

# ESSENTIAL CIVIL WAR CURRICULUM

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## The Fugitive Slave Act of 1850

By **H. Robert Baker**, Georgia State University

### Resources

**If you can read only one book**

Author	<i>Title</i> . City: Publisher, Year.
Lubet, Steven	<i>Fugitive Justice: Runaways, Rescuers, and Slavery on Trial</i> . Cambridge, MA: Belknap Press of Harvard University Press, 2010.

### Books and Articles

Author	<i>Title</i> . City: Publisher, Year.
Baker, H. Robert	<i>The Rescue of Joshua Glover: A Fugitive Slave, the Constitution, and the Coming of the Civil War</i> . Athens, Ohio: Ohio University Press, 2006, 26-57.
_____.	<i>Prigg v. Pennsylvania: Slavery, the Supreme Court, and the Ambivalent Constitution</i> . Lawrence: University Press of Kansas, 2012.
Brandt, Nat	<i>The Town That Started the Civil War</i> . Syracuse: Syracuse University Press, 1990.
Campbell, Stanley	<i>The Slave-Catchers: Enforcement of the Fugitive Slave Law, 1850-1860</i> . Chapel Hill: University of North Carolina Press, 1970.
Finkelman, Paul	<i>An Imperfect Union: Slavery, Federalism, and Comity</i> . Chapel Hill: University of North Carolina Press, 1980, 236-84.
Fehrenbacher, Don	<i>The Slaveholding Republic: An Account of the United States Government's Relations to Slavery</i> . New York: Oxford University Press, 2001, 205-52.

Foner, Eric	<i>Gateway to Freedom: The Hidden History of the Underground Railroad</i> . New York: W. W. Norton, 2015.
Harrold, Stanley	<i>Border War: Fighting Over Slavery Before the Civil War</i> . Chapel Hill: University of North Carolina Press, 2010.
Maltz, Earl	<i>Slavery and the Supreme Court, 1825-1861</i> . Lawrence: University Press of Kansas, 2009.
_____.	<i>Fugitive Slave on Trial: The Anthony Burns Case and Abolitionist Outrage</i> . Lawrence: University Press of Kansas, 2010.
Slaughter, Thomas P.	<i>Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North</i> . New York: Oxford University Press, 1991.
von Frank, Albert J.	<i>The Trials of Anthony Burns: Freedom and Slavery in Emerson's Boston</i> . Cambridge, Mass.: Harvard University Press, 1998.

## Organizations

## Web Resources

URL	Name and description
<a href="http://memory.loc.gov/ammem/aaohhtml/exhibit/aopart3b.html">http://memory.loc.gov/ammem/aaohhtml/exhibit/aopart3b.html</a>	The Library of Congress' American Memory Exhibit: Abolition, Anti-Slavery movements, and the Rise of the Sectional Controversy: Part I, the Fugitive Slave Law provides a brief summary of the Fugitive Slave Act of 1850.
<a href="http://avalon.law.yale.edu/19th_century/fugitive.asp">http://avalon.law.yale.edu/19th_century/fugitive.asp</a>	The full text of the Fugitive Slave Act of 1850 is provided on the Avalon Project website.
<a href="http://memory.loc.gov/ammem/amlaw/lawhome.html">http://memory.loc.gov/ammem/amlaw/lawhome.html</a>	The Library of Congress' American Memory Exhibit: A Century of Lawmaking for a New Nation includes U.S. Congressional Documents and debates from 1774-1775, available on line.

<a href="http://freedomonthemove.org/">http://freedomonthemove.org/</a>	Freedom on the Move is a database of Runaway Ads used to try to locate fugitive slaves at Cornell University. The ads provide information about the economic, demographic, social, and cultural history of slavery.
<a href="http://digital.sfasu.edu/cdm/landingpage/collecion/RSP">http://digital.sfasu.edu/cdm/landingpage/collecion/RSP</a>	The Texas Runaway Slave Project is a database of runaway slave advertisements, articles and notices from Texas newspapers at the east Texas Research Center.
<a href="http://www2.vcdh.virginia.edu/gos/">http://www2.vcdh.virginia.edu/gos/</a>	The Geography of Slavery in Virginia is a digital collection of advertisements for runaway and captured slaves and servants in 18 <sup>th</sup> and 19 <sup>th</sup> century Virginia newspapers at the University of Virginia.
<a href="http://memory.loc.gov/ammem/sthtml/sthome.html">http://memory.loc.gov/ammem/sthtml/sthome.html</a>	The Library of Congress' American Memory Exhibit: Slaves and the Courts, 1740-1860 is a collection of pamphlets and books concerning the difficult and troubling experiences of African and African-American slaves in the American colonies and the United States.

### Other Sources

### Scholars

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### Google Keywords

No issue rankled antebellum Americans more painfully or persistently than the fugitive slave problem. While slaveholders had, since colonial days, pursued their slaves who ran away, this problem was magnified by sectional tensions in the decades that preceded Civil War. Congress passed the Fugitive Slave Act of 1850 in order to help alleviate that tension, but the law ultimately would have the opposite effect. The roots of the Fugitive Slave Act extended back to the earliest days of the Republic. Its constitutional source was located in Article IV, Section 2 of the U.S. Constitution, which provides that “No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in

Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.” The Fugitive Slave Act of 1850 anticipated the difficulties in law enforcement that fugitive reclamation brought. Commissioners were empowered to appoint men to aid in the capture, detention, and rendition of fugitive slaves, and marshals were given the authority of *posse comitatus*, which allowed them to call upon any bystander to enforce the Fugitive Slave Act. The new Fugitive Slave Act occasioned swift condemnation in the North where a torrent violent resistance began. Into this turmoil came the publication of Uncle Tom’s Cabin in 1854 further inflaming both sides as did a series of highly publicized fugitive slave seizures occurred including Shadrach Minkins, Thomas Sims, Joshua Glover and most famously Anthony Burns in Boston. Secession in 1860 and 1861 did not serve to quell the fugitive slave issue. The border states of Kentucky, Maryland, and Missouri still held slaves, and Abraham Lincoln entered office committed to the enforcement of the Fugitive Slave Act. Republicans, despite being firmly in control of Congress, failed on several occasions to repeal the Fugitive Slave Act. Finally, in 1864, Congress repealed both the Fugitive Slave Act of 1850 and the Fugitive Slave Act of 1793, and Lincoln signed the repealing legislation. A year later, the Thirteenth Amendment ended forever the problem of fugitive slaves in America.

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