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A “Distressed Class of People”: French Refugees and Mobility Control in Philadelphia, 1790s–1810*

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Abstract

In the 1790s, hundreds of refugees arrived in Philadelphia from revolutionary Saint-Domingue. Though it is well known that the Alien Acts were promulgated at least in part in reaction to the large French presence on US soil and the threat of war with France, other barriers to entry and to remain on US soil are not often connected to the arrival and presence of French refugees. Using records of the Philadelphia courts, prison, and almshouse, this article situates the French refugee experience within the early United States’ broader kaleidoscope of restrictions on mobility, assistance, and rights to remain. For the French Black population, their race and class rendered them especially vulnerable to forms of mobility control focused on criminals and the mobile poor. Though the French were not ultimately deported for their political activities, a small number of French Black refugees convicted of theft were set on the move once again.

Keywords: French Refugees; Saint-Domingue; Philadelphia; Age of Revolutions; Poverty

On 25 June 1793, the Philadelphia Guardians of the Poor admitted “Esperance a Negro boy who is supposed to be the property of a French Gentleman” to the almshouse. The guardians’ minute book states that “it appears that this boy is sent here on acct of some ill natured & perhaps untimely information.” Enslaved people were admitted to the almshouse on their owner’s account during times when they were too ill to work. The presumably white “French Gentleman” had not, however, received the required recommendation, signatures of magistrates, or support from the board. Esperance was duly discharged without the care he required. Weeks earlier, another unnamed “French Negro man” had been admitted and was ill at the almshouse “paid by his Master” and later discharged under the name of “John” on 19 July 1793, a period of peaking flight of Saint-Dominguans to the US during the upheaval of the Haitian Revolution. Between the 1790s and the 1810s, Esperance and John were only two out of at least fifty-nine French Black refugees, likely people who had been enslaved, who found themselves incarcerated in Philadelphia’s almshouse or the thirty-five in Philadelphia’s Walnut Street Prison. In contrast, white French refugees remain unrepresented in the files accounting for the prison population during the 1790s, despite

*Quote of Joseph Gale in reference to “Irish Emigrants” and “French Negroes,” cited in John K. Alexander, *Render Them Submissive: Responses to Poverty in Philadelphia, 1760–1800* (Amherst: University of Massachusetts Press, 1980), 78–9.

the “distressed” circumstances in which they arrived and the large French presence in the city.¹

The 1790s are known as the time “when the United States spoke French.”² The influx of French was so large, Allan Potofsky estimates that approximately 1 per cent of the US white/free population consisted of French nationals fleeing the French metropole or colonies. Roughly five thousand of them settled in Philadelphia, the second most populous city in the US, meaning that one in six residents of Philadelphia were French.³ “French” therefore did not only designate arrivals from metropolitan France but also included those from the French Caribbean, especially the colony of Saint-Domingue. The French population boomed due to the tightly woven trade ties between the US and the French Caribbean since the American Revolution and as a result of revolutionary turmoil in Saint-Domingue.⁴ The French were only a subset of political exiles and refugees who sought asylum within and across imperial borders during these decades.

The Age of Revolutions was characterized by a large movement of people described as refugees, émigrés, and exiles. Enslaved people fled to escape slavery’s continuation and entrenchment while planters conversely fled slavery’s abolition. Some of the individuals set on the move remained enslaved, traveling alongside refugee planters under various degrees of coercion to locations where slavery remained legal. At least sixty thousand loyalists and enslaved people, spurred by the Earl of Dunmore’s proclamation, crossed over British lines during the American War of Independence (1775–1783); by the end of the war, white loyalists also brought fifteen thousand enslaved people with them to other parts of the British Empire.⁵ Many Black loyalists travelled to Nova Scotia, Jamaica, Sierra Leone, or England; some were later convicted of crimes in London and transported to Australia or Sierra Leone.⁶ A large proportion of white loyalists also remained in the United States after independence, and each state and community dealt individually with their punishment, atonement, and reintegration into American society; their continued presence on US soil and interstate mobility also contributed in shaping the development of American citizenship.⁷ Canadian refugees, too, who had supported American independence left for

¹ City of Philadelphia, Department of Records, City Archives (hereafter CPDRC), GP 67, Guardians of the Poor, Almshouse Daily Occurrences, June 1793–March 1794. Dates indicated in text are the entry dates cited. For their “distress,” see Ashli White, *Encountering Revolution: Haiti and the Making of the Early Republic* (Baltimore, Md.: Johns Hopkins University Press, 2010), 53–61.

² François Furstenberg, *When the United States Spoke French: Five Refugees Who Shaped a Nation* (New York: Penguin, 2014).

³ Based on the 1790 census: Allan Potofsky, “The ‘Non-Aligned Status’ of French Emigrés and Refugees in Philadelphia, 1793–1798,” *Transatlantica* 2 (2006), <http://journals.openedition.org/transatlantica/1147>. In 1790, the city’s population was estimated at 28,500, just under New York. By including Southwark and the Northern Liberties, Philadelphia had a population of 68,000 in 1800, just over New York. See Allen F. Davis and Mark H. Haller, eds., *The Peoples of Philadelphia: A History of Ethnic Groups and Lower-Class Life, 1790s–1940* (Philadelphia: University of Pennsylvania Press, 1973), 8. The poor also hid family members from census takers, fearing taxation based on family size. See John K. Alexander, “Poverty, Fear, and Continuity: An Analysis of the Poor in Late Eighteenth-Century Philadelphia,” in Davis and Haller, eds., *The Peoples of Philadelphia*, 13–36, 16.

⁴ Manuel Covo, *Entrepôt of Revolutions Saint-Domingue, Commercial Sovereignty, and the French-American Alliance* (Oxford: Oxford University Press, 2022), 188–212.

⁵ Estimates from Maya Jasenoff, “Revolutionary Exiles: The American Loyalist and French Émigré Diasporas,” in *The Age of Revolutions in Global Context*, ed. David Armitage and Sanjay Subrahmanyam, (Basingstoke, UK: Palgrave Macmillan, 2010), 37–58, 38. Jasenoff details her estimate of 60,000 in *Liberty’s Exiles: American Loyalists in the Revolutionary Atlantic World* (New York: Vintage Books, 2011), 351–7.

⁶ Jasenoff, *Liberty’s Exiles*; Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Freedom* (Boston: Beacon, 2006).

⁷ Rebecca Brannon, *From Revolution to Reunion: The Reintegration of the South Carolina Loyalists* (Columbia: University of South Carolina Press, 2016). On Loyalists and American citizenship, see Emily Yankowitz, “‘Negative Patriots’: How Former Loyalists’ Movement Between States Shaped the Development of American Citizenship,

the young United States in the 1780s and 1790s, and some were resettled along borderlands to the north and west, further displacing Native populations.⁸

The early US, therefore, already had experienced refugee movements by the time the politics, events, and violence of the French and Haitian Revolutions (1789–1799 and 1791–1804, respectively) uprooted men and women from across the French Empire.⁹ According to Darrell Meadows, between 1789 and 1793, approximately twenty-five thousand émigrés arrived from France, some via England, to the US, many returning to France by 1795.¹⁰ Following the outbreak of warfare on Saint-Domingue, an important French colony and centre of the French Empire's Atlantic trade in sugar and enslaved people, at least twenty thousand French whites, Blacks, and people of colour (*gens de couleur libres*) fled to American port cities such as Baltimore, Philadelphia, and New Orleans.¹¹ At least a third and fourth group of French arrived to the US, first at the end of the British occupation of Saint-Domingue in 1798 and again in 1809, as French planters, having first fled to Cuba, were forced on the move again by Spanish colonial authorities after the Napoleonic invasion of Spain. Many in the latter group left for New Orleans, joining other French men and women who had arrived to the city over the decades since the end of the Seven Years' War.¹² Refuge seeking often involved multiple stops and destinations, and some refugees spent time in locations such as the French metropole, Jamaica, or Cuba before traveling to the United States; many subsequently left the United States for Caribbean destinations, including returning to Saint-Domingue, or France. According to Jan C. Jansen – bringing together the scholarship on British loyalists, French émigrés and refugees, and Spanish American exiles, who later joined these refugee mobilities – the tumultuous revolutionary era (circa 1770s–1830s) set a quarter million people on the move.¹³

There is a growing interest in an Atlantic-wide perspective on how the movement of refugees contributed to altering legal frameworks for imperial, national, and colonial belonging and forms of mobility control. Constructions of race mattered – among other factors – in labelling certain populations *refugees*, though the term did not denote a legal status.¹⁴ As Jansen shows, alien acts were especially important for controlling the growing

1781–1790,” *Age of Revolutions* (20 February 2023), <https://ageofrevolutions.com/2023/02/20/negative-patriots-how-former-loyalists-movement-between-states-shaped-the-development-of-american-citizenship-1781-1790/>

⁸ Evan Taparata, “‘Refugees as You Call Them’: The Politics of Refugee Recognition in the Nineteenth-Century United States,” *Journal of American Ethnic History* 38:2 (2019), 9–35.

⁹ For French exiles from Europe, see Friedemann Pestel, *Kosmopoliten wider Willen: Die ‘monarchiens’ als Revolutionsmigranten* (Berlin: De Gruyter, 2015). For French exiles in the United States, see Furstenberg, *When the United States Spoke French*; Darrell Meadows, “The Planters of Saint-Domingue, 1750–1804: Migration and Exile in the French Revolutionary Atlantic” (PhD. diss., Carnegie Mellon University, 2004); Nathalie Dessens, *From Saint-Domingue to New Orleans: Migration and Influences* (Gainesville: University Press of Florida, 2007).

¹⁰ Darrell Meadows, “Engineering Exile: Social Networks and the French Atlantic Community, 1789–1809,” *French Historical Studies* 23:1 (2000), 67–102, 70.

¹¹ White, *Encountering Revolution*, 2. Other estimates range between 15,000 to 25,000: Margaret Wilson Gillikin, “Saint Dominguan Refugees in Charleston, South Carolina, 1791–1822: Assimilation and Accommodation in a Slave Society,” (PhD diss., University of South Carolina, 2014), 1; Catherine Therese Christians Spaeth, “Purgatory or Promised Land? French Emigres in Philadelphia and their Perceptions of American During the 1790s,” (PhD. diss., University of Minnesota, 1992), iii.

¹² For New Orleans as a destination, see Rashauna Johnson, *Slavery's Metropolis: Unfree Labor in New Orleans during the Age of Revolutions* (Cambridge: Cambridge University Press, 2016), especially chap. 1 and 5; Dessens, *From Saint-Domingue to New Orleans*.

¹³ Jan C. Jansen, “Flucht und Exil im Zeitalter der Revolutionen: Perspektiven einer atlantischen Flüchtlingsgeschichte (1770er–1820er Jahre),” *Geschichte und Gesellschaft* 44:4 (2018), 495–525, 495–6.

¹⁴ Kit Candlin, “The Expansion of the Idea of the Refugee in the Early-Nineteenth-Century Atlantic World,” *Slavery & Abolition* 30:4 (2009), 521–44.

presence of politicized and racialized foreigners in colonies and metropolises alike.¹⁵ The US, too, enacted a series of laws known as the Alien and Sedition Acts in 1798, which sought to shore up domestic security due to the presence of French and Irish foreign nationals on US soil in the event of a war with France.¹⁶ There is also an established body of literature on the arrival and reception of the French refugees in the Early Republic, including on Black and white Americans' responses to the French Black population.¹⁷ However, these refugee histories have not yet been connected to the literature on local mobility control in the US. Consequently, an important opportunity has been missed to engage with the significance of class and race in mobility rights of refugees.¹⁸

While literature on assistance and control of refugees in the US often focuses on national-level measures such as congressional assistance or the Alien and Sedition Acts of 1798, a growing body of scholarship emphasizes local mobility controls as historical precedents for the first federal migration laws of the 1870s. These historians show how forms of mobility control at the (inter)state and (trans)local level in the early nineteenth century operated and became formative for later federal practice and legislation. Samantha Seeley tracks the nineteenth-century contestations around the practice of "removal" and the right to remain, showing how race was galvanized in removals. Hidetaka Hirota shows how controlling the mobility of the poor and their migration to the US eastern seaboard in the nineteenth century formed the basis for later federal immigration policies in the post-Civil War era. Kristin O'Brassill-Kulfan tracks the mobility control of "vagrants" and "vagabonds" across towns and between states, or in the terms frequently found in the Philadelphia almshouse daily occurrence dockets, "nonresident strollers." Kevin Kenny shows how slavery and abolition were central to mobility control in later US immigration policy.¹⁹ Of these, Seeley considers refugees prior to and as a result of the American Revolution under her historical considerations on "removal," but does not deeply engage with the later intersections between removal, race, and refugees.²⁰ I outline these developments in the article's first section, connecting the history of French refugees with local forms of mobility control focused especially on Black and poor mobility.

In this article, I bring together interest in the refugee experience in Philadelphia during the Haitian Revolution with the growing research on forms of local mobility control of

¹⁵ Jan C. Jansen, "Aliens in a Revolutionary World: Refugees, Migration Control and Subjecthood in the British Atlantic, 1790s–1820s," *Past & Present* 255:1 (2022), 189–231.

¹⁶ Julia Rose Kraut, *Threat of Dissent: A History of Ideological Exclusion and Deportation in the United States* (Cambridge, Mass.: Harvard University Press, 2020), chap. 1.

¹⁷ Gary Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720–1840* (Cambridge, Mass.: Harvard University Press, 1988); Gary Nash, "Reverberation of Haiti in the American North: Black Saint Domingans in Philadelphia," *Pennsylvania History* 65 (1998), 44–73; Susan Branson and Leslie Patrick, "Étrangers dans un Pays Étrange: Saint-Domingue Refugees of Color in Philadelphia," in *The Impact of the Haitian Revolution in the Atlantic World*, ed. David P. Geggus (Charleston: University of South Carolina Press, 2001), 193–208; John Davies, "Saint-Dominguan Refugees of African Descent and the Forging of Ethnic Identity in Early National Philadelphia," *Pennsylvania Magazine of History and Biography* 134:2 (2010), 109–26.

¹⁸ Poverty's relationship with "class" is not straightforward, especially for refugees who suddenly lost wealth, which was also common in this period: "How easily one could fall from the pinnacle of prosperity to the depths of the debtor's prison." Alexander, "Poverty, Fear, and Continuity," 15.

¹⁹ Samantha Seeley, *Race, Removal, and the Right to Remain: Migration and the Making of the United States* (Chapel Hill: University of North Carolina Press, 2021); Hidetaka Hirota, *Expelling the Poor: Atlantic Seaboard States and the Nineteenth-Century Origins of American Immigration Policy* (Oxford: Oxford University Press, 2017); Kristin O'Brassill-Kulfan, *Vagrants and Vagabonds: Poverty and Mobility in the Early American Republic* (New York: New York University Press, 2019); Kevin Kenny, *The Problem of Immigration in a Slaveholding Republic: Policing Mobility in the Nineteenth-Century United States* (Oxford: Oxford University Press, 2023).

²⁰ Seeley, *Race, Removal, and the Right to Remain*, 44–52.

the mobile poor in the Early Republic. I ask how refugees to Philadelphia in the 1790s navigated these structures, and I look to the 1810s to see how those who remained fared. The French refugees, a “distressed class of people,” were merely “added to the lists of unfortunates” who found themselves in the city but could be subjected to an increasing number of local mobility restrictions based on criminality, race, and class.²¹ Concentrating on French refugees, I reference almshouse, prison, and court records between approximately 1790 and 1810 to illustrate the experiences of French refugees who faced these controls based on poverty and race, coupled often with the effects of illness, disability, or gender.²² While these individuals did not write these records themselves, making it difficult to reconstruct their “experience,” the written records appear to rely heavily on their own oral testimony. Racialization and impoverishment rendered the French Black community especially vulnerable to local forms of mobility control focused on criminals and the mobile poor. As for white refugees, presumably their designation as refugees and the charity and assistance they received impacted the conditions of their arrival, though a fair number are seen in the almshouse. I argue for a rescaling of attention from the federal Alien Acts that presumably shortened French presence in the US to the local laws, ordinances, and practices that curtailed (poor and Black) French mobility and the right to remain in the Early Republic.

Refugees and Mobility Control in the Early Republic

The term *refugee* was not used systematically or in a legal sense in the Early Republic or the wider Atlantic world, facing historians with a choice: whether to stick with source language and only analyse populations deemed refugees at specific times and in certain places, to use current understandings of the term *refugee* to identify populations, and/or to critique the limitations of the concept. In short, writing about refugees is not a neutral undertaking.²³ Moreover, terms like *refugee* and *migrant* are today entangled with crossing international borders and the nation-state, which hardly characterizes the United States in the first decades after independence.²⁴ While *migrant* was not a term in use in the Early Republic, *refugee* was used to distinguish certain populations on the move due to religious persecution, as a result of war, and for political reasons. In this article, I use the term to refer to all arrivals from the French Caribbean, including Black figures, who were often not called refugees; this analytical choice provides a sort of catch-all of emic and etic perspectives and helps to critically position the binary between refugees and vagrants or paupers.²⁵ In most cases, I am not able with certainty to ascertain the nature of an individual’s arrival to Philadelphia nor on which island he or she had previously resided. Sometimes the only biographical information remained “French negroe” or occasionally “French Black.” For white people, too, the “origin” or place of birth is mentioned in the files alongside approximate

²¹ For “distressed,” see the quote in Alexander, *Render Them Submissive*, 78–9. For “unfortunates,” see Spaeth, “Purgatory or Promised Land?” 71.

²² The sentencing docket begins in 1794, which I reference through 1810. For the almshouse, I began the work prior in the 1780s and reference through 1808, as the research is still ongoing. In this article, I use court records to expand on the sentencing docket.

²³ On dealing with presentism, see Susanne Lachenicht, “Learning from Past Displacements? The History of Migrations between Historical Specificity, Presentism and Fractured Continuities,” *Humanities* 9:2 (2020), <https://doi.org/10.3390/h7020036>.

²⁴ The United Nations High Commissioner for Refugees definition makes a clear distinction between a refugee – someone who crosses an international border under threat of persecution – and someone who is internally displaced. These distinctions remain the cornerstone for today’s global refugee regime. For the term *migrant* and its entanglement with the nation-state, see Stephan Scheel and Martina Tazzioli, “Who Is a Migrant? Abandoning the Nation-State Point of View in the Study of Migration,” *Migration Politics* 1:2 (2022), 1–23.

²⁵ Another contested binary remains between migrants and refugees: Rebecca Hamlin, *Crossing: How We Label and React to People on the Move* (Stanford, Calif.: Stanford University Press, 2021).

length of residence in the city, not usually under which conditions people arrived. In this section, I aim to connect the history of French refugees, white and Black, to the literature on mobility controls in the Early Republic.

The United States lacked federal immigration law until the late nineteenth century. But the young United States was interested in controlling commercial and human mobility far beyond its shores as indicated by the various post-independence treaties with neighbouring Britain and Spain. Other federal attempts to control mobility involved domestic legislation, including the Northwest Ordinance (1787), the Fugitive Slave Act (1793), and the Alien and Sedition Acts (1798), and the management of customs houses.²⁶ In anticipation of war with France, the Alien and Sedition Acts sought to curtail the political threat posed by the presence of foreigners in the United States, in particular the French refugees from France and the Caribbean, though many metropolitan émigrés and refugee planters had already left for France by the time it passed.²⁷ The series of laws went so far as to give the US president the authority to imprison and deport dangerous aliens. The United States was not alone in passing alien laws during the Age of Revolutions. Other states and colonial governments passed regulations to control the presence of foreigners in their territories in response to the movements of refugees.²⁸ These laws represent, as Anna O. Law identifies, an *immigrant policy* regulating those already inside the United States, more than an immigration policy controlling boundary crossing.²⁹ These federal acts fit into a wider spectrum of local restrictions on mobility not directed exclusively at foreigners identified by nationality.

Boundary regulation took place in jurisdictions of towns, states, and territories within the United States and was directed towards a variety of vulnerable population groups, not specifically refugees or aliens. The largest categories of law that sought to hinder the ability to enter or remain in various towns or states dealt with convicts, the poor, the disabled (including due to age and gender, which limited the ability to work, or illness, including mental illness), free Black people, or escaped enslaved people. Some laws included restrictions for reasons of public health and other regulations on ideological grounds.³⁰ Many of these state and municipal poor laws policing the mobile poor were carried over from the colonial period, but laws restricting the entry or directing the removal of individuals based on race expanded in Northern and Southern states alike post-Independence.³¹ French refugees in the US had to navigate these prevailing and mounting local laws.

Some of these laws were directly inspired by the movements of French refugees. As gradual manumission and abolition came into effect starting in the 1780s, states across the US enacted laws that restricted the ability of free Black people to settle in the state as well as their right to remain. Acts long into the nineteenth century prohibited or restricted the mobility of free Black or enslaved people, sometimes imposing penalties on any person bringing in free Black individuals.³² These prohibitions in the 1790s and early 1800s were often directly shaped by the spectre of the Haitian Revolution and the “dangerous”

²⁶ Gautham Rao, *National Duties: Custom Houses and the Making of the American State* (Chicago: University of Chicago Press, 2016).

²⁷ James Roger Sharp, *American Politics in the Early Republic* (New Haven, Conn.: Yale University Press, 1993), 163–85.

²⁸ Jansen, “Aliens in a Revolutionary World.”

²⁹ Anna O. Law, “Lunatics, Idiots, Paupers, and Negro Seamen – Immigration Federalism and the Early American State,” *Studies in American Political Development* 28 (2014), 107–28, 108. *Immigrant* and *immigration* are not terms in use in this period, but I find the distinction nevertheless productive.

³⁰ Gerald L. Neuman, “The Lost Century of American Immigration Law (1776–1875),” *Columbia Law Review* 93:8 (1993), 1833–901; Law, “Lunatics, Idiots, Paupers, and Negro Seamen.”

³¹ Hirota, *Expelling the Poor*; Seeley, *Race, Removal, and the Right to Remain*.

³² Neuman, “The Lost Century,” 1868. For a treatment that draws together African American and Native experiences, see Seeley, *Race, Removal, and the Right to Remain*, 209–316.

messages of Black freedom that French free people of colour or enslaved people could bring to African American communities.³³ Literature on the arrivals of French Black people from the Caribbean to US soil highlight white American's fear of the revolutionary contagion of slave rebellion and the Haitian Revolution.³⁴ As a result, states began prohibiting their arrival. Georgia prohibited the entry of free Black people in 1793 and banned the importation of slaves in 1798. South Carolina enacted prohibitions as well between 1792 through 1803, though this amendment includes continuing and expanding prohibitions:

From and after the passing of this Act, no negro, mulatto, mestizo, or other person of colour, whether bond or free, shall be imported or brought into this State, or enter the same, from the Bahama or West India Islands, or from the continent of South America; nor shall any negro or person of colour, who heretofore hath been, or now is, or hereafter shall be, resident in any of the French West India islands, enter or be brought into this State, from any part of place without the limits thereof.³⁵

Thus the prohibition of the entry of people of colour from the French Caribbean became firmly established.

States like Virginia had a series of non-importation laws that also preceded the Haitian Revolution; white French planters sought to circumvent them. Frances Bell discusses the case of the emancipation of Saint-Dominguan Alexander Burot's enslaved servants. She writes that she cannot determine under which law his slaves had, to his surprise, been freed, at least partially due to overlapping regulations and inconsistencies in the case.³⁶ French enslavers and refugees like Burot were largely unsuccessful in their attempts to seek "relief" on state prohibitions on bringing their enslaved servants with them from Saint-Domingue and on keeping them enslaved. Pennsylvania's 1780 law on gradual abolition required the freedom of enslaved persons who crossed into and remained six months in Pennsylvania; a petition for refugee exceptions to this law entered the Pennsylvania legislature in 1793, to no avail.³⁷ The hurdles at first glance were increased for Saint-Dominguan enslavers attempting to arrive in the US after the 1807 US law against the international trade of enslaved persons. However, the federal government did eventually recognize and provide an exception based on the specific context of these enslavers' forced mobility. In 1809, Saint-Dominguan planters who had been exiled in Cuba were set on the move again. They successfully sought an exemption to the ban on bringing their "domestics" with them. While some ships were initially seized, white refugees obtained a "remission of penalties" for having violated the law.³⁸ In one case, three vessels of French refugees arrived in New Orleans and Charleston with thirty-one enslaved people. The vessels were seized and later

³³ W. E. B. Du Bois, *The Suppression of the African Slave Trade to the United States of America, 1638-1870* (New York, 1896), 74-96.

³⁴ White, *Encountering Revolution*; James Alexander Dun, *Dangerous Neighbors: Making the Haitian Revolution in Early America* (Philadelphia: University of Pennsylvania Press, 2016); Sara E. Johnson, *The Fear of French Negroes: Transcolonial Collaboration in the Revolutionary Americas* (Berkeley: University of California Press, 2012).

³⁵ "An Act to alter and amend the several acts respecting the importation or bringing into this state, from beyond seas, or elsewhere, negroes and other persons of colour; and for other purposes therein mentioned," 1803, No. 1814, Section II, in David J. McCord, ed., *The Statutes at Large of South Carolina*, vol. 7 (Columbia, South Carolina, 1840), 450.

³⁶ Frances Bell, "'Thrown into this Hospitable Land': Saint-Dominguans in Virginia, 1796-1870," *Age of Revolutions* (26 January 2021). <https://ageofrevolutions.com/2021/01/26/thrown-into-this-hospitable-land-saint-dominguans-in-virginia-1796-1870/>.

³⁷ Branson and Patrick, "Étrangers dans un Pays Étrange," 194.

³⁸ Andrew J. Walker, et al., "Impunity for Acts of Peremptory Enslavement: James Madison, the U.S. Congress, and the Saint Domingue Refugees," *William and Mary Quarterly* 79:3 (2022), 425-52.

released.³⁹ The congressional debate emphasized the forced nature of these “French families”’ journeys from Cuba.⁴⁰ Exceptions to restrictions became a later feature of American refugee policy in the twentieth century, but white planters sought with limited success to invoke exceptions in the early American republic.⁴¹

Restrictions related to poverty were perhaps less obvious in their effect on the French community, though charity was key to stabilizing the refugees’ place in American society in the 1790s. Ashli White notes that American contemporaries described the refugees’ situation as “distressed,” “unfortunate,” and “miserable.”⁴² These terms did not attach any specific monetary value to the poverty or financial need of the white French refugees arriving on US soil. With regard to Irish migration, Kerby Miller explains that “destitution” was not a clear economic threshold or measurement but a perception: how Americans perceived arrivals after long and arduous journeys at sea when passengers looked and felt their worst or were made sick by ship conditions, though those who arrived on American shores may not have been the poorest of the poor, as they had the financial means to arrange the journey.⁴³ The French, in letters requesting loans from the wealthy French-Philadelphian merchant Stephan Girard, describe how they arrived “almost naked” or only with the clothes they happened to be wearing. They refer to the family members and enslaved persons they left behind as they fled to American and French ships bound for the US, many of which were only outfitted for carrying cargo. Gary Nash shows that during and after 20–22 June 1793, the destruction of Le Cap, white French fled with far fewer enslaved people than prior to that date, indicating the spontaneity of their journeys and difficulty in remaining in control of the humans they claimed as property during the uprising.⁴⁴

The white French refugees did win charity and assistance from Congress as well as local states, communities, and benevolent societies in US port cities, not to mention the financial assistance they received from the French metropole. White claims that “dramatic sudden poverty registered more powerfully with American audiences than did the plight of the chronically indigent.”⁴⁵ Congress supplemented state and private charitable efforts for relief by allocating \$15,000, which was to be deducted from US debt to France for its assistance in the War of Independence.⁴⁶ In 1794, Philadelphians raised \$14,000 for the cause, half of which was used to send refugees to France or return to Saint-Domingue.⁴⁷ Congressional and state generosity focused on the white refugee population,

³⁹ Taparata discusses this case in reference to the congressional record in “No Asylum for Mankind: The Creation of Refugee Law and Policy in the United States, 1777–1951,” (PhD diss., University of Minnesota, 2018), 67–70, but leaves the question open what happened with several seized vessels and the enslaved people. The record states that the vessels were released. US National Archives, Record Group 11, Series Enrolled Acts and Resolutions of Congress, 1789–2003; File Unit: Private Law: 11th Congress, 2nd Session: “An Act for the Relief of Harry Caldwell and Amasa Jackson, Jeremiah Reynolds and Levin Jones, February 5, 1810, 1789–2013.”

⁴⁰ *Annals of the Congress of the United States*, First Congress [to Eighteenth Congress – first session] (8 December 1809), House of Representatives, 705; *Annals of the Congress of the United States*, First Congress [to Eighteenth Congress – first session] (15 December 1809), House of Representatives, 738.

⁴¹ Yael Schacher, “Return of the Repressed: Asylum in the 1920s and Today,” *Journal of American History* 109:2 (2022), 371–87.

⁴² White, *Encountering Revolution*, 59.

⁴³ Kerby A. Miller, *Emigrants and Exiles: Ireland and the Irish Exodus to North America* (Oxford: Oxford University Press, 1985), 200.

⁴⁴ Gary B. Nash, “Reverberations of Haiti in the American North: Black Saint Domingans in Philadelphia,” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 65 (1998), 44–73, 48–9.

⁴⁵ White, *Encountering Revolution*, 59.

⁴⁶ Library of Congress, Acts of Congress, Congress 3 (1794–1795), Chapter 2, “An Act providing relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support,” 12 February 1794, <https://www.loc.gov/collections/united-states-statutes-at-large/articles-and-essays/acts-of-congress/>.

⁴⁷ Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991), 86, 89.

even though, according to Nash, between 1791 and 1794, approximately eight hundred Black Saint-Dominguans arrived in Philadelphia and approximately one-third of all arrivals from Saint-Domingue to the United States was Black.⁴⁸ Where did they turn?

Official structures to assist the poor were based on relief for the “settled” poor, not the mobile poor, vagrants, or, as this article shows, impoverished refugees. Under poor laws, vagrants were subjected to imprisonment and removals, which began in the American context to take on transatlantic, transnational dimensions in the nineteenth century, as ethnic benevolent societies sponsored returns to Europe.⁴⁹ But the roots are visible in the 1790s. Due to the unpredictability and inconsistency of assistance, especially after 1793, White notes that Saint-Dominguans turned to institutions such as almshouses, orphanages, and workhouses for relief. In New York, she finds that between 1796 and 1805, the almshouse set aside certain funds in their budget for the care of “indigent refugee families.”⁵⁰ Vagrancy laws, restrictions on pauper relief, and practices of removal to sites of state-recognized legal residences were formats aimed to assist but also limit the mobility of the poor, which intersected with control over manumissions and fugitive slaves. That is to say, the intersections between questions of poverty with race and legal status made people of African descent particularly vulnerable to the poor laws that governed mobility.⁵¹ Black Saint-Dominguans, as both people on the move and often recently emancipated, were more susceptible to these forms of mobility control than their white contemporaries.

In the following, I reconstruct the traces of French Saint-Dominguans, mostly Black or people of colour, in Philadelphia’s almshouse and prison records. These institutions were key sites where rights to assistance and rights to remain were exercised. The mobility, settlement, and removal of French refugees in the US were shaped by this wider tapestry of often more tangible barriers to entry than nationality and political affiliation – due to race, class, health, age, and disability, etc. – and the right to remain in American cities and states.

Asylum at the Almshouse

Since 1766, Philadelphia’s almshouse assisted and incarcerated Philadelphia’s poor. As Simon Newman writes, “The poor of early national Philadelphia found themselves enmeshed in a series of structural and institutional contexts that marked, contained, and disciplined their bodies.”⁵² This institution was originally reserved for the poor with legal residency in Philadelphia, not the mobile poor. Pauper removal became less common in the US after 1800, apart from Massachusetts, in which it entered state statutes and became tied to American citizenship, meaning that the foreign poor became especially susceptible to banishment.⁵³ In Philadelphia, the almshouse faced pressure during the American Revolution and the upheaval that followed to care for people set on the move by the violence of the war. The managers of Philadelphia’s almshouse reflected in the late 1780s about the revolutionary period: “Tho Numbers of them were Non-Residents, yet from the

⁴⁸ Nash, “Reverberations of Haiti,” 47. Nash notes nine hundred arrivals for the entire 1790s, 45.

⁴⁹ For the nineteenth century and transatlantic poor removal, see Hirota, *Expelling the Poor*. For ethnic benevolent societies, see Aaron Sullivan, “‘That Charity Which Begins at Home’: Ethnic Societies and Benevolence in Eighteenth Century Philadelphia,” *Pennsylvania Magazine of History and Biography* 134:4 (2010), 305–37. In other imperial contexts, vagrants or vagabonds were removed, transported, or deported to overseas colonies or settlements. See, for example, Miranda Frances Spieler, *Empire and Underworld: Captivity in French Guiana* (Cambridge, Mass.: Harvard University Press, 2012), 23–31.

⁵⁰ White, *Encountering Revolution*, 77–8.

⁵¹ O’Brassill-Kulfan, *Vagrants and Vagabonds*, 84–111.

⁵² Simon P. Newman, *Embodied History: The Lives of the Poor in Early Philadelphia* (Philadelphia: University of Pennsylvania Press, 2003), 10.

⁵³ Hirota, *Expelling the Poor*, 44–5.

circumstance of their Distress they became Burthens morally impossible to avoid.”⁵⁴ Despite attempts to return to a stable structure of caring for the city’s legal residents in the late 1780s and early 1790s, the 1790s proved to be a turning point. By the 1790s, Philadelphia – the temporary US capital and capital of Pennsylvania – had the largest free Black community in the United States. Pennsylvania’s 1780 law for gradual manumission made the city a magnet for what Nash has termed Black migrants from Southern states, as free Black people left an oppressive South and enslaved people sought refuge.⁵⁵

Philadelphia was therefore situated within the complex landscape of boundaries between freedom and slavery in the Early Republic, a boundary that was both between Northern and Southern states but also an international boundary between freedom and enslavement for arrivals from the Caribbean.⁵⁶ By the mid- to late 1790s, fewer foreigners, regardless of race, were turned away from the almshouse while paupers and vagrants from other parts of Pennsylvania or neighbouring states might indeed still have triggered a bill to be sent to the almshouse at their place of legal residence to recuperate costs, or they may have been removed to those sites. In the language of the almshouse, all people from beyond Philadelphia were non-residents, though distinctions increased throughout the 1790s between those “customers” from inside and outside the United States. Esperance, mentioned at the start of this article, was turned away in 1793, but more French Black people did receive care in the almshouse in the second half of the 1790s, though their low numbers there suggest that the institution was still intended for legal residents. By the 1800s, the French presence increased in this institution, as more of the 1790s arrivals – Black and white – were by then deemed “legal residents” of Philadelphia and were entitled to assistance.⁵⁷ Removal (versus denying assistance) appears low or was not recorded, despite the existence by the early 1800s of an agent working to remove non-resident paupers, Isaac Hopper. Only one Frenchman, Florant Cassimer Butel, was “taken out” by Isaac Hopper in December 1802, but the entry lacks information on where he was sent and by which means.⁵⁸ In contrast, the other removals in this period note ships, destinations, or foreign consuls.

It is difficult to get a clear picture of how many French refugees, white or Black, were admitted to the almshouse. There were several “French” listed in the almshouse since the late 1780s but unconnected to the French Caribbean, according to the managers’ notes. They were often sailors or older French persons who had fought in and remained after the War of Independence. The race of almshouse residents is also difficult to determine, as the almshouse records did not include race as a category in the 1790s. Race “only appeared as an occasional adjective to describe certain inmates.”⁵⁹ According to Newman, only twenty-seven males and twenty-six females were recorded explicitly as Black in the 1780s and 1790s, although this is most certainly not representative of the entire Black population of the almshouse. Recording inmates’ biographical information was not systematic, making French Black individuals difficult to identify. When they are rendered visible in these

⁵⁴ CPDRCA, GP 7, Guardians of the Poor, Managers of the Almshouse Minutes, May 1788 to March 1796, 80.

⁵⁵ Nash, *Forging Freedom*.

⁵⁶ Andrew Diemer, *The Politics of Black Citizenship: Free African Americans in the Mid-Atlantic Borderland, 1817–1826* (Athens: University of Georgia Press, 2016); Richard S. Newman, “‘Lucky to Be Born in Pennsylvania’: Free Soil, Fugitive Slaves and the Making of Pennsylvania’s Anti-Slavery Borderland,” *Slavery & Abolition* 32:3 (2011), 413–30; Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill: University of North Carolina Press, 2010); James Alexander Dunn, “Philadelphia not Philanthropolis: The Limits of Pennsylvania Anti-Slavery in the Era of the Haitian Revolution,” *Pennsylvania Magazine of History and Biography* 135:1 (2011): 73–102.

⁵⁷ By my count, there are at least forty French Black people between 1800 and 1808 and thirty-four white French or French not identified by race, based on the minute books cited in the following pages, ending with CPDRCA, GP 87, Guardians of the Poor Book of Daily Occurrences November 1807 to June 1808.

⁵⁸ CPDRCA, GP 71, Guardians of the Poor Book of Daily Occurrences December 1802 to February 1804, 29 December 1802.

⁵⁹ Newman, *Embodied History*, 24.

records, it could be as part of a longer explanation but not a category, for example, “Admit Lewis A black Man, who can speak no English, but French.”⁶⁰ Presumably, most of the “French” who were inmates there did speak enough English, since for only a handful of cases the record states when the individual could not speak English, but French did not seem to hinder record keeping either, unlike other languages. From this entry, it is not possible to state where Lewis was from, how or when he arrived in Philadelphia, or under what circumstances. As illustrated here, inmates’ names were often anglicized, making identification challenging. Generally, almshouse managers sought to record the origins and legal residency of people admitted or denied entry. According to other scholars, twenty-one Black Saint-Dominguans, six females and fifteen males, were residents of the almshouse for various amounts of time between 1793 and 1804.⁶¹ My own survey between 1791 and 1800 shows nineteen people described openly as French Blacks or Black people who had connections to the French Caribbean, with an additional forty French Black people between 1800 and 1808. Taking Newman’s reference for the total Black population of the almshouse, a large proportion of inmates described clearly as Black in the 1790s were also French.⁶²

“Distressed” was also used in about 10 per cent of cases/admittances to the almshouse during this period, though destitution seems more descriptive of the misery that led people there.⁶³ People suffered physical ailments compounded by their status in a foreign country. For example, John Louis, “a French lad,” suffered a “white swelling in or on his knee being destitute of money Friend or support is of necessity sent in.”⁶⁴ Others were injured, sick, or frostbitten, taken in in sweeps of Philadelphia’s streets, while others sought assistance, such as “Noell a French Blackman from St. Domingo found sick, and lying at the Gate.”⁶⁵ Some women arrived pregnant to the almshouse, having been “turned out of Doors by her Master.” Both Pelisha and Mary Francis arrived pregnant in the winter of 1798–9, and Pelisha is recorded to have given birth to a stillborn child on 27 February 1799 after spending two months in the almshouse.⁶⁶ She was discharged shortly thereafter, presumably to return to her master after having suffered this personal loss.⁶⁷ Susan Branson and Leslie Patrick note that her master was Monsieur L’Comb, and the overseers of the poor intended to charge him for her support.⁶⁸ In 1802, she possibly appears in the record again, as “Kitty or Pelisha a french Negress, Pregnant, sais her Master is dead & that she is free,” noting that she appeared in December 1798 in “the same situation as now.” She escaped the almshouse just a few days later.⁶⁹ The minute books occasionally carry stories that go beyond the intakes, elopements, “cures,” and deaths that occurred on a regular basis. One such entry details the violence that French Black people faced in Philadelphia. James Butler,

⁶⁰ CPDRCA, GP 66, Guardians of the Poor Daily Book of Daily Occurrences September 1795 to October 1797, 28 December 1796, 119.

⁶¹ Branson and Patrick, “Étrangers dans un Pays Étrange,” 197; Davies, “Saint-Dominguan Refugees of African Descent,” 111.

⁶² A variety of terms were used to describe people of African descent in the almshouse, including “negroe,” “black,” “mulattoe,” “African” and (rarely) “coloured.” I use “Black” throughout this essay as in many cases the term is not limited to the African American community. Instead, I am interested in the intersections of several populations of people racialized as Black from Africa, the Caribbean, and the US.

⁶³ Newman, *Embodied History*, 25.

⁶⁴ CPDRCA, GP 66, Guardians of the Poor Daily Book of Daily Occurrences September 1795 to October 1797, 31 July 1797, 185.

⁶⁵ CPDRCA, GP 68, Guardians of the Poor Daily Book of Daily Occurrences 1797 to 1799, March 1799, 29.

⁶⁶ *Ibid.*, 21 December 1798, 5 January 1799, and 27 February 1799.

⁶⁷ I use “master” according to the record rather than “enslaver,” which very well could be more appropriate. But it is unclear if Pelisha was enslaved or indentured, and “master” was used in both contexts.

⁶⁸ Branson and Patrick, “Étrangers dans un Pays Étrange,” 198.

⁶⁹ CPDRCA, GP 70, Guardians of the Poor Book of Daily Occurrences September 1801 to December 1802, Saturday, 27 March 1802 and Wednesday, 31 March 1802.

who had been in the almshouse for venereal disease “now cured,” “has behaved very badly, by beating and robbing a poor black (French) man, belonging to this place, last eveng at a vile tipling house.” The author of the entry continues that this place was “a common rendezvouse of very dangerous desperate fellows, and particularly a place of frequent & Genl resort of all the worthless fellows & husseys.”⁷⁰ The depths of despair that some impoverished French Blacks faced in the city of brotherly love is laid bare in these volumes, illustrated only in short remarks regarding their injuries, tragedies, and near nudity.

A wide spectrum of manumitted or escaped enslaved people ended up in the almshouse from beyond Pennsylvania, including the Caribbean, such as “Patience,” who was “one of a large numr of manumitted blacks (old & young) who arrived at or in this Port, last summer from Jamaica.”⁷¹ Others arrived, including from Saint-Domingue, but not necessarily together with French refugee planters. A Black man named James Miller was “brought or smuggled” to Philadelphia’s port from Port au Prince, where he had been ill for a month, and hid from Philadelphia’s health inspectors. He died of an infection (“West India Disorder dyssentry & fever”) just six days after arriving to the almshouse on 27 May 1796.⁷² Some figures by the second half of the 1790s, such as Pelisha mentioned above, were described as having masters, having presumably been indentured. Others, such as Esperance, who probably was sent to the almshouse only shortly after his arrival in Philadelphia in 1793, were still noted as “property.” Though it is possible that some French Blacks who could have arrived after 1794 had been emancipated while on French soil or after spending time on Pennsylvania soil, various systems such as indenture meant that structures of domination continued and were recorded in these files.⁷³ The minute books, however, seem to rely heavily on oral testimony and make no reference to documentation such as travel passes or freedom papers.

White French people were also incarcerated in the almshouse. At least thirteen people were described as French (without being described as Black) in this period. The geographical origins of many are not identified, and in some cases these figures may also have been Black. Those with a last name do suggest their free status, however, which fits most of these figures. Some came from the Caribbean, such as Lawrence (or Laurence) who was in Philadelphia for six weeks, having arrived from Havana, before he entered the almshouse. Peter Rahoul, who arrived just seven days after Lawrence, claimed to have been in Baltimore already for two years, arriving there in 1798 from “Cape-Francois.” He was discharged just a few days later, though he had come to the almshouse “almost naked.”⁷⁴ In another case, John Faggart arrived ill in the night to the almshouse, described as a “Non-Resident from Cape.”⁷⁵ In general, the volumes are more descriptive of the French Black refugees, noting their presence and needs in the minute book, while discussions beyond intakes on the white French refugees do not appear in these volumes.

By the 1800s, more French people, white and Black, appear in the minute book as “legal residents” or with the designation “LR.” Of those without a racial description, some individuals specifically arrived from Saint-Domingue, such as Mary Ann Griffith, “L.R. aged 35 years, born in Cape Francois, came to this city in 1793.”⁷⁶ Many of them arrived from the

⁷⁰ CPDRCA, GP 66, Guardians of the Poor Book of Daily Occurrences September 1795 to October 1797, Monday, 29 February 1796, 41.

⁷¹ Ibid., Wednesday, March 1796, 42.

⁷² Ibid., 21 May 1796, 63.

⁷³ Nash argues that most of the French Blacks – based on total manumissions and indentures in Philadelphia – would likely have been indentured: “Reverberations of Haiti,” 55.

⁷⁴ CPDRCA, GP 69, Guardians of the Poor Daily Occurrences January 1800 to September 1801, 20 February 1800, 27 February, 1800, 4 March 1800.

⁷⁵ CPDRCA, GP 68, Guardians of the Poor Daily Occurrences 1797 to 1799, 18 May 1799.

⁷⁶ CPDRCA, GP 73, Guardians of the Poor Book of Daily Occurrences 1805 to 1807, Sunday, 20 July, 1806.

metropole, some men had arrived with the French army and stayed on after the American War of Independence, and at least a third, small cohort of five people (three individuals and a couple, between 1800–1808) were described as “French neutrals.” These are the Acadians who faced British deportation campaigns beginning in 1755 to remove them from the north-east of British North America, some of whom left for the thirteen colonies. French Black people were also described readily as “legal residents” by this time. A typical example reads “Joseph le Drake LR a french negro born in cape françois landed in this city in 1793 has lived in it ever since.”⁷⁷ “Patterns of assimilation” cannot fully be gleaned from these records, due to the many gaps.⁷⁸ Yet, their frequent status by 1800 as legal residents suggests a certain belonging had been achieved, while at the same time, the community of poor French Blacks remained distinct enough from the broader African American community to receive comment in the record produced by the almshouse board.

Many cases in the almshouse minutes are unremarkable in that they detail the physical ailments, illnesses, old age, and disabilities that led almost all persons to require attention. Peter Francis or “Black Frank a negro” was discharged on 30 June 1796, at his own request, with a bad leg. On 12 October of that year presumably the same man, a “Peter Francoise a Negro with a very bad leg” was sent to the almshouse in a sweep of the city streets.⁷⁹ People appeared in and out of these institutions, and the French Black people do not appear as significant figures but rather as a part of the routine spectrum of indigence that shaped Philadelphia as the 1790s wore on. Other figures stand out. One such entry reads “Admitd Charles Williams a Mulattoe Boy about 15 or 16 years old, who says that his Parents live in Curacoa, that he sailed from there in an english vessell, was taken by the French & carried into Jeremie & escaped from there & worketh his passage here in the Brig Ramler Captn Johnson & has since the Frost been without Employment – sent in by Joseph Bispham.”⁸⁰ Was Charles William a refugee from slavery or warfare? His story defied these strict classifications. Most entries lack this level of detail, but they demonstrate the complex trajectories that shaped mobility and freedom in the Atlantic and the Caribbean and how they intersected with mobility control of the poor in and between American cities.

Other entries open the category of “French Negro” itself, showing individuals racialized as Black or described directly as “French Negroes” having been born in France, “Africa” or “Guinea,” Isle de France, and Louisiana, who had also served a French master or arrived from Saint-Domingue. For example, Flora is described only as “black” and “LR,” “born in Africa about 10 years in this City from Jeremie,” noting that she has been free for three years since her mistress “Madam Garon” “is now gone to France.”⁸¹ I included Flora among the French Black refugees above. One cannot rule out that other individuals noted simply as “African” may have also arrived via the French Caribbean, as the large percentage of African-born individuals in Saint-Domingue at the time of the Revolution is well known.⁸² Further complicated travel itineraries were sometimes noted, even though “origin” or place of birth was central to the records, despite having little bearing on whether individuals were legal residents. Some of the mobile poor, as singular or routine as their journeys may have been, did not end up in the almshouse but instead imprisoned for crimes of poverty.

⁷⁷ Ibid., Friday, February 28, 1806.

⁷⁸ Davies, “Saint-Dominguan Refugees of African Descent,” 110.

⁷⁹ CPDRCA, GP 66, Guardians of the Poor Book of Daily Occurrences September 1795 to October 1797, 30 June 1796 and 12 October 1796, 74 and 94.

⁸⁰ Ibid., January 1797, 128.

⁸¹ CPDRCA, GP 72, Guardians of the Poor Book of Daily Occurrences February 1804 to October 1805, 16 August 1805.

⁸² For example, people such as John Cobb, who was “born in Africa came to this city from new orleans 4 years ago,” who I have not included in my count as a French Black person. CPDRCA, GP 73, Guardians of the Poor Daily Occurrences December 1805 to 1807, December 24, 1805.

French Refugees in the Walnut Street Prison

In her history of carceral culture and the intersections of gender, race, and class, Jen Manion recounts the story of Mariane to demonstrate the young age of female convicts in the Early Republic.⁸³ Mariane, she writes, was a young woman of only twenty-three when convicted of larceny in 1795. She was sentenced to one year's imprisonment and required to pay a fine of \$200 before being pardoned on condition of leaving the state of Pennsylvania permanently. What Manion does not mention is that Mariane was listed in the convict register as having been born in "Cape Francoise." And why would she? Indeed, the fact that some convicts were originally from Saint-Domingue does not change the history of carceral culture in Philadelphia or the Early Republic. Although, Manion herself notes that the Haitian Revolution and the flight of French Black people to Philadelphia contributed to a fear of revolutionary contagion. This fear intersected with the perception among Philadelphia's white residents that crimes perpetrated by Black individuals were on the rise during the 1790s.⁸⁴ The Walnut Street Prison housed those awaiting trial in its function as a city jail as well as those convicted of crimes in its other function as a state prison. This prison was central in the lives of some French Black refugees in Philadelphia.

Who was Mariane? "French Negros" were occasionally identified as a distinct group among the prison population, though Mariane was not among them. She was not identified as a person of colour, but her description states that she was "born at Aux Cay in Cape Francoise." Her lack of surname suggests both her race as well as her possible enslavement but confirms her poverty. Mariane had received stolen goods valued at \$200 that had been the property of Elizabeth La Garde. According to the court records, La Garde had been extremely unlucky in September 1795 – Mariane was one of three people tried for larceny, including "Negro Peter," identified differently in the court records than in the sentencing docket. "Pierre a negroe" was convicted of stealing goods valued at \$304 from Madame La Garde. A "Negress Delphine" was charged with the same crime as Pierre for stealing the same value of goods, though she was not convicted and does not appear in the sentencing docket.⁸⁵ Mariane was charged with the crime alongside two French Black people and was therefore possibly a French Black woman herself, perhaps enslaved or formerly enslaved before or during her arrival to Philadelphia. Mariane together with Pierre and Delphine were just a few of the French Black people who found themselves incarcerated, at least temporarily in the Walnut Street Prison as recorded in the sentencing dockets and court records.

But finding French people, let alone French Black people, in the prison records is not so straightforward. In her early assessments of names and race, Manion writes that managers and clerks accounted for race overtly in approximately 50 per cent of cases in this period. Indeed, the sentencing docket does not record race as an entry category, but individuals were sometimes described as "Negroe," "black," or "African," along with the recording of their names or sometimes in lieu of their age, as if being "African" was an explanation for why their age was not logged. The prison sentence docket was recorded by a clerk upon release of the convict. Oftentimes, race was evident in the description, which recorded height, hair colour, distinguishing features, and birth places, as claimed by the convicts, though unevenly developed on a case-by-case basis. Manion further writes that last names were not noted for people who were enslaved, or that the designation as a "Negro" often stood in place of a last name, similar to "Negro Peter" or "Pierre a Negro" mentioned above.

⁸³ Jen Manion, *Liberty's Prisoners: Carceral Culture in Early America* (Philadelphia: University of Pennsylvania Press, 2015), 135. CPDRCA, MC 5, Mayor's Court Docket 1792–1796, 16 June 1795, 356; CPDRCA, P 60, Prison Sentencing Docket 1794–1804, 16 June 1795.

⁸⁴ Manion, *Liberty's Prisoners*, 125.

⁸⁵ CPDRCA, MC 5, Mayor's Court Docket 1792–1796, September Sessions 1795, 393.

Furthermore, names were often anglicized, as in Pierre's case, so that it becomes difficult to tell whether any inmates, white or Black, had French names.

Nash shows that the overall Black population in the city's almshouse and jail was merely representative of their proportion of the Black population, but a focus on the French population shows a disparity. Nash seeks to disprove white public perceptions in Philadelphia at that time that crime perpetrated by Black people was on the rise by the end of the 1790s.⁸⁶ Due to gradual emancipation, free Black people as well as those who fled from enslavement occupied white Philadelphians' concerns about the rapidly increasing Black population in the city (which had doubled between the early 1770s and 1800), especially when they ended up in the almshouse or convicted of crimes.⁸⁷ It should be noted that Pennsylvania's 1790 law instituting the Walnut Street Prison as a state penitentiary overturned discriminatory sentencing and penal practices reserved for people of African descent throughout the eighteenth century.⁸⁸ Yet, other observers at the time, including French émigrés also resident in Philadelphia, saw discriminatory treatment once convicted. In his own observations of the Walnut Street Prison, Frédéric de Liancourt, Duke of La Rochefoucauld wrote:

It is, perhaps, of still greater importance to banish from the prisons, those humiliating distinctions, those forms of subaltern degradation, in which the blacks are, in several instances held, with respect to the whites, though condemned for the same crimes, and by the same tribunals. Is this an homage which the inspectors pay to opinion, in a country where slavery is not yet abolished? It is not easy to conceive this to be the case, when it is known that almost all the inspectors belong to a society which pleads for the freedom of the blacks. It is still less conceivable, after observing in the management of the prisons, so many proofs of their humanity and justice. And yet, this practice is an evident offence against both.⁸⁹

Despite Nash's claim for proportional incarceration of the Black population in and outside the jail, looking for French in the sentencing dockets shows a disparity between the white and Black French populations during the 1790s.⁹⁰

The sentencing docket records show that between January 1794 (the first sentencing records still archived) and January 1804 (the end of the first volume), twenty-eight Black individuals from the French Caribbean were convicted of crimes, namely, larceny. Additionally, Makirk (also Mackirk) stole from an individual with a French name, Charles De Talmount and is described as a "negro"; he may therefore be an additional Frenchman. John Davies claims instead to have found "clearly identifiable" Black Saint-Domingans convicted of crimes, out of which he claims that thirteen were free people of colour, though to my reading the sentencing docket does not allow for that speculation.⁹¹ The records between 1790 and 1794 are missing from the archives, but Liancourt's study of the prison between June 1791 and June 1794 notes nineteen "negroes" who were also "foreigners," though his files do not indicate their origin. Based on later years they almost certainly would have been

⁸⁶ Nash, *Forging Freedom*, 180–1.

⁸⁷ G. S. Rowe, "Black Offenders, Criminal Courts, and Philadelphia Society in the Late Eighteenth-Century," *Journal of Social History* 22:4 (1989), 685–712, 696.

⁸⁸ Leslie Patrick-Stamp, "Numbers that Are Not New: African Americans in the Country's First Prison, 1790–1835," *Pennsylvania Magazine of History and Biography* 119:1–2 (1995), 95–128, 99.

⁸⁹ François-Alexandre Frédéric duc de La Rochefoucauld-Liancourt, *On the prisons of Philadelphia: by a European* (Philadelphia, 1796), 40.

⁹⁰ For an in-depth treatment of Black prisoners in the Walnut Street Prison until 1835, see Patrick-Stamp, "Numbers that Are Not New."

⁹¹ Davies, "Saint-Dominguan Refugees of African Descent," 112–3.

of African or French Caribbean origin.⁹² While in the case of the almshouse, both Black and white French persons are visible, the prison's French population, to the extent it can be reconstructed, is exclusively Black prior to 1804. Though Black French people made up only one-third of arrivals from Saint-Domingue, which does not even account for the large numbers of white Frenchmen from the metropole, the sentencing dockets do not show instances of any visible white French persons incarcerated over the same period. Between 1804 and 1810, there are, however, only seven clearly identifiable French Black people or people of colour from the Caribbean and Indian Ocean (Isle de France), but also an additional eleven born in France in Europe (including Corsica), ten of whom are described with the terms "dark" in reference to complexion, hair, and eye colour.⁹³ The 1790s therefore stand out as a particular moment for French Black refugees.

Nash, White, and Garvey F. Lundy describe the relative youth of the Black refugees taken to Philadelphia by white French refugees, the majority of whom were enslaved.⁹⁴ Of the approximately eight hundred who arrived, only thirty people were free. The age distribution remained between 9 and 29 for females, with a median age of 15.5, and males between age 9 and age 20, with a median age of 14.1.⁹⁵ In contrast, the sentencing dockets place the age range between 15 and 50 years of age, with at least five ages not identified and one convict simply listed as "very old." The average age in the sentencing docket for those listed numerically between 1794 and 1804 is 25.8 with a median age of 24.5. Of course, crimes committed several years after arrival already increased the age of the French refugees as they appear in the sentencing docket – but even those convicted of crimes committed in the mid-1790s do not appear to be the youths identified by other scholars. For example, the first figures from "Cape Francoise" registered in the docket include "Toutsaint very old; Joseph about 21; John Jacque 30 years." Apart from Joseph, these were hardly figures who could be described as youths.⁹⁶ Old age often correlated with disability and poverty, but in addition to the few older prisoners, those who were solidly in adulthood (such as John Jacque) do not fit the general profile of exceptionally young arrivals from Saint-Domingue. Perhaps the subsequent indenture of young, enslaved people kept them out of institutions such as the prison.

In the early pages of her book, White details the types of property that white refugees took with them to American port cities, including "textiles, silver, and slaves" along with other household items that may have had some value.⁹⁷ Watches or jewellery might be among such items, she writes. The vast majority of convicted French people of colour were sentenced for larceny, usually for stealing items of clothing, but sometimes also other goods related to subsistence, according to the court records. Sometimes they stole wares from merchants but also often household items like the ones that refugees might have taken with them when they fled. The aforementioned John Jacque(s), Joseph, and Toussant (Toutsaint), all Black men from "Cape Francoise," were convicted of larceny for stealing items such as muslin, "blue and white checked Handkerchiefs," and "sundry articles."⁹⁸ Louison's race remains unidentified in the convict register, but he was "Born in Point Petre – about 5 feet high speaks a little english." Point Petre likely refers to Pointe-à-Pitre, Martinique. In contrast, in the court records, he is clearly identified as "Mulatto Louison" and was convicted of stealing "eighty-seven china plates, two china dishes one chrystal fruit basket & two china

⁹² Liancourt, *On the prisons of Philadelphia*, 42.

⁹³ CPDRCA, P 61, Prison Sentencing Docket 1804–1810.

⁹⁴ For the most detailed breakdown, see Nash, "Reverberations of Haiti," 50–1.

⁹⁵ Gervy F. Lundy, "Early Saint Dominguan Migration to America and the Attraction of Philadelphia," *Journal of Haitian Studies*, 12:1 (2006), 76–94, 81.

⁹⁶ CPDRCA, P 61, Prison Sentencing Docket 1794–1804, 18 December 1794.

⁹⁷ White, *Encountering Revolution*, 26.

⁹⁸ CPDRCA, MC 5, Mayor's Court Docket 1792–1796, 17 December 1794, 297.

butter boats being altogether of the value of thirty two dollars.”⁹⁹ He seems to have stolen these items from a man by the name of Jacques Ambros de Glos or Jacques Ambrose Deglos, depending on the spellings of the specific registers. As in numerous other cases, including Mariane and Pierre, who stole from a Madame La Garde, the items were stolen from within the French community. Though white Saint-Dominguans may have been victims of theft, the court records also record instances of violence perpetrated against French Blacks. In one instance, a case was brought against an Antoine Celler for assault and battery of “Negro Noire, his servant.” The case was forfeited and therefore Antoine Celler was not recorded in the sentencing docket, nor was his place of origin.¹⁰⁰ This testimony expands the violence recorded in the almshouse minutes to which the French Black community was subjected.

In Philadelphia as in the broader US, people in prison for smaller crimes could be released with security, i.e., someone in good standing in the community who could vouch for their friend’s good character, which was difficult for anyone not local.¹⁰¹ Petitions from prisoners to the Philadelphia Society for Alleviating the Miseries of Public Prisons often referenced their need for someone to step in as security as they were “strangers.” Minutes of the newly established Prison Society addressed this problem in 1788: “A stranger ... present at the commission of a criminal action without friends to enter security for his appearance as evidence is committed to gaol for the benefit of the community, and suffers more than the actual criminals.”¹⁰² A number of petitioners to the society likewise identified themselves as “strangers,” “foreigners,” or “without friends” in the “land” or city of Philadelphia and therefore requested the intervention of the society to enter security on their behalf so they might be released from the Walnut Street Prison. These restrictions impacted people who were not considered “settled” in Philadelphia and people without connections to rely on. The society files do not document petitions from Saint-Dominguans from the 1790s, even though they too, were strangers in the city.¹⁰³

By the late 1790s, pardons on condition of leaving the state became rarer in the sentencing docket, reserved for serious crimes committed by foreigners, such as murder, although there were too few cases to detect a pattern to the sentence in earlier years. Penal reform has long been understood as part of a revolutionary approach to incarceration, which moved away from the death penalty, corporal punishment, and banishment, apart from the temporary “exile” that prisoners faced from society.¹⁰⁴ But in the early to mid-1790s when Pennsylvania’s penitentiary practices still resembled their colonial origins, some of the French Black people did face a sentence or rather a pardon, on condition of leaving the state of Pennsylvania.

Mariane had been sentenced to one year’s imprisonment, but after three months in the Walnut Street Prison, she was pardoned by the governor of the state of Pennsylvania “on condition of her leaving the state forthwith not to return.” Mariane is one of four French Black people, three of whom were from Saint-Domingue, who were pardoned on condition of leaving the state of Pennsylvania. It is possible that two others were also banished, but the record appears to show under an entry for “Toutsaint, Joseph, and John Jacques” that only Toutsaint was pardoned on condition of leaving the state and restoring the stolen

⁹⁹ Ibid., September 1795, 391–2. In the court files, she is named Marianne.

¹⁰⁰ Ibid., September 1794, 257.

¹⁰¹ For the bail system and “recognizances” at large, which operated on “reputational capital” rather than financial capital, see Kellen R. Funk and Sandra G. Mayson, “Bail at the Founding,” *Harvard Law Review* 137 (2024) 7: 1816–904. For “reputational capital,” 1823.

¹⁰² “Representation to the Supreme Executive Council, Dec. 15, 1788,” ser. 1, vol. 1., Pennsylvania Prison Society Records, Collection 1947, Historical Society of Pennsylvania.

¹⁰³ Most of the 1790s are sparsely documented in the society files, and so this is not indicative of whatever contact may have occurred between the Society and the French refugees.

¹⁰⁴ Manion, *Liberty’s Prisoners*, 62.

goods that had altogether been valued at \$1,000 of various fabrics and materials.¹⁰⁵ The sentence for each of these banishments took place between 1794 and 1796, after which time no additional French Black people were required to leave. Liancourt's records from the missing years of the prison sentencing docket also shows that most prison sentences ended in a pardon, but it is not clear from his records how many of these pardons were conditional on leaving the state, nor whether any Saint-Dominguans faced this sentence. Convicts also faced difficulties entering new communities in many parts of the US once convicted of a crime. Pennsylvania had its own ban on the entry of convicts from 1788–9. These people would have faced additional forms of mobility control and barriers to settlement in new communities.¹⁰⁶ Where did these four or six people, five men and one woman – Toutsaint, (Joseph, John Jacques,) Louison, Mariane, and Chanson Perrisol¹⁰⁷ – go in a vast early America and Atlantic world marred by the danger of (re)enslavement, incarceration due to poverty, exclusion of convicts, and removal?

Conclusion

Refugees of the Age of Revolutions were caught up in local mobility control measures in the early American republic. In the case of French refugees, many had left the US voluntarily by the end of the 1790s due to renewed possibilities in the Caribbean or metropolitan France. Others had moved on from Philadelphia towards the interior or south. But only a few of the French refugees, all Black, were required to leave Pennsylvania. While refugees were threatened with deportation by politically motivated laws at the national level – the Alien Enemies Act – the poorer French Black refugees convicted of crimes in fact *did* face removal at a local/state level. Mobility control took place in jurisdictions of towns and states and territories within the United States and was directed towards a variety of vulnerable population groups, not specifically refugees or foreigners. This reorientation considers forced mobility in a local, state, national, and transimperial perspective. The small number of restrictions on foreigners and refugees may be contextualized among this wider tapestry of barriers to entry – due to race, class, health, age, and disability – and the right to remain in American cities and states in the Early Republic.

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¹⁰⁵ CPDRCA, P 60, Prison Sentencing Docket 1794–1804, 17 December 1794.

¹⁰⁶ Enforcement was almost certainly lacking, but the ongoing dissertation project of Christine Mertens (Universiteit Leiden) shows how ordinances nonetheless shaped the lives and mobility of African Americans.

¹⁰⁷ CPDRCA, MC 5, “Perisel” in the Mayor's Court Docket 1792–1796, January Session 1795, 413.

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