

# Personal liberty laws

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The **personal liberty laws** were a series of laws passed by several U.S. states in the North in response to the Fugitive Slave Acts of 1793 and 1850.

## Overview

The Personal Liberty Laws were a series of legislations that were implemented in the United States between the 1800's and the beginning of the civil war. These laws were a direct response to the Fugitive Slave Acts of 1793 and of 1850. The Personal Liberty Laws were designed to make the legal system more fair for all people and to ensure the safety of freedmen and escaped slaves without employing the controversial tactic of nullification.<sup>[1]</sup> The reasoning behind this decision was simply to avoid more feuding between the northern and southern states. However, the United States would still endure a tense and strained relationship between the northern and southern states in the years leading up to the civil war.<sup>[2]</sup>

## Causes

The Fugitive Slave Laws of 1793 were grossly unfair to the accused. The intended purpose of the laws was to give slave owners the legal protection when dealing with the problem of escaped slaves. In reality, the Fugitive Slave Laws were actually expanded the slave trade. These laws provided the opportunity for slave owners to go into northern states and reclaim previously freedmen. The laws gave any slave owner the ability to seize an alleged escaped slave, present the slave to a federal or local judge, and, upon proof of ownership, have the slave legally returned to their service. However, the only proof that was required was the testimony of a witness. This meant that many freedmen were taken back into slavery because of rigged courts and injustice.<sup>[1]</sup> Another reason that the Fugitive Slave Laws created the need to be counteracted by the Personal Liberty Laws, was the threat to those who tried to help a fugitive. The Fugitive Slave Laws placed a five hundred dollar fine on anyone who helped an escaped slave or obstructed a slave owner's attempt to retake a slave. This made it extremely daunting for those wanted to end slavery by assisting those slaves seeking their freedom.<sup>[3]</sup> The Personal Liberty Laws sought also to protect the rights of those who don't want to turn in escaped slaves. In 1850, amendments were made to the Fugitive Slave Laws, which made them even more onerous. These amendments decreed that the alleged fugitive was not allowed to testify at the hearing and federal marshals were financially liable if they did not execute the warrants or if they allowed fugitives to escape. The 1850 amendments also provided Commissioners with twice as much compensation, ten dollars versus five dollars, for granting certificates of ownership as for denying them. Furthermore, penalties were increased for obstructing slave owners or helping fugitives, and included imprisonment.<sup>[2]</sup> These laws were so blatantly unfair and intrusive which lead the northern states to introduce the Personal Liberty Laws to ensure personal liberty for all.

## Prigg vs. Pennsylvania

The case between Edward Prigg and Margret Morgan demonstrated one of the complications that arose out of the Fugitive Slave Laws. The case began when Margret Morgan, a slave to Edward Prigg's father, was granted her freedom. This was not a formal change, merely a promise that she could do as she pleased. After her former owner's death, his son, Edward Prigg, decided to go to Maryland and bring Margret Morgan and her children back with him to Pennsylvania. It was his plan to reinstate them as slaves. The Personal Liberty Law of 1826 decreed that no person could be brought into the state of Pennsylvania to be held as slaves.<sup>[4]</sup> Prigg was arrested and tried upon his return to the state with Margret and her family. Prigg argued in front of the Supreme Court that the Personal Liberty Laws were unconstitutional. He argued that the crime that he was being charged for was a perfectly legal act under the constitution. In the end, the judges did condemn Prigg and Margret was allowed to be free.<sup>[2]</sup> The Personal

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Liberty Laws were in fact in violation of certain articles in the constitution. In this example, Prigg claimed that he was acting under article IV section II of the constitution, which clearly states that criminals or fugitives cannot escape punishment or recapture by leaving their state for another.<sup>[5]</sup> The Personal Liberty Law that had passed in 1826 directly stated that anyone, including escaped slaves, could not be brought into Pennsylvania and kept as a slave.<sup>[4]</sup> This contradiction made the Personal Liberty Laws controversial.

## Threats

Prigg was not the only one to openly attack the Personal Liberty Laws. Many of these laws were ignored by officials of the law and judges.<sup>[1]</sup> This unequal treatment however did not stop the abolitionists from their fight to win justice for all people. Because most of the abolitionists and supporters of the Personal Liberty Laws resided in the northern states, the controversy added to the already growing rift between the two halves of the country.<sup>[1]</sup> The northern states refused to repeal the laws and the southern states were not willing to give up slavery. The end result was the bloodiest war of American history; the Civil War. At the end of this bloody chapter, it was not the Personal Liberty Laws that were changed but the constitution itself.<sup>[5]</sup> In the end, the Personal Liberty Laws contributed to the creation of this new state and were successful in what they were designed to make; change.

## External links

- Checklist of the Personal Liberty Laws <sup>[6]</sup>
- *An Act for the Defense of Liberty in this State* <sup>[7]</sup> (Connecticut, 1854)
- *An Act to Protect the Rights and Liberties of the People of the Commonwealth of Massachusetts* <sup>[8]</sup> (Massachusetts, 1855)
- *An Act to protect the rights and liberties of the inhabitants of this State* <sup>[9]</sup> (Michigan, 1855)
- *An Act further to protect personal liberty* <sup>[10]</sup> (Maine, 1855)
- *An Act to secure freedom and the rights of citizenship to persons in this State* <sup>[11]</sup> (New Hampshire, 1857)
- *An Act to prevent kidnapping* <sup>[12]</sup> (Ohio, 1857)
- *An Act to prevent Slaveholding and Kidnapping in Ohio* <sup>[13]</sup> (Ohio, 1857)
- *Of the Writ of Habeas Corpus Relative to Fugitive Slaves* <sup>[14]</sup> (Wisconsin, 1857)
- *An Act to secure freedom to all persons within this State* <sup>[15]</sup> (Vermont, 1858)

## References

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- [3] (<http://www.spartacus.schoolnet.co.uk/USASfugitive.htm>).
- [4] ([http://www.oyez.org/cases/1792-1850/1842/1842\\_0](http://www.oyez.org/cases/1792-1850/1842/1842_0)).
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