

First Order Document

DOCUMENT A

Fugitive Slave Act, United States Statutes at Large, September 18, 1850.

Section 5: And be it...enacted, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act...and should any marshal or deputy marshal refuse to receive such warrant, or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of such claimant...or whilst at any time in his custody under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable...to be prosecuted for the benefit of such claimant, for the full value of the service or labor of said fugitive in the State, Territory, or District whence he escaped...

Section 6: And be it further enacted, That when a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due...may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner...In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first section mentioned, shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

Section 7: And be it further enacted, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant...from arresting such a fugitive from service or labor...or shall rescue, or attempt to rescue, such fugitive from service or labor...or shall aid, abet, or assist such person so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant...or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months...and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars for each fugitive so lost as aforesaid, to be recovered by action of debt, in any of the District or Territorial Courts aforesaid, within whose jurisdiction the said offence may have been committed.

Section 8: And be it further enacted, That the marshals, their deputies, and the clerks of the said District and Territorial Courts, shall be paid, for their services...and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, upon the delivery of the said certificate to the claimant, his agent or attorney; or a fee of five dollars in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery...

Second Order Documents

DOCUMENT B

Justice Joseph Story's majority opinion in *Prigg v. Pennsylvania*, 1842.

Few questions which have ever come before this Court involve more delicate and important considerations [than those concerning fugitive slaves]; and few upon which the public at large may be presumed to feel a more profound and pervading interest. We have accordingly given them our most deliberate examination; and it has become my duty to state the result to which we have arrived, and the reasoning by which it is supported...

There are two clauses in the Constitution upon the subject of fugitives, which stand in juxtaposition with each other, and have been thought mutually to illustrate each other. They are both contained in the second section of the fourth article, and are in the following words: "A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime."

"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 last clause is that, the true interpretation whereof is directly in judgment before us. Historically, it is well known, that the object of this clause was to secure to the citizens of the slaveholding states the complete right and title of ownership in their slaves, as property, in every state in the Union into which they might escape from the state where they were held in servitude. The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding states; and, indeed, was so vital to the preservation of their domestic interests and institutions, that it cannot be doubted that it constituted a fundamental article, without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles prevalent in the non-slaveholding states, by preventing them from intermeddling with, or obstructing, or abolishing the rights of the owners of slaves...

It is manifest from this consideration, that if the Constitution had not contained this clause, every non-slaveholding state in the Union would have been at liberty to have declared free all runaway slaves coming within its limits, and to have given them entire immunity and protection against the claims of their masters; a course which would have created the most bitter animosities, and engendered perpetual strife between the different states. The clause was, therefore, of the last importance to the safety and security of the southern states; and could not have been surrendered by them without endangering their whole property in slaves. The clause was accordingly adopted into the Constitution by the unanimous consent of the framers of it; a proof at once of its intrinsic and practical necessity...

The clause manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no state law or regulation can in any way qualify, regulate, control, or restrain. The slave is not to be discharged from service or labour, in consequence of any state law or regulation...

DOCUMENT C

An Act to Protect the Rights & Liberties of the People of the Commonwealth of Massachusetts, 1855

Sec. 3. The writ of habeas corpus may be issued by the supreme judicial court, the court of common pleas, by any justice's court or police court of any town or city, by any court of record, or by any justice of either of said courts, or by any judge of probate; and it may be issued by any justice of the peace, if no magistrate above named is known to said justice of the peace to be within five miles of the place where the party is imprisoned or restrained, and it shall be returnable before the supreme judicial court, or any one of the justices thereof, whether the court may be in session or not, and in term time or vacation...

Sec. 6. If any claimant shall appear to demand the custody or possession of the person for whose benefit such writ is sued out, such claimant shall state in writing the facts on which he relies, with precision and certainty; and neither the claimant of the alleged fugitive, nor any person interested in his alleged obligation to service or labor, nor the alleged fugitive, shall be permitted to testify at the trial of the issue; and no confessions, admissions or declarations of the alleged fugitive against himself shall be given in evidence. Upon every question of fact involved in the issue, the burden of proof shall be on the claimant, and the facts alleged and necessary to be established, must be proved by the testimony of at least two credible witnesses, or other legal evidence equivalent thereto, and by the rules of evidence known and secured by the common law; and...and no presumption shall arise in favor of the claimant from any proof that the alleged fugitive or any of his ancestors had actually been held as a slave, without proof that such holding was legal.

Sec. 7. If any person shall remove from the limits of this Commonwealth, or shall assist in removing therefrom...any person being in the peace thereof who is not "held to service or labor" by the "party" making "claim," or who has not "escaped" from the "party" making "claim,"...on the pretence that such person is so held or has so escaped, or that his "service or labor" is so "due," or with the intent to subject him to such "service or labor," he shall be punished by a fine of not less than one thousand, nor more than five thousand dollars, and by imprisonment in the State Prison not less than one, nor more than five years...

Sec. 10. Any person who shall grant any certificate under or by virtue of the [Fugitive Slave Act] shall be deemed to have resigned any commission from the Commonwealth which he may possess, his office shall be deemed vacant, and he shall be forever thereafter ineligible to any office of trust, honor or emolument under the laws of this Commonwealth.

Sec. 11. Any person who shall act as counsel or attorney for any claimant of any alleged fugitive from service or labor, under or by virtue of the acts of congress mentioned in the ninth section of this act, shall be deemed to have resigned any commission from the Commonwealth that he may possess, and he shall be thereafter incapacitated from appearing as counsel or attorney in the courts of this Commonwealth...

Sec. 15. Any sheriff, deputy sheriff, jailer, coroner, constable, or other officer of this Commonwealth, or the police of any city or town, or any district, county, city or town officer, or any officer or other member of the volunteer militia of this Commonwealth, who shall hereafter arrest...any person for the reason that he is claimed or adjudged to be a fugitive from service or labor, shall be punished by fine...and by imprisonment...

Sec. 19. No jail, prison, or other place of confinement belonging to, or used by, either the Commonwealth of Massachusetts or any county therein, shall be used for the detention or imprisonment of any person accused or convicted of any offence created by [the Federal Fugitive Slave Acts]...or accused or convicted of obstructing or resisting any process, warrant, or order issued under either of said acts, or of rescuing, or attempting to rescue, any person arrested or detained under any of the provisions of either of the said acts.

Third Order Documents

DOCUMENT D

Daniel Webster's speech in favor of the Fugitive Slave Act, March 7, 1850.

Mr. President, I wish to speak today, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States...

Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and South. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, and subdue the sense of fraternal affection, patriotic love, and mutual regard. I shall bestow a little attention, Sir, upon these various grievances existing on the one side and on the other. I begin with complaints of the South...especially to one which has in my opinion just foundation; and that is, that there has been found at the North, among individuals and among legislators, a disinclination to perform fully their constitutional duties in regard to the return of persons bound to service who have escaped into the free States. In that respect, the South, in my judgment, is right, and the North is wrong. Every member of every Northern legislature is bound by oath, like every other officer in the country, to support the Constitution of the United States; and the article of the Constitution which says to these States that they shall deliver up fugitives from service is as binding in honor and conscience as any other article. No man fulfills his duty in any legislature who sets himself to find excuses, evasions, escapes from this constitutional obligation...When it is said that a person escaping into another State, and coming therefore within the jurisdiction of that State, shall be delivered up, it seems to me the import of the clause is, that the State itself, in obedience to the Constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now...

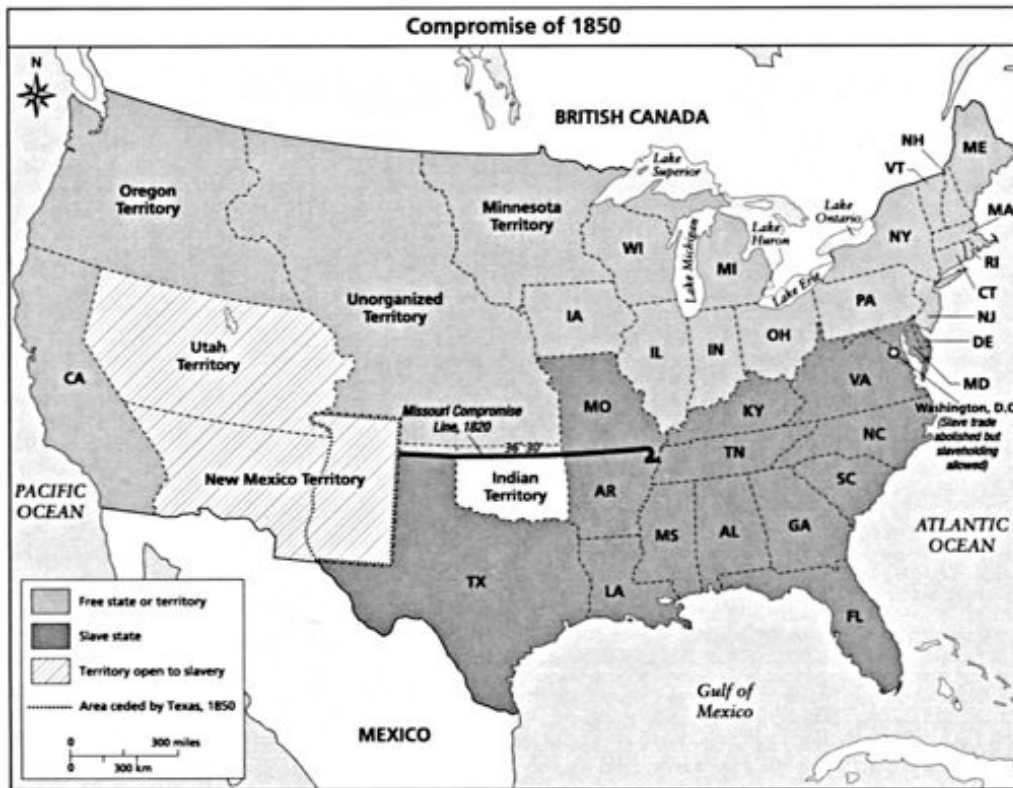
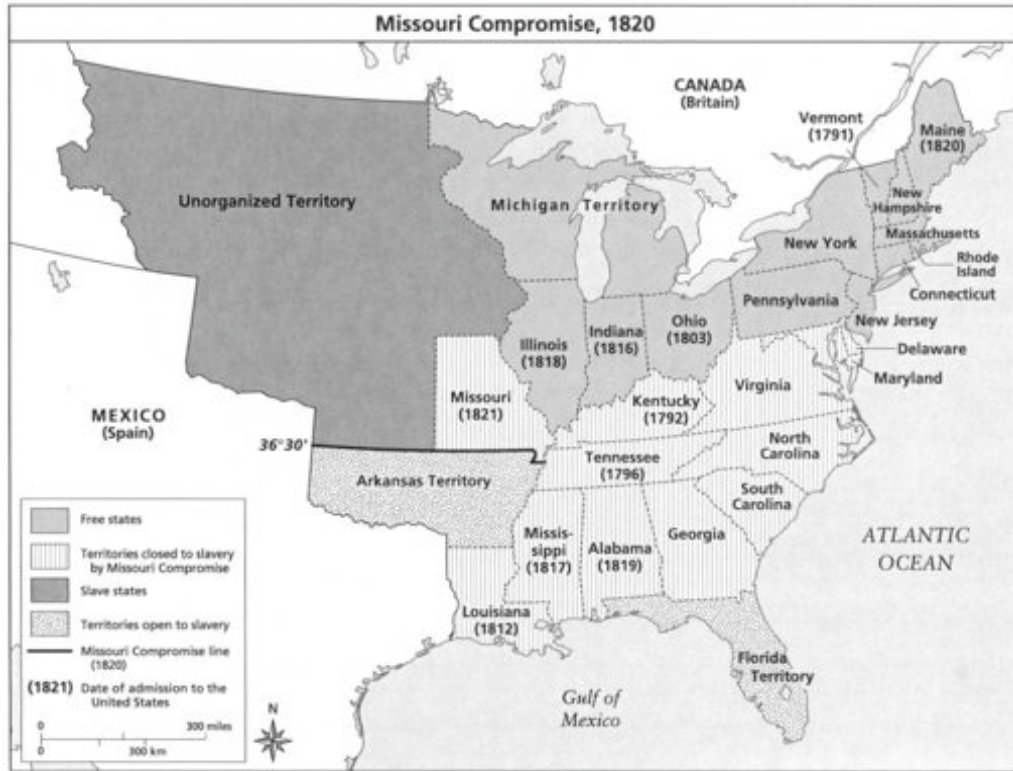
DOCUMENT E

Theodor Kaufman lithograph, 1850.



DOCUMENT F

Geographic & Political Boundaries, 1820 & 1850.



DOCUMENT G

Resolution of Syracuse Anti-Fugitive Slave Law meeting, 1851.

1st. Resolved, that we pour out upon the Fugitive Slave Law the fullest measure of our contempt and hate and execration; and pledge ourselves to resist it actively, as well as passively, and by all such means, as shall, in our esteem, promise the most effectual resistance.

2d. Resolved, that they who consent to be the agents of Southern oppressors for executing this law, whether as Commissioners or Marshals, or in any other capacity, are to be regarded as kidnappers and land-pirates.

3d. Resolved, that it is our duty to peril life, liberty, and property, in behalf of the fugitive slave, to as great an extent as we would peril them in behalf of ourselves.

4th. Resolved, that obviously and grossly Unconstitutional as is this Law, nevertheless this is not the chief reason why we condemn and defy it--for equally, whether they are Constitutional or Unconstitutional, we do condemn and defy all laws, which insult Him, who is above all Constitutions, and which, aiming not to protect, but to destroy, rights, are, therefore to be regarded as no laws.

5th. Resolved, that horrible as is this law, we must bear in mind, that it is but a perfectly natural and not at all to be wondered at exaction of slavery; and that, hence our first and great work is to get rid, not of the law, but of slavery—as it would be our first and great work to pursue and kill the mad-dog, instead of pausing, until we had effected the cure of one of his bites...

11th. Resolved, that the time has come, and had long ago come, for gathering a Northern political party, which shall be both determined and able to carry out the principles of the Federal Constitution and the principles of humanity and religion, in overthrowing the base and bloody system of American slavery, and in establishing a righteous Civil Government.

DOCUMENT H

Closing Arguments of Seth J. Thomas, lawyer for the owner of Anthony Burns, June 1854.

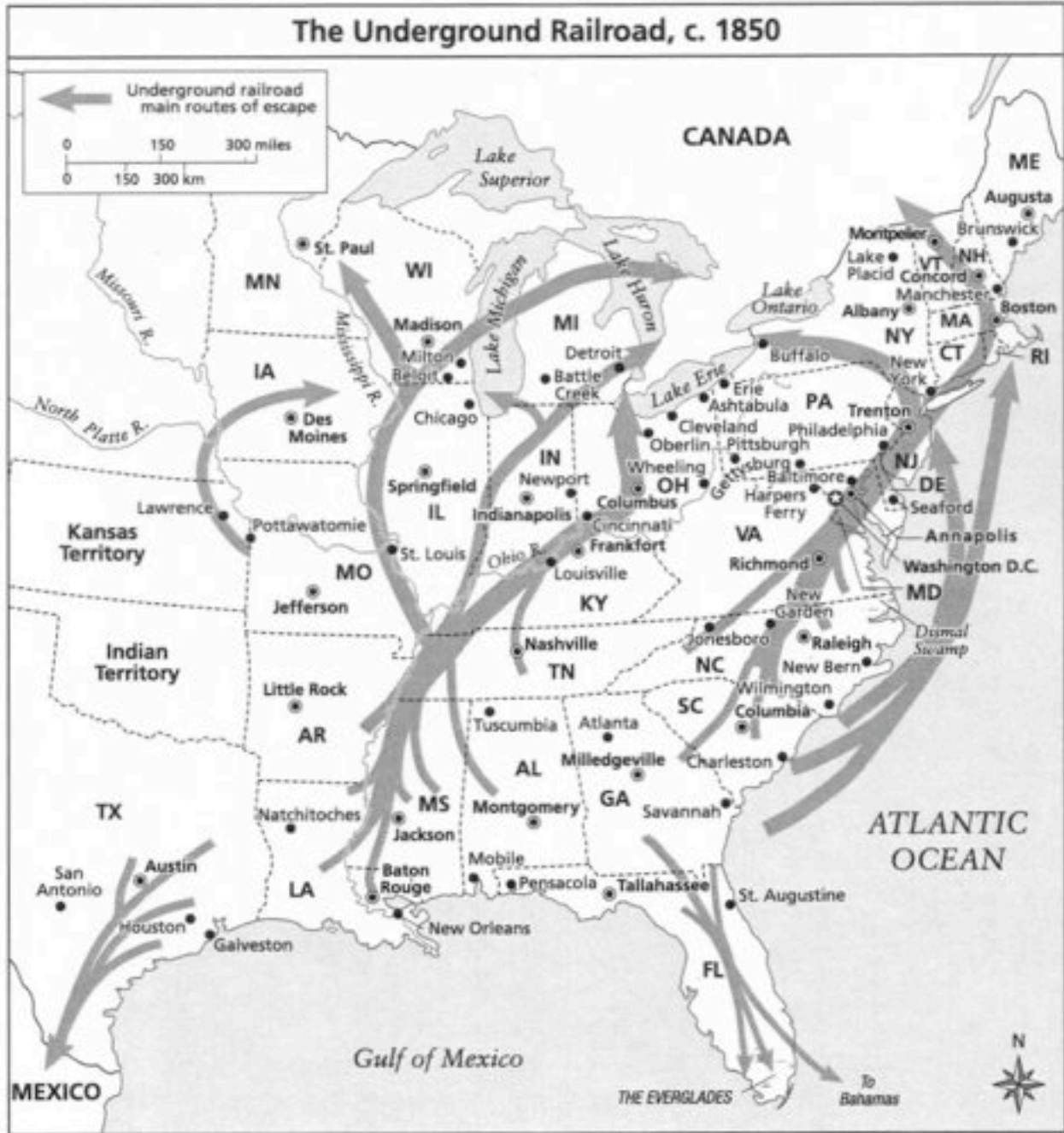
The claimant in this case, Charles F. Suttle, says he is of Alexandria, in the state of Virginia; that, under the laws of that state, he held to service and labor one Anthony Burns, a colored man; that, on or about the twenty-fourth day of March last, while so held to service by him, the said Anthony escaped from the said state of Virginia, and that he is now here in court. He prays you (the Commissioner) to hear and consider his proofs in support of this his claim, and, if they satisfactorily support it, that you will certify to him, under your hand and seal, that he has a right to transport him back to Virginia. This is his whole case; this is all that he asks you to do. Under your certificate, he may take him back to the place from whence he fled; and he can in virtue of that take him no where else.

Now, to entitle the claimant to this certificate, what must he prove? Two things. First, that Burns owed service and labor to him, the claimant. Second, that he escaped...

It remains only, that I recapitulate the points already stated. The record is conclusive of two facts: that the person owed service, and that he escaped. That record, with the testimony of Brent and the admissions of Burns, proves the identity. I take leave of the case, confident in the proofs presented, confident in the majesty of the law, and confident that the determination here will be just.

DOCUMENT I

Map of the Underground Railroad.



DOCUMENT J

Speech by Anthony Burns as printed in the *New York Tribune & The Liberator*, March 9, 1855.

My friends, I am very glad to have it to say, have it to feel, that I am once more in the land of liberty; that I am with those who are my friends. Until my tenth year I did not care what became of me; but soon after I began to learn that there is a Christ who came to make us free; I began to hear about a North, and to feel the necessity for freedom of soul and body. I heard of a North where men of my color could live without any man daring to say to them, "You are my property;" and I determined by the blessing of God, one day to find my way there. My inclination grew on me, and I found my way to Boston.

You see, I didn't want to make myself known, so I didn't tell who I was; but as I came to work, I got employment, and I worked hard; but I kept my own counsel, and didn't tell anybody that I was a slave, but I strove for myself as I never had an opportunity to do before. When I was going home one night I heard some one running behind me; presently a hand was put on my shoulder, and somebody said: "Stop, stop; you are the fellow who broke into a silversmith's shop the other night." I assured the man that it was a mistake, but almost before I could speak, I was lifted from off my feet by six or seven others, and it was no use to resist. In the Court House I waited some time, and as the silversmith did not come, I told them I wanted to go home for supper. A man then come to the door; he didn't open it like an honest man would, but kind of slowly opened it, and looked in. He said, "How do you do, Mr. Burns?" and I called him as we do in Virginia, "master!"

He asked me if there would be any trouble in taking me back to Virginia, and I was brought right to a stand, and didn't know what to say...I got no supper nor sleep that night. The next morning they told me that my master said that he had the right to me, and as I had called him "master," having the fear of God before my eyes, I could not go from it. Next morning I was taken down, with the bracelets on my wrists...

DOCUMENT K

Richard Henry Dana's journal description of the June 2, 1854 return of Anthony Burns to slavery.

Mr. Grimes & I walked to & fro in front of the C't. Hs. [Court House] for an hour or so, the entire Square being cleared of people, & filled with troops. Every window was filled, & beyond the lines drawn up by the police, was an immense crowd.

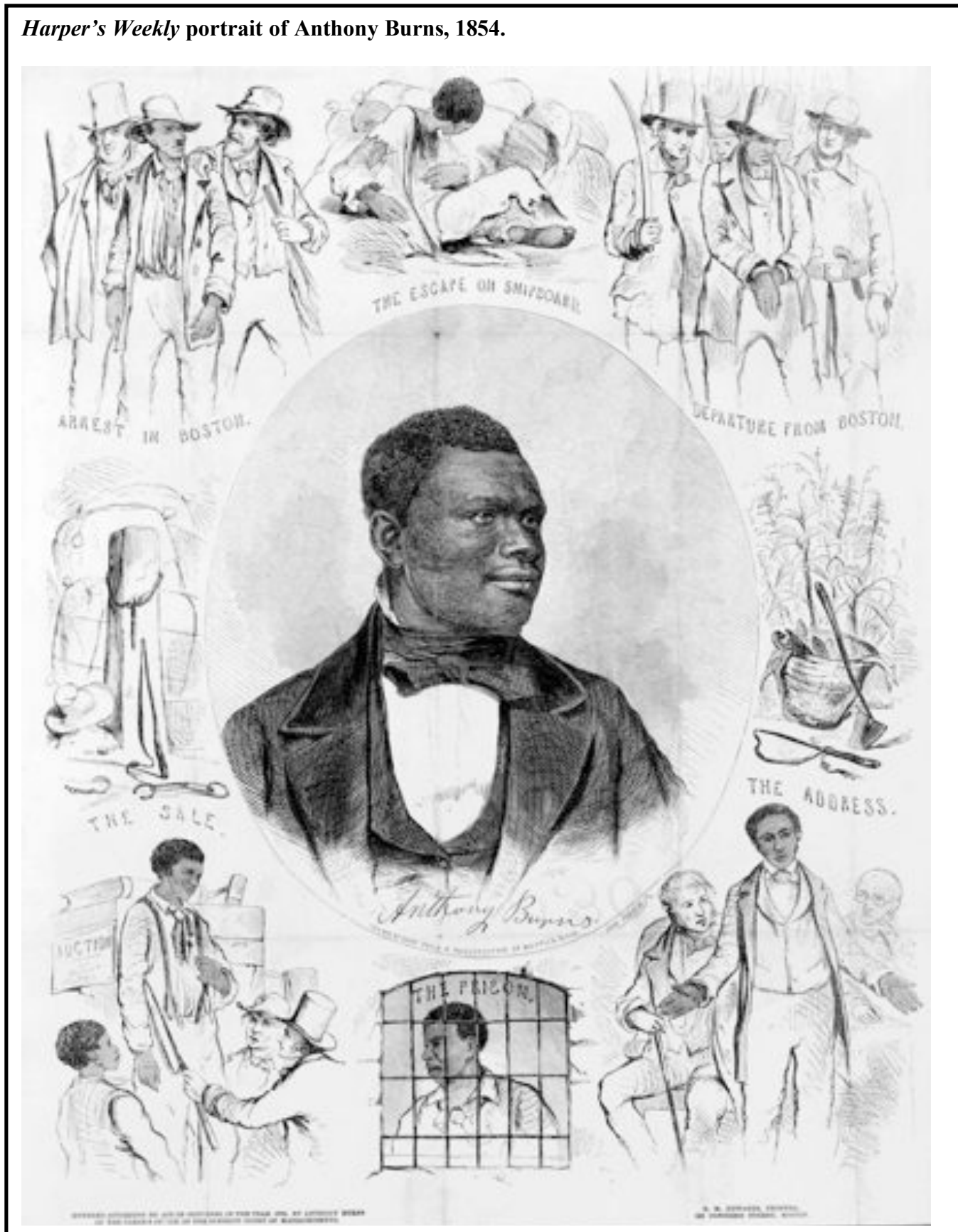
Whenever a body of troops passed to or fro, they were hissed & hooted by the people, with some attempts at applause from their favorers. Nearly all the shops in C't & State streets were closed & hung in black, & a huge coffin was suspended across State st., and flags Union down. A brass field piece, belonging to the 4th Artillery was ostentatiously loaded in sight of all the people & carried by the men of that corps in rear of the hollow Square in which Burns was placed. Some 1500 or 1800 men of the Vol. Militia were under arms, all with their guns loaded & capped, & the officers with revolvers. These men were stationed at different posts in all the streets & lanes that lead into Court or State streets, from the C't. Hs. to Long Wharf...

...Gen. Edmands gave orders to each commander of a post to fire on the people whenever they passed the line marked by the police in a manner he should consider turbulent & disorderly. So, from 9 o'clk. in the morning until towards night, the city was really under Martial law. The entire proceeding was illegal...

The "guard" at length filed out & formed a hollow square. Each man was armed with a short Roman sword & one revolver hanging in his belt. In this square marched Burns with the Marshal. The U.S. troops & the squadron of Boston light house preceded & followed the square, with the field piece. As the procession moved down it was met with a perfect howl of Shame! Shame! & hisses.

DOCUMENT L

Harper's Weekly portrait of Anthony Burns, 1854.



DOCUMENT M

Letter from the Church of Jesus Christ published in the Front Royal Gazette, November 8, 1855

The Church Of Jesus Christ, At Union, Fauquier Co., Virginia.

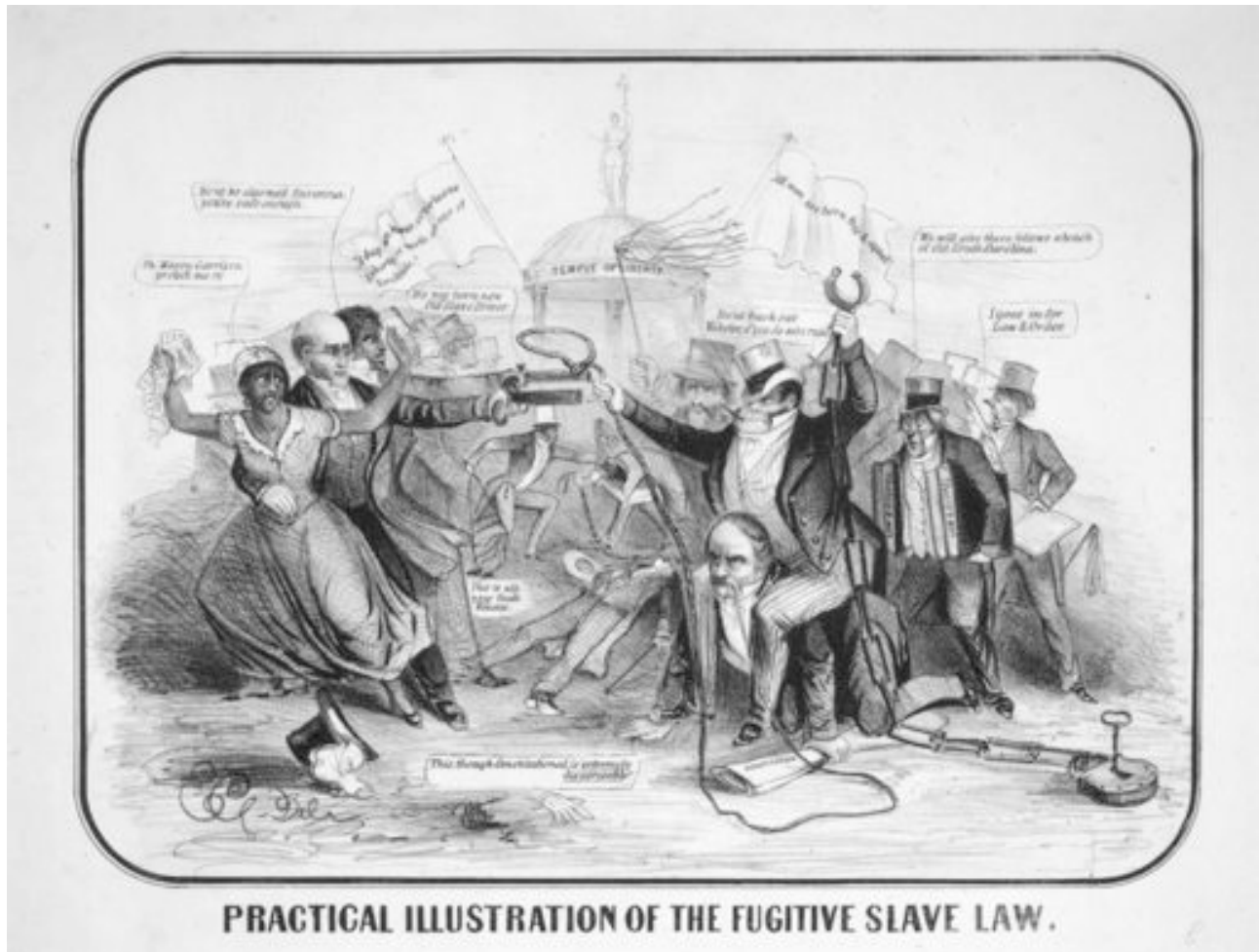
To all whom it may concern:

Whereas, Anthony Burns, a member of this church, has made application to us, by a letter to our pastor, for a letter of dismissal, in fellowship, in order that he may unite with another church of the same faith and order; and whereas, it has been satisfactorily established before us, that the said Anthony Burns absconded from the service of his master, and refused to return voluntarily -- thereby disobeying both the laws of God and man, although he subsequently obtained his freedom by purchase, yet we have now to consider him only as a fugitive from labor (as he was before his arrest and restoration to his master), have therefore

Resolved, Unanimously, that he be excommunicated from this communion and fellowship of this church.

DOCUMENT N

Harper's Weekly political cartoon opposing the Fugitive Slave Act, 1851.



Digital History

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The most explosive element in the Compromise of 1850 was the Fugitive Slave Law, which required the return of runaway slaves. Any black--even free blacks--could be sent south solely on the affidavit of anyone claiming to be his or her owner. The law stripped runaway slaves of such basic legal rights as the right to a jury trial and the right to testify in one's own defense.

Under the Fugitive Slave Law, an accused runaway was to stand trial in front of a special commissioner, not a judge or a jury, and that the commissioner was to be paid \$10 if a fugitive was returned to slavery but only \$5 if the fugitive was freed. Many Northerners regarded this provision as a bribe to ensure that any black accused of being a runaway would be found guilty. Finally, the law required all U.S. citizens and U.S. marshals to assist in the capture of escapees. Anyone who refused to aid in the capture of a fugitive, interfered with the arrest of a slave, or tried to free a slave already in custody was subject to a heavy fine and imprisonment.

The Fugitive Slave Law produced widespread outrage in the North and convinced thousands of Northerners that slavery should be barred from the western territories.

Attempts to enforce the Fugitive Slave Law provoked wholesale opposition. Eight northern states enacted "personal liberty" laws that prohibited state officials from assisting in the return of runaways and extended the right of jury trial to fugitives. Southerners regarded these attempts to obstruct the return of runaways as a violation of the Constitution and federal law.

The free black communities of the North responded defiantly to the 1850 law. They provided fugitive slaves with sanctuary and established vigilance committees to protect blacks from hired kidnappers who were searching the North for runaways. Some 15,000 free blacks emigrated to Canada, Haiti, the British Caribbean, and Africa after the adoption of the 1850 federal law.

The South's demand for an effective fugitive slave law was a major source of sectional tension. In Christiana, Pennsylvania, in 1851, a gun battle broke out between abolitionists and slave catchers, and in Wisconsin, abolitionists freed a fugitive named Joshua Glover from a local jail. In Boston, federal marshals and 22 companies of state troops were needed to prevent a crowd from storming a court house to free a fugitive named Anthony Burns.