

**The Fugitive Slave Act of 1850:
Symbolic Gesture or Rational Guarantee?**

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1. Introduction

Why did Southerners seek a new fugitive slave act as part of the Compromise of 1850? What did the act materially contribute to the protection of the South's "peculiar institution"? Historians generally have been quite coy about describing southern motives for demanding the Fugitive Slave Act of 1850. Yet the passage of the fugitive slave act as part of the compromise remains a puzzle for several reasons.

First, the compromise's admittance of California not merely tipped the U.S. Senate's sectional balance between free and slave states against slaveholders but did so in a way that, *ex post*, proved to be permanent. The free territories of Minnesota and Oregon would be applying for statehood within a decade. True, to offset California, the compromise opened the Utah and New Mexico territories to slavery under the aegis of popular sovereignty, but few anticipated that slaveholders would be able to take full advantage of this concession in those arid lands. This led one historian, William W. Freehling (1994, p. 170), to conclude, "southern congressmen surrendered California to the North in exchange for a new Fugitive Slave Law."

Second, the measure seemed so obviously proslavery, in a draconian fashion, that many appear to believe that southern demands required no explanation at all. Often general surveys, such as David M. Potter's classic, *The Impending Crisis* (1976; pp. 112-3, 130-40; see also McPherson 1982, pp. 75-9), proceed as if rendering an account of the historical antecedents--in which the Supreme Court's 1842 decision in *Prigg v. Pennsylvania* resulted in a spate of northern personal liberty laws that undermined the effectiveness of the original fugitive-slave statute--is sufficient unto itself.

Third, these very same scholars, however, virtually dismiss the problem of runaway slaves. The number of runaways -- perhaps a thousand per year -- seems too small relative to a total slave population reaching nearly four million by 1860 to have

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made much difference. As Peter Geyl (1961, p. 198) asks, "were a few hundred fugitive slaves worth the risk of getting enmeshed in a destructive Civil War?"

Finally, many historians follow Potter in arguing that the Fugitive Slave Act was counterproductive. Because it provoked northern opposition against slavery, it contributed to the crisis between the sections.

We are thus left with the paradox of slaveholders insisting upon a measure that was simultaneously unnecessary and counter-productive. Why did they foist such an odious statute upon Northerners if the main consequence was to turn many against the South who were otherwise indifferent?

One solution that historians have offered to this paradox is to emphasize the symbolic nature of the Fugitive Slave Law of 1850. Southerners "clamored . . . for a stronger fugitive slave law," writes James M. McPherson (1988, p. 79), "less for practical advantage than as a matter of principle.... [N]orthern aid to escaping slaves was an insult to southern honor." In combination with the above observations, this hypothesis implies that the motives for the act were psychological and irrational. The Fugitive Slave Act becomes another aspect of an exaggerated sense of southern honor that required primarily symbolic reassurances from the North.¹ Geyl concludes: "Southerners clung to the law because they desired to have from the North an acknowledgment of their right rather than because of the material advantage."

Freehling stands as almost the sole exception among historians to this universal denigration of the fugitive-slave problem's practical significance. In his *Road to Disunion* (1990), which highlights the differences and disagreements among antebellum Southerners, Freehling contends that runaways were a very serious matter for one group of slaveholders: those in the border slave states. Their vulnerability contributed both to a retreat of the peculiar institution toward the deeper South and to a crucial

¹The author who has most fully explored the theme of southern honor, although not with respect to the runaway slave problem, is Bertram Wyatt-Brown (1982).

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special interest prepared to demand better free-state compliance with the Constitution's fugitive-slave provision.

Like Freehling, we take issue with the standard symbolic interpretation of the Fugitive Slave Act of 1850. Our argument has two components, one economic, one political. Building on Hummel (2001), our economic analysis demonstrates, more strongly than even Freehling suggests, that the southern demand for this measure reflected rational concerns about runaways. For two reasons, the relevant set of slaves considering the problem of runaways is not all slaves as historians have assumed. First, because the old, the young, mothers, and the infirm were unlikely to run, we should consider prime age males – the most valuable slaves. Second, slaves in the deep South had hundreds of miles to run to freedom, whereas those in the border states much shorter distances to run.

We show that the probability of a prime age male from the border states running is quite significant – sufficiently high as to imply a hefty discount in a slave's value. Traditional historians' observation about an order of 1000 runaways in a year against three million slaves in 1850 yields a trivial percentage of runaways – about .03 percent. In contrast, the probability that a prime age male in Delaware ran in a given year was on the order of 5 percent, 250 times larger.

Equally important, we show that the fugitive slave act held important consequences for long-term coalition politics within the nation. Historians have looked at the act too narrowly, failing to see it as an instrument in the larger, ongoing national political struggle between the sections. We show that the act was part of a continuing and realistic effort by Southerners to maintain a secure home for the peculiar institution within a nation at best indifferent to slavery. One of the central means by which Southerners had protected their peculiar institution within the nation was the “balance rule,” the notion that each section would maintain an equal number of states so that each held a veto over national policymaking through the Senate (Weingast 1998).

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Maintaining balance created a territorial imperative for the South: northern growth implied that slave territory had to expand as well.

Pro-southern measures, such as the organization of new slave territories or the admission of slave states, had always been passed by a coalition composed of nearly all Southerners in combination with sufficient Northerners (typically Democrats) to make a majority (Weingast 1998). Yet this coalition failed as Southerners' northern coalition partners defected in the wake of the Mexican war to insist on the Wilmot Proviso, which sought to prohibit the extension of slavery into the territories gained by the war. This measure consistently passed the House between 1846 and 1849, where Northerners held a majority, but was vetoed by Southerners in the Senate.

The discovery of gold and the huge influx of people into California demanded political organization. Yet there was no slave territory waiting in the wings to be admitted to balance the admission of California. Although the Compromise of 1850 admitted two territories "without restrictions" on slavery, Utah and New Mexico, this was not the same as admitting another slave state, which could only come at a later date.

Southerners thus faced significant uncertainty about the future in passing the Compromise of 1850: would their northern coalition partners vote to admit a slave state at a future date? Put in coalitional terms, did the Compromise of 1850 signal the reemergence of normal coalitional politics of the past two decades that allowed some pro-southern measures to be passed? Or was the compromise a temporary return to the past in a new era of sectional coalitions signaled by the Wilmot Proviso?

As Congress convened to debate the compromise in late 1849 and early 1850, Southerners simply could not know the future of national coalitions. And yet the differences for the security of slavery in the nation were significant. New sectional coalitions risked northern dominance of the federal government, holding considerable dangers for Southerners and the slave system.

We argue that the fugitive slave act served an instrumental purpose in the face of

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this uncertainty: by forcing their northern coalition partners to vote for a measure that was an obvious anathema in the North, Southerners could see whether a sufficient number of Northerners could support pro-southern measures. If the answer in 1850 was no, then it was likely to be no in the future when a slave territory sought admission as a slave state. The fugitive slave act was thus a form of signaling, allowing the northern pivotal voters in Congress to reveal their type as pro- or anti-South. The willingness of sufficient Northerners to support the fugitive slave act thus provided Southerners with critical information about the future of national politics and hence about the future security of slavery in the nation.

In sum, we contest the traditional view that the fugitive slave act was an irrational measure sought by Southerners for symbolic reasons. We argue instead that this act served two separate instrumental purposes missed by most historians; one about the real problem of runaway males in the border states, the other about the future security of slavery in the nation.

This paper proceeds as follows. We next discuss the background for the crisis in 1850, explaining the long-term sources of rational anxiety for Southerners. These sources help explain southern motivation for seeking a new fugitive slave law. We then discuss our two hypotheses about the fugitive slave law, suggesting why it rationally fit the sources of southern anxiety. Finally, we draw the wider the implications of this approach for the rest of the decade and the Civil War.

2. Background to the Crisis

We discuss two issues as background to understanding the role of the fugitive slave law in the Compromise of 1850: the problem of slavery's security within the nation in the light of the rational coalitional anxiety raised by the Wilmot Proviso; and the problem of

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runaway slaves.

Security of slavery in the nation

Throughout the antebellum era, Southerners rationally worried about the security of their property. Nothing natural sustained the nation as one protecting the interests of southern slaveholders. A necessary condition for Southerners to participate in the union was that Northerners and the nation provide a credible commitment that the national government would not act against slavery. And if there were long periods of relative quiescence with little agitation about slavery and little ostensible concern by slaveholders, this occurred because slaveholders had demanded and received institutions that provided a credible commitment to protect slavery within the nation (see Weingast 1998, 2000).

As is well-known, the security of slavery was a concern during the Philadelphia convention of 1787 and helped shape a number of constitutional provisions (Finkelman 1987, 1996; North and Rutten 1987; Rakove 1996, Wiesek, 1987). Beyond the Constitution, the country evolved a series of other protections for slavery, the most important of which became the balance between free and slave states (Weingast 1998). This balance allowed both sections to retain a veto over national policymaking through equal representation in the Senate.

This veto provided the national credible commitment to protect slavery. As long as their veto remained in place, Southerners could protect themselves against hostile Northerners. Moreover, it should be clear that this veto is not something that accumulates or that a party holding a veto comes close to (see Weingast 2000, ch2). Either a party has it or does not have. In voting institutions, there is no such thing as almost having a veto. Losing by one vote is no different than losing by 100. This implies

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that being one vote short of a veto is a far distance from actually holding a veto.²

The need to maintain the sectional veto created a territorial imperative for the South. In a growing nation, particularly a fast-past growing North, the South had to expand in order to retain parity. Most of the antebellum crises (1820, 1846-50, 1854-61) occurred when members of one or the other section felt disadvantaged in this growth. For example, at moments when many Northerners feared southern growth would lead to southern dominance of national politics, they typically attacked slavery, as in 1819, creating the crisis over the Missouri, and again in 1846 with the Wilmot Proviso, creating the crisis over the Mexican cession. In both cases, the northern weapon was an attack on slavery. This northern strategy, in turn, reinforced Southerners' natural fears about the security of their property within the nation.

Moreover, balanced growth in a growing nation became the territorial imperative. To maintain sectional balance, southern territorial expansion had to match northern territorial expansion.

The territorial imperative had direct implications for the crisis during 1850. First, Northerners continued to expand into the areas of the Louisiana purchase that remained open to them under the Missouri Compromise. At the same time, no new territories explicitly allowed slavery. This created a dilemma for slaveholders. Without legal protection, slaveholders were reluctant to risk taking their property into new territories obtained from Mexico. And yet, without slaveholders in these territories, these territories were unlikely to have any political commitment to slavery.

Second, northern insistence on the Wilmot Proviso prevented the organization of any new territories "without restrictions," that is, allowing slavery; so southern territorial expansion could not match the on-going northern expansion. Although many

²This is consistent with the economics literature, which shows that the economic stakes involved in the territorial expansion are too small to have motivated southern demand for expansion. See Passell and Wright (1972).

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Southerners hoped the territories acquired from Mexico would allow for the expansion of slavery, the Wilmot Proviso prevented this. Moreover, stalemate advantaged the North, since this allowed growth into free territories without any corresponding growth into slave territories.

Third, the discovery of gold in California drew so many people and resources, that it demanded political organization. The absence of even a territorial government hindered all the normal processes of government, including those supporting property rights and contracts. Moreover, not organizing California risked having it seek independence in order to provide the normal benefits from governmental organization.

Unfortunately for the South, no comparable slave territory stood in the wings ready for admission to maintain sectional balance. The admission of California alone threatened to tip the political balance permanently in favor of the North, and with it the demise of southern veto over national policymaking.³

Fourth, the survival of the nation depended on the ability of Southerners to obtain support from sufficient Northerners to pass pro-slavery laws, such as the organization of territories without restrictions and the admission of new slave territories. Indeed, nearly all pro-Southern measures passed with united Southern support and enough Northerners to make a majority, especially in the House of Representatives where Northerners held a majority. This coalition passed the pro-southern components of the Missouri Compromise, the admission of slave states, such as Arkansas in 1836, the annexation of Texas in 1845, the fugitive slave law in 1850, and the Kansas-Nebraska Act in 1854 (see Weingast 1998).

Fifth, the Wilmot Proviso represented a critical defection by Northerners from the dominant Democratic Party coalition that was largely pro-southern in its orientation. In the years, 1846-49, nearly all northern Democrats voted with their section to maintain

³ On the other hand, working in favor of admission is that, for the near future, California's Senators were likely to be Democratic.

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the Wilmot Proviso in the House of Representatives where Northerners outnumbered Southerners. Many Southerners drew a lesson, as had Calhoun in the 1820s after the Missouri crisis: that a pro-southern national party was insufficient to protect slavery within the nation because their northern coalition partners could defect, and did so at critical moments, as in 1819 and again in 1846-50.

The crisis over the Wilmot Proviso was thus not simply about southern honor – about Southerners demanding that Northerners give them symbolic respect by passing pro-slavery measures. It was about the nation that threatened to tip permanently toward Northerners indifferent or hostile to slavery. Allowing the admission of California without a slave state to balance permanently threatened the South. Were there a viable slave territory waiting in the wings to balance California, this might be a different matter, allowing a compromise as in 1820 that balanced California's admission with another slave state. No such territory was available.

True, Northerners did retreat from the free-soil aspects of the Wilmot Proviso, agreeing to organize several territories without restrictions. Indeed, the Compromise of 1850 organized both the New Mexico and Utah territories without restrictions. Nonetheless, organizing territories without restrictions is not equivalent to reinstating sectional balance in the nation. Although territorial organization allowed slaveholders to move into these territories, it did not guarantee that Northerners would, at a future date, support the admission of a slave state to balance California. Nor did it guarantee that sufficient slaveholders would move to the state to create a viable slave state.

The South's northern coalition partners in the House defected from the coalition in the Wilmot Proviso in 1846 and in every vote on the proviso during the many times it arose in 1847-49. This was a dangerous precedent and bode poorly for the long-term maintenance of a pro-southern coalition. Slaveholders would rationally fear that, when the time came for their northern partners to vote for something inimical to their section, they would again defect.

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The main implication is that organizing a territory today without restrictions was not nearly the same as voting to admit a slave state to balance California. Because a current Congress cannot bind a future Congress, Southerners faced a dilemma in 1850 – should they accept the compromise and hence the breaking of balance today, granting Northerners a numerical advantage that would allow them in the future to take advantage of the South were they to be opportunistically minded or, worse, fall prey to antislavery leadership? In exchange, Northerners were willing to organize two territories without restrictions and, through the Democratic party, provide a “promise” that, at a future date, they would accept another slave state were one to apply for admission.

Yet nothing today could bind Northerners to this promise in the future. Northerners were clearly getting the better part of the deal.

The runaway slave problem

Runaway slaves constituted another major problem, about which Southerners complained constantly. John Hope Franklin and Loren Schweninger (1999, p. 282) have estimated that total runaways exceeded 50,000 annually. This large number, however, includes short-term absences and unsuccessful attempts, as well as successful escapes to the free states or beyond. Franklin and Schweninger acknowledge that "most runaways remained out only a few weeks or months." The U.S. Censuses for 1850 and 1860, therefore, provide probably the most accurate glimpse at the problem of permanent runaways and--as several authors indicate (Hummel 2001, pp. 268-71; Gara 1961, p. 38, and 1964, p. 230, n. 4)--a lower bound on its magnitude. This source ([U.S. Census Office, 1860 Census], p. 338) indicates a minimum of about a thousand slaves fled per year: or more precisely, 1,011 in 1850 and 803 in 1860.

At first glance, these numbers seem small. The total U.S. slave population in 1850 was 3.2 million, meaning only 0.03 percent permanently escaped, while in 1860 slaves numbered nearly 4 million, with only 0.02 percent fleeing north. Slaveholders

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would tend to discount the value of any slave by a premium proportionate to the probability of losing their property. The higher the probability, the lower the price of the slave, other things equal. As a rough approximation (Hummel, 2001, pp. 406-11), if the annual risk of permanent escape remained constant at p , and the annual interest rate was 10 percent, then a slave's price will fall from PV_0 , its value with no risk of running away, to PV_p , as in formula (1):

$$(1) \quad PV_p = (1 - p) PV_0 (.10)/(.10 + p).$$

Table 1 illustrates how changes in this probability affect the price of a prime male hand whose value was \$1,200 without any risk of permanent flight ($p = 0$). If only one out of every ten thousand prime hands ran away permanently ($p = 0.0001$, or 0.01 percent), the impact on average price would have been negligible. PV_p would have fallen by merely \$1. Raise the probability to one out of thousand ($p = 0.001$), and now average price will fall by \$13, or a little over 1 percent. Assuming that one out of every hundred hands permanently ran off each year ($p = 0.01$), the effect becomes quite significant. PV_p falls to \$1,080, or by 10 percent. When the annual probability went up to one out of twenty ($p = 0.05$), the price would have dropped to \$760, or by 37 percent. And if the probability ever reached one of ten ($p = 0.10$), the value of all remaining male hands would have plummeted by over half to \$540.

TABLE 1
How Changes in the Annual Probability of Permanent Runaways
Affected the Price of Prime-Age Male Slaves

PROBABILITY/Year	PRICE
$p = 0$	$PV_0 = \$1,200$
$p = 0.01 \%$	$PV_p = \$1,199$
$p = 0.1 \%$	$PV_p = \$1,187$
$p = 1.0 \%$	$PV_p = \$1,080$
$p = 5.0 \%$	$PV_p = \$760$
$p = 10.0 \%$	$PV_p = \$540$

Annual probabilities of permanent escape derived from the census figures (0.03 and 0.02 percent) appear so low as to have almost no effect. Historians have reasonably questioned whether there could be any tangible impacts on market prices of slaves.

This first impression is mistaken, however. The incidence of runaways was not uniform across all slaves but instead was concentrated in two ways. First, not all slaves were equally likely to escape. Infants, small children, and their mothers rarely ran away. The same holds for the old and infirm. Runaways were usually able-bodied, prime-age males, in other words, those slaves with the highest productivity. This group, in the samples of Franklin and Schweninger (1999, p. 210; see also Genovese, 1974, pp. 648, 798), constituted 70 to 80 percent of all runaways.

Second, location also mattered. A runaway heading north from South Carolina faced hundreds of miles of unknown and hostile territory. In contrast, slaves living in the upper South had to travel much shorter distances to the free states. They were thus more likely to risk an attempt. For the same reason, the effective range of the

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celebrated underground railroad (to the extent that it was effective at all) was confined to the free states and border regions of the slave states.

The census data therefore reveal that the number of permanent escapes as a percentage of a state's slave population was highest in Delaware, Maryland, and Missouri (in that order); whereas South Carolina, Alabama, and Georgia were among those states having the smallest proportion of runaways in both 1850 and 1860.

Although Delaware was a very small state, if we add its total runaways to those of Maryland, Virginia, Kentucky, and Missouri, they combine to more than half of all runaways for either census year. In contrast, these five states contained less than a fourth of the total slave population in 1860.

Table 2 puts these two factors together. The results suggest that the probability of a prime-age male permanently absconding from the border states was far higher than for the overall slave population. Delaware's probability was 5.68 percent in 1850 (or one chance out of 18) and 3.34 percent in 1860 (or one chance out of 30); for Missouri, the percentages were 0.34 in 1850 and 0.43 in 1860. Compare those rates with South Carolina's, which are lower than Delaware's by a magnitude of 1/100th: 0.03 percent in 1860 and 0.02 percent in 1850 (Hummel, 2001, pp. 304-5).

Slaveholders in both the border and deep South were acutely aware of these differing probabilities, which consequently were reflected in slave prices. The same prime-age male was worth more in the deep South than in the upper South. The best long-run term series on slave prices in different regions (despite all of the more recent cliometric work of such economic historians as Robert Fogel and Stanley Engerman) remains that compiled at the beginning of the twentieth century by Ulrich B. Phillips. It covered four trading areas for the period 1795-1860. Although Phillips (1918, pp. 368-71; 1929, p. 177) presented his results only graphically, Evans (1962, pp. 197-202) rendered them into numbers. (See table 4.)

This series shows that prices for prime-age male hands in Richmond were

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consistently below prices in Charleston, usually by about 10 percent. Between 1836 and 1840, the disparity peaked at 17.0 percent whereas between 1856 and 1860 (under the new, harsher Fugitive Slave Law), it fell to 6.5 percent. Consistent with our theory, these differences correspond roughly to those implied if we use the census probabilities in the formula above. Although Phillips and others have given us extensive time series for slave prices in New Orleans, we have none for St. Louis, or for rural areas in Missouri and Kentucky. But a contemporary estimate by Seaman (1852, p. 619)--in a work that was the basis for the 1840 regional income estimates of Easterlin (1960)--suggests that, in the west also, the differential between slave prices in the deep and upper South was comparable.

These differences contributed to a retreat of slavery along the border with the free states--at the very same time that the total number of American slaves was nearly doubling, from slightly more than 2 million in 1830 to nearly 4 million in 1860. During that interval, Delaware, Maryland, Kentucky, Missouri, and the western counties of Virginia had seen the proportion of slaves out of their total populations steadily decline, whereas the proportion for the South overall remained fairly constant at one-third. The percentage of slaves fell in Delaware from 4.28 to 1.61, in Maryland from 23.04 to 12.69, in Kentucky from 24.01 to 19.51, and in Missouri from 17.52 to 9.72 (see Table 3). Indeed, the decline in slave population was absolute for Delaware and Maryland. Only in Kentucky was the percentage not approaching or already well below that of New York (10-12 percent) at the time of the American Revolution (Hummel, 2001, pp. 264-5; Freehling, 1994, pp. 28-29).

Economic historians have tended to lump the approximate 10 percent difference in slave prices as one moved from the northern to the southern slave states together with a much larger difference as one moved from the eastern to the western slave states. Further, these historians attribute the entire difference to the greater productivity of the rich cotton lands of the Southwest. But the research of Yang and Friedman (1992,

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p. 263) suggests that the total differential of approximately 45 percent exceeded migration costs, such as transport and foregone earnings, by about 8 percent, no doubt because their price estimates capture both east-west and north-south gradients. Either running away or superior land would have affected a field hand's productivity, and the two would have interacted to draw slaves out of the periphery into the Southwest. For our purposes, the relative importance of the two effects does not matter. What matters is that both contributed to a decline of slavery in the upper South.

We must now ask why this risk of runaways, with its affect on the slave distribution within the South, matters, particularly to the deep South, where the price impact was trivial. Let us return to the political problem of the security of slavery within the United States. As noted, sectional balance was critical to maintaining southern security through a veto over national policy. Yet this veto depended not only a balance of free with slave states; it also depended on the nominal slave state remaining slave states and having a political commitment to slavery's future. Sectional balance could be upset *both* by adding more free than slave states and by a slave state losing its commitment to slavery.

The peculiar institution's steady decline in the upper tier of slave states implied that, every year, their economic commitment to the institution declined. By 1860, the antislavery Republican Party was already a political force within the border slave state of Missouri. This epitomized the risk, over the long run, of defections from the proslavery coalition and hence represented another potential threat to the Southern veto and to slaveholders' property. To forestall this threat, Southerners had to lower the probability of success for runaways. The answer was a revision of the fugitive slave law.

Conclusions

In 1850, slaveholders faced two risks to their principal source of long-term political security within the nation, their veto over national policymaking through

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sectional balance. First, the admission of California without a slave state to balance it directly threatened the southern veto. Second, the migration of slaves out of the border regions into the deep South threatened to loosen the commitment of the peripheral slaveholders to slavery; again, threatening southern veto through sectional balance. These risks set the stage for southern behavior during the negotiations over the Compromise of 1850.

3. The Economic Effects of the Fugitive Slave Law

We argue that the purpose of the fugitive slave law was twofold. First, the law was designed to have a direct and instrumental effect on runaways, providing greater – if not complete – legal tools for slaveholders to recapture lost property. Second, and subtler, the law was designed to provide Southerners with critical information about their northern coalition partners. We discuss these two effects separately.

Reducing the number of permanent runaways

The law's instrumental purpose was to lower the probability of successful runaways. Congress had initially passed legislation enforcing the Constitution's fugitive slave clause in 1793, at the end of President George Washington's first term. The recovery of runaways was put under joint supervision of national and state courts. Not only did the free states willingly cooperate at first, but many of them allowed Southerners to bring along slaves on visits, sometimes for up to nine months (Finkelman, 1996. 1981; 1 *U.S. Statutes at Large* 303-5).

But radical abolitionists put this first Fugitive Slave Law under fire during the 1830s and 1840s. They legally challenged it in the courts and illegally evaded it. The

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illegal evasion led to the underground railroad, while the legal challenges induced several northern legislatures to pass personal liberty laws (see Drobak 1994 and Finkelman 1981). These laws tried to prevent the kidnapping and enslavement of northern free blacks by granting alleged fugitives such rights as *habeas corpus* and trial by jury (Morris 1974).

One case arising under the personal liberty laws finally found its way to the Supreme Court in 1842. The Court's decision in *Prigg v. Pennsylvania* was a pro- and anti-slavery mixture. It granted slaveholders the right to recapture slaves using private force, without going through any legal process, state or federal. But Justice Joseph Story, rendering the Court's majority opinion, also conceded that the state governments were under no positive obligation to assist enforcement of the fugitive slave provision (Finkelman 1979).

Seven northern legislatures responded with a new round of legislation that either prohibited state officials from participating in a recapture or forbade holding fugitive slaves in state or local jails. By the time of the Civil War, Illinois was the only free state that had not enacted a personal liberty law of some sort. Such hostile statutes could severely impede the slaveholder's legal privilege to head north and personally retrieve his chattel (Drobak 1994, Finkelman 1981). That is why Southerners demanded a tougher fugitive slave law. Preventing flight became of dire importance to the slave system. If blacks could simply obtain freedom by slipping across an open border, enforcement throughout the upper South was compromised, and the lower South would feel the repercussions.

One Virginian who served both in his state legislature and Congress, Charles James Faulkner, understood quite well the implications of Pennsylvania's new personal liberty law. In a letter dated July 15, 1847, he wrote to John C. Calhoun of South Carolina (as quoted in Boucher and Brooks 1929, pp. 385-87):

[It] has rendered our slave property . . . utterly insecure. . . . slaves

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are absconding from Maryland and this portion of Virginia in gangs of tens and twenties and the moment they reach the Pennsylvania line, all hopes of their recapture are abandoned. . . . No proposition can be plainer than that the slaveholding interest in this country is everywhere one and the same. An attack upon it *here* is an attack upon it in South Carolina and Alabama. Whatever weakens and impairs it *here* weakens and impairs it *there*. The fanaticism of Europe and North America is embarked on a crusade against it. We must stand or fall together [emphasis original].

Faulkner no doubt exaggerated the number escaping to the free states, but we can be certain that without fugitive slave enforcement, the number would have increased.

Border South representatives therefore had attempted to strengthen the first fugitive slave law almost from the moment of its passage. Senator William Vans Murray of Maryland introduced an amendment in 1793 that would have fined employers who hired fugitives a sum of \$500, payable to the slave's owners. The Senate tabled his motion, but in 1801 Congressman Joseph Nicholson, also of Maryland, proposed a \$500 fine on anyone "harboring, concealing or employing" a runaway, defined as any black person failing to show an official certificate of freedom. Nicholson's bill nearly passed the House. Again in 1817, James Pindall, Congressman from Virginia, wanted to transfer the legal onus for returning runaway slaves to the governors of the free states, just as in the case of fugitive criminals. Separate versions of his bill made it through both the House and Senate, but the two houses could not reconcile their differences. Although other measures were reported the next year and three years after that, both in response to Maryland resolutions complaining about the assistance that escaped slaves received in Pennsylvania, neither made much headway (Robinson 1971; Campbell 1970; McDougall 1891; Morris 1974).

Southerners would only get a new fugitive slave law as a result of the Compromise of 1850. A petition from the Kentucky legislature had impelled Senator Andrew Pickens Butler of South Carolina to submit such a bill in 1848. But not until the territorial crisis over California's admission as a free state, two years later, was Congress ready to act. At the beginning of January Senator James M. Mason of Virginia

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reintroduced Senator Butler's bill, which then went through a grueling spring and summer of round after round of debates and amendments. When the seventy-three-year-old Henry Clay pleaded before the Senate for a comprehensive settlement of all outstanding controversies, the new fugitive slave bill was the only unequivocally proslavery provision of the Kentucky slaveholder's entire package. "I will go with the furthest Senator from the South," Clay promised (*Congressional Globe*, 31st Cong., 1st sess. [5 Feb 1850], appendix, p. 123), "to impose the heaviest sanctions upon the recovery of fugitive slaves, and the restoration of them to their owners."

Since the proposed law would apply retroactively, allowing the return of slaves who had escaped at any time in the past, northern Congressman wanted to prevent the kidnapping of legally free blacks by requiring jury trials. To soothe these sensibilities, Clay himself was willing to provide the alleged fugitive with a jury trial, not in the free state where captured but in the slave state from which he had fled. Proslavery stalwarts in Congress, however, would have none of this, so jury trials of any sort were kept out of the final measure.

More hotly contested among Southerners was a proposed amendment from Senator Thomas George Pratt of Maryland. It would have required the U.S. Treasury to reimburse any slaveowner for the value of the escaped slave plus all legal expenses whenever northern hostility hindered return. Border South representatives tended to support this indemnity, but those from the deep and mid South objected adamantly. Senator Jefferson Davis of Mississippi and others couched such objections in states' rights terms. Yet Lacy Turner Hopkins, Senator from Tennessee, revealed the paramount concern (*Congressional Globe*, 31st Cong., 1st sess. [22 Aug 1850], appendix, p. 1616). By weakening the incentives to prevent flight and to recover fleeing bondsmen, the proposal's effect "will be to emancipate the slaves of the border States and to have them paid for out of the Treasury of the United States." Approaching outright compensated emancipation, Pratt's amendment would have hastened the very

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erosion of the peculiar institution that the fugitive slave bill was intended to forestall.

A final version of the fugitive slave act, without either jury trial or indemnity, had passed both houses by mid-September of 1850 and was signed by President Millard Fillmore, a New Yorker. It had received the vote of every southern representative who voted, with northern Democrats providing the margin for victory. Among free-state members of Congress, only one in five had supported the bill, but among the free-state Democrats, the vote had run 27 to 16 in favor. Easing passage had been the 39 northern Congressmen and 15 Senators who had absented themselves from the vote, most lurking in the corridors.

One of the harshest congressional measures ever, the new act created a special category of federal court officials, called commissioners, to help slaveholders seize fugitives. The circuit courts appointed the commissioners, who had concurrent jurisdiction with the district and circuit court judges and were delegated broad police powers for the reclamation of fugitives. The commissioners could issue warrants, employ U.S. marshals, depose witnesses, and arrest and imprison offenders. All the slaveholder or his agent had to do to prove his case was present an affidavit from some legal officer in his home state. The alleged runaway not only had no right to a jury trial but could not even testify. Furthermore, commissioners had a financial incentive to rule against the fugitive. They received a \$10 fee from the claimant for deciding that a black was an escaped slave, but only \$5 for not. To enhance enforcement, Congress empowered federal officials to conscript the physical aid of any private citizen. Obstructing the law was subject to a \$1000 fine, six months in prison, and \$1000 civil damages for each escaped slave (9 *U.S. Statutes at Large* 462-5).⁴

With this law, Southerners put the North on notice that nothing--not due legal

⁴ Basinger (2003) provides the most thorough analysis of the enforcement aspects of the act.

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process, not civil liberties, not even the cherished principle of state sovereignty--could stand in the way of masters recovering their human chattel. Whether the law would actually achieve its goal was another matter. Northern mobs ended up attacking slave catchers, broke into jails, and rescued fugitive slaves. The national government tried vigorously to prosecute these law breakers, but northern juries refused to convict them. In some cases, the authorities had to rely upon military force. The Fugitive Slave Law of 1850 also sparked stronger personal liberty laws. Beginning with Vermont, nine states either provided for legal defense of alleged runaways or openly defied the national government by requiring jury trial, *habeas corpus*, and other procedural safeguards.

Yet the Fugitive Slave Law was far from a dead letter. The illegal rescues and legal obstructions received all the publicity but the successful apprehensions and ultimate returns were more numerous. Stanley W. Campbell (1970, pp. 110-47, 199-207) has tracked down details of 332 fugitive slave cases in the ten years after passage of the law. Over half, 191, went before a federal tribunal, while the other 141 involved slaveowners or their agents seizing runaways without recourse to judicial process. In only 22 cases were blacks rescued from custody, only 1 escaped on his own, and another 11 were released. Thus, in almost 90 percent of the total cases, or 80 percent of the federal cases, the fugitive was hauled back South. Moreover, many private seizures were almost certainly unrecorded. Of course, that is also true of many permanent slave escapes, as we have already observed.

We noted above that in the half decade from 1856 to 1860, the price differential between prime field hands in Charleston and Richmond had fallen for the first time below 10 percent. But perhaps the best indicator of the success of the Fugitive Slave Act of 1850 at deterring runaways is the census figures themselves. From 1850 to 1860, while the total slave population increased by more than 20 percent, the number of permanent escapes reported actually declined. If slaves had gotten away at the same rate as in 1850, the number in 1860 would have been 1,248, rather 803, a hardly

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insignificant 50 percent greater. We can only agree with *National Anti-Slavery Standard*, which commented in 1861: "The falling off in the last decade *may* be owing to the imperfection of the returns; but if not, it is doubtless to be ascribed in part to the operation of the Fugitive Slave Law [emphasis original]. . . ."

4. The Fugitive Slave Law and Sectional Balance.

As noted above, the Compromise of 1850 held the promise for Southerners of the expansion of slavery in the form of future slave states. The promise reflects the fact that the compromise went only part of the way toward this goal. It organized territories "without restrictions" but did not admit new slave states. Realizing the compromise's potential (for the South) therefore required that a future Congress vote to support this expansion. In the past, pro-southern and pro-slavery measures, including the organization of new slave territories and the admission of new slave states, had passed with the support of nearly all Southerners in combination with sufficient Northerners (though typically a minority of that section) to comprise a majority in both houses.

The problem facing Southerners as the new Congress met in 1850 to consider a compromise was the stalwart defection of the South's coalition partners to support the Wilmot Proviso, an antislavery measure. The Compromise of 1850 was a promise to return to politics as usual, to bury the sectional hostilities that had pervaded national politics since 1846. For many Southerners, politics as usual meant expanding slavery in a fashion that paralleled the northern expansion, so as to maintain their veto in the Senate. Yet, when the crunch came at some future date, would Southerners' northern coalition partners act under their politics as usual incentives, or under those that favored the Wilmot Proviso?

The Compromise of 1850 forced Southerners to confront a dilemma: give up

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balance today to maintain the Union, or continue hostile confrontation, possibly leading to civil war. As part of the compromise, northern Democrats offered a promise that, if Southerners accepted the Compromise, balance would be restored in the future. But could Northerners be trusted?

The risks of accepting the Compromise, with its demise of balance today, depended on Southerners' expectations about Northerners' future behavior. Specifically, Southerners' dilemma concerned whether a sufficient number of rank-and-file Northerners – i.e., northern Democrats – would cooperate in the future with the South by supporting a measure to reinstate balance. How were Southerners to know?

We argue that including the fugitive slave law as a part of the compromise, to be voted separately from the other provisions, addressed this issue. As a means of costly signaling, this measure allowed the pivotal northern voters to reveal information about future behavior. By forcing their northern coalition partners to support a pro-southern measure today, Southerners would learn critical information about whether Northerners would cooperate in the future. An integral part of the measure's success for Southerners was the fact that the fugitive slave issue was an anathema to the North. From the late 1840s, and especially in the 1850s, this issue came to represent to both sections of the worst parts of the other.

This act served a particular purpose, one not simply about southern honor but with a larger instrumental purpose involving acceptance of the larger compromise. A necessary condition for Southern acceptance of the Compromise -- breaking the balance today plus an uncertain promise to restore balance in the future -- was that Northerners demonstrate that they had the ability to cooperate on pro-southern measures onerous to the North.

Could Northerners be trusted to vote on a future measure dear to Southern hearts but costly among northern constituents? Including the fugitive slave law as part of the compromise allowed Southerners to see if sufficient numbers would vote for a

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hated measure. In technical terms, the question came down, not to the motives and intentions, but the willingness of the northern pivotal voter in the House to support measures benefitting the South but unpopular in the North.

The pivot is defined as follows. Virtually all Southerners vote for important pro-southern measures. The pivotal voter is that Northerner sufficient to make a majority in Congress. In 1850, Southerners composed 38 percent of the House of Representatives. To form a majority, Southerners therefore needed the support of another 12 to 15 percent of the House, or approximately 20-25 percent of all Northerners. But were 20-25 percent of Northerners willing to vote along with the South? Under the Wilmot Proviso, they had not been. And if they were not willing to support the South in the future, the promise to reinstate balance was vacuous.

What Southerners really wanted to know was whether sufficient Northerners would at some future date vote to reinstate balance. Yet, this was unknowable with any certainty in 1850. But Southerners could learn a critical piece of information today about the future northern willingness to support the South. If today's pivot were anti-South, then it is likely that tomorrow's pivot would be as well. Hence congressional leaders included the fugitive slave law in part to reveal information about the northern pivot as either pro- or anti-South.

As with a future measure to admit a slave state, the fugitive slave law was costly for northern members of Congress to support. The behavior of the northern pivot on this measure would therefore provide something of a test of the pivot's type. The Southerners' decision to participate in the Compromise would be contingent upon the Northerners' willingness to accept the fugitive slave act. If sufficient numbers of Northerners would not support the fugitive slave act, then Southerners would know today that it was unlikely that a pro-southern coalition would form in the future to admit a new slave state.

Consider the following stylized interaction (based on a signaling game).

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Southerners were uncertain about the northern pivot's willingness to support future pro-slavery measures. Before Southerners decide whether to accept the compromise, they provide a test for Northerners in which the northern pivot must decide whether to support a costly, pro-southern measure today, *viz.*, the fugitive slave act.

Signaling sometimes allows the uncertain player – here, the Southerners – to learn about the type of player they are facing – here, whether the northern pivot is pro- or anti-South. Including the fugitive slave act in the compromise provides such a test, giving pro-Southern pivots the opportunity to vote yes on the law, while anti-Southern pivots vote no. Southerners could then accept the compromise if and only if the pivot votes yes.

Because pro-South pivots behave differently from anti-South ones, the signaling test provides Southerners with information about the northern pivot. Only a pro-South pivot would vote yes for the fugitive slave law. Thus, observing the northern pivot's choice on the fugitive slave act affords Southerners critical information that they would not have without it. Without the vote on the fugitive slave law, Southerners would have to base their decision on the *ex ante* probability that the pivot was pro-South. Including the fugitive slave law as part of the compromise allowed Southerners to know today's pivot's type for sure.

Including the fugitive slave act in the compromise therefore lowered the risk to the South of accepting the compromise. Similarly, had the pivot voted against the fugitive slave act, revealing it to be anti-South, Southerners would have known the risks of accepting the compromise would have been greater. We argue, therefore, that Southerners in Congress would have supported the compromise if and only if the northern pivot revealed its type as pro-South; that is, by voting for the fugitive slave act.

The Congressional debate surrounding the Fugitive Slave Act's provides hints of the crucial signaling role of the 1850 Compromise. Although the compromise was still in the form of a single, omnibus bill, Pierre Soulé, Democratic Senator from Louisiana,

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proposed an amendment that required the following: ". . . when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission."

Senator Alexander H. Stephens of Georgia later identified passage of the Soulé amendment as "the turning point" in the debate over the compromise, and it eventually ended up in the final version of the compromise when passed as several separate acts (Fehrenbacher 1978, pp. 171-2).

Legally the amendment was useless, since it could in no way bind a future Congress. Per our interpretation, Soulé himself claimed he wanted "to feel the pulse of the Senate" about a series of acts he believed to be "binding in the *future*." As the late historian Don E. Fehrenbacher (1978, p. 172) emphasizes: "He meant binding, not in law but as a pledge of honor, with the threat of disunion serving as the sanctional force. . . . Here . . . was a view of the compromise legislation as a set of pledges negotiated like an international treaty, the violation of which would lead to sovereign reprisals." But before Southerners would even enter such a treaty, they needed some assurance that Northerners could in fact uphold their promise to admit future slave states. Hence, the importance of their votes on the Fugitive Slave Act.

Implications

We argue that the northern pivot's support was a necessary condition for southern support of the compromise. Given the pervasive uncertainty about the future of national politics, the South faced a difficult dilemma in 1850, and the fugitive slave law proved useful for reducing this uncertainty.

The value of the fugitive slave act to the South was therefore twofold. First, as noted in the previous section, the act served its ostensible purpose of facilitating the return of runaway slaves. Second, the act served an instrumental, signaling purpose of forcing the northern pivot to reveal its type today. As a revelation mechanism, the

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fugitive slave act provided critical information to southerners about the risks of supporting the compromise. By supporting the fugitive slave act, the pivotal northern member of Congress revealed his ability to support pro-southern measures opposed by most Northerners.

5. Implications and Conclusions

A major weakness in the literature on the Compromise of 1850 is that it fails to explain why the specific measures of the compromise resolved the crisis. Without a clear understanding of the problem, it is difficult to assess how the various measures that comprised the compromise settled the dispute.

Interestingly, the parallel question seems more straightforward for the Compromise of 1820: the dispute over the admission of Missouri was resolved by simultaneously admitting Missouri and Maine, maintaining the sectional balance, in turn, maintaining each section's veto over national policymaking. The Compromise of 1820 did two additional things to resolve problems of sectionalism: it divided the remaining territories between free and slave, preventing future controversies about them (at least until the 1850s); and it established the balance rule, the notion that states would be admitted in pairs.

The Compromise of 1850 is not so straightforward. It too began with Southerners seeming to gain a territorial advantage over Northerners: Following the annexation of Texas in 1845, Americans launched a War with Mexico, in part to gain more territory for slavery. At the same time, the Polk administration compromised with Great Britain on the Oregon territory, to the detriment of northern claims (Potter 1976, pp. 25-6).

As in 1819, this situation posed a territorial advantage for the South, potentially allowing Southerners to gain control over the national government. Also as in 1819,

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Northerners reacted negatively, and with a similar strategy: they attacked slavery by voting to prevent its expansion, this time with the Wilmot Proviso that sought to prevent any of the new territory gained by the war with Mexico from becoming slave territory. This measure passed in the House of Representatives, where Northerners held a numerical majority and. Southerners used their veto in the Senate to prevent the measure from becoming law.

Had there been slave territories waiting in the wings, ready for statehood in 1850, the dispute might have been resolved in the same manner as in 1820 – by admitting a slave state to balance California. But no such slave territory existed.

Did southern acceptance of the Compromise of 1850 imply that Southerners had given up on sectional balance? Or that sectional balance was unimportant? We answer no to both questions.

Some aspects of the compromise are relatively straightforward. Both sides received some territorial benefits – California admitted as a free state for the North; the New Mexico and Utah territories admitted without restrictions for the South. The compromise also settled the New Mexico-Texas boundary dispute, which Stegmeier (1996) argues might have led to civil war.

Yet two aspects of the compromise are difficult to explain. First, as suggested above, Southern acceptance of the breaking of balance in the admission of California, with only something of a promise from Northerners that they would admit a future slave state, is quite puzzling. Second, inclusion of the fugitive slave act in the Compromise of 1850, widely thought by historians to be an anathema in the North and to have done more harm than good to Southerners' interests, seems difficult to explain. The inclusion is especially puzzling since historians doubt the importance of the fugitives, seemingly too small in number per year to affect slavery; and worse, negatively affecting Northerners' views about slavery in a way that seems obviously counterproductive to southern interests.

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To answer these questions, we focus on southern interests. We argue that Southerners received three benefits from Compromise of 1850. First, historians have failed to understand that the fugitive slave act served an important, instrumental purpose. Runaway slaves were in fact a big problem in the critical border states. Although small in number relative to the millions of slaves in the entire South, we argue that this is not the relevant set from which to measure the importance of runaways. First, slaves in the deep South had hundreds of miles to run to reach slavery and were thus much less likely to run than those in the border states. Second, the old, the young, mothers, and the infirm were unlikely to run; rather, it was males of prime age, precisely those slaves with the highest value, who were most likely to run. Looking at these categories, we show that the probability of a prime age male running in the border states is sufficiently high as to imply a hefty discount on a slave's value. Put simply, runaways were a major problem in the border states.

Second, the compromise addressed the issue of sectional balance in several ways. First, Northerners agreed to recede from the Wilmot Proviso for the first time in four years. Second, the compromise created the New Mexico and Utah territories "without restrictions" on slavery. But voting today to organize territories was not the same as voting to admit a slave state. Indeed, in the face of the Northerners' steadfast adherence to the Wilmot Proviso over the previous four years, Southerners would have been quite uncertain about whether, at some point in the future, they would vote to admit a slave state to balance California.

We argue that the fugitive slave act served a third instrumental purpose for Southerners in 1850. It provided a test for their northern coalition partners. Admitting a slave state in the future would require that sufficient Northerners agree to vote with the South against their constituent's interests to expand the number of slave states. Southerners in 1850 were uncertain about whether Northerners would do this in the future. So they devised a test – by asking them to pass a measure sufficiently pro-

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slavery as to be odious in North. The logic reflects a signaling game – if the Southerners' northern coalition partners could not vote to pass this measure today, they were unlikely to be able to bear their constituency pressure against voting to admit a slave state in the future.

The advantage of including the fugitive slave act as part of the Compromise of 1850, in this view, is that it provided a test for Northerners to reveal whether they were sufficiently strong cooperators with the South. Specifically, the measure forced Southerners' northern coalition partners to support a pro-slavery measure that was an anathema to most Northerners. If Northerners in Congress failed to pass this – or if the reaction across the North were sufficiently negative as to reject the Compromise – Southerners would know then that the era of balance was over and that their position in the Union would be increasingly perilous. Northern acceptance of the fugitive slave act as part of the Compromise of 1850 – both in Congress and among the electorate – allowed Southerners to risk remaining in the Union rather than supporting more radical action.

The Georgia Platform, interpreted (and often voted on) throughout the South as the rationale for acceptance of the compromise, argued: first, that the South would accept the compromise so long as the North did; second, that if the North failed to do so, Southerners reserved the right to exit the Union (Potter 1976, pp. 128-9).

In contrast to the traditional historical arguments, we disagree that the fugitive slave act was principally about the psychology of southern honor. Southern honor may well have been important, but so too were the instrumental aspects of including the fugitive slave act in the compromise.

This inclusion provided Southerners with important information about the future prospects for the coalitional politics that had supported the South through the Democratic party, but which had fallen apart in the years in which the Wilmot Proviso had predominated, making national politics far more sectional than usual. The

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willingness of Southerners' northern coalition partners to help pass a measure that was anathema in the North demonstrated a return, if perhaps temporarily, to normal coalition politics.

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TABLE 2
Fugitive Slaves Reported by U.S. Census
(1850 and 1860)

STATE	SEVENTH CENSUS (1850)			
	SLAVE POPULATION	NUMBER OF FUGITIVES	Out of Total Pop	PERCENT FUGITIVES Out of Prime Males
Delaware	2,290	26	1.1354	5.6769
Maryland	90,368	279	.3087	1.5437
Virginia	472,528	83	.0176	.0878
North Carolina	288,548	64	.0222	.1109
South Carolina	384,984	16	.0042	.0208
Georgia	381,682	89	.0233	.1167
Florida	39,310	18	.0458	.2289
Kentucky	210,981	96	.0455	.2275
Tennessee	239,459	70	.0292	.1461
Alabama	342,844	29	.0085	.0423
Mississippi	309,878	41	.0132	.0662
Missouri	87,422	60	.0686	.3432
Arkansas	47,100	21	.0446	.2229
Louisiana	244,809	90	.0368	.1838
Texas	58,161	29	.0499	.2493
TOTAL	3,200,364	1,011	.0316	.1580

(continued)

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**TABLE 2
(continued)**

EIGHTH CENSUS (1860)

STATE	SLAVE POPULATION	NUMBER OF FUGITIVES	PERCENT FUGITIVES	
			Out of Total Pop	Out of Prime Males
Delaware	1,798	12	.6674	3.3370
Maryland	87,189	115	.1319	.6595
Virginia	490,865	117	.0238	.1192
North Carolina	331,059	61	.0184	.0921
South Carolina	402,406	23	.0057	.0286
Georgia	462,198	23	.0050	.0249
Florida	61,745	11	.0178	.0891
Kentucky	225,483	119	.0528	.2639
Tennessee	275,719	29	.0105	.0526
Alabama	435,080	36	.0083	.0414
Mississippi	436,631	68	.0156	.0779
Missouri	114,931	99	.0861	.4307
Arkansas	111,115	28	.0252	.1260
Louisiana	331,726	46	.0139	.0693
Texas	182,566	16	.0088	.0438
TOTAL	3,950,511	803	.0203	.1016

Sources: [U.S. Census Office, 1860 Census], *Statistics of the United States, (Including Mortality, Property, etc.) in 1860: Compiled from the Original Returns and Being the Final Exhibit of the Eighth Census* (Washington: Government Printing Office, 1866), p. 338. The percentage of fugitives out of prime age males is calculated by taking the percentage out of the total population, multiplying by two to eliminate females, and dividing by 0.4 to concentrate on prime ages.

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TABLE 3
Slavery in the Border South
1830-1860

STATE	YEAR	TOTAL POPULATION	SLAVE POPULATION	PERCENT SLAVES
Delaware	1830	77,000	3,292	4.28
	1840	78,000	2,605	3.34
	1850	92,000	2,290	2.49
	1860	112,000	1,798	1.61
Maryland	1830	447,000	102,994	23.04
	1840	470,000	89,737	19.09
	1850	583,000	90,368	15.50
	1860	687,000	87,189	12.69
Kentucky	1830	688,000	165,213	24.01
	1840	780,000	182,258	23.37
	1850	982,000	210,981	21.48
	1860	1,156,000	225,483	19.51
Missouri	1830	140,000	25,091	17.52
	1840	384,000	58,240	15.17
	1850	682,000	87,422	12.82
	1860	1,182,000	114,931	9.72
All Slave States	1830	5,848,000	2,005,475	34.29
	1840	7,335,000	2,486,082	33.89
	1850	9,665,000	3,204,051	33.15
	1860	12,315,000	3,953,696	32.10

Sources: [U.S.] Bureau of the Census, Department of Commerce, *Negro Population: 1790-1915* (Washington: Government Printing Office, 1918), p. 57; U.S. Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970* (Washington: Government Printing Office, 1975), pt. 1, series A 172-194, A 195-209, pp. 22-37.

Fugitive Slave Act

TABLE 4
Phillips's Data on Slave Prices
(Prime Field Hands, 1830–1860)

YEAR(S)	RICHMOND	CHARLESTON	MID- GEORGIA	NEW ORLEANS
1830	\$425	\$500	\$700	\$800
1831	450	500	750	850
1832	500	550	800	900
1833	550	600	850	950
1834	600	650	900	1,000
1835	650	750	1,000	1,150
1830-35	529	592	833	942
1836	800	1,100	1,200	1,250
1837	1,100	1,200	1,300	1,300
1838	900	1,100	1,175	1,225
1839	1,000	1,150	1,200	1,250
1840	750	775	900	1,000
1836-40	910	1,065	1,155	1,205
1841	600	650	775	875
1842	500	600	700	750
1843	500	550	650	750
1844	500	550	650	700
1845	550	600	650	700
1841-45	530	590	685	755

(continued)

Fugitive Slave Act

**TABLE 4
(continued)**

YEAR(S)	RICHMOND	CHARLESTON	MID- GEORGIA	NEW ORLEANS
1846	\$600	\$650	\$700	\$750
1847	625	700	800	850
1848	650	725	900	950
1849	675	775	950	1,025
1850	700	800	1,000	1,100
1846-50	650	730	870	935
1851	725	825	1,050	1,150
1852	775	850	1,100	1,200
1853	825	950	1,200	1,250
1854	900	1,000	1,250	1,300
1855	950	1,025	1,300	1,350
1851-55	835	930	1,180	1,250
1856	1,000	1,075	1,350	1,425
1857	1,025	1,100	1,450	1,500
1858	1,075	1,150	1,550	1,600
1859	1,100	1,200	1,675	1,700
1860	1,200	1,225	1,800	1,800
1856-60	1,080	1,150	1,565	1,605

Sources: U. B. Phillips, *Life and Labor in the Old South* (Boston: Little, Brown, 1929), p. 177, as estimated visually from the chart, to the nearest \$25, by Robert Evans, Jr., "The Economics of American Negro Slavery," in National Bureau of Economic Research, *Aspects of Labor Economics: A Conference of the Universities—National Bureau Committee for Economic Research* (Princeton, NJ: Princeton University, 1962), p. 199. We have corrected some of Evans's five-year averages.