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Impunity for Acts of Peremptory Enslavement: James Madison,
the U.S. Congress, and the Saint Domingue Refugees
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In 1809 more than three thousand people were claimed as slaves upon arrival in Louisiana, in violation of the 1807 U.S. law against the international trade in persons to be held or sold as slaves. Having lived as free persons in Saint Domingue since the revolutionary emancipations of the 1790s, these people had been swept into a large exodus of war refugees in 1803, as the Napoleonic expeditionary assault ravaged the colony. When France and Spain went to war in 1808, the Spanish government in Cuba expelled the “French” refugees. More than ten thousand soon made their way toward Louisiana. Before their departure, one hundred prosperous white refugees penned a petition to President James Madison, seeking to bring into the United States those whom they coyly described as their “domestics.” In June 1809 the U.S. Congress passed, and the president signed, a law granting the requested “remission of penalties” for those from Saint Domingue via Cuba who had violated the 1807 law. The Louisiana legislature, in turn, authorized putative owners to buy and sell those they now claimed as slaves. The dynamics of these acts of peremptory enslavement reframe our understanding of Caribbean connections in the early U.S. Republic, and of the 1807 law.