Richard S. Newman, "The PAS and American Abolitionism: A Century of Activism from the American Revolutionary Era to the Civil War," *Historical Society of Pennsylvania* via http://hsp.org/sites/default/files/legacy_files/migrated/newmanpasessay.pdf, 9. *Freedom's Journal*, Dec. 5, 1828 suggested that NY adopt the Philadelphia model of forming the "protecting society."

comity, a comity which protected slavery and freedom in the nation. In the autumn of 1825 Delaware slave-owner Charles Hamm assaulted Numbers as she walked down Pine Street wharf with her two children. Though jarring, the attack was by no means random. Numbers' previous owner, Charles Buckmaster (also of Delaware), gave her to his daughter and son-in-law Hamm around 1822 under the condition that they free Phebe upon his death. When Buckmaster died in 1825, Numbers was set free. She then married, bore two children, and lived not far from her previous owners in Delaware. One day Numbers and her children went to visit her sister in Philadelphia. Her beating at the hands of Hamm occurred at the end of her stay in the city. Initially, Hamm accosted her on Pine Street wharf, demanding that she return with him to Delaware. As previous cases in this chapter have revealed, the docks provided a prime location for kidnappings: they enabled kidnappers and their victims to make quick getaways. Standing near those very same docks, Numbers refused, "in consequence of which [Hamm] fell upon and beat and shamefully abused her in the public streets." Somehow she and her children managed to escape Hamm, albeit temporarily. By this time a "considerable" crowd had formed, and followed Hamm's pursuit of Numbers, which ended when he caught sight Numbers and her children running down into an open cellar on Second Street. Hamm slammed and locked the cellar door and stood atop it to defend his "property" from the crowd which had amassed around him.²⁴

African-American bystanders sprang into action as soon as they witnessed Hamm violating Numbers' freedom. A few of them peeled off from the large crowd and hurried

²⁴ Daniel E. Meaders, *Kidnappers in Philadelphia: Isaac Hopper's Tales of oppression, 1780-1843* (New York: Garland, 1994), 215; PAS 1.5, June 23, 1826 The 1830 Federal Census lists Charles Hamm of Little Creek, Kent County, Delaware as owning three slaves.

to the house of Isaac Hopper, a local Quaker abolitionist who often confronted slaveholders outright about their claims to fugitives in the Philadelphia. Hopper confronted Buckmaster Hamm, informing him of the 1826 act; Hamm agreed to bring Numbers to Hopper's house so they could discuss his claim.²⁵

Secure in Hopper's home, Numbers explained the circumstances of Hamm's allegations and in doing so began the negotiation process of street diplomacy by which Hamm could be arrested as a kidnapper according to Pennsylvania law vis-à-vis Pennsylvania's rights as a state. Her story convinced Hopper to apply to the Alderman John Binns to arrest Hamm for both kidnapping and assault. Hopper also contacted Thomas Shipley of the PAS, who, with the help of local blacks, found Numbers' witness to her freedom. In the meantime Hamm was arrested and brought before Binns. The alderman bound him to the Mayor's Court, though he quickly procured bail from an innkeeper named Reuben Gilder, originally of Maryland. The Grand Jury found two bills of assault and kidnapping against Hamm when he appeared before the Mayor's Court in May, 1826. Charles Sydney Coxe and David Paul Brown, counselors for the PAS, examined Hamm's claims and two days' worth of witnesses on Numbers' behalf. Charles Buckmaster Jr. traveled to the city for the trial, and told the court that Numbers was in fact, free. He went on to explain that Hamm knew the conditions surrounding Numbers' freedom. According to the 1826 liberty law, Hamm was by definition a kidnapper. Thus in order to avoid a kidnapping charge, Hamm retorted that he would drop his claim to her but not the children because Buckmaster, Sr. had failed to manumit her "in legal form" or "by a written instrument." Although he deferred to his dead father-in-law's verbal

²⁵ Meaders, 216; PAS 1.5, *ibid.*

promise of Numbers' freedom, without an official record of the manumission, he reasoned, the children were legally his property.²⁶

Hamm's about-face regarding Numbers' freedom ensnared him in the 1826 liberty law. By dropping his claim to her he essentially admitted to Numbers' freedom; thus, he would stand trial for kidnapping. Cognizant of outmaneuvering himself, perhaps he viewed the children as some sort of consolation prizes for the loss of their mother, Phebe. Yet witnesses for the prosecution heaped enough details of his assault on Numbers in the streets to the extent that they visibly "alarmed" Hamm; the reality of the assault and battery charged seemed undeniable. In light of the 1826 law and the witnesses' testimony, Hamm negotiated with the prosecution to drop his claims in exchange for them to drop the assault charges.²⁷

The prosecution agreed to compromise with Hamm for three reasons. First, from the standpoint of the PAS records, the charge of kidnapping "appeared to be entirely inadequate" and Hamm would most likely go free; an opinion they would never admit in open court. Second, the PAS and perhaps Numbers herself felt satisfied that Hamm amassed a significant debt during the course of the trial; these "heavy expenses" seemed like a sufficient punishment. Finally, the PAS admitted an even more terrifying reality that Numbers would have undoubtedly understood: a conviction of Hamm for assault would leave "the question of the freedom of Phebe and children to be decided at a future time and before another tribunal." In other words, they preferred to emancipate Hamm and Numbers immediately rather than prosecute Hamm and face the unpredictable nature of Numbers' freedom in the future. The court dismissed the case after Numbers' team

²⁶ Meaders, 216-217; PAS 1.5, *ibid.*

²⁷ *Ibid.*

compromised with Hamm to drop the assault charges in exchange for him to drop his claim.²⁸

Phebe Numbers made the 1826 liberty law work for her through street diplomacy: the African-American community responded to her plea, sought out a well-known abolitionist, and parlayed for her freedom by utilizing the legal system. In doing so, Numbers again exercised her understanding of street diplomacy to in effect, uphold interstate comity that demanded that slavers and slave states recognize black freedom. First, she organized her defense around black and white Philadelphians who assumed her to be free, in this case, abolitionists Isaac Hopper, Thomas Shipley, and the anonymous local African-Americans who gathered witnesses. Second, the testimony of another Delaware slave-owner, Charles Buckmaster, Jr., supported Numbers' claims insofar as he made a trip to save her from illegal slavery, i.e. kidnapping at the hands of Hamm. Finally, Numbers' actions ensnared Hamm by making him drop his claim, and thus admit to a kidnapping attempt. Worthy of note, however, was the fact that Hamm was never fined for this attempt, nor did he face punishment for attacking Numbers. Even more disconcerting, it appeared as though Numbers' freedom, much like the freedom of other black Philadelphians, sanctioned unrequited and random violence, a point that will resurface later in this chapter. Thus, while white politicians negotiated with southern states to free kidnapping victims, African-Americans and their allies understood freedom in Philadelphia as temporary, unpredictable, chaotic and revocable through legal and illegal means. White authorities placed the burden of the union squarely on the freedom

²⁸ Ibid.

of African-Americans yet again, a questionable freedom rarely trusted and always subject to verification.

The Elections of 1826 and 1828

The ever-present fears and strategies to resist kidnappings and retrieval forced white politicians to consider yet again how the national politics of slavery functioned at the local level. Two hotly-contested elections in Philadelphia, the 1826 campaign to fill former Federalist Joseph Hemphill's seat in Congress, and the 1828 presidential election itself, epitomized with the effects of such a politics.

Most of the contestants in the 1826 campaign had in some way or another ties to slavery and antislavery. While candidate Henry Horn's relationship to the slave question remained unclear, he served as secretary for a "large and respectable meeting of the democratic citizens [of Philadelphia] friendly to the election of Gen. Andrew Jackson" in May, 1826. Both former-Federalist-turned-Adams-man John Sergeant's involvement with the PAS and Federalist Thomas Kittera's defense of free blacks in court made them the "antislavery" candidates on the ballot. Joseph Hemphill, whose open seat was the target of all the candidates, had planned to retire in early 1826 due to poor health. In the previous decade Hemphill spoke on the Missouri question in Congress, stating that Congress had the right "to arrest [slavery's] farther progress" into the new territories, and that Pennsylvania's antislavery pedigree put the state at the forefront of the "glorious cause" of gradual emancipation. By 1826, however, Hemphill offered a more conciliatory approach toward agitating Southerners on the slavery question, and viewed the free states

interfering with the institution as impolitic. “The more I see and become acquainted with southern gentlemen,” Hemphill explained in a speech on the Panama Question, a call for a congress devoted to recognizing the independence of Latin American nations, “the more I am convinced of the inutility of propositions from the non-slaveholding States on the subject of emancipation.” Hemphill’s disapproval of tampering with slavery served as an early example of what would later be called “Doughface-ism”; his move from the Federalist Party into the ranks of Andrew Jackson supporters cemented his place in the Democratic Party.²⁹

If Hemphill’s shifting alliances mattered to national partisans intent on maintaining federal political support of slavery, so too did his views on slavery impact African-Americans in Philadelphia. Hemphill served as the District Court judge in Philadelphia from 1811 to 1818. In that capacity he presided over at least one fugitive slave case involving the notorious George Alberti, who, working with an accomplice, tore up Richard Keen’s certificate of freedom. Hemphill fined Alberti and the other man \$250 for this offense. In another more personal incident, the son of one of Hemphill’s coachmen was kidnapped by the infamous Cannon-Johnson gang. Events like the kidnapping of Hemphill’s coachman epitomized how the personal became the political; white politicians in Philadelphia remained intrinsically linked to the issue of freedom and slavery in the state. Although we have no record of how this kidnapping effected Hemphill, we may assume that like many white politicians of his era, he made the

²⁹ *National Gazette*, Apr, 29 and May 27, 1826; *Richmond Inquirer*, 5-30-1826; Joseph Hemphill, *Speech of Mr. Hemphill on the Missouri Question in the House of Representatives of the U. States* (Washington, D.C.: Unknown Publisher, 1819), 1-27.

conscious decision to separate illegal kidnappings from legal retrievals that upheld interstate comity and the federal compromise over slavery.³⁰

As for the fate of Hemphill's contested seat, the election ended in a tie between Horn and Sergeant. The candidates returned to the field the next year, 1827, this time with Hemphill pulling himself out of retirement to compete. Much like the first election, the candidates were not above linking the national politics of slavery to the local level, as many commentators pointed out. Writing for the *Genius of Universal Emancipation*, Benjamin Lundy noted that Hemphill "wandered away from what he knew were the wishes of his constituents," in this case, he abandoned a recent set of resolutions made by Pennsylvania Congressman Charles Miner to gradually emancipate slaves in Washington, D.C. Furthermore, when Sergeant won the election, Lundy criticized pro-Jackson editor Duff Green for his comments that only the election and popularity of Jackson could stave off Sergeant and his abolitionist allies. To Lundy, Green and his Jacksonian minions represented a "Negro Aristocracy" hell-bent on precipitating a conflict between the "slaveites" and anti-slavery proponents. This attitude toward a well-worn yet powerful "slaveholding combination" breathed fire into the presidential election of 1828.³¹

³⁰ PAS 1.5, Dec. 26, 1815, Jan. 4, Oct. 4, Nov. 6, 1817, May 19, 1818; *Democratic Press*, Jan. 25, 1827.

³¹ *Genius of Universal Emancipation*, Nov. 10, 1827, Volume 1 Issue 19, p. 148; Charles Miner, *Speech of Mr. Miner, of Pennsylvania, Delivered in the House of Representatives* (Washington, D.C.: Unknown Publisher, 1829); See also "Minutes of the twentieth session of the American Convention for Promoting the Abolition of Slavery, and Improving the Condition of the African Race : convened at Philadelphia, on the second of October, 1827," last modified 2015, [http://memory.loc.gov/cgi-bin/query/r?ammem/murray:@field\(DOCID+@lit\(lcrbmrpt1502\)\):@@@SREF\\$](http://memory.loc.gov/cgi-bin/query/r?ammem/murray:@field(DOCID+@lit(lcrbmrpt1502)):@@@SREF$) and "Minutes of the twenty-first biennial American Convention for Promoting the Abolition of Slavery, and Improving the Condition of the African Race : convened at the city of Washington, December 8, A.D. 1829 : and an appendix, containing the addresses from various societies, together with the constitution and by-laws of the convention," last modified 2015, [http://memory.loc.gov/cgi-bin/query/h?ammem/murraybib:@field\(NUMBER+@band\(lcrbmrp+t1505\)\)](http://memory.loc.gov/cgi-bin/query/h?ammem/murraybib:@field(NUMBER+@band(lcrbmrp+t1505))); Green was also frazzled by the recent meeting of the American Convention in Philadelphia and especially that group's plans to relocate to Washington D.C. for their next meeting, see *Genius of Universal Emancipation*, 11-17-1827, Volume 1 Issue 20, p. 159.

The build-up toward the 1828 presidential election scorched the issue of slavery into the minds of Pennsylvania voters. Philadelphia editor John Binns distributed broadsides that reproduced Josiah Wedgwood's "Am I Not a Man and a Brother?" medallion with accompanying text proclaiming Jackson "a trafficker in human flesh, a Buyer and Seller of Men, Women, and Children." The broadside called on voters to support John Quincy Adams, a man who abhorred "the foul trade." Lundy, too, attacked Jackson's pro-slavery credentials, calling him a "SOUL-SELLING, SLAVE-DRIVING, SOUTHERN COTTON-PLANTER." The *West Chester Village Record* warned that the "unjust influence" of slave state votes via the 3/5 compromise overwhelmed the white electorate in free states like Pennsylvania. Slave-owners and politicians like Virginian John Randolph conceded that southern interests would be secured by "white slaves of the north," in particular middle state voters in Pennsylvania, whose divisions would propel another slave-holder, Andrew Jackson, to the presidency.³²

Little is known of how Philadelphia's African-American community reacted to the ascendancy of Jackson. Of course they were aware of the election results, as Jackson won by a two-to-one margin in both Pennsylvania and Philadelphia. *Freedom's Journal* did not come out directly against Jackson, though its pages often informed readers of pro-Jackson feelings from within the state and numerous other states. One anecdote came from Wilkes-Barre, Pennsylvania, in which a man toasted Jackson in the hopes of becoming sheriff. Citing a question posed by a Kentucky newspaper of whether or not Jackson participated actively in the domestic slave-trade, *Freedom's Journal* mocked the

³² Philip Shriver Klein, *Pennsylvania Politics, 1817-1832: A Game without Rules* (Philadelphia: Porcupine Press, 1974) 248-249; *Genius of Universal Emancipation*, Sept. 6, 1828, Volume 3 Issue 1, p. 6; *Genius of Universal Emancipation*, Oct. 4, 1828, Volume 3 Issue 4, p. 25.

General by stating that if the claims were true, then they would surely “add to the fame of the Hero of Orleans.” In both cases, the *Freedom’s Journal’s* sardonic critiques of Jackson’s appeal would have resonated with Philadelphia’s black community, a community betrayed by Jackson’s commendations made toward black soldiers in 1814 after the battle of New Orleans. In this 1814 missive to his aide-de-camp Thomas Butler, Jackson praised the “fortitude” by which African-American soldiers defended what they held “most dear”: “[their] parents, relations, wife, children, and property.” Now more than a decade later, bombarded with anti-Jackson tropes that lay bare the general’s proclivities for slavery and slave-trading, African-Americans must have questioned the security of their roles, stakes, and freedoms in the United States amidst the unfurling of so-called Jacksonian democracy.³³

Rioting in its Philadelphia setting, 1829-1830

Historians would be hard-pressed to assert with confidence that white Philadelphians used Jackson’s election as a pretext to attack African-Americans, as no riot activity occurred in the first year of his presidency. However, hardly a year passed before Philadelphia witnessed its first riot of the Jacksonian Era. This riot set a precedent in its intensity and motives, and ushered in a period in which African-Americans faced unruly forces who associated freedom with violence.

³³ Klein, 251, 409; *Freedom’s Journal*, July 20, 1827; for *Freedom’s Journal’s* reportage on Jackson in PA and other states, see Sept. 14 and Dec. 14, 1827, Feb. 8, Apr. 25, June 13, July 4, Sept. 12, 1828; Black Philadelphians mentioned Jackson’s praise of black troops at New Orleans while fighting to maintain the right to vote. See Robert Purvis, *Appeal of Forty Thousand Citizens, Threatened with Disfranchisement to the People of Pennsylvania* (Philadelphia: Merrihew and Gunn, 1838), 13.

On November 22, 1829, a group of whites ambushed African-Americans as they left the 2nd Presbyterian African Church on St. Mary's Street, located in the heart of the black community. Much like other African-American churches of the time period, the Second African Presbyterian represented a symbol of black achievement in Philadelphia. The church's congregants sustained black potential and upward mobility, which to some whites no doubt interpreted as a threat of racial equality. Jeremiah Gloucester, the eldest son of freedman John Gloucester who founded the First African Presbyterian Church in 1810 and brother of black abolitionist Stephen Gloucester, organized the church as part of his father's congregation in 1824. Little information about Jeremiah Gloucester survives (he died on January 1, 1828), yet we know that he worked as a minister, supervised a school for African-Americans in Philadelphia, and gave numerous speeches on the subjects of black education and improvement. Gloucester delivered one of his only two surviving speeches to the congregation of Mother Bethel in 1823. In it he denounced the slave trade and kidnappings, called for blacks to maintain their "virtuous conduct," in the city, and promised listeners (and readers, for the speech was published in pamphlet form) that "the blissful period is just at hand, when we shall elevated to an equal stand!" In 1828 John Gloucester, Jr., who after his brother's death assumed "pastoral charge" over the church, worked with the congregation to not only purchased the property that would become the Second Presbyterian for \$1,000, but also renovated the building for the sum of \$3,000. The new church housed well over 400 worshippers and at the time of its destruction by a white mob in 1842 (see chapter five), was valued at over \$10,000.³⁴

³⁴*Baltimore Gazette*, Nov. 25, 1829; *New York Evangelist*, Aug. 11, 1842; Jeremiah Gloucester, *An Oration, Delivered on January 1, 1823 in Bethel Church: On the Abolition of Slave Trade* (Philadelphia: John Young, 1823), 12, 15.; Winch, 125.; Matthew Hopper, *From Refuge to Strength: The Rise of the African American Church in Philadelphia* (Philadelphia: Preservation Alliance for Greater Philadelphia, 2015), 7-

The sources indicated that the 1829 riot quickly grew from “a personal quarrel” into “an immense gang of blacks and number of white men and boys” fighting each other outside the church. The latter group came from Philadelphia County, where whites struggled for social standing amidst the relative wealth of Philadelphia’s black community. The whites soon found themselves overwhelmed, as their intended victims greatly outnumbered them. Some blacks ran to a nearby “board yard” and began hurling pieces of wood at the white mob. Isaac Kennedy, the constable of Cedar Ward, implored bystanders not to rush into the fracas. Perhaps Kennedy’s warning originated in his prior experiences with the African-American community. After all, six months earlier a runaway slave stabbed Kennedy in the face during an attempted arrest; the blade had “broke in the jaw or cheek” of the constable. As the acting law enforcement agent on the scene of the riot outside Second African Presbyterian, Kennedy went against his own advice and apprehended a black man who he thought was the ringleader. When Kennedy brought the man before Mayor Benjamin Wood Richards, the mayor released him as “the constable stated that the black fellow [looked] so much like himself that one might easily be mistaken for the other.” The *Philadelphia Chronicle* noted that although the black community of Philadelphia city deserved protection from mistaken identity – that is, to

10, 13; See also “Preservation Alliance for Greater Philadelphia,” Last Modified 2015, www.preservationalliance.com/files/aachurches.pdf; On Gloucester’s license to preach the Gospel, see *Christian Repository*, Nov. 7, 1823; *Freedom’s Journal*, May 11, 1827; *Freedom’s Journal* Jan. 11 and 25, 1828 reported on Gloucester’s death : “IS GLOUCESTER dead! The man of GOD? Why! I saw him, but the other day With cheerfulness upon his brow, Oh! has he now so soon decayed! YES, I saw him, mount the sacred desk; There, with energy proclaim the truth, While, listening ears, hung upon his lips And is it possible, he’s dead and gone! WHAT, gone - left his newly wedded bride - Forlorn, to weep and mourn - a widow! Left the people of his charge alone? Has he gone, and left the world for ever! DEPART’D, in the morning of his days, In the blooming primrose of his life; ‘Mid, the hopes of future usefulness; Is he, suddenly cut down - by death! YES, I read the record of his death! - While, I read, my bosom palpitates; Tender tears come rushing to my eyes! But, oh, delightful, cheering thought; that, THOUGH he smoulders in his silent URN, He’s free from every care and pain; Gone to rest from all his labours here; And to receive a rich reward in HEAVEN! AMICUS.”

protect the black middle and upper classes – blacks in the southern part of the city “think themselves above all restraint,” calling their “insolence [...] intolerable.”³⁵

Pennsylvania representatives defended this supposed “insolence” at the American Convention later that year in December. There they asserted that “the present state of society,” prevented whites in places like Philadelphia from appreciating “the merits of one whose hue is deeper than his own.” These thoughts echoed a pamphlet written by PAS member Thomas Shipley earlier that year in May in which he recommended that African-Americans maintain their “virtuous and industrious conduct” to avoid negative reprisals from whites. Furthermore, the PAS contingent pointed out that poor blacks in Philadelphia were less depraved than their poor white counterparts. Considering that many blacks immigrated to the city from the south and thus the “debasing” effects of slavery, one could not “wonder at their helpless, though not hopeless condition” in the city. Interestingly, the convention also looked westward at the very real specter of American expansion into Mexico. They portended that this movement would increase the domestic slave trade “as well as the practice of kidnapping in the more eastern parts of our own country.” Once again, Philadelphia abolitionists had no qualms about connecting tales of kidnappings and seizures in Philadelphia to the fear of slavery spreading into new territories.³⁶

Struggling against perceived insolence from the broader white public as well as the best hopes of white abolitionists, African-Americans exercised their freedom to

³⁵ John M. Werner, *Reaping the Bloody Harvest: Race Riots in the United States during the Age of Jackson, 1824-1849* (New York: Garland, 1986), 169 ft. 11; Scharff and Westcott, 624; *Baltimore Gazette*, Nov. 25, 1829; PAS 1.5, June 8, 1827; *New York Spectator*, Nov. 27, 1829, *Newport Mercury*, Nov. 28, 1829; *National Gazette*, June 6, 1829; *Philadelphia directory*, 1829.

³⁶ PAS 1.2, Nov. 12, 1829; *Genius of Universal Emancipation*, Nov. 20, 1829, 41-42, 53; “Minutes of the twenty-first biennial American Convention [...] 1829.”

decide who was a kidnapping victim on the streets of Philadelphia; their absolute freedom to make this choice became, at times, the only true freedom they could enjoy in Pennsylvania within a time of relative slavery. On March 16, 1830, a crowd of over two-hundred black Philadelphians attacked Philadelphia county constables in an attempt to rescue a supposed runaway outside of the Franklin Institute. The court had decided for the master's right to the man, prompting several African-Americans in the courthouse to approach the guilty party and speak with him privately. They departed, so the constables and the accused made their way to the building's exit when the latter stopped at the door and refused to move any further. Suddenly, a large group of African-Americans rushed upon the man and began to drag him away from the constables, who pushed him toward a waiting carriage. As the fugitive hung onto the carriage wheel for dear life, an African-American doctor named Henry Washington tried to pull him off of the wheel; the doctor may have even tried to rip a mace out of the hands of county constable William Dubree. Whether Washington was trying to free the man permanently or enough to get him into the carriage remained unclear; perhaps he hoped to make the latter appear like the former, thus ensuring a successful rescue. Regardless, Washington's daring prompted county constable Dunhart to level a pistol at the doctor. Fortunately for Washington, one of the crowd bumped into Dunhart, who discharged his pistol just above Washington's head. The constables managed to take the runaway back into the courthouse where they made a discreet exit: they used the back door.³⁷

³⁷ "This absoluteness of the act of choice does not alter the relativity of each epoch." See Jean-Paul Sartre, *Existentialism and Human Emotions* (New York: Citadel Press, 1985), 39-40. *Philadelphia Inquirer*, Apr. 19, 1830; *Saturday Evening Post*, Apr. 24, 1830

The constables brought Washington to the Mayor's court on the charge of attempting to rescue the fugitive. Several respectable witnesses spoke against Washington and hinted at Washington's pretense, but the doctor handled his accusers with "coolness." Washington denied trying precipitate a rescue; he merely wanted the man to go before Alderman Badger to "answer the Overseers of the Poor" for two unnamed, though possibly licentious charges. The Mayor held Washington to bail, and he was later released from custody.³⁸

Several themes emerged from these initial race riots in Philadelphia during the Jacksonian era. First, some white Philadelphians felt threatened by black social and economic mobility, and chose to attack symbols of black achievement. Second, black and white abolitionists redoubled their efforts to ensure that African-Americans continue to strive to maintain themselves as virtuous citizens. Finally, the ever-present and daily reality of fugitive slave retrieval highlighted how African-Americans used riotous behavior to decide and enforce the freedom of their brethren, often using extralegal means to do so. Unlike the rest of Philadelphia, many African-American street diplomats assumed the freedom, innocence, and victimhood of blacks placed under arrest by local constables and slave master. By taking action and rescuing each other, African-Americans presumed both the unspoken truth of freedom and the horrors of slavery, and, regardless of a legal framework, posed a significant threat to resentful whites.

³⁸ *Philadelphia Inquirer*, *ibid.*; *Saturday Evening Post*, *ibid.*

The Convention Movement

Pressured by the riotous conduct of white Americans, the desire to communicate their abolitionist beliefs, and the precariousness of black freedom, African-American leaders met in Philadelphia in September, 1830, to debate hosting national conventions in the city. Henry Zollificker, a white Quaker and “warm and tired friend of the blacks” attempted to dissuade Hezekiah Brice, a black tradesman from Baltimore and the guiding force of the convention, from holding the meeting in Philadelphia. Zollificker feared “dangers and difficulties” might follow if the convention succeeded, and “deep injury” if it failed. The dangers and difficulties included resentment and riot; the deep injuries abolitionists might suffer included a lack of respect for the convention movement.³⁹

Nonetheless, Brice landed in the city on September 15th and on the 20th met with Bishop Richard Allen at Mother Bethel. Soon thereafter more representatives from Pennsylvania, Maryland, and New York arrived. The Pennsylvania representatives included some of Philadelphia’s most prominent black businessmen, sans James Forten, perhaps suggesting his reluctance to participate in “community politics” that augured either radical possibilities or threats to his person or property. This group went to work deciding the core issues up for debate, namely rejecting mission of the American Colonization Society, the possibility of creating a colony in Upper Canada, and setting up auxiliary organizations. The convention’s leaders drafted an “Address to the Free People of Colour of these United States” in which they lambasted oppressive conditions that restricted black advancement, especially in northern cities like Philadelphia. They

³⁹ National Convention, *Minutes and Proceedings of the First Annual Convention of the People of Colour* (Philadelphia: Committee of Arrangements, 1831).

asserted that “we have been led to the following conclusions; that our forlorn and deplorable situation earnestly and loudly demand of us to devise and pursue all legal means for the speedy elevation of ourselves and brethren to the scale and standing of men.” These means included elevating and dignifying African-American labor, and the convention urged their compatriots across the country to embrace “agricultural and mechanical arts.” When it came time to select officers, the Philadelphia representatives dominated the leadership positions and outnumbered rival representatives in New York 14 to 4; yet perhaps to avoid infighting and keep the passions of the younger members in check, this rivalry became more balanced by the time of the next national meeting in 1831.⁴⁰

The First Annual convention held from June 6-11, 1831 at the Wesleyan Church on Lombard Street echoed many of the same concerns from the Bethel meeting of the previous year. Representatives cautiously endorsed Canadian settlement, and spoke out against the “many oppressive, unjust, and unconstitutional laws” that invaded the rights of free people of color. The main address did not identify particular laws, but the 1793 Fugitive Slave Law and the 1826 liberty law must have weighed on the minds of many representatives, if not their less resourceful constituents subject to arbitrary arrest, kidnapping, and rendition. The convention decided that to remove these laws legally African-Americans must, once again, adopt skilled professions that would serve the dual purpose of ennobling their status as rightful citizens of their “native land” as well as

⁴⁰ National Colored Convention, *The Proceedings of the Convention with Their Address to Free Persons of Colour in the United States* (Philadelphia: J.W. Allen), 1831; National Convention, *Minutes and Proceedings of the First Annual Convention of the People of Colour* (Philadelphia: Committee of Arrangements, 1831); Julie Winch, *Philadelphia's Black Elite: Activism, Accommodation, and the Struggle for Autonomy, 1787-1848* (Philadelphia: Temple University Press, 1988) 94.

removing “prejudices” of whites who viewed “accidental diversities of colour” as an excuse to exploit the grim realities of free black life. Finally, the convention also hosted a number of important white abolitionists, including Arthur Tappan, Benjamin Lundy, William Lloyd Garrison, and Thomas Shipley. In this way the amicable meeting of the minds integrated abolition under the auspices of the African-Americans who organized the convention. The stakes of black freedom in Pennsylvania required a concerted multiracial effort.⁴¹

“Sleeping on Gunpowder” – The Effect of Turner’s Rebellion on Black Philadelphia

While this integrated meeting of abolitionists in Philadelphia augured the continued activism of antislavery stalwarts across the nation, by late August, 1831, news arrived in the city of the recent rebellion undertaken by Nat Turner and his fellow enslaved in Southampton, Virginia. Turner’s group wreaked havoc in southeastern Virginia, traveling from plantation to plantation killing any white person they could lay their hands on, including women and children. Although Turner failed in his plans to capture and arm his rebel band with rifles, he eluded authorities for several months. By the end of August, however, the rebels scattered after a skirmish with a white posse, yet the final death toll consisted of nearly sixty whites, and an estimated 200 African-Americans faced reprisals for direct or presumed association with Turner.⁴²

⁴¹ National Colored Convention, *Minutes and Proceedings of the First Annual Convention of the People of Colour* (Philadelphia: Committee of Arrangements, 1831).

⁴² Kenneth S. Greenberg, ed., *The Confessions of Nat Turner and Related Documents* (New York: Bedford/St. Martins, 1996).

Rumors of Turner's whereabouts after the rebellion circulated around the nation but particularly in Philadelphia, where many believed would be the logical destination of the roving rebels. In the week following the insurrection overzealous whites in south Philadelphia took no chances and attacked a group of black Methodists returning from a meeting in Wilmington, Delaware; one African-American was killed during the fracas. Philadelphians who perused the pages of the *Philadelphia Inquirer* no doubt noted extracts from a Baltimore newspaper that alerted residents of the city that "these insurrectionary movements among the people of colour, should cause precautionary measures to be adopted *everywhere*." The slave states had again tried to force the hand of northern legislators and the nation to rescind basic rights to African-Americans, free or otherwise. In a review of Turner's confessions *Atkinson's Saturday Evening Post* warned northern abolitionist "fanatics" to avoid meddling "with these weak wretches." Garrison's *Liberator* responded to these attacks by stoking the fires of controversy, and labelled the rebellion a declaration of black independence. To Garrison, whites must bear the costs of depriving liberty from men who thought themselves born "both *free* and *equal*."⁴³

Initially Philadelphia newspapers such as the *Philadelphia Inquirer* reported on *The Liberator* in a balanced manner. For example, a week after the publication of the first issue of the *Liberator*, Garrison as "a gentleman somewhat noted for excessive zeal as a philanthropist, but a man of unquestionable talents." This article, and others, included selections from *The Liberator* itself, with little or no comment. After Turner's revolt, however, the *Philadelphia Inquirer* performed an about-face, and claimed that *The*

⁴³ *Philadelphia Inquirer*, Sept. 19, 1831; *National Gazette*, Aug. 30, 1831; *Liberator*, Oct. 8, 1831; *Atkinson's Saturday Evening Post*, Dec. 10, 1831, 541.

Liberator prayed for the emancipation of the nation's blacks, an emancipation premised "on the extermination and murder of whites." Fearing further circulation of the newspaper among blacks in the south, the writer suggested that the Mayor of Boston research whether or not he could suspend the publication of Garrison's paper. Garrison's words threatened the Union, according to this writer, and local officials must in their capacity as civic leaders censor him. Here the writer acknowledged the reality of Pennsylvania's precarious position as a border state. In the service of southern slavery and comity, Pennsylvanians need not "overrate the evil" of which they spoke, namely those who would benefit the most from the dissemination of abolitionist newspapers: free and enslaved African-Americans.⁴⁴

Ultimately, Philadelphia's black community suffered guilt by phenotypical association, victimized by the power of race and rumor that linked them to Turner in one way or another. A Philadelphia correspondent named "Sidney," wrote to the *Liberator* complaining about how Virginia expelled many blacks from the state who had nothing to do with Turner, and doubted that these refugees could rely on northerners receiving them with open arms. "I grieve to say it," Sidney lamented, "that the northern people, though not openly abettors of slavery, are in their hearts as warm in the cause as the most violent slaveholder." Furthermore, writing from "observation [and] experience," Sidney admitted that while northern whites detested oppression, they understood freedom as "of the whites only." Turner's rebellion supported a decades-long sense of caution and distrust amongst white Philadelphians who viewed black freedom as a pseudo-freedom punctuated by a history of fugitive slave and kidnapping crises on the streets of the city.⁴⁵

⁴⁴ On *The Liberator* in the *Philadelphia Inquirer*, see *Philadelphia Inquirer*, Jan. 8, Jan. 22, Sept. 26, 1831.

⁴⁵ *Liberator*, Dec. 10, 1831.

Turner's rebellion inspired a large group of white Philadelphians to meet at Upton's on Dock Street in November 1831. Chaired by William Robinson, a south Philadelphia hatter, the gathering resolved to deal with "base and brutalizing" slaves. They claimed that free blacks in the northern and southern states sent or received incendiary publications which inspired the "insurrectionary spirit" of Turner's rebels. In order to protect the commonwealth, maintain order, and preserve the "moral principle, religion, of our very union," the participants agreed that all African-Americans within the boundaries of the United States must be removed. Interestingly enough, the historian Beverly Tomek points out that none of the men at the meeting appeared to have been members of the Pennsylvania Colonization society. This undercurrent of colonizationist thought, while feared by affluent black Philadelphians, seemed less relevant to fugitives, unless said colonizationists plotted immediate violence against this latter group.⁴⁶

Turner's rebellion clearly inspired some whites in the city to rethink their stance on expelling blacks from the country. Two days earlier, "A Colored Philadelphian" wrote in the *Liberator* that blacks must "fight for liberty, or die in the attempt." Rather than risk keeping potentially violent free blacks in their midst, removal seemed to be the lesser of two evils, at least according to some white Philadelphians. Adding additional layers to this already complicated response to the rebellion, the group at Dock Street remarked that even though they saw slavery as deplorable and removal an appealing option, they respected the opinions of slave masters in facilitating the removal themselves. Thus,

⁴⁶ *Liberator*, *ibid*; Beverly C. Tomek, *Colonization and its Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania* (New York: New York University Press, 2011), 153-154.

ridding the country of their slaves could only come about after masters “shall have been convinced of the utility of the measures.”⁴⁷

Philadelphians at the Dock Street meeting identified both the presence of abolitionists and that arrival of southern blacks as disruptive to the stability of the Union. Garrison and his “fanatic” adherents “tended greatly to exasperate them and alienate [southerners’] affections from their countrymen of the north.” At the same time, the group chastised the “anti-national” laws passed in some southern states to evict blacks from their borders and force them north, “hence subjecting us to the demoralizing influence” of black emigrants. The *Liberator* responded to this claim by asserting that blacks in the north surpassed the same number of whites in their “moral deportment.” In a bold paean for the black community, the writer doubted that these same whites “could have resisted the pressure which has rested up on the blacks, and shown one half the number of persons rising superior to adverse circumstances, and conquering the difficulties which prejudice and tyranny have thrown in their way.” Nonetheless, those at Upton’s saw recent black arrivals as “burning with hatred and revenge, and which may, in the event of war, be employed against us in the field.” That the group would assign blame for the current crises – i.e. Turner’s revolt and black emigration - to abolitionism, northern blacks, and southerner’s expulsionary efforts made for strange bedfellows, especially when coupled with the group’s plans to honor the wishes of slave masters regarding their thoughts on colonization. This hodgepodge of seemingly contradictory thoughts made perfect sense in a city wracked with the reality and acceptability of unprovoked violence toward black people, free, freed, or fugitive. African-American

⁴⁷ *Liberator*, *ibid*; Andrew K. Diemer, “Black Nativism: African American Politics, Nationalism, and Citizenship in Baltimore and Philadelphia, 1817-1863,” (PhD diss., Temple University, 2011), 123-124.

movement in, around or to Philadelphia destabilized the city, which in the eyes of this group of whites at Upton's portended, acted as a microcosm for the subversive effects of blacks living in the Union itself.⁴⁸

Debating Black Emigration

Turner's rebellion inspired Pennsylvania state lawmakers to consider exclusionary measures directed toward potential black emigrants. Here Pennsylvania followed the trend of Ohio, Indiana, and Illinois, all states that had at their time of admission into the union either explicitly banned blacks from entering their states or required an exorbitant bond proving their freedom and independence. Yet the matter of black emigration was different in Pennsylvania given its geographical position as a state that bordered three slave states. Fugitive, free, and freed African-Americans crossed the southern border of the state; white politicians hoped to stem this supposed tide in the wake of the Turner revolt. In late 1831 Philadelphia Democrats presented memorials from "sundry citizens" requesting that Pennsylvania representatives in the national Congress support emigration out of the country. Philadelphia County Democratic state representative Franklin Vansant speculated that perhaps as many as 123,000 blacks may flee north in the wake of Southampton. To Vansant, these "ignorant, indolent, and depraved" African-Americans represented dangers to the "peace, rights, and liberties of the citizens." Similar to the meeting at Upton's Dock earlier that month, Vansant believed unchecked emigration threatened to undermine "fundamental principles of the republic." He and other

⁴⁸ *Liberator*, *ibid.*

lawmakers presented House Bill 446 on January 9th, 1832, a draconian set of methods to prevent African-Americans from moving into or around the state unmolested. The bill required black emigrants to post a \$500 bond, and black residents to register in their local counties. In addition, employers faced penalties for hiring unregistered blacks. Another addendum to the bill proposed to assign a committee to investigate repealing the 1820 and 1826 Pennsylvania liberty laws, and give “full effect” to the 1793 fugitive slave act.⁴⁹

Philadelphia’s African-American community did not sit idly by while the state legislature debated their freedom of movement. In January, 1832 “a numerous meeting of the people of color,” including James Forten, William Whipper, and Robert Purvis, addressed both the emigration proposals and the repealing of the state’s liberties laws by crafting a public memorial to the state legislature. Given Pennsylvania’s record on stamping out slavery within its borders and the lack of any “instance of insurrection,” by black Pennsylvanians, the group asked why the state should now devise “iron borders” to prevent the settlement of a “banished race of freeman” from the south. The group credited this shift to unfounded prejudices in the minds of white Pennsylvanians who thought that African-Americans in the state encouraged the Turner rebellion. This accusation was simply not true, explained the memorialists, for as citizens of the state they shared mutual ancestors with the very same politicians who moved to evacuate them from Pennsylvania or at the very least limit their mobility. Furthermore, the memorialists added that they viewed the legislature as a “guardian and a protector” of a goal shared by

⁴⁹ Leon Litwack, *North of Slavery: The Negro in the Free States*, (Chicago: University of Chicago Press, 1961), 69-70.; Winch, *Philadelphia’s Black Elite*, 131-133; Tomek, 154; House of Representatives of the Commonwealth of Pennsylvania, *Journal of the Forty-Second House of Representatives of the Commonwealth of Pennsylvania: Volume 1* (Harrisburg: Henry Welsh, 1831), 48, 117-118, 143, 153, 338; *Philadelphia Inquirer*, Dec, 31, 1831.

all Pennsylvanians, black or white: to ensure law and order for “the promotion of the common weal.” Part of this “common weal” depended upon uplifting blacks, and so the memorialists included an addendum that provided evidence of their uplifted rather than degraded condition, citing property ownership among blacks, the growing number of beneficial societies, and the marginal number of African-Americans in Philadelphia almshouses.⁵⁰

The memorial criticized the legislature for debating to rid the state of two symbols of antislavery progress: the 1820 and 1826 liberty laws. Prior to the 1820 act African-Americans feared being torn apart more so than after the act, and thus the memorialists longed that such a period “never be again.” If the legislature eliminated the 1820 and 1826 laws, alderman and Justices of the Peace would return to their controversial work, complete with a new host of local henchmen ready to wreak havoc on the black community. Such a move represented “far too great a concession for the spirit of slavery.” Pennsylvania moved past those “flagrant” injustices in recent years, and the matter should rest solely with Pennsylvania judges. Moreover, judges already had the difficult choice – a “sacrifice on altar of slavery” - as “freemen” to condemn African-Americans to permanent servitude. The memorialists boldly suggested that Pennsylvania should place itself in the leading vanguard of states willing to give jury trials for fugitive cases. However, the writers of the memorial, street diplomats all, ended on a conciliatory tone that spoke to the power of Philadelphia African-Americans to honor and uphold interstate comity. Instead of revoking slaveholder’s rights to enslave, the memorialists made it clear that they did not wish “to interfere with those rights of property which are

⁵⁰ *Liberator*, Apr. 14, 1832; *Hazard’s Register of Pennsylvania*, June 9, 1832, 361.

claimed by our fellow citizens of other states.” By ending the memorial in this ironic fashion, Philadelphia African-Americans placed themselves not only on the same level of citizenship as northern state legislators, but also deemed themselves equal citizens willing to maintain comity with southern slave masters.⁵¹

This memorial caught the notice of white Philadelphians who attempted to link the Turner rebellion to African-Americans living in the city. One writer who called themselves “A Pennsylvanian” wrote to the *Philadelphia Inquirer* and warned readers that they had witnessed the “forwardness and upheavedness” of ordinary Philadelphia blacks who tried to defend “8 or 10” African-Americans who recently arrived from Virginia, possibly from the Southampton area. The “horror” of the information stunned the writer, who feared that the city was “sleeping on gunpowder.” Perhaps fearing that readers would ignore his plea, the writer added that he spoke to a recent black émigré who worked as a carpenter in Southampton. This man assured him that at least 500 other blacks followed him to Philadelphia in the previous two months. “A Pennsylvanian” asked readers if they would “continue to fold our arms and cry a little more sleep and a little more slumber, until we are aroused up by our newcomers from Southampton?” Although no major rebellion by Southampton emigres erupted as a result of Turner, this warning from “A Pennsylvanian” seemed to prophesize the potentially explosive consequences of leaving black life unchecked in the city.⁵²

African-Americans and their allies were quick to respond to the “gunpowder” accusations. The *Liberator* published an article entitled “Three Black Crows” – a traditional omen for one’s impending death – in which they quoted a rebuke from another

⁵¹ *Liberator*, *ibid.*

⁵² *Easton Gazette*, Jan. 28, 1832

Philadelphia newspaper, the *United States Gazette*. 500 Southampton blacks did not emigrate to the city; the newspaper placed the number at maybe a dozen. Furthermore, whites sent those responsible for the rebellion “to another world,” while free blacks in Virginia did not rise up to join their brethren in slaughtering slave-owners. Finally, the paper instructed readers to ponder the reality of the situation: “how much less, then, will [African-American emigres] attempt anything of the kind *here* [in Philadelphia], surrounded by whites?” Acknowledging the willingness of whites to attack blacks at random also bolstered the fact that whites (and some blacks) enjoyed a near monopoly of violence when it came to forcibly removing African-Americans from Philadelphia. The *National Gazette*, another Philadelphia newspaper, echoed the *United States Gazette* and cited the *Richmond Whig*, with the latter paper stating that *A Pennsylvanian’s* account was not an “honest mistake...[but] a *mistake*” and a purposeful one at that. The *Whig* even went so far as to issue African-Americans a backhanded compliment: free blacks had nothing to do with the “diabolical” massacre and thus posed no threat to riling up the “insolent and abandoned” free blacks in Philadelphia. Ironically, the *Whig* appeared more pro-black than the cynical *Pennsylvanian*. Thus, from northern and southern papers alike, the thought that free blacks might follow suit and rebel in the north remained unfounded, despite the subtle hint that these African-Americans might have just as good a reason to terrorize northern whites.⁵³

Legislators in Harrisburg flirted again with the prospect of preventing black migration to Pennsylvania and modifying travel within the state throughout early 1832. The proposed “House Bill 446” consisted of four sections. The first section stated that

⁵³ *Liberator*, Feb. 11, 1832; *National Gazette*, Jan. 28, 1832; Michael Ferber, *A Dictionary of Literary Symbols* (Cambridge: Cambridge University Press, 2007), 166.

any blacks entering the state must post a \$500 bond within twenty days of their arrival. If they failed to post the money in the allotted time, the second section stipulated, constables could then use their own means or “information of any other person” to arrest the offender for vagrancy and bring them to a state official. Such a stipulation had the potential to open the floodgates for kidnappers and slave-catchers, a not so subtle way of assisting the slave states and slavery. According to section three, African-Americans who could afford the \$500 bond received a notarized certificate from the duty of the court. However, any person who harbored or hid a black migrant without reporting them to the court faced a fine of \$50, with half going to the informant and the other half to the overseers of the poor. Finally, the fourth section required African-Americans (“all negro and mulatto persons”) to register with their local ward or township. This census would list the names and “complexions” of black residents and acted as a means to track African-Americans if they moved around the state. In sum and in practice, the bill would strengthen the pro-slavery provisions of the 1826 Liberty Law as well as the federal Fugitive Slave Act of 1793. Not only did the bill instruct Pennsylvanians on how to approach any African-American that they met or merely saw in the state, the bill also epitomized the limits of black freedom in the state, a freedom that was questioned rather than assumed, circumscribed rather than exercised, and burdensome rather than liberating.⁵⁴

African American leaders linked the consequences of the bill to the recent anti-black outcry raised by Turner’s rebellion at the Second Annual Convention of the People

⁵⁴ John Bowers, *To the Honourable Senate and House of Representatives of the Commonwealth of Pennsylvania* (Philadelphia: Unknown publisher, 1833), 11-12; Winch, *Philadelphia’s Black Elite*, 132-133.

of Color held in Philadelphia's Benezet Hall from June 4-13, 1832. Realizing their freedom as more "precarious" than any other period since the Declaration of Independence, black leaders lambasted both legislative efforts by Pennsylvania lawmakers to freeze "the streams of humanity, by [their] frigid legislation" and the local wings of the American Colonizationist Society to expel African-Americans from not only the state but the country as well. While expulsionary efforts gripped the neighboring state of Ohio, the attendees vowed to collect money in order for their removed brethren to resettle in Upper Canada. However, the committee on the "Canadian Report" asserted that in no way did they agree with any forced resettlement; after all, America was "*our* own, Our native land." Blacks would weather the storm by following the dictums of the closing address which encouraged African-Americans to commit to "personal and moral elevation by *moral suasion alone*." The attendees further entrenched themselves as free citizens in a runaway land by predicting that attendance would likely increase the following year. Despite the best efforts of Pennsylvanian legislators close the border between perpetual slavery and precarious freedom, African-American activists, runaway slaves, and expelled migrants, continued to poke holes in the already porous border and made every effort to resist (re)enslavement on Pennsylvania soil, "the home of the black man."⁵⁵

Black Philadelphians once again took to the streets and their experiences from the streets to exercise street diplomacy, and even cited interstate comity in order to assault House Bill 446. In early 1833, they assembled a "large and respectable" meeting and drafted a memorial to the state legislature in which they asserted that their rights as

⁵⁵ National Colored Convention, *Minutes and Proceedings of the Second Annual Convention of the Free People of Color* (Philadelphia: Benj. Paschal, Thos. Butler, and Jas. C. Matthews, 1832), 17, 19, 32-36.

United States citizens and African-Americans were one and the same. As African-American citizens they had rights to “free ingress and regress” as stipulated by Article IV, Section 2 of the Constitution, the text of which read “that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.” Interestingly enough, the memorial defined comity and protections for potential black emigrants through examples of citizens moving between northern states, and not between southern slave states and northern “free” states. Philadelphia blacks equated personal rights of comity as a form of protection and security in Pennsylvania, especially when their freedom was hazarded by the house bill’s darker underbelly, which sought to link emigration to registering free blacks and eliminating the 1826 liberty law. Registering free blacks equated to legislating on racial differences, the memorialists argued, and placed them in an “intermediate state of social being” between citizens and non-citizens. In the case of defining blacks as non-citizens, the memorial suggested querying their political enemies to find one example in which the Constitution or Bill of Rights declared them as such. Citing these cherished documents, memorialists took the fight to white politicians, north and south.⁵⁶

The most dangerous and demeaning feature of the house bill consisted of the sections that at first circumvented and then outright voided the 1826 liberty law. First, the bill encouraged constables to arrest of any African-American – registered or not – “without previous oath.” This measure meant that middle class or even wealthy blacks were susceptible to legal removal, if not unwarranted harassment. The very real fears of deportation weighed on the minds of the memorialists, given the variety of means

⁵⁶ Bowers, 3, 7, 9, 11.

employed by constables to remove supposed fugitives from Philadelphia. Secondly, the bill suggested nullifying the 1826 law by depriving any African-American a right to trial, a right guaranteed to vagrants. Here the memorialists acknowledged the logic of white racism. Many African-Americans “who have struggled long and anxiously with public prejudice” now faced northern whites rejuvenated by the assumption that any black – rich, poor, or otherwise - was a fugitive or unregistered person of color subject to removal by a northern anti-black law of more immediate consequence than the federal Fugitive Slave Act or the 1826 law, the latter of which at least enacted limits on slaveholder’s from the south.⁵⁷

Ultimately, “House Bill 446” failed to gain traction and died in committee. While the content of the conversation pertaining to the bill in its waning days remains unclear, State Senator Samuel Breck seemed best positioned to speak for Philadelphia blacks. A National Republican from Philadelphia, Breck headed a committee formed to determine whether abolitionist Pennsylvania, “the land of Penn” and “distinguished philanthropy,” faced an upsurge of enslaved people. Breck’s motives for forming this committee may have stemmed from the Pennsylvania National Republican Party’s unease with and suspicion of southern influence within the Jackson administration as well as the President’s war on the Second Bank of the United States, the latter issue key to the lifeblood of Philadelphia and Pennsylvania. In what amounted to a miscount of freed people, Breck and his committee explained that the current black-white ratio of 40 to 1 in the eastern half of the state meant that monitoring Pennsylvania blacks or restricting

⁵⁷ Ibid., 10-11.

blacks from entering the state – both provisions of the House Bill 446 - represented a deluded notion.⁵⁸

Shutting out blacks from “philanthropic” Pennsylvania’s borders, argued Breck, would discourage slaveholders from bringing them to the state to free them. The blood of perpetual slavery would douse the hands of “every citizen within our borders.” In effect, Breck buttressed the points made by black memorialists in the previous month: the Senate committee acknowledged that free ingress and regress between and within Pennsylvania permitted the movement of slaveholders and their slaves from slavery to freedom. In a paradoxical twist, the same pressures faced by Pennsylvanians to assist slaveholders in returning their fugitive property also required Pennsylvanians to search their “philanthropic” roots and allow slaveholders to enter into the state to free enslaved African-Americans. On top of these intertwined tensions lay House Bill 446, a bill designed to register, surveil, and expel blacks from the state. Although the memorialists and Breck’s committee worked together and succeeded in fending off House Bill 446 in 1833, the ambitious scope of the bill inspired a wave of anti-black sentiment through the ambitious proposal of House Bill 446, and represented a decline in support of Philadelphia’s African-Americans, regardless of if they were free, fugitive, or freed.⁵⁹

⁵⁸ Samuel Breck, *Report of the Committee Appointed in the Senate of Pennsylvania to Investigate the Cause of an Increased Number of Slaves being returned for that Commonwealth, by the Census of 1830, over that of 1820* (Harrisburg: Henry Welsh, 1833), 1-7.

⁵⁹ Breck, *ibid.*; Bowers, 1-12.; Charles M. Snyder, *The Jacksonian Heritage: Pennsylvania Politics, 1833-1848*. (Harrisburg: Pennsylvania Historical and Museum Commission, 1958), 26-27; Russell F. Weigley, *Philadelphia: A 300 Year History* (New York: W.W. Norton, 1982), 303.

Conclusion

The fugitive freedom experienced by Philadelphia's black and white community reflected how street diplomacy led to the inability of Americans to maintain a consistent approach to interstate comity. At the macro level the agreeable comity expressed by northern and southern officials in the case of the 1826 kidnapping wave might lead one to conclude that this blatant disregard for all law, state or national, rendered a favorable outcome for the victims and thus, the Union. Preserving the law writ large meant honoring the compact of Union while at the same time upholding the inability of freedom and slavery to reconcile in favor of freedom. Scanning the kidnapping and fugitive slave cases with a microscope, however, one finds a constant undercurrent of anti-black thought and action: kidnapers and willing constables-cum-slave catchers, all well-known, historical, and infamous figures who achieved notoriety in abolitionist circles by perpetuating terror; African-Americans who assisted slave catchers continued, regardless of motive, to act as informants and in doing so practiced street diplomacy; white politicians who quaked at the thought of accepting new African-American emigres in the fear that they would embed themselves in places like Philadelphia for the sole purpose of plotting to terrorize and kill whites.

Against these forces, black and white abolitionists redoubled their efforts at the national, state, and street level. Delegates to the American Convention, especially the Philadelphia cohort, emphasized the national implications of local kidnappings and made these local terrors palpable to each other's understandings of the intimate relationship between freedom and slavery. At the state level, African-Americans and their allies

labored profusely to confront white politicians and remind them not only of their status as free(d) people, but also their identities as free Pennsylvanians. Finally, the actions undertaken by African-Americans and their white allies at the local level reiterated the improvisatory nature of fugitive retrieval and rescue. The micro level – the politics of street diplomacy - decisions required movements toward freedom: Scamp’s words to emancipate himself, Sadler’s skills as a hired-out slave, hundreds of ordinary and anonymous blacks rushing to rescue an accused fugitive, and the reality that African-Americans knew the law and worked with whites to satisfy their individual needs as free(d) people; each acted as and enacted strategies that acknowledged how the burden of the union lay upon the backs of African-Americans, those who experienced a fugitive freedom in Philadelphia.

CHAPTER 4

RIOTOUS COMITY IN PHILADELPHIA, 1834-1835

Introduction

But do not forget two things; it is summer, and a summer in Philadelphia is no trifle – and you know that mercury and the human mind are like the two buckets in the well, when one is up the other is down. - Francis Lieber, *The Stranger in America* (1835)

By 1835 James Parker had lived in Philadelphia for 15 years and owned his own clothing cellar on 2nd street. His arrival in the city in 1820 seemed auspicious, given the passage of the recent 1820 kidnapping law designed to protect the illegal enslavement of people just like him. Did Parker consciously think about this 1820 law as he lived and worked in Philadelphia? Did he keep himself informed about the passage of the 1826 law? Could he relate to the threat of the kidnappers who stole free people from the city and sent them south never to be heard from again? These ponderous and in many respects unanswerable questions moved from hypothetical ruminations to a grim reality on February 16, 1835, when Philadelphia constable Michael Donnehower walked into Parker's store and accused him of stealing a coat. Donnehower brought Parker before Alderman Samuel Badger, who dismissed the charges of theft and released the man. Dissatisfied with Badger's acquittal, Donnehower made sure to keep Parker's irons around his wrists; the constable seized Parker as they left the Alderman's office and "forcibly dragged" him to prison. Parker remained incarcerated until the following morning, when Donnehower and an anonymous claimant retrieved him and put him in their carriage. There Donnehower and the nameless slaver examined "more particularly his head [and] made the prisoner show him his teeth." Imprisoned in a carriage, the unnamed slaver, Donnehower, and Parker, studied each other's freedom at the confluence of comity: the slave master who could make a claim for slavery as a national right;

Donnehower, at-once a law enforcement official and a professional kidnapper whose right to seize African-Americans for slavery seemed boundless in a free state; Parker, the free man whose freedom could never be assured in a free city that existed in a slaveholding republic. Dissatisfied once again – a case of mistaken identity, perhaps - Donnehower and the claimant pushed Parker out of the carriage and sped off down the street. All three parties embraced their freedom in different ways. While Parker exercised his newly-found freedom by seeking justice through the PAS and the legal system, the slaver and Donnehower went unpunished through the enslaved freedom of Pennsylvania's position within the federal compact.¹

African-Americans in Philadelphia, many of whom practiced street diplomacy on a routine basis, bore the burden of maintaining the Union because their lives represented the open question of freedom and slavery in America. The answer to this question exploded on the streets of the city whenever a black person faced abuse or seized outright by slave masters or their local minions. Protecting the rights to enslave and re-enslave upheld comity, according to slave masters, a position diametrically opposed to the rise of immediate and multiracial abolitionism across the north, especially in Philadelphia. When faced with the choice, white Philadelphians moved toward maintaining peaceful relations between slave and free states by insisting that the Union required a compromise: namely, questioning the freedom of black Philadelphians.

Initially, interstate diplomacy fostered the retrieval of kidnapping victims, the extradition of kidnappers, and presumed a sense of trust and honor between free and slave states. This relationship became strained by the forces of interracial cooperation and

¹ PAS 1.5, Apr. 3, 1835, Sept. 1, 1835; *Philadelphia Directory*, 1835-1836.

immediate abolitionism. The former force represented nothing new to Philadelphians, as it was common for white allies to come to the aid of blacks, fugitive and free. White Philadelphians used extreme forms of this interracial cooperation, i.e. the growing abolitionist movement and the common experience of fugitive slave rescue attempts, as a pretext to brutalize black Philadelphians.

Historians have proffered numerous reasons for the increase of rioting during the Jacksonian Era. Some of these theories include fighting over economic inequality, establishing boundaries of “hard” and “soft” racisms, shifting demographic patterns, and developing schisms between north and south. Unsurprisingly, a mixture of factors lay behind the Philadelphia riots of 1834-1835. However, historians have overlooked the role fugitive slaves played in precipitating these riots. In 1834, what began as a simple case of theft transformed into a struggle between freedom and slavery in the city, with thousands of black residents forced to evacuate their homes and take to the surrounding countryside. In 1835, a supposedly deranged African-American man named Juan attacked his “master” in a fit of rage, which initiated not only a major riot, but also gave white Philadelphians the opportunity to pledge their support for the South and slavery. The mixed blessings of the 1826 liberty law had in effect, faded into the background, as enacting freedoms within street diplomacy threatened interstate comity, a set of ongoing battles fought on the streets of Philadelphia.²

² The historiography on this series of riots includes, John Runcie, “Hunting the Nigs” in Philadelphia: The Race Riot of August 1834,” *Pennsylvania History*, Vol. 39, No. 2 (April, 1972), 187-218; Carl E. Prince, “The Great “Riot Year”: Jacksonian Democracy and Patterns of Violence in 1834,” *Journal of the Early Republic*, Vol. 5, No. 1 (Spring, 1985), 1-19; Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America* (New York: Verso, 1990); Lapsansky, “Since They Got Those Separate Churches,” Paul Gilje, *Rioting in America* (Bloomington: Indiana University Press, 1996); Leonard Richards, *Gentlemen of Property and Standing: Anti-Abolition Mobs in Jacksonian America* (New York: Oxford University Press, 1970); David Grimsted, *American Mobbing, 1828-1861: Toward Civil War* (Oxford: Oxford University Press, 1998; Elizabeth M. Geffen, “Industrial

The Rise of Immediate Abolitionism in Philadelphia

In December 1833, sixty abolitionists from across the country gathered in Philadelphia to hold a convention which brought about a national organization intent upon the immediate abolition of enslaved people in the United States. Chaired by William Lloyd Garrison, convention delegates drafted a “Declaration of Sentiments,” an updated moral and race-conscious version of the original Declaration of Independence. Unlike the patriots of the American Revolution who split blood while waging war against Great Britain, the Declaration promised “moral purity” in the face of morally-corrupt “Man stealers” whose affronts to the laws of God made a mockery of a Divine will designed to provide and promote the same privileges to all men regardless of skin color. The convention asserted that the law of man and the law of the land – namely, the Constitution – both empowered slave-owners to launch raids into the free states and prevented Congress from making any meaningful progress in emancipating enslaved peoples. The fettered landscape of the south bled easily into the free states, states whose obedience to the Constitution forced them to stand at the beck and call of slavery. Such a national compact “must be broken” by the tireless efforts of abolitionist martyrs.³

Anti-abolitionist newspapers across the country latched onto these controversial lines, and labeled immediate abolitionists as “fanatical” from the get-go. The *Richmond Inquirer* claimed that the goal of the meeting was to raise a panic in the south, at attempt that thankfully fell “still-born.” The *New Hampshire Patriot* stated that the convention

Development and Social Crisis, 1841-1854,” in *Philadelphia: A 300 Year History* (New York: W.W. Norton, 1982), 307-363; Noel Ignatiev, *How the Irish became White* (New York: Routledge, 1995).

³ William Lloyd Garrison, *Selections from the Writings of W.L. Garrison* (Boston: R.F. Wallcut, 1852), 66-71.

“blessed” Philadelphia with a horde of emancipationists and amalgamationists, while the *Boston Courier* excoriated the participants for breeding “hatred” between the different sections of “our common country.” Even more qualified reports such as that of the *Christian Watchman*, which informed readers that the convention respected the sovereignty of the states, could not let convention’s attendees off the hook for touting that the Union must be broken up. Perhaps most damning for the black community and their allies in Philadelphia, the *Philadelphia Inquirer* called the convention a “conclave” of “visionary fanatics.” That paper lamented that a sole police officer guarded the door to the Adelphi Saloon where the convention first met late at night on the December 3rd, and thus prevented a “body” of Pennsylvania citizens from delivering a “true expression of public opinion,” to the abolitionists: in other words, a riot.⁴

The Pennsylvanians who attended the convention represented a blend of antislavery generations old and new, with ‘old’ (and white) PAS stalwarts such as Thomas Shipley and Edward Atlee openly combining their efforts with passionate youngsters like Robert Purvis and James “Miller” McKim. Purvis was a mixed-race Philadelphian whose mother was a freedwoman and whose father was a wealthy English emigre to South Carolina. Light-skinned, well-educated, and married to James Forten’s daughter Harriet, who also plied her skills as an antislavery poet and activist, Purvis epitomized the promise of a beneficial multiracial United States, and the potential to undermine ossifying racial dichotomies – both of which made him a special target for white fury in the coming years. McKim lived in Carlisle, Pennsylvania where as a young

⁴ *Richmond Enquirer*, Dec. 19, 24, 1833; *New Hampshire Patriot*, Dec. 30, 1833; *Boston Courier*, Dec. 12, 1833; *Christian Watchman*, Dec. 20, 1833; *Philadelphia Inquirer*, Dec. 7, 1833; Abolitionists addressed their supposed ‘fanaticism’ in their own newspapers as well. In particular, see *Liberator*, Jan. 4, 18, 1834.

man he made inroads into the black community by joining the local all-black abolition society. As the youngest delegate to the convention, his role was limited, though what he observed there inspired him to serve as a “traveling agent” of immediate abolitionism for the next two decades. Such were the qualities of the men who gathered in Philadelphia in December 1834: persevering immediatists who viewed the sin of slavery as one that could no longer shun interracial cooperation at national conventions. By applying the lessons of interracial cooperation in Philadelphia, blacks and whites could work in common cause to end slavery.⁵

Contemporary newspapers noted that the “wild and visionary schemes” of race-mixing, or amalgamation in contemporary parlance, would undo the Union in practice as much as emancipation would in theory. The pro-Democratic *Pennsylvanian* warned Philadelphia of hosting agitators who would “set the Potomac on fire” with their wily rhetoric and dared to link a more perfect Union to that of intermarriage between whites and blacks. The *New York Spectator* echoed the *Pennsylvanian* by chastising the immediatists rejection of colonization as a “visionary and impracticable undertaking. The “speedy amalgamation” offended taste, that faculty separated from judgment, and to the *Vermont Phoenix*, civilization as well as refinement. An interesting contemporary retort to this claim of swift race-mixing came from clergyman Amos Phelps, who argued that the two races in America would stop amalgamating should emancipation occur. After all,

⁵ Margaret Hope Bacon, *But One Race: The Life of Robert Purvis* (Albany: State University of New York, 2007); Ira Brown, “Miller McKim and Pennsylvania Abolitionism,” *Pennsylvania History*, Vol. 30, No. 1 (January, 1963), pp. 55-72.

wrote Phelps, the slave girl would no longer need to court the “unhallowed embrace of her master or his sons as an honor.”⁶

Four months later, on April 18th, 1834, black and white abolitionists redoubled their antislavery activities and founded the Philadelphia Anti-Slavery Society (PASS). Again, a “who’s who” of anti-slavery stalwarts served as managers for this society, one that functioned as the local auxiliary to the American Anti-Slavery Society. Members included President David Paul Brown, a lawyer who had for decades worked pro bono for the PAS, PAS veterans Edwin Atlee, Thomas Shipley, and Dillwyn Parrish, a pharmacist whose father Dr. Isaac Parrish was a prominent Quaker philanthropist, and Joseph Cassey, an African-American entrepreneur who owned a notable hair salon in Philadelphia and several important real estate holdings across Philadelphia. Cassey served as a manager for the PASS as well as the first Philadelphia agent for *The Liberator*. While some historians have labelled his appointment as manager more “symbolic” than integral, nevertheless, Cassey, like James Forten and William Whipper, served an indispensable role as a purveyor of immediate abolition in a city primed for anti-interracial backlash; a city haunted by decades of stolen children and the open secret of slavery’s vanishing borders. In the words of the preamble to the PASS constitution, Cassey and his compatriots pledged to peacefully abolish, “the operation of a system which enters so largely into our domestic relations”: these relations upset in the home by the market revolution mirrored how the national reality of slavery coincided with local kidnappings. Such thoughts echoed true in Philadelphia, where African-Americans faced

⁶ *Pennsylvanian*, Dec. 14, 1833; *Liberator*, Feb. 1, 1834; *New York Spectator*, Feb. 15, 1834; *Vermont Phoenix*, Jan. 22, 1834; Amos Phelps, *Lectures on Slavery and its Remedy* (Boston: New England Anti-Slavery Society, 1834), 236.

pushes that developed into literal shoves down the streets, into courthouses, and the hands and wills of sometimes new, sometimes old southern slave-owners.⁷

These bold steps taken by black and white Philadelphia abolitionists were not rarified fantasies of freedom's plight in Philadelphia, for not a day went by when another example of such a bond between the city and slavery manifested itself. When the PASS reconvened on April 30th, an incident occurred at the state house, i.e. Independence Hall, barely half a mile away from the College of Pharmacy where the meeting took place. A Virginian slave-owner arrived in the city and with the help of local law enforcement, arrested a black boy whom he claimed as a runaway. The master, boy, and attending officers brought the case to Judge Archibald Randall of the Court of Common Pleas.⁸

African-Americans packed the court room, so much so that perhaps two or three hundred of them spilt out onto Sixth Street in front of the building. Randall was no stranger to such cases (the PAS recorded him presiding over at least a dozen similar trials) nor the presence of an active and intimidating African-American crowd. A month earlier, for example, a Delaware owner, possibly a kidnapper, named William Sapp tried to convince a black man known only as "Trump" to get on his boat and return to his master. A crowd of African-Americans seized Sapp and ordered him to take Trump to

⁷ "Joseph Cassey. No. 36 South Fourth Street," advertisement in *United States Directory for the Use of Travellers and Merchants* (Philadelphia: James Maxwell, 1823); Library Company of Philadelphia, "Black Founders: The Free Black Community in the Early Republic," Last Modified 2011, <http://www.librarycompany.org/blackfounders/section9.htm>; See also Janine Black and T.L. Hill, "The Rise And Fall Of Joseph Cassey: How Environmental Munificence and Social Networks Enhance And Constrain Minority Entrepreneurship (Interactive Paper)," *Frontiers of Entrepreneurship Research*: Vol. 29 (2009): Iss. 9, Article 4; Winch, *Philadelphia's Black Elite*, 81-83; Philadelphia Anti-Slavery Society, *Constitution of the Philadelphia Anti-Slavery Society* (Philadelphia: Thomas Town, 1834), v-vi.

⁸ The College of Pharmacy was located at Seventh and Zane Street, P.J. Gary, *Philadelphia as it is: And Citizens' Advertising Directory Containing a General Description of the City and Environs, List of Officers, Public Institutions, and Other Useful Information: for the Convenience of Citizens, as a Book of Reference, and a Guide to Strangers* (Philadelphia: P.J. Gary, 1834); PAS 1.5, 3-1-1834.

Randall for trial. On his way, Sapp and Trump stopped at a tavern, where Sapp plied Trump with alcohol to the point of inebriation, perhaps as a ruse to confuse Trump during the impending trial. Randall listened to the testimony of PAS members Isaac Barton and Thomas Shipley (who no doubt had responded to the impetus of the anonymous black crowd) and released Trump from custody. Nonetheless, the presence of African-Americans in the court room put subtle pressure on judges, law enforcement officials, and ultimately the elected legislators best equipped to modify the laws of Pennsylvania.⁹

The African-American boy taken into custody on the date that coincided with the PASS meeting faced a similar set of circumstances. As mentioned, the vicinity was packed with upwards of three hundred members of the black community, perhaps many of their white allies, and most likely unsympathetic white spectators and rabble-rousers. While little is known of the testimony from black and white witnesses, Judge Randall took little time in declaring the boy property of the Virginian claimant. The African-Americans in attendance reacted with “great excitement” to the ruling, forcing the officers who held the boy in custody to believe that a rescue was imminent. One officer, Constable Michael Donnehower of Moyamensing, thought it wise to handcuff himself to the boy, and declared that “if they carried off the slave, they should take him along with them.” Sure enough, the African-American crowd pounced on Donnehower and his fellow officers as they exited the courtroom. The officers pushed the boy into the awaiting carriage only to be surrounded by “several hundred blacks,” including women, who quickly cut the harnesses connecting the horses to the main body of the carriage.

⁹ PAS 1.5, *ibid.*; For other cases involving Randall, see PAS 1.5, Dec. 26, 1833, Mar. 17, 1834, Apr. 3, 1835, June 25, 1835, Sept. 1, 1835, Oct. 1, 22, 26, 1835, Jan. 14, 1836, Mar. 3, 1836, July 21, 1836, as well as the Mary Gilmore case, as detailed below; *Philadelphia Inquirer*, May 1, 1834.

Nonetheless, the officers held off the rioters with “great firmness and forbearance,” – i.e. violence - and even arrested seven of the perpetrators. Coincidentally, these rioters were tried by Judge Randall, who witnessed the entire scene from the safety of the second floor window of the courthouse. True to form, and as evidence of the contested and often violent relationship between slavery and freedom on the streets of the city, the *Inquirer* lamented that while “we [Philadelphians] may regret the existence of slavery in this country, the laws must be enforced...” Donnehower and other Philadelphia constables, relished their roles as law enforcement officials, especially when it pertained to the (re)enslavement of blacks.¹⁰

The Role of Philadelphia Constables

Philadelphia constables factored greatly into the success of slave-owner’s claims of runaways in the city. Often operating in pairs or trios, these men cajoled and accepted offers from southerners to return fugitives, many of whom lived in and around the most populous African-American neighborhood: the Cedar Street corridor. Constables Michael Donnehower, John Weisener, and George Hoffner all lived in Passyunk and Moyamensing on the southern border of Cedar Street. On May 16th, 1834, these men seized a black woman named Ann Brown on the oath of Elijah T. Murphy, Jr. of Kent County, Maryland. According to the PAS, “The manner of her seizure was violent and

¹⁰ *Philadelphia Inquirer*, May 1, 1834; *Philadelphia Directory*, 1835-1836; Donnehower (also spelled ‘Donohower’ and ‘Donnahower’) figured largely as another Alberti-type of character who plied his trade as a petty law enforcement officer and slave catcher in Philadelphia and New Jersey; his career appears just as prolific as Alberti’s, though unlike Alberti little is known of his life after 1839. For other cases involving Donnehower, see PAS 1.5, Mar. 17, 1834, Apr. 3, Oct. 20, 1835, Jan. 16, June 14, 21, July 21, Sept. 6, Oct. 31, Nov. 21, 1836, June 30, 1837, Sept. 23, 1839.

inhuman,” due to the fact that Brown was three months pregnant and confined to her house. This note suggested that Brown had left her house briefly and in a state of pain, and that the constables waited to pounce as soon as they saw her in public. The men took Brown straight to prison, where shortly thereafter a few PAS members arrived and instructed the jailor to update them if Brown was taken to trial, which he didn’t. Luckily, several of Brown’s relatives maintained a close watch over the prison by acting as lookouts, and accompanied her when the constables returned to take her before city recorder Joseph McIlvaine. Murphy’s brother explained that Brown’s mother lived and died as a slave to his grandfather, and that when he died, his father Elijah Sr. received Ann as an inheritance. Elijah Murphy, Jr. purchased Ann from his father upon his death. Unconvinced by their biased testimony (and thus, illegal testimony according to the 1826 act), McIlvaine postponed the trial three days.¹¹

In many, if not most fugitive slave cases in Philadelphia, postponing trials gave both sides a chance to gather evidence: black and white abolitionists often used the time to corroborate information, consult attorneys, and even plan rescues – in short, enact street diplomacy. The 1826 Liberty Law stipulated that judges could remand accused fugitives to prison for the duration of the postponement, which McIlvaine did in the case of Ann Brown. While it appeared that she had multiple visitors – family, friends, and members of the PAS – she also had to remain cooped-up in a dank and dirty cell while three month’s pregnant. Fortunately, family members staked out the prison, while her

¹¹ PAS 1.5, Sept. 3, 1834; On see “Cedar Ward,” see Lapsansky, ““Since They Got Those Separate Churches,” Emma Jones Lapsansky, “South Street Philadelphia, 1762-1854: “A Haven for those Low in the World,” (PhD. Diss., University of Pennsylvania, 1975), and Emma Jones Lapsansky-Werner, *Neighborhoods in Transition: William Penn’s Dream and Urban Reality* (New York: Garland, 1994); *Philadelphia Directory*, 1830, 1833, 1835-1836; According to the 1826 law, city recorders could hear fugitive slave cases as their positions were designated by the United States Constitution. Information on Elijah Murphy comes from 1830 *United State Federal Census*.

brothers delivered precious documents to the PAS: Brown's manumission papers, which detailed how her mother and all of her children were freed by Elijah Murphy Sr. a few years prior. The parties reconvened at the Mayor's court on May 19th, and the PAS presented the manumission document. The claimants admitted to the validity of the document, and in effect owned-up to their previous lie about Ann's mother being a slave of their father and grandfather. They tried a different approach – improvisatory lying - and argued that since nobody knew Ann's true age, she might not have been included in the document. The PAS lawyers balked at this idea, as “the same motives which operated to produce a manumission of all of [Murphy's] slaves, would not be likely to have been laid aside in reference to one individual alone.” McIlvaine weighed the evidence of the manumission document, now uncertain of its validity, and postponed the trial yet again.¹²

The outcome of the third trial epitomized how Philadelphia blacks of any condition lived in constant fear. When the sun rose on the 31st of May, Murphy failed to appear at the Mayor's court, having absconded sometime in the interim between the trials. He abandoned his claim for a number of reasons. First, the PAS lawyers complained to McIlvaine about Brown's prison stay – the quality of life in the cell being less than adequate for anyone, pregnant or not – and offered to pay her bail. Dr. Joseph Parrish paid the astronomical sum of \$350 for her release. Slave-owners would have recognized how Parrish's name and position lent great weight to Brown's defense. Spooked by this development – a gentleman acting on behalf of a supposed slave woman – Murphy and his counsel wrote to the PAS asking to compromise for Brown: for \$100, she would become a freewoman, and Murphy would abandon his case; an extorted

¹² PAS 1.5, Sept. 3, 1834

freedom. This offer from Murphy elicited the second reason for his abandonment – he felt that he could cut his losses and return to Maryland without facing charges of kidnapping a free woman. The PAS and Brown’s family refused this ‘bargain.’ The final nail in the coffin came on the day of the trial, as Murphy was a no-show. McIlvaine discharged the case and Brown was in turn freed to be free once again. A few weeks later, the PAS received word from Elijah’s brother James that their father had manumitted all of their slaves, and even sent a copy of the manumission from the register’s office of Kent County, Maryland. While in many cases slave-owners vanished after making a claim and lacking any punishment from the legal system, the constant fear of enslavement no doubt haunted black Philadelphians.¹³

In keeping with the negative potential of street diplomacy, Philadelphia constables, then, appeared to be able to seize free African-Americans with little consequence. In doing so, they initiated a process of re-enslavement in Philadelphia; in a word, they, like the African-Americans they hunted, spurred contests over street diplomacy. This long-standing and more often than not negative relationships between constables and the black community reiterated the constant pressure for Philadelphians to contest the legality of fugitive slave retrieval. Slave masters with questionable motives knew how to implement the laws of Pennsylvanian and the Federal Constitution, buttressed the constable’s work, and when the 1826 law protected the accused, flouted comity and fled back south. The constables, however, remained in Philadelphia as central players in the deadly game of fugitive slave retrieval, which, tantamount to a daily life of

¹³ Ibid.

terror, transformed these law enforcement officials into a quasi-legal mean to a legal end; this legal end meant exercising street diplomacy in the service of southern slavery.

A Riotous Year: Philadelphia, 1834-1835

The Philadelphia riots of 1834 had their immediate origins in the anti-abolitionist riots that erupted in New York in July, 1834. Arthur and Lewis Tappan worked closely with other abolitionists in the city to launch the immediatism campaign in the city, even inviting African-Americans to attend church services with them. Anti-abolitionist groups sparked rumors that Tappan and his allies planned on promoting interracial marriage, and rallied angry whites, mostly Irish immigrants, to defend New York against abolitionist “incendiarism.” *The Journal of Commerce* wrote that the mob of young men launched their attacks July 7th, and noted that the rioters “shamefully” beat black men outside their places of employment. Meanwhile, another group used bricks and stones to smash the windows of black churches, a few of which were set ablaze during the four-day melee. By July 11th, seven churches and more than a dozen homes – including Arthur Tappan’s – had been heavily damaged or demolished by the mob. These bellwether events in New York represented what Carl E. Prince termed the “great riot” year of 1834, the effects of which infected cities and towns across the United States, not least of all, Philadelphia.¹⁴

¹⁴ Burrows and Wallace, *Gotham: a history of New York City to 1898* (New York: Oxford University Press, 1999), 558; Prince, 1; *Journal of Commerce*, July 10, 11, 1834.

The nation as a whole experienced dozens of riots between 1834 and 1835 with causes ranging from anti-abolitionism, job competition, nativism, and anti-black sentiment. Philadelphia was the same when it came to the conduct of the rioters: Philadelphians endured property damage as well as violent and in some cases premeditated attacks on a target group, in this case, African-Americans. However, what made Philadelphia unique was the scale of these riots: entire blocks were destroyed by the rioters, and hundreds, possibly thousands of African-Americans fled the city not unlike a process of petit maroonage practiced by enslaved people further south. In addition, while some riots during this time period focus on anti-black sentiment, no city was as geographically-situated as Philadelphia when it came to the fugitive slave population. Thus, the Philadelphia riots stemmed from a multiplicity of causes, with racism being the most important factor, a factor inextricably linked to the ongoing presence of fugitive slaves in the city.¹⁵

Long-term flagging race relations underlay the Philadelphia riots of 1834. The changing economy, demography, and culture of Philadelphia was evidenced by the swarms of Irish immigrants, the building of new factories, and the popularization of racism overtaking the city (more on that point in a moment). That African-Americans were suspected of their fugitive status spoke to their former or their ancestor's actual enslavement; the hardening of racial categories throughout the 19th century encouraged this perception of blacks as "dangerous," despite any recognition of a "multitiered" black society, as well as segregation between the races for fear of race-mixing. In light of the

¹⁵ Prince, 18-19; Steven Hahn presented a compelling argument for equating black life in the north with southern maroon communities in Steven Hahn, *The Political Worlds of Slavery and Freedom* (Cambridge: Harvard University Press, 2009), 1-55.

New York riots, at least one Philadelphia newspaper insisted that they wanted no part of promoting interracial gatherings. In March, 1828 for example, a group of about two-hundred young and well-dressed African-Americans held a “fancy ball” on Fourth Street. The *Pennsylvania Gazette* relished the offense taken by the throng of white “boys and idlers,” who attacked the “sable divinities” and their white footmen attending to their carriages. With the racial hierarchy inverted, i.e. “masters and servants” changing places, the mob wreaked havoc on what was supposed to be a calm evening of harmless festivities. *Freedom’s Journal* reported on the incident and interestingly defended only the right of blacks to convene unmolested while at the same time condemned the “folly” of the group itself for amusing themselves with scandalous behavior, in this case, dancing. Thus the right to riot against African-Americans in Philadelphia affected not only fugitives or potential kidnapping victims, but also those whose behavior and dress offended whites wary of black pretense to social aspirations.¹⁶

Evidence of this critique of black pretensions comes from a famous series of prints drawn by Edward Clay in 1828. Entitled “Life in Philadelphia,” Clay portrayed African-Americans as bumbling, gaudily-dressed, and malapropos-prone ignoramuses. Yet as a portrayal, Clay imposed the hopes of whites onto these stereotypes, and not the reality of black potential to be wealthy and in many ways, politically dangerous:

¹⁶ Gary Nash, *Forging Freedom: The Formation of Philadelphia’s Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988), 47-53. On the “hardening” of racial categories and the celebration of “whiteness” as a political strategy, see James Brewer Stewart, “The Emergence of Racial Modernity and the Rise of the White North, 1790-1840.” *Journal of the Early Republic*, Vol. 18, No. 2 (Summer, 1998), 181-217; Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America* (New York: Verso, 1990), 148-149; See also Eric Lott, *Love and Theft: Blackface Minstrelsy and the American Working Class* (New York: Oxford University Press, 1993) Ignatiev, *How the Irish became White*; David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 2007); Mark E. Neely, *The Boundaries of American Political Culture in the Civil War Era* (Chapel Hill: University of North Carolina Press, 2005); *Freedom’s Journal*, 3-14-1828; *Philadelphia Monthly Magazine*, 7-11-1828.

implementing and interpreting laws that reignited often racist debates over freedom and slavery. Historians have pointed out how some of the caricatures resemble real flesh and blood elite black Philadelphians, among them Frederick Augustus Hinton and his wife Elizabeth Willson. One print depicted the couple in a shop purchasing a new bonnet; the caption read:

What you tink of my new poke bonnet, Frederick Augustus? I don't like him no how,
'case dey hide you lubly face, so you can't tell one she nigger from anoder.

Such jocular confusion over how blacks viewed each other perhaps mirrored the trouble whites had when differentiating between free blacks and supposed fugitives on the streets of Philadelphia. Nonetheless, cases of mistaken identity – unintentional or intentional – often meant the difference between surrendering a person to slavery and protecting their freedom.¹⁷

While the *Pennsylvanian Enquirer and Courier* stated “no public journalist in this city would, under existing circumstances, give place to a call for a meeting of abolitionists,” even adding that force should be used to prevent any distribution of hand-bills calling for such an event, interracial mingling took place every day in the city, as residential patterns prevented any semblance of racial or economic segregation, and while not defined as “abolitionist” meetings, certainly these events involved free, freed, or self-emancipated African-Americans interacting with whites.¹⁸

¹⁷ Julie Winch, ed., *The Elite of Our People : Joseph Willson's sketches of Black upper-class life in antebellum Philadelphia* (University Park: Pennsylvania State University, 2000), 36-39; Gary B. Nash, *Forging Freedom: the formation of Philadelphia's Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988), 254-259; Emma Jones Lapsansky, ““Since They Got Those Separate Churches””: Afro-Americans and Racism in Jacksonian Philadelphia,” *American Quarterly*, Vol. 32, No. 1 (Spring, 1980), 64-68; “E. W. Clay's Life in Philadelphia Series,” last modified 2012, <http://utc.iath.virginia.edu/abolitn/gallclayf.html>.

¹⁸ Edward Strutt Abdy, *Journal of a Residence and Tour in the United States of North America, From April 1833 to October 1834, Volume III* (London: John Murray, 1835), 316-317; *Pennsylvania Enquirer*, 7-14-

One location in particular stood out as the epitome of an interracial hotspot: an exhibition called the “Flying Horses,” located on South Street in the heart of black Philadelphia. The Flying Horses represented an open amalgamative secret of fugitive and free, black and white, male and female. Little is known about the venue other than the fact that it was a carousel and place of “low” and perhaps “illegal” amusement owned by a white man. On August 8th, 1834 a group of blacks who were said to have been customers of the Flying Horses attacked the Fairmount Engine Company and stole their hose. As the historian Ric Caric argued, the culture of fire companies in Philadelphia during this time period mixed gang activity, violence, and intimidation; any damage or affront to the companies’ fire hose became an attack on the collective identity of the firemen. This culture of violence inspired a roving “gang of fifty or sixty young men”, some of them firemen, to attack James Forten’s son Thomas on his way home from an errand. A white neighbor came to Forten’s aid, and noted that he overheard the group debate returning to the same location two nights later. During the afternoon of the 11th, a group of men and boys (perhaps a few of the same people who assaulted Forten) hurled racial insults at the Flying Horses’ customers, calling them “Yorkers,” i.e. amalgamationists like Tappan and his abolitionist allies. The “*fanatical miasma*” having infected Philadelphia, wrote *The Weekly Aurora*, rumors soon spread that several “respectable” women present at the carousel had engaged in similar interracial hobnobbing similar to that of the abolitionists. To make matters worse, Mayor Jonathan Swift promptly arrested a number of the men who rendezvoused near the Forten

1834; On residential segregation in Philadelphia during the 19th century, see Theodore Hershberg, “Free Blacks in Antebellum Philadelphia: A Study of Ex-Slaves, Freeborn, and Socioeconomic Decline,” *Journal of Southern History*, Vol. 5, No. 2 (Winter, 1971-1972), 183-209; Lapsansky, *Neighborhoods in Transition*, 71-97.

household in the hopes of ambushing the family. Open amalgamation, rumored or otherwise, and the evidence of Mayor Swift apparently sympathizing with African-Americans inspired hundreds of young men to descend upon the Flying Horses on August 12th with one purpose: destruction of the carousel and violence toward those who stood in their way.¹⁹

Armed with clubs, bricks, and paving stones, assisted by the setting sun of a sweltering August evening, this “detachment of boys and very young men” attacked and demolished the building that housed the Flying Horses carousel. This group acquired building materials from the rubble and went to work vandalizing black homes on South Street, diligently spreading violence down Bedford and Mary streets and into Moyamensing Township: the heart of back Philadelphia. According to the *Pennsylvanian*, the city and county police mustered the courage to try and overtake the mob and arrest the ringleaders a few hours later, around 9pm. Unfortunately, the “tumult became still more appalling” with the crowd now 500 strong chanting “down with the police!”²⁰

Much like other urban police “departments” (a potential misnomer) of the time period, antebellum Philadelphia’s law enforcement officers – the sheriff, police, constabulary, and night watch – were ill-equipped to handle the mob. Many police officers who entered the fray suffered grievous injuries, including Constable Michael

¹⁹ Abdy, 319-321, 324; Julie Winch, *A Gentleman of Color: The Life of James Forten* (New York: Oxford University Press, 2002), 288-290; Lapsansky, ““Since They Got Those Separate Churches,” 59; *Pennsylvanian*, 8-14-1834; *United States Gazette*, 8-14-1834; *Weekly Aurora*, 8-16-1834; Ric N. Caric, “From Ordered Buckets to Honored Felons: Fire Companies and Cultural Transformation in Philadelphia, 1785-1850,” *Pennsylvania History: A Journal of Mid-Atlantic Studies*, Vol. 72, No. 2 (SPRING 2005), 117-158.

²⁰ *Pennsylvanian*, Aug. 14, 1834; *Philadelphia Gazette*, Aug. 18, 1834; *United States Gazette*, Aug. 14, 1834; *Hazard’s Register of Pennsylvania*, Aug. 23, 1834.

Donnehower, who as mentioned before, did not suffer fools gladly in his pursuit of supposed runaways. These police managed wrest John Cox's "Diving Bell," from the grip of the rioters, a location supposedly the regarded as the "veriest brothel in the country," and not coincidentally a site of mixed-race relationships, but the riot did not end there. Panicked, Alderman Robert L. Loughead swore-in special constables who rushed into the mob and apprehended 18 culprits. City authorities arrested at least another 40 young, Irish men, and most of whom were indentured apprentices. These "beardless apprentice boys who after a hard days' work were turned loose upon the street at night, by their masters or bosses" faced charges of disorderly behavior before the Mayor's Court; as the historian John Runcie pointed out, further research into the Prisoners for Trial docket revealed many of them were poor working-class whites and repeat offenders for charges such as "disturbing the peace, assault and battery, drunkenness, and larceny." Alderman Loughead detained the rioters and even fended off assaults on his office "with a pistol in each hand." By 11pm, the joint efforts of the Moyamensing and Southwark police forces restored order to the vicinity.²¹

When the sun rose over the scattered debris of the Flying Horses on the morning of the 13th, rumors arose too that the rioters would reconvene later that day. Apparently dissatisfied with attacking sites of interracial leisure, the rioters targeted the sanctity of black households, many of which symbolized sites of black social uplift and respectability. In the meantime, Mayor Swift ordered the city police and watchmen to

²¹ *Pennsylvanian*, Aug. 14, 1834; *Philadelphia Gazette*, Aug. 18, 1834; *United States Gazette*, Aug. 14, 1834; *Hazard's Register of Pennsylvania*, Aug. 23, 1834; Runcie, 194, 197-198, 209; *Philadelphia Directory*, 1835-1836 lists John Cox as a tavern owner on the northeast corner of 6th and Small Streets. On early policing in Philadelphia, see Howard O. Sprogle, *The Philadelphia Police: Past and Present* (Philadelphia, 1887).

stand guard at the border between the city and county. Swift and his men “tarried in the neighborhood” until 11pm, at which point they grew tired (due to the previous night’s activities) and decided to return home. What the police and Mayor did not know, however, was that several men who participated in the riots had warned white residents along South Street to place candles in their windows that night to spare themselves potential violence. Black residents were not warned, of course, and so when the riots recommenced after the police and Mayor retired, they faced the full reinvigorated fury of the mob. The attacks on black-owned homes began on Seventh Street between Shippen and Fitzwater Streets, where “windows and doors were dashed to pieces, the furniture demolished, and the inhabitants dragged from their beds and dreadfully beaten.” The rioters then made their way to Baker Street, destroying at least 20 houses in their wake. The First African Presbyterian Church, a “plain” brick place of worship founded by Reverend Archibald Alexander and ex-slave John Gloucester, located at Seventh and Shippen streets, and valued at \$8,000, received extensive damage during the course of the riot. This church symbolized civic pride and community longevity, and boasted a number of wealthy African-American congregants; no doubt this fact resonated in the minds of rioters who scorned any pretense of black achievement.²²

Mayor Swift and the police, who at some point in the night returned their posts, may have quelled the riots by 2am, but the second day of mob violence devastated the black community. The *Pennsylvanian*, the leading Jackson organ of the city, avoided showing sympathy with blacks who suffered violence and reported that most of the

²² *Pennsylvanian*, Aug. 15, 1834; *Workingman’s Advocate*, Aug. 16, 1834; Hopper, 13; William T. Catto, *A semi-centenary discourse, delivered in the First African Presbyterian church, Philadelphia, on the fourth Sabbath of May, 1857: with a history of the church from its first organization: including a brief notice of Rev. John Gloucester, its first pastor* (Philadelphia: Joseph M. Wilson, 1857), 110.

property destroyed to “vent the animosity to the negroes” belonged to their white landlords. “The negroes owned nothing except a little furniture,” added the *Pennsylvanian*, suggesting that the source of the riot lay in black amusement in and around the Flying Horses carousel: in other words, they blamed the victims. The *Pennsylvania Inquirer* detailed the “little property” owned by the victims, a list that remains an account of the precarious right to property enjoyed by black Philadelphians. Upon their visit to Jeremiah Fitzgerald’s house at 3 Small Street, the rioters destroyed “all furniture,” but left him “one chair and a stove;” the damage: \$100. The mob treated the house of master chimney sweeper John Nicholson (and head of a family of eight) with “uncommon severity,” the damage to the house “very great.” A white frame, two-story house at 303 Baker’s Court occupied by Samuel Cambigbee, his wife, and two children lost “upwards of \$80,” when the rioters took all of their possessions and “scattered [them] about the street near this house.” Daniel Williamson, a 95-year-old man and at one time a “servant of General Washington” lived at Baker’s Court, too; rioters smashed all of his windows, and laid waste to his property: “not even a chair or glass” remained intact. The extent of property damage ensured that these Philadelphia residents who possessed few material comforts would not advance in society.²³

Those who lived near or dared to venture the riot’s epicenter must have agreed with the *Pennsylvanian*’s comment that the aftermath represented “only part of the whole mischief perpetrated.” Edward Strutt Abdy, an English lawyer who happened to visit Philadelphia a few weeks after the riots spoke with many black victims, including James Forten. Although Forten’s son faced the initial wrath of the rioters, a detachment of

²³ *Pennsylvanian*, *ibid.*; Hazard’s *Register of Pennsylvania*, Aug. 23, 1834; Information for Fitzgerald Nicholson from the 1830 *United States Federal Census*.

police officers and “an Irishman, of the name of Hogan,” ably defended his property from further assaults. Other Philadelphians interviewed by Abdy were not so lucky. One elderly woman hid in her closet while several men in black masks ransacked her home. This woman recognized the voice of one of the men, and complained to Mayor Swift. The accused party appeared before the Mayor’s court, but when the proceedings began a “well-dressed man” whispered something to the Mayor, who then ordered all of the African-Americans present to leave the courtroom. This maneuver served the dual purpose of preventing black voices from being taken as evidence and the presence of black bodies from threatening a riot. Influential whispers from a man of property and standing were taken as evidence, and the charges against the rioters were dropped. Abdy mentioned this and other similar incidents of brutality faced by black Philadelphians to Mayor Swift himself. Swift responded matter-of-factly, “You have not seen one-tenth of the horrors that are constantly practiced here.” Perhaps Swift’s admission weighed heavily on his conscience during the riots, for he himself sheltered about a dozen African-Americans in his house until the violence and terror died down.²⁴

City and state leaders steeled themselves to prevent the violence from resuming on August 14th. President Judge of the Court of Common Pleas Edward King and Pennsylvania Attorney General George Mifflin Dallas ordered Philadelphia Sheriff Benjamin Duncan to summon a posse comitatus and restore order to the riot zone in the southern section of the city. This posse represented order, stability, and in a way, the Union itself as this body was charged with protecting black lives in a city where they had for a time, expected some measure of freedom. Duncan entrusted this duty to Peter Arrell

²⁴ *Pennsylvanian*, *ibid.*; Abdy, 321, 325-328.

Browne, a noted Philadelphia lawyer who in the past worked on a few cases for the PAS. In addition, the Sheriff issued a curfew for the next two days, and called out the first troop of cavalry stationed in the city, including the Washington and Lafayette Grays, and the entire police forces from the city, Moyamensing, and Southwark. By midday, the police and posse gathered together at the Pennsylvania Hospital, while the military stationed themselves at Independence Hall. Depending on the source, this respectable force numbered anywhere from a few hundred to 5,000 armed men, all of whom were prepared for any sign of trouble. Although the crowds in and around South Street grew larger than the previous two days, Browne and his posse contained them with no reported incidents. This show of force successfully defended black Philadelphians and the property of white landlords; another reminder of how the antebellum Americans north and south privileged white property rights, rights which were intertwined with African-American freedom. Black property, on the other hand, faced no such protection: that night, however, a group of whites burnt down a black place of worship near Wharton's market. They claimed that a black man took a potshot at a white boy, grievously wounding him, on the previous night (the 13th). By the time the posse arrived on the scene, only a smoldering pile of rubble remained of what the PAS identified as a "fine" meeting-house in Southwark.²⁵

This third day of rioting on August 14th exposed the multiple tensions at play in antebellum Philadelphia. First, even though white authorities mustered what amounted to

²⁵ *Pennsylvanian*, 8-16-1834; *Hazard's Register of Pennsylvania Volume XIV*, 9/1834, 202; Abdy, 321 estimated 5,000 served in posse, the *Pennsylvanian* noted that "several hundred men" comprised the anti-mob force, see *Philadelphia Gazette*, Aug. 15, 1834; Pennsylvania Abolition Society Series 1.14 (hereafter "PAS 1.14") General Meeting Reports, 1788-1847, & undated materials, 379-380 [undated materials], HSP.

a battalion of citizen peacekeepers, their efforts could not prevent further destruction of black property. Second, a massive crowd descended upon Southwark and Moyamensing – some as spectators, others as thrill-seekers, and many as latent rioters – looking for black people, watching their every move, and surveilling the area for any sign of black resistance. Finally, the lack of a black presence on this third day remained striking, as newspaper reports stated that “the negroes of the devoted section have nearly all abandoned their dwellings.” The *Pennsylvanian* estimated that nearly 100 houses in Southwark posted signs on their doors stating “to let.” Hundreds, maybe thousands of African-Americans fled Philadelphia between the 12th and 14th, choosing to “bivouac” in the fields outside the city and many crossed the Delaware River to take refuge in Camden, New Jersey. Long accustomed to a fugitive freedom, a freedom composed of confronting white authorities and wandering wastrel slave masters, inventing manners of disguise and resistance, and interposing themselves into the national debate over comity, Philadelphia’s African-Americans took an unprecedented step toward their own self-preservation and abandoned the city en masse.²⁶

Not all African-Americans were willing to leave the city. Late on August 14th or early on the 15th (the sources contradict each other) a group of blacks who represented the “Incorporated Colored Benezet Society” sent a deputation to Mayor Swift asking for his advice and protection. Interestingly, Swift informed this group that they had the right to protect “themselves and their property.” African-Americans utilized Swift and the power of the state as a means to nullify the local extralegal power of mobs roving the city. In a way, Swift granted them permission to wage a defensive war against these same mobs.

²⁶ *Pennsylvanian*, Aug. 16, 1834; *Philadelphia Gazette*, Aug. 15, 1834; *Hazard’s Register of Pennsylvania Volume XIV*, 9/1834, 202.

This deputation, along with about 60 others, returned to their three story meeting place at Benezet Hall on Seventh and South Streets and began to fortify the building from “cellar to garret.” According to official report on the riot, contemporary newspaper accounts, and the PAS committee report written by Thomas Shipley, who covertly planted himself among a group of vengeful whites, a mob soon gathered outside this building – Benezet Hall, now a fortress - after hearing rumors of blacks amassing guns and ammunition within the premises. True, the occupants did arm themselves – after all, Swift gave them permission to do so – but not with firearms; at best the group possessed “swords, sword canes, and clubs.” At this early stage of the siege a number of blacks left Benezet Hall and “made a sally,” easily dispersing the mob themselves and pursuing them down South Street. This bold charge showed the extent in which some African-Americans would go to protect their lives, property, and if fugitives in Philadelphia, their lives-as-property. Thomas Shipley witnessed this scene, and fearing the worst, quickly caught up to his black allies and convinced them to return to the Hall. The crowds soon resurfaced, pelting the building with rocks and making it well known to civil authorities that they intended to shed blood that night.²⁷

Rioters hungering for violence, civil authorities intending to restore order, and African-Americans defending themselves set the stage for a showdown at Benezet Hall. The assemblage of rioters grew with each passing hour, forcing Mayor Swift to accompany a “strong party of police” to the area. Swift shrewdly dispatched High Constable Samuel Garrigues, the hero of the 1826 kidnapping incidents, to also make his way to 7th and South streets to speak with the besieged. The blacks who “sallied” out into

²⁷ *Hazard's*, *ibid*; PAS 1.14, 379-380 [undated materials]; *Philadelphia Gazette*, *ibid*; *Pennsylvanian*, *ibid*; *Abdy*, *ibid*.

the streets and dispersed the rioters now clamored for a renewed charge on the even larger mob, comprised, according to Edward Abdy, of tradesmen and other young men, mostly Irish laborers. Here again, the sources conflict as to who dissuaded the group from taking to the offensive, which appeared to many as a suicidal and foolhardy endeavor. The PAS and Abdy alluded to Thomas Shipley as filling this role of arbitrator; the official report on the riot commended Garrigues; the historians J. Thomas Scharff and Thompson Westcott credited Mayor Swift with assuaging the group. In reality, the 60 armed people within fortress Benezet who were prepared to fight for their freedom, that is, the African-Americans themselves, decided not to sally forth into the familiar fracas over freedom that awaited them in the streets of Philadelphia; attacking the mob may have been a suicidal step, but in the minds of some of those in Benezet Hall, a necessary one if and when all other options had been exhausted. Luckily for all present, the police force and town watchmen guarded the hall while the African-Americans inside shepherded themselves out the back of the building, fugitive in their own city, yet free.²⁸

Insoluble race-mixing forced the hand of white Philadelphians. Civic leaders held a town meeting a month later on September 15th to discuss the events that comprised the Flying Horses riot. The assigned committee included local politicians, members of law enforcement, and immediate abolitionists such as James Mott. The committee identified two major causes for the riot. Historians have paid particular attention to the first cause, that of “white right to employment.” The young, typically Irish, men of the city often clashed with employers over the hiring of black laborers. In a word, the committee argued that white unemployment created idleness, indigence, and blind hatred toward

²⁸ Abdy, 324-325; PAS 1.14, *ibid*; *Hazard's*, *ibid*; Scharff and Westcott, 638.

black Philadelphians. This hatred erupted most blatantly during the riot: scores of black dwelling places were destroyed, symbols of black achievement such as meeting houses were targeted, and ordinary blacks faced random assaults in the streets. The committee refused to legislate on hiring practices as that would disrupt relationships between white employers. Instead they suggested that victimized blacks display “a respectful and orderly deportment” to prevent further mob activity. Similar to the battles over street diplomacy, “the peace and welfare, not only of [Philadelphia], but of the whole United States,” depended on blacks behaving themselves in the face of oppression.²⁹

Historians have ignored the second cause of the riot identified by the committee: fugitive slaves. “When any of their members are arrested as fugitives from justice,” explained the report, Philadelphia blacks “forcibly attempted the rescue of [the] prisoners.” Indeed, African-Americans involved in these events instigated a process that lay bare the bonds between northern liberty laws, southern rights to retrieve fugitive “property,” and a national compromise over freedom and slavery. These bonds loosened and contorted whenever African-Americans took it upon themselves to practice street diplomacy, those jeopardized relationships between slave and so-called free states over the gloomy landscape of both Philadelphia and the United States. To the committee members, resisting fugitive retrieval engendered “disrespect for the laws,” aroused “unfriendly feelings” of whites toward blacks, “stimulated the violent and the turbulent,” and ensured “an armed and a riotous people” in the city. The visiting British abolitionist Edward Abdy called the committee’s findings “pusillanimous,” and believed that they

²⁹ *Hazard’s Register of Pennsylvania Volume XIV*, 9/1834, 200-203; Thomas Shipley attended the initial meeting that called for a committee on September 3rd, 1834. According to the *Liberator*, his voice and concerns were shouted down by the other attendees. See *Liberator*, Sept. 13, 1834; Ignatiev, 144-161; Runcie, 197.

failed to recognize the ongoing and general “apathy and indifference” of whites toward African-Americans. Nonetheless, the committee pledged to collect money for the victims; though according to Abdy, many whites agreed to donate money so as long as the funds went toward forcing blacks to leave the city. Ironic, then, that white politicians (and their constituents) who had in recent years hoped to restrict black movement now banded about the idea of pushing African-Americans out of Philadelphia.³⁰

This lack of empathy for black Philadelphians persisted in the months that followed the Flying Horses riot. Thomas Shipley complained in November 1834 that nobody informed the PAS of the many fugitive slave cases transpiring in the city; all failures to enact street diplomacy. Shipley and the Acting Committee recommended sending out circulars to all the judges of the city and county requesting that in “all cases brought before them as fugitives from labour, to give notice at least six hours before the trial of the person claimed.” Judicial indifference robbed black and white abolitionist forces of the precious time needed to gather information and construct a defense. Such indifference deprived blacks of their freedom, though perhaps judges hoped to restore order by not informing the PAS, many of whom counted among its leadership men of property and standing. The PAS then, appeared to be behind the times: antebellum judges knew that African-Americans might riot over the freedom of an accused fugitive, a right that African-Americans possessed despite the culture of racism and slavery that permeated Philadelphia. It appeared that now more than ever black Philadelphians and their white allies needed to work together to uncover “legal” fugitive retrieval and

³⁰ *Hazard's Register of Pennsylvania Volume XIV*, 9/1834, 201; Abdy 323, 329.

kidnapping incidents, events often confused and conflated with the burden of consequence – lifelong slavery - placed squarely on the accused.³¹

Black leaders praised the patience of Philadelphia’s black community at the Fifth Annual Colored Convention held in Philadelphia in June, 1835. The “Christian forbearance” of black Philadelphians represented a “most successful refutation of the pro-slavery arguments” propagated by the inherent violence slaveholders. This moralizing strain of black abolitionism became institutionalized in the creation of the American Moral Reform Society, the brainchild of William Whipper, which sought to improve the condition of American blacks through education, temperance, economy, and most hopefully “universal liberty.” The attendees to the convention resolved that these principles of human rights exceeded allegiance to the fugitive slave law. The convention called upon black Americans to “peaceably bear the punishment” of breaking these laws rather than condemn their fellow man to slavery; that the convention failed to mention the showdown at Benezet Hall may have indicated that publicly convention attendees hoped to avoid any hint of violence as a means of resisting slavery. A “declaration of sentiments” drafted at this convention boldly stated that “we cheerfully enter on this moral warfare in defence of *liberty, justice*, and humanity.” Much like the fugitives and slave-owners who crossed borders within Philadelphia, the delegates pledged themselves to nothing less than a revolution toward a freedom that transcended sectional bounds. In doing so, black and white abolitionists at the meeting acknowledged the precarious nature

³¹ PAS 1.5, Nov. 15, 1834.

of black freedom in Philadelphia, a freedom constantly interrupted, threatened, and called into question, even if one appeared “white.”³²

“Malicious spite” for those “not entirely white”: the Mary Gilmore Riots

Race-mixing, abolitionism, and fugitive slave activity reflected a daily reality in Philadelphia. These strands overlapped in the case of Mary Gilmore, a purportedly white woman accused of being a slave in 1835. This case highlighted how a light skin complexion did not amount to automatic freedom, but more a curiosity that could guarantee slavery, given the proper circumstances. Describing a person’s complexion as “yellow,” “mulatto,” “brown,” and “black” acted as proof of one’s fugitive or enslaved status, and “slave” meant African slave. Gilmore’s dilemma put “white slavery” on trial in that it constructed race in real-time and thus enabled her to pass as both white and black: the former color typically meant freedom, the latter color typically meant slavery. Yet there was nothing typical about this case, other than a slaver interrupting Gilmore’s life at the moment of seizure. A slave-owner’s quest to find a fugitive slave, and a phenotypically white one at that, in a city conscious of the power of street diplomacy threatened to upset the hardening racial categories and disrupt bonds of Union. The resulting trial yet again required interracial cooperation and placed the burden of the Union on the back of a supposed fugitive slave.

Maryland slave master Robert Aitkins arrived in Philadelphia on June 12, 1835. Accompanying Aitkin were Baltimore constable William Swift and an elderly black

³² National Colored Convention, *Fifth Annual Convention for the Improvement of the Free People of Colour* (Philadelphia: William P. Gibbons, 1835), 17-19, 22-27.

woman named Maria Congo. Congo recently informed Aitkins that she saw one of his missing slaves in a popular bakeshop located at 6th and Spruce in the heart of Cedar Ward. Aitkins knew the girl as Emily Winder, the daughter of mixed-race woman named Amelia (nicknamed “Milly”) whom he had freed a decade earlier. When Emily disappeared shortly after Aitkins emancipated her mother, he suspected that Milly Winder had stolen the girl and brought her to Baltimore. Congo, on the other hand, insisted that the fugitive child, now grown up, went by the name of Mary Gilmore. Mary lived with Jacob Gilmore, a relatively wealthy black man known all his life for his “honesty, industry and economy,” owned and operated the Sixth Street bakery. Aitkins told Swift to go with Congo to Gilmore’s bakery in order to identify the girl. However, when Swift peered through the shop window he found that he did not recognize Mary as Emily. Aitkins dismissed Swift’s wariness of the girl’s identity, and had the girl arrested the next day. Although the seizing of Milly Winder/Mary Gilmore seemed like just another ordinary yet terrifying event in the history of slavery and freedom, it possessed, in the words of the *Philadelphia Inquirer*, a key element of the extraordinary “which distinguished it from all others of its class, which have marked the annals of our jurisprudence. This was the singular and it is believed, the unprecedented circumstance, of the complexion of the Respondent being to all appearances *entirely white* [emphasis in original].” The spectacle of Gilmore’s trial added a layer of curiosity to the typical fugitive slave trial; after all, while Philadelphians may have tacitly acknowledged interracial mingling in the city, they rarely witnessed a white woman defending her freedom in court.³³

³³ *Philadelphia Inquirer*, July 10, 1835; *Liberator*, Sept. 19, 1835; *National Gazette*, June 23, 1835.

African-Americans and their allies lost little time disputing Aitkins' claim to Mary. Soon after her arrest, Jacob Gilmore paid Mary's \$1,000 bail having convinced presiding judge Archibald Randall of the Court of Common pleas that he was worth over \$10,000. The parties appeared in court on June 15th. George Griscom, David Paul Brown, and Charles Gilpin represented Mary, lawyers with long and illustrious careers working pro-bono for the PAS. These lawyers peppered Swift and Congo with questions to undermine Aitkins' claim. Swift alleged that he saw Milly Winder in Philadelphia, but could not find her. Both the PAS lawyers and Aitkins' counsel J.W. Williams agreed that Winder's testimony would ultimately prove Mary's true identity as she would be able to recognize her daughter. Congo, on the other hand, admitted that she had known of Mary residing in Philadelphia for the last two years but chose not to tell anyone. Like Swift, Congo knew not of any "*particular mark* [emphasis in original]" to identify Mary as Emily. Court adjourned that day posing more questions than answers, namely, who could either side find to convince Randall that Mary was Mary.³⁴

The proceedings in court on June 16th fleshed out Aitkins' claim and Jacob Gilmore's version of Mary's life in Philadelphia. Williams presented two pieces of evidence to Randall: the will of Aitkins' father which listed Winder and her daughter as slaves, and a runaway advertisement that Robert Aitkins placed in the *Baltimore Commercial Chronicle* on August 27, 1825. Given that the 1826 Liberty Law prevented slave masters from contributing testimony, the PAS counsels argued against the inclusion of the advertisement. Interestingly, Randall allowed the advertisement to remain as evidence either because it furnished the only description of Mary/Emily, or perhaps

³⁴ *Philadelphia Inquirer*, July 10, 1835

because Aitkins' gave his testimony prior to the passage of the 1826 law. Nonetheless, when Randall allowed the advertisement as evidence, he did so in the interest of interstate comity, and thus, produced a very real threat to Mary's freedom.³⁵

Jacob Gilmore took the stand and explained his relationship to Mary. In 1819 an old white Irish woman appeared on his doorstep with three year-old Mary. The woman pleaded with Gilmore and his wife to take the girl "being herself too poor to maintain it." Jacob hesitated because of the girl's skin color "but the woman who brought it assured him that it was a very light mulatto, and not entirely white." The child's whiteness presented Jacob with an interesting problem: would he be accused of kidnapping her? Perhaps convinced that the girl could pass for white and black, and seeing as they had no children of their own, they finally accepted the child into their home. The Gilmores saw the woman only once more, when she returned to his bakery "in a state of intoxication." At this point Gilmore yelled at her and drove her away from the house; the woman died a few years later leaving a "profound mystery" as to the Mary's actual parentage. Mary lived with Gilmore and his wife; they treated her like their own, and even made her the heir to his estate. Gilmore concluded by attacking Congo's credibility. He claimed that Congo acted as Aitkins' "spy [and] informer" out of "malicious spite." Congo was related to Gilmore's wife who had recently passed away. When Congo asked for some of her clothes, Gilmore refused. Later Congo broke into his house several times to steal "money and goods" from him. Gilmore concluded his account by stating that ever since that time Congo remained determined to "annoy" him. The court adjourned until the next day, June 17th.³⁶

³⁵ Ibid.

³⁶ *National Gazette*, June 23, 1835, *Philadelphia Inquirer*, July 10, 1835; PAS 1.5, Jan. 14, 1836.

Gilmore's friends took the law into their own hands and in doing so displayed the consequences of accusing free African-Americans of being fugitive property. Maria Congo left the courthouse and returned to John Hill's house located in the heart of black Philadelphia at Sixth and Lombard streets, where she and her daughter lived at the time. On the night of the 16th a group of about a dozen African-Americans "declared for vengeance" against Congo, charged into the house, and began beating and stabbing the inhabitants. Congo ran to the top floor but the group pursued her. They dragged her down from the attic and continued to beat her without mercy until a group of constables arrested ten of them and broke up the riot. At court the following day Aitkins' lawyer applied for a postponement given the events of the previous night. He also claimed that an unnamed paper had encouraged the riot in the first place because it "directed the public attention" to the case. Despite David Paul Brown's arguments against postponing the trial, Randall agreed with Williams and rescheduled the trial for June 29th.³⁷

The *Philadelphia Inquirer* addressed rumors of additional riots involving rescue attempts to free a fugitive slave that took place the same night as the attack on Maria Congo. The paper admitted that "the feeling in this section of the country is decidedly adverse to slavery – but it is far more adverse to any improper interference with the slave question." Such "improper interference" seemed quite reminiscent of Clay's prints, which like the newspaper warning sought to keep African-Americans in their place. Instead, blacks should remain passive and even pacifistic in order to succor the support of friendly whites. The *Inquirer* warned against the other path recently taken by those who assaulted

³⁷ *Baltimore Gazette and Daily Advertiser*, July 6, 1835; *United States Gazette*, June 18, 1835; *Liberator*, July 18, 1835; Numerous John Hills appeared in the 1835 *Philadelphia Directory*; all were white. It is possible that this John Hill worked as a distiller at 12th and Lombard. An African-American John Hill was listed as living in New Market ward in the 1840 *United State Federal Census*.

Congo, for if they persisted “in their efforts to produce riot, and again attempt to interfere with the police...heaven only knows what results may grow out of such unwise, imprudent and censurable conduct. The riots of the last summer should not be forgotten.” The ten rioters appeared before the Mayor’s court on the June 26th. Despite the efforts of twenty-nine witnesses, including Jacob Gilmore, Mayor John Swift and the Grand Jury declared six of them guilty; their punishments ranged from one month to two years in prison. Congo left Philadelphia for Wilmington, Delaware. Whether they read of the Gilmore case in the paper or heard of the trial through word of mouth, a crowd of over two hundred black residents of Wilmington gathered at her house and threatened “vengeance” yet again before constables broke up the riot, too. This perpetual backlash stemming from the black community’s pent-up frustration crossed borders and showed that similar to slave-owners’ ability to track the movements of fugitive slaves, African-Americans could also do their fair-share of hunting down people like Congo, who leveled false accusations that may have resulted in permanent slavery.³⁸

Both sides spent the postponement gathering witnesses. The defense team employed the efforts of Thomas Shipley and ordinary African-Americans to search Philadelphia in search of credible and respectable persons who knew Mary prior to 1825. Eventually a multiracial group of more than a dozen people promised to testify for the defense. Much of Aitkins’ claim relied upon his decade-old runaway advertisement. In addition, he secured a few additional witnesses whose memories of the girl were essential to his case. The *Philadelphia Inquirer* left readers to ponder “how far a person may be able to identify the features of another, after a lapse of ten years.” Excitement and

³⁸*Philadelphia Inquirer*, June 24, 1835; Mayor’s Court Docket, 1835 (Record Group 130.1), Philadelphia City Archives; Index of Prisoners, 1835 (Record Group 38.37), Philadelphia City Archives.

curiosity reached a fever pitch when the trial resumed. Not only had blood been shed over the affair, but Mary appeared to embody the paradox of differentiating a fugitive slave from a free black combined with the duties to respect interstate relationships. To that point, could a phenotypically white woman be ruled a fugitive slave in order to uphold interstate comity? A courtroom packed with hundreds of street diplomats undoubtedly swirled with speculation, for possessing “white skin and entirely devoid of any indication of African extraction” may not protect a person from slavery. Mary faced the possibility of an enslaved or kidnapped fate, maybe both.³⁹

The parties reconvened at the packed courthouse on the 29th. Jacob Gilmore took the stand and reiterated his story to David Paul Brown and Aitkins’ new attorney, Edward Ingraham, a lawyer who had for decades defended the claims of masters who came to Philadelphia looking for slaves. At the time he took Mary into his house in 1820, Gilmore concluded, he thought she was “entirely white,” and added that he “expected Congo to come again and take her away.” Aitkins’ called his first witness, George Witman, a bricklayer who lived just outside of Philadelphia. Witman testified that he while he knew of Milly Winder he did not know that she had a daughter until his wife told him so. When Mrs. Witman appeared before the court the next day she admitted that she did not recognize Mary at all. All of the witnesses for Gilmore provided solid evidence that they knew Mary prior to 1824. For example, African-American minister Randall Shepherd remembered her because that year he returned from a trip to Africa; white druggist Henry Zollickoffer, who knew Gilmore as a “respectable” man, asserted that he saw Mary when she was “not much higher in stature than a common table.” These explanations aside,

³⁹ *Philadelphia Inquirer*, July 11, 1835; *Liberator*, July 18, 1835.

most of Gilmore's witnesses were comprised of ordinary African-Americans whose lives in a city constantly visited by slave master and kidnapper alike taught them the consequences of Mary losing the case.⁴⁰

Although not their final witness, Gilmore's friends' exhaustive search produced an individual vital to Mary's case: Amelia, alias Milly, Winder. Winder denied ever having seen Mary, and added that the girl looked "older and larger than her child would now be." Furthermore, Winder put a spin on Aitkins' story: she accused him of selling her daughter. Here Winder turned the tables on the wayward slave-owner. The only reason why she traveled to Philadelphia after he emancipated her was to find her daughter Emily. While her decade of exertions proved futile, she explained that she continued asking around for her whenever she met a person from the south. Milly Winder's testimony established Mary not as a freed or fugitive woman, but a free woman and helped secure the release of Mary when the trial ended three days later on July 1st.⁴¹

Despite closing testimony for both sides, Randall allowed Aitkins, Williams, and Ingraham to present two more witnesses on July 1st; both swore to the Aitkins' claim. David Paul Brown initially protested the maneuver by Randall and the claimant's legal team, but then realized that he would have no problem finding two witnesses of his own to attest to Mary's story. Perhaps Brown drew them directly from the multitude present in court; they may have even volunteered right then and there. In either case, "the excessively crowded state of the spacious hall, testified the general solicitude with which the proceeding was upon by our citizens, of every class." Questions of slavery, freedom, race, and street diplomacy attracted a large audience; Philadelphians and Americans in

⁴⁰ *Philadelphia Inquirer*, July 10 and 11, 1835.

⁴¹ *Philadelphia Inquirer*, July 11, 1835.

general would have recognized how the answers to the questions were inextricably linked. After hearing these two witnesses, Randall allowed Williams to sum up Aitkins' claim. Instead, Williams harangued "with extreme severity, some of the "coloured" witnesses" brought forth by Gilmore and his team. He finished by attacking "busy" Thomas Shipley's "real, or affected' philanthropy" as well as the designs of the public press to "aggravate the public sympathy." Having heard enough from both sides, he announced his decision.⁴²

Randall defined the case as a "question of property." On the one hand, Aitkins' exercised his right to claim Mary under the 1793 Federal Fugitive Slave Act. If only his testimony stood as evidence for this claim, she would have undoubtedly been sent back to Maryland a slave. On the other hand, Randall explained, the case "does not rest here." Pennsylvania's 1826 liberty law prevented Aitkins' own testimony from being acknowledged in court. Furthermore, although his witnesses may have sworn that Emily disappeared in 1825, they did not recognize Mary as the missing girl. Gilmore's witnesses presented overwhelming evidence that they knew Mary Gilmore as Jacob Gilmore's daughter prior to 1825. The efforts of this multiracial group cast "a very strong doubt upon [Aitkins' claim]" and for that reason, he announced that he could not grant the certificate of removal. "The vast concourse of auditors" burst with thunderous applause as her supporters accompanied Mary out of the courtroom.⁴³

Local newspapers praised the outcome of the case. Prior the 1826 Liberty Law, stated the writer for the *Downingtown Standard*, "wicked and mercenary" magistrates granted removals with little proof. As a result "many free blacks have thus been carried

⁴² *Philadelphia Inquirer*, *ibid.*

⁴³ *Ibid.*

off into slavery. Some have returned to tell the tale of their sufferings and sorrows, while others have died in bondage.” The *Philadelphia Inquirer* thanked the unremitting work of Thomas Shipley, yet overlooked the fact that black testimony proved just as valuable to the outcome of the case. Nonetheless, both papers agreed that blacks needed trial by jury in such cases to expose the danger of false or mistaken claims for fugitives. Perhaps a poet in the *Liberator* described the trial best:

Shame to the age, - to manhood shame!
Amidst the free and brave,
Boldness could seize and avarice claim
That fair one as a slave! [...]

Yet wields that law no righteous rod,
To check the bold offence;
Th’ unhallowed plundered roams abroad,
To prey on innocence.

Thus they in human flesh who trade,
Nor hue nor sex will spare;
The happiest homes they oft invade,
And scatter ruin there

Alas! ‘tis thus in Freedom’s land,
We feel oppression’s sway.
Thy genius, Slavery, gives command –
Our lot is to obey!

The poet called themselves “Virignius,” an ancient Roman centurion. According to Livy, Virignius stabbed his daughter to death rather than have her live as a slave of the lascivious Appius Claudius, one of the ten ruling men of the Roman Republic. The poet “Virignius” suggested that attempting to sacrifice Mary Gilmore on the “altar of slavery” exposed how the horrors of slavery affected all Americans, black and white. Americans need not suffer the “unhallowed” workings of those who dealt in human flesh: slave-owners, local constables, and whites exercised street diplomacy through their willingness to uphold interstate comity, which came at the expense of forcing an innocent human being into bondage. Lacking the proper legal consequences for cases of mistaken identity,

the slave hunters struck blindly at those whom they could claim for “thy genius, Slavery.”

44

Interestingly enough, within a few weeks of the trial’s conclusion, the *Liberator* reported that it obtained almshouse records that identified Mary’s parentage as fully Irish; they even invited nonbelievers to visit Mary and see her “perfect whiteness.” These pieces of evidence – documents and phenotype – “set at rest the question of her freedom, unless those who dispute it shall contend that the offspring of Irish fathers and mothers are subject to slavery under the laws of this Republic.” In Mary’s case, her near captivity represented too close a call that at the very least resonated with African-Americans living in Philadelphia, who could identify with her plight while still living in fear that a slave master or constable might invade and “scatter ruin” in their own “happiest homes.”⁴⁵

The Founding of the Philadelphia Anti-Slavery Society

Shortly after the Gilmore case concluded local abolitionists gathered to form the Philadelphia Anti-Slavery Society (PASS) on July 4th, 1835. The board of managers elected David Paul Brown president, and a who’s who of Philadelphia black and white abolitionists comprised the nucleus of the society’s leadership, among them Thomas Shipley , Charles Gilpin, James Forten, and Frederick Hinton. The interracial PASS founders proclaimed their cause as the true measure of Unionism, while their opponents castigated their so-called “fanaticism.” In reality, the abolitionist stood alone as a “true

⁴⁴ *Liberator*, Apr. 14, 1832 and July 18, 1835; Benjamin Oliver Foster, ed. *Titus Livius: The History of Rome, Book 3, with an English Translation* (Cambridge: Harvard University Press, 1919), Ch. 44-58;

⁴⁵ *Liberator*, July 18, Aug. 22, and Sept. 10, 1835.

patriot.” Rather than dissolve the Union, abolitionists would further cement the bonds of Union upon “the immutable principles of justice and the rights of man.” The safety and perpetuity of the Union required ending “those heart-rending separations” that characterized slavery and incorporating blacks into the “body politic” as productive free laborers. In doing so abolition would allay fears of servile insurrection and usher in a golden era of harmonious relations between north and south, black and white. Interracial and immediate abolition had the power to actualize true interstate comity through racial comity.⁴⁶

The PASS drafted an address to “their fellow citizens” that explained how porous borders between slavery and freedom wreaked havoc on the entire Union. The unprecedented violations of the internal slave trade, a trade that extended north into Philadelphia on a daily basis, proved that “there can be no such thing as local disease in the American system.” The Federal Constitution that upheld the American system risked spreading that “detestable traffic” into any new states admitted in the Union, and “avarice will supply it with victims.” The whole system represented “one continued series of unmitigated cruelties, sparing neither age, sex, nor condition” and it would be in the best interests of “state policy” to end the internal slave trade and furthermore, guarantee immediate and universal emancipation. The address ended on a conciliatory note, with the abolitionists identifying themselves as “friends of order and of public peace.” Yet the only way this peace could be assured was through an “important change” in the deadly union between slave and master, in other words, abolition. As a show of aggressive

⁴⁶ Philadelphia Anti-Slavery Society, *First Annual Report of the Board of Managers of the Philadelphia Anti-Slavery Society* (Philadelphia: Philadelphia Anti-Slavery Society, 1835), 9-11.

abolitionism, the PASS distributed 1,500 copies of this address throughout Philadelphia.⁴⁷

The Juan Riot, 1835

These attempts to assuage “their fellow citizens” failed in the week following the public address and the citywide dissemination of the speech. While this abolitionist plan may have been one of the immediate causes of the 1835 riot, the lingering effects of the Gilmore case as well as the PASS meeting had many Philadelphians, black and white, on edge, and all that was needed was a spark to set the city ablaze. That spark came on July 12th, when a young Eboe African servant named Juan tried to murder his master, Robert Stewart, the former American consul to Cuba.

According to Philadelphia newspapers, Juan’s motive for attacking Stewart came as a result of being made fun of by local Philadelphia blacks for the state of his clothing. When Juan asked Stewart for new clothes, he refused. After all, according to Stewart’s wife Rachel, Juan had about one-hundred dollars and multiple trunks of clothes. Upset, Juan purchased clothes behind Stewart’s back and charged them to Stewart, who returned them. Stewart then retired to take a short nap during the afternoon of July 12th. While Stewart slept Juan snuck into the room and began to hack away at Stewart’s head with an ax and knife. Thinking that he killed Stewart, Juan ran from the room, informed the cook of his actions, and sat at the front steps of the house. Stewart’s groans and screams drew the attention of the other members of the household, including his coachman and young

⁴⁷Philadelphia Anti-Slavery Society, *Address of the Members of the Philadelphia Anti-Slavery Society to their Fellow Citizens* (Philadelphia: Board of Managers, 1835), 6, 12-14, 16-17.

son. Juan told the boy that “your father scolded me this morning, and I have killed him.” Still hearing Stewart fighting for his life, Juan allegedly told the coachman, “Me begin to kill Mars’ Stewart – now me go back finish him!” Before he could do so the coachman and Stewart’s son-in-law chased him out of the house and down the street where he was quickly arrested and detained. Stewart survived the attack but lost the use of his right hand and permanently blind in one eye.⁴⁸

Philadelphia newspapers took the Stewarts’ version of Juan’s motives for the attack at face value. The *Philadelphia Gazette* stated that Juan’s Eboe pedigree betrayed a partiality for “suicide” and “revengeful acts,” character qualities that Stewart “often mentioned to his friends.” As the historians James Brewer Stewart and Alexander Saxton have argued, this hardening of racial categories in places like Philadelphia also worked to imbue specific traits to African-Americans, not unlike the developing proslavery rhetoric developed by southern slave-owners. Juan’s sudden “gloomy” disposition enveloped him when he left Cuba with Stewart four years ago, and the family increasingly grew apprehensive that Juan might “make way with himself,” i.e. commit suicide. Juan decided he had enough of Philadelphia, and pleaded with Stewart to send him back to Cuba, especially after local Philadelphia blacks called him a “Guinea negro.” Perhaps at this time Stewart reminded Juan of the benefits of living in Philadelphia as an “emancipated” African, one who by all accounts was loyally “attached” to Stewart, according to the *Philadelphia Inquirer*. Ossifying racial categories, newspaper accounts played a role in

⁴⁸ Emma Jones Lapsansky-Werner agrees with the newspaper accounts of Juan’s motives, see Lapsansky, “‘Since They Got Those Separate Churches,’” 76; Werner, 182-184; *Philadelphia Inquirer*, 7-14-1835; *Hazard’s Register of Pennsylvania Volume XVI*, 7/1835, 35; Stewart’s grave memorialized the attack, see “Robert Ralston Stewart,” Last Modified 4/26/2007, <http://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=19103598> and “Waterhouse Symbolism Newsletter, Issue 14, August 1, 2007,” Last Modified 2007, <http://freepages.history.rootsweb.ancestry.com/~waterhousesymbolism/newsletter/14.pdf>

reifying these innate racial traits or qualities of Juan's demeanor in order to show how they predisposed him to murdering Stewart for having refused to buy him new clothes.⁴⁹

Class or racial antagonisms may have simply covered up the fact that Stewart still owned Juan as a slave. According to *The Liberator*, despite Stewart's claims that he emancipated Juan in Cuba and hired him as a servant, no published copy of Juan's manumission ever surfaced during the ordeal. Contrary to other newspaper reports, *The Liberator* noted that not only did Stewart scold Juan for asking him to buy new clothes, he "struck him." The logic then followed (though perhaps a bit tenuous) that because Stewart hit Juan, Stewart still owned Juan. If that were the case, Juan's rationale for new clothes takes on a different meaning; perhaps he wanted to use them as a disguise to escape. Just as significant, the PAS manumission manuscripts do not have a record of Juan's manumission. It should be remembered that Pennsylvania's 1788 anti-kidnapping law required slave-owners to register slaves with the PAS; Stewart may have, like many other slave-owners, flouted and ignored this law. Juan, on the other hand, could not escape the law, and went before the Mayor's court as "John Price" where he was charged with assault and battery "with intent to murder." Juan/John was sentenced to seven years in the penitentiary; subsequently, he disappeared from the historical record.⁵⁰

Word of Juan's attack on Stewart spread across a city primed for riotous behavior toward African-Americans. A large number of whites gathered outside of the Stewart house the night of the attack, where the alternating between holding a vigil for Stewart,

⁴⁹ Hazard's, *Ibid*; *Philadelphia Inquirer*, *ibid*; James Brewer Stewart, "The Emergence of Racial Modernity and the Rise of the White North, 1790-1840," *Journal of the Early Republic*, Vol. 18, No. 2 (Summer, 1998), 181-217 and responses, pgs. 218-236; Saxton, *Rise and Fall of the White Republic*.

⁵⁰ *Liberator*, July 25, 1835; Mayor's Court Minute Books, 1835 (Record Group 130.2), Philadelphia City Archives; Pennsylvania Abolition Society Series 4.2, Manumission Book G, 1792-1853, HSP; "A Guide to the Papers of the Pennsylvania Abolition Society," Last Modified 2015, <http://www.slavery.amdigital.co.uk.libproxy.temple.edu/Essays/content/PASguide.aspx>.

conspiring to start a riot, and taking turns attacking any black person who passed by the residence. Mayor Swift dispatched the police force and town watch to the neighborhood to break up the gathering, which they did without incident. Despite this apparent victory, the *Philadelphia Inquirer* cautioned the city's black population not to walk the streets after dark as "the slightest offence on the part of the blacks would at this particular time be visited with the severest penalty." Even worse, rumors persisted that some form of mob violence would take place on Monday in the southern part of the city: the same area that was rocked by riots the year before. Fearing the worst, Mayor Swift sent the entire city police force to keep order in south Philadelphia.⁵¹

Yet again, Swift, city recorder Joseph McIlvaine, and high constables John McLean, Samuel Garrigues, and Willis Blayney led this mass of "one hundred efficient men" to the heart of black Philadelphia: Sixth and Lombard Streets. Standing at this intersection the men would have seen vital institutions of black life, namely, two African Methodist churches and the 2nd Presbyterian Church. They also would have encountered between 500 and 1,500 white Philadelphians "of the very lowest classes" arrayed for battle. The Mayor and his team dispersed the mob, the latter of whom then proceeded down Lombard Street to reorganize.⁵²

The crowd launched an all-out assault on black Philadelphia at about nine o'clock that night. Responding to the call of, "to Small Street," the mass ran down Sixth and Seventh Streets while defacing at least seven black-owned homes with rocks and bricks. Many of these houses were deserted, as most black residents had abandoned the area; those African-Americans who fell into the hands of the mob were beaten. These sadistic

⁵¹ *Liberator*, *ibid*; *Philadelphia Gazette*, July 13, 1835; *Philadelphia Inquirer*, July 14, 1835.

⁵² *Hazard's Register of Pennsylvania Volume XVI*, 7/1835, 36; *Philadelphia Inquirer*, July 15, 1835.

events directed toward Philadelphia blacks add more texture to the historian David Grimsted's study on antebellum mobs, which posits that unlike southern riots, which focused on assaulting people, northern riots typically focused on destroying property. The interesting feature of both of the Flying Horses and Juan riot consisted in the fact that white property was to be protected at all costs. However, in light of the fact that many white Philadelphians observed peregrinating slave-owners and local constables treating Philadelphia blacks like extensions of white property during fugitive slave arrests and kidnappings, this sectional distinction breaks down.⁵³

The rioters took pleasure in using axes to break down the doors of black dwellings and attack any young black men on the premises. Moving up Small Street they broke into a house on Shippen Street in the hopes of finding a black barber, "an object of peculiar animosity," but to no avail. According to the *Philadelphia Inquirer*, "not a colored person was to be seen within three or four squares" of Cedar Ward; any black who could escape the city and sleep "in the open air" outside Philadelphia did so. At this point the rioters took their vengeance upon black homes. They set fire to a block of eight or nine black-owned small frame houses on Eighth Street known as "Red Row." When local firefighters attempted to beat back the flames, the rioters cut their hoses and assailed the fire engine. The rioters then proceeded to the neighborhood of Fitzwater Street and Passyunk Road, where they damaged more than two dozen houses; here they beat a black man who defended himself with an axe in one of the homes with "great and cruel severity." The rioters mixed sympathy with sadism; the *Philadelphia Gazette* noted the "disappointment" felt by the rioters when they broke into houses containing elderly

⁵³ Hazard's, *ibid*; *Philadelphia Inquirer*, July 16, 1835; David Grimsted, *American Mobbing, 1828-1861: Toward Civil War* (Oxford: Oxford University Press, 1998).

blacks, whom they “left untouched.” By midnight the firemen wrested control of the fire at Red Row and the mayor and police force finally dispersed the mob. City newspapers warned black and white Philadelphians, especially the children and apprentices of the latter, to avoid the riot area in the interest of “peace and order,” for the disorderly mob contented itself in drawing large crowds of innocents to behold an assault on blacks who “did not give the slightest offense.”⁵⁴

The mob of more than 1,000 rioters reassembled the next night on Sixth and South Streets, “eager for the renewal of the sport,” that is, hunting down and assaulting any African-American stragglers in the area. A few blocks away 50 to 60 blacks armed with “knives, bludgeons, and pistols” - shades of Benezet Hall from the previous year - garrisoned a house on St. Mary’s street and prepared for battle, even taking the sashes out of the top-floor windows in order to heave stones at would-be assailants. Soon the rioters received word of this fortress, and headed in the direction of the house. Fortunately, Mayor Swift and other officials, including city Recorder William Blayney and City Solicitor Edward Olmstead, headed-off the mob at the corner of St. Mary’s Street, and prevented anyone from approaching the garrisoned building. Blayney and Olmstead entered the house and found one lone black man on the main floor; the others remained on high alert on the second floor. The two officials held a long “parlay” with the man, and persuaded the African-Americans to leave the dwelling through the back door. Outside, the Mayor and several police officers addressed the rowdy crowd and stifled rumors that armed blacks were on the verge of battle. The crowd soon disbanded but the damage from two days of rioting was done: several blacks, including an old man named

⁵⁴ *Hazard’s*, *ibid*; *Atkinson’s Saturday Evening Post*, July 18, 1835, *Philadelphia Inquirer*, *ibid*.

George Conover, were hospitalized, at least 30 homes were destroyed in Cedar Ward, and the fire at Red Row burnt one house to the ground. A week later, arsonists finished the job, and burnt down the rest of the black homes on Red Row.⁵⁵

Violence toward human beings and property and “ready-to-hand” human-beings-as-property characterized the 1835 riot, a riot that began because of the simmering tensions over the Gilmore verdict and the fury of a white mob over the beating of Robert Stewart by his slave cum servant, Juan. Pennsylvania Democratic Governor George Wolf remarked in his annual address the pattern of this riot:

The domestic sanctuary was entered by violence, the obnoxious individual sought for, and if found, fell victim to an infuriated mob; if not, his property became a sacrifice to a phrensied [sic] populace.

Wolf earned praise from Andrew Jackson for standing “nobly by his country” the year before when he attacked the Bank of the United States, located in Whig-heavy Philadelphia. Not coincidentally, Wolf moved from decrying the disorder of the riot to identifying the immediate abolitionists as “the offspring of fanaticism of the most dangerous and alarming character.” He suggested that the Pennsylvania General Assembly “impose an immediate check” on the progress of the movement, a possible move to censor the “Great Postal Campaign” that coincided with the July 1835 riots.⁵⁶

⁵⁵ *Hazard's Register of Pennsylvania Volume XVI*, 7/1835, 37, *National Gazette*, July 18, 1835, *Philadelphia Inquirer*, July 16 and 28, 1835; *Liberator*, July 25, 1835.

⁵⁶ George Edward Reed, ed. *Pennsylvania Archives: Fourth Series, Volume VI* (Harrisburg: Wm. Stanley Ray, State Printer, 1901), 241-242; Charles M. Snyder, *The Jacksonian Heritage: Pennsylvania Politics, 1833-1848* (Harrisburg: Pennsylvania Historical and Museum Commission, 1958), 61. Heidegger, *Being and Time*, 62-67.

The Great Postal Campaign in Philadelphia, 1835

The American Anti-Slavery Society's plan to disseminate more than one million abolitionist tracts and other pieces of literature met with vociferous response in Philadelphia and the South. When southern newspapers like the *Richmond Enquirer* and *Richmond Whig* accused northerners of supporting immediatism and the consequent endangering of slave master's right to property, the *Philadelphia Inquirer* quickly responded that the "vox populi" of major northern cities, Philadelphia in particular, guarded a "universal" understanding of the subject. "Let the Whig be assured," contended the *Inquirer*, "that there is in the North a feeling of agreement and fraternity with the South, which no innovation can shake or endanger." The *Philadelphia Inquirer* took a measured response to the infamous sacking of the Charleston post office on July 29th, 1835 when a proslavery mob raided the facility and carted off mailbags filled with copies of *The Emancipator* and other abolitionist literature. Interfering with the public mails was an "outrage," and Charleston officials must address the matter "in the most decisive manner." The bonds of Union became tenuous through mob violence and abolitionist designs to cultivate slave-owners' views on emancipating their own slaves; an American problem. On the other hand, the *Inquirer* hoped that Philadelphians would awaken to the "unwarrantable and criminal interference of northern fanaticism with southern interests." A recent meeting of Richmond slave-owners called upon northerners to pass laws against abolitionists, those who displayed "a wanton violation of our political compact and destructive of the whole frame of our government." "A Virginian"

writing in the *Philadelphia Inquirer* lambasted Philadelphians for failing to reciprocate such meetings - a tableaux vivant of street diplomacy – and promised that southerners would not “sanction any course of conduct” by Philadelphia citizens, who, unintentionally or otherwise, excited an insurrection of slaves. The paper suggested that the leaders of Philadelphia hold a meeting to convince the south that they have “nothing to apprehend” of the north, but only when tempers had cooled. Southern riots in response to the northern abolitionist postal campaign linked public outcry over the freedom to enslave to the national dilemma of enshrining slavery as an American right.⁵⁷

Meanwhile, some Philadelphia abolitionists seemed undeterred by the riots and continued to hold meetings in and around the city. The Philadelphia Young Men’s Antislavery Society, for example, held several “interesting [and] well-attended lectures” in the weeks following the riot. The goal of these lectures was to form new abolition societies across the state. David Paul Brown, president of the Philadelphia Anti-Slavery Society, planned to hold a meeting on August 14th that consisted of both black and white abolitionists, but fearing a renewal of the late riots, city solicitor Edward Olmstead advised against it. The PAS canceled its monthly meeting, though records are unclear as to whether the PASS proceeded as planned. In either case, word of the proposed gathering spread of the PASS quickly throughout the city. A mob assembled in the hopes of demolishing David Paul Brown’s house, who according to the *New Bedford Mercury* had “rendered himself particularly obnoxious.” These “obnoxious” acts committed by

⁵⁷ On the ‘Great Postal Campaign,’ see Bertram Wyatt-Brown, “The Abolitionists’ Postal Campaign of 1835.” *Journal of Negro History* 50 (October 1965): 227-238, James Stewart, *The Holy Warriors: The Abolitionists and American Slavery* (New York: Hill and Wang, 1976), and Susan Wylie-Jones, “The 1835 Anti-Abolition Meetings in the South: A New Look at the Controversy over the Abolition Postal Campaign.” *Civil War History* 47 (4) (2001): 289-309; *Philadelphia Inquirer*, July 21, 29, Aug. 4, 7, and 15, 1835; *Philadelphia Gazette*, Aug. 8, 1835 via *Connecticut Courant*, Aug. 17, 1835; *Richmond Enquirer*, July 24, 1835; *Southern Patriot*, July 29 and Aug. 1, 1835.

Brown included serving as the PASS president and as a lawyer to defend fugitives and kidnapping for the PAS. Luckily for Brown, foul weather disrupted the mob and most likely, the proposed abolitionist meeting.⁵⁸

Brown defended himself in an open letter to the public published in the *Philadelphia Inquirer* shortly after the failed riot on August 19th. Responding to accusations of his involvement in the postal campaign, Brown asserted that he disapproved of this method of persuasion. While he refused to make any “undue concessions” to the South, his disposition was such that he knew not to “encroach upon their rights, privileges, or security” by sending abolitionist literature to that region. He denied any role in the mailing campaign and did not know anyone who participated in it. As president of the PASS, Brown undoubtedly knew the major players in the ‘great mailing campaign,’ and so perhaps to protect his own life and property – especially given the recent examples of mob violence against abolitionists across the country – he most likely prevaricated about his knowledge of the campaign and pled ignorance.⁵⁹

As an example of street diplomacy, Brown’s public defense revealed the difficulties inherent in upholding interstate comity and protecting or defending fugitive slaves. He asserted that he had a professional duty as a lawyer to defend those claimed as slaves in Philadelphia, a duty protected by the Constitution and the laws of Pennsylvania. He claimed that it would be “unmanly for me to withhold my humble aid from a fellow creature,” and that he had no problem experiencing “personal inconvenience or peril” in the course of such a career. Brown listed his credentials as a lawyer for the PAS: he argued “a thousand cases for them” free of charge and “more than once contributed to

⁵⁸ *Philadelphia Inquirer*, Aug. 14 and 15, 1835; *New Bedford Mercury*, Aug. 28, 1835.

⁵⁹ *Philadelphia Inquirer*, Aug. 19, 1835.

buy out those whom I could not *speak* out of bondage.” Most recently, Brown argued for the release of Mary Gilmore, “a hapless orphan Irish girl” whose freedom was jeopardized by a life of perpetual slavery. Brown reminded readers of Gilmore’s race as a way to alert Philadelphians to the dangers of slavery, as “the course of human proscription has not always a *color* for its excuse.” The proposed razing of his house, or as he put it, the invasion of his own “domestic *peace*” became the bitter reward for Brown’s service to liberty and humanity.⁶⁰

These allegations against Brown boiled down to the central claim that he spoke before the Young Men’s Anti-Slavery Society the previous week, which he denied as he was out of town that night. This organization was founded by black and white abolitionists in 1835 as an auxiliary to the American Anti-Slavery Society. Members of the society included the sons and relatives of PAS members, including John Griscom, William Parrish, William Garrigues, and Edward Hopper as well as rising antislavery stars like James Forten Jr. Despite his age Forten’s oratorical talents were in high demand. His 1836 speech to the Philadelphia Female Anti-Slavery Society outlined much of the immediatist philosophy, calling their abolitionist task a “desperate struggle...between freedom and despotism—light and darkness.” Forten, Jr. would no doubt expect and imbibe similar themes from Brown, who ended his open letter to Philadelphians with dark prophecies regarding the future:

The evils now complained of, the turbulence and tumult of the times originate much deeper than their ostensible cause, and will ere long embrace wider mischiefs, if not promptly subdued, than those which as present we deplore. In the language of Talleyrand, “This is but the beginning of the end.

⁶⁰ *Philadelphia Inquirer*, *ibid.*

Philadelphia's abolitionist community, black and white, echoed the existential dangers to the Union that mirrored the threats of aggressive interracial alliances, partnerships forged to ensure black freedom throughout the city and beyond. Combining these micro and macro fears to the debate over interstate comity, Philadelphia abolitionism, the kidnapping of free blacks, the fugitive slave crises, and the reality of ongoing negotiations through street diplomacy drew the ire of Philadelphia residents, especially in the midst of the great mailing campaign perpetrated by their colleagues in the American Anti-Slavery Society.⁶¹

The "Young men of the City and County of Philadelphia" called for "FRIENDS OF THE UNION" to attend a town meeting on August 24th to discuss the "RECENT INCENDIARY MOVEMENTS OF THE IMMEDIATE ABOLITIONISTS." Although the group gathered more than 1,000 signatures in support of the meeting, the *Philadelphia Inquirer* estimated that thousands participated in the meeting, with thousands more unable to obtain a ticket to the event. Such a "noble demonstration of public opinion" for the Union and against the immediatists would surely have a "salutary effect" on the South. Philadelphians, especially those of the riotous variety, could meet and pledge their support of the south by showing how their "hardening" approach to race, i.e. violent attacks on local Philadelphia blacks, would prove to southerners how they in no way were "soft" on the issue of slavery. Philadelphia grocer William C. Patterson, Esq. called the meeting to order and nominated Jacksonian Democratic Alderman and

⁶¹ "(1836) James Forten, Jr. 'Put on the Armour of Righteousness,'" Last Modified 2015, <http://www.blackpast.org/1836-james-forten-jr-put-armour-righteousness>; Pennsylvania Abolition Society Series 5.40, Miscellaneous, Young Men's Anti-Slavery Society; Winch, *Philadelphia's Black Elite*, 174-177; Pennsylvania Abolition Society, *Centennial Anniversary of the Pennsylvania Society*; *Philadelphia Directory*, 1835-1836; *Emancipator*, May 26, 1835; *Philadelphia Inquirer*, *ibid*.

Editor of the *Saturday Evening Post* Morton McMichael as President. After McMichael delivered a “truly eloquent and highly appropriate” address, one that no doubt referenced both sustaining the interstate compact with the south and avoiding the excesses of immediatism, he introduced Anti-Jacksonian lawyer, tragedian, and former editor of the *Philadelphia Gazette*. Robert T. Conrad served as the chairman of the Committee of Resolutions, and like McMichael, gave a speech that “elicited frequent bursts of applause from the audience.” State Senator Dr. Jesse Burden, a “bank Democrat” who as the moniker suggested, opposed Jackson’s veto of the Second Bank of the United States, spoke next. Burden, who was born in raised in the heart of Southwark, a landscape peppered with race riots, fugitive slaves, kidnappings, and abolitionist activity, formed part of the powerful Democratic political machine in Philadelphia County. In his speech he blamed the “blot” of domestic slavery on the British, and pointed out that “humanity shudders” at the thought of emancipation, a fate more “galling” than slavery itself: the United States would become Haiti, i.e. the battleground for a race war. He concluded that only the south could solve the problem of slavery, and that the north need not interfere with that region’s necessary evils. However, upholding the Union meant ignoring the precarious freedom and reality of black life, north and south.⁶²

⁶² Morton McMichael worked at law office of David Paul Brown, see Robert L. Bloom, Morton McMichael's "North American", *The Pennsylvania Magazine of History and Biography*, Vol. 77, No. 2 (Apr., 1953), pp.164-180; Robert Conrad worked as the editor of the *Philadelphia Gazette*, anti-Jacksonian politician, poet, playwright, lawyer, judge; he was also a staunch unionist. See Henry Simpson, *Lives of Eminent Philadelphians, Now Deceased* (Philadelphia: William Brotherhead, 1859), 246-247 and Philadelphia Repeal Association, *Oration delivered by the Hon. Robert T. Conrad, at the celebration of the anniversary of American independence by the Philadelphia Repeal Association, at the Arch Street Theatre, July 5, 1841* (Philadelphia: Charles Alexander, 1841); Snyder, 58, 86; *Philadelphia Inquirer*, Aug. 21, 24, 25, and Sept. 11, 1835; *Philadelphia Directory*, 1835-1936; Stewart, *ibid.*; Saxton, *ibid.*; Steven Deyle outlined the question of being “soft” on the slavery question in the South, which I suggest permeated northerner’s impressions of how best to display their loyalty to southern slave owners. See Steven Deyle, “An “Abominable” New Trade: The Closing of the African Slave Trade and the Changing Patterns of U.S. Political Power, 1808-60,” *The William and Mary Quarterly*, Third Series, Vol. 66, No. 4, Abolishing the Slave Trades: Ironies and Reverberations (Oct., 2009), 833-850.

To conclude this bipartisan assemblage of influential political figures devoted to preserving the Union, Anti-Jacksonian Congressman Joseph R. Ingersoll spoke last. As a member of one of Pennsylvania's political dynasties and one whom would later be eulogized by David Paul Brown as the "Cicero of the American Bar," Ingersoll's renowned reputation "throughout the Union" lent gravitas not only to this meeting of street diplomats but also to the place of Philadelphia within the national debate over freedom, slavery, and abolition. Ingersoll's speech, noted the *Philadelphia Inquirer*, "diffused a flood of light" upon these topics. He began by meditating on the "interchange of sentiment" endorsed by the abolitionists through the postal campaign. While "subterranean fires" of emancipationist feeling may produce salutary effects in the long term, short term agitation of such feelings cause an "unquenchable rage" dangerous to all. Ingersoll asserted that the Founders premised their republican vision upon compromise, not conflict, over the issue of slavery. All of them pledged their names to a Constitution that recognized domestic slavery not once but three times; such a system "extending to all and over all" and necessitated cooperation between states to ensure "the prompt and effectual restoration" of fugitive slaves. For the most part, Ingersoll argued, states like Pennsylvania have abided by interstate comity. Only recently, however, with the introduction of "*ultra abolition*" i.e. abolitionist street diplomats, black and white, had mutual dependency on the slave system cum Constitutional compact reached a breaking point. Ingersoll pronounced that now was the time for the many to rise against the few, to "put them down," for threatening the sacred bonds of Union. Noting that while not all abolitionists betrayed disunionist principles, "when they wear the appearance of incendiaries and do their deeds, they must be content to bear the opprobrium." Any injury

or death that results from such agitation “is not by our hands,” and these means were the only apparent way to prevent “atrocious *consequences*,” namely, immediate emancipation. Ingersoll had, in effect, absolved himself and his colleagues’ of their responsibility to protect abolitionists.⁶³

Ingersoll believed that abolitionists and their African-American allies disrupted comity and threatened the Union. Those who labored so hard north and south to preserve the Union, “uphold and venerate the Constitution,” need not see their work die in vain because south has the “erroneous” impression that the “whole North is united in one array against them.” Instead, Ingersoll argued how this meeting proved that Philadelphians stand to honor and protect the constitution against the “scattered agitators” of the north. Thankfully, those Philadelphia abolitionists who comprised the PAS numbered among the “legitimate, genuine friends of abolition,” abolitionists committed to a society that “intended to abide by and sustain the Constitution;” not the “ultras” who violated the laws and attempted to impose their “conscience” upon slave owners and the enslaved. If slavery prevented the “ultras” from abiding by the Constitution and “reciprocal concessions and compromises” of interstate comity, then they must “depart in peace” with “Providence their guide”: the Constitution and God, bargaining chips that served as convenient foils within the minds of powerful street diplomats who succored the favor of American slavery. Not only did Ingersoll’s speech serve as a key reminder to both abolitionists and enslaved peoples – the “few” and the true “many” – that their actions and freedom portended grim consequences, the speech placed immediatists outside the bonds of Union, and established that the actions of free and fugitive African-Americans

⁶³ *Hazard’s Register of Pennsylvania Volume XVI*, 163-165; *Philadelphia Inquirer*, Aug. 25, 1835; David Paul Brown, *Eulogium on Joseph Reed Ingersoll* (Philadelphia: Collins, 1869), 10.

in Philadelphia, powerful street diplomats in their own right, held a crucial role in maintaining those bonds.⁶⁴

After Ingersoll's speech the committee devised a series of resolutions that highlighted the growing concern that the street diplomacy practiced by abolitionists and fugitive slaves eroded interstate comity. The committee resolved to take measures to "rescue" their "brethren of the South" from "the incendiary efforts of those who make our territory the seat of warfare" against slavery. Abolitionists menaced the "peace and permanence of the Union," a Union "inseparable from its freedom," and one that reserved to the people of the south the freedom to emancipate slaves. "Obnoxious measures" such as a postal campaign designed to convince the south to deprive themselves of their freedom to own human property might even require legislative action to limit the flow of these missives and monitor "incendiary [abolitionist] movements" within Pennsylvania. The North was "sound to the core on the subject of slavery" and restricting abolitionist activities, and should a servile insurrection erupt, "the young men of the North [were] prepared to meet the danger, shoulder to shoulder...by the ready sacrifice of their blood, their devotion to the peace and the rights of all the parts of our beloved Union." The committee took to the streets and made this solemn promise to suppress slave rebellions in the south, and thus mirrored how Philadelphia rioters and other white Philadelphians undermined African-American freedom in the interest of maintaining interstate comity.⁶⁵

The final resolutions appeared more as lip service to respectable white Philadelphia abolitionists, like David Paul Brown, rather than wholehearted gestures to protect abolitionism itself. Since Philadelphia lacked an abolitionist press, the committee

⁶⁴ Hazard's, *ibid.*

⁶⁵ *Philadelphia Inquirer*, Aug. 25, 1835.

reasoned that the state's abolition groups failed to promote any "incendiary measures." However, should such measures arise in the city, the committee hoped that the young men in the audience would pledge themselves to "aid and arrest" both the abolitionists responsible and the ruffians determined to destroy property and disrupt "the peace of the community." Here the committee maintained some semblance of protection for abolitionists in the city while at the same time granting "young men" the permission to haul-in those who would threaten the harmony of Philadelphia and the Union itself. The meeting closed by thanking the young men from whom the "temperate, yet fair, manly, and satisfactory character" of the resolutions originated. The *Inquirer* congratulated all of the citizens in attendance for displaying the "*Voice of Philadelphia*," and believed these public sentiments would furnish the South with enough proof that the city stood beside her on matters of freedom and slavery in the Union.⁶⁶

Just when tempers began to subside, the next day a steamboat arrived in Philadelphia carrying among its cargo a large wooden box labelled "dry goods." When the white and black dockworkers read the address of the recipient – William H. Scott, president of the Young Men's Antislavery Society – they "accidentally forced open" said box, and out poured "*incendiary pamphlets and newspapers*" addressed to slave-owners in Georgia, North Carolina, South Carolina, Missouri, Alabama, Illinois as well as other slave states and the District of Columbia. Anticipating Postmaster General Amos Kendall's thoughts on censoring mails - that Americans "owe an obligation to the laws, but we owe a higher one to the communities in which we live - the *Philadelphia Inquirer* called the materials a "gross and daring violation." Having obtained possession of several

⁶⁶ Ibid.

pieces of the papers and pamphlets, the *Philadelphia Inquirer* argued that the selected articles seemed “calculated to excite and inflame the mind of the slave” against their master. Soon a large crowd gathered at the dock, including a few of the city’s “most respectable citizens.” The latter group decided to wait upon Scott and interrogate him as to his motives behind receiving such a volatile package.⁶⁷

William H. Scott’s role as President of the Young Men’s Antislavery Society (YMASS) proved his willingness to forge interracial bonds with African-American abolitionists. His position also epitomized the changing character of Philadelphia abolitionism, an embattled community torn between the gradualist intentions of the PAS and the immediatist persistence of the American Anti-Slavery Society. The historian Richard Newman noted that the “second-wave” Garrisonian abolitionists seeped into Philadelphia’s abolitionist community; Scott’s fellow YMASS member Lewis C. Gunn, for example, prided himself on his status as an “ultra.” Accepting that the YMASS leaned more toward radicals like Garrison rather than the traditionalist PAS, Scott’s defense most likely masked his complicity in the postal campaign. When confronted by the committee of “respectable” Philadelphians, Scott claimed ignorance of the box’s purpose and contents. Had he known that someone would send him such a box in the midst of such contentious times, he would consider it his “duty” to surrender it to the city of Philadelphia, which he did. Satisfied with Scott’s alibi, the delegation returned the box to the Transportation office.⁶⁸

⁶⁷ *Boston Courier*, Aug. 31, 1835; *Philadelphia Inquirer*, Aug. 26, 1835; Louis Filler, *The Crusade against Slavery, 1830-1860* (Harper’s: New York, 1960), 98.

⁶⁸ *Emancipator*, May 26, 1835; Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002), 84-85, 106; *National Enquirer*, Nov. 12, 1836; Scott also served as a delegate to the American convention, see Pennsylvania Abolition Society, *Centennial Anniversary of the Pennsylvania Society*, 65.

A crowd of more than 100 “respectable citizens” gathered at the transportation office and held a vote on what to do with the box, and in doing so, communicated how many white Philadelphians understood street diplomacy. They had two options: support the abolitionists and their fugitive and free black allies, or stand with the south. The group chose the latter course, and dumped the box and its contents into the Delaware River. They carried out their plan accompanied by cheering throngs of Philadelphians who yearned to witness street diplomacy in action: “at least two thousand of the newspapers [...] were taken out, torn into ten thousand pieces, and scattered upon the waters.” Given the volatility of the times, the *Philadelphia Inquirer* prided this display as the “proper course.” The newspaper concluded its account by stating that “Philadelphia is perfectly tranquil, and is likely to continue so.”⁶⁹

Not all Philadelphians adored bearing witness to their city standing by the south. While the scattered remnants of immediatism sunk to the bottom of the Delaware, an African-American man named William waited patiently in a jail cell. Dr. G.W. Pratt of Dorchester County, Maryland, claimed William as his slave Sam; his agent Reuben Sall brought the alleged runaway before Judge Archibald Randall three days prior to the incendiary excitement on the Delaware River. Apparently, Randall made up his mind about the case before the PAS arrived to serve as counsel. Pratt’s witnesses testified that William/Sam was indeed Pratt’s slave; Thomas Shipley of the PAS never received a response from his witnesses in Maryland. Randall agreed to Shipley’s request for adjournment until September 5th. At some point between these dates, Sall dropped his claim – yet Randall did not inform the PAS of this update until they appeared before the

⁶⁹ *Philadelphia Inquirer*, Aug. 26, 1835.

court on the 5th. When asked of William's whereabouts, Randall told the PAS that he ordered Constable Michael Donnehower to discharge William and bring him to court to meet with Shipley. Instead, Donnehower and a few others went to the prison, retrieved William, put him on a carriage, and drove him out of state. Perplexed by these actions, the PAS asked why Randall allowed Donnehower to remove William from Philadelphia. Specifically, the PAS wanted to know the legality of removal without process solely based upon the two men "recognizing" William. Randall responded that Donnehower convinced him that another two men from Maryland had a legal claim to William; trusting Donnehower, whose notorious kidnapping activities one would be hard-pressed to believe evaded Randall's purview, and two mysterious Marylanders, representatives of the slave south, William/Sam transformed into a slave for life: comity through street diplomacy had once again been reaffirmed on the streets of Philadelphia.⁷⁰

⁷⁰ PAS 1.5, Oct. 1, 1835.

Conclusion

Black Philadelphians witnessed the deterioration of interstate comity during the riot years of 1834 and 1835, events that revealed the connections to and limits of street diplomacy. By 1835, the wave of immediate abolitionism crested upon the great postal campaign, an ill-conceived measure that pushed white Philadelphians interested in promoting interstate harmony into the open arms of southern slave states. When faced with the decision over whether to assist black Philadelphians or stand with the south, white Philadelphia chose the latter course. In doing so, the burden of maintaining the Union remained not on whites who hoped to succor positive relationships with slave masters, but on the backs of free and fugitive African-Americans in Philadelphia.

CHAPTER 5
THIS INHUMAN TRAFFIC

Introduction

The way up and the way down is one and the same. -Heraclitus, *Fragments*

The Philadelphia lawyer and PAS stalwart David Paul Brown took to the rostrum to deliver the keynote address at the grand opening of Pennsylvania Hall on May 14th, 1838. Calling liberty “far, far more precious, dear, than life,” Brown hoped that his speech would smooth the rough edges of immediate emancipation and chart a course between instantaneous black freedom and pragmatic political networking. Brown anticipated a vituperative response from William Lloyd Garrison, also in attendance, whose own brand of immediatism left little space for political side-deals with “gentlemanly” white politicians, by regaling the crowd with a short and simple anecdote. In 1808 two African-American men, John Joyce and Peter Mathias, were hung in Philadelphia for the murder of Sarah Cross, a “harmless, industrious old woman.” About a decade later the Philadelphia abolitionist Isaac Hopper called upon Brown to defend an alleged fugitive slave. When Brown asked the man his name, the alleged replied, “Peter Mathias.” Confounded by this coincidence, Brown related the story of Mathias to the man. The man nodded, and said, “Come nearer, and I’ll tell you about it.” It seemed as though this man, John Johnson, was imprisoned at the same time as Mathias. Just before Mathias was led away to the execution site, he told Johnson, “John, you are a slave, I am free; here are my freedom papers; I am going where I shall not want them.” Ever since that day Johnson assumed the moniker of Mathias; a fugitive slave with a free dead man’s name and a dead man’s freedom. Brown closed his story by reminding his

audience that no Philadelphian or American for that matter could ignore the gritty reality of freedom and slavery in the city, what he called “this inhuman traffic in undisguised abhorrence.”¹

Battles over street diplomacy continued to rage in Philadelphia following the “long” riot year of 1834-1835. Everyday conflicts over freedom and slavery represented a foreshadowing yet scaled-down set of civil wars. Between 1836 and 1843 the city became, in the words of Pennsylvania Governor Joseph Ritner, a “theatre of scenes.” These “scenes” manifested themselves in large part due to Philadelphia’s continuing status as a hotbed of activity for slave-catchers, fugitive slaves, interracial abolitionism, and political activism. Slave catchers and their sometimes fugitive, sometimes free targets influenced the strategies and racial politics adopted by black and white abolitionists. Yet the “hard” and “hardening” racial politics within Philadelphia reinforced the grave and mutually constituted relationship between physical violence and top-down legislative actions in the city and state, forcing Philadelphians once again to take to the streets in their struggles over diplomacy. In a larger sense, the burden of the Union rested firmly on the backs of African-Americans, legitimized arbitrary violence toward them, and showed how by lacking a clear-cut local or national solution to the contests over slavery and freedom in the state, white politicians perpetuated a sense of discomfort when dealing the fugitive slaves. By the time of the *Prigg* decision, the stakes

¹ Samuel Webb, *History of Pennsylvania Hall, which was Destroyed by a Mob, on the 17th of May, 1838* (Philadelphia: Merrihew and Gunn, 1838), 27-29; *Concord Gazette*, Mar. 15, 1808; *Poulson’s American Daily Advertiser*, Feb. 22, 1808.

of African-American freedom in Philadelphia, Pennsylvania, and the nation seemed higher than ever.²

“Hellish ‘Slave Factories’” in Philadelphia circa 1836

By 1836 Philadelphia had earned the reputation as one of the preeminent manufacturing cities in the United States. No longer simply a cosmopolitan port city focused on mercantile interests, Philadelphia and Philadelphians experienced the shockwaves of industrialization in various ways. The rising tide of Irish immigration peaked in the mid-1830s, foisting the issue of job security onto the city’s bustling African-American community, with whom they would now have to compete. The Irish, for their part, decamped from their native land and as the historian Noel Ignatiev argued, became “white” by interacting with African-Americans and supporting the Democratic political machine. No wonder, then, when the city experienced a population boom due to Irish immigration during the 1830s, the patterns of Irish settlement in Philadelphia County yielded Democratic victors in local, state, and national elections. Yet Philadelphia City itself maintained a Whig core throughout the 1830s, and drew support from Philadelphia’s abolitionist community, especially those whom benefitted from the market revolution and hated both Jackson’s politics of slavery.³

² Carl E. Prince, “The Great “Riot Year”: Jacksonian Democracy and Patterns of Violence in 1834,” *Journal of the Early Republic*, Vol. 5, No. 1 (Spring, 1985), 1-19; Elizabeth M. Geffen, “Industrial Development and Social Crisis, 1841-1854,” in *Philadelphia: A 300 Year History* (New York: W.W. Norton, 1982), 307-363; Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America* (New York: Verso, 1990); Eric Lott, *Love and Theft: Blackface Minstrelsy and the American Working Class* (New York: Oxford University Press, 1993); James Brewer Stewart, “The Emergence of Racial Modernity and the Rise of the White North, 1790-1840.” *Journal of the Early Republic*, Vol. 18, No. 2 (Summer, 1998), 181-217.

³ Noel Ignatiev, *How the Irish became White* (New York: Routledge, 1995), 88-91.; Russell F. Weigley, *Philadelphia: A 300 Year History* (New York: W.W. Norton, 1982), 275-281.; Lawrence Kohl, *The*

The emergence of the Second Party system underscored the reality, pace, and scope of change in Philadelphia. Whig leaders such as John Sergeant, Joseph Ingersoll, Josiah Randall, Horace Binney, and John G. Watmough, all natives of Philadelphia, vigorously supported public education, the expansion of public works, and the defense of the “monster” bank located in Philadelphia. Democratic stalwarts and Jackson campaigners such as Charles Ingersoll and Thomas Earle espoused the hard money ethos and the destruction of the bank. Such partisan loyalties reflected the broader truths of the rise of the Second Party system in the United States to the extent that on the surface, the economics of the Jacksonian era glossed-over debates pertaining to slavery.⁴

Lurking beneath the hard and soft money debates lay the advancing principles of hard and soft racism. Philadelphia constituted a manufacturing powerhouse with a seemingly endless supply of new laborers who through learning their “whiteness” applied these lessons to both their participation in the Second Party System and their desire to prove their Americanness by harassing the native African-American population. One cannot separate the economic and racial issues of the day: while grand colonial houses once occupied by merchants became overcrowded tenements filled with Irish laborers and even African-Americans, these houses also became bustling factories that as a rule forbid African-American employment, and thus created a precarious economics of desperation in the black community. By 1838, PAS observed that many blacks found it “difficult for them to find places for their sons, as apprentices, to learn mechanical trades”; a decade later the PAS found that many dwellings in Cedar Ward – formerly the

Politics of Individualism: Parties and the American character during the Jacksonian Era (New York: Oxford University Press, 1989), especially chapters 1-3.

⁴ Charles M. Snyder, *The Jacksonian Heritage: Pennsylvania Politics, 1833-1848* (Harrisburg: Pennsylvania Historical and Museum Commission, 1958), 68-95.

dynamic heart of the black community – consisted of “the lowest and most degraded of the coloured population, whose occupations were ragging, boning, and prizing.” In short, the Second Party system had little to offer black Philadelphians: while the expansion of Whig programs for social uplift failed to benefit the African-American community, zealous Irish Democrats employed in city factories plunged much of the black community into lives of “pauperism.” “That many of them have been held as slaves,” argued the PAS in its report on black life in Philadelphia in 1838, led to the “vicious propensities” toward crime and potentially civil disorder. The legacy of slavery and presence of fugitive slaves in Philadelphia combined with the burgeoning Second Party system in the sense that the local politics of slavery pushed the American paradox onto the same politicians who had hoped to avoid the one question that could sunder the Union: how should Americans conceive of African-American freedom in a country where slaveholders possessed the right to retrieve fugitive slaves?⁵

Conflicts over fugitive retrievals remained omnipresent in Philadelphia and epitomized the dialectical relationship between slavery and freedom in the city and nation. Black life straddled the Whig core and Democratic periphery; a fitting settlement pattern, as their entire community faced the liminality of geography, race, and freedom. A dangerous liminality became compounded when people like Michael Donnehower served as a constable in Philadelphia County and lived at 8th and Fitzwater Streets, better known as the heart of black Philadelphia, or in the words of the historian Emma Jones

⁵ On whiteness and racism see Ignatiev, *ibid.* and Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America* (New York: Verso, 1990); PAS, *The present state and condition of the free people of color, of the city of Philadelphia and adjoining districts, as exhibited by the report of a committee of the Pennsylvania society for promoting the abolition of slavery, &c. Read first month (Jan.) 5th, 1838* (Philadelphia: Merrihew and Gunn, 1838), 10-12, 21; PAS, *A Statistical Inquiry into the Condition of the People of Colour of the City and Districts of Philadelphia* (Philadelphia: Kite and Walton, 1849), 34-36.

Lapsansky, “a haven for those low in the world.” About half of all black Philadelphians lived in the southern outskirts of city, technically in Philadelphia County; Moyamensing Township, Donnehower’s “beat” in South Philadelphia, hosted the greatest concentration of African-Americans. When the Pennsylvania Abolition Society employed members “to collect statistical information as to the present state and condition of the people of color,” for an 1838 census of black Philadelphia – which required data culled by Charles Gardner, a “seasoned leader” and Methodist preacher in Philadelphia- they found that while the average household income hovered around a “sufficiently moderate” \$44, incidents of black confinement to Eastern State Penitentiary and Moyamensing for “trivial offences” came largely from “reprehensible” magistrates whose jobs depended heavily upon the work of local constables. As noted in chapter four, while fulfilling his duties as constable Donnehower took advantage of his legal and geographical position to engage in professional slave-catching. Despite safeguards designed to differentiate between kidnappings and fugitive slave retrieval, namely the 1826 liberty law and abolitionist activism, Donnehower and others like him traipsed these established, yet precarious legal borders and implemented legal and illegal means to terrorize black Philadelphians during the 1830s.⁶

⁶ Emma Jones Lapsansky-Werner, “South Street Philadelphia, 1762-1854 : "A haven for those low in the world" (Ann Arbor : University Microfilms International, 1978) ; Donnehower (also spelled “Donahower”) appeared in PAS 1.5, Mar. 17, 1834; Sept. 3, 25, 1834; Apr. 3, 1835; Oct. 1, 1835; Jan. 14, Mar. 3, Jun. 21, Jul. 21, Sept. 6, Oct. 31, Nov. 21, 1836; Aug. 24, 1838; Sept. 23, 1839; Philadelphia City Directory, 1835-1836; PAS, *The present state and condition of the free people of color*, , 5,9,16; PAS 5.6, Benjamin C. Bacon and Charles Gardner, *Committee to Visit the Colored People: Census Facts Collected by Benjamin C. Bacon and Charles Gardner, 1838*; David McBride, "Black Protest against Racial Politics: Gardner, Hinton, and their memorial of 1838," *Pennsylvania History: A Journal of Mid-Atlantic Studies* 46, no. 2 (1979): 154; See also, Gary Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988), 246-279 and Samuel Otter, *Philadelphia Stories: America's Literature of Race and Freedom* (New York: Oxford University Press, 2010), 202-204.

Donnehower's exploits in Philadelphia helped build and perpetuate what abolitionists writing for the *Pennsylvania Freeman* called "hellish 'Slave Factories,'" i.e. kidnapping centers of the north; or perhaps more bluntly, embassies of southern-cum-national slavery. Openly defending his rights as a constable cum slave-catcher under the 1793 Act of Congress, Donnehower and other slave-catchers often encountered fierce resistance from African-Americans who, unlike many of their white counterparts, save those of their abolitionist allies, interpreted any seizure of their person as an attempted kidnapping. In one instance Donnehower left Philadelphia and captured several runaways outside of Salem, New Jersey. When he proclaimed his intentions of remanding the fugitives to their owner, the fugitives themselves began to scream "murder, fire, and other expressions," which raised a mob. Donnehower and the fugitives appeared before Judge George Bush, who ruled against the claimant, and freed the accused. However, Donnehower refused to let go of "the property entrusted to him" and re-arrested one of the group, a black woman, under the 1793 Fugitive Slave Law. The crowd pounced on Donnehower, who attempted to defend himself with a pistol and dirk; three black men carried him away "robbed him of his pocket-book, and all his papers, and in other ways brutally and savagely [used] him." Interestingly enough, while slavery had persisted in Salem up until five years prior (1829) and eventually became a stop on the Underground railroad, several unnamed citizens of Salem paid Donnehower's \$1,700 bail, thus allowing him to barely escape New Jersey with his life. The motives for paying Donnehower's bail remained speculative and open to both the possibility of anti-black or pro-black citizens banding together. Nonetheless, removing Donnehower for any reason whatsoever reflected the fact that while citizens possessed the power to release a lone

slave catcher, in doing so, they reinscribed the reality that this same person could, would, and did return to their former career: hunting African-Americans.⁷

Donnehower's methods of capturing runaways consisted of more than just utilizing legal tropes in notorious ways. In 1836 he rushed the alleged fugitive Elizabeth Young from judge to judge in the hopes of finding one "friendly" state official to procure a certificate of removal. When he could not find a Philadelphia judge willing to remand her, Donnehower simply crossed state lines and received a certificate from a New Jersey judge. Judges in Philadelphia must have known his name well, which becomes ironic when one considers how in January of 1836, Donnehower seized a "colored lad" named Henry Bell who lived with United States District Court Judge Joseph Hopkinson. A John Quincy Adams appointee in 1836, Hopkinson presented memorials to the US House of Representatives during the most important debate of 1819-1821: the 1820 Pennsylvania Liberty Law. That Donnehower would target Bell vis-à-vis Hopkinson and vice versa was a telling reminder of the familiarity of pro-slavery forces - in this case a Philadelphia county constable named Michael Donnehower who also hunted human beings – with politically significant leaders of antislavery forces, even if just a single, yet politically moderate, federal judge. Finally, as "another instrument of the PHILADELPHIA SLAVE TRADE" [emphasis in original]," the *Pennsylvania Freeman* reported that on at least one occasion Donnehower forcibly imprisoned supposed runaways in his own house; he received information from "colored" informants on another occasion. When connected

⁷*Pennsylvania Freeman*, Oct. 22, 1836; Thomas Brothers, *The United States of North America as they are: Not as they are generally described; being a cure for radicalism* (London: Longman, Orme, Brown, Green, and Longmans, Paternoster-Row, 1840), 376-378; Edmund des Brunner, *A Church and Community Survey of Salem County, New Jersey* (New York: George H. Doran Company, 1922), 14.; Dennis Rizzo, *Parallel Communities: The Underground Railroad in South Jersey* (Charleston: History Press, 2009), chapter 7.

with the fact that he also on at least one occasion accepted “half” the value of one of the victims, Donnehower’s slave factory, a site of politics, capital, race, and resistance, reminded African-Americans and their allies of the precarious nature of freedom in Philadelphia.⁸

The most notorious case involving Donnehower and supposed fugitives occurred during the summer of 1837. Alderman Andrew Hooten granted a warrant to Donnehower to arrest a pregnant woman named “Lovey” alias Mary Catlin as a fugitive slave claimed by John Walker of Norfolk, Virginia. David Paul Brown, George Griscom, and Charles Gilpin represented Lovey in front of Judge Archibald Randall. According to Griscom, Lovey possessed fair skin and “had an interesting child (which was included in Hooten’s warrant and arrested with the moth[er]) to all appearances entirely white, apparently 2 or 3 years old.” Walker claimed that Lovey had escaped from Norfolk with the child in August 1835, while witnesses for Lovey argued that she had given birth to the child in Philadelphia. In order to prevent a rescue or riot, Mayor John Swift attended the trial with 20 constables “under the immediate control of Donnehower.” Perhaps Swift trusted Donnehower’s reputation and experience with dealing with African-Americans. Interestingly enough, Walker “formally and publicly renounced” all claims to this child, mainly due to the fact of the “extraordinary public excitement which existed on account of the complexion of the child” [emphasis in the original]. In reality, Walker most likely dropped his claim to prevent his being charged as a kidnapper. Nonetheless, after a month of adjournments, the defense called Dr. William Gillingham to testify that should Randall

⁸ PAS 1.5, Jan. 14, Jul. 21, 1836; “Transcriptions of Early County Records of New Jersey,” accessed July 1, 2016, <http://www.ancestry.com>, 58-59; “Joseph Hopkinson,” accessed July 1, 2016. <http://bioguide.congress.gov/scripts/biodisplay.pl?index=H000784> ; *Pennsylvania Freeman*, Nov. 12, 1836.

rule for the claimant, Lovey's condition would prevent her from removal. Randall agreed, and in doing so, allowed the child to be born into freedom, not slavery. Unfortunately, the preponderance of evidence weighed heavily toward the plaintiff, and Randall decided in favor of Walker. Lovey gave birth in prison three months later, and when she recovered, Randall gave Donnehower her certificate of removal.⁹

One must be aware of the dark intimacy that existed between the remanded fugitives and the persons charged with accompanying them back to their masters. Lovey's lawyer David Paul Brown noted that she "was what is called a likely woman, and she was a shrewd and resolute one." Apparently Lovey seduced the "famous dealer in flesh" Donnehower as they traveled south. "She curried favor with him, stimulated his salaciousness, expressed her delight at having been placed in such genteel custody, and feigned great gratification at having escaped from the abolitionists." The first part of Lovey's escape strategy - to overwhelm Donnehower with flattery - apparently worked because he invited her to eat dinner with him when they stopped at Wilmington. The second part of her strategy emerged when Lovey refused to eat with him as an equal; she said that she would prepare his meal for him. "Blinded by this humility and reverence," or perhaps falling victim to racial stereotypes of black submissiveness, Donnehower agreed - and in the midst of making dinner Lovey escaped out the kitchen door to freedom. Lovey's escape no doubt angered Donnehower, at least until he remembered the offer made by a "philanthropic man of color" to free Lovey for \$500. Donnehower accepted the offer, but the philanthropist refused on the grounds that he must first produce the girl. Here Donnehower modified his strategy, and in keeping with his

⁹ PAS 1.5, Sept. 23, 1839; *Philadelphia Directory*, 1837; *Pennsylvania Freeman*, Aug. 10, 1837; *Philadelphia Inquirer*, Aug. 5, 8, 17, 1837.

decision to make himself the arbiter of Lovey's life of servitude, negotiated with the philanthropist: he would take half the money for her freedom. Yet still the philanthropist demanded proof of her freedom. Paradoxically, Donnehower could only offer proof of her freedom by admitting to her having escaped his custody, and thus, the constable was left empty-handed.¹⁰

The Death of Thomas Shipley

While Donnehower and others of his ilk plied their expertise in catching fugitive and free "runaways," the forces aligned against them – namely the Acting Committee of the PAS, the Vigilant Committee, and the Philadelphia abolitionist community, black and white – suffered an inestimable loss in the death of Thomas Shipley on September 17th, 1836. In many ways Shipley's life and career embodied street diplomacy. Shipley proved integral to the lasting success of the Acting Committee, often interviewing black Philadelphians and forging true bonds of friendship and brotherhood between white and black abolitionists; the *Centennial Anniversary of the PAS* did not hesitate to mention Shipley in the same sentence as Benjamin Franklin when it spoke of the PAS' "rich inheritance of renown." As a longtime member of the PAS, Shipley worked on the board of education for children of color, served as a representative to the American Convention and coincidentally had been elected to the President of the PAS two months before he died. Shipley's decades-long involvement in bringing justice to black Philadelphians could not be exaggerated, a point acknowledged by both his white and black colleagues.

¹⁰ David Paul Brown, *The Forum; or, Forty years full practice at the Philadelphia Bar [Volume II]* (Philadelphia: Robert H. Small, 1856), 381-382.

He rode out across the Delaware, Maryland, New Jersey, and Pennsylvania slave corridor, and even threw himself into the 1835 riot masquerading as a rioter in order to gain insights into the mob's plan of attack. All the more remarkable, Shipley accomplished these deeds fully-knowing that his step-nephew and professional slave-catcher George Alberti worked to undermine abolitionist efforts in Philadelphia for decades.¹¹

Yet despite these dangers, fellow PAS member Isaac Parrish wrote in his memorial to Shipley that, "on every occasion of popular commotion, when the safety of the colored people was threatened, he was found at his post, fearlessly defending their rights, and exerting his influence with those in authority to throw around them the protection of the laws." Here Parrish confirmed how the spectrum of abolitionist activity operated within the Garrison/Douglass immediatist paradigm: as a middle class white Quaker, Shipley could put his "indefatigable" radicalism to good use by influencing white elites to help free accused fugitives. Whether this radicalism amounted to persuading a judge for more time, gathering intelligence from and colluding with the black community, or merely posting bail, the clear-cut distinction that some historians have made between conservative and immediatist tactics blurred when one examined Thomas Shipley's life and career.¹²

¹¹ PAS, *Centennial anniversary of the Pennsylvania Society for Promoting the Abolition of Slavery* (Philadelphia: Grants, Faires & Rodgers, Printers, 1875), 11, 61; Wayne J. Eberly, *The Pennsylvania Abolition Society, 1775-1830* (University Park: Pennsylvania State University, 1973), 227-228; A cursory look at the Acting Committee records yields dozens of examples of Shipley's successes (and failures) as a member of that body. See for example, PAS 1.5, Jan. 10, 1816, Sept. 8, 1818, Sept. 5, 1820, June 23, 1822, Jan. 18, 1826, Jun. 23, 1826, Nov. 15, 1834, Mar. 29, 1839; Richard S. Newman, *The Transformation of American Abolitionism: Fighting slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002), 84, 116, 119.

¹² Isaac Parrish, *Brief Memoirs of Thomas Shipley and Ewin P. Atlee, Read before the Pennsylvania Society for promoting the Abolition of Slavery, &c* (Philadelphia: Merrihew and Gunn, 1838), 6-11; Newman, *ibid.*

Black Philadelphians recognized Shipley's lasting contributions to abolitionism as a hallmark of interracial harmony. First, upon hearing of his death "thousands collected in the vicinity of his dwelling," anxious to "mingle their tears and lamentations at the grace of one whom they had loved and revered as a protector and a friend." Second, James Forten, Charles Gardner, Robert Purvis and other important black community members presided over a "numerous and respectable meeting of the people of color" to honor Shipley. This meeting affirmed that Shipley's "unwearied exertions contributed much to the melioration of the long-neglected condition of our people" and his loss represented a "void which time can never fill." Furthermore, the meeting resolved to "thank the Father of mercies for having favored this community with such a bright example of self-denial and active philanthropy." Finally, the organizers agreed that Robert Purvis draft a tribute to Shipley. Pointing to the "broken hearts made whole" by Shipley, Purvis noted that the conversion to a moralistic, uncompromising, and immediate form of abolition came as a result of abolitionists embracing the "principles of *Shipley*" [emphasis in the original]. Purvis argued that Shipley helped transform his principles into "our principles" – or simply put, the eternal principles to "love their neighbors as themselves" and secure a practical recognition of natural and equal rights amongst men." Securing said rights required "willing, active co-operators in the great work of Abolition," and Purvis actualized these principles developed by Shipley and his allies.¹³

¹³ Parrish, 26-27; *National Enquirer*, Oct. 15, 1836; Robert Purvis, *A Tribute to the Memory of Thomas Shipley, The Philanthropist* (Philadelphia: Merrihew and Gunn, 1836), 8, 16-17. See also *Liberator*, Sept. 24, Oct. 10, 24, 1836.

The Rise of Robert Purvis

Shipley's death and recent experiences with fugitives coalesced within Purvis' actions at the street level. In his eulogy to Thomas Shipley, for example, Purvis railed that "the wife of your bosom, the child of your heart, the friend of your confidence, may fall a victim to the hellish talons of a northern kidnapper, be thrown into the presence of a prejudiced judge, and without an intercessor, doomed to hopeless, hapless, interminable bondage." Such day-to-day realities haunted Purvis, who even as a light-skinned black elite shuddered at the plight of poor black Philadelphians who lacked the resources to mount a proper defense against institutionalized slave-catching. Purvis' home on Lombard Street contained a hidden basement room where he secreted fugitives; one time he had so many that he roused the suspicions of Philadelphia constables, and in the still of night placed the runaways on a boat to New Jersey.¹⁴

Yet while reflecting in 1883 on the "hundreds of cases" of runaways that he attended to while working as an Underground Railroad operative, Purvis explained that none left a deeper impression than the case of the Dorsey brothers, which occurred a few months before the death of Thomas Shipley. The four brothers – Basil, Thomas, Charles, and William - arrived in Philadelphia in the summer of 1836; all but Thomas chose to work on Purvis' farm in Bucks County. Basil's wife, a free woman in Maryland, and her brother-in-law, also free, soon joined the Dorseys at Purvis' farm. The brother-in-law

¹⁴ Purvis, 6; Margaret Hope Bacon, *But One Race: The Life of Robert Purvis* (Albany: State University of New York, 2007), 75.

“proved afterwards to be a false and treacherous villain,” who worked with a “notorious slave-catcher” to contact the Dorsey’s former owner, Thomas Sollers. They targeted the Thomas in Philadelphia, seized him in the street, brought him before a judge, and carried him back to a slave jail in Baltimore. Fortunately, Purvis and other Philadelphians raised \$1,000 to purchase Thomas’ freedom. The slave-hunters then recruited another constable from Bristol (located in Bucks County, Pennsylvania) to apprehend Basil while he was working outside of Purvis’ home. Basil did not go quietly, and after a struggle the slave-catchers carried him off to Bristol, where a crowd formed outside the market house where the slave-catchers held Basil hostage. Upon hearing of Basil’s arrest Purvis held a parley with the slave-owner to first negotiate Basil’s release – a bold step for Purvis, who in essence spoke directly to the slave power. When that tactic failed, Purvis agreed to go with the slave-owner to Judge Fox of Doylestown the next day. When Purvis returned to his farm, Charles Dorsey met him in the doorway with a “double barreled gun heavily charged.” The slave-catchers had attempted to take Charles, too, so not willing to risk another confrontation, Purvis escorted Charles and William to his brother’s farm a few miles away; the Dorsey brothers later travelled to New Jersey, and from there to freedom in Canada.¹⁵

Purvis left his house the next day at 6am to make it to the courthouse. On his way a woman informed him that she saw the slave-catchers taking Basil to the courthouse a full hour earlier than was agreed upon at the previous day’s “parley.” “Go tell Mr. Purvis, they are taking me off!” Basil screamed as he passed by the woman. Purvis quickly raced

¹⁵ On the case of Thomas Dorsey, see PAS 1.5, Aug. 24, 1838; Robert C. Smedley, *History of the Underground Railroad in Chester and the Neighboring Counties of Pennsylvania* (Lancaster: John A. Hiestand, 1883), 352-358; Bacon, 76.

to the courthouse with Basil's family in tow and "amazingly" surprised the slave-catchers by arriving early to court. "Doubtless the judge was deeply impressed by the appearance in the court-room of the delicate and beautiful wife and the young children clinging to the husband and father," Purvis recalled, and the judge's sympathy for the Dorsey family convinced him to postpone the trial for two weeks.¹⁶

In the meantime, Purvis concocted a plan that combined the immediatist and conservative impulses of the abolition movement. From the outset, Basil declared to the packed courtroom that "if the decision goes against me, I will cut my throat in the Court House, I will not go back to slavery." Applauding Basil's conviction, Purvis recognized his duty and "resolved that no effort should be spared to secure Basil's freedom." Employing what in many ways had become a formulaic approach to fugitive rescues, Purvis planned to "arouse the colored people to rescue him" and organize "in squads about the three leading roads of the town." Yet these "desperate measures" proved unnecessary when Purvis enlisted the support of the venerable David Paul Brown, who agreed to take the case much as he did for the "conservative" PAS. "I am always ready to defend the liberty of any human being," Brown told Purvis, "I shall not now [...] nor have I ever accepted fee or reward, other than the approval of my own conscience." Brown unloaded the full fury of his moral and legal sagacity onto Mr. Griffith, the slave-owner's young lawyer, who it should be mentioned, never appeared in court prior to that case (it was his first). The elder lawyer demanded that the plaintiff show that "Maryland *is* a slave state." [Emphasis in the original]. "Why Mr. Brown," Griffith responded, "everybody knows Maryland is a slave State." Brown retorted "everybody is nobody" –

¹⁶ Smedley, 358-359.

to which Griffith obtained a copy of the Laws of Maryland, though the book “was not considered authority” according to the judge. The judge then promptly dismissed the case, but suggested that the slave-catchers could secure Basil’s “re-arrest” by obtaining a warrant from another magistrate. Purvis acted quickly and rushed Basil out of the courthouse, only to be met by the slave-hunters waving a new warrant. They attempted to pull Basil off of the horse, but Purvis cracked the whip and the horse rode out of town. Basil resettled in New York, and with the help of Joshua Leavitt, the editor of *The Emancipator*, eventually made it to Connecticut, where he spent the rest of his days.¹⁷

Joseph Ritner, Anti-Mason and Anti-Slavery?

Much like Shipley and other white and black abolitionists, Purvis’ personal experiences with runaways and street diplomacy galvanized his efforts to pressure white politicians to protect blacks from ruthless kidnapers, slave-owners, and their agents. In late 1836 the Young Men’s Anti-Slavery Society, the interracial organization consisting of rising stars within Philadelphia’s abolitionist movement, drafted and published a memorial in the hope that the bill before the state legislature would make “all who live in the land of Penn [...] feel secure that justice will be done to them and theirs.” The legislature also received a similar bill from a black abolitionist group from Pittsburgh calling on that body to “secure to every [accused fugitive] an impartial trial by jury, before he or she, and in them their posterity, can be consigned to hopeless bondage.” The PAS adopted a resolution to call for jury trials, too, while a state antislavery convention

¹⁷ Smedley, 359-361; *National Enquirer*, Jul. 27, Aug. 3, 8, 10, 17, 1837; *Colored American*, Sept. 2, 1837.

held in Harrisburg urged all abolitionists in Pennsylvania to unite as one voice and speak to politicians about this important issue.¹⁸

Philadelphia abolitionists well understood that the campaign to pass the bill might garner more political support because of the current governor, the Anti-Mason Joseph Ritner. Born in Berks County to a German farming family, Ritner's father bound his son Joseph out at the age of 13. Largely self-taught, Ritner married into the Alter family, a renowned Democratic household. Although he supported Jackson for President twice, Ritner left the Democracy for the populist politics of the Anti-Masonic Party in 1829; this party would nominate him for Governor three times, with his only election victory taking place in 1835. Statewide Ritner won a plurality of nearly 30,000 votes over his Democratic rivals (who experienced a temporary party schism) and carried the Whig strongholds of Pittsburgh and Philadelphia. Ritner's chief ally in the state legislature was Thaddeus Stevens, who, lauded by abolitionists for his fierce antislavery arguments, forged an alliance between the Anti-Mason and Whig parties in Pennsylvania, giving the Governor's office to Ritner.¹⁹

Ritner used his inaugural address to the state legislature as an opportunity to castigate those who would attack "the doctrines of the people of this state." Noting how the history of emancipation in Pennsylvania ought to be "written in letters of gold," he reiterated the tireless efforts of Pennsylvanians to expel "the evil from her own borders."

¹⁸ *Pennsylvania Freeman*, Nov. 12, Dec. 3, 17, 24, 31, 1836; PAS 1.2, Jan. 5, 1837; See also Pennsylvania Abolition Society Series 5.40, Miscellaneous, Young Men's Anti-Slavery Society.

¹⁹ Kathleen Smith Kutolowski, "Antimasonry Reexamined: Social Bases of the Grass-Roots Party." *Journal of American History* 71 (September 1984), 269-93; William Preston Vaughn, *The Antimasonic Party in the United States, 1826-1843* (The University Press of Kentucky, 1983); Snyder, 66-81; Michael Holt, *The Rise and Fall of the American Whig Party* (New York: Oxford University Press, 1999) 54, 97-98.

"Governor Joseph Ritner" accessed Jul 1, 2016, <<http://www.phmc.state.pa.us/portal/communities/governors/1790-1876/joseph-ritner.html>>

While Ritner acknowledged that Pennsylvania held up its end of the “voluntary compact” of the Union, in other words, respecting “the constitutional rights of the other States,” now it seemed as though this voluntary compact had fallen by the wayside and devolved into sister states “imposing terms and dictating conditions” on Pennsylvania, including attacks on free discussion – an obvious critique of the Congressional gag rule. Ritner chided those who would silence Pennsylvania’s history of rebuking slavery in the state, a history which included “that spirit of independence and veneration for freedom,” and in doing so, he brought to the fore a fear of unconstitutional subjection by other states. This language of subjection and thus of comity, when applied by Ritner to politics at the state and national level, fit neatly into the unavoidable and strident micro-conflicts raised by black and white Philadelphians who engaged in comity at the street level.²⁰

Pennsylvania’s abolitionist community praised Ritner’s speech. The Young Men’s Anti-Slavery Society published a statement about Ritner, calling him a “true Pennsylvanian,” one unafraid to defend “our right to think and act for ourselves.” The encroaching “the dark spirit of slavery” led by “southern dictators” found an able adversary in Governor Ritner, and the Society hoped that he “remain firm” in the performance of his duty. The Pennsylvania Abolition Society noted at their general meeting in December, 1836 that they, too, approved of the portions of Ritner’s address “connected with the Abolition of Slavery.” Poet and antislavery activist John Greenleaf Whittier composed a poem entitled simply “Ritner.” Whittier called Ritner the “one spirit untrammelled” by the “Traitors to Freedom, and Honor, and God, / Are bowed at an Idol

²⁰ *Pennsylvania Inquirer*, Dec. 10, 1836; Philadelphians witnessed a preemptive “gag rule” during the late riots of 1835, when a crowd dumped thousands of abolitionists mailings into the Delaware River. See chapter four.

polluted with blood.” He pondered “will that land of the free and the good wear a chain?” “No, Ritner!” Whittier replied: the “friends” of freedom and truth will stand as one and proclaim “Our Country and Liberty! God for the Right!” Whittier’s poem to Ritner reflected the hopeful aspirations that the governor brought to abolitionists, and perhaps that was why “the Friends of Immediate Emancipation in the State of Pennsylvania” felt emboldened enough to publish a list containing hundreds of names of Pennsylvania abolitionists right next to the Young Men’s Anti-Slavery Society memorial to Ritner.²¹

In light of an antislavery, pro-Pennsylvania states’ rights governor and a fractured state Senate, one would not expect the jury trial bill to pass through the state legislature without any problems. While details of these problems remained scanty in the press of the time, the *Harrisburg Reporter* noted how “after considerable discussion” the bill failed to pass. All Philadelphia State Senators, each of them Democrats, voted to reject granting trial by jury to fugitive slaves apprehended in Pennsylvania. This Second Party moment reasserted the Philadelphian Democracy’s recalcitrance and vehemence toward offering any help to black Pennsylvanians. Part and parcel with the Philadelphia Senator’s unanimity, the final vote of 20-10 reflected the fact that despite raising tri-partisan support – Whig, Democrat, and Anti-mason – black freedom remained precarious in Philadelphia.²²

²¹ *Pennsylvania Freeman*, Jan. 14, 1837; PAS 1.2, Dec. 16, 1836; “John Greenleaf Whittier (1807–1892). The Poetical Works in Four Volumes. 1892,” accessed Jul. 1. 2016, <<http://www.bartleby.com/372/242.html>>

²² *Niles’ Weekly Register*, Mar 18, 1837; below are the Philadelphia State Senators who voted to reject trial by jury for fugitives. (District, Name, Party, Term Expiration, vote)
1 Philadelphia City Miller, Abraham Dem 1839 - Reject
1 Philadelphia City Toland, George W. Dem 1838 - Reject
2 Philadelphia Baker, George N. Dem 1837 - Reject
2 Philadelphia Burden, Jesse R. Dem 1838 - Reject
2 Philadelphia Peltz, Alexander M. Dem 1840 – Absent
“Tri-Partisan” support to grant fugitives a trial by jury:

The 1837-1838 Pennsylvania Constitutional Convention

Since the ink had dried on Pennsylvania's Constitution of 1790, dissenting factions in the state clamored for a new constitutional convention. Riding the tide of Jackson's victory in Pennsylvania in 1824, reform-minded Democrats, typically from the northern and western parts of the state, tried on numerous occasions to call for the further democratization of state government. An 1835 state referendum to amend the state constitution passed by more than a 10,000 vote margin, and within a year, the Democratic majority in the state Senate finally passed a bill calling for a convention to revise the state's constitution in 1837. The convention began on May 2nd, 1837, and the Whig-Antimason alliance capitalized on their slim one-vote advantage over the Democrats to elect Philadelphian and prominent Whig John Sergeant to the position of President of the convention.²³

The historians who have studied the 1837-1838 Pennsylvanian Constitutional Convention underemphasized the fugitive slave and black emigration debates that preceded the debates over black voting. Indeed, while African-Americans technically possessed the right to vote in Pennsylvania prior to the 1837-1838 convention, and what

21 Allegheny Darragh, Cornelius AM 1839

25 Beaver, Butler Dickey, John Dem 1837

8 Dauphin, Lebanon Harper, John AM 1838

4 Chester, Delaware James, Francis Dem 1838

14 York, Adams McConkey, James AM 1839

14 York, Adams Middlecoff, David Whig 1837

3 Montgomery Paul, James Dem 1839

16 Cumberland, Perry Penrose, Charles B. Whig 1837

7 Lancaster Strohm, John AM 1838

23 Crawford, Erie, Mercer Cunningham, Thomas S. Dem 1837

See Wilkes University. "The Wilkes University Election Statistics Project." Accessed Jul. 1, 2016.

<http://staffweb.wilkes.edu/harold.cox/legis/61S.pdf>.

²³ Snyder, 96-111.

delegates to the convention articulated, “prejudice or design” –namely voter intimidation and at times, physical violence - prevented most, if not all, African-Americans in Pennsylvania, especially those in Philadelphia from participating on election day. Even such an established figure as James Forten could not vote, but instead, voted in an indirect manner: he once accosted Pennsylvania State Senator Samuel Breck on the street, telling Breck that he had some 15 white men in his employ vote for Breck in a recent election. Furthermore, Forten left the notion of black voting rights, in the words of the historian Julie Winch, “untested”: despite visiting Harrisburg multiple times in the 1830s, Forten never clamored for the franchise when he attended proceedings at the state legislature, and claimed in public that “these slumbering privileges” i.e. voting rights, “need not be awakened now.” In a sense, then, white politicians braced themselves for a debate over the franchise both as a hypothetical situation and a grim nod toward what they perceived as fugitives transgressing geographical borders, and in doing so, somehow acquiring the franchise; but perhaps, on the other hand, the reductive rationale for ensuring black disenfranchisement stemmed from white fears over Turner’s revolt and thus, anti-black racism.²⁴

²⁴ Nicholas Wood, “A Sacrifice on the Altar of Slavery: Doughface Politics and Black Disenfranchisement in Pennsylvania, 1837-1838,” *Journal of the Early Republic*, Vol. 31, No. 1 (Spring, 2011), 75-106; Sarah N. Roth, “The Politics of the Page: Black Disfranchisement and the Image of the Savage Slave,” *The Pennsylvania Magazine of History and Biography*, Vol. 134, No. 3 (July 2010), 209-233; Christopher Malone, “Rethinking The End Of Black Voting Rights In Antebellum Pennsylvania: Racial Ascription, Partisanship And Political Development In The Keystone State,” *Pennsylvania History*, Vol. 72, No. 4 (Autumn 2005), 466-504; Eric Ledell Smith, “The End of Black Voting Rights in Pennsylvania: African Americans and the Pennsylvania Constitutional Convention of 1837-1838,” *Pennsylvania History*, Vol. 65, No. 3 (Summer 1998), 279-299; Julie Winch, “Free Men and 'Freemen': Black Voting Rights in Pennsylvania, 1790-1870,” *Suffrage in Pennsylvania, Pennsylvania Legacies* 8, no. 2 (2008): 14-19.; Julie Winch, *A Gentleman of Color: The Life of James Forten* (New York: Oxford University Press, 2002), 292-295.

Whether or not African-Americans actually voted in Pennsylvania elections, the issue over black voting reminded white politicians of the political power of fugitive slaves, perceived or actual. Thus, barely a month into the convention black Philadelphians gathered at Mother Bethel on June 5th to strategize over how best to handle the issue of suffrage in terms of the fugitive realities of porous antebellum borders stretching across and connecting Pennsylvania to the slave south. The participants wrote that “the price of liberty is unceasing vigilance,” which, to buttress a point developed by the historian Stephen Kantrowitz, meant a vigilance that necessitated connecting local issues like voting to national issues like slavery. Together the attendees prepared a memorial that emphasized the “improvement of our colored brethren” in Philadelphia and tasked a delegation comprised of abolitionist stalwarts Frederick Hinton and Charles Gardner to deliver the memorial and if possible, speak before the politicians gathered in Harrisburg.²⁵

White delegates to the Harrisburg convention equated black emigration into the state with the fugitive slave crisis that threatened the border between slavery and freedom in Pennsylvania and Maryland. When the convention in Harrisburg broached the topic of black emigration on June 9th, they did so to bolster a perceived, rather than actual threat

²⁵ Nicholas Wood, “A Sacrifice on the Altar of Slavery: Doughface Politics and Black Disenfranchisement in Pennsylvania, 1837-1838,” *Journal of the Early Republic*, Vol. 31, No. 1 (Spring, 2011), 75-106; Sarah N. Roth, “The Politics of the Page: Black Disfranchisement and the Image of the Savage Slave,” *The Pennsylvania Magazine of History and Biography*, Vol. 134, No. 3 (July 2010), 209-233; Christopher Malone, “Rethinking The End Of Black Voting Rights In Antebellum Pennsylvania: Racial Ascriptivism, Partisanship And Political Development In The Keystone State,” *Pennsylvania History*, Vol. 72, No. 4 (Autumn 2005), 466-504; Eric Ledell Smith, “The End of Black Voting Rights in Pennsylvania: African Americans and the Pennsylvania Constitutional Convention of 1837-1838,” *Pennsylvania History*, Vol. 65, No. 3 (Summer 1998), 279-299; Julie Winch, “Free Men and 'Freemen': Black Voting Rights in Pennsylvania, 1790-1870,” *Suffrage in Pennsylvania, Pennsylvania Legacies* 8, no. 2 (2008): 14-19.; *Colored American*, Jun. 10, 1837; Stephen Kantrowitz, *More than Freedom: Fighting for Black Citizenship in a White Republic, 1829-1889* (New York: The Penguin Press, 2012), 13-40, esp. 24.

to white, especially Irish, employment in the state. As mentioned earlier, Philadelphia itself began to witness the streams of Irish immigrants coming into the city due to economic conditions in Europe, though admittedly the Panic of 1837 stanching the flow somewhat in the two-year period during which the state constitutional convention took place. Nevertheless, the convention resolved “that a committee be appointed to enquire into the expediency of so amending the Constitution of Pennsylvania, as to prohibit the future emigration into this State, of free persons of color and fugitive slaves, from other States or territories.” Thaddeus Stevens moved for the resolution to be postponed “indefinitely,” because “it could reflect no credit on the head or the heart of the this body, to give any countenance to a proposition so totally at war with the Principles of the Declaration of Independence, the Bill of Rights, and the spirit of our free institutions.”

When Sergeant opened the resolution to a vote, the delegates agreed to continue to debate the matter. John Cummins, a Democrat from Juniata County, rebuked his fellow Democrat William Darlington’s suggestion to replace “of free persons of color and fugitive slaves, from other States or territories” with “of all foreigners.” Echoing anti-black invective from the Turner rebellion, Cummins argued that unlike “the blacks,” the Irish did not come here “as beggars.” Cummins claimed that “to associate such a people with the blacks, was an insult not to be endured.” Darlington then injected the voting issue into the immigration issue by stating that similar to the problems of preventing the Irish from entering Pennsylvania, a clear “difficulty would stand in the way” of preventing blacks from entering the state; furthermore, Darlington reasoned, “it was well known that in some of the States, free persons of color were put on the same footing of all other free citizens, and entitled to vote as such.” These opening moves by Stevens,

Cummins, and Darlington revealed early on in the convention not only the fear of black aspirations to white equality (and even worse, that such a suggestion could be made by a white politician), but also the continued fear, or manufactured fear, of black freedom in Pennsylvania.²⁶

These fears refused to disappear, especially when Democrat John B. Sterigere of Montgomery County sought to change the language of voting rights to “free white male citizen” on June 19th. Although the delegates initially voted against adding “white” to qualify for the vote, 61-49, white politicians did not shy away from anti-egalitarian rhetoric to sway their colleagues toward disenfranchisement. E.T. McDowell, a Democrat from Bucks County and the “principal champion” of that party during the convention, pondered

If a negro is a human being, and not a *baboon*, as some contend - if he is born in Pennsylvania - is twenty-one years of age, and is not a slave then he is a freeman and a citizen, and is entitled to vote. Sir, is it not so? A free negro is the freest man on earth- his freedom is unrestrained and irresponsible-unmixed with a rational intervention or Constitutional limitation. Are we seriously asked thus to enlarge the ballot boxes?

McDowell conceded that perhaps at “best 50” blacks out of a statewide population of nearly 40,000 might have the “mental and moral condition” which qualified them for the right to vote. However, he feared that democratizing the vote would encourage black Pennsylvanians – “degraded and debased, as nine tenths of them are” - to storm polling places on election day; as many as 5,000 in Philadelphia alone, he theorized. That

²⁶ John Agg, ed., *Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania to Propose Amendments to the Constitution, Commenced at Harrisburg, May 2, 1837* (14 vols., Harrisburg, PA, 1837–39), Volume 2, 199-202; The Encyclopedia of Great Philadelphia, “Immigration (1790-1860)” <http://philadelphiaencyclopedia.org/archive/immigration-1790-1860/> Accessed July 11, 2016. Ignatiev, 45-46; John W. Jordan, *A History of the Juniata Valley and its People* (New York: Lewis Historical Publishing Company, 1913), 146; Biographical Dictionary of the United States Congress, “DARLINGTON, William, (1782 - 1863)” <http://bioguide.congress.gov/scripts/biodisplay.pl?index=D000059> Accessed July 11, 2016.

Philadelphia blacks faced both the “soft” racism of tax assessors who refused to add their names to voter rolls and the “hard” racism of violence on election day in the years leading up to the convention did not matter to McDowell, whose argument “excited” his Bucks County constituents that their delegate staved off “impending doom,” i.e. allowing African-Americans to vote in Pennsylvania elections.²⁷

White delegates also acknowledged the fugitive slave crisis as well as the success of antislavery networks in Pennsylvania. State Legislator Democrat Benjamin Martin did not want Pennsylvania to become a beacon of liberty for runaways. His push to deny blacks the suffrage epitomized the equation that black emigration meant black runaway emigration; in a way, Martin bemoaned the undeniable fact that the runaways themselves interpreted Pennsylvania as at best free soil and at worst, a terrifying waystation between the slave south and Canada. “The great increase of the colored population” of Philadelphia in the last five years portended an all-out emigration explosion if African-Americans gain the right to vote in Pennsylvania; Martin seemed to hint that even though many whites had made life nearly unbearable for black Pennsylvanians, southern blacks still desired to run north to Pennsylvania: “If we are to open our doors, and spread it far and wide, that this State is a depot for free negroes, slaves, and runaways, what will be the consequence?” One ought only to pace through Cedar Ward in order to observe these new voters: “they came together there from all the southern States, and have corrupted each other, that they are now in a situation far worse than the bondage from which they

²⁷ Agg, Volume 2, 472-479; 540-541; Wood, 80, ft. 5, 83-84; J. H. Battle, *History of Bucks County, Pennsylvania: Including an Account of Its Original Exploration, Its Relation to the Settlements of New Jersey and Delaware, Its Erection Into a Separate County, Also Its Subsequent Growth and Development, with Sketches of Its Historic and Interesting Localities, and Biographies of Many of Its Representative Citizens* (Philadelphia: A. Warner & Co., 1887), 261; Saxton, 148-149; Winch, 296; Ledell-Smith, 288.

have escaped.” Wards like Cedar would go completely for the “black” candidate; even worse, newly elected officials might “distribute all the offices independent of the wards.” Martin’s overriding concern was to prevent any change in the status quo, a normalcy he and his constituents expected to enjoy in Philadelphia, namely, “there always must be an inequality.” Whether this inequality manifested itself as voting privileges or the ability to move over tenuous state borders, Martin’s words underscored the jeopardy inherent in the right of blacks to live in freedom in Philadelphia.²⁸

The delegates reexamined the debate over black voting the following year in January, 1838. However, between June, 1837 and January, 1838, a number of significant developments regarding black freedom occurred across the state. In July the Pennsylvania Supreme court decided on a case from Luzerne County, *Fogg v. Hobbs*. Election official Hiram Hobbs turned away a property-owning, taxpaying African-American man named William Fogg in October, 1835. Although Fogg won at the county level, Hobbs appeal to the state supreme court, which overturned the county court’s decision. Justice John Bannister Gibson, who adhered to the state’s rights and Union doctrines of John C. Calhoun, believed that one could not successfully divide sovereignty between the states and federal government. At both levels, these entities possessed a sovereignty that expected and demanded respect in terms of comity. Gibson thus commented on the street diplomacy of the era: he argued that African-American slaves held in the south should not be treated as Pennsylvania freemen or citizens. He noted that “slavery is to be dealt with by those whose existence depends on the skill with which it is treated.

²⁸ Agg, Volume 3, 82-84.

Considerations of mere humanity, however, belong to a class with which as judges we have nothing to do...”²⁹

Further complicating matters, in October “thirty or forty negroes” voted in an election in Bucks County; the results were immediately challenged in court. Bucks county blacks who had voted then drafted a petition, which was met by fierce discussion by delegates when the convention reconvened in Philadelphia in November, 1837. Recognizing the petition meant acknowledging the fragile nature of interstate comity. George Shellito of Crawford County argued that allowing blacks to vote as stipulated by the Bucks county petition was tantamount to “amalgamation to the fullest extent,” and sure to face opprobrium from the “southern states of the confederacy.” “Would not such a state of things result in the dissolution of this Union,” he asked, and concluded that “Pennsylvania had better withdraw from the Union at once, than venture upon an experiment of this kind.” The judge in the Bucks County case, John Fox, a known Democratic Party supporter and anti-black suffrage proponent, reviewed the history of the state constitution from 1776 and the Gradual Abolition Act of 1780. Pennsylvanians who supported black voting conflated these two documents in the sense that they believed the latter granted political rights to black citizens, and conferred to them the same legal status as white Pennsylvanians and more importantly, “all privileges and immunities of citizens in the several states.” Fox upheld his Democratic colleague’s views of interstate comity at the expense of black freedom in Pennsylvania. “Could any one of the slave-holding states have supposed that they were making a compact, by which

²⁹ Wood, 101-102; *Emancipator*, Mar. 29, 1838; the Pennsylvania Supreme Court ruled on the case after the convention for political reasons, namely, so that the state legislature could rule on the issue of black voting prior to the ruling, which disenfranchised black Pennsylvanians prior to the vote to approve the state constitution in October, 1838.

a free Negro of another state would have the right to pass into a slave holding state, and there be entitled to all the privileges and immunities of a citizen of that state?" Put simply, had the southern slave states known that Pennsylvanians would interpret blacks as citizens, they would have never ratified the United States Constitution. In December 1837, Judge Fox ruled against black voters.³⁰

When the convention met again in Philadelphia in January, 1838, the delegates returned to the task of hammering out who had the right to vote in Pennsylvania. On January 17th, Benjamin Martin (as mentioned above, a Democrat from Philadelphia County) proposed inserting the word "white" before "freemen" to demarcate eligible voters in Pennsylvania. Calling black voting rights "a violation of the law of nature" and the fast-track to amalgamation, Martin believed reserving suffrage to white Pennsylvanians would prevent "a war between the races." Recalling his Democratic colleague's arguments from the previous fall, allowing blacks to vote in Pennsylvania would make the state a "receptacle of fugitive slaves, or runaway negroes"; as it is, these people threatened the "honest and industrious" white workingman with the labor and abolitionist-inspired "fanaticism." "I, therefore, anxiously wish this amendment to succeed," he concluded, as Pennsylvania's "destiny" depended upon reserving the right to vote and the right to freedom to whites. Viewing black voting rights through the prism of Martin's fears, one observes how white politicians could never separate the fate of

³⁰ Wood, 89; Agg, Volume 5, 414-423; Ledell-Smith, 291-292; John Fox, *Opinion of the Hon. John Fox, against the exercise of Negro suffrage in Pennsylvania: also, the vote of the members of the Pennsylvania convention on the motion of Mr. Martin to insert the word "white" as one of the proposed amendments to the constitution* (Harrisburg: Packer, Barrett and Parke, 1838), 10-13.

blacks from the fate of Pennsylvania as well as the fate of Pennsylvania from the fate of the Union.³¹

The next day, January 18th, Philadelphia Whig William Meredith (of the 1826 Liberty Law debates) rose to speak. He admitted that while he knew a few African-Americans who “possessed strong intellect,” the mass of them “could not be considered as advanced in education, or in a knowledge of political principles.” Giving them the right to vote would be “impolitic” at best, a disaster at worst. Besides, Meredith explained, “as long as the constitution of the United States remained in force, we were bound rather to guard the rights of the south, than to do anything to impair them.” Despite his hope that the south would abolish slavery, Meredith believed that Pennsylvania should not ratify a constitution that disrupted peaceful relations between the states, including interfering with “the rights of other members of this confederacy.” Thus, Meredith viewed black voting rights as a measure that would disrupt interstate comity. More importantly, the subtleties that Meredith hoped to profess by appeasing the south in fact had the opposite effect, for his words revealed how pro-Southern rights to enslave African-Americans pervaded and even threatened free and open Northern political discourse that might benefit Pennsylvania’s rights as a state in the Union.³²

Reflecting the anti-black sentiment that pervaded the Pennsylvania Democracy, John Sterigere made no bones about his dislike of granting blacks voting rights for blacks. Between sessions he campaigned across the state eliciting support for reserving the vote for whites only. He told the convention that

³¹ Agg, Volume 9, 321-322.

³² Agg, Volume 9, 346-353, 365.

It is an insult to the white man to propose this association, and ask him to go to the polls, and exercise the right of a freeman with negroes . . . This number would produce 10,000 voters. These will, in the mass, join one of the greatest political parties, or be controlled by some political demagogue, or modern abolitionist, and must become the umpire between the two great political parties in the state . . . reject this amendment, and we shall have tens and hundreds of thousands of this base and degraded caste, vomited upon us.³³

Democrat George Woodward from Luzerne County agreed with Sterigere, and added in his speech to the convention the next day that blacks “lived in the peaceful enjoyment of their civil rights”: relieved of the burden of tax assessment (which automatically disqualified black voters, largely practiced in Philadelphia) enabled them to “enjoy the blessings of freedom without prejudice.” Given the race riots and fugitive slave crises that rocked the streets of Philadelphia in recent memory, it is difficult to determine whether Woodward made these statements with a straight face. Nonetheless, Woodward pandered to whites fearful of a race war and returned to the issue of comity by posing the question of whether the slave states would have “confederated with a state who was to make their fugitive slaves voters?” “Impossible,” he curtly replied, “we keep not our faith, fairly and on sufficient consideration plighted to sister states, if we receive negroes into our political family.” Democrat Hiram Payne from McKean County added on January 20th that runaway slaves tarnished the political equality of free blacks, and that having the Pennsylvania state constitution define black Pennsylvanians as citizens would result in southern planters arriving Pennsylvania to recapture their “citizen” fugitives – a gross violation of the Constitution of the United States. White politicians saw how black voting, fugitive slaves, and interstate comity forged an impenetrable bond that could only be severed with the dissolution of the Union itself.³⁴

³³ Malone, 496; Agg, Volume 9, *ibid*.

³⁴ Ledell-Smith, 293-294; Agg, Volume 10, 16-22, 79-81.

Other attendees understood how Pennsylvania represented a microcosm of the Union, albeit in different ways. William Darlington from Chester County alluded to another grim specter: the forfeiture of Pennsylvania states' rights. Darlington reminded the delegates (and the mixed-race audience in the gallery) how in recent years the southern states demanded that northern legislatures limit freedom of speech and deliver up Pennsylvania citizens to face trial under southern laws. Now these "sister states" called on Pennsylvanians to vote "with the slave drivers of the south" against the best interests of "every man in the commonwealth of Pennsylvania, be his color what it may." This rousing speech brought the debate to a fevered pitch, and incited a major disturbance in the gallery. John P. Burr, Thomas Butler, James Forten, Jr. and "another highly respectable and worthy colored man" were "*forcibly*" [emphasis in the original] ejected from the proceedings. Burr, the product of Mary Emmons, an East Indian woman and Aaron Burr, Jr., served as a member of the Vigilance Committee within the Pennsylvania Anti-Slavery Society; Butler made a name for himself in black Philadelphia while working as an affluent barber. The *Pennsylvania Freeman* mocked the "Reform Convention" as "a palpable *misnomer*" [emphasis in the original], and believed the men were ejected "to prevent them from witnessing the tyrannical proceedings of their denunciators, and would-be "lords and masters."³⁵

These ejections served as another prime example of the plight of black freedom in Philadelphia and Pennsylvania: much like the fugitives they helped, these men were removed from debates over their fate without trial, cause, or consent; street diplomacy

³⁵ Agg, Volume 10, 40-44, 106; *Pennsylvania Freeman*, Jan. 25, 1838; Julie Winch, ed. *The Elite of Our People: Joseph Willson's Sketches of Black Upper-Class Life in Antebellum Philadelphia* (University Park: Pennsylvania State University Press, 2000); *Philadelphia Directory*, 1837.

had entered the legislative hall. Unlike prior visits made by powerful representatives of black uplift such as James Forten and William Whipper, now Forten's own son made his and his compatriot's presence known by taking direct action to engage with white politicians over a political right that clearly had some import to their own lives, lives and rights that faced disruption anytime a southern slave owner arrived in Pennsylvania. What impact these removals had on the delegates remained unclear, but when the delegates cast their final vote on including the word "white" as a qualification for voting in the state of Pennsylvania, the proposal to disenfranchise blacks passed 77-45. The amendment would come up for the statewide constitutional ratification vote later that year in November, 1838.³⁶

Meanwhile, back on the streets of Philadelphia, black abolitionists disheartened by the convention vote to restrict suffrage to free white males gathered together in early March 1838 to draft an "*Appeal of Forty Thousand Citizens, Threatened with Disenfranchisement, to the People of Pennsylvania.*" Robert Purvis led the committee, whose aim was of course to dissuade Pennsylvania voters from voting against black suffrage. The *Appeal* also enumerated the struggles for blacks in Pennsylvania as a means to warn white Pennsylvanians of the precarious nature of black freedom in the state. First, neither the 1776 nor the 1790 Pennsylvania constitutions included the word "white" for purposes of voting qualification. Second, that the convention would ignore these facts risked "reimposing the chains" of slavery back onto free blacks in the state. Third, Purvis looked behind the veil of comity and found only white "free state" political aspirants

³⁶ Agg, Volume 10, 40-44, 106; *Pennsylvania Freeman*, Jan. 25, 1838; Julie Winch, ed. *The Elite of Our People: Joseph Willson's Sketches of Black Upper-Class Life in Antebellum Philadelphia* (University Park: Pennsylvania State University Press, 2000); *Philadelphia Directory*, 1837. All but three Democrats voted to disenfranchise. See Wood, 101.

bowing to the “dark spirit of slavery.” Finally, Purvis argued that the “inconsiderable” number of blacks in Pennsylvania might force the slave states to “demand that a portion of the white tax-payers [be] unmanned and turned into chattels.”³⁷

While Purvis may have exaggerated the fears of white slavery, he emphasized both the empathetic strand of immediate abolitionism, in other words, an appeal to Americans whose lived experience of dwelling in a young country possessed by its own precarious realities, realities that reflected multiple shockwaves that disrupted Americans’ sense of security, for better or worse: economic through the market revolution, political through the rise of the Second Party system, cultural through the tide of Irish immigration, the perpetual threat of expansion of slavery westward, and the bleeding borders established and smashed by slave masters and fugitive slaves alike. At the heart of Purvis’ *Appeal*: the omnipresent fears of black Pennsylvanians who at any time could be “exposed to be arrested as a fugitive slave.” Here Purvis returned to the issue of trial by jury for fugitive slaves, a last-minute motion proposed at the convention by James C. Biddle, a leader of the Whig-Antimasonic coalition, on February 2nd. Biddle conceded that Pennsylvania must abide by the federal fugitive slave law, and that slaveholders must respect the 1826 Pennsylvania liberty law, which offered limited protections to blacks, but he stated plainly that “nobody in the commonwealth of Pennsylvania “presumed another to be a slave...every man, at least *prima facie*, was a freeman.” The delegates seemed unimpressed by Biddle’s proposition, especially in the wake of the convention’s vote to disenfranchise blacks. Charles Jared Ingersoll, a Jacksonian Democrat who had for decades appeared in Philadelphia courts on the behalf

³⁷ Robert Purvis, *Appeal of Forty Thousand Citizens, Threatened with Disenfranchisement, to the People of Pennsylvania* (Philadelphia: Merriher and Gunn, 1838), 5-6, 16-17; Ledell-Smith, 293.

of slave-owners, railed against Biddle's claims, calling trial by jury for fugitive slaves "an absurdity." This "absurdity" rankled Purvis, to say the least. He wrote that the lack of a jury trial "enhance[d] the activity of slave-catchers" to drag wives, children, husbands, and fathers into a "slavery worse than Algerine – worse than death!" It was only fitting that during the week of the debates over jury trial for fugitives, an African-American man named Nicholas Reynolds was assaulted by slave-catchers on the streets of Philadelphia. A throng of hundreds of African-Americans attempted to rescue him, but the slave-owners and their agents carried the day, and "the wretched man was driven off" to bondage. Such scenes reenacted each day on the streets of Philadelphia upheld comity. The lasting power of Purvis' *Appeal* manifested itself in this ability to bring together key issues relating to free African-Americans and African-American freedom in Pennsylvania: the franchise, the fugitive slave crisis, and the street diplomacy experienced by African-Americans in Philadelphia.³⁸

³⁸ I am drawn more to the "shock of boom/bust" of the market revolution best explained by Charles Sellers. See Charles G. Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991), esp. chapters 5 and 7. For counterpoints to Sellers, see Melvin Stokes and Stephen Conway, eds. *The Market Revolution in America: Social, Political, and Religious Expressions, 1800-1880* (Charlottesville: University Press of Virginia, 1996), especially the chapters written by Henry L. Watson, Amy Dru Stanley, John Ashworth, and Sellers himself. On the culture of empathy within immediate abolitionism, see); Ronald G. Walters, *The Antislavery Appeal: American Abolitionism after 1830* (New York: Norton, 1978); Stanley Harrold, *The Rise of Aggressive Abolitionism: Addresses to the Slaves* (Louisville: University of Kentucky Press, 2005), esp. chapter 2; Timothy Patrick McCarthy and John Stauffer, eds., *Prophets of Protest: Reconsidering the History of American Abolitionism* (New York: Ne Press, 2006), 220-234; While not about abolition per se, Paul Johnson's classic analysis of the intentions of those whom the market revolution best served, ulterior motives included, underlines the common strand of empathy projected on white audiences by white and black abolitionists, especially when the latter groups published narratives that appealed to white Americans forlorn over the massive economic transformations a la Sellers' interpretation. See Paul E. Johnson, *A Shopkeeper's Millennium: Society and Revivals in Rochester, New York, 1815-1837* (New York: Hill and Wang, 1978). On the fugitive slave crisis as a political-culture phenomenon, see John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic, Volume 1: Commerce and Compromise, 1820-1850*. (New York: Cambridge University Press, 1995) and *Slavery, Capitalism, and Politics in the Antebellum Republic, Volume 2: The Coming of the Civil War, 1850-1861* (New York: Cambridge University Press, 2007) and for the cultural effects of the fugitive slave, albeit at a later period, see Sarah Meer, *Uncle Tom Mania: Slavery, Minstrelsy, and Transatlantic Culture in the 1850s* (Athens: University of George Press, 2005). ; Purvis, 17-18; Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North, 1780-1861* (Baltimore: Johns Hopkins University Press,

The Rise and Fall of Pennsylvania Hall

Fed up with anti-abolition mobs and proslavery rancor, abolitionists convened in Philadelphia during 1838 to solicit donations and sell 2,000 shares for \$20 apiece in order to fund their own hall “wherein the principles of *Liberty*, and *Equality of Civil Rights*, could be freely discussed, and the evils of slavery fearlessly portrayed.” The Pennsylvania Abolition Society coordinated their efforts with those of the Philadelphia Female Antislavery Society and the newly formed Pennsylvania Antislavery Society to raise \$40,000 for the task, and on May 14th, 1838 the Pennsylvania Hall Association threw open the doors to Pennsylvania Hall. Three days later, rioters reduced the Hall to a smoldering pile of rubble.³⁹

The plans for and building of Pennsylvania Hall struck fear into the hearts of white politicians. Philadelphia Democrat and longtime proslavery stalwart Charles Jared Ingersoll viewed Pennsylvania as “the great central zone” that bound together the Union of the slave-holding south and the “slave-hating northeast.” Now, in early 1838 these “slave-haters” – i.e. radical immediatists like Garrison and Purvis – conspired to build a “temple of abolition” in Philadelphia. Ingersoll saw folly in placing abolition and

1974), 84-88; Agg, Volume 11, 252, 296-297. Julie Winch, *Philadelphia's Black Elite: Activism, Accommodation, and the Struggle for Autonomy, 1787-1848*. (Philadelphia; Temple University Press, 1988), 137-138. One incident involving Charles Jared Ingersoll involved him acting as counsel for a kidnapper named James Clarke. Clarke seized Ann Chambers in 1822. According to the Acting Committee of the PAS, “Clark proceeded down Arch street in the carriage and when it arrived near the house of the girl’s residence, told her to dry her tears, wipe her face, and not tell any of the damned Quakers anything about his conduct or they would make him sweat for it.” See PAS 1.5, Sept. 24, 1822, Jan. 11, 1823. On the Nicholas Reynolds case, see *Public Ledger*, Feb. 12, 1838. The “Algerine” is a reference to *The Algerine Captive: or The Life and adventures of Doctor Updike Underhill, Six Years a Prisoner Among the Algerines* (Hartford: Peter B. Gleason and Co., 1816).; Black Philadelphians lamented the death of James C. Biddle in 1838, even going so far as to call Biddle “a great and good man, the ornament of his profession” who supported the rights of an “oppressed and suffering class of the community.” See *Pennsylvania Freeman*, Sept. 6, 1838.

³⁹ Tomek, 69-70; Webb, 6; *Pennsylvania Anti-Slavery Society Minute Book, 1838-1846*.

Pennsylvania in the same sentence, for according to him, there were “no slaves to be freed” in the state. In fact, the opposite was true: fugitives were free to be caught in Pennsylvania and remanded back to the south and often perpetual slavery. Yet according to Ingersoll the “wicked” purpose of this edifice was to stoke the flames of abolition and antagonize the slave states. Once filled with abolitionist “traitors to the American Union,” the building “should be desecrated to the demon of national discord and destruction.” Ingersoll’s sentiments toward abolition and the goal of abolitionists to construct a “temple of freedom” in Philadelphia reflected many white Philadelphian’s prejudices against black freedom during the antebellum era. In effect, Ingersoll all but encouraged resentful Philadelphians to riot and attack the hall. As a national political figure with ties to the South, Pennsylvania, and the intimate relationships forged through defending slave-owners in Philadelphia, Ingersoll brought together the local, state, and national dilemma of freeing fugitive slaves in the North.⁴⁰

Pennsylvania Hall enjoyed a short and precarious history, which one could expect of a building in Philadelphia dedicated to sheltering the free expression of white and black abolitionists. This “free expression” appeared in many forms over the course of five days. A veritable who’s-who of abolitionists, including William Lloyd Garrison, Lucretia Mott, Abby Kelly, and Charles C. Burleigh, attended the opening lecture delivered by PAS stalwart, the lawyer David Paul Brown. Brown’s unimpeachable antislavery principles and work alongside the African-American community as a defense lawyer

⁴⁰ Larry Tise, *Proslavery: A History of the Defense of Slavery in America, 1701-1840* (Athens: University of Georgia Press, 1987), 248-254 (quote on 251); William Montgomery Meigs, *Life of Charles Jared Ingersoll* (Philadelphia: J.B. Lippincott Company, 1897), 252. Agg. Volume 11, 297. On Pennsylvania Hall generally, see Beverly C. Tomek, *Pennsylvania Hall: A “Legal Lynching” in the shadow of the Liberty Bell* (New York: Oxford University Press, 2014); Ira V. Brown, "Racism and Sexism: the Case of Pennsylvania Hall." *Phylon, the Atlanta University Review of Race and Culture* 37:2 (June 1976), 126-136; Webb, 8.

made him the obvious choice to christen the new building. Brown's impassioned speech focused on a theme known to "every American heart": liberty. "Like life," Brown explained, liberty is "to be enjoyed, not to be defined, and it improved in proportion as it is diffused." Listeners, many of whom served on the front lines of freedom and slavery, no doubt understood how white politicians in Pennsylvania had for decades permitted slavery to diffuse through political backchannels and outright violence directed toward African-Americans in Philadelphia. Brown spoke to the product of his audience's experiences of assisting fugitive slaves and free blacks, namely, their being labelled "fanatics" by slave-owners and proslavery northerners alike. "Am I a fanatic when I decidedly condemn kidnapping, man-stealing, trafficking in human flesh, disfiguring and destroying the mind of man, the miniature resemblance of the Deity?" Brown asked the audience. The real fanatics, Brown argued, were the "last and lowest" class of citizens who were "always brawling about liberty without understanding it." Scenes of riotous disorder exploded time and time again due to the activities of these fanatics, "the refuse of all the other classes." The solution to this chaos lay within using "every possible effort with the government, and with the free slave states to abolish [slavery]." In short, Brown felt that maintaining the Union required working with slave states, for

The slaves, themselves, can, as matters now stand, do nothing towards their own emancipation; they may do much to prevent it, and we should, therefore, be careful to abstain from every measure that may be calculated to excite in them a hostile or rebellious spirit towards those to whom, as the laws now exist, they owe unqualified obedience.⁴¹

If the first half of Brown's speech tapped into the pulse of the black experience in Philadelphia, the second half, according to William Lloyd Garrison, who spoke next, told

⁴¹ Webb, 13, 22-23, 33-34, 123-127.

the assemblage that Brown “neutralized all the good that had been said; it contained poison enough to kill all the colored men on earth.” Garrison insisted that slavery would not end without “a most tremendous excitement,” adding that the abolitionist’s cause would not prosper in Philadelphia “until it excites popular tumult.” Charles C. Burleigh agreed with Garrison, and noted that Brown’s oration was a “surrender of fundamental principles.” In either case, Garrison and Burleigh thundered for incidents that went hand-in-hand with the pitched battles over comity that Brown himself had witnessed in Philadelphia for decades. Yet Brown represented what many considered the conservative and moderate wing of the PAS, a fading relic that Garrison and Burleigh (and Thomas Shipley for that matter) hoped to eclipse through agitation. This brinkmanship within the Philadelphia abolition movement crystallized in both the debates over immediatism and conservatism at this event dedicated to unveiling a “temple of freedom” in Philadelphia.⁴²

Garrison took to the rostrum once more on May 16th to reiterate his critique of Brown’s speech. He claimed that while Brown “exhibited rare professional zeal and disinterestedness” when defending runaways for Philadelphia, now he “preferred the perpetuity of slavery to a dissolution of the Union.” Yet these dueling abolitionists were not alone in their frustration over prospects for maintaining a Union of slave and free. Protestors, many of whom were southerners, ventured to Philadelphia for the grand opening of the hall. On May 15th these protestors posted placards alerting Philadelphians that the abolitionists planned to effect the immediate abolition of slavery. Not earth-shattering news to most Philadelphians, though the second part of the posted placard encouraged residents of the city to “interfere, *forcibly* if they *must*, and prevent the

⁴² Webb, 71-72, 75.

violation of these pledges [to the Union].” In effect, the Southerners gave Northerners permission to destroy the Hall and attack African-Americans; a South slave-owner’s right to do to their property as they pleased both christened with the blessing of politicians like Ingersoll as well as ordinary resentful white Philadelphians and protected by federal power to bring fugitives to justice. Apparently hundreds of concerned citizens heeded these warnings, and gathered around Pennsylvania Hall while the abolitionists presented their cases to an audience of more than 3,000 people.⁴³

Yet Philadelphia residents cum rioters viewed abolition and all of its appendages –whites and black collaborating to undo slavery’s bond of Union, women speechifying to “promiscuous” audiences – as an affront to order itself. In fact, rioters infiltrated the hall and interrupted Garrison’s May 16th speech numerous times in an effort to break up the meeting and restore peaceful discourse within Philadelphia, a discourse premised upon proslavery, anti-black, and anti-abolition ideas. The proverbial last straw occurred the following day, May 17th, when the Anti-Slavery Convention of American Women met in the Hall. Rumors abounded that the meeting featured white women who both spoke to a “promiscuous” mixed-gender audience and strutted around arm-in-arm with African-Americans. These new developments enraged the hundreds of hostile Philadelphians assembled in the streets outside the hall, who soon began pelting the building with rocks and bricks, even “pummeling” a number of African-Americans who had just left from that last fateful session.⁴⁴

Abolitionist speeches and the Southern instigators present at the Hall forced representatives from the Hall’s board of managers to meet with Mayor John Swift and

⁴³ Webb, 118-120, 135-138; Brown, 130-131.

⁴⁴ Ibid.

ask him to protect the Hall from the mob. Swift replied that “there are always two sides to a question – public opinion makes mobs and ninety-nine out of a hundred of those with whom I conversed are against you.” He suggested that the abolitionists should shut down the building and hand over the keys; the board of managers agreed to the latter proposal. When the riot erupted on the night of May 17th, Mayor Swift urged the rioters to disperse, as the abolitionists did not plan to hold another meeting that night. Unfortunately, the attacks on Pennsylvania Hall escalated, and a portion of the rioters broke into the building and set it ablaze. The crowd outside the hall that had swelled to some 15,000 Philadelphians watched the “beautiful temple dedicated to liberty” burn to the ground.⁴⁵

Some of the rioters used the attack on the hall as an excuse to attack the nearby Shelter for Colored Orphans, Mother Bethel, and the office of the *Public Ledger*. While the first two sites represented the ancillary effects of both the abolitionist movement and black life in Philadelphia, the *Public Ledger* was attacked for promoting “free discussion.” An editorial in that newspaper remarked on May 18 that the perpetrators of this “scandalous outrage against law and decency” deserved quick and severe punishment. Sheriff John G. Watgmough arrested dozens of rioters, though none were convicted of the crime. The Board of Managers sued Philadelphia County for damages, but it would take the Pennsylvania Hall Association nearly a decade to recoup part of their losses; no one rebuilt the hall.⁴⁶

⁴⁵ Webb, 137-140; “Pennsylvania Hall, Retrospective Newspaper Articles,” Triptych Tri-College Digital Library, http://triptych.brynmawr.edu/cdm/ref/collection/HC_QuakSlav/id/4592.

⁴⁶ Webb, *ibid.*; *Public Ledger*, 5-18-1838; “Pennsylvania Hall Association, Board of Managers Minutes,” Triptych Tri-College Digital Library, http://triptych.brynmawr.edu/cdm/ref/collection/HC_QuakSlav/id/4223; Daniel R. Biddle and Murray Dubin, *Tasting Freedom: Octavius Catto and the Battle for Equality in Civil War America* (Philadelphia: Temple University Press, 2010), 53-56.

Despite its brief existence, Pennsylvania Hall became a microcosm for the Union in 1838. Southerners “exulted” over the Hall’s destruction, having successfully gagged abolitionists at the local level just as they had at the national level. However, some abolitionists who witnessed the carnage redoubled their resolved. Robert Purvis, for example, the man who walked arm-in-arm with a “negress,” (his wife, Harriet), outside the hall, prompting a portion of the outrage, spent the night of May 17th trying to find William Lloyd Garrison in order to protect him from the mob. Purvis reenacted an extraordinary rendition that would have resonated with a fugitive slave: he smuggled Garrison to his country house outside of the city, and directed him on how to best achieve a safe passage back to New England. The failure of Pennsylvania Hall lay within the unwillingness of ordinary Americans to uphold the Union of slavery and freedom in Philadelphia, where “LIBERTY herself had been set free” both to destroy abolitionist efforts and to permit slave-owners and slave-catchers to stalk the city’s streets.⁴⁷

The Aftermath of Pennsylvania Hall

According to Daniel Neall, Jr., a white abolitionist and member of the Pennsylvanian Anti-Slavery Society, the destruction of Pennsylvania Hall ensured that “the slave has now friends in [Philadelphia] where ears were deaf to the Truth.” In truth, black freedom was inherently unstable in the city, and thus, required new efforts to stem the tide of anti-black and anti-abolitionist violence. In May 1838 Philadelphia

⁴⁷ Webb, 156; *The Daily Picayune*, May 26, 1838; Biddle and Dubin, 56; Margaret Hope Bacon, *But One Race: the Life of Robert Purvis* (Albany: State University of New York Press, 2007), 71-72; *Macon Weekly Telegraph*, May 28, 1838.

abolitionists formed the Junior Anti-Slavery Society of Philadelphia, its members vowing to “reject the use of all carnal weapons in the cause of liberty”; a vow they extended to the oppressed, too. They organized a committee of “lectures and addresses,” which held numerous meetings in the counties surrounding Philadelphia. Clearly these young abolitionists had no intention of remaining silent in the face of encroaching threats to black freedom.⁴⁸

Robert Purvis also began the thankless task of reorganizing the Vigilant Committee of Philadelphia, which since its founding in 1837 had lapsed into a funding quagmire due to the large number of fugitives assisted by its members: the staggering amount of money included not only the rare legal cost, but as mentioned previously, the cost of advertising, travel, food, lodging, and even a social safety net for victim’s families. After the burning of Pennsylvania Hall the committee formed an auxiliary wing, the Female Vigilant Association. Led by Elizabeth White, Sarah McCrummel, and Harriet Forten Purvis, women drawn from the ranks of the black elite and whose husbands Jacob, James, and Robert were abolitionist stalwarts, the fifteen-woman vigilant committee pledged to assist “the poor and oppressed of our country” in concert with the Philadelphia Vigilant Association and raised funds through organizing a celebration of West Indian Emancipation in August, 1838. A Christmas fair held by these women in December, 1838 no doubt allowed participants to pledge funds toward the women’s own covert activities in the war against slavery and slavecatching in

⁴⁸ “Daniel Neall Papers, 5-21-1838 Letter,” Triptych Tri-College Digital Library, http://triptych.brynmawr.edu/cdm/ref/collection/HC_QuakSlav/id/8814; Junior Anti-Slavery Society of Philadelphia Minute Book, 1836-1846, 6-1-1838.

Philadelphia. Rather than kowtow to slave-owners, conservative whites, and vengeful mobs, abolitionism spread within the black community.⁴⁹

By 1839 Purvis had streamlined his committee: he reassigned positions (as some members, like Jacob C. White, pulled “double-duty” as committee secretary and traveling agents), refinanced committee expenditures, and set up interviews for incoming fugitives to reduce the risk of “imposters” infiltrating what was in many ways an illegal operation, according to the kidnapping laws of Pennsylvania and the fugitive slave law of 1793. By 1839, the day-to-day operations of both Vigilant Committees numbered at least three cases per week, and revealed the numerous underground successes of these organizations in spite of anti-abolitionist backlash that could have hampered their efforts from the get-go.⁵⁰

While Purvis and his allies funneled runaway slaves to points north of Philadelphia, several developments in the city and state marred these gains. In early June, 1838 an “aged and respectable” African-American watchman named John Batts was murdered in Philadelphia by a black man named Henry Moore, an escapee from the “Insane Department of the Blockley Almshouse.” Rumors spread through the city that a mob had gathered to invade the black neighborhood in Cedar Ward (an interesting turn of

⁴⁹ Joseph A. Boromé, Jacob C. White, Robert B. Ayres and J. M. McKim, “The Vigilant Committee of Philadelphia,” *The Pennsylvania Magazine of History and Biography*, Vol. 92, No. 3 (Jul., 1968), 323-326; Contemporaries used the terms “Vigilant Committee of Philadelphia” and “Philadelphia Vigilant Association” interchangeably; see Boromé, et al.; *Pennsylvania Freeman*, July 5, 1838, July 26, 1838, Dec. 27, 1838.

⁵⁰ Joseph A. Boromé, Jacob C. White, Robert B. Ayres and J. M. McKim, “The Vigilant Committee of Philadelphia,” *The Pennsylvania Magazine of History and Biography*, Vol. 92, No. 3 (Jul., 1968), 323-326; Contemporaries used the terms “Vigilant Committee of Philadelphia” and “Philadelphia Vigilant Association” interchangeably; see Boromé, et al.; *Pennsylvania Freeman*, July 5, 1838, July 26, 1838, Dec. 27, 1838; For two examples of African-Americans feigning their fugitive status, see *Philadelphia Inquirer*, Nov. 18, 1831 and Jan. 15, 1848; Bacon, 79-80; Vigilant Committee of Philadelphia Records, 1839-1844, 1-29.

events, considering the race of the murdered and victim) and pointed to the fact that some white Philadelphians would use any pretense to attack blacks. Mayor Scott and Sheriff Watgmough issued proclamations urging order amongst the citizenry, and explained how the murderer was an insane man. Watgmough called out the militia and the riot failed to materialize. However, the next day an Irish butcher named Francis M'Kearney was murdered by a black man. That incident, coupled with a large gathering at Batts' funeral, provoked yet another mob, numbering in the hundreds, to march toward the southern section of the city: Southwark and Moyamensing, the heart of black Philadelphia. This time Sheriff Watgmough distributed cartridges to the militia, and Colonel Augustus Pleasanton ordered two cannon to be brought from the city arsenal. The militiamen dwindled in the course of waiting for the riot bell to be rung, and when it did, only 20 or so men remained with Pleasanton, who promptly went home. Perhaps spooked by the sight of cannon and ringing of the alarm bell, the mob dissolved, not unlike white political support for protecting blacks in Philadelphia.⁵¹

The October 1838 elections pitted Joseph Ritner against Democrat David Porter for the office of governor, and Democrat Charles Jared Ingersoll against incumbent Whig Charles Naylor for Pennsylvania's 3rd district seat. Generally sympathetic toward Pennsylvania blacks and abolitionists, Ritner had posted a \$500 reward for information leading to the arrest of those responsible for the burning of Pennsylvania Hall. His opponent, David Porter, injected the politics of slavery into the campaign, portraying

⁵¹ *Public Ledger*, Jun. 9, 1838; John Batts may have been the first African-American law enforcement official to die in Philadelphia, see "John Batts," Find A Grave, <http://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=66176132> ; John M. Werner, *Reaping the Bloody Harvest: Race Riots in the United States during the Age of Jackson, 1824-1849* (New York: Garland Publishing, Inc., 1986), 201-203; Another riot almost occurred in August, 1838, see Thomas J. Scharf and Thomas Westcott, *History of Philadelphia, 1609-1884: Volume 1* (Philadelphia: L.H. Everts and Company, 1884), 654-655.

Ritner as an abolitionist for his brief critique of the Congressional gag rule and support of jury trials for runaway slaves. Porter enlisted the help of Pennsylvania Senator James Buchanan, who stated that Ritner's re-election "will be hailed as a victory by the abolitionists everywhere, it will be felt to the extremities of the Union as a most portentous omen of its dissolution." The contest between Ingersoll and Naylor also pivoted on the issue of slavery. Naylor's allies denounced Ingersoll for calling northern workingmen "slaves in an equal degree with the negroes of the South" at the recent constitutional convention. Ingersoll's supporters retaliated by claiming that a vote for Ritner and Naylor meant a vote for black suffrage and thus, black political equality. While Ingersoll lost his bid, so did Ritner, and the referendum to disenfranchise African-Americans passed, albeit by a slim margin of less than one-percent, reflecting the fact that despite the lack of pro-black voices at the convention, many Pennsylvania voters saw no reason to withhold the vote from African-Americans. These political defeats in Pennsylvania mirrored the struggles for black freedom in Philadelphia and the nation as a whole, in that they forced African-Americans and their allies to engage in the politics of street diplomacy in order to protect themselves.⁵²

"Evidently hurried and confused" on the Road to *Prigg*

The extent to which African-Americans enjoyed legal protections and thus, their freedom, depended upon the combined efforts of white and black abolitionists. The 1839

⁵² Snyder, 128-131; *Richmond Enquirer*, Oct. 2, 1838; Andrew Keith Diemer, "Black Nativism: African-American Politics, Nationalism and Citizenship in Baltimore and Philadelphia, 1817 to 1863" (Ph.D. diss., Temple University, 2011), 178-181; *Emancipator*, Oct. 4, 1838.

case of William Stansbury, an alleged fugitive slave, represented one of the few positive achievements experienced by the black and white abolitionist community in Philadelphia. This victory was not without resistance from the skillful, albeit legally questionable, maneuvers of a seasoned slave-catcher and young slave owner whose labors jeopardized what many in the abolitionist community believed to be a firmly established fact: Stansbury's status as a free African-American living in Philadelphia. The legal counsel for both sides featured veritable heavy-hitters, including two lawyers who had battled for decades over matters of freedom and slavery. In addition, Judge Joseph Hopkinson, no slouch when it came to ruling on fugitive cases, presided over the trial and added gravitas to the proceedings. Finally, the case of William Stansbury played upon the key debate facing the interracial abolitionist community in Philadelphia, namely, the relationship between state and federal law and the precarious nature of freedom and slavery in the city.

The situation involving William Stansbury, a carter who lived in Moyamensing Township, began in January 1839, when widow Ruth Williams of Prince George's County, Maryland received a letter from the former Philadelphia constable and professional slave hunter George Alberti. That Alberti reached out to Williams showed how those who plied his deadly trade did so in a proactive manner: the scoured runaway slave advertisements, communicated with known slave jailers (for example, Hope Slatter in Maryland) and consulted with their black informants as part of their anti-abolition and proslavery network in Philadelphia. Thus, slave-catchers were a known resource among slave-owners in the South, especially Maryland and Virginia. Alberti informed her that her slave Isaac, a son of Amy, one of Williams' other slaves, and who had escaped from

Williams in February, 1816, now lived in Philadelphia. How Alberti came about this information remained elusive. Did he truly believe that Stansbury was the same man who had escaped 23 years prior? Did he believe that Williams was a good mark, a vulnerable woman from whom he could extort the price of her runaway? Or did Alberti have a side deal with another slave-owner (or slave trader) to kidnap Stansbury? Regardless of his motives, all of them came back to the goal of earning money for seizing and arresting a supposed fugitive in Philadelphia. Alberti told Williams that he would “render his services for [Isaac/Stansbury’s] recovery for a given compensation” and once they agreed to terms, would send word of his arrest. In the meantime, Alberti gave Williams a “full description” of Stansbury’s appearance so that the Maryland witnesses would have an easier time recognizing him when they arrived in Philadelphia. The trap set and the terms agreed upon, Alberti seized William Stansbury on the streets of Philadelphia on January 30th, 1839.⁵³

Alberti rushed Stansbury to United States District Judge Joseph Hopkinson in the hopes of both avoiding a rescue attempt and obtaining a certificate of removal before Stansbury could “be ready with his proofs and witnesses to repel the claim” of William W. Hall, Williams’ grandson and acting claimant. Hopkinson reviewed Williams’ claim from her attorney, Edward D. Ingraham, who presented the judge with an affidavit from Williams’ herself, which stated that Isaac/Stansbury had escaped in February 1816. Ingraham often found himself on the side of slave-owners throughout his career; he “plainly and fearlessly” defended his client’s claims, typically in an overzealous manner. Stansbury’s counselors – the abolitionist stalwart David Paul Brown and the young

⁵³ Philadelphia Directory, 1839; PAS 1.5, Mar. 29, 1838.; On Hope Hull Slatter, see Bryan Prince, *One More River to Cross* (Toronto: Dundurn Natural Heritage, 2012).

lawyer Charles Gilpin – rejected Williams’ affidavit because it violated the 1826 Pennsylvania Liberty Law, which made such ex parte testimony inadmissible in court. Ingraham retorted that regardless of what Pennsylvania law said, the United States Constitution’s 1793 Fugitive Slave Act was clear on this matter: “upon proof to the satisfaction of the Judge, either by oral or written testimony or affidavit taken before and certified by a magistrate of any state or county whence the prisoner is alleged to have fled that he or she owe service in labor to the claimant, it shall be the duty of such Judge to give a certificate there of to such claimant.” Hopkinson disagreed with Ingraham, but not federal law. Here Hopkinson suggested that the clause needed to be interpreted in terms of the proof of ownership, which according to the act of Congress, “must be ‘to the satisfaction of the judge’.” With that, Hopkinson decided, the question of Isaac/Stansbury’s identity remained inconclusive because he was unsatisfied with the evidence presented by Ingraham, Williams, and Hall.⁵⁴

Perhaps Ingraham thought that making such a distinction between federal and state law would goad Hopkinson into making a summary judgement and deliver Isaac/Stansbury to Williams. When Ingraham presented an affidavit from another witness from Maryland, Hopkinson ruled in the same manner: the “question of identity of a person” required “absolutely irreconcilable [and] direct proof” subject to the judge’s discretion. Ingraham then presented the court with an 1806 “inventory” of William Williams’ (Ruth’s deceased husband) estate as proof of ownership. This inventory contained a “boy named Isaac, about ten years old, appraised at \$200”; Hopkinson

⁵⁴ Case of Williams, Case No. 17,709 District Court, E.D. Pennsylvania 1839 U.S. Dist. LEXIS 3; 29 F. Cas. 1334; 1 Crabbe 243; 2 Law Rep. 104, LexisNexis Academic; Henry Simpson, *The Lives of Eminent Philadelphians, Now Deceased* (Philadelphia: William Brotherhead, 1859), 596-600; PAS 1.5, *ibid*.

allowed this document entered into evidence. While Ingraham's initial plan to expedite Isaac/Stansbury's rendition had failed, several Maryland witnesses who all happened to be in Philadelphia at the time of the arrest testified that Isaac and Stansbury were one in the same person. All of them stated that Isaac had a burn on his forehead much like the scar on Stansbury's forehead, and they had not seen Isaac for 20 years. Besides this flimsy evidence, the testimony of Dennis Duval weakened Williams' claim. Duval admitted that he met and conversed with Alberti and Hall about the boy the previous night; when asked by Brown if he recollected what exactly they said about the boy during the conversation, Duval stated he could not remember the conversation. Although Hopkinson later stated he gave Duval the benefit of the doubt, i.e. Duval was "evidently hurried and confused" while giving his testimony, he did not dismiss the case and allowed the defense to present their witnesses.⁵⁵

While the claimant's witnesses relied on memories of Isaac, an 1806 inventory and inadmissible ex parte affidavits, the defense relied upon the reputation of African-American witnesses, receipts for rents, and the public notoriety of the War of 1812. No witness aided Stansbury's defense more than Ignatius Beck, a freeman who helped build the Capitol building as a young man, a trusted friend and confidante of Richard Allen, and a respected member of the black community who had forged a reputation "unimpeached by a whisper against his veracity or general character." In fact, many black Philadelphians knew Ignatius Beck as simply "Uncle Beck" or "Father Beck." Beck experienced the terror of black freedom in Philadelphia in 1810, when a "respectable looking man" kidnapped him; the dual efforts of black and white abolitionists, in this

⁵⁵ Case of Williams, *ibid.*; PAS 1.5, *ibid.*

case Richard Allen and Isaac Hopper, led to his eventual escape from slavery back to Philadelphia. Beck testified that he knew Stansbury since 1810, when Stansbury helped Beck move furniture into a tenement on St. Mary's Street, and presented Hopkinson with a number of receipts from his landlord Robert Mercer dated 1810 and 1811. He also knew that Stansbury was born free in New Bedford, Massachusetts, a fact conveyed to Beck at some point early in their relationship. Finally, Beck told the court that he and Stansbury worked together building the batteries to protect Philadelphia during the War of 1812. Other African-American witnesses, including Isaac's mother, attested to these facts and others, all in the hopes of securing Stansbury's freedom.⁵⁶

Hopkinson decided the case on March 8, 1839 in favor of Stansbury. He framed his reasoning in terms of the "general good character" of each sides' witnesses, and in doing so, allowed for street diplomacy to create a tenuous form of interstate comity within the courtroom. "On the one side we have a citizen of a sister state," Hopkinson began, "coming here under the protection and authority of that state, claiming to have restored to her certain property, of which she alleges she has been unlawfully deprived." That the defense conspired with Alberti prior to the trial was irrelevant and "no part of my business," Hopkinson decided, as the real issue of Stansbury's identity involved Williams' "right" to have her property delivered to her via the fugitive slave clause of the United States Constitution. On the other hand, Hopkinson explained that Stansbury's position in the community, his family and friends, his life in Philadelphia may indeed be

⁵⁶ Case of Williams, *ibid.*; PAS 1.5, *ibid.*; "Ignatius Beck," Accessed Jul. 1, 2016, <https://southwarkhistory.org/2013/01/29/ignatius-beck/>; "Ignatius Beck," Accessed Jul. 1, 2016 <https://bethelburyinggroundproject.com/2015/01/18/ignatius-beck-was-a-common-man-and-lies-buried-at-bethel-burying-ground/> ; Daniel E. Meaders, *Kidnappers in Philadelphia: Isaac Hopper's Tales of Oppression, 1780-1843* (Cherry Hill: Africana Homestead Legacy Publishers, 2009), 255-256.

disrupted because “the happiness of black and white, of the freeman and the slave, is intimately, I may say in our present circumstances, inseparably connected with the maintenance of that government.” In a word, black lives could be ripped apart in order to preserve the Union itself.⁵⁷

Yet Hopkinson reminded the claimants that even though they brought the case to a federal judge, they still physically held the trial in Philadelphia, Pennsylvania, where black testimony was both validated and considered on par with white testimony. “It would be a strange principle for a court of justice to adopt, in trials of this sort,” reasoned Hopkinson, “that no black witness is to be believed; that perjury must be presumed of all of them.” Despite the claimant’s best efforts to manipulate the case of William Stansbury – Alberti’s letter, the rush to seize and remand Stansbury, the ex parte testimony, the corroboration between Maryland witnesses – Hopkinson saw how these ploys constructed a general “uncertainty of evidence of identity.” The ability of white slave-owners and slave-catchers to conspire without consequence represented yet another subtle way that black voices could be silenced without due process. On the other hand, black testimony, especially that of Ignatius Beck, coupled with the legal expertise of Brown and Gilpin (two white men), revealed how the combined energies of interracial abolitionism produced a positive result during an otherwise trying time for black freedom in Philadelphia. When Hopkinson finished reading his opinion and released Stansbury, Stansbury’s friends erupted in applause, literally carried him out of the courthouse, and “amid the greetings and grateful feelings of hundreds,” escorted him “in triumph to his home,” where his family “had awaited throughout the trial in tearful anxiety.”⁵⁸

⁵⁷ Case of Williams, *ibid.*; PAS 1.5, *ibid.*; *National Gazette*, Aug. 13, 1839; *Liberator*, Mar. 22, 1839.

⁵⁸ *Ibid.*

While Stansbury and the abolitionist community in Philadelphia celebrated their recent victory, the insidious reality of kidnapping African-Americans once again reared its head. In September 1839 the Acting Committee of the PAS received a letter from Alexander Brown, a black man imprisoned in New Orleans, Louisiana. On the cusp of the “steamboat revolution,” New Orleans represented a terminus for kidnapped blacks as early as the 1820s; kidnapped Philadelphia blacks working the cane fields in New Orleans collapsed the long journey from slave state Louisiana to free state Pennsylvania. Prior to his kidnapping Brown had worked in Philadelphia for Thomas P. Roberts, treasurer of the Union Canal Company. The Acting Committee contacted Roberts, who made a deposition before Philadelphia Mayor Isaac Roach. This deposition and several other letters were then sent to “interested private individuals” in New Orleans, including Jacob Barker. Barker, a New England expat and Quaker, made a fortune in the New York financial sector before being arrested for conspiracy to defraud. After his acquittal, Barker relocated to New Orleans, and with Rowland G. Hazard, worked to liberate wrongfully imprisoned African-Americans in that city’s jails. With the help of Barker, the PAS, and depositions from ordinary Philadelphians, Brown secured his freedom.⁵⁹

Barker wrote to the PAS the next year to inform them that oppressed free men “will always find me ready and willing standing forth in vindication of his rights without price and without pay.” Over the course of the next two years Barker would help liberate more than two-dozen kidnapping victims from New Orleans jails. From 1839 to 1842 a constant stream of correspondence bearing the words of the victims and Barker left New

⁵⁹ Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Belknap Press of Harvard University Press, 2013); R.D. Turner, *The Conspiracy Trials of 1826 and 1827: A Chapter in the Life of Jacob Barker* (Philadelphia: George W. Childs, 1864); PAS 1.5, Sept. 23, 1839, Jan. 28, Feb. 10, 1840.

Orleans bound for Philadelphia in the hopes of reaching audiences able to reconcile these African-American men with their freedom. The process became almost formulaic: a free black (from Philadelphia or elsewhere) who went to sea would be arrested, brought to New Orleans, auctioned off to a slave owner or left to rot in jail for future sale; unless they came into contact with Barker. Often new victims would emerge in the course of investigating another victims. For example, Barker found Adam Johnson of Harrisburg while working on the liberation of Charles Adams of Philadelphia. Alexander Grayson of Harrisburg sent Johnson's free papers "with the seal of the Governor and State" to the PAS.⁶⁰

Interestingly, the governor's papers do not record this incident, nor the case of Robert Griffith, also of Philadelphia, which the PAS claimed needed to be "properly authenticated" by Governor Porter. That the PAS forwarded Porter numerous letters to him regarding the New Orleans kidnapping victims became evident in how they explained that these men could only be freed with the "certificate of the governor and seal of the state," or in their words, "as usual in such cases." Perhaps Porter honored these claims to freedom without pomp in order to not offend slavers in Louisiana or the other slave states; more likely, he did not want to instigate disorder in Pennsylvania in general and Philadelphia in particular. Yet Philadelphia newspapers remained mute on

⁶⁰ PAS 1.5, Jan. 8, Apr. 20, Jun. 24, Dec. 7, 1840, Jun. 16, Jul. 26, Sept. 28, 1841, Jun. 9, 1842; Edie L. Wong, *Neither Fugitive nor Free: Atlantic slavery, Freedom Suits, and the Legal Culture of Travel* (New York: New York University Press, 2009), 188-189; Michael Alan Schoepner, "Navigating the Dangerous Atlantic: Racial Quarantines, Black Sailors, and United States Constitutionalism," (dissertation, University of Florida, 2010), 222-223; *Emancipator*, Aug. 5, 1841; *Emancipator and Republican*, Dec. 1, 1842; David Porter's papers in the Pennsylvania Archives make no mention of the kidnapping victims. See Pennsylvania Historical and Museum Commission, *Guide to the published archives of Pennsylvania, covering the 138 volumes of Colonial records and Pennsylvania archives, series I-IX: David Rittenhouse Porter, Governor of the Commonwealth, 1839-1845, Series 4 Volume VI* (Harrisburg: Commonwealth of Pennsylvania, Pennsylvania Historical and Museum Commission, 1976). The PAS General Meeting Minute Book, 1825-1847 (i.e. PAS 1.2) also lacked any mention of these cases.

Barker's exploits. It was not as if the PAS did not contain ample evidence of the horrors suffered by the victims. For example, James M. Smith, a black seaman, traveled from Philadelphia to New Orleans, where he was promptly arrested. "Compelled to work in the chain gang carrying heavy paving stone[s] upon his head and exposed almost in a state of nudity to the burning sun of that climate," the PAS worked with the black community and Barker to bring Smith back to Philadelphia, which they did. This curious archival silence suggested that although white politicians like Porter did assist the white and black abolitionist community of Philadelphia, when compared to the highly publicized 1826 kidnapping cases involving Mayor Joseph Watson, they did so in a furtive manner: disguising Pennsylvania state's rights to maintain comity with the South.⁶¹

Prigg v. Pennsylvania and the 1826 Liberty Law

Black Philadelphians and their white allies, people who interpreted legal fugitive slave rendition as kidnapping, barely had time to revel in their successful liberation of free blacks in New Orleans when the Supreme Court decided *Prigg v. Pennsylvania*. This decision would "decide the conflicting question of State and national jurisdiction over fugitive slaves," according to Philadelphia's *National Gazette*. This case began when Margaret Morgan escaped from Maryland in 1832. Respecting the 1826 Pennsylvania liberty law, Edward Prigg and several other slave catchers obtained a warrant for her arrest from a local justice of the peace in York County, Pennsylvania and seized Morgan and her children in 1837. Prigg and his party brought Morgan before this justice of the

⁶¹ PAS 1.5, *ibid.*; Turner, *ibid.*

peace, who refused to hear the case. Frustrated and impatient, Prigg defied the 1826 Liberty Law and Fugitive Slave Act of 1793, both of which required a certificate of removal from a judge, and carried Morgan and her children back to slavery in Maryland the next day. Two months later a grand jury found Prigg and his associates guilty of kidnapping, and Governor Porter requested that Maryland extradite the accused. Maryland Governor Thomas Veazey and the Maryland state legislature agreed to extradite the men on the condition that, regardless of the verdict, the case would go to the Supreme Court. The Pennsylvania court found the men guilty, and so the case went before the Supreme Court in May, 1840.⁶²

The Supreme Court needed to answer three questions in deciding *Prigg v. Pennsylvania*. First, did citizens from slaveholding states have the right to pursue fugitives into non-slaveholding states and remove them without resorting to “judicial tribunals”? Second, did slave masters have the right to “the produce,” i.e. children of slaves born in non-slaveholding states? Third, what exactly was “the constitutionality of the laws of Pennsylvania on the subject of fugitive slaves”? The historian H. Robert Baker wrote that the second question remained unanswered by the court, even though slave-owners would argue in future cases that the 1793 act “affixed the state of slavery to fugitives no matter where they ran [and] that their children would be subject to the law of the state from which they ran, and thus counted as slaves” (see chapter six). On the first question, Justice Joseph Story, writing for the majority, stated that slaveholders possessed the right to retrieve their runaways from non-slaveholding states like Pennsylvania because the 1793 act contained “a positive and unqualified recognition of the right of the

⁶² H. Robert Baker, *Prigg v. Pennsylvania: Slavery, the Supreme Court, and the Ambivalent Constitution* (Lawrence: University Press of Kansas, 2012) 108-109; Morris, 94-106; *Niles Register*, Mar. 5, 1842.

owner in the slave, unaffected by any state law or legislation whatsoever.” Consequently, Story answered the third question by striking down the 1826 Pennsylvanian liberty law, which “must be declared inoperative and void” because it modified the 1793 federal fugitive slave act.⁶³

Prigg’s seizure of Morgan did not qualify as a kidnapping because Pennsylvania state law violated federal law, though according to Story, seizing fugitives represented a breach in the relationship between the federal government and the slave master. Federal judges were few and far between within all the states of the Union, and requiring slave owners to find these official added to the difficulty of fugitive retrieval. Story then suggested that state officials could choose to exercise the authority to deal with fugitive slaves under the Article IV of the Constitution or the 1793 fugitive slave law, “unless prohibited by state legislation.” This phrase left open the possibility for future liberty laws in Pennsylvania, and in doing so, ensured the continuing struggle over black freedom in places like Philadelphia.⁶⁴

The decision elicited a mixed bag of reactions from abolitionists. Some, like William Lloyd Garrison, stated that “the enormity of this decision of the Supreme Court cannot be exhibited in words.” Conjuring fears that resonated with blacks in Philadelphia, especially those who had recently greeted their liberated family members from New Orleans, Garrison argued now “the slaveholding power is permitted to roam without molestation through the Northern States...dragging into its den the victims of its lust.” A writer for the *New York Tribune* took a similar approach, and said how the decision

⁶³ *Niles’ Register*, May 25, 1839; Baker, 151; Paul Finkelman, “*Prigg v. Pennsylvania*: Understanding Justice Story’s Proslavery Nationalism,” *Journal of Supreme Court History* Volume 22 Issue 2 (December 1997), 51-64; *Prigg v. Commonwealth of Pennsylvania*, No. 32 (1842).

⁶⁴ *Ibid.*

brought “the great question of Freedom or Slavery home to all our doors.” Unlike Garrison, the writer viewed Congress as the corrective to the decision. The last bastion of hope, the writer editorialized suggested, lay within Congress to enact laws to protect fugitive slaves. Surely the South would not object to such an action “intended merely to secure free citizens from the grasp of the kidnapper.” Other abolitionists, such as Alvan Stewart, opined that Congress should eliminate the 1793 act and place “Canada on Mason and Dixon’s line.” This Congressional solution would destroy slavery in the border states “in three years.” Nothing would be left but for the enslaved to walk over the border between the states and make themselves free.⁶⁵

The minute books of the Vigilant Committee of Philadelphia and the Philadelphia Female Anti-Slavery Society from 1839 through 1844 bore testament to the increased pace of fugitive slave activity after *Prigg*. As the historian Joseph A. Boromé noted, the committee handled more than twice the amount of cases in the six months following *Prigg* than in the previous year; many of these runaways stopped briefly in Philadelphia before being shuttled to Canada. Philadelphia increasingly became a waystation instead of a terminus for runaways, which suggested that while the city maintained an efficient network of black and white, male and female abolitionists willing to assist them, their final destination, Canada, proved a safer bet than trying to begin anew in Philadelphia’s black community.⁶⁶

⁶⁵ *Liberator*, Mar 11, 18, 1842; Morris, *Ibid.*; Luther Rawson Marsh, *Writings and Speeches of Alvan Stewart on Slavery* (New York: A.B. Burdick, 1860), 387-389.

⁶⁶ Boromé, 325 ft. 17, 331-351; Vigilant Committee of Philadelphia Records, 1-29; Philadelphia Female Anti-Slavery Society Minute Book, 1839-1844, Sept. 2, Oct. 11, 1841, Jun. 9, Sept. 8, 1842.

The Lombard Street Riots

Three days after the *Prigg* decision, Philadelphia lost one of the guiding lights of the black community: James Forten passed away on March 4th, 1842. Robert Purvis, Forten's son-in-law, and Stephen Gloucester memorialized Forten in two speeches before congregations numbering in the thousands. "The Life and Character of James Forten," stated Purvis, consisted of "benevolence." Forten rescued kidnapping victims personally on at least two occasions, and his petitioning and pamphleteering efforts never hesitated to reproach whites for their treatment toward blacks in Pennsylvania. To Purvis, reflecting the interracial cooperation so vital at this moment of Philadelphia abolitionism, Forten "was a *model*, not [...] for what is called 'colored men,' but for all men." Gloucester took a more theological approach to Forten's life, and he began by discussing Forten vis-à-vis the biblical Solomon's conduct as a man and as a servant of God. As a man, Forten displayed intelligence, punctuality, and energy, traits that he utilized to help free Gloucester's own family from slavery decades ago. As a servant of God, Forten dedicated himself to the will of God, and rewarded by his obedience, "Providence seemed to smile on him, and prospered him in all he did, and withersoever he turned himself." Purvis and Gloucester delivered their remarks on Forten's life not only to commemorate the passing of a powerful and noble ally, but as Philadelphia Vigilant Committee members, they also channeled their own hopes and aspirations into the larger project of maintaining safety within the black community, fugitive and free.⁶⁷

⁶⁷ Winch, 86-87, 122-124, 327, 331; *National Anti-Slavery Standard*, Apr. 21, 1842; Stephen H. Gloucester, *A Discourse Delivered on the Occasion of the Death of Mr. James Forten, Sr. in the Second Presbyterian Church of Colour of the City of Philadelphia, April 17, 1842, before the Young Men of the Bible Association of said Church* (Philadelphia: I. Ashmead and Co., 1843), 10-13, 15, 17, 23, 27.

While the black community lamented Forten's passing, barely one month passed when another fugitive slave case rocked the city. In 1833 an African-American woman named Mary Scott left Virginia for Philadelphia, where she married Jabez Loudon in 1835. Scott never revealed to her husband that she was a fugitive, even when her former master, a Mr. Watson, came to visit the couple every spring for the previous seven years. On May 27th, 1842, an African-American woman informed Loudon that Watson wished to meet with them at the United States Hotel on Chestnut Street. They obliged and after a brief conversation with Watson, he told Jabez to meet him downstairs in the hotel bar to share a drink. When Watson failed to appear at the bar, Jabez returned to the room and found that someone had locked the door. "They have laid a plan to kidnap me," screamed Mary from inside the room, which prompted Jabez to "give the alarm" and raise some friends to help rescue her from Watson and James Crawford, a constable Watson enlisted to help him abduct Mary. Lacking enough friendly assistance, Jabez returned to the room the second time to find Watson and Crawford loading Mary into a hack. Jabez's cries of kidnapper and "murderer" brought a large number of people to the hotel, including several watchmen and police. Meanwhile, Jabez got word that the carriage was en route to Moyamensing prison; Loudon trailed the vehicle, which instead of heading to the prison, left the city. Loudon tracked the carriage to Wilmington with the help of PAS ally and the Delaware abolitionist Thomas Garrett. When the pair confronted Watson, he promised to "shoot anyone who attempted to wrest his property from him"; fearing for their lives, Loudon and Garrett watched as Watson and Mary boarded a train for Baltimore.⁶⁸

⁶⁸ PAS 1.5, Jun. 9, 1842; *Philadelphia Inquirer*, Jun. 3, 1842; *North American*, Jun. 2, 1842; *Public Ledger*, Jun. 2, 3, 1842; *Philadelphia Directory*, 1842.

The failure to rescue Mary Louden did not begin or end on the train to Baltimore. Following the protocol established by the 1793 fugitive slave act and reaffirmed by *Prigg*, Watson used a warrant from Philadelphia Alderman John Binns to seize Mary. Since Binns was a state and not a federal official, he had no right to issue the warrant in the first place; even worse, Binns failed to keep a record of the warrant. Louden and the PAS contacted Philadelphia Mayor John Scott and urged him to arrest Binns; Scott told them to gather the necessary depositions, which they did. Interestingly, when Louden and the PAS presented the depositions to Scott, they did so with the hope that they would “at least [prevent] a similar circumstance from again occurring in this city.” Lacking the resolve or even the evidence to argue for Mary’s freedom, perhaps during the process of gathering depositions Louden and the PAS discovered Mary’s status as a fugitive. Nonetheless, the case against Binns was thrown out, not by Scott or the courts in Philadelphia, but by the PAS itself; again, this move pointed to the inability of black and white abolitionists to secure hard evidence of Mary’s freedom. Louden and the PAS directed their efforts toward arresting constable Crawford for his role in “this abominable transaction.” The Philadelphia City Recorder Richard Vaux met and listened to the depositions gathered by the PAS, and confirmed that Crawford would be bound over to the courts. When Crawford went before the Court of General Sessions, the Grand Jury “ignored all the bills growing out of the Mary Louden case” and dismissed the charges. Finally, Mary attempted to free herself by implementing the logic of *Prigg*: she appealed to circuit court judge James Herbert Gholson, a federal judge. While in prison in Petersburg, Virginia, Mary wrote in a letter to the PAS that Gholson “had seen or knew something of the written permission given her by Watson” to leave Virginia and settle in

Philadelphia. When the PAS contacted Gholson about this claim, he declared to “have no knowledge of the transactions of which you write and it would be alike inconsistent with my personal feelings and official duties to have any conversation whatever with the subject.”⁶⁹

The attempts made by the Loudens and the PAS to rescue Mary, who admitted to her fugitive status, offered crucial insights into the means by which black and white abolitionists in Philadelphia appealed to local, state, and federal officials. First, despite offering to listen to depositions from black and white Philadelphians, local officials like Mayor Scott did not seem as eager to enlist the help of the Governor in order to track down Watson and retrieve Mary. Second, state officials like Binns received a slap on the wrist for issuing a warrant to Watson. Third, federal officials like Gholson, a white politician, claimed ignorance on the behalf of Mary, and did not “wish to know anything about” her situation. The sum of these attempts worked to enslave Mary Louden, but not at Watson’s house in Virginia: he “let his brother take her with him to Arkansas.” To add insult to injury, Watson feared no reprisal from “the excitement” caused by the case in Philadelphia, and no doubt cared little that “her broken-hearted husband saw her no more.” Thus, the case of Mary Louden showed how even when black and white abolitionists admitted to defeat, they did so only after tapping into every available resource at each level of government, local, state, and federal. They failed to rescue Mary, an African-American woman who had admitted to her fugitive status, but the larger failure occurred through the unwillingness of white politicians at all levels of government to recognize the burden of freedom placed on African-Americans in

⁶⁹ PAS 1.5, Jun. 9, 28, Sept. 23, 1842.

Philadelphia: even when they went through the proper channels and tried to implement the effects of *Prigg* – namely, the illegal federal warrant issued by Binns, a state official – they could not achieve justice.⁷⁰

The PAS castigated the Grand Jury that greeted Constable Crawford in September, 1842 as the same one that had “presented the colored Temperance Hall as a nuisance” during the major race riot which occurred in Philadelphia August 1842. Throughout the summer rumors simmered that a major attack on the black population was imminent. The aggressors, mostly young, white working class Irish men, took great umbrage at the successes of the African-American community in Philadelphia, especially when the black entrepreneur Stephen Smith built his Beneficial Hall in early 1842 as a substitute for Pennsylvania Hall. One anti-black commentator spoke for many disgruntled whites when he pondered, “Why, if we don’t stop these _____ niggers, they’ll take the city.” Dissident whites rioted against the African-American community on August 1st, 1842, the anniversary of British West Indies Emancipation, which Philadelphia blacks celebrated with parades showcasing black achievement.⁷¹

On the morning of August 1st, the Moyamensing Temperance Society began to parade through the streets of south Philadelphia. As soon as they reached Fourth and Plumb streets, a crowd of white men and boys began pelting the procession with stones and bricks. When a black man attacked a boy for beating up one of his fellow marchers, a general riot erupted. Hundreds of blacks and whites fought in the streets, a “war” as one witness called it. A crowd of whites rushed to the scene due to the banner hoisted proudly

⁷⁰ PAS 1.5, Jun. 28, Sept. 23, 1842; *Emancipator and Free American*, Jun. 16, 1842.

⁷¹ PAS 1.5, Sept. 23, 1842; *Emancipator and Free American*, Sept. 1, 1842; Jack Brubaker, “Stephen Smith, Early Black Leader, Subject of ‘Rare’ Portrait.” *Intelligencer Journal* Feb. 23, 2010.

at the front of the procession. This “much talked of banner” evoked the imagination of the white rioters, and provoked them even further when some of them claimed the banner contained the “figure of a negro” with the words “Liberty or Death” written above him and a burning ship in the background. In reality, the banner portrayed an emancipated slave with the word “liberty” in gold letters. On the reverse side of the banner was the “pacific inscription”:

The Young Men’s Vigilant Association of Philadelphia
Instituted July 23, 1841
How grand in age, how fair in truth,
Are holy Friendship, Love, and Truth.

Regardless of the content, the perceived meaning of the banner mattered more because it unleashed the fury of Philadelphians fed up with black achievement; well-dressed members of this committee marching through the streets did little to assuage whites of black “pretensions.” Their numbers dwindling, the African-Americans marchers retreated to Sixth and Lombard, the heart of black Philadelphia, where superior numbers of white rioters drove them from the streets. Many blacks fled the city and the “summary justice” of the mob, and chose to lodge “in open air in the woods” and “hedges and swamps” of New Jersey. Meanwhile, the rioters now had the streets to themselves, and made good on their promise to burn down Smith’s Beneficial Hall as well as the Stephen Gloucester’s Second Colored Presbyterian Church on St. Mary Street. One witness to these fires asserted that they had never seen “so great destruction in so little time.” By the end of August 1st, police had arrested merely two dozen rioters, while black Philadelphia remained a ghost town.⁷²

⁷² *Philadelphia Inquirer*, Aug. 4, 1842; *North American*, Aug. 3, 1842; *Public Ledger*, Aug. 2, 4, 5, 1842; *Liberator*, Aug. 12, 1842.

The rioters recommenced their attacks on black Philadelphia the next day, August 2nd. Groups of Irish men – weavers, coal haulers, and gang members - armed with traditional shillelaghs prowled the streets of south Philadelphia, beating up any black man, woman, or child they happened to find outside. One group of rioters surrounded Robert Purvis' house at 270 Lombard Street. Purvis sent his wife and children upstairs, and sat down on the stairs with a loaded rifle, prepared to fight to the death, and waited for the rioters to burst through the door; fortunately, the rioters dispersed. One wonders what thoughts echoed in Purvis' mind as he sat there waiting with his rifle; he knew of a potentially dreadful outcome if the mob were to burst into his house: he might have to sacrifice himself upon the altar of freedom. Later that day Sheriff Henry Morris sent a posse wearing green ribbons to the area but the rioters repulsed the sheriff's men. This final action forced Mayor John Scott to call out seven militia companies to restore order. Despite a few "light skirmishes" the night of the 2nd, including a that mob assembled outside Mother Bethel threatening to destroy the building, the police and militia finally brought quiet to the city of Brotherly Love.⁷³

African-Americans began returning to Philadelphia on August 3rd. The scenes they witnessed must have horrified them; this "civic war" did not bode well for their future in the city. An eyewitness reported for the *Public Ledger* that "from Fifth to Eighth and from Pine to Shippen, there is scarcely an alley or street, lane or avenue where the colored population lives but bears testimony to the fury of the mob." One building that survived the destruction was the Colored Temperance Hall of Moyamensing, in a way, the "instigator" of the riots – not the mob of vengeful whites out for African-American

⁷³ *Liberator*, Aug. 12, 1842; *Philadelphia Inquirer*, Aug. 4, 5, 1842; *Philadelphia Directory*, 1842; Bacon, 98-99; Werner, 204-209.

blood. Purvis, Charles Gardner, and Daniel Payne issued a joint statement defending the righteousness of temperance and cataloging the atrocities they witnessed, including the random beatings of blacks, thefts of their property, and fires that brought down the Beneficial Hall and Second Colored Presbyterian Church. Making matters worse, Purvis noted how fire engines that surrounded the two buildings refused to put the fires out and “save [them] from destruction.” A grand jury convened on August 3th to inspect the damages in south Philadelphia, and decided that the Colored Temperance Hall of Moyamensing represented a “nuisance,” and the cause of the “present excited state of feeling.” Compounding these findings, the grand jury asserted on August 4th that the riot had been caused by “the display and parade of part of the colored population.” The grand jury offered two solutions in order to avoid future riots in the heart of black Philadelphia. First, devise and enforce a curfew for black Philadelphians, especially when they left church service; this recommendation to limit black mobility in Philadelphia never came into fruition. The second solution was to tear down the Colored Temperance Hall, which was carried out immediately. Thus, a celebration that began as a display of black achievement and future hopes, of fugitive slaves and emancipation, transformed into a riot based upon how some white Philadelphians perceived a mere depiction of black freedom in banner form, and ended in violence, chaos, and destruction.⁷⁴

⁷⁴ *Public Ledger*, Aug. 4, 8, 1842; Mary Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (New York: Verso, 1990); *North American*, Aug. 11, 1842; *Pennsylvanian*, Aug. 6, 1842; Otter, 135-136; Werner, *ibid.*

Conclusion

Robert Purvis could barely put into words the “most ferocious and bloody spirited mobs” he witnessed rampaging through Philadelphia in early August. Writing to his friend and fellow abolitionist Henry Clarke Wright, Purvis stated “I am convinced of our utter and complete nothingness in public estimation.” Purvis’ despair highlighted the frightening realities of street diplomacy. Philadelphia slave catchers and constables worked with slave owners to remand supposed runaways, black and white abolitionists sought and largely failed to find sanctuary in the laws of Pennsylvania, and white politicians who praised efforts to maintain the Union piled more and more weight atop those who truly carried the burden of freedom and slavery: black Philadelphians. While elite black Philadelphians like Purvis had the means to relocate outside the city, most did not, and one wonders of the terrors that haunted this larger latter group when they returned to the city in the weeks following the riots. For Charles Black, an African-American man and longtime resident of Lombard street, a man who fought in the war of 1812 after refusing to fight for the British while impressed and in chains aboard a British gun ship, a man whose father fought at Bunker Hill, and a man whose grandfather fought “in the old French war,” the physical injuries that he sustained from a mob of angry whites who rushed into his house, dragged him down the stairs, and beat him “so unmercifully,” reflected just one example of the pain suffered by African-Americans during the riot, the pain that they carried aloft every time they walked down the streets of Philadelphia.⁷⁵

⁷⁵ Robert Purvis to Henry Clarke Wright, Aug. 22, 1842, C. Peter Ripley, ed., *Black Abolitionist Papers* (Chapel Hill: University of North Carolina Press, 1985), 3:389-390; *Liberator*, Sept. 9, 1842.

CHAPTER 6

INTERLOCKING OPPORTUNITIES: PENNSYLVANIA'S 1847 LIBERTY LAW

Introduction

Philadelphia, 8 mo. 18, 1846

It having been intimated that in view of the excitement occasioned by the alteration of the Tariff, and the indignation so warmly expressed against the South, thro' whose influence that measure is mainly to be attributed, the present would be a favorable time to lay before the people the great power which the slaveholding interest exerts in Congress to the detriment of Northern labor.¹

Philadelphia abolitionists viewed the summer of 1846 as a set of interlocking opportunities designed to establish the status of freedom and slavery in Pennsylvania. As the Executive Committee of the Pennsylvania Anti-Slavery Society noted, debates over a national tariff that benefitted the south at the expense of northern states like Pennsylvania presented a confluence of forces by which abolitionists could exploit interstate hostilities which had developed largely as a result of fugitive slaves. That the current U.S. Vice President George Mifflin Dallas, a Philadelphia Democrat, held the fate of the tariff in his hands reinforced the dread of Pennsylvanians, black and white, who watched nervously as their “native son” voted against his own state in the interest of maintaining the Union. Interstate comity fractured along sectional lines in other ways, too, during 1846: the outbreak of the Mexican War in April and Pennsylvania Congressman David Wilmot's proviso in August blended concerns over slavery's expansion and the spread of freedom.

These issues festered among politicians at the state and national level, whose handwringing and posturing over freedom and slavery in the United States continued the long chain of national antagonisms eerily and intimately familiar to African-Americans living in Philadelphia. The *Prigg* decision hung over the heads of black and white

¹ PAS 5.48 Executive committee minute book, Aug. 18, 1846.

abolitionists, yet they pressed on in the face of national, state, and local adversities. On the one hand, *Prigg* was the fullest expression of federal power to date in that states could not modify the protocol of federal rendition under the 1793 act. Yet on the other hand, Justice Story's belief that state legislation could prohibit cooperation created a space through which states could act to protect their citizens and prosecute slave masters for kidnapping attempts. Drawing on their experiences with fugitives in Philadelphia, black and white abolitionists initiated the process by which Pennsylvania enacted legislation to officially end slavery in the state: the 1847 Pennsylvania liberty law. Once again, and in keeping with the contested and intimate nature of street diplomacy, fugitive slaves and slave hunters acted as a potent force for political change.

Put simply, the inability of Pennsylvanians to address the frightening reality of the fugitive slave crisis spoke to the larger problems inherent in the federal Constitution. More often than not, applying the Fugitive Slave Act of 1793 to local fugitive slave cases reignited the debate over whether or not the states, free or otherwise, could ensure the freedom of their citizens. The federal Constitution acted as a Southern state's right document in the sense that it protected a slaver's freedom to cross geographic borders to retrieve their property, which led to an inevitable clash with the rights of states where "liberty" and the liberating potential acted as the watchwords of anti-kidnapping legislation designed to protect residents who defined themselves as free. Battles over street diplomacy highlighted these dueling ways of defining freedom, and by 1847, Pennsylvanians rebuked the federal Constitution and outlawed slavery in the state.

“The Largest Negro”: Abraham Monroe and the People of Newport

Story’s attempt to demarcate federal and state power and *Prigg* did little to change the porous borders between Pennsylvania and Maryland. In fact, not long after the Supreme Court debated the role of the states in recovering fugitives, another court case wound its way through the Pennsylvania courts and onto a national, federal stage: the Circuit Court of the United States for the Eastern District of Pennsylvania. In October 1842 Abraham Monroe and others were called to answer charges made by brothers John and George Hall of Maryland that Monroe and others prevented him from “arresting a fugitive slave, and aided and abetted the escape of the slave, after having thus opposed his arrest and detention.” Monroe’s improvisatory decisions acted as extra-legal maneuvers to protect fugitive slaves.²

A state official, Monroe worked as a Justice of the Peace and toll collector in the small town of Newport, Pennsylvania, about 130 miles west of Philadelphia and 30 miles north of Harrisburg. John Hall hailed from Harford, Maryland, and according to the 1840 census owned seven slaves; George also lived in Harford and owned 13 slaves. In July 1841 a “good servant” named Alick owned by the Halls’ father escaped with the help of two of John’s slaves, one of whom was named Ben, “the largest negro” owned by the Halls. George Hall recruited another Harford native, Jonathan McVay (who lived in a house of 13 people – 10 free whites and three “free colored persons”) to pursue the runaways to Newport, where a local resident named Richard Black agreed to help. At this

² *Public Ledger*, Oct. 20, 1842.

point Hall left to return to Maryland, but before doing so, he transferred the power of attorney given to him by his brother to McVay and Black. These men learned that the fugitives had just left the town and were headed for the Locks, about two miles outside of Newport. With the help of a man named Toland, McVay and Black caught up to the runaways at the Locks. When one of the pursuers fired a pistol into the air to scare the men, Ben threw himself into the river “in a fit of nervous fear” and drowned. McVay and the others brought Alick and the other man back to Newport to await the coroner’s inquest regarding Ben’s death.³

The citizens of Newport appeared to have been on high alert, on-watch for slave catchers in the community. McVay and Black’s night in Newport featured several hallmarks that attested to the inherent difficulties in apprehending fugitives, and in a larger sense, how these difficulties translated into street diplomacy. First, the slave catchers faced resistance from the residents of Newport from the moment they stepped into town. A crowd that acted as a pro-black welcoming party formed in response to the slave catcher’s arrival, which suggested that a network of informants lurked in Newport, or at the very least residents attuned to the battle between slavery and freedom made sure to make their presence felt when confronted by the agents of slave owners. The crowd grew larger as the slave catchers traveled within the town and outside the town; this crowd kept a close eye on the men, surveilling the slave-owners, while the coroner completed the inquest, which attributed Ben’s death to drowning and not the firing of the pistol. That this “mob” contained armed “men of wealth, character, and standing,” did not

³ Senate of the Commonwealth of Pennsylvania, *Appendix to Volume II of the Journal of the Senate, Session 1836-1837* (Harrisburg: Emanuel Guyer, 1837) 194; *United States Federal Census 1840*; *Public Ledger*, *ibid.*

detract from the fact that they were ready and willing to threaten and even offer violence “to these men entrusted with the recovery of the negroes.”⁴

The fugitive’s white allies committed to disrupt the process of retrieval by exercising street diplomacy and thus upset interstate comity. One of the other defendants, a man named Mr. Bosserman, allegedly told McVay and Black that “you will never be allowed to take these negroes out of town; you shall not take them from this spot.” Bosserman’s words, veiled threats to resist, interposed the promise of freedom between the slave catchers and the runaways; Bosserman’s actions on the streets of Newport, disruptive toward interstate comity, allowed the runaways to escape: he fed them, gave them money and directions, and “told them to be by in day-time, and make their feet go like the devil in the night.” From their arrival to departure, slave-owners in the town of Newport faced the multiple manners in which Pennsylvanians, white and black could disrupt fugitive retrieval.⁵

Finally, that the slave catchers came from Maryland and Pennsylvania and worked together provided the idealized version of how interstate comity was supposed to operate, with slave state citizens receiving aid from free state citizens: interstate diplomats crossed the border of freedom and slavery with ease and ran into street diplomats like the fugitives and residents of Newport. In reality, however, this Union of slave catchers collapsed in its efforts to rescind black freedom because of the actions of free state citizens to interpose themselves between state and federal power.⁶

⁴ *Public Ledger*, *ibid.*, Oct. 21, 1842.

⁵ *Ibid.*

⁶ *Ibid.*

Both teams of lawyers in this case were well aware of the burdens of street diplomacy. Ovid Johnson – the state official and Pennsylvania attorney general who spoke before the Supreme Court in the *Prigg* trial earlier that year – represented the Hall brothers, an interesting turn of events for the man who claimed that “the acts of Congress and Pennsylvania form together a harmonious system.” Johnson argued that Monroe’s refusal to grant McVay a warrant in his position as a state official violated that “perfect right” of slaveholders or their agents under the Constitution to “come into Pennsylvania, and seize their slaves, as they would seize their horses or cattle.” To Johnson, now was not the time to second-guess *Prigg* and though he himself preferred “a contrary result” to the recent ruling, state officials needed to “aid the recovery of fugitive slaves by their owners, instead of advising and aiding their escape.” Making matters worse, Monroe’s “respectability” reinforced the zeal of the mob to use “open and daring violence in resisting the enforcement of a right,” the most important right exercised to maintain comity between the states: a slaveholder’s right to retrieve his property. Unlike the respectable citizens of Philadelphia who encouraged or turned a blind eye to slavecatchers and anti-black mobs, the respectable citizens of Newport acted to create a pro-black, or at least anti-slavecatcher mob to prevent fugitive rendition.⁷

Federal officer and the United States Attorney for the Eastern District of Philadelphia William Meredith represented Monroe and his fellow defendants. Meredith, it will be remembered, labored hard for the 1826 personal liberty law, which in effect produced a compromise favoring the rights of white slave state citizens, exposed the

⁷ *Public Ledger*, Oct. 20, 1842; H. Robert Baker, *Prigg v. Pennsylvania: Slavery, the Supreme Court, and the Ambivalent Constitution* (Lawrence: University Press of Kansas, 2012), 135, 138-139; Richard Peters and Frederick C. Brightly, *Reports of Cases Argued and Adjudged in the Supreme Court of the United States, January Term 1842* (New York: The Banks Law Publishing Company, 1903), 599.

vulnerabilities of federal power in Pennsylvania, and due to the actions undertaken by Margaret Morgan, fugitive slave, initiated the *Prigg* decision in the first place. As justice of the peace, had Monroe issued the warrant to McVay and Black, he would have faced the steep \$500 fine according to the 1820 anti-kidnapping law; Monroe's status as a law enforcement official allowed him to act in the interest of protecting African-American freedom, unlike many of the same officials in Philadelphia. Instead, Meredith waxed ironically in his closing argument: Monroe "anticipated" the recent *Prigg* ruling and acted as a "state magistrate," whose responsibilities as defined by the state government did not include "the performance of a United States duty." For that reason, Meredith argued, Monroe was innocent. Yet Meredith also claimed that *Prigg* "aimed a fatal blow at the right of the South, at the principles of Southern Institutions." In short, *Prigg* violated comity by embarrassing the state's rights of Pennsylvania on the national stage. The *Prigg* trial, Meredith complained, "dragged" Pennsylvania

before the supreme tribunal at Washington – she is dragged before her sister States – she is exposed to their contempt – she is stamped as an abolition State, [where] slave owners in pursuit of a fugitive within her borders, are put forthwith, within the walls of the penitentiary.

According to Meredith, the real purpose of the 1826 act was to help slave-owners, and they took advantage of using the act to retrieve their property – so because Monroe refused to abide by the 1826 act, he anticipated the unconstitutionality of the act, in other words, the 1826 act declared unconstitutional by the Supreme Court. Again, it should be noted how important national political figures connected their own experiences with the legal ramifications of fugitive slaves to the local politics of slavery.⁸

⁸ *Public Ledger*, Oct. 24, 1842; Baker, 77-79

The closing arguments for each side revealed the extent to which slave masters demanded federal protection for fugitive retrieval, even at the expense of violating the rights of free states and their citizens. Johnson reminded the jury that he had defended the 1826 Pennsylvania law before the Supreme Court, a law which had become obsolete prior to the *Prigg* decision; *Prigg* merely reflected the “great change” that took place “in the feelings, if not in the institutions of our country, since the law of ’26 was enacted.” The litany of discord – abolitionist petitions and lectures, fugitive activities and renditions – scattered threats of “disunion” across Pennsylvania and the nation, which to Johnson kept the public mind “in a state of continual agitation on the subject of slavery.” Given these circumstances, the outcome of the proceedings against Monroe and his associates could jeopardize “the rights and property of thousands” of slave-owners. Any state interference in the retrieval process, whether verbal threats or violence toward slave owners or their agents, amounted to a breach in the federal compact.⁹

Questioning both the legitimacy of fugitive slaves and slave-owners disrupted the peaceful relations between slave states and free states. As a lower north border state, Pennsylvania appeared as a “voluntary party” before the Supreme Court and “proved herself the Keystone of the Arch” by acquiescing to Southern demands. “She established her right to the proud title of the Curtius of the Union,” railed Johnson, a selfless sacrifice to ensure slave owners that they could retrieve their property at the expense of black freedom. “If you hold the conduct of the defendants blameless,” Johnson warned, “Pennsylvania will become a city of refuge for all the runaway blacks from the Southern States.” In a way, Johnson echoed the paranoia of Pennsylvania state legislators from the

⁹ *Public Ledger*, Oct. 25, 1842.

previous decade, in that he argued how not upholding the federal right of fugitive retrieval would encourage black emigration and inexorably lead to more clashes between free and slave states over the subject of black freedom.¹⁰

While Johnson and Meredith debated the finer abstract points of state and federal power, even sharing the common view that both sides did not work together well enough to prevent the escape of a slave, the lone fugitive at the center of the trial, Alick, had already slipped through the tiny holes in the sieve created by these overlapping and confused powers. As a valuable laborer, Alick could have fetched more \$1,000 according to the witnesses who spoke on behalf of the Hall brothers. More than simply recouping monetary losses, Alick's life as an enslaved person served as a projection of the Halls' dominance and mastery. That Alick, Ben, and the other unnamed slave acted as the primary agents in their own escape, a "troublesome commerce" in the words of the historian Robert H. Gudmestad, seemed irrelevant to slave owners and the lawyers in the courtroom. These latter groups hoped to smooth the rough edges of street diplomacy, those spontaneous and improvisatory actions taken on the ground level, by extending to the master's agents the rights guaranteed to the masters by the Constitution.¹¹

The logic behind this extension, that "McVay and Black were merely the hands by which [Hall] grasped his own appropriate rights and property," paralleled the projected fantasies of the slave master by extending the dominating status of slave master not only to their slaves and their agents tasked with retrieving runaways, but also to those Pennsylvanians who might project "threats of intimidation." Slave-owners believed that

¹⁰ *Public Ledger*, Oct. 25, 1842; On the ancient tale of Lacus Curtius, see George Baker, trans., *The History of Rome by Titus Livius. [Volume 1]* (New York: Peter A. Mesier et al., 1823), 23.25 (Book I, Chapter 13).

¹¹ *Public Ledger*, *ibid.*; *Emancipator*, Dec. 1 and 22, 1842.

the Constitution would extend their sense of mastery to northerners, especially unruly mobs of blacks and whites intent upon interposing themselves between slavery and the right to re-enslave guaranteed by the Constitution. These “noisy mobs” who rescued slaves were to be held accountable to the law, given how the Supreme Court recently “decided that the owner’s right to his fugitive slave is without restriction or limited, without restraint or control.” Indeed, Johnson argued that “deceit and stratagem” were the only “proper means of recovering a fugitive slave.” One has to think of how enslaved people like Alick must have, at a certain point, applied the reverse logic to their own enslavement: a slave’s right to freedom was without restriction, and stratagems that would produce the intended result were the only proper means to escape.¹²

Faced with the possibility of sending another fugitive slave case to the Supreme Court, the Philadelphia jury erred on the side of caution and brokered a compromise - the lifeblood of the Union and comity - between the Maryland slaveholders and accused Pennsylvanians. The jury found Bosserman and three other defendants guilty of “trespass vi et armis,” - i.e. “a wrongful interference” that caused “unlawful injury to the plaintiff’s person, property or rights, involving immediate force or violence.” – and fined them \$350, far less than the \$2,000 suggested by Johnson (and four times the fine called for under the 1793 Fugitive Slave Act). Monroe, on the other hand, was acquitted of all charges. The outcome of the trial served as a critical moment for freedom and slavery in Pennsylvania. Fining Bosserman assuaged two slave-owners whose “property” had run

¹² *Public Ledger*, *ibid.*; *Emancipator*, *ibid.*; On slave masters and purchasers projecting their identities through slaves, see Walter Johnson, *Soul by Soul: Life inside the Antebellum Slave Market*. Cambridge: Harvard University Press, 1999., 135-161); Robert H. Gudmestad, *A Troublesome Commerce: The Transformation of the Interstate Slave Trade* (Baton Rouge: Louisiana State University Press, 2003), 169-202, esp. 190.

away from them, and in doing so, maintained *Prigg* by upholding a slave owner's right to pursue fugitive slaves and the extending of this same right to agents who ventured north into Pennsylvania. Monroe's acquittal was also in keeping with *Prigg* in that a state official need not interfere with fugitive rendition under the Constitution. Most importantly though, the role of Alick, Ben, and the other unnamed enslaved man remained crucial in that they initiated what almost became another Supreme Court decision. Although the Philadelphia abolitionist community avoided any direct mention of this case, runaway slaves like Alick forced the issue of fugitive slave retrieval and a lower north border state's right to protect its citizens. Thus, even if Alick and his colleagues hoped merely to escape their former enslaved lives, their choice to do so dovetailed with the interests of abolitionists who lobbied for a new liberty law, one that would both acknowledge the steady stream of fugitives and slave masters northward as well as uphold Pennsylvania's rights as a state in the Union. What was Pennsylvania's right as a state? To end slavery in Pennsylvania.¹³

1843: Massachusetts Sets an Example

Philadelphia abolitionists utilized a variety of strategies to counter the *Prigg* decision. In early 1843 the Pennsylvania Abolition Society (PAS) drafted three memorials, one calling on Congress "to amend the Constitution of the United States as to exonerate the citizens of this Commonwealth from all participation in Slavery." Here the

¹³*Public Ledger*, Oct. 27, 1842; *Emancipator*, Dec. 22, 1842; "Trespass". 2016. in Dictionary of Legal Terms: Definitions and Explanations for Non-lawyers, Steven H. Gifis. Hauppauge: Barron's Educational Series. <http://search.credoreference.com/content/entry/barronsgkwm/trespass/0>

PAS echoed Lydia Maria Child's reports from Washington in which she claimed that the "kidnapping states" actively worked to sell citizens from the free states while northern Democrats sat idle. The PAS sent two memorials to the Pennsylvania state legislature in late January "asking them to repeal all laws of this state that in any [way] uphold Slavery." Highlighting their continued willingness to work within the Constitutional compact, or what some historians have labelled "conservative," these "deferential petitioners" of the PAS urged the state legislature to exert their "full Constitutional Power for the purposes of effecting such alterations in the Constitution and laws of this State, as will expunge therefore all provisions which in any manner sanction, or aid the Practice of Slaveholding." Perhaps anticipating little movement in the legislature on the subject of revising state laws related to kidnapping, the PAS vowed to hold public meetings to inform Philadelphia citizens that while the society's members "as citizens of Pennsylvania claim no right to directly interfere with slavery within the limits of the Slaveholding States, we do assent that our own soil ought to be really free to all that tread upon it." Yet while multiple bills were introduced in the Pennsylvania House of Representatives and Senate to limit state involvement in slavery and revise the kidnapping laws, no action was taken throughout 1843 and 1844 at the state level.¹⁴

Instead of looking west toward Harrisburg or south to Washington for these changes, Philadelphia abolitionists responded with enthusiasm to developments farther north in Massachusetts. Similar to their Philadelphia colleagues, Boston abolitionists

¹⁴ Richard Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002), 39-59; *National Anti-Slavery Standard*, Feb. 2, 1843, PAS Series 1.2 Minutes and Reports; General Meeting, Minutes 1825-1916 [hereafter "PAS 1.2"], Jan. 13 and 27, 1843; Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North, 1780-1861* (Baltimore: Johns Hopkins University Press, 1974), 117, esp. ft. 50.

recognized the impact of Prigg yet viewed its effects through a different conceptual lens. As the original propagators of “mass action” and early supporters of immediatism, Boston abolitionists recently witnessed the controversial case of George Latimer erupt on the streets of that city. Latimer escaped from Virginia with his wife in the fall of 1842 and found work in Boston by October. That month Latimer’s owner went to the city and enlisted the local Boston police arrest Latimer. The state of Massachusetts “convulsed with excitement” during the two-week trial, which ended with Latimer being remanded to his former owner, who lacking the necessary force to protect his “property,” sold him for \$400. This case prompted the passage of the Massachusetts Personal Liberty Law of 1843 (passed on March 24th), which represented a radical shift in how northern states would express not only their dissatisfaction toward Prigg but also their overall attitude toward being tethered to Southern slavery via the Union. This law confined Massachusetts citizens to the “narrowest limits which will satisfy the Constitution,” in the words of abolitionist William Ellery Channing, which in this case translated into forbidding state magistrates to recognize the 1793 Fugitive Slave law and withholding the use of state jails to imprison accused fugitives. In short, Massachusetts withdrew “entirely from the process of reclaiming runaways.”¹⁵

¹⁵ Newman, 131-151; *Boston Atlas*, Nov. 11, 1842; Scott Gac, “Slave or Free? White or Black? The Representation of George Latimer,” *New England Quarterly: A Historical Review of New England Life and Letters* 88 (1): 73-103; *The Liberator*, Oct. 28, Nov. 4 and 11, 1842; Queens Borough Public Library, “The George Latimer Case: A Benchmark in the Struggle for Freedom,” <http://edison.rutgers.edu/latimer/glatcase.htm> ; Morris, 114-115; Marion Gleason McDougall, *Fugitive Slaves, 1619-1865* (New York: Berman Publishers, 1969), 67-68.

Philadelphia Vigilance

This victory for freedom in Massachusetts did little to change conditions on the streets of Philadelphia. The steady stream of fugitives still wore away at the rough edges of the *Prigg* decision, and these runaways relied heavily on the efforts of Underground Railroad operatives throughout the region. These black and white operatives served as “conductors” of “stations” along the path to relative freedom in Pennsylvania, and were kept busy by the fugitives who arrived on a daily basis from a multiplicity of locations: some traveled by rail from Baltimore or Wilmington, other piloted small vessels up the Delaware River, but most crept through the farms and gardens of Pennsylvania, especially Delaware and Chester counties, on their way to Philadelphia. The city that greeted them alternated between the idealized notions of black social uplift, those black community institutions that must have dazzled runaways who had never before seen buildings and organizations owned and operate by African-Americans, and grim the realities of “vice and misery” experienced by the poor and marginalized population of black Americans. Between these poles of affluence and poverty lay both the hunting ground of slave catchers and the corresponding efforts of ordinary black and white street diplomats within Philadelphians to ward off the spread of slavery in the city. Recognizing the precarious nature of black freedom from the moment they arrived in the city, many fugitives were secreted away by the friendlies in the black community, Acting Committee of the PAS or even the Philadelphia Vigilant Committee, who put them in contact with

friends, relatives, or other antislavery stalwarts on the way north to New England and Canada.¹⁶

In relative abeyance since the 1842 riots and the removal of Robert Purvis to Byberry outside of Philadelphia, the Philadelphia Vigilant Committee worked to reorganize itself throughout 1843. Leaders like Purvis and Charles Gardiner witnessed the disconcerting developments at the state level, where some Pennsylvania law experts suggested that Pennsylvania's Democratic Governor David R. Porter appoint state agents to retrieve fugitives – a clear backpedal from the tiny hole opened by the *Prigg* case. Other incidents put a human face to the plight of the fugitive: the successful rescue of a fugitive the previous November occurred in Philadelphia, an action undertaken in direct response to *Prigg*; the kidnapped daughter of a black single-mother at the hands of longtime Philadelphia slave catcher George Alberti who was never found; a group of fugitives who placed one of their colleagues in a coffin and walked in a “solemn funeral procession” in order to reach the city. The increasingly public role played by the Vigilant Committee and its auxiliaries spoke to the point that subversive and covert activity reinforced Philadelphia abolitionism.¹⁷

These anecdotes buttressed the difficulties faced by members of the Vigilant Committee, most of whom worked in some capacity as abolitionists in the Pennsylvania Anti-Slavery Society (PASS). This group complained that they could no longer hold major reform conventions, let alone abolitionist meetings, within the city limits.

¹⁶William J. Switala, *Underground Railroad in Pennsylvania* (Mechanicsburg, PA: Stackpole Books, 2001), 11-28, 141-152; *National Anti-Slavery Standard*, Feb. 2, 1843; *Liberator*, May 19, 1843.

¹⁷Joseph A. Boromé, "The Vigilant Committee of Philadelphia." *The Pennsylvania Magazine of History and Biography* 92, no. 3 (1968), 327; *Pennsylvania Law Journal*, May 2, 1843; *Public Ledger*, Nov. 11, 1842; *National Anti-Slavery Standard*, Apr. 6, 1843; *Liberator*, Sept. 1, 1843.

Discussing the recent attempt by Philadelphia abolitionists to celebrate West Indies Emancipation again in 1843 (a year after the 1842 Lombard Street riot), the PASS remarked “The truth is, our city is ruled by mob violence, and kept under perpetual terror of its law.” No meeting was held in Philadelphia that year to commemorate West Indies Emancipation due to the “cowardly cunning” of the mob. Vigilant committee leaders present at the annual PASS meeting could not divorce menacing and violent mobbing from their overall project of helping fugitives, and so they begrudgingly imbibed this bitter truth that “freedom cannot be enjoyed in one part of a country, in any part of which men are held as slaves.” Violent realities in America and Philadelphia limited overt abolitionist activity. Thus, the attendees acknowledged the problem presented by black life in Philadelphia: the national problem of distinguishing and constructing boundaries between freedom and slavery.¹⁸

Despite being a public organization, the Philadelphia Vigilant Committee countered *Prigg* through covert operations. This secrecy spoke to America’s national open secret: that free or freed African-Americans in the northern states were not truly free because southern slave-owners wielded the power of the federal Constitution to retrieve runaways. At the 1843 PASS meeting in Norristown, Pennsylvania, the attendees praised the committee’s activities while keeping mute to specific examples, which in many cases blurred the line between legal and illegal modes of protecting runaways in Philadelphia:

¹⁸ PAS Papers Series 5.48 Pennsylvania Anti-Slavery Society Minute book [hereafter “PAS 5.48 minutes”], Aug. 14, 1843.

This branch of effort, to be sure, does not fall within the constitutional purview of our society; but from its interesting nature, and the extent of its operations, and from the evidence it furnishes of anti-slavery progress, it may be properly alluded to in our review. There has been almost a continuous procession of fugitives from southern injustice to the land of freedom. We have no means of arriving at the precise number of persons of this class who have passed through our borders, but, have no doubt it might be safely estimated at several hundreds. Doubtless an equal, and perhaps a larger number, has passed through other parts of the North adjoining the slaveholding States.

Much like their New York counterparts, led by the inestimable David Ruggles, the Philadelphia Vigilant Committee served as an example of continual resistance to the laws protecting slavery in Pennsylvania and the United States in general. While their activities indeed suffered the blowback from the aggressive race riots that plagued Philadelphia during the mid-1830s and early 1840s, by December 1843 the committee officially reformed, no doubt encouraged by its allies in the PASS, who viewed the “little prospect of abolition” in the American political Union as a barrier to overcome through both shadowy operations and legislative acts.¹⁹

Charles Gardiner led the newest permutation of the Philadelphia Vigilant Committee – now called the “Vigilance Committee of Philadelphia” – and its members vowed to “remember them that are in bonds as bound with them” & to aid them by all moral & peaceable means to make their escape from oppression.” Most meetings took place at members’ homes, where diehard abolitionists of the immediatist stripe discussed

¹⁹ PAS 5.48 minutes Aug. 14, 1843; Borome, 327-328; Borome noted that revamped Philadelphia Vigilant Committee paled in comparison to the original committee as well as the 1852 re-organization due to the 1842 riot, the removal of Purvis to Byberry, and feuds within Philadelphia’s elite black community that “crippled” the chances of state-wide cooperation. While these three stumbling blocks played a role in the relative inefficacy of the Philadelphia Vigilant Committee from 1843-1848, perhaps the group’s apparent ineffectiveness derived from the paucity of historical records concerning the Acting Committee of the PAS (no minutes survive from after 1842), the PASS (rarely mentioned the vigilant committee in their records from 1836-1848), and the records of the Philadelphia Vigilant Committee itself, of which none exist after 1844. It is significant to note that the PASS heaped praise on the Philadelphia Vigilant Committee at their annual meetings in 1841, 1843, and 1844. See PAS 5.48 minutes, May 6, 1841 and Aug. 12, 1844; Julie Winch, ed. *The Elite of Our People: Joseph Willson’s Sketches of Black Upper-Class life in Antebellum Philadelphia* (University Park: Pennsylvania State University Press, 2000), 90-97, 102-110.

antislavery propaganda, wrote pieces for the *Pennsylvania Freeman* (the main organ of the PASS), criticized defamatory accusations regarding their activities, conversed about the deeds of their fellow abolitionists, sent letters to recalcitrant newspaper editors and politicians who that sympathized with slavery's Union, and most importantly, interacted with and assisted more than 100 fugitives per year. The committee did not record the names, origins, escape methods, and final destinations in their official minutes, most likely for legal reasons. Yet one meeting stood as evidence of the committee's support for covert operations: on March 20th 1844 the committee hosted Charles Torrey.²⁰

Torrey's "slave-stealing" missions to the south earned him notoriety among slaveholders. His meeting with the Vigilance Committee gave him the opportunity to deliver to them "some proposition." Did this "proposition" entail stealing more slaves from the south? Advice as to the best routes through Philadelphia? Legal help? Whatever the content, the committee immediately resolved to place "full confidence in the fidelity and faithfulness of Mr. Torrey in his labour in behalf of suffering humanity." Three months later, Torrey was arrested and jailed in Baltimore for his slave-stealing activities, activities that earned a blessing from the Philadelphia committee; three months after his arrest Torrey died in jail an "antislavery subversive." Now reformed and willing to enlist the support the help of people like Torrey (in the words of the historian Stanley Harrold, one of "John Brown's Forerunners") the Vigilance Committee of Philadelphia aided, abetted, and plotted hundreds of slave escapes, and thus acted as a subversive counterpart

²⁰ Ira V. Brown, "Miller McKim and Pennsylvania Abolitionism," *Pennsylvania History*, Vol. 30, No. 1 (January, 1963), pp. 55-72; Minute Book of the Vigilant Committee of Philadelphia 1839-1844, Dec. 28, 1843, Feb 19, Mar. 11, Mar. 20, 1844.

to the PAS and PASS, whose above-ground efforts struck at the nerve center of antebellum American politics: the Second Party System.²¹

Philadelphia, 1844: “The Mob City”

The fugitive slave crisis in Philadelphia mirrored the volatile political realm, one exacerbated by the dramatic tide in Irish immigration which swept the city between 1840 and 1850. According to the historian Elizabeth Geffen, the outlying districts of Moyamensing, Southwark, and Kensington, where impoverished Irish immigrants concentrated, experienced a 75% increase in population during that decade. Affiliating themselves with Democratic ward leaders of Philadelphia County and the national Democracy in general enabled Irish immigrants to assume law enforcement positions and fire companies (often fronts for street gangs), but for the majority of immigrants this alliance allowed them to eke out a precarious existence. As previous chapters have shown, these immigrants typically made up the bulk of anti-black rioters; in a word, Philadelphia’s Irish community did not hesitate to utilize direct action to enforce the hardening lines of racism to protect what little many of them possessed in Philadelphia.²²

²¹ Minute Book of the Vigilant Committee of Philadelphia 1839-1844, Mar. 20, 1844; Stanley Harrold, "John Brown's Forerunners: Slave Rescue Attempts and the Abolitionists, 1841-1851." *Radical History Review*. No. 55 (Winter 1993), 89-110; Stanley Harrold, "On the Borders of Slavery and Race: Charles T. Torrey and the Underground Railroad." *Journal of the Early Republic* 20, no. 2 (2000): 277-278, 286; Stanley Harrold, *Subversives: Antislavery Community in Washington, D.C., 1828-1865* (Baton Rouge: Louisiana State University Press, 2003); C.S. Smith, ed. *Recollections of Seventy Years by Bishop Daniel Alexander Paine* (Nashville: A.M.E. Sunday School Union, 1888), 72.

²² Elizabeth M. Geffen, "Industrial Development and Social Crisis, 1841-1854," in *Philadelphia: A 300 Year History* (New York: W.W. Norton, 1982), 307-363, 307-309; Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995), 45-46, 173; Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America* (New York: Verso, 1990), 148-149.

While Irish-Black tensions experienced a lull in 1844, different tensions boiled over with Philadelphia's Protestant majority, who used the King James Bible as a textbook and required Irish immigrant children to sing Protestant hymns in Philadelphia schools. Catholic Bishop Joseph Kenrick, an Irish Immigrant himself, railed against these pedagogical practices, as did Philadelphia Democrats, who believed the Irish had the right to use their own bibles. Many Protestants resisted this logic, and fomented an anti-Catholic wave that peaked with the formation of numerous nativist or "Native American" political organizations in Philadelphia. One such organization, the American Republican Association, boasted nearly 5,000 members in 1844, maintained that the Bible "without note or comment, is not sectarian; that it is the fountain-head of morality and all good government," and lobbied to extend the waiting period for naturalization for Irish immigrants. Making matters worse, the city's Whig elite, who dominated the political and geographic core of Philadelphia, also supported stricter naturalization laws for political advantage and often berated the Irish for their "great faults": uneducated, insular, drunk, lazy, and a "clannish spirit and action" when it came to voting Democratic.²³

The dangerous mix of nativism, poverty, and religion touched-off major riots in May and July of 1844. Anti-immigrant mobs spurred by Nativist political clubs – the "monarchs of the mob" according to the *Philadelphia Sun* - attacked Irish communities

²³ Michael Feldberg, "The Crowd in Philadelphia History," Summer74, Vol. 15 Issue 3, 334; David Montgomery, "The Shuttle and the Cross: Weavers and Artisans in the Kensington Riots of 1844." *Journal of Social History* 5, no. 4 (July 1972): 411–446; Sam Bass Warner, *The Private City: Philadelphia in Three Periods of Growth* (Philadelphia: University of Pennsylvania Press, 1987, 141-144; See also Michael Feldberg, *The Philadelphia Riots of 1844: A Study of Ethnic Conflict* (Westport: Greenwood Press, 1975). It is worthy to note that one of the most cited books on Philadelphia history was written by two well-known nativists, Thomas J. Scharf and Thompson Westcott. See their *History of Philadelphia, 1609-1884* (Philadelphia: L.H. Everts and Company, 1884), 663-668; Ignatiev, 48, 144-168; *North American*, Jun. 4 and 8, 1844.

across the city; two Catholic churches were destroyed, and hundreds of Irish immigrants endured brutal violence not unlike the attacks on black Philadelphians, which the Irish helped facilitate during the 1830s and 1840s. Only with the arrival of the militia did the Nativist-Irish “civil war” come to an end on July 7th. The *Liberator* noted that Philadelphia had become a “mob city” with “mob principles”: the “awful scene of desecration and destruction” mirrored those of the anti-black riots from previous years, as did Philadelphia “public opinion,” which ignored Nativist assaults on Irish immigrants, much like black Philadelphians accused of being runaways.²⁴

As other historians have noted, the 1844 Nativist riots must be viewed in the context of pervasive anti-black violence, assaults against a community that at any time could have its members removed to southern slave markets. An anonymous political satirist drew on anti-black and anti-Irish riots to craft a poem called “De Philadelphia Riots; Or, I Guess it Wan’t De Niggas Dis Time,” complete with a mock African-American accent. Reminding the audience that black Philadelphians, fugitive and free, rather than white rioters created the perception of the riotous nature of Philadelphia, the poem began “Oh in Philadelphia Folks say how/ Dat Darkies kick up all de rows”; but now of course, the writer explained, the Irish and Nativists were at fault. The second stanza emphasized the formerly enslaved condition of many African-Americans in the city by referring to Jefferson Street, the site of one of the Nativist riots, as “Massa street.” This line corroborated the 1838 and 1847 Quaker and PAS censuses of black Philadelphians, which found that about ¼ to ½ of all black Philadelphians were born in slavery, and thus, persons who would identify the people who owned them by that name.

²⁴ *Liberator*, May 17, Jul. 12 and 19, 1844; *Public Ledger*, Jul. 6-9, 1844; Ignatiev, 174-176.

The poem's concluding stanza commented on the political motives undertaken by newspapers to fuel the riots, and the general public's return to political indifference and quietude:

But decent folks am quiet now,
Still newspapers keep up a row,
Dey spin long lies about de riot,
Because they're makin' money by it,
Howebber 'taint de niggas dis time.²⁵

Yet Philadelphia's abolitionist community could not remain silent when it came to the political questions that emerged in the 1844 election campaign. In fact, many abolitionists would have concurred with Philadelphia diarist Sidney George Fisher, who on April 28th, 1844 wrote that "The Union of the country is factitious, and is becoming less real every day...such a Union is one of interest merely, a paper bond, to be torn asunder by a burst of passion or to be deliberately undone whenever interest demands it." Fisher wrote these words in the midst of the storm brewing over the annexation of Texas, which in the context of mid-1840s immediate abolitionism, represented the revitalized spread of slavery under the banner of the Union.²⁶

²⁵ Ignatiev, 176-177; Andrew K. Diemer, "Black Nativism: African American Politics, Nationalism and Citizenship in Baltimore and Philadelphia, 1817 to 1863." PhD diss., Temple University, 2011. ProQuest [AAT 91516], 229-232; Norm Cohen, *American Folk Songs: A Regional Encyclopedia, Volumes 1* (Westport: Greenwood Press, 2008), 144-148; Edward Needles, *A Statistical Inquiry into the Condition of the People of Colour, of the City and Districts of Philadelphia* (Philadelphia: Kite and Walton, 1849), 10-11; Theodore Hershberg, "Free Blacks in Antebellum Philadelphia: A Study of Ex-Slaves, Freeborn, and Socioeconomic Decline," *Journal of Social History*, 12/1971, Volume 5, Issue 2, 192-193.

²⁶ Ignatiev, 99; Sidney George Fisher, *Philadelphia Perspective: The Civil War Diary of Sidney George Fisher* (Bronx: Fordham University Press, 2007), 4.

A Storm over Pennsylvania (and Texas)

Philadelphia abolitionists who attended the annual meeting of the Pennsylvania Antislavery Society in August, 1844, reported that the “general tone of public feeling is becoming more and more modified by the element of abolitionism.” Their efforts promoted the “real or pretended” aid of legislative bodies as well as inspired the speeches delivered by Whig orators over the question of Texas annexation. Whig leaders railed against the prospect of territorial extension, as “bloated empires, scattered settlements, and alien people attenuated the bonds of Union.” Pennsylvania abolitionists tended to side with this view, noting that the Whigs “sometimes mingle[d]” the slavery question with “interests of free labor” into their overall critique of annexation; a step forward for black freedom.²⁷

On the other side of the political equation, these abolitionists claimed that some Democrats viewed annexation as a ploy to “hasten the abolition of slavery.” However, the words and actions of Pennsylvania Democrats, who boasted a 2 to 1 majority in the Pennsylvania Senate, a four seat majority in the House and two Democratic Senators, seemed to betray these hopes. Pennsylvania Democrats who initially sided with Martin Van Buren at the party’s nominating convention came out in full-force for James K. Polk, an out-and-out expansionist who carried the favor of many Pennsylvanians by promising to promote economic protectionism as well as selecting Pennsylvania Democratic leader George M. Dallas as his running mate.²⁸

²⁷ PASS 5.48 minutes, Aug. 12, 1844; Joel H. Silbey, *Storm over Texas: the Annexation Controversy and the Road to Civil War* (New York: Oxford University Press, 2005), 25-26

²⁸ The Wilkes University Election Statistics Project, “Pennsylvania Election Statistics: 1682-2004,” <http://staffweb.wilkes.edu/harold.cox/legis/68S.pdf> and

As an “out-and-out advocate” for Texas annexation, Dallas told supporters that expansion represented “the high duties of our political existence,” that of promoting the “genius and maxims” of the Union. Pennsylvania’s Democratic Senator James Buchanan, another fervent expansionist, spoke for Texas annexation in the Senate, while Pennsylvania Democratic Congressman and longtime abolition antagonist Charles J. Ingersoll chaired the House Foreign Affairs committee. In keeping with their southern sympathies, these men utilized their positions as leaders in Pennsylvania’s Democratic Party to aid “the plot of the Texas plunderers” who viewed slavery as “the foundation stone of freedom.” The spread of slavery as a national concern produced local consequences in Pennsylvania. When judged by what Pennsylvania abolitionists called “a time of severe trial” - the 1844 Presidential election – the Second Party System failed: the Whigs’ Henry Clay handily lost by 7,000 votes in the Pennsylvania, the Liberty Party barely made an electoral dent, and the Democrats assumed the office of the Presidency and Governor; within a year Americans would annex Texas.²⁹

A “triumph of the slaveholding oligarchy,” Polk’s victory dismayed abolitionists across the north. Clearly Clay lacked the will to “go so far and so rashly in the propagation and perpetuation of slavery” by annexing Texas. The spread of slavery west by southern slave interests mirrored the constant fears of African-Americans who now had to contend with more evidence that their country preferred diffusing rather than limiting slavery. James K. Polk, exclaimed the *Boston Post*, “in whose hands stolen

<http://staffweb.wilkes.edu/harold.cox/legis/68H.pdf>; Silbey, 52-79; Charles McCool Snyder, *The Jacksonian Heritage: Pennsylvania Politics, 1833-1848* (Harrisburg: Pennsylvania Historical and Museum Commission, 1958), 183; Philip S. Klein and Ari Hoogenboom, *A History of Pennsylvania* (University Park : Pennsylvania State University Press, 1980), 154-156; *North American*, May 31, 1844; *Liberator*, Jun. 14 and 28, Aug. 31, 1844; PASS 5.48 minutes, *ibid*.

²⁹ *North American*, *ibid.*; *Liberator*, *ibid.*; PASS 5.48 minutes, *ibid*.

human beings are found, and who is the presidential incarnation of slavery” would usher in a new era. “The robber of the poor, the slave-owner and slave-driver, the human kidnapper” – all of these names (and more) were attributed to Polk, whose “slave power” allies demanded “*rule or ruin*” of the Union.³⁰

Showing little sympathy for indifferent doughface northerners, abolitionists claimed that “just raise the cry of war or disunion and the North, rather than have a fuss, jealous to the wants of the peculiar institutions, grant [rights to] slave State after Slave State [and] things go just as they say.” Disgusted abolitionists had demands of their own: the North should either remove slavery or dissolve the Union. More and more abolitionists who rode the wave of immediatism clamored for the latter option; “repeal of the Union” and “No Union with Slaveholders” acted as Garrison’s and other immediatists go-to refrains. The former option also had its adherents, as noted by the 1844 PASS meeting, whose members acknowledged the philosophical rift regarding abolitionists participating in politics. Calling these differences “irreconcilable” within the Eastern Pennsylvania abolitionist community, the executive committee of the PASS broached the topic of possibly separating the political participation faction, which favored the Liberty Party but bemoaned its ability to win local elections, from the political nonparticipation faction, which deemed it “their duty to refrain from voting at all under our present constitution.” That this rift failed to take hold at the annual meeting – attendees voted down the motion to separate these two factions “in peace and harmony and mutual good will” – opened the door for the politics of the fugitive slave crisis to proceed and attempt to remove slavery from Pennsylvania. If the spread of slavery to new lands was

³⁰ *Liberator*, Nov. 8, 15, and 29, 1844; *Palladium of Liberty*, Jun. 12, 1844; *North American*, Jan. 11, 1845.

unavoidable, then perhaps Pennsylvania lawmakers could limit the vestiges of slavery on the local level.³¹

“Quite an abolition feeling”: Harrisburg, 1845

The Pennsylvania state legislature revisited the question of revoking state assistance from federal fugitive slave retrieval after a botched kidnapping took place in Harrisburg in early February 1845. An African-American man named Peter Hawkins, a resident of Harrisburg for several years, was assaulted on the street by two men, Alexander A. Cook and Thomas Finnegan. Cook and Finnegan bound Hawkins “within the intention of taking him South” and brought him before a Judge Nathaniel B. Eldred the next day. As a judge “highly esteemed for his impartiality” Eldred liberated Hawkins and ordered Cook and Finnegan to be arrested for kidnapping. Slavery and street diplomacy had exploded in Pennsylvania’s capital city for all to see.³²

The case of Peter Hawkins inspired “quite an abolition feeling” among Pennsylvania state legislators. While Cook and Finnegan awaited trial mere blocks from the Pennsylvania state legislature, that legislative body heard no fewer than four bills regarding slaves in Pennsylvania. The first bill sought to repeal that portion of the 1780 abolition act which allowed slaveholders to bring slaves into the state for six months

³¹ *Palladium of Liberty*, Ibid.; Elizabeth Varon, *Disunion! The Coming of the American Civil War, 1789-1859* (Chapel Hill: University of North Carolina Press, 2008), 152-154; *Liberator*, May 20 and Jul. 26, 1844; On Garrison’s political education see Henry Mayer, *All on Fire: William Lloyd Garrison and the Abolition of Slavery* (New York: St. Martin’s Press, 1998), especially chapters 15 and 16; PASS 5.48 Minutes, Aug. 12, 1844.

³² *Public Ledger*, Jan. 28, 1845; The case of Hawkins was also reported on by the *North American*, Jan. 27, 1845 and *Liberator*, Feb. 14, 1845; The *Boston Courier* entitled their brief article on Hawkins “Negro Hunting,” see *Boston Courier*, Jan. 30, 1845. For more on the life and career of the Honorable Nathaniel B. Eldred, see *Harrisburg Telegraph*, Aug. 16, 1884.

unmolested; no vote took place over revising the measure. The second attempt, also in the House, came from John C. Kunkel of Dauphin County on February 6th. Kunkel, a Henry Clay Whig and Harrisburg native, offered a resolution for the Judiciary Committee to “inquire and report what statutory provisions exist defining and punishing kidnapping, and how far our laws relative to slavery are affected by the decisions of the Supreme Court, and what further Legislative action is necessary.” The House agreed, and gave the task to state Senator Charles Sullivan.³³

Examination by state officials allowed these same officials to hold an open debate on slavery in Pennsylvania without Southern interference. Sullivan’s investigation yielded a third attempt to revise state legislation regarding fugitive slaves and came from Sullivan himself on February 7th. Sullivan, a Whig from Allegheny and Butler Counties, was known to be a “pronounced abolitionist”; a recent kidnapping attempt in Pittsburgh bolstered his resolve to modify state and federal law. He suggested a more radical version of Kunkel’s bill: a new resolution toward crafting a bill “to preserve the public peace, to prevent kidnapping, to extend the trial by jury to fugitive slaves, and repealing certain laws which have been overruled.” The first and fourth parts of this bill flew in the face of the *Prigg* ruling, as they utilized the power of the state of Pennsylvania to first define the act of kidnapping as an affront to the peace and security of the state, and second, for Pennsylvania to “preserve” this same peace, in other words, interpose and nullify federal law. Fugitive retrievals had, in a sense, now become kidnapping attempts in the eyes of legislators; these contests over freedom and slavery become Pennsylvania’s “domestic

³³ *Philadelphia Inquirer*, Feb. 10, 1845; William Henry Egle, *History of the Counties of Dauphin and Lebanon, in the Commonwealth of Pennsylvania: Biographical and Geographical* (Philadelphia: Everts and Peck, 1883), 514.

insurrections.” While the Hawkins case forced Pennsylvania state politicians to look upon slavery “more and more with horror,” Sullivan’s findings stoked minimal debate and the bill “to punish kidnapping, to repeal the act making it obligatory upon magistrates and constables to arrest runaway slaves, and extending the right of trial to such persons” did not come up for a vote in the state legislature. Again, local issues over fugitive slaves reminded Pennsylvanian politicians of their duties to their state first, their country second.³⁴

Fugitive “Imposters”

Meanwhile on the streets of Philadelphia abolitionists continued their work of assisting enslaved and fugitive alike. In May, 1845 the abolitionists took “a case of real distress” of an African-American woman named Rebecca Shipley. A freedwoman, Shipley lived and worked as a “child’s nurse” in Baltimore for the previous three years. Her former master seized her in Baltimore on May 21st and sold her to a slave trader named Salter, who agreed to free her for \$600. When word of her arrest and “sale” reached Philadelphia, abolitionists took action and began soliciting funds for her freedom. Dr. Caspar Wistar and Joseph Merrefield, both longtime PAS stalwarts, posted advertisements in Philadelphia newspapers and contacted William Lloyd Garrison at the *Liberator* seeking funds. Apparently Shipley’s new owner gave her a limited window to

³⁴ Thomas Cushing, *A Genealogical and Biographical History of Allegheny County, Pennsylvania* (Baltimore: Clearfield Company, 2007), 553; *New Hampshire Sentinel*, Feb. 5, 1845; *Public Ledger*, Feb. 10, 12, and 2, 1845; Morris and Turner enumerate the attempts to modify Prigg in Morris, 117 ft. 51 and Edward Raymond Turner, *The Negro in Pennsylvania: Slavery, Servitude, Freedom, 1639-1861* (New York: Negro University Press, 1969), 238 ft. 49.

purchase her freedom, as Wistar and Merrefield emphasized “*immediate aid* will alone be available” to prevent the “unhappy, but excellent” woman from “a fate to her so horrible – perpetual slavery.”³⁵

Unfortunately, neither abolitionist nor Philadelphia newspapers reported on Shipley’s fate; the PAS remained mute on the subject. While a relatively obscure incident in the history of freedom and slavery in Philadelphia, the unknown result of Shipley’s case posed questions. If she did in fact receive the funds for her ransom, how did she do so? Did she, like so many others in Philadelphia, rely on donations from black churches and other community organizations? If so, perhaps the Vigilance Committee of Philadelphia secured her freedom; they often raised money with the help of Pastor Charles Gardiner, who also worked with the committee and for a time served as its president (see above). On the other hand, did Shipley’s new master sell her before Philadelphia abolitionists were able to raise what amounted to ransom money? Did she escape prior to receiving the \$200? Was she an imposter? These last three questions would no doubt occlude any public printed reveling by abolitionists. Her being an imposter, while perhaps the least likely scenario, did not mean that such persons did not exist in Philadelphia, and added another terrible dimension to black life in the city.³⁶

³⁵ *Liberator*, Jul. 11, 1845; *Philadelphia Inquirer*, Jun. 7 and 9, 1845; A friend of John Greenleaf Whittier, Wistar was a second generation abolitionist following in the footsteps of his father, Dr. Caspar Wistar. See Pennsylvania Abolition Society, *Centennial anniversary of the Pennsylvania Society, for Promoting the Abolition of Slavery, the relief of free Negroes unlawfully held in bondage, and for improving the condition of the African race* (Philadelphia: Grant, Faires, and Rodgers, 1875), 53, 58 and The Wistar Institute “Wistar Family Member Donates Important Abolitionist Letter,” <https://www.wistar.org/wistar-today/wistar-wire/2013-02-08/wistar-family-member-donates-important-abolitionist-letter>.

³⁶ Minute Book of the Vigilant Committee of Philadelphia 1839-1844, Jun. 12, 1841, Jan. 19, 1842, Mar. 11, 1844; On the Philadelphia black community and clergy donating funds to free fugitives and/or enslaved people, see Richard Newman, *Freedom’s Prophet: Bishop Richard Allen, the AME Church, and the Black Founding Fathers* (New York: New York University Press, 2008); Margaret Hope Bacon, *But One Race: the Life of Robert Purvis* (Albany: State University of New York Press, 2007); Julie Winch, *A Gentleman of Color the Life of James Forten* (New York: Oxford University Press, 2002).

Philadelphia abolitionists enumerated many examples of imposter slave owners, i.e. kidnappers, hunting imposter free people, i.e. runaway slaves, but what of imposter fugitives? The *Pennsylvania Freeman*, *Liberator*, *Philadelphia North American*, and *Philadelphia Inquirer* all reported on imposter fugitives throughout the 1840s. The troubling aspect of imposter fugitives began with the interviews they often held with members of the Vigilance Committee and/or the PAS. In one instance, the *Liberator* reported that James Thompson of Lynchburg, Virginia appealed to abolitionists in Connecticut for money to free his wife. Thompson presented the black abolitionist and historian James C. Pennington, himself a fugitive, with three letters: two from a Virginia slave-owner and one from PAS member John Shoemaker of Philadelphia; all three attested to his wife's enslavement. Pennington believed that Thompson forged these documents and refused to help him; Pennington wrote to the *Christian Freeman*, the Liberty party organ, and warning of Thompson's motives, told readers "Don't throw your money away." Thompson changed several key details of his story – namely, that he, not his wife, had been kidnapped – and visited Moses Breck, one of the founders of the Liberty Party and an Underground Railroad Agent. Breck believed his story and arranged for his safe passage to Canada.³⁷

³⁷ On Pennington, see James W.C. Pennington, *The Origin and History of the Colored People* (Hartford: L. Skinner, 1841) and James W.C. Pennington, *The Fugitive Blacksmith; or, Events in the History of James W. C. Pennington, Pastor of a Presbyterian Church, New York, Formerly a Slave in the State of Maryland, United States* (London: Charles Gilpin, 1849). Breck represented Northampton, Massachusetts at the 1840 Liberty Party Convention and took to the streets of that city distributing copies of the *Christian Freeman* himself, often to the dislike of local anti-abolitionists. Henry Gere, *Reminiscences of old Northampton, sketches of the town as it appeared from 1840 to 1850* (Northampton: Gazette Printing Company, 1902), 19. On abolitionism in Northampton, see Kerry W. Buckley, *A Place Called Paradise: Culture and Community in Northampton, Massachusetts* (Amherst: University of Massachusetts Press, 2004), 301-342; *Christian Freeman*, Jul. 24, 1845; *Pennsylvania Freeman*, Oct 14, 1847;

Imposters understood that Philadelphia abolitionists carried a certain cultural currency. George Thompson claimed to have met with Robert Purvis in September, 1847, and stated that Purvis and another “warm-hearted” abolitionist gave him some of the money to free Thompson’s son who had been kidnapped and sent to New Orleans. While Purvis did give him the money, Thompson never reappeared in Philadelphia to collect the additional funds to save his son – thus, to the *Liberator* he was “a scoundrel, possessed of shrewdness and tact to an extent, which will enable him to practice his villainy upon others.” Here Thompson utilized the well-known spread of slavery’s “steamboat” economy; perhaps also he called upon the numerous incidents involving blacks who were kidnapped in Philadelphia and sent to New Orleans. In either case, Thompson and other imposters exploited not only the sympathies of Philadelphia abolitionists, but also endangered the lives and freedoms of black Philadelphians as well as any “legitimate” fugitives who fled southern slavery or northern slave-catchers.³⁸

“An Unholy League with Oppression”

The presence of imposters within the ranks of fugitives mimicked the antebellum expectations of confidence men and painted women, with politicians asserting this role in their maintaining of slavery as a national institution; national slavery conned local freedom into doubting its own legitimacy and viability. At their annual meeting on August 11th, 1845, Pennsylvania abolitionists balanced the gains of the previous year

³⁸ *Liberator*, Aug. 8, 1845, Oct. 8, 1847; *Philadelphia Inquirer*, Jan. 15, 1848; *North American*, Jan. 15, 1848; *Public Ledger*, Jan. 15, 1848. On slavery’s steamboat economy see Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Harvard University Press, 2013).

with the depressing reality of slavery becoming more and more entwined with the Second Party System. On the one hand, new antislavery politicians like Cassius Clay arose in Kentucky, immediatist “agitation” began to strike at national religious institutions for their tacit or outright support of slavery, and Congress rescinded the infamous “gag” rule – each symbolized “a forward step in the march of freedom.”³⁹

On the other hand, Pennsylvania abolitionists reported that even “though Pennsylvania boasts of having abolished slavery within her own jurisdiction, she is yet in close alliance with slavery beyond her borders, and is making the oppressor’s every act of tyranny her own.” In short, slavery existed in Pennsylvania because of their precarious comity with the slave states, a comity held together by notions of Union and devotion to the Constitution. Abolitionists needed to “press forward” in their efforts to stop the flow of slavery south and west – those “slave power” incursions into Texas meant to extend “the area of freedom.” The slave power needed Texas, Pennsylvania abolitionists reckoned, so that they could carve the territory up into “an indefinite number of slave states” and thus “strengthen indefinitely but mightily the supports of its despotic throne.” Now, more than ever, argued the attendees, abolitionists must shore up their defenses against threats to freedom in Pennsylvania and northern states’ rights.⁴⁰

Texas annexation forced Pennsylvania abolitionists to consider yet again the role of freedom and slavery within the political system of the United States. Similar to the previous year’s meeting, abolitionists debated whether or how they should support the

³⁹ PAS 5.48 minutes, Aug. 11, 1845; On religion influencing the collapse of the second party system, see the masterful Richard J. Carwardine, *Evangelicals and Politics in Antebellum America* (New Haven: Yale University Press, 1993) and George C. Rable, *God’s Almost Chosen People: A Religious History of the American Civil War* (Chapel Hill: University of North Carolina Press, 2010).

⁴⁰ PAS 5.48, *ibid.*

law of the land: the Constitution itself. Delegates drafted and debated a number of anti-Constitutional resolutions, the first of which labelled that document “an unholy league with oppression, virtually pledging the strength of the whole nation to the defense of slavery.” Another resolution called on attendees to stop voting in elections or pledging oaths to the Constitution “so long as its pro-slavery features remain.” Yet another resolution called the Constitution “contrary to the law of God” and thus neither “morally or legally binding” on abolitionists. Abolitionists therefore questioned yet again the legitimacy of a national document that protected southern states’ rights.⁴¹

When it came time to debate the resolutions, these abolitionists reorganized themselves into the same anti and pro-political participation factions that surfaced in the previous year’s meeting. Representing the anti-political participation faction, William Lloyd Garrison and Charles Burleigh voted to adopt the resolutions; Thomas Earle, a lawyer for the PAS, a one-time Liberty Party vice presidential nominee, an erstwhile Jacksonian Democrat, and the vice president of the PASS, represented the pro-political participation faction. That the executive committee of the PASS refused to print Earle’s passionate defense of the Constitution showed how the attendees had drifted more toward the anti-political ethos of Garrison and other immediatists; or, perhaps the attendees hoped that by gagging Earle they could present a united front to their readership. While records of these debates no longer exist, when the vote was taken the motion to adopt the largely anti-political participation resolutions passed 442-188.⁴²

⁴¹ PAS 5.48 minutes, Aug. 11-13, 1845.

⁴² PAS 5.48 *ibid.*; Edwin Bronner, *Thomas Earle as a Reformer* (Philadelphia: International Printing Company, 1948), 26-29, esp. 40-41.

Yet even after the abolitionists voted to adopt the resolutions, Earle ensured that abolitionists remained tethered to the Constitution and American political system in general. Toward the end of the annual meeting he proposed two resolutions designed to engage abolitionists in politicking with both the national legislature and the Pennsylvania state legislature. Interestingly, attendees adopted Earle's first resolution for "the circulation of petitions to be forwarded to the next session of Congress, asking such change of the Constitution and laws, as shall abolish slavery throughout this country." The PASS rationalized their support of this resolution by highlighting how recent debates over Texas and the Walker Tariff (see next section) created a "favorable time" to petition Congress.⁴³

Interestingly, Earle's second resolution – which the attendees refused to adopt – excoriated the Whig Party at the state and national level. Earle believed that the Whigs could not be trusted to act as friends to the abolitionist for three important reasons: they refused to hear abolitionist petitions, failed to move to abolish slavery or the slave trade, and did nothing to effect "the abrogation of the law which requires the United States Officers to assist in slaveholding." This final reason was a not-so-veiled attack on the *Prigg* ruling in which Justice Story suggested the use of federal officers to retrieve fugitives. Although attendees failed to adopt this second resolution, the executive committee of the PASS salvaged the right to petition state and national representatives, particularly Whig politicians, on the precipice of what would become in a few short months the Mexican-American War and in a little over a year a slave-free Pennsylvania.⁴⁴

⁴³ PAS 5.48 minutes, Aug. 13, 1845.

⁴⁴ PAS 5.48, *ibid.*; PAS Paper Series 5.48 Executive Committee Minute Book, 1846-1856 [hereafter "PASS executive committee"], Aug. 18, 1845; Paul Finkelman, "Story Telling on the Supreme Court: *Prigg v*

Pennsylvania's 1847 Liberty Law: "A minimum of debate"?

The Pennsylvania state legislature passed three bills related to kidnapping and protecting the state's African-American population during the antebellum era. The first bill, passed in 1820, increased the fine for kidnapping and limited the role of state officials from participating in federal fugitive rendition; in short, Pennsylvania passed a law that asserted their rights as a state to legislate on slavery. The second bill, passed six years later in 1826, met at the confluence of interstate diplomacy and street diplomacy; this bill instructed state officials to work with slave-owners and assist them in recovering their "property"; a state law designed to protect slave states' rights under the federal Constitution. By 1842, the Supreme Court ruled that Pennsylvania's 1826 liberty law unconstitutional, but that state legislatures retained the power to legislate non-participation in fugitive retrieval, thus making the 1793 Fugitive Slave Law almost impossible to enforce in the state; an inability rooted in confusing and overlapping federal powers and state rights. In early 1847, the Pennsylvania state legislature passed a bill that withdrew state assistance from federal fugitive slave retrieval. This final piece of legislation turned Pennsylvania into a free state.

That the 1847 bill passed with "a minimum of debate" obscured the unique political culture of the state that existed in the year leading up to its passage. While other historians, such as David G. Smith, pointed to the petitioning efforts of antislavery activists in south central Pennsylvania as crucial to understanding the success of the 1847 bill, national political concerns intertwined with the work of the PAS and its black and

Pennsylvania and Justice Joseph Story's Judicial Nationalism," *The Supreme Court Review*, Vol. 1994 (1994), pp. 247-294.

white allies at the state and local levels provided a greater dynamic and context for the abolition of slavery in Pennsylvania. National political concerns included not only the Mexican War and Wilmot Proviso, but also the Walker Tariff of 1846, which offered Pennsylvania's political leadership a chance to reassess and execute what they considered "Pennsylvania doctrines." The effects of these three national political events collided against Pennsylvania's interests as a state, and resulted in an electoral upset in the 1846 state elections. Finally, the work of Pennsylvania abolitionists, black and white, fugitive and free, encouraged Pennsylvania politicians to take yet another look at how slavery crept into the state. The combination of these factors proved decisive, as state lawmakers made their stand against slavery in 1847, and in doing so, emancipated Pennsylvania from its enslaved and more importantly, enslaving responsibilities to the nation.⁴⁵

Both the PASS and the PAS petitioned the Pennsylvania state legislature in early 1846. These petitions contained numerous resolutions that Pennsylvania abolitionists believed were necessary to end slavery in the state. Reminding legislators that the 1780 gradual abolition act declared slavery to be a "violation of natural rights," the memorialists argued that the state should therefore "in no manner voluntarily give countenance or aid to Slaveholding." Thus, Pennsylvania lawmakers should ban slaveholders from bringing slaves into the state, refuse to allow state officials to assist in fugitive recovery, and close state prisons to victims of federal rendition. The PAS hesitated when it came to amending the Constitution directly, however, and preferred that the state legislature lobby the national Congress "to endeavor to obtain such alteration of the Constitution and Laws as will either abolish slavery throughout the nation or prevent

⁴⁵ Morris, 118; David G. Smith, *On the edge of freedom: The fugitive slave issue in south central Pennsylvania, 1820-1870* (New York: Fordham University Press, 2013), 86-87, 105; Snyder, 195.

the public officers of the Union from aiding in the enslavement of any portion of the Human Race.” Even at this late a date, and reflecting the organization’s conservatism, many members of the PAS maintained faith in the Constitution, unlike Garrison’s immediatists. The PAS thought it best to then petition the national Congress themselves with a simple request: “take such measures as will either Abolish Slavery itself, or all support given to it by the National Government.” The PAS sent the petitions to both legislatures, and printed 500 extra copies; they distributed 400 copies of the state petition and 100 copies of the petition to Congress across Pennsylvania.⁴⁶

Not coincidentally, the PAS charged two Philadelphia Whigs with introducing these petitions to their respective houses. State representative Charles B. Trego of Philadelphia City, whose “knowledge of the different parts of Pennsylvania” added to his influence within the House of Representatives; state Senator Charles Gibbons also of Philadelphia City, a Henry Clay Whig, came from a family of abolitionists who worked to protect free blacks from kidnapping and maintained close ties with Philadelphia abolitionists. A contemporary noted how Gibbons “represented the intensity of Republicanism. His earnest, close-knit, imperative face; his hatred of slavery and especially of [the] Democracy, as the outcome of slavery.” To Whigs like Trego, the Democracy and slavery had become synonymous. Edward Needles, who the PAS sent to Harrisburg to meet with Trego and Gibbons, reported to the PAS that both men read the petitions and “in a very satisfactory [manner] assured us of their cordial cooperation in promoting the objects of the [PAS].” Trego and Gibbons requested that the PAS send a

⁴⁶ PAS, 1.2, Jan. 22 and Jun. 25, 1846; *Pennsylvania Freeman*, Jan. 29, 1846.

delegation to present the petitions to the legislatures. The PAS charged two of its lawyers with this task: William Elder and Thomas Earle.⁴⁷

Elder and Earle traveled to Harrisburg in March, 1846 to present the PAS petitions to the state legislature. They reported that a bill drafted “in partial conformity” to the PAS memorial had been presented to the House in February but rejected by Democrat James Burnside of Centre County; the house referred the bill to a “special committee known to be favorable to the prayers of the petitioners.” This special committee granted Elder and Earle a private interview during which they freely discussed the petition, which although a “respectful” gesture did not amount to much in terms of supporting the petitioner’s goals. Real progress occurred on March 19th, when Gibbons himself read a draft of the bill which included most of the PAS requests. However, Elder and Earle found this bill to be “defective” as it did not repeal sections of the 1826 liberty law that authorized Pennsylvania residents to arrest and recover fugitives. Nonetheless, the PAS delegation found a “friendly and favorable state of opinion and feeling” toward the petition, and hoped that Gibbons’ version of the bill, while not perfect, would pass before the legislature ended its session. Unfortunately, Earle and Elder reported that a deluge of “local and private bills” flooded the legislators at the eleventh hour, preventing the bill from coming up for a vote, let alone debate. As if to end on a good note, Earle and Elder concluded their report by stating that they expected the “friends of freedom” in the legislature to discuss the bill during the next session. Until that point, they advised Pennsylvania abolitionists to flood every state representative and senator with petitions.

⁴⁷ PAS 1.2, Jun. 25, 1846; Solomon W. Roberts, “Obituary Notice of Charles B. Trego,” *Proceedings of the American Philosophical Society*, Vol. 14, No. 94 (Jan. - Jun., 1875), pp. 356-358; Bryan Prince, *One More River to Cross* (Toronto: Dundurn Natural Heritage, 2012), 47; *Public Ledger*, Aug. 15, 1884; John Russell Young, *Men and Memories: Personal Reminiscences* (New York: F.T. Neely, 1901), 44.

While a vital political strategy, petitioning alone could not force state legislators to pass the PAS bill; the national politics of slavery would once again resurface in Pennsylvania.⁴⁸

Pennsylvanian's "Native Sons" and the Tariff of 1846

From the perspective of legislators in Harrisburg, abolitionist appeals could not have come at a more pressing time. Beginning in January 1846 both houses of the state legislature examined the proposed Walker Tariff, which the national Congress debated throughout 1846. Named for Polk's Secretary of the Treasury Robert J. Walker, a "Pennsylvania-reared" Mississippi Democrat who also drafted a highly influential pamphlet supporting annexation and the resettlement of African-Americans in Latin America, this new plan sought to reduce protective tariff rates in the northern states, thus assuaging southern slave states dependent on northern and foreign manufacturers. Both houses of the state legislature disapproved of this measure, with Whigs calling Democrats "rogues or fools" for supporting Polk, who had positioned himself as more amenable to protection during the 1844 election. This inconsistency, namely electing Polk on the basis of his refusal to tamper with tariff rates (in this case, the tariff of 1842, a boon to northern industry), badgered national Democrats and Pennsylvania Democrats throughout 1846. Making matters worse, when the tariff came up for a vote in the national House of Representatives, Pennsylvania Whigs and Democrats as a group lined up to oppose the bill. Despite this show of solidarity toward Pennsylvania state's rights, the bill passed the

⁴⁸ PAS 1.2, Jun. 25, 1846.

House. When it reached the Senate, the resulting vote produced a tie, which of course according to the Constitution required a tie-breaker vote from the Vice President. In this case, Pennsylvanian and longtime Democratic party leader George Mifflin Dallas held what he saw as his obligation to “the Country, to the whole of the American People,” in other words, the Union, and voted to support Walker’s Tariff in July, 1846.⁴⁹

Dallas’ decision to vote for the tariff of 1846 represented what one historian called “one of the most courageous acts of his life.” Philadelphia newspapers had in the weeks leading up to the vote noted the “magnitude of the interests involved, as relates to the whole Union, but more directly to our State,” a state whose “business vitality is dependent upon [the] preservation” of the 1842 tariff rates. To vote or not to vote for the tariff placed Dallas in the unenviable position of having to decide between his state, his party, and his country. The Philadelphia *North American*, the city’s Whig newspaper, warned Dallas that voting for the tariff would be “ruinous” to the state, and that he should be cautioned to “Save the Tariff, or lose the State.” In other words, victories at the national level would jeopardize not only Dallas’ political future in Pennsylvania, but also the chances of Democrats maintain their control over the state legislature, in what was after all an election year in Pennsylvania. State Democrats felt betrayed by the possibility of the tariff passing through the work of Dallas and Polk, both of whom James Buchanan assured state party leaders would protect tariff rates in the interests of Pennsylvania. “Surely a fatal blow is not about to be struck at Pennsylvania, and by one her own sons,” bemoaned the *Philadelphia Inquirer* in mid-July, “especially as he is well aware that the vast majority of the people of Pennsylvania, of all parties, are adverse to a change in the

⁴⁹ Snyder, 195; Klein and Hoogenboom 156-157; Charles G. Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991), 415, 425-426.

Tariff.” Dallas even had to contend with familial concerns while deciding how to cast his vote: his niece was married to the bill’s author, Robert J. Walker – the man who persuaded Dallas to support unrestrained expansion west and crafted the tariff bill in question. With the political bound to the personal, the fate of Pennsylvania’s place within the Union seemed to hang in the balance.⁵⁰

Knowing that his vote could cost him and his party dearly in the Keystone state, Dallas proceeded as planned and voted for the tariff. Perhaps sensing an end to his political career, and acting for the Union and the Democracy and not his state, Dallas addressed the Senate chamber and explained

If by thus acting, it be my misfortune to offend any portion of those who honored me with their suffrages, I have only to say to them, and to my whole country, that I prefer the deepest obscurity of private life, with an unwounded conscience, to the glare of official eminence, spotted by a sense of moral delinquency.

Dreading the immediate fallout, Dallas wrote to his wife that “if there be the slightest indication of a disposition to riot in the city of Philadelphia, owing to the passage of the Tariff Bill, pack up and bring the whole brood to Washington.” While riots failed to materialize in Philadelphia, Dallas was indeed burned in effigy in the city, and his Whig opponents paid “the charges” of those who posted insulting placards on his front door. Philadelphia newspapers excoriated Dallas, calling him a traitor for “deserting his own state” and his vote “the betrayal of Pennsylvania.” “That our own people should be excited and indignant, is indeed natural,” read an editorial in the *Philadelphia Inquirer*, for Dallas “disregarded the appeals of the people of Pennsylvania.” Instead, Dallas placed party and sectional interests – more importantly, southern slave state interests - above his

⁵⁰ Klein and Hoogenboom, 157; *North American*, Jun. 29 and Jul. 10, 1846; *Philadelphia Inquirer*, Jul. 11, 1846.

native state. If one sought “an excuse for Mr. Dallas’ vote, put it down to the fact that the South demanded it as the price of their party allegiance to Mr. Polk’s administration,” the *North American* editorialized. Dallas’ desire to toe-the party line, a very specific southern party line at that, revealed how Pennsylvania politicians who acted in the interests of the Union – whether when they voted for a controversial tariff as Dallas did or when they curried to slave-owners who hoped to retrieve runaways – shared a common denominator: they placed the Union, synonymous with southern slave interests, above Pennsylvanians black and white.⁵¹

“The Extremest of Bravery” – Philadelphia and the Mexican War

As if the layers of politicking could grow denser, the outbreak of the war with Mexico occurred in the middle of the debates over Pennsylvania’s laws concerning slavery and the Walker tariff of 1846. Initially, many Philadelphians welcomed the war. “An immense town meeting” took place in city on May 13th and was hosted by a bipartisan group of Philadelphia politicians. The assemblage was part nationalist celebration, part recruiting drive. “We had no dissensions among ourselves,” concerning the fight ahead, according to one journalist present, who hoped that Philadelphians would give Mexico and the world “an admonitory lesson [in] national honor and rights.” After innumerable speeches by military officers echoed across the park in front of the state

⁵¹ James P. Shenton, *Robert John Walker: A Politician from Jackson to Lincoln* (New York: Columbia University Press, 1961), 85; John K. Kane, et al., *Life of George Mifflin Dallas: Vice President of the United States* (Philadelphia: Times and Keystone, 1847), 15-16; *Philadelphia Inquirer*, Jul. 30, 1846; *North American*, Aug. 8, 1846.

house, Philadelphians, especially impoverished Irish-Americans, heeded these calls to national honor, and sent 30 companies to fight in Mexico.⁵²

Among these recruits were members from several street gangs cum fire companies familiar to black Philadelphians, who suffered violence from these same groups in the riots of 1842. One gang, the Killers, hailed from Moyamensing, and their wartime service resembled a northern filibustering expedition. These street fighters turned soldiers observed “codes of gang behavior” wherever they went: among other deeds on their way to Mexico, they disrupted a Pittsburgh theater performance and fought street battles in New Orleans. They channeled their violent tendencies - tendencies learned on the streets of Philadelphia to the expense of African-American freedom – into wartime service, and even earned a citation for “the extremest [sic] of bravery” at the battle of Mexico City. Fighting in what they believed to be a “war forced upon us,” in the words of Philadelphia jingoist Horn Reilly Kneass (who studied law under George Mifflin Dallas), the wartime service of the Killers of Moyamensing entailed bringing war to Mexico in order to spread slavery, actions that complemented the anti-black violence they practiced in Philadelphia in recent years; slavery’s war in Mexico mirrored the war against slavery in Pennsylvania.⁵³

Pennsylvania Whigs tried their best to balance their wartime opposition with the general popularity of the war. Labelling the conflict “Mr. Polk’s War,” Whigs in the

⁵² Charlene Mires, *Independence Hall in American Memory* (Philadelphia: University of Pennsylvania Press, 2002), 85; *Philadelphia Inquirer*, May 14, 1846; Paul Foos, *A Short, Offhand Killing Affair: Soldiers and Social Conflict during the Mexican-American War* (Chapel Hill: University of North Carolina Press, 2002), 42, 130; Ignatiev, 185-186; *Public Ledger*, Feb. 27, 1847; Genealogical Society of Pennsylvania, *Publications of the Genealogical Society of Pennsylvania: Volume VII* (Philadelphia: Genealogical Society of Pennsylvania, 1920), 121-123.

⁵³ On the Killers, Matt Cohen and Edie Wong, eds., *The Killers: A Narrative of Real Life in Philadelphia*; Samuel Otter, *Philadelphia Stories: America’s Literature of Race and Freedom* (New York: Oxford University Press, 2010), esp. 131-210.

Keystone state argued that the President provoked Mexico “without necessity of any kind.” The origins of the war lay within Polk’s desire to “extend negro slavery over the sunny plains of Mexico” and in doing so, “subjugate the freeman of the North to the dictation of the South.” Such subjugation had already manifest itself in the north, where Whig governors in the states of Vermont and Massachusetts ordered quotas of troops to fight in a “foul and villainous war for the extension of Slavery.” Pennsylvania Whigs lamented how Polk and his “league” of Democrats, including Dallas, Buchanan, and Pennsylvania Governor Francis Shunk were fighting two wars: one against Mexico and one against Pennsylvania. Both of these wars featured a common denominator: the spread of the slave power’s influence, whether through territorial aggrandizement or economic policy.⁵⁴

Yet despite these claims, real as they were, Pennsylvania Whigs failed to shake the patriotic fervor the war created, and most agreed with another Whig Party organ in Philadelphia, the *United States Gazette*:

The war was uncalled for, but being declared, there is but one duty for every man who claims the name of American (and is not conscientiously scrupulous on the subject of arms), he must aid to carry on the war with vigor, that its termination may be the more speedily secured. Our country, our whole country, and nothing but our country, when she is endangered by a war, no matter how that war happened.

Faced with the choice of prizing the Union or appearing weak, traitorous, or perhaps worst of all “Federalists,” as Pennsylvanians Whigs viewed the war’s causes as impeachable but as Americans they viewed their patriotic duty to their country as unimpeachable. Slavery’s sectional interests began an unjust war that required a just measure of prosecution, with the Democrats taking responsibility for the former and

⁵⁴ *North American*, Jun. 15, 23, Jul. 31, Nov. 7 and 11, 1846.

Whigs gladly suggesting the latter. In the words of one editorials for the *North American*, the Whigs were “the only true champions of the country in the war against Mexico” because they demanded a “more energetic prosecution of the war.” Rather than be castigated as “anti-war” or “anti-American,” the Whigs were caught in the trap of being the opposition party during wartime. Thus, during their campaigns in the state election cycle that year, Pennsylvania Whigs largely overlooked the war with Mexico and instead focused on the Tariff of 1846.⁵⁵

Pennsylvania abolitionists did not mince words regarding the war with Mexico at their annual meeting in August, 1846. PASS President Robert Purvis read a number of resolutions derived from a central thesis: opposing the Mexican War combined “all our efforts for the abolition of slavery.” The attendees resolved that Americans who espoused “the profligate sentiment, ‘our country, right or wrong,’ in fact undermined freedom as this rationale would “no less justify any and every possible mode of upholding slavery.” Put simply, Pennsylvania abolitionists viewed the war as one of aggression “for the increase of the slave power and the extension of the slave system.” In other words, national rights to enslave trumped state and human rights to protect and emancipate African-Americans. Members then drafted petitions to the Pennsylvania state legislature and the national Congress, and called upon both bodies to “free this Commonwealth from all connection with slavery.” While the petition to the state legislature featured all the requests made by the PAS in January, the petition to the national Congress claimed that continual attempts by state and national politicians “to unite freedom and slavery in one

⁵⁵ *North American*, *ibid.*; Michel Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), 248-257; *Liberator*, Jun. 26, 1846; *United States Gazette*, May 27, 1846 quoted in Henry R. Mueller, *The Whig Party in Pennsylvania* (New York: Columbia University, 1922), 136.

body politic” produced “manifold evils” and proved that “no such Union can exist” without “the sacrifice of freedom to the supremacy of slavery.” The proper political medicine for the American body politic was nothing short of “the immediate peaceful dissolution of the American Union.”⁵⁶

While “peaceful dissolution” sounded fanciful and unrealistic, it was a vital rhetorical weapon that abolitionists brandished when faced with the reality that slavery anywhere in the United States was a threat to freedom everywhere. That Pennsylvania abolitionists continued to lobby state and national legislative bodies revealed two simple truths. First, Pennsylvania abolitionists could not divorce themselves from the political sphere; after all, the personal was the political, especially when it came to the intimate and terrifying experience of runaway slaves in the state. Second, and more importantly, Pennsylvania abolitionists relied on Pennsylvania state legislators to apply Pennsylvania’s rights as a state in the Union to dictate slave policy within the state, and if necessary, interpose and nullify federal slave policy. In both cases, Pennsylvania abolitionists recognized that they represented a beacon of hope in a state and nation where African-American freedom seemed in no way secure.⁵⁷

“The ‘hand writing on the wall’”: David Wilmot, Pennsylvania Congressman

While Pennsylvania abolitionists met, debated, and drafted petitions, Pennsylvania Congressman David Wilmot proposed in the House of Representatives that

⁵⁶ PASS executive committee, Sept. 1, 1846; PAS 5.48 Minute book, Aug. 5-7, 1846; The PAS sent a similar set of petitions to the state legislature and national Congress. See PAS 1.2, Jul. 9, 1846.

⁵⁷ On discourses of “Union,” see Elizabeth R. Varon, *Disunion!: The Coming of the American Civil War, 1789-1859* (Chapel Hill: University of North Carolina Press, 2008).

Congress exclude slavery from the territories gained from Mexico. Wilmot's "Proviso" as it became known, threw the Second Party System into a panic and highlighted Wilmot's "independence and fearlessness" as a politician. Already Wilmot had bucked loyalty to his state in favor of party with his vote in support of the Tariff of 1846: he was the only Pennsylvania House member to vote for the tariff. Wilmot represented a lumbering district in north central Pennsylvania, a region where, according to Democratic Governor David Porter, "the only things the people manufactured were shingles, and they stole the lumber to make them, and the only protection they wanted was protection from the officers of the law." On the tariff question, Wilmot chose party principles; on the slavery question, Wilmot, like many other northern Democrats, began to scorn the incommensurate power of southerners within the party. This shift from voting with the "Slave power," as some Whigs and many abolitionists contended, to voting against party interests underscored how loyalties to state and party fluctuated. Wilmot thus represented the antislavery potential of Free Soil Democrats in places like Pennsylvania, and justified his position in this group of renegade Congressmen:

I will cheerfully stand by any organization established for the advancement of these principles, but if that is not enough, if it be further required that I shall submit in humble and slavish acquiescence to any organization based upon, and intended to promote the one object of slavery extension, then set me aside at once? I will never sustain any such organization, but will do all in my power to break it down.

The vote for Wilmot's Proviso did indeed create a break within the Democratic Party: for the first time, northern sectional interests presented a united front against southern slavery; "a dire omen," wrote the historian James McPherson. And although the Proviso failed to pass in the Senate, where southern slavers were disproportionately represented, Wilmot's Proviso certainly rocked the political landscape because it reconceptualized the

borders between slavery and freedom in new territories, which as a consequence fanned the flames of slavery's insidious presences in the lower north, particularly Pennsylvania; notably, both houses of the Pennsylvania state legislature approved of the Proviso. An editorialist for the *Pennsylvania Freeman* warned northerners not to remain idle while the slave power bound slavery to the freeing of Mexican lands; furthermore, all Americans, especially proslavery politicians and indifferent northerners, needed to "see in the Wilmot Proviso the 'hand-writing on the wall' ... There is a point beyond which even Northern subserviency [sic] dare not go." That a Pennsylvania politician exposed and exploited this rift meant showed yet again how central the state of Pennsylvania as a whole was to preserving or dissolving interstate comity between slave and free states.⁵⁸

Pennsylvania and the Election of 1846

The 1846 election season in Pennsylvania proved fateful for the history of freedom and slavery in the state. The state's Whig Party linked Democratic ambivalence regarding the tariff of 1846 to the threats posed by the "southern slavery performances" of Dallas, Polk, and Walker. On the first issue, state Democrats were plagued by dissension in the national Congress. That some Democrats voted for the tariff and others against it, prompted Whigs to ask voters, "Which is the Democratic Party, both cannot be." These "changings and twistings" of the Democrats, claimed Philadelphia Whig Josiah Randall at a massive Whig rally on the eve of election day in October, distracted

⁵⁸ James H. Duff, "David Wilmot, the Statesman and Political leader," *Pennsylvania History: A Journal of Mid-Atlantic Studies*, Vol. 13, No. 4 (October, 1946), 283-289; Klein and Hoogenboom, 157; James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 52-60, esp. 52-53; Varon, 182-184; *Pennsylvania Freeman*, Nov. 19, 1846; *North American*, Nov. 18, 1846.

voters from the real issues at stake in the election: Polk and the Democrats “violated every pledge” regarding the protective tariff and “seized for subjugation what it had never dared to claim,” in other words, territory once controlled by Mexico. Philadelphia Whigs viewed the latter issue as essential to securing not only the votes of Pennsylvania Whigs, but Pennsylvania abolitionists who still believed in the efficacy of the political process. Unlike the 15,000 Whig abolitionists in New York who voted for the Liberty Party and gave Polk the presidency in 1844, Randall hoped that Whig abolitionists in Pennsylvania would not abandon their principles and leave the state legislature in the hands of the Democrats. Philadelphia Whigs applied the logic of sectionalism to the Democracy’s betrayal of Pennsylvania principles, which consisted of rejecting both the tariff of 1846 and the slave power. If Democrats on the national stage willingly betrayed these principles, pondered Philadelphia Whig Joseph R. Ingersoll, what would prevent Pennsylvania Democrats from “cringing to the footstool of the South”? The election of 1846 in Pennsylvania brought to the fore competing state, sectional, and party loyalties, and the Whigs capitalized on divisive national issues like the tariff and slavery’s expansion as a means to define both Pennsylvania states’ rights and future expectations.⁵⁹

The Whigs handily defeated the Democrats on Election Day. Not only did they elect 17 out of 24 seats in the national Congress (not surprising given that these were midterm elections), but the Whigs also took control of both houses of the Pennsylvania state legislature. The Democrats had enjoyed a four-member majority in the state Senate and a more than two-to-one majority in the state House of Representatives before the

⁵⁹ *North American*, Oct. 12, 1846; It is interesting to point out that PAS stalwart, now Alderman George Griscom represented the 2nd voting district at the Whig meeting; *Pottsville Miners’ Journal*, Oct. 3, 1846, in Snyder, 197; *Pennsylvania Freeman*, Oct. 8, 1846.

election. After the election, Whigs carried a four-member majority in the Senate and a twelve-member majority in the House. One commentator for the Whig *North American* explained these major power shifts in the legislatures as the logical extension of how Pennsylvanians regarded slavery:

The state of public sentiment at the North upon the subject of slavery need not and cannot be concealed. Every man, woman and child abhors it. And it has been ever so. The State of Pennsylvania, year after year, by the unanimous vote of its democratic legislature passed resolutions against it.

While claims of Pennsylvania's legislative unanimity on the subject of slavery defied historical reality, the point remained that the Whigs utilized antislavery tropes as a means to "protect [Pennsylvania] from the efforts made [by the South] to overwhelm her." Here the writer espoused Pennsylvania states' rights and the perception of Pennsylvania's antislavery legacy and projected these rights and this legacy onto Pennsylvania residents. Indeed, a writer for the *Pennsylvania Freeman* linked together the multifarious tools of Southern domination, noting that while many Pennsylvanians voted for Whig promises of "financial prosperity and political economy," – in other words, the Tariff of 1846 – "so far as the question of slavery was involved [in the election], humanity was triumphant" – the Whigs (and their Free Soil Democrat allies) appeared as a proto-sectional party willing to limit the spread of slavery. Thus, Pennsylvania abolitionists, white and black, viewed the overwhelming Whig victory in the state as a prime opportunity to abolish slavery in Pennsylvania.⁶⁰

Pennsylvania abolitionists greeted the Whig-dominated state legislature in January, 1847 with a petition designed "to prevent kidnapping, preserve the public peace,

⁶⁰ The Wilkes University Election Statistics Project, "Pennsylvania Election Statistics: 1682-2004," <http://staffweb.wilkes.edu/harold.cox/legis/indexlegis.html>; Snyder, 197; *North American*, Oct. 26-27, 1846; *Pennsylvania Freeman*, Oct. 22, 1846.

prohibit the exercise of certain powers heretofore exercised by Judges, Justices of the Peace, Aldermen and Jailors in this Commonwealth, and to repeal certain slave laws.”

While the substance of the petition remained unchanged from the previous year, the shift in political and public opinion made it extremely likely that some version of the bill would pass; “it behooves [Pennsylvania Whigs] ...to prove themselves worthy of the task” of rehabilitating Pennsylvania’s place in the Union, wrote a commentator for the *North American*. The Whigs wasted little time, and upon their return to Harrisburg they drafted and adopted a number of resolutions that supported Wilmot’s proviso; clear affronts to the southern designs to spread slavery west. More importantly, the Whigs elected two speakers who bore antislavery credentials. Speaker of the House James Cooper of Adams County and Speaker of the Senate Charles Gibbons. Cooper recently defended fugitive slaves in his home county and, according to the historian David G. Smith, espoused Pennsylvania’s nascent “free soil” doctrines, literally arguing during said trial that the “moment [the slaves] placed foot upon our soil, the shackles fell.”

Gibbons, who needed no introduction (see above), served as a counselor for the PAS. What the historian Thomas D. Morris called the “minimum of debate” on the way to the passage of the 1847 liberty law obscured this confluence of propitious events - the Tariff, the war with Mexico, Wilmot’s Proviso, and the Whig ascendancy in the state legislature – all of which were undergirded by the reality of fugitive slave life and the experiences and efforts of white and black abolitionists in Philadelphia.⁶¹

The Pennsylvania state legislature passed the bill “to prevent kidnapping, &c. &c.,” by the end of February, and on March 3rd, 1847, Democratic Governor Francis

⁶¹ PASS executive committee, Jan. 26 and Mar. 15, 1847; *Baltimore Sun*, Jan. 1, 1847; Morris, 118; *North American*, Oct. 26, 1846; Smith, 100-102; Mueller, 133-135.

Shunk signed it into law. As a states' rights document, the bill made slaves sales within the state illegal, rescinded state assistance for federal slave rendition under the 1793 Fugitive Slave Law, permitted judges to issue writs of habeas corpus "to inquire into the causes and legality of the arrest or imprisonment of any human being within this commonwealth," and perhaps most importantly, repealed a major component of Pennsylvania's 1780 gradual abolition act: slave masters were no longer permitted to bring their slaves with them to Pennsylvania for six months. Put simply, the 1847 act abolished slavery in Pennsylvania.⁶²

Those who influenced and informed white politicians' legislating on the bill in the first place – not only black and white abolitionists, but the runaways and kidnapping victims who experienced the consequences of freedom and slavery in Pennsylvania firsthand – skillfully outmaneuvered the forces arrayed against them, the local, state, and national slave powers, and assumed an aggressive yet nonpartisan states' rights posture to liberate Pennsylvania from the slaver-dominated federal government.⁶³

Conclusion

The passage of the 1847 act elicited a variety of responses that depended largely upon which side the writer stood regarding slavery, or more appropriately, on which side of the Mason-Dixon Line they lived. Pennsylvania abolitionists were, of course, thrilled by the act. The PAS wrote a letter thanking Charles Gibbons, who had informed them that the bill passed the Senate "without opposition." PASS members James and Lucretia

⁶² *North American*, Feb. 8, 1847; Morris, 118-119.

⁶³ *Ibid.*

Mott, who with Charles Burleigh acted as the main lobbyists for the bill in Harrisburg, cancelled their trip to the state capitol, no doubt elated that the act had “received the signature of the Governor, and is now a law of the State.” The Whig *North American* touted that “slavery in Pennsylvania has received its death blow.” A writer for the *Pennsylvania Freeman* even went so far as to encourage Southerners to bring their slaves to Pennsylvania in order to place their recovery “out of the question”; “the more they bring, under the new law, the better.” Unlike the previous decade in which Pennsylvanians debated allowing black emigrants, the 1847 law, at least according to the interpretation of Pennsylvania abolitionists, encouraged black emigration into the state, fugitive or free. These abolitionists, black and white, could rest assured, temporarily at least, that “the instant a slave treads on the soil of Pennsylvania, his freedom is in his own hands.” A final act of street diplomacy, the allies of freedom in Philadelphia outmaneuvered their slaver opponents and in essence, redefined Pennsylvania as a free state.⁶⁴

Slave-owners felt otherwise, calling the act a violation of interstate comity. A writer for the *Macon Weekly Telegraph* explained:

Here then is an act of Congress [the 1793 fugitive slave act] decided to be within the constitution by the supreme judicature of the Union, and which the Legislature of Pennsylvania abrogates within her limits, on grounds that put at defiance those rights of Southern property which are solemnly guaranteed by that instrument.

More than nullifying a Supreme Court decision, Pennsylvania and her “rabid abolitionists” violated the sacred compact of Union, that original compromise over, with, and for slavery. Contra slaveholders’ hopes, the *Pennsylvania Freeman* declared

⁶⁴ PAS 1.2, Mar. 25, 1847; PAS 5.48 Executive minutes, Mar. 15, 1847.

Pennsylvania a free state, one where black and white abolitionists would continue to spread the contagion of liberty “till the whole country shall become enlightened, and the public heart so changed that every vestige of slavery shall be swept from the land and from the face of the statute book.” Only a revised federal fugitive slave law could stand in their way.⁶⁵

⁶⁵ Morris, 119; *Macon Weekly telegraph*, Mar. 23, 1847. See also *Niles Register*, Mar. 20, 1847; *Liberator*, Mar. 19, 1847.

EPILOGUE

“THE FAMOUS GRASSHOPPER WAR”

"And whatever may still overtake me as fate and experience—a wandering will be therein, and a mountain-climbing: in the end one experienceth only oneself." – Friedrich Nietzsche

“Two children quarreled about a grasshopper, the women became enlisted for the children, and finally the men engaged in the quarrel, and commenced a war which occasioned the extermination of a great part of two tribes.”¹

“THE UNION MUST AND SHALL BE PRESERVED.” These words emblazoned the first page of a lengthy pamphlet published in November 1850 to commemorate the “Great Union Meeting” held in Philadelphia in the wake of the Compromise of 1850. Over 5,000 attendees of all political stripes affixed their names to this document, and shared the common goal of remaining committed to the Union of a half-free, half-slave society called the United States of America. The illustrious speakers who held the rostrum represented the best political expedients that Pennsylvania could offer the nation. John Sergeant, United States Senator, the proud defender of Pennsylvania states’ rights in Congress over the Missouri question, the PAS stalwart, and the key Whig leader who presided over the Pennsylvania state constitutional convention, reminded the audience that because the Union was created by “the whole of the united people of the United States,” all Americans must recognize the duties implicit in maintaining and enforcing the greatest product of the Union: the federal Constitution. To

¹ Noah Worcester to Roberts Vaux, Dec. 12, 1822, Vaux Family Papers (Collection 684), The Historical Society of Pennsylvania; See also Noah Worcester [Philo Pacificus], *The Friend of Peace* Volume IV (Cambridge: Hilliard, Metcalf, and Co., 1827), 361-364; John Witthoft, “The “Grasshopper War” Folktale,” *The Journal of American Folklore*, Vol. 66, No. 262 (Oct. - Dec., 1953), pp. 295-301. Thanks to my dissertation committee for helping me clarify some of my larger points, in particular, suggesting I revise my use of the term “brethren” to describe the bonds between free and enslaved peoples, changing how I interpret antebellum American’s assumptions and attitudes toward the “appropriate” and conditional state of black freedom, and forcing me to deal with the consequences of the 1850 Fugitive Slave Act.

Sergeant, Americans had “no choice about it.” George Mifflin Dallas, the former Vice President who sacrificed his state on the altar of slavery during the Tariff debates, echoed Sergeant on the “binding” effect of the Constitution, especially with the recent passage of the Fugitive Slave Bill. “For better [or] for worse,” the forefathers who consecrated the Union in Philadelphia demanded “a frank and fearless loyalty” to this bill. In keeping with northern Democrat doughfacism, Dallas’ loyalty depended on showing “our Southern brethren... a determination to enforce their rights.” These rights, the slaveholder’s right as a citizen of the Union, that solemn national compact that produced a Constitution and Fugitive Slave Bill, demolished the border between freedom and slavery, a brutal fact understood and experienced by African-Americans and their allies in Philadelphia.²

Throughout this dissertation I have grappled with the question of when slavery ended in Pennsylvania. Faced with the choice of echoing the traditional periodization of 1865 or the more transgressive periodizations that link antebellum slavery to postwar debt peonage and in our own time, mass incarceration, my interpretation falls into the latter camp, as I view the history of slavery in Pennsylvania as a process of transposition. That is, similar to how a conductor might transpose a piece of music by adjusting the key while at the same time maintaining the instant familiarity of the song’s melody, the work of transposing slavery in Pennsylvania became a series of intertwined victories and defeats for both antislavery and proslavery forces from 1820 to 1847. In addition, while this study does not delve into the traditional crises of the 1850s, those fugitive events that transpired in Philadelphia prior to the Civil War in that decade merely represent the final

² John M. Scott, *Proceedings of the Great Union Meeting* (Philadelphia: B. Mifflin, 1850) 5, 9-11; see also Dallas’ letter in *Daily National Intelligencer*, Nov. 21, 1850.

battles at the tail end of a decades'-long war fought by the residents of Philadelphia, black and white. The specter of the 1850 Fugitive Slave Act haunted the major and minor players in the political worlds of Philadelphia, and proved how national politicians privileged interstate comity in the interests of maintaining the Union while skillfully overlooking or flat-out ignoring the tempest of the fugitive slave crisis that stormed across Philadelphia from 1820-1847.³

I have argued that African-Americans bore the burden of freedom and slavery, and thus bore the burden of the Union through incidents I referred to as “street diplomacy,” those up close and personal struggles over freedom and slavery that had local, state, and national ramifications during the antebellum era. In chapter one I emphasized how the kidnapping and legal fugitive renditions of African-Americans often became conflated through the machinations of slave-owners and professional slave catchers. With this nefarious forces running amuck over porous geographical borders, African-Americans who lived in Philadelphia possessed an ostensible freedom that bound their fates to enslaved people in the slave states. African-Americans lobbied their white

³ Samuel May and William Still's accounts of the fugitive slave crisis remain the two best primary sources that explain how the Fugitive Slave Act operated in Philadelphia during the 1850s. May's account corroborates much of the information on offer from the National Archives digital and print sources relating to the Fugitive Slave Act. However, as I learned from the archivist Jefferson Moak while interning at the National Archives and Records Administration's Mid-Atlantic Regional Branch, most federal records pertaining to the Fugitive Slave Act in Philadelphia do not exist at that facility because Federal Slave Commissioners either lost, kept, or destroyed those court records as well as their personal notes. Witness the paucity of sources by visiting NARA or their website “Fugitive Slave Case Files, 1850-1860,” National Archives and Records Administration, accessed February 23, 2017, <https://catalog.archives.gov/id/279005>. Equally valuable, Still's work deserves continued scholarly attention. See Samuel May, *The Fugitive Slave Law and its Victims* (Freeport: Books for Libraries Press, 1970) and William Still, *The Underground Rail Road: A Record of Facts, Authentic Narratives, Letters, &c., narrating the Hardships, Hair-breadth Escapes and Death Struggles of the Slaves in their Efforts for Freedom, as related by themselves and others, or witnessed by the author, together with sketches of the largest stockholders and most liberal aiders and advisers, of the Road* (Medford: Plexus Publishing, Inc. 2005). On transgressing historiographical boundaries, see Steven Hahn, *The Political Worlds of Slavery and Freedom* (Cambridge: Harvard University Press, 2009). Thanks to Andrew Isenberg for encouraging me to “transgress as many boundaries as possible” while writing my dissertation.

allies to convince Pennsylvania politicians to pass a harsh liberty law to remedy these abuses and realities of living while black in the Keystone state. That white politicians succeeded in these efforts that originated from below indicated not only the efficacy of black and white political activism, but also how local incidents of kidnapping and runaway slave renditions in Philadelphia influenced state politics in the midst of a national debate over the expansion of slavery: namely, the Missouri Compromise.

My second chapter analyzed the new crises created by how slave-owners and abolitionists interpreted and implemented both the 1793 Fugitive slave law and the 1820 state liberty law. Philadelphia's African-American community developed and improvised methods with or without the help of their white allies in order to force slave-owners and their agents to take bolder and bolder steps to secure their "property." All of these struggles between fugitives, freed people, free people, and slave-catchers illustrated not only the waning strength of "interstate diplomacy," but also how battles over comity at the street level again drove the politics of slavery in Pennsylvania. Discontented and outmaneuvered by African-Americans and their white allies in Philadelphia, southern slave-owners pressured Pennsylvania lawmakers to revise Pennsylvania state law. Thus the 1826 liberty law emerged from the slow breakdown of friendly relations between Pennsylvania and the slave states, in this case, Maryland. That Pennsylvania politicians crafted this bill with the help of Maryland slave-holders indicated how state and federal law became blurred and at times, powerless in the face of restive African-Americans and their white allies.

In chapters three and four I interrogated the ongoing question of black freedom through the lenses of rescues and riots. Black Philadelphians embarked on rescue

attempts because they, unlike the majority of white Philadelphia, presumed the freedom of any African-American seized on the streets. Furthermore, these scenes of a black person being dragged down the street elicited a number of responses – most of the time, diffidence or indifference from the white population – but these reactions boiled down to the appropriate state of servitude imagined by white bystanders: that the African-American in question was a runaway slave. While African-Americans and their allies presented mountains of evidence to prove otherwise, sometimes even succeeding in bringing back kidnapping victims under the guise of harmonious interstate relationships, these assumptions eventually forced white Pennsylvanians to make concessions to the south. In the wake of the Turner rebellion, some white Philadelphians went so far as to pledge their loyalty to the slave south by promising to arm themselves and venture southward to suppress future slave revolts. These concessions took the form of anti-black riots and the dumping of abolitionist literature propagated by immediate abolitionists.

The next chapter further examined the tumultuous effects of immediate abolitionism in Philadelphia. The tireless efforts of abolitionists Thomas Shipley and Robert Purvis forged and maintained close relationships with the black community acted as a springboard for the Underground Railroad. Yet despite the success of covert or overt missions to protect fugitives in Pennsylvania, and despite the election of an antislavery governor, Pennsylvania politicians denied African-Americans political equality in the state by denying jury trials for fugitives and disenfranchising free blacks. Making matters worse, the burning of Pennsylvania Hall and the attacks on black self-improvement during the Lombard street riots did little to relieve the burden of the Union placed squarely on the backs of black Philadelphians. This burden legitimized brutality directed

toward African-Americans Under the guise of preserving the Union. Finally, against the best efforts of Supreme Court, the *Prigg* decision fueled the continuing conflict over freedom and slavery in Pennsylvania by nullifying the state's 1826 law while at the same time, leaving open the possibility that additional state legislation could ameliorate state officials growing unwillingness to deal with fugitive slaves, legitimate or otherwise.

The concluding chapter explained how the efforts of black and white abolitionists bore fruit with the passage of the 1847 liberty law, which for all intents and purposes made state interference with federal slavery null and void, and in a larger sense, transformed Pennsylvania into a free state. Similar to the passage of the 1820 liberty law, the 1847 liberty law met at the confluence of local, state, and national politics; all three realms the lifeblood of a street diplomacy initiated at the ground level by fugitive slaves and their allies. That the fugitive slave had allies at all in Pennsylvania was not so much an achievement as it was a massive blow against the forces inside and outside of the state, typically Democrats, who hoped to perpetuate slavery by raising the bloody flag of Union. The outbreak of war with Mexico, the debates over the Walker Tariff, and the Wilmot Proviso forced Pennsylvanians to reconsider their place in the nation, and more importantly, decide whether Pennsylvania states' rights or slaveholder's federal rights would remain supreme in the state. With the help and support of Whig politicians and their abolitionist allies, the 1847 liberty law passed in favor Pennsylvania states' rights, and African-Americans achieved at the state level what politicians over the next decade could not achieve at the national level: the abolition of slavery.

The struggles experienced by African-Americans in Pennsylvania in general and Philadelphia in particular revealed that hard-fought compromises over slavery produced

short-lived victories for freedom. These victories emerged through the process of street diplomacy, in which local, state, and national concerns were shaped by the contested battleground and porous borders of slavery and freedom in Pennsylvania. Pennsylvania politicians who attempted to prevent the spread of slavery could only do so by compromising with southern slave-owners – hardly a compromise, especially when the latter group threatened to secede from the Union that protected their rights to own and hunt human beings. The 1850 Fugitive Slave Act represented the desperate attempt by politicians to pledge their love and loyalty to the Union, and as such, these same politicians failed to learn the lesson of African-American life in Pennsylvania from 1820-1847: compromising with slavery inexorably led to violent conflict. These conflicts through compromise destroyed the Second Party System, reified the social, political, and racial inequality of African-Americans through the Dred Scott decision, and elected a President who refused to accept the expansion of slavery as the basis of the Union. The Civil War became street diplomacy writ large; yet slavery in all its intricacies could never completely fade away in America – or the world. Perhaps we are merely living in the shadow of the charge made by Robert Purvis in 1865, “to remain at your post until slavery goes down so effectually that about it we can have no question or doubt.” Questioning slavery’s origins, purposes, politics, and realities today remains paramount if historians hope to realize the brute fact of slavery long, long ago.⁴

⁴ *National Anti-Slavery Standard*, May 20, 1865.

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