

## NEW ORLEANS NOSTALGIA

*Remembering New Orleans History, Culture and Traditions*

*By Ned Hémard*

### **Lincoln and a Louisiana Lemon**

Abraham Lincoln, the sixteenth President of the United States, is long remembered for guiding his nation through the crisis of the Civil War, preserving the Union and ultimately ending slavery. He did so by introducing initial measures such as the issuance of the Emancipation Proclamation in 1863.

As a young boy Lincoln must have observed a few slaves in Kentucky, for Hardin County in the census of 1810 reported 940 slaves in a total population of 7,531. But his family did not reside among slaveholders, and it was not until 1828 that young Abe was first introduced to large numbers of blacks upon his first flatboat trip to New Orleans. This trip downriver was sponsored by Salem, Illinois, storeowner Dennis Offut, who hired Lincoln as a clerk upon his return. The team traded their cargo for cotton, tobacco, and sugar. Lincoln made a second trip down the Mississippi to New Orleans three years later in the period from April to July 1831.

"In New Orleans, for the first time Lincoln beheld the true horrors of human slavery," wrote Mr. Lincoln's legal colleague, William H. Herndon.

Joseph Pilié was born in Saint-Domingue (Haiti) and was expelled or fled with the other *Dominguais* refugees after the island's slave uprising. The Haitian Revolution (1791-1803) led to the establishment of Haiti as the hemisphere's second republic. Pilié made his way to New Orleans. A talented, civil engineer, architect and (beginning in 1818) City Surveyor, he mapped out the "Esplanade Prolongment" that would become the magnificent European-style boulevard connecting river to bayou. His excellently executed surveys and maps are much relied upon in the city even to this day.

He and his family resided on Royal Street in the *Vieux Carré*, and his daughter Celina married Jacques Telesphore Roman. The couple's stately mansion, originally named *Bon Séjour*, is today renowned as Oak Alley Plantation (and was likely designed by Pilié, with George Swainy as the builder). Despite his architectural and engineering

acumen, Pilié (as did so many others in the South at that time) viewed the institution of slavery in a much different light from the future president.

In 1828, the same year Lincoln visited New Orleans, Pilié was in need of some domestic help. Slave trader Joseph Lalande Ferrière made a sales pitch to Pilié that the female slave he had for sale excelled in washing and ironing clothes. More important than that, Lalande told his customer, the woman was also a talented cook. Pilié paid cash for his human purchase and took the slave back to his residence. To his dismay, it did not take very long for him to discover that the new slave did an appalling job of washing and ironing, and couldn't actually cook at all. His movable's only movement, it appeared, was out the door. Her only real skill was in the art of escape, one she demonstrated numerous times before the year was out.

This brought about the following year a noteworthy (if not sadly peculiar) court case (*Pilié v. Lalande*). One of the provisions introduced into Louisiana's Spanish law by the Napoleonic Code (and incorporated into the Louisiana Civil Code of 1808) was the doctrine of redhibition. This was Louisiana's original lemon law, years before an auto was ever considered a clunker. In Louisiana, then as today, if a product is significantly defective that the purchaser would not have completed the transaction had these defects been known, the buyer can demand that the seller correct the problem(s) or refund an appropriate portion of the sales price.

Pilié won a partial refund of \$170 for his "lemon" in district court early in 1829. But in April, Lalande Ferrière appealed the verdict of this redhibitory lawsuit on the grounds that one of the persons testifying as to the slave's lack of culinary and cleaning competence was a slave herself. Pilié reiterated that he was cheated and wanted his entire purchase price refunded (not just the \$170).

It was up to Louisiana Supreme Court Justice Alexander Porter, Jr. (1821-1834) to come up with a solution. "The evidence shews [*sic*], opined Justice Porter, "that she possessed these qualities (those of "washer, ironer and cook") very defectively, if at all." And she had been sold with the promise of those attributes.

As for the witness, the court concluded that, "The bill of exceptions does not state" her actual color. Therefore, according to the 1810 case *Adelle v. Beauregard*, "the presumption was in favor of her being free." None of this secured any further remuneration for Joseph Pilié, however. He had to return home with his \$170, along with his presumably defective slave.

Wisely and humanely the day of masters and movables is long gone, a time and place where people were treated as products.

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