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2. Abolitionism and the Fugitive Slave Question

THE MOST STRIKING FEATURE OF AMERICAN POLITICS IN the 1850's was the anti-abolitionist outcry of proslavery Southerners and Northern Democrats. To Southerners abolitionists were dangerous incendiaries whose doings furnished the most persuasive grounds for secession; Democrats, in both North and South, felt repugnance for the movement, but at the same time exaggerated its magnitude as the most effective means of discrediting non-Democratic parties.

To discover what kind of fire lay behind this smoke, so far as Philadelphia was concerned, we shall examine legal and illegal activities of local abolitionists. The latter subject leads to analysis of the fugitive slave question.

Philadelphia's abolitionists were divided between two separate organizations, the "Abolition Society" and the "Anti-Slavery Society." The former, founded in 1775, abandoned public conventions in the 1840's and could muster no more than 18 persons for a membership meeting during the secession crisis. Most of its \$2000 annual budget during the 1850's was used to maintain a school for, and otherwise to benefit, local Negroes. The Society's directors,

generally Quakers, were with one exception virtually unknown to most Philadelphians.¹

By far the better known organization was the Anti-Slavery Society. The formation of this association in 1834 had provoked a series of riots during which houses and other property of Negroes were destroyed, abolitionist publications thrown into the river, and the abolitionists' new meeting hall burned.

The Pennsylvania Society may possibly have been influential during the 1840's, but its strength was declining during the succeeding decade. The local abolitionist newspaper had to be suspended in 1854 and the Society's annual expenditures declined one-third from 1856 to 1858.² After 1854 Pennsylvania abolitionists subscribed to the (New York) *National Anti-Slavery Standard*, but the number of such subscribers had fallen 25 per cent by the beginning of 1857. Perhaps 0.3 per cent of the state's white adults in 1857 were abolitionists in the strict sense of the word.³

The leaders of the Anti-Slavery Society were whites of unorthodox religious affiliation, or else Negroes. Lucretia Mott, a nationally known abolitionist, and her husband

¹ The exception was Passmore Williamson, whose renown sprang from the slave case described in text, pp. 51-52.

² Expenditures were \$6,800 (Oct. 1, 1855—Sept. 30, 1856); \$5,700 (Oct. 1, 1856—Sept. 30, 1857); and \$4,600 (Oct. 1, 1857—Sept. 30, 1858). Since the Panic of 1857 struck Philadelphia only on September 25, 1857, the decline in the Society's expenditures was probably not mainly attributable to it.

³ At the beginning of 1857, 750 Pennsylvanians paid for the *Standard*, while about 1000 more received it as non-paying "subscribers." I have guessed that there may have been two abolitionist readers of each paper and that in addition there may have been a few hundred abolitionists who did not read it. Pennsylvania's adult white population in 1860 was 1,350,000.

The Anti-Slavery Society's decline was probably caused by growing consciousness of abolitionism's serious political implications, and by a sense that slavery's existence did not in itself affect Northern interests sufficiently to justify the risk of violent Southern reactions.

James, President of the Pennsylvania Society, were Quakers, as was one of the two vice-presidents. The other vice-president was Robert Purvis, a white-skinned Negro,⁴ and the clerk was William Still, whose father had been a slave in Maryland. The best known minister associated with the Society was William Furness, a Massachusetts Unitarian who came to Philadelphia in 1825. The most active organizer, James McKim, had been a Presbyterian minister in central Pennsylvania before breaking with his denomination during the 1830's.

The state Society's legal activities included conventions, which drew a maximum attendance of 300 convinced abolitionists; the "anti-slavery fair," which attracted a wider public and raised about \$1500 annually; and various types of public lectures. Speakers such as the Boston minister, Theodore Parker, delivered a series of seven lectures at the Anti-Slavery Hall each winter. Abolitionists attracted sustained attention in Philadelphia, however, only in a separate lecture series sponsored by the "People's Literary Institute."⁵ Held in a meeting place much larger than the Anti-Slavery Hall, this series dealt with other topics as well as slavery, and was dissociated in the public mind from the unpopular Society.⁶ Scheduled appearances of the New York abolitionist, George W. Curtis, before the Institute during the crises of 1859 and 1860, therefore, excited

⁴ Purvis was the grandson of a South Carolina slave woman. His grandfather was German-Jewish and both other grandparents were English. Born free in Charleston, he was at an early age sent north where he acquired education and wealth.

⁵ I have no evidence to prove influence by abolitionists upon management of this institute. The *North American*, December 14, 1860, however, implied that it was not really a literary society.

⁶ Democratic hostility toward abolitionism is shown in text, pp. 28-30, 49, 59, 77, 79, 86-91, 108-109, 133, 135-137, 139-142, 148, 157, 166-167, 171. The dislike of most non-Democrats for abolitionism is described on text pp. 35, 77, 88, 91-93, 103, 134, 138. Cf. text, p. 61.

much more interest than was directed toward lectures at the Anti-Slavery Hall.

The peculiar views of the leading local abolitionists are suggested by their refusal to vote in presidential elections, since every President was oath-bound to enforce the Constitution's fugitive slave clause. These abolitionists, wishing to avoid responsibility for the rendition of fugitive slaves, sought to dissolve the union with slave states. The liveliest disputes at the annual conventions arose between officers, such as Vice-President Purvis, and members who dissented from the dominant disunionist view.

Although some members voted in presidential elections, no officer of the Pennsylvania Society cast a ballot for Fremont nor did any contribute money to his campaign.⁷ "The difference between the anti-slavery movement and the Republican Party is one of principle, and is heaven-wide," declared the Society's annual report a few weeks before the 1856 presidential election:

The one is opposed merely to the spread of slavery; the other is opposed to its existence. The one resists the slave system only so far forth as it seeks to extend itself into new territories; the other regards this question of extension as a mere side issue and seeks to cut up the old system by the roots. The one is pledged to respect slavery in the states; the other declares its purpose, with the help of God and good men, to overthrow and abolish slavery in the States. The one boasts that it is 'the white man's party,' and disclaims as a motive of its action, all sympathy with the negro; the other avows itself as primarily the black man's party.⁸

The most famous case involving local abolitionists oc-

⁷ New York *National Anti-Slavery Standard*, October 16, 1858.

⁸ *Bulletin*, October 17, 1856.

curred in 1855 when a North Carolinian, intending to embark from New York for Central America, came through Pennsylvania with three slaves. In 1847 the legislature had withdrawn the right to bring slaves "in transit." A Quaker abolitionist, Passmore Williamson, accompanied by six Philadelphia Negroes, told the slaves they could claim their freedom; a fracas ensued, and the slaves escaped. The local Negroes were then arrested and two convicted of riot. Williamson's denial that the escapees had been in his custody led a Democratic judge to jail him for contempt of court. Pennsylvania's fledgling Republican Party quickly adopted the prisoner as its first candidate for state office but he received less than three per cent of the state's vote. A mass meeting of local Democrats resolved, in 1857, that Pennsylvania should renew its protection of slave property in transit and the issue was taken up again by the *Pennsylvanian* during the secession crisis. Republicans cited the case as evidence that Democrats sought to make slavery a national, rather than merely a Southern, institution.

In addition to the foregoing activities, members of the Anti-Slavery Society were involved in the illegal "Underground Railroad." By way of "stations" in homes of sympathizers, fugitive slaves were sent northward, often to Canada where they were safe from seizure by United States authorities. One of the country's first well-organized underground railroads began in Philadelphia about 1838 with Robert Purvis as "President." Disrupted by the Fugitive Slave Law of 1850, the organization was revived in 1852 with William Still as head of the "Acting Committee" of the so-called "Vigilance Committee." Two other Negroes served on this committee as well as one white man, Passmore Williamson.

If law enforcement officers had felt it expedient to expose

the underground railroad, they could easily have done so; they need only have investigated facts reported in the *National Anti-Slavery Standard*. This paper described in 1857 each of 47 fugitive slaves recently forwarded to Canada.⁹ Names of the members of the Philadelphia Vigilance Committee had been published by the abolitionists, who took pleasure in openly defying the Fugitive Slave Law. Stations on the railroad were not publicly identified but were often located in obvious places—at the home of Robert Purvis, for example, or at the houses of abolitionists such as the Motts. William Furness, the well-known abolitionist minister, was the railroad's most important fund raiser, while the editor of the (Quaker) *Friends' Review* also gave financial assistance. Although Philadelphia's federal officers usually performed their duties faithfully when a fugitive had been located, they never tried to destroy the underground railroad itself.

About 1100 fugitive slaves passed through Philadelphia from 1853 to 1860. The underground railroad was most active from 1855 to 1858, as appears in the following list.¹⁰

⁹ *Standard*, June 27, August 8, 1857. The articles, written by Still, were designed to help separated members of fugitive slave families find each other.

¹⁰ The number of fugitives was as follows:

1853-56	504	(Recorded in William Still's manuscript journal, Pennsylvania Society for Promoting the Abolition of Slavery MSS, HSP.)
1857-60	444	(Recorded in William Still, <i>The Underground Rail Road</i> [Philadelphia: Porter & Coates, 1872], <i>passim</i> .)
1853-56	27	(Estimated number of fugitives not recorded in Still's journal. See CWI, 62n.)
1857-60	126	(Estimated number of fugitives not recorded in Still's published volume. See CWI, 63n.)

Total

1853-60 1101

Philadelphia's underground railroad was probably more active during the 1840's than the 1850's. Robert Purvis stated in 1895 that the road through Philadelphia had carried an average of one passenger a day when he was active. A Delaware Quaker, Thomas Garrett, is said

Estimated Number of Fugitives
on Philadelphia's Underground Railroad, 1853–1860

1853	58
1854	121
1855	158
1856	194
1857	269
1858	141
1859	103
1860	57

Total	1101
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In 1856 half of the fugitives escaped from Maryland, one-third from Virginia, and the rest from Delaware, the District of Columbia, and North Carolina; none came from the seven states which seceded prior to Lincoln's call for troops in April, 1861.

There were three main routes by which slaves reached Philadelphia. Those who lived east of the Susquehanna River were usually forwarded via an underground railroad station in Wilmington. Those who lived west of the river usually crossed the southernmost bridge at Columbia sixty miles west of Philadelphia. Occasionally slaves from North Carolina and Virginia were hidden by ship captains on boats destined northward. On March 25, 1856, for example, 22 fugitives arrived, nearly all by boat. From Philadelphia they were sent either to New York City or along a line leading through Wilkes-Barre to Syracuse, N.Y.

to have helped 2100 fugitives during his many years of activity before and after 1850.

The only accurate estimate of the number of fugitives in the nation as a whole appears in census returns for 1849 and 1859. Philadelphia's experience suggests that the annual national total may actually have been twice as great in the mid-1850's as the census reported for 1859.

Nearly all the escapees in 1856 were under 35 years old, the great majority being in their twenties. About thirty per cent of the fugitives were women and girls. Seven mothers came bringing their children. In four cases men said that they had been separated from their wives by slave sale before escaping.

The fugitives usually said that they had fled because of bad treatment, because of fear of being sold, or simply because of a desire for freedom.¹¹

The legal status of fugitive slaves was governed by a famous clause in the Constitution and by federal and state legislation. The Constitution stated that fugitive slaves from one state might not be freed by laws of other states, but "shall be delivered up on claim" of the owner.¹² The federal law of 1793 permitted claimants to apply to either federal or local courts but did not regulate recovery of fugitives in detail. It did not specify, for example, that a claimant must secure a warrant before seizing a suspected Negro, nor did it make any special provision to prevent kidnapping of free Negroes.

During the country's early years enforcement of this law was left mainly to local officials. Certain justices of the peace were said to have colluded with men who kidnapped free Northern Negroes for sale in the South.¹³ Thirty Philadelphia Negroes were kidnapped and sold during the mid-1820's,¹⁴ whereupon the state legislature enacted strin-

¹¹ William Still, *Journal, Pennsylvania Society for Promoting the Abolition of Slavery MSS*, HSP. The journal is the fullest surviving manuscript record of operations of any underground railroad station in the country.

¹² Article IV, Section 2.

¹³ *North American*, December 8, 10, 11, 1860.

¹⁴ G. M. Stroud, *A Sketch of the Laws Relating to Slavery in the Several States* (Philadelphia: 1856), p. 94, cited in Russell B. Nye,

gent deterrents. The state law required a claimant to secure a warrant before seizing a Negro, and denied justices of the peace jurisdiction over fugitive cases.

In 1842 the Supreme Court declared this law unconstitutional in the well-known *Prigg* case. The court's ruling, based on the principle of federal supremacy over matters within federal jurisdiction, seemed to release state governments from responsibility for enforcing the fugitive slave clause. As the invalidation of the state law reopened the way for kidnapping, the legislature moved again to prevent the practice. The personal liberty law of 1847 manifested a sharpened antislavery spirit. Its provisions are worth analysis for their bearing on the theory of secession.

According to secessionists (and to some non-secessionists as well), the Constitution was a contract between states, and when one group of states violated the terms other states were released from their obligations. Hence, to justify secession, one needed only prove that Northern states had violated the Constitution; the most plausible evidence appeared in the personal liberty laws.¹⁵

The Pennsylvania law of 1847 again forbade kidnapping of free Negroes. While not denying slaveholders the right to seize fugitives, the law banned "tumultuous" seizures and thus offered state officials an excuse for obstruction. Recoveries had to be made through federal courts,

Fettered Freedom (East Lansing: Michigan State College Press, 1949), p. 209. A case of a similar attempt to kidnap a Philadelphia Negro in 1860 is described in the *Ledger*, April 17, 1860.

¹⁵ Secessionists emphasized the contract theory because their movement arose so largely from fear of Negroes' freedom, rather than from nationalistic sentiment such as animated the contemporary movement to unify Italy. Italians could argue simply that their nationality had a right to independence from Austrian rule. American secessionists, unable to rely mainly upon this nationalist doctrine, had to turn to a legalistic theory.

for state courts were denied jurisdiction. State judges, however, were authorized to inquire whether proceedings in the federal courts were legally conducted.¹⁶

This last clause was open to legitimate criticism but had little effect, because probably no state court tried to correct federal proceedings. The law's other provisions can best be assessed in connection with the national Fugitive Slave Law of 1850.

This law specified that the question, whether a seized Negro was a fugitive slave, must be determined speedily by a federal judicial officer, not by a jury. Defenders of the law declared that Northern juries might fail to render fugitives, and that protracted hearings would permit mobs to obstruct justice. The law denied a seized Negro the right to testify. Since a slave was not permitted to testify in his own behalf in a Southern court, it could be argued that he ought not to be rewarded with this right for running away to the North. If the alleged fugitive was really a free Northern Negro, denial of jury trial, requirement of summary procedure, and denial of the right to testify were serious violations of personal right; but successful Philadelphia politicians of the late 1850's did not say so, for they did not care to identify themselves as advocates of Northern Negroes' rights.

Since Philadelphia was the seat of a federal District Court, alleged fugitives seized anywhere in eastern Pennsylvania were brought to the city for hearing. Probably about ten such cases took place during the 1850's. The first Negro captured under the 1850 law, Adam Gibson, was given a summary hearing, adjudged a fugitive, and

¹⁶ A provision of the 1847 law, denying federal officers the use of state jails to imprison alleged fugitives, was repealed in 1852. A further clause, theoretically objectionable but practically of minor significance, abolished a slaveowner's right to sell a slave who had already escaped.

sent to the claimant in Maryland. Gibson was really a free Northerner and the claimant, finding that the Negro sent him was not the slave he had lost, permitted him to return to freedom.¹⁷

In the second case the Democratic judge decided, almost certainly correctly, that the alleged fugitive was not the slave claimed, and therefore freed the Negro.¹⁸

The third case, which occurred in 1851, seemed to defeat the purpose of the new law. Two Maryland claimants, accompanied by federal deputies, tried to seize an alleged fugitive forty miles west of Philadelphia. Negroes and a few white Quakers assembled and one of the claimants, Edward Gorsuch, was killed by a Negro, while the second claimant was badly hurt. The killer escaped to Canada on the underground railroad. About 29 Negroes and three white men were taken to Philadelphia to be tried for treason. The federal marshal, a Whig, finding that two of the Negroes were really fugitive slaves, permitted them to escape. Eventually the rest of the Negroes and whites were acquitted by the Philadelphia jury.¹⁹

This episode naturally discouraged claimants from coming north to find fugitives. James McKim, who was largely responsible for reorganizing the Vigilance Committee in 1852, boasted publicly in New York a few years later that since Gorsuch's death and the defeat of the treason trials, the Fugitive Slave Law was practically a dead letter. Nevertheless, other cases occurred prior to 1856: the Philadelphia Commissioner became known for promptness in returning fugitives to the South.²⁰

¹⁷ *Dispatch*, July 24, 1859. Still, *op. cit.*, p. 349.

¹⁸ Allan Nevins, *Ordeal of the Union* (New York: Charles Scribner's Sons, 1947), I, 385. The judge was the one who jailed the abolitionist, Passmore Williamson. He later upheld the proslavery position during the Lecompton controversy in Kansas.

¹⁹ Still, *op. cit.*, pp. 348-368.

²⁰ *Dispatch*, June 14, 1857; January 15, 1860.

A proceeding in 1857 suggests the tenor of opinion at that time. When federal deputies seized a suspect in central Philadelphia, Negroes were intensely indignant but otherwise there was little stir in the city. The hearing was held in Independence Hall; being told that Negroes had threatened to seize the prisoner, the Commissioner excluded all members of that race except defense witnesses. Thereafter Negroes crowded the street outside, but there were only enough white spectators moderately to fill the court room. Unconvinced by attempts of defense witnesses to prove that the accused had been an indentured servant, the Commissioner remanded him to slavery. Thereupon the Democratic marshal offered \$100 to help purchase the Negro's freedom if abolitionists would contribute; this was a safe offer, since everyone knew that abolitionists refused on principle to pay for a human being's freedom. A large police force was sent to the railroad station that night in case Negroes should try to free the departing prisoner, but no Negroes were to be seen. No Philadelphia newspaper commented on the case editorially except the *Pennsylvanian*, which criticized abolitionists' hypocritical philanthropy in refusing the marshal's offer. The law had been efficiently executed, the case attracted little attention among the white population, and the whole affair was soon forgotten.²¹

There were three more proceedings before the outbreak of war. In December, 1857 an alleged fugitive was seized and quickly sent south, the case attracting practically no public attention.²² In April 1859, however, a new commissioner remained unconvinced of a prisoner's identity and (to the astonishment of abolitionists and Negroes)

²¹ *Standard*, January 24, 31, 1857. *North American*, *Pennsylvanian*, *Bulletin*, *Ledger*, *Journal*, January 17-19, 1857.

²² *Standard*, December 26, 1857.

ordered him released. This man, quickly expedited northward on the underground railroad, was almost certainly a fugitive; it was the first time a Philadelphia judge had made such a release. Apparently the commissioner did not deliberately try to frustrate the fugitive slave law, but conscientiously believed the prisoner's identity insufficiently certified.²³

The final experience was in March 1860, when another captive was ordered south. A crowd of Negroes and three or four white men attempted to rescue him outside the Philadelphia court house, but Mayor Alexander Henry's police beat them off and arrested the leaders, two of whom were convicted by a local jury and given jail sentences. The prisoner was effectually returned to slavery.²⁴

With these cases as background it is easier to assess the effect of the personal liberty law. The Gorsuch killing had indeed discouraged recovery of fugitives. In the late 1850's, however, if a slaveowner could find his slave, he could be fairly sure of assistance from federal officers in Philadelphia. Excepting the Whig marshal in the Gorsuch case, these officers executed the law conscientiously; the single instance of a mistaken release was balanced by the previous condemnation of a free Negro. The personal liberty law had virtually no effect in denying a slaveowner's rights, since the owner had adequate recourse in the federal courts.

The main trouble, from a slaveowner's point of view, was that no one broke up the underground railroad. The Democrats who held federal office during most of the 1850's were certainly not sympathetic with abolitionists.

²³ Doubt as to the prisoner's identity was caused by a receipt book which seemed to indicate that he had been employed in Harrisburg long before the escape of the claimant's slave. *North American, Ledger, News*, April 4-9, 1859. *Dispatch*, April 10, 1859. L.C.M. Hare, *Lucretia Mott* (New York: 1937), pp. 231-232.

²⁴ *North American, Ledger*, March 28-31, 1860. *Dispatch*, April 1, May 27, June 3, 17, 1860.

That they nevertheless refrained from action against the railroad indicates that the public attitude toward abolitionism was more complex than the small number of supporters would suggest.

The critical section of the public in this connection was the large group, mainly non-Democrats, whose attitudes toward abolitionists were neither sympathetic nor thoroughly hostile. The members of this group participated as a matter of course in the habit of looking down on Negroes, and they were content to leave slavery alone as long as it left them alone. Many of them did, nevertheless, feel uncomfortable about slavery, and might be stirred from quiescence if proslavery men should try to jail Northerners for helping fugitives to escape. Local juries might well refuse to convict those who assisted fugitives—especially since the white abolitionist leaders tended to be socially respectable, upper-middle-class people.

Thus, men who had no wish to be involved in abolitionist activities might nevertheless defend agents of the underground railroad from attack. As Democratic voters seem not to have paid the railroad much attention, there was little political advantage for Democratic leaders to gain by attacking it, while there was something to lose by stirring the latent feelings of many non-Democrats. If one day, however, abolitionists should openly sympathize with an inciter to Negro rebellion, the public response would be so antagonistic that Democratic leaders would react vehemently.

Meanwhile, prior to John Brown's raid, it was the dispute over the slaves in the Western territories which most deeply affected local opinion. This important controversy will show, in its clearest form, the operation of the North-South alliance within the Democratic Party.