

Excerpts from The Fugitive Slave Act 1850

Full title:

An Act to amend, and supplementary to, the Act entitled 'An Act respecting Fugitives from Justice, and Persons escaping from the Service of their Masters,' approved February twelfth, one thousand seven hundred and ninety-three.

Sections 1, 2, 3 are concerned with the formal provisions for appointing commissioners, who *'are hereby authorized and required to exercise and discharge all the powers and duties conferred by this act.'*

Section 4 invests the appointed commissioners with *'authority to take and remove such fugitives from service or labor ... to the State or Territory from which such persons may have escaped or fled.'*

Section 5 specifies the penalties for failure to comply with warrants issued under the provisions of the act:

Should any marshal or deputy marshal refuse to serve 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.

Furthermore, should an arrested fugitive manage to escape from custody, the marshal or deputy would be liable to prosecution, and could be sued for *'the full value of the service or labor of said fugitive in the State, Territory or District whence he escaped.'*

Commissioners were also empowered *'to summon and call to their aid the bystanders,'* and any failure to co-operate with such a summons would be a violation of the law:

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.

Section 6

And be it further enacted, 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 labor or service may be due ... may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges or commissioners aforesaid, ... 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...; and upon satisfactory proof being made, ... 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 as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence ...

Section 7

And be it further enacted, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant ... from arresting such a fugitive from service or labor, either with or without process as aforesaid, or shall rescue, or attempt to rescue, such fugitive from service or labor, from the custody of such claimant ...; or shall aid, abet, or assist such person ... to escape from such claimant ...; 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 ...; 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 as aforesaid, to be recovered by action of debt ...

Section 8 deals with the payments to be made to various officials for their part in the arrest, custody and delivery of a fugitive to his or her claimant. In effect, the financial incentives authorized under this clause turned the pursuit of escaped slaves into a species of bounty-hunting:

The marshals, their deputies, and the clerks of the said District and Territorial courts, shall be paid for their services ...; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars ... The person or persons authorized to execute the process ... shall also be entitled to a fee of five dollars each for each person he or they may arrest and take before any such commissioner.

Section 9 stipulates that if the claimant suspects an attempt will be made to rescue the fugitive by force, then the arresting officer is required *'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.'*