



# Fugitive Slave Acts

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The Fugitive Slave Acts were a pair of federal laws that allowed for the capture and return of runaway enslaved people within the territory of the United States. Enacted by Congress in 1793, the first Fugitive Slave Act authorized local governments to seize and return escapees to their owners and imposed penalties on anyone who aided in their flight. Widespread resistance to the 1793 law led to the passage of the Fugitive Slave Act of 1850, which added more provisions regarding runaways and levied even harsher punishments for interfering in their capture. The Fugitive Slave Acts

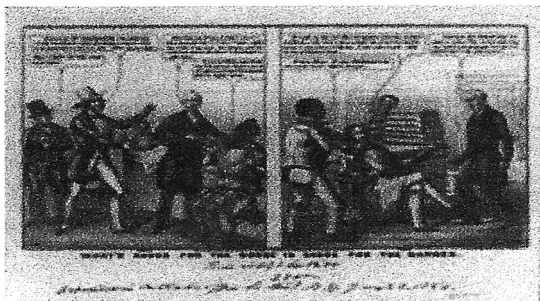
were among the most controversial laws of the early 19th century.

## What Were the Fugitive Slave Acts?

Statutes regarding refugee slaves existed in America as early as 1643 and the New England Confederation, and slave laws were later enacted in several of the 13 original colonies.

Among others, [New York](#) passed a 1705 measure designed to prevent runaways from fleeing to Canada, and [Virginia](#) and [Maryland](#) drafted laws offering bounties for the capture and return of escaped enslaved people.

By the time of the Constitutional Convention in 1787, many Northern states including [Vermont](#), [New Hampshire](#), [Rhode Island](#), [Massachusetts](#) and [Connecticut](#) had abolished slavery.



Print by E. W. Clay, an artist who published many proslavery cartoons, supports the Fugitive Slave Act of 1850. In the cartoon, a Southerner mocks a Northerner who claims his goods, several bolts of fabric, have been stolen. "They are fugitives from you, are they?" asks the slaver. Adopting the rhetoric of abolitionists, he continues, "As to the law of the land, I have a higher law of my own, and possession is nine points in the law."

if he determined the proof to be insufficient.<sup>[7]</sup> In addition, any person aiding a fugitive by providing food or shelter was subject to six months' imprisonment and a \$1,000 fine. Officers who captured a fugitive from slavery were entitled to a bonus or promotion for their work.

Enslavers needed only to supply an affidavit to a Federal marshal to capture a fugitive from slavery. Since a suspected enslaved person was not eligible for a trial, the law resulted in the kidnapping and conscription of free Blacks into slavery, as suspected fugitive slaves had no rights in court and could not defend themselves against accusations.<sup>[8]</sup>

The Act adversely affected the prospects of escape from slavery, particularly in states close to the North. One study finds that while prices placed on enslaved people rose across the South in the years after 1850 it appears that "the 1850 Fugitive Slave Act increased prices in border states by 15% to 30% more than in states further south", illustrating how the Act altered the chance of successful escape.<sup>[9]</sup>

## Nullification

In 1855, 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. In 1859 in Ableman v. Booth, the U.S. Supreme Court overruled the state court.<sup>[10]</sup>

In November 1850, the Vermont legislature passed the Habeas Corpus Law, requiring Vermont judicial and law enforcement officials to assist captured fugitive slaves. It also established a state judicial process, parallel to the federal process, for people accused of being fugitive slaves. This law rendered the federal Fugitive Slave Act effectively unenforceable in Vermont and caused a storm of controversy nationally. It was considered a nullification of federal law, a concept popular in the South among states that wanted to nullify other aspects of federal law, and was part of highly charged debates over slavery. Noted poet and abolitionist John Greenleaf Whittier had called for such laws, and the Whittier controversy heightened 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 test events took place in Vermont, but the rhetoric of this flare-up echoed South Carolina's 1832 nullification crisis and Thomas Jefferson's 1798 Kentucky Resolutions.<sup>[11]</sup>

Jury nullification occurred as local Northern 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 against men accused of rescuing Shadrach Minkins in 1851 from