

## The Captive's Quest for Freedom

The political crisis produced by the passage and enforcement of the 1850 Fugitive Slave Law is at the heart of events leading up to the Civil War. The crisis was driven by the growing number of slaves who, largely on their own initiative, defied the law in the search for freedom. Their actions had a profound effect on the politics of the areas (and states) from which they escaped, as well as those to which they ran. Every effort to enforce the law in northern communities produced levels of subversion that generated so much national debate that, on the eve of secession, many in the South, looking back on the decade, could argue with conviction, that the law had been effectively subverted by those individuals and states who came to the assistance of fleeing slaves.

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# The Captive's Quest for Freedom

*Fugitive Slaves, the 1850 Fugitive Slave Law,  
and the Politics of Slavery*

R. J. M. BLACKETT  
*Vanderbilt University, Tennessee*



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*To my grandchildren: Joseph, Lilith, Theodore, Olivia,  
Vivian, and Oliver*

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## Preface

There would have been no need for a fugitive slave law, either in 1793 or 1850, had slaves not escaped regularly, and in such numbers, that their activities came to be seen as a threat to the survival of the slave system. Taking as its point of departure the passage of the 1850 Fugitive Slave Law, this study focuses on the many ways the enslaved, by fleeing their enslavement, raised questions both about the law's legitimacy and the economic and political system it was meant to protect. As a Cleveland editor put it on the eve of the Civil War, in struggling for their freedom, slaves, by their actions, were responsible for starting "an 'underground railroad' system of escape" that, over the years, had amassed an impressive record of success, even if it had not totally undermined the system of slavery.<sup>1</sup> Their actions were sustained by informal networks and alliances in slaveholding communities, by abolitionists who opposed the law, by those who had no particular aversion to the law but who were dragged nonetheless into the political maelstrom caused by efforts to reclaim fugitives from slavery in free states, and by the concerted efforts of black communities, large and small, urban and rural, that openly defied the implementation of the law. If it is true that laws can only gain their legitimacy by being assented to by all they wish to bind, then the 1850 Fugitive Slave Law was doomed to failure from its very inception. It met with strong opposition in and out of Congress for its violations of bedrock principles of jurisprudence and for its pandering to slave interests, which had been clamoring, for some time, for a more effective law to facilitate the recapture of escaped slaves, or, as the Constitution denominated them, "fugitives from labor." Slaveholding interests unabashedly declared that on its passage and enforcement rested the future of the Union. Many observers were convinced, however, that nowhere in the Constitution was Congress expressly granted the power to enact such a law. Yet advocates thought it did

<sup>1</sup> Cleveland *Leader*, January 4, 1861.



and their position carried the day. The result was a law that nationalized the recapture of fugitive slaves. Consequently, every effort to retake an escapee had the potential to create deep political crises in the communities in which it occurred. To borrow a poignant phrase from Toni Morrison, the law seemed perversely designed to authorize political chaos in the “defense of order.” An attorney put it starkly: the law was an “abomination.”<sup>2</sup>

The book is divided into two parts. Part I comprises three chapters. The first is devoted to an exploration of the law’s passage, the second to an analysis of its impact in the first year of operation. Exploring the workings of the law, during that first year as the authorities developed mechanisms of enforcement, provides an opportunity to trace the ways it was implemented, how it was challenged, and what impact opposition to its enforcement had on state and national politics. One of the unintended consequences of the law was a resurgence of the movement to colonize free blacks and freed slaves in Africa supported, in large part, by those who endorsed the Fugitive Slave Law and who saw it as a way to peacefully address the racial problems that had long tortured the country. Chapter 3 explores these efforts and their impact, particularly on northern black communities and, more generally, on the abolitionist movement.

The flight of slaves had the potential to become – and many times did become – politically charged with national implications. The work of recapturing slaves who escaped prior to 1850 was generally considered the responsibility of state and local authorities. All that changed after 1850. Understanding what occurred at the points of departure, for example, whether it was from the Eastern Shore of Maryland or from southeast Missouri, helps us appreciate the many and complex ways the politics of scale affected conditions in these and at other points of friction between slavery and freedom. When, for example, slaves escaped from Berlin, Worcester County, on the Eastern Shore of Maryland, or from the lead mines near Ste. Genevieve, Missouri, their actions had a local political impact that quickly rippled outward to influence state politics. Did these slaves act on their own initiative or were they assisted by internal or outside subversives of order? Border States did what they could to counter these forces. Slaveholders formed local defense organizations in an effort to curtail losses. They also pressured state legislatures to enact more draconian laws to stem the flow of escapes. Efforts to reclaim fugitives who reached the relative security of a northern community had the potential to increase political tensions between states and many times did. Although the record shows that, in the majority of cases that came under the purview of the Fugitive Slave Law, fugitives were returned, in many instances they were not, either because local authorities were pressured not to adhere to the terms of the law or because the fugitive was rescued from under the noses of authorities

<sup>2</sup> Toni Morrison, *A Mercy* (New York: 2008), 11; Charles Rawn Diary, Rawn Collection, MGo62, Dauphine County Historical Society, Harrisburg, Pennsylvania.

and sent to the safety of Canada. Tracing the contours of these cases provides a geopolitical map of the possible impact departures of slaves from Ste. Genevieve had, first, on Jefferson City, the state capital, and, ultimately, on Washington, DC. What started in Ste. Genevieve continued in the small towns of southern and central Illinois as slaveholders took advantage of the opportunities the law provided. Under the terms of the law, citizens of Free States were compelled, if requested by federal marshals, to assist in the recapture of slaves. As a result, the residents of Springfield and Quincy, or any other town in Illinois, were instantly transformed into slave catchers. As a consequence, the law alienated large numbers of Free State residents, even those who were otherwise unconcerned about slavery. It also stiffened the resolve of those in the black and abolitionist communities who opposed slavery. In order to trace these connections, most of Part II is built around the coupling of Slave States with adjoining Free States, for example, western Kentucky with Indiana and eastern Kentucky with Ohio. The exception are the last two chapters, which cover New York and Massachusetts, which do not abut Slave States but to which slaves fled in increasing numbers during the decade. They came by sea from Delaware, Virginia, North Carolina, and Georgia. Both states were major ports of call for escapees. Here were found some of the most organized arms of the Underground Railroad (UGRR), including local vigilance committees, which sheltered and protected fugitives, fed and clothed them, found them temporary employment or moved them on to more secure locations. The organizational connections went back decades. When, for example, Frederick Douglass fled Maryland in 1838, he went first to New York City, where he was welcomed by David Ruggles, head of the local vigilance committee, and where he was married by Rev. J. W. C. Pennington – himself an escaped slave from Maryland a dozen years earlier. Following their marriage, Douglass and his new bride, Anna, left for the relative security of New Bedford, Massachusetts. They would later settle in Rochester, New York, where Douglass launched a sustained assault against slavery. It is these sorts of connections that are at the heart of the movement to destroy slavery. Both states had a history of sustained abolitionist activities. They were also the home of relatively large and well-established black communities. But also pivotal to the story were the commercial, economic, and political connections that existed between these states and slaveholding states. Every case that came to trial, and many that did not, were consequently freighted with wider national significance.

In order to trace these political links, one necessarily has to start at the point of departure that is in the slave states. Recent histories of slavery and the UGRR have explored the many reasons slaves decided to leave family and the places they knew for the uncertainty of a new life among strangers. This study covers similar ground in an effort to understand what drove slaves to seek their freedom. It is built around the “stories” of those individuals who left few records on the assumption that we can best determine what motivated slaves to escape, that is, what they thought of freedom, by what they did. These stories also tell

us what slaves thought of themselves, their sense of family connections, and the reasons they rejected slavery, or as one escapee put it, what prompted him “to take [his] feet feel for Canada” and “let the conscience” of his former master “feel [it in his] pocket.” Their actions were informed by what E. P. Thompson has called a “general notion” of rights and a desire for freedom. Theirs, as C. L. R. James argues, was a “self-expressive presence” without which it is impossible to imagine a movement capable of such a sustained assault against slavery.<sup>3</sup>

It is for this reason that each chapter opens and is built around an escape and the commissioners’ hearing that sometimes ensued. Unearthing these stories required careful reading of countless local newspapers on both sides of the slavery divide. It is here that one comes to appreciate what drove slaves to seek freedom; here, too, are found the many ways southern authorities tried to stymie these activities, to control all they considered a threat to the security of slave property and against those they considered subversives of good order. Definitions of “subversive” were elastic. They included slaves who helped fellow slaves to escape; northern legislators who found ways to undermine enforcement of the Fugitive Slave Law through the adoption of local ordinances known collectively as personal liberty laws; northern black communities and their white abolitionist supporters who impeded slaveholders in their efforts to reclaim lost property; southern whites who were “corrupted” by abolitionist propaganda and who chose to act on those beliefs; free blacks, who were seen as close allies of the slaves and for that reason should be watched closely or, better yet, expelled, re-enslaved or persuaded to go to Liberia or other tropical settlements; and northern whites and African Americans who went south, hidden in the general flow of commerce and expanding connections between the sections, “disguised” as traders, schoolteachers, seamen, and laborers, bent on “enticing” slaves to escape. It is here too that one finds accounts of the many ways local and state authorities marshaled the full weight of their judicial and law enforcement powers to impose their will on anyone suspected of undermining the system.

Opposition to the law took many forms, from sheltering fugitives out of sight of the authorities to rallying the black and abolitionist communities to prevent the recapture of escapees, sending to safer places those who were about to be taken, providing legal challenges to those who were brought before commissioners, ransoming those who were about to be returned and, finally, rescuing suspects. The law may have been implemented in the majority of cases that came to a hearing, but to Southerners, the sustained and sometimes dramatic defiance with which it was met became a mark of the law’s ineffectiveness

<sup>3</sup> John Blassingame, *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies* (Baton Rouge: 1977), 114; E. P. Thompson, *Customs in Common* (New York: 1991), 212; C. L. R. James, “The Atlantic Slave Trade and Slavery,” *Amistad*, vol. 1 (1970), 142; C. L. R. James, *Every Cook Can Govern. A Study of Democracy in Ancient Greece* (Detroit: 1956), 20.

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and a statement of the government's – and especially the North's – inability or unwillingness to meet their constitutional obligations. The crisis caused by escaping slaves was not enough to bring on the Civil War, but there is no doubt that it was a major contributing factor. By their actions the slaves placed themselves at the center of the political debate about the future of slavery. Men who are nothing, or who allow themselves to be nothing, V. S. Naipaul has observed, have no place in the world in which they find themselves.<sup>4</sup> Those who put distance between themselves and slavery made a mockery of such claims. By their actions they contributed to a fundamental reordering of the world they knew and opened the possibility of joining that world as full-fledged citizens.

This book has taken a long time to complete. When I began I was a father of four; now I am the proud grandfather of six! Every time the topic of the book came up with family and friends it was greeted by one refrain: Why is it taking so long? All I could do was plead patience. I hope their patience has been rewarded. The research not only required rummaging through countless newspapers that were published in out-of-the-way places, but through many competing city dailies. Had I started the project in the last few years, at a time when the digitization of newspapers was being perfected, it is possible the book would have been written much sooner. But I doubt the new technology would have been much help, as many of the cases uncovered were found in little and sometimes obscure newspapers that are yet to be digitized. Students looking for me at any time outside of class times sometimes found me in the library, my head buried in the hole of an antique microfilm reader, slowly turning the handle of the machine. I was usually disrupted by the same question: Are these newspapers not digitized? It would have taken too long to explain. I relied on the hardworking staff of the Interlibrary Loan Office at Vanderbilt University, especially Jim Toplon and Rachel Adams, who seem to know where every microfilmed newspaper was located and who filled every request with a promptness that forced me to take up residence in the microfilm reading room. If my wife, Cheryl, needed to reach me she would call the library's front desk and I would be startled out of my research reverie by an announcement on the public-address system. Why could I not be reached by cell phone, you ask? The answer I leave to your imagination. But the research also required trips to holdings in archives from Jefferson City, Missouri, to Annapolis, Maryland, and places in between. In Ripley, Ohio, I climbed the steep hill overlooking the city to the Rankin house perched on the hilltop, visible for miles from the opposite bank of the Ohio River, in which a lantern in the window beckoned the escapee at any time of the day or night. Before starting the ascent, the fugitive was welcomed by John Parker to his home that sat along the river's edge. In Ripley's local library, Alison Gibson pointed the way to local records and the community's history. It would take pages to thank

<sup>4</sup> V. S. Naipaul, *A Bend in the River* (New York: 1980), 3.

all the many librarians and archivists who willingly offered assistance. I hope they know who they are. Some of these trips were nothing if not exciting. On one such visit, in the middle of a steamy summer, to search through the court records of a town whose name I better not divulge, my research assistant and I were handed the keys to the vault and a straw broom. When I asked the clerk of court why the broom, I was told it was to ward off spiders. I grew up in the tropics and so am unfazed by all varieties of spiders, but not so my research assistant, who took the clerk's response to heart. Not surprisingly, the search was aborted. We will never know what gems we abandoned to the spiders. Like some northern authorities, we thought it best not to go into a place inhabited by fugitive spiders. Braver souls may someday discover what we missed.

Much of what was unearthed on these summer research trips was due to three bright and hardworking students who were my research assistants: undergraduates Renee Stowitzky and Alex Cartaya and graduate Paula Gajewski, who cheerfully went along for the ride. Together we raised eyebrows wherever we went.

Many librarians and historians – too many to mention – promptly responded to my pleas for help. I have acknowledged some of them by name in footnotes; the others I hope know how much their assistance was appreciated. Friends and former colleagues did what they could to make my archival visits enjoyable. On the way to Louisville, Kentucky, I contacted Pamela Peters, who had recently published a history of the UGRR in Floyd County, Indiana. She invited us to her home in New Albany and before we could get around to a discussion of the movement, provided lunch. Pamela knew the importance of food and libations to any successful research trip. On one of my visits to Detroit, Greg Sumner took me to a Tigers baseball game, where I discovered a gem of American cuisine: the piling on of totally unrelated condiments and other foods onto hot dogs, all the while insisting they were still hot dogs!

In this business we rely on friends and colleagues to help us avoid embarrassing mistakes. Among those who took the time to read and comment on chapters are Stanley Harrold, David Blight, Eric Foner, Keith Griffler, Robert Churchill, Nicholas Guyatt, Sebastian Page, James Madison, Kate Larson, Christopher Densmore, and Leigh Fought. My old friend from undergraduate days, Martin Crawford, read every chapter as they were written. Thanks to Danielle Picard who prepared the maps. The staff of the Rothermere American Institute, Oxford University, where I spent a year as the Harmsworth Professor of American History, was unfailingly supportive. They included Jane Rawson and the staff of the library, former director Nigel Bowles, and Rhodes Professor Pekka Hamalainen. It is there that I started writing and was able to test some of my ideas on Nick Guyatt, Seb Page, Jay Sexton, and Randall Woods, who was a Fellow at the Institute for a semester. Page took me on pub crawls – a cultural high point. Guyatt and I had long conversations about the historical significance of the colonization movement and the contending merits of Arsenal and Stoke football teams over Thai food and beer. The products of the

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fine wine cellar at Queen's College, my college affiliation during the year, were even more helpful! The Provost, Paul Madden, his wife Alison, and staff of the College were warm and welcoming hosts. My wife, Cheryl, has been with me throughout the journey. Our children, Leila, Lavinia, Victor, and Peter, maintain a perverse pride in never having read anything I have written – a peaceful protest against history, I presume. Periodically, they would inquire about the book's progress but only as a way, I suspect, to needle the old man. But I think they know how much even these few expressions of interest matter.