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Factors That Led to and Enhanced the Business of Kidnapping

A sequence of factors contributed to the prevalence of the crime of kidnapping free people and profiting from their sale as slaves. Measures undertaken for political reasons added to the profitability of such crimes, as well as to the relative safety that kidnappers enjoyed. Economic development in the South escalated the value of kidnappers' ill-gotten "merchandise." Legal protection available to victims was limited by court decisions. Over time, kidnapping became a lucrative business for immoral individuals to pursue, generally with little accountability for their actions.

THE CONSTITUTIONAL PROVISION FOR RETURN OF FUGITIVE SLAVES

A number of northern states had abolished slavery prior to the drafting of the U.S. Constitution, and, out of concern that these states would become places of sanctuary for slaves who had deserted their masters in the south, a clause was included in the Constitution to satisfy the slaveholding states that escaped slaves would be returned.[1]

Thus, Article IV, Section 2, includes the following clause, which was added "without debate or formal vote."[2] "No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due."

Kidnappings of free persons were in no way authorized by this provision of the law of the land, but they certainly occurred in the years following the adoption of the Constitution. Owners of slaves who had escaped often offered rewards, hoping that they would be

returned to them. Owners also sometimes hired others to go to other states to find and retrieve their "property." This provided monetary incentives for slavecatchers, who might not have felt the need to carefully verify that the person they brought back was in fact the person who had escaped (so long as the person was considered an acceptable replacement by the owner).

THE 1793 FUGITIVE SLAVE LAW

Clarification of the legal process for returning fugitive slaves was sought after the governor of Virginia refused to honor a 1791 request from the governor of Pennsylvania, who sought the extradition of three men who had allegedly kidnapped a black man named John Davis. These three Virginians were not kidnappers, according to Virginia, but merely men who had, according to law, recaptured a runaway slave.

The squabble between the two states dragged on for some time, with Virginia eventually arguing—as justification for not turning over the kidnapping suspects—that citizens of Pennsylvania had been "seducing and harboring" slaves that belonged to her citizens.[3] President George Washington apprised Congress of the matter, and Congress eventually acted. During the legislative process, versions of the bill contained wording that would have provided some protection for free blacks wrongly accused of being fugitive slaves, but in the end, these measures were dropped from the law that was enacted and signed in 1793.[4] The northern legislators "appear to have failed to appreciate the dangers that slavehunting posed to both free blacks and antislavery whites."[5]

A person apprehending a slave could go before a federal or state judge, or a mere magistrate of a municipality. Minimal proof that the seized person in fact was the property of the claimant was required; an oral statement to that effect was adequate.[6] In an ultimate irony, even John Davis, the man whose claim to freedom had some validity, and whose case had prompted the federal legislation, was not saved from slavery. He lived in bondage for the remainder of his life.[7]

With minimal obligation on the part of slaveowners (or those working on their behalf) to prove that a captured person was actually an escaped slave (and, in fact, the slave being sought), and given the prospect of financial gain, either from the restoration of a piece of valuable property, or the receipt of a reward or payment for slavehunting services, there was certainly adequate incentive to encourage the kidnapping of free persons. Clearly, it took place. Some states enacted

"personal liberty laws" to provide some measure of protection against such abuses, by giving individuals accused of being fugitives their day in court.[8]

THE 1808 BAN ON IMPORTING SLAVES INTO THE UNITED STATES, AND ITS EFFECT ON THE SUPPLY OF SLAVE LABOR

Article I, Section. 9 of the U. S. Constitution reads:

"The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person."

It is not at once evident, thanks to its couched wording, that this constitutional language is about slavery, but the "such Persons" referred to included slaves. By this provision, the southern states were assured of being able to bring slaves into the country for 20 years: Congress could not ban the trade during that period. Congress could, and did, restrict other aspects of the slave trade. In 1794, it prohibited exporting slaves from the United States to other countries, and in 1803, it forbade the importation of slaves into states where slavery had been abolished.[9]

Finally, in 1807, as the constitutional time constraint expired, the importation of slaves into any of the United States was prohibited: after January 1, 1808, it was against federal law to bring slaves into the country, "under heavy penalties." This major step forward in the elimination of slavery in America had an unfortunate side effect, however. In a description of an 1817 kidnapping case, a legal publication provided this historical background:

> The importation of slaves into the United States being thus prohibited, and, in many of the states, slavery having been in a measure abolished, and high rewards being offered for slaves in the southern states, the practice of kidnapping was commenced, and has been carried to an alarming height. Fraud, force, and cunning, on the part of the kidnappers, have been successively employed in procuring persons of colour for the southern market, from the middle and northern states. Persons of colour, whether slaves, servants, or freemen, have been forced, stolen, or inveigled, and carried in droves, manacled with fetters, to the southern states. On the lines between the southern and middle states, free people of colour have frequently by stratagem, or force, been dragged away from their relations and friends, carried into a foreign land and made slaves.[10]

Though slaves were still brought in, contrary to law,[11] the ban on importation surely had some impact on the supply of slaves. With downward pressure on supply, upward pressure would be expected on the prices of slaves. "The ban increased the value of slaves ... and encouraged kidnappers from the Border South to prey on free African Americans in the Lower North."[12]

INVENTION OF THE COTTON GIN

With the 1793 invention of the cotton gin, and its adoption in many southern states, the cultivation of cotton expanded into interior areas where cotton had not previously been grown. With this expansion came increased demand for labor, and slave labor was preferred. The willingness of buyers in the Deep South to pay high prices led to an influx of enslaved African American laborers into the region.[13]

Between 1820 and 1860, there was an involuntary migration of nearly one million blacks from states in the upper South to the Deep South, a migration that was supported by "a well-organized internal slave trade."[14] Some of the increased demand for forced labor was no doubt met by natural reproduction among slaves, perhaps with encouragement of this trend by slaveowners.[15]

These developments added to the practice of kidnapping free blacks in several ways. Prices for slave labor rose (making illicit slavetrading more enticing),[16] the system for moving slaves from place to place enabled surreptitious transportation of kidnapped individuals away from areas where they were known or could be located, and the increased value of a slave made it less likely that a purchaser would readily give up a person whom he might suspect (or know) had been enslaved and sold contrary to law.

THE *PRIGG V. PENNSYLVANIA* DECISION

States in the North, having observed that federal judges would permit slaveowners or their agents to take persons claimed as runaways out of their jurisdictions, had enacted personal liberty laws. Such laws made it illegal for fugitives to be removed without following proper state judicial procedures. Though such procedures surely prevented many free citizens from being sent into bondage upon little firm evidence, they also frustrated efforts by legitimate owners to reclaim their property. "Despite their rights under federal law, slaveholders found it

virtually impossible to recover their runaways through state court proceedings."[17]

The U.S. Supreme Court decided the case of Edward Prigg in 1842. Prigg had been hired to find and return a fugitive to a Maryland slaveowner, but was arrested and convicted when he removed the person from Pennsylvania without following the process called for by the laws of that state. The Supreme Court's ruling bore on the issue in two ways: the states had no role in returning fugitives, as the Constitution clearly placed that function in the hands of the federal government; and, because it fell under the jurisdiction of the federal government, states could not be compelled to use their resources—policemen, magistrates, and judges—to support the process of capturing, detaining, and returning fugitives.

The Pennsylvania statute under which Prigg had been convicted[18]—and similar personal liberty laws in other states—was therefore unconstitutional. Tossed out along with these laws was the protection that they had offered to free people who were either misidentified as runaways or who were kidnap victims held out as fugitives. This made the work of kidnappers that much easier.

Because the Supreme Court's decision also said that it was the federal government's responsibility to see that escaped slaves were restored to their owners, the states could not be compelled to use their own resources in connection with this function.[19] Those states in the antislavery camp could complicate (if not prevent) slave renditions by forcing slavecatchers to do their own work in locating and apprehending missing chattels.[20]

State and local officials—who were in better positions to have local knowledge that alleged fugitives were actually free persons (who may have been born free or manumitted)—were not to be involved in the whole process. People accused of being runaways would be taken before harried federal officials, who might not have the time, inclination, or community knowledge to do anything other than accept the word of the claimants—and to ignore the protestations of those individuals on the verge of being wrongfully enslaved.

THE 1850 FUGITIVE SLAVE LAW

The passage of a new Fugitive Slave Law, as part of the Compromise of 1850, added to the hurdles faced by free blacks who wished to retain their liberty. In theory, it merely built upon the Constitutional provision for the return of runaways and the 1793 law. Though defenders

of the new law pointed out that safeguards were available to keep kidnapped freemen from being enslaved, the language employed in the statute was open to a different interpretation.

With state and local courts having been removed from dealing with fugitive slave matters by the *Prigg* decision, the 1850 law spelled out how federal officials would proceed in these cases. A slaveowner seeking the return of a runaway began by swearing out an affidavit that a particular slave had escaped, and that the owner actually had a legal right to the slave. This was to be done in the place where the owner resided, before officials possibly known personally by the owner, and who surely were interested in supporting the legality of the concept of slaveownership.

The paperwork was to include "a general description of the person so escaping, with such convenient certainty" as possible. The owner, or an agent working on behalf of the owner, was then to travel to the state where the runaway was thought to be, and to pursue one of two options: to present the paperwork to a federal commissioner or judge and obtain assistance in apprehending the escapee, or to seize the person and then go before a federal official. The official could accept the paperwork (referred to as "the record") and turn the person over to the claimant, or could request "other and further evidence if necessary, either oral or by affidavit," in order to establish "the identity of the person escaping."

When the claim was substantiated to the satisfaction of the official, the claimant could go home with his recovered property and could even, if he feared an attempt to rescue the slave was imminent, have the person transported back by the federal government.

Despite the relatively low standard of proof necessary to establish that the person apprehended was indeed the escaped slave, the claimant was not absolutely required to produce a "record," as the law provided that, if he did not, "the claim shall be heard and determined upon other satisfactory proofs, competent in law."

There was no requirement for a *habeas corpus* hearing, nor any sort of trial before the person was delivered up to the claimant. U.S. Senator Stephen A. Douglas (a proponent of the 1850 law) claimed that such protections were not ruled out, but that such procedures could be carried out in the slave state to which the fugitive was being returned.[21]

The law stacked the deck against an alleged fugitive in other ways. The person himself could not testify: "In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence." If the accused had to be detained for a time while an official considered his case, various expenses including those for "keeping the fugitive in custody, and providing him with food and lodging"

could be run up, and these were payable by the claimant—who therefore had an interest in keeping the proceedings as brief as possible.

Financial inducements could have influenced decisions in these cases. The federal officials—commissioners or judges—were paid for handling cases of fugitives. They received $5 for cases where the accused person was released, and $10 when the person was restored to the owner, creating at least the semblance of "bribing" officials to decide against the fugitive. Federal marshals, if brought in on a case, were personally liable for the value of any fugitives who escaped their custody for any reason.

The new law was detested by many. At a Whig convention in 1850, it was called the "law for the encouragement of kidnapping." That phrase was also used by a Michigan antislavery society, who also noted that "in its execution, the liberties of all our citizens, irrespective of color or condition, are endangered, wherever an individual can be found base enough to commit perjury."[22]

In 1852, the Democratic Party Convention was criticized for pledging to "abide by a law that abolishes jury trial, allows *ex parte* evidence, creates swarms of petty officers to enforce it, gives a double compensation to find every claim set up in favor of the master, and pays the expenses of returning fugitives from the public Treasury."[23]

The 1850 law meant, according to scholars James Oliver Horton and Lois E. Horton, that: "Any black person could be judged a fugitive, taken south and sold into slavery." The law encouraged slave hunters who "worked alone or in gangs to make easy money by kidnapping blacks and selling them south." One criminal, who kept a diary, "had little regard for whether his victim was truly a fugitive or simply an African American who might be accepted by a slaveholder."[24]

Under the act, "nothing could prevent a slaveowner or his agent from coming up to any Negro on the streets of any Northern city and accusing him or her of being a sought runaway," and the person could be taken based on evidence in "certificates . . . issued by state courts in the South to claimants without the slightest evidence."[25] One example of how easily a free person could be identified as a runaway can be seen in the case of Adam Gibson, who was taken up—not long after the 1850 law took effect—as a fugitive in Philadelphia. A commissioner surrendered him "with indecent haste" to a slavecatcher. Gibson was delivered to his supposed owner in Maryland, who "refused to receive him, saying he was not the man."[26]

The Fugitive Slave Law had its defenders, who minimized the consequences it might have for free citizens. Senator Stephen A. Douglas claimed that "When he [a fugitive] returns [to the south], or is surrendered under the law, he is entitled to a trial by jury of his right of

freedom, and always has it if he demands it." The new law was necessary "to carry into effect, in a peaceable and orderly manner, the provisions of the law and the Constitution on the one hand, and to protect the free colored man from being kidnapped and sold into slavery by unprincipled men on the other hand." Douglas stated that "The slaveholder has as strong a desire to protect the rights of the free black man as we have," because abuses would not bode well for the future of the institution of slavery.[27]

A New York City newspaper commented on the case of a local man who had been sent back to Virginia, "where, if he is not a slave, a thousand lawyers stand ready to serve him for nothing, and to secure him just as fair a trial by jury as a white man can have there." Disagreeing with another paper that had called for new personal liberty laws because of fraudulent apprehensions of supposed runaways, it stated that laws in southern states were adequate to protect victimized freemen: "If mock master kidnaps, the Virginia law to protect the free negro is, head and shoulders, above any New York city negro law."[28]

Though it is true that some who had been wrongfully enslaved could, and did, initiate "freedom suits" (sometimes successfully), the barriers were significant, especially since a person considered to be a slave ordinarily could not testify against white people, and the legal process required the assistance of a white person in the place where the person was in bondage, which could not always be readily obtained.

THE *DRED SCOTT* DECISION

The March 1857 decision of the U.S. Supreme Court in the *Dred Scott* case (*Dred Scott v. Sandford*) seriously muddied the waters relating to the legal status of Americans of African descent. Scott had been a slave in Missouri, but then lived for years in Illinois (a free state) and in a part of the Louisiana Territory where slavery was against the law. After returning to Missouri, he unsuccessfully sued for his freedom in state courts, and then commenced an action in federal court. His argument was that, having lived in places that were free of slavery, he had become a freeman.

The Supreme Court ruled that free negroes were not entitled to any standing in federal courts, and therefore Scott had no right to bring a lawsuit. This decision—that blacks had no rights under federal law—detracted from whatever protection might be afforded them under state statutes. The Court's opinion, written by Supreme Court Chief Justice Roger B. Taney, was very likely a factor in the abortive prosecution of

the kidnappers of Solomon Northup in New York.[29] The decision was also alleged to have been the cause of numerous assaults on the rights of African Americans, in various states.[30]

To would-be kidnappers, any qualms about selling free blacks into slavery could be allayed by the *Dred Scott* ruling, since the victims could be considered not to be citizens at all. They were free to "mix free blacks with slaves in one legal category based on race," as it has been said Taney had done.[31]

2

The Kidnappers and Their Methods

What were the motivations of kidnappers, who intended to deprive others of their freedom, probably for the remainder of their lives? For although some victims were miraculously rescued,[1] these were the exceptions. More typically, a victim's experience was similar to a case described by a war correspondent in Alabama at the end of the Civil War: "One old man ... born in the North, a freeman, had been kidnapped at the age of 15, and had been held in slavery 63 years."[2] Monetary gain is an obvious answer to the question, and it undoubtedly motivated most of the perpetrators to carry on their miserable business. Others engaged in the activity as a means to replace slaves who had escaped or had been helped to escape. They did not necessarily care that they got back the same person who had run away, just so long as they obtained the equivalent services of *some* person.

FINANCIAL GAIN

The money that could be made by a kidnapper was substantial. In a speech in 1854, Abraham Lincoln observed that the value of the nation's 430,000 free blacks would amount to over $200 million if they were instead slaves. "Slavery," he said, "is founded in the selfishness of man's nature."[3] Lincoln used $500 as the average value of a slave for his calculation—kidnappers typically received a much larger sum for a victim—making Lincoln's estimate a low one. Perpetrators of kidnappings incurred certain necessary expenses: transporting, lodging, and feeding themselves and their victims. A kidnapper stood to earn, say, on the order of $500 or more in profit per victim. Using this basic assumption, the per-victim "take," in the 1850s, equated to at least the amount of pay a carpenter in New England would receive for almost one year's labor, and an amount that it would take over four years for a southern farm worker to earn.[4] A successful kidnapper

would not have to work for probably several years after completion of his caper.

Some people—even in the North—believed in the stereotype of the indolent black, who was so incapable of providing for himself that he was better off as a slave.[5] Such beliefs mitigated any compunction kidnappers might feel—they were (they could imagine) doing their victims a favor, and, happily, enriching themselves at the same time.

In light of these considerations, one author noted that it was almost surprising that so many blacks escaped being victimized: "[I]n view of the seeming ease of its accomplishment and the potential value of the victims it may well be thought remarkable that so many thousands of free negroes were able to keep their liberty."[6]

RESTORATION OF SLAVE LABOR LOST TO ESCAPES

Complaints by slaveowners about the difficulty or impossibility of regaining slaves who had escaped to free states were numerous, and they led to squabbles between state governments.[7] If a particular escaped slave could not be found or returned, an owner might be willing to settle for anyone who could be seized and brought back to him, in order to perform the services of the actual fugitive. Slavecatchers hired by owners were aware of this. One slavecatcher "had little regard for whether his victim was truly a fugitive or simply an African American who might be accepted by a slaveholder."[8] In Missouri, a so-called *anti*-abolition society was even formed to recapture fugitives, and it resolved to see that "a free citizen of Illinois be kidnapped for every slave that escaped."[9]

This sort of kidnapping often took the form of cross-border incursions from a slave state into a free state. One example was the armed attack on a party of free blacks whom Dr. John Doy was helping to relocate out of Kansas. After being forced into Missouri at gunpoint, the "slaves" were parceled out to owners who had had servants run away (the victims were apparently allowed to choose who their "owners" would be). Doy (and for a time, his son also) were imprisoned for weeks until he was rescued by friends from Kansas.[10]

METHODS USED BY KIDNAPPERS

In some instances, kidnappers used physical force to take their victims,[11] sometimes during "home invasions." These incidents tended to be staged during the night, when victims probably had been

sleeping and were less likely to resist being dragged away, and when the crime was not likely to be witnessed by neighbors. A certain amount of resistance could be expected when seizing adults, but children could be more easily subdued and borne away out of sight of bystanders. When young Isaac Moore could not be cajoled into leaving his neighborhood in New York City, he was grabbed, carried aboard a ship, and locked up below decks for days before seizing an opportunity to escape.[12]

In many cases, though, kidnappers were accomplished con artists. Using deception to trick a victim into going off with the abductor (or to convince a parent to allow a child to leave home) was a method that avoided the messiness of forcibly removing a person. Victims (or parents of victims)—seeking to improve the situations of themselves or their children—were enticed with offers of good pay for positions in another state, and they left their neighborhoods voluntarily. Arrangements made with a child's parents might include promises of schooling as well as earnings from work. The legal term used to describe such crimes was "inveigling."

Such trickery was even attempted in Canada, a place without slavery, where blacks might have felt safer than in the United States. In 1851, a Canadian newspaper noted that "parties are at present in Toronto, endeavoring to induce colored persons to go to the States in their employ as servants. From the character of the propositions, there is reason to believe that 'foul play' is intended."[13] In 1855, the newspaper warned blacks that "hopeless slavery" could result from agreeing to "enter service at a distance from their homes," thereby becoming victims (like Solomon Northup) as a "result of listening to fair offers of excellent pay and easy position from rogues."[14]

Some kidnappings quite obviously took a significant amount of planning. The two men who inveigled Solomon Northup probably knew the time of year when a potential victim would be low on funds in the resort community of Saratoga Springs, and they were aware of a hotel in Washington, D.C., that was handy to the taverns where slave traders conducted their business—a hotel from which a victim could quickly and stealthily be led through the nighttime streets of Washington to a nearby slave pen, just a few blocks away.[15]

The men who bamboozled the parents of Sidney O. Francis had their stories in sync: one claimed to be seeking a young boy to do light work in his store several towns away, and the other chimed in, saying that he himself had been working for the storekeeper for several years and that he was a very nice person. They had traveled around central Massachusetts for several days, seeking the right type of child, especially one who had not been away from home before and who therefore would not understand where he was actually being taken.[16]

Other times, a kidnapper was someone with "larceny in the heart," who chanced upon a person who constituted a "target of opportunity." John Adams, a teenager, disappeared after he was left alone for just a few minutes at a busy marketplace in Washington, D.C., in a neighborhood where slave traders conducted their business. Isaac Moore (mentioned above) was simply walking along a street near his home in Manhattan; his taking was in all likelihood a crime of opportunity.[17]

Individuals who were actively involved in kidnapping sometimes made use of accomplices who assisted with their dirty work. A neighbor of the Dredden family helped kidnappers by encouraging both parents to leave home for a day, and by delivering some of their children to a kidnapper in a secluded spot in nearby woods. Joel Henry Thompson's mother (a woman who was a fugitive) was encouraged by an African American friend to visit with her free-born baby—and both were led into the waiting arms of a slavecatcher.[18]

Kidnappings were also carried out by criminal rings. Elisha Tyson, a Maryland abolitionist, wrote a letter to Congressman Alexander McKim in 1811 in which he detailed several cases of free persons being kidnapped and sold as slaves. Tyson observed that "This trade is conducted by a chain of individuals of the most unprincipled and profligate characters, whose connection extends from Orleans to New York."[19] There were family connections between several parties involved in the kidnappings of Sidney O. Francis and Nahum G. Hazard in central Massachusetts.[20] A notorious gang, headed up by husband and wife Jesse and Patty Cannon, operated in Maryland and Delaware, near the border with Pennsylvania.[21] In New York City, police officials Tobias Boudinot and Daniel D. Nash often recaptured fugitive slaves and also dipped their toes into the muddy waters of kidnapping.[22]

PRETENDED FUGITIVE SLAVE APPREHENSIONS

One way in which a kidnapping could be accomplished was by claiming that the victim was not a free person, but an escaped slave.[23] Minimal proof was required to identify a particular person as a specific runaway. Physical descriptions were often not very detailed, and numerous individuals could easily be found who bore at least a vague resemblance to a missing slave. Identification often relied on the memories of people who had not seen the runaways for years. For example, in 1835, Robert Aitkins claimed that a woman known as Mary Gilmore was a slave who had run away from him 10 years earlier. His evidence that Gilmore was the runaway consisted mainly of

the testimony of a black woman, who had had a run-in with Jacob Gilmore, a black man with a successful bakery in Philadelphia. Jacob Gilmore testified that Mary had been left in his care by her white mother, prior to the year that Aitkins's slave had escaped. The court ruled against Aitkins's claim, and it was later determined that the mother of Mary Gilmore was actually an Irish woman named O'Connor.[24]

Similar cases included that of "an old man, named Harper, a Methodist preacher" who was seized at gunpoint by three men, one of them declaring that Harper was his slave. At a hearing before a magistrate, "such proof was presented of his right to freedom" that Harper was released, and the men were indicted for assault and battery; only one of them was arrested, and he was acquitted at a trial.[25] In Indianapolis, Indiana, John Freeman was seized by a preacher who claimed him as his escaped slave. Freeman produced some evidence of his free status and was granted time to obtain more. His supposed owner, Rev. Pleasant Ellington, brought witnesses from Kentucky, who viewed Freeman's stripped body, and identified him as Ellington's slave Sam, despite the absence of specific scars on Freeman's body which Ellington had said Sam bore. In time, the actual Sam was located in Canada, and he proved to be "a tall, straight negro; jet black, full chest," while Freeman was "a low heavy-set man, muddy brown, by no means black like Sam, and at least six inches shorter." When additional, incontrovertible evidence surfaced that supported Freeman's case, Ellington made a furtive departure, presumably seeking to avoid being held accountable for his seemingly intentional and fraudulent misidentification.[26]

Even though the standard of proof for identifying a runaway was low, a kidnapper could make sure of a positive match by using the following technique: "Having selected a suitable free coloured person, to make a *pitch* upon, the *conjuring* kidnapper employs a confederate, to ascertain the distinguishing marks of his body and then claims and obtains him as a slave, before a magistrate, by describing those marks, and proving the truth of his assertions, by his well-instructed accomplice."[27]

Possession of free papers was no guarantee that a person would not be falsely accused of being a fugitive. Solomon Northup had free papers (his kidnappers had even helped him obtain them before they left New York), but they were taken from him after he became ill—not long after he consumed liquor given him by his kidnappers. Dr. John Doy recounted an incident of a freeman's papers being taken from the man, torn up, and burned by a slave trader.[28]

Pretending that a free person was actually a runaway slave in the process of being reclaimed was also useful for maintaining custody

of a victim. Once a victim had been taken into a slave state, any suspicions could be allayed by explaining that the victim (despite what he or she might say) was not free at all, but rather an escaped slave who belonged to the kidnapper. Thus, when authorities in Virginia began looking into the case of George Anderson, his abductor explained that the man was his slave whom he had located in New York City, to whom he had made a false offer of employment in order to get Anderson to go away with him quietly.[29]

Napoleon Bonaparte Van Tuyl, who inveigled John Hight and Daniel Prue, explained to southern men he met on board a train in Ohio that he had located his former slaves and was taking them back to Tennessee. After Prue became uneasy and got off the train, Van Tuyl called on his new friends for assistance, and one took charge of Hight and continued on to Kentucky, while another got off the train and spent substantial effort helping to locate Prue, and trying to recapture him.[30]

PRETENDED CRIMINAL APPREHENSIONS

Similar to the previously described method of kidnapping was the taking of a person for a crime that had allegedly been committed. Under the Constitution, fugitives from justice were to be turned over from one state to another upon request. An indictment could be obtained in the state where the crime had been committed, along with an affidavit of flight, and these forwarded to the state where the person was thought to be living. There, "the constable may pick up the first likely negro he finds in the street, and ship him to the south; and should it be found, on his arrival on the plantation, that the wrong man has come, it will also probably be found that the mistake is of no consequence to the planter."[31] The technique could also be used to apprehend an actual fugitive, since an owner "wishes to recover him with as little noise, trouble, and delay as possible."[32] On being delivered up to the state requesting him, the person might be tried for the alleged crime (or not), and then given over to the supposed owner. Peter John Lee,[33] along with others, was captured in New York State in this way. Charged with having stolen the boat in which they fled Virginia, some of them were tried and sentenced to death. Instead of being executed, they were pardoned and turned over to their owners.

Identification in such cases was as imprecise as for fugitive slave apprehensions. David Ruggles suspected that Tobias Boudinot had hoped to kidnap him in this manner, making use of an open arrest warrant "by which he can arrest any colored person that Waddy [a sheriff from Virginia] may point out to him named 'Jesse,' 'Abraham,' 'Peter,'

or 'Silvia,' and send him or her South, without taking such person before a magistrate."[34]

In Pennsylvania in 1838, two men who had an African American in custody attracted the attention of the public. Asked why they had arrested the person, they at first said he was a runaway slave and displayed a runaway slave ad, but after an attorney pointed out that it was not adequate proof and that they were violating Pennsylvania law, they instead said they were arresting him for having stolen the jacket he was wearing. The men were arrested, and the fact that they had told various inconsistent stories "tended strongly to excite suspicion that their objects were lawless and mercenary."[35]