

The Fugitive Slave Act of 1793 states that a person could not offer any form of protection to a fugitive from slavery; in fact, the law required that all runaways be captured and returned to the states they had fled from. The person protecting the fugitive was subject to a fine and was liable for any damages that the "owner" of the person might claim. The law was strongly opposed in the North, however, and was only loosely enforced. As a result, the South demanded more severe legislation be passed - hence, the Fugitive Slave Act of 1850.

Sections 1, 2, 3 established the rules by which federal commissioners were appointed. These commissioners were then "*authorized and required to exercise and discharge all the powers and duties conferred by this act.*"

Section 4 gave the appointed federal commissioners the authority to arrest and return alleged fugitives to the state or territory from which they had supposedly fled. This meant that the federal appointees who decided an alleged fugitive's fate did not belong to the community. Rather, they were strangers who came into the community to hold a hearing. Since the federal government was in charge, the local courts had no say in determining what would happen to the alleged fugitive.

Section 5 listed penalties for failure to comply with warrants issued under the act: A federal marshal or deputy marshal who refused to serve a warrant was subject, on conviction, to a one-thousand-dollar fine. In 1850, one thousand dollars was enough to buy a good-sized house on a ten-acre plot of land.

This section also said that if an arrested person escaped a marshal's custody, the marshal was liable for "*the full value in the State, Territory, or District whence he escaped.*"

In addition, this section empowered federal commissioners to deputize any bystander to serve on a posse or to do whatever was necessary to apprehend an alleged fugitive. The deputized person could not refuse to serve, although this would seem to have been violation of the person's rights as a U.S. citizen.

Section 6 held that a fugitive from slavery was still a slave no matter where he or she was. This meant that fugitives crossing the Mason-Dixon line from the South into the North were no longer free. They now carried the legal status of slave. Free blacks in the North understood that this change in the law meant they were not safe in the "*cradle of liberty*" and thousands of them fled to Canada.

Section 6 also prohibited an alleged fugitive from testifying at his or her own trial. This meant that the defendant could not defend herself or himself. The only admissible evidence was testimony from the slave owner or his representative. The federal commissioners then judged whether that testimony was believable. In a speech on the Fugitive Slave Law of 1850, Frederick Douglass said that under this law the oaths of "*any two villains*" were sufficient to confine a free man to slavery for life.

Section 7 established penalties for interfering with the capture of an alleged fugitive: a fine "*not exceeding one thousand dollars, and imprisonment not exceeding six months.*"

Section 8 dealt with the fees paid to officials for their part in the arrest, custody, and delivery of a fugitive to his or her owner. It specified that these officials would not earn a salary. Instead, the more people they arrested, the more money they earned.

Section 9 stated that if the claimant suspected that an attempt would be made to rescue the fugitive by force, the arresting officer was required to keep the fugitive in custody, take him back to the state he fled, and deliver him to his "owner". This section more or less acknowledged that while many Northerners might not be particularly concerned about slavery as long as it was down South, they felt different when it affected their own communities. Seeing armed men on horses running down an unarmed person on foot forced them to make a choice between abiding by the law of the land and helping a fellow human being in trouble. Many ordinary Northerners, even those who did not consider themselves ***abolitionists**, chose to help.

Section 10 detailed the legal procedure to be followed when someone was claimed as a fugitive and handed over to his or her "owner".

Summary by Flo Ota De Lange for Holt Literature Second Course

***abolitionists** *n*: people dedicated to ending (abolishing) slavery.



In 1850, the Fugitive Slave Law was passed, which bound the people of North of the Mason and Dixon Line to return to bondage any found in their territories-forcing Harriet Tubman to lead her escaped slaves into Canada.

Hampton University Museum, Hampton, Virginia

The Harriet Tubman Series(1939-1940), No. 20
By Jacob Lawrence