

The Fugitive Slave Act of 1850

CAUTION!!

COLORED PEOPLE

OF BOSTON, ONE & ALL,

You are hereby respectfully CAUTIONED and
advised, to avoid conversing with the
Watchmen and Police Officers
of Boston,

For since the recent **ORDER OF THE MAYOR &
ALDERMEN**, they are empowered to act as

KIDNAPPERS

AND

Slave Catchers,

And they have already been actually employed in
**KIDNAPPING, CATCHING, AND KEEPING
SLAVES.** Therefore, if you value your **LIBERTY,**
and the *Welfare of the Fugitives* among you, *Shun*
them in every possible manner, as so many **HOUNDS**
on the track of the most unfortunate of your race.

**Keep a Sharp Look Out for
KIDNAPPERS, and have
TOP EYE open.**

APRIL 24, 1851.

*"Caution!! Colored People of Boston" broadside, Boston, Mass., April 24, 1851
(Library of Congress)*

The Fugitive Slave Act of 1850

BY RON ADKISSON

UNIT OVERVIEW

This unit is one of the Gilder Lehrman Institute’s Teaching Literacy through History resources, designed to align with the Common Core State Standards. These units were developed to enable students to understand, summarize, and evaluate original material of historical significance. Through a step-by-step process, students will acquire the skills to analyze, assess, and develop knowledgeable and well-reasoned viewpoints on primary sources.

This lesson focuses on the Fugitive Slave Act, which was one component of the Compromise of 1850. Students will close read, summarize, and think critically about three primary sources that explore the law and its effects from different viewpoints, including a broadside or poster, a letter by an African American, and excerpts from the law itself. Student learning will be assessed through classroom discussions, activity sheets, and an argumentative essay.

UNIT OBJECTIVES

Students will be able to

- Read, understand, and summarize primary sources on a topic written from different viewpoints
- Develop questions to interrogate primary sources
- Close read a complex primary source document
- Identify the main idea in text from a primary source document
- Use textual evidence to answer essential questions

ESSENTIAL QUESTIONS

- Why was the Fugitive Slave Act written and did it achieve its intended goal?
- When confronted with obeying and/or helping to enforce an “unjust” law, what is the responsibility of an American citizen?
- To what extent can legislation effectively resolve moral issues?

NUMBER OF CLASS PERIODS: 3–5

GRADE LEVEL: 6-12

COMMON CORE STATE STANDARDS

CCSS.ELA-Literacy.RH.6-8.1: Cite specific textual evidence to support analysis of primary and secondary sources.

CCSS.ELA-Literacy.RH.6-8.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

CCSS.ELA-Literacy.RH.6-8.4: Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

CCSS.ELA-Literacy.RH.6-8.7: Integrate visual information (e.g., in charts, graphs, photographs, videos, or maps) with other information in print and digital texts.

CCSS.ELA-Literacy.RH.6-8.10: By the end of grade 8, read and comprehend history/social studies texts in the grades 6-8 text complexity band independently and proficiently.

CCSS.ELA-Literacy.RH.9-10.1: Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

CCSS.ELA-Literacy.RH.9-10.3: Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.

CCSS.ELA-Literacy.RH.9-10.9: Compare and contrast treatments of the same topic in several primary and secondary sources.

HISTORICAL BACKGROUND

The Fugitive Slave Act of 1850

by Lucas Morel, John K. Boardman, Jr. Professor of Politics, Washington & Lee University

The Fugitive Slave Act of 1850 enforced a constitutional provision that required the return of slaves to their legal owners if slaves escaped across state lines. It was part of the Compromise Measures of 1850, a series of laws intended to balance the competing interests of free and slave states.

The Fugitive Slave Act revised a 1793 law that addressed both “fugitives from justice” and “persons escaping from the service of their Masters.” The original Constitution never mentioned “slaves” (or “masters”). Instead, it said that a “Person held to Service or Labour in one State . . . escaping into another” shall not “be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.” This provision was a concession by anti-slavery delegates to pro-slavery delegates at the Constitutional Convention of 1787. Without this clause, states like South Carolina and Georgia would most likely have left the convention, and the prospect “to form a more perfect union” of the American states would have dimmed significantly.

Two key events in the 1840s provoked the slaveholding South to call for a stronger fugitive slave law: the Supreme Court case of *Prigg v. Pennsylvania* (1842) and the Mexican-American War (1846–1848). As slavery became further entrenched in the South, debate arose over who was responsible for ensuring the return of escaped slaves—the states or the federal government. In *Prigg*, Justice Joseph Story ruled that responsibility to return escaped slaves lay with the federal government, not the states. In response, several northern states passed “personal liberty” laws, which sought to prevent the kidnapping of free Black citizens. This resistance to a federal law would later serve as a justification for secession in 1860–1861.

The second significant event was the Mexican-American War, a war of territorial conquest that added over half a million square miles to the United States. The Mexican Cession immediately raised the question of slavery’s legality in the western territory. Southern politicians threatened “secession” if slavery were restricted from land for which both southern and northern soldiers had fought. Nine slave states convened in Nashville, Tennessee, in June 1850 to consider collective action if a congressional compromise restricted the rights of slaveholders in the newly acquired Mexican territory.

An omnibus bill drafted by Kentucky senator Henry Clay failed to pass, but its provisions—including a revised fugitive slave act—eventually passed as separate laws through the efforts of Illinois senator Stephen A. Douglas. The most egregious elements of the 1850 Fugitive Slave Act are as follows:

- The federal commissioner or local magistrate hearing the case was paid \$5 for an acquittal and \$10 for a conviction.

- The alleged escaped slave could not testify on his own behalf, employ legal counsel, or otherwise present evidence to prove his innocence.
- Federal agents could compel “bystanders” to “aid and assist” in the capture of alleged fugitive slaves or face fines up to \$1,000 and jail terms up to 6 months.

The passage of the 1850 Fugitive Slave Act prompted the abolitionist Harriet Beecher Stowe to write her blockbuster novel, *Uncle Tom’s Cabin*, and further motivated anti-slavery forces to seek the end of slavery in America.

MATERIALS

- “Caution!! Colored People of Boston” broadside, Boston, Mass., April 24, 1851, Printed Ephemera Collection, Library of Congress, www.loc.gov/item/rbpe.06002200/
- Projection system to display image of broadside
- Letter from James William Charles Pennington to an unknown individual, April 29, 1851, The Gilder Lehrman Institute of American History, GLC09088
- Activity Sheets with Excerpts from the Fugitive Slave Act of 1850, *The Avalon Project—Documents in Law, History and Diplomacy*, Lillian Goldman Law Library, Yale Law School
 - o Excerpt from Section 4 of the Fugitive Slave Act of 1850
 - o Excerpts from Section 5 of the Fugitive Slave Act of 1850
 - o Excerpts from Section 6 of the Fugitive Slave Act of 1850
 - o Excerpts from Section 7 of the Fugitive Slave Act of 1850
 - o Excerpt from Section 8 of the Fugitive Slave Act of 1850
 - o Excerpts from Section 9 of the Fugitive Slave Act of 1850
- Fugitive Slave Act of 1850: Main Ideas

PROCEDURE

This lesson may be done individually, in small groups, or as a jigsaw activity with each group reporting to the class.

1. Introduce the activity by projecting the image of “Caution!! Colored Citizens of Boston.”
2. Have students journal about the document and record their thoughts, comments, and questions about what they’ve read.
3. Students will orally share their questions with the class. Write and display the questions for the entire class to see. Encourage students to share all the questions that occurred to them.
4. Facilitate discussion that will help students select three or four questions that would help them as historians understand the audience, context, and purpose of the document. Do not discuss answers to the questions at this time.
5. Distribute copies of the letter by James William Charles Pennington and display the letter. Once again have the students record their thoughts, comments, and questions. Pennington, a self-emancipated slave, was a clergyman and abolitionist who was in Great Britain for the Second World Conference on Slavery when the Fugitive Slave Law was passed in 1850.

6. As in step three, have students share their questions. Write and display the questions for the entire class to see.
7. Facilitate discussion that will help students select three or four questions that would help them as historians understand the audience, context, and purpose of the document. Do not discuss answers to the questions at this time. Combine the two lists of questions. Try to limit the total number to no more than five.
8. Briefly discuss the Historical Background provided above and introduce the Compromise of 1850 and the Fugitive Slave Act.
9. Distribute the first activity sheet, “Excerpt from Section 4 of the Fugitive Slave Act of 1850.” This worksheet will serve as a model for the procedure for the rest of the excerpts.
10. “Share read” the excerpt from Section 4, having the students follow along silently while you begin to read aloud, modeling prosody, inflection, and punctuation. Then ask the class to join in with the reading while you continue to read aloud, still serving as the model for the class. This technique will support struggling readers as well as English language learners (ELL).
11. Have students work in pairs or groups. Each pair reads the selection again and determines the main idea of the passage, filling in that section of the activity sheet.
12. After a brief discussion of the main idea, display the following list, which is also provided on the activity sheet:
 - Enslaved Person
 - Abolitionist
 - Free Black
 - Southern Slave Holder
 - US Marshall and/or Deputies
 - Fugitive
 - Common Laborer from the North
 - Other (Specify)

The purpose of this step is to encourage students to interpret the historical information from different points of view. Instruct the class to read the excerpt from Section 4 again and choose the person/group from the list that they believe was most significantly impacted by this part of the law. Discuss a working definition of “significant impact.”

13. Students will then write a brief explanation of why they chose the answer they did. The explanation should include evidence from the text to support their opinion.
14. Distribute the worksheets for Sections 5 and 6. Instruct students to read the excerpts from Section 5, determine the main idea, and identify the person/group most significantly impacted for each selection. Their explanation for their selection must include evidence from the text.
15. Distribute the worksheets for Sections 7–9. Students should be allowed to work individually at their own pace to complete the tasks. These activities can be completed as homework.
16. Distribute the Main Ideas activity sheet. This can be done in class the following day or for homework. Have students copy the main idea from each section onto the activity sheet or (if the section had more than one excerpt) combine the main ideas from the all the section’s excerpts into one summary for the entire section. The students will now have, in their own words, a summary of Sections 4–9.
17. Direct the students’ attention back to the original questions that they wrote at the beginning of the lesson. Working independently, the students should attempt to answer the five questions you selected in Procedure 4 and Procedure 7. The answers still may not be clear, so encourage them to make inferences or predictions. They should use textual evidence to support their answers. This activity can be used to assess student learning about the Fugitive Slave Act of 1850.

FINAL ASSESSMENT

Have the students write an argumentative essay to answer one (or all) of the essential questions using evidence from the text to support the answers.

- Why was the Fugitive Slave Act written and did it achieve its intended goal?
- When confronted with obeying and/or helping to enforce an “unjust” law, what is the responsibility of an American citizen?
- To what extent can legislation effectively resolve moral issues?

“Caution!! Colored People of Boston” broadside

CAUTION!!

**COLORED PEOPLE
OF BOSTON, ONE & ALL,**
 You are hereby respectfully CAUTIONED and
 advised, to avoid conversing with the
**Watchmen and Police Officers
of Boston,**
**For since the recent ORDER OF THE MAYOR &
ALDERMEN, they are empowered to act as**
KIDNAPPERS
AND
Slave Catchers,
 And they have already been actually employed in
**KIDNAPPING, CATCHING, AND KEEPING
SLAVES.** Therefore, if you value your **LIBERTY,**
 and the *Welfare of the Fugitives* among you, *Shun*
 them in every possible manner, as so many **HOUNDS**
 on the track of the most unfortunate of your race.

**Keep a Sharp Look Out for
KIDNAPPERS, and have
TOP EYE open.**

APRIL 24, 1851.

Library of Congress

Letter from James William Charles Pennington to an unknown individual, April 29, 1851

9 Greenfield Street
Edge Hill
Liverpool Ap 29, 1851

Esteemed Friend, I have lately had a letter our excellent friend Mrs Henry Richardson, in which she informs me of your wish to have a few of my autographs. I take it very kind of you to think of one so humble in life. My constant trouble of mind is the evils now pressing on my nation and people. What the end is to no eye human can foresee & we are naturally inclined when suffering bad to fear worse. The mail which arrived yesterday the Baltic gives an account of the termination of the last Boston case- Thomas Sims has been given over to his Claimant and has been taken back into Slavery. These cases are enough to break one's heart. It is difficult to see how the enormous evil and crime of Slavery can be carried to a greater extent.

The whole land is full of blood. The cry of the poor is going up from every part of the country into the ears of the Lord of Sabaoth Will he not soon hear and answer; "Lord give us help from trouble"

Yours Truly
J.W.C. Pennington

Source: The Gilder Lehrman Institute of American History, GLC09088.

NAME

PERIOD

DATE

Excerpt from Section 4 of the Fugitive Slave Act of 1850

Section 4. And be it further enacted,

That the commissioners above named . . . shall grant certificates to such claimants, upon satisfactory proof being made, with authority to take and remove such fugitives from service or labor, under the restrictions herein contained, to the State or Territory from which such persons may have escaped or fled.

Key terms and definitions

Claimant: a person who believes that he or she has a right to something

Certificate: a written assurance, or official representation, that some act has or has not been done, or some event occurred, or some legal formality been complied with

What is the main idea of this section in your own words:

From the list below select the key person/ group most significantly impacted (in your opinion) by the provisions of this selection. Then use textual evidence to support your selection.

- | | |
|-------------------------|---------------------------------|
| • Enslaved Person | • US Marshall and/or Deputies |
| • Abolitionist | • Fugitive |
| • Free Black | • Common Laborer from the North |
| • Southern Slave Holder | • Other (Specify) |

NAME

PERIOD

DATE

Excerpts from Section 5 of the Fugitive Slave Act of 1850

Section 5. And be it further enacted,

Excerpt 1: That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant, or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpt 2: . . . and after arrest of such fugitive, by such marshal or his deputy, or whilst at any time in his custody under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted for the benefit of such claimant, for the full value of the service or labor of said fugitive in the State, Territory, or District whence he escaped . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

NAME _____ PERIOD _____ DATE _____

Excerpt 3: . . . and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the Constitution of the United States and of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpt 4: . . . with authority to such commissioners, or the persons to be appointed by them, . . . to summon and call to their aid the bystanders, or *posse comitatus* of the proper county, when necessary to ensure a faithful observance of the clause of the Constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, . . .

What is the main idea of this section in your own words: _

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

NAME

PERIOD

DATE

Excerpts from Section 6 of the Fugitive Slave Act of 1850

Section 6. And be it further enacted,

Excerpt 1: That when a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, acknowledged and certified under the seal of some legal officer or court of the State or Territory . . . may pursue and reclaim such fugitive person . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpt 2: . . . either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner . . .

What is the main idea of this section in your own words:

NAME	PERIOD	DATE
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Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpt 3: . . . and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, . . . of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpt 4: . . . In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence . . .

What is the main idea of this section in your own words:

NAME _____ PERIOD _____ DATE _____

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpt 5: . . . and the certificates in this and the [fourth] section mentioned, shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

NAME

PERIOD

DATE

Excerpts from Section 7 of the Fugitive Slave Act of 1850

Section 7. And be it further enacted,

Excerpt 1: That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a fugitive . . . or shall rescue, or attempt to rescue, such fugitive from service or labor, from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting . . . or shall aid, abet, or assist such person so owing service or labor . . . directly or indirectly, to escape . . . or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

NAME

PERIOD

DATE

Excerpt 2: . . . and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars for each fugitive so lost . . . to be recovered by action of debt, in any of the District or Territorial Courts . . . within whose jurisdiction the said offence may have been committed.

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

NAME

PERIOD

DATE

Excerpts from Section 8 of the Fugitive Slave Act of 1850

Section 8. And be it further enacted,

Excerpt 1: That the marshals, their deputies, and the clerks of the said District and Territorial Courts, shall be paid, for their services, the like fees as may be allowed for similar services in other cases; . . . and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, upon the delivery of the said certificate to the claimant, his agent or attorney; or a fee of five dollars in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery, inclusive of all services incident to such arrest and examination, to be paid, in either case, by the claimant, his or her agent or attorney . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

NAME

PERIOD

DATE

Excerpts from Section 9 of the Fugitive Slave Act of 1850

Section 9. And be it further enacted,

Excerpt 1: That, upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent, or attorney . . .

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

Excerpt 2: And to this end, the officer . . . is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses, as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States.

What is the main idea of this section in your own words:

Select the key person/ group most significantly impacted (in your opinion) by the provisions of this excerpt. Then use textual evidence to support your selection.

NAME

PERIOD

DATE

Fugitive Slave Act of 1850: Main Ideas

Directions: Take the main ideas from each segment and combine them into one paragraph for each section. Use your own words.

Section 4:

Section 5:

Section 6:

NAME

PERIOD

DATE

Section 7:

Section 8:

Section 9:

NAME

PERIOD

DATE

After completing the readings from the Fugitive Slave Act, what questions do you still have?
