KENTUCKY, CANADA, AND EXTRADITION: THE JESSE HAPPY CASE

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Writing in 1826 to Albert Gallatin, the American ambassador in London, Secretary of State Henry Clay described the number of successful fugitive slave escapes to Canada as a "growing evil [which] has produced some . . . and is likely to produce much more irritation . . . [for] the attempt to recapture them leads to disagreeable collisions." Clay further advised that the fugitive slaves were hardly an acquisition of which Canadians could be proud since the runaways were "generally the most worthless of their class." The Secretary of State concluded that all runaway slaves in Canada should be returned immediately to discourage any future escapes by American slaves.[1]

This problem of fugitive slaves plagued Southern slaveowners throughout the entire ante-bellum period. However, it most affected slaveholding states bordering free Northern states where the road to freedom in Canada was shorter, more enticing, and more likely to reach fruition. The states of Kentucky, Virginia, and Maryland all suffered greater loss of property in the form of runaway slaves than the slaveholding states of the Deep South.[2] In fact, the Louisville *Journal* estimated that the state of Kentucky lost at least $30,000 in runaway slave property every year.[3] Therefore, the border slaveholding states had more at stake when extradition requests arose. In the late 1830's, for example, Kentucky made three successive extradition requests that were to have international ramifications. The petitions for the return of escaped slaves Thornton Blackburn and Solomon Mosely set the stage for the extradition appeal in 1837 of Jesse Happy. In the latter case, the Canadian Government rendered legal decisions and established precedents that would affect the status and security of all fugitive slaves in Canada. Henceforth, all legal and diplomatic maneuvers to secure the return of American fugitive slaves residing in Canada prior to 1850 would be governed by the ruling in the Jesse Happy case. Unfortunately, the Jesse Happy case has received very little attention from historians. It is therefore the purpose of the present

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1 Letter reprinted in *Niles' Weekly Register*, June 19, 1826.

2 *New York Tribune*, August 28, 1851.

3 Louisville *Daily Journal*, January 24, 1850.

study to examine and evaluate a legal decision that had not only domestic but international consequences as well.

In 1793, the first Parliament of the Province of Upper Canada[4] enacted a law which stated that "No Negro or other person who shall come or be brought into this Province . . . shall be subject to the condition of a slave or to bounden involuntary service for life."[5] Every slave already residing in Upper Canada would remain in bondage at the discretion of the master, but any child born of a slave after passage of this statute would be free at the age of twenty-five. Upper Canada thus provided for the gradual abolition of slavery within its boundaries .

Coincidentally, the United States Congress passed the first Fugitive Slave Law in 1793. It empowered a slaveowner to hunt, seize, and then carry his fugitive property to the nearest district or circuit judge and, upon oral testimony, to receive a certificate warranting the slave's return.[6] The two neighboring countries had embraced mutually exclusive laws which symbolized their divergent viewpoints on the institution of slavery. When United States slaves heard of the Canadian asylum, many chose to seek freedom on British soil rather than risk extradition from another state of the Union.

Like their Southern brethren, however, the Commonwealth of Kentucky was dissatisfied with the fugitive slave law and actively advocated stronger and more efficient means of returning the runaways. Due in part to her geographical location (bordering the three Northern free states of Ohio, Indiana, and Illinois), Kentucky consistently requested assistance from the Federal Government in preventing successful slave escapes through the North into Canada. In 1817, Representative Richard C. Anderson of Kentucky co-authored a bill that called for deference to slaveholders in all fugitive slave cases. Anderson's bill proposed that the slaveowner be enabled to return the fugitive slave back to the state from which he escaped before initiating legal proceedings. The owner could then bring charges against the fugitive in the state from which he

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4 Upper Canada was created in 1791 and constituted what is now the province of Ontario. Lower Canada, created the same year, was the present-day province of Quebec. From 1841-1867 they were Canada West and Canada East respectively. On March 29, 1867 under the British North America Act, the Dominion of Canada was created uniting Ontario, Quebec, New Brunswick, and Nova Scotia.

5 The Statute is (1793) 33 George III, c. 7 (U.C.) found in William R. Riddell, "The Slave in Canada," *Journal of Negro History* 5 (July, 1920), 318-19. For more information on blacks in Canadian history, see Robin W. Winks, *The Blacks in Canada* (New Haven, 1971).

6 John Hope Franklin, *From Slavery to Freedom: A History of Negro Americans* (New York, 1967). See also C.W.A. David, "The Fugitive Slave Law of 1793 and its Antecedents," *Journal of Negro History* 9 (January, 1924), 18-25; and Marion G. McDougall, *Fugitive Slaves, 1619-1865* (Boston, 1891).

fled where, it was argued, a fairer judgement could be rendered on the accused's guilt or innocence. Anderson believed this bill would serve to protect the slaveowner's rights and would result in greater return of fugitive slave property to slaveholding states. The bill provisionally passed both House and Senate but was tabled before concurrence of amendments.[7] Anderson's efforts in Congress thus proved fruitless, and consequently in 1821 the General Assembly of Kentucky requested that the Federal Government negotiate an extradition treaty with Great Britain for the return of fugitive slaves from Canada. Owing to the pressure of the Kentuckians, Secretary of State John Quincy Adams met with the British Ambassador in an attempt to reach an agreement. Nonetheless, the British Government refused to co-operate.[8]

From the Canadian viewpoint, the question concerning American extradition requests for fugitive slaves seems to have been answered first by John Beverly Robinson, Attorney General of Upper Canada, who stated in 1819 that

> . . . the Legislature of this Province having adopted the Law of England as the rule of decision in all questions relative to property and civil rights, and freedom of the person being the most important civil right protected by those laws, it follows that whatever may have been the condition of these Negroes in the Country to which they formerly belonged, here they are free — For the enjoyment of all civil rights consequent to a mere residence in the country and among them the right to personal freedom as acknowledged and protected by the Laws of England . . . must . . . be extended to these Negroes as well as to all others under His Majesty's Government in this Province.[9]

He concluded by noting that any interference with the civil rights of Canadian residents would be prosecuted to the full extent of the law. Canada became a haven for the hunted.

However, the Parliament of Upper Canada passed an act in February of 1833 that provided for extradition of fugitive criminals from foreign countries. Under this statute, anyone in the province charged by the executive of a foreign country with "Murder, Forgery, Larceny or other crime which if committed within

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7 *Annals of Congress*, 15th Congress, 1st Session, 1818, pp. 826-36, 837-40. See also Henry Wilson, *The Rise and Fall of the Slave Power in America*, (3 vols.; Boston, 1875), I, 74-78; and Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850-1860* (New York, 1968), pp. 3-26.

8 *Annals of Congress*, 16th Congress, 2nd Session, 1821, pp. 941-42. See also Alexander L. Murray, "Canada and the Anglo-American Anti-Slavery Movement: A Study in International Philanthropy" (Ph.D. dissertation, University of Pennsylvania, 1960), pp. 117-20; and Campbell, *The Slave Catchers*, p. 9

9 *Canadian Archives Sundries, U.C.*, 1819. See also Riddell, "The Slave In Canada," pp. 340-45; and William R. Riddell, "The Slave In Upper Canada," *Journal of Negro History* 4 (October, 1919), 372-95.

the province would have been punishable with death, corporal punishment, the pillory, whipping, or confinement at hard labour" could be arrested, detained, and ultimately returned at the discretion of the provincial Governor and his Executive Council.[10] This law obviously threatened the freedom of all runaway slaves from the United States: first, because many slaves indeed committed such crimes in the process of escaping; second, because slaveowners might bring false charges in order to regain their property. Three test cases came from the state of Kentucky which requested in rapid succession the extradition of runaway slaves Thornton Blackburn, Solomon Mosely, and Jesse Happy.

In the case of Thornton Blackburn and his wife, extradition was refused.[11] They had been taken into custody in Detroit in accordance with the United States Fugitive Slave Law and a certificate issued for their return as slaves to Kentucky. On the day he was to be transported to Kentucky, however, Thornton Blackburn was rescued by the aid of a violent mob and crossed into Canada where his wife had escaped in disguise a day earlier. Canadian authorities denied that Blackburn had taken part in rioting or forcible rescue since he was merely trying to escape slavery. By Canadian definition, then, Blackburn could not be charged with any of the offenses stipulated in the act of 1833 which would have required his extradition. The Attorney General of Upper Canada argued further that if Blackburn and his wife

> . . . should be delivered up they would, by the laws of the United States be exposed to be forced into a state of slavery from which they had escaped two years ago when they fled from Kentucky to Detroit; that if they should be sent to Michigan and upon trial be convicted of the riot and punished, they would after undergoing their punishment be subject to be taken by their masters and continued in a state of slavery for life, and that, on the other hand, if they should never be prosecuted, or if they should be tried and acquitted, this consequence would equally follow.[12]

As a result, no extradition occurred in the Blackburn case.

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10 The Statute is Act (1833), 3 Will IV, c. 7 (U.C.) found in Riddell, "The Slave In Canada," p. 345. The Executive Council was appointed by the Provincial Governor. For more on the extradition of fugitive slaves from Canada see Roman J. Zorn, "Criminal Extradition Menaces the Canadian Haven for Fugitive Slaves, 1841-1861," *The Canadian Historical Review* 38 (December, 1957), 284-94; and Alexander L. Murray, "The Extradition of Fugitive Slaves from Canada: A Re-evaluation," *The Canadian Historical Review* 43 (December, 1962), 298-314.

11 An exhaustive search through Kentucky local, regional, and state histories for information on Thornton Blackburn and Solomon Mosely has proved fruitless. In addition, neither is mentioned in the Governors' Papers located at the Kentucky State Historical Society, Frankfort.

12 Winks, *The Blacks In Canada*, p. 169. The quote is from the Report from Attorney General Robert S. Jameson in *Canadian Archives, State J.*, p. 137.

The next request from Governor James Clark of Kentucky concerned Solomon Mosely who stole his master's horse, rode the horse to Buffalo where he sold it, and escaped across the Niagara River to Canada. Mosely's lawyer made no attempt to deny the theft but chose to emphasize the ulterior motive of the Americans to return Mosely to slavery, noting that "four men have travelled 1500 miles at the expense of at least $400 to bring to justice a Slave charged with stealing a horse of only the value of $150."[13] Nevertheless, the Attorney General, Executive Council, and Lieutenant Governor of Upper Canada all agreed that the crime had been proved and was one of the offenses provided by the act of 1833 for extradition of fugitive criminals. Despite their abhorrence of slavery, Canadian officials could find no legal technicality upon which to deny extradition, so Mosely was ordered to be returned to Kentucky. His return was prevented by mob force which allowed him to escape, and Mosely lived free in England and Canada with no further legal action against him.[14]

The case of Jesse Happy brought a more definitive ruling on extradition as this matter received the careful consideration and attention of the Attorney General, Executive Council, and Lieutenant Governor of Upper Canada, the Secretary of State of the Colonies, the Foreign Secretary, and ultimately the Law Officers of the Crown. Jesse Happy escaped from Kentucky in 1833 on his master's horse. He left the animal and arranged for its recovery before crossing the border into Canada. Thomas Hickey,[15] the owner, subsequently reclaimed the horse. Two years later the Grand Jury of Fayette County, Kentucky, indicted Happy on the charge of horse stealing. Two more years passed before Thomas Hickey swore out an affidavit against Happy, in which Hickey did no more than describe the ex-slave.[16] Yet it was upon this indictment and affidavit that Governor Clark of Kentucky based his demand in August, 1837, for extradition of Jesse Happy as a fugitive criminal. A Canadian Justice of the Peace forthwith issued a warrant for Happy's arrest and detention on September 7, 1837. Consequently, Happy was taken into custody and confined in the Hamilton (Ontario) jail.

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13 Murray, "Canada and the Anglo-American Anti-Slavery Movement," p. 125.
14 *Ibid.*, pp. 125-28.
15 Thomas M. Hickey, a Lexington native, became a Fayette County Circuit Court Judge in 1836. See Richard H. Collins, *History of Kentucky*, (2 vols.; Frankfort, 1966), I, 41.
16 *Commonwealth v. Happy* (1835), VI-C-124, Box 94, Drawer 835-37; Hickey Affidavit (1837), VI-C-124, Box 96, Drawer 851-58. Both are located in the Fayette County and Circuit Court Records housed at the State Archives and Records Center, Frankfort.

The Attorney General of Upper Canada, the Honorable Mr. Hagerman, rendered a routine decision the next day when he reported that the evidence pointed toward the accused's guilt and judged that legally the prisoner could be extradited. That Mr. Hagerman had misgivings concerning the case appeared in a postscript to the ruling in which he commented:

> It has been intimated to me that the accused is a fugitive slave and if delivered up will not only be subject to punishment for the felony charged against him but after such punishment shall have been inflicted he will be returned to Slavery—
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> It also appears that the Indictment found by the Grand Jury of the State of Kentucky is certified on the 1st of June 1835 and that the offense appears to have been committed on the 18th May 1833.[17]

A cursory examination of the evidence apparently proved unsatisfactory to the Attorney General, who forwarded this report with postscript to the executive branch of the provincial government.

The Executive Council met on September 9 to deliberate the proper course of action in Happy's case. They reviewed the evidence, the Attorney General's report, and a report from Chief Justice Robinson concerning the statute of 1833.[18] Compared to the

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17 Colonial Office Records, 42 Series, Volume 439, p. 182 (Hereafter cited as CO 42/439/182). The original records from the Colonial Office are located in the Public Record Office, London, England. However, for this study microfilmed copies were used, obtained from the Public Archives of Canada in Ottawa.

18 Chief Justice John Beverly Robinson, formerly Attorney General of Upper Canada and author of the Statute of 1833, detailed in an undated report the legal ramifications of that statute. He noted that the purpose of the act was to ensure reciprocity in the surrender of fugitive criminals, particularly between Upper Canada and the adjoining states of New York and Michigan. He disagreed that the one phrase allowing discretion by the Executive of said Providence was intended to be applied toward fugitive slaves. Taking a purely legalistic stance, he argued against the exemption of ex-slaves from the provisions of the statute by claiming

> We have not a right to say, and certainly not the power to insist, that slavery shall not be tolerated in [other] countries; and since we cannot abolish slavery there, I do not think that we can properly proceed towards accomplishing such a result . . . by deciding that slaves who murder their masters, or burn their houses, or steal their goods, shall find a secure refuge in this Province,—while the white inhabitants of the same Countries shall, under similar circumstances be surrendered, on the requisition of their Government.

Thus, Robinson disposed of the moral argument that returning the party to America would again subject him to the institution of slavery and negated the problem of double penalty since Canadian officials could take no legal responsibility toward any consequences to the party after trial. The Chief Justice then denied that if fraudulent charges came against one fugitive slave, such charges would be repeated in similar cases. He implied that presupposing insincere and unauthentic warrants on the part of the United States would result in similar reaction to Canadian requests for extradition of fugitive criminals. The danger, as he saw it, was in encouraging a breakdown in the exchange of criminals who might flee from one country and "could be secure of protection in the other against the consequences of their most atrocious crimes." Robinson concluded that, contrary to popular opinion, Canadian protection of a fugitive slave "is to stand between him and public justice . . . and if he ought to abide the test of a public trial, we cannot properly avert the possible consequences to him of a state of slavery which we had no hand in creating." Yet perhaps the Chief Justice's true sympathies appeared when he made the extra-legal remark that such protection of fugitive slaves would increase the migration of Negroes into Canada which "to say the least, it is not desirable to encourage." CO 42/439/199-204. See also Murray, "Canada and the Anglo-American Anti-Slavery Movement," p. 131.

Mosely case which was characterized by prompt and correct documentation, the case against Jesse Happy lacked credence since "The Alleged Offence purports to have been committed more than four years ago" with no legal recourse sought until August, 1837. In addition, the Executive Council felt uneasy about subjecting Happy to the possibility of double penalty. Concerned that the ulterior motive on the part of the former owner was to return the man to slavery, the Council professed that "Were there any Law by which after taking his trial and if convicted undergoing his sentence he would be restored to a State of Freedom – The Council would not hesitate to advise his being given up, but there is no such provision in the Statute [of 1833]." The Council hesitated to decide the matter as peremptorily as the Attorney General and therefore closed their report with a request for further information from Happy and a request for guidance on these questions from the government "as a matter of general policy."[19]

Sir Francis Bond Head, Lieutenant Governor of Upper Canada, received his Executive Council's report and determined to resolve the question of extradition of fugitive slaves by appealing to a higher court. In early October of 1837, he wrote to the Secretary of State for the Colonies, Lord Glenelg, requesting specific instructions for such cases. In a lengthy harangue which belied the author's attitude, the Lieutenant Governor argued:

> It is quite true that if a white man who has stolen a horse from the Commonwealth of Kentucky comes with it or without it to this Province, he is . . . liable to be given up on demand to the neighboring authorities, and it certainly does seem to follow that a black man ought not to expect, because our laws grant him personal freedom, that he should moreover claim from them emancipation from trial for crimes for which even British-born subjects would be held responsible; yet on the other hand, it may be argued that a slave escaping from bondage on his master's horse is a vicious struggle between two parties of which the slave owner is not only the aggressor, but the blackest criminal of the two — it is the case of the dealer in human flesh versus the stealer of horse-flesh. . . . The clothes and even the manacles of a slave are undeniably the property of his master, and it may be argued that it is as much a theft in the slave walking from slavery to liberty in his master's shoes as riding on his master's horse; and yet surely a slave breaking out of his master's house is not guilty of the same burglary which a thief would commit who should force the same locks and bolts in order to break in.[20]

He continued by declaring that the Canadian government would be justified in refusing extradition until American law would guar-

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19 CO 42/439/190-192.

20 CO 42/439/170-173. See also Fred Landon, "The Fugitive Slave In Canada," *The University Magazine* 18 (Summer, 1919), 275-76.

antee the return of the subject to Upper Canada, thus precluding the possibility of double indemnity. Sir Francis Bond Head included documentation for both the Mosely and Happy cases in his communication to the Secretary of State to show impartiality in his rulings, even though his true sentiment toward the morality of extraditing fugitive slaves was clearly evident in his letter.

While awaiting a reply from the Secretary of State, the Executive Council of Upper Canada met again to consider the disposition of Happy's case. The Council re-examined the evidence, particularly Hickey's affidavit, and found new facts relating to the actual events of the case. In addition, they considered new evidence wherein a witness corroborated Happy's claim that he carefully planned the animal's return to the rightful owner. They then ruled "that the horse may not have been stolen but merely wrongfully used for the purpose of Escape." Even were he not a runaway slave, they concluded, there was "so much doubt over the case that the Council cannot report . . . that the Evidence is sufficiently satisfactory . . . to recommend the delivery up of the Prisoner." It was implied that they could not accept the indictment by Kentucky's Grand Jury on face value in view of the contradiction of sworn statements by Canadian residents. Their report reiterated the earlier request for a legal ruling from a higher governmental authority on the subject of extradition of fugitive slaves. It nevertheless, though, rendered the Council's final decision to release Happy from custody based on insufficient evidence.[21] This correspondence, forwarded to the Lieutenant Governor, prompted the release of Jesse Happy from the Hamilton jail in mid-November of 1837.

Meanwhile, Secretary of State Glenelg received the request for advice and directed the problem to the Foreign Secretary, Lord Palmerston. Noting that he was aware of no positive rule governing the extradition of fugitive slaves, Lord Glenelg submitted that in his view each case should be decided at the discretion of the officials involved. If his interpretation held true, Glenelg continued, the suit on restitution of Jesse Happy should be refused on three grounds: first, that Happy did not take the horse with felonious intention and did not appropriate the property permanently; second, that no legal action had been pursued for four years after perpetration of the alleged crime; and third, that "the punishments to which Slaves are liable by law in the United States for offences of this nature are such as our own principles of jurisprudence

21 CO 42/445/35-38.

compel us to regard as indefensible, and disproportioned to the crime."[22] Lord Glenelg thus supported the action taken in this instance by the Council and executive of Upper Canada.

Lord Palmerston agreed to lay both the general matter and the specific case before the Law Officers of the Crown. The opinion was handed down by Law Officers Sir John Campbell and Sir Robert Mousey Rolfe early in 1838.[23] As a general policy, they advised that "no Distinction should . . . be made between the Demand for Slaves or for Freemen." If the alleged offense "had been committed in Canada," warranting apprehension and prosecution in accordance with Canadian statutes, "then on the requisition of the Governor of the Foreign State, the accused party ought to be delivered up, without reference to the question as to whether he is, or is not, a Slave." However, the Law Officers stipulated that the evidence to be used in cases concerning extradition of fugitive slaves "must be evidence taken in Canada, upon which (if False) the Parties making it may be indicted for Perjury."[24] This would ensure against further examples of faulty, inaccurate, or incomplete documentation. In addition, the power of discretion could still be used by Canadian officials to refuse extradition whenever special circumstances so demanded. Noting the lack of evidence of criminality in the case of Jesse Happy—especially since the accused had no intention of appropriating the animal—the Law Officers ordered his release. The Officers did not discuss the moral ramifications of slavery as exemplified by the double penalty argument. They merely interpreted the legal technicalities fixed by the statute of 1833 and ignored the politics of abolition.

Lord Palmerston accepted this response from the Law Officers of the Crown without comment and forwarded the substance of their opinion to Lord Glenelg. Consequently, Lord Glenelg enclosed a copy of Palmerston's text in his March 9, 1838 reply to Sir George Arthur, Lieutenant Governor of Upper Canada. The new Lieutenant Governor used the opinions of the Law Officers as precedent-setting standards and as a general instruction "for the guidance of the local Government on future similar occasions."[25]

Instead, the Law Officers' ruling was strictly upheld in the

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22 CO 42/439/176-179.

23 Sir John Campbell was Attorney General in the Law Offices of the Crown. See Winks, *The Blacks In Canada*, p. 171.

24 CO 42/453/84-87.

25 Public Archives of Canada, Record Group 7, G 1. Dispatches from the Colonial Office, 1841-1865. See also Murray, "Canada and the Anglo-American Anti-Slavery Movement," p. 133.

cases pursued after this decision. No further extradition charges against fugitive slaves appear in official records for almost five years until the Nelson Hackett case arose. Hackett, a slave in Arkansas, stole a horse, a coat, a saddle, and a gold watch, and escaped to Canada West.[26] His master pursued proper legal channels, and Canadian officials adhered to the standard set by the Law Officers in the Happy case. They granted extradition based on the reasoning that at least one of the aforementioned thefts had been committed with felonious intention. The other most noteworthy extradition case concerned a slave who killed a white master when escaping. All evidence indicated the slave's guilt, but he was acquitted because of a technically defective warrant.[27] The courts again followed the letter of the Law Officers' judgment in the Happy case by accepting only formally correct documentation.

Extradition of fugitive slaves from Canada to the United States involved an issue sensitive to both countries. The British Government had encouraged gradual abolition by their Act of 1793; in practice, that goal was reached by the 1820's in the Canadian provinces. Slavery was formally abolished in all British possessions in an act passed in 1833 to become effective in 1834.[28] Canadians seemed justifiably proud of this accomplishment and therefore "were generally hostile to American slavery," which continued to exist.[29]

Meanwhile, Southerners within the United States were trying desperately to maintain the institution of slavery by lobbying for more stringent domestic and international fugitive slave laws. Friction between American pro-and anti-slavery forces grew fiercer during the very decade when Britain abolished all slavery within her possessions. The argument between South and North concerning the return of fugitive slaves was merely extended into an argument between the American South and Canada once slaves

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26 See above note 4. For more on the Hackett case, see Roman J. Zorn, "An Arkansas Fugitive Slave Incident and Its International Repercussions," *Arkansas Historical Quarterly* 16 (Summer, 1957), 133-40. See also Murray, "Canada and the Anglo-American Anti-Slavery Movement," pp. 143-44.

27 Riddell, "The Slave In Canada," pp. 355-57; Winks, *The Blacks In Canada*, p. 175. For more on this case, see Fred Landon, "The Anderson Fugitive Slave Case," *Journal of Negro History* 7 (July, 1922), 233-42.

28 C. Duncan Rice, *The Rise and Fall of Black Slavery* (Baton Rouge, 1975), p. 257; Riddell, "The Slave In Canada," p. 313; Winks, *The Blacks In Canada*, p. 110. For more on the anti-slavery sentiment in Canada see Robin W. Winks, " 'A Sacred Animosity': Abolitionism In Canada," in Martin Duberman (ed), *The Anti-slavery Vanguard: New Essays on the Abolitionists* (Princeton, 1965), pp. 301-42; and the following three articles by Fred Landon: "The Anti-Slavery Society of Canada," *Journal of Negro History* 4 (January, 1919), 33-40; "Abolitionist Interest In Upper Canada," *Ontario History* 44 October, 1952), 165-72; and "The Anti-Slavery Society of Canada," *Ontario History* 48 (Summer, 1956), 125-31.

29 Murray, "Canada and the Anglo-American Anti-Slavery Movement," p. 19.

realized the safety of Canadian asylum. However, few appeals for extradition of fugitive slaves, brought by Kentucky and other slaveholding states before Canadian authorities, were decided in the plaintiffs' favor. Moral issues aside, Canadian officials strictly complied with the legal opinion of their highest Law Officers as set forth in the Jesse Happy case. Through its extradition petitions, the slaveholding state of Kentucky had indirectly forced a definitive Canadian ruling on the return of refugee slaves. Ironically, Kentucky's extradition requests had now made it even more difficult than before for the Southern states to reclaim their "property."