

**The “Villainous Tribe of Commissioners”:
Reconsidering the 1850 Fugitive Slave Law’s Chief Enforcers**

Honors Prospectus
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Introduction

In early 1853, an abolitionist editor offered some pointed suggestions for President-elect Franklin Pierce as the pro-slavery Democrat went to work assembling his cabinet. There were plenty of “worthies who should not be overlooked,” he sniped, including a group of Federal officials known as U.S. Commissioners, imbued with sweeping powers under the controversial new Fugitive Slave Law to decide the fate of runaway slaves. As he prepared his searing critique, this anti-slavery journalist could readily draw on the names of the law’s most infamous enforcers. “Where are Ingraham of Philadelphia, Hall of New York, Curtis of Boston, and Smith of Buffalo?” With biting sarcasm, he posited that “these men... should compose Pierce’s cabinet,” or otherwise “a new Department will be opened at Washington, and they appointed keepers of the kennels.”¹

Most Northern readers would have recognized the names of Philadelphia’s Commissioner Edward Ingraham, New York’s Charles M. Hall, Boston’s George Ticknor Curtis and Buffalo’s Henry K. Smith. As the chief enforcers of the Fugitive Slave Law of 1850, all four men had become embroiled in controversy for their efforts to carry out the contentious statute and return alleged runaways to slavery. Throughout the 1850s, abolitionists cast about for the words to describe the “villainous tribe of Commissioners,” reserving their worst vitriol for these “omnipotent slave-catching commissioner-judges.”² Yet despite their fearsome reputations and virtually unmatched judicial powers, their names are largely absent from the voluminous literature on the law. No commissioner has received a modern biographical treatment, and just

¹ Quoted in *Pennsylvania Freeman*, January 20, 1853.

² “Another Deed of Darkness,” *Pennsylvania Freeman*, December 11, 1851; “Judge Jay on the Bloodhound Bill,” *The North Star*, October 31, 1850.

one—Boston’s George Curtis—is profiled in the extensive *American National Biography*. Even the most comprehensive work on the law, Richard Blackett’s *The Captive’s Quest for Freedom* (2018), overlooks at least eight commissioners. Through the lens of a group biography, this proposal aims to understand commissioners as fully human actors and situate them in the broader context of the law’s enforcement. What sort of men composed this “villainous tribe,” and just how effective were they at scorning public opinion and enforcing the law? This project will attempt to reconstruct the turbulent struggle over the law through the perspective of its enforcers, offering insights about the law’s effectiveness and how the Federal government’s efforts to enforce the statute were complicated by the realities on the ground.

Background

How many commissioners were there handling fugitive slave cases in the 1850s? A preliminary count identifies some 24 individuals (see appendix). Although some historians have misread the fine print and credited the 1850 law with creating commissioners, the position had actually been in existence since 1793, when Congress empowered the U.S. Circuit Courts to appoint “discreet persons learned in the law” to perform relatively routine judicial tasks, such as taking bail and affidavits. However, these “low-level quasi-judicial” officers would assume newfound importance with the passage of the Fugitive Slave Law of 1850.³

Although the slave owner’s right to recapture runaway slaves was enshrined both in Article 4 of the U.S. Constitution and an earlier 1793 Fugitive Slave Law, the process of actually

³ Charles A. Lindquist, “The Origin and Development of the United States Commissioner System,” *The American Journal of Legal History*, 14:1 (January 1970): 4-5; Steven Lubet, *Fugitive Justice: Runaways, Rescuers, and Slavery on Trial*, (Cambridge, MA: Harvard University Press, 2010), 40-42.

recapturing an escaped bondsman proved far more complex. Throughout the first half of the 19th century, most Northern states enacted so-called Personal Liberty Laws that frustrated, delayed and ultimately obstructed the process of recaption. While the Supreme Court declared many of these state laws to be unconstitutional in *Prigg v. Pennsylvania* (1842), the ruling also stipulated that the Federal government, not individual states, was responsible for enforcing the 1793 law. In response, Northern legislatures were quick to adopt a hands-off approach, enacting a new round of Personal Liberty Laws that distanced state officials from involvement in fugitive slave cases, and prevented slaveholders from using state jails to detain runaways.⁴ By the late 1840s, Southern politicians and editors were demanding a more stringent Federal law that would streamline the process of returning fugitive slaves and stifle the numerous forms of resistance—both legal and extralegal—that abolitionists had wielded to great effect.

Largely from the pen of Virginia Senator James Mason, the new fugitive slave bill emerged as part of what ultimately became known as the Compromise of 1850. Wary of Northern state officials who routinely balked at the prospect of returning runaways, Mason instead turned to Federally appointed U.S. Commissioners. The 1850 law encouraged the hiring of additional commissioners, while also drastically expanding their powers. Mason's bill dispensed with lengthy jury trials, wresting the fate of fugitive slaves from potentially sympathetic free state juries and placing it squarely in the hands of a U.S. Commissioner. To ensure efficiency, the commissioner would have the sole authority to adjudicate fugitive slave cases, and once rendered his decisions were final, without the possibility of appeal. With this

⁴ Paul Finkelman, "The Appeasement of 1850," in Paul Finkelman (ed.), *Congress and the Crisis of the 1850s*, (Athens, OH: Ohio University Press, 2012), 69-70.

national network of enforcers, Mason envisioned a law with the “teeth” that he and his Southern colleagues felt were sorely lacking from its 1793 predecessor.⁵

Many Northerners chafed under the law’s blatantly pro-Southern provisions. Accused fugitives were not even allowed to testify on their own behalf, and the law provided few if any protections to ensure that free blacks were not kidnapped and railroaded into slavery. On top of that, outraged abolitionists denounced the pay scale outlined for commissioners, who were to receive double the amount for remanding an individual to slavery as they would for ruling in favor of freedom.⁶ “These Judges are to be appointed for the express and only purpose of catching negroes,” concluded the anti-slavery lawyer William Jay, “and the amount and condition of their reward, indicate the character of the men, who it is expected will accept the infamous office.”⁷ Far from giving African-Americans a fair hearing, the law was intended to return alleged runaways as efficiently as possible.

Across the North, African-Americans and many white anti-slavery activists counseled resistance. Black leaders went to work forming vigilance committees, and vowed to use violence if necessary to stymie the law’s enforcement.⁸ Abolitionists frequently made individual commissioners the target of their relentless diatribes against the law, demonstrating how vital these individuals were to the law’s success or failure. Philadelphia’s Commissioner Edward Ingraham was no peripheral player in the battle over the law, judging by the way the city’s

⁵ Richard Blackett, *The Captive’s Quest for Freedom: Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery*, (New York: Cambridge University Press, 2018), 5-7.

⁶ *New York Independent*, quoted in “Austrianism again in Pennsylvania,” *Frederick Douglass’ Paper*, November 13, 1851.

⁷ “Judge Jay on the Bloodhound Bill,” *The North Star*, October 31, 1850.

⁸ Blackett, *The Captive’s Quest*, 15-21.

abolitionists greeted his 1854 death as a “Providential deliverance and one to be acknowledged with devout gratitude.” Reflecting on Ingraham, anti-slavery leaders were forced to concede the wide latitude and expansive powers commissioners possessed over alleged fugitives. “As a commissioner,” lamented Philadelphia abolitionist Octavius Catto, “no poor creature that was brought before him ever found a ray of mercy.”⁹ Although relatively obscure in the scholarship on the law, contemporaries recognized the key role played by the “slave-catching and freeman-kidnapping commissioners,” who “sit singly to hear and determine without appeal” the fate of men, women and children claimed as fugitive slaves.¹⁰

Historiography

Despite their contemporary standing, commissioners have received remarkably little attention in the scholarship on the law. The earliest histories that touched on the law focused on the Northern public’s hostile reaction to the 1850 statute, containing only a few brief references to individual commissioners. In the first volume of his *History of the United States* (1896), James Ford Rhodes concludes that the law was so repugnant to Northern sensibilities that it was never meaningfully implemented. Relying heavily on abolitionist accounts, Rhodes mentions just two commissioners—George Curtis and Edward Loring, both from Boston.¹¹ The opening volume of Allan Nevins’s classic *Ordeal of the Union* (1947) similarly argues that the law became

⁹ “Ingraham, the Slave-Commissioner, Dead,” *National Anti-Slavery Standard*, November 11, 1854.

¹⁰ *Remonstrance to the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts*, (Boston: n.p., 1861), 5.

¹¹ James Ford Rhodes, *History of the United States from the Compromise of 1850*, (New York: Harper & Brothers, 1896), 1:185-188, 209, 500.

practically unenforceable as Northern public opinion mounted against it. Like Rhodes, Nevins names only the two Boston commissioners.¹²

The historiography of the law took a dramatic turn with the publication of Stanley Campbell's groundbreaking study *The Slave Catchers* (1970). Drawing on government documents and newspaper coverage from major Northern cities, Campbell argues that the law was faithfully and effectively enforced by U.S. Commissioners, and asserts that scholars had greatly exaggerated the extent of Northern resistance. The vast majority of fugitives who appeared before a commissioner (82.2%) were remanded to slavery, he claims. Cementing his influence, Campbell provides scholars with an invaluable appendix, recording some 332 fugitive slave cases between 1850-1860. While heavily grounded in statistics, Campbell's tome offers relatively few details about the commissioners themselves, mentioning only five by name.¹³

Although Campbell's work has largely dominated the historiographical landscape in the decades following its publication, in recent years his thesis has come under increasing scrutiny. Beginning in the 1990s and early 2000s, a new wave of slavery revisionism emphasized abolitionist resistance to the law. Monographs such as Garry Collison's *Shadrach Minkins* (1997), Albert von Frank's *The Trials of Anthony Burns* (1998) and Milton Sernett's *North Star Country* (2002) profiled famous cases under the law, highlighting rescue attempts and defiance of the Federal statute in abolitionist strongholds. Later, Stanley Harrold's *Border War* (2010) refocused historical attention on the contentious border regions dividing free and slave states, situating the border as the site of intense political, legal and even physical conflict over slavery.

¹² Allan Nevins, *Ordeal of the Union: Fruits of Manifest Destiny, 1847-1852*, (New York: Scribner, 1947).

¹³ Stanley Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850-1860*, (Chapel Hill: University of North Carolina Press, 1970), 199-207.

Resistance to recaption efforts and the law itself was not limited to a few abolitionist enclaves, Harrold argues, but rather was pronounced and widespread throughout much of the North, including in the border states of Pennsylvania, Ohio, Indiana and Illinois. Far from Campbell's depiction of faithful enforcement, Harrold claims that Federal and Northern officials often worked to sabotage and stifle the law's implementation. However, his chapter on the Fugitive Slave Law mentions just one of the statute's enforcers by name.¹⁴

Following this trend, recent literature has explored the ways in which the law was resisted. In *Fugitive Justice* (2010), Steven Lubet argues that abolitionist legal strategy evolved throughout the decade of the 1850s to mirror a changing public opinion. In a similar vein, Eric Foner's analysis of New York's Underground Railroad network, *Gateway to Freedom* (2015), reconstructs both the legal and clandestine operations that New York's Vigilance Committee used to undermine the law. In chronicling several of the city's fugitive slave cases, Foner identifies New York commissioners Alexander Gardiner and George W. Morton, though he provides few additional details about them.¹⁵

The most recent scholarship shifts the historiographical focus from Northern abolitionists to fugitive slaves themselves. Andrew Delbanco and Richard Blackett argue that fugitive slaves precipitated the fierce conflict over the law through continued escape efforts and resistance to Federal authorities and slaveholders who sought to recapture them. Delbanco's *The War Before the War* (2018) suggests that by continuing to escape and defy the law, fugitive slaves brought about a moment of reckoning that forced previously ambivalent Northerners to reconsider their

¹⁴ Stanley Harrold, *Border War: Fighting over Slavery before the Civil War*, (Chapel Hill: University of North Carolina Press, 2010).

¹⁵ Eric Foner, *Gateway to Freedom: The Hidden History of the Underground Railroad*, (New York: W.W. Norton, 2015).

complicity in slavery.¹⁶ Blackett's recent work, *Making Freedom* (2013) and his magisterial study of the 1850 law *The Captive's Quest for Freedom* (2018), pits freedom seekers and their Northern allies against commissioners attempting to enforce the statute. In doing so, Blackett resurrects commissioners as central actors in the fight over the law, noting that they possessed "unrivaled" judicial powers that could only be thwarted by "constant public protests and pressure from the black community and their abolitionist allies."¹⁷ Further complicating Campbell's thesis of faithful and effective enforcement, Blackett shows that the Circuit Courts struggled to find individuals willing to endure the firestorm of public backlash, leaving large swaths of the North without a commissioner to enforce the law.

Yet while Blackett demonstrates the importance of commissioners and briefly profiles several of the law's key enforcers, there remains significantly more to learn about these controversial Federal officers. Only a select handful of commissioners even appear by name in the extensive literature on the law, and no scholar has yet attempted to compile rendition statistics by commissioner. Most historians continue to cite Campbell's appendix for figures about the law's enforcement—which includes just the date and location of the rendition as an identifier—leaving a shallow understanding of the turbulent human forces at play as fugitive slaves and abolitionists sought to unnerve and foil the powerful commissioners on whom the law's success depended. While most recent scholarship has highlighted resistance to the law through the lens of abolitionists and fugitive slaves, this proposal aims to explore the perils and pitfalls of the law through the perspective of its enforcers. Bridging this historiographical gap

¹⁶ Andrew Delbanco, *The War Before the War: Fugitive Slaves and the Struggle for America's Soul from the Revolution to the Civil War*, (New York: Penguin Press, 2018).

¹⁷ Blackett, *The Captive's Quest*, 64.

promises to offer new insights about the law's effectiveness and an understanding of commissioners as pivotal actors in the struggle over the law.

Vision for Research

Although national in scope, I remain confident that this proposed project is viable. First and foremost, my work on Commissioner Richard McAllister, which began during the Fall 2017 semester and continued into the Spring 2018 semester as an independent study, offers a template for how to analyze other commissioners. My research produced both a website and a paper, which was presented at two academic conferences—Temple University's Underground Railroad and Black History Conference and the University of Pennsylvania's McNeil Center Undergraduate Research Workshop—and in a public lecture to the Harrisburg Civil War Round Table.¹⁸ The paper will also be published as a forthcoming e-book by the House Divided Project. While Richard Blackett provides a relatively detailed description of McAllister in his two books, my research was able to gain additional insights into McAllister's mindset and motivations, as well as the social and financial pressures which forced him to resign. Through amassing his rendition statistics, I also demonstrated how prolific and aggressive McAllister was in comparison to other commissioners.

By adopting a similar framework to treat commissioners as a group, this proposal seeks to reveal new insights about the nature of the law and the realities on the ground impacting its enforcement. How did commissioners navigate the concerted abolitionist campaign to derail both them and the law's implementation? Were a select handful of commissioners responsible for the

¹⁸ See the web project, "Fugitive Slave Commissioner: Richard McAllister," <https://richardmcallister.weebly.com/>.

lion's share of the fugitives returned under the statute? Was the law as fearsome and far-reaching as some abolitionists contended, or was its enforcement highly uneven, and concentrated in localities where an effective commissioner managed to subdue any resistance to the law?

One of the first steps towards answering these questions will be to compile a list of commissioners. As mentioned earlier, there were at least 24 individuals handling fugitive cases during the 1850s, however no comprehensive list of commissioners exists. As part of my internship this summer at the House Divided Project, I will be helping to create a new database of fugitive slave commissioners and their cases, which should prove extremely useful during the course of my research.

In terms of primary sources, the extensive newspaper coverage of fugitive slave cases during the 1850s will be crucial. Beyond providing essential details about cases, newspapers occasionally ran full-length transcripts of the rendition hearings, and editors frequently chimed in with their own commentary about the law and the commissioners enforcing it locally. In addition to local presses, abolitionist serials such as the *Pennsylvania Freeman*, *Frederick Douglass' Paper*, the *National Anti-Slavery Standard* and *The Liberator* regularly reported on commissioners and their activities, and often provided the most scathing denunciations of the law's enforcers. Fortunately, troves of antebellum newspapers are digitized and searchable through online databases. This proposal aims to harness these, along with other relevant papers that are available on microfilm at nearby repositories or through inter-library loan (see bibliography).

As they heard cases, commissioners also left behind a paper trail of legal documents and official correspondence pertaining to the law and their efforts to enforce it. Many of these

records are housed at the National Archives branches in Philadelphia and Washington D.C. (see bibliography). I plan to visit these locations in person, which should be manageable given that both are within a three-hour drive of Dickinson. Additionally, the Maryland and Missouri state archives hold letters from commissioners who wrote to Southern governors, seeking to curry favor and obtain resources and support (see bibliography). During the course of my research, I hope to identify more of this correspondence, and work with archivists to obtain scans of these documents.

Finally, it will be crucial to learn more about individual commissioners through adopting a biographical approach. Reconstructing their personal backgrounds will help humanize commissioners and provide insights into their motivations for accepting the controversial post, and how they went about implementing the law. For biographical material, I plan to draw on the multitude of county and local histories that are digitized and available online through Google Books, HathiTrust and other databases, while also working to identify personal papers and other archival material that commissioners left behind. For this, I will need to focus my research on state, county and local repositories in places where commissioners operated, conducting online research as well as communicating with archivists to inquire about their holdings and obtain scans of relevant manuscripts.

Conclusion

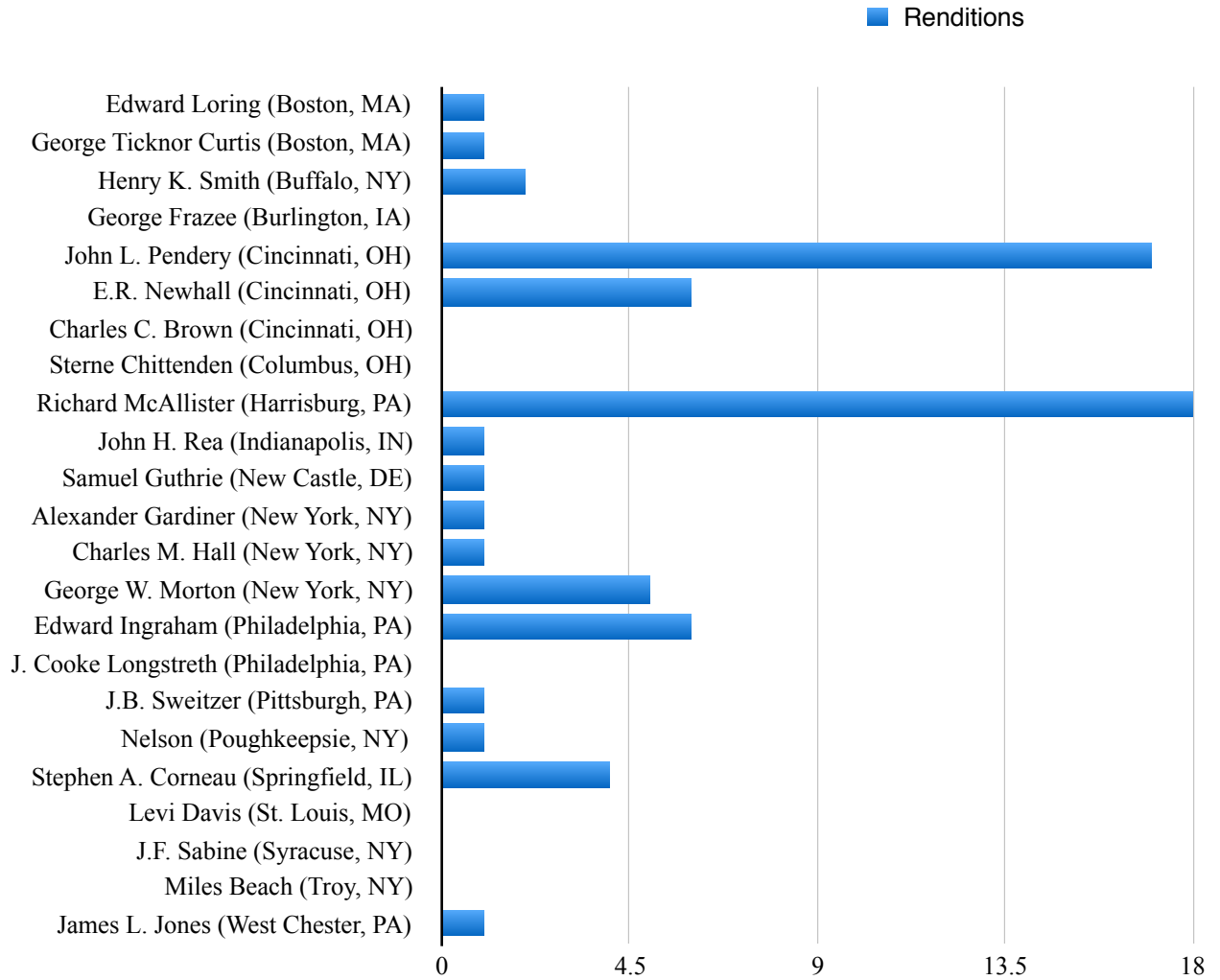
In October 1851, members of the Pennsylvania Anti-Slavery Society gathered in Philadelphia to assess the impact of the new Fugitive Slave Law, now just over a year old. They began by acknowledging the “humiliating fact” that Pennsylvania “has furnished more victims to

the Fugitive Slave Law, than all the other States of the Union put together.” As they pored over the litany of renditions from the past year, the Pennsylvania abolitionists were also quick to note the unevenness of the law’s enforcement within the state. “Nearly all” the fugitive cases had occurred in either Philadelphia or Harrisburg. The reason behind this was clear—in those locales were two aggressive fugitive slave commissioners, Richard McAllister in Harrisburg and Edward Ingraham in Philadelphia. “These men have rendered their names pre-eminently infamous,” the society declared in its *Annual Report*, “by the indecent readiness with which they have performed the odious functions of their office.” Recognizing that commissioners were imperative to the law’s enforcement, the leaders of the Pennsylvania Anti-Slavery Society were confident that “the future historian in his study of the bloody assizes of 1851... will find in the records, the names... of Ingraham... McAllister... and others.”¹⁹ Yet at present there is no comprehensive list of these controversial figures, nor an understanding of how their aggressiveness shaped the patterns of the law’s enforcement on the ground. This proposal aims to rectify this historiographical gap, providing statistics that will shed new light on the law’s effectiveness and reveal commissioners as pivotal players in the intense struggle between slavery and freedom.

¹⁹ *Fourteenth Annual Report, Presented to the Pennsylvania Anti-Slavery Society, by its Executive Committee*, (Philadelphia: Anti-Slavery Office, 1851), 10-11.

Appendix 1

Preliminary Chart of U.S. Commissioners, 1850-1864



Working Bibliography

Primary Sources

Select Newspapers and Databases

Accessible Archives (available through Waidner-Spahr Library)

The North Star (1847-1851)

Frederick Douglass' Paper (1851-1855; 1859-1863)

The Liberator (1831-1865)

National Anti-Slavery Standard (1840-1870)

Black Abolitionist Papers (available through Waidner-Spahr Library)

Chronicling America, Library of Congress (free database)

Anti-Slavery Bugle (1845-1861)

Genealogy Bank (subscription database)

Pennsylvania Freeman (1836-1854)

Newspapers.com (subscription database)

Pennsylvania Civil War Era Newspaper Collection (free database)

State Library of Pennsylvania, Harrisburg, PA (microfilm)

Harrisburg *Keystone* (1849-1857)

Whig State Journal (1851-1853)

Archival Collections

Clinton Special Collections, Tutt Library, Colorado College, Colorado Springs, CO

U.S. Commissioner John Ludlow Pendery Typed Autobiographical Statement

Historical Society of Dauphin County, Harrisburg, PA

Simon Cameron Papers (correspondence with U.S. Commissioner Richard McAllister)

Maryland State Archives, Annapolis, MD

Governors Papers (correspondence with U.S. Commissioner Richard McAllister)

Missouri State Archives, Jefferson City, MO

Governors Papers (correspondence with U.S. Commissioner Edward Ingraham)

National Archives and Records Administration,
Philadelphia, PA:
Record Group 21, Records of District Courts
Washington D.C.:
Record Group 217, Settled Miscellaneous Treasury Accounts

Beinecke Rare Book and Manuscript Library, Yale University, New Haven, CT
John White Geary Papers, MSS 212

Books & Pamphlets (available online)

**May, Samuel J. *The Fugitive Slave Law and its Victims*. New York: American Anti-Slavery Society, 1861.

On the eve of the Civil War, abolitionist Samuel May compiled a listing of cases under the Fugitive Slave Law of 1850. Although not exhaustive, it serves as an excellent reference for researching individual cases.

Phillips, Wendell. *Argument of Wendell Phillips, Esq. Before the Committee on Federal Relations, In Support of the Petitions for the Removal of Edward Greely Loring, from the Office of Judge of Probate*. Boston: J.B. Yerrinton & Son, 1855.

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**Churchill, Robert H. "When the Slave Catchers Came to Town: Cultures of Violence along the Underground Railroad." *The Journal of American History* 105, no. 3 (December 2018): 514-537.

Building on Stanley Harrold's work, Churchill argues that Northern border communities were routinely at odds with Southern slaveholders and agents seeking the return of runaway slaves, largely due to clashing cultures and different sets of expectations and norms. In response to the

violent nature of Southern attempts to subdue fugitive slaves, Northern communities adopted their own “culture of violence” against slaveholders and their agents. Although Churchill’s piece spans from the 1830s-1850s, it should prove useful when considering Northern attitudes towards commissioners.

Collison, Gary. *Shadrach Minkins: From Fugitive Slave to Citizen*. Cambridge, MA: Harvard University Press, 1997.

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- Reinhardt, Mark. *Who Speaks for Margaret Garner?* Minneapolis: University of Minnesota Press, 2010.
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- Revisiting the case of Edward "Ned" Davis, a fugitive slave remanded by Commissioner Samuel Guthrie of New Castle, Delaware, Robinson's piece will be important to consider going forward, although her main focus remains on Davis.
- Sernett, Milton C. *North Star Country: Upstate New York and the Crusade for African American Freedom*. Syracuse, NY: Syracuse University Press, 2002.
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- Smith analyzes how the escape of fugitive slaves across the Mason-Dixon line helped shape the conversation over slavery along the Pennsylvania border. Drawing extensively on census data, court records and local newspapers, Smith shows the wide range of conflicting attitudes towards the Fugitive Slave Law and the seizure and return of runaway slaves.
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