

Fugitive Slave Act of 1850

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The roots of the American Civil War (1861-1865) were complex, but the conflict-ridden issue of [slavery](#) is rightly given prominence by most scholars. At its base, the Civil War pitted fundamentally different regional and socio-economic forces against each other. Although agriculture had dominated the economy of the early American republic, its importance varied by region. Farming defined the economy of the South, which evolved into an agricultural aristocracy based on slavery. The states of New England, however, were shaped by very different natural forces. Deprived of fertile soil, society in New England developed an energetic mercantile culture in sharp contrast with the lifestyle of the South. The Northern region gave birth to influential merchant and business classes, whose wealth had little or no connection to the land. Although the middle colonies enjoyed a more mixed economy, they were inevitably influenced by the great trading and business centers of New York and Philadelphia.

Understandably, both the Northern and Southern cultures viewed its rival as a significant, if not mortal, threat to its way of life. As the first half of the nineteenth century drew to a close, many Southerners tightly embraced safeguards to their way of life as they felt increasingly threatened by the dynamic and often turbulent urban culture of the North. One such safeguard was the cluster of constitutional and legal provisions that mandated the return of runaway [slaves](#) to their legal owners.

As part of the sectional compromise that ensured the ratification of the *Constitution*, Article IV, section 2 of the document directed that "no person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any laws or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due." Congress subsequently enacted the [Fugitive Slave Act](#) of 1793 to specify procedures to aid in the recovery of runaway slaves.

Although [slaveholders](#) possessed formal legal remedies to recover runaway slaves, these measures, including the Fugitive Slave Act of 1793, were routinely scorned in the North, where anti-slavery sentiment was generally strong. Ironically, Southern slaveholders, who routinely invoked the doctrine of states' rights to help protect the institution of slavery, were often frustrated in the recovery of runaway slaves by [personal liberty laws](#) enacted by the legislatures of several northern states. In one variant, personal liberty laws forbade state officials from participation in efforts to return [fugitive slaves](#).

The question of runaway slaves was again placed before Congress in the famous [Compromise of 1850](#). The compromise attempted to solve growing North-South tensions over the extension of slavery, specifically into newly annexed Texas and the territory gained by the United States in the Mexican War (1850-1853). The compromise measures originated largely from Stephen A. Douglas (1813-1861) and were sponsored in the Senate by Henry Clay (1777-1852). The compromise called for the admission of California as a free state, the use of popular sovereignty to decide free or slave status for New Mexico and Utah, the prohibition of the [slave trade](#) in the District of Columbia, and the passage of a stricter fugitive slave law. The prospects for the acceptance of these proposals were reinforced by the powerful speeches of statesman Daniel Webster (1782-1852), and the presidency of

Millard Fillmore (1850-1853), a supporter of the compromise who stepped into office after the death of President Zachary Taylor (1784-1850). The proposals were passed as separate bills in September 1850.

The Fugitive Slave Law was arguably the most controversial part of the Compromise of 1850. The law carried a number of provisions that strengthened slaveholders in their pursuit of runaways. Federal commissioners were to be appointed with the power to issue warrants and mobilize posses. Suspected runaways were denied due process of law, and could be sent to the South on the basis of an owner's affidavit.

Southern opinion had been inflamed by a long record of Northern obstruction of the recovery of runaways. The so-called Georgia Platform adopted in late 1850 held that the fate of the union itself now depended on the North's faithful observance of the new fugitive slave act. Such cooperation was not forthcoming. Popular opposition to the recovery of slaves received frequent coverage in northern and southern newspapers. At the same time, a number of northern states passed stronger personal liberty laws. In Wisconsin, a reporter was arrested for encouraging a mob to free a captured runaway. The state court released him on a writ of *habeas corpus* (a court order determining an individual was confined illegally) and held the Fugitive Slave Act unconstitutional. Although the Supreme Court upheld the law in *Abelman v. Booth* (1859), the effort provided Southerners little comfort.

The single greatest blow to the Fugitive Slave Act and to the Southern cause came from northern printing presses. The passage of the Fugitive Slave Act prompted Harriet Beecher Stowe (1811-1896) to write her famous novel, *Uncle Tom's Cabin*, published in 1852. The novel was a powerful and convincing indictment against slavery, and over 300,000 copies of the novel were sold in a year, an astronomical amount for that time. Although the injustices of the Fugitive Slave Act and the emotions stirred by Stowe's novel did not likely convince most Americans that the [abolition of slavery](#) would justify a civil war or the dissolution of the Union, the outcomes of the Fugitive Slave Act did lead many Americans to reject any future efforts at political compromise over differences between the [North and South](#).

Further Readings

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