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ILLEGAL IMPORTATIONS: ENFORCEMENT OF THE SLAVE TRADE LAWS ALONG THE FLORIDA COAST, 1810-1828

by FRANCES J. STAFFORD

Among the various calamities which flow from the ambition and cupidity of man, there are few productive of more extensive and distressing evils, or which give rise to greater degrees of human misery and wretchedness . . . than the African Slave Trade.¹

If there were not men who held, sold or otherwise disposed of Africans, . . . there would be no building . . . of ships, no voyages to the African coast for slaves, . . . no need of African squadrons. . . . A complete prevention of the holding, selling, or disposing of Africans . . . would remove the stain which has fallen upon our country. . . .²

THE ABOVE quotations, decrying the evils of the slave trade are from two widely disparate sources and periods. The first may be found in an anti-slave trade tract of the Society of Friends published in 1824, and the second is from the opinion in a federal case involving slave trading activities in 1860. Both are evidence of the futility of the hopes of the founding fathers in 1787, that slavery and its companion evil, the slave trade, were but temporary problems for the United States. At the beginning of the nineteenth century, the cotton gin and the textile mills destroyed these hopes, and the institution of slavery became a foundation stone of southern life. Although in 1808, the slave trade was prohibited by congressional action, the absence of specific enforcement machinery led to multiple violations of the law. Profits were too great to be resisted as the demand and price for slaves rose in the United States after the War of 1812. There is no way of ascertaining the extent of the illegal slave trade; estimates of importations between 1810 and 1820 are as high as

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1. Religious Society of Friends, *A View of the Present State of the African Slave Trade* (Philadelphia, 1824), 3.
 2. Helen T. Catterall, ed. *Judicial Cases Concerning American Slavery and the Negro*, 5 vols. (Washington, 1932), III, 245.

60,000.³ One historian set the figure at 270,000 for the period from 1808 to 1860.⁴ So notorious was American participation in the slave trade after 1808, that President Madison in 1810, informed Congress of the necessity of devising further legislation for its suppression. This was attempted with the passage of two acts: one, enacted in 1818, promised that one-half of the fines and forfeitures secured from slaving penalties would go to informers; the other passed in 1820, labelled direct participation in the slave trade as piracy, and those convicted could be punished by death.⁵ Laws, however, do not enforce themselves. One nineteenth century writer, W. E. B. Du Bois, was highly critical of government "apathy" towards stamping out the illicit trade.⁶ A more recent historian, Warren S. Howard, finds it ironic that with so many prohibitory laws on its statute books, the United States consistently refused to participate in any international effort to end the slave trade during the period prior to the Civil War.⁷

Florida was a center of slave trading activities as early as 1810. To what extent can never fully be known because of the illegal nature of the trade itself and the scarcity of accurate records for that period. A long and sparsely settled coastline and a close proximity to Cuba made it an ideal location from which to operate.⁸ When President Madison noted in 1810, that American citizens were participating in the traffic in African slaves in violation of the laws of humanity and in defiance of those of their own country, he was referring in part to the problem in Florida. The territory was known as a "nursery for slave breeders" and the avenue through which Negroes were regularly smuggled across the boundary into the southern states.⁹ Authorities regarded Fernandina and Amelia Island as headquarters for slave smugglers

3. Kenneth Stampp, *The Peculiar Institution: Slavery in the Ante-Bellum South* (New York, 1956), 271.

4. Ulrich B. Phillips, *American Negro Slavery, A Survey of the Supply, Employment and Control of Negro Labor as Determined by the Plantation Regime* (New York, 1952), 147.

5. W. E. B. Du Bois, *The Suppression of the African Slave-Trade to the United States of America, 1638-1870* (Cambridge, 1896), 110-23.

6. *Ibid.*, 112.

7. Warren S. Howard, *American Slavers and the Federal Law, 1837-1862* (Berkeley, 1963), 26.

8. Dorothy Dodd, "The Schooner Emperor: An Incident of the Illegal Slave Trade in Florida," *Florida Historical Quarterly*, XIII (January 1935), 117, 120.

9. Du Bois, *Suppression of the African Slave Trade*, 110-11.

and pirates.¹⁰ A joint resolution of the Senate and House passed on January 15, 1811, empowered the President to order the occupation of the area if necessary to maintain the authority of the United States.¹¹ No action was taken at the time against either piracy or slavetrading, and both practices continued during and after the War of 1812.

When Luis Aury, the renegade French pirate, moved his base of operations from Galveston to Amelia Island in September 1817, and ran up the flag of Mexico over Fernandina, the illicit traffic in slaves manifested new vigor.¹² Though dispossessed by federal forces the latter part of the year, Aury was able to dispose of more than 1,000 Africans in less than two months.¹³ With Florida established as a secure base for contraband trade, ruffians known as "Moccasin Boys" began moving Negroes into the "great American Swamps" where they were kept until they were ready for the market. Hundreds of runaway slaves were also reportedly captured and sold. A regular chain of slave trading posts was established from the head of the St. Marys River to the upper country.¹⁴ Jean Lafitte, whose headquarters were at Baratavia Bay, south of New Orleans, operated in Florida and Gulf waters highjacking slavers.¹⁵

Pirate depredations against the "regular slave trading interests" helped bring about their downfall. A congressional investigating committee in 1817, looked into the problems emanating from Amelia Island as they affected United States' interests and reported that, "there exists, on the part of these sea rovers, an organized system of daring enterprise, supported by force of arms; and it is only by a correspondent system of coercion that they can be met and constrained to respect the rights of property and the law of nations. It is deeply to be regretted that practices of

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10. Edwin L. Williams, Jr., "Negro Slavery in Florida," *Florida Historical Quarterly*, XXVIII (October 1949), 97-98.
 11. U. S., *Statutes-at-Large*, III, 471, cited in DuBois, *Suppression of the African Slave Trade*, 113.
 12. Daniel P. Mannix, *Black Cargoes, A History of the Atlantic Slave Trade, 1518-1865* (New York, 1962), 203-04.
 13. T. Frederick Davis, "MacGregor's Invasion of Florida," *Florida Historical Quarterly*, VII (July 1928), 45.
 14. Alfred J. and Kathryn A. Hanna, *Florida's Golden Sands* (New York, 1950), 101; *Niles Register*, May 2, 1818, quoting the *Savannah Republican*; Mannix, *Black Cargoes*, 205.
 15. John R. Spears, *The American Slave Trade: An Account of its Origin, Growth and Suppression* (New York, 1907), 125.

such a character, within our immediate neighborhood and even within our jurisdictional limits, have prevailed unchecked for so long a time, the more especially as one of their immediate consequences was to give occasion to the illicit introduction of slaves from the coast of Africa . . . and thus to revive a traffic repugnant to humanity . . . as well as severely punishable by the laws of the land.”¹⁶

American troops occupied Amelia Island in November 1817, but this did not stop the illicit trade.¹⁷ In January 1818, another congressional committee was named to consider “the numerous infractions of the law prohibiting the importation of slaves into the United States [that] have been perpetrated with impunity along our southern frontier.” It recommended that Congress implement the act of 1807,¹⁸ and the result was the new laws enacted in 1818 and 1820, imposing heavier penalties on those convicted of illegally bringing slaves into the United States and making slaving an act of piracy. The waters along the Florida and southern coasts were to be patrolled for suspicious-looking ships.¹⁹

On March 3, 1821, two years after the Florida Purchase Treaty had been negotiated, Congress authorized President Monroe to take possession of the territory and to appoint officials to assure proper government.²⁰ Federal revenue and slave trade laws were extended to include Florida, and federal judges were given authority to “execute such laws.”²¹ Evidence of the concern of the United States government over illegal importations along the Florida coast is to be found in the preliminary correspondence between Andrew Jackson, newly appointed Florida territorial governor, and officials in Washington. He wrote to Colonel Robert Butler, his representative at St. Augustine, on April 12, 1821: “It is important that we should have possession of the Country as early as possible to prevent smuggling and the introduction of

16. *American State Papers, Documents, Legislative and Executive, of the Congress of the United States, Class X: Miscellaneous*, 2 vols. (Washington, 1834-61), II, 458-59.

17. Du Bois, *Suppression of the African Slave Trade*, 114.

18. House Report No. 46, 15th Cong., 1st Sess., pp. 1-5.

19. Phillips, *American Negro Slavery*, 147.

20. Rowland H. Rerick, *Memoirs of Florida*, 2 vols. (Atlanta, 1902), I, 139-41.

21. Clarence E. Carter, ed., *The Territorial Papers of the United States; The Territory of Florida*, 26 vols. (Washington, 1956), XXII, 252-53.

Africans-to prevent which, you will be vigilant.”²² Jackson also addressed the following statement to Secretary of State John Quincy Adams on May 1, 1821: “[I am] informed that associations exist, for the purpose of introducing a number of Africans into Florida, before the change of Government, and for this purpose an agent from Baltimore and another from the East, are now, the one in Pensacola and the other in Cuba or Bahama Island -To obtain possession of the ceded Country as soon as possible, and thereby prevent the furtherance of this dreaded evil, I have this morning dispatched Doct R Bronaugh and Judge Brackenridge, with communications to the Governor of Pensacola, copies of which I send you herewith. . . . I have signified to Commodore Patterson the propriety of sending a vessel to take a recognizance of the Florida Coast as far as Tampa Bay-to intercept any American vessel loaded in whole or part, with Africans.”²³

In the “Act Establishing the Territory of Florida,” passed in March 1822, section 12 provided that: “It shall not be lawful for any person or persons to import or bring into the said territory from any port or place without the limits of the United States, or cause or procure to be so imported . . . or knowingly to aid or assist in so importing or bringing any slave or slaves. And every person so offending, and being thereof convicted . . . shall forfeit and pay for each . . . slave so imported . . . the sum of three hundred dollars . . . and every slave so imported or brought shall thereupon become entitled to, and receive his or her freedom.”²⁴ Yet, on April 13, 1822, according to an item in the *Pensacola Floridian*, “the Revenue Cutter Alabama, arrived here this morning from a cruise on and about the Florida Keys, with two British sloops . . . captured for a violation of the U. S. laws prohibiting the traffic in slaves. . . . One other vessel, (American) sloop Sailor’s Rights, was also captured. . . . We understand that these vessels had on board fifteen or twenty African slaves.”²⁵ It was apparent, at least in this instance, that disregard of the slave trading prohibition was continuing.

It was difficult to obtain full cooperation from all government officials in enforcing the regulations against illegal slave importa-

22. *Ibid.*, 34.

23. *Ibid.*, 38-39.

24. *Ibid.*, 398.

25. Reprinted in *ibid.*, 405.

tions. Alexander Scott, Jr., collector at the port of Pensacola, sent the following complaint to Judge H. M. Brackenridge of the Superior Court of West Florida on September 2, 1823: "Sir Herewith I have the honor to transmit a copy of a note addressed by me to Wm F. Steele Esqr. U. S. attorney of W. Florida requesting him to institute suit against James Forsyth Master of the Schooner Thomas Shields of & from New Orleans for having landed Slaves at this port contrary to the provisions of the 9th Section of the Act of Congress passed March 2nd 1807. for the Suppression of the Slave trade. It appears from Mr Steeles reply (a copy of which is also enclosed) that such offenses cannot be prosecuted in the name of the U. States, an opinion in which I imagine few Legal men will concur, The Security of the Revenue in its collection as also the preventing the illegal introduction of Slaves [depend] . . . entirely upon a Salutary & rigid enforcement of the Laws, when they are enfringed wilfully & with intent to defraud & as such cases may daily occur, I consider it a duty imperatively incumbent upon me as the Deputy Collector of this port to insist that an Attorney be appointed pro tem by the court to prosecute all suits arising from infractions of the Revenue Laws & those relating to the Slave trade. If the doctrine of Mr Steele is admitted the Laws may be violated with impunity, & the refusal on the part of the District Attorney to act I consider equally as great a disqualification, as death, disability or absence, in all of which cases the Court exercizes the prerogative of appointing a successor."²⁶

The case of David B. Mitchell whom President Monroe dismissed as Indian agent to the Creek Nation in 1821, was one of the most notorious examples of non-cooperation and law violation by a federal official in the matter of illegal slaving. As governor of Georgia from 1809 to 1813, Mitchell intrigued to bring about the annexation of East Florida, but this scheme failed to materialize.²⁷ Mitchell resigned the governorship in 1817, to accept a federal appointment as Indian agent at a salary of \$2,000 a year. His notorious activities in the illegal slave trade in the period 1817-1818 led finally in 1821, to a government investigation. He was

26. *Ibid.*, 740.

27. Rembert W. Patrick's *Florida Fiasco, Rampant Rebels on the Georgia-Florida Border, 1810-1815* (Athens, 1954), deals extensively with this phase of Mitchell's career.

charged with purchasing Negroes at or near Fernandina and with harboring them at the Indian agency as laborers until they could be sold. United States Attorney General William Wirt amassed evidence from documents, affidavits, letters, and "hearsay statements" which showed that Mitchell had "handled" groups including as many as fifty-four and eighty-eight Africans. This enabled him to supplement his Indian agent's salary. A prime slave from Amelia Island could be sold for \$250; others went for \$175 to \$200.²⁸

In contrast to the attitude and actions of United States Attorney Steele at Pensacola and former Governor Mitchell, was the determination of John Rodman, collector of the port of St. Augustine, to prevent illegal importations into the territory. After distinguishing himself as a member of the New York bar and serving as United States District Attorney for the Southern District of New York, Rodman was forced to retire from his profession because of an auditory ailment. In 1821, he was appointed collector for the port of St. Augustine. Communicating with Richard Rush, secretary of the treasury, in June 1826, he gave the following description of slave trading activities in East Florida: "I have received Some further information in regard to the object for which the Schooner John Richard has Sailed . . . for Nassau and I have now but little doubt that it is an expedition to bring Slaves into this Territory. The number I understand is about one hundred and that instead of their being landed . . . on this Coast, they will probably be carried to the coast along the gulph [*sic*] of Mexico and put on shore somewhere between Tampa Bay and St. Marks. The father of one of the persons presumed to be engaged in this affair, resides near Tallahassee and is well Calculated to afford every facility to the enterprise. Indeed I doubt whether a Single individual could be found at Tallahassee who would throw any obstacle in the way of its accomplishment . . . [or] aid in the detention of the offense. It will be a very easy matter after these slaves are landed to spread them in the interior of the Country, and gradually . . . dispose of them as the owners may see fit. I greatly fear that there is but little chance of the vessels being intercepted on her voyage . . . [and] her approach to . . . the points I have mentioned. . . ." ²⁹

28. *American State Papers: Miscellaneous*, II, 957-75

29. Carter, *Territorial Papers*, XXIII, 590.

Throughout the 1820s major difficulties stemmed from the absence of specific machinery to enforce slave trade laws. The responsibility of enforcing the laws fell originally to the secretary of the treasury since he was responsible for customs. Then, since cruisers were used for patrol duty, the secretary of the navy gradually assumed supervision. Ultimately the whole matter came to rest with the navy, with the departments of state and war occasionally involved.³⁰ Lack of sufficient patrol ships hampered efficient performance by the navy in apprehending slavers along the coast. Government correspondence of the period contains complaints like the following from the collector of customs at Mobile, written in 1820: "From the Chandalier Islands to the Perdido River, including the coast, and numerous other islands, we have only a small boat with four men and an inspector to oppose the whole confederation of smugglers and pirates."³¹ Eight years later, similar dissatisfaction was expressed in the *Annual Report* of the secretary of the navy: "But the inlets are so numerous and the coast of Florida so extensive that the vessels in the navy and revenue cutters are not competent to watch every part of it without an entire neglect of other duties."³²

In requesting a new and larger patrol vessel in 1826, a colonel in the coast guard wrote Quartermaster General Thomas S. Jesup: "A boat of this size is required, in consequence of our exposed marine location. . . . I could send her, with safety to Pensacola and to St. Marks. . . . A brig with a large . . . number of Africans, remained sometime, in Tampa Bay, (intended to be smuggled into this Territory and the lower parts of the State of Georgia) which had we known of, we could not have captured, without such a boat. (About a week after the brig left Tampa, we were informed by the Indians who had been bribed to secrecy.)"³³

Exasperation and frustration are evident in this communication from William Pinkney, collector of the port of Key West, to Richard Rush, secretary of the treasury, in December 1827: "I beg leave to remark that the interests of the United States absolutely require the establishment of a Court at this Island having admiralty jurisdiction. & I am convinced that a cutter placed

30. Du Bois, *Suppression of the African Slave Trade*, 108.

31. Mannix, *Black Cargoes*, 202-03.

32. *American State Papers*, Class VI: *Naval Affairs*, III, 211.

33. Carter, *Territorial Papers*, XXIII, 404.

under the immediate control of the Collector would be attended with the most beneficial results. Under the present arrangement not the least service has or ever will be performed by either of the Cutters Marion or Florida which latter vessel has not been in this Port since 10 October, & Capt. Doane with his usual disregard of his instructions sailed from hence the 7th instant for St. Mary's. The interests of the United States on this coast have always been in great measure dependent upon this office, & I never can expect to receive any aid from the Cutters under the present arrangement. I therefore respectfully request that the Cutter Florida may be placed under my direction and paid off in this Port, where she can always get a crew. . . ." ³⁴ In this same dispatch, Pinkney reported the case of the *Guerrero*, a Spanish slaver from Africa carrying 561 Negroes, that ran ashore near Key West after having been pursued by a British cruiser from the Bahamas. The *Guerrero* crew forced two American wrecking vessels to take aboard 250 of the Africans and transport them to Cuba. A United States patrol ship rescued 121 slaves and brought them to Key West where they were held subject to the disposition of the federal government. ³⁵

The *Guerrero* incident emphasized another problem attendant to illegal importations - the disposal of Africans rescued from slaveships. Although a territorial law enacted in 1822, declared that such persons were "entitled to . . . [their] freedom," the practice developed of farming the Negroes out to plantation owners until they could be returned, under the auspices of a government-sponsored African agency, to the coast of Africa. Between 1819 and 1830, 252 recaptured natives were sent to the agency; hundreds more, however, "disappeared" working on the plantations. ³⁶ The federal government seemed unable to formulate a set policy. Secretary of the Navy Southard, commenting on the 121 slaves that were brought to Key West from the *Guerrero* in his 1828 *Annual Report*, stated: "No provision was made by Congress for removing them from the territory of the United States, or dispos-

34. *Ibid.*, 957. A court of admiralty was established at Key West in 1828.

35. *Ibid.*, 956-57; Du Bois, *Suppression of the African Slave Trade*, 291-92; T. Frederick Davis, "Digest of Florida Material in Niles' Register" (unpublished mss., 1939, a copy is in the P. K. Yonge Library of Florida History, Gainesville, Florida), 164.

36. Du Bois, *Suppression of the African Slave Trade*, 156-58.

ing of them in any other manner. They still remain in the custody of the marshal of Florida. He was advised to hire them out, or otherwise dispose of them, in such a manner as to cause least expense. . . . It is presumed that he had done so. . . . he presented . . . a claim . . . for their maintenance and support. . . . The Secretary of the Navy does not feel authorized to devote . . . any portion of the money appropriated for the suppression of the slave trade. It is important that some authority be given, by law, to dispose of these Africans, and settle the accounts of the marshal.”³⁷ The sum designated by Congress for suppression of the trade in 1828 was \$30,000. Since 1819, when \$100,000 was stipulated, federal appropriations had decreased annually. One historian attributes this to mounting southern influence in the government after 1820, and to the South’s realization that the opening of the rich lands of the Southwest necessitated an increased number of slave laborers even if they had to be augmented by illicit importations.³⁸

Enforcement of the slave trade laws was an onerous task, and until 1865, slave ships continued to roam the oceans in defiance of navies, legislation, and tribunals. Frequently, they were American ships outraging some of the severest of federal statutes. Not all of the “apathy” of the government in opposing illegal importations stemmed entirely from a lack of concern and effort; venial officials, human greed, sectional indifference, and a lack of adequate equipment, money, and personnel were also important factors.

37. *American State Papers, Naval Affairs*, III, 210.

38. Du Bois, *Suppression of the African Slave Trade*, 122, 154-58.