

# The Illicit Slave Trade

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 Chapter Four of "The Forgotten Cause of the Civil War:  
 A New Look at the Slavery Issue"

by Lawrence R. Tenzer

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It appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity, and in defiance of those of their own country.

--James Madison

As indicated by the Virginia law of 1662, there were many mulattoes in America from very early on, and any particular pattern of inferiority would certainly have been observed and commented on long before the 1840s. Mulattoes lived, had children, and died like everyone else. There is an intriguing story to be told, albeit a rather involved one, behind why Dr. Nott was able to construct and successfully promulgate his racial theories. The real explanation as to the statistical differences between the "Free Colored" and the "Slaves" in the 1840 (as well as in the 1850 and 1860) census figures primarily had to do with the illicit slave trade--the wholesale illegal importation of new slaves and the kidnapping and wrongful enslavement of free blacks and free mulattoes, both adults and children. In order to understand the context of Dr. Nott's "mulatto inferiority" theories, one must first have insight into how slave smuggling and kidnapping distorted the census statistics on which he based his work, and how these factors made it appear that the "Free Colored" population (many of whom were mulattoes) were not as long-lived or as reproductive as the "Slaves." During the antebellum period of American history, crime and lawlessness existed to a great extent. In 1838 Lincoln made reference to "the increasing disregard for law which pervades the country." The research of David R. Johnson shows that much illegal activity did indeed exist in America prior to the Civil War, particularly in urban areas. Smuggling and kidnapping are repulsive ideas. As will be seen, however, the motivation of money and the opportunities to make it explain why Dr. Nott's theories were able to be devised and maintained.

MONEY is the key word in this discussion. In light of the poor financial position of many individuals and families in the antebellum South, those whites who could be motivated by illicit money had strong inducement to become involved in either the illegal importation and sale of African slaves or the kidnapping and sale of free blacks and free mulattoes. William E. Dodd has estimated that around 1850, hundreds of thousands of families in the cotton states were each receiving a monetary return averaging less than \$100 a year. The plantation gentry aside, many people through-

out much of the South had little money. Those with low incomes included so-called "poor whites" and yeoman farmers. Of course, in terms of the national picture, poor Southerners were far from the only ones who had reason to be attracted to the illegal slave trade. In 1860 the daily wages paid to a day laborer in the aggregate of all states and territories averaged \$1.18, ranging from \$2.92 in the Washington Territory down to 77¢ in North Carolina. Those in the skilled trades earned more. A carpenter, for example, earned an average daily wage of \$2.09, ranging from a high of \$4.67 in the Washington Territory to a low of \$1.44 in Pennsylvania. Working six days a week at \$1.18 a day could earn upwards of \$300 a year which was an adequate living in those days. Stanley Lebergott has done extensive research on wage trends. His calculations show that the daily wages including board for farm labor (free labor) averaged 28¢ in 1830, 35¢ in 1840, 36¢ in 1850, and 46¢ in 1860. The daily figures for non-farm labor averaged 75¢, 85¢, 90¢, and \$1.04 respectively for each of those years with carpenters at \$1.45, \$1.40, \$1.50, and \$1.70. Considering what a person would earn annually, Edgar W. Martin calculated that in 1860 the annual income of farm hands was about \$140 with board, with most industrial employees earning between \$250 and \$400 a year and skilled labor at an annual income of between \$600 and \$700 a year.

The wages with which a person is paid will have very little meaning unless the purchasing power of those dollars is known as well. Of course, the cost of things varied at different times and in different sections of the country; however,

some examples can serve to illustrate what a dollar was worth. In 1856 beef in Illinois sold for as low as 4¢ a pound, and the price of a chicken was a little over a dime. In 1860 in Massachusetts, milk was 5¢ a quart, oranges 28¢ a dozen, and bread 7½¢ a loaf. (From 1793 through 1857 a penny had so much value that half cents were coined.) Soap could be bought for as little as 4¢ a pound. Mail order houses sold high quality shirts for \$18 a dozen, and summer pants could be bought for as low as 75¢, alpaca coats for \$1.50, and three-piece cashmere suits for \$8. During the 1850s, in Massachusetts smoking tobacco cost 28½¢ a pound and in New York a streetcar could be traveled for a nickel. Raw whiskey sold for as little as 7¢ a quart, and a drink in a high-class bar was usually 10¢. A ferryboat from Manhattan to Brooklyn cost a penny. In 1853 a typical funeral which included a rosewood coffin, undertaker's charges, a hearse along with three carriages, and other miscellaneous expenses could amount to a total of about \$84. A trip to the theater to see a play from a box seat cost 50¢, with some theaters pricing a seat at only 12½¢. From 1855 to 1864 the Boston Philharmonic charged \$2.50 for a series of six concerts. In the mid-1850s in Alabama, a major operation cost \$30 and a minor operation \$5. Later in the decade a housemaid could be hired for \$8 a month. During that same time, a visit to the doctor's office was usually between 50¢ and \$1, and at the dentist, a cleaning was 50¢, fillings were 50¢ to \$1, and an extraction could be obtained for as little as 25¢. Educating a student in the public schools of Chicago cost about \$12.50 a year which included basic school books ranging from 10¢ to 25¢. In the mid-1850s four full years at Harvard University with all expenses included cost about \$1,000. A traveler to California could get room and board for \$9 a month. Elsewhere, the daily rate for a hotel room ranged from 50¢ to 75¢, not including meals; first-class hotels were \$2 with deluxe meals. In 1860 the average cost per month of renting a four-room apartment ranged from \$1.75 in Jewett City, Connecticut to \$10 in Rock Island, Illinois and St. Louis, Missouri. Out on the prairie during the 1850s, a four-room cottage could be built for \$245 to \$450. In 1855 about three-quarters of the house-dwellers in New York State lived in frame houses which cost an average of \$785. At the beginning of the decade, a four-room cottage of wood could be bought for \$330 to \$400, and eight rooms with a finished basement would cost an estimated \$1,278. Toward the end of the decade, a six-room suburban cottage of wood would run between \$1,500 and \$1,600, and for \$3,000 a person could purchase a suburban house of brick, wood, or stone with five rooms, a finished basement, two attics, one bath, and one indoor water closet. In 1860 a less elaborate two-story frame cottage with six rooms could be built for about \$550. Abraham Lincoln's home in Springfield, Illinois, characterized by Leslie's Weekly as "indicative of the well-to-do country lawyer or retired farmer," was a one-and-a-half-story house with a kitchen, living room, two bedrooms, two rooms on the upper level, an outhouse, and a stable. Lincoln purchased this house for \$1,500 in 1844. It is plain to see from the examples just cited that money had enormous purchasing power. A dollar went a very long way back in slavery days.

The average daily income of a person prior to 1850 was under one dollar and after 1850 not much over that. With this in mind, the monetary value of slaves can be put into perspective. Antebellum statisticians Henry Chase and C. H. Sanborn published an analysis which calculated that in 1850 the average price for a slave was \$400, more money than many ordinary people would earn in a year. Some slaves were worth more and some less, but with prices in the hundreds of dollars, even slave children were worth a lot of money. Frederic Bancroft has studied slave prices extensively and states, "Between 1830-1860, according to the year and the region, each babe in arms added from \$100 to \$200 or more to the value of its slave mother.... In the 'fifties, average boys or girls from 8 to 12 years old would bring at least \$400 or \$500; the best sometimes more than twice that much." Ulrich B. Phillips has done extensive work on slave prices and charted his findings (hereafter referred to as the Phillips chart). As noted, the prices given are for prime field hands (unskilled young men), but Phillips adds that "artisans often brought twice as much as field hands of similar ages, prime women generally brought three-fourths or four-fifths as much as prime men; boys and girls entering their teens, and men and women entering their fifties, brought about half of prime prices for their sexes; and infants were generally appraised at about a tenth or an eighth of prime. The average price for slaves of all ages and both sexes, furthermore, was generally about one-half of the price for male prime field hands." As can be seen from the Phillips chart, in 1860 at the peak of the slave trade, the price of a male prime field hand was \$1,800 in New Orleans and middle Georgia, \$1,200 in Virginia, and about \$1,250 in Charleston. Remarkable but true, it may be said that when slave prices were at their highest, one prime male slave had a cash value comparable to what a day laborer might earn in three to four years! Certainly, carpenters and others in the skilled trades earned higher wages, lesser quality slaves brought lower prices, and all slave prices were lower prior to 1860. Even with these factors taken into consideration, the real monetary value slaves had becomes apparent when slave prices throughout the antebellum period are compared with the annual wages people were paid during that time.

Dr. Nott used census statistics to establish his "mulatto inferiority" theories, and the population numbers in the "Slaves" category were important ones. Slave smuggling was one major way these numbers were artificially increased. Despite the fact that Congress passed legislation on March 2, 1807 which legally prohibited the importation of slaves into the United States as of January 1, 1808, illegal importations continued up through the early 1860s.

Before being smuggled into the South, many African slaves were first brought to Cuba, then an agrarian colony of Spain, where profits from an illicit slave trade were extremely lucrative. This is clearly illustrated by the cost of slaves in Africa and the prices they brought in Cuba. In 1827 a smuggling outfit paid \$50 each for 217 slaves, sold them at an average of \$357 each, and after expenses realized the outrageous profit of over \$40,000 (a fortune in terms of 1827 dollars). In the

late 1830s a slave purchased for \$20 to \$30 in Africa would bring between \$250 and \$350 in the Cuban market. In 1840 a case of slave smuggling from Africa to Cuba was reported where a profit of \$200,000 was made on a single voyage.

Keep in mind that \$200,000 in those days would today be worth millions of dollars! A correspondence in 1853 from a British minister in Washington to the foreign secretary in London told of financial interests in the free states of the North being involved in the illegal slave trade.

The difficulty of getting Slavers condemned by Admiralty Courts when captured and brought into American Ports is another encouragement to Slave Traders, and this difficulty, strange as it may seem, is much greater in the Northern States which profess Abolitionism, than in the South where Slavery exists. This arises from the Shipbuilders of the North being interested in the prosperity of the Trade for which they furnish by far the greatest part of the vessels under whatever Flag they afterwards sail.

During the mid-1850s, New York City businessmen often financed slave smuggling operations knowing that a profit of \$150,000 per voyage could be realized. To say that great fortunes were amassed in the illicit importation of Africans into Cuba would surely be an understatement.

Smuggling slaves from Cuba into the Southern states was also extremely lucrative. In 1851 Alexander Jones, a political commentator, reported that "an able bodied negro man in Louisiana, worth from \$800 to \$1000, would bring only \$300 to \$400 in Cuba." A few years later, John Thrasher wrote a letter which was published in the prestigious Southern journal, DeBow's Review. Thrasher stated that "the average value of field hands in Cuba is \$500, while in this State [Louisiana] their value is \$1200." These monetary figures take on profound meaning considering that the daily wages paid to a day laborer in the states and territories averaged about \$1.00 in 1850. This state of affairs was by no means limited to the latter antebellum period. Even back in the 1830s when such wages were significantly less than \$1.00 per day, David Turnbull, an English traveler, visited Cuba and made the following observation:

When I was at the Havana, the average price of Bozal [newly imported] Negroes, when purchased at wholesale by the cargo, was at the rate of from 300 to 320 dollars a head, whereas I have had the misfortune to witness the sale of slaves by auction, when three times the price has been offered in the public streets of Richmond, Virginia, and elsewhere in that section of the Union.

In a reference to Texas, Turnbull wrote of "the well-known fact, that the price of a slave at Houston or Galveston is three or four times as great as it ever is at the Havana." The English temperance reformer and world traveler James S. Buckingham toured the South for eight months during 1839, and among his recollections concerning slaves, he noted, "It is known that large numbers are smuggled into the United States from Havana, and through Texas." In 1839 a prime male could be purchased in Cuba for \$400. That same year a prime male was selling for \$1,000 in Virginia, \$1,150 in Charleston, \$1,200 in middle Georgia, and \$1,250 in New Orleans. With these figures in perspective, even very small-scale operations smuggling just a few slaves in a small boat would realize an outrageous profit. If three slaves were purchased for \$400 each in Havana and sold in New Orleans at \$1,250 each, even after commissions were paid to the auction house and other expenses were deducted, the net profit would still be much more than even a skilled laborer could earn in two years! In the words of journalist William Henry Fry, "The Cuba trade affords, it is said, a retail business with the southern States; the fishermen carrying fish to Cuba bringing return cargoes of two or three slaves in their smacks."

The legislation passed by Congress prohibiting the importation of slaves into the United States as of January 1, 1808 also established penalties which included the confiscation of slave ships, and fines and imprisonments of up to \$20,000 and ten years. The acquisition of the Louisiana Territory, the settlement of the Mississippi Valley, and the annexation of Texas, however, all created intense demands for new slave labor. Moreover, with a rise in the price of cotton and expectations of slavery expansion westward, slave prices began to rise steadily from about 1845 up through

and including 1860. From 1808 to 1860 the only sources of new slaves were the progeny from the internal slave trade and smuggling from Africa and Cuba. As early as 1810 President James Madison reported to Congress that American citizens were defying the newly passed law by illegally trafficking in African blacks.

It appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity, and in defiance of those of their own country. The same just and benevolent motives which produced the interdiction in force against this criminal conduct, will doubtless be felt by Congress, in devising further means of suppressing the evil.

In the year 1819 alone, politicians in the South estimated that between 13,000 and 15,000 Africans were illegally imported. The scope and magnitude of this smuggling becomes clear when viewed in light of the congressional legislation of March 3, 1819 which granted a \$50 bounty to informers for every illegally imported slave seized by officials, and the congressional legislation of May 15, 1820 in which the external slave trade was decreed to be piracy punishable by the death penalty! All of this legislation was difficult to implement because of unclear enforcement authority on both the federal and state levels, allowing illicit acquisitions to continue on virtually unabated.

The illegal importation of African blacks must have been considered tolerable because many of the slave smugglers who were caught went unpunished and there was no hue and cry of public outrage. Congressman Cydnor B. Tompkins of Ohio made the point in a speech before the House of Representatives in 1860, in which he challenged Southern congressmen to "go home and seize and hang the pirates who are hovering around your shores, engaged in the slave trade. You may say a jury will not convict them. Why not? Because the community sustains them in their unholy traffic and in their violation of the laws." Warren S. Howard has amassed a list of criminal prosecutions of captains, mates, seamen, and ship owners accused of violations. He lists about a hundred cases from 1837 through 1862, and in over half of these the defendants were acquitted, pardoned, or had the charges against them dismissed by U. S. Commissioners. In many other cases the defendants escaped or forfeited their bond with no record of their recapture.

In 1846 Ezra C. Seaman, a well-known statistician and political economist, calculated that about 100,000 slaves were illegally imported into the United States between 1830 and 1840. Senator Stephen A. Douglas was reported to have said that "the slave-trade had been carried on quite extensively for a long time back" and that 15,000 Africans were brought over in 1859 alone, more than during any one year when importations were legal. Douglas never disavowed the statements. In 1860 a Florida newspaper brazenly published the sentiment. "We of the slave States care but little, if anything, for suppressing the slave trade." The issue of smuggling aside, the prohibition against importing slaves was almost a dead letter because there were ways the law could legally be circumvented. In 1854 a New Orleans newspaper reported that "several cargoes of negroes, direct from the coast of Africa, were landed at a depot on the Pearl River in Mississippi and sold." The law was not violated. The blacks were classified as "voluntary laborers" who were brought to America as indentured persons. A similar plan took effect in Texas when, in 1858, the legislature passed a law by which newly imported free Africans were allowed to choose masters for themselves and thereby become enslaved. Judge McGrath of the United States Circuit Court for South Carolina ruled that the importation of blacks was legal, providing that they were slaves in Africa and not free. In campaign literature published in 1860 for the Republican party, William Henry Fry noted a United States Circuit Court case in Mobile, Alabama, in which slaves were held to be property, and like all other property, could be legally bought and sold in the state. In the words of the decision, "Whatever laws Congress may enact against the original importer of African slaves, they cannot be made to apply to the purchaser, who acquired the property within the limits and by the laws of the individual State." The following account was published in the March 4, 1858 edition of the Charleston Mercury:

Let it go forth that Southerners have taken into their own hand the law, and opened the African Slave Trade with the South; that Africans are now imported into Mississippi and other seashore States.... We estimate a cargo to number seven hundred negroes.... Seven hundred, at an average cost of thirty dollars a piece, will amount to \$21,000, and their price in this country or Cuba will range from \$450 to \$1200. But if sold for \$500, say, the cargo will net \$350,000. Freely allowing, then, \$150,000 for the entire expenses of the voyage and all possible loss, the profits of one round voyage will amount to \$200,000. Where the profits are so exorbitant, we can well understand why the business has been begun in

the  
South.

Bear in mind that the writer is speaking of just one venture and the value \$200,000 had throughout the 1850s.

During this time slave smuggling became particularly blatant. So much so, that even the political party platform on which Lincoln ran in 1860 included a plank about abolishing the illegal African slave trade. Plank 9 in the Republican platform of 1860 read as follows:

That we brand the recent reopening of the African slave trade, under the cover of our national flag, aided by perversions of judicial power, as a crime against humanity and a burning shame to our country and age; and we call upon Congress to take prompt and efficient measures for the total and final suppression of that execrable traffic.

The wording does not specifically single out illicit slave importations into the United States, but rather, addresses the involvement of American ships in general. (The Appendix explains how the American flag and American ships were used in the illegal slave trade.) Back in 1820 Congress decreed that slave smuggling was an act of piracy punishable by death. Prior to 1860 there were no executions however, and fines and imprisonments in only a few cases. In 1862, after the Civil War had started, and the Southern members of Congress having already left Washington could no longer exert their influence, the Lincoln government honored its African slave trade plank and the first slave smuggler was hung.

A great deal of controversy exists in the professional literature regarding the number of African slaves who were brought into the United States between 1808 and 1861. Philip D. Curtin has done extensive work on the Atlantic slave trade and estimates that during that period of fifty-four years, 54,000 African slaves or 1,000 per year were illegally imported. Noel Deerr, on the other hand, has stated that the number "could not have been less than 860,000 and a total introduction of 1,000,000 does not seem too large an estimate." As for earlier estimates, W. E. B. Du Bois placed the figure at 250,000 in 1891, and Winfield H. Collins, a contemporary of his, independently arrived at 270,000 in 1904. While it is true that the actual number of slaves who were illicitly brought into America from Cuba and Africa can never be known due to

the clandestine nature of smuggling, estimates must be substantial to be realistic.

It is important to emphasize that in addition to the illegal slaves being added to the census numbers, all of their progeny were as well, in terms of both natural increase and intentional breeding. Although slave breeding is a controversial subject, given the enormous monetary value of slaves, the breeding of them (if little talked about) must have been widespread. Catherine Clinton states that "we cannot assume, as scholars have suggested, that slave owners merely let nature take its course. The reproduction of the slave labor force was too vital for planters to leave such matters to the slaves themselves." In Helen T. Catterall's *Judicial Cases Concerning the Negro and Slavery*, transcripts of court cases throughout the antebellum South include such phrases as "a breeding woman," "unprofitable as breeding women," "particu-

larly valuable for her physical capacity of child-bearing," "female slave promising issue," etc. An Alabama planter remarked, "No inconsiderable part of a farmer's profits being in the little negroes he succeeds in raising." In Virginia and Maryland where agriculture was no longer economically viable due to the depletion of the soil, produce was replaced by the raising of slaves for sale. In 1857 George M. Weston wrote,

The citizens of Virginia indignantly deny that they breed and rear slaves for the purpose of selling them. Not only do those who interpose this denial, do so, in the vast majority of cases, with a consciousness of truth; but, perhaps, in no single instance can it be truly affirmed, that any individual slave is raised for the purpose of being sold.... The fallacy of the denial interposed by the people of Virginia, consists in this, that although no one slave may be raised with a special view to his sale, yet the entire business of raising slaves is carried on with reference to the price of slaves.

Three years earlier Frederick Law Olmsted had remarked that "Virginians who visit the North, often angrily deny that anyone in that State makes a business of breeding negroes for market. Perhaps not, but I have heard men in Virginia speak publicly of purchasing women with reference to their breeding qualities." Of great significance is the fact that most of these newly smuggled slaves were prime adults of childbearing years, so in addition to being added to the census numbers themselves, their progeny and all other future progeny were as well.

A discussion about slave smuggling and its effect on the census would not be complete without including American Slavery as It Is: Testimony of a Thousand Witnesses, an anthology compiled by Theodore D. Weld and published by the American Anti-Slavery Society in 1839. This book, which sold over a hundred thousand copies within a year, rebutted Southern claims that all was well with slavery. One of these claims was featured in a banner head line: **THE FACT THAT THE SLAVES MULTIPLY SO RAPIDLY PROVES THAT THEY ARE NOT INHUMANELY TREATED, BUT ARE IN A COMFORTABLE CONDITION.** Weld realized that the massive increase in the slave population was really due in large part to the illegal importation of Africans. "The fact that thousands of slaves, generally in the prime of life, are annually smuggled into the United States from Africa, Cuba, and elsewhere, makes it manifest that all inferences drawn from the increase of the slave population, which do not make large deductions, for constant importations, must be fallacious." The New Orleans Courier dated February 15, 1839 was quoted as follows: "It is believed that African negroes have been repeatedly introduced into the United States. The number and the proximity of the Florida ports to the island of Cuba, make it no difficult matter." Other printed accounts and testimonies were included as well. A politician was quoted as stating that 15,000 slaves were illegally imported into the United States each year. Weld thought that figure to be too small, but concluded that "even according to his estimate, the African slave-trade adds **ONE HUNDRED AND FIFTY THOUSAND SLAVES TO EACH UNITED STATES' CENSUS.** These are in the prime of life, and their children would swell the slave population many thousands annually--thus making a great addition to each census." Weld made his point.

Back in 1839 American Slavery as It Is stated the case for smuggled slaves being added to the census numbers, but with smuggling easily denied, federally outlawed, and virtually impossible to prove, it is not surprising that the idea was not pursued in other antislavery publications as well. Apparently, there was a belief that illicit importations did not occur. In 1855 Lewis Tappan who was a leading antislavery advocate, for example, reasoned that the domestic slave trade, which consisted mostly of slaves bred in the upper South, would never tolerate competition from the sale of slaves brought into the country illegally. William Jay who was another prominent name in the movement to abolish slavery agreed with Tappan that slave smuggling was nonexistent. What Tappan and Jay failed to take into consideration was the fact that the organized breeders in Virginia and Maryland had absolutely no control over what went on between Cuba and the Southern coast, as well as all of the legal loopholes that existed, a sympathetic South, and profits amounting to hundreds of thousands of dollars.

The illegal importation of slaves from Cuba and Africa and their natural increase necessarily affected the census and was one major way Dr. Nott was able to establish his "mulatto inferiority" theories. Another way in which the census statistics for the "Slaves" artificially increased and the numbers for the "Free Colored" population decreased had to do with the wrongful enslavement of free blacks and free mulattoes. Since slaves were worth so much money, the average price of \$400 being more money than many workers would earn in a year, a great number of free people of color living in the North were actually kidnapped and then sold into slavery. In 1839 Theodore D. Weld made the point in his anthology, American Slavery as It Is. "It is a notorious fact, that large numbers of free colored persons are kidnapped every year in the free states, taken to the south, and sold as slaves." Two pages later he made reference to the census issue. "In all probability, each United States' census of the slave population, is increased by the addition to it of thousands of free colored persons, kidnapped and sold as slaves." Throughout the antebellum period, thousands of free blacks and free mulattoes were kidnapped and sold into slavery. If any reader disbelieves this truth, Carol Wilson's thoroughly researched book, Freedom at Risk, confirms the fact and will remove all doubt. Wilson is the premier authority on this subject. Her systematic analysis shows, "The kidnapping of free blacks for sale as slaves was an all-too-common occurrence in the United States during the decades between the Revolution and the Civil War. The ever-present danger of kidnapping and the fact that its victims had little recourse proved a grave threat to the black community.... People of color could be easily enslaved, legally or illegally, as they lived in a legal limbo between slavery and freedom. Their freedom was greatly compromised by various restrictions, and they could be robbed of it at any time."

In addition to being an illegal source of new slaves, like illicit importations, domestic abductions provided kidnapers with huge profits. In 1817 Jesse Torrey published a book on the subject of kidnaping entitled, American Slave Trade; or,

An Account of the Manner in which the Slave Dealers take Free People from some of the United States of America, and carry them away, and sell them as Slaves in other of the States.... Torrey wrote, "From the best information that I have had

opportunities to collect...I am fully convinced that there are, at this time, within the jurisdiction of the United States, several thousands of legally free people of colour, toiling under the yoke of involuntary servitude, and transmitting the same fate to their posterity!" In 1817 a prime male field hand was worth between \$650 and \$1,000 while at the same time people were earning less than \$1.00 a day in wages. James Gillespie Birney, like Weld, was also active in the antislavery movement. Birney wrote that "kidnapping is carried on in this country to a great extent," and that "kidnapping, by the law, is a highly criminal offence. Extensive as this crime prevails, no instance is remembered but one which was followed by punishment." His view that "scores of unsuspecting colored people, born free, are annually spirited away from the free States, and sold into slavery in the South," appears to be a naive understatement, given the high monetary value of slaves

and his acknowledgment that the crime of kidnapping went virtually unpunished. The number of free people of color who were kidnapped annually was many more than "scores." As the antislavery writer William Jay remarked in 1839, "An able-bodied colored man sells in the Southern market for from eight hundred to a thousand dollars; of course he is worth stealing....it is not strange it should be extensively practised." In 1853 Harriet Beecher Stowe spoke of free blacks and free

mulattoes and noted, "Around the [slave] trader are continually passing and repassing men and women who would be worth to him thousands of dollars in the way of trade--who belong to a class whose rights nobody respects, and who, if reduced to slavery, could not easily make their word good against him. The probability is that hundreds of free men and women and children are all the time being precipitated into slavery in this way." In regard to the kidnapping of free children of color, it may be said that in the slave markets from 1850 to 1860, prices for children under ten years of age were in the hundreds of dollars (not to mention that even back in 1835 a boy of about seven or eight could be worth up to \$400). In 1826 the Niles' Weekly Register proclaimed, "This most abominable trade of all trades, has much revived of late. Money is scarce.... The stealing of children is frequent. We have accounts of numerous cases; and, generally, the trade in human blood is lively. There is a gathering of fuel for 'the day of wrath.' It will come." The abduction of free blacks and free mulattoes under ten years of age was a relatively easy task to accomplish and no doubt contributed to the lower census numbers for the "Free Colored" aggregate.

With slavery not being based on color, the kidnapping of white children was also an issue. In 1839, during which time the organized abolitionist movement was nearing its peak, the antislavery Philanthropist published an article entitled "White Slaves" which admonished readers as to this kind of kidnapping.

A very large proportion of the slave population in the South are but slightly colored, and many of them are so nearly white as to require the closest scrutiny to detect the fact of their having the first drop of African blood. Slaves of this description bring a higher price than any other, especially females. Now, although not gifted with prophetic vision, we venture to predict that the time is not far distant, when the sons and daughters of white freemen at the North will be kidnapped and sold into Southern slavery. Mark that. How can it be otherwise. Color is becoming every day less and less a test by which to determine the fact of human chattelship. Then, when white children are kidnapped, we trust that the North will begin to wake up from her death-like lethargy.

Considering the high value of slave children together with the fact that slavery was not based on color, this threat was a real one. George Bourne, who was an antislavery writer, asserted that "every kidnapper, with similar willingness, would steal a white girl as a coloured female, if it could be effected with impunity." Bourne also told of "a white boy about seven years old, [who] was stolen from his parents. He was tattooed, painted, and tanned. Every other method was also adopted

which wickedness could devise, to change the exterior appearance of the unfortunate creature, into one of uniform dark tinge." In a book published in 1879, author Charles Godfrey Leland reflected back on earlier times. "The writer once knew, in Philadelphia, a boy of purely white blood, but of dark complexion, who narrowly escaped being kidnapped by downright violence, that he might be 'sent South.' White children were commonly terrified by parents or nurses with 'the kidnappers,' who would black their faces, and sell them." In the Charleston Daily Courier, a case of kidnapping was reported where a white boy was claimed as a slave. Insisting that he was a free white, he "told the persons who bought him that he was a white boy, and they said they did not care if he was." This case was one that had become public. How many other white children were kidnapped never to be heard from again? Certainly, the number who were abducted and then sold into slavery must have been relatively few compared to the scale on which such activity was conducted with free blacks and free mulattoes.

Torrey tells of two ingenious ways in which free people of color were kidnapped. In one scheme, a man in Philadelphia courted and married free mulatto women and then sold them into slavery. The other method involved two associates and

a

manipulation of the law. Upon the selection of a likely target, one of the kidnappers set on the task of discovering any distinguishing body marks on the intended victim. This being accomplished, the second kidnapper claimed the victim as a fugitive slave who was then brought before a magistrate. The identifying body marks were described and offered as proof that the free person was indeed the fugitive. Upon examination and confirmation, the magistrate then honored the claim and reenslaved the victim. Another effective technique used by kidnappers was to lure free people of color away from home under the pretense of hiring them for work, and then abducting them. In his memoirs of living in the South, Reverend John H. Aughey recalled being introduced to a man who "was guilty of hiring a colored crew at Boston and then coolly selling them at Galveston." The *Philanthropist* published in Cincinnati informed readers of the technique used in that area. "The usual device is, to go into the country, hire a colored boy or man to assist in bringing horses to Cincinnati, or in some other job which is to be ended here, and then seize him, and take him before some magistrate; claim him as a slave, and hurry him on to Kentucky." Another common method was described by George Bourne. Kidnappers "find a freeman on the road...demand his certificate [his legal proof of freedom carried at all times], tear it in pieces, or secrete it, tie him to one of their horses, hurry off to some jail.... There by an understanding with the jailer, who shares in the spoil, all possibility of intercourse with his friends is denied the stolen citizen. At the earliest possible period, the captive is sold out."

Illegal kidnappings were not the only problem. The treachery also existed in a kind of legal form. In 1839 Maryland passed a law which prohibited free blacks and free mulattoes from entering the state, regardless of whether they intended to stay permanently or just visit. In *American Slavery and Colour*, published in 1857, William Chambers quoted the law and added his commentary.

"No free negro or mulatto, belonging to, or residing in any other state, is permitted to come to Maryland, whether such free negro or mulatto intends settling in this state or not, under penalty of 20 dollars for the first offence." For a second offence, the penalty is 500 dollars; and, failing the payment of such fines, the offender "shall be committed to the jail of the county, and shall be sold by the sheriff at public sale to the highest bidder."

Under this law, a free coloured person wandering inadvertently into Maryland in quest of employment, may be seized, and if poor and unable to pay the fine, sold after a few days' public notice.

Twenty dollars was a great deal of money in 1839, and 500 dollars was virtually more than a year's wages. In the same year Chambers's book was published, George Washington Carleton admonished that "travellers, with Sun-burnt complexions, should be extremely cautious as to how they 'circulate' themselves in Western Maryland."

In a Senate debate on the recapture of fugitive slaves, the subject of kidnapping was discussed. Senator Salmon P. Chase of Ohio related that abductions had occurred in his state. "In the section in which I reside, cases of kidnapping have not unfrequently occurred. Not a few persons supposed to be free, and in some cases certainly free, have been kidnapped, and carried out of the State by force or fraud, without any process of law." Senator Jefferson Davis of Mississippi denied that Southerners would ever kidnap a free person. "My knowledge of the southern people, of more than one community living in the slaveholding States, will justify me, and the testimony of others here will, I am sure, bear me out in saying, that if any man go from a slave State and arrest a free person of color, and bring him to a slaveholding State as his property, he would be liberated at once and the thief arrested....it is but justice to the South to say that in no community could stronger feelings exist than would be found there against him who would kidnap a freeman for the purpose of making him a slave." Davis's comments, although well-intentioned, did not reflect the kidnapping that was actually taking place.

A statement by the English traveler James S. Buckingham sums up the kidnapping of free blacks and free mulattoes.

"The superiority of the northern negroes, for intelligence and industry, is, indeed, so well known, that a set of miscreants obtain a livelihood by stealing them from the towns of the North, and carrying them off to the South for sale, where they

fetch large prices. Facts, in proof of this practice, are abundant; and although the more honourable among the slaveholders of the South would denounce it in the strongest terms, yet it is one of the unavoidable consequences of the slave system; for where there are persons to purchase men as slaves, there will be no want of thieves to steal them from their homes for this purpose."

It is no wonder that kidnapers flourished, and accounts of kidnapping continued up to the Civil War.

In addition to illicit importations and domestic abductions, there were a few other important factors which influenced the census numbers. In *American Slavery as It Is*, Theodore D. Weld explained that another reason for the extraordinary increase in the slave population was the great extent to which interracial sexual relations occurred between white men and slave women. Under the partus rule, the children of slave mothers were slaves regardless of who their fathers were, so mulattoes, despite their white fathers, were counted in the census as slaves which thereby increased the "Slave" aggregate. Black and mulatto children from slave mothers and free men of color were also counted in the same manner.

Another way the census numbers were also affected had to do with free mulattoes who were light enough to "pass" for whites choosing to cross the color line and live as white people. Such "passing" would have the effect of reducing the "Free Colored" census category still further. In 1854 the phenomenon was mentioned by James D. B. DeBow who was census superintendent at the time. Referring to possible explanations for anomalies in the "Free Colored" population of Louisiana in the 1850 census, DeBow suggested "that free mulattoes have been passing into the white column." In a letter written to the *New York Tribune* in 1844, exslave James McCune Smith observed, "Colored men and women turn white at the North. The keen and practised eyes of Southern men can instantly detect the most remote admixture of African blood.... But here at the North, the boundary line is less distinct: the colored white has merely to change his place of abode, cut his old associates, and courtesy will do the rest--he is a white." The "Free Colored" population declined because of passing, and to an extent the "Slave" population did as well. Since enslaved white mulattoes were in reality white people, a number sought to escape to the North and there pass into white society. Being literate would increase a slave's chances of a successful escape, and this no doubt was a major reason why it was against the law to teach blacks and mulattoes to read and write. In 1847 in Virginia, a woman was sent to the Richmond penitentiary for two years for teaching the reading of the Bible. Literacy was important, but not really a crucial factor because there was a lot of illiteracy in those days. One had to truly believe oneself to be white and act accordingly. Attitude was everything in order to successfully pass as a free white person. Whether free or slave, no figures or even estimates are available on the number of white mulattoes who passed as white people due to the totally clandestine nature of such activity.

From 1808 up to the Civil War, illegally importing Africans into the South did in fact occur to a great extent. This actuality was extremely important because it was one major way in which Dr. Nott was able to promulgate his "mulatto inferiority" theories. As these Africans and their subsequent progeny joined the ranks of those already enslaved, census numbers for "Slaves" continued to inflate. The converse effect was that free blacks and free mulattoes who made up the "Free Colored" classification in the census (most of whom were mulattoes) appeared to reproduce to a much lesser extent, ostensibly according to Nott, because they were frail and sterile and died off within a few generations. As was the case with the slaves who were illegally smuggled into the South, the kidnapping and wrongful enslavement of free blacks and free mulattoes also affected the census statistics. The numbers for the "Free Colored" declined because those who were kidnapped were now slaves and were counted as such. Given the misrepresentations in the census because of the illicit trade in smuggled slaves and kidnapped victims, along with the other reasons cited, it becomes quite clear how Dr. Nott was able to construct and successfully promulgate his racial theories.

## APPENDIX

### THE ILLICIT SLAVE TRADE

The British captain asked the American captain "why he had not let me know his nationality before. He answered: Well, I guess we were eating our supper.' "

--Hugh G. Soulsby quotes Lord Clarendon

Dr. Nott was able to devise his "mulatto inferiority" theories in large part because slaves were smuggled from Cuba into the Southern states to such a great extent. These illegal importations affected the census numbers and provided Nott with proof that his views on race mixing were correct. Despite the exceedingly vast amounts of money to be made and the relative ease with which it could be accomplished, many historians do not believe that slave smuggling occurred to any significant degree. This point of view is incorrect.

It has been suggested that illegal slave importations were low in number because most of the slave ships outfitted in American ports brought slaves from Africa to Cuba and Brazil, not to the Southern United States. True enough, but the factor which goes unaddressed is where these slaves who were brought to Cuba ultimately ended up. Many went to South

America, etc., and some remained in Cuba. What about the rest? Given the prices being had for slaves in Southern markets, once in Cuba many slaves were then smuggled into the Southern states. When averaged out over the prohibition

period from 1808 to 1860, a figure of 250,000 would only be about one hundred slaves per week. The coastlines of Florida (Gulf side), Alabama, Mississippi, Louisiana, and Texas comprise the Gulf Coast, an area 1,631 miles long. With the South clamoring for labor, domestic slaves in limited supply, slave prices high, poor enforcement of prohibitive legislation, and Cuba not far from the vast Southern coastline of the United States, is it realistic to believe that slave smuggling did not occur to a considerable extent between Cuba and the Southern states? Kenneth F. Kiple has stated that

there was little to be gained financially in transferring slaves from Cuba to Florida because "slave prices in Cuba, Florida, and the southern United States as a whole closely approximated each other, from the termination of the United States slave trade right up to the beginning of the Civil War." As the Phillips chart shows, different slave prices with disparities often in the hundreds of dollars existed in four Southern markets all during this period. There was money to be made by slave traders buying slaves in Cuba and selling them in the South, lots of money, because slave prices in Cuba were substantially lower than those in one or more of the Southern markets. Moreover, slave traders involved in larger operations could go to Africa, buy direct, and then use Cuba as a rest stop before smuggling their cargoes into the South.

Most of the slaves who were illegally imported into the Southern states came from Cuba and, generally speaking, attempts made at stopping that illicit trade were utterly ineffective. By a treaty signed in 1835 between Great Britain and Spain, British officials who were at sea in patrolling vessels could board and search ships suspected of slave smuggling that were flying the Spanish flag. To the contrary, the United States absolutely refused to allow any British authority the right to board and search any vessel flying the American flag. British motives were suspect. As Lewis Cass the United States Minister to France said in 1842, "Who can doubt, but that the English cruisers, stationed upon that distant coast, with an unlimited right of search, and discretionary authority to take possession of all vessels frequently [sic] those seas, will seriously interrupt the trade of all other nations, by sending in their vessels for trial under very slight pretences." Naval historian Christopher Lloyd characterizes the quote by stating, "The dominating American suspicion that Britain was engaged on furthering her own economic interest, and not on a philanthropic task, could not be expressed more clearly."

Fraudulent paperwork and the misuse of the American flag allowed many slave ships to function with impunity. The procedure typically involved several well-planned steps. A ship sailing under the American flag and American papers sails first to Havana. After changing to a slavery crew there, the American captain then sails to Africa and obtains his cargo of slaves. On the return voyage home, just before entering American waters on approaching Cuba, the American captain transfers the ship to another captain on board who has Portuguese papers which were secured before the entire voyage began. Portuguese papers were chosen because American cruisers around Cuba could not board ships sailing under the Portuguese flag. One ship--two captains, two flags, two sets of papers--two identities. In 1846 Englishman Francis Wyse published these steps in detail, so anyone who was so inclined could become familiar with the particulars of the process. The problem of fraudulent paperwork assumed great magnitude very early on. In 1820, shortly before congressional legislation was passed declaring slave smuggling an act of piracy punishable by death, an American commander reported that ten captures were made, but "although they are evidently owned by Americans, they are so completely covered by Spanish papers that it is impossible to condemn them.... The Slave Trade is carried on to a very great extent. There are probably not less than three hundred vessels on the coast engaged in that traffic, each having two or three sets of papers." And this was back in 1820.

The treaty Britain signed with Spain in 1835 declared that the Spanish slave trade would be abolished, so Britain moved her antislavery efforts from Cuban waters and concentrated on the African coast. British officials could not board American vessels and for the most part were not around Cuba to challenge vessels under the Portuguese flag. As Arthur F. Corwin succinctly said, "Since the British could not search American ships the American flag was used in African waters, and since the Americans could not search Portuguese ships the Portuguese flag was useful in American waters." Captains of ships flying the American flag could be brazen, knowing that their vessels were exempt from being boarded and searched by the British. In 1853 a British cruiser pursued a suspicious ship for a long time until finally she fired a warning shot. At that point the ship hoisted the American flag. The British captain asked the American captain "why he had not let me know his nationality before. He answered: 'Well, I guess we were eating our supper.' "

In the Webster-Ashburton Treaty of 1842 between the United States and Britain, America agreed to send a small contingent (ranging over the period from two to eight ships) to patrol with the British vessels off the African coast. Under this treaty, American and British cruisers were to work independently of one another. American ships could board suspicious vessels flying the American flag but British ships were still forbidden to do so. American vigilance was impotent. Between 1843 and 1857 only nineteen slavers were captured, less than two a year on average. With ship carpenters being able to make slavers look like nonslavers, ships being disguised as whalers, and various flags offering protection from search and seizure, the illicit slave trade continued on, and with this preoccupation on Africa, slave smuggling vessels from Cuba to the Southern states had an even better chance of not being discovered.

In 1858 France lost interest in a war with Britain, and many British ships were no longer needed in the English Channel. While still retaining ships on the African coast, Britain stepped up her campaign against the illegal slave trade by sending these additional ships to Cuba and the Gulf of Mexico. American vessels were fired on, searched, and even seized. Apparently, President Buchanan was willing to tolerate abuses of the American flag perpetrated by slave ships but not Britain violating United States sovereignty by boarding and searching vessels flying the American flag. The confrontation between America and Britain reached a critical stage, but Britain backed down. If slave smuggling between Cuba and the Southern states was relatively risk-free prior to 1858, British withdrawal allowed it to go on virtually unimpeded. As the British historian William Law Mathieson has observed, "The number of American cruisers was indeed to be increased; but this could be of little use, because they could not capture their own slavers unless the negroes were on board, and not even then if the captain had taken the precaution and the risk of destroying his papers. The risk consisted in the chance that he might subsequently fall in with one of our cruisers; and soon there was no such risk, as the British squadron was withdrawn from Cuba."

Warren S. Howard's calculations of the relatively small size of the African slave trade to America from 1857 to 1860 cannot accurately account for the indeterminate number of unknown slave ships, particularly ordinary ships that were later converted for such use. Moreover, smaller vessels carrying smaller cargoes were not likely to be suspected of smuggling because of their size and could shuttle relatively undetected between Cuba and Southern shores. Howard also claims that

very little slave smuggling occurred during the late 1850s by citing as evidence the fact that the 1870 census shows very few African-born blacks. This anomaly can readily be reconciled, however, by considering the consequences of congressional representation being based on population. In the antebellum South, five slaves were counted as three free persons; in the postbellum South with slavery abolished, black men and white men were counted equally, provided they were American-born or naturalized citizens and not foreign-born aliens. The instructions given to the assistant marshals who conducted the 1870 census underscored the importance of place of birth and congressional representation: "Constitutional Relations. Upon the answers to the questions under this head will depend the distribution of representative power in the General Government. It is therefore imperative that this part of the enumeration should be performed with absolute accuracy." The passage goes on to define the criteria for citizenship. Inasmuch as ex-slaves who were born in Africa and smuggled into the United States could not be counted in a state's population of citizens on which congressional

representation for the state was based, the Southern states had motivation to show as few African-born blacks as possible

in the 1870 census. Of course, this was a relatively easy task given the widespread corruption which existed at the time throughout Reconstruction state governments. Since very few ex-slaves gave Africa as their place of birth in the 1870 census, Howard believes that "there could not have been much smuggling in the late 'fifties, unless there were a conspiracy of silence among African Negroes to conceal their origin. A possible motive for silence was that the Fourteenth Amendment gives federally protected citizenship rights to 'all persons born or naturalized in the United States,' but not to illegal immigrants smuggled in by stealth." But this is the very point. Corrupt census enumerations aside, it is entirely likely that African-born blacks claimed they were born in the United States, having learned from

experience that aliens of African birth were not entitled to constitutional protection. Even if slaves were smuggled into the South in 1860, by the time of the 1870 census they would have been in America for ten years which would certainly have been enough time to learn English, become acculturated, have first or second hand encounters with the judicial system, and fully realize the value of citizenship. The fact that the 1870 census shows very few African-born blacks does not negate the slave smuggling which occurred during the late 1850s.

There is an additional perspective to be viewed concerning illicit slave importations. South Carolina seceded from the Union about a month after Lincoln was elected president in 1860, clearly illustrating that the United States was a political powder keg in the late 1850s. In 1859, against this backdrop, President Buchanan's proslavery administration sent special agent Benjamin F. Slocumb to the South to report on whether or not there was any illegal slave importing activity going on. Slocumb was sent by Jacob Thompson, Secretary of the Interior--the same Jacob Thompson who was a slaveholder and a personal friend of Jefferson Davis, and who later resigned from the administration to organize Confederate army troops in Mississippi and become a secret agent for the Confederacy. Keeping in mind the political climate of the time,

is it really any wonder that Slocumb reported to Thompson and Thompson reported to Buchanan that there was no evidence of slave smuggling in the South? This finding enabled President Buchanan to inform the nation on December 3, 1860 that "since the date of my last annual message not a single slave has been imported into the United States in violation of the laws prohibiting the African slave trade." Buchanan's assertion is reminiscent of a statement made by President John Tyler fifteen years earlier in a message to Congress in which he said, "It is true that this traffic is carried on altogether in foreign parts and that our own coasts are free from its pollution." The absolute character of both observations seems sufficient to cast doubt on validity.

Since the number of illegally imported Africans and their subsequent progeny were added to the "Slave" statistics in each census, even the United States census of 1860 adds an interesting perspective. The census refers to the slave population and observes,

The rate of progress of this class of population has been somewhat more fluctuating than can be easily accounted for. Why, for example, they should have increased over 30 per cent. from 1820 to 1830, and only 23.8 per cent. during the next decade, does not appear from any facts bearing upon their condition during this period. There is no importation nor emigration of slaves into or from the country; and it would seem that they should be subject to no cause of increase or decadence except what nature decrees.

This statement, of course, does not acknowledge that illegally imported slaves could have influenced the statistics in any way, despite a later reference in the text to "Africans captured on several slave ships," an allusion to unsuccessful attempts at slave smuggling. The census commentary included an explanation about the natural increase in the slave population being responsible for the statistical anomalies. This view is flawed in light of the continuous number of illegal importations to which President Madison first made reference in 1810. As Chapter 4, "The Illicit Slave Trade," confirms, it is incontrovertible that a great number of slaves were unlawfully brought into the United States and added to the slave populations of the South.

Introduction to The Forgotten Cause of the Civil War

<http://www.interracialvoice.com/powell12.html>

Book Review: <http://www.interracialvoice.com/powell9.html>

## Chapter 3: "Racial Theory and the Pre-Civil War Census"

<http://www.multiracial.com/readers/tenzer.html>

## Chapter 4 Notes: The Illicit Slave Trade

1. The Collected Works of Abraham Lincoln, ed. Roy P. Basler (New Brunswick, 1953), 1:109. David R. Johnson, *Policing the Urban Underworld* (Philadelphia, 1979). Many titles in Johnson's bibliography also make the point.

2. Paul H. Buck, "The Poor Whites of the Ante-bellum South," *American Historical Review* 31 (October 1925): 41-54; A. N. J. Den Hollander, "The Tradition of 'Poor Whites,'" in *Culture in the South*, ed. W. T. Couch (Chapel Hill, 1935). See also George M. Weston, *The Poor Whites of the South*, in *Republican Campaign Documents of 1856. A Collection of the Most Important Speeches and Documents Issued by the Republican Association of Washington, During the Presidential Campaign of 1856* (Washington, 1857), and also in Andrew H[oratio] Reeder, *The Election and the Candidates. Governor Reeder in Favor of Fremont. Reasons for Electing Fremont and Dayton. "The Poor Whites of the South" (New York? [1856])*. The estimate of William E. Dodd is as follows: "A thousand families received over \$50,000,000 a year, while all the remaining 666,000 families received only about \$60,000,000." Dodd, *The Cotton Kingdom: A Chronicle of the Old South* (N.Y., 1919), 24. Wages calculated from *Statistics of the United States, (Including Mortality, Property, &c.) in 1860; Compiled from the Original Returns and Being the Final Exhibit of the Eighth Census* (Washington, 1866), 512. The 1860 census straight average figure of \$1.18 differs from Lebergott's \$1.04, as does the 1850 census figure of \$1.11 and his 90¢. He explains that "for both 1850 and 1860 the individual state rates were combined and weighted by the number of persons reported as laborers (nonfarm) by the population census." He also incorporated other variables in his calculations. Stanley Lebergott, "Wage Trends, 1800-1900," in *Trends in the American Economy in the Nineteenth Century* (Princeton, 1960), 462, 491, and 484 for quotation. George Tucker's figures for farm labor in the mid-1830s are substantially higher. *The Laws of Wages, Profits, and Rent, Investigated* (1837; reprint, N.Y., 1964), 174-75. Edgar W. Martin, *The Standard of Living in 1860: American Consumption Levels on the Eve of the Civil War* (Chicago, 1942), 393.

3. Martin, *Standard of Living in 1860*, 79, 81, 116-17, 120, 137, 153, 166, 177, 211, 217, 224-25, 228, 247, 253, 262, 265, 299-300, 307, 351, 356, 379, 418-19, 422-25, 431.

4. Henry Chase and C. H. Sanborn, *The North and the South: Being a Statistical View of the Condition of the Free and Slave States* (1857; reprint, Westport, 1970), 46, 49, 69, 82. As for wages, see *Statistics of the United States*, 512; J. D. B. DeBow, *Statistical View of the United States* (Washington, 1854), 164; Lebergott, "Wage Trends," 462. Frederic Bancroft, *Slave Trading in the Old South* (1931; reprint, N.Y., 1959), 78-79 for quote, 78, 79n33, 116, 208-13, 350-52, 357-58nn. 47, 48 for the high cash value of children, and passim for slave prices in general. Ulrich B. Phillips, *American Negro Slavery* (1918; reprint, Baton Rouge, 1966), 370-75, quote on 370, and tipped-in chart facing 370. See also [George Washington Carleton], *The Suppressed Book about Slavery!* (1864; reprint, N.Y., 1968), 124-25, 152-57, 162, 179-80, 258; Lewis Cecil Gray, *History of Agriculture in the Southern United States to 1860* (1932; reprint, Gloucester, 1958), 2:663-67 (despite flawed text on 662-63); James Parton, *General Butler in New Orleans* (N.Y., 1864), 490; Michael Tadman, *Speculators and Slaves: Masters, Traders, and Slaves in the Old South* (Madison, 1989), 287-91. With slaves being worth so much money, how can claims of slave brutality be true? What master in his right mind would treat his slaves with abuse and cruelty? Indeed, Southern propaganda often depicted the slave as being happy and contented. The fact is that many slaves were treated cruelly, not by their masters, but by overseers. These men were often promised a percentage of the crop money, and with the slave property not being their own, there was no

reason not to overwork and severely punish the slaves in their charge. Evidence of the extent to which overseers brutalized slaves can be found in [Carleton], *Suppressed Book*, 211-12; Frederick Law Olmsted, *The Cotton Kingdom: A Traveller's Observations on Cotton and Slavery* (1861; reprint, ed. Arthur M. Schlesinger, N.Y., 1953), 438-42; Kenneth M. Stamp, *The Peculiar Institution* (N.Y., 1956), 82-83, 180-81, 183. William Kauffman Scarborough has studied the plantation overseer and concluded that "it is likely that the majority of southern overseers treated the Negroes in their charge fairly well." *The Overseer: Plantation Management in the Old South* (Baton Rouge, 1966), 96. Given the context in which the average overseer worked and the fact that much of the brutality that occurred went unreported, his conclusion is questionable.

5. African slave costs, expenses, and profits are cited in Hubert H. S. Aimes, *A History of Slavery in Cuba, 1511 to 1868* (1907; reprint, N.Y., 1967), 171; Thomas Fowell Buxton, *The African Slave Trade and Its Remedy* (1840; reprint, London, 1967), 221-25; Captain Canot; or, *Twenty Years of an African Slaver*, ed. Brantz Mayer (1854; reprint, N.Y., 1968) 87, 100-101, the comments of Mabel M. Smythe in *Theophilus Conneau, A Slaver's Log Book, or 20 Years' Residence in Africa* (Englewood Cliffs, 1976), iii-xi, and *Congressional Globe*, 35th Cong., 1st sess., 24 May 1858, appendix, 400; [Carleton], *Suppressed Book*, 408-14; *Revelations of a Slave Smuggler: Being the Autobiography of Capt. Rich'd Drake, an African Trader for Fifty Years--From 1807 to 1857* (1860; reprint, Northbrook, 1972), 99-100; Warren S. Howard, *The American Slavers and the Federal Law, 1837-1862* (1963; reprint, Westport, 1976), 2, 236-37, 265; R. R. Madden, *The Island of Cuba: Its Resources, Progress, and Prospects* (London, 1853), 34, 213; David R. Murray, *Odious Commerce: Britain, Spain and the Abolition of the Cuban Slave Trade* (N.Y., 1980), 105, 262-69; Hugh G. Soulsby, *The Right of Search and the Slave Trade in Anglo-American Relations, 1814-1862* (Baltimore, 1933), 47; David Turnbull, *Travels in the West. Cuba; with Notices of Porto Rico, and the Slave Trade* (1840; reprint, N.Y., 1969), 368-69, 424. In 1860 D. R. Hundley wrote that slaves at that time could be bought for as little as one dollar a head in Africa, but he does not say what kind of slaves, and his figure seems unrealistically low. *Social Relations in Our Southern States* (N.Y., 1860), 295. Likewise, however, in an article entitled "The Slave Trade in Cuba," the *National Era* reported that slaves could be purchased "sometimes for only one or two dollars." 30 September 1858, p. 154. James J. Barnes and Patience P. Barnes, *Private and Confidential: Letters from British Ministers in Washington to the Foreign Secretaries in London, 1844-67* (Selinsgrove, 1993), 75 for quote, and also 221. Philip S. Foner, *Business & Slavery* (1941; reprint, N.Y., 1968), 166.

6.. Alexander Jones, *Cuba in 1851* (N.Y., 1851), 20 for quote and 23. J. S. Thrasher, "Cuba and the United States," *DeBow's Review* 17 (July 1854): 46, and see also Basil Rauch, *American Interest in Cuba, 1848-1855* (1948; reprint, N.Y., 1974), 200 along with observations on 203 and 206. Wages are in DeBow, *Statistical View*, 164, and Lebergott, "Wage Trends," 462. Turnbull, *Travels in the West*, 64 and 149 for quotes, and also 171, 391. J. S. Buckingham, *The Slave States of America* (London, [1842]), 2:485. William Henry Fry, *Republican "Campaign" Text-Book, for the Year 1860* (N.Y., 1860), 80. Also of interest is the account given in James E. Alexander, *Transatlantic Sketches, Comprising Visits to the Most Interesting Scenes in North and South America, and the West Indies* (London, 1833), 2:26. Regarding the illegal trade in Texas, see Eugene C. Barker, "The African Slave Trade in Texas," *Texas Historical Association Quarterly* 6 (1902), 145-58, notably 156, and Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821-1865* (Baton Rouge, 1989), 53-54 although his conclusion is doubtful. Aimes, *History of Slavery in Cuba*, 267, and the Phillips chart.

7. For verbatim provisions of the 1807, 1819, and 1820 legislation, see Peter M. Bergman and Jean McCarroll, comps., *The Negro in the Congressional Record* (N.Y., 1970), 3:269-71, 6:319-20, 7:570-71. W. E. Burghardt Du Bois, *The Suppression of the African Slave-Trade to the United States of America, 1638-1870* (1896; reprint, Baton Rouge, 1969), 110-11 for President Madison's statement, and 124 for the 1819 slave smuggling estimates. The difficulties of law enforcement are addressed in Bergman and McCarroll, *Congressional Record* 7:215-18; Du Bois, *Suppression*, chap. 8; Donald L. Robinson, *Slavery in the Structure of American Politics, 1765-1820* (N.Y., 1971), chap. 8.

8. *Slavery: What It Was, What It Has Done, What It Intends to Do*. Speech of Hon. Cydnor B. Tompkins, of Ohio (Washington, 1860), 8. Theodore Clarke Smith, *Parties and Slavery 1850-1859* (1906; reprint, N.Y., 1968), 297. Howard, *American Slavers*, 224-35, and also John R. Spears, *The American Slave-Trade: An*

Account of Its Origin, Growth and Suppression (N.Y., 1900), 229-32.

9. Ezra C. Seaman, *Essays on the Progress of Nations* (Detroit, 1846), 216, 403. Seaman's work has been examined in William L. Miller, "A Note on the Importance of the Interstate Slave Trade of the Antebellum South," *Journal of Political Economy* 73 (April 1965): 184. The remarks of Douglas may be had in Annual Report of the American Anti-Slavery Society, by the Executive Committee, for the Year Ending May 1, 1860 (1861; reprint, N.Y., 1972), 20, and also Harvey Wish, "The Revival of the African Slave Trade in the United States, 1856-1860," *Mississippi Valley Historical Review* 27 (March 1941): 582. Julia Floyd Smith, *Slavery and Plantation Growth in Antebellum Florida, 1821-1860* (Gainesville, 1973), 45 and *Charleston Mercury*, 10 March 1858, p. 2. *Floridian and Journal*, 23 June 1860, p. 2, and also *Charleston Mercury*, 22 May 1858, p. 2, and Dwight Lowell Dumond, ed. *Southern Editorials on Secession* (1931; reprint, Gloucester, 1964), 262. Laura A. White, "The South in the 1850's as Seen by British Consuls," *Journal of Southern History* 1 (February 1935): 38. *Congressional Globe*, 36th Cong., 1st sess., 21 May 1860, 2210. Fry, *Republican "Campaign" Text-Book*, 80. For two notable failures in circumventing the law, see Du Bois, *Suppression*, 177. *Charleston Mercury*, 4 March 1858, p. 2.

10. Platform plank in Donald Bruce Johnson, comp., *National Party Platforms, 1840-1972* (Urbana, 1978), 1:32-33. James A. Rawley, "Captain Nathaniel Gordon, the Only American Executed for Violating the Slave Trade Laws," *Civil War History* 39 (September 1993): 216-24. For a contemporary account, see Edward Dicey, *Spectator of America*, ed. Herbert Mitgang (Chicago, 1971), 54-60. (First published in 1863 as *Six Months in the Federal States*.)

11. Philip D. Curtin, *The Atlantic Slave Trade: A Census* (Madison, 1969), 74-75. Noel Deerr, *The History of Sugar* (London, 1950), 2:282. Deerr's estimate is for the period 1808-1864. W. E. B. Du Bois, "The Enforcement of the Slave-Trade Laws," in *Annual Report of the American Historical Association for the Year 1891* (Washington, 1892), 173. This total of about a quarter of a million may even be somewhat conservative in light of the figures for North and South American importations which Du Bois cited in his later work. *Suppression*, 142-43, 179. Winfield H. Collins, *The Domestic Slave Trade of the Southern States* (1904; reprint, Port Washington, 1969), 20.

12. Catherine Clinton, "'Southern Dishonor': Flesh, Blood, Race, and Bondage," in *In Joy and In Sorrow: Women, Family, and Marriage in the Victorian South, 1830-1900*, ed. Carol Bleser (N.Y., 1991), 54. Helen Tunnicliff Catterall, ed., *Judicial Cases Concerning American Slavery and the Negro* (1926; reprint, N.Y., 1968), 2:392, 579, 3:138, 195. "Plantation Management and Practice," *American Cotton Planter and Soil of the South*, 1 (December 1857), quoted in James O. Breeden, ed., *Advice Among Masters: The Ideal in Slave Management in the Old South* (Westport, 1980), 286. Avery Odelle Craven, *Soil Exhaustion as a Factor in the Agricultural History of Virginia and Maryland, 1606-1860* (1926; reprint, Gloucester, 1965) for a thorough exposition on soil depletion, and also F. V. Emerson, "Geographic Influences in American Slavery," *Bulletin of the American Geographical Society* 43 (1911), no. 1, 13-26, no. 2, 106-18, and no. 3, 170-81. George M. Weston, *The Progress of Slavery in the United States* (1857; reprint, N.Y., 1969), 147-48. Frederick Law Olmsted, *Slavery and the South, 1852-1857*, ed. Charles E. Beveridge and Charles Capen McLaughlin (Baltimore, 1981), 250 and his *Cotton Kingdom*, 45-47 for breeding in general. See also James J. Barnes and Patience P. Barnes, *Private and Confidential: Letters from British Ministers in Washington to the Foreign Secretaries in London, 1844-67* (Selinsgrove, 1993), 196; Chase and Sanborn, *North and the South*, 19-22; Harriet Beecher Stowe, *Uncle Tom's Cabin; or, Life Among the Lowly*, in *Three Novels* (1852; reprint, ed. Kathryn Kish Sklar, N.Y., 1982), 255; Richard Sutch, "The Breeding of Slaves for Sale and the Westward Expansion of Slavery, 1850-1860," in *Race and Slavery in the Western Hemisphere: Quantitative Studies*, ed. Stanley L. Engerman and Eugene D. Genovese (Princeton, 1975), 173-210, especially 195; Tadman, *Speculators and Slaves*, 121-32; [Theodore D. Weld], *American Slavery as It Is: Testimony of a Thousand Witnesses* (1839; reprint, N.Y., 1968), 182-84. Primary source material may be found in the footnotes of Bancroft, *Slave-Trading*, especially chap. 4, and Gray, *History of Agriculture*, 2:661-62. Slave breeding, of course, did not originate in the mid-1800s. No less of a personage than Thomas Jefferson engaged in the practice as well. In a letter dated January 17, 1819 to overseer Joel Yancey, Jefferson stated, "I consider the labor of a breeding woman as no object, and that a child raised every 2. years is of more profit than the crop of the best laboring man.... I must pray you to inculcate upon the overseers that it is not their labor, but their increase which is the first consideration with us." Jefferson wrote to

his son-in-law John W. Eppes on June 30, 1820 regarding the same subject. "I consider a woman who brings a child every two years as more profitable than the best man of the farm. What she produces is an addition to the capital, while his labors disappear in mere consumption." Thomas Jefferson's *Farm Book*, ed. Edwin Morris Betts (Princeton, 1953), 43, 46. Also worth noting are the early examples of slave breeding in Robert E. and B. Katherine Brown, *Virginia 1705-1786: Democracy or Aristocracy?* (East Lansing, 1964), 67-68, Carl Van Doren, *Benjamin Franklin* (N.Y., 1938), 129, and the instance in 1639 given in Lorenzo J. Greene, "Slave-Holding New England and Its Awakening," *Journal of Negro History* 13 (October 1928): 512n122. For a general discussion on the extraordinary increase in the slave population, including breeding as well as other possibilities, see C. Vann Woodward, *American Counterpoint* (Boston, 1971), chap. 3.

13. Dwight Lowell Dumond, *Antislavery: The Crusade for Freedom in America* (Ann Arbor, 1961), 256. [Weld], *American Slavery as It Is*, 139-40.

14. Correspondence between Tappan and Jay is cited in Louis Filler, *The Crusade Against Slavery, 1830-1860* (N.Y., 1963), 166. Yet, see Jay in Appendix, note 8 below.

15. [Weld], *American Slavery as It Is*, 140, 142. Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington, 1994), 1, 116. For instances of gangs kidnapping free blacks and free mulattoes, see Collins, *Domestic Slave Trade*, 95; *Liberator*, 14 August 1857, p. 1; *National Era*, 7 December 1854, p. 196; *Niles' National Register*, 24 October 1846, p. 122 (described a gang of thirteen "negro stealers" but does not say whether victims were free or slave); *Niles' Weekly Register*, 10 April 1824, p. 96, and 18 October 1828, p. 119; Wilson, *Freedom at Risk*, 18, 35, 114. Notices concerned with kidnappings and kidnapped victims endlessly filled the antislavery press, especially newspapers. See *Niles' Weekly Register*, 10 October 1818, p. 110 for an early example.

16. Whether illicit importation or domestic kidnapping, there were incalculable amounts of money to be made in the illegal slave trade. All of this unlawful activity could not help but influence the census numbers. When the population increases for "Free Colored" and "Slaves" are compared in the census data for 1800 through 1860, the "Free Colored" show less increases for 1820, 1840, 1850, and 1860, and it was during these very times that slave prices for the most part were accelerating upward. It is true that slave prices declined between 1837 and 1844, but this dip straddled two decennial censuses and thus spread the price impact over two decades. Joseph C. G. Kennedy, *Population of the United States in 1860*; Compiled from the Original Returns of the Eighth Census (Washington, 1864), ix, and Phillips chart. Jesse Torrey, *American Slave Trade* ([1817] 1822; reprint, Westport, 1971), 90. Letters of James Gillespie Birney, 1831-1857, ed. Dwight L. Dumond (1938; reprint, Gloucester, 1966), 2:651-52. William Jay, *Miscellaneous Writings on Slavery* (1853; reprint, N.Y., 1968), 389-93, quote on 389, and see also 236-47. Harriet Beecher Stowe, *The Key to Uncle Tom's Cabin; Presenting the Original Facts and Documents Upon Which the Story Is Founded* (1854; reprint, N.Y., 1968), 340-45, quote on 340. E. A. Andrews, *Slavery and the Domestic Slave-Trade in the United States* (1836; reprint, Detroit, [1969]), 147. In his statistical analysis of children under ten, Ira Berlin has not considered kidnapping as a factor. *Slaves Without Masters: The Free Negro in the Antebellum South* (N.Y., 1974), 175n61. For the prices of slave children, see many of the sources in note 4 above. *Niles' Weekly Register*, 25 February 1826, p. 419.

17. *Philanthropist*, 12 November 1839, p. 3. For earlier references to the kidnapping of white children, see 10 June 1836, p. 3, and Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (N.Y., 1967), 58. [George Bourne], *Picture of Slavery in the United States of America* (Boston, 1838), 145. Charles Godfrey Leland, *Abraham Lincoln and the Abolition of Slavery in the United States* (N.Y., 1879), 67n. Fictional accounts are in Werner Sollors, *Neither Black Nor White Yet Both: Thematic Explorations of Interracial Literature* (N.Y., 1997), 211, 485 n47. *Charleston Daily Courier*, 17 September 1858, p. 3, and see also *New Orleans Daily Picayune*, 21 September 1858, p. 6. For a reference to free white men being kidnapped and sold into slavery, see *Republican Scrap Book* (Boston, 1856), 72.

18. Torrey, *American Slave Trade*, 89-90. Rev. John H. Aughey, *Tupelo* (1888; reprint, Freeport, 1971), 345. *Philanthropist*, 17 June 1836, p. 3. [Bourne], *Picture of Slavery*, 120.

19. William Chambers, *American Slavery and Colour* (London, 1857), 186; cf. "Selling a Free Boy into Slavery," *Anti-Slavery Bugle*, 12 January 1850, p. 1 for a specific instance. [Carleton], *Suppressed Book*, 293. See also John S. C. Abbott, *South and North* (N.Y., 1860), 80-82, and Wilson, *Freedom at Risk*, 41, 43, 45-46, 58-60, 66, 91.

20. *Congressional Globe*, 31st Cong., 1st sess., 19 August 1850, appendix, 1587-88. *Richmond Enquirer*, 19 November 1855, p. 2.

21. J. S. Buckingham, *The Eastern and Western States of America* (London, [1842]), 1:11-12. Fellow Britannian James E. Alexander noted that kidnappers "secure the manumitted negroes in the Northern States, and convey them for sale to the south." *Transatlantic Sketches* 2:25.

22. [Weld], *American Slavery as It Is*, 139.

23. DeBow, *Statistical View*, 62, and 64 for his observation on errors in the collection of census data for the "Free Colored" in Louisiana. Carter G. Woodson, ed. *The Mind of the Negro as Reflected in Letters Written During the Crisis, 1800-1860* (1926; reprint, N.Y., 1969), 272-73. "Documents," *Journal of Negro History* 18 (October 1933): 473-74. There were also two minor factors which affected the census numbers as well, namely, emigration and manumissions. Some free people of color went to Canada and Haiti. Some were sent to Liberia in the hope of establishing an African colony to which others could emigrate en masse, but only several hundred were affected and the program failed. Slaves who were manumitted added to the "Free Colored" population, but their numbers were never really substantial. In regard to emigration, see Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850-1860* (Chapel Hill, 1970), 62-63; "The Census," *United States Magazine*, and *Democratic Review* 25 (October 1849): 293; P. J. Staudenraus, *The African Colonization Movement, 1816-1865* (1961; reprint, N.Y., 1980); Tucker, *Progress of the United States*, 52, 68, 88, 93, 97. Whittington B. Johnson wrote that in the nineteenth century, "reliance on slave labor...with its consequent increase in slave prices, tended to discourage manumissions." "Manumission," in *Dictionary of Afro-American Slavery*, ed. Randall M. Miller and John David Smith (Westport, 1988), 431-32.

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