

AGE OF QUARREL:
SLAVERY AND DIPLOMACY IN MARYLAND IN THE ERA OF
ATLANTIC REVOLUTION

for especially cruelly & unmercifully beating &c.
his Slave Negro Madriach
Trial & verdict guilty (last Term)
motion in arrest of Judg. by Deft's Counsel.
9th December Judgment of the Court
awarded

for not providing sufficient Meat & Cloathing
for his Slaves.
Trial & verdict guilty (last Term)
motion in arrest of Judg. by Deft's Counsel
9th December Judgment of the Court
awarded.

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Introduction

The Judge of Frederick County is under the council of my creditors who flatter themselves to obtain a judgment that will condemn me to prison until the perfect payment.

-John Payen de Boisneuf in a letter to President John Adams, February 2018

“Age of Quarrel” focuses on two refugees of the Haitian Revolution, Victoire de la Vincendière and Jean Payen de Boisneuf, their family, and how their experience after they had fled to Maryland in 1793 demonstrates at micro-level the transnational effects and complications of the age of Atlantic revolution. Through Boisneuf and Vincendière’s story, I examine slavery, diplomacy, and law and how an amalgam of those themes interplayed at a local level during the 1790’s. The Vincendières and Boisneuf were planters in Saint Domingue (Haiti), and once settled in Maryland, they attempted to recreate the lifestyle they were accustomed to in the French colony prior to the revolution. This meant accumulating a large quantity of land, building a large French-Caribbean styled plantation called L’Hermitage, and owning a large slave population. However, within less than five years since coming to the United States a series of events hindered them from their goal of rebuilding their Saint Dominguan lifestyle in Maryland. In 1797 and 1798, Payen and Victoire were brought to court for slave abuse among other accusations. This ultimately resulted in two different guilty verdicts against Payen for “exceptionally, cruelly, and ‘immercifully’ beating his slave” and for “insufficiently clothing and feeding” his slaves. These verdicts raise questions. What is the threshold of cruelty in a slaveholding society? What qualifies as sufficient in terms of basic human needs and the sustainability of an institution? The laws of Maryland during the 1790s were quite vague and make these quandaries hard to determine in legal terminology; however, narratives, periodicals, court cases, and similar laws from other slaveholding states in the post-revolutionary period have

led me to believe that cruelty and sufficiency were relative ideas, determined by societal constructs. One man's idea of sufficiency led to another man's suffering. Because slavery laws were vague and rarely used, I believe that there was something more at play than slave abuse accusations. Slaveholders used the men and women who were commodified through slavery as social and political tools.

"Age of Quarrel" is organized thematically. First, in "Slavery in Frederick County and the State of Maryland," I examine Frederick County and the institution of slavery there and within the greater Maryland area. Upon contextualizing slavery in Maryland, I then examine slavery laws, how they were used to sustain slavery or to limit it, especially laws revolving around cruelty. I show how those laws were vague and provided room for social norms to determine their application. I then examine the Vincendière family with a close look at Victoire Vincendière and Jean Payen de Boisneuf in Chapter 2 "Émigré". This chapter discusses their lives before leaving Saint Domingue and their lives as they began to reestablish themselves in Maryland. Through this section, I postulate what could have made the Vincendières' and Boisneuf's lifestyle in Frederick so sensationalized and how that might have played a role in the allegations against them. Next in Chapter 3 "The State of Maryland v. les Habitants de L'Hermitage," I take a look at what we do know from their court cases. I look at the replevin cases, abuse allegations, and freedom suits. Unfortunately, the vagueness of the court dockets and minutes and lack of reporting on the cases do not provide sufficient detail to determine what exactly happened, thus, in Chapter 4 "Cruelty and Sufficiency," I look at constructs of sufficiency and cruelty in Maryland and the South. While we may never be able to fully determine whether the residents of L'Hermitage were exceptionally cruel in a slaveholding society, through an examination of standard practices of feeding, clothing, and punishing slaves,

we can begin to understand where the threshold was on cruelty and sufficiency. Lastly, in my conclusion, I analyze the only record I have found that gives insight as to why Boisneuf and Vincendière were prosecuted-a letter from Boisneuf to President John Adams asking for a pardon. Boisneuf's credibility is questionable; however, this letter is still significant as it gives insight into the complications of the age of Atlantic revolution.

The 1790's was a decade of political, economic, and social unrest. In the United States, the ink had just barely dried on the constitution. The new nation was still grappling with who the "blessings of liberty" applied to. Some Americans wondered if the Constitution, which benefited slaveholders and protected them, was in contradiction with the Declaration of Independence which stated that all men were created equal. The institution of slavery in the United States and the Three-Fifths Clause were two of the nation's many implementations that decisively answered that question for the United States government. It was becoming increasingly clearer in the U.S. that men were able to experience the fullest blessings of liberty as long as they were white property owners. In France, the Declaration of Rights of Man and Citizen stated that all men are born free and remain free and equal in rights. But what did that mean for the thousands of men and women in the Atlantic slave trade that France bought, used, and sold? Were the enslaved Africans in Saint Domingue who fueled the French economy through their labor in sugar, coffee, and indigo production free? In the 1790's the French revolution bled over into the colony of Saint Domingue and in 1804 the sovereign black nation of Haiti began to emerge. Each of these three Atlantic revolutions were greatly felt and experienced in a transnational sense. Refugees and ideology traveled back and forth amongst the different theaters of revolution and impacted social and political situations.

Previous historical narratives of L'Hermitage and its inhabitants relied heavily on the theory that ethnic and religious tensions were the motivating factors of the court cases. Sara Rivers-Cofield, does a fantastic summary of L'Hermitage's existence under the Vincendières and Boisneuf in *French Colonial Archaeology in the Southeast and Caribbean* in the chapter "French-Caribbean Refugees and Slave Abuse in Frederick." Her analysis focuses on the idea that because the Vincendières were French and Catholic they were antagonistic to the social norms of German-Protestant Frederick.¹ I believe that her analysis was a great; however, it should be noted that Maryland had also served as a refuge to Catholics escaping Anglican persecution. This means that the presence of a Catholic population in Maryland was nothing new and that Maryland as a colony and as a state had a history of being friendly to it. Furthermore, it will be revealed that fellow Catholics were part of the court cases against Boisneuf. The Catholics v. Protestants theory doesn't hold up. Rivers-Cofield's belief that there were tensions between Boisneuf and the Frederick community because he was French holds more weight, especially due to the timing of the accusations. French privateering of U.S. ships, the XYZ Affair, and the Quasi War created social and political tensions between the United States and France. Francophobia began to arise during this time which put French refugees of the revolutions in a contentious atmosphere. Laws and acts during this time reflect these tensions. This means that the accusations against Boisneuf and Vincendière could have been due to Francophobia.

Additionally, debt could also be at the heart of this matter. In Boisneuf's letter to John Adams he mentions debt as the reason why his neighbors were against him. Many of the non-

¹ Rivers-Cofield, S., "French Refugees and Slave Abuse in Frederick County, Maryland," in *French Colonial Archaeology in the Southeast and Caribbean*.

criminal cases against Boisneuf were debt related. Boisneuf lost majority of his assets when the revolutions in France and Saint Domingue forced him to stay in the United States. In attempts to rebuild the lifestyle he was accustomed to, Boisneuf seems to have borrowed money and bought land and property with the promise of eventual payment as soon as the revolutions had pacified. The planter lifestyle operated on debt in both the United States and in Saint Domingue; however, the Saint Dominguan planters had an opulence factor that the Americans, especially in rural areas, did not typically possess. The plantation lifestyle in Saint Domingue was about keeping up appearances even when you're facing incredible debt. Boisneuf dressed aristocratically, resided on a plantation that was deemed ostentatious by Maryland's standards, and him and the Vincendières were rumored to have had a large slave population. Such displays of wealth while being pursued for owed property could have had led to extremely negative connotations about him. Charges against Boisneuf could have slandered his name and stripped him of honor, which would have made borrowing more difficult for him. This could have also been why there were criminal cases against Victoire. Victoire was known for bailing Boisneuf out of his debts, her support of him could have led to an adverse reaction by the community of Frederick towards her.

Fear of a slave insurrection could have also played a role in the cases against Boisneuf and Vincendière. Boisneuf and Vincendière's large Saint-Dominguan styled plantation and unnecessarily large slave population which was rumored to have been illegally imported from revolutionary French colony could have been too reminiscent of what was happening in Saint Domingue. As the revolution in Saint Domingue became increasingly more violent, the general trend of insurrection fears in the United States heightened. Ashli White's *Encountering Revolution* describes revolution as a contagion- an ideology that was so infectious that it could easily spread – people could not help but be overwhelmed with ideas of rebellion and

insurrection. The United States was just beginning at the time of the French and Haitian revolutions and both threatened the stability of the new nation. States became overwhelmed with worry and gave word to each other of alleged conspiracy plots. Refugees who brought their slaves with them were seen as contributing to the spread of the insurrection contagion which created tensions and disdain between the French refugees and the Americans. Because of this, refugees exacerbated political tensions. Some of the pro-slavery crowd in the United States was in an absolute panic, even the pro-abolition and manumission side was weary because they did not want to see a violent end to the institution. White states that there was a shift in sympathies towards the French refugees of the Haitian revolution, sympathies decreased as it became more violent and unruly. White writes:

Citing the power of "French negroes" to corrupt local African Americans, some state governments tried to banish them. In October 1793 the governor of South Carolina, mandated, that all free black and colored Saint-Dominguans leave the state within ten days of the posting of his decree... The same year, Georgia forbade entry to slaves from the West Indies, and in 1795 North Carolina Prohibited the admission of Caribbean slaves over the age of fifteen. Early in the decade Maryland had permitted French subjects to bring their personal slaves but that concession was outlawed within a few years. A few northern states passed similar laws.²

This change in sympathy is something to keep in mind when examining the turn of events in Frederick with Boisneuf and the Vincendières. The rural areas of the United States' slaveholding societies were the most at risk if a slave insurrection were to happen because they held more slaves than urban centers. This is why telling the story of Boisneuf and the Vincendières is important, it provides a new perspective on the impact of refugees in the United States.

The influx of refugees and ongoing commerce between the United States, France, and Saint Domingue was deeply politicized. Washington, Adams, and Jefferson all dealt with Saint

² Ashli White, *Encountering Revolution : Haiti and the Making of the Early Republic*, Early America (Baltimore, Md.: Johns Hopkins University Press, 2010) pg. 149.

Domingue differently and each of their decisions were met with debate. Furthermore, as political parties were forming in the United States, the responses of the Federalists and Democratic-Republicans differed from each other and these differences of opinion on refugees and trade showcased how fractured the new nation already was. John Adams did not support how violent either revolutions were and when he took office, he was not sympathetic to the French due to the XYZ affair and the Quasi War; however, Adams and the Federalist party were interested in trade with whomever had control of the colony-whether it be French or free people of color. Thomas Jefferson and Democratic-Republicans did not believe that profit was worth risking stability. Debate would become especially incendiary as it became obvious that France was going to lose Haiti.

The Haitian Revolution led to an internal reflection by the United States people on their own institutions of slavery. American planters differentiated their institution from French slavery and they made arguments for why their institution was still sustainable. U.S. slaveholders claimed they were less cruel, that they drew the line at torture, and that they were sufficient in feeding and clothing their slaves. Social norms were created on cruelty and sufficiency. The creation of constructs assured planters that they were taking the necessary preventative measures that would counteract any ideas of uprising; however, when examining the slaves' side of things, the planters' actions were not enough and humans were obviously suffering under bondage. We can use these constructs to try to determine what Victoire and Jean Payen did and didn't do to prevent the excessive suffering of their slaves. In slaveholders' minds, they thought that by following what was determined sufficient and not excessive at the time, they were creating a sustainable state of slavery. One of the ways they did this on paper was through law. Legal

historians A. Leon Higginbotham and Anne F. Jacobs created a list of 10 concepts as to why slavery laws were created. The first three were:

Inferiority: Presume, preserve, protect and defend the ideal of superiority of whites and the inferiority of blacks.

Property: Define the slaves as property, disregard the humanity of the slave except when it serves in the master's interest, and deny slaves the fruits of their labor.

Powerlessness: Keep blacks-whether slaves or free-as powerless as possible so that they will be submissive and dependent in every respect, not only to the master but whites in general.³

The same laws that were supposed to protect those in bonds, were also supposed to keep them powerless, define them as property, and were implemented to preserve the institution that kept them in metaphorical and physical chains. Thomas Morris writes that laws were more often used as tools to accomplish other means rather than used out of humanitarian concern. This is why I believe that the prosecution of Boisneuf were not out of altruistic concern for men and women in bondage but instead it was the community of Frederick using slavery laws to their advantage to discredit Boisneuf.

There is no doubt that Boisneuf and Vincendière were cruel to their slaves. However, I do not believe that cruelty was at the heart of the matter as to why the community of Frederick was against them. The purpose of "Age of Quarrel" is to demonstrate how people used the misfortune of fellow human beings as political tools and it is done through an analysis of the development of slavery laws, Boisneuf and Victoire's lives, political tensions, and norms surrounding slavery. People of the United States saw the demise of a slavery institution and instead of ending their own, they set out to prove how their institution was different. I believe that planter's debt, fear of insurrection, and Francophobia were all at play due to the socio-political events going on at the time of the cases, 1797-99. In my opinion, the community of Frederick used the slaves as tools to

³ A. Leon Higginbotham and Anne F. Jacobs found in Thomas D. Morris, *Southern Slavery and the Law: 1619 to 1860* (Chapel Hill: UNC Press, 1996).

discredit Boisneuf. The purpose of this research is to demonstrate how the complications of the age of revolution played out at a personal level.

Slavery in Frederick County and the State of Maryland

Contextualizing Frederick County and Maryland

The court documents of Frederick County in the 1790s makes it appear as a sleepy, rural area with disputes revolving primarily around debt and property. The county was formed in 1740, ten years after the 6th Lord Baltimore, Frederick Calvert, offered free land to those who were willing to settle the area.⁴ Frederick County had a predominately German population, many of whom had migrated from Pennsylvania. This was in part due to the fact that the person in charge of distributing county plots, Daniel Dulany the elder, had invited Germans to settle in the area.⁵ During its initial development, Frederick County was known for small farming (with grain, wheat, and corn) and modest log houses; however, after experiencing a period of agricultural prosperity starting in the 1760s plots broadened and houses became larger.⁶ By the 1790s, Frederick County's population had faced a continuous growth, with approximately 40-50% of it German. It also contained the English, Scottish/Irish, Welsh, and the largest French population in Maryland at this time, 265 people.⁷

Until November 1, 1864, Maryland was a slaveholding state. Emancipation began after a barely-passed referendum, the final tally being 30,174 in favor of freeing the slaves and 29,799 against. It passed just three months before the 13th amendment did.⁸ Thus in 1790, Frederick County was a slaveholding community; however, of the 4,377 families counted in the Frederick

⁴ Frederick County, Maryland: Historical Chronology, Maryland State Archives, online.

⁵ Ibid.

⁶ Paula S. Reed, *Monocacy National Battlefield: Cultural Resources Study* (Interior Dept., National Park Service, 2004), pg. 14-20.

⁷ Ibid., pg. 21.

⁸ Miranda S. Spivack, "The Not-Quite-Free State: Maryland Dragged Its Feet on Emancipation during Civil War," *The Washington Post*, September 13, 2013.

County Census that year, only 678 (15.5%) were slave owners. Delving deeper into this statistic, of the 674 families, 214 had only one slave; 234 families had two to four slaves; 129 had five to nine slaves; 73 families owned 10 to 19 slaves; 26 families had 20 to 49 slaves; one family had 50 to 90 slaves; and one family had 100 to 199 slaves and the slaves were about 12% of the total population. The highest concentration of slaveholders in Frederick County was right around Frederick Town, where Boisneuf and the Vincendières would reside.⁹ Statewide during this time, the average slaveholder owned seven or eight slaves with rural owners typically holding more than urban ones.¹⁰ The next census in 1800 shows a slow rise in slaves alongside the general population, with the population at 31,523 and 4,572 of it as slaves (15%).¹¹ This upturn in the population was probably due the state experiencing prosperity due to the increasing agriculture economy. This upward trajectory of slave ownership would continue until around 1830.

Preserving an Old Institution in a New Republic

During the post-constitutional era, slavery in Maryland was somewhat of a contentious topic. Some believed that it contradicted what the United States fought for in the war for independence-liberty and equality, while other believed that the institution was a part of what the United States wanted when they declared independence from Britain-the right to property. Slavery persevered through it all until pressures of the Civil War forced the state to take a firm stance on the institution. Through an examination of the state's slavery laws we will see a history of flux, constraint and preservation.

⁹ Reed, P.S., *Monocacy National Battlefield*..., pg. 27.

¹⁰ T Stephen Whitman, *The Price of Freedom: Slavery and Manumission in Baltimore and Early National Maryland* (Lexington: The University Press of Kentucky, 1997) pg. 17.

¹¹ Reed, P.S., *Monocacy National Battlefield*, pg. 27.

In 1783, a Maryland state law was passed that had banned the import of slaves into the state. This law was following in accordance to Virginia who had passed a similar bill in 1777 and was a part of a nationwide effort to remove the United States from the Atlantic slave trade.¹² Furthermore, this act was also aimed to ease political tensions regarding slavery. It would appease the abolitionist and manumission movement that was gaining some momentum in Maryland and it would also appease the state's slaveholders since it would not hinder them because they were experiencing the fruits of an internally sustainable slave population. The law stated:

CHAP. XXIII¹³.

An ACT to prohibit the bringing slaves in to this state. BE it enacted, by the general assembly of Maryland, That it shall not be lawful, after the passing of this act, to import or bring into this state, by land or water, any negro, mulatto, or other slave, or to reside within this state; and any person brought into this state as a slave contrary to this act, if a slave before, shall thereupon immediately cease to be a slave, and shall be free; provided that this act shall not prohibit any person, being a citizen of some one of the United States, coming into this state, with a bona fide intention of settling therein, and who shall actually reside within this state for one year at least, to be computed from and next succeeding his coming into this state, to import or bring in any slave or slaves which before belonged to such person, and which slave or slaves had been an inhabitant of some one of the United States, for the space of three whole years next preceding such importation; and the residence of such slave in some one of the United States, for three years, as aforesaid, antecedent to his coming into this state, shall be fully proved, to the satisfaction of the naval officer or collector of the tax, by the oath of the owner, or some one or more credible witness or witnesses.

¹² Bill to Prevent the Importation of Slaves, &c., [16 June 1777], "Founders Online, National Archives, last modified February 1, 2018,

¹³ 1783, MSA, CH. XXIII.

At first glance, this law appears to be limiting the importation of slaves into the state by anyone. However, the part that states "provided that this act shall not prohibit any person, being a citizen of some one of the United States" provides an exception for United States citizens given they can prove that the slaves they are importing are theirs and that they intend to keep them. The citizen importing had to file a *Declaration of Negro* that stated the name, purpose, and a description of the slave they were requesting. The only prerequisite for the declaration was that the person filing the exemption had to own the slave before he or she was imported. For instance, one could not buy a slave in Virginia and then try to bring them into Maryland, they risked having their slaves set free if they did, but if one lived in Virginia and was relocating to Maryland then they could legally file the declaration. The process was supposed to be a lengthy one; however, due to the rising slave population in Maryland during the 1790s, I doubt that the process was heavily enforced for citizens. This law truly was implicitly for the Atlantic slave trade.

The antislavery movement of Maryland could have been mildly pacified due to the part where the state threatens to manumission the slave of anyone who broke any part of this act. But that was rare. Furthermore, a 1789 speech to the Maryland House of Delegates by its member William Pinkney shows that there was no pacification in the political tensions regarding slavery. Pinkney states:

Eternal infamy await the abandoned miscreants, whose selfish souls could ever prompt them to rob unhappy Afric[a] of her sons, and freight them hither by thousands, to poison fair Eden of liberty with the rank weed of individual bondage! ... But to the everlasting reproach of Maryland, be it said, that when her citizens rivalled the nation from whence they emigrated, in the knowledge of moral principles, and an

enthusiasm in the cause of general freedom, they stooped to become purchasers of their fellow-creatures...¹⁴

Pinkney's statement to the Maryland House of Delegates reflects the political divisions over slavery the new republic had been dealing with since independence. For instance, Thomas Jefferson had envisioned a gradual emancipation for the slaves of the United States and placed this sentiment in his 1783 draft of the new Virginia constitution.¹⁵ However, the 1783 law was the furthest that state legislation would go in terms of limiting slavery.

Another exemption was created when the Haitian Revolution led to the mass-migration of French refugees, like Boisneuf and the Vincendières, into the United States. Due to the Maryland legislators' sympathy towards the white refugees, a 1792 law was passed that authorized slaveholders fleeing the French colony of Saint Domingue to bring their slaves with them into Maryland:

CHAP. LVI¹⁶

An ACT Respecting the slaves of certain French subjects.

WHEREAS derangements in the government of France, and some of the French West-India islands, have induced several inhabitants of the said islands to take refuge in this state, with a part of their slaves: And whereas they have petitioned this, general assembly to be enabled to retain the said slaves, and the laws of justice and hospitality requiring that men seeking an asylum for themselves and property, should not be refused the same; therefore,

II. Be it enacted, by the General Assembly of Maryland, That all slaves imported, or that may hereafter be imported, by, and the bona fide property of, French subjects, who have removed, or may remove, from any of the French islands into this state since the derangements in the French government, and previous to the establishment of peace in

¹⁴ "Speech of William Pinkney, Esq. in the House of Delegates of Maryland" (Philadelphia: Crukshank, 1789) pg. 6-7.

¹⁵ "III. Jefferson's Draft of a Constitution for Virginia, [May-Ju ...," accessed May 5, 2018,

¹⁶ 1792, MSA, CH. LVI.

France, and tranquility in the said islands, are hereby declared to be and remain the property of their respective masters in manner hereafter declared.

Through this exemption, French slaveholders had the opportunity to file the same *Declaration of Negro* that citizens were able to file. However, if someone were to use this exemption, Article IV of it places limitations on the number of slaves they could declare, which was contingent on head of household status and gender.

IV. And be it enacted, that all subjects of France as aforesaid, who have fought, or may seek, an asylum in this state, if they become citizens or settlers therein, shall be entitled to keep their domestic or house slaves, viz. A master of a family to the number of five, and a single man to the number of three, and hold the same to them and their legal representatives; and any such person or persons seeking an asylum in this state, that do not become citizens and settlers as above, shall be entitled to hold the same number of slaves respectively in this state for their own use, but not for sale, during their residence here, but no such French citizens shall be allowed to sell or dispose of their slaves to any person or persons residing in this state.¹⁷

Within this act you can see the sympathy the Maryland legislators felt for the Saint Domingue pitchers embedded in the wording, "and the laws of justice and hospitality requiring that men seeking an asylum for themselves and property, should not be refused the same". At this point in time, the United States and France were friendly to each other-especially after France aided the United State in the war against Britain. Furthermore, this exemption expresses what everyone was thinking at this time: that Saint Domingue would be remain under the French empire and that the revolution in France would quickly wind down. This exemption was to solidify

¹⁷ Ibid.

diplomacy between the state and the colony. Through this legislation, 133 slaves were officially declared by French émigré.¹⁸ Despite just 133 slaves documented through "Declaration of Negroes", it is alleged that many more were imported in from Saint Domingue. This trend will be seen with the residents of L'Hermitage and their slave population which was alleged to have been composed of their slaves from Saint Domingue.

The exemption was also an opportunity for economic prosperity. In 1793, the Maryland House of Delegates stated, "Before the Present war, the French Santo-Domingo opened to us a very great, constant and certain market for our flour, and furnished to us the means of a very extensive and lucrative commerce."¹⁹ Because the state believed that there was still a chance for France to reclaim Saint Domingue, Maryland's exemption and aid to French planters would render a lucrative trade opportunity. For Maryland, this was the prime time to strike a trade deal. Virginia had chosen to keep their ban on slave imports in place and South Carolina's Charleston port was backing off from supporting the refugees. Both were out of fear of a slave insurrection happening in one of their states and spreading. Marylanders were a part of the group of slaveholders who felt confident in granting this exemption to French. In *Encountering Revolution*, historian Ashli White, speaking broadly about majority of U.S. slaveholders, writes:

White Americans sought to account for the uprising in the French colony in ways that exempted the United States from a similar destiny, attributing the insurrection to conditions specific to slavery as practiced on the island... white Americans also exhibited enormous confidence in the health and stability of their society.²⁰

¹⁸ Whitman, T.S., *The Price of Freedom...*, pg. 11.

¹⁹ *Votes and Proceedings of the House of Delegates of the State of Maryland* (November 1793), pg. 19.

²⁰ White, Ashli, *Encountering Revolution...* pg. 125.

The white planters supported this ideology by contrasting the two different systems of slavery and the different bases of their economies. Saint Domingue was a colony and had many absentee plantation owners. While the United States had a known problem with overtly cruel overseers, the plantation owners weren't separated from the operations on their land by an ocean. Furthermore, the United States an economy that was predominately based on tobacco, wheat, and beginning at the turn of the century cotton, while Saint Domingue's economy was predominately based off of sugar, coffee, and indigo. However, sympathies for the French refugees and confidence in the sustainability of the U.S. slavery institution would eventually dwindle with the intensification of violence in Saint Domingue and France.

An examination of Maryland's laws and acts from earlier decades makes the confidence in the stability of slavery in the state appear off. From its days as an English colony to post-American revolution statehood, Maryland had a long history of slave rebellion and insurrection paranoia. Virginia kept its slave import ban and South Carolina had banned the import of French slaves in 1792, the same year that Maryland passed the exemption. This is because of the significance of the Baltimore port in Atlantic trade. Providing aid to the French meant broadening their trade relationship. The exemption was for economic prosperity. Prior to the exemption, Baltimore had already experienced the fruits of trading with France and Saint Domingue. Atlantic World historian Manuel Covo wrote that the events of the 1790s led to the emergence of Baltimore from what was once the tenth most-traded with port into a leading place of Atlantic trade. Starting at the turn of the decade when France had a subsistence crisis, colonial officers (metropole implemented; not to be confused with colonial deputies like Boisneuf) had lifted trade regulations between Saint Domingue and the United States. Covo writes that ports in Saint Domingue opened up to foreign ships and Baltimore flour was exported to the colony to

help prevent famine during the crisis. Going into the 1790s, a war between France and Britain and both the French and the Haitian revolutions led to commerce flourishing in Baltimore.²¹ Bettering trade relations was the obvious choice for Marylanders. In 1793, the Maryland House of Delegates stated, "Before the Present war, the French Santo-Domingo opened to us a very great, constant and certain market for our flour, and furnished to us the means of a very extensive and lucrative commerce."²²

However, fear of insurrection remained in the back of Marylanders' minds because there was a long history of this fear and it played out in the state's legal codes. This fear fully began to spread in 1689 when there was a revolt on the Calvert family plantation who were descendants of Lord Baltimore.²³ In 1723, an act had been passed by the General Assembly of Maryland which prevented the gathering of large groups of black people in public, this was a reiteration of an act that had been passed in 1695 after the Calvert plantation incident. They feared that a gathering of a large crowd of black individuals could have led to an uprising. Also, further within this act were the details on how to properly punish one's slaves if they were assumed to have committed any insurrection-like actions. The punishment is grim and especially violent. In 1729, a reiteration of the 1723 act was passed; however, it states that there were recent events of slave-on-master violence that sparked this reiteration. This issue of the act states:

**1729: An Act for the more effectual Punishing of Negroes, and other
Slaves²⁴**

²¹ Manuel Covo, "Baltimore and the French Atlantic: Empires Commerce, and Identity in a Revolutionary Age, 1783-1798," in *The Caribbean and the Atlantic World Economy*, ed. A.B. Leonard and David Pretel (Palgrave Macmillan, 2015).

²² *Votes and Proceedings of the House of Delegates of the State of Maryland* (November 1793), pg. 19.

²³ "A Guide to the History of Slavery in Maryland," *Maryland State Archive*, 2007, pg. 4.

²⁴ 1729 "An Act for the more effectual Punishing of Negroes, and other Slaves", MSA.

Whereas several petit Treasons, and cruel and horrid Murders, have been lately committed by negroes which Cruelties they were instigated to commit, and hereafter may be instigated to commit with the like Inhumanity, because they have no Sense of shame or Apprehension of future Rewards or Punishments. And that the Manner of executing Offenders, prescrib'd by the Laws of England, is not sufficient to deter a People from committing the greatest Cruelties, who only consider the Rigour and Severity of Punishment :

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and .with the Advice and Consent of His Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That when any Negroe, or other Slave, shall be convict, by Confession or Verdict of a Jury, of any Petit-Treason, or Murder, or wilfully burning of Dwelling-Houses; it shall and may be lawful for the Justices before whom such Conviction shall be, to give Judgment against such Negroe, or other Slave, to have the right Hand cut off, to be hang'd in the usual Manner, the Head severed from the Body, the Body divided into Four Quarters, and Head and Quarters set up in the most public Places of the County where such Fact was committed

This act notes that punishments are to be made in public spaces. This would force other slaves to witness punishment and incite fear in them. The act continued to be built upon in the years 1731 and 1757, adding supplemental punishments after different occasions of violence and destruction of property by a black person had occurred in Maryland. The continuous building on this law shows that there was an ongoing fear of slave rebellion.

Fears of insurrection continued to intensify in Maryland during the American Revolution, when British forces offered enslaved and indentured people freedom if they fought on their side during the battles. Some fugitive slaves had joined the war effort on the British side. By their aiding in battles and marauding, fugitive slaves had disrupted Maryland plantations and the power structures that white masters held over them. The Maryland State Archives "Guide to

Slavery in Maryland" pamphlet states, "Changes on the battlefield soon affected life on Maryland's plantations and farms. Slaves became increasingly unruly, and fear of slave insurrections shot through the slaveholding class."²⁵ This fear of insurrection carried into the 1790s and in 1796, an act was passed that repealed the 1792 exemption act.

CHAP. LXVII²⁶

An act concerning petitions for freedom, and act passed at November session, seventeen hundred and ninety-three, entitled, A supplement to an act concerning petitions for freedom, and an act passed November session, seventeen hundred and ninety-four, entitled, A further supplement to an act to prohibit the bringing slaves into this state, shall be and the same are hereby repealed; provided, that all rights heretofore acquired under the said repealed laws, or any of them, shall not be affected or impaired by this act.

This meant that even though the Haitian Revolution was still going and the white colonists were continuing to be displaced, they would no longer be able to bring their slaves with them into Maryland, no more exemptions could be filed. It appears that the State of Maryland was doing everything in its power to preserve the institution by preventing "French" slaves from being imported into the state and importing revolutionary ideology with them.

There are two possible causations to this act. First, I believe that the repeal of the "French" exemption was passed due to the greater trend of paranoia over insurrection and possibilities of instability happening in the United States at this time. Americans were afraid that slaves imported from Saint Domingue would incite a slave revolution in the United States. Both the French and Haitian Revolutions were incredibly violent and as more news was making its

²⁵ "A Guide to the History of Slavery in Maryland", pg. 7-8.

²⁶ 1796, MSA, CH. LXVII.

way back to the republic, Americans were becoming more and more shocked. A fear of Jacobinism arose. In *Toussaint's Clause: The Founding Fathers and the Haitian Revolution*, Gordon Brown writes, "Regicide, violent social upheaval, official atheism, political murder, export of revolutionary subversion, all of those were practices so alien to the American political consensus as to be abhorred."²⁷ The French Revolution, although with republican ideals, was morphing into something that was antithetical to general American values. Furthermore, a white rebellion in the United States amplified the fears of what French refugees could bring. Brown continues, "The Whiskey Rebellion in Pennsylvania, which seemed for a short time in 1794 to threaten social order, property rights, and government authority, had only added to the anxieties about the revolutionary ideas coming from France and its colonies."²⁸ People of the United States did not want to repeat what had happened in Saint Domingue, where revolutionary ideals had moved from the top of the class and racial hierarchy to the base of it. If the whites of the young republic were acting out in a "Jacobin" fashion, it was only a matter of time before the black population would.

Throughout the United States people seemed to have almost immediate regret over providing aid for the French refugees and in the case of some states like Maryland, for allowing them to import their slaves from Saint Domingue. In 1793, Thomas Jefferson was already convinced that France had lost Saint Domingue for good. In a letter to Monroe, Jefferson writes:

...all West India Islands will remain in the hands of the people of color, and total expulsion of whites, sooner or later it will take place... It is high time we should foresee the bloody scenes which our children certainly, and possibly ourselves, will have to wade through them and try to avert them.²⁹

²⁷ Gordon S Brown, *Toussaint's Clause: The Founding Fathers and the Haitian Revolution* (Jackson: University Press of Mississippi, 2005) pg. 98.

²⁸ Brown, G., *Toussaint's Clause...*, pg. 98.

²⁹ Jefferson to Monroe, July 14, 1793; found in James Roger Sharp, *American Politics in the Early Republic: The New Nation in Crisis* (New Haven: Yale University Press, 1993).

Furthermore, Virginia and South Carolina are reported to have been in a panic as well. In the book *The Internal Enemy*, Alan Taylor discusses Virginian fears of insurrection. He states that colony wide slave revolt in Saint Domingue made the fears of insurrection in the state multiply tenfold.³⁰ South Carolina was experiencing the same waves of anxiety. In *Toussaint's Clause*, Brown states that Virginia's lieutenant governor warned South Carolina's about the possibility of a slave conspiracy from the Old Dominion. Even though South Carolina had banned the importation of French slaves in 1792, the same year Maryland filed an exemption for it, they still lived in paranoia over insurrection. In October of 1793, the *New York Journal and Patriotic Register* reported this on fears in Charleston, "the negroes have become very insolent, in so much that the citizens are alarmed and the militia kept a constant guard, It is said that the St. Domingo negroes have sown those seeds of revolt."³¹ Conspiracy theories and mass hysteria took over the United States and through implementation of laws, like sufficiency and cruelty laws, the nation sought to sustain its institution of slavery.

I believe that diplomatic tensions with France is the other reason why the act was repealed. In 1795, the United States signed the Jay Treaty with Britain who was at war with France. The Jay Treaty was a trade agreement between the U.S. and Britain and angered France because they believed that this went against the United States' claims of staying neutral in the war, it was instead perceived as the U.S. aiding Britain's war effort. After the Jay Treaty, France took on an antagonistic diplomacy towards the United States. Maryland's repeal reflects the rising tensions between the United States and France. This will be touched upon in Chapter 3,

³⁰ Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772-1832*, First edit (New York: W.W. Norton & Company, 2013).

³¹ Brown, G., *Toussaint's Clause*..., pg. 99.

"The State of Maryland v. Les Habitants de L'Hermitage, but I believe that these tensions reflected on a local level with the prosecution of Boineuf and Vincendière.

In addition to laws that limited the actions of slaves and the slave trade were criminal laws that limited the slaveholder. A simple summation of slave abuse laws in Maryland and the greater United States is that they were complicated. It is easy to find in Maryland's legislation laws passed telling one how to punish one's slaves; however, few and far between are acts telling slaveholders how not to punish their slaves. Even when they were in place, they were either too vague or overly exact. Additionally, the vagueness of their definitions made the determination of them relative. In *Southern Slavery and the Law*, professor and legal historian Thomas Morris writes:

One difficulty was to provide some legal definition of such terms as 'inhumanity' or 'cruel treatment' or 'cruel punishment'. To limit the power of slave owners was always difficult, and it was not at all irrational to treat the violence they used against their slaves as if it were outside the legal order, as non-crime.³²

Slavery laws had quantified cruelty and inhumanity. In place was a metaphorical and ever-changing line that was tip-toed upon by slaveholders. Furthermore, the practices of slavery were considered to be a private matter on private property, slaveholding societies had to question whether intervention was worth interference in the sanctity of private property.

In Maryland, a 1715 law tried to limit the abuse done to a slave by their master. This law is an example of the too vague yet very exact type of servitude laws that were in place during this time.

CHAP. XXX³³

And be it further Enacted by the Authority and that if any Master or Mistress of Any

³² Morris, T.D., *Southern Slavery and the Law*..., pg. 183.

³³ 1715, c. 44, Md. Arch., XXX, pg. 288-289.

Servant whatsoever or Overseer by order or Consent of any such Master or Mistress shall Deny and not provide sufficient meat Drink Lodging & Clothing or shall Unreasonably burthen them beyond their Strength with Labour or Debar them of their Necessary rest and Sleep or Excessively beat and Abuse them or shall give them above Ten Lashes for any one Offence the same being sufficiently proved before the Justices of the County Courts the said Justices have hereby full power and Authority for the first and second Offence to Levy such fine upon such Offender as to them shall seem meet not Exceeding one thousand pounds of Tobacco to the Use of his Majesty his heirs and successors for the Support of Government and for the third Offence to set such Servant so wronged at Liberty and free from Servitude. But in Case the Master or Owner of any such Servant shall think that he or they Deserves a greater Correction then the said Master or Owner of such Servant or Servants shall or may Carry them before any Justice of the Peace who hearing the Complaint shall order such Correction as he shall think fit not Exceeding thirty-nine Lashes for any one Offence.

Terms like “sufficient”, “unreasonably”, and “excessively” were all subjective and were contingent on the community they were enforced in. Exceptionally cruel slave abuse was hard to prove because of how private plantations were and accusations were rarely prosecuted, as we saw in Frederick County during the 1790s. Morris wrote, “Little evidence exists that law, either statutory or common law, amounted to much protection for slaves against nonfatal abuse afflicted on them by their masters.”³⁴

Abuse laws were more about protecting the institution than they were about humanitarian concern. They were about preservation of the institution and typically used as social and political tools by one slaveholder against another. Because abuse laws were rarely prosecuted, that does give weight to the idea that Boisneuf and Vincendière were exception in some way due to Boisneuf’s guilt verdicts; however, I don’t believe that abuse was at the center of the issue because Frederick was a slaveholding community and all slaves were suffering, and furthermore,

³⁴ Morris, T.D., *Southern Slavery and the Law...*, pg. 193.

Émigré

After dozing till four in the morning, I set out the next day for Frederick Town... Four miles from town we forded the river. On its banks one can see a row of wooden houses and one stone house with upper stories painted white. This is the residence of a Frenchmen called Payant [Boisneuf], who left San Domingo with a substantial sum and with it bought two or three thousand acres of land and a few hundred negroes whom he treats with the greatest tyranny. One can see on the home farm instruments of torture sticks, wooden horses, whips, etc. Two or three negroes crippled with torture have brought legal action against him, but the matter has not yet become settled...he keeps an old French woman with daughters... This charming group has caused about 50 legal actions to be brought.³⁵

-Polish politician and author Julian U. Niemcewicz on L'Hermitage and its residents.

After a close examination of slavery in Frederick County and the greater state of Maryland, it appears the practice was typically unregulated during the 1790s, especially in regard to slave abuse and cruelty cases. However, in 1797 and 1798, Jean Payen de Boisneuf and Victoire de la Vincendière were brought to court due to a series of slave abuse allegations by their community. This alludes to the idea that there was something exceptional about the residents of L'Hermitage that led the slaveholding community of Frederick to speak out against them. In Polish journalist Julian Niemcewicz's entry we can see the lore surrounding Boisneuf, Vincendière and their family and that they had garnered enough attention that even a passerby knew of them. Through his entry, we know that they were seen as wealthy, aristocratic, and

³⁵ Julian U. Niemcewicz, *Under Their Vine and Fig Tree: Travels through American in 1797-1799, 1805 with some further account of life in New Jersey*. Translated and edited by Metchie J.E. Budka. Collections of the New Jersey Historical Society, Vol. 14. (Elizabeth, N.J.: Grassman Publishing), p. 111-112.; Cited by Rivers-Cofield, Sara. 2006. "French-Caribbean Refugees and Slavery in German Protestant Maryland." *International Journal of Historical Archaeology* 10 (3). (New York: Kluwer Academic Publishers-Plenum Publishers), pg. 35.

brutal. But as had been established in the previous chapter, brutality was so rarely prosecuted in Maryland that something else had to of been going on in Frederick that made the neighbors of L'Hermitage take Boisneuf and Vincendière to court. By examining their lives in France and Saint Domingue and their arrival into the United States, I believe that we can come closer to understanding what made the residents of L'Hermitage exceptional and what brought them to court in 1797 and 1798.

Jean Payen de Boisneuf

Jean Payen de Boisneuf was born in Saint Domingue on February 25, 1738 and died in 1815 in Frederick.³⁶ He was born into a well-established family of merchant traders and would go on to become the proprietor of three large plantations in Saint Domingue and a landowner in France. Due to his wealth and prominence in the colony, Boisneuf became an important figure in French and Saint Dominguan politics. In Saint Domingue, he became a captain of the colonial army in the Saint-Marks quarter. In France, Boisneuf was present for the Tennis Court Oath and became a third estate deputy. He served on the revolutionary National Constituent Assembly from March 26, 1789 to September 30, 1791 as a representative of Tours.³⁷ Boisneuf being a representative of the third estate is in interesting, considering that all other descriptions of him allude to his being of nobility. Furthermore, the participle "de" in his name is known for being a participle that denotes French nobility. During the early days of the national assembly, when a French noble couldn't find a way to be a representative within his own estate, he would then try to establish himself within the third estate. This could have been what Boisneuf did. Also, the third estate was known for being sympathetic to the need for colonial representation, which

³⁶ Found on Jean Payen de Boisneuf's headstone at the Saint John's Cemetery in Frederick, Maryland.

³⁷ *National Assembly Database*, France.

could also be why he was a deputy of that estate. Because of this, I believe that this shows how Boisneuf was willing to exploit different class standings in order to advance himself and his aims. We will continue to see this trend from Boisneuf.

From his position on the National Assembly, Jean Payen became a member of the Committee of Colonies in 1790 when the French Revolution had broken down any sense of authority in Saint Domingue.³⁸ Members of the committee feared that the national assembly was going to disrupt the social hierarchy in Saint Domingue and gives rights to mulattoes and Free blacks. The two main things that the formation of the committee provided for the national assembly were: 1. It provided more time for the assembly before they had to decide if the slave trade contradicted the *Declaration of Rights of Man and of the Citizen* (or the ability to not decide at all) and 2. It was formed for those whose interests were sympathetic to the colonies, which meant that the committee members would then be able to provide to the assembly a general consensus on the affairs of the colonies, how to proceed authority-wise, and the effects that abolition would have on them.³⁹ Boisneuf and the rest of the members of the committee stressed the importance of the slave trade to the national assembly, stating that it was of the utmost economic importance to France to preserve the institution.⁴⁰ In one speech by the committee they state, "The abolition of the slave trade would mean the loss of our colonies: the loss of the colonies would strike a mortal blow to commerce."⁴¹ Saint Domingue's exports

³⁸ Richard David Sonn, *Sex, Violence, and the Avante-Garde: Anarchism in Interwar France* (University Park, PA: Pennsylvania State University Press, 2010) pg. 157.

³⁹ Valerie Quinney, "The Problem of Civil Rights for Free Men of Color in the Early French Revolution," *French Historical Studies* 7, no. 4 (1972) pg. 544-45.

⁴⁰ *Ibid.*, pg. 548.

⁴¹ Le Hodey de Saultchevreuil, *Journal des Etats-gdndraux*, IX (Feb. 25, 1790), found in Valerie Quinney, "The Problem of Civil Rights for Free Men of Color in the Early French Revolution," *French Historical Studies* 7, no. 4 (1972).

provided tremendous wealth to France and many believed that if slavery ended in the colony France would not be able to recreate the possibility of wealth without it. Boisneuf went as far to say that the very existence of Saint Domingue was irreconcilable with the first article of the *Declaration of Rights of Man...* which stated that all men were born and remained free and equal in rights.⁴² He was a supporter of the revolution; however, he found the first article of the declaration at odds with his self-interests if the article was meant to include people of color. Still, Boisneuf and some of fellow committee members attempted to use the French Revolution to earn greater autonomy for the white French residents of Saint Domingue. They wanted to put an end to the mercantile trade regulations that hindered their ability to expand their trade and wealth. On March 8, 1790, the Committee of the Colonies and the National Assembly eventually came to a consensus that France would retain its commercial interests in the colonies but that the colonists would be given the right to self-government.⁴³ This was a temporary victory for Boisneuf and his contemporaries.

In Saint Domingue, the white planters and merchants actively tried to keep free men of color out of the new model of government. The same happened in Martinique which led to a civil war in November 1790. The National Assembly believed that this was a result of giving the new colonial assemblies too much power.⁴⁴ The National Assembly wanted the colonial deputies to open elections up to the free men of color in the colonies-this would grant active citizenship to them. White planters and merchants were outraged at the metropole and free men of color and blacks were outraged at the white Colonial Assembly. On May 15, 1791, the National Assembly

⁴² June 28, 1791, Archives parlementaires 27:584. Found in Richard David Sonn, *Sex, Violence, and the Avant-Garde: Anarchism in Interwar France* (University Park, PA: Pennsylvania State University Press, 2010) pg. 157.

⁴³ Quinney, V., "The Problem of Civil Rights for Free Men of Color in the Early French Revolution", pg. 550.

⁴⁴ *Ibid.*, pg. 553.

casted a vote that they thought would be a compromise: every man born of a free father and a free mother could vote. But this meant that around only one free man of color out of fifty could qualify. Furthermore, this basically prevented free blacks from participating.⁴⁵

All sides found this ruling to be outrageous. The governor in Saint Domingue refused to enforce it which further enraged the people of color on the colony. In August of 1791, a slave rebellion began and quickly went out of control. In October 1791, because he was a member of both assemblies, Boisneuf was given the task of delivering a letter to George Washington which was asking for aid in the colony. This means that Boisneuf would be at least somewhat known by American political figures—something that will be important to remember. A letter was first sent ahead to make the US congress and president aware of Boisneuf and fellow assembly member Beavois's arrival. This was written by a "J. Pocignon", who was presumed to be a representative from Bordeaux.⁴⁶ A translated version of the letter was published in the National Gazette by its founder Philip Freneau, it states:

"In our letter of the 24th of last August, you received information of the misfortunes which had befallen the northern part of this flourishing colony. Our whole force, though very limited, has been levelled against the ravagers, who are laying it waste; and we have so accomplished our ends, as if not to effect their total reduction, at least to check the evil in its progress. That unhappy catastrophe forced the General Assembly of the French part of St Domingo to embrace every means of safety, indispensable in similar cases, and rendered necessary by the urgency of circumstances; in consequence of which, the shipping in general, and among the rest, the vessels belonging to your nation, have experienced some little delay in their departure. But, desirous of maintaining that peace and harmony, that subsist between France (of which we constitute a part) and your states—desirous also of testifying, as far as in their power, their grateful acknowledgment of the generous services, offered and rendered to the colony, by the brave subject of the United States—the General Assembly, in concert with the King's representative, have, in the first place, set aside the *Droit d'Aubaine*, in favor of such as might fall victims to their own zeal and courage. The Assembly would have wished to abolish it forever, and to extend the exemption to the Americans in general; but this object being a constitutional point, they intend to apply for it to the mother country; and we have not a doubt, that she

⁴⁵ Ibid., pg. 556.

⁴⁶ Founding Fathers Archives

will eagerly gratify our wishes. In the next place, having taken into consideration the obstacles, experienced by Mr Silvanus Bourne, your consul in this colony, to the registry of his credentials—obstacles, which were occasioned by certain formal defects—the General Assembly hastened to remove them, and to give orders that the said credentials should be registered. Finally, under the constant influence of those principles of justice and equity, which cement the union between the two allied nations, and desirous of corresponding with the views of France, who will ever hold dear the memorable epoch, when she saw permanent security given to the unlimited freedom of a nation, that has furnished her with the glorious example, for the recovery of her own rights so long misunderstood—The General Assembly have, in favor of the Americans, hastened to take off the embargo, which the unfortunate situation of affairs had obliged them to lay on all vessels without distinction. But in vain would the colony have recovered her former tranquility, if the means of applying a speedy remedy to the evil were not to be employed. The General Assembly have therefore determined to send to your body two new commissioners, Messrs De Beavois and Payan, who are provided with letters from the Assembly and the King's representative. The General Assembly do not entertain a doubt, that you will together with a favorable reception to them, give your assent to the requisitions which they are empowered to make of you, the success of which will undoubtedly extend its influence to the commerce, which the subjects of the United States carry on with this colony. With this pleasing hope, we contemplate their departure, and direct them to the representatives of a generous nation, the friend and ally of France since the year 1782, the period when she fully recovered her liberty⁴⁷

In this preemptive letter, France's assembly is apologizing for any discrepancies and disagreements they may have made in their early relationship with the United States and then reminds the U.S. of the lucrative trade opportunities the French colonies provides. The opportunity for trade and its expansion became a key point in the diplomacy between the U.S., France, and Saint Domingue during the 1790s.

When Boisneuf and Beavios arrived, their letter was handed off to Thomas Jefferson. It was also written by J. Pocignon. Pocignon writes:

We will not repeat the tale of the misfortunes which afflict this brilliant portion of the French Empire, that our first dispatches have informed you of, but we see ourselves on the eve of feeling violently the consequences of this catastrophe, when tranquility will be completely restored, the necessity for us, by devastation and the consumption of food, to

⁴⁷ *National Gazette*, November 1791, (Philadelphia).

provide, for some time and for our personal sustenance, and that of our negroes, as strength and hunger force them to return to duty, as well as the need for wood to repair the buildings that the flames have devoured, have determined the General Assembly and the French part of the Domingo, together with the representative of the King, D'Envoyer near the United States, two new Commissioners, Mms. De Beauvois & (Payan) to solicit for aid. We think that the congress will lend itself more willingly to the rescue, which it contributes by, on the one hand, to preserve in France one of its most beautiful and richest possessions, and that on the other hand it will be presented to them with sureties for the exact payment of the sum or objects they have advanced; the generosity of France, and her eagerness to come to the aid of her unhappy allies, is too generally known, so that she has no right but to expect the same services, when she is, or a strong part of herself in the need.

We therefore flatter Monsieur le President that the Congress you preside, will take our position in consideration by observing that the prosperity of commerce that the United States subjects do with the French colony of Santo Domingo, depends in some way on the abundance of the productions of the latter, and the means of re-establishing its manufactures, [that were] destroyed and set on fire. I have the honor to be of your excellency the most humble and very obedient Servant.⁴⁸

In this letter, the National Assembly and the king of France are together asking the United States president, George Washington, to provide aid to Saint Domingue. Once again, this letter reminds congress and the president that Saint Domingue would provide lucrative trade opportunities if it can be preserved. Jefferson presented this letter to the senate who then sent it to the house of representatives in November. Congress decided to do nothing with it.⁴⁹

Boisneuf's political duties and his travels from France to Saint Domingue had placed him in the United States many times. Because of that and his mercantile duties, he became familiar

⁴⁸ "To George Washington from J. Poncignon, 13 October 1791," Founders Online, National Archives.

⁴⁹ Ibid.

with port cities like Philadelphia and Baltimore. In 1793, when Boisneuf stopped in the United States on his way from France to Saint Domingue, he never planned to remain permanently. But the violence and battling in Saint Domingue had amplified and he could not complete his trip from France. Furthermore, in France he had fallen out of political favor with the Jacobins which meant that it would also be unsafe for him to return there. Boisneuf's visions of reform for France and Saint Domingue were quickly lost into a world of radical, revolutionary actions. The French and Haitian revolutions forced Boisneuf to stay stateside.⁵⁰ For a short term, Boisneuf stayed in Philadelphia with a group of fellow French émigré, whose ideas of liberal reform in France had also casted them into an unfavorable light. In *When the United States Spoke French*, François Furstenburg writes this about Boisneuf's Philadelphia contemporaries, "They fought to stay the course of the Revolution, and, in the inimitable words of marquis de Condorcet, 'return it to the slow and soft action of the enlightenment.' But their time had passed. And so they were chased out of France, out of Europe, and all the way to Philadelphia."⁵¹

Eventually, Payen made his way from Philadelphia to Maryland. This is presumably because of the strong trade connections between the Baltimore port and Saint Domingue. Through trade, Baltimore became a key location of the French presence in the Americas. Because of this connection through trade, merchants from Saint Domingue, like Boisneuf, flocked to Baltimore during the Haitian Revolution.⁵² It was natural move for Boisneuf and his extended family to end up in Maryland.

⁵⁰ Sara Rivers-Cofield, "French-Caribbean Refugees and Slavery in German Protestant Maryland," *International Journal of Historical Archaeology* 10, no. 3 (September 2006), pg. 31..

⁵¹ François Furstenburg, *When the United States Spoke French: Five Refugees Who Shaped a Nation* (New York: Penguin Books, 2014) pg. 5-6.

⁵² Covo, M. "Baltimore and the French Atlantic: Empires Commerce, and Identity in a Revolutionary Age, 1783-1798."

Once he realized his being situated in the U.S. was going to be less temporary than he thought, Payen gravitated towards the Western Shores of Maryland where he worked out a deal for a plot of land just outside of Frederick near the Monocacy River. Boisneuf paid a deposit on the land to Daniel Dulany; however, the deed showed that the land was not for him. His deposit specifically states, "On behalf of Victoire Vincendière and with her money".⁵³ This deposit for Victoire was an anomaly because she was the 17-year-old daughter of his cousin Etienne. Both Victoire's father Etienne de la Vincendière and her mother Margeurite were alive and were planning to immigrate to the United States which makes it more interesting and peculiar that the land was put in her name. This quandary can be somewhat rectified with the knowledge that Boisneuf was known in the state of Maryland as an insolvent debtor, which as we'll learn in a letter to John Adams was in part because his assets were tied up in Saint Domingue and France and he was unable to access them because of the violence and had probably lost many of them permanently due to the same reasons. Boisneuf's buying land in Victoire Vincendière's name would have protected it from the people he was in debt to. Additionally, if the land was in fact for the Vincendières, Victoire's mother was rumored to have lost money to loan sharks. This additional information makes it very possible that Victoire's name was used so that the property was connected to someone who had no ties to debt.⁵⁴

Victoire de la Vincendière

Born in Saint Domingue on October 3, 1776, Victoire Pauline Marie Gabriel de la Vincendière was to become the head of the Vincendière family and the owner of one of

⁵³ Reed, P.S., *Monocacy National Battlefield*..., pg. 92.

⁵⁴ George Ely Russell, "Frenchmen Early in Frederick County, Maryland" in *The Genealogist*, Vol. 15 No. 2, Fall pg. 226.

Maryland's largest slave populations. In 1793, as a 16-year-old (17 when she arrived in the U.S.) Victoire had fled Saint Domingue for the United States, after her uncle died in the insurrection. She was joined by her mother, Madame Margeurite Elizabeth de Magnan [de la Vincendière], and her siblings which included: Etienne Paul Marie de la Vincendière; Adelaide de la Vincendière Lowe; Henry de da Vincendière; and the infant Helene de la Vincendière. Via the ship Carolina, the Vincendières were among the 53 ships that had carried 1000 white and 500 enslaved refugees to Baltimore in 1793.⁵⁵ Although he did not join them in Maryland, their father Etienne had left Saint Domingue as well. He claimed that if he stayed, French Governor Sonothax, who was pro-abolition and social equity unlike Etienne, would send someone to assassinate him. Despite the absence of Etienne, they were joined by Etienne's cousin Jean Payen de Boisneuf on the land he had purchased in Victoire's name.

Because of the exemption passed in 1792 for French refugees, Boisneuf, Victoire and her family were able to legally import 12 of their slaves from their Saint Domingue plantations into Maryland by filing *Declarations of Negroes*. Through her research of the Frederick County Land Records at the Maryland State Archives, Paula S. Reed found the declarations of Victoire, Magnan, Etienne Paul Marie Vincendière and a declaration by Jean Payen de Boisneuf. Victoire wrote:

I the underwritten Proprietor Planter of the French Part of St. Domingo at this time resident of Frederick Town in Maryland State accordingly to the law of this aforesaid state of the third and twenty day of December of the year seventeen hundred and ninety two, Declare I came to Baltimore Town the fifth and twenty day of last October by the ship Carolina, Captain Watson and I have brought a Negro servant, my slave named Saint Louis about fourteen years old whom I keep for my own service as I am authorized to do so by the aforesaid law. Made in Frederick Town in the Maryland State this fourth and twenty day of December of the year seventeen hundred and ninety three.

⁵⁵ Ibid., pg. 32.

Victoire's declaration is interesting because despite claiming to be a "Proprietor Planter" while in Saint Domingue and being the one who claimed ownership of the land in Maryland, she did not claim "master of household" her in declaration, which meant that she was only allowed to bring one slave with her. Her mother Magnan had five slaves declared under her ownership, Janvier, 24; François, 20; Jean, 16; Veronique, 16; and Maurice, 15. By registering five slaves under her name it is apparent that Magnan was considered the "master of the household".⁵⁶ As a single man, Victoire's brother Etienne could registered three slaves. Etienne had Marianne, 40; Cecele, 18; Souris, 15. Lastly, Boisneuf also as a single male registered Pierre Louis, 35; Lambert, 5; and Fillete, 8.⁵⁷ Which means that despite being the elder male of the property, he was not "master of household" either.

Slaves	Magnan	Etienne	Victoire	Jean Payen
1	Janvier, M, 24	Marianne, W, 40	Saint Louis, M, 14	Pierre Louis, M, 35
2	Francois, M, 20	Cecele, W, 18		Lambert, M, 5
3	Jean, M, 16	Souris, M, 15		Fillete, F, 8
4	Veronique, W, 16			
5	Maurice, M, 15			

From 1794 to 1798, the Vincendières were continuously purchasing land under Victoire's name and constructing their plantation L'Hermitage, which is what Niemcewicz described in his entry as "a row of wooden houses and one stone house with upper stories painted white." Shayla Monroe, one of the excavators of the plantation, revealed that L'Hermitage's construction

⁵⁶ Ibid., appendix.

⁵⁷ Russell, G.E., "Frenchmen Early in Frederick County, Maryland", pg. 226.

appeared ostentatious when compared to the homes surrounding it, which was an interesting display for a family rumored to have debt problems.⁵⁸ The main house, which was not even mentioned in Niemcewicz description, was quite large for the standard of Frederick County at that time and had a French-Caribbean architectural style.⁵⁹ The Vincendières had a second dwelling (the stone house with upper stories painted white) which was presumed to be for displaced French refugees. Furthermore, archeological evidence suggests that the property contained a slaved village that faced the main house.⁶⁰ The row of wooden houses mentioned by Niemcewicz is presumed to have been this slave village. A row of wooden houses would have been necessary because by the census of 1800, the Vincendière household had listed approximately 90 slaves in their possession, which town gossip presumed them all to have been imported illegally from their Saint Domingue plantation.⁶¹

The possible slave village and the mass number of bondsmen were reminiscent of a plantation setting that would have been found in Saint Domingue. It was as if L'Hermitage was supposed to be a recreation of Saint Domingue in rural Maryland. Sarah Rivers-Cofield's examination of the family led her to the hypothesis that this may have been the Vincendières and Boisneuf's attempt to recreate what they had lost in Saint Domingue due to the revolution.⁶² They lost their money, all of their plantations, and the lifestyle they were accustomed to before the Haitian Revolution. Regardless of whether they truly needed to own such a large population of slaves, they were compelled to.

⁵⁸ Shayla Monroe, Interview with Shayla Monroe, December 2017.

⁵⁹ Reed, P. and Wallace, E. *Culture Resources Study: Monocacy National Battlefield*, pg. 163.

⁶⁰ Ibid., pg. 163.

⁶¹ Rivers-Cofield, S., "French Refugees and Slave Abuse in Frederick County, Maryland", p. 34.

⁶² Ibid., p. 34.

The plantation been the focus of previous historical narratives on Boisneuf and Vincendière. The ostentatious nature of L'Hermitage should not be ignored when thinking of reasons as to why the community disliked Boisneuf and Vincendière enough to sue them. Alongside the sheer size of it, the French-Caribbean style of architecture did not fit in with the Swiss style of housing that the predominately German chose for their houses.⁶³ Also, the 1790 census stated that only two families in Frederick County had a slave population that was comparable to the population at L'Hermitage. The slave population and the plantation that housed it were grand displays of wealth that were contradictory to what a man with debt should have.

Jean Payen de Boisneuf was many things in his lifetime. A military captain, merchant, proprietor, deputy of the National Assembly, member of the Committee of Colonies, aristocratic, he was more than likely a slave abuser and he most definitely was an insolvent debtor. As we explore his time in France, Saint Domingue, and the United States, we will get to know a man who always tried to have the upper hand. Each setting that we find Boisneuf in, he places himself and his needs at the center of everything. Through Boisneuf, we get to see the Saint Dominguan planter's mentality. We get to see a man who will blame everyone else for his circumstances but never himself. Lastly, we get to see how his circumstances in France, Saint Domingue, and the United States caught up to him in a rural county court.

⁶³ Reed, P. and Wallace, E., *Culture Resource Study: Monocacy National Battlefield*, pg. 164.

The State of Maryland v. les Habitants de L'Hermitage

Jean Payen de Boisneuf – An Aristocratic Man of Many Debts

Julian Niemcewicz ends his entry about L'Hermitage commenting on Victoire and Boisneuf's legal woes. Although in actuality there were fewer than fifty legal actions like Niemcewicz claimed, Boisneuf and Victoire were regulars in the Courts of the Western Shore. For instance, in 1798 Boisneuf had a series of replevin writs against him. Replevin is defined as:

Replevin: A personal action *ex delicto* brought to recover possession of goods unlawfully taken, (generally, but not only, applicable to the taking of goods distrained for rent) the validity of which taking it is the mode of contesting, if the party from whom the goods were taken wishes to have them back *in specie*, whereas, if he prefer to have damages instead, the validity may be contested by action of trespass or unlawful distress.⁶⁴

These replevin writs all appear to have been filed at the same time despite having been claims by different people. The names of people taking legal action against Boisneuf were: Dr. John Fischer, John Gombordin, Dr. John Bogen, Henry Koontz, Jacob Steiner, John Schley, Henry Schell, George Littlejohn, John Deal, Frederick Sholl, Peter Smith, John Geyer, John Buckias, and others.⁶⁵ Boisneuf has already been established as a man who was in monetary debt, the 1798 court documents provide evidence that he was also a man who owed property to many different people. Furthermore, previous narratives about the residents of L'Hermitage have stated that they were under such turmoil because they were catholic. However, since George Littlejohn was catholic and because Maryland had previously served as a sanctuary to Catholics from the Anglican church, I believe that we can begin to discredit the tensions were due to religious differences.

⁶⁴ Black's Law Dictionary, Tenth edit (St. Paul, Minnesota: Thomson Reuters, 2014) pg. 1463-64.

⁶⁵ Frederick County Court Dockets, 1798, Maryland State Archives C782-52

In *Monocacy National Battlefield*, Reed writes that Boisneuf had managed to purchase land in his own name in 1796, he paid £2000 to John Darnall of Frederick County for about 201 acres on a part called *Hawkins Merry Peep O'Day* and for another 80 acres on a part called *Merryland*, however, he was forced to give it up in 1799 in a sheriff's sale due to an unpaid debt to someone else.⁶⁶ This series of actions against him gives weight to two hypotheses. One being that residing on a property that was a display of wealth with its structures and large slave population while being in debt garnered negative attention towards Boisneuf and L'Hermitage. Furthermore, it was not only Boisneuf's residence that was known for its opulence, but he was considered opulent as well. John Eisenhower wrote this about Boisneuf in a 1956 newspaper column "Frederick Notebook" for the *Frederick Post*, "Records describe him as quite a fashion plate, wearing a queue, gold buckled slippers, silk knee breeches, ruffled shirts, and carrying a gold-headed cane."⁶⁷ Boisneuf's opulence may've not sat well with the people of Frederick who were suing him. Boisneuf's demeanor had to of been a quite a contrast to that of the German population in Frederick. However, this was a part of the Saint Domingue way, one kept up appearances even when they were in great debt, because debt was a regular and ongoing occurrence for French planters. The competitive nature of Saint Domingue compelled planters to borrow heavily in order to acquire greater means of prosperity.⁶⁸ The other hypothesis being that he was using Victoire's name to buy property so that it would not be lost due to debt –which I believe could be why Victoire was wrapped up in the next set of legal issues, discussed below.

66 Russell, G.E., "Frenchmen Early in Frederick County, Maryland", pg. 226. He cites Etienne Arnaud, "Genealogical Notes: Famillie Bellumeau de la Vincendière", Centre de génélogie et d'histories de Iles d'Amerique, 35 (March 1991), 28-29.

67 Joe Eisenhower, "Frederick Notebook", column in the *Frederick Post*, April 27, 1956, pg. 12.

68 Paul Burton Cheney, *Cul de Sac: Patrimony, Capitalism, and Slavery in French Saint-Domingue* (Chicago; London: The University of Chicago Press, 2017) pg. 7.

Victoire de la Vincendière – Proprietor, Head of Household, and Young Adult

As we have learned through her *Declaration of Negro* and land purchases made in her name, by age 16 Victoire was being turned into the head of the Vincendière household. By the 1800 Census, Victoire was listed as the Head of Household of L'Hermitage and in charge of 18 people and 90 slaves. The additional people she was presiding over are assumed to be other refugees.⁶⁹ This may have been because her mother Magnan and her father Etienne appeared to have split up during this time which created a need for an offspring of theirs to step up and help bear the burdens as leader of the family. Her father Etienne is said to have ended up in South Carolina by way of the Baltimore port for almost the rest of his life; however, his will (which Victoire was the administrator of) stated that he died in Frederick County in October of 1816.⁷⁰ Presumably due to her parents' falling out, Victoire was not only responsible for L'Hermitage and its expansions, but she was also responsible for her siblings. She was said to have given up an engagement to remain with her mother and devote her life to the education of her brothers and sisters.⁷¹ With this duty, she oversaw her sisters' engagements and she handled her sister Adelaide's divorce. When her niece by marriage was asked about her aunt, she described Victoire as a selfless and devout Catholic women, dedicated to church and charity.⁷²

69 Reed, P. and Wallace, E., *Culture Resource Study: Monocacy National Battlefield*, pg. 97.

70 Russell, G.E., *Frenchmen Early in Frederick County, Maryland*", pg. 228.

71 *Ibid.*, pg. 231.

72 Rivers-Cofield, S., *"French Refugees and Slave Abuse in Frederick County, Maryland"*, pg. 40.

The State of Maryland v. Boisneuf and Vincendière

The picture painted above by Maryland Governor Enoch E. Louis's wife describes his aunt in a positive light; however, a series of court cases involving Victoire and Boisneuf from 1797 to 1799 paint a very different picture. Both Victoire and Boisneuf were charged with slave abuse, were sued by their slaves for freedom, as well as for other legal discrepancies regarding their slaves. As discussed in the chapter 1 "Slavery in Frederick County and the State of Maryland", slave abuse cases were rare not only in Frederick County, but also in Maryland as a whole during the 1790s. Something about the residents of L'Hermitage was extraordinary.

In 1797, Victoire was brought to court, accused of "especially, cruelly, and 'immercifully' beating her slave Jenny". However, because slave abuse cases were hard to prove the case and despite there being multiple alleged witnesses, the case was dismissed by the grand jury and the charges were dropped.⁷³ Coincidentally, during the same year, Victoire had been charged with assault for attacking someone named Rosina Cécille. The assault charge was dropped but Victoire was fined £272 in court fees.⁷⁴ She faced more of a punishment for this than she did for "immercifully" beating Jenny. Cofield's article lists Cécille as a slave; however, I assume that she was not because neither "negro" nor "slave" modifies her name.

Boisneuf had multiple abuse cases brought against him, with six different counts that were very similar in description to Victoire's case. Boisneuf had been charged with "Cruelly and immercifully beating and whipping his slaves".⁷⁵ On behalf of his slaves: George, Soll, Stephen, Abraham, Jerry, and Harry- the State of Maryland brought Boisneuf to court. These cases were

73 Frederick County Court Dockets, 1797, Maryland State Archives C782-51

74 Ibid.

75 Ibid.

ultimately dropped, once again because of how hard it was to prove slave abuse. However, some charges did stick against Boisneuf. Payen was found guilty of "Excessively, cruelly, and immercifully beating his slave Shadrack" and for "not sufficiently clothing and feeding his negroes".⁷⁶

After those cases, Boisneuf and Victoire went to court two more times in the 1790s (besides Boisneuf's replevin writs). In 1798, a Rebecca Dulany who owned the land next to L'Hermitage had sued Victoire and Boisneuf because slaves trespassed into her land.⁷⁷ Due to the "not sufficiently feeding" charge, it is presumed that the slaves were trespassing in search of food. The other case against them this year was especially interesting because it used the 1792 slave import exemption for French refugees against Boisneuf. It turned out that Pierre Louis, whom Boisneuf had registered in his *Declaration of Negroes*, had not actually belonged to him in Saint Domingue. Pierre Louis was Payen's deceased brother's. The claim in Payen's declaration was proved to be false which meant that by law Pierre Louis was to be a free man. Rivers-Cofield hypothesizes that the successful freedom suit was a sign that the community was actively against Boisneuf because the community had helped Pierre Louis win his freedom.⁷⁸ I agree.

⁷⁶ Ibid.

⁷⁷ Frederick County Court Dockets, 1798, Maryland State Archives C782-51

⁷⁸ Rivers-Cofield, S., "French Refugees and Slave Abuse in Frederick County, Maryland", p. 39.

Cruelty and Sufficiency

Acts of cruelty towards slaves were not uncommon in post-revolutionary Maryland; however, the prosecution of them was. Generally, the plantation was considered private property and not many expressed their opinion about someone else's business and practices. It was accepted that masters had jurisdiction to govern by, almost any means, and subordinates had corresponding duty to obey.⁷⁹ Additionally, concepts of cruelty and sufficiency were relative – vague laws allowed them to be. Vague laws left ideas of cruelty and sufficiency up to the slaveholder. But their ideas still created suffering. However, by examining the constructs of sufficiency and cruelty in a slave holding society we can come closer to understanding what Boisneuf and Victoire did and did not do to their slaves. I cannot fully tell their history, I can only attempt to reconstruct it. With a fleshed-out concept of the cruelty and sufficiency threshold we can see where they would've fallen on that scale to have warranted accusations.

A Peck of Corn

In *Fifty Years in Chains*, an anonymous narrative under the alias of Charles Ball tells a writer about the author's life as a slave in the state. Particularly, *Fifty Years in Chains* documents a slave's experiences and what he recalls about others' experiences under the charge of different masters. Some were benevolent; however, many of the ones he wrote about were cruel; their actions were comparable to the allegations made against Victoire and Jean Payen. Ball's narrative is especially useful because he was born in 1784, which places the beginning of his experiences around the same time as Victoire and Boisneuf's immigration and court cases. One

79 Morris, T.D., *Southern Slavery and the Law*, pg. 263.

of the first masters that Ball speaks about is one who failed to sufficiently feed him, this was his master from childhood to about the age of twenty. Ball wrote, "I did receive much whipping, but suffered greatly for want of sufficient and proper food. My master allowed his slaves a peck of corn, each, throughout the year..."⁸⁰ Ball also reports on other slaves' suffering under the institution in Maryland. One man stated:

I have always been a hard working man, and have suffered a great deal from hunger in my time. It is not possible for a man to work hard every day for several months, and get nothing but a peck of corn a week to eat, and not feel hungry. When a man is hungry, you know, (if you have ever been hungry,) he must eat whatever he can get. I have not tasted meat since last Christmas, and we have had to work uncommonly hard this summer.

This was the typical meal fed to slaves throughout the south of the Mason-Dixon line, regardless of gender or type of labor, every slave was to be allotted a peck of corn. If a slave was fortunate a small portion of meat was also given. Southern periodicals outlined what was thought to be proper diet for slaves. In these periodicals, the weekly peck of corn allotment was considered to be a benevolent diet. In May of 1788, *The Maryland Journal and Baltimore Advertiser* states, "A single peck of corn, or the same in rice, is the ordinary provision for the hard-working slave, to which a small quantity of meat is occasionally, though rarely, added".⁸¹ However, this diet, although thought to be proper, was not sustainable and it caused suffering.

Slaves were going hungry on this supposedly benevolent diet. Harriett Beecher Stowe corroborated her incendiary anti-slavery novel *Uncle Tom's Cabin* with the book *The Key to Uncle Tom's Cabin*, which provides real slavery narratives on which she based her novel off of. Stowe's reporting found that slaves were dying of starvation throughout the South. She begins

⁸⁰ Charles Ball, *Fifty Years in Chains* (H. Dayton;--Dayton & Asher, 1859), pg. 17.

⁸¹ *The Maryland Journal and Baltimore Advisor*, May 30, 1788.; Found in Harriet Beecher Stowe, *The Key to Uncle Tom's Cabin; Presenting the Original Facts and Documents upon Which the Story Is Founded*. (London: Clarke, Beeton, and co. [etc., 1853), pg.45.

her analysis by documenting the statements of planters who subscribed to the peck of corn diet. She uses examples from Maryland, Maine, Georgia, North Carolina, and other states. She follows up these examples with statements of starvation on plantations due to the peck of corn diet. Stowe documents, "On almost every plantation, the hands suffer more or less from hunger at some seasons of almost every year. There is always a good deal of suffering from hunger."⁸² Just twenty years after the allegations against Vincendière and Boisneuf was the Missouri compromise. Stowe writes about the quandary over making Missouri a slave state, she uses Alexander Smyth of Virginia's speech to the House of Representatives over the matter to help her in her starvation claims. Smyth states, "By confining the slaves to the Southern States, where crops are raised for exportation, and bread and meat are purchased, you doom them to scarcity and hunger."⁸³ The agrarian economy was condemning slaves to famine. The peck of corn standard was not enough.

Furthermore, the peck of corn had become a point of chagrin for slaves. This chagrin was morphed into a song about imminent freedom called "Many Thousand Go". The song goes:

No more peck of corn for me
No more, no more
No more peck of corn for me
Many thousand gone

No more driver's lash for me
No more, no more
No more drivers' lash for me
Many thousand gone⁸⁴

82 Beecher Stowe, H., *The Key to Uncle Tom's Cabin...*, pg. 46.

83 Ibid.

84 An American Slave Folk Song; Found in Ronald T Takaki, *A Different Mirror : A History of Multicultural America*, 1st ed. . (Boston: Little, Brown & Co., 1993), <http://inside.sfuhs.org/dept/history/Mexicoreader/Chapter8/Takaki/Takaki 5.pdf>. Robert Takaki was an ethnicity scholar at the University of California, Berkeley. He spent much of his scholarship on slavery and the slave trade.

Although vague, this song is reminiscent of the monotony and inhumanity of the limitation of the peck of corn diet. It was a point of anger and a reason for running away and revolt.

If the charges against Victoire and Jean Payen were true, as the guilty verdict against Jean Payen states they were⁸⁵, then, assumedly, the slaves of L'Hermitage were being fed less than a peck of corn per week. This could also explain a charge against Victoire Vincendière, where her neighbor Rebecca Dulaney accused her slaves for trespassing. If they were not being "sufficiently" fed it could be that they were scavenging for food on another property. Stealing food was a common action by slaves because of their poor allotted diet.

Because many of their masters could not give slaves sufficient food in exchange for their services, many of them had to resort to scavenging and theft to sufficiently feed themselves. Charles Ball wrote that he and fellow slaves had to rely on fishing to achieve proper protein intake.⁸⁶ Some slaves did work and reside next to fishing sources though. In *A Different Mirror*, Robert Takaki states, "A continual problem for masters was the stealing of chickens and pigs. But slaves often viewed the matter differently: they were simply 'taking' property (pigs) for use by other property (themselves). This appropriation seemed justified because their weekly food allowance was so meager and their masters were profiting from their labor."⁸⁷ The man mentioned above to whom Ball spoke to about hunger continued his tale of starvation with how he tried to remedy it by stealing. The man states:

Two weeks ago last Saturday, when we quit work at night, I was hungry, and as we went to the house we passed along the lane where the sheep lay... The temptation was more than I could bear. I caught one of them... [After dressing it] The carcass I took home, and

His book *A Different Mirror* was his way of bringing ethnic narratives to the foreground of the history of their heritages.

⁸⁵ See Pg. 44.

⁸⁶ Ball, C., *Fifty Years in Chains*, pg. 17.

⁸⁷ Takaki, R., *A Different Mirror*, pg. 108.

after cutting it up, intending to boil it and divide it, when cooked, between my fellow slaves (whom I knew to be as hungry as I was) and myself.⁸⁸ However, the man speaking to Ball did not have a chance to alleviate his suffering, for he was caught by his master. He continues his tale:

... about one o'clock in the morning, at the time when I had a blazing fire under the kettle, I heard the sound of the feet of a horse coming along the lane. The kitchen walls were open so that the light of my fire could not be concealed... [The slave tries to conceal the boiling sheep as laundry from his master; however, the master notices it] I said- 'Master I am hungry and am cooking my supper' 'What is it you have in here?' A sheep' said I, and as the worded were uttered, he knocked me down with his cane, and after beating me severely, ordered me to cross my hands until he bound me fast with a rope that hung in the kitchen... the master put out the fire under the kettle, drew me into the yard, tied me fast to the mill-post, and leaving me there for the night... The cord was bound so tightly round my wrists, that before mourning the blood had burst out under my finger nails; but I suppose my master slept soundly for all that.⁸⁹

Hunger created a vicious cycle of suffering. When slaves were desperate enough to try to alleviate the situation, they risked being brutally punished. The sufficient diet led to more suffering than just hunger.

In terms of food, "sufficient" was relative. Laws were in place to provide the people in bonds with the necessary nutrition needed to perform labor. The laws, Maryland law included, demanded that planters provide a sufficient amount of food to their laborers; however, cultural constructs like the peck of corn diet had infiltrated the idea of sufficiency. In order for the residents of L'Hermitage to have been insufficiently feeding their slaves, they would have had to of been starving their slaves to death, which would have been irrational because by the time of the charges against them Maryland had once again banned the importation of slaves into the

88 Ball, C., *Fifty Years in Chains*, pg. 80.

89 *Ibid.*, pg. 80-81.

state. The residents needed to create a stable environment for their slave population. However, it is possible that they were starving them out of habits formed back in Saint Domingue.

Sufficient Clothing

Clothing was another issue where the slaveholder's idea of a sufficient issuing of clothing was at odds with the slave's level of need. The benevolent master provided for all seasons, some failed to provide an adequate issue of clothes for all seasons, and others failed to provide clothes at all, even though there were laws in place stating that they should. The clothing supply had been a point of contention between the master and the slave. In a Human Ecology study by Ryan Aldridge he found that there were two levels of discomfort and suffering slaves felt due to clothing. At the microphysical level slaves may have experienced physical discomfort due to the rough texture and poor quality of cloth used to produce their clothing. At the macro-physical level where dress serves as an interface between the body and the external environment, slaves could have used dress as protection from the weather or been hindered from protection from the weather by inadequate clothing provisions.⁹⁰ Within Boisneuf's guilty verdict was a charge for insufficiently clothing his slaves.⁹¹ To be able to understand what an insufficient supply of clothes was, we need to examine what consisted of a sufficient supply.

The law in place in Maryland was quite ambiguous, simply stating that clothing should be sufficient; however, sufficient clothing was also a cultural construct, another thing over which slaves and their masters were in disagreement. Charles Ball said this of his clothing situation, "My master gave me one pair of shoes, one pair of stockings, one hat, one jacket of coarse cloth,

⁹⁰ Aldridge, Ryan Jerel, "The Responsibility of Clothing Slaves in the United States as Described in Slave Petitions, 1775 to 1867" (2012). LSU Doctoral Dissertations, 468, pg. 2.

⁹¹ See page 44.

two coarse shirts, and two pairs of trousers, yearly. In the winter time I often suffered very much from the cold..."⁹² What Ball was given may have not been sufficient for a Maryland winter. It was not only one master who had failed to give Ball proper clothing. Ball had been sold to someone called Mr. Ballard who he wrote never beat him, but who instead did not sufficiently clothe Ball for winter. Ball writes, "He did not give me clothes enough to keep me warm in winter, and compelled me to work in the woods, when there was deep snow on the ground, by which I suffered very much."⁹³ Much like with hunger and Ball's food situation, suffering is brought up again due to the lack of proper and humane clothing.

Frederick Douglass's narratives derive from a later date--he was born in 1818, but nevertheless his narrative is important because it helps in asserting the fact that ideas of sufficiency and cruelty were similar throughout the existence of Maryland's slavery institution. In Douglass's *My Bondage and my Freedom* he lists out the typical clothing provisions for slaves by the plantation owner:

The yearly allowance of clothing for slaves on this plantation, consisted of two tow-linen shirts-such linen as the coarsest cloth towels are made of; one pair of trousers and a jacket of woolen, most lazily put together, for winter; one pair of yarn stalkings, and one pair of shoes of the coarsest description. The slave's entire apparel could not have cost more than eight dollars per year.

This master was more benevolent than some of the ones that Ball was in bonds for; however, even when slaves had clothes, they were uncomfortable and not sturdy enough to endure through hard labor. When they wore out and were torn, many of the laborers had to wait for the next yearly clothing installment before they were given new clothes. This is part of the reason why imagery of slaves had shown them in rags and torn clothing, even though for some that is how their clothing started out in the first place. Many slaveholders failed to protect their slaves in the

⁹² Ball, C., *Fifty Years in Chains*, pg. 17.

⁹³ *Ibid.*, pg. 28.

long-term from the outdoor elements. This would have been especially important in a place like Maryland, which has freezing, snow-filled winters.

In terms of clothing, children may have suffered the most. Children who did not contribute to the labor on the plantation typically went without clothing, even in the winter months. Charles Ball recollects his childhood as a slave and mentions that he was naked while in bonds under his original owner. It was not until he was sold at age four had he been given clothing.⁹⁴ During the winter, children had to scavenge for rags and left-over sacks to help keep them warm. Frederick Douglass writes, "In cold weather, a child searched for the empty bag left from corn meal. He would crawl into it to sleep."⁹⁵ For some planters, clothing to someone who did not contribute to productivity was not a fair deal.

Looking at the rest of the United States, it should be noted that Maryland was one of the few slaveholding states that had an act in place to ensure that slaves were provided a "sufficient" amount of food and clothing. T.D. Morris, in his *Southern Slavery and the Law*, writes that South Carolina was the only state who had an act in place for majority of servitude and slavery's existence in the South. Through an examination of the slavery law digest "Slaves, Their Civil Rights, Liabilities, and Disabilities" by Judge O'Neil, Morris finds that South Carolina placed a law in 1740 that demanded sufficiency of slaveholders; however, it had a light punishment and was only used once in a case where a slave's feet were frostbitten and sore.⁹⁶ Presumably, the insufficiency in clothing was a failure to provide shoes.

⁹⁴ Ibid., pg. 10.

⁹⁵ A quote by Frederick Douglass; found in Barbara M Starke, "A MINI VIEW OF THE MICROENVIRONMENT OF SLAVES AND FREED BLACKS LIVING IN THE VIRGINIA AND MARYLAND AREAS FROM THE 17TH THROUGH THE 19TH CENTURIES," *Negro History Bulletin* 41, no. 5 (1978): 878-80.; Although Douglass's story and case was well into the mid-19th century, I believe that its still important for my own paper because it shows that these constructs have stayed the same.

⁹⁶ Morris, T.D., *Southern Slavery and the Law*, pg. 195.; citing Judge O'Neil, *Negro Law of South Carolina*; and Thomas Cooper and McCord, *Statutes at Large of South Carolina*, 7:411.

In terms of clothing, ideas of sufficiency seemed to change on each plantation, but each supply of clothing was fairly minimal. For the residents of L'Hermitage to have failed to of sufficiently clothe their slaves, they would have had to supply them with virtually nothing. Perhaps they failed to provide jackets, although their cases took place mid-year so an odd time to throw out those accusations. There is a chance that they failed to clothe some of their slaves at all; however, with the close proximity of their slave village to their plantation that seems unlikely, the residents of L'Hermitage and their guests would have had to see the unclothed slaves every day. This was usually something that happened on plantations that were a distance from the main house.

Merciful Cruelty?

A simple web search for a definition of cruelty will bring up a information that can be summed up as causing suffering. As we have seen in narratives regarding food and clothing, many of the Southern slaves were already suffering due to the insufficient supplies they were given on plantations. Furthermore, this insufficiency led to slaves being so desperate that they took matters into their own hands and tried to feed and clothe themselves with stolen goods. When caught they were punished, some brutally. Insufficiency was a vicious cycle of cruelty.

Punishment was used by masters to keep slaves subordinate. Drawing a line between what was thought to be corrective behavior and what was 'unmercifully' cruel is difficult when suffering occurs at the first lash of a whip. The Maryland law has determined that anything past ten lashes per offence was unmercifully cruel. But because plantations were private, it was rare to actually witness the "excessive" beatings. In the antebellum period there was a shift in cruelty punishments and more were prosecuted, probably to save the institution of slavery, which during that period was in great contention- the Haitian Revolution having an effect. Morris examines all

of the South's abuse laws but finds that they actually did little to protect slaves and it wasn't until after the 1820s that they really were enforced. Legal scholar Andrew Fede writes that cases were typically not revolving out of justice for the slave but out interests for the slaveholding elite. They could target someone who they felt threatened the sanctity of slavery and apply laws to them as they pleased.⁹⁷

This is where the vagueness of laws is useful to some and it can be used a tool. I believe that the community of Frederick used vague laws to prosecute Boisneuf and Vincendière for reasons outside of direct acts of cruelty towards slaves. There is no doubt about Vincendière and Boisneuf being cruel to their slaves. I'm positive that the guilty verdict against Boisneuf was rightfully deserved. However, I feel like previous historical narratives on L'Hermitage and its residents have made it seem like the community of Frederick crusaded against two cruel slave masters. Portraying the people of Frederick like that negates the fact that Frederick was a slaveholding community. By looking at constructs of sufficiency and cruelty, we can see the obvious fact that slavery was cruel across the board. Because of this, while I believe that Boisneuf and Vincendière were probably terrible to their slaves, I do not believe that humanitarian concern was the reason why the community of Frederick prosecuted them.

⁹⁷ Andrew Fede, "Legitimized Violent Slave Abuse in the American South, 1619-1865: A Case Study of Law and Social Change in Six Southern States," *The American Journal of Legal History* 29, no. 2 (1985): pg. 98.

Conclusion

I believe that it was a culmination of three underlying causes as to why the community of Frederick brought Boisneuf and Vincendière to court. First, the slave population could have been problematic. L'Hermitage allegedly had ninety slaves that were rumored to have been the "French negroes" that newspaper reports were warning the nation about due to fears of insurrection. If an uprising started on a plantation with ninety slaves there could have been a chance that the community would be unable to stop it before the contagion of revolution spread to the rest of the area's slaves. The United States was watching as the institution of slavery in the French colony was tumbling to the ground in an immensely violent fashion. The L'Hermitage plantation symbolized a threat to the new republic's prosperity and stability.

Ethnic tensions exacerbated by politics is also a compelling reason for the prosecution of Boisneuf and Vincendière. At the time of the court cases, 1797-99, tensions between France and the United States grew. Ashli White wrote that there was a xenophobic frenzy that had been building up over time.⁹⁸ This was due to the United States claiming neutrality in the 1793 war between Great Britain and France. France believed that United States' neutral stance was a violation of the 1778 Treaty of Amity and Commerce which the United States signed with France when it joined the American revolution. This was the time for the United States to uphold republican values and aid their allies, but the nation chose neutrality for the sake of avoiding another conflict with Britain.⁹⁹ the XYZ Affair where French officials refused to consult with American officials after the Jay Treaty led to aggressive naval actions by France, furthermore, it

⁹⁸ White, A., *Encountering Revolution...*, pg. 120-121.

⁹⁹ Furstenberg, F., *When the United States Spoke French: Five Refugees Who Shaped a Nation*, pg. 43-44.

was also due to the Quasi War which was two years of naval clashes between the two nations. During this time, the French were seen as alien enemies which created problems for the French refugees in the United States.¹⁰⁰ With Francophobia in the air, the prosecution of Boisneuf and Vincendière could have been a part of anti-French fervor.

The story that Boisneuf tried to sell is one where debt is at the center of the issues between him and his neighbors. In a letter to President John Adams in February of 1798, Boisneuf requests that the President save him from the courts of Frederick. Boisneuf writes:

Monsieur le President,

The evils experienced by the inhabitants of the French Colonies, the Ministers of the altars, the Nobles and others, were so great that they could persuade themselves that Justice no longer dwells on the earth. If God himself had not said seek and you will find [justice].

It is in the heart of the one, who by the choice of a whole nation has been judged worthy to occupy [the presidency], the first place that I must seek it and find it. You will therefore take into consideration the questions which I have the honor to address to you; You will weigh them in your wisdom. Then will be interrupted in America the chain of persecution experienced by the most beautiful part of the French Nation whose education, enlightenment and virtues, were the honor and glory of France.

I hasten all the more to send you my comments that already French Republicans, without respect for arrangements made with them before my departure from France in the heart of confidence and friendship, have come to continue the payment of a debt which I had contracted before the revolution. I had then a mass of twelve millions of goods in three [sugar plantations] of which part was invaded and burned by the French republic and the other one of which a portion was also burned is in the occupation of the English and remains absolutely unsuccessful, all the negroes I had were removed by the republic and four hundred animals used for the cultivation and production of these goods.

The Judge of Frederick County is under the council of my creditors who flatter themselves to obtain a judgment that will condemn me to prison until the perfect payment.

However painful such an infamy may be for a man of honor who is sixty years old, if you do not stop such pursuits, you will have to suffer because, with the piece of bread I saved from the hands of the Brigands, it is impossible for me to satisfy the debts of a great fortune entailed by the administration; I could not even satisfy this one except in

100 Ibid.

accordance with the arrangements I had taken at the moment of my departure from France. Infamy is for the fraudulent, bankrupt and for the unprincipled man; it can not reach him who has been robbed by his homeland armed with torches and daggers and whose heart has never ceased to be the sanctuary of honor; my name is known of all St. Domingo; it is also known from all of France having been deputed to his Constituent assembly in 89, 90 and 91.

I allow myself with you, Mr. President, these reflections because this affair must be the tocsin which will announce to the refugees what they have to fear or to hope in these states. No doubt the laws particular to each state of America could not have foreseen such circumstances, but when they are as much in the interest of politics as in justice which require a uniform action in all these states, then the head of the Executive power must, without doubt, have the right to act provisionally for the preservation of one and the maintenance of the other.

in giving America a proof of the recognition of the [refuge] which she has opened to the honest persecuted people, I must not fear to occupy some of your moments.

I am with Respect / Monsieur le President / Your very humble & / very obedient servant

Payen Boisneuf¹⁰¹

In this letter, it seems that Boisneuf is asking President Adams for a pardon from his debt and crimes. He first tries to invoke sympathy from Adams by reminding him about what he and the rest of the inhabitants of Saint Domingue experienced during outbreak of violence. Boisneuf notes that events in Saint Domingue were so violent that it felt as if justice no longer existed in the world. Which is an interesting statement coming from a man came from a brutal slave regime and who only had to pay a fine after being found guilty of slave abuse.

In the next paragraph, it looks like Boisneuf is trying to appeal to President Adams by playing to his republican ideals. First, Boisneuf states that he is writing to Adams because the president was elected to uphold justice. Boisneuf then states that because of this, Adams needs to listen to what he has to say because justice had been lost in Saint Domingue and Adams needed

101 "To John Adams from Jean Payen de Boisneuf, February 6, 1798," Founders Archives, web.

to restore it. Boisneuf then reminds Adams that he is from France, a country of enlightenment and honor. This is to play up his credibility.

The next paragraph is where we begin to see evidence for why Boisneuf was being prosecuted and sued in Frederick. Boisneuf claims that French Republicans, whom he was in debt to, were coming after him for the money he owed. I believe that Boisneuf is specifically calling his creditors "French republicans" because he knew that Adams did not agree with the turn that the French revolution had taken. Boisneuf was trying to play Adams against his creditors. Additionally, Boisneuf claims that he had made arrangements with the creditors for repayment on his debts before he left France. This is interesting because narratives about his arrival in the United States have made it sound like he unexpectedly ended up there after trying to travel between France and Saint Domingue. This means, it is possible that Boisneuf is lying to Adams about the fact that he had made arrangements with the creditors in order to make himself sound like the victim of the radical French republicans. Following the aforementioned statement, Boisneuf once again attempts to appeal to Adams for sympathy. He states that while he had the means to repay his creditors, he had lost them (the twelve million goods) when the French republicans burned down part of his sugar plantations and then the British burned down more when they occupied Saint Domingue. Furthermore, he claims that he lost all of his slaves and livestock which means he lost other monetary means of repayment.

Boisneuf's next statement is the closest I've gotten to a smoking gun. Boisneuf wrote, "The Judge of Frederick County is under the council of my creditors who flatter themselves to obtain a judgment that will condemn me to prison until the perfect payment." What Boisneuf is stating is that the judge of Frederick County is working with the French creditors to imprison Boisneuf for being an insolvent debtor. Somehow, by imprisoning Boisneuf they would then be

able to collect what he owed. Furthermore, Boisneuf states that the creditors will do anything to imprison him. Since slave abuse was rarely prosecuted and when it was it was usually as a social and political tool, I believe that this means that it is possible that the slave abuse trials were a part of this effort. I believe that this statement by Boisneuf, if true, means that the prosecution of Boisneuf and Vincendière were matters of planter's debt.

In the following paragraph, Boisneuf continues to slander the French republicans by calling them brigands, which is the 18th century version of calling someone a thug. Furthermore, he plays up the revolutionary narrative by stating that he was robbed of his homeland by torches and daggers. He continues to play to Adams's disdain for the path that the revolution took.

This same paragraph also displays Boisneuf's sense of self-importance and his lack of self-awareness. First, this paragraph really displays why Boisneuf had the audacity to demand that Adams rectifies his situation. Boisneuf's demand signifies that he believes that as a French noble he is at the same level on the social hierarchy as the United States' president, if not at a higher one. In this paragraph, he reminds Adams that he is a very important man and that his name is well known in France and Saint Domingue. Boisneuf's doing so to appear to Adams as an important diplomat and establish himself as a contemporary of Adams's. Boisneuf's lack of self-awareness really shined through when he stated, "Infamy is for the fraudulent, bankrupt and for the unprincipled man." For someone who was potentially lying to the president about making arrangements with his creditors and who did not have money to repay his creditors, Boisneuf was quite deserving of the infamy that awaited him.

Boisneuf then tells the president that whether or not he pardons him will determine diplomatic relations with refugees. In Boisneuf's mind, his debt trial in the county court was going to set precedent for the relations between the United States and French refugees. In his

closing, Boisneuf once again reminds President Adams that it is his job to uphold justice and that Boisneuf believes that his cases are of the utmost importance.

This letter from Boisneuf to President Adams tells the story of a man who is trying to buy more time as the effects of the Atlantic revolution caught up to him. We can see how revolutions disrupted lives, politics, laws, and communities. There is still no determined exact cause that states why Boisneuf and Vincendière were prosecuted by the community of Frederick. However, I believe that the fact that no direct cause can be determined demonstrates how complicated the Age of Atlantic Revolution was.

In 1815, Jean Payen de Boisneuf passed away and had never recovered economically. He was never able to re-manifest his Saint Dominguan dreams.

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