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Northward bound: Slave refugees and the pursuit of freedom in the Northern US and Canada, 1775-1861

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Chapter Four

Kidnapping, Rendition, and Extradition: Resisting Re-enslavement in the Northern US and Canada

Mr. Stevenson... pleas [sic] sir give my love to my aunt Dinah Caty and Jane bennet tell them I say they must not come to the States but stay in the land of freedom... for the law is so [now] all through the united States that the slave holders can take their slaves where ever they can find them and since that law passed here has bin [sic] several collard [sic] people taken some of wich [sic] was borned [sic] free but they had not their free papers... no collard [sic] person is safte [sic] in any part of the States my advice to all collard [sic] people to stay in canada wither [sic] they are free or fugatives [sic].

- S. Wickham [Oswego] to D.B. Stevenson, Oct. 12, 1850⁵¹²

After escaping from the South, slave refugees faced another major obstacle: the threat of recapture and re-enslavement. The above letter, written by S. Wickham of Oswego, New York, illustrates one of the starkest contrasts between freedom in the northern US and Canada. In the North, slave refugees were subject to re-enslavement under the Fugitive Slave Acts.⁵¹³ Setting foot on northern soil did not automatically confer formal freedom upon self-emancipated refugees. Under US federal law, they were regarded as ‘fugitives from justice’ and could be legally reclaimed by their enslavers. Aside from formal recaption, free African Americans faced the threat of illegal kidnapping. Human trafficking rings were highly organized in parts of the North, especially in the borderlands. According to Jonathan Daniel Wells, the second slavery and interregional slave trade “created a profitable opening for whites looking to abduct free blacks and sell them into bondage.” Northern free soil was thus a fluid, contested concept which was regularly threatened by enslavers, bounty hunters, and kidnappers.⁵¹⁴

In Canada, meanwhile, slave refugees were largely shielded from re-enslavement. From the late eighteenth century onward, the British and Canadian governments refused to return freedom seekers. All efforts to negotiate an extradition treaty between the United States and Great Britain ended in failure. In response,

⁵¹² Correspondence for 1850, letter from S. Wickham to D.B. Stevenson, Oct. 12, 1850. D.B. Stevenson fonds. F 4999 MU 2885. AO. Toronto. Transcribed letter found here: http://www.archives.gov.on.ca/en/explore/online/black_history/wickham-letter.aspx, accessed Jan. 20, 2020.

⁵¹³ Hereafter written as ‘FSA 1793’ and ‘FSA 1850’ respectively.

⁵¹⁴ Jonathan Daniel Wells, *Blind No More: African American Resistance, Free-Soil Politics, and the Coming of the Civil War* (Athens, GA: University of Georgia Press, 2019), 19.

southern enslavers changed tactics and began petitioning for the return of ‘criminals’ or ‘offenders.’ Apart from one notorious case, this strategy was ineffective. Free Soil in Canada was substantively different from its counterpart in the northern states. Derived from Lord Mansfield’s ruling in *Somerset v. Stewart* (1772), it determined that slavery could be only be enforced by positive law and that enslaved people were legally freed upon setting foot in Great Britain. Over time, however, the *Somerset* ruling increasingly shaped debates over slave refugee recapture, rendition, and ‘free soil’ in the North. Joseph T. Murphy argues the *Somerset* decision “entered into the common law on both sides of the Atlantic, becoming a background assumption in most northern states after the Revolution.”⁵¹⁵

This chapter examines the threat of re-enslavement to slave refugees in the northern US and Canada. How secure were self-emancipators in each region? What were the main threats to slave refugees? How effective were the federal Fugitive Slave Acts? And in what ways did African Americans, African Canadians, and white abolitionists resist the re-enslavement of self-emancipators? This chapter illustrates that formal freedom in Canada offered greater levels of security from re-enslavement than semi-formal freedom in the northern US. Refugees in Canada understood that southern enslavers held no legal basis to demand their extradition and re-enslavement. Furthermore, the few recorded attempts to seize self-emancipators and free blacks from Canada were met with extreme resistance from local communities. At the same time, African Americans in the northern US enjoyed some legal protections. On the contrary, recapturing slave refugees and kidnapping free blacks was met with legal and extra-legal resistance from African Americans, white abolitionists, and others. For starters, northern cities and state governments enacted ‘personal liberty laws’ which limited the ability of southern enslavers to reclaim self-emancipators. Northern state governments enacted these measures in response to African American and white abolitionist activism, as well as growing concerns among northern whites regarding the influence of southern enslavers and slave catchers over local and national politics.⁵¹⁶

More significantly, African Americans and white abolitionists effectively transformed parts of the North into sanctuary spaces through civil disobedience and active resistance to recaption and re-enslavement (particularly after the passage of the

⁵¹⁵ Berlin, *The Long Emancipation*, 57; Joseph T. Murphy, “The British Example: West Indian Emancipation, the Freedom Principle, and the Rise of Antislavery Politics in the United States, 1833-1843,” *Journal of the Civil War Era* 8, no. 4 (2018), 621. For more on the *Somerset* ruling and the origins of British ‘free soil,’ see Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006), 78, 96-98; and Blackburn, *American Crucible*, 125-126; Van Gosse, “‘As a Nation, the English Are Our Friends’: The Emergence of African American Politics in the British Atlantic World, 1772-1861,” *American Historical Review* 113, no. 4 (2008), 1003-1028.

⁵¹⁶ Most recently, Calvin Schermerhorn drew comparison between antebellum personal liberty laws and sanctuary city and state laws today. See Schermerhorn, *Unrequited Toil*.

FSA 1850). In several high-profile cases, black and white activists forcibly resisted efforts to return freedom seekers to the South. They rushed courthouses, jails, and government buildings to liberate slave refugees, and even engaged in violent (and occasionally fatal) forms of resistance against enslavers, slave catchers, and even federal officials. Growing tensions between Northern and Southerners over the 'fugitive slave issue' reflected the rapidly brewing sectional tensions that led to the Civil War. Given the greater prominence of the 'fugitive slave issue' in the northern US, this chapter will devote most of its attention to this region. Indeed, the North proved the primary battleground over the recapture and rendition of freedom seekers. By contrast, only a small number of cases involved freedom seekers in Canada.

Recaption, Kidnapping, and Self-Defense Organizations in the Northern US

The emergence of 'free' soil after the Revolutionary War presented problems for southern enslavers in the early republic. Although the US Constitution recognized black enslavement, the so-called fugitive slave clause (Article 4, Section 2, Clause 3) was effectively silent regarding the procedures for the recapture of freedom seekers from the northern states. This led to several disputes between the 'free' and 'slave' states over the rendition issue.⁵¹⁷ In 1791, matters came to a head between Pennsylvania and Virginia over the kidnapping of John Davis, who had obtained his legal freedom under Pennsylvania's Gradual Abolition Act (1780). Under this law, enslavers were legally required to register enslaved people in Pennsylvania with the state government or risk losing their human 'property.' As his Virginia enslaver did not register him with the state, John Davis was subsequently emancipated. Davis' enslaver hired three Virginians to abduct the formerly enslaved man and bring him back to Virginia. The incident sparked outrage north of the Mason-Dixon Line. Pennsylvania Governor Thomas Mifflin demanded the extradition of the three men to stand trial on kidnapping charges. However, Virginia Governor Beverly Randolph refused to grant this request, insisting that the men were merely reclaiming a self-emancipator. Eventually, the federal government stepped in to resolve the dispute.⁵¹⁸

Signed into law by President George Washington, the Fugitive Slave Act of 1793 was designed to resolve the issue. Under the law, southern whites could travel

⁵¹⁷ Foner, *Gateway to Freedom*, 38-39.

⁵¹⁸ Paul Finkelman, "The Kidnapping of John Davis and the Adoption of the Fugitive Slave Law of 1793," *Journal of Southern History* 56, no. 3 (1990), 397-422; Foner, *Gateway to Freedom*, 38-39; Stephen Lubet, *Fugitive Justice: Runaways, Rescuers, and Slavery on Trial* (Cambridge, MA: Belknap Press, 2012), 20-22; Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson*, 2nd ed. (Armonk, NY: M. E. Sharpe, 2001), 81-104.

to the northern states, seize an alleged freedom seeker, and take them before a judge or magistrate to request their rendition. If satisfied, the judge or magistrate would issue a certificate endorsing the rendition. Anyone found guilty of assisting slave refugees was also subject to prosecution and a hefty fine (up to \$5,000). African Americans and white abolitionists were horrified by the law's implications for their liberty. Northern whites, far from supporters of abolitionism, were concerned by the law's implications for state sovereignty.⁵¹⁹ Despite the federal government's intervention, however, slave refugee renditions remained a predominantly interstate matter. As Eric Foner writes, the FSA 1793 "put the onus on the owner to track down and apprehend the fugitive, frequently a difficult and expensive process." Perhaps more significantly, northern police officers and other officials were not required to assist with the recapture of freedom seekers. Southern enslavers pressed the federal government to strengthen protections for the recapture of self-emancipated refugees. In 1818, the US Congress drafted a bill requiring state officers to participate in the arrest of freedom seekers. However, it was rejected and the FSA 1793 remained the primary statute governing the recapture of freedom seekers.⁵²⁰

Aside from formal rendition, the slave refugee recapture and the FSA 1793 posed other threats to African Americans throughout the North. Most notably, federal law increased the risk of kidnapping and illegal enslavement. Southern enslavers and kidnapers regularly seized free blacks and sold them into slavery. "By the second decade of the nineteenth century," writes Ira Berlin, "kidnappers displayed little shame about what had become simply another business, carried on openly with few checks." Kidnapping was particularly prevalent in the Mason-Dixon and Ohio River borderlands in the early republic. Bounty hunters also roamed the streets of northern towns and cities, such as Philadelphia and New York City, as well as other northern locales in search of unassuming black men, women, and children. Over time, human trafficking became a hugely lucrative business for kidnapers, largely due to the second slavery. In 1817, Jesse Torrey wrote, "it is the *uncontrolled slave trade*... which gives facility to the extensive and increasing practice of kidnapping."⁵²¹

Northern state governments passed laws to prevent the kidnapping of free African Americans. Vermont, Connecticut, Massachusetts, and Pennsylvania enacted

⁵¹⁹ Harrold, *Border War*, 73.

⁵²⁰ Harrold, *Border War*, 23-25; Foner, *Gateway to Freedom*, 39; H. Robert Baker, "A Brief History of Sanctuary Cities," *TropicsOfMeta.com*, Feb. 2, 2017. <https://tropicsofmeta.com/2017/02/02/a-brief-history-of-sanctuary-cities/>. Accessed Nov. 13, 2018.

⁵²¹ Berlin, *The Long Emancipation*, 76; Harrold, *Border War*, 30; Smith, *On the Edge of Freedom*; 20; David Fiske, *Solomon Northup's Kindred: The Kidnapping of Free Citizens before the Civil War* (Santa Barbara, CA: Praeger, 2016), 14, 41; Jesse Torrey, *A Portraiture of Domestic Slavery, in the United States: with Reflections of the Practicability of Restoring the Moral Right of the Slave, without Impairing the Legal Privileges of the Possessor: and a Project of Colonial Asylum for Free Persons of Colour including Memoirs of Facts on the Interior Traffic in Slaves, and on Kidnapping* (Philadelphia: Published by the Author, 1817), 31.

their laws in the late eighteenth century. Other northern states acted more slowly. In 1813, the New York General Assembly passed ‘An Act to Prevent the Kidnapping of Free People of Colour,’ which made it illegal to “seize and forcibly confine, or inveigle, or kidnap, any negro, mulatto, mestee, or other person of colour, not being a slave, with intent to send him out of state against his will.” Three years later, Indiana’s General Assembly passed an “Act to Prevent Manstealing,” which required captors to secure a warrant and mandated that only a local sheriff or constable could arrest alleged self-emancipators. In 1820, Pennsylvania enacted a stricter anti-kidnapping law that carried a fine of between \$500 and \$1,000 or several years of hard labor. In 1824, Indiana passed a Fugitive Slave Act which formalized procedures for the recapture of slave refugees. Claimants were legally required to obtain a warrant from a county clerk. Similarly, Pennsylvania’s Fugitive Slave Act of 1826 carried significant fines and jail time for illegal kidnapping.⁵²²

Southern enslavers and politicians condemned northern anti-kidnapping laws. Between 1816 and 1822, the Maryland General Assembly approved five resolutions that criticized the state of Pennsylvania for obstructing the recovery of freedom seekers. Similarly, the Kentucky General Assembly called for Governor Gabriel Slaughter to discuss with Indiana Governor Jonathan Jennings “the difficulty said to be experienced by our citizens in reclaiming their slaves, who escaped in your state.” In 1822, Kentucky’s General Assembly urged their northern neighbors to amend their laws “in relation to the people of colour, and to slaves who may come among them, escaping from their owners, so to frame the laws of the respective states, as will, in a great degree, if not entirely, obviate the inconveniences which now exist.”⁵²³

Kidnapping remained prevalent across the ‘free’ states, particularly in the North-South border zones. Abolitionist organizations documented several cases of black men, women, and children being seized by bounty hunters and illegally sold into southern slavery. In June 1811, the PAS recorded the kidnapping of a nine-year-old “Mulatto Boy by the name of Peter Reuben Francis Johnson” in Philadelphia by a white man named T.I. Johnson. During a trip to Philadelphia, Moses hired Johnson to assist him with various matters. He tricked the young boy by asking for his help to pick cherries in neighboring New Jersey. Once on the boat, however, Johnson soon learned that it was heading directly to Baltimore. Upon arrival, he was sold to a local

⁵²² Wilson, *Freedom at Risk*, 67-68; Fiske, *Solomon Northup’s Kindred*, 25-26; Harrold, *Border War*, 26; Salafia, *Slavery’s Borderland*, 139; Newman, *Transformation of American Abolitionism*, 40-44; Diemer, *Politics of Black Citizenship*, 51-52; Salafia, *Slavery’s Borderland*, 154-156; “Indiana and Fugitive Slave Laws,” *IN.gov*, accessed Oct. 17, 2018. <https://www.in.gov/history/3117.htm>; Smith, “On the Edge of Freedom,” 31. For more on northern opposition to kidnapping, see Mason, *Slavery and Politics*, 130-145.

⁵²³ Grivno, *Gleanings of Freedom*, 45-46; Salafia, *Slavery’s Borderland*, 139-140; Harrold, *Border War*, 26-27; “1822 Kentucky Resolution to Neighboring States,” *images.indianahistory.org*, accessed Jul. 3, 2018. <http://images.indianahistory.org/cdm/compoundobject/collection/V0002/id/1478/rec/1>.

trader in the city for \$250. The PAS mobilized quickly and soon discovered Johnson's whereabouts in Baltimore. The boy was subsequently liberated and returned to his home in Philadelphia. Moses was convicted for his role in the kidnapping.⁵²⁴ In 1817, the *New York Gazette* reported that a man from Georgia named Thompson "was convicted at the last session of kidnapping several negroes[.]" About three years later, John Read, a freedom seeker who fled from Baltimore to Kennett Township, Pennsylvania, was attacked at his home by his former enslaver, Samuel Griffith, and his former overseer. Read killed the two men in self-defense and was subsequently remanded by the authorities. White Marylanders demanded that Read be tried for murder. However, the jury acquitted Read of Griffith's murder and charged him with manslaughter in Shipley's case. Maryland's General Assembly continued to demand Read's rendition but the original decision was never overturned.⁵²⁵

Meanwhile, several cases brought Kentucky enslavers and authorities across the Old Northwest (but especially in the Ohio River borderland) into conflict over the recapture of freedom seekers. Isaac Crosby, a self-emancipator from Jefferson County, Kentucky, faced the real threat of re-enslavement when, in November 1818, two southern agents attempted to seize the man in Clark County, Indiana, and take him across the Ohio River. Crosby had taken up residence at the home of General Bartholomew in Charlestown and both men resisted the two captors. Crosby's enslaver, Squire Brooks, arrived at the scene with a warrant from the Knox County Circuit Court, but Bartholomew refused to surrender the freedom seeker. The outcome of this case is unknown, although it is likely that Crosby was taken back to Kentucky. The justice of the peace in Jeffersonville was indicted with removing Crosby "forcibly out of state." The Crosby case illustrated the uncertainty and confusion surrounding Indiana's rendition and recaption procedures. Matthew Salafia argues, "Everyone involved knew that the meaning of the law depended on who enforced it, and they tried to manipulate the legal system to further their own ends."⁵²⁶

Over time, African American and white abolitionist newspapers published various articles on kidnapping to raise awareness of the threat posed to northern black communities. In 1832, the *Liberator* asserted, "Hundreds of our free citizens have been stolen and sold as slaves in the southern markets. As long as slavery is tolerated, no laws against kidnapping, however severe, will entirely suppress this robbery." A few months later, the newspaper claimed that two African American men were "kidnapped in Philadelphia, gagged, and put into the hold of a sloop, from which they made their escape. A mulatto boy was also kidnapped and sold." In Boston, a man named George Farrar was "kidnapped by a Capt. Snow, and sold to Woolfolk in

⁵²⁴ Acting Committee Minute Book, vol. 4, 1810-1822. PAS Papers Series 1.5. HSP. PAS Papers accessed via *Slavery, Abolition & Social Justice*, 1490-2007. Adam Matthew Digital.

⁵²⁵ "Kidnapping," *New York Gazette*, reprinted in *Western Sun*, Sep. 27, 1817; Diemer, *Politics of Black Citizenship*, 52; Harrold, *Border War*, 28.

⁵²⁶ Salafia, *Slavery's Borderland*, 140-141.

Baltimore.” In another instance, an “attempt [was] made by a mob of blacks in New York to rescue two colored men who were seized as runaway slaves.” Carol Wilson writes that kidnapping was widespread “partly because of the potential for great profits from a successful kidnapping and sale of a free black into slavery, which made kidnappers willing to take the risk.” Human trafficking evolved into a lucrative business, which was dubbed by some as the ‘Reverse Underground Railroad.’⁵²⁷

Organized kidnapping gangs soon emerged in parts of the North. The Cannon-Johnson gang, for instance, abducted countless African Americans in the Mason-Dixon borderland. Its most famous member was Lucretia “Patty” Cannon, who alongside her husband orchestrated the abduction of African Americans. Philadelphia Mayor Joseph Watson wrote in the *African Observer*, “In the summer of 1825, a number of free coloured children were suddenly missed from the city of Philadelphia and its suburbs... the conclusion became general that some unusually successful and extensive plan of kidnapping, had been practised [sic] upon them[.]” The report claimed that the Cannon-Johnson gang was responsible for the kidnappings and that the children were sold into slavery. In 1829, Patty Cannon was arrested for the murder of three young black children.⁵²⁸

More than any other group, black children were especially vulnerable to kidnapping. Stephen Crew notes that “a ring of kidnappers operated in Philadelphia luring African American children onto boats along the Delaware River and then transporting them south, where they were sold into slavery.”⁵²⁹ In 1828, the New York *Spectator* reported that Andrew O’Conner was arrested by the police in the city because he had “attempted to take a little coloured boy, under the pretext that he had run off from Newark... it is believed that a number of colored children have recently

⁵²⁷ Z. Z., “Judge Thatcher’s Charge,” *Liberator*, Sep. 22, 1832; “Look on This Picture!!,” *Liberator*, Dec. 29, 1832; Blackett, *Captive’s Quest for Freedom*, 375-376; Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington: University of Kentucky Press, 1994), 9. For more on kidnapping, human trafficking, and the Reverse UGRR (particularly in the Mason-Dixon borderland), see Julie Winch, “Philadelphia and the Other Underground Railroad,” *Pennsylvania Magazine of History and Biography* 111, no. 1 (1987), 3-25; Farrow, Lang, and Frank, *Complicity*, 139-154; Milt Diggins, *Stealing Freedom Along the Mason-Dixon Line: Thomas McCreary, the Notorious Slave Catcher from Maryland* (Baltimore: Maryland Historical Society, 2015); Lucy Maddox, *The Parker Sisters: A Border Kidnapping* (Philadelphia: Temple University Press, 2016); Richard Bell, “Counterfeit Kin: Kidnappers of Color, the Reverse Underground Railroad, and the Origins of Practical Abolition,” *Journal of the Early Republic* 38, no. 2 (2009), 199-203; and Richard Bell, *Stolen: Five Free Boys Kidnapped into Slavery and Their Astonishing Odyssey Home* (New York: 371NK, 2019). For an excellent study of kidnapping and human trafficking in the Ohio River borderland, see W. Caleb McDaniel, *Sweet Taste of Liberty: A True Story of Slavery and Restitution in America* (New York: Oxford University Press, 2019).

⁵²⁸ Wilson, *Freedom at Risk*, 19-39; Richard Bell, “‘Thence to Patty Cannon’s’: gender, family, and the reverse Underground Railroad,” *Slavery & Abolition* 37, no. 4 (2016), 661-679; Gigantino II, *Ragged Road to Abolition*, 168-69; Joseph Watson, “KIDNAPPING,” *African Observer*, May 1, 1827; “Narrative of Lydia Smith,” *African Observer*, May 1, 1827.

⁵²⁹ Stephen Crew. “‘When the Victims of Oppression Stand Up Manfully for themselves’: The Fugitive Slave Law of 1850 and the Role of African Americans in Obstructing Its Enforcement,” in Finkelman (ed.), *Congress and the Crisis of the 1850s*, 124.

been kidnapped, and taken from the city.” In 1840, Virginia kidnapers Dickinson Shearer and E. M. Turner abducted a young boy named Sidney Orrison Francis from Massachusetts. The *Pennsylvania Freeman* claimed that they “decoyed the boy from his parents... took him to Hartford, went on board a steamboat to New York, thence to Philadelphia, and thence to Fredericksburg.”⁵³⁰ Farther north, African Americans were also at risk of kidnapping or recapture in New England and western New York. Yet the greater geographical distance from the Upper South, as well as the more fervent anti-slavery populations of both regions, made it more difficult terrain for bounty hunters. In 1834, one newspaper reported on the arrest of a black man in Albany “on a charge of being a slave. While in the hands of an officer, he was rescued by a party of 100 blacks, placed in a carriage and driven out of town.”⁵³¹

Kidnappings were also reported in the Ohio River borderland. In February 1820, the *Western Sun & General Advertiser* reported that “five ruffians armed with swords and pistols, and... crossed the Ohio on the ice in pursuit of a negro who has resided in [Vincennes, Indiana] for five years past[.]” The kidnapers lured their victim to the Ohio River where “they forcibly seized him in open day-light and in defiance of a few citizens whom his cries brought to the spot, they hurried him off[.]”⁵³² Likewise, southern whites often crossed the Mississippi River and orchestrated kidnappings in southern Illinois. John Hart Crenshaw, an infamous kidnapper in Shawneetown, Illinois, was involved in several abduction cases. “His career as a kidnapper,” writes J. Blaine Hudson, “was long, lucrative, and bloodstained.” Crenshaw’s home came to be known as the ‘Old Slave House.’⁵³³

Slave refugees were fully aware of the risks in the Old Northwest, particularly in the immediate Ohio and Mississippi River border zones. J.H. Banks, a freedom seeker from Alabama, recalled that the region was “inhabited a good deal by Kentuckians and Tennesseans, or settlers from those States, who watch for and catch escaping slaves, mainly to get rewards offered for them[.]”⁵³⁴ Kidnappings increasingly frayed relations between the northern and southern states in the region. In 1826, the *Indiana Palladium* reported that a group of men from Kentucky seized Andrew Shield in Lawrenceburg, Indiana. Fortunately, Shields managed to escape and secure protection from the authorities. For the *Palladium*, the issue was primarily about state sovereignty and due process (not necessarily African American equality). It wrote, “our laws define the mode of reclaiming slaves, which is simple and easy to

⁵³⁰ “Kidnapping,” *Spectator* (New York, NY), reprinted in *Freedom’s Journal*, Aug. 8, 1828;

“KIDNAPPING IN MASSACHUSETTS,” *Pennsylvania Freeman*, Feb. 6, 1840.

⁵³¹ “Rescue of a Slave,” *New York Commercial Advertiser*, reprinted in *Canadian Emigrant and Western District Advertiser*, May 24, 1834.

⁵³² “KIDNAPPING,” *Western Sun & General Advertiser*, Feb. 19, 1820.

⁵³³ Hudson, *Encyclopedia of the Underground Railroad*, 74;

⁵³⁴ James W.C. Pennington, *A Narrative of the Life of J.H. Banks, an Escaped Slave, from the Cotton State, Alabama, in America* (Liverpool: M. Rourke, 1861), 77, accessed May 28, 2020.

<https://docsouth.unc.edu/neh/penning/penning.html>.

understand; and any person who shall take any human being out of the state, by force or otherwise, without conforming to them, ought to suffer to the extent of the law for kidnaping.”⁵³⁵

In New York City, police officers and city officials founded a ‘Kidnapping Club.’ Members of the notorious organization included police constables Tobias Boudinot and Daniel Nash, as well as City Recorder Richard Riker. The Kidnapping Club quickly rose in infamy among African Americans and white abolitionists in the city. The *Emancipator* described Boudinot as “the leader of the band of human hyenas, or slave-catchers, who prowl about this city[.]”⁵³⁶ Several episodes highlight the threat posed by the Kidnapping Club. In 1834, young Henry Scott was sitting in his class at the African Free School when Virginia enslaver Richard Haxall arrived with a police officer. Haxall claimed that Henry had illegally escaped to New York and, with the officer’s assistance, forcibly dragged the boy out of the school. Although Haxall lacked the paperwork to prove Scott’s enslaved status, Riker sent the boy to jail until the documents could be procured. Editorials condemned Haxall, Riker, and the officer for their involvement in the illegal seizure of Henry and called for supporters to protest. An anonymous author wrote in the *Emancipator* that New York City was “infested with a gang of *man-stealers*,” which sought to “bind [Henry] with the galling chains of slavery!” African Americans and white abolitionists staged protests in New York City to demand Henry’s release. Eventually, Riker succumbed to the public outrage and released Scott.⁵³⁷

Nonetheless, the Kidnapping Club continued to operate in the city. In March 1837, George Thompson was seized at his home around midnight by Nash, Boudinot, and other kidnapers. The *New York Commercial Advertiser* reported that the “armed banditti... employed a *decoy* colored man to ask shelter of [Thompson]... The poor man left his bed to see what could be done, when the ruffians, who lay concealed, rushed in and secured him, presented a pistol at his head, and after other outrages, bore him from his desolate wife and children.” Recorder Riker ruled that Thompson was a self-emancipator from Virginia and ordered his removal to the state.⁵³⁸ African Americans and white abolitionists in New York City fought the Kidnapping Club through newspaper editorials and public protests. They sought to raise awareness of

⁵³⁵ “Dark Business,” *Indiana Palladium*, reprinted in *Public Ledger*, Jul. 15, 1826;

⁵³⁶ Harris, *In the Shadow of Slavery*, 208; Hodges, *David Ruggles*, 114, 127; Foner, *Gateway to Freedom*, 52, 68-69; Alexander, *African or American?*, 89-90; Pennington, *Fugitive Blacksmith*, 50-51; “TOBIAS BOUDINOT,” *Emancipator*, reprinted in *Pennsylvania Freeman*, Apr. 2, 1840. For more on the New York Kidnapping Club, see Jonathan Daniel Wells, *The Kidnapping Club: Wall Street, Slavery, and Resistance on the Eve of the Civil War* (New York, NY: Bold Type Books, 2020).

⁵³⁷ Plutarch, “Boy Stealing!” *Emancipator*, reprinted in *Liberator*, Apr. 5, 1834; Foner, *Gateway to Freedom*, 61; Anna Mae Duane, *Educated for Freedom: The Incredible Story of Two Fugitive Schoolboys who Grew Up to Change a Nation* (New York: NYU Press, 2020), 46.

⁵³⁸ “SLAVE TRADE IN THE CITY OF NEW YORK,” *New York Commercial Advertiser*, reprinted in *Liberator*, May 5, 1837; SLAVE CASE – NO. 3,” *CA*, May 9, 1840.

its illegal operations among free blacks and white abolitionists, and spur activists to resist its efforts at every turn. Elizur Wright, Jr.'s 'Chronicles of Kidnapping in New York' were published in the *Emancipator* and *Anti-Slavery Record*. These chronicles highlighted episodes of kidnapping in the city. "At this moment," Wright wrote in June 1834, "there are *eleven* persons confined in the city prison as *slaves*... They are thrust into cells about 7 feet by 3 1/2, with no light but that which straggles through a grating in the door." In one case, Wright recounted the dramatic kidnapping of Francis Smith, an alleged self-emancipator from Virginia. On June 19, Smith was ambushed by several men as he attempted to board a New Haven steamboat. A skirmish ensued, and Smith fled the scene, only to be stopped by local businessmen who had been "completely deceived by the crafty kidnappers" into thinking that he was a self-emancipator. Smith was beaten and taken to a New York City jail. While visiting Smith in jail, Wright recalled that his "tears were mingling freely with the blood that trickled down from the barbarous cuts." In 1836, David Ruggles informed readers, "we are all liable: your wives and children are at the mercy of merciless kidnappers. We have no protection in law, because the legislators withhold justice... we must look to our own safety and protection from kidnappers!"⁵³⁹

Furthermore, African American and white activists founded self-defense organizations to protect themselves from kidnappers. Most of these organizations first emerged in the 1820s. In 1827, Philadelphia blacks founded the Protecting Society of Philadelphia. Secretary John Allen wrote in the *Freedom's Journal*, "Of the many evils to which we as fallible creatures are liable, none is more to be dreaded and execrated than the system of kidnapping free persons of Colour, which had been carried on even in this city by a set of unprincipled men, for some years past." As mentioned in Chapter Two, David Ruggles and others established the New York Vigilance Committee (NYVC) which, aside from aiding slave refugees, also protected free blacks from human trafficking and illegal enslavement. Eric Foner writes that the NYVC "forced the interconnected issues of kidnapping and fugitive slaves into the larger public sphere." At its first annual meeting, delegates resolved to prevent the city from becoming a "SLAVEHOLDER'S HUNTING GROUND."⁵⁴⁰ Ruggles even called out members of the Kidnapping Club in newspaper editorials.

⁵³⁹ Elizur Wright, Jr., "Chronicles of Kidnapping in New-York," *Emancipator*, reprinted in *American Anti-Slavery Reporter*, Jun. 1, 1834; Elizur Wright, Jr., "Chronicles of Kidnapping in New-York," *Emancipator*, Jul. 7, 1834; David Ruggles, "KIDNAPPING IN THE CITY OF NEW YORK," *Sun* (Baltimore, MD), reprinted in *National Enquirer: And Constitutional Advocate of Universal Liberty*, Aug. 3, 1836; Foner, *Gateway to Freedom*, 60-61.

⁵⁴⁰ Hutton, *Early Black Press in America*, 151; John Allen, "Notice," *Freedom's Journal*, Aug. 8, 1828; Foner, *Gateway to Freedom*, 61-64; Hodges, *David Ruggles*, 88-89; New York Vigilance Committee. The first annual report of the New York Committee of Vigilance for the year 1837: together with important facts relative to their proceedings. New York, 1837. *Slavery and Anti-Slavery*. Gale. Universiteit Leiden/LUMC. 29 July 2019, 81-82; "THE NEW-YORK VIGILANCE COMMITTEE," *New York Evangelist*, Mar. 4, 1837. For more on the Protecting Society, see Bacon, *Freedom's Journal*, 238.

He wrote in the *Zion's Watchman*, "You are doubtless aware that there is an organized party of men in this city, whose business it is to catch its inhabitants, and send them to the South... Boudinot is the president, and Nash the general agent, who has been prowling through the South, from state to state[.]" The NYVC continued to organize anti-kidnapping meetings in the city and encouraged African Americans to resist human traffickers.⁵⁴¹

The NYVC also funded and supported legal suits involving kidnapping victims. One such case involved William Dixon. On April 4, 1837, Dixon was seized by kidnapers and charged with being a fugitive from Virginia. Dixon was subsequently taken to Bridewell Prison in City Hall Park. The trial commenced the following week and witnesses provided testimonies for both sides. More than 1,000 African Americans gathered outside the courthouse to protest Dixon's arrest. After some deliberation, the magistrate sided with the bounty hunters and ordered his rendition to Virginia. As Dixon was led out of the courthouse, the black crowd attempted to force his release. He was handed a knife and quickly fled the scene. Dixon was caught shortly after but successfully sued for his freedom later that year.⁵⁴²

Despite its activism, the NYVC only managed to exert limited influence over court cases and legal proceedings. As noted by Foner, "once authorities brought an individual to court as an alleged fugitive, he was almost certain to be remanded to slavery." In October, a self-emancipator from Maryland named Henry Metscher was arrested by Nash and Boudinot. A New York City attorney claimed that Metscher was arrested "without any process, and on the pretence [sic] that Metscher had been stealing." The charges were soon dropped and Metscher was detained for being a supposed self-emancipator. Ruggles sought to raise awareness of Metscher's arrest and insisted that it "merit[ed] the marked attention of every member of the Vigilance Committee." Eventually, a city magistrate ordered Metscher's rendition to Maryland. In response, the *Philanthropist* declared sarcastically, "Truly, this must be the freest as well as the most enlightened and consistent nation on earth."⁵⁴³

In September 1837, Ruggles detailed a "strange occurrence" in which a "very respectable looking woman with two little children, were brought from

⁵⁴¹ David Ruggles, "NEW YORK COMMITTEE OF VIGILANCE," *ZW*, Nov. 18, 1837; Hodges, *David Ruggles*, 89, 93.

⁵⁴² Foner, *Gateway to Freedom*, 70-71; Harris, *In the Shadow of Slavery*, 210-211; Marjorie Waters, "Before Solomon Northup: Fighting Slave Catchers in New York," *HistoryNewsNetwork.org*, accessed Oct. 18, 2013. <https://historynewsnetwork.org/article/153653>. Accessed Oct. 16, 2018. For a selection of articles on the William Dixon case, see "TREMENDOUS RIOT IN THE PARK – Rescue and Recapture of the Slave Dixon," *Liberator*, Apr. 21, 1837; "HORRID OUTRAGE IN NEW YORK," *Liberator*, Apr. 21, 1837; H. C. Wright, "KIDNAPPING IN NEW-YORK," *Liberator*, Apr. 21, 1837; "THE KIDNAPPING CASE," *ZW*, Apr. 29, 1837; "DIXON'S CASE," *New York Sun*, reprinted in *Liberator*, Jun. 30, 1837.

⁵⁴³ Foner, *Gateway to Freedom*, 71-72; David Ruggles, "NEW YORK COMMITTEE OF VIGILANCE," *ZW*, Nov. 18, 1837; "Case of Henry," *Philanthropist*, Nov. 21, 1837; H. Dresser, "SLAVE CASE – NO. 2," *CA*, Apr. 18, 1840.

Brooklyn and incarcerated in our city prison, where I am informed they remained till four or five o'clock the next morning, when they were taken from thence, and carried off to the South, it is believed, as slaves." Meanwhile, a woman known as 'Mrs. Barker' of Mulberry Street was "seized, and dragged from her home and fireside" by Nash and another kidnapper and held in Bridewell Prison. "Every colored person," contended Ruggles, "who is supposed to be a stranger in this city, without friends, is liable to be taken up by these desperados who infest the country and falsely charged with owing service or labor to some man-thief, and carried off to the South."⁵⁴⁴

Beyond New York City, kidnapping remained a greater threat to African Americans closer to the Upper South. In 1836, Severn Martin, a freedom seeker from Virginia, was apprehended in Burlington, New Jersey. "The case was an aggravated one," wrote the *National Enquirer*, "and the sympathy of the good citizens of Burlington was deeply felt, and strongly expressed." The *Philadelphia Enquirer* claimed, "his captors exhibited the fell spirit of demons, in his treatment... [Martin] was beaten severely with a heavy stick, on the head and in the face; and, while he was suffering from the wounds inflicted, the monsters of slavite [sic] depravity performed the operation of PULLING OUT HIS GRAY HAIRS!!!" Local activists launched a brief rescue attempt which was sadly repelled. Fortunately, Martin's friends later raised \$800 and purchased his freedom.⁵⁴⁵

The Vigilant Association of Philadelphia also protected African Americans from kidnappers. Police officers in the city engaged in kidnapping free blacks and selling them into slavery. George F. Alberti, a former constable in Philadelphia, was among the most notorious human traffickers in the region. Carol Wilson notes that enslavers "hired him to recover their fugitive slaves, but he often went beyond the spirit of the law."⁵⁴⁶ Alberti's operations were well-known among African Americans and white abolitionists alike in Philadelphia, southeastern Pennsylvania, and New Jersey. In the late 1830s, black and white activists alike renewed their calls for stronger protections against illegal abduction and recaption. "Trial by jury," declared the *National Enquirer*, "is the birth-right of Americans... Yet so it is, citizens of Pennsylvania can be torn from families, kindred, friends, property, and all that is near and dear to them in life, and dragged into perpetual bondage without being condemned to that dreadful punishment by the verdict of twelve honest men of their county." It joked ironically that in the supposed land of liberty, "the rights of property are more sacredly guarded," and lambasted the Pennsylvania General Assembly for failing to take action to defend the rights of its citizens.⁵⁴⁷

⁵⁴⁴ David Ruggles, "NEW YORK COMMITTEE OF VIGILANCE," *ZW*, Nov. 18, 1837.

⁵⁴⁵ "CASE OF SEVERN MARTIN," *National Enquirer*, Aug. 24, 1836; "The slave case," *Philadelphia Enquirer*, reprinted in *Friend of Man*, Sep. 8, 1836; Gigantino II, *Ragged Road to Abolition*, 218-219.

⁵⁴⁶ Wilson, *Freedom at Risk*, 50.

⁵⁴⁷ "TRIAL BY JURY," *National Enquirer*, Mar. 4, 1837.

In the Old Northwest, kidnapping rings threatened African Americans. In 1834, *The Emancipator* reported on the abduction of a “colored man by the name of Henry” in Mount Pleasant, Ohio. It claimed that he “had been a slave in South Carolina” who was taken by his enslaver’s daughter to Pennsylvania. Enraged, Henry’s enslaver “sent his son to reclaim him.” At Wheeling, the son hired four men to help him with the kidnapping. The report claimed that the men “came upon Henry while at work in the field, seized, and proceeded to bind him.” One of the men placed a loaded gun in Henry’s mouth to keep him quiet. Fortunately for Henry, nearby residents quickly learned of what was happening “and came to his relief.” The kidnappers were forced to abort their plan and flee for safety.⁵⁴⁸

Four years later, members of a black family in Delaware County, Ohio were seized by southern kidnappers. “There were five,” the newspaper claimed, “two men, the mullato [sic] wife of one of them and two children, all smart.” They were enslaved in Kentucky before they “turned their backs on the land of violence and bondage – upon our American Egypt, and crossed the Ohio River, never to them half so beautiful before.” After their escape, a local resident was hired to retrieve the family from their new home. He managed to apprehend the woman and her children, “and in a moment of time [they were] borne away. Her shrieks piercing the air, became most terrific.” Others chased the kidnapper through the night but with no success. *The Philanthropist* lamented that Ohio had become “a mere race-ground between the slave states and Canada... [which] has no sovereignty, no independence, such as southrons [sic] claim and enjoy. She is but a kind of hand-maid to the South and wishing to do her duties well, she loves and serves and obey.”⁵⁴⁹

Southern enslavers, slave catchers, and kidnappers prowled the streets of borderland villages, towns, and cities in search of potential victims. Urban African American communities, such as Cincinnati’s, were constantly at risk of human trafficking. Situated on the Ohio River, kidnappers could quickly spirit abducted people to neighboring Kentucky and sell them into slavery. In 1837, two Cincinnati police officers assisted a group of Kentucky kidnappers, “who had neither a certificate nor a warrant, break into the home of a “respectable” black man and seize a black woman.” Other cases took place close to free black communities elsewhere in the borderlands. Eliza Jane Johnson, a resident of Ripley, Ohio, was seized by a group of southern whites and imprisoned in a Kentucky jail for five months. One of her kidnappers, the son of a Kentucky High Sheriff, alleged that she was a self-emancipator from Kentucky but possessed no evidence to corroborate his claim. Eliza was eventually released and her kidnappers were tried in Ohio.⁵⁵⁰

⁵⁴⁸ J. Loughhead, “KIDNAPPING IN OHIO,” *Emancipator*, Dec. 2, 1834.

⁵⁴⁹ “MORE KIDNAPPING IN OHIO,” *Philanthropist*, Nov. 27, 1838.

⁵⁵⁰ Harrold, *Border War*, 58-59 (first quote); Griffler, *Front Line of Freedom*, 19; Middleton, *The Black Laws*, 96-97; Snodgrass, *Underground Railroad*, 292.

Aside from African Americans, white abolitionists in the North-South borderlands were also at risk of abduction. In 1838, John B. Mahan was seized by southern whites and stood trial in Mason County, Kentucky, for assisting two self-emancipated refugees. The *Signal of Liberty* reported that Kentucky Governor James Clark “made a requisition upon the Governor of Ohio to deliver up the said Mahan, as a fugitive from justice, notwithstanding said Mahan had not been within the jurisdiction of the court in nineteen and a half years.” Ohio’s Governor Joseph Vance granted the request and Mahan was removed from the state. “It is lamentable,” wrote the *Christian Watchman*, “that a subject so closely connected with the dearest human rights, should become the victim of forgery and political chicanery.”⁵⁵¹

Shortly after, Governor Clark dispatched representatives to Ohio to reach a new settlement over slave refugee renditions. In 1839, the Ohio General Assembly approved a new Fugitive Slave Law which, in the words of Stanley Harrold, “assured [Kentucky] masters... that Ohio sheriffs and constables would ‘seize and arrest’ individuals claimed as slaves.” The new law also denied jury trials to freedom seekers and introduced stringent penalties on anyone found guilty of aiding self-emancipators from the South. Ohio’s Fugitive Slave Law signified an effort to reduce interstate tensions over slave refugee renditions. African Americans and white abolitionists chastised the state government for seemingly bowing to pro-slavery interests. Cincinnati abolitionist Gamaliel Bailey concluded, “There is not a free state... that has sunk so low.”⁵⁵²

Although Ohio’s Fugitive Slave Law received bipartisan support, critics believed it signified a violation of state sovereignty and infringement of their free soil principles. Over the coming decades, northern anti-slavery activists increasingly embraced ‘states’ rights’ as a means of defending free soil. By the Civil War Era, state sovereignty was deeply intertwined with anti-slavery, free soil politics.⁵⁵³ The next section will examine how northern state activists, through their legislatures, courts, and other arenas, sought to curtail slavery’s extraterritorial influence and preserve free soil.

⁵⁵¹ Hagedorn, *Beyond the River*, 153-179; *Signal of Liberty*, Aug. 4, 1841 (quote). For more newspaper articles on the Mahan case, see “Case of Rev. John B. Mahan,” *Christian Watchman*, Nov. 16, 1838; “Trial of the Rev. John B. Mahan,” *Philanthropist*, Dec. 4, 1838; “Case of John B. Mahan,” *Liberator*, Nov. 22, 1839; “Case of Rev. John B. Mahan,” “Case of John B. Mahan,” “The Mahan Case,” *National Gazette*, Jun. 15, 1841. For another contemporary assessment of Mahan’s trial, see Joseph B. Reid, *Trial of Rev. John B. Mahan, for Felony: in the Mason Circuit Court of Kentucky: Commencing on Tuesday, the 13th, and Terminating on Monday the 19th of November, 1838* (Cincinnati: Samuel A. Alley, 1838).

⁵⁵² Harrold, *Border War*, 85; Gamliel Bailey to Joshua R. Giddings, Feb. 12, 1839. Joshua R. Giddings and George Washington Julian Papers. MSS22756. Library of Congress. Washington, D.C.

⁵⁵³ For more on states’ rights and northern anti-slavery politics (especially with regards to the Republican Party), see Michael E. Woods, “‘Tell Us Something about States’ Rights’: Northern Republicans, States’ Rights, and the Coming of the Civil War,” *Journal of the Civil War Era* 7, no. 2 (2017), 242-268. For more on slavery’s extraterritoriality, see Foner, *Gateway to Freedom*.

Making a 'Free' North: Personal Liberty Laws, Court Cases, and Limiting Slavery's Extraterritoriality, 1826-1850

The northern US represented a complex, patchwork terrain of laws and judicial rulings on slavery. Situated within the federal system, each state was responsible for governing black enslavement within their respective jurisdictions. Beginning in the 1820s, however, northern state governments acted almost concurrently to challenge slavery's extraterritoriality. State legislatures enacted stronger personal liberty laws, which were designed to preserve state sovereignty and protect African Americans from kidnapping. Additionally, northern courts became an important battleground over slave refugee renditions. African Americans and white anti-slavery lawyers led freedom suits to protect freedom seekers from re-enslavement. Joseph T. Murphy argues that two issues dominated early debates over slave refugees in the North: interstate comity and "the states' obligations under the federal Fugitive Slave Law."⁵⁵⁴ These measures were integral to developing a free-soil, anti-slavery consciousness among northern whites. "Taken together," notes Foner, "these legal developments placed new obstacles in the path of slaveholders seeking to retrieve fugitive slaves or retain ownership of slaves they brought into the North."⁵⁵⁵

Personal liberty laws represented the most obvious legal challenge to slavery's extraterritoriality. In 1826, the Pennsylvania General Assembly enacted a new personal liberty law which, in the words of H. Robert Baker, "established procedures for a summary hearing to determine status, gave alleged fugitives the time necessary to prove their freedom, and authorized Pennsylvania justices to issue warrants for arrest."⁵⁵⁶ Southern whites were displeased by the law. One Maryland enslaver complained that the new law made it "virtually impossible" to reclaim slave refugees in the state. Two years later, New York outlawed private recaption and, according to Don Fehrenbacher, "established a recovery procedure that involved state

⁵⁵⁴ Joseph T. Murphy, "Neither a Slave nor a King: The Antislavery Project and the Origins of the American Sectional Crisis, 1820 to 1848," (PhD diss., City University of New York, 2016), 184-185.

⁵⁵⁵ Foner, *Gateway to Freedom*, 111. For the most comprehensive study on personal liberty laws, see Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North, 1780-1861* (Baltimore: Johns Hopkins University Press, 1974).

⁵⁵⁶ William R. Leslie, "The Constitutional Significance of Indiana's Statute of 1824 on Fugitives from Labor," *Journal of Southern History* 13, no. 3 (1947), 338-339; H. Robert Baker, "A Better Story in *Prigg v. Pennsylvania*," *Journal of Supreme Court History* 39, no. 2 (2014), 176. H. Robert Baker, "The Fugitive Slave Clause and the Antebellum Constitution," *Law and History Review* 30, no. 4 (2012), 1150 (Baker quote). The full title of the Pennsylvania law was, 'An Act to give effect to the provisions of the constitution of the United States, relative to fugitives from labor, for the protection of free people of color, and to prevent kidnapping.' For more on Pennsylvania's 1826 act, see William R. Leslie, "The Pennsylvania Fugitive Slave Act of 1826," *Journal of Southern History* 18, no. 4 (1952), 429-445; Fehrenbacher, *The Slaveholding Republic*, 215.

officials in the apprehension of runaways, as well as in the judicial disposal of their cases.”⁵⁵⁷

Aside from lawmakers, anti-slavery lawyers and judges were also integral to embedding ‘free’ soil across the northern US. Through their efforts, writes Eric Foner, “the Somerset principle slowly came to be recognized in northern courts.”⁵⁵⁸ In 1833, Mary Martin of New York City (formerly of New Orleans) claimed that a black man named Jack had escaped from her years earlier. She obtained a writ and Jack was subsequently taken before the Recorder. Jack maintained his innocence, maintaining that he was a free black man from the West Indies. However, the Recorder ruled against Jack and ordered that he be returned to the South. Mary Martin subsequently received a writ to take Jack out of state. In response, Jack’s legal team successfully petitioned for a writ *de homine replegiando*, which guaranteed him the right to a further hearing. Eventually, the case reached the ranks of the New York Supreme Court.⁵⁵⁹ Unfortunately for Jack, Judge Samuel Nelson upheld the original ruling, claiming that all parties had followed proper procedures. Jack was subsequently removed out of state.⁵⁶⁰

Further court cases entrenched the *Somerset* principle in northern legal systems. In August 1836, Chief Justice Lemuel Shaw of the Massachusetts Supreme Court established a precedent that enshrined the freedom principle in state law. Earlier that year, Mary Aves Slater traveled to Boston with an enslaved girl named Med. The Boston Female Anti-Slavery Society soon learned of the girl’s presence in the city and set out to investigate the matter. Members of the organization quickly obtained a writ of *habeas corpus* for Med to prevent her removal from the state, and the case soon reached the state Supreme Court. Shaw ruled that Med was entitled to her legal freedom because she had been brought voluntarily to a free state. The case of *Commonwealth v. Aves*, claims Paul Finkelman, “proved to be a powerful antislavery precedent.”⁵⁶¹

⁵⁵⁷ Maryland enslaver quoted in Harrold, *Border War*, 75; Fehrenbacher, *The Slaveholding Republic*, 216.

⁵⁵⁸ Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York, NY: W.W. Norton & Co., 2010), 45.

⁵⁵⁹ The writ *de homine replegiando* was an old common law legal device which guaranteed freedom seekers the right to a jury trial. Anti-slavery lawyers employed it in a similar way to *habeas corpus*, with the goal of delaying the rendition of slave refugees to the South and creating another opportunity to appeal for their liberty. The writ *de homine replegiando* was also applied in the aforementioned case involving Dixon. See Foner, *Gateway to Freedom*, 51-52, 71.

⁵⁶⁰ “CASE OF A RUNAWAY SLAVE,” *New York Journal of Commerce*, reprinted in *Liberator*, Sep. 7, 1833 “THE DECISION OF JUDGE NELSON,” *Emancipator*, Dec. 2, 1834. For more on the case of Jack, see S. Charles Bolton, *Fugitivism: Escaping Slavery in the Lower Mississippi Valley, 1820-1860* (Fayetteville, AR: University of Arkansas Press, 2019), 212-214.

⁵⁶¹ Paul Finkelman, “*Commonwealth v. Aves* (1836),” in Peter Hinks and John McKivigan (eds.), *Abolition and Antislavery: A Historical Encyclopedia of the American Mosaic* (Santa Barbara, CA: Greenwood Press, 2015), 87.

Over the next two decades, northern courts issued various rulings which reinforced northern ‘free’ soil and incorporated the *Somerset* principle into their respective legal systems. In 1837, the Connecticut Supreme Court adopted the *Somerset* principle in the case of *Jackson v. Bulloch*. Nancy Jackson, an enslaved woman from Georgia, sued for her liberty after being taken by her enslaver to Hartford, Connecticut. James Mars recalled the case in his memoirs. He wrote that Chief Justice Thomas Williams proclaimed “that slavery was tolerated in some of the States, but it was not now in this state; we all liked to be free. This girl would like to be free; he said she should be free – the law of the State made her free, when brought here by her master.”⁵⁶²

In 1841, the Ohio Supreme Court ruled on the transit issue in the case of *State v. Farr*. Two years earlier, abolitionists from Clinton County, Ohio, were convicted for rescuing a group of enslaved people who were voluntarily brought to the state by their enslavers. However, the convictions were overturned when the Ohio Supreme Court reviewed the case. The justices determined that enslaved African Americans “became free when brought to this State by his master, since the Constitution and the act of Congress, under which alone the state of slavery subsists in Ohio, applies to *fugitives* only.” The landmark decision sent shockwaves across the North. *The Philanthropist* called it “one of the most important judicial decisions ever made[.]”⁵⁶³

Southern enslavers who wished to travel with, or recapture, enslaved people in the North were incensed by what they perceived as a breach of their constitutional rights. In 1837, Baltimore attorney Edward Prigg and three associates traveled to York County, Pennsylvania to recapture Margaret Morgan, who had escaped five years earlier. After the group seized Morgan and returned south, Pennsylvania Governor Joseph Ritner requested the extradition of the four men. After much interstate wrangling, Prigg was eventually extradited, tried, and convicted for kidnapping. The case was eventually taken to the US Supreme Court on appeal. In *Prigg v. Pennsylvania* (1842), Pennsylvania’s Supreme Court ruled that the state’s personal liberty law was unconstitutional.⁵⁶⁴

⁵⁶² “SLAVE CASE IN CONNECTICUT,” *Emancipator*, reprinted in *Liberator*, Jul. 7, 1837; James Mars, *Life of James Mars, a Slave Born and Sold in Connecticut. Written by Himself* (Hartford, CT: Case, Lockwood & Co., 1868), 35, accessed Jun. 10, 2020. <https://docsouth.unc.edu/neh/mars/mars.html>; Finkelman, *An Imperfect Union*, 127-130.

⁵⁶³ Finkelman, *An Imperfect Union*, 164-166 (quote, pg. 165); “THE DECISION OF THE SUPREME COURT,” *Philanthropist*, Jun. 30, 1841. For more on *State v. Farr*, see Middleton, *The Black Laws*, 177-178; Taylor, *Frontiers of Freedom*, 140.

⁵⁶⁴ Harrold, *Border War*, 75-77; Morris, *Free Men All*, 94; Fehrenbacher, *The Slaveholding Republic*, 219-223. For more on the *Prigg* ruling, see Paul Finkelman, “*Prigg v. Pennsylvania* and Northern State Courts: Anti-Slavery Use of a Pro-Slavery Decision,” *Civil War History* 25, no. 1 (1979), 5-35; Leslie F. Goldstein, “A ‘Triumph of Freedom’ After All? *Prigg v. Pennsylvania* Re-examined,” *Law and History Review* 29, no. 3 (2011), 763-796; Patricia A. Reid, “Margaret Morgan’s Story: A Threshold between Slavery and Freedom, 1820-1842,” *Slavery and Abolition* 33, no. 3 (2012), 359-380; Eric W. Plaag,

However, the *Prigg* verdict had some unexpected consequences for southern enslavers and slave catchers. Manisha Sinha explains that the court's verdict created "a wide loophole for northern non-cooperation." The Supreme Court ruled that the federal government was responsible for the recapture of self-emancipated refugees. Justice Story affirmed, "The states cannot, therefore, be compelled to enforce [the FSA]; and it might well be deemed an unconstitutional exercise of power of interpretation, to insist that the states are bound to carry into effect the duties of the national government, nowhere delegated or intrusted [sic] to them by the Constitution." Northern authorities were not required to enforce the FSA but "may, if they so choose, exercise that authority, unless prohibited by state legislation."⁵⁶⁵

Following the *Prigg* ruling, northern lawmakers passed legislation that fully embodied the idea of non-cooperation. In 1843, Massachusetts' state legislature passed the so-called 'Latimer Law' (named after the freedom seeker George Latimer, who was arrested and jailed in Boston). The *Liberator* claimed that the Bay City was "made the slavehunting ground of the South, and thus does the city consent to aid and abet the vilest of kidnappers!" Latimer's allies assembled at Belknap Street Church to protest his arrest. After sensing the level of hostility, Latimer's enslaver agreed to permit Boston abolitionists to purchase the freedom seeker's liberty.⁵⁶⁶

The Latimer Law prohibited the use of state jails for the detention of slave refugees and forbade state officials from engaging in their recapture. The events surrounding Latimer's escape from bondage incensed southern whites. In Norfolk, Virginia (where Latimer was born), at a town hall meeting, attendees maintained that the Constitution upheld their right to recapture slave refugees and urged the US Congress to protect southern enslavers from the "habitual violations of their rights."⁵⁶⁷ Maine swiftly passed a law that prohibited the use of state jails for holding freedom seekers. Likewise, Vermont's state legislature passed a law which stated,

"'Let the Constitution Perish': *Prigg v. Pennsylvania*, Joseph Story, and the Flawed Doctrine of Historical Necessity," *Slavery & Abolition* 25, no. 3 (2004), 76-101.

⁵⁶⁵ Sinha, *The Slave's Cause*, 390; Story quoted in Finkelman, "*Prigg v. Pennsylvania*," 14, 15

⁵⁶⁶ "Case of George Latimer – Boston Slavehunting Ground – Outrageous Conduct of the City Marshal and City Police," *Liberator*, Oct. 28, 1842 (quote). For more articles on the Latimer case, see "Our Condition as a People," *Liberator*, Nov. 4, 1842; "Great Public Meeting," *Liberator*, Oct. 28, 1842; "George Latimer," *Christian Recorder*, Nov. 9, 1842; H. Robert Baker, "Personal Liberty Laws," [essentialcivilwarcurriculum.com](http://www.essentialcivilwarcurriculum.com), accessed Jul. 5, 2017.

<http://www.essentialcivilwarcurriculum.com/personal-liberty-laws.html>; Harrold, *Border War*, 222-223.

⁵⁶⁷ Norfolk, *Proceedings of the Citizens of the Borough of Norfolk, on the Boston Outrage, in the Case of the Runaway Slave George Latimer* (Norfolk: T.G. Broughton & son, 1843), 3, 5 (quote), accessed May 12, 2020. <https://www.loc.gov/item/46038561/>; Lubet, *Fugitive Justice*, 34; Paul Finkelman, "*Prigg v. Pennsylvania* and Northern State Courts: Anti-Slavery Use of a Pro-Slavery Decision," in John R. McKivigan (ed.), *Abolitionism and American Law* (New York: Garland Publishing, 1999), 215; Schermerhorn, *Unrequited Toil*, 175.

“no sheriff, jailor, or other officer or citizen of Vermont, shall seize, detain or imprison any person claimed as a slave.”⁵⁶⁸

Northern state governors also took action to limit slavery’s extraterritorial influence. In 1839, New York Governor William Seward became embroiled in an interstate dispute with Virginia over the extradition of three black sailors (Peter Johnson, Isaac Gansey, and Edward Smith) who were accused of transporting freedom seekers from Norfolk, Virginia. Virginia’s state government petitioned to have the men extradited to stand trial. Seward refused to surrender the men on the basis that their crime was not recognized under New York law. Seward rejected interstate comity over the return of self-emancipators on a states’ rights argument. Over the next few years, Seward approved several laws designed to provide slave refugees with additional protections. One such law, notes Leslie Harris, provided refugees with the right to a trial by jury, “taking the power to return blacks to slavery out of the hands of proslavery individuals like Richard Riker.” African Americans and white abolitionists celebrated this new law as a major victory for their cause. The *Friend of Man*, for instance, called it “too notoriously necessary to be disputed any longer[.]” Seward repeatedly defended his refusal to extradite the three men. In 1841, he wrote in the *Colored American* that the right to trial by jury “is invaluable as a protection of personal liberty[.]”⁵⁶⁹

Freedom suits remained a powerful tool for freedom seekers and anti-slavery lawyers. As *Somerset* became more entrenched in northern legal systems, and state governments enacted various personal liberty and non-cooperation laws, self-emancipated refugees availed of new opportunities to claim their liberty. In 1840, the *Harrisonian* detailed a case involving Aryannah Pendleton, an enslaved girl from Richmond. After traveling with her enslaver to New York City a few years prior, Aryannah “found means, prompted by the love of Liberty, of escaping to Hartford [Connecticut], and from there to Hampton, where she has resided about three years past[.]” After Price’s son attempted to recapture Aryannah, her allies secured a writ of *habeas corpus* and the case was taken to trial. During the proceedings, Aryannah claimed that her mother “was a free citizen of the West Indies, but when young, was stolen, brought to Virginia, and forcibly held as a slave[.]” Price disputed the charges of illegal enslavement but, when denied the right to obtain evidence from Richmond, was forced to drop the case. Aryannah was subsequently released and awarded her legal freedom.⁵⁷⁰

⁵⁶⁸ “FUGITIVE SLAVES,” *Detroit Free Press*, Apr. 4, 1843; “FUGITIVE SLAVES,” *Detroit Free Press*, Nov. 18, 1843.

⁵⁶⁹ “Virginia,” *Niles’ National Register*, Feb. 13, 1841; Harris, *In the Shadow of Slavery*, 215; “JURY TRIAL,” *Friend of Man*, reprinted in *Cradle of Liberty*, May 30, 1840; William H. Seward, “MESSAGE TO THE LEGISLATURE,” *CA*, Apr. 17, 1841. Also see Foner, *Gateway to Freedom*, 78.

⁵⁷⁰ “Slave Case,” *Harrisonian* (Brooklyn, CT), reprinted in *NASS*, Oct. 15, 1840.

Lucy Faggins was soon involved in a similar freedom suit. In 1841, she was voluntarily taken by her Virginia enslaver Henry Ludlam to New Bedford, Massachusetts. William Cooper Nell recalled in the *Liberator*, “some of the vigilant friends of liberty soon ascertained that Lucy was held as a slave, contrary to the statute provision of the old Bay State; and further learned from her own lips.” Ludlam attempted to prevent Faggins from contacting free blacks in New Bedford. Activists secured a writ of *habeas corpus* for Faggins and had her removed from Ludlam’s house. Faggins was subsequently taken to Boston where Justice Samuel Sumner Wilde ruled that she was entitled to her legal freedom.⁵⁷¹

The following year, a southern enslaver named Newcomb traveled to the Bay State with an enslaved woman named Sarah. The *Liberator* noted that Newcomb attempted to exploit the woman’s family ties to guarantee her obedience. He claimed that “if she left him, he would sell her child on his return to Mississippi[.]” Sarah “turned a deaf ear” to the cries of Boston abolitionists to claim her freedom under Massachusetts state law. At Worcester, however, she changed her mind, fled from her enslaver, and took refuge with “a colored friend by the name of Roberts[.]” Newcomb traveled to Northampton and obtained a warrant for Sarah’s arrest. He returned to Worcester and, with assistance from a local sheriff, seized both Sarah and Roberts. Local abolitionists followed the group to Northampton to defend them. During the proceedings, the court informed Sarah that she was “at liberty to speak for herself; to remain here, and be protected in her rights; or return again to slavery. She promptly replied, that she preferred to remain, and the Court declared her free.”⁵⁷²

The case of George Kirk in 1846 was among the most notable freedom suits. Abolitionist Isaac Hopper recalled that Kirk had “secreted himself aboard a vessel” from Savannah to New York City. Upon arrival, he was discovered by the ship’s crew and (after a brief fracas) placed in manacles. An unnamed black man informed UGRR agents and Vigilance Committee members (including Louis Napoleon), who leaped into action. They successfully petitioned Judge John W. Edmonds for a writ of *habeas corpus*, which ensured that Kirk would remain in the state. The ship’s captain appealed the decision but was unsuccessful. During the following trial, Kirk’s legal counsel (led by attorney John Jay) mostly based its argument on the *Somerset* principle. Citing *Commonwealth v. Aves*, the defense argued that Kirk was beyond the jurisdiction of Georgia law and, “as he [the captain] voluntarily brought the negro to this port, it was the act of the principal, and the negro was *ipso facto* free.” Edmonds agreed and Kirk was freed.⁵⁷³

⁵⁷¹ W.C.N., “Case of Lucy Faggins,” *Liberator*, Jul. 16, 1841; Grover, *Fugitive’s Gibraltar*, 160-165.

⁵⁷² “The Slave Case in Northampton,” *Liberator*, Sep. 23, 1842.

⁵⁷³ “An Interesting and Important Fugitive-Slave Case,” *NASS*, Oct. 29, 1846; “The Slave Case – The Fugitive Freed!” *NASS*, Nov. 5, 1846; Isaac T. Hopper to Sarah Hopper Palmer, Oct. 31, 1846. Isaac T. Hopper Papers, RG5 115. Friends Historical Library of Swarthmore College. Swarthmore, PA. http://triptych.brynmawr.edu/cdm/compoundobject/collection/HC_QuakSlav/id/7974/rec/14, accessed

Six years later, the case of *Lemmon v. New York* reinforced the *Somerset* principle in the state's legal system. Jonathan and Juliette Lemmon traveled from Norfolk, Virginia to New York City with eight enslaved people (two women and six children). Black abolitionist Louis Napoleon soon learned of their presence in the city and quickly obtained a writ of *habeas corpus* to free the enslaved people. Judge Paine ruled that the women and children were entitled to their liberty having been voluntarily taken to a 'free' state. The *Lemmon* decision sparked jubilation among African Americans and white abolitionists. The *New York Tribune* reported, "New York is not yet a slave State; let us be thankful for that. A slaveholder who sees fit to bring his human chattels here, must get them away by craft, or force, if at all; there is no law to help him., and those who are chattels are free from the moment at which (unless as fugitives) the feet press our soil."⁵⁷⁴

Anti-slavery lawyers elsewhere sought to entrench the *Somerset* principle in their legal systems. In 1844, New Jersey amended its constitution to read that "All men are free by nature and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty[.]" Abolitionists argued that enslaved people were thus entitled to their legal freedom. The following year, in the cases of *State v. Van Buren* and *State v. Post*, anti-slavery lawyers challenged slavery's legality in New Jersey. Alvan Stewart cited the *Somerset* and *Aves* rulings to argue that slavery was incompatible with the new constitutional amendment. Slavery, he asserted, "can only exist by force of positive law." Stewart maintained that no New Jersey statutes enforced black enslavement and that it was based largely on customs and traditions. Stewart's arguments were rejected by the New Jersey Supreme Court. Chief Justice Nevius argued that various laws from the colonial era onward sanction black enslavement in New Jersey. Although slavery remained legal in the Garden State, it is evident that anti-slavery activists saw new opportunities to challenge its legality.⁵⁷⁵

Feb. 29, 2020; *Supplement to the New York legal observer, containing the report of the case in the matter of George Kirk, a fugitive slave, heard before the Hon. J.W. Edmonds, circuit judge; also the argument of John Jay, of counsel for the slave* (New York: Legal Observer Office, 1847), 458, accessed Jun. 1, 2020. <https://www.loc.gov/resource/lst.074/?sp=5>. For more on the case of George Kirk, see Hodges, *Root and Branch*, 247-248.

⁵⁷⁴ Foner, *Gateway to Freedom*, 140-142; Blackett, *Captive's Quest for Freedom*, 386-388; "NEW YORK A FREE STATE," *New York Tribune*, reprinted in *NE*, Nov. 25, 1852. For more newspaper accounts of the *Lemmon* case, see "INTERESTING AND IMPORTANT SLAVE CASE IN NEW YORK," *Pennsylvania Freeman*, Nov. 11, 1852; "ALLEGED SLAVE CASE," *FDP*, Nov. 12, 1854; "SHALL NEW YORK BE A SLAVE-MART?" *NE*, Nov. 18, 1852; "THE NEW YORK SLAVE CASE FREEDOM TRIUMPHANT," *Pennsylvania Freeman*, Nov. 18, 1852; "SLAVE CASE," *New York Journal of Commerce*, reprinted in *Liberator*, Nov. 19, 1852; "Interesting and Important Slave Case in New York," *ASB*, Nov. 20, 1852.

⁵⁷⁵ Stewart, Alvan, and New Jersey. Supreme Court. *A legal argument before the Supreme Court of the state of New Jersey: at the May term, at Trenton, for the deliverance of four thousand persons from bondage* (New York: Finch & Weed, 1845), 6. Pdf. <https://www.loc.gov/item/11012752/>; Daniel R. Ernst, "Legal Positivism, Abolitionist Litigation, and the New Jersey Slave Case of 1845," *Law and*

In 1837, Matilda Lawrence was arrested by John W. Riley in Cincinnati. James Birney and other activists in the city sprang into action to protect her. They successfully petitioned the Court of Common Pleas in Hamilton County for a writ of habeas corpus. Ohio abolitionist Salmon P. Chase agreed to lead Matilda's defense. During the trial, he noted that many "seem to feel something of a personal interest in its event: some, as if their own liberty were at stake: others, as if their own rights of property were in peril." His argument was built on the notion that Matilda's arrest "was illegal – Because the act of congress concerning fugitives from labor, authorizes no arrest by any officer, and of course no warrant of arrest." Chase added that "no act of congress could authorize the issuing of such processes... In their respective spheres of action, the government of the United States, and the several State governments are entirely distinct and independent. Neither can control or regulate the action of the other." In the end, the court sided against Matilda and she was re-enslaved in the South.⁵⁷⁶

The case of David and Lucy Powell reflected the changing tide across the Old Northwest. In 1847, the couple escaped with their four children from Kentucky to Cassopolis, Michigan. Two years later, a group of Kentucky kidnappers arrived at their home and seized Lucy and three of her children. Friends immediately sent word ahead to allies farther south. After learning of the kidnappers' presence on the outskirts of South Bend, Indiana, anti-slavery activists obtained a writ of *habeas corpus* for the mother and children. The kidnappers were met by local authorities and taken into custody. On the same day, a local magistrate ruled that the Kentuckians had not obtained a certificate of removal for the freedom seekers before seizing them. Skirmishes erupted between the kidnappers and the anti-slavery allies in South Bend. Eventually, however, Lucy and her children were released and returned to their Michigan home.⁵⁷⁷ Farther west, the Upper Mississippi River borderland was a flashpoint for freedom suits and court challenges. Enslaved and free African

History Review 4, no. 2 (1986), 350 (Stewart quote); Gigantino II, *Ragged Road to Abolition*, 230-232; "The New Jersey Slave Case," *Liberty Standard*, Jul. 24, 1845; "NEW-JERSEY A SLAVE STATE," *Liberator*, Jul. 25, 1845.

⁵⁷⁶ Chase, Salmon P. (Salmon Portland). Speech of Salmon P. Chase in the case of the colored woman, Matilda: who was brought before the Court of Common Pleas of Hamilton County, Ohio, by writ of habeas corpus, March 11, 1837. Cincinnati, 1837. *Slavery and Anti-Slavery*. Gale. Universiteit Leiden/LUMC. 10 June 2020, 7-11. For more on the Matilda Lawrence case, see Middleton, *The Black Laws*, 112-113; Patricia Hagler Minter, "'The State of Slavery': *Somerset*, *The Slave*, *Grace*, and the Rise of Pro-Slavery and Anti-Slavery Constitutionalism in the Nineteenth-Century Atlantic World," *Slavery & Abolition* 36, no. 4 (2015), 608-610. In her article, Minter draws a direct link between Chase's line of argument and the *Somerset* principle.

⁵⁷⁷ Churchill, *The Underground Railroad and the Geography of Violence*; 110-111; *The South Bend Fugitive Slave Case: Involving the Right to a Writ of Habeas Corpus* (New York, NY: Anti-Slavery Office, 1851). Pdf. <https://www.loc.gov/item/10034367/>.

Americans, as well as white abolitionists, petitioned St. Louis courts for their legal freedom having resided in, or traveled through, a northern state.⁵⁷⁸

Personal liberty laws, judicial rulings, and freedom suits certainly limited slavery's extraterritorial influence. Yet enslavers and kidnappers continued their operations throughout the North. In 1835, James Williams was reportedly abducted near his home in Middletown, Pennsylvania. Five years later, James Turner of Reading was seized "as a fugitive from service" and brought before the local justice. The *Reading Journal* wrote that Turner "was not taken without considerable resistance – having inflicted a severe blow on the face of one of the assailants." Likewise, the *Philanthropist* reported that "the court-house was filled to overflowing." The defense called upon free black Jacob Ross, who insisted that "he had known [Turner] for upwards of five years[.]" The presiding judge determined that there was insufficient evidence to prove that Turner had escaped from Maryland, and he was subsequently released. In 1845, Catherine 'Kitty' Payne, a freedom seeker from Virginia, was seized in Gettysburg by kidnappers, including her former enslaver's nephew, alongside three of her four children and taken back to Virginia. Yet Payne and her children were eventually released by the state's Supreme Court.⁵⁷⁹

Over time, African Americans and white activists formed more self-defense organizations to resist enslavers, slave catchers, and kidnappers. In Gettysburg, the Slave's Refuge Society was founded by local black activists in 1841 to "assist such of our brethren as shall come among us for the purpose of liberating themselves, and to raise all the means in our power... to give liberty to our brethren groaning under the tyrannical yoke of oppression."⁵⁸⁰ Similarly, African Americans in Lancaster tried to rescue self-emancipator Asa Stanton after he was seized by William Hobbs of Frederick County, Maryland. Unfortunately, the crowd was repelled by the local police, and Stanton was taken back to Maryland.⁵⁸¹ In 1849, a young boy named Henry Lee Brown was abducted at Downington in Chester County, Pennsylvania. The PAS worked with local blacks to secure the conviction of Thomas McCreary, the infamous kidnapper from Elkton, Maryland. Although he evaded extradition in this

⁵⁷⁸ For more on St. Louis freedom suits, see Kennington, *In the Shadow of Dred Scott*; Loren Schweninger, *Appealing for Liberty: Freedom Suits in the South* (New York, NY: Oxford University Press, 2018).

⁵⁷⁹ "Kidnapping in Pennsylvania," *US Gazette*, reprinted in *New England Spectator*, Apr. 15, 1835; "The Slave Case," *Reading Journal* (Reading, PA), reprinted in *Pennsylvania Freeman*, Mar. 5, 1840; "SLAVE CASE IN READING," *Philanthropist*, Mar. 24, 1840; Smith, *On the Edge of Freedom*, 97-105; Stephen L. Longenecker, *Gettysburg Religion: Refinement, Diversity, and Race in the Antebellum and Civil War Border North* (New York: Fordham University Press, 2014), 32; "KIDNAPPING IN PENNSYLVANIA," *British Foreign and Anti-Slavery Reporter*, Dec. 10, 1845; "Mrs. Kitty Paine," *Fall River Weekly News*, reprinted in *Liberator*, Oct. 9, 1846.

⁵⁸⁰ Grivno, *Gleanings of Freedom*, 129-130 (quote).

⁵⁸¹ "FUGITIVE SLAVE IN PENNSYLVANIA – IMPORTANT DECISION," *Niles' National Register*, Aug. 23, 1845.

instance, he was later prosecuted for the kidnapping of two women, Elizabeth and Rachel Parker, also from Chester County.⁵⁸²

In 1846, a freedom seeker named George escaped from New Orleans to Boston via the coastal maritime routes. The ship's captain, James Hannum, managed to secure George and place him aboard a southern-bound vessel. Meanwhile, abolitionists in the city launched a failed rescue attempt and even secured a writ of *habeas corpus*. But it was too late. The *Liberator* wrote, "The slave having reached the sanctuary of Massachusetts Bay, was as free as the captain who kidnapped him, in the eye of our law[.]"⁵⁸³ Activists in Boston immediately protested George's re-enslavement. In September, a meeting took place at Faneuil Hall where abolitionists and others voiced their opposition to the kidnapping. They resolved, "We therefore call upon our fellow-citizens – upon all the inhabitants of the Free States, to give us their sympathy and aid. Upon you it depends to say whether your soil shall be longer used as a human hunting-ground; upon you it depends to say whether the North shall any longer be a party to human slavery."⁵⁸⁴

That same year, Jeremiah Phinney of Columbus, Ohio was abducted by Alexander Forbes and Jacob Armitage, and forcibly removed from the state. The *Dayton Journal and Advertiser* wrote, "The great mass of people of Ohio... are not willing to see the majesty of their own laws insulted, and the rights of men in their midst trampled in the dust." Facing pressure to act, Ohio Governor Mordecai Bartley formally demanded the arrest of Forbes and Armitage on kidnapping charges. In the ensuing trial, Phinney's defense team argued that slavery was "strictly local, and confined within the territorial limits of the State where it is sanctioned, and cannot follow the fugitive beyond those limits, except by positive law, binding on both sides of the line." The presiding judge ruled in Forbes and Armitage's favor.⁵⁸⁵

⁵⁸² Pennsylvania Society for Promoting the Abolition of Slavery, and African American Pamphlet Collection. *Five Years' abstract of transactions of the Pennsylvania Society for Promoting the Abolition of Slavery, the Relief of Free Negroes Unlawfully Held in Bondage, and for Improving the Condition of the African Race* (Philadelphia, PA: Printed at Merrihew & Thompson's Steam Power Book and Job Office, 1853), 5. Pdf. <https://www.loc.gov/item/92838814/>. For more on Thomas McCreary and Elizabeth and Rachel Parker, see "CASE OF ELIZABETH PARKER," *Harrisburgh Telegraph*, reprinted in *Pennsylvania Freeman*, Apr. 15, 1852; "GOV. LOWE AND McCREARY, CHIEF MAGISTRATE AND ARCH-KIDNAPPER, OF MD.," *NE*, Jun. 30, 1853; "KIDNAPPING OF RACHEL PARKER," *Liberator*, Feb. 4, 1853; Blackett, *Captive's Quest for Freedom*, 294-301; Diggins, *Stealing Freedom Along the Mason-Dixon Line*.

⁵⁸³ "KIDNAPPING IN BOSTON," *Liberator*, Sep. 18, 1846. Other descriptions of the Boston kidnapping can be found in James W. Hannum, "The Fugitive Slave Case," *NASS*, Oct. 8, 1846; "A SLAVE CASE," *Pennsylvania Freeman*, Oct. 8, 1846.

⁵⁸⁴ Boston (Mass.). Citizens. Address of the committee appointed by a public meeting, held at Faneuil Hall, September 24, 1846: for the purpose of considering the recent case of kidnapping from our soil, and of taking measures to prevent the recurrence of similar outrages. Boston, 1846. Slavery and Anti-Slavery. Gale. Universiteit Leiden/LUMC. 8 June 2020, 4-5.

⁵⁸⁵ Middleton, *The Black Laws*, 190-195 (quote from *Dayton Journal and Advertiser* on page 192); Finkelman, *An Imperfect Union*, 172-175; Tom Calarco, *Search for the Underground Railroad in South-Central Ohio* (Charleston, SC: The History Press, 2018), 110. For newspaper articles on the Jeremiah

White abolitionists also remained the target of southern enslavers. In 1842, John Van Zandt stood trial for aiding freedom seekers. A resident of Hamilton County, he encountered a group of nine self-emancipators about twelve miles north of the Ohio River and offered to conceal the group in his wagon. Van Zandt was stopped by a group of kidnappers, who discovered the freedom seekers hiding in the wagon. One of them, a man named Andrew, successfully fled from the scene; the remaining eight were taken back to Kentucky. Wharton Jones, the Kentucky enslaver from whom the self-emancipators had escaped, sued Van Zandt for damages. The court ruled against the abolitionist, however, and ordered him to pay damages to Wharton. Eventually, the case reached the US Supreme Court. Salmon P. Chase agreed to defend Van Zandt in the subsequent trial. He argued that Van Zandt believed that the group in question were freedom seekers but “had no notice whatever... that the negroes had been held to service or labor in Kentucky under the laws thereof, and had escaped from that state into Ohio.” Chief Justice Taney ruled against Van Zandt and ordered him to pay damages. He died later that year.⁵⁸⁶

The *Van Zandt* ruling had implications for legal suits elsewhere. In 1847, Maryland enslaver Mary W. Oliver sued Daniel Kaufman of Boiling Springs, Cumberland County for assisting thirteen freedom seekers to the North. Like the *Van Zandt* case, Kaufman’s legal team argued that the abolitionist did not actively assist the slave refugees but rather simply provided them with food, water, and shelter. Furthermore, as the *North Star* claimed, anti-slavery activists claimed that “the fugitives were free the moment when they touched the soil of Pennsylvania.” Kaufman’s defense incorrectly argued that the *Van Zandt* case ruled “that is a slave escape[s] to a free State, he is free according to the principles of common law[.]” The

Phinney case, see “THE KIDNAPPING CASE – PUBLIC MEETING,” *Cleveland Herald*, Apr. 6, 1846; “Much feeling exists...” *Detroit Free Press*, Apr. 7, 1846; “Kidnapping,” *Ohio State Journal*, reprinted in (Richmond, IN) *Richmond Palladium*, Apr. 7, 1846; “Kidnapping! – Daring Outrage!,” *Pennsylvania Freeman*, Apr. 9, 1846; “The recent kidnapping case at Columbus,” *Pennsylvania Freeman*, Apr. 9, 1846; “THE KIDNAPPED MAN FOUND,” *Cincinnati Herald*, reprinted in *Pennsylvania Freeman*, Apr. 16, 1846; “THE KIDNAPPING CASE,” *US Gazette*, reprinted in *Pennsylvania Freeman*, Apr. 23, 1846; “The Kidnapping Case – Decision of Kentucky,” *Weekly Ohio State Journal*, Apr. 22, 1846; “The Kidnappers set at Liberty,” *Liberator*, May 1, 1846; “One of the scamps...” *Detroit Free Press*, May 11, 1846; “While the persons...” *Detroit Free Press*, Sep. 23, 1846. For a contemporary assessment of the Phinney trial, see William Johnston, [The State of Ohio vs. Forbes and Armitage: arrested upon the requisition of the government of Ohio, on charge of kidnapping Jerry Phinney, and tried before the Franklin Circuit Court of Kentucky, April 10, 1846.](#) [Frankfort, Ky.?], [1846?]. *Slavery and Anti-Slavery*. Gale. Universiteit Leiden/LUMC. 29 Nov. 2018.

⁵⁸⁶ Finkelman, *Slavery in the Courtroom*, 70-75; Helen Tutcliff Catterall (ed.), *Judicial Cases Concerning American Slavery and the Negro, Vol. 5* (Washington, D.C.: Carnegie Institution, 1937), 7-9; Chase, Salmon P. (Salmon Portland). [Reclamation of fugitives from service: an argument for the defendant, submitted to the Supreme Court of the United States, at the December term, 1846, in the case of Wharton Jones vs. John Vanzandt.](#) Cincinnati, 1847. *Slavery and Anti-Slavery*. Gale. Universiteit Leiden/LUMC. Jun. 10, 2020, 7. “The Van Zandt Case,” *NE*, Mar. 18, 1847; “THE VAN ZANDT CASE,” *Pennsylvania Freeman*, Mar. 25, 1847; “THE FUGITIVE SLAVE CASE,” *Liberator*, Apr. 2, 1847; “DOWN WITH THE UNION!,” *Liberator*, Apr. 9, 1847; “JOHN VAN ZANDT,” *NASS*, May 13, 1847.

Cumberland County Circuit Court ordered Kaufman to pay \$2,000 in damages. The case was reviewed by the Pennsylvania Supreme Court on appeal, which ruled that the case lay beyond the state's jurisdiction. In 1852, a federal court in Philadelphia ordered Kaufman to pay damages to Oliver. Justice Grier, who presided over the hearing, took direct aim at the *Somerset* principle. "Lord Mansfield has said some pretty things," he declared, "... But they will perhaps be found, by examination of later cases, to be classed with rhetorical flourishes rather than legal dogmas." African Americans and white abolitionists were greatly dismayed and angered. The *Pennsylvania Freeman*, for instance, dubbed the ruling "an unrighteous verdict."⁵⁸⁷

In the Upper Mississippi River borderland, kidnappers continued to foray into Illinois. In 1845, the Chicago *Western Citizen* reported that "a gang of kidnappers" seized two free blacks in southern Illinois, one of whom was subsequently put up for sale in Missouri. Three years later, the *National Anti-Slavery Standard* claimed that three freedom seekers from St. Louis "were overtaken by their pursuers, and after stout resistance, in which knives and pistols were used freely on both sides, were captured and taken back." Similarly, in 1848, the Springfield *Sangamo Journal* claimed that three black boys in Hamilton County, Illinois "were kidnapped from their homes[.]" The newspaper stated, "The kidnapping gang is regularly organized, and is increasing. The members are well known, but they cannot be punished, on account of the disqualification of negroes as witnesses."⁵⁸⁸

The threat of kidnapping and recapture compelled many slave refugees to head for Canada. In July 1842, Caroline Quarlls secured passage aboard a steamboat from St. Louis to neighboring Alton, Illinois by passing as a white woman and subsequently made her to Milwaukee, Wisconsin aboard a stagecoach. During this time, Quarlls' enslaver placed a bounty on her head; slave catchers pursued the freedom seeker through Illinois to Wisconsin. Fortunately, she was shielded by African Americans and white abolitionists who came up with a plan to remove Quarlls to Canada. Several weeks after her arrival, abolitionist Lyman Goodknow transported Quarlls in his buggy. The pair traveled south around Chicago, through northwestern Indiana and Michigan until they reached Detroit. Quarlls boarded the ferry and crossed the Detroit River into Canada.⁵⁸⁹

⁵⁸⁷ Smith, *On the Edge of Freedom*, 111-114; "Important Slave Case," *Natchez Semi-Weekly Courier*, Dec. 12, 1848; "Slave Case in the Supreme Court of Pennsylvania," *NS*, Jul. 13, 1849; "AN UNRIGHTEOUS VERDICT," *Pennsylvania Freeman*, Nov. 11, 1852; "A REBUKE MORE THAN MERITED," *Pennsylvania Freeman*, Nov. 25, 1852 (Grier quote). Kaufman is occasionally spelled 'Kauffman' in primary and secondary sources.

⁵⁸⁸ *Western Citizen* quoted in M. Scott Heerman, "Deep River: Slavery, Empire, and Emancipation in the Mississippi River Valley, 1730-1860" (PhD diss., University of Maryland, 2013), 195; "More Kidnapping in Illinois," *NASS*, Mar. 16, 1848; "KIDNAPPING," *Sangamo Journal* (Springfield, IL), Dec. 20, 1848. For more kidnapping and rendition episodes in Illinois, see Heerman, "'Reducing Free Men to Slavery.'"

⁵⁸⁹ For more on Caroline Quarlls, see Kimberly Simmons and Larry McClellan, "Bridging Rivers: Caroline Quarlls' Remarkable Journey," in Smardz Frost and Tucker (eds.), *A Fluid Frontier*, 187-198.

Adam and Sarah Crosswhite escaped to Canada under similar circumstances. In 1843, the couple escaped from Kentucky with their children and settled in Marshall, Michigan – a small, rural community with prominent African American and abolitionist communities. For several years, the Crosswhites lived in relative security. Eventually, their former enslaver, Francis Giltner, learned of the Crosswhites' whereabouts. At the end of 1846, Giltner requested that his nephew, Francis Troutman, to find and retrieve the Crosswhites. In January 1847, Troutman returned to Michigan with Giltner's son and a gang of slave catchers. They attempted to arrest the family but encountered severe difficulties after neighbors alerted others in the town. Hundreds of local whites and African Americans had gathered outside the Crosswhites' home and demanded their release. Local banker Charles T. Gorham sought an explanation from all parties. Troutman argued that they were acting within their rights as spelled out under the FSA. In turn, the Crosswhites filed charges against the group for trespassing and assault. Shortly thereafter, the deputy sheriff arrested Troutman and his associates, who were subsequently taken before a local judge. The Crosswhites subsequently fled to Detroit by train, where they crossed into Upper Canada.⁵⁹⁰

Northern whites increasingly came to embrace anti-slavery, free soil principles. Meanwhile, enslavers increasingly appealed to the federal government for further action. In 1848, the Virginia General Assembly outright accused the northern states of denying their right of recapture. The report alleged that the northern states had “commenced a war of legislation against the owners of fugitive slaves, seeking to recapture them beyond the frontiers... Fugitive slaves were harbored and protected; vexatious suits and prosecutions were instituted against the owner or his agent, resulting sometimes in imprisonment for want of bail[.]” The report even claimed that “irresponsible mobs” were permitted to run riot by northern state authorities.⁵⁹¹ For enslavers, stronger federal legislation on the recapture of slave refugees was a necessary remedy. The next section examines the impact of the Fugitive Slave Act of 1850 on the recapture and rendition of slave refugees from the northern US.

⁵⁹⁰ “THE HARBINGER – SLAVE CASE IN MARSHALL, MICH. – LIBERTY PAPERS – PEACE AND WAR MEN,” *NE*, Mar. 11, 1847; Gerrit Smith, “THE CROSSWHITE CASE,” *Model Worker*, reprinted in *NS*, Apr. 7, 1849; For more on the Crosswhites' journey to freedom, see Debian Marty, “One More River to Cross: The Crosswhites' Escapes from Slavery,” in Smardz Frost and Tucker (eds), *A Fluid Frontier*, 199-214.

⁵⁹¹ Virginia. General Assembly. House of Delegates. Report of the select committee appointed under a resolution of the House: to enquire into the existing legislation of Congress upon the subject of fugitive slaves, and to suggest such additional legislation as may be proper. [Richmond], 1848. Slavery and Anti-Slavery. Gale. Universiteit Leiden/LUMC. 13 June 2020, 9.

The Fugitive Slave Law and Its Victims

The US-Mexican War presented southern whites with an opportunity to strengthen federal legislation on the recapture of self-emancipators in the North. The Compromise of 1850 was a legislative package designed to preserve sectional harmony following the acquisition of western territories from Mexico. One of its most significant features was the FSA 1850. The new law, writes Eric Foner, “embodied the most robust expansion of federal authority over the states, and over individual Americans, of the antebellum era[.]”⁵⁹² Rendition hearings were previously devolved to individual states and presided over by judges. Jury trials for slave refugees were also permitted under northern law. Under the new statute, the quasi-judicial office of federal commissioner was created to oversee federal rendition hearings. Although officially neutral parties, commissioners received \$10 if they ruled in favor of southern enslavers, but only \$5 if they ruled in favor of black defendants. Furthermore, US marshals, state authorities, and even private citizens could be called upon to assist with the apprehension of freedom seekers. Scott Basinger writes that the US Congress engaged in ‘deck-stacking’ to protect southern enslavers’ interests.⁵⁹³ In essence, the FSA 1850 was a repudiation of the *Somerset* principle and the notion that northern state governments could supersede the US Congress on matters relating to slavery.

The FSA 1850 sparked protests and waves of unrest across the North. Black activists and white abolitionists staged protests, held meetings, and printed editorials on the matter. In New York City, writes Crew, “fifteen hundred people gathered in the Zion Chapel in protest and signed two petitions condemning [the FSA].” Similarly, a meeting of the Fox River Congregational Union in Plainfield, Illinois, resolved that the FSA contravened “the law of Nature and the law of God, it is at once VOID, and unworthy of the sacred name of LAW.”⁵⁹⁴ Meanwhile, in November 1851, Samuel J. May of Syracuse told William Lloyd Garrison, “The Union will not be dissolved much more than it is now dissolved – and the Fugitive Slave Law will not be, for it cannot be, generally enforced.”⁵⁹⁵ The following September, Theodore

⁵⁹² Foner, *Gateway to Freedom*, 125.

⁵⁹³ Fehrenbacher, *The Slaveholding Republic*, 231-232; Scott J. Basinger, “Regulating Slavery: Deck-Stacking and Credible Commitment in the Fugitive Slave Act of 1850,” *Journal of Law, Economics, & Organization* 19, no. 2 (2003), 307-342. For more on the operations of the FSA 1850, see Matthew Pinsker, “After 1850: Reassessing the Impact of the Fugitive Slave Law,” in Pargas (ed.), *Fugitive Slaves*, 93-115.

⁵⁹⁴ Crew, “When the Victims of Oppression,” 132; Blackett, *Captive’s Quest for Freedom*, 18; “Plainfield, Illinois,” *NE*, Mar. 20, 1851.

⁵⁹⁵ May, Samuel J. (Samuel Joseph), and William Lloyd Garrison. “Letter from Samuel Joseph May, Syracuse [N.Y.], to William Lloyd Garrison, Nov[ember] 23, 1851.” Correspondence. Nov. 23, 1851. *Digital Commonwealth*, accessed Jun 3, 2020. <https://www.digitalcommonwealth.org/search/commonwealth:5h73zw85v>.

Parker wrote, “the present government of the United States – I mean the men who enacted the Fugitive Slave bill and seek to execute it – have not only therein violated the constitution of the United States, but have also violated the constitution of the Universe[.]” The FSA symbolized the growing threat posed by the ‘Slave Power’ at the federal level. In 1853, Parker wrote to Samuel J. May, “Just now Slavery is the favorite institution of the American Government; it yields to nothing; all gives way to that.”⁵⁹⁶

In light of the new FSA, African Americans and white abolitionists revived vigilance committees and established new self-defense organizations. In 1850, Chicago blacks established the Liberty Association, which sought to protect self-emancipated and free people of color in the city. In Chadron, Ohio, a group known as the Chadron Fugitive Guards pledged themselves to resist all officers and marshals who dared enter their communities in search of self-emancipators. In Columbus, Ohio, John Mercer Langston advocated for the formation of a vigilance committee in the state capital. Similarly, the *Ashtabula Sentinel* recommended that African Americans “arm themselves, and associate together for mutual protection... let them not fail to slay any man who shall attempt to re-enslave them.” The newspaper contended, “It is probably necessary that blood should flow, in order to arouse the people to the enormous crimes enjoyed by this barbarous law.”⁵⁹⁷

City and municipal governments across the North denounced the FSA 1850. Chicago’s city council proclaimed that the FSA was “revolting to our moral sense, and an outrage upon our feelings of justice and humanity, because it disregards all the securities which the Constitution and laws have thrown around personal liberty,” and advised police officers to disregard the statute. Senator Stephen Douglas, a leading proponent of the FSA, responded, “I have yet to learn that a subordinate municipal corporation is licensed to raise the standard of rebellion, and throw off the authority of the Federal Government, at pleasure!” One month later, Vermont passed a ‘Habeas Corpus law’ which, in the words of Horace K. Houston, Jr., “made the despised federal law virtually impossible to enforce within the state’s borders.” Attorneys in Vermont could petition for a writ of *habeas corpus* for anyone “arrested, claimed, or imprisoned as a fugitive slave.” In December, the *National Era* stated that

⁵⁹⁶ Theodore Parker to Samuel J. May, 25 Sep. 1852. Theodore Parker Papers P-175. Reel 2, Vol. 5. MHS. Boston, MA; Theodore Parker to Samuel J. May, 23 Sep. 1853. Theodore Parker Papers P-175. Reel 2, Vol. 5. MHS. Boston, MA. For more on the abolitionist development of ‘higher law’ as justification for opposing the FSA 1850, see Peter Wirzbicki, “Black Intellectuals, White Abolitionists, and Revolutionary Transcendentalists: Creating the Radical Intellectual Tradition in Antebellum Boston” (PhD diss., New York University, 2012).

⁵⁹⁷ Blackett, *Captive’s Quest for Freedom*, 17-19, 163; Paul Finkelman, “Fugitive Slave Law of 1850,” *Encyclopedia.ChicagoHistory.org*, accessed Oct. 22, 2018. <http://www.encyclopedia.chicagohistory.org/pages/1430.html>; “The Fugitive Slave Law,” *Ashtabula Sentinel*, reprinted in *Pennsylvania Freeman*, Dec. 19, 1850. For more on African American resistance to the FSA 1850, see Williams, *I Freed Myself*, 40-44.

the law represented “a firm, discreet attempt on the part of a Sovereign State to secure to all its inhabitants the benefits of the *habeas corpus* – a writ which the Federal Constitution declares, shall not be suspended.”⁵⁹⁸

The FSA’s impact was felt almost immediately across the North. In September 1850, James Hamlet of New York City became the first person to be re-enslaved under the new law. A porter by trade, he was arrested by two US marshals and quickly brought before Commissioner Alexander Gardiner. After a short hearing, Gardiner ruled that Hamlet had escaped from Mary Brown of Baltimore. Gardiner ruled that Hamlet was to be returned to the South and re-enslaved. Across the city, black activists and white abolitionists staged demonstrations to protest Hamlet’s rendition. On October 1, a meeting was held at the Zion Chapel on Church Street, which was reportedly “crowded to excess, two thirds of those present being women of color.” William Powell cried, “Shall the blood-thirsty slaveholder be permitted by this unrighteous law to come into our domicils [sic], or workshops, or the places where we labor, and carry off our wives and children, our fathers and mothers, and ourselves, without a struggle[.]” The meeting’s organizers sent a letter to Mayor Caleb Smith Woodhull “to ascertain what protection, we, the free colored people, may expect under the operation of the Fugitive Slave Law.” Fortunately, Hamlet’s re-enslavement was only temporary. Isaac Hopper wrote that “Eight hundred dollars was made up by some benevolent individuals in this City which was applied to the purchase of James Hamlet’s liberty and he has been restored to his wife and family, to the rejoicing of many.” In response to the Hamlet affair, black activists formed the Committee of Thirteen, which aimed to protect African Americans in the city.⁵⁹⁹

⁵⁹⁸ American Foreign and Anti-Slavery Society. [The Fugitive slave bill: Its history and unconstitutionality: with an account of the seizure and enslavement of James Hamlet, and his subsequent restoration to liberty.](#) 3rd ed. New-York, 1850. [Slavery and Anti-Slavery.](#) Gale. Universiteit Leiden/LUMC. 11 July 2018. Pg. 17; “The Common Council of Chicago and the Fugitive Slave Law,” *Liberator*, Jan. 3, 1851; Blackett, *Captive’s Quest for Freedom*, 23, 163; Finkelman, “Fugitive Slave Law of 1850”; Douglas, Stephen Arnold. [Speech of Hon. Stephen A. Douglas, on the ‘measures of adjustment’: delivered in the City Hall, Chicago, October 23, 1850.](#) Washington [D.C.], 1851. [Slavery and Anti-Slavery.](#) Gale. Universiteit Leiden/LUMC. 28 Oct. 2018, 13-14; James A. Kraehenbruehl, “Lessons from the Past” How the Antebellum Fugitive Slave Debate Informs State Enforcement of Federal Immigration Law,” *University of Chicago Law Review* 78, no. 4 (2011), 1472; Horace K. Houston, Jr., “Another Nullification Crisis: Vermont’s 1850 Habeas Corpus Law,” *New England Quarterly* 77, no. 2 (2004), 252, 261-262; “Habeas Corpus Act in Vermont,” *Emancipator & Republican*, Dec. 12, 1850; “VERMONT versus THE FUGITIVE LAW,” *Pennsylvania Freeman*, Dec. 19, 1850; “The Law of Vermont Providing for the Writ of Habeas Corpus,” *NE*, Dec. 26, 1850; “The Habeas Corpus in Vermont,” *NE*, Jan. 23, 1851.

⁵⁹⁹ Blackett, *Captive’s Quest for Freedom*, 377-381; Foner, *Gateway to Freedom*, 126-127; May, Samuel. [The fugitive slave law, and its victims.](#) New York, 1856. [Slavery and Anti-Slavery.](#) Gale. Universiteit Leiden/LUMC. 2 Oct. 2018. Pg. 7-8; “The First Blood,” *NASS*, Oct. 3, 1850; “Meeting of the Colored Population – Their Denunciations of the Fugitive Slave Bill,” *NASS*, Oct. 10, 1850; Letter from Isaac T. Hopper to Samuel Wilbur regarding James Hamlet and the Fugitive Slave Act, Oct. 9, 1850. Syracuse University Libraries Special Collections Online. Syracuse, NY, accessed Jun. 16, 2020. https://scrconline.syr.edu/xtf/view?docId=metsmods/hopper_i.3419_metsmods.xml;query=fugitive%20slave:brand=src&searchURL=%3Fbrand%3Dsrc%26repository%3Dsrc%26keyword%3Dfugitive%252

Two months later, Henry Long, a waiter at the Pacific Hotel, was arrested under the FSA. Commissioner Charles M. Hall presided over the case which ended with Long being returned to Richmond and sold at auction. Southern whites praised Commissioner Hall's verdict. The *Natchez Courier*, for example, stated, "What we have a right to expect is the prompt rendition of slaves under the law... The case proves that in New York at least these expectations will be realized." Conversely, African Americans and white abolitionists lamented the decision to return Long to the South.⁶⁰⁰ Not long after, freedom seeker James Bolding was arrested in Poughkeepsie by US Marshal Henry Talmadge, who took him to New York City because, as reported by the *National Anti-Slavery Standard*, "here the result of the case could be calculated with some certainty." Bolding was taken before Commissioner Brigham but the trial was briefly postponed because a judge issued a writ of *habeas corpus*. Yet the writ ultimately failed due to a technicality and Bolding was ordered back to the South by another commissioner. African Americans and white abolitionists secured enough funds to purchase Bolding's freedom and he returned to his family in Poughkeepsie, New York.⁶⁰¹

Aside from US marshals, corrupt police officers and city officials engaged in the recapture of slave refugees. "The arrest of Horace Preston in April 1852," writes Richard Blackett, "showed a remarkable level of collusion between the owner, city police officers, and lawyer for the claimant." The *New York Tribune* stated that Preston was seized "by a member of the Sixth Ward Police, named James Martin; the arrest was made on an utterly frivolous pretext. It was charged that he had committed a larceny [sic] – that the witness against him would be forthcoming." Preston was

0slave%26text-exclude%3Dmarcel%26text-exclude%3Dplastics%26. For more newspaper articles related to the Hamlet case, see "Slave Catching in New York," *Emancipator & Republican*, Oct. 3, 1850; "First Case under the Fugitive Slave Bill," *NS*, Oct. 3, 1850; "The Beginning of the End," *Liberator*, Oct. 4, 1850; "Slave Catching in New York – First Case under the Law," *New York Tribune*, reprinted in *Liberator*, Oct. 4, 1850; "First Case under the Fugitive Slave Bill," *NE*, Oct. 10, 1850; "Great Mass Meeting in the Park," *NASS*, Oct. 10, 1850; "Great Meeting to Repudiate the Fugitive Law," *New York Tribune*, reprinted in *Liberator*, Oct. 18, 1850; "Meetings of Colored Citizens of New York," *NS*, Oct. 24, 1850. For court documents on the Hamlet case, see MS Records of the Clerk of the Court, 1746-1932, and of the U.S. Commissioners, 1837-1860, of the U.S. District Court for the Southern District of New York. National Archives. [Slavery and Anti-Slavery](#). Gale. Universiteit Leiden/LUMC. 10 Jun. 2020, 1175-1179.

⁶⁰⁰ "THE NEW YORK FUGITIVE CASE," *Natchez Courier*, Feb. 4, 1851 (quote); For more on the Long case, see "The Fugitive Slave Case," *NE*, Jan. 2, 1851; "The Case of Henry Long," *NE*, Jan. 9, 1851; "New York Slave Case," *Pennsylvania Freeman*, Jan. 9, 1851; "The Long Slave Case," *NASS*, Jan. 9, 1851; "The Chivalry in their Glory," *New York Evening Post*, reprinted in *ASB*, Feb. 1, 1851; Blackett, *Captive's Quest for Freedom*, 380-384.

⁶⁰¹ "This Hunt Up In This City!," *NASS*, Aug. 28, 1851; "John Bolding," *NASS*, Sep. 4, 1851; "The New York Slave Case," *Pennsylvania Freeman*, Sep. 4, 1851; "The Fugitive Slave Law Ripening," *New York Evening Post*, reprinted in *NE*, Sep. 4, 1851; "The Case of John Bolding," *FDP*, Sep. 4, 1851; "The Poughkeepsie Slave Case," *New York Evening Post*, reprinted in *Liberator*, Sep. 12, 1851; "John Bolding," *ASB*, Sep. 13, 1851; "Case of John M. Bolding," *Pennsylvania Freeman*, Nov. 20, 1851; "Bolding A Free Man," *Liberator*, Nov. 21, 1851; Blackett, *Captive's Quest for Freedom*, 62-63, 69, 71-72.

later moved to the “lock-up of the Sixth Ward Station in the lower part of the Tombs” and was denied legal counsel. While imprisoned, however, the larceny charges were dropped and instead Preston was accused of being a fugitive. Preston was brought before Commissioner George Morton “in an out-of-the-way place, near the United States’ Court Rooms,” where he was denied counsel. Morton ruled against Preston, who was swiftly taken to Maryland. The *Tribune* proclaimed, “What a mockery upon the solemn ministries of the law[.]”⁶⁰²

One of the most highly publicized New York City rendition cases involved Stephen Pembroke (brother of James W.C. Pennington), who escaped from Washington County, Maryland, with his two sons, Robert and Jacob, in 1854. The freedom seekers traveled to Philadelphia and then New York City, where, as Pembroke later recalled, “we were violently arrested, secured, and taken back to the South.” Shortly after their escape, Pembroke’s enslaver, Jacob H. Grove, filed a petition with the US District Court in Maryland for his arrest. Later, another Washington County enslaver filed a petition for Pembroke’s sons. Before being removed to Maryland, the three men were brought before a federal commissioner in New York City. Pembroke recounted, “I was treated in a bad manner. I had no legal counsel, and did not know what the law was.” After a brief hearing, the federal commissioner ruled in the enslavers’ favor and ordered Pembroke’s rendition to Maryland. Later, black New Yorkers raised \$1,000 to purchase Stephen’s freedom but his sons were sold to the Lower South. Stephen returned to New York and devoted himself to the abolitionist cause.⁶⁰³

Southeastern Pennsylvania witnessed several federal rendition hearings over the decade. In October 1850, Commissioner Richard McAllister ordered the removal of two freedom seekers, Samuel Wilson, and George Brocks to Virginia. The following year, McAllister oversaw the rendition of seven more freedom seekers. Of course, federal marshals had to contend with each state’s laws regarding the recapture

⁶⁰² Blackett, *Captive’s Quest for Freedom*, 382; “New York Slave-Catchers,” *New York Tribune*, reprinted in *Liberator*, Apr. 9, 1852; “The Slave Case,” *New York Journal of Commerce*, reprinted in *Liberator*, Apr. 9, 1852; “The Late Slave Case,” *New York Tribune*, reprinted in *Pennsylvania Freeman*, Apr. 8, 1852; Foner, *Gateway to Freedom*, 133-134; The Horace Preston case garnered widespread coverage in the abolitionist press. For some examples, see “A Scene in a Commissioner’s Court,” *ASB*, Apr. 17, 1852; “Case of Horace Preston,” *New York Tribune*, reprinted in *Pennsylvania Freeman*, Apr. 22, 1852; “Horace Preston,” *NASS*, Apr. 15, 1852;

⁶⁰³ Blassingame (ed.), *Slave Testimony*, 167 (Pembroke quotes); Foner, *Gateway to Freedom*, 169-170, 173; Alexander, *African or American?*, 124-125; Blackett, *Captive’s Quest for Freedom*, 273-274; “In the Matter of the Petition of Jacob H. Grove: Petition of Jacob H. Grove, 05/25/1854” and “In the Matter of the Petition of David Smith: Petition of David Smith, 05/24/1854,” US Circuit Court for the Southern District of New York, RG 21, Records of District Courts of the United States, National Archives, Washington, D.C. Also see, “Fugitive Slave Case: Stephen Pembroke,” *Archives.gov*, accessed Oct. 11, 2018. <https://www.archives.gov/nyc/exhibit/stephen-pembroke.html>; “Three Fugitive Slaves Arrested in New York and Given Up to their Owners,” *Liberator*, Jun. 2, 1854; “Story of Stephen Pembroke,” *FDP*, Aug. 4, 1854. In the *Liberator*’s report, Stephen Pembroke and his children have the surname ‘Pennington.’

of slave refugees. In 1851, one self-emancipator had to be held “in the garret” of a local hotel because Pennsylvania law prohibited jails from being used for this purpose. In 1852, the *Harrisburg Standard* reported on a local “Man-Hunt” during which “a colored man by the name of James Phillips, who has resided here for the last fourteen years, was arrested as a fugitive slave[.]” The *Harrisburg Telegraph* claimed that Phillips was “knocked down... by one of the officers of Commissioner M[c]Allister, who approached him under a feigned proffer of a shake of the hand; and before he could recover from the blow, he was secured by the other gang of official kidnapers present, and hurried off to M[c]Allister’s office, where he underwent the sham or pretence [sic] of a trial, which lasted several hours[.]” Following the “farcical” trial, McAllister ordered Phillips’ return to Virginia.⁶⁰⁴

In Philadelphia, Commissioner Edward D. Ingraham oversaw numerous rendition hearings and regularly sided with southern enslavers. In January 1851, Stephen Bennet was arrested in Columbia, Lancaster County, and taken to Philadelphia, where he was brought before Ingraham. Although a writ of *habeas corpus* was obtained from the Pennsylvania Supreme Court, Bennett was ordered South. Fortunately, friends and allies in Pennsylvania later purchased his freedom for \$350. Six months later, Daniel Hawkins of Columbia was arrested and taken before Edward Ingraham, who ordered his rendition to Baltimore. In October, Deputy Marshal Henry H. Kline brought Henry Pogue before Ingraham. He contended that Pogue had escaped from his enslaver in Cecil County, Maryland, to the Northern Liberties in Philadelphia. Once again, Ingraham approved the rendition. In early 1853, the *Wilmington Journal* reported that Charles Wesley, “was brought before the US Commissioner for a hearing... Failing to establish anything adverse to the claim of his master, which was clearly proven, he was delivered up; and placed in the hands of the US Marshal, to be conveyed to his owner.”⁶⁰⁵

Slave catchers, kidnapers, and police officers in the Mason-Dixon borderland sought to exploit the FSA for financial gain. In December 1850, George F. Alberti and two accomplices seized Adam Gibson without a warrant and forced him to Commissioner Ingraham’s office at gunpoint. The men alleged that Gibson was a self-emancipator from Cecil County, Maryland. Although Alberti and his men

⁶⁰⁴ Blackett, *Making Freedom*, 35- 37; Blackett, *Captive’s Quest for Freedom*, 53-54; “The Man-Hunt in Pennsylvania,” *Harrisburg Standard*, reprinted in *Pennsylvania Freeman*, Jun. 3, 1852; “ANOTHER FUGITIVE SLAVE CASE,” *Advocate* (Buffalo, NY), Aug. 21, 1851; “Another Slave Case,” *Harrisburg Telegraph*, reprinted in *Pennsylvania Freeman*, Jun. 3, 1852.

⁶⁰⁵ “Another Victim!,” *Portland Inquirer*, Jan. 30, 1851; “The Man-Hunt,” *NASS*, Jan. 30, 1851; “New Fugitive Slave Law,” *Pennsylvania Freeman*, Jan. 30, 1851; “The Fugitive Slave Case in Philadelphia,” *ASB*, Feb. 8, 1851; “Fugitive Slave Case,” *Pennsylvania Freeman*, Jul. 24, 1851; “More Slave-Hunting in Philadelphia,” *Pennsylvania Freeman*, Jul. 28, 1853; “Seizure of Another Victim,” *Rhode Island Freeman*, reprinted in *Liberator*, Aug. 5, 1851; “From Philadelphia,” *Indiana State Sentinel*, Oct. 30, 1851; “Another Fugitive Slave Case,” *Bulletin*, reprinted in *Liberator*, Nov. 1, 1851; “FUGITIVE SLAVE DELIVERED UP,” *Wilmington Journal*, reprinted in *Liberator*, Feb. 18, 1853.

presented no evidence to corroborate their story, Ingraham remanded Gibson under the FSA. African Americans and white abolitionists gathered at the courthouse to protest Gibson's arrest. The *Standard* claimed, "Police Marshal Keyser's strong posse preserved the peace, and prevented any attempt at rescue." Ultimately, Ingraham dismissed their claims and ordered the defendant's removal from the state. Later, Maryland enslaver William S. Knight informed the authorities that Gibson was the wrong man. He was subsequently released and returned to Philadelphia. Meanwhile, Alberti and others were later tried and convicted for kidnapping.⁶⁰⁶

While most rendition cases involved male freedom seekers, women were also threatened with re-enslavement under the FSA. In 1851, Euphemia Williams was arrested in Philadelphia and "brought before US Commissioner Ingraham, upon a charge of being a fugitive from labor." It was alleged that Williams was a self-emancipator named 'Mahala' who had escaped from Worcester County, Maryland twenty years earlier. Williams was later released from custody after it was proven that she was a free woman. In response, the *National Anti-Slavery Standard* claimed that the case "reveals the iniquity of the Fugitive Slave Law in a striking manner." Commissioners McAllister, Ingraham, and others evoked serious anger among African Americans, white abolitionists, and even northern whites. In October, a report from the meeting of the Anti-Slavery Society of Pennsylvania stated that they "have rendered their names pre-eminently infamous, by the indecent readiness with which they have performed the odious function of their office. Destitute of moral sense, and devoid of all proper feeling of shame, they have made themselves the [Judas] Iscariots of their day and generation."⁶⁰⁷

Farther north, New England witnessed several rendition cases over the early 1850s. In Boston, several high-profile episodes took place in the first half of the decade. Thomas Sims, a freedom seeker from Georgia, was arrested on April 3, 1851,

⁶⁰⁶ Blackett, *Captive's Quest for Freedom*, 54-56; James Mott, "Interesting Slave Case," *Liberator*, Mar. 22, 1839; "Another Fugitive Slave Case in Philadelphia," *NASS*, Dec. 26, 1850; Carol Wilson, *Freedom At Risk*, 52-53; "Kidnapping in Philadelphia," *NASS*, Jan. 2, 1851; "Commissioner Ingraham," *Pennsylvania Freeman*, Jan. 2, 1851; "Is It Ignorance or Falsehood," *Pennsylvania Freeman*, Jan. 2, 1851; "Not the Right Man," *NE*, Jan. 2, 1851; "Slave Cases," *NE*, Jan. 2, 1851; "Capture of a Fugitive Slave in Philadelphia," *Liberator*, Jan. 3, 1851; "Discharged," *Natchez Courier*, Jan. 7, 1851; "The Conspiracy Case," *Pennsylvania Freeman*, Jan. 9, 1851; "Case of Adam Gibson," *Liberator*, Jan. 17, 1851; Pinsker, "After 1850," 102; Lubet, *Fugitive Justice*, 56-57; Farrow, Lang, and Frank, *Complicity*, 152; Nat Brandt and Yanna Brandt, *In the Shadow of the Civil War: Passmore Williamson and the Rescue of Jane Johnson* (Columbia, SC: University of South Carolina Press, 2007), 66; "Anniversary Meeting of the Anti-Slavery Society of Pennsylvania, at Westchester," *New York Herald*, reprinted in *NASS*, Oct. 16, 1851. For more on the trial and conviction of George F. Alberti, see Peter A. Browne, *A Review of the Trial, Conviction, and Sentence, of George F. Alberti, for Kidnapping* (Philadelphia: No Publisher, 1851), accessed May 11, 2020. <https://www.loc.gov/item/2001615798/>.

⁶⁰⁷ "Another Important Slave Case," *Pennsylvania Freeman*, Feb. 13, 1851 (first quote); "Another Slave-Hunt in Philadelphia," *NASS*, Feb. 13, 1851; Samuel J. May, *The Fugitive Slave Law and Its Victims* (New York: American Anti-Slavery Society, 1861), 14; Charlene Mires, *Independence Hall in American Memory* (Philadelphia: University of Pennsylvania Press, 2002), 96..

by City Marshal Francis Tukey, and police officers Asa O. Butman and Alfred Sleeper. The three men drummed up phony charges of disorderly conduct and theft of a watch. The presiding commissioner ordered Sims removal to Georgia. According to Stephen Puleo, over 100 police officers “armed with double-edged Roman swords” ensured Sims’ removal to Boston harbor, where he was placed on a ship to the South. The *Portland Inquirer* described Butman as “the staunchest hound for the operation of running down the fugitive.” In August 1852, an author stated in the *Frederick Douglass’ Paper* that Francis Tukey “made himself extra officious in the kidnapping of poor Simms [sic]. He knew he was acting illegally; yet he did it to please his masters... the Southern Cottonocracy.” Further rendition hearings took place in the Bay City over the next few years. However, as will be shown later, these were met with significant resistance.⁶⁰⁸

The Old Northwest was not exempt from the FSA’s influence. Cincinnati, Cleveland, Indianapolis, Chicago, and other locales witnessed several landmark slave refugee rendition hearings. One of the most notable trials involved John Freeman, a black man in Indianapolis. Freeman worked as a painter and eventually accumulated enough funds to purchase four acres of land. In June 1853, he was arrested in the city acting under the FSA. Missouri enslaver Pleasant Ellington claimed that Freeman had escaped from his service. The *Indiana Free Democrat* wrote, “The manner of Freeman’s arrest and the insolence of the claimant had no tendency to prevent excitement. The cowardly officers who arrested him, did so by resorting, as usual in such cases, to falsehood and deception.”⁶⁰⁹ The case was soon brought before Commissioner Squire Sullivan. Freeman’s legal team petitioned successfully petitioned for a writ of *habeas corpus* for Freeman and requested additional time to build their case. In response, Sullivan gave the men nine weeks to prepare. Furthermore, friends of Freeman petitioned Sullivan for Freeman’s release on bail. For nine weeks, Freeman sat in his jail cell, waiting as his legal team set about preparing his defense. Commissioner Sullivan ultimately sided with Freeman and

⁶⁰⁸ Gordon S. Barker, *Fugitive Slaves and the Unfinished American Revolution: Eight Cases, 1848-1856* (Jefferson, NC: McFarland & Co., 2013), 56-57; Blackett, *Captive’s Quest for Freedom*, 413; Stephen Puleo, *A City So Grand: The Rise of an American Metropolis, Boston 1850-1900* (Boston: Beacon Press, 2010), 16; “Man-Stealing in Boston,” *Portland Inquirer* (Portland, ME), Apr. 10, 1851; N. N., “The Story of A Tool,” *FDP*, Aug. 6, 1852.

⁶⁰⁹ “The Case of John Freeman,” *Indiana Free Democrat*, reprinted in *NE*, Jul. 14, 1853. For more on the Freeman case, see Melissa Burlock, “9 Weeks a Fugitive Slave: The 1853 Fugitive Slave Case of Mr. John Freeman,” *Hoosier State Chronicles*, Jul. 22, 2014. <https://blog.newspapers.library.in.gov/in-print-and-on-the-map-articles-in-the-indiana-digital-historic-newspaper-database-and-corresponding-historical-markers-2/>; Blackett, *Captive’s Quest for Freedom*, 211-215. Also see Chris Walker, “The Fugitive Slave Case of John Freeman and its Influence on Indiana Politics,” *Indiana Magazine of History* 114, no. 1 (2018), 1-38.

ordered his release. The case illustrated the vulnerable position of African Americans in the former Northwest Territory, even those from middle-class backgrounds.⁶¹⁰

In August 1853, George Washington McQuerry, a freedom seeker from Kentucky, was arrested by US Marshals at his home in Piqua, Ohio, and brought before Judge John McLean in Cincinnati. The *Evansville Daily Journal* reported, “The colored people assembled in large numbers around the Galt House where the fugitive was guarded by the US Deputy Marshal and a posse of police.” McQuerry’s defense team was led by James G. Birney and John Joliffe. Ultimately, Justice McClean ruled against McQuerry’s and sanctioned his removal from the state. The *Frederick Douglass’ Paper* claimed that McClean “talks like a counsel for the claimant, more than like a just, learned, and impartial judge.”⁶¹¹ In March 1855, Rosetta Armstead was being transported from Kentucky to Virginia by her enslaver’s agent, Jones Miller, when their boat docked in Cincinnati. Unable to travel via the river due to heavy ice, Miller resolved to complete the journey by train. In the meantime, Cincinnati blacks alerted friends in Columbus to their imminent arrival. Anti-slavery lawyers obtained a writ of *habeas corpus* for Armstead from the Franklin County Probate Court. Judge William Jamison ruled that Armstead was

⁶¹⁰ There is a wealth of newspaper accounts on John Freeman case. See “A fugitive slave case is on at Indianapolis,” (*Terre Haute Wabash Express*, Jun. 29, 1853; “The Indianapolis fugitive slave case,” *Daily State Sentinel*, Jun. 29, 1853; “Fugitive Slave Case,” (*Indiana Weekly Reveille*, Jun. 30, 1853; “THE DIFFERENCE,” *Daily State Sentinel*, Jun. 30, 1853; “The Fugitive Slave Case at Indianapolis,” *Terre-Haute Journal*, Jul. 1, 1853; “Fugitive Slave Case,” *Wabash Courier*, Jul. 2, 1853; “A fugitive slave case,” *Prairie Chieftain* (Monticello, IN), Jul. 7, 1853; “Fire in the Rear,” *Daily State Sentinel*, Jul. 16, 1853; “An Interesting Case,” *NE*, Jul. 21, 1853 “FUGITIVE SLAVE CASE AT INDIANAPOLIS,” *Wabash Express*, Jul. 27, 1853; “An Affecting Scene,” *Weekly Reveille*, Aug. 4, 1853; “The Fugitive Slave Case,” *Plymouth Banner*, Aug. 4, 1853; “Fugitive Slave Case at Indianapolis,” *Terre-Haute Journal*, Aug. 5, 1853; “RELEASE OF FREEMAN,” *Daily State Sentinel*, Aug. 19, 1853; “The Indiana Slave Case,” *Daily Cleveland Herald*, Sep. 1, 1853; “Freeman Released,” *Crawfordsville Weekly Journal*, Sep. 1, 1853; “FREEMAN RELEASED,” *Wabash Courier*, Sep. 3, 1853; “The fugitive slave case,” (*Indiana Weekly Reveille*, Sep. 8, 1853; “Freeman is Free,” *Indiana American* (Brookville, IN), Sep. 9, 1853; “Statement,” *Crawfordsville Weekly Journal*, Jan. 19, 1854; “John Freeman,” *Liberator*, Apr. 14, 1854; “FREEMAN CASE,” *Wabash Courier*, May 13, 1854; “John Freeman, An Alleged Fugitive,” *Friends’ Review*, Jun. 10, 1854.

⁶¹¹ Middleton, “Fugitive Slave Crisis in Cincinnati,” 27-28; Catterall, *Judicial Cases*, 15; “Cincinnati, Aug. 16, P. M.,” *Evansville Daily Journal*, Aug. 19, 1853 (quote); “Washington McQuerry Handed over to the Tormentors by Judge McClean,” *FDP*, Aug. 26, 1853 (quote). For more contemporary newspaper accounts of the McQuerry Case, see “Fugitive Slave Case,” *Daily State Sentinel*, Aug. 20, 1853; “Fugitive Slave Case,” *Daily State Sentinel*, Aug. 23, 1853; “ANOTHER FUGITIVE CASE,” *NE*, Aug. 25, 1853; “Accursed Be the Union!,” *Liberator*, Aug. 26, 1853; “Fugitive Slave at Cincinnati,” *Indiana American*, Aug. 26, 1853; “Judge McLean’s Opinion,” *ASB*, Aug. 27, 1853; “JUDGE MCLEAN’S DECISION,” *Pennsylvania Freeman*, Sep. 1, 1853; “Decision of Judge McClean,” *FDP*, Sep. 2, 1853; “Fugitive Slave Case at Cincinnati,” *Plymouth Banner*, Sep. 8, 1853; “The Fugitive Slave Bill at the South,” *FDP*, Dec. 30, 1853; “Underground Railroad,” *Cincinnati Unionist*, reprinted in *ASR*, May 1, 1854.

entitled to her freedom having been brought to a free state. Given her age, she was placed under the guardianship of Ohio abolitionist Lewis G. Van Slyke.⁶¹²

Armstead's enslaver traveled to Cincinnati and secured a warrant for her arrest. Shortly after, she was arrested in Columbus as a fugitive. The *Frederick Douglass' Paper* reported that she was "pounced upon by two ruffians, or rather three, including the United States Commissioner of Cincinnati... and hurried into the jaws of slavery." Fortunately, Van Slyke obtained another writ, and Armstead was freed. After the trial, Armstead moved to New England. The Armstead episode inflamed sectional tensions and exacerbated concerns over state sovereignty. "The seizure of the girl by the Marshal," claimed the *Ohio State Journal*, "... brings up the question of jurisdiction between the U. States and the State of Ohio... the point we wish to bring to the consideration of the People of Ohio is this: Whether they can, or will, submit to have the decisions of the State Courts trodden under foot by officers of the United States." Likewise, the *National Era* declared, "It is high time that Ohio, like Michigan, Vermont, and Connecticut, should guard the rights of her inhabitants by a Personal Liberty Law, and make provision for the punishment of kidnapping, whether attempted by constable or marshal."⁶¹³

The case of Margaret Garner was one of the most notorious cases carried out under the new FSA. In January 1856, Garner escaped from Boone County, Kentucky, with her husband and children to Cincinnati. After the family was discovered by a group of southern whites and federal marshals, Garner killed her two-year-old daughter rather than see her returned to slavery. She was charged with murder by the Cincinnati police, but Kentucky and federal officials sought her rendition under the FSA. Garner was taken before Commissioner Penderly, who ruled

⁶¹² Lily Birkhimer, "The Rosetta Armstead Case: A Fight for Freedom," last modified Feb. 12, 2016. <http://www.ohiohistoryhost.org/ohiomemory/archives/2628>; May, *The Fugitive Slave Law and Its Victims*, 43-44; Blackett, *Captive's Quest for Freedom*, 247-248; Hudson, *Fugitive Slaves*, 141-143.

⁶¹³ "The Columbus Slave Case," *FDP*, Mar. 30, 1855; "State Rights," *Ohio State Journal*, Apr. 4, 1855; "Conflict of Principles," *NE*, Apr. 5, 1855. For more newspaper articles on the Rosetta Armstead case, see "The Rosetta Case," *Ohio State Journal*, Apr. 4, 1855; "The Slave Rosetta Discharged by Judge Parker," *Ohio State Journal*, Apr. 4, 1855; "Decision of Judge Parker in the Case of Rosetta Armstead," *Cincinnati Gazette*, Mar. 31, 1855, reprinted in *Ohio State Journal*, Apr. 4, 1855; "ROSETTA AGAIN ARRESTED," *ASB*, Mar. 31, 1855; "The case of Rosetta Armstead..." *Fremont Journal*, Mar. 30, 1851; "THE SLAVE ROSETTA," *Belmont Chronicle* (St. Clairsville, OH), Apr. 5, 1855; "Cincinnati, April 2," *Advocate* (Buffalo, NY), Apr. 5, 1855; "The Rosetta Case," *Carroll Free Press*, Apr. 5, 1855; "The Rosetta Slave Case," *Fremont Journal*, Apr. 6, 1855; "CASE OF ROSETTA ON A WRIT OF HABEAS CORPUS," *Cincinnati Gazette*, reprinted in *ASB*, Apr. 7, 1855; "Rosetta Armstead Free," *Carroll Free Press*, Apr. 12, 1855; "Alleged Contempt of the U.S. Marshal," *McArthur Democrat* (McArthur, OH), Apr. 13, 1855; "Habeas Corpus for Rosetta – The U.S. Marshal Refuses to Produce the Body – Committed for Contempt!" *Spirit of the Times* (Ironton, OH), Apr. 17, 1855; "THE ROSETTA CASE – HER DISCHARGE BY COMMISONER PENDERY," *Western Reserve Chronicle and Weekly Transcript of the Times* (Warren, OH), Apr. 18, 1855; "Good for Rosetta," *Ohio State Journal*, reprinted in *Liberator*, May 4, 1855; "Rosetta Armstead..." *NASS*, May 5, 1855; "Presentation of a Silver Pitcher," *ASB*, Aug. 4, 1855; "The Slave Cases – Interesting Items," *NE*, Apr. 12, 1855; Blackett, *Captive's Quest for Freedom*, 247-248.



Figure 16: Margaret Garner Arrest

Source: “The Modern Medea – the story of Margaret Garner [Margaret Garner, a slave who escaped from Kentucky to Ohio; her 4 children, 2 of which she killed so they would not have to endure slavery, lying dead on the floor; and 4 men who pursued her]. 1867.” Library of Congress (Washington, DC). LC-USZ62-84545. Accessed Jan. 15, 2020. <https://www.loc.gov/pictures/item/99614263/>.

against Garner and ordered that she be removed to Kentucky. The ruling was widely condemned by African Americans and white abolitionists throughout the North. Henry C. Wright claimed that Ohio “has acquiesced in the surrender of Margaret Garner and her children to slavery. The Constitution and laws and Union demanded it, and the heart of the people sanctioned it. If that heart had been sound and true to its own ideal of right, it would have rallied around her and rescued her.”⁶¹⁴

Sara Lucy Bagby was the last slave refugee tried under the FSA. Born in Virginia, she fled from her enslaver to Cleveland in late 1860, where she took refuge among the city’s black community. Three months later, Bagby was arrested and committed to the local jail. A local judge, D.R. Tilden, issued a writ of *habeas corpus* for Bagby and she was subsequently released. Not long after, Bagby was taken before

⁶¹⁴ Harrold, *Border War*, 156-157; Henry C. Wright, “Letter from Henry C. Wright,” *Liberator*, Apr. 11, 1856; “THE CASE OF MARGARET GARNER,” *Cincinnati Gazette*, reprinted in *NASS*, Apr. 26, 1856. For more on the Garner case, see Taylor, *Driven Toward Madness*; Weisenburger, *Modern Medea*; and Frederickson and Walters (eds.), *Gendered Resistance*.

Commissioner White, who ordered Bagby's rendition to Wheeling. She was guided through the city under heavy guard, notes Richard Blackett, in case anyone attempted to rescue the freedom seeker. African Americans and white abolitionists were outraged by Bagby's rendition. "Southern fury still burns," wrote the *Liberator*, "and the North shrinks before it."⁶¹⁵

Although the FSA 1850 initially seemed like a success, its long-term impact was limited for several reasons. First, those who were re-enslaved under the federal statute represented but a very small proportion of the thousands of slave refugees in the North. Indeed, Richard Blackett writes, "When measured by how effective it was in returning runaways, the law left a great deal to be desired." Additionally, the FSA failed to deter enslaved people from escaping to the North. Foner estimates that over 1,000 slave refugees passed through New York City in the 1850s. Newspapers continued to report the arrival of freedom seekers over the decade. "Many slaves in Hampshire [C]ounty, Va.," claimed the *National Anti-Slavery Standard* in October 1851, "are making the present a season of "grand rush" towards Pennsylvania for what they term *freedom*["]." In July 1853, the *Cincinnati Courier* reported that ten freedom seekers escaped from Newport, Kentucky, to neighboring Cincinnati with assistance from free people of color.⁶¹⁶

Enforcement of the FSA was also hindered by the refusal of northern police officers, state officials, and militia to engage in the recapture of freedom seekers. In December 1854, the *Liberator* reported that a federal marshal in Chicago "endeavored to summon the *posse comitatus*" to arrest seventeen freedom seekers from Missouri. "The military companies were ordered out," the newspaper claimed, "but only one responded to the order." Eventually, the freedom seekers made their way from Chicago to Canada. In January 1855, several militia members in Illinois voiced their opposition to the federal law. In the *Chicago Tribune*, one member of the Chicago Militia stated, "I have no patience with men who will so prostitute the high calling of a soldier, as to lend themselves to capturing persons fleeing from slavery... When I took the arms of a soldier, it was not to do such dishonorable business as negro hunting – it was not that I might be made a bloodhound. And before I will submit to degradation, I will lay down my arms."⁶¹⁷

⁶¹⁵ "ARREST OF A FUGITIVE SLAVE IN CLEVELAND," *ASB*, Jan. 16, 1861; "The Human Sacrifice!," *Liberator*, Mar. 8, 1861; Blackett, *Captive's Quest for Freedom*, 263-265.

⁶¹⁶ Blackett, *Captives Quest for Freedom*, 40; Foner, *Gateway to Freedom*, 150; "Runaways," *NASS*, Oct. 16, 1851; "ESCAPE OF SLAVES," *Cincinnati Courier*, reprinted in *Pennsylvania Freeman*, Jul. 7, 1853; Blackett, *Captive's Quest for Freedom*, 314-315. In his classic study, Stanley W. Campbell places the total number of self-emancipators returned under the FSA 1850 at 332. See Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850-1860* (Chapel Hill: University of North Carolina Press), 1970.

⁶¹⁷ "Slave Excitement – Military Called Out," *Liberator*, Dec. 15, 1854; "THE CHICAGO MILITIA," *Chicago Tribune*, reprinted in *ASB*, Jan. 6, 1855.

Roughly 125 federal rendition hearings took place between 1850 and 1861, a relatively small number considering the number of freedom seekers that escaped to the northern US and Canada over the period. On average, eleven hearings were held each year, but most took place in the first half of the decade. According to Steven Lubet, roughly twenty-five percent of all documented rendition hearings under the FSA were held in the fifteen months after its passage, making it “the single most active year for fugitive renditions during the entire decade before the Civil War.”⁶¹⁸ Moreover, only a handful of abolitionists were tried under the FSA. In 1852, Calvin Fairbank was arrested and charged with aiding a self-emancipator named Tamar. He received a fifteen-year prison sentence. Two years later, Delia Webster was arrested in Madison, Indiana, for assisting black freedom seekers from Kentucky. Webster was later cleared of all charges and released from custody. Frederick Douglass, Samuel Ringgold Ward, William Still, David Ruggles, Harriet Tubman, and countless prominent figures evaded arrest.⁶¹⁹ “In some parts of the North,” writes Eric Foner, “the Fugitive Slave Law quickly became unenforceable.” In 1861, the *Chicago Times* reported that it “was impossible to execute the Fugitive Slave Law. Fugitives were protected, and welcomed with unseemly warmth[.]”⁶²⁰ Aside from the refusal of northern whites, police officers, city councils, and judges to comply with the law, direct (and violent) acts of anti-slavery violence explains the FSA 1850’s limitations. The next section will examine extra-legal resistance and anti-slavery violence.

Rescues, Anti-Slavery Violence, and Extra-Legal Resistance to the Fugitive Slave Act of 1850

By the 1850s, African Americans and white abolitionists displayed a greater willingness to resist southern enslavers, slave catchers, and even federal marshals by force. African Americans and white activists rushed courthouses, jails, and even federal commissioners’ offices to rescue captured freedom seekers. In some cases, they even resorted to killing enslavers and slave catchers in self-defense. Slave refugee rescues were most commonplace and widely publicized in the decade before the Civil War. Robert Churchill argues that rescues were “a relatively rare phenomenon prior to the 1840s[.]”⁶²¹ The passage of the FSA was a watershed

⁶¹⁸ Pinsker, “After 1850”; Lubet, *Fugitive Justice*, 157.

⁶¹⁹ Sinha, *The Slave’s Cause*, 396-399.

⁶²⁰ Foner, *Gateway to Freedom*, 130; “The Negro Exodus,” *Chicago Times*, reprinted in *Joliet Signal* (Joliet, IL), Apr. 16, 1861.

⁶²¹ Robert H. Churchill, “Fugitive Slave Rescues in the North: Toward a Geography of Antislavery Violence,” *Ohio Valley History* 14, no. 2 (2014), 55. For more on anti-slavery violence in the antebellum North, see Robert H. Churchill, “When the Slave Catchers Came to Town: Cultures of Violence along

moment in this regard. “The law,” contends Kellie Carter Jackson, “did something quite remarkable for the abolitionist movement, and in particular, African Americans: it made violence a necessary alternative.”⁶²² African Americans and white abolitionists employed civil disobedience and anti-slavery violence to protect slave refugees. Anti-slavery violence transformed parts of the North into virtually impenetrable terrain. While the North-South borderlands were more favorable territory for enslavers, black and white abolitionists in these locales also mounted forms of violent, extra-legal resistance.⁶²³

The Christiana Resistance (also known as the Christiana ‘Riot’) is one of the most documented cases. In 1849, four freedom seekers escaped from Maryland to Christiana, Pennsylvania. Two years later, enslaver Edward Gorsuch and an armed gang arrived in Christiana with a warrant to procure his formerly enslaved people. Gorsuch learned that the self-emancipators were hiding on the residence of local black farmer William Parker and promptly made their way there. Parker and almost forty other African Americans assembled and resolved to resist the enslavers by force. As soon as Gorsuch and his mob arrived, alongside a federal marshal, Parker and the others leaped into action. Armed and ready to fight, they rushed Gorsuch’s group with the intent of forcing them out of town. Gorsuch was murdered amidst the fray. Parker and his family fled the scene and escaped to Canada.⁶²⁴

In the aftermath, African Americans and white abolitionists voiced their support for the rescuers. Theodore Parker wrote, “I am deeply rejoiced at the fact that the Negroes shot down the kidnappers at Christiana, and wish they had done so in Boston and every where [sic] else.”⁶²⁵ The *Anti-Slavery Bugle* claimed that the four

the Underground Railroad,” *Journal of American History* 105, no. 3 (2018), 514-537; and Churchill, *The Underground Railroad and the Geography of Violence*.

⁶²² Kellie Carter Jackson, *Force and Freedom: Black Abolitionists and the Politics of Violence* (Philadelphia, PA: University of Pennsylvania Press, 2019), 49.

⁶²³ Churchill distinguishes between “three different regions” in the geopolitical landscape of antislavery violence: the ‘borderlands’; the ‘Contested North’; and the ‘Free Soil North.’ In the borderlands, Churchill argues that “slave catchers freely acted according to southern norms of pro-slavery violence, and most white residents and local officials accepted these norms.” Meanwhile, the Free Soil North (namely the Upper North) “comprised a distinctive free soil region marked by consistent and collective resistance to the recovery of fugitive slaves.” Lastly, the Contested North represented “a broad middle-ground” in which resistance to recapturing freedom seekers “lacked the consistency, publicity, and political resonance that characterized resistance in the free soil region.” Although it is a useful distinction between different regions, this dissertation disagrees with the term ‘Free Soil North’ as officially the whole North was officially ‘free’ soil. See Churchill, “Fugitive Slave Rescues in the North,” 56-60; Churchill, “When the Slave Catchers Came to Town.”

⁶²⁴ Jackson, *Force and Freedom*, 54-58; Lubet, *Fugitive Justice*, 51-65; Don Papson and Tom Calarco, *Secret Lives of the Underground Railroad in New York City: Sydney Howard Gay, Louis Napoleon, and the Record of Fugitives* (Jefferson, NC: McFarland & Co., 2015), 79-81; “Christiana Hero is in Canada,” *VF*, reprinted in *FDP*, Jun. 14, 1852. For a comprehensive history of the Christiana Riot, see Thomas P. Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York, NY: Oxford University Press, 1991).

⁶²⁵ Theodore Parker to Samuel J. May, 2 Oct. 1851. Theodore Parker Papers. Reel 2, Vol. 6. MHS. Boston, MA.

men simply “defended themselves like *men*,” and stated, “Here are slave hunters from the South; they beat about in free settlements; insult colored men, men who are free; and if the slave hunters kill any blacks, no commitments follow, no United States troops are ordered out to keep order, no Commissioners and Marshals come to the rescue[.]” White Southerners were incensed and demanded the conviction of every activist involved in the Christiana Resistance. The Baltimore *Sun* wrote “It is an outrage of no ordinary character, and one that has filled our community with a melancholy gloom. The law of the land... has been wantonly and openly violated, and the death of one, if not more of the best citizens of Maryland, has been the consequence.”⁶²⁶

Pennsylvania Governor William F. Johnson sought to defuse the situation. He assured southern whites that Gorsuch’s killers “will be punished in its severest penalty by the law of Pennsylvania... The people of [Lancaster County] are men of peace and good order... They will detect, as they have done in this case, and arrest and punish, all who violate the laws of the land.” Forty-one activists were indicted for treason. Yet only Castner Hanway, a white miller, stood trial for his role in the affair. African Americans and white abolitionists voiced their support for the Christiana heroes. Isaac T. Hopper claimed that the accused men were merely acting in self-defense. “It is a lamentable state of things,” he wrote, “when we see men who are intelligent, and good citizens in their private relations, ready to cry out against another class of their fellow-citizens and denounce them as traitors, murderous and felons, to gratify political ambition.”⁶²⁷

Maryland’s Attorney General Robert J. Brent was greatly dismayed by what he perceived as anti-southern bias. He claimed that the prosecution experienced “great difficulty, because from the most satisfactory information in our power, we believed that a large majority of the appearing jurors were unfavourable [sic] to a conviction[.]” Brent called the outcome of the Hanway case a “monstrous verdict, full of lies and calumny towards the dead[.]” He urged the Maryland General Assembly to take “further action... to arrest this legalized butchery of our innocent

⁶²⁶ “Treason – The Slave Act – The Army,” *ASB*, Sep. 20, 1851. For more reports on the Christiana Riot, see “New Man-Hunting Atrocities at Harrisburg,” *Pennsylvania Freeman*, Oct. 2, 1851; “GREAT RIOT: Awful Loss of Life in an Attempt to Capture Fugitive Slaves,” *Sun*, Sep. 13, 1851;

⁶²⁷ William F. Johnson, “The Riot at Christiana,” *Liberator*, Sep. 26, 1851; Lubet, *Fugitive Justice*, 52; “The Pennsylvania Riot – Was It Treason,” House Divided: The Civil War Research Engine at Dickinson College, <http://hd.housedivided.dickinson.edu/node/1734>. Accessed Jul. 17, 2018. For a thorough analysis of the Christiana treason trials, see Lubet, *Fugitive Justice*, 66-139. Also see Hanway, Castner. [A history of the trial of Castner Hanway and others for treason: at Philadelphia in November, 1851: with an introduction upon the history of the slave question.](#) Philadelphia, 1852. [Slavery and Anti-Slavery.](#) Gale. Universiteit Leiden/LUMC. 17 July 2018.

citizens, who are invited by the General Government, to cross State lines, in pursuit of their property.”⁶²⁸



Figure 17: Illustration of the Christiana Resistance, September 1851

Source: Still, *Underground Rail Road*, 350. Obtained via Library Company of Philadelphia, accessed Jan. 31, 2020.

<https://digital.librarycompany.org/islandora/object/Islandora%3A2824>.

In September 1853, A similar episode occurred in Wilkes-Barre, Pennsylvania. Three federal marshals arrested Bill Thomas, a self-emancipator from Virginia who worked at the Phoenix Hotel. Thomas defended himself with a fork and branding knife and fled the scene to the Susquehanna River. The officers fired into the Susquehanna to scare him out. Around the same time, a group of residents assembled at the scene to challenge the marshals. In the end, Thomas evaded being captured by traveling up the river. The *New York Tribune* proclaimed, “You cannot overstate the barbarity of the scene, the excitement of the people or the Ferocity of the slave catchers[.]” Local activists initiated a legal suit against the US Marshals. However, Justice Robert Grier cleared the officers of all charges. In June 1854, *Christian Advocate* declared, “The whole affair has done more toward making that

⁶²⁸ Maryland. Attorney General’s Office. Report of Attorney General Brent to His Excellency Gov. Lowe in relation to the Christiana treason trials: in the Circuit Court of the United States held at Philadelphia. Annapolis [Md.], 1852. Slavery and Anti-Slavery. Gale. Universiteit Leiden/LUMC. 17 July 2018. Pp. 4-5, 17-18.

law odious, and stirring up an anti-slavery feeling in this section of Pennsylvania, than all the abolition demonstrations there have ever done.”⁶²⁹

New England saw several rescues over the decade. Few locales resisted the FSA more than Boston. In February 1851, Shadrach Minkins was apprehended by federal marshals under the new statute. African Americans and white abolitionists in the city were shocked and appalled. Jonathan Daniel Wells writes that “Word of Shadrach’s seizure crashed upon the shores of Boston’s black community.”⁶³⁰ African Americans and white abolitionists quickly mobilized to liberate him. His defense team petitioned for a writ of *habeas corpus* which was swiftly rejected. As the case headed to trial, Lewis Hayden and his associates formulated a plan to liberate Minkins. During the proceedings, they stormed the courtroom, wrested Minkins from his captors, and fled the scene. Minkins was concealed in the city as police officers sought his whereabouts. UGRR agents managed to secure Minkins’ passage to Montreal, Lower Canada.⁶³¹

Three years later, Anthony Burns was arrested in the city under the FSA and secured in the courthouse. The *Liberator* wrote that a mass gathering at Faneuil Hall “was filled to overflowing, with the people of Boston and its vicinity, to consider what steps should be taken to save Massachusetts from the disgrace of having a man who claimed the protection of her laws, taken by violence from her metropolis, and consigned to perpetual slavery.” The crowd chanted “Fight, fight!” throughout the evening. Delegates at the meeting resolved, “That the time has come to declare and to demonstrate the fact, that no slaveholder can carry his prey from the Commonwealth of Massachusetts.” Emphasizing their sense of Christian duty, they proclaimed, “it is the will of God that every man should be free; we will as God wills; God’s will be done.”⁶³²

⁶²⁹ William C. Kasthaus, ““In Immortal Splendor””: Wilkes-Barre’s Fugitive Slave Case of 1853,” *Pennsylvania Heritage* (2008), 24-31; Harrold, *Border War*, 147-148; “A Scene of Cruelty and Bloodshed,” *New York Tribune*, reprinted in *Hillsdale Standard*, Sep. 20, 1853; “THE WILKESBARRE SLAVE CASE,” *Pennsylvania Freeman*, Oct. 13, 1853; “Wilkesbarre Slave Case,” *New York Tribune*, reprinted in *Liberator*, Oct. 14, 1853; J. Mitchell, “THE WILKESBARRE CASE – THE TESTIMONY,” *Daily Register*, reprinted in *Pennsylvania Freeman*, Oct. 20, 1853; “Judicial Decorum and Impartiality,” *Liberator*, Oct. 21, 1853; “Judicial Diabolism,” *Liberator*, Oct. 22, 1853; “The Wilkesbarre Outrage,” *New York Evening Post*, reprinted in *Liberator*, Oct. 28, 1853; “The Wilkesbarre Tragedy – Judge Grier’s Opinion,” *Carson League*, reprinted in *Liberator*, Nov. 4, 1853; “The Wilkesbarre Slave Case,” *Liberator*, Nov. 4, 1853; “SPROUTINGS OF GRIER SEED,” *Non-Slaveholder*, Dec. 9, 1853; “THE WILKESBARRE FUGITIVE SLAVE CASE,” *Philadelphia Register*, reprinted in *ASB*, Feb. 25, 1854; “STATE RIGHTS,” *ASB*, Dec. 23, 1854; George Peck, “LETTER FROM DR. PECK,” *ASB*, Jun. 10, 1854.

⁶³⁰ Wells, *Blind No More*, 98.

⁶³¹ For the most comprehensive account of Shadrach Minkins’ life, arrest, and escape, see Collison, *Shadrach Minkins*; Kantrowitz, *More than Freedom*, 184-215; Bearse, *Reminiscences* (this source also covers other prominent slave refugee rescues in Boston during the 1850s).

⁶³² “THE SLAVE POWER IN BOSTON,” *Rhode Island Freeman*, Jun. 2, 1854; “GREAT MEETING IN FANUEIL HALL,” *Liberator*, Jun. 2, 1854.

Boston was a city on edge during the Burns' rendition hearings. The federal government took action to prevent the outbreak of anti-slavery violence. Most notably, US troops were stationed around the courthouse to ensure that the rendition hearing went ahead without incident. Tracy Patch Cheever recalled that "a crowd of people, including negroes, negro wenches and red-hot abolitionists, had been gathered around the Court House... The general feeling of Boston citizens is a strong desire that he may escape from his master & the officers, and reach Canada[.]" At one stage, an armed group led by Lewis Hayden rushed the courthouse and attempted to liberate Burns. The group was repelled by federal troops and the hearings went ahead.⁶³³

For many, the Burns hearings were a sham. African Americans and white abolitionists believed that the outcome had been decided in advance. Mary E. Blanchard noted that a "steamer was in readiness at L wharf... and gave General Edmands discretionary powers to keep the peace of the city." Soldiers lined the streets between the courthouse and the harbor, and preparations were made for Burns to be escorted by troops to the ship. Commissioner Edward Loring ruled against Burns and ordered his removal from the state. The *Liberator* accused Loring of "devilish intent" and "unmitigated scoundrelism." Black activists and white abolitionists in the Bay City voiced their anger over the ruling. Meanwhile, thirty female abolitionists in Woburn, Massachusetts compared Commissioner Loring to Judas Iscariot. "In imitation of the arch apostate," they claimed, "you have sold Christ in the person of Anthony Burns." Despite some efforts to obstruct the process, Burns was placed aboard a ship in Boston harbor and taken back to Virginia. Fortunately, abolitionists in Boston raised the funds to purchase Burns' liberty later.⁶³⁴

The Burns episode illustrates the fragility of black freedom in New England. At the same time, the staunch resistance to his rendition illustrates the challenges of recapturing self-emancipators in the Boston area. Theodore Parker wrote in a letter that nine alleged self-emancipators were arrested in Cincinnati "with no opposition." Similarly, blacks in New York City were "carried off with no stir or tumult." In Boston, meanwhile, it required "all the Bullies in the city, all the Soldiers, and all the United States troops in New England and New York to do it." Parker concluded that

⁶³³ Entry for May 30, 1854. Tracy Patch Cheever Journal, 1851-1855. Ms. N-2138. MHS. Boston, MA.

⁶³⁴ "Letter from Mary E. Blanchard to Benjamin Seaver, 4 June 1854," *Masshist.org*, accessed Jun. 10, 2020. <https://www.masshist.org/database/1999?ft=Boston%20Abolitionists,%201831-1865&from=/features/boston-abolitionists/resisting-fugitive-slave-law&noalt=1>; "GREAT EXCITEMENT IN BOSTON," *Telegraph*, reprinted in *FDP*, Jun. 2, 1854; "A crowd of from 500 to 800 persons..." *ASB*, Jun. 3, 1854; "DECISION OF COMMISSIONER LORING," *Liberator*, Jun. 9, 1854; "THE DEED OF INFAMY CONSUMMATED," *Liberator*, Jun. 9, 1854; "FROM THE WOMEN OF WOBURN," *Liberator*, Jun. 9, 1854. For more on the Anthony Burns case, see Gordon S. Barker, *The Imperfect Revolution: Anthony Burns and the Landscape of Race in Antebellum America* (Kent, OH: Kent State University Press, 2010).

Boston was “far ahead of all the other great towns in America; a few years hence it will be impossible to execute the fugitive slave bill[.]”⁶³⁵

The rescue of Joshua Glover was among the most consequential of the decade. Glover, a self-emancipator from St. Louis, was seized by his former enslaver and federal marshals in Racine, Wisconsin. He was taken to Milwaukee and detained in the courthouse jail. Abolitionist Sherman Booth rallied thousands of supporters to demand Glover’s release. Members of the crowd later stormed the courthouse jail and freed Glover from his cell. Arrangements were made to transport Glover to Canada.⁶³⁶ Commissioner Winfield Smith ordered the arrest of individuals involved in the rescue. Not long after, the Wisconsin Supreme Court granted Booth a writ of *habeas corpus*. Going even further, Associate Justice Abram Smith ruled that the FSA 1850 was unconstitutional. Gordon Barker writes that the court based its verdict on the “doctrine of state sovereignty” and the “state’s sovereign right of self-defense.” In response, US Marshal Ableman, who was involved in Glover’s arrest, petitioned the United States’ Supreme Court to rectify the matter. The anti-slavery *Milwaukee Free Democrat* claimed the Wisconsin court had “the power to protect the Liberty of the citizen against the operation of the unconstitutional enactment called the Fugitive Slave [A]ct[.]” In *Ableman v. Booth* (1858), the US Supreme Court ruled that individual states did not possess the authority to invalidate federal laws.⁶³⁷

The Wisconsin Supreme Court’s nullification, in the words of Jonathan Daniel Wells, “thundered across the nation.”⁶³⁸ Between 1854 and 1858, Connecticut, Vermont, Maine, Massachusetts, Michigan, and New Hampshire approved measures to guarantee self-emancipators the right to a jury trial and *habeas corpus*, as well as preventing city and state officers from participating in the recapture of slave refugees. “In Vermont and Massachusetts,” asserted the *National Anti-Slavery Standard*, “the Fugitive Slave law has been virtually nullified by State laws.” In 1856, anti-slavery politicians in Ohio introduced several bills to the General Assembly which sought to bar state law enforcement and citizens from engaging in arrests and prohibit the use of state jails. The new wave of personal liberty laws demonstrates that the FSA 1850 brewed sectional tensions throughout the North.⁶³⁹

⁶³⁵ Theodore Parker to Samuel P. Andrews, 18 Jun. 1854. Theodore Parker Papers P-175. Reel 1, Vol. 3. MHS. Boston, MA.

⁶³⁶ H. Robert Baker, *The Rescue of Joshua Glover: A Fugitive Slave, the Constitution, and the Coming of the Civil War* (Athens, OH: Ohio University Press, 2006), 1-26; Barker, *Fugitive Slaves*, 118-135. See also Ruby West Jackson and Walter T. McDonald, *Finding Freedom: The Untold Story of Joshua Glover, Runaway Slave* (Madison, WI: Wisconsin Historical Society Press, 2007).

⁶³⁷ Barker, *Fugitive Slaves*, 133; “Slave-Catching Vs. State Sovereignty,” *Milwaukee Free Democrat*, Feb. 9, 1857, reprinted in *NASS*, Feb. 21, 1857; “Ableman v. Booth, 62 US 506 (1858),” *Justia.com*, accessed Oct. 10, 2018. <https://supreme.justia.com/cases/federal/us/62/506/>.

⁶³⁸ Wells, *Blind No More*, 105.

⁶³⁹ “The Case of Woodyly – Slave Stealing,” *NASS*, Apr. 19, 1856; “Anti-Slavery Legislation in Ohio,” *NASS*, Apr. 19, 1856; “A Personal Liberty Law, Similar to that Existing in Massachusetts, Has Been Enacted by the Legislature of Wisconsin,” *NASS*, Feb. 28, 1857; “PERSONAL LIBERTY BILL,” *ASB*,

However, the implementation of new personal liberty laws in the North was rather inconsistent. New York, New Jersey, and Pennsylvania did not pass personal liberty bills during the decade. Furthermore, states which enacted new statutes, namely those in New England, witnessed few slave refugee renditions from the mid-1850s. Other factors played a large role than personal liberty laws. The costs associated with recapturing self-emancipators, particularly from further away locales, became “prohibitively expensive” for enslavers. “By forcing the owner of fugitive slaves to resort to federal processes under the Fugitive Slave Law,” writes Stanley Campbell, “the costs of rendition increased considerably.”⁶⁴⁰

Upstate New York witnessed several rescues over the decade. In August 1851, Daniel Davis, a freedom seeker from Louisville, who worked as a cook on the Lake Erie steamboat *Buckeye State*, was seized by and taken before Commissioner Henry K. Smith, who ordered his rendition to Kentucky. An interracial crowd gathered outside his office, determined to secure Davis’ release. Judge Alfred Conkling issued a writ of *habeas corpus* and Davis was released. He quickly crossed the Niagara River into Canada.⁶⁴¹

Two months later, the ‘Jerry Rescue’ took place in Syracuse, New York. William Henry, a self-emancipator from Missouri who went by ‘Jerry,’ was arrested and taken before the presiding commissioner. Word of Henry’s arrest spread like wildfire throughout the region. Hundreds of activists quickly surrounded the Syracuse jail and removed Henry from his cell. He was concealed in the city for several days before being spirited onward to Oswego, where he gained passage aboard a steamboat to Canada. Twenty-six of the rescuers stood trial for their involvement in the rescue, but only one man (African American Enoch Reed) was convicted. Not long after, Samuel Ringgold Ward fled to Upper Canada to avoid arrest for his involvement in the rescue.⁶⁴²

Mar. 7, 1857; “Personal Liberty Law of Wisconsin,” *NASS*, Mar. 14, 1857; “The Wisconsin Personal Liberty Law,” *NASS*, Mar. 14, 1857; Norman L. Rosenberg, “Personal Liberty Laws and Sectional Crisis: 1850-1861,” *Civil War History* 17, no. 1 (1971), 25; H. Robert Baker, “Personal Liberty Laws,” *EssentialCivilWarCurriculum.com*, accessed Oct. 9, 2018. <http://www.essentialcivilwarcurriculum.com/personal-liberty-laws.html>; Campbell, *The Slave Catchers*, 170-186.

⁶⁴⁰ Campbell, *The Slave Catchers*, 184-185.

⁶⁴¹ Blakett, *Captive’s Quest for Freedom*, 60-62, 362-363; Bruce Fisher, *Borderland: Essays from the US – Canadian Divide* (Albany: State University of New York Press, 2012), 50; “DISCHARGE OF THE SLAVE DANIEL DAVIS,” *Liberator*, Sep. 5, 1851; “JUDGE CONKLIN’S DECISION,” *Pennsylvania Freeman*, Sep. 11, 1851; “THE PREMATURE EXULTATION AND WASTED COMPLIMENTS,” *Pennsylvania Freeman*, Sep. 11, 1851; “A SENSIBLE LETTER FROM THE SLAVE DANIEL,” *Liberator*, Sep. 12, 1851; “More Victims of the Man-hunt,” *Pennsylvania Freeman*, Sep. 25, 1851.

⁶⁴² Jayme A. Sokolow, “The Jerry McHenry Rescue and the Growth of Northern Antislavery Sentiment during the 1850s,” *Journal of American Studies* 16, no. 3 (1982), 429-430; Jackson, *Force and Freedom*, 61-66. For more on the ‘Jerry Rescue,’ see Angela F. Murphy, *The Jerry Rescue: The Fugitive Slave Law, Northern Rights, and the American Sectional Crisis* (New York, NY: Oxford University Press, 2015); Barker, *Unfinished Revolution*, 96-118.

Abolitionists and African Americans praised the rescuers in letters, speeches, and newspaper editorials. Samuel J. May declared, “The citizens of Syracuse and of Onondaga County did not... violate the *law*; they set at naught an unrighteous, cruel edict; they trampled upon tyranny.” Likewise, Theodore Parker claimed, “Since the Battle of Lexington and Declaration of Independence, few events have taken place in America which better deserve commemoration.”⁶⁴³ In 1853, the *Daily Evening Star* reported on a ‘riot’ at Niagara Falls after “southern officials” attempted to arrest “a negro waiter charged with murder.” African Americans and white abolitionists in the vicinity claimed that this was a thinly veiled attempt to enslave the man. The report claimed that 300 African Americans “collected and fought the officers.” As the fracas ensued, the unnamed waiter was spirited across the Niagara River.⁶⁴⁴

In the Ohio and Mississippi River borderlands, African Americans and white abolitionists engaged in rescues and anti-slavery violence. The case of Addison White highlights the willingness of black and white abolitionists to resist enslavers, kidnappers, and US marshals. In 1856, White escaped from Fleming County, Kentucky across the Ohio River. Traveling north, he took shelter on a farm in Mechanicsburg, Ohio (just west of Columbus). The following year, White’s enslaver, alongside a group of Kentucky whites and US marshals, arrived at the farm to arrest the self-emancipator. Local blacks and white abolitionists, armed with various kinds of weaponry, descended upon White’s location, ready to engage in battle if necessary. Several activists were subsequently arrested and detained in nearby Springfield. All charges were soon dropped and they were released. Other residents struck an agreement with White’s enslaver to purchase his liberty.⁶⁴⁵

The Great Lakes region saw various slave refugee rescues over this period. In 1852, the *Sandusky Register* reported, “Our city was thrown into intense excitement last evening by an attempt to arrest two negro men, two negro women, and several children, aboard the steamboat *Arrow*, at the moment of her departure for Detroit.” Abolitionist lawyer Rush R. Sloane of Sandusky led the group’s defense. Sloane later recalled that the following events took place during the trial: “I then spoke to the parties who had employed me: “Colored citizens, I see no authority to detain your friends.” At that moment, someone near the door cried out, “Hustle them out,” and immediately the crowd and negroes were out of the building, and no doubt soon the blacks were over “Jordan.” Sloane was tried in Columbus and fined approximately \$4,000 for his role in the escape. He inquired, “And what is my

⁶⁴³ Samuel J. May, *Speech of Rev. Samuel J. May, to the Convention of Citizens, of Onondaga County* (Syracuse, NY: Agan and Summers, 1851), 18; Theodore Parker to Samuel J. May, 23 Sep. 1853. Theodore Parker Papers. MHS. Boston, MA.

⁶⁴⁴ “A Fight with Negroes,” *Daily Evening Star* (Washington, DC), Aug. 19, 1853.

⁶⁴⁵ Blackett, *Captive’s Quest for Freedom*, 255-256; Prince, Benjamin Franklin. *The rescue case of 1857*. Columbus, 1907. *Slavery and Anti-Slavery*. Gale. Universiteit Leiden/LUMC. 8 June 2020.

offense!” questioned Sloane; “Only acting in the ordinary duties of my profession!... Oh! [W]hen will our people awake to a realizing scene of the *bondage* in which the whole North are now fettered[.]” Other rescues took place in the Sandusky area. In 1858, one newspaper reported that a federal marshal from Cincinnati captured “a colored waiter at the St. Lawrence Hotel[.]” Not long after, however, a “vast crowd of citizens collected and rescued the darkey, who took flight to parts unknown.”⁶⁴⁶

The Oberlin-Wellington Rescue was the most famous act of extra-legal resistance in Ohio’s Western Reserve. In September 1858, John Price was seized by Deputy US Marshal Jacob K. Lowe, Deputy Sheriff Samuel Davis, and two Kentucky slave catchers in Oberlin. They took Price to nearby Wellington, where they checked into the Wadsworth Hotel. Oberlin residents rallied others to rescue Price. By about three o’clock, hundreds of Price’s supporters, many of whom were armed, assembled outside the Wadsworth Hotel and demanded his release. Members of the crowd subsequently rushed the hotel and freed Price. He was taken to Oberlin before being sent onward to Canada.⁶⁴⁷ Thirty-seven rescuers were indicted by a federal grand jury but only Charles Henry Langston and Simeon Bushnell stood trial.⁶⁴⁸

Langston pleaded with the jury, “if your brother, if your friend, if your wife, if your child, had been seized by men who claimed them as fugitives... you would call in your neighbors and friends, and would ask them to say with you that these your friends *could not* be taken into slavery.” Langston was sentenced to twenty days in jail, while Bushnell received a sixty-day sentence. Joshua Giddings wrote, “Their error consisted in sparing the lives of the slave-catchers. Those pirates should have been delivered over to the colored men, and consigned to the doom of pirates which should have been speedily executed.”⁶⁴⁹

⁶⁴⁶ Rush R. Sloane, “LIBERTY IN OHIO!,” *American Jubilee* (New York City, NY), Jan. 1, 1855; “Case of R. W. Sloane,” *ASB*, Dec. 30, 1854; “Sandusky Aroused – Fugitive Slave Case – Relief Meeting,” *FDP*, Jan. 5, 1855; “A Case of Great Hardship,” *Liberator*, Feb. 16, 1855; “Rush R. Sloane,” *ASB*, Apr. 7, 1855; Blackett, *Captive’s Quest for Freedom*, 227-229; “Slave Excitement in Sandusky City,” *Milan Free Press*, reprinted in *Holmes County Republican* (Millersburg, OH), May 27, 1858.

⁶⁴⁷ Paul Finkelman, “A Political Show Trial in the Northern District: The Oberlin-Wellington Fugitive Slave Rescue Case,” in Paul Finkelman and Roberta S. Alexander (eds.), *Justice and Legal Change on the Shores of Lake Erie: A History of the United States District Court for the Northern District of Ohio* (Athens, OH: Ohio University Press, 2012), 37-43; Harrold, *Border War*, 180-181; May, *The Fugitive Slave Law and Its Victims*, 103-107.

⁶⁴⁸ “THE SIEGE OF OBERLIN!,” *Cleveland Plain Dealer*, reprinted in *CML*, Dec. 8, 1838; “The Trial of the Thirty-Seven,” *OE*, Mar. 16, 1859; “The Trial of the Thirty-Seven,” *OE*, Apr. 13, 1859; “The Oberlin-Wellington Rescue Case,” *OE*, Apr. 27, 1859; Nate Christensen, “Oberlin-Wellington Rescue,” *BlackPast.org*, accessed Jul. 23, 2018. <http://www.blackpast.org/aah/oberlin-wellington-rescue-1858>.

⁶⁴⁹ Dee (ed.), *Ohio’s War*, 25; “UNITED STATES COURT. Trial of the Wellington Slave Rescue Case,” *CML*, Apr. 6, 9, 14, 15, 16, May 11, 1859; “Habeas Corpus Case – Supreme Court,” *CML*, Apr. 25, 1859; “The Oberlin Rescuers Sentenced,” *Rochester Democrat*, reprinted in *CML*, May 10, 1859; “The Rescue Cases,” *Sandusky Register*, reprinted in *CML*, May 10, 1859; “Oberlin-Wellington Rescue Case,” *ohiohistorycenter.org*, accessed Jul. 19, 2018. http://www.ohiohistorycentral.org/w/Oberlin-Wellington_Rescue_Case; “An Account of the Trials of Simeon Bushnell and Charles Langston by the Oberlin-Wellington Rescuers,” www2.oberlin.edu, accessed Jul. 23, 2018.

In July, the rescuers were released from jail and met with a grand reception and celebrations upon their return to Oberlin. Although the rescuers were free, so, too, were the kidnappers. The *Anti-Slavery Bugle* declared that the kidnappers' release "inflicts indelible disgrace upon the State, by proclaiming in unmistakable terms that, in Ohio, kidnappers can purchase immunity from punishment[.]" Likewise, the *National Anti-Slavery Standard* wrote that the decision "virtually leaves Ohio under the feet of the Slave Oligarchy."⁶⁵⁰

In 1860, John Hossack and other activists in Ottawa, Illinois liberated Jim Gray, a self-emancipator from Missouri. Following his arrest, Gray was held in a local jail until he could receive a hearing. Robert Churchill writes that an anti-slavery mob "sprang into action, mobbing the jailer, stripping Gray from his custody, and carrying him to a waiting carriage which started off amid general cheering." Hossack was tried for violating the FSA 1850. He was found guilty but ultimately only received a \$100 fine and served a ten-day jail sentence. During the trial, Hossack declared, "I am found guilty of a violation of the Fugitive Slave Law, and it may appear strange to your Honor that I have no sense of guilt."⁶⁵¹

Anti-slavery violence proved vital to transforming parts of the North into spaces of relative security for freedom seekers. While legal and judicial measures were crucial to the development of semi-formal liberty in the northern US, rescues and extra-legal resistance were required when all else failed.⁶⁵² In Canada, slave refugees also held concerns about extradition and kidnapping.

Extradition and Kidnapping in British Canada

Unlike the northern US, British Canada lay beyond the jurisdiction of the FSA 1793 and 1850. As each of the provinces gradually adopted anti-slavery, free soil

http://www2.oberlin.edu/external/EOG/Oberlin-Wellington_Rescue/trial_account.htm; "Our Oberlin Friends in Jail," *OE*, May 25, 1859; "Letter from Hon. J. R. Giddings," *Liberator*, May 27, 1859.

⁶⁵⁰ "The Oberlin Rescuers," *NASS*, Jul. 9, 1857; "Cleveland, July 6," *Charleston Mercury*, Jul. 9, 1859; "Release of the Oberlin Rescuers," *Cleveland Leader*, Jul. 7, reprinted in *NASS*, Jul. 16; "Compounding of Felony," *ASB*, Jul. 16, 1859; "Release of the Ohio Rescuers," *Liberator*, Jul. 22, 1859; "The released Oberlin Rescuers...", *Vermont Chronicle*, Jul. 19, 1859; Henry C. Wright, "Release of the Ohio Rescuers by the Same Power that Imprisoned them," *Liberator*, Jul. 22, 1859; "Bushnell at Home," *Cleveland Leader*, Jul. 13, 1859, reprinted in *Liberator*, Jul. 22, 1859; "The Oberlin Rescuers at Home," *Cleveland Leader*, Jul. 13, 1859, reprinted in *Liberator*, Jul. 22, 1859; "How It Was Done," *NASS*, Jul. 30, 1859.

⁶⁵¹ Churchill, *The Underground Railroad and Geography of Violence*, 203-204; "REFUGE OF OPPRESSION," *Liberator*, Oct. 19, 1860; "SELECTIONS," *Liberator*, Oct. 19, 1860 (Hossack quote); J.G. Mott, "IMPRISONMENT OF JOHN HOSSACK," *Liberator*, Oct. 19, 1860; "THE RECENT SLAVE CASE IN ILLINOIS," *Liberator*, Oct. 26, 1860.

⁶⁵² The slave refugee rescues described in this chapter are far from exhaustive. Across the North, African Americans and white abolitionists launched countless rescues and acts of anti-slavery violence to protect freedom seekers from re-enslavement. For more examples, see Blackett, *Captives Quest for Freedom*; Churchill, *The Underground Railroad and the Geography of Violence*.

principles, southern enslavers were left with no legal means of recapturing self-emancipated refugees. After the Revolutionary War, southern enslavers urged the US government to formally negotiate an extradition treaty with Great Britain. Their efforts were generally unsuccessful, however. Over time, enslavers employed other strategies for trying to extradite slave refugees from Canada. Most notably, they started to petition for the return of ‘criminals’ rather than self-emancipators. Furthermore, in some instances, enslavers and bounty hunters attempted to kidnap slave refugees from Canada and take them back to the United States.

The first efforts to negotiate the return of slave refugees began shortly after the Revolutionary War. Article 7 of the Treaty of Paris contained an amendment that prohibited “carrying away any Negroes or other property of the American inhabitants.” Nonetheless, the Loyalists departed the United States with thousands of self-liberated refugees from slavery. US politicians, many of whom were enslavers themselves, sought redress from the British for defying the treaty. Nothing came of these efforts, however. In 1794, President Washington tasked Chief Justice John Jay with traveling to London to reach an agreement over compensation for the loss of enslaved people. But Jay soon discovered that the British would not yield on the issue. Signed in November 1794, the resultant ‘Jay Treaty’ made no mention of the return of formerly enslaved African Americans to the United States, or of compensation to US enslavers.⁶⁵³

Twenty years later, the War of 1812 reignited diplomatic tensions between the United States and Great Britain. Following the escape of thousands of enslaved African Americans to British lines, US diplomats sought the return of self-emancipated people once more. Article 1 of the Treaty of Ghent (1814) read: “All territory, places, and possessions whatsoever, taken by either party from the other during the war. . . shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property. . . or any slaves or other private property.” Diplomats became embroiled in protracted negotiations with the British government. Secretary of State James Monroe told John Quincy Adams, the US Ambassador in London, to push the issue. After several years, Great Britain agreed to provide over one million dollars in compensation.⁶⁵⁴

Southern whites continued to petition the federal government to secure an extradition agreement with Great Britain. In 1819, Tennessee enslavers urged Secretary of State John Quincy Adams to reach an agreement with the British government over the return of slave refugees. They claimed that numerous freedom seekers had recently escaped to Canada. In a letter to the British *chargé d’affaires*,

⁶⁵³ Fehrenbacher, *The Slaveholding Republic*, 91-93. For more on diplomatic tensions in the Revolutionary Era, see Arnett G. Lindsay, “Diplomatic Relations between the United States and Great Britain Bearing on the Return of Negro Slaves, 1783-1828,” *Journal of Negro History* 5, no. 4 (1920), 391-419.

⁶⁵⁴ Fehrenbacher, *The Slaveholding Republic*, 93-98.

Gibbs Crawford Antrobus, Adams claimed that several freedom seekers “ran off last fall from their owners in the State of Tennessee and have taken refuge in Malden in Upper Canada. The owners are anxious to know if any arrangement can be made by which permission could be obtained for them to go to Canada and reobtain possession of their property.” Adams was careful to describe self-emancipators as ‘property’ rather than people. Antrobus declined Adams’ request, noting that “the Negroes have, by their residence in Canada, become free, whatever may have been their former condition in this country, and should any attempt be made to infringe upon this right of freedom, these Negroes would have it in their power to compel the interference of the courts of law for their protection[.]” Upper Canada’s Attorney General John Beverly Robinson drafted the text. In short, Antrobus, Robinson, and the British government upheld the *Somerset* principle for slave refugees in Canada.⁶⁵⁵

In 1826, Secretary of State Henry Clay urged Ambassador Albert Gallatin to raise the issue with British officials. Gallatin proposed “a mutual exchange of criminals,” whereby the US government would return British sailors for slave refugees in Canada. Once again, however, these appeals fell on deaf ears. British officials understood that self-emancipators in Canada were not criminals, at least not under English law. In short, the *Somerset* principle remained the law of the land for Canada.⁶⁵⁶ Pro-slavery politicians in the United States expressed frustration with the British government’s refusal to consider extraditing slave refugees. In 1828, the House of Representatives requested that President John Quincy Adams “open a negotiation with the British Government in the view to obtain an arrangement whereby fugitive slaves who have taken refuge in the Canadian provinces... may be surrendered... to their masters, up on their making satisfactory proof of their ownership of said slaves.” Despite some attempts to reopen diplomatic channels, the British government refused to countenance any proposals which included the extradition of slave refugees from Canada.⁶⁵⁷

The US government continued to seek an agreement with Great Britain. On August 12, 1829, Secretary of State Martin Van Buren wrote, “whether it is probable

⁶⁵⁵ Adams and Antrobus quotes taken from Fehrenbacher, *The Slaveholding Republic*, 102.

⁶⁵⁶ *The Slaveholding Republic*, 102-103 (quote); Prince, “The Illusion of Safety,” 68; Also see Harriet C. Frazier, *Runaway and Freed Missouri Slaves and Those who Helped Them, 1763-1865* (Jefferson, NC: McFarland & Company, 2004), 107-108.

⁶⁵⁷ Journal of the House of Representatives of the United States, 1827-1828. May 9, 1828. LOC. American Memory. A Century of Lawmaking for a New Nation: US Congressional Documents and Debates, 1774-1875, accessed May 17, 2020. [http://ebooks.library.cornell.edu/cgi/t/text/pageviewer-idx?c=mayantislavery&cc=mayantislavery&idno=07838309&q1=Canada&view=image&seq=1&size=100](http://memory.loc.gov/cgi-bin/query/D?hlaw:1::temp/~ammem_Zhyf::;Fehrenbacher, The Slaveholding Republic, 103. For more on diplomatic negotiations over slave refugees in the 1820s, see Headlands in the Life of Henry Clay: no. 1, from 1797 to 1827 (Boston, MA: Leavitt and Alden, 1831), 7-8, accessed May 25, 2020. <a href=); American State Papers, Foreign Relations: Vol. 6. LOC. American Memory. A Century of Lawmaking for a New Nation: US Congressional Documents and Debates, 1774-1875, accessed May 17, 2020. [https://memory.loc.gov/cgi-bin/query/r?ammem/hlaw:@field\(DOCID+@lit\(sp0062\)\):#0060007](https://memory.loc.gov/cgi-bin/query/r?ammem/hlaw:@field(DOCID+@lit(sp0062)):#0060007).

any arrangement will be entered into between the United States and Great Britain, by which the surrender of fugitive slaves from the territories of the former; taking refuge in the neighbouring [sic] Provinces of the latter, may be provided for, I can only state, that from the entire failure of the repeated efforts which were made by the late Administration of this Government to effect that object... is a little doubtful." Van Buren's choice of language is quite revealing; by noting that freedom seekers were "taking refuge" in the Canadian provinces, it is a subtle admission regarding slavery's brutality. Rather than being 'stolen' away by a foreign aggressor, freedom seekers in Canada had actively 'taken' refuge themselves.⁶⁵⁸ The British government's commitment to upholding *Somerset* enhanced Great Britain's reputation among African Americans, African Canadians, and white abolitionists. On these negotiations, Samuel Gridley Howe wrote that "the Monarchy rebuked the Republic; spurned the proposal of a mutual betrayal of exiles, and assured the sanctity of Canadian asylum to fugitive slaves."⁶⁵⁹

Although US officials failed to negotiate a formal treaty with the British, southern enslavers petitioned the Upper Canadian government for the extradition of freedom seekers. In each case, noted the London *Spectator*, southern enslavers employed the same strategy: "against every refugee in Canada charges of robbery, or even murder in the American sense, may be trumped up, in order to recover the value and property in escaped slaves." In 1833, Upper Canada's legislature enacted the Fugitive Offenders Act, which provided for the extradition of individuals charged with "Murder, Forgery, Larceny or other crime." Over the following decades, southern enslavers changed tack and began to petition for the return of criminals rather than slave refugees.⁶⁶⁰

The case of Thornton and Lucie Blackburn was the first to be heard under the Fugitive Offenders Act. The couple escaped from Louisville to Detroit and took refuge in the city's free black community. About two years later, they were apprehended by authorities in Detroit and placed in jail. Judge Henry Chipman ordered the couple's rendition to Kentucky. Black activists and white abolitionists in the Detroit River borderland devised a plan to rescue the couple. On June 16, 1833, Lucie Blackburn was visited by two women, Caroline French and Tabitha Lightfoot. Caroline swapped clothing with Lucie and stayed behind in the cell. Lucie subsequently left the jail and, disguised as Caroline, boarded a ferry to cross the Detroit River. The following day, as the sheriff took Thornton from his cell, an armed,

⁶⁵⁸ Martin Van Buren to W. T. Barry, 12 August 1829. Pirtle-Rogers Family Papers, 1797-1875. Mss. A P672a 5. FHS. Louisville, Kentucky.

⁶⁵⁹ Howe, *The Refugees from Slavery in Canada West*, 14.

⁶⁶⁰ "Canadian Extraditions," *Spectator*, Jan. 5, 1861. Full title of the statute: An Act to Provide for the Apprehending of Fugitive Offenders from Foreign Countries, and Delivering Them Up to Justice (1833). See Prince, "The Illusion of Safety," 69-71. Also, David Murray, *Colonial Justice: Justice, Morality, and Crime in the Niagara District, 1791-1849* (Toronto: University of Toronto Press, 2002), 118.

biracial mob approached the Detroit jail and demanded Thornton's release. Karolyn Smardz Frost claims that a member of the crowd threw a handgun to Thornton, which he fired into the air. Amid the chaos, Thornton's rescuers spirited Thornton across the Detroit River to Upper Canada.⁶⁶¹

Michigan Governor Stevens T. Mason subsequently demanded the couple's extradition. Mason focused solely on the Detroit riot and did not mention that Thornton and Lucie were refugees from slavery. In response, Upper Canada's Attorney General Robert S. Jameson advised the Lieutenant-Governor, Sir John Colborne, that Thornton and Lucie Blackburn would face re-enslavement if extradited to the United States. In June 1833, Thornton Blackburn appealed to the Lieutenant-Governor for protection. He was "convinced the object of the Party is to have him and his wife carried back to Hopeless Slavery[.]" Black activists in the Detroit River borderland also submitted a petition to Colborne to convince him to reject Mason's request. After careful consideration, the Lieutenant-Governor refused to sanction the extradition request and the Blackburns were freed.⁶⁶²

Horse theft became a central issue in future extradition cases. In 1834, Governor Mason requested the extradition of Abraham Johnson, a freedom seeker from Virginia, who was accused of stealing his enslaver's horse. Yet Upper Canada's Executive Council refused to sanction the extradition once again.⁶⁶³ Three years later, Solomon Moseby and Jesse Happy were at the center of two separate, yet interrelated, extradition cases. In 1837, both freedom seekers were accused of stealing horses from their enslavers during their escapes from Kentucky to the Niagara River borderland. While Happy left his enslaver's horse behind and informed his owner, Moseby sold his horse for money before crossing into the province.⁶⁶⁴

⁶⁶¹ Frost, "Forging Transnational Networks for Freedom," in Frost and Tucker (eds.), *A Fluid Frontier*, 53-58. For the most comprehensive history of Thornton and Lucie Blackburn, see Frost, *I've Got a Home in Glory Land*.

⁶⁶² "The Opinion of the Attorney-General and Documents respecting the 1st Requisition of Fugitives from the Michigan Territory," *State Submissions to the Executive Council of Upper Canada*. RG1 E3, vol. 73, Reel C-1199, 13-17. LAC, accessed Oct. 21, 2020.

https://heritage.canadiana.ca/view/oocihm.lac_reel_c1199/1072?r=0&s=5; "The Petition of Madison Mason, Lewis Austin, Prince Williams, Peter Sands, and Alexander Butler" *State Submissions to the Executive Council of Upper Canada*. RG1 E3, vol. 73, Reel C-1199, 24-25. LAC, accessed Oct. 21, 2020. https://heritage.canadiana.ca/view/oocihm.lac_reel_c1199/1085?r=0&s=6. The men behind this petition were among the group that rescued Thornton Blackburn in Detroit. For Thornton Blackburn's petition to Sir John Colborne, see "The Petition of Thornton Blackburn in behalf of himself, and his Wife Ruth Blackburn both People of Colour, at present confined in the Gaol of Sandwich, Western District," *State Submissions to the Executive Council of Upper Canada*. RG1 E3, vol. 73, Reel C-1199, 90-93. LAC, accessed Oct. 21, 2020. https://heritage.canadiana.ca/view/oocihm.lac_reel_c1199/1155?r=0&s=6.

⁶⁶³ "Requisition of Steven J. Mason, Acting Governor of the Territory of Michigan for the delivery of Abraham Johnson, a fugitive slave," *State Submission to the Executive Council of Upper Canada*. RG1 E3, vol. 49, Reel C-1196, 42. LAC, accessed Oct. 21, 2020.

https://heritage.canadiana.ca/view/oocihm.lac_reel_c1196/67?r=0&s=6.

⁶⁶⁴ Prince, "The Illusion of Safety," 69-71; Bradley Miller, *Borderline Crime: Fugitive Criminals and the Challenge of the Border, 1819-1914* (Toronto: University of Toronto Press, 2016), 118; For more on the Jesse Happy and Solomon Moseby cases, see Jason Silverman, "Kentucky, Canada, and Extradition: The

David Castleman, Moseby's former enslaver, journeyed to the Niagara borderland to recapture the self-emancipator. Fully aware that he would be unable to remove Moseby from the province by force, he sought to take advantage of the Fugitive Offenders Act. He presented local officials with evidence that Moseby had been found guilty by a Kentucky jury, as well as an extradition request from the state governor. After reviewing the case, Upper Canada's Attorney General determined that there was "sufficient proof" of Moseby's guilt and recommended that the Lieutenant-Governor "deliver him up upon the request made by the Governor of the State referred to." Based upon this recommendation, Upper Canada's Executive Council sanctioned Moseby's extradition to the United States.⁶⁶⁵

African Canadians, African American refugees, and white abolitionists rushed to Moseby's defense. A member of Moseby's legal team, Alexander Stewart, argued that it was an incorrect implementation of the Fugitive Offenders Act, which was reserved for the "heinous crimes of Arson, Murder & Rape of white women[.]" He also cast doubt on Castleman's true motives, claiming that it was "a mere pretext to obtain his servitude in vile bondage[.]" He insisted that Castleman would not travel roughly 1,500 miles "at an expense of at least \$400 to bring to Justice a Slave charged with stealing a horse of only the value of \$150." Southern enslavers, Stewart argued, had become "increasingly alarmed" by the number of freedom seekers seeking asylum in Upper Canada. He warned the Executive Council that the Fugitive Offenders Act "offers a practical opportunity of gratifying their cupidity."⁶⁶⁶

African Canadians and African Americans in the Niagara borderland also petitioned the Lieutenant-Governor to reverse the decision. They stated that Moseby had "availed himself of the protection of the British Laws in Canada to retain the Freedom that he had now acquired, and for which he had long and ardently long wished." They appealed to the Lieutenant-Governor to see through "the fraudulent

Jesse Happy Case," *Filson Club History Quarterly* 54 (1980), 50-60; see Janet Carnochan, *A Slave Rescue in Niagara, Sixty Years Ago* (Niagara, ON: Times Book and Job Print, 1897), 11-18; David Murray, "Hands Across the Border: The Abortive Extradition of Solomon Moseby," *Canadian Review of American Studies* 3, no. 2 (2000), 187-209; Nina Halty, "From Slaves to Subjects: Forging Freedom in the Canadian Legal System," (MA thesis: Florida Atlantic University, 2017).

⁶⁶⁵ "Complaint of David Castleman, Fayette, KY, to Daniel McDougal, High Constable, Niagara District," Sep. 2, 1837. *State Submissions to the Executive Council of Upper Canada*, RG1 E3, vol. 49, Reel C-1196, 222-225. LAC, accessed Oct. 21, 2020.

https://heritage.canadiana.ca/view/oocihm.lac_reel_c1196/273?r=0&s=5; "Letter from C.A. Hagerman to Sir Francis Bond Head," Sep. 6, 1837. *State Submissions to the Executive Council of Upper Canada*, RG1 E3, vol. 49, Reel C-1196, 216. LAC, accessed Oct. 21, 2020.

https://heritage.canadiana.ca/view/oocihm.lac_reel_c1196/267?r=0&s=5; "Report on the Requisition & Documents for the Surrender of Solomon Moseby, a Fugitive from the State of Kentucky charged with Horse Stealing," Sep. 7, 1837. *State Submissions to the Executive Council of Upper Canada*, RG1 E3, vol. 49, Reel C-1196, 218. LAC, accessed Oct. 21, 2020.

https://heritage.canadiana.ca/view/oocihm.lac_reel_c1196/268?r=3&s=5.

⁶⁶⁶ "Letter from Alexander Stewart to John Joseph," Sep. 5, 1837. *State Submissions to the Executive Council of Upper Canada*, RG1 E3, vol. 49, Reel C-1196, 219-221. LAC, accessed Oct. 21, 2020.

https://heritage.canadiana.ca/view/oocihm.lac_reel_c1196/270?r=0&s=5.

artifice which Slaveholders are in the Habit of employing to repossess thousands of Slaves who have once gained a Sanctuary of Freedom within the British dominions.” They asserted that Castleman sought to impose the “Laws of a Foreign Country” in Upper Canada and was merely employing the charge of horse stealing as “a mere pretense to secure him across the line of demarcation, and from under the protection of the British Laws and institution[.], and the moment he lands on the other side of the Niagara river the charge of Horse-Stealing would be withdrawn, and him dragg [sic] off once more to irremidiable [sic] Slavery.”⁶⁶⁷ The petitioners reiterated that Moseby “is now a freeman by the constitutional laws of Great Britain and that should he be given up, he will inevitably go back to Slavery.” They also warned that it would set “a precedent whereby no runaway Slave will either now or henceforth be safe in a British Colony.”⁶⁶⁸

Black activists and white abolitionists prepared to resist all efforts to forcibly remove Moseby to the United States. Tensions in the town, particularly in the vicinity around the local jail, reached an almost fever pitch. Anna Brownell Jameson recalled that the case “excited a strong interest among the whites, while the coloured population, consisting... chiefly [of] refugees from the States, were half frantic with excitement. They loudly and openly declared that they would peril their lives to prevent his being carried again across the frontiers, and surrendered to the vengeance of his angry master.”⁶⁶⁹ Meanwhile, the *Niagara Reporter* stated that “a more motley assemblage never was seen in our recollection, about a hundred coloured people and forty or fifty of them females drawn up in a battle array at the Gaol [sic] gates ready to seize the man[.]”⁶⁷⁰

Eventually, members of the crowd stormed the jail to liberate Moseby. The Niagara police and soldiers (who had been called in to ensure Moseby’s extradition went ahead) opened fire on the crowd, killing two and wounding one. The *Michigan Observer* reported that “five colored men” were killed at the scene during the ‘Niagara Slaughter.’⁶⁷¹ Accounts of the events in Niagara varied. The *St. Catharine’s Journal* blamed the black protestors for the violence, claiming that their actions

⁶⁶⁷ “Copy of the Petition of the Coloured Inhabitants of the Town and Township of Niagara on behalf of Solomon Moseby, the Fugitive Slave,” Sep. 2, 1837. *State Submissions to the Executive Council of Upper Canada*, RG1 E3, vol. 49, Reel C-1196, 225-228. LAC, accessed Oct. 21, 2020. https://heritage.canadiana.ca/view/oocihm.lac_reel_c1196/277?r=0&s=5.

⁶⁶⁸ “Copy of the Petition of the Inhabitants of the Town of Niagara respecting Solomon Moseby the fugitive Slave,” Sep. 2, 1837. *State Submissions to the Executive Council of Upper Canada*, RG1 E3, vol. 49, Reel C-1996, 229-232. LAC, accessed Oct. 21, 2020. https://heritage.canadiana.ca/view/oocihm.lac_reel_c1196/282?r=0&s=5. Also see “THE PETITION OF THE INHABITANTS OF THE TOWN OF NIAGARA,” *Patriot* (Toronto, ON), Sep. 22, 1837.

⁶⁶⁹ Anna Brownell Jameson, *Sketches in Canada, and Rambles Among the Red Men*. New Edition (London: Longman, Brown, Green, and Longmans, 1852), 56-57

⁶⁷⁰ “THE SLAVE CASE,” *Niagara Reporter*, reprinted in *Patriot* (Toronto, ON), Sep. 22, 1837.

⁶⁷¹ Jameson, *Sketches in Canada*, 56-57; “THE NIAGARA SLAUGHTER,” *Michigan Observer*, reprinted in *Liberator*, Nov. 3, 1837.

displayed contempt for “the laws and ordinances of the country which affords an asylum for the oppressed of their race.”⁶⁷² However, the *Niagara Reporter* alleged that the soldiers stationed around the jail were responsible for the chaotic scenes. Amid the confusion, Moseby escaped from the Niagara jail and made his way to Toronto. After a short stay in the city, he took refuge in England.⁶⁷³

Following the Moseby and Happy extradition cases, slave refugees in Upper Canada reaffirmed their claims to British subjecthood. Ikuko Asaka notes that, in 1839, black activists met in London to “draft a petition... [which] requested that the British government protect self-emancipated people from cross-border pursuit by United States authorities and ensure their social and intellectual advancement in Canada[.]” The petitioners insisted that, as “subjects of the British Monarch” they were entitled to the same protections as white Canadians. Slave refugees “had to actively solicit the metropole’s support by fashioning themselves as British emancipated subjects deserving of the empire’s protection and tutelage.”⁶⁷⁴

Despite this early resistance, the fear of slave refugee extradition never truly dissipated. The Nelson Hackett case illustrates the threat posed to self-emancipated refugees in Canada. Before his escape in 1841, Hackett stole a horse, a hat and overcoat, and a gold watch from his enslaver Alfred Wallace. These last details were crucial; whereas the Happy and Moseby cases demonstrated that horse theft was accepted as a means of escaping from slavery, stealing other items, and committing other crimes placed freedom seekers at risk of extradition under the Fugitive Offenders Act. Hackett’s enslaver traveled to Upper Canada later that year and managed to locate him in Chatham. After notifying the authorities, Hackett was arrested and taken to the local jail in Sandwich.⁶⁷⁵ In September, the Acting Governor of Michigan requested Hackett’s extradition based on the claim that he was “guilty of the crime of larceny.” Around this time, the Governor of Arkansas, as well as juries and judges in Washington County, appealed for Hackett’s extradition to the United States to stand trial.⁶⁷⁶

Hackett petitioned Governor-General Lord Sydenham for his release. He accused his enslaver of lying, having first charged him with “having stolen goods in [his] possession,” but later changed his story and claimed that Hackett had

⁶⁷² *St. Catharine’s Journal* quoted in Halty, “From Slaves to Subjects,” 86.

⁶⁷³ “THE SLAVE CASE,” *Niagara Reporter*, reprinted in *Patriot* (Toronto, ON), Sep. 22, 1837.

⁶⁷⁴ Asaka, “‘Our Brethren in the West Indies,’ 219-220 (first quote), 223 (second quote).

⁶⁷⁵ Prince, “The Illusion of Safety,” 71-72; For more on the Hackett case, see Roman J. Zorn, “An Arkansas Fugitive Slave Incident and Its International Repercussions,” *Arkansas Historical Quarterly* 16, no. 2 (1957), 139-149.

⁶⁷⁶ James Wright Gordon, Acting Governor of Michigan, to the Right Hon. Lord Sydenham, Governor-General of British North America, Sep. 18, 1841 in *Copies of a Despatch [sic] from the Governor-General of Canada to the Secretary of State for the Colonies, of the 20th January last, relative to the Surrender of Nelson Hackett, a Person of Colour [sic], on the Demand of the Authorities of the United States, as a Fugitive from Justice* (London: House of Commons, 1842), 2, accessed May 5, 2020. https://www.canadiana.ca/view/oocihm.9_01694/2?r=0&s=1.

“committed a rape, but did not attempt to make any proof thereof.” In December, Upper Canadian officials approved Hackett’s extradition. One month later, Sir Charles Bagot (Lord Sydenham’s successor as Governor-General) stated that there was “no doubt of the guilt of this individual, the stolen property having been found on him on his arrival in the province; nor could it be said that this property had been taken solely to assist him in escaping from slavery, and not with a felonious intent.” Upper Canada’s Executive Council agreed with Bagot and ordered his extradition. Hackett was subsequently returned to Arkansas and later sold to Texas.⁶⁷⁷

African Americans, African Canadians, and white abolitionists in North America and Great Britain were outraged. The *Western Herald* claimed that everything surrounding the extradition “was done so quietly, that we knew nothing of it until some weeks after, and sickness drove the matter from our mind.” In 1842, the *National Anti-Slavery Standard* claimed that it set “a most dangerous and alarming precedent[.]” The newspaper questioned, “Can the Governor be ignorant that a charge of theft, true or untrue, is one of the most common tricks whereby slaveholders seek to regain their slaves?” Similarly, Lewis Tappan wrote, “Nothing has occurred so alarming to fugitives from slavery, as the act of Sir Charles Bagot, in surrendering poor Nelson to the tender mercies of the South.” In Hamilton, roughly 178 black residents sent a petition to Canadian politician Sir Allen McNab which stated, “One of our number, Nelson Hackett, has been taken from Sandwich, by night, and given up to the injustice of slave claimers.” Hackett’s extradition was even discussed in the UK House of Commons, although nothing could be done to spare him from re-enslavement.⁶⁷⁸

Around this time, the United States and Great Britain negotiated the Webster-Ashburton Treaty. Extradition was one of the key issues addressed within its terms. Article 10 specified that individuals could be extradited for “the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper.” The treaty itself included no specific provision for the extradition of slave refugees from Canada. Yet this did little to allay the concerns of African Americans, African Canadians, and white abolitionists. In light of the Happy, Moseby, and Hackett cases, they were fully aware of the threat

⁶⁷⁷ Ripley, *BAP: vol. 2: Canada, 1830-1865*, 84-85; The Right Hon. Sir C. Bagot to Lord Stanley, 20 Jan. 1842; Report of a Committee of the Executive Council in *Copies of a Despatch [sic] from the Governor-General of Canada*, 1, 8.

⁶⁷⁸ “We beg to add...” *Western Herald*, Jun. 30, 1842; “The Governor of Canada,” *NASS*, Apr. 21, 1842; Lewis Tappan, “Nelson Hackett,” *NASS*, Sep. 1, 1842; “CASE OF NELSON HACKETT,” *Emancipator*, reprinted in *NASS*, Oct. 20, 1842. For more articles on the Nelson Hackett case, see “SURRENDER OF RUN-AWAY SLAVES,” *Alexandria Gazette*, Jul. 30, 1842; “NELSON HACKETT,” *NASS*, Aug. 4, 1842; “NELSON HACKETT,” *NASS*, Sep. 1, 1842; “CASE OF NELSON HACKETT,” *American and Foreign Anti-Slavery Reporter*, reprinted in *NASS*, Sep. 1, 1842; “REFUGE OF OPPRESSION,” *Liberator*, Feb. 24, 1843; “FUGITIVE SLAVES IN UPPER CANADA,” *British and Foreign Anti-Slavery Reporter*, Mar. 8, 1843.

which extradition posed to slave refugees in Canada. Thomas Clarkson warned, “if the treaty takes in the slave population, then the slave owners, encouraged by the case of Nelson Hackett, and having *now a legal right* to make claims, which they had not before, will pester our government in Canada with *thousands* of applications[.]” Hackett’s supporters questioned the legality of his extradition. Lord Ashburton, who negotiated the treaty, told abolitionist Lewis Tappan, “Had he only taken the horse... he would not probably have been surrendered, for you know the horse was necessary for his escape.”⁶⁷⁹

The last slave refugee extradition case took place on the eve of the US Civil War. In 1853, John Anderson (formerly ‘Jack Burton’) absconded from his Missouri enslaver. Three days into his escape, Anderson was discovered by white farmer Seneca Diggs. A melee ensued between the two men and Anderson fatally stabbed Diggs in self-defense. He subsequently fled across the Mississippi River to Illinois and made his way to Chicago. He continued northward and eventually crossed the Detroit River into Upper Canada. The following year, Missouri’s Governor petitioned the provincial government for Anderson’s extradition. Yet the request had seemingly little impact. For six years, he lived in a state of relative security. No attempts were made to arrest or extradite him during this period. In late 1860, however, Anderson was arrested near Brantford and placed in a local jail.⁶⁸⁰

Anderson maintained that “by the British law he is entitled to be free there, and the evidence shows that he only used such force as was necessary to maintain that freedom there[.]” The Anderson case caused an enormous stir in Washington, Toronto, and London. US diplomats and politicians petitioned the British and Canadian governments for Anderson’s speedy extradition. In October 1860, Secretary of State Lewis Cass formally requested Anderson’s return to the United States. Two months later, the Canadian Court of Queen’s Bench approved Anderson’s extradition under the Webster-Ashburton Treaty. The justices’ rulings highlight the tensions between protecting Canada’s free-soil policy and abiding by the treaty’s terms. Justice Burns, for instance, wrote, “It is true the moment a slave

⁶⁷⁹ Prince, “The Illusion of Safety,” 71; Fehrenbacher, *The Slaveholding Republic*, 108-109; Winks, *The Blacks in Canada*, 172-173; Thomas Clarkson, “ASHBURTON TREATY: THE TENTH ARTICLE,” *British and Foreign Anti-Slavery Reporter*, Nov. 2, 1842; Lewis Tappan, “Interview with Lord Ashburton,” *Liberator*, Sep. 16, 1842; “THE ASHBURTON TREATY – ARTICLE 10,” *Vermont Freeman*, Dec. 10, 1842. For a transcription of the Webster-Ashburton Treaty, see No Author, *Treaty Between Her Majesty and The United States of America. Signed at Washington, August 9, 1842. Presented to both Houses of Parliament by Command of Her Majesty* (London: Published by His Majesty’s Stationery Office, 1843), accessed May 5, 2020.

<https://www.canadiana.ca/view/oocihm.49873/2?r=0&s=1>. The treaty derived its name from its two signatories, US Secretary of State Daniel Webster and Alexander Baring (Lord Ashburton).

⁶⁸⁰ Prince, “The Illusion of Safety,” 75-76; Frazier, *Runaway and Freed Missouri Slaves*, 112-113. For more on the John Anderson case, see Patrick Brode, *The Odyssey of John Anderson* (Toronto: University of Toronto Press, 1989); and Robert C. Reinders, “The John Anderson Case, 1860-1: A Study in Anglo-Canadian Imperial Relations,” *Canadian Historical Review* 56, no. 4 (1975), 393-415.

puts his foot upon Canadian soil he is free, but the British Government never contemplated that he should also be free from the charges of murder, piracy, or arson, though the crime was committed in the endeavour [sic] to obtain freedom.” The Anderson case received significant coverage in US, Canadian, and British newspapers.⁶⁸¹

On December 19, 1860, Anderson’s supporters met at St. Andrew’s Hall, Toronto to voice their outrage. Attendees approved resolutions that claimed that Upper Canada would be “polluted with slavery” if the extradition went ahead.⁶⁸² The following month, Gerrit Smith delivered a scathing indictment of the Anderson ruling in Toronto. Among other things, he accused the Court of the Queen’s Bench of hypocrisy. “Had he [Anderson] been pursued here,” Smith proclaimed, “as he was in Missouri, by half a dozen men avowing their purpose to kidnap him and reduce him to slavery, and had he turned and killed one of them, your Courts, instead of convicting him, would have honored him; and had he turned and killed them all, then all your Courts would have joined all your people in exalting him to a very high place in the heaven of British heroes.” Smith urged the

British government to overrule Anderson’s extradition, stating, “If Great Britain did in the Treaty bind herself to conform the action of her Courts to the law of American slavery, then she did bring upon her fame a disgrace which all the blood of her most

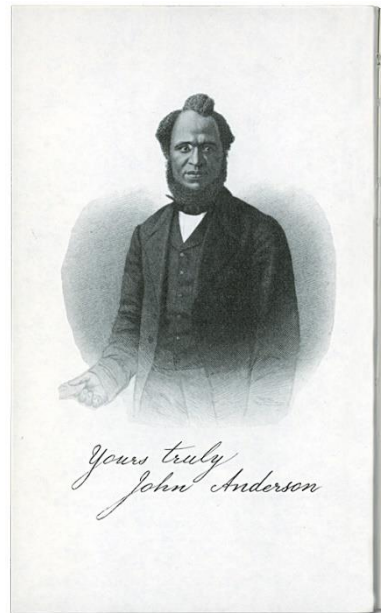


Figure 18: John Anderson

Source: Portrait of John Anderson. E 450 A54-T9. AO, Toronto, accessed Jan. 8, 2020. Obtained via: http://www.archives.gov.on.ca/en/explore/online/black_history/big/big_12_john_anderson.aspx.

⁶⁸¹ Ripley et al. (eds.), *BAP: vol. 2: Canada, 1830-1865*, 430-433; Lewis Cass to Douglas Irvine, Oct. 2, 1860; and Judgment of Mr. Justice Burns in *Correspondence Respecting the Case of the Fugitive Slave, Anderson. Presented to both Houses of Parliament by Command of Her Majesty* (London: Harrison and Sons, 1861), 33, 47, accessed May 6, 2020.

https://www.canadiana.ca/view/oocihm.9_01812/5?r=0&s=1. For articles on the Anderson extradition case, see “THE EXTRADITION CASE IN CANADA,” *Advocate* (Buffalo, NY), Dec. 27, 1860; “EXTRADITION OF FUGITIVE SLAVES IN CANADA,” *ASB*, Jan. 5, 1861; “Canada Extradition Case,” *ASB*, Jan. 19, 1861; “FUGITIVE SLAVE EXTRADITION CASE,” *ASR*, Feb. 1, 1861; “The Story of John Anderson,” (Toronto) *Globe*, reprinted in *NASS*, Mar. 2, 1861; “THE FUGITIVE ANDERSON’S HISTORY,” *ASR*, May 1, 1861; Ripley, *BAP: Vol. 2: Canada, 1830-1865*, 430-433.

⁶⁸² Harper Twelvetees (ed.), *The Story of the Life of John Anderson, The Fugitive Slave* (London: William Tweedie, 1863), 49.

brilliant victory is insufficient to wash out.” From a legal standpoint, Smith argued that it was impossible to argue that the treaty applied to slave refugees given that “its two Articles, immediately preceding the Extradition Article, provide for the suppression of the slave-trade. A very incongruous group would be the three Articles, if the third should be found to make provision in behalf of slavery.”⁶⁸³

Abolitionists in the British Isles also denounced the planned extradition. In February 1861, the *Christian Reformer* issued a scathing critique of the court’s ruling. It declared, “English law has been now made to serve the purposes of American lawlessness.” Meanwhile, Great Britain’s Ambassador to the US, Lord Lyons, wrote to Foreign Secretary Lord John Russell, “When I despatched [sic] the requisition for the surrender to Canada, I was not aware that John Anderson had been a slave, or that there were any peculiar circumstances in the case.” The Court of the Queen’s Bench in England attempted to intervene in the matter by issuing a writ of *habeas corpus* for Anderson (a move which was criticized in Upper Canadian legal circles as a violation of sovereignty). At the same time, supporters of Anderson argued that the writ was designed to preserve formal free soil and British liberty. It proved unnecessary in the end, however. The Toronto Court of Common Pleas reversed the original ruling on a technicality.⁶⁸⁴

African Americans, African Canadians, and white abolitionists were elated. The Toronto *Globe* responded with a mixture of joy and relief. The editors wrote, “we deeply regret that Anderson’s discharge has not been ordered on broader and nobler grounds; but at least we can heartily rejoice that the poor fugitive to our shores who dared to strike a freeman’s blow for liberty, will not be surrendered by Canadian hands to be burnt at the stake by exulting traffickers in human blood!” In July 1861, Anderson addressed 6,000 people at Exeter Hall in London. “I thank God,” he said, “that I have had the fear of God in my soul, otherwise I should never have made my escape. I was very sorry to slay the man – I did not believe he was dead till they came to swear against me.” At an Emancipation Day celebration in London, he reiterated

⁶⁸³ Gerrit Smith, *Sermons and Speeches of Gerrit Smith*, New York, 1861, 140, 143. *Slavery and Anti-Slavery*. Gale. Universiteit Leiden/LUMC. 5 June 2020. For more on Gerrit Smith’s address in Toronto, see G.W.P., “GERRIT SMITH AT TORONTO,” *NASS*, Feb. 2, 1861.

⁶⁸⁴ “PARLIAMENTARY RECORD. HOUSE OF COMMONS,” *ASR*, Mar. 1, 1861; *Can England Protect Fugitive Slaves? From the Christian Reformer for February, 1861* (London: C. Green, 1861), 1, accessed May 28, 2020. <https://www.canadiana.ca/view/oocihm.55451/5?r=0&s=1>; Lord Lyons to Lord John Russell, Apr. 8, 1861. *Correspondence Respecting the Case of the Fugitive Slave, Anderson*, 46; “THE ENGLISH WRIT OF HABEAS CORPUS,” *Upper Canada Law Journal and Municipal Local Court’s Gazette* (Toronto, ON), vol. 6, Mar. 1861, 53-59; “THE HABEAS CORPUS IN ANDERSON’S CASE,” *Upper Canada Law Journal and Municipal Local Court’s Gazette* vol. 8, Apr. 1861, 90; “THE LATE SIR JOHN B. ROBINSON, BARONET,” *Upper Canada Law Journal and Municipal Local Court’s Gazette* vol. 9, Mar. 1863, 63.

“how grateful he was for the kindness of the British people, and how happy he felt to be among them.”⁶⁸⁵

Southern enslavers did not cease their efforts to negotiate an extradition treaty for slave refugees in Canada. In January 1860, the *Brooklyn Daily Eagle* reported that Maryland’s Senate “has passed a resolution instructing the members of Congress from that State to call upon the President for the negotiation of a treaty with Great Britain for the restitution of the ten thousand runaway slaves now located in Canada.” Yet the British government rejected these appeals out of hand.⁶⁸⁶

A small number of kidnapping attempts were also documented in Upper Canada. Fred Landon wrote that kidnappings “took place occasionally at Windsor, Niagara, and other border points, some of these of the boldest character and in utter defiance of Canadian law.”⁶⁸⁷ William Lyon Mackenzie recalled two episodes during his visit to the province. The first incident involved “a poor black girl, who had escaped from the whip-lash to this side [of] the water, was seized on Sunday, near Queenstown, in broad daylight, between eleven and noon, by two hired scoundrels, who hauled and pulled her through that village[.]” Mackenzie claimed that the kidnappers alleged that the woman “had stolen five hundred dollars[.]” The Queenstown residents “stood by... and allowed the poor African to be placed by main force on board the ferry-boat which was to carry her back into slavery of a far worse nature than she had formerly experienced.”⁶⁸⁸

In April 1828, James Smith was, “seized a few nights ago in his bed, by a band of slave-holding ruffians from the south, and conveyed across the Niagara River gagged and pinioned. He was kept concealed near Lewiston in some old barrack, while his Virginia master, whom he recognised [sic], was making arrangements for proceeding onwards with his captive[.]” Smith managed to escape from his captors one night and “after lying concealed for forty-eight hours without fire or food, actually swam the Niagara [R]iver in the night, and thus secured his retreat.”⁶⁸⁹ From the 1830s, a handful of abduction attempts took place in Upper Canada. As the province’s black population rose, and the Canadian and British governments became

⁶⁸⁵ “THE DISCHARGE OF ANDERSON,” *Globe* (Toronto, ON), reprinted in *NASS*, Mar. 2, 1861; Jeannine Marie DeLombard, “Making Waves on the Black Atlantic: The Case of John Anderson,” *Slavery & Abolition* 33, no. 2 (2012), 192; Ripley et al. (eds.), *BAP: vol 4: The British Isles: 1830-1865*, 494-495 (Anderson quote); “The Anniversary of Negro Emancipation,” *NASS*, Aug. 24, 1861; Finkelman, “International Extradition,” 770-778.

⁶⁸⁶ “The Senate of Maryland...” *Brooklyn Daily Eagle*, Jan. 24, 1860. Also reported in “The Senate of Maryland...” *Dayton Daily Empire*, Jan. 30, 1860.

⁶⁸⁷ Fred Landon, “Fugitive Slaves in London before 1860,” in Frost et al. (eds.), *Ontario’s African-Canadian Heritage*, 140; Shadd, “Women and the Underground Railroad Movement,” in Bristow (ed.), *We’re Rooted Here*, 58.

⁶⁸⁸ William L. Mackenzie, *Sketches of Canada and the United States* (London: Effingham Wilson, Royal Exchange, 1833), 21-22, accessed May 6, 2020. <https://www.loc.gov/resource/lhbtn.10564/?st=gallery>.

⁶⁸⁹ Mackenzie, *Sketches of Canada and the United States*, 22-23. Smith’s kidnapping is also described in William Renwick Riddell, “Interesting Notes on Great Britain and Canada with Respect to the Negro,” *Journal of Negro History* 13, no. 2 (1928), 194-195.

more committed to free-soil policies, southern whites avoided venturing across the US – Canadian borderlands respectively in search of freedom seekers. In August 1843, the *Buffalo Daily Gazette* reported that slave catchers traveled to Sandwich “in pursuit off [sic] two runaway slaves but were met by a mob o[f] armed runaway negroes and severely beaten, being forced to return without their property.”⁶⁹⁰

Upper Canadian blacks remained vigilant about kidnappings in the province. In December 1851, the *Democratic Sentinel and Harrison County Farmer* claimed that one “Judge Jones, of Louisiana, and a gentleman of Detroit, were assailed by an armed mob of negroes in Chatham, Canada, a few days since, without any provocation whatever.”⁶⁹¹ In 1856, Daniel Hotchkiss claimed that a black man had recently been abducted and returned to the United States “under the pretence [sic] that he was a fugitive from justice.” One year later, John W. Wells and T. G. James of Nashville, journeyed to Chatham to capture “a smart, colored lad named Joseph Alexander[.]” A large crowd assembled outside the Royal Exchange Hotel and demanded that the kidnappers leave town.⁶⁹²

Two years later, W. R. Merwin kidnapped a black boy named Sylvanus Demarest in London. Merwin placed Demarest onto a train to forcibly remove him from Upper Canada. At Chatham, between 100 and 150 black activists assembled at the train station to await their arrival. Seven members of the Chatham Vigilance Committee were arrested for their involvement but all charges were soon dropped. While the rescue was praised by black activists and white abolitionists, southern whites were highly critical. The North Carolina *Western Democrat* claimed that Demarest did not wish to be rescued by the crowd. The newspaper stated that he “was taken out, crying, and endeavoring to cling to his master, and borne away by the crowd.”⁶⁹³ Of course, these allegations were completely unfounded. By most accounts, Demarest was relieved to retain his formal freedom in Canada.

⁶⁹⁰ “Two southern gentlemen...” *Buffalo Daily Gazette*, Aug. 19, 1843.

⁶⁹¹ “Judge Jones, of Louisiana...” *Democratic Sentinel and Harrison County Farmer* (Cádiz, OH), Dec. 17, 1851.

⁶⁹² “KIDNAPPING IN CANADA,” *NASS*, Apr. 5, 1856; “SLAVE-CATCHERS IN CANADA,” *Chatham Planet*, Aug. 5, 1857, reprinted in *ASB*, Aug. 22, 1857.

⁶⁹³ “NEGRO BOY TAKEN FROM HIS MASTER IN CANADA,” *Western Democrat* (Charlotte, NC), Oct. 12, 1858 (quote). For more reports on the Sylvanus Demarest case, see “The Slave Case – Merwin’s Story,” *Chatham Tri-Weekly Planet* (Chatham, ON), Oct. 4, 1858; “Negro Excitement in Canada,” *Wilmington Journal* (Wilmington, NC), Oct. 8, 1858; “A NEGRO BOY TAKEN FROM HIS MASTER IN CANADA,” *NASS*, Oct. 9, 1858; “ABDUCTION OF A NEGRO BOY,” *Ashtabula Weekly Telegraph*, Oct. 9, 1858; “THE CHATHAM (C.W.) NEGRO RIOT,” *Westfield Republican* (Westfield, NY), Oct. 13, 1858; “THE CANADA SLAVE CASE,” *ASB*, Oct. 16, 1858; “THE CANADA RESCUE,” *NASS*, Oct. 30, 1858; Rhodes, *Mary Ann Shadd Cary*, 132; Henry, *Emancipation Day*, 75, 95; Natasha L. Henry, “Fugitive Slave Act of 1850,” *TheCanadianEncyclopedia.ca*, Feb. 10, 2015. <https://www.thecanadianencyclopedia.ca/en/article/fugitive-slave-act-of-1850>. Accessed Oct. 31, 2018; Natasha L. Henry, “Underground Railroad,” *TheCanadianEncyclopedia.ca*, Feb. 7, 2006. <https://www.thecanadianencyclopedia.ca/en/article/underground-railroad>. Accessed Oct. 31, 2018; Ripley et al. (eds.), *BAP: vol. 2: Canada, 1830-1865*, 392-393.

Conclusion

The threats of kidnapping and re-enslavement loomed over slave refugees in the northern US and Canada. Under US federal law, namely the federal Fugitive Slave Acts, southern enslavers were legally entitled to recapture freedom seekers in the 'free' states. That being said, various factors limited their ability to re-enslave self-emancipated people in the North. Most notably, personal liberty laws, judicial rulings, and acts of extra-legal civil disobedience transformed parts of the northern states into *de facto* spaces of refuge. New England, Upstate New York, and Ohio's Western Reserve were among the safest regions for self-emancipated refugees. Nonetheless, the threats of kidnapping, recapture, and re-enslavement never completely dissipated.

Meanwhile, slave refugees in Canada were more secure from re-enslavement. Beyond the jurisdiction of the Fugitive Slave Acts, southern enslavers held no legal means of reclaiming self-emancipated people in British North America. US diplomats initiated several attempts to negotiate a slave refugee extradition agreement with Great Britain. Over time, southern enslavers and state governments embraced alternative strategies to secure the extradition of self-emancipated refugees in Canada. By petitioning for criminals rather than slave refugees, they sought to exploit legal loopholes to re-enslave self-emancipated blacks. Apart from one case, this strategy was almost entirely unsuccessful. Nelson Hackett was ultimately the only refugee to be extradited to the United States in the antebellum era. Moreover, the handful of kidnapping attempts were met with staunch resistance from black and white activists in Canada.

This chapter illustrates that formal freedom in British North America offered greater legal protections to slave refugees than semi-formal freedom in the northern US. But this should not suggest that freedom seekers in the North had no legal or extra-legal defenses whatsoever. It is fair to suggest that the northern US was a space of semi-formal or incomplete free soil, while Canada was a site of formal or complete free soil. Chapter Five will switch focus to the political mobilization of slave refugees. In particular, it will examine their involvement in the transnational abolitionist movement, campaigns for equal rights and citizenship, and emigration.