The Efforts To Reopen The African Slave Trade In Louisiana

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THE EFFORTS TO REOPEN THE AFRICAN SLAVE TRADE
IN LOUISIANA

A Thesis

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Master of Arts
in
The Department of History

by
James Paisley Hendrix, Jr.
A.B., Davidson College, 1963
May, 1968
MANUSCRIPT THESSES

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The author wishes to express his gratitude to Professor Charles B. Dew for suggesting and directing this thesis. He also wishes particularly to thank his wife, Nancy, for her aid and encouragement, and his parents, for the numerous sacrifices which made the author's graduate study possible.
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ABSTRACT

With the Louisiana Purchase of 1803, the United States government quickly moved to prohibit the further importation of African slaves into the newly acquired territory. This closing of the foreign slave trade was extended to the national level by a Federal law which became effective January 1, 1808.

Protests emanated from Louisiana almost immediately after the trade was closed in 1803, but initially they were infrequent and mild. A general Southern effort to reopen the foreign slave trade began to develop in the early 1850's, largely in the Southern commercial conventions. This movement reached its peak in 1859 when a resolution was passed advocating the reopening of the African traffic. A majority of Louisiana's delegates to the convention sided with those favoring reopening.

At the state level Louisiana confined its interest in reopening the trade to the commercial conventions until the late 1850's. In 1858 and 1859 both Houses of the legislature took under consideration African apprentice schemes. These bills would have provided for the importation of indentured African "apprentices," rather than slaves, into Louisiana,
and was simply a means of circumventing the Federal law of 1808. Heated debate took place in both years and public reaction was active. The efforts in 1859 marked the end of the movement to reopen the slave trade in Louisiana as support waned and other issues associated with the coming of the Civil War overshadowed the movement.

Historical writing on the subject of the efforts to reopen the African slave trade has been sporadic. Generally speaking, historians have neglected the topic, both in Louisiana and the entire South. Those who have written on the matter have shown little imagination in their interpretations. Almost all accounts concerning the issue may be classified in one of three categories: polemicists; advocates of the "devil theory"; rationalists. Chronologically, most ante-bellum accounts and those written in the twenty year period following the war fall into the polemical category. Their controversial nature often results in diametrically opposed interpretations. On the other hand, the vast majority of twentieth and late nineteenth century accounts subscribe to one of the latter two classifications and are fairly consistent in their treatments within these groupings.

Although the African traffic was closed by Federal law on January 1, 1808, attempts to reopen the legal trade lay dormant until the 1850's. This decade witnessed a number of volatile discussions, both in the legislatures of
CHAPTER I

INTRODUCTION

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Although the African traffic was closed by Federal law on January 1, 1808, attempts to reopen the legal trade lay dormant until the 1850's. This decade witnessed a number of volatile discussions, both in the legislatures of
the respective Southern states and in such gatherings as the Southern commercial conventions. The rise of the subject as a major political issue is reflected in the writings contemporary to this period. Stanley Elkins has pointed out the continuing polemical nature of writings on slavery,¹ and tracts written concerning the reopening of the African slave trade, both in the 1850's and in the period immediately following the Civil War, reflect a similar dissonant character. To some of these early writers, reopening the African slave trade was a potential panacea for all the ills of the ante-bellum South.² Others were equally adamant in expressing their opposition to the movement.³

The pre-war polemicists voiced their views through a variety of mediums. Pamphlets were a favorite vehicle of expression,⁴ but newspapers and periodicals were also frequently used. An overwhelming majority of Southern writers concurred on the unpalatability of reopening the African trade.⁵


²For example, see Leonidas W. Spratt, *The Foreign Slave Trade: The Source of Political Power - of Material Progress, of Social Integrity, and of Social Emancipation to the South* (Charleston, 1858), passim.

³Although support of reopening the African trade was limited to the South, the opposition did not have a sectional character. For example, Robert G. Harper, a Georgian, expressed his discontent in *An Argument Against The Policy of Reopening the African Slave Trade* (Atlanta, 1858), passim, and the "Republican Association of Washington" similarly opposed the movement in "The Slave Trade," *Tract No. IV* (Washington, 1859), passim.

⁴See notes 2 and 3, above.
newspapers opposed reopening the trade, although a few rabidly supported the movement. Included in this latter group were papers such as the Charleston *Standard*, the New Orleans *Daily Delta* and *Daily True Delta*. Another small segment, epitomized by the New Orleans *Daily Crescent*, recognized some merit in the reopening proposals, but did not avidly champion the cause. The vast majority followed a policy similar to that of the New Orleans *Daily Picayune* in soundly criticizing the proposed reopening and its advocates.\(^5\) The New Orleans magazine of J. D. B. De Bow, *De Bow's Review*, began in 1857 to support enthusiastically the attempts to reopen the slave trade.\(^6\) De Bow's effort was balanced by the stand of another monthly periodical, *The African Repository*, a publication of the American Colonization Society. Obviously this society considered the thought of reopening the slave trade to be an anathema. The *Repository* was published in Washington and produced a steady stream of anti-reopening articles from February 1857 through July 1860.\(^7\)

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\(^5\) Specific examples of Louisiana newspaper reaction to the subject are extensively documented in Chapters IV and V.

\(^6\) De Bow's magazine was originally known as the *Commercial Review of the South and West*, and changed titles several times. To avoid confusion, all references will be given as *De Bow's Review*. Examples of classic reopening arguments are in volume XXV (November, 1858), 491-506; XXV (December, 1858), 626-53.

\(^7\) For example, see *The African Repository*, XXXIII (1857), 59, 302-07, 346; XXXIV (1858), 240-43, 303-06; XXXV (1859), 126, 187, 284; XXXVI (1860), 157-58, 193-203.
The coming of the Civil War did not terminate the polemical writers. Although the election of 1860, secession, and the outbreak of fighting temporarily quieted the issue, it rose again during the course of the war. The subject maintained its controversial nature as Northern propagandists attempted to discredit the Confederacy in world diplomatic circles by accusing the Davis administration of secretly planning to reopen the African trade. These arguments first appeared in editorial columns of the *National Intelligencer* in 1863 and were reproduced in a twenty-four page pamphlet the same year. A standard Southern polemic was also published in 1863 and may have been a reply to these Northern accusations. This short work stressed the Confederate Constitutional provision prohibiting the trade and stated that all of the Southern states had voluntarily outlawed the traffic prior to the Federal closing in 1808. This latter claim is clearly in error as South Carolina reopened her traffic in 1803 and continued it until the Federal statute took effect in 1808.

The last major work of a polemical nature was not
published until 1874. The author, Henry Wilson, had served in the 1850's in the U. S. Senate as a representative of Massachusetts, and it seems fair to assume that opinions expressed on the reopening question in his History of the Rise and Fall of the Slave Power in America were formed during this last decade before the war.\textsuperscript{11}

Wilson's three volumes were followed by a twenty year void in writing on the subject. Then, beginning in the 1890's, the advocates of the "devil theory" and the rationalists began to appear, almost simultaneously.

In its simplest form, the approach of the rationalists is to assign rational motives to those who advocated reopening the African slave trade. This encompasses a myriad of interpretations. An early example is that of James Ford Rhodes. This great "amateur" historian felt that economic motivation played a major role in the attempts to reopen the traffic.\textsuperscript{12} Rhodes also viewed the movement as a manifestation of the Southern opinion that "slavery is right and ought to be extended."\textsuperscript{13} William E. Dodd, in writing for the Chronicles of America Series, advances still another "rational" motive. Dodd finds a Southern unification drive

\textsuperscript{11}Henry Wilson, History of the Rise and Fall of the Slave Power in America (Boston, 1872-76), II, 616-17. Wilson was Vice-President under Grant from 1873 until his death November 22, 1875.

\textsuperscript{12}James Ford Rhodes, History of the United States from the Compromise of 1850 (New York, 1900-1928), II, 368-70.

\textsuperscript{13}Ibid., p. 241.
beginning in 1853 and feels that the attempts to reopen the African slave trade were one of the central issues of this campaign, along with such proposals as "free schools for all whites . . . railroads to the Pacific," increased industry for the South, and direct steamship lines to Europe. A more recent publication places primary emphasis on a supposed relationship between advocates of reopening and the desire for Southern expansion to Cuba and Latin America.

Those subscribing to the "devil theory" attempt to relate the movement to reopen the African slave trade, in varying degrees, to the secession effort. This view experienced its genesis in a 1925 article by W. J. Carnathan. In investigating the efforts to reopen the trade in Texas, he finds political, economic, and social reasons behind the attempts. Carnathan reached similar conclusions in an article published in 1926 concerning the movement in the South as a whole. In addition to stressing the political, economic, and social ramifications of the issue, he recognizes the possible relation of secessionist sentiment to it,

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but does not totally subscribe to this "devil theory" as a major motivating factor. 17

The latter of Carnathan's two articles forms the basis of several other essays which have appeared in periodicals. Harvey Wish reflects Carnathan's influence in his 1941 article which even has a title strongly reminiscent of Carnathan. Wish relies heavily upon the groundwork done by his predecessor, but places much more emphasis on the "devil theory" by claiming that advocates of reopening were simply using the question as an issue to create Southern militancy. 18

The "devil theory" found its most ardent disciple in a 1960 article by Jack K. Williams. 19 He states quite succinctly that the advocates of reopening the African slave trade had secessionist designs. He feels that the movement actually contributed to secession by serving "as a device to increase Southern sentiment for disunion." 20


20 Barton J. Bernstein, "Southern Politics and Attempts to Reopen the African Slave Trade," Journal of Negro History, LI (January, 1966), 16-36, strongly contests this view. In an essay which draws heavily from both Carnathan and Wish,
Scholars advocating the "devil theory" have not been limited to articles in voicing their views. A good one-volume textbook on Southern history, The South in American History, by W. B. Hesseltine and David L. Smiley, has a brief but factual treatment of the movement. They posit that the reopening efforts were a manifestation of "Southern aggressiveness." The authors feel that this hostile spirit arose in the 1850's, as is evidenced in the reopening movement and "in a continued agitation for expansion Southward." Clement Eaton, in his volume for the New American Nation Series, states that "most of the advocates of the reopening of the slave trade seem to have been fire-eaters, motivated by a desire to agitate for the formation of a Southern confederacy.""21

The "devil theory" was applied specifically to the movement in Louisiana in a 1915 essay by Stella Herron. Although her article is extremely narrow in scope, being limited to the state legislative action taken on the subject in 1858, it is detailed and factual. Herron concludes that

Bernstein admits that "in the tense decade before the Civil War, a small group of Southerners sought to break the Union on the issue of reopening the African slave trade." He differs from Williams, however, in stating that this minority failed because of a fear of dividing Southern sentiment at a time when unity was the most crucial commodity for secession.


"the attempted action in Louisiana was part of a movement to secure the dissolution of the Union and the creation of a separate confederacy in which they could develop without interference from northern fanatics."\(^{23}\)

In sum, early polemical writings gave way to the fairly standard twentieth century interpretations. Writers of this century have normally subscribed to either the rationalists' position or the "devil theory." Each view boasts numerous supporting scholars, although the latter one has been the more popular choice in recent years, particularly the last decade.

It seems probable that the increased popularity of the "devil theory" is related to the current moral crisis brought about by the Civil Rights movement. Not that the moral issue is new to historians, especially where slavery is concerned. It was originated by the abolitionists in the ante-bellum period and has been constantly present since. It has, however, been revitalized by the recent emergence of a struggle for Negro rights since World War II. Kenneth Stampp's *The Peculiar Institution* (New York, 1956), is a classic example of the influence the contemporary struggle for Negro rights can have on historical writing.\(^{24}\) Viewed


\(^{24}\)Stampp is particularly interesting when contrasted with Stanley Elkins *Slavery*. Stampp feels that the Sambo image presented by many ante-bellum slaves was a conscious
from the perspective of the supposedly liberal, unprejudiced historian of the 1950's and 1960's, ante-bellum Southerners are generally found to be at fault in anything related to slavery. Therefore, reopening the African slave trade is viewed as not only intrinsically evil (as any post-bellum scholar would admit), but it has now become fashionable to accuse those who advocated reopening of participation in some diabolical conspiracy aimed towards secession. The point is, we still await something approaching an amoral treatment.

Perhaps the most striking facet of the historiography of the movement to reopen the African slave trade is the scarcity of solid, scholarly investigations concerning it. Admittedly, it is easy to become enamoured with one's subject to the point where you assign importance to it out of proportion to its actual historical impact. Even with this hopefully leveling thought in mind, it is shocking to find no mention of the efforts to reopen the slave trade in such a series as the normally outstanding multi-volume *History of the South*, edited by Wendell Holmes Stephenson and E. Merton Blake.

stance of accommodation. On the other hand, Elkins has been severely criticized for postulating that the Sambo stereotype may have had validity because this supposedly reflects unfavorably on the twentieth century Negro. I think Elkins makes a telling point in writing on the Sambo stereotype, relevant to this specific example and the entire problem of escaping the passion of the Civil Rights movement when he says: "If certain patterns of social behavior can in fact be 'internalized' or graded into the self under certain conditions, it ought to follow that under other conditions they could be graded back out again. How soon is of course an open question." *Slavery*, p. 228.
Although a number of works have touched on the topic, usually in a cursory manner, less than five accounts can be relied upon. There is no definitive work on the movement throughout the South, although it is possible that this will soon be forthcoming from Ronald Takai, a Ph.D. candidate working upon the subject at the University of California.

As for Louisiana, one would expect to find the standard treatment of the efforts to reopen the African slave trade in that state in the work of Joe Gray Taylor. Unfortunately, this is far from the case. Taylor first dealt with the subject in his 1951 doctoral dissertation, "Negro Slavery in Louisiana," and has essentially the same coverage of it in his 1960 article and the 1963 book published under the same title as the dissertation. The information on the reopening question is highly inaccurate and only serves to mislead and confuse the reader. The same errors are repeated in all three versions. Therefore, the movement

25 Avery Craven's, The Growth of Southern Nationalism, 1848-1861 (Baton Rouge, 1953), covers the period 1848-1861 and is the applicable volume.


in Louisiana, like the movement in the South as a whole, deserves further study. Was it, as the rationalists claimed, essential for viable Southern development? Or was it simply a tool for secession, as advocates of the "devil theory" assert? Or, as a third option, was the movement only a manifestation of the constant polemics of ante-bellum period concerning slavery? It is hoped that the present work will, to some degree, fill the void existing due to the neglect of the movement in Louisiana. In addition, I hope to clarify the confusion existing concerning the motivation behind the efforts to reopen the trade in that state.
Shortly after the United States completed the Louisiana Purchase, steps were initiated to provide a government for the newly acquired territory. An initial temporary measure provided for the administration of the territory by the President until Congress could take detailed action. A committee was appointed to formulate a plan for the government of Louisiana, and Senator John C. Breckinridge reported for this group on December 30, 1803. Among a myriad of provisions in the Breckinridge Bill lay one concerning slavery which touched off a heated debate. In its final form this portion of the bill restricted the slave trade into Louisiana to slaves from states of the Union, slaves who could be carried to the territory only by United States citizens going there to settle, and those citizens must be the legal owners of the slaves. Perhaps more importantly, the foreign

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1The debates on the Breckinridge bill were not reported in the Annals of Congress. Fortunately, a rather full report of the debate does exist in a private journal kept by Senator William Plumer of New Hampshire. These notes are to be found in: Everett S. Brown, "The Senate Debate on the Breckinridge Bill for the Government of Louisiana, 1804," American Historical Review, XXII (January, 1917), 340-64.
slave trade was prohibited, and any slaves imported into the United States since May 1, 1798, were barred from Louisiana.²

Passage of the bill on March 26, 1804, provoked immediate reaction from the inhabitants of Louisiana. In a petition of remonstrance to Congress, several made pointed references to the democratic ideals of the Declaration of Independence and the Constitution, and used this recently cultivated patriotism as a basis for the claim that the people of Louisiana should be allowed to decide the question of the foreign slave trade for themselves. The petitioners felt that the slave traffic was particularly justifiable in their state because of the great need for slave labor to construct and maintain the all-essential levees. It was claimed that this type of work could be done only "by those whose natural constitution and habits of labor enable them to resist the combined effects of a deleterious moisture, and a degree of heat intolerable to whites."³ Another resident complained that the cessation of slave imports would mean economic disaster. Not only must the levees be kept in repair, but the sugar, cotton, rice, and indigo plantations would suffer greatly. This writer also invoked the traditional pro-slavery dogma that the peculiar climate and terrain of Louisiana made it

"unfriendly" to white workers.4 In spite of these protests, the prohibition of the trade continued.

The debates which led to the passage of the bill are fascinating. All of the above arguments and many more were encompassed in what is probably one of the best summations of the variety of opinions on slavery in the first decade of the nineteenth century. First of all, the debates afford evidence that some members of the Senate shared the views of those Louisianians who felt their territory should be allowed to send a representative to participate in the planning of her future. Still, a motion to this effect was defeated on January 16, 1804.5 The subject of slavery quickly followed. Senator Jackson of Georgia stated that the territory could not be cultivated without slaves. In reply, Senator Breckinridge voiced his general opposition to slavery and expressed the fear "that our slaves in the south will produce another St. Domingo."6 The debate then settled around the traditional question of the inherent suitability of Negroes for labor in the Deep South. A New Jersey senator supported slavery as being exclusively suitable for this type of labor, while a colleague from Ohio asserted

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5 "Senate Debate on the Breckinridge Bill," pp. 342-44.

6 Ibid., p. 345.
that whites were equally suited.  

The memories of the bloody Santo Domingo slave revolt of Toussaint L'Ouverture, and the more recent threat of Gabriel's ill-fated insurrection at Richmond in 1800 are in evidence in the debates almost to the degree of exhibiting paranoia. A sentiment of fear was expressed over and over by various senators from a wide geographical distribution. Some made specific reference to the Santo Domingo and Gabriel affairs; others merely expressed their general apprehension.®

More rational are those arguments revolving around such points as the rights of the inhabitants of the territory, the constitutionality of proposed actions, and other such relatively tangible issues. For example, one senator declared his opposition to slavery but added that Congress was helpless to act against it until 1808. Another pointed out that the present Constitution protected slavery, therefore Congress could not prohibit the slave trade to the territory. Of course, opposition was voiced against all of these points.

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7Ibid.; New Jersey, in 1804, was the last of the Northern states to provide for the emancipation of her slaves.

8Ibid., pp. 346-54.
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\textsuperscript{7}\textit{Ibid.}; New Jersey, in 1804, was the last of the Northern states to provide for the emancipation of her slaves. \textsuperscript{8} \textit{Ibid.}, pp. 346-54.
protecting the rights of the separate United States to import slaves expired.\(^9\) Congress had anticipated this date with an Act of March 2, 1807, which prohibited the "importation of Slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight."\(^{10}\) Therefore, the trade was closed nationally before Louisiana entered the Union as a state.

The discontent exhibited by the people of Louisiana over the closing of the trade was relatively rare. Revolutionary liberalism, humanitarianism, economic self-interest, and other motives had caused every Southern state save one to close voluntarily the African slave trade prior to the Federal prohibition of 1808. Virginia closed her trade in 1778; Maryland in 1783; North Carolina levied a prohibitive duty in 1787, totally halting importations in 1794; and Georgia restricted importation in 1793, closing it completely in 1798.\(^{11}\) South Carolina was the lone exception. Although she passed the first of a series of Acts in 1787, which closed the trade for sixteen years, the Palmetto state's legislature reopened the traffic late in 1803. Almost 40,000

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\(^{10}\)U. S. Statutes at Large, Vol. II, 426.

slaves were imported in the four-year span prior to the Federal closing.\textsuperscript{12} Thus Louisiana and South Carolina appear to have been the only Southern states where any considerable degree of opposition existed over the closing of the slave trade, at least in the first decade of the century. This camaraderie, it will be seen, is quite symbolic because the two states were to find themselves virtually isolated from the rest of the South fifty years later when the question of reopening the African slave trade arose once again. For the present, the important fact is that a good deal of dissatisfaction was present in Louisiana over the prohibition of the trade.

Joe Gray Taylor feels that this discontent, combined with the normal aversion of the frontier spirit to formalized law and order, "doubtless encouraged the people of Louisiana to look benevolently upon slave smugglers."\textsuperscript{13} Although it is extremely difficult to document the illegal trade because of the natural disinclination of the slavers to maintain records of their activities, there is convincing evidence which indicates that slave smuggling was quite active in Louisiana the first two decades of the nineteenth century. The illegal traffic to Louisiana came primarily from privateers and pirates in the Galveston Island area,


\textsuperscript{13}Taylor, p. 37.
but some ships cleared directly from Havana for New Orleans.¹⁴

After the War of 1812, a boom period caused slave smuggling to be even more profitable. One such operation involves two of the more romanticized characters of American history, Jean Laffite and Jim Bowie. The Federal law preventing the importation of slaves provided for the auction of any such Negroes discovered by government officials. This law became the backbone of a procedure which demonstrated incredible gall and disregard for law and order. Bowie and his two brothers would buy slaves at Galveston Island from Laffite at the standard rate of one dollar per pound, and then transport them across the Sabine River into the vicinity of a United States Marshal's station. Leaving the coffle tethered in the woods, they became the informers. One can almost visualize the burly backwoodsmen, tongue in cheek, doing their duty as citizens by innocently reporting to the marshal their discovery of illegally imported slaves. The marshal, probably equally tongue in cheek, would then fulfill the requirements of the law and hold an auction. This sale, however, was unique in that it was held in the wilderness with the Bowie's being the only bidders. Thus they not only bought the slaves at a low price, but received half that price as the informers' reward, and most importantly, obtained a legal bill of sale from the marshal which

¹⁴Ibid., pp. 37-43.
allowed them to sell the Negroes legally in any slave state. The undoubtedly astronomical percentage of return on investment achieved by this operation is unknown, but one of the brothers reported in later years that the masquerade was accomplished often enough to provide a net profit of $65,000.15

It is obvious that slave smuggling did take place, both in Louisiana and in the rest of the South. The absence of specific enforcement machinery for the Act of 1808 led to multiple violations of the law. The question is one of degree and this problem has earned a niche with that myriad of other such historical enigmas for which an answer will probably never be found. Some estimates place the number of illegal importations into the entire South between 1808 and 1860 as high as 270,000.16 In the decade of the 1850's, W. E. B. Du Bois finds the illicit traffic to have been almost "a reopening of the slave trade."17 On the other hand, U. B. Phillips states that after Congress enacted the law of 1820 declaring the illegal trade to be piracy, the smuggling greatly diminished. He concludes: "So far as the general economic regime was concerned, the foreign slave trade was

15Ibid.


17Du Bois, p. 178.
effectually closed in 1808."

There are two major problems responsible for this historical controversy. One, the lack of accurate sources, has already been discussed. The other, the bias of the historians involved, may be inferred from Stanley Elkins' historiographical essay pointing out the continuing polemical nature of writings involving slavery. Two recent writers, Peter Duignan and Clarence Clendenen, have summed up the problem well: "The truth is that there is no way to determine the number of slaves illegally brought into the United States, and various estimates seem to be based as much upon the prejudices of the estimator as on any reliable evidence." They conclude: "The best available evidence seems to indicate that no large number of contraband Africans were imported into the United States between 1808 and 1861...."

The most recent scholarship seems to support the Duignan and Clendenen generalization. As has been seen, W. E. B. Du Bois was one of the major supporters of the high

18 Phillips, pp. 147-48. The rapidly increasing domestic slave trade must also be considered as a factor in the supposed demise of the illegal traffic. See below, pp. 25-26.


importation thesis. He claimed that in an eighteen-month period of 1859-60, eighty-five slavers were fitted out in New York harbor and that they carried from 30,000 to 60,000 slaves annually. These conclusions are indirectly questioned by Warren S. Howard in a book published in 1963. After a series of computations, Howard postulated that the aggregate tonnage of ships involved in the illegal trade may be used to estimate the volume of the contraband traffic. Finding an average of two Africans landed alive for each ton of displacement of successful slavers, he concludes that not over 17,000 slaves could have been brought into the United States and Cuba by all ships engaged in the traffic from 1858-60. Even this figure is too high as an estimate of the number of slaves which actually reached the United States, because Howard feels that most of them remained in Cuba. To return to the Duignan-Clendenen terminology, the phrase "no large number . . . were imported . . . between 1808 and 1861 . . ." is admittedly subjective, but it does appear that they, along with Howard and others, have placed the burden of proof on the Du Bois-Collins stand.

Although the illegal traffic was probably minimal when compared to the estimates of Du Bois and Collins, it

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22 Ibid., p. 257.

23 Duignan and Clendenen, p. 19.
did very much exist, in obvious defiance of the law. Congressional action indicates that the Federal government was quite aware of this lawlessness. The House appointed committees to investigate the slave trade in 1810 and 1813, and President Madison's annual message to Congress in 1816 led to the establishment of committees on the trade in both Houses. Madison again mentioned the problem in his presidential message of 1817. This led to the Act of 1818 which provided for one-half of all forfeitures and fines to go to informers. This act was the one used so advantageously by the Bowie brothers. Another act, passed May 15, 1820, declared direct participation in the foreign slave trade to be piracy, punishable by death.

Although the statute books certainly contained a sufficient number of laws to prohibit American participation in the illegal trade, their enforcement proved to be the loophole. This problem was directly related to one of the major issues of nineteenth century Anglo-American relations, freedom of the seas. The most flagrant violators of the laws prohibiting the trade were ships which operated under the sanctity of the American flag. U. S. Navy vessels were almost non-existent off the coast of Africa, so British ships began to stop and search suspected slavers, be they flying the U. S. flag or not. In reality, many of those

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25Ibid., pp. 119-20.  
26Ibid., pp. 121-23.  
27Howard, p. 27.
sailing under the guise of being American owned were actually Spanish vessels participating in the illegal traffic. In spite of this, U. S. protests reminiscent of the War of 1812 era were voiced over British violations of "American" shipping. An attempted solution was enacted by the Webster-Ashburton Treaty of August 29, 1842. This Anglo-American pact provided that only American officers were to police "American" merchantmen. But, to accomplish this (and satisfy the British), the United States was to maintain a squadron off the African coast to take care of American slavers.\textsuperscript{28} Until late 1859, this African squadron "never had half, perhaps never a quarter, of the ships it needed . . . to accomplish . . . its duties."\textsuperscript{29} In spite of these limitations, two recent scholars feel that by 1850 the combined efforts of the British and American slaving squadrons had the illegal trade pretty much under control. "Slowly, however, a new development began to make itself evident. American capital went into the slaving business on a rather large scale, for the time, and American owned vessels began landing their cargoes not only in Cuba but also directly in Georgia and the Gulf states."\textsuperscript{30} This increased traffic

\textsuperscript{28}Ibid., p. 40.

\textsuperscript{29}Ibid., p. 41. See also, p. 59.

further pointed out the inadequacies of the African squadron. The significance of the illegal slave trade, no matter how small it may have been, is obvious. There is no doubt that a demand existed for more slaves; the only question is how great was the demand. When boom periods of economic prosperity occurred, planters renewed their faith in the plantation-slave economy, and during these flourishing times huge migrations made their way into the virgin land of the old Southwest.\(^{31}\) Two recent econometric historians have shown that investment in slavery-related operations in the ante-bellum South returned, on the average, a profit as high as could be achieved in other available forms of investments.\(^{32}\) Therefore, it seems evident that profits were being made in the South and that they were intrinsically related to the institution of slavery. With this in mind, it is not difficult to understand the existence of a demand for Negro slaves, a demand met in part by the illegal foreign trade.

The quite active domestic slave trade is probably the major reason the illegal traffic did not reach greater proportions. The former medium did a tremendous volume of business and is of great significance. Not only did this


trade help to supply the huge demand for slaves emanating from the booming, newly settled states of the deep South, it also played a vital role in the economy of the Upper South. In this latter area, where soil exhaustion had caused profits from staple agriculture to fall, the marketing of at least the natural increase of the slave force became a vital source of income.\(^{33}\)

The importance of the domestic trade to the Upper South is evident from a few elementary statistics. The demand for labor of the new cotton and sugar plantations of Arkansas, Louisiana, Mississippi, and Texas had become so great by 1850 that some 207,000 slaves are estimated to have been transferred from the border and older cotton states to these new areas during the period 1850-1860. This same decade saw the slave population of Delaware and Maryland decline, and in Virginia increase by only 3.88 per cent, 4.53 per cent in South Carolina, 6.87 per cent in Kentucky, and 14.73 per cent in North Carolina. When these figures are contrasted with the national increase in the total slave population of 23.39 per cent for the same period, the magnitude of the domestic trade is clear.\(^{34}\)

Although a demand obviously existed for Negro slaves,
as is evidenced by the domestic and illegal trades, it is possible that it had its origin, at least in part, in reasons other than a realistic economic appraisal. J. D. B. De Bow, who founded *De Bow's Review* in New Orleans in 1846, warned in the late 1840's and early 1850's against the economic and social dangers of a surplus slave population, but the heavy domestic slave trade indicates that he had few listeners. De Bow and others who cautioned against increasing the number of slaves made many cogent points. Still, the fact remains that the people created a great demand for slaves with prices reaching a high level in the 1850's. The New Orleans *Daily Picayune* reported seven slaves, sold in August 1858 at a normally undesirable "Sheriff's sale," bringing an average of $1,538 in spite of the fact they were sold under orders of a court and without guarantees. Ulrich B. Phillips substantiates this price inflation.

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35 See Note 6, Chapter I, p. 3.

36 For a detailed discussion of this subject, see Robert F. Durden, "J. D. B. De Bow: Convolutions of a Slavery Expansionist," *Journal of Southern History*, XVII (November, 1951), 441-61. Eugene Genovese, in *The Political Economy of Slavery* (New York, 1965), p. 147, points out the paradox existing between this stand of De Bow's and his later position advocating the reopening of the African slave trade. Although slavery was certainly returning profits in the Deep South, giving real economic motivation for wanting to reopen the African slave trade, the wavering position of economists such as De Bow indicates other factors were involved. For example, the "plantation life" was the model of aspiration for many in the South, and intangible factors such as these must be kept in mind.

37 New Orleans *Daily Picayune*, August 8, 1858.

Purchasers such as the above may have been deluding themselves to some degree, but the point remains that they were buying and the market rose accordingly.

With prices having reached such a high level, and a demand for slaves obviously existing, it is not surprising to find a movement emerging in the 1850's advocating the reopening of the African slave trade. The effort in Louisiana had its distinguishing features, but it normally shared characteristics with similar proposals in other Southern states. It seems appropriate, therefore, to explore the movement as a whole before dealing specifically with Louisiana.

December 18, 1854, in the form of a presentation to the state legislature from a grand jury in the Williamsburg District of South Carolina. They called the federal law prohibiting the trade "a public grievance" and said the re-establishment of the trade would be "a blessing to the American people, and a benefit to the African himself." The presentation was then submitted to the state's legislative Committee on the

1Harvey Wish, "The Revival of the African Slave Trade in the United States, 1836-1860," Mississippi Valley Historical Review, XXVII (1941), 590. Hassel sees Spratt as taking this position a year earlier, but the consensus is with Wish.

CHAPTER III

THE RISING TIDE

In the ante-bellum South, radical movements had a tradition of finding their origins in the state of South Carolina, and the effort to reopen the African slave trade held true to this heritage. Leonidas W. Spratt, editor of the Charleston Standard and a non-slaveholder, advocated reopening the trade as early as 1853. The next year, the first concrete proposal looking towards this end appeared December 18, 1854, in the form of a presentment to the state legislature from a grand jury in the Williamsburg District of South Carolina. They called the federal laws prohibiting the trade "a public grievance" and said the re-establishment of the trade would be "a blessing to the American people, and a benefit to the African himself." The presentment was then submitted to the state's legislative Committee on the 

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1Harvey Wish, "The Revival of the African Slave Trade in the United States, 1856-1860," Mississippi Valley Historical Review, XXVII (1941), 570. Russel sees Spratt as taking this position a year earlier, but the consensus is with Wish.

Colored Population, which returned a report pointing out both the advantages and disadvantages of reopening the trade. They recognized "that its re-establishment would be instrumental in peopling new and extensive slave territories, and in bringing wealth and political strength to the slave-holding States. . . ." On the other hand, they expressed "apprehension that it would tend to drive the institution from the border States, and thus bring the cordon of free States closer and closer round us. . . ." The committee concluded "that as no action is solicited by the presentment, and none demanded by the sentiment of our people at the present time, they have felt called upon to do no more than express their views upon its subject matter, and ask to be discharged." 3

The movement in South Carolina received a great boost in November 1856 when Governor James H. Adams used his address to the legislature to recommend that steps be taken to reopen the trade. As justification for this proposed action, he presented a lengthy argument examining the economic, political, social, and moral aspects of the

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3 Ibid., pp. 1157-58. The quotation is from Consul Bunch's abstract of the committee report. It is interesting to note that Barton J. Bernstein, "Southern Politics and Attempts to Reopen the African Slave Trade," Journal of Negro History, LI (January, 1966), 16-36, both misinterprets and misquotes this abstract. He states that the committee returned "a scathing criticism of the proposal" and "asserted that its action was 'demanded by the sentiments of our people at the present time.'"
question. Reacting to this address, the Committee on Colored Population reversed its earlier stand and stated that "the South at large does need a reopening of the African slave-trade." In spite of this support, the proposal bounced around until it was finally ordered "to lie on the table" in the 1858 meeting of the legislature. In addition to meeting with disapproval in South Carolina, the suggestion received federal censure on December 15, 1856, when the House of Representatives, by a vote of 183 to 8, passed a resolution disapproving of the trade as "inexpedient, unwise, and contrary to the settled policy of the United States." Ronald Takai, in an article dealing with the movement in South Carolina, points out three obstacles faced by those who advocated reopening the trade. Although he is concerned specifically with South Carolina, his observations are generally valid for the overall movement in the South. The first and most obvious obstacle lay in the federal statutes prohibiting the trade. Second was the "internal" obstacle posed by some non-slaveholders. Last, and what Takai


5Bernstein, p. 17.


considers to have been most distressing to the supporters of the proposal, was the moral condemnation of the western world. Because of this third barrier, some supported the revocation of the laws preventing the trade, but opposed the actual reopening of it. This seeming contradiction occurred for those who felt the former to be a moral question, viewing the prohibitive laws as representing a moral stigma against the state, while considering the latter to be an economic matter. The point is that it was entirely possible for an individual to be an ardent supporter of the institution of slavery and an opponent of reopening the trade.

The question of just who supported the South Carolina movement remains. Historical generalizations are admittedly a risky business, but one can feel rather secure in stating that the effort to reopen the trade in South Carolina was supported, in the main part, by politically oriented "fire-eaters" who hoped to use the proposal to advance the cause of secession.

The Southern commercial conventions played a central role in the efforts to reopen the trade. These gatherings were held as early as 1837, with the first four (1837-1839) being primarily concerned with the establishment of direct

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9 For examples of this thesis, see Russel, pp. 213-14; Takai, pp. 38-54; and Carnathan, p. 429.
trade with Europe, the next three (1845, 1849, 1851) with
internal improvements, particularly railroad construction,
and the last nine (1852-1859) with a wide variety of
topics.\(^{10}\) The question of the foreign slave trade was not
discussed until the last group, and then not until the 1855
meeting.

The 1855 convention assembled at New Orleans on
January 9th.\(^{11}\) In the next to last session of the five-day
gathering, Dr. J. W. P. McGimsey of Baton Rouge submitted the
following resolution:

> In view of the fact that African slavery is an
> institution clearly sanctioned by the volume of
> inspiration— that it is the only conservative
> power of the south and of the Union— and that it
> constitutes the best state of society, where the
> African and Caucasian races are compelled to dwell
> together in the same community, therefore—
>
> Resolved, That this convention strongly recommend
> [to] our Senators and Representatives in Congress,
> from the slaveholding States, to introduce a bill
to repeal all laws suppressing the slave trade, and
> that they exert all their influence to have such a
> law passed.\(^{12}\)
>
This recommendation was referred to a committee which never

\(^{10}\) Although two monographs are available on these con-
ventions, I found Russel's *Economic Aspects of Southern
Sectionalism* to be the most useful work on the subject. The
monographs are: John G. Van Deusen, *The Ante-Bellum Southern
Commercial Conventions, 1837-1859* (*Historical Papers Pub-
lished By The Trinity College Historical Society,* Series 16,
Durham, 1926), pp. 1-111; and Herbert Wender, *Southern Com-
mercial Conventions, 1837-1859* (*Johns Hopkins University
Studies in Historical and Political Science,* XLVIII, Balti-
more, 1930), 1-240. The conventions originally consisted
mainly of the business element, but became more and more
political as the years passed. See below, p. 50.

\(^{11}\) *De Bow's Review*, XVIII (March, 1855), 355.

reported upon it.\textsuperscript{13} Although no action was taken on the resolution, it is important in that it constitutes the introduction of the issue into the commercial conventions, and this type of proposal found ever increasing support in the remaining meetings.

Two conventions were held in 1856. The first, held at Richmond from January 30 to February 3, was poorly attended, with only seven states represented and 183 of the 213 delegates coming from the host state. This uncosmopolitan representation was probably due to severe weather conditions, and to the meeting having been called on short notice.\textsuperscript{14} The second convention of 1856 met at Savannah from December 8 to December 14 and was much more active. The preceding month, Governor Adams of South Carolina had given his legislative address advocating the reopening of the trade and by so doing had made the question a leading issue of the day.\textsuperscript{15}

Early in the proceedings of the convention, W. B. Goulden of Georgia introduced a resolution "that our Representatives in Congress be requested further, to use their best efforts to procure a repeal of all the laws interdicting the African

\textsuperscript{13}ibid.; Carnathan, p. 425.

\textsuperscript{14}Russel, pp. 137-38; Van Deusen, pp. 52-53. The short notice resulted from the originally scheduled meeting having been postponed indefinitely due to a small-pox epidemic in Richmond.

\textsuperscript{15}See above, pp. 29-30.
slave trade..."\(^{16}\) This proposal was laid on the table "by a decided vote."\(^{17}\)

The question of reopening the foreign slave trade was brought up again the last two days of the convention. A motion was made by A. L. Scott of Virginia to appoint a committee to study, among other things, the propriety of reopening the African slave trade. An extremely spirited debate ensued and the measure was ultimately defeated by a vote of 61 to 24.\(^{18}\)

The debate is interesting in that it exhibited many of the arguments, both pro and con, which will be seen time and time again in discussions relevant to reopening the African slave trade. Mr. Scott, who formulated the motion under debate, argued that the border states were being depleted of their slave force so rapidly that there was danger of a labor shortage. Not only was a scarcity of labor in the border states, so the argument ran, but one existed everywhere else in the South. This labor shortage produced a twofold negative effect. First, many fertile areas of the South were lying uncultivated for want of labor, and secondly, the South was losing large blocks of land to the freesoilers. Mr. Scott found this latter factor to have

\(^{16}\)De Bow's Review, XXII (January, 1857), 89.

\(^{17}\)Ibid. Neither the actual majority nor the breakdown of voters by states are available.

\(^{18}\)Ibid., pp. 92-94.
political implications since he felt it was the cause of the South losing the balance of power in Congress. 19

A. J. Pike of Louisiana opposed the resolution. In sum, his argument is a classic example of the dichotomy seen in those who were against reopening the trade on moral and humanitarian grounds, but who were ardent supporters of the institution of slavery. Pike said that "he would suffer himself to be torn by wild horses before he would justify the renewal of the African slave trade; and he would be equally ready to suffer that before he would admit that slavery itself was wrong." In passing, he also touched upon the financial argument saying that rather than being a benefit to the pecuniary aspects of slaveholding, a reduction of prices resulting from reopening the trade would cause the South to "suffer a loss more than had been lost under the tariff." 20 An Alabama delegate joined Pike in opposition to the resolution, but for different reasons, because he felt the trade to be perfectly moral but not advisable merely "upon the ground of policy." 21

Other opinions were offered. One delegate felt that reopening the trade would be much more humane than continuing the illegal traffic. Another asserted that God had intended the Africans to be slaves. A third, demonstrating even more questionable logic, claimed that it was more humane

19 Ibid., pp. 216-18.  20 Ibid., pp. 219-20.  
21 Ibid., pp. 220-21.
to bring a slave to the Deep South from Africa than it was to separate him from his family in Virginia. Still another claimed the present shortage of slaves to be so acute that the South's dominance of the cotton economy was in danger. That old friend of the reopening movement, L. W. Spratt, also voiced support of the resolution but he was outnumbered by numerous delegates who expressed the opinion that it was simply a matter of impropriety to discuss the measure at that time. Thus the resolution was defeated. Although no resolutions were adopted by the Savannah convention favorable to a reopening of the illicit traffic, "the revival of the trade was favored by a very aggressive minority." The spirited debate which took place over the question at Savannah makes it "a landmark in the convention movement." Prior to this meeting any attempt to discuss controversial political issues had been cut short. This was not the case in 1856, "and as the remaining conventions followed its precedent, the Southern Commercial Convention tended to become less and less commercial, and more and more political, radical and disunionist." In sum, as Robert R. Russel expresses it: "The Southern Commercial Convention had now reached a stage where nothing could be expected from

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22 Ibid., pp. 221-24.  
23 Ibid., pp. 92-94.  
24 Russel, p. 214.  
25 Van Deusen, p. 57.  
26 Ibid.
it in the way of advancing commerce and industry in the South."²⁷

The validity of these last two statements is evident from the proceedings of the next convention, which assembled at Knoxville on August 9, 1857. A considerable portion of the discussion concerned the slave trade. J. D. B. De Bow was elected president of the convention and gave an opening address which reeked of Southern nationalism. Among the numerous radical proposals he touched upon was the reopening of the African slave trade, a step he claimed was necessary to supply the South with the labor force needed to insure its development.²⁸

The first piece of regular business to come before the convention was a proposal by E. B. Bryan of South Carolina favoring the annulment of the eighth article of the Webster-Ashburton treaty, which provided for the maintenance of the African squadron. This resolution was referred to a committee and reported on the same day. Discussions began in earnest the next morning. Bryan felt that the existence of the squadron was not only an unnecessary expense, but also a moral stigma upon the South. B. R. Carroll of South Carolina and R. G. Payne of Tennessee opposed the resolution on the grounds that it was not an appropriate topic for the

²⁷Russel, p. 140.

convention to discuss. L. W. Spratt, of course, supported the measure, claiming that the African squadron was an utter failure.\textsuperscript{29} William H. Sneed, another Tennessee delegate, expressed his opposition by moving that the resolution be amended to read that it was "inexpedient and contrary to the settled policy of this country to repeal the laws prohibitory of the African slave-trade." This motion was defeated by a vote of 40 to 52.\textsuperscript{30} Bryan's resolution was then called to vote and passed by the large margin of 66 to 26.\textsuperscript{31}

This vote did not mark the end of discussion of the slave trade question at the Knoxville convention. A committee which had been somewhat irregularly appointed at Savannah to investigate the African slave trade reported that they felt the time was not appropriate for consideration of the question. The chairman was instructed to have the committee discharged from any further obligations, a move that caused L. W. Spratt to urge that another committee be appointed to investigate the foreign slave trade and report

\textsuperscript{29}Ibid., pp. 23-24, 35-39, 43-59. The Webster-Ashburton Treaty is also known as the Treaty of Washington of 1842.

\textsuperscript{30}Ibid., pp. 62-67.

\textsuperscript{31}Ibid., p. 67. During the course of the debates, some criticism was directed towards the 1842 administration for having established the African squadron. This brought an angry retort from John Tyler, who had been President at the time of the treaty. He stated that in 1842 the Southern states had been almost unanimously opposed to the foreign slave trade. "Ex-President Tyler's Letter," \textit{Tyler's Quarterly Historical and Genealogical Magazine}, XXXII (October, 1950), 103-110.
upon it at the next convention. This motion was rejected by the close vote of 44 to 45. Undaunted, Spratt immediately offered a similar proposal, with his argument being that the subject was one deserving of thorough discussion at the next convention. He had a pointed reply to those who found the consideration of the topic to be inexpedient: "Upon the same principle it might be said that when Luther started his theory of reformation it was not the proper time."

The arguments offered in support of Spratt's proposal were hardly original. Two delegates stressed the "positive" benefits of slavery for the African. One of the two emphasized the supposedly civilizing nature of slavery; the other sang the praises of the conversion of Africans to Christianity which resulted from slavery. After a tabling motion by those opposed to the proposal was defeated, Spratt's resolution passed by a margin of 52 to 40, and a committee was appointed to investigate the question of reopening the slave trade and to report to the next convention.

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33 Ibid., p. 89.
34 Ibid., pp. 90-91. Arguments such as these are significant for they infer the equation of reopening the African slave trade to standard defenses of slavery as a Southern institution.
35 Ibid., p. 92. See also, De Bow's Review, XXIII (September, 1857), 319, and Wender, p. 200. It is merely coincidental that a similar 52-40 margin resulted from the vote on Sneed's motion opposing the Bryan Webster-Ashburton resolution. Vote alignment in many states differed on the two questions although Louisiana did vote as a unanimous block, against Sneed's motion, and for Spratt's.
This committee was chaired by Spratt, and his report, together with the ensuing debate, occupied almost the entire time of the Montgomery meeting of May 1858. The radical tone of the convention was set by the first five words of William L. Yancey's opening address: "My Countrymen of the South. . . ."36 As Russel describes it, "it was not a commercial convention; it was a gathering of disunionists."37 Spratt gave his committee's report during the evening session of the first day.38 In an extremely detailed and lengthy presentation, he touched upon virtually every imaginable aspect of the reopening question. The report opened with a rather standard defense of slavery which in turn was applied to the slave trade issue. According to Spratt's logic, if slavery was right (and he "proved" it was), then the slave trade was justifiable, not only in America but from Africa. After all, a slave in the civilized United States was much happier than one in pagan Africa. To support this claim, Spratt went into a detailed monologue which attempted to demonstrate vividly the horrors of the barbaric African societies.39

36De Bow's Review, XXIV (June, 1858), 574.
37Russel, p. 143.
38Actually, it is a misnomer to refer to Spratt's talk as a committee report as it appears that it was exclusively a production of Spratt's. Upon his completion of the report, two committee members confessed their ignorance as to its contents prior to having heard it read. De Bow's Review, XXIV (June, 1858), 578.
39Ibid., pp. 473-80.
Spratt felt that reopening the trade would benefit the African, but even more, would cause the South to prosper. For a number of reasons, the great need of the South was an increased slave population. A major claim was related to political power. Not only would an increase in the slave population give the South more power in the House of Representatives, but Spratt felt that reopening the African trade would give the Southern area of the United States the power to expand into new territory and, consequently, add more slave states to the Union. Abundant labor for virgin fields would be provided and increased production of cotton would result. Contrary to many advocates of reopening the trade, Spratt admitted that this increased production would cause cotton prices to fall. But he felt this to be a positive benefit because it would force the South to diversify from what he considered its dangerous one-crop economy. Socially, more slaves at cheaper prices would enable the poor to become slave owners, thereby strengthening the institution and abolishing the distinction between slave owners and non-slave owners.\footnote{\textit{Ibid.}, pp. 481-88.}

The report anticipated a number of common objections to reopening the trade. For example, some felt that an influx of fresh Africans would create problems in the physical control of the slaves, but Spratt dismissed this on the grounds that since Negroes had presented no control
problems in the past, they would not do so in the future. Another objection often offered claimed that a large increase in the slave population would dangerously overcrowd the South, but Spratt reconciled this complaint by pointing to his Southern expansionist theories. As for the possibility of revival of the trade splitting the Union, Spratt claimed that the economic benefits the North would derive would cause that section to overlook its loss of political power.41

At the conclusion of this important report, probably the most comprehensive statement yet offered relevant to the reopening of the African slave trade, Spratt proposed the adoption of three resolutions: (1) "That slavery is right, and that being right, there can be no wrong in the natural means to its formation"; (2) "That it is expedient and proper [that] the foreign slave trade should be re-opened, and that this Convention will lend its influence to any legitimate measure to that end"; (3) That a committee be appointed to study the most feasible means of reopening the trade and report to the next meeting of the convention.42

Spratt's report had little success in converting another member of the committee. Roger A. Pryor of Virginia let his thoughts be known at length the next day, and in so doing disagreed with Spratt on almost every point. Pryor did agree that reopening the trade would benefit the

41Ibid., pp. 488-91. 42Ibid., p. 491.
African but this was one of the few points of concurrence. He felt that the answer to increasing the South's political power lay not with the increase of the slave population, which only counted three-fifths in political apportionment, but rather in white immigration. He took serious issue with Spratt's contention that lower cotton prices would benefit the South. On the contrary, Pryor admonished the South to use the minimum supply of labor possible compatible with the production demand, because he felt that an excess of cotton would be the greatest economic evil of all. He did not feel that it was necessary to expand slavery geographically in order to strengthen it; he was more concerned that the reopening issue might split the South. Pryor charged that the policy advocated in the report was impracticable. The South's forefathers had agreed to the Federal Constitution, and to reopen the trade would be an act of bad faith. In addition, reopening the foreign trade would surely alienate the loyal Northern Democratic friends of the South. Finally, Pryor claimed that "this proposition to revive the African slave-trade was purely and simply a proposition to dissolve the Union. . . ."43 He was not necessarily opposed to secession, but he felt that the reopening of the African slave trade was not a worthy issue upon which to base such an important decision.

William L. Yancey of Alabama, also a member of the

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43 Ibid., pp. 579-83.
Spratt committee, immediately arose to contest Pryor's speech. He took heated issue with Pryor's concern over the effect of the issue on Northern Democrats and made pointed reference to the Kansas issue as an example of a Northern "betrayal." Yancey claimed the law prohibiting the African slave trade discriminated against the South. If it were right to buy slaves in Virginia and carry them to New Orleans, why was it not also proper to buy them in Cuba, Brazil, or Africa? Not only did the law discriminate against the Deep South, according to Yancey, it even favored Virginia by giving her a monopoly of the domestic slave trade. He did not approve of Southerners being compelled to go to Virginia and buy slaves for $1,500 when they could be purchased in Cuba for $600, or on the coast of Guinea for $100. Yancey did not formally advocate reopening the foreign traffic; he was willing to leave that question to the laws of supply and demand. But he did insist that the laws prohibiting the trade be repealed, thereby removing from the statute books "the mark of Cain which has been placed upon our institutions."44

After the lengthy Pryor and Yancey arguments, the convention understandably adjourned for the morning, but resumed the discussion in the afternoon session with Yancey continuing his speech. After deliberating upon his supply and demand point, Yancey as much as admitted that he felt the

44 Ibid., pp. 583-86.
slave trade issue was a sufficient one upon which to base secession, a statement that stirred the audience into an emotional frenzy.45

The pro and con arguments of Spratt, Yancey, and Pryor were expressed over and over by other delegates. Nothing new was introduced into the debates, which raged throughout the remaining seven sessions of the convention. One aspect of the discussions, however, is of interest. Virginia delegates were quick to criticize Yancey for his inference that Virginia was against reopening the foreign trade because of pecuniary interests. Finally, a motion was made and unanimously passed to lay upon the table and print all reports relevant to reopening the African slave trade.46

The Montgomery convention stimulated a great deal of reaction from both the press and the general public. Virginia newspapers were particularly indignant over Yancey's inferred doubts of the state's fidelity to Southern institutions. Still, one Richmond editor inadvertently gave credence to the Yancey implications by saying that if the dissolution of the Union were to come accompanied by a reopening of the African slave trade, Virginia might better place herself in the "South of a Northern Confederacy" rather

45 Ibid., pp. 586-88. Herbert Wender feels that Yancey's eloquent and lengthy speech was the major factor in determining the motif of the meeting and converting it into a secession convention. Wender, p. 221.

46 De Bow's Review, XXIV (June, 1858), 588-603.
than in the "North of a Southern confederacy." This was recommended because "in the Southern confederacy with the African slave trade revived, she would lose two-thirds of the value of her slave property, and derive no additional increase to the value of her lands." 47

The most common criticism levied against the Montgomery convention was directed at its largely political nature. An editorial in the New Orleans Daily Picayune was typical. This article began by praising the establishment of the commercial conventions and the good they had accomplished in the past. The editor, however, deplored the degeneration of these potentially useful gatherings "into merely sectional political assemblies." Subjects such as reopening the slave trade belonged in political, not commercial, conventions, according to the Picayune. The paper particularly indicted the Montgomery convention for its almost total neglect of subjects related to the commercial advancement of the South. 48

At least one pamphlet was written protesting the actions of the Montgomery convention. Robert G. Harper, a Georgian, pointed out that Southern representatives in Congress had voted to declare participation in the foreign slave trade piracy in 1820. In addition, he felt that

47Richmond Enquirer, May 24, 1858, quoted in Wender, p. 226.

48New Orleans Daily Picayune, May 20, 1858. See also, Wender, pp. 226-27.
aggravation of the subject, as demonstrated by the Mont-
gomery meeting, would only develop division within the
South.  

The growing momentum of those advocating a reopening
of the trade was evident at the last of the Southern Com-
mmercial conventions, held at Vicksburg May 9-19, 1859. As
was the case at Montgomery, the slave trade question was
the central issue of the meeting. After Spratt called up
the report containing his resolutions made at the Montgomery
gathering, the Committee on Resolutions recommended that "in
the opinion of this Convention, all laws, State or Federal,
prohibiting the African slave trade, ought to be repealed."

Two minority reports were submitted by the same committee,
one by Mr. Delafield of Vicksburg "declaring the reopening
of the trade to be impracticable and foreign to the purpose
of the convention," and another, by John Humphreys of
Mississippi, "advocating instead the introduction of negroes
on the apprentice system."  

The debate for and against the slave trade was con-
ducted primarily by Spratt and Governor H. S. Foote of
Mississippi. Their arguments were essentially the same as
those put forward by the earlier conventions. Spratt claimed
that the border slave states would soon become free states

49 Robert G. Harper, An Argument Against the Policy of
Re-Opening the African Slave Trade (Atlanta, 1858), passim.

unless the outflow of slaves were checked. After detailing a number of his standard points, he discussed the feasibility of repealing the prohibitory Federal law. Concluding that the repeal of same was highly unlikely, Spratt reflected his South Carolina heritage by recommending nullification of the law. Governor Foote directed both an economic and a political attack against Spratt and his position. From the economic standpoint, Foote asserted that reopening the trade would reduce the price of cotton and slaves, actions that would seriously damage the Southern economy. Politically, Governor Foote declared Spratt's proposed method of reopening the trade to be nothing short of treason and accordingly charged him with spreading treasonable sentiments in his speech. In addition, Foote felt that if a Black Republican were elected, the South would have enough problems with their slaves without having to cope with a horde of corrupting wild Africans.

Upon termination of the lengthy debate of Spratt, Foote, and numerous others, the resolution was called to a vote. The result saw the Vicksburg convention become the first to pass a resolution favorable to reopening the African slave trade, by the comfortable majority of 40-19.

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53De Bow's Review, XXVII (July, 1859), 99. Vol XXVI of De Bow's lists the vote as 44 to 19, with the difference lying with Alabama being assigned 9 rather than 5 affirmative votes. The 40 to 19 margin is listed in the proceedings of the convention, as printed in De Bow's Review, and is probably accurate. Louisiana's delegates were unanimously for the proposal.
Colonel I. N. Patridge of Mississippi attempted to read a protest signed by ten delegates of his state declaring, among other things, that the approved resolution did "not embody the sentiment of the people of the eight Southern States represented on this floor."\textsuperscript{54} This objection, however, was cut short by the President of the convention "on the ground that the language of the protest was indecorous and disrespectful."\textsuperscript{55} At this point, Patridge and several others, including Governor Foote, resigned their seats and withdrew from the convention.\textsuperscript{56}

It is appropriate to note Patridge's protest, for he was probably correct in stating that the resolution was not representative of opinion in the Southern states. Beginning with the Savannah convention of 1856, the meetings were increasingly dominated by politicians, who gradually replaced the business element. A great deal of dissent was levied at the unusual activities of the Montgomery assembly of 1858, with the result that attendance at the Vicksburg convention was dominated by the more radical elements.\textsuperscript{57}

\textsuperscript{54}De Bow's Review, XXVII (October, 1859), 470-71. Actually, nine states were represented: Alabama, Arkansas, Georgia, Florida, Mississippi, Louisiana, South Carolina, Tennessee, and Texas. Virginia and North Carolina are conspicuously absent.

\textsuperscript{55}Ibid., p. 100.  \textsuperscript{56}Ibid.

\textsuperscript{57}The exception to this would be the Mississippi delegates, who came in large numbers simply because of the geographical proximity of the meeting. Thus it is significant that all of the delegates to walk out of the convention were from Mississippi. The absence of Virginia and North Carolina delegates has already been noted.
John G. Van Deusen probably summarizes Southern opinion properly when he observed that "the Vicksburg Convention was ridiculed and denounced by the Union element in the South, and distrusted even by the cooler headed disunionists."\(^{58}\)

Before adjourning, the convention agreed to meet at Atlanta in November 1860. The Montgomery Daily Confederation was prophetic when it noted that "these ... Conventions have run their course, and we shall hear no more of them forever," because talk of Black Republicans, secession, and civil war became the dominant issues of the day, with the result that the call was never made.\(^{59}\)

Sentiment favorable to reopening the African trade was also exhibited in several Southern states. Chronologically, the first of these was South Carolina and has already been discussed.\(^{60}\) In Georgia, a bill was introduced in the state legislature in the fall of 1858 which provided for the repeal of that section of the 1798 state constitution which prohibited the foreign slave trade. The debates followed the standard pro and con lines, and the bill was ultimately defeated. Alexander H. Stephens, a prominent Georgia

\(^{58}\) Van Deusen, p. 69.

\(^{59}\) Quoted in Van Deusen, p. 69.

\(^{60}\) Virginius Dabney, in Liberalism in the South (Chapel Hill, 1932), p. 119, finds a relation between the death of the Know-Nothing movement in the South in 1855 (signified by the election of Henry Wise as Governor of Virginia), and the rise of the movement in various Southern states to reopen the foreign slave trade.
political figure, continued to advocate quietly the revival of the trade. He remained a covert supporter of the issue because of his fear that open debate would jeopardize party unity. In a major speech in Augusta on July 2, 1859, he warned that "unless the number of African stock be increased we might as well abandon the race with our brethren of the North in the colonization of the territories." Stephens continued that the subject was one of a grave and serious nature, but Georgia never took any positive action relevant to it.61

The state of Alabama was equally dormant on the question. Only two incidents of any significance occurred. In 1857 a representative of Pickens County introduced a resolution in the state legislature favoring a reopening of the trade. The measure, however, failed to pass. In 1859, candidates for the state legislature from Barbour County unanimously opposed reopening the slave trade. In sum, support of the issue in Alabama was sporadic and weak.62

In Texas, the question of reopening the foreign slave trade was an important issue in the late 1850's. The debates began in the press in late 1856 and followed the standard arguments already seen in South Carolina. Those supporting reopening found political, economic, and social reasons to justify their stand. Politically, more slaves

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61Wish, pp. 580-81; Carnathan, pp. 423-24.
62Wish, p. 581; Carnathan, p. 424.
would increase Southern representation in Congress; economically, the additional labor would enable untapped land to be cultivated, and would solidify the South by making slaves available to the lower classes. Those opposed stressed the Federal prohibition, claimed that slave and cotton prices would fall, and that the price of land, food, and clothing would rise. The matter was brought before the state legislature November 24, 1857, when Representative John Henry Brown introduced in the House a "Preamble and Joint Resolution," providing for the instruction of the Texas national representatives to seek a repeal of the Federal prohibitory laws, and urging passage of new laws permitting the importation of foreign slaves. The proposal was referred to a committee which reported that although the resolution would benefit the Negroes brought in, no action should be taken because of the highly controversial nature of the measure, one which they felt should be thoroughly passed upon by the people before legislative action was taken. This report was accepted, and the matter ended in the legislature December 24, 1857.63

The movement to reopen the African slave trade in Mississippi is interesting and highly significant. It was in Mississippi that the African apprentice system

originated. This, of course, was an attempt to provide a means of importing Africans without violating the Federal law prohibiting the foreign slave trade. In its simplest form, the system provided for the importation of Africans as indentured servants, to be bound to labor for a certain number of years and then, theoretically at least, liberated.

Henry Hughes was the originator of the theory. In 1854 he published a book advocating "warranteeism" as the most appropriate labor system for the South. After developing this theory into a more formalized scheme, Hughes introduced a proposal in the Mississippi legislature on November 19, 1857, advocating the establishment of an apprentice system. The measure provided for the chartering of the "African Labor Immigration Company," authorized to import "indentured"

64 Henry Hughes, Treatise on Sociology, Theoretical and Practical (Philadelphia, 1854), passim, but especially Chapters 8-11. Hughes developed this theory and urged it as a means of evading the Federal law in an 1858 book and in an address to the 1859 Vicksburg commercial convention. See William S. Jenkins, Pro-Slavery Thought in the Old South (Chapel Hill, 1935), p. 101. The Vicksburg report is not given in the proceedings as contained in De Bow's Review but was reprinted separately. Hughes had been appointed chairman of a committee of seven at the Montgomery convention, charged with the responsibility of investigating the propriety of an apprentice system. The report recommended "that a committee of five be appointed to address our State legislatures in favor of the African Labor Supply via the apprentice system." A Report On The African Apprentice System Read At The Southern Commercial Convention Held at Vicksburg, May 10th, 1859, p. 15. Another Mississippian, John Humphreys, was probably acting under Hughes's influence when he advocated the apprentice system at the Vicksburg convention. See above, p. 48.
Africans. The legislature adjourned the next day, however, with the proposal being indefinitely postponed.65

In spite of this, the movement continued to show strength in Mississippi. One citizen, Thomas Walton, published an article in the January 1859 issue of De Bow's Review advocating reopening largely on the grounds that it was Mississippi's constitutional right to nullify the Federal statutes.66 Jefferson Davis attempted to ease the tension over the subject in a speech to the Democratic State Convention at Jackson in July 1859, but the debate continued. Eighteen slave holders from the town of Enterprise even pledged to buy one thousand Africans in order to encourage the trade if it were reopened. Eventually, the Democrats feared disruption of their party over the issue and ceased agitation for reopening. A bill providing for the repeal of state laws restricting slave importations was brought up in the state legislature but was defeated in January 1860.67

In sum, the effort to reopen the African slave trade found considerable support in only three states. Two, South Carolina and Mississippi, have been discussed. The third was Louisiana. In that state, as early as 1839 the New

65De Bow's Review, XXV (December, 1858), 627; Russel, pp. 214-15.


67Wish, pp. 579-80; Carnathan, p. 425.
Orleans Courier suggested a revival of the foreign traffic, but this was only an isolated incident and no concentrated effort was made until the 1850's.\(^{68}\)

The movement in Louisiana received a more concrete beginning with J. W. P. McGimsey's proposed resolution to the 1855 New Orleans commercial convention. Although this proposal was referred to a committee and never reported upon, it does mark the first formal involvement of a Louisianian in the debates of the 1850's. One must be cautious, however, in construing McGimsey's resolution as being indicative of sentiment then existing in the state for he appears to have been heavily influenced by Leonidas Spratt.\(^{69}\) In fact, McGimsey's proposal is rather inconsistent with other views which he expressed at the New Orleans meeting.\(^{70}\)

\(^{68}\) Carnathan, p. 422; Bernstein, p. 16.

\(^{69}\) See above, pp. 33-34. Spratt, of course, was one of the leaders of the movement to reopen the trade. Carnathan, p. 416, calls him "the champion, if not the high priest, of the slave trade."

\(^{70}\) McGimsey appears to have been a very perceptive man. His radical resolution concerning the slave trade is rather incongruous in comparison with his proposal of deep insight that the convention recommend procedures to "put a stop to the dangerous practice heretofore existing of making advances to planters in anticipation of their crops. . . . " A number of scholars feel that this practice was a major factor in retarding Southern economic development. McGimsey also seems to have correctly analyzed another economic malady of the South as is evidenced by his additional resolution "that the planters of the Southern and Southwestern States patronize exclusively our home merchants, and that our chambers of commerce and merchants generally exert all their influence to exclude foreign agents and factors from their respective bodies. . . ." De Bow's Review, XVIII (March, 1855), 359.
Although Spratt was unsuccessful in his efforts to get a proposal favorable to reopening the trade passed by the New Orleans convention, his trip to the convention was not a total loss to his cause. While in the Crescent City, he succeeded in enlisting the support of the New Orleans Delta, "thereafter the leading slave-trade organ of the south..." The Delta carried a series of articles by Spratt during the remaining ante-bellum years and was quite favorable to a reopening of the trade.

The Delta, and other New Orleans periodicals, had been generally hostile to the commercial conventions up to 1856. These elements of the news media feared the economic reforms proposed by the conventions might advance other areas of the South at the expense of New Orleans' commercial growth. When it appeared that the 1856 Savannah meeting would switch from economic to political subject matter, the Delta and periodicals such as the Daily True Delta changed their attitudes and enthusiastically supported the coming convention.

The Louisiana delegation to the 1856 Savannah convention split three to three on the question of the appointment

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71 Wish, p. 571.

72 See Leonidas W. Spratt, The Foreign Slave Trade: The Source of Political Power—of Material Progress, of Social Integrity, and of Social Emancipation to the South (Charleston, 1858), passim, for examples of pro-reopening arguments which appeared originally in Spratt's Charleston Standard and were reprinted in the Delta.

73 Van Deusen, p. 54.
of a committee to study the feasibility of reopening the trade but voted with the radicals unanimously at the 1857 Knoxville meeting. A three to three split occurred again over the proposed resolution of the 1858 Montgomery convention which stated that it was inexpedient to reopen the foreign slave trade. The delegation returned to radical unanimity at the last of the conventions, held at Vicksburg in 1859. At this meeting they voted in support of the resolution favoring the repeal of all laws prohibiting the trade. Generally, it may be said that Louisiana's delegates to the Southern commercial conventions followed the more radical line concerning the foreign slave trade.

Having considered the origins of the movement to reopen the African slave trade in the Southern commercial conventions and various states, Congressional action on the topic deserves a cursory glance. Prior to the 1850's all legislation relevant to the subject concerned enforcement of the Federal statute prohibiting the trade. Several of these acts have been mentioned. For example, in 1820 participation in the illegal traffic was branded as piracy and in 1842 the African squadron was established. Between 1828 and 1861 eleven appropriation bills for the suppression

74 *De Bow's Review*, XXII (January, 1857), 85; XXIII (September, 1857), 309-10, 319.
75 *Ibid.*, XXIV (June, 1858), 605.
76 *Ibid.*, XXVI (June, 1859), 713.
of the trade were passed. 77

In 1856 a lively debate was conducted in the House of Representatives on the subject of the slave trade. A resolution was introduced December 15th by Emerson Etheridge of Tennessee which would place the House on record as regarding any attempt to revive the African trade "as shocking to the moral sentiment of the enlightened portion of mankind." 78

The debate centered largely around points of order, suspension of the rules, and other such administrative procedures. Finally, under a suspension of the rules, the following resolution was substituted: 

\[ \text{Resolved, That it is inexpedient, unwise, and contrary to the settled policy of the United States, to repeal the laws prohibiting the African slave trade.} \] 

This motion was carried by the large majority of 183 to 8. 79

The most significant development of the 1850's relevant to the movement to reopen the African slave trade was simply the emergence of the issue as a viable topic of


78 Congressional Globe, 34th Cong. 3d Sess., p. 123.

79 Ibid., p. 126. All present Louisiana delegates voted for the resolution. Etheridge, who introduced the initial proposal, was verbally attacked in the South as a "Black Republican Representative," a "Free Soiler," and other such characterizations which were anathema to the ear of a Southerner. So stinging was the criticism, Etheridge gave a long speech to the House explaining his motives in February, 1857. Ibid., pp. 364-70.
discussion. As has been seen, sentiment varied greatly from area to area, but in general, the movement gained strength as the decade progressed, reaching a peak in 1858.

CHAPTER IV

FLOOD STAGE: 1858

The efforts to reopen the African slave trade in Louisiana, as well as in several other Southern states, had been a steadily rising tide since J. W. P. McLean's proposal to the 1855 New Orleans commercial convention. This tide reached flood stage in Louisiana in 1858.

The issue had been discussed by Louisianians for a number of years, particularly in the Southern Commercial conventions, but concrete proposals specifically related to the state were not made until 1858. The first session of the fourth legislature convened on January 16 of that year and the upper house was forewarned ten days later by Senator Henry St. Paul of New Orleans of his intention to introduce, at some future date: "An Act to authorize the Governor of the State to contract for the introduction into the State of twenty-five thousand free black laborers from the coast of Africa, and providing for the government and redemption of said free blacks."\(^2\)

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1 See Chapter III, pp. 33-34.

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¹See Chapter III, pp. 33-34.
Reaction to St. Paul's notice was immediate. The Baton Rouge correspondent of the New Orleans Daily Delta was present when St. Paul made his announcement and commented accordingly in the January 31 issue of the Delta:

The Hotspur of the Senate, Henry St. Paul of New Orleans, today went through the preliminary form of initiating the boldest stroke of State policy known in the annals of Southern legislation for half a century. When the notice was read by the Secretary, such of the Senators as were not prepared for anything so utterly astounding gazed around them as though they were under the impression that a mine had exploded. It was a theme of much conversation and varied comments in the House.3

Thus this volatile issue, which had previously slumbered in relative docility in the arena of Louisiana politics, sprang forth to be a matter of major concern for the next fourteen months.

St. Paul, after causing the initial excitement, was never able to fulfill the promise of his notice. This probably resulted from the pressures of other Senate business, combined with procrastination, rather than a lack of interest, for he remained a staunch supporter of the issue. The torch he had lit on January 28 was picked up by a member of the lower house, Representative J. W. Taylor of East Feliciana Parish. On March 2, 1858, fifty-one years to the day after President Jefferson had signed into law the

Congressional act closing the foreign slave trade, Taylor introduced the following bill:

Section I. Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That James H. Brigham, and his associates, be and they are hereby authorized to import into the State of Louisiana, for agricultural and other laboring purposes, twenty-five hundred free Africans;

Provided, they shall be indentured as apprentices, to labor for a term of years, which the parties may agree upon between themselves, not less than fifteen years.

The proposal was referred to the Committee on Agriculture and became known as the African Apprentice Bill.

The apprentice system, an obvious attempt at circumventing the Federal law preventing the trade, was originated by Henry Hughes of Mississippi, and all such measures were probably patterned after his models. The apprentice schemes

4See Chapter II, pp. 16-17.

5Official Journal of the House of Representatives of the State of Louisiana, First Session of the Fourth Legislature, 1858 (Baton Rouge, 1858), p. 64. "Report of the Special Committee to Which Was Referred a Bill To Grant The Authority Of The State of Louisiana For The Importation Of Free Black Laborers Within The State," Documents of the First Session of the Fourth Legislature of the State of Louisiana, 1858 (Baton Rouge, 1858), No. 16, p. 1.

6See Chapter III, note 64. The attempt to escape the provisions of the Federal law of 1807, still very much in effect, by the importation of indentured free Negroes may well have been done "tongue in cheek." Taylor's exercise in semantics drew heavy criticism from the Baton Rouge Weekly Gazette and Comet in an editorial appropriately entitled "Double Dealing." The Gazette accused the State of attempting to accomplish fraud "under the disguise of a mere word [apprentice]" and described the entire idea as being absurd and ridiculous. Baton Rouge Weekly Gazette and Comet, March 7, 1858. The New Orleans Daily Picayune, March 5,
found historical precedents in the acts of France (for Martinique and Guadaloupe), and England (for the British West Indies). The radical New Orleans Delta pointed this out in a long article in August 1857. The Delta urged the next legislature to enact laws providing for such importations, claiming that the North (by using its merchant marine to carry the "servants") would profit as well as the South. Even the African would benefit, according to the Delta. A specific proposal was delineated to prove this point. The Delta postulated that twenty planters could agree to finance the importation of fifty immigrants each, for a term of service of twenty years at $3.50 per month. These wages would first be applied to the cost of bringing over (and eventually taking back) the African, as well as for his upkeep (the total of these two expenses being estimated at $340 out of $840 total wages). The balance, however ($500), would be given to the African upon his departure. Thus the article concludes: "The migrator . . . would thus be returned to his native land civilized and Christianized, with a knowledge of the arts of civilization; and an abundance to place him beyond want to the close of his life." 7

1858, also criticizes the bill as being merely a disguise for the reopening of the African slave trade. I feel the assessment of the Picayune is correct and will consider the efforts to enact the Apprentice Bill as being covert attempts at reopening the African slave trade.

7Daily Delta, August 5, 1857. The Daily Picayune, March 5, 1858, also points out the French precedent.
As is stated in Taylor's bill, the apprentices were to be imported by the James H. Brigham Company, which the New Orleans *Daily True Delta* claimed was already organized. Therefore, Brigham is obviously of importance to an understanding of the reopening attempts in Louisiana. Unfortunately, very little is known of him. He lived in either East Feliciana or Pointe Coupee Parish, probably the former. It is significant that two of East Feliciana's three representatives, both in the State House and Senate, were among the most ardent supporters of the Apprentice Bill. How Brigham became involved in the movement and what his motivations were, are questions which will probably never be answered due to the lack of information.

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8 *Daily True Delta*, March 4, 1858. The New Orleans Bee, March 4, 1858, makes a similar claim.

9 Representatives Taylor, Bythell Haynes, and Senator Edward Delony were the representatives of East Feliciana in the state legislature. Haynes was opposed to reopening the trade. See Chapter V, pp. 98-99.

10 Herron, "The African Apprentice Bill," p. 144, states that the headquarters of the Brigham Co. were in Feliciana, implying that Brigham probably lived in that parish. He is also mentioned in an act of relief passed by the House in 1859. This measure appropriated $500 to Brigham to assist him with reclaiming some swamplands he owned in Pointe Coupee Parish. See the *Official Journal of the House of Representatives of the State of Louisiana, Second Session of the Fourth Legislature, 1859* (Baton Rouge, 1859), pp. 39, 41. I could not locate Brigham in either the 1850 or 1860 manuscript census returns for Pointe Coupee or East Feliciana. Therefore, he remains a mystery. It is obvious, however, that Brigham remained a crucial figure in the reopening drive for he was appointed to a Committee of five at the Vicksburg Commercial convention to "report to the next Convention upon the legality and expediency of the African apprentice system." De Bow's Review, XXVII (July, 1859), 100. See also, Chapter V, pp. 95-97.
The ante-bellum South seems to have suffered an acute case of that strange malady "legalitus." Time after time the primary nature of concern in Southern political matters seems to have concentrated on the legality of the question at hand. Nullification and secession immediately come to mind as examples of this Southern phobia. The debates concerning the reopening of the African slave trade proved to be no exception to this idiosyncrasy. On March 3, Representative Wright reported favorably on the bill on behalf of the Committee on Agriculture and debate ensued. The central point discussed appears to have been the legality of the measure. Representative Lewis Texada of Rapides Parish voiced his concern over potential conflict with the Federal law, but after the consensus of the lower house agreed that there was no such conflict, he withdrew his opposition.12

With the legal question temporarily appeased, the House suspended its normal rules of procedure and the bill was called to vote. Representatives Herring and Price

11 Unfortunately, the Louisiana Legislative Debates were not published for the two sessions (1858 and 1859) which actively discussed the African slave trade. Neither are they available in manuscript form. The Senate and House Journals have survived but provide, at best, a cursory description of action taken. I have attempted to fill this void with Baton Rouge and New Orleans newspapers for these two years, as well as by checking a myriad of secondary sources. Admittedly, this has occasionally forced conjecture based on a single source but I felt it to be more appropriate to attempt to reconstruct the happenings on the sketchy evidence available rather than leave major gaps.

12 Daily Picayune, March 5, 1858.
recorded the results of forty-six yeas, twenty-one nays. A motion was made to reconsider these results but was tabled.\textsuperscript{13} Thus a bill, which in effect was a disguise providing for the reopening of the African slave trade, passed one house of the Louisiana legislature by more than a two to one margin.

News of the House action brought a lengthy editorial comment from the New Orleans \textit{Daily Picayune}. The editors expressed shock at the passage of the bill. They admitted that they had known such an attempt was being proposed, but added: "It has never been thought there was a serious intention to press it through, or any prospect to its final success." They estimated five-sixths of the population of New Orleans to be opposed to the proposal. The bill was criticized again as a crude disguise of a reopening of the slave trade. The inconsistency between a series of legislative acts which had been passed over the years to repress the growth of the free Negro population and a bill providing for the importation of twenty-five hundred "free" Negroes seems to have convinced the \textit{Picayune} that chicanery was involved. The \textit{Picayune} was also concerned with "legalitus" as they asserted that the legislation constituted "a mere evasion of the Laws of the United States against the African slave trade." Furthermore, the editors added, such a bill was "not worthy of the manliness and loyalty which ought to

\textsuperscript{13}House \textit{Journal}, 1858, p. 65.
pervade the legislation of a sovereign state, or the good faith which in maintaining her rights does not shrink from the honorable and punctilious fulfillment of her obligations."
The editorial closed with an expression of hope that the House would reconsider its action and, if not, that the Senate would refuse to pass the measure.14

It was inevitable that criticism would be levied against the passage of such a significant bill only two days after its introduction. This short time span prompted some to plead that if lengthy discussion and deliberation had been allowed, the measure would have been defeated.15 The New Orleans Daily Crescent, in an editorial printed almost three weeks after the final House action, strongly denied such charges and stated that House sentiment had grown even stronger in favor of the bill due to the change of position of some members who had formerly questioned the legality and expediency of the bill.16 In spite of this defense, it is difficult not to share the suspicions of those who leveled accusations of undue haste and pressure. Such facts as a favorable committee report being returned in less than twenty-four hours, and a suspension of the rules having been


15See, for example, the Daily Delta, March 18, 1858.

16New Orleans Daily Crescent, March 22, 1858.
enacted to bring the measure to a vote are strong indictments supporting this charge.

The future of the bill now depended upon the judgment of the Senate. On March 9 Senator Edward Delony of Clinton (East Feliciana Parish) reported for a special Senate Committee to which the Apprentice Bill had been referred. This report had been prepared by Senator William M. Kidd of Jackson Parish and was highly favorable. Delony revealed the sentiment of the report in the second paragraph with the statement that the committee had "come to the conclusion that the measure is a good one, and ought to pass." The report further stated that the legality of the proposed act had been the first matter of concern, and after the Committee was satisfied that all was in order from that perspective, the moral question was settled by the conclusion "that humanity and philanthropy unite in commending the measure." The bill would prove to be a "positive blessing" to the "barbaric and slavish condition of the African negroes . . . it would be to them as the passing out of night into the day." After presenting the standard plantation myth of the happy, "well-fed, comfortably clad, and carefully protected" Southern Negro, it was only logical for the Committee to conclude that anyone who opposed the transfer of the oppressed African to the humane environment of Louisiana inevitably placed himself in the company of Northern abolitionists. The superior adaptation of Negro labor to the cultivation of cotton and sugar was declared, and it was
also claimed that the world was suffering from a shortage of these two staples, a scarcity which drove the prices of slaves to unprecedented heights. If this trend were not reversed, the report continued, eventually only the wealthy would be able to afford slaves and this was "not altogether consistent with the genius of republican institutions." 17

Even Divine assistance was implored by the report. Due to a lack of suitable labor, it stated, millions of acres of rich Louisiana soil lay uncultivated and this was surely contrary to the intentions of Providence! Furthermore, both precedents (in British and French actions), and similar proposals (in other Southern states), were present. The Negroes could be used not only for cotton and sugar crops but also for internal improvements in the state and "for constructing and building up the railroads of the Southern States." 18

The report endeavored to dismiss any potential fear of slave insurrections resulting from the introduction of fresh Africans. 19 This was attempted by means of the standard

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17 Senate Journal, 1858, pp. 94-96. 18 Ibid. 19 The widespread Southern fear of slave uprisings is certainly one of the most important factors, if not the most important, to an understanding of the ante-bellum South. Good treatments of this situation may be found in Clement Eaton, The Freedom-Of-Thought Struggle in the Old South (New York, 1964), passim, but especially pp. 89-117, and Kenneth Stampp, The Peculiar Institution (New York, 1956), pp. 86-191. Concern over slave revolts will be seen often in the debates in the Louisiana legislature over the Apprentice Bill.
Sambo portrait: "The docile, tractable, and subservient natures and habits of native Africans, when transferred to our soil, are notorious." In addition, even though the Africans were to be indentured, "their color, their instincts, habits, and the character of their service, will place them precisely on a level with the black population already established among us." Upon the termination of the initial indentureship, the report stated that the Africans could simply renew their indentures for a sufficient amount of time to earn passage to their native country or Liberia.20

The report concluded: "For these, and other considerations, not necessary now to be referred to, the Committee unanimously recommend the passage of the bill." Delony, after reading this closing sentence, moved that the bill be made the special order of the day for Thursday, March 11.21

It seems obvious that the Committee members were quite wary of potential opposition to the bill as their report is very defensive on many points. Therefore, a great deal may be determined from a brief analysis of the central issues stressed by the report. First of all, the ever-present legal question is discussed, indicating a continuing concern over this aspect of the proposal. Opposition on moral grounds is also indicated by the attempts to defend

20Senate Journal, 1858, pp. 94-96.

the moral propriety of the proposal. Related to this aspect of the question appears to be a fear of the stigma of precedent being applied to Louisiana. Thus the allusions to France, Britain and "sister Southern states." Apprehension of slave insurrections and even free Negroes in general is indicated by the report's overdone attempts to speak reassuringly of the docility of Africans. Perhaps the most telling point is the statement to the effect that, although the legal status of the Africans would technically be that of indentured servants, in fact these Negroes would essentially be the same as slaves.22

Once again newspaper reaction to the issue was almost spontaneous. The Baton Rouge Weekly Gazette and Comet was nothing less than sarcastic in its appraisal of the report. The "Apprentice" provision drew an especially heavy attack:

If the legislature of the State wants to revive the slave trade, why not come out boldly and manfully and say so, and obtain the admiration of the balance of mankind for bluntness and honesty if nothing more? Why try to whip the devil round the stump, and call an importation of Guinea Negroes free apprentices?23

The Daily Picayune was particularly resentful of the

22 Portions of Delony's report such as the equating of the potential indentured servants with slaves seems to prove without a doubt the "tongue in cheek" approach to the "Free Black Laborers" provision of the bill. Indeed, it seems almost certain that had the bill been passed and "indentured" Africans imported, that they would have been treated identically as the slaves. To be called an "indentured servant" rather than a slave would take little or no sting out of the whip's lash.

23 Weekly Gazette and Comet, March 14, 1858.
Committee's implication that all who opposed the bill "will before long be classed as abolitionists." The editors felt that to say "that the Negro Immigration scheme is a true test of fidelity to the South was both an "offensive inference" and an "intolerable assumption."\textsuperscript{24} The Picayune also joined the Weekly Gazette and Comet in attacking the "Apprentice" disguise, calling it a "sham."\textsuperscript{25}

These two papers, and all others who opposed the bill, must have read the March 15 issue of the New Orleans Daily Crescent with considerable chagrin. This paper's Baton Rouge correspondent, reporting from the capitol on March 11, stated: "The African Apprentice bill, which passed the House by a large majority, will be called up in the Senate this evening. There is a fair prospect for its passage."\textsuperscript{26} One-half of this prophecy was fulfilled as the bill was indeed called up Thursday evening, March 11. Only a bizarre series of events prevented the predicted passage from taking place.

The first of several lengthy debates in the State Senate on the bill took place when it was first called up March 11, 1858. A series of amendments were offered, all of which seem to indicate concern over the proposed introduction of free Negroes into the state. Although Nat Turner's revolt was twenty-seven years past, Southern fear of slave insurrections remained, and a large free Negro population was

\textsuperscript{24}Daily Picayune, March 19, 1858. \textsuperscript{25}Ibid. \textsuperscript{26}Daily Crescent, March 15, 1858.
deemed unadvisable by many because of the potential role this element might play in organizing slave rebellions. The Senators whose amendments hint of this concern appear not to have believed the subtle assurances of those supporting the bill that the apprentices would be free in name only.

B. W. Pearce, of Bienville Parish, moved for three amendments: the first calling for an increase in the term of indentureship from fifteen to twenty-five years; the second providing for the apprentices and their children to be sent back to Africa at state expense; and the last providing that children of the apprentices would be bound after their birth to a term of service of twenty years. Each of these motions was tabled by a margin of one (twelve to eleven) as the Senators began to side with the positions all but one of them were to maintain throughout action on the bill.²⁷

H. J. Hyams, one of the Senators from Orleans Parish, offered a complete substitute to the bill which would

²⁷Senate Journal, 1858, pp. 107-108. Twelve Senators opposed the motions: Adams, Buffington, Chew, Cottrell, Delony, Ducros, Heard, Kidd, Laidlaw, St. Paul, Shadburne, and Simms. Eleven supported them: Gardere, Hyams, Lecoul, Moore, Pearce, Smart, Stirling, Tucker, Taylor, Talbot, and Withers. Opposition to any type of motion tampering with the bill may be construed to indicate support of it, and alliance with proposed amendments to the bill conversely indicates opposition. This was probably due to the dogmatic, narrow-minded, even antagonistic mood of the supporters. At any rate, subsequent voting records support the assumption of opposition to amendments indicating support of the Apprentice bill. See Table II, pp. 90-91.
instruct Louisiana's Congressional representatives in Washington to introduce a resolution to amend the Federal laws prohibiting the African trade. This motion was ruled out of order.  

The proposed amendment of A. L. Tucker of St. Mary Parish offers further indication of the growing concern over the possibility of a large increase of the free Negro population. He moved that the bill be changed to provide that at the end of the apprentices' fifteen-year indentureship, they would become slaves for life. This was also laid on the table by the "standard" twelve to eleven margin.  

At this point in the deliberations, Senator Pearce moved for adjournment. This motion was defeated and the bill was called to a vote. The results showed passage of the proposal by a margin of twelve to two, but a quorum challenge was made. The roll was duly called and showed only fourteen Senators to be present whereas twenty-three had participated in the evening's business only moments before. Thus a quorum was not found to be present, the vote was successfully challenged, and the Senate adjourned for the evening.

The absence of a quorum at this critical moment was far from accidental. After Pearce's motion for adjournment, nine of those opposed to the bill simply walked out of the Senate chambers. Of the eleven who had consistently

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28 Senate Journal, 1858, p. 108.

29 Ibid.

30 Ibid.
supported proposed amendments to the bill (thereby implying opposition to it), only Hyams and Locoul remained on the Senate floor. These unusual tactics would be used again in the course of the debates on the bill and indicate strong opposition to the proposed measure.\textsuperscript{31}

The bill was brought up for its second reading the evening session of the next day (March 12). After a motion by Senator John R. Smart to postpone further action until January 1859 was defeated, Senator Pearce offered an amendment to the measure. This addition would have provided for the apprentices and their offspring becoming free and being allowed to remain in the state upon completion of their terms of service. This motion is totally inconsistent with Pearce's proposals of the previous day. One can only conjecture, but the only logical solution seems to be that Pearce had switched his tactics and hoped to shock and scare supporters of the bill over to the opposition side. At any rate, the proviso was tabled by a vote of thirteen to eleven.\textsuperscript{32} Senator J. M. Ducros explained his opposition with

\textsuperscript{31}Ibid. Table II, pp. 90-91, indicates who walked out (by the large percentage of no votes in the negative column of the March 11 vote).

\textsuperscript{32}Ibid., p. 114. The increase from twelve to thirteen of those opposing changes to the bill is explained by the presence of Senator W. F. Griffin of Avoyelles Parish, a supporter of the bill who was not present for the March 11 session. The eleven who supported changes remained the same.
two reasons: first, the bill stated that the apprentices would already be free; second, he felt they should return to Africa after their terms of service "to propagate such benefits [such as education and religion] as they shall have attained to in this country." A number of minor amendments concerning word tense changes to the proposal were offered and all were tabled by the same thirteen to eleven margin.

On the motion of Senator W. F. Griffin, the bill was finally brought to a vote. The result was a surprising twelve to twelve tie, the thirteen to eleven majority of those supporting the measure having been broken by the defection of Senator O. B. Chew to the ranks of the opposition. This deadlock necessitated the vote of the President of the Senate, Lt. Governor Charles H. Mouton, who had just arrived in Baton Rouge the previous morning. Mouton voted for the measure, and in so doing stated:

In giving my casting vote upon this question, I feel the responsibility of the act; but having come to the conclusion that the time has arrived for the South to think, to act, and to provide for herself, I vote yea.

The New Orleans Daily Crescent described the reaction caused by this speech: "There was a burst of applause from hundreds of auditors in the lobby, partly from admiration of the chivalric course of the presiding officer, and partly, doubtless, from the success of the measure on that reading."

\[33\] Ibid., pp. 114-15.  \[34\] Ibid.  \[35\] Ibid., p. 115.
\[36\] Daily Crescent, March 16, 1858.
The *Daily True Delta* had some interesting observations on the day's deliberations. Their Baton Rouge correspondent wrote that friends of the national administration had appealed to the Louisiana Senate to reject the bill, "for the reason that, if passed, it would seriously embarrass Mr. Buchanan and his underlings in Washington." The *True Delta*'s correspondent felt that "this reason seemed to strengthen the measure rather than weaken it."37 This interpretation is of great significance for it suggests that support of the bill was attributable, in some degree, to a mood of rebellion and defiance against the national administration. Evidence supporting this hypothesis will be seen later in the debates.

With the bill's passage on its first reading, Senator William M. Kidd moved for a reconsideration of the vote. This motion defies all logic as Kidd not only wrote the highly favorable committee report recommending passage of the bill, but also voted for the bill in the balloting he was now requesting be reconsidered. A motion was made to table his motion, and as if to further complicate his already confused position, Kidd voted to table his own motion! After this unusual interlude was completed by the tabling of the motion, the Senate adjourned until the next day.38

37 *Daily True Delta*, March 16, 1858.
38 *Senate Journal*, 1858, p. 115.
The "quorum game" which had originated on March 11 was played again on March 13 when the bill was brought up for its second reading. Seventeen Senators answered the roll call. All twelve who had supported the measure in the previous evening's vote were present, but only four of those who had opposed it. Therefore, the bill's passage of the second reading seemed assured.\(^39\) As soon as discussion of the bill began, however, Senator Pearce moved that the Senate adjourn for the weekend. Then, without even waiting to vote on his own motion, Pearce accompanied by Senator Mailhot, left the Senate chambers. Pearce's motion for adjournment was defeated, but it was now irrelevant as a quorum was no longer present. Senator St. Paul attempted to compel attendance of absent members by issuing warrants to the Sergeant-at-Arms, but this was defeated and the Senate had no choice but to adjourn until Monday, March 15.\(^40\)

"Trouble in the Legislature" was the angry reaction of the Daily Crescent. The editors felt "that breaking the quorum can hardly be considered a fair or wise mode of opposition except in extreme cases. . . ."\(^41\) The Crescent continued the discussion the next day and made the same

\(^{39}\)Ibid., p. 117. The seventeenth is accounted for by the presence, for the first time in the Apprentice bill debates, of Senator E. E. Mailhot. As will be seen, he was opposed to the measure.

\(^{40}\)Ibid. See Table II, pp. 90-91.

\(^{41}\)Daily Crescent, March 15, 1858. Obviously, those opposed to this emotion reeking bill felt that it was an "extreme case."
charge as the March 16 Daily True Delta that communications had been received from Washington opposing the measure.  

The last legislative action taken on the bill in Louisiana in 1858 occurred on March 15. On this day, the proposed act came up for its third and final reading in the Senate. B. B. Simms of Pointe Coupee, moved that any further action be postponed until February 1859, but this was defeated by a vote of fifteen to thirteen. Simms then made essentially the same motion, changing the date to January 1859, but was moved to be out of order. He then offered a motion "to postpone the further consideration of this bill indefinitely." This was evidently what the majority were looking for, because the same fifteen to thirteen vote supported this motion. Three days later the Senate adjourned, but before so doing, ordered the printing of 10,000 copies of the committee report which so strongly supported the bill.

Much was made of the postponement and particularly of Simms's role in it. One is almost led to believe by some of the contemporary newspaper accounts that Simms was none other than

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42Ibid., March 16, 1858. See above, p. 78.

43Simms's name is also found referenced as Simmes.

44 Senate Journal, 1858, p. 118. The personnel in the two fifteen to thirteen majorities remained exactly the same. See Table II, pp. 90-91.

45Daily Picayune, March 21, 1858; Daily Crescent, March 20, 1858. Seven thousand were to be in English, the balance in French.
than the reincarnation of Brutus. The Baton Rouge correspondent of the *Daily True Delta* felt particularly grieved. He admitted to having experienced confidence, as did others, in the bill's passage, and struck out at Simms for his deceiving actions. He pointed out that Simms had bitterly denounced the quorum tactics of Pearce and others for "preventing the passage of the only Southern measure introduced during the session; a measure which was emphatically for the relief of the poor men of the South." Yet, two days later, he completely reversed his stand and cast the decisive vote against the bill. The *True Delta*'s correspondent could only lament: "Oh! consistency, thou art a jewel!"46

Various motives were assigned to the enigmatic Simms. Probably the most unkind of these claimed that he had supported the bill in its early stages only to lull those advocating passage into a false sense of security and cause them to neglect seeking the support of certain absent Senators who were committed in favor of the proposal.47

Another contemporary analyst, one who was kinder to Simms, stated that he reversed his position only because he was uncertain of the wishes of his constituency and desired to have more complete instructions from them.48

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46 *Daily True Delta*, March 21, 1858.

47 *Ibid*.

The most common reason given for Simms's change of position concerned his admittedly strong loyalty to the Buchanan administration. The charge that the bill was defeated on the instructions of Washington has been mentioned several times. Simms is a central figure to this theory. As the True Delta phrased it: "Some senators were cruel enough to suppose that 'a change had come over the spirit' of Mr. Simms' dream, by the magic powers of a telegraphic dispatch from Washington."49 The paper continued with bitter sarcasm: "But, of course, these beliefs and suppositions were founded in malice, for who can doubt that Mr. Simms, like Brutus of old, 'is an honorable man?''50 Some who supported the claim of intervention by Washington felt that Buchanan had relayed instructions through Senator John Slidell51 to stop the bill because of the potential disunion ramifications. Others admitted that the Washington establishment had played a part in defeating the measure, and they felt that this opposition resulted from the fear that passage of the bill would prejudice the legislative chances of the Lecompton Constitution.52

49Daily True Delta, March 21, 1858.  
50Ibid.  
51Slidell was a Democratic Senator from Louisiana, a strong Unionist, and a supporter of Buchanan at this time. He was probably the central figure in Louisiana politics from 1858-1859.  
52Daily True Delta, March 20, 21, 1858; Daily Delta, March 20, 1858. The Lecompton Constitution was framed by a convention of pro-slavery Kansans, September 7-November 7, 1857. It provided for the explicit protection of slaves in
Although the measure had been defeated, the Daily Picayune expressed concern over the order to print 10,000 copies of the favorable committee report. The Picayune realized that the issue had not been abandoned by its supporters, so the New Orleans paper began to campaign "to make public opinion known" (as no elections were scheduled before the 1859 legislative session), which was simultaneous with opposition to the bill as far as the Picayune was concerned.53

As is the case with most historical problems, there is no one simple explanation for the 1858 movement in Louisiana to reopen the African slave trade. Geographically, it is impossible to obtain any concrete pattern, for the vote is well balanced from this line of interpretation. Even by breaking the state down into seven economic areas there is little overt evidence of definite trends. It is true, however, that the Senators representing the Red River Cotton Parishes were unanimously opposed to the proposal, and that a majority of those representing the Sugar Parishes were also opposed. But the Mississippi River Cotton Parishes, where Louisiana's large slaveholders were most heavily concentrated,

Kansas, delineating several specific prohibitions designed to prevent adverse legislative action towards slavery. In spite of the defeat of the measure on January 4, 1858, President Buchanan proposed that Kansas be admitted under the terms of the Lecompton measure. The question was still undecided at the time the Louisiana legislature was debating the Apprentice Bill.

53Daily Picayune, March 21, 26, 1858.
were divided on the issue. A split vote also took place in the North Central Cotton Parishes and in the Sugar-Cotton Parishes.\(^{54}\)

It is difficult to draw even tentative conclusions from such vote patterns. The immediate impression one gets from a vote analysis is the inapplicability of most of the pro-reopening arguments. Time and time again the point was pressed that Louisiana was suffering from a shortage of Negro labor. Yet neither the large slaveholding areas nor the less concentrated ones voted in a way to indicate support of such an argument. As for the claim that large segments of Louisiana land lay uncultivated for want of labor, one has only to look at the considerable number of opposing votes in the less developed (relative to the Southern portion of the state) North Central Cotton Parishes for negative evidence.\(^{55}\)

The heavy opposition the reopening question received from Senators representing the Sugar Parishes and the Red River Cotton Parishes is particularly difficult to explain. It is certainly true that a demand did exist for slaves, as is evidenced in their steadily increasing prices and in the heavy domestic trade.\(^{56}\) One would expect the major cotton

\(^{54}\)See map, p. 85, and Table I, pp. 86-87. The vote analysis is based on Senate action for 1858. The House Journal is too incomplete to support such a study.

\(^{55}\)Ibid.

\(^{56}\)See Chapter II, pp. 25-28.
Sources:
Joseph Karl Menn, The Large Slaveholders of Louisiana, 1860 (New Orleans, 1964), Senate Journal, 1858.

LOUISIANA PARISHES, BY REGIONS, 1860

1--Sugar Parishes
2--Cotton-Sugar Parishes
3--Mississippi River Cotton Parishes
4--North Central Cotton Parishes
5--Red River Cotton Parishes
6--Southwestern Undeveloped Parishes
7--Southeast Piney Woods Parishes
### TABLE I

**VOTING RECORDS, BY PARISH, ON 1858 APPRENTICE BILL AND 1860 SECESSION ELECTIONS**

<table>
<thead>
<tr>
<th>Regions</th>
<th>Apprentice Bill</th>
<th>Secession Election</th>
<th>Number of Large Slaveholdings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sugar Parishes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ascension</td>
<td>nay</td>
<td>C</td>
<td>30</td>
</tr>
<tr>
<td>Assumption</td>
<td>nay</td>
<td>C</td>
<td>45</td>
</tr>
<tr>
<td>W. Baton Rouge</td>
<td>nay</td>
<td>C</td>
<td>38</td>
</tr>
<tr>
<td>Iberville</td>
<td>nay</td>
<td>S</td>
<td>76</td>
</tr>
<tr>
<td>Jefferson</td>
<td>nay</td>
<td>C</td>
<td>29</td>
</tr>
<tr>
<td>LaFourche</td>
<td>nay</td>
<td>C</td>
<td>37</td>
</tr>
<tr>
<td>Orleans</td>
<td>split</td>
<td>S</td>
<td>10</td>
</tr>
<tr>
<td>Plaquemines</td>
<td>yea</td>
<td>S/C</td>
<td>31</td>
</tr>
<tr>
<td>St. Bernard</td>
<td>yea</td>
<td>S</td>
<td>14</td>
</tr>
<tr>
<td>St. Charles</td>
<td>nay</td>
<td>S/C</td>
<td>31</td>
</tr>
<tr>
<td>St. James</td>
<td>nay</td>
<td>C</td>
<td>43</td>
</tr>
<tr>
<td>St. John</td>
<td>nay</td>
<td>C</td>
<td>23</td>
</tr>
<tr>
<td>St. Mary</td>
<td>nay</td>
<td>S</td>
<td>90</td>
</tr>
<tr>
<td>Terrebonne</td>
<td>nay</td>
<td>C</td>
<td>44</td>
</tr>
<tr>
<td>Sugar-Cotton Parishes</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Avoyelles</td>
<td>split</td>
<td>S</td>
<td>22</td>
</tr>
<tr>
<td>E. Baton Rouge</td>
<td>yea</td>
<td>C</td>
<td>32</td>
</tr>
<tr>
<td>E. Feliciana</td>
<td>yea</td>
<td>C</td>
<td>50</td>
</tr>
<tr>
<td>W. Feliciana</td>
<td>nay</td>
<td>S</td>
<td>62</td>
</tr>
<tr>
<td>Lafayette</td>
<td>yea</td>
<td>S</td>
<td>12</td>
</tr>
<tr>
<td>Pointe Coupee</td>
<td>nay</td>
<td>S</td>
<td>63</td>
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<tr>
<td>Rapides</td>
<td>split</td>
<td>S</td>
<td>89</td>
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<td>St. Landry</td>
<td>yea</td>
<td>S/C</td>
<td>43</td>
</tr>
<tr>
<td>St. Martin</td>
<td>yea</td>
<td>S</td>
<td>18</td>
</tr>
<tr>
<td>Mississippi River Cotton Parishes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carroll</td>
<td>yea</td>
<td>S</td>
<td>91</td>
</tr>
<tr>
<td>Concordia</td>
<td>nay</td>
<td>S</td>
<td>95</td>
</tr>
<tr>
<td>Madison</td>
<td>yea</td>
<td>S</td>
<td>99</td>
</tr>
<tr>
<td>Tensas</td>
<td>nay</td>
<td>S</td>
<td>118</td>
</tr>
</tbody>
</table>

- **C-** Cooperation
- **S-** Secession
- **S/C-Split ticket elected**
- **nv-** No vote
### TABLE I (CONTINUED)

<table>
<thead>
<tr>
<th>Regions</th>
<th>Apprentice Bill</th>
<th>Secession Election</th>
<th>Number of Large Slaveholdings</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North Central Cotton Parishes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bienville</td>
<td>nay</td>
<td>S</td>
<td>Unknown</td>
</tr>
<tr>
<td>Caldwell</td>
<td>yea</td>
<td>C</td>
<td>7</td>
</tr>
<tr>
<td>Catahoula</td>
<td>yea</td>
<td>C</td>
<td>37</td>
</tr>
<tr>
<td>Claiborne</td>
<td>nay</td>
<td>C</td>
<td>8</td>
</tr>
<tr>
<td>Franklin</td>
<td>yea</td>
<td>S</td>
<td>7</td>
</tr>
<tr>
<td>Jackson</td>
<td>split</td>
<td>S</td>
<td>11</td>
</tr>
<tr>
<td>Morehouse</td>
<td>split</td>
<td>S</td>
<td>23</td>
</tr>
<tr>
<td>Ouachita</td>
<td>split</td>
<td>C</td>
<td>12</td>
</tr>
<tr>
<td>Union</td>
<td>split</td>
<td>S</td>
<td>4</td>
</tr>
<tr>
<td>Winn</td>
<td>nay</td>
<td>C</td>
<td>4</td>
</tr>
<tr>
<td><strong>Red River Cotton Parishes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bossier</td>
<td>nay</td>
<td>S</td>
<td>44</td>
</tr>
<tr>
<td>Caddo</td>
<td>nay</td>
<td>S</td>
<td>34</td>
</tr>
<tr>
<td>De Soto</td>
<td>nay</td>
<td>S</td>
<td>34</td>
</tr>
<tr>
<td>Natchitoches</td>
<td>nay</td>
<td>C</td>
<td>42</td>
</tr>
<tr>
<td><strong>Southwest Undeveloped Parishes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Calcasieu</td>
<td>yea</td>
<td>S/C</td>
<td>1</td>
</tr>
<tr>
<td>Sabine</td>
<td>nay</td>
<td>C</td>
<td>2</td>
</tr>
<tr>
<td>Vermilion</td>
<td>yea</td>
<td>S</td>
<td>1</td>
</tr>
<tr>
<td><strong>Southeast Piney Woods Parishes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livingston</td>
<td>nv</td>
<td>S</td>
<td>2</td>
</tr>
<tr>
<td>St. Helena</td>
<td>nv</td>
<td>C</td>
<td>8</td>
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<tr>
<td>St. Tammany</td>
<td>nv</td>
<td>S/C</td>
<td>9</td>
</tr>
<tr>
<td>Washington</td>
<td>nv</td>
<td>S/C</td>
<td>3</td>
</tr>
</tbody>
</table>

**Sources:** Senate Journal, 1858; Menn, Large Slaveholders, p. 7; Gary E. Sanders, "The Election To The Secession Convention In Louisiana" (unpublished Master's thesis, Louisiana State University, Baton Rouge, 1968). Vote records on the Apprentice Bill are for the Senate only. A large slaveholder is defined as owning fifty or more slaves.
and sugar producing areas to support any plan which would provide cheaper Negro labor, but this was simply not the case. If either the cotton or sugar economies had been depressed in 1858, this opposition could be explained on the grounds that the planters did not want to see their large capital investment in slaves lowered by a drop in the value of chattel property due to a reopening of the foreign trade. But this theory is disproved by the fact that both cotton and sugar were prosperous in the late 1850's.57

It is admittedly dangerous to judge the sentiment of a parish on the basis of one or two Senator's votes. The personalities involved thus are obviously of great importance. Unfortunately, information is scarce on these individuals. The political affiliation of all Senators voting on the question in 1858 is known but, once again, no significant conclusions can be reached from this line of interpretation. Ten Democrats supported reopening, but twelve were opposed. The Know-Nothings were equally balanced with four supporting and three opposed.58

Biographical data is much more difficult to obtain. Henry St. Paul of New Orleans, who gave the initial notice of the bill's impending introduction, was a fiery lawyer who


58See Table II, pp. 90-91.
had been threatened with disbarment in 1848.\textsuperscript{59} I was not able to determine his stand on secession but one suspects that his apparent affinity for radical measures made him a supporter of secession as well as of the reopening of the slave trade. William M. Kidd, who wrote the Committee on Federal Relations report highly favorable to reopening, was a secessionist.

James H. Brigham remains a central figure to the issue.\textsuperscript{60} It was his company, located in East Feliciana Parish, which was to actually import the "indentured servants." It seems logical to assume that his interest in the matter was largely financial, as he would most likely make a handsome profit from such an enterprise. The presence of the Brigham Company in East Feliciana probably explains the rabid support given the Apprentice Bill by Senator Edward Delony and Representative J. W. Taylor, both of East Feliciana. Both certainly must have been proded by Brigham to support the reopening movement, and Taylor most probably was reflecting the influence of Brigham when he introduced the Apprentice Bill in the House.

Even when a good deal is known about a participant in the debates, confusion still is often the result. For example, Senator Richard Taylor was a large sugar planter


\textsuperscript{60}See above, p. 65.
TABLE II
1858 SENATE: PARTY AFFILIATION, AREA REPRESENTED, AND VOTE RECORD ON APPRENTICE BILL

<table>
<thead>
<tr>
<th>Party Affiliation</th>
<th>Motions to Amend (nay implies support)</th>
<th>Vote of March 11</th>
<th>Vote of March 12</th>
<th>Vote of March 15 to postpone (nay implies support)</th>
</tr>
</thead>
<tbody>
<tr>
<td>W. R. Adams</td>
<td>D</td>
<td>nay</td>
<td>yea</td>
<td>yea</td>
</tr>
<tr>
<td>T. J. Buffington</td>
<td>KN</td>
<td>nay</td>
<td>yea</td>
<td>yea</td>
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<tr>
<td>W. Cottrell</td>
<td>D</td>
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D--Democrat
KN=Know Nothing

Source: Senate Journal, 1858.
from St. Charles Parish, but he ardently opposed reopening the foreign slave trade. This reaction puzzled one of his biographers, who commented: "Why he took this attitude when he was a large slaveholder is problematical. Perhaps he believed that slavery was wrong, or possibly he realized that an increase of laborers in Louisiana would lower the value of the slaves which he owned." Taylor also provides negative evidence for any attempt to establish continuity between those advocating both reopening the slave trade and secession. Although he opposed reopening, Taylor voted for secession in 1861.

With the indefinite postponement of the Apprentice Bill by the vote of March 15, 1858, the issue quieted down for a few months. The newspapers became almost totally silent on the subject. The Daily Picayune made only one reference to the illegal slave trade in the remaining months of 1858. In an editorial on December 30, 1858, the New Orleans paper praised the Federal attempts to enforce the statute prohibiting the foreign trade, and said that the sentiment of the Southern press was with the law. The Picayune, in urging the Southern people to assist in the enforcement of this law, asserted that law-breaking was the vice of the North, not the South. The Daily True Delta commented

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62 Daily Picayune, December 30, 1858.
briefly on African emigration attempts in South Carolina and Georgia, but did not mention the movement in Louisiana until the legislature reconvened in January 1859.\(^{53}\)

The only extensive comments made in the interval between the 1858 and 1859 legislatures came from De Bow's Review. In the November 1858 issue, Senator Edward Delony once again took up the slave trade banner. In an article addressed "To The People of Louisiana" entitled "The South Demands More Negro Labor," Delony offered a lengthy explanation for his avid support of the Apprentice Bill. His arguments were merely a repeat of those found in the 1858 Senate debates. Any question which may have existed regarding Delony's interpretation of the true intention of the Apprentice Bill is answered by his article, as he quite frankly spoke of slaves, not apprentices.\(^{64}\) The Review followed with a lengthy editorial entitled "State Liberties, Or The Right To African Contract Labor" in the December 1858 issue. The article is simply a long discussion of the legal ramifications of the question. De Bow, as contrasted to Delony, interpreted the Apprentice Bill literally, and based his argument on the thesis that Congress had no right to prohibit the importation of free apprentices. Elliot's Debates, legal precedents, and historical examples were used constantly by

\(^{63}\)Daily True Delta, June 11, 13, August 11, 1858.

De Bow in support of his argument.65

Thus the year 1858 closed with the debate on reopening the foreign slave trade resting where it had begun—on the legal question. "Legalitius" still ravaged the Southern mind. Some, such as Delony, probably were using the Apprentice scheme only as a measure to circumvent the laws prohibiting the trade. Others, exemplified by De Bow, appear to have sincerely believed that the apprentices would be free. At any event, 1858 was by far the most active year in Louisiana for debate on reopening the African traffic.

CHAPTER V

EBB TIDE: 1859 - 1861

The tide which had surged to flood stage in 1858 began to ebb in 1859. The onrush of the efforts to reopen the slave trade in Louisiana was not, however, checked without a final concentrated effort being made by the supporters of the drive.

James H. Brigham ushered in 1859 with a warning that the issue was not dead. In a letter of December 26, 1858, to the editors of the New Orleans Daily Crescent, which was published January 17, 1859, he discussed the apprentice scheme at length. According to Brigham, the bill failed in 1858 only because some of the supporters felt "that the subject should be fully discussed before the people, and ample time afforded for deliberation, before final action was had upon the matter." This was now changed, Brigham claimed, and with the legislature soon scheduled to reconvene, he asserted that the measure seemed sure of passage.1

Brigham's letter gave a long defense of his reasons for initiating the movement. Most of his arguments were used

1New Orleans Daily Crescent, January 17, 1859.
in the 1858 debates. For example, he attempted to show that the world-wide demand for cotton was exceeding the supply and unless the South obtained the labor needed to increase production, she would begin to lose this market. The only legal way to procure more Negro labor, he pointed out, was by the apprentice method, and the legality of this system "was admitted by the most violent enemies" of it. The English precedent was pointed to as well as the argument that the border states were being depleted of their slaves by the domestic trade (thereby drawing these states closer to the fold of abolition, he claimed). Not only were the border states potential turncoats against slavery according to Brigham, the non-slaveholders might also oppose the institution unless Negro labor was made available to them at a lower price. Brigham concluded by attempting to point out the moral "rightness" of the measure, and by expressing his confidence of its passage.  

The Washington correspondent of the Daily Crescent expressed his approval of Brigham's apprentice system, calling it "a move in the right direction." The reporter continued:

We can't legalize the slave-trade and we must have slaves. I am clearly of the Richmond Whig's opinion, that "no white man should be permitted to live in the South who has not at least two niggers to wait on him." The Baton Rouge Weekly Gazette and Comet was quick to take

\[2^{\text{Ibid.}}\] \[3^{\text{Ibid.}, \text{ February 1, 1859.}}\]
exception to this opinion. The editors of this paper held that the opinion of the Richmond Whig was irrelevant; the central issue was that of the legality of the apprentice measure. This Baton Rouge weekly felt that the proposal was clearly in conflict with the federal law which closed the African trade, and, as for the measure, they added that "there is not a man out of office, who is not decidedly and unequivocably opposed to it--Maj. Brigham perhaps alone excepted."  

The Weekly Gazette and Comet continued its criticism in two subsequent articles. The legality of the proposal and the fear of servile insurrection were the central points of concern. The editors feared that if a large influx of Africans were permitted, Louisiana would not have the strength to prevent another St. Domingo type revolt. As for the legal status of the apprentice scheme, the Gazette felt that it would be nothing more than nullification of Federal law. If such a system were adopted by the state legislature, they hoped that "some such man of nerve as old Hickory will preside over the nation to deal with us as the South Carolina nullifyers [sic] were dealt with, in the early time."  

4Baton Rouge Weekly Gazette and Comet, February 6, 1859. The reference to Brigham as "Major" is interesting in that it implies past military service. This may have been the case but, if so, he probably served in the state militia as he is not listed in F. B. Heitman's The Historical Register and Dictionary of the U. S. Army (Washington, 1903).  

5Weekly Gazette and Comet, January 23, 30, 1859.
As was the case in 1858, legislative action on the reopening efforts began in the House. On January 21, 1859, Representative E. W. Fuller of St. Martin Parish proposed a joint resolution which provided for the instruction of Louisiana's Congressional representatives "to use their exertions to procure the repeal of all laws that prohibit the importation of African slaves into the State of Louisiana." This proposal was referred to the House Committee on Federal Relations. Two days prior to Fuller's action, J. B. Robinson of Terrebonne Parish gave notice of his intention to introduce "a bill authorizing the importation of African Apprentices into this State." On February 14, F. L. Claiborne of Pointe Coupee, acting for Robinson, introduced this bill and it was referred to the Judiciary Committee.

Claiborne was chairman of the House Committee on Federal Relations and consequently reported on February 25 on the Fuller resolution. The majority of the committee recommended that no action be taken on this proposal and it was laid on the table subject to call.

A minority report was submitted by Bythell Haynes of East Feliciana Parish which went further in saying that "the
Repeal of the laws of the United States prohibiting the African slave trade would be detrimental, even if practicable, to the peace of the country, and ruinous in the extreme to the best interest of the slaveholding states themselves. Haynes continues his argument by hitting at those who called the prohibitive laws unconstitutional. He said, in effect, that just because you do not like a law does not make it unconstitutional. He found the evidence so overwhelming in support of the justice and propriety of the existing laws that the idea of repealing them was "preposterous and absurd" and would only serve to "distract and divide our own people." Furthermore, reopening the trade would cause slave prices to fall. He refuted the argument that the current high prices of slaves indicated a shortage of same by attributing the inflation to the gold rush and "the great increase in the value of their [the slaves'] labor." He concluded with the interesting point that rather than increasing the political power of the South, as was so often argued, a large influx of slaves would weaken Southern political power by driving

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10 "Minority Report of the Committee on Federal Relations of the House of Representatives Relative to the Report of the Laws of the United States Against the African Slave Trade," Documents of the Second Session of the Fourth Legislature of the State of Louisiana, 1859 (Baton Rouge, 1859), p. 3. James H. Brigham obviously did not have success in converting Haynes to the support of reopening the trade, even though Haynes was a representative of East Feliciana. See Chapter IV, p. 65. Haynes was born in Tennessee in 1808. He lived in Clinton (East Feliciana Parish) until the outbreak of the Civil War, at which time he moved to Summit, Mississippi. Letter from Mrs. H. Grady Jackson, Summit, Mississippi, December 26, 1967.
out the poor white and continuing to discourage the immigra-
tion of free white labor. He saw the South as more united
than it had ever been and felt that any attempt to reopen
the African slave trade would only serve to "produce discord
and disunion amongst ourselves."\(^\text{11}\)

Both the Weekly Gazette and Comet and the New Orleans
Daily Picayune praised Haynes's minority report. The Gazette
used the receipt of a copy of it as an excuse to state once
again its claim that public opposition to reopening the
trade was widespread. This being the case, the editors felt
the only explanation for the continued support some legis-
lators afforded the measure was that they were doing it "for
buncomb."\(^\text{12}\) The Picayune interpreted the report as evidence
that a year's meditation has caused the House to reverse its
position, and added that this was in accord with "the
decided judgment of the State."\(^\text{13}\)

On March 5, 1859, the African Apprentice Bill made
its final appearance in the Louisiana House of Representa-
tives. After a brief debate, a motion was made to "lay on
the table," which carried thirty-two to seventeen.\(^\text{14}\) The
New Orleans Bulletin praised the House for "this exhibition

\(^{11}\)"Minority Report," Documents of Second Session of
Fourth Legislature, pp. 4-15.

\(^{12}\)Weekly Gazette and Comet, March 6, 1859.

\(^{13}\)New Orleans Daily Picayune, March 10, 1859.

\(^{14}\)House Journal, 1859, p. 45.
of the 'second, sober thought,'" although the article implied
that since the people were so strongly against the bill no
other choice could have been made.15

The movement met its final defeat in the Senate March
7, 1859.16 Edward Delony had become more daring this year,
as he introduced without notice on January 27 the following
measure:

An Act Relating to the Purchase of Negro Slaves by
the People of the State of Louisiana
Whereas the right of the people of the State of
Louisiana to purchase slave property in any market,
whether domestic or foreign, where negro slaves are
sold, has never been alienated from her sovereignty,
or granted to the control of the Federal Government;
therefore,
Section I. Be it enacted by the Senate and
House of Representatives of the State of Louisiana,
in General Assembly convened, That any citizens or
association of citizens of this State, be and they
are hereby, authorized to purchase negro slaves from
Cuba, Brazil and Africa, and to bring the said slaves
so purchased into this State, and to hold the same
in full right and title for their own proper use,
benefit and behoof: Provided said slaves, so pur-
chased and imported into this State, shall be
subject to the same regulations and tariff of
duties as other species of foreign property or imports.17
This lengthy act is quoted in full because it shows Delony's

Weekly Advocate, March 13, 1859.

16Official Journal of the Senate of Louisiana, Second
Session of the Fourth Legislature, 1859 (Baton Rouge, 1859),
p. 56.

17"Report of the Committee on Federal Relations to
the Senate of Louisiana on the Bill Entitled 'An Act to
Authorize the People of Louisiana to Import Negro Slaves,'"
Documents of the Second Session of the Fourth Legislature of
the State of Louisiana, 1859 (Baton Rouge, 1859), p. 3.
desertion of the Brigham apprentice scheme. No longer was there any doubt of Delony's intentions—he now overtly advocated a reopening of the foreign slave trade.

Delony's proposal touched off a heated debate. Senators D. D. Withers of New Orleans and A. L. Tucker of St. Mary both moved for the immediate rejection of the bill. Henry Phillips of De Soto contested this proposed disposal because he felt the subject was of too great an importance to the South to be so rapidly dismissed. Therefore, he recommended referral of the proposal to a committee.\(^{18}\) Delony attempted to show that there were no Constitutional objections to the bill, and the \textit{Delta} reported H. J. Hyams of New Orleans as concurring with him. After Senator Tucker again voiced his opposition to the bill, it was referred to the Committee on Federal Relations.\(^{19}\)

Senator Hyams was quick to correct his home town newspaper for reporting that he agreed with Delony that the bill was not prohibited by the U. S. Constitution. In an article in the February 2 issue of the \textit{Delta}, the editors acknowledged receipt of Hyams's correction of their original report, but they commented that he had "corrected himself into a very absurd position."\(^{20}\) Hyams replied to this criticism with a letter published in the February 3 issue.

\[18\textit{Daily Delta}, January 30, 1859. Withers and Tucker opposed the Apprentice Bill of 1858. Phillips did not vote on the measure that session. See Table II, pp. 90-91.\]

\[19\textit{Ibid.}\]

\[20\textit{Ibid.}, February 2, 1859.\]
He pointed to the Federal statute prohibiting the African trade and added that Congress had every right to pass such a law.\textsuperscript{21} Delony criticized this stand of Hyams's in the February 8 \textit{Delta}. In a long, "legalitus"-tinged article, he denied that Congress had the right to prohibit the foreign slave trade.\textsuperscript{22}

Delony pursued this point in his report as chairman of the Committee on Federal Relations, presented to the Senate February 24. As one would expect, he reported favorably on the bill, largely on the basis of the standard "constitutional" argument, but also on the grounds that he felt public support was increasing for this type of measure. Upon completion of his report, the proposal was passed to its second reading.\textsuperscript{23}

On March 7, the bill was brought up for its third reading, but Delony moved that it be laid on the table subject to call.\textsuperscript{24} This motion was passed and the effort to reopen the African slave trade in Louisiana met its legislative death.\textsuperscript{25}

\textsuperscript{21} Hyams was consistent in his criticism of the legality of the proposal. See Chapter IV, pp. 74-75.

\textsuperscript{22} \textit{Ibid.}, February 8, 1859.

\textsuperscript{23} Senate \textit{Journal}, 1859, pp. 33-36.

\textsuperscript{24} Delony's decision to move to lay the proposal he had so avidly supported on the table probably was caused by the defeat of the apprentice measure in the House on March 5. Surely he must have realized that if an apprentice scheme could not pass the House, his far more radical bill would not have a chance.

\textsuperscript{25} Senate \textit{Journal}, 1859, p. 56.
In spite of the defeat of the reopening efforts in the Louisiana legislature, the Louisiana delegates to the Vicksburg Commercial convention of May 1859 voted unanimously to repeal the Federal law prohibiting the foreign slave trade.26 This was not the last action taken in Vicksburg relative to reopening the trade. Shortly after the convention adjourned, an "African Labor Supply Association" was formed by the delegates from Louisiana, Mississippi, and Arkansas, and J. D. B. De Bow accepted its presidency.27 The Constitution of the association stated explicitly that "the object of the Association shall be to promote the supply of African labor."28 In a letter to William L. Yancey of Alabama explaining the purpose of the association, De Bow advocated importation of Africans either as indentured servants or as slaves. He realized that the latter alternative required the repeal of the Federal laws prohibiting the foreign slave trade, but did not feel this to be impossible. The association was scheduled to meet in Mobile in February 1860, but never did so.29

The Louisiana legislature of 1860 did not undertake

26See Chapter III, p. 49, and note 53. James H. Brigham was one of the Louisiana delegates.

27De Bow's Review, XXIX (July, 1859), 120-21. Other officers were: Vice-Presidents, Hon. R. T. Archer, Nathan Ross, and Hon. I. N. Davis; Secretary, General W. H. McCardle.

28Ibid.

29Ibid., p. 121; XXIX (August, 1859), 231-35.
any motions to reopen the African slave trade. An event of almost immeasurable impact on the South, John Brown's raid on Harper's Ferry, had taken place October 16-18, 1859, and probably was the major convincer of even the most radical supporters of reopening.30

A multitude of other happenings turned Louisiana's attention away from discussion of reviving the foreign slave trade. As 1860 was an election year, the people of Louisiana were well aware of its impending significance. The state Democratic party met in Baton Rouge in March 1860 and elected delegates to attend the Charleston convention. One month later, these representatives, led by John Slidell, and those of other Southern states, walked out of the national party meeting and the Democrats were split. Tension steadily increased, through the summer convention of June until November 6, 1860, when Abraham Lincoln, that dreaded "Black Republican" whose name was not even on Louisiana ballots, was elected President of the United States.

Governor Thomas O. Moore was quick to react to this feared event. On November 19 he issued a call for the legislature to reconvene in special session on December 10. In his opening address to that body, he asked that a

30The legislative debates in 1860 exhibited a profound concern over the protection of Southern slave property, but did not deal with the reopening question. The fact that Thomas O. Moore, an adamant opposer of reopening schemes, became governor in 1860 probably served as an additional deterrent. He almost certainly would have vetoed any such proposal.
convention be convened to consider secession. The legislature proclaimed January 7, 1861, as an election day for delegates to this convention and the results of this balloting saw the immediate secessionists carry the day. Thus the outcome of the convention, which initially met January 23, was a foregone conclusion, and Louisiana became the sixth Southern state to secede on January 26, 1861.\textsuperscript{31} The secession convention refused to adopt a resolution opposing a reopening of the African slave trade, but by joining the Confederacy, Louisiana automatically agreed to the Confederate Constitution, including the clause which specifically prohibited the foreign trade.

Still, a few champions of reopening remained active in Louisiana.\textsuperscript{32} For the most part, however, the tide of reopening sentiment had indeed ebbed. Some supporters were probably quieted by the Confederate constitutional prohibition of the trade. Others were turned away by preoccupation with other sectional issues, especially the impending war.

\textsuperscript{31}See Gary E. Sanders, "The Election To The Secession Convention in Louisiana" (unpublished Master's thesis, Louisiana State University, Baton Rouge, 1968), pp. 1-37, for the background of secession in Louisiana. The alternatives in the January 7, 1861, election were immediate secession, or cooperation until it could be seen how Lincoln conducted himself. Of course, the radicals emerged victorious.

\textsuperscript{32}Official Journal Of The Proceedings Of The Convention Of The State Of Louisiana (New Orleans, 1861), pp. 28-29; 60-61.
CHAPTER VI

"THE PURPLE DREAM"

The efforts of the Southern states to reopen the African slave trade had their origins in the Southern commercial conventions, which became increasingly radical until a peak was reached from 1857 to 1859. In the latter part of the 1850's, several of these states also took the question under consideration in their respective legislatures. Louisiana, in 1858, came the closest of any Southern state to passing a measure advocating the reopening of the foreign trade.

Legislative action in Louisiana relative to the foreign slave trade centered around the African Apprentice Bill designed by James H. Brigham. This proposal meant different things to different people. Some, like Brigham, appear to have sincerely believed that an apprentice system would work. This type of belief was full of logical inconsistencies. For example, to ease the fear of potential slave insurrections resulting from the introduction of fresh, free Africans, people such as Brigham constantly assured the public that the indentured servants would be treated essentially the same as slaves. Hypocrisy is probably too unkind a word
for these advocates of the bill; naivety seems more appropriate.

Others were more realistic in their reasons for support. Men such as Senator Edward Delony desired a reopening of the slave trade, but realized that some means had to be found of circumventing the Federal law of 1807 which prohibited this traffic. To this class of supporters, the African Apprentice Bill was a perfect covert tool to reopen the trade.

Historically, those exhorting a renewal of the maritime slave trade have been classed as either having rational motives or as having merely used this issue as a means of agitating secession. From the "rationalist" perspective, slave prices in Louisiana in the 1850's had reached exorbitant levels, levels that indicated a great demand for this commodity. Delony and others claimed that reopening the traffic would have lowered these prices.\(^1\) In addition, the closest student of ante-bellum Southern agriculture has found that the greatest shortages in the 1850's were labor and capital, not land, and his findings add further credence to the theory that a real demand did exist for more Negro labor.\(^2\) Also, people such as Brigham and his company stood to make

\(^{1}\) Of course the fact that reopening the trade would lower slave prices could also be used as an argument against such a measure, especially by the large slaveholders whose slave property stood to be greatly depreciated.

\(^{2}\) Lewis Cecil Gray, History of Agriculture in the Southern United States To 1850 (Gloucester, Mass., 1958), II, 642.
substantial profits from an "Apprentice" operation.

The "devil theory," however, is the much more commonly assigned motive. This is done with considerable justification in South Carolina, but in Louisiana the issue appears to have been much more complex. Some, no doubt, did use the reopening question in an attempt to drum up radical sentiment in Louisiana, with secession being their ultimate goal. But the involvement of the radicals is a two-edged sword. It does not seem logical to imply that all the radicals who supported reopening the slave trade did so only as a means of catalyzing secession. Rather, a proposal as radical as reopening was only one of many which would "come naturally" to the radicals, and within this framework, some may have had rational motives for supporting the issue.³

With the passage of the last decade before the Civil War, the South became increasingly distressed with the course of affairs in the North. More than one Louisiana newspaper branded the efforts to reopen the slave trade in that state

³Of those who voted on the reopening question in the 1858 Senate (the only year in which good voting data is available) only six were candidates in the 1861 elections for the secession convention. Four supported secession (W. R. Adams, Wm. Kidd, A. Talbot, and R. Taylor), but two of these (Talbot and Taylor) had opposed reopening the foreign slave trade. Fergus Gardere and B. B. Simms were co-operationists. Gardere had supported reopening and Simms, of course, was responsible for the defeat of the measure because of his "eleventh hour" switch from support to opposition of reopening. The point of all this is that it is futile to attempt to explain the reopening movement in Louisiana simply as resulting from those fire-eaters who wanted secession.
as being simply a rebellion against the Buchanan administration.

Some may have supported reopening out of a feeling of obligation to the pro-slavery position. As the 1850's progressed, the Southern mind became increasingly closed on the issue of slavery and it became almost a necessity of survival to support anything associated with the institution. Indeed, some of those advocating passage of the Apprentice Bill said those opposed "will before long be classed as abolitionists."^4

Thus there is no simple reason which may be assigned the role of the basic motive behind the efforts to reopen the African slave trade in Louisiana. History involves human beings, and man's psyche is too complex to be explained in terms of single motives. The causes of the reopening movement in Louisiana are multiple, but they all seem to be related, in varying degrees, to what Stephen Vincent Benét has eloquently described:

Bury the fiddle-music and the dance,  
The sick magnolias of the false romance  
And all the chivalry that went to seed  
Before its ripening.

And with these things, bury the purple dream  
Of the America we have not been,  
The tropic empire, seeking the warm sea,  
The last foray of aristocracy  
Based not on dollars or initiative

^4New Orleans Daily Picayune, March 19, 1858. See also, Chapter IV, pp. 72-73.
Or any blood for what that blood was worth
But on a certain code, a manner of birth,
A certain manner of knowing how to live. . . .

Slavery was the basis of a social system which was indeed thought to be unique, "a certain manner of knowing how to live." Reopening the African slave trade was a means to this end. A means of finding "the tropic empire, seeking the warm sea . . .," in sum, of fulfilling "the purple dream."

The efforts to reopen the African slave trade in Louisiana, in many ways, meant all things to all men. Some advocates may be assigned the "rational" interpretation; others fit well with the "devil theory." Only a few, such as Delony, Brigham, St. Paul, and J. W. Taylor, were rabid supporters of the issue, and they were backed temporarily by others who had varying motives for joining the cause. But taken as a whole, support was not widespread enough to transcend the other sectional issues which arose in 1860, and the movement ceased.

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BIBLIOGRAPHY
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PRIMARY SOURCES

Government Documents and Publications

Annals of Congress. 8th Cong., 2d Sess.


Constitution of the Confederate States of America.

Documents of the First Session of the Fourth Legislature of the State of Louisiana, 1858. Baton Rouge, 1858.


Official Journal of the Senate of Louisiana, First Session of the Fourth Legislature, 1858. Baton Rouge, 1858.


U. S. Constitution.

U. S. Statutes at Large. Vol. II.

Newspapers

The Bee (New Orleans), 1858.

The Daily Crescent (New Orleans), 1858, 1859.

The Daily Delta (New Orleans), 1856-1859.

The Daily Gazette and Comet (Baton Rouge), 1858, 1859.

The Daily Picayune (New Orleans), 1858, 1859.

The Daily True Delta (New Orleans), 1858, 1859.

Weekly Advocate (Baton Rouge), 1859.

The Weekly Gazette and Comet (Baton Rouge), 1858, 1859.

Periodicals


The Liberator, 1856.

Books and Pamphlets


Pollard, Edward A. Black Diamonds Gathered in Darkey Homes of the South. New York, 1859.


SECONDARY SOURCES

Books


Bancroft, Frederic. Slave-Trading In The Old South. Baltimore, 1931.


Biographical and Historical Memoirs of Louisiana. 2 vols. Chicago, 1892.

Biographical and Historical Memoirs of Northwest Louisiana. Nashville and Chicago, 1890.


Dabney, Thomas Ewing. *One Hundred Great Years: The Story of the Times-Picayune From its Founding to 1940*. Baton Rouge, 1944.


Jenkins, William S. *Pro-Slavery Thought in the Old South*. Chapel Hill, 1935.
Jervey, Theodore D.  The Slave Trade; Slavery and Color.  
Columbia, South Carolina, 1925.

Mannix, Daniel P., and Cowley, Malcolm.  Black Cargoes: A 
History of the Atlantic Slave Trade, 1518-1865.  New 
York, 1962.

Menn, Joseph Karl.  The Large Slaveholders of Louisiana- 

North, Douglas C.  Growth and Welfare in the American Past. 

Phillips, Ulrich B.  American Negro Slavery.  Baton Rouge, 
1966.

Rhodes, James Ford.  History of the United States From The 

Russel, Robert R.  Economic Aspects of Southern Sectionalism. 
Urbana, 1924.

Shanks, Henry T.  The Secession Movement in Virginia. 
Richmond, 1934.

Shugg, Roger W.  Origins of Class Struggle in Louisiana; A 
Social History of White Farmers and Laborers during 
Slavery and After, 1840-1875.  University, Louisiana, 
1939.

Sitterson, Joseph Carlyle.  Sugar Country: The Cane Sugar 


Spears, John Randolph.  The American Slave Trade: An 
Account of Its Origins, Growth and Suppression.  New 
York, 1900.

Stampp, Kenneth M.  The Peculiar Institution.  New York, 
1956.

Sydnor, Charles Sackett.  Slavery in Mississippi.  New York 
and London, 1933.

Taylor, Joe Gray.  Negro Slavery in Louisiana.  Baton Rouge, 
1963.

Van Deusen, John G.  The Ante-Bellum Southern Commercial 
Conventions, 1837-1859 ("Historical Papers Published By 
The Trinity College Historical Society," Series 16.) 
Durham, 1926.


**Articles**


"Ex-President Tyler's Letter," *Tyler's Quarterly Historical and Genealogical Magazine*, XXXII (October, 1950), 103-10.

Greer, James Kimmins. "Louisiana Politics, 1845-1861," *Louisiana Historical Quarterly*, XII (July, 1929), 381-425; XII (October, 1929), 555-610.


Kendall, John S. "New Orleans' 'Peculiar Institution,'" *Louisiana Historical Quarterly*, XXIII (July, 1940), 864-86.


UNPUBLISHED MATERIAL


OTHER SOURCES

Letter from Mrs. H. Grady Jackson, Summit, Mississippi, December 26, 1967.
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Candidate: James Paisley Hendrix, Jr.

Major Field: History

Title of Thesis: THE EFFORTS TO REOPEN THE AFRICAN SLAVE TRADE IN LOUISIANA

Approved:

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Date of Examination:

April 30, 1968