

Fugitive Slave Act of 1850

The **Fugitive Slave Law** or **Fugitive Slave Act** was passed by the United States Congress on September 18, 1850, as part of the Compromise of 1850 between Southern slave-holding interests and Northern Free-Soilers. This was one of the most controversial acts of the 1850 compromise and heightened Northern fears of a "slave power conspiracy". It declared that all runaway slaves were, upon capture, to be returned to their masters. Abolitionists nicknamed it the "Bloodhound Law" for the dogs that were used to track down runaway slaves.^[1]

Background

By 1843, several hundred slaves a year were successfully escaping to the North, making slavery an unstable institution in the border states.^[2]

The earlier Fugitive Slave Act of 1793 was a Federal law which was written with the intention of enforcing Article 4, Section 2 of the United States Constitution, which required the return of runaway slaves. It sought to force the authorities in free states to return fugitive slaves to their masters.

Many Northern states sought to circumvent the Fugitive Slave Act. Some jurisdictions passed "personal liberty laws", mandating a jury trial before alleged fugitive slaves could be moved and others forbade the use of local jails or the assistance of state officials in the arrest or return of alleged fugitive slaves. In some cases, juries refused to convict individuals who had been indicted under the Federal law.

The Missouri Supreme Court routinely held that voluntary transportation of slaves into free states, with the intent of residing there permanently or definitely, automatically made them free.^[3] The Fugitive Slave Law dealt with slaves who went into free states without their master's consent. The U.S. Supreme Court ruled, in *Prigg v. Pennsylvania* (1842), that states did not have to offer aid in the hunting or recapture of slaves, greatly weakening the law of 1793.

After 1840, the black population of rural Cass County, Michigan, grew rapidly as families were attracted by white defiance of discriminatory laws, by numerous highly supportive Quakers, and by low-priced land. Free and runaway blacks found Cass County a haven. Their good fortune attracted the attention of southern slaveholders. In 1847 and 1849, planters from Bourbon and Boone Counties in northern Kentucky led raids into Cass County to recapture runaway slaves. The raids failed of their objective but strengthened Southern demands for passage of the Fugitive Slave Act in 1850.^[4]

CAUTION!!
COLORED PEOPLE
OF BOSTON, ONE & ALL,
 You are hereby respectfully CAUTIONED and advised, to avoid conversing with the
Watchmen and Police Officers
of Boston,
 For since the recent ORDER OF THE MAYOR & ALDERMEN, they are empowered to act as
KIDNAPPERS
 AND
Slave Catchers,
 And they have already been actually employed in KIDNAPPING, CATCHING, AND KEEPING SLAVES. Therefore, if you value your LIBERTY, and the Welfare of the Fugitives among you, Shun them in every possible manner, as so many HOUNDS on the track of the most unfortunate of your race.
Keep a Sharp Look Out for KIDNAPPERS, and have TOP EYE open.
APRIL 24, 1851.

An April 24, 1851 poster warning the "colored people of Boston" about policemen acting as slave catchers.

New law

In response to the weakening of the original fugitive slave act, the Fugitive Slave Law of 1850 made any Federal marshal or other official who did not arrest an alleged runaway slave liable to a fine of \$1,000. Law-enforcement officials everywhere now had a duty to arrest anyone suspected of being a runaway slave on no more evidence than a claimant's sworn testimony of ownership. The suspected slave could not ask for a jury trial or testify on his or her own behalf. In addition, any person aiding a runaway slave by providing food or shelter was subject to six months' imprisonment and a \$1,000 fine. Officers who captured a fugitive slave were entitled to a bonus or promotion for their work. Slave owners only needed to supply an affidavit to a Federal marshal to capture an escaped slave. Since any suspected slave was not eligible for a trial this led to many free blacks being conscripted into slavery as they had no rights in court and could not defend themselves against accusations.^[5]

Nullification

In 1854, the Wisconsin Supreme Court became the only state high court to declare the Fugitive Slave Act unconstitutional, as a result of a case involving fugitive slave Joshua Glover, and Sherman Booth, who led efforts that thwarted Glover's recapture. Ultimately, in 1859 in *Ableman v. Booth* the U.S. Supreme Court overruled the state court.^[6]

In November 1850, the Vermont legislature approved the "Habeas Corpus Law," requiring Vermont judicial and law enforcement officials to assist captured fugitive slaves. This law rendered the federal Fugitive Slave Act effectively unenforceable in Vermont and caused a storm of controversy nationally because it was a "nullification" of federal law, a concept that had become highly charged in debates over slavery. The famous poet and abolitionist John Greenleaf Whittier had called for such laws and the Whittier controversy heightened angry pro-slavery reactions to the Vermont law. Virginia governor John B. Floyd warned that nullification could push the South toward secession, while President Millard Fillmore threatened to use the army to enforce the Fugitive Slave Act in Vermont. No actual events followed in Vermont, but the rhetoric of this flare-up echoed South Carolina's 1832 nullification crisis and in Thomas Jefferson's 1798 Kentucky Resolutions.^[7]

"Jury nullification" took effect as local juries acquitted men accused of violating the law. Secretary of State Daniel Webster was a key supporter of the law as expressed in his famous "Seventh of March" speech. He wanted high profile convictions. The jury nullifications ruined his presidential aspirations and his last-ditch efforts to find a compromise between North and South. Webster led the prosecution when defendants were accused of rescuing Shadrach Minkins in 1851 from Boston officials who intended to return Minkins to his owner; the juries convicted none of the men. Webster sought to enforce a law that was extremely unpopular in the North, and his Whig Party passed over him again when they chose a presidential nominee in 1852.^[8]

Effects

The Fugitive Slave Law brought the issue home to anti-slavery citizens in the North as it made them and their institutions responsible for enforcing slavery. Moderate abolitionists were now faced with the immediate choice of defying what they believed to be an unjust law or breaking with their own consciences and beliefs. One response was the writing of *Uncle Tom's Cabin* by Harriet Beecher Stowe (1852).^{[9][10]} The Fugitive Slave Act brought a defiant response from abolitionists. Reverend Luther Lee, pastor of the Wesleyan Methodist Church of Syracuse, New York wrote in 1855:

<p>I never would obey it. I had assisted thirty slaves to escape to Canada during the last month. If the authorities wanted anything of me, my residence was at 39 Onondaga Street. I would admit that and they could take me and lock me up in the Penitentiary on the hill; but if they did such a foolish thing as that I had friends enough on Onondaga County to level it to the ground before the next morning. The slaves could no longer take control over what they could never imagine.</p>

[11][12]

This was far from empty rhetoric; several years before, in the Jerry Rescue, Syracuse abolitionists did free by force a fugitive slave who was about to be sent back into the South and successfully smuggled him to Canada.^[13] The case of Anthony Burns was an example of an unsuccessful attempt by opponents of the Fugitive Slave Law using force to free a captured slave.^[14] Other famous examples include Shadrach Minkins in 1851 and Lucy Bagby in 1861, whose forcible return in 1861 has been cited by historians as important and "allegorical."^[15]

Other opponents, such as African American leader Harriet Tubman, simply treated the law as just another complication in their activities. The most important reaction was making the neighboring country of Canada the main destination of choice for runaway slaves.

With the outbreak of the American Civil War, General Benjamin Butler justified refusing to return runaway slaves in accordance to this law because the Union and the Confederacy were at war: the slaves could be confiscated and set free as contraband of war.^[16]

Notes

- [1] Nevins (1947)
- [2] Nevins (1947)
- [3] Stamp, Kenneth M. (1990). *America in 1857: A nation on the Brink*. Oxford University Press. p. 84. "Missouri courts on a number of occasions had granted freedom to slaves whose owners had taken them for long periods of residence in free states or territories"
- [4] Wilson, Benjamin C. (1976). "Kentucky Kidnappers, Fugitives, and Abolitionists in Antebellum Cass County Michigan". *Michigan History* **60** (4): 339–358.
- [5] Meltzer, Milton (1971). *Slavery: a world history* (<http://books.google.com/books?id=8qMc-y3ya9UC>). New York: Da Capo Press. p. 225. ISBN 978-0-306-80536-3. .
- [6] "Booth, Sherman Miller 1812 - 1904" (http://www.wisconsinhistory.org/dictionary/index.asp?action=view&term_id=2485&keyword=booth). *Dictionary of Wisconsin biography*. =wisconsinhistory.org. 2011. . Retrieved June 28, 2011.
- [7] Houston, Horace K., Jr. (2004). "Another Nullification Crisis: Vermont's 1850 Habeas Corpus Law". *New England Quarterly* **77** (2): 252–272. JSTOR 1559746.
- [8] Collison, Gary (1995). "'This Flagitious Offense': Daniel Webster and the Shadrach Rescue Cases, 1851-1852". *New England Quarterly* **68** (4): 609–625. JSTOR 365877.
- [9] HEDRICK, JOAN D. (1994). *Harriet Beecher Stowe: a life* (<http://books.google.com/books?id=t18m84E2iFkC>). New York: Oxford University Press. ISBN 978-0-19-509639-2. .
- [10] Hedrick, Joan D.. "Stowe's Life and Uncle Tom's Cabin" (<http://utc.iath.virginia.edu/interpret/exhibits/hedrick/hedrick.html>). *utc.iath.virginia.edu*. . Retrieved June 28, 2011.
- [11] LEE, LUTHER (182). *Autobiography of the Reverend Luther Lee, D.D.* (<http://www.archive.org/stream/autobiographyofr00leel#page/336/mode/2up/search/onondaga>). New York: Phillips and Hunt. ISBN 1-131-04589-0. .
- [12] Lee, Luther. "Autobiography of the Reverend Luther Lee, D.D." (<http://www.archive.org/stream/autobiographyofr00leel#page/n5/mode/2up>). *archive.org*. . Retrieved November 18, 2011.
- [13] "The Jerry Rescue" (<http://www.nyhistory.com/gerritsmith/jerry.htm>). *New York History Net*. . Retrieved June 28, 2011.
- [14] "Anthony Burns captured" (<http://www.pbs.org/wgbh/aia/part4/4p2915.html>). *Africans in America*. pbs.org. 2011. . Retrieved June 28, 2011.
- [15] Hollis Robbins Whitewashing Civil War History (<http://www.theroot.com/views/return-segregated-history>)
- [16] New York Times: "How Slavery Really Ended in America" (http://www.nytimes.com/2011/04/03/magazine/mag-03CivilWar-t.html?pagewanted=1&_r=1) Viewed November 9, 2011.

References

- Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850-1860* (1970) (<http://www.questia.com/PM.qst?a=o&d=104468814>)
- Don E. Fehrenbacher, *The Slaveholding Republic : An Account of the United States Government's Relations to Slavery* (2002)
- John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (1999) (<http://www.questia.com/PM.qst?a=o&d=64471325>)
- "Fugitive Slave Law" (2008) (<http://www.spartacus.schoolnet.co.uk/USASfugitive.htm>)
- Nevins, Allen. *Ordeal of the Union: vol. 1. Fruits of Manifest Destiny, 1847–1852* (1947)

Further reading

- Frost, Carolyn Smardz; Osei, Kwasi (Cover design); South, Sunny (Cover art) (2007). *I've Got a Home in Glory Land: A Lost Tale of the Underground Railroad* (<http://books.google.com/books?id=ANv1C6liU1QC>). New York: Farrar, Straus and Giroux. ISBN 978-0-374-16481-2..

External links

- Complete text of the Fugitive Slave Law (<http://www.usconstitution.net/fslave.html>)
- Compromise of 1850 and related resources at the Library of Congress (<http://www.loc.gov/rr/program/bib/ourdocs/Compromise1850.html>)
- "Slavery in Massachusetts" by Henry David Thoreau (<http://eserver.org/thoreau/slavery.html>)
- Runaway Slaves (<http://texashistory.unt.edu/young/educators/slavery/index.shtml>) a Primary Source Adventure featuring fugitive slave advertisements from the 1850s, hosted by The Portal to Texas History (<http://texashistory.unt.edu/>)
- Serialized version of Uncle Tom's Cabin in The National Era by the Harriet Beecher Stowe Center (<http://nationalera.wordpress.com/>)

Article Sources and Contributors

Fugitive Slave Act of 1850 *Source:* <http://en.wikipedia.org/w/index.php?oldid=520706109> *Contributors:* 7&6=thirteen, AdjustShift, Agooodall, Aitias, Akradecki, Alan Liefing, Alansohn, Ale jrb, Almightyduck, Alpha Quadrant (alt), Altenmann, Ancheta Wis, Ankurdave, AnnaFrance, Anne McDermott, AnonMoos, Antandrus, ArglebargleIV, Armoreno10, Arthurgarvey, Asdfav, Atlan, Barfooz, Baron of Red, Beland, Bender235, Bkonrad, Bobo192, Boccobrock, Bz2, CJLL Wright, CWenger, CanYouAddUpToThis, CanadianLinuxUser, Capricorn42, CardinalDan, Careax, Carlos Salinas de Gortari, Carmichael, CelloerTB, Cgingold, Chaoscontrot, Chodorkovskiy, Chris 73, Christian75, Christopher Parham, Civil Engineer III, Clindberg, Commdor, Courcelles, Crazycomputers, Crimsonmargarine, Critic11, CyberSach, DBigXray, DMorpheus, DSRH, DVD R W, DVdm, Dan653, Daneboshenbooger, Danielfolsom, Danski14, Darwinek, David SB20, Davidprior, Dbiolsi, Deconstructhis, DerHexer, Dfrg.msc, Dgies, Dino, Don Argus jr, Dreadstar, Dumelow, Durova, EWS23, Edderso, Edward321, Elipongo, Epbr123, Esanchez7587, Esp rus2, Excirial, Faigl.ladislav, Favonian, Fieldday-sunday, Figure, Flowerpotman, Flubeca, Flyingidiot, FreplySpang, Funman123454321, Fæ, Gaprof, Gettingtoit, Ghilz, Ginosal, GoldRingChip, Good Intentions, Good Olfactory, Goodvac, Grafen, Grazon, Gtdp, Guðþegn, HalfShadow, Helixblue, Heychristo, Hmains, Hyposadist, II MusLiM HyBRiD II, Immunize, Invisifan, Iridescent, Irishguy, Ibeso, J.delanoy, JForget, JMadeleine, JamaicanCow13, JamieS93, Jauerback, JayJasper, Jengod, Jennavecia, JetLover, JimWae, Jivecat, Joegoodfriend, John Paul Parks, John Quiggin, JonRidinger, Jusdafax, Jwillbur, Kablammo, Kakofonous, Karenjc, Kchishol1970, Keilana, Kingpin13, Kirrages, Kongr43gpen, Kumioko (renamed), LaDiva7, Lakers, Lcarsdata, Legoktm, Levineps, LinDrug, Little Mountain 5, Loomatic, MER-C, Macsforme, Mandarax, Matthew Yeager, MaxHarmony, Mdkarazim, Meeples, Michaelas10, Michealsuks, MikeLynch, MisfitToys, Monkee13, Mr. Billion, Mr.Z-man, Mulp, Mww113, Myanw, Neeemaaa, NewEnglandYankee, Newmanbe, Nk.sheridan, Nlu, NoSeptember, Noah Salzman, North Shoreman, Nsaa, NuclearWarfare, Okloster, One, Onecatowner, Oxymoron83, Oyoyoy, PGWG, PL290, Padillah, Paranoid Eyes, Pascal.Tesson, PaulHanson, Perryama, Petr, Petri Krohn, PhilKnight, Philip Trueman, Piglicker, Piledhigheranddeeper, Pinkadelica, Pollinator, Postdlf, PranksterTurtle, Preciousliheart, Prestonmag, Puchiko, Quantumor, Qxz, R, RFD, Random user 39849958, RandomAct, RayAYang, Reach Out to the Truth, Rearden9, Red Director, Revolentbode, ReyBrujo, Rich Farmbrough, Riley Huntley, Rividian, Rjensen, Roadrunner, Ronhjones, Rrburke, Sam Hocevar, Sam Korn, Scewing, Shanes, Shoeofdeath, Shoesss, Shoshonna, Sift&Winnow, SisonJordan, Sjorford, Skeejay, Slon02, Smalljim, Spellbinder, Springnuts, Srinivasasha, StephenBuxton, Stwalkerster, Taranah, Tartarus, TashTish, Tbhotch, Tellyaddict, TheVirginiaHistorian, Theprodigy, Thewing005, Thingg, Tickopa, Tide rolls, Tim!, Timeshifter, Tiptoety, Tommy2010, Trekphiler, Tyler, Uncle Dick, Vanished user 39948282, Versus22, Vgranucci, Vgy7ujm, Vickberg, Vrenator, Wasbeer, Wayne Slam, WebHamster, WikiDao, Wikimachine, Will Beback, WillC, Willking1979, Wkharrisjr, X!, Yamakiri, Yamamoto Ichiro, Yankovitus, YellowMonkey, Yettie0711, Zantastik, 1054 anonymous edits

Image Sources, Licenses and Contributors

File:Slave kidnap post 1851 boston.jpg *Source:* http://en.wikipedia.org/w/index.php?title=File:Slave_kidnap_post_1851_boston.jpg *License:* Public Domain *Contributors:* AnRo0002, G.dallorto, Immanuel Giel, Infrogmatation, Kenmayer, Lotsofissues, M2545, Man vyi, Orlring, Rama, Timeshifter, Urban

License

Creative Commons Attribution-Share Alike 3.0 Unported
[//creativecommons.org/licenses/by-sa/3.0/](http://creativecommons.org/licenses/by-sa/3.0/)