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Select Poetry.

LOSSES.

BY FRANCES BROWNE.

Upon the white sea sand
There sat a pilgrim band,
Telling the losses that their lives had known,
While evening waned away
From breezy cliff and bay,
And the strong tide went out with weary moan.

One spake, with quivering lip,
Of a fair freighted ship,
With all his household to the deep gone down;
But one had wilder woe,
For a fair face, long ago
Lost in the darker depths of a great town.

There were who mourned their youth
With a most loving ruth,
For its brave hopes and memories ever green:
And one upon the West
Turned an eye that would not rest,
For far off hill whereon its joy had been.

Some talked of vanished gold;
Some of proud honors told;
Some spake of friends that were their trust no more;
And one of a green grave
Beside a foreign wave,
That made him sit so lonely on the shore.

But when their tales were done,
There spake among them one—
A stranger—seeming from all sorrow free:
"Sad losses have ye met;
But mine is heavier yet;
For a believing heart hath gone from me."

"Alas!" these pilgrims said,
"For the living and the dead;
For fortune's cruelty, for love's sure cross,
For the wrecks of land and sea!
But howe'er it came to thee,
Thine, stranger, is life's last and heaviest loss."

From the Philadelphia Sun.

Passmore Williamson Again Free.

It afforded us infinite satisfaction last week to find that PASSMORE WILLIAMSON and his legal advisers took our view in relation to the order filed in the U. S. District Court by Judge Kane, on the 29th ult., and thereupon on Friday presented a petition to the Court, which set forth,

That he desires to purge himself of the contempt because of which he is now attached, and to that end is willing to make true answers to such interrogatories as may be addressed to him by the Court touching the matter heretofore inquired of by the writ of Habeas Corpus to him directed at the relation of John H. Wheeler. Whereof he prays that he may be permitted to purge himself of said contempt, in making true answers to such interrogatories as may be addressed to him by the Hon. Court touching the premises.

In order to understand plainly the relative position on the Judge and the petitioner, it is necessary to look back at the record of the transaction. When the writ of Habeas Corpus was issued to PASSMORE WILLIAMSON his return was as follows:

"That Jane, Daniel, and Isaiah, or by whatever names they may be called, nor either of them, are nor now, nor was at the time of the issuing of said writ or the original writ, or at any other time, in the custody, power or possession of, nor confined nor restrained their liberty by him, the said Passmore Williamson, therefore he cannot have the bodies of the said Jane, Daniel and Isaiah, or either of them, before your honor, as by the within writ he is commanded."

Now let us take Judge Kane's own account of the matter, as given in his decision on the 29th July:

"At the hearing I allowed the relator to traverse this return: and several witnesses, who were asked by him, testified to the facts as I have recited them. The District Attorney, upon this state of facts, moved for Williamson's commitment—1. for contempt in making a false return; 2. to take his trial for perjury.

"Mr. Williamson then took the stand to purge himself of contempt. He admitted the facts substantially as in proof before; made it plain that he had been adviser of the project, and had given it his confederate sanction throughout. He renewed his denial that he had control, at any time, over the movements of the slaves, or knew their present whereabouts. Such is the case, as it was before me on th hearing.

"I cannot look upon this return otherwise than as illusory—in legal phrase, as evasive, if not false. It sets out that the alleged prisoners, are not now, and have not been since the issue of the Habeas Corpus, in the custody, power or possession of the respondent and in so far, it uses legally appropriate language for such a return. But it goes further, and by added words gives an interpretation to that language essentially variant from its legal import.

It denies that the prisoners were within his power, custody or possession *at any time whatever*. Now, the evidence of respectable, uncontradicted witnesses, and the admission of the respondent himself, establish the fact beyond controversy, that the prisoners, were at one time within his power and control. He was the person by whose counsel the so-called rescue was devised. He gave the directions, and hastened to the pier to stimulate and supervise their execution. He was the spokesman and the first actor after arriving there. Of all the parties to the act of violence, he was the only white man, the only citizen, the only individual having recognized political rights, the only person whose social training could certainly interpret either his own duties or the rights of others under the Constitution of the land.

It would be futile, and worse, to argue that he who has organized and guided, and headed a mob, to effect the abduction and imprisonment of others—he in whose presence and by whose active influence the abduction and imprisonment have been brought about—might excuse himself from responsibility by the assertion that it was not his hand that made the unlawful assault, or that he never acted as the gaoler. He who unites with others to commit a crime, shares with them all the legal liabilities that attend on its commission. He chooses his company and adopts their acts."

This was the substance of Judge Kane's remarks, and for these reasons Passmore Williamson was consigned to prison until he should purge himself of the contempt, which consisted in saying that the "prisoners" were not within his power, custody or possession, *at any time whatever*, when according to the Judge's interpretation of the evidence, it was established beyond controversy that they were at onetime within his power or control. For this "contempt" Mr. Williamson remained incarcerated from July 27th to November 3d, when he came into Court with the petition above recited, and Judge Kane then addressed him as follows:

"Passmore Williamson—The Court has received your petition, and upon consideration thereof, have thought right to grant the prayer thereof. You will therefore make here, in open court, your solemn affirmation, that in the return heretofore made by you to the writ of habeas corpus which issued from this court at the relation of John H. Wheeler, and to the proceeding consequent thereupon, you have not intended a contempt of this Court or of its process: Moreover, that you are now willing to make true answers to such interrogatories as may be addressed to you by the Court, touching the premises inquired of in the said writ of habeas corpus"

Here was permission granted to do exactly what Mr. Williamson, three months before, had fully performed to the extent of his ability. He had, through Charles Gilpin, Esq., his counsel, said he "had complied with the usual form in making a return to the habeas corpus, and had denied the custody now or at any time. If not deemed sufficient, it would be necessary to take other steps or other forms. The prosecution had his remedy in civil action for damages against the offending parties," and that he "desired to put in a complete return, and then be permitted to go without bail as having made sufficient answer." The man who complied with all the usual forms, and expressed his desire to put in a complete return, and answered all questions propounded to him before he was sent to prison, is graciously permitted to swear that he intended no contempt, and is willing not to perjure himself in the premises! This affirmation having been made in the form indicated by the Judge, he asked District Attorney Van Dyke if he had any suggestion to make, and of course Mr. Van Dyke desired to propound a question, which the Judge directed him to submit to Williamson's counsel, which was done in writing, as follows:

"Did you, at the time of the service of the writ of habeas corpus, at the relation of John H. Wheeler, or at any time during the period intervening between the service of said writ and the making of your return thereto, seek to obey the mandate of said writ, by bringing before the Honorable Court the persons of the slaves therein mentioned?

"If to this interrogatory you answer in the affirmative state fully and particularly the mode in which you sought so to obey said writ, and all that you did tending to that end."

Mr. GILPIN then said Mr. WILLIAMSON was perfectly willing to answer the interrogatory submitted to the District Attorney, but as he did not know what other interrogatories might follow this, he thought it best that it and its answer should be filed. Mr. VAN DYKE said he was willing either to file the interrogatory or to submit it for an immediate reply. Mr. GILPIN and Judge KANE both remarked that they had understood the District Attorney to intimate that if the question propounded was answered in the affirmative he would be satisfied. The Court further said that it was for the petitioner to make his election whether or not the interrogatories and the replies should be filed. After consultation, the counsel of Mr. WILLIAMSON elected to have the interrogatories and answers filed; Mr. VAN DYKE accordingly filed the interrogatory, and Mr. WILLIAMSON and his counsel then retired to deliberate. After a brief absence they returned and Mr. GILPIN read an answer, but Mr. VAN DYKE objected to its form, as evasive and not a simple answer "yea" or "nay" to the query. Judge KANE said the answer was liable to exceptions, but he thought the same matter might be so expressed as to relieve it from all objections; that the answer to the first clause was a distinct negative, but that Mr. WILLIAMSON had a perfect right to explain the answer in such a manner as he deemed necessary. The Judge was also of opinion that the answer to the second clause might likewise be coupled with an explanation, for if the defendant were to simply reply "no" to it, he migh. then be charged with contempt in not seeking to obey the mandate of the Court, and therefore he had a right to explain that he thought it useless to make search after the negroes. The answer of Mr. WILLIAMSON was as follows:

"I did not seek to obey the writ by producing the persons therein mentioned before Court because I had not, at the time of the service of the writ, the power over, the custody or control of them, and therefore it was impossible for me to do so. I first heard of the writ of habeas corpus on Friday, July 20, between 1 and 2 o'clock, A. M., on my return from Harrisburg. After breakfast, about 9 o'clock, I went from my house to Mr. Hopper's office, when and where the return was prepared.

"At 10 o'clock I came into Court, as commanded by the writ. I sought to obey the writ, by answering it truly; the parties not being in my possession or control, it was impossible for me to obey the writ by producing them. Since the service of the writ I have not had the custody, possession or power over them; nor have I known where they were, except from common rumor or the newspaper reports in regard to their public appearance in the city or elsewhere."

Upon the reception of this answer, quite an animated discussion ensued. Mr. VAN DYKE objected to it as evasive and deceptive, because WILLIAMSON was asked to state whether at any time since the service of the writ and the return, he had sought to obey its mandates, and if so, in what manner, and he argued that the answer was not in the terms of the query, and therefore not a clear, full, and unevasive answer. He asked that the interrogatory be again propounded to the respondent to answer it directly, one way or the other, in the terms of the interrogatory, first, whether he did seek to obey the mandate of the writ, and, if so, then state to the Court the manner in which he sought to obey its mandates. That there can be no misapprehension as to the meaning of the terms he had used in the interrogatory, the answer should be yea or nay; if yea, then how; if nay, there is an end to the question. If the terms of the interrogatory were not definite, it was the duty of the defendant's counsel to object to them and let them be amended. Mr. GILPIN said that he did not understand that where an interrogatory was put to a party before the Court, with a view to purge himself, or elicit further information, the contents of the return were to be answered simply yea or nay, without being permitted, in connection with the answer, to give facts explanatory of the yea or nay, and to inform the Court of the facts arising out of the terms put in the writ; and if, therefore, a defective form of inquiry be used in the interrogatory, it is not for the respondent, placed in a peculiar position, to correct the terms of the interrogatory. If the interrogatory be defective, by the ordinary rule of pleading, the party first in default must go back again and correct his error. Mr. VAN DYKE offered to alter the form of the interrogatory, but Mr. GILPIN said it had not yet been objected to, and that two questions had been propounded: First, as to whether the defendant had sought to obey the writ; and secondly, *how*. If the answer was full, it was only such as was necessary to explanation. If the reply was not responsive, it was not for the want of an honest effort to make it so. The desire not to evade was at least evident.

Judge Kane gave it as his impression that a direct answer could be given thus: "I did not, at the time indicated in the first branch of the question, seek to obey the mandate of the writ by bringing into Court the persons of the slaves therein mentioned, *because*, &c." And "I did not so seek, *because*, &c." Mr. Meredith said the difficulty arose from the ambiguity about the word "seek," and he could not see what answer the defendant could make other than that offered. He had no control over the slaves. He explains so, and gives a direct answer to the question asked him. Judge Kane said he was as anxious as any one to throw no unnecessary difficulty in the way of the settlement of this matter. The District Attorney had a right to explain his meaning for the word as he had applied it. Mr. Meredith said he would suppose a case of a person commanded to produce the body of a person he never saw. How could he reply to the question "Did you seek for him?" Judge Kane said the reply proper in such a case, would be, "I did not seek, because," &c. Mr. Van Dyke said he took the dictionary meaning of the word "seek." If it were necessary to add the definitions of Walker and other lexicographers, he would do so. He defined the word as he understood its meaning. Judge Kane again repeated the opinion that if there was anything equivocal about the interrogatory, the defendan should say so. If it was not equivocal, he should answer directly in the affirmative or negative, and add his reasons for doing so. The Judge thought the difficulty could be easily overcome by amending the answer, and at the suggestion of the Court, it was amended in the following manner:

"I did not seek to obey the writ by producing the persons in the writ mentioned before this Court.

"I did not so seek, because I verily believed that it was entirely impossible for me to produce the said persons agreeably to the command of the Court."

The answer in this form was then accepted by the Court, and ordered to be filed, and we might suppose the difficulty would end here, but Mr. Van Dyke submitted another interrogatory, the effect of which was to inquire of Mr. Williamson whether or not he had made any mental reservation in the answer already made to the interrogatory propounded. But Judge Kane, without waiting for any objection to this interrogatory, overruled it, saying he considered it objectionable, as the answer of the defendant must be taken as a matter of course, and no inquiry could be made such as that contemplated by the interrogatory. Mr. VAN DYKE then withdrew this interrogatory, but offered another, which was also overruled, as it tended to elicit such replies as had already been objected to, and so Mr. Van Dyke also withdrew that, and Judge Kane remarked that the District Attorney had been invited to aid the Court in this case, but that he would bear in mind that his relation to Mr. Wheeler was now suspended. This was only an inquiry as to what injury had been done the process of the Court. Mr. Van Dyke said he was aware of the position he occupied. Judge Kane then declared: "The contempt is now regarded as purged and the party is released from custody. He is now reinstated to the position he occupied before the contempt was committed. Mr. Williamson is now before me on the return to the writ."

Mr. Van Dyke, who in this affar has exercised the dual position of a federal prosecuting officer and the private counsel for Col. Wheeler, then laid down the dignity of his District Attorneyship, and appearing as the counsel for the Colonel, said suit had been brought by his client against Passmore Williamson in the Circuit Court, for the recovery of damages. These closing remarks of Mr. Van Dyke will be found in our local columns, after the delivery of which Mr. Meredith asked the Court, "Is Mr. Williamson discharged?" to which Judge Kane replied, "He is—I understand from the remarks of the District Attorney, that a *nolle prosequi* has been entered in the case in this Court," and so Passmore Williamson was exempted from the judicial restraint which he has borne with firmness and dignity. Will our readers study the facts of this case? Look at the lenity of Judge Kane now, compared with his acrimony and despotism last July, and say if this Passmore Williamson case has not inflicted as deep a stain upon his judicial character as his notorious politcal letter of 1844 did upon his private reputation! What has Passmore Williamson conceded; what done now which he refused to do formerly? Nothing, absolutely nothing! How, then, is the deep wrong, the marked indignity, and the shameful outrage he has suffered, to be repaired? Regard this question, America freemen, as its importance demands; for you or we may be the next victims of such despotic power.

A GOOD SUGGESTION.

Our friend, Mr. D. Amen, of Haland Co., writing to us on private business says:

"I notice a suggestion in your paper of the 26th ult., proposing to petition Congress to impeach Judge Kane, which I think a very good one. Would it not be well if some one would prepare a concise and plain statement of the Passmore Williamson case, in a pamphlet form, so that the people generally may get a right view of it; which I think they have not done, from the manner in which many papers have noticed it, (many not saying anything about it at all.")

This is a good suggestion. The Williamson case is one of transcendent importance. He is now the representative of a principle which involves in its issue nothing less than the personal liberty of every man and woman in the nation. If Judge Kane is sustained in his tyranical usurpation, then every man's liberty is at the mercy of United States Judges. Nothing less than this solemn impeachment will vindicate insulted justice, and deter other judicial tyrants from like aggressions. But that the people may be induced to petition generally for this object, they must be well informed of the facts in the case, and of the importance of the issue involved. Hence the necessity of such a statement of the case for general circulation, as our correspondent suggests. Will not some one competent to the task prepare and publish it?—*Free Presbyterian.*

☞ There is hope for the poor! Thanks to the God of the poor for the generous harvest from his hand. The coming winter is already disarmed of much of its dread, and the nightmare of corroding care sits less heavily upon tens of thousands of weary ones.—There are not so many quivering lips when the young are looked upon, for a little deduction in the price of bread when earnings are so scanty, lets many a hope beam into the dark places.

The famine manufacturers are at fault. Earth's unbosomed wealth has been so generally bestowed, that these sharks can make less of human woe. Plenty is holding a carnival and the joy of harvest fullness is everywhere. Famine himself is compelled to eat and forget his dismal croakings and haggard mien.

It is most time for the annual giving down of stereotyped gospel about remembering the poor. And a blessed gospel it is too, the gospel of the Christ who was himself so *poor*, but, more preached, we fear, than practised. It is easier to say good thing than to do good deeds. Many there are—and may God bless them everywhere!—who go about doing good. Others want their good deeds duly recorded on the book of their "Society" and read of all. But let each of us, dear friends, be a society of our own; and whenever we find the needy, give them generously of what God hath given us. The acts will be forgotten. By the side of warm prayers they will all be found on record at last.

Take stock in Heaven!—Cayuga Chief.

☞ Wanted. A fifer and a drummer to beat time for the march of intellect.

A pair of snuffers for the light of other days.

A loose pulley to work the shaft of envy.

A ring that will fit the finger of scorn.

A new cushion for the seat of government.

The notes to the tune the old cow died on.

A tooth from the Silver Lake Sea Serpent.

☞ "Martha, have you hung up the clothes!"

"No madam, I placed them in state of suspension—being vulgar