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Age of Abolition (1807-1868).*

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La liberté quand son jour est venu, est comme la vapeur,  
elle a une force d'expansion indéfinie, elle renverse et brise ce qui lui fait obstacle.

Victor Schœlcher, *La vérité aux ouvriers et aux cultivateurs de La Martinique*  
(Paris: Pagnerre, 1849), 206

“I hate to say it, but it looks like the system you’re searching for doesn’t exist.”

“That’s impossible. Perhaps the archives are incomplete.”

“The archives are comprehensive and totally secure, my young Jedi. One thing you may be absolutely sure of – if an item does not appear in our records, it does not exist!”

*Star Wars, episode II. Attack of the Clones* (United States, 2002)



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## Abbreviations

**TNA:** The national Archive, Kew

**CO:** Colonial Office

**FO:** Foreign Office

**ANOM:** Archives Nationales d'Outre-mer, Aix-en-Provence

**APC:** Archive Privées des Colonies

**APOM:** Archive Privées d'Outre-mer

**GEN:** Généralité

**MC:** Ministère des Colonies

**SGM:** Série Géographique Martinique

**ANF:** Archive Nationales de France, Pierrefitte-sur-Seine

**AP:** Archives Privées

**FM:** Fonds Mackau, Watier de Saint-Alphonse et Maison (XIVe-XXe siècle)

**BnF:** Bibliothèque National de France, Collection Victor Schœlcher, Paris

**AHN:** Archivo Histórico National, Madrid

**EST:** Estado

**ULTR:** Ultramar

**AGI:** Achivo General de Indias, Seville

**EST:** Estado

**ULTR:** Ultramar

**ANC:** Archivo Nacional de la República de Cuba, Havana

**AP:** Asuntos Políticos

**GCS:** Gobierno Superior Civil

**IGH:** Intendencia General de Hacienda

**ME:** Miscellanea de Expedientes

**RCJF:** Real Consulado y Junta de Fomento

**ROC:** Reales Ordenes y Cédulas

**HC:** House of Commons

**HL:** Harvard Library

**ATM:** Archives Territoriales de Martinique

**JA:** Jamaica Archives

**EAP:** Endangered Archives Programme

# Introduction

The dissertation deals with the unraveling of slavery's legal regimes within the British, France and Spanish empires in the Caribbean, exploring the entanglements between mobility in the region and the use of law by enslaved people who navigated competing imperial legislations in the years surrounding the emancipation decrees.

In the wake of the Atlantic revolutions, the mobility of people, goods, ideas, and even institutions, norms, and practices intensified connections across imperial boundaries. Simultaneously, slave revolts and British abolitionist aspirations reshaped the geographies of slavery and freedom in the Caribbean area. Great Britain approved the abolition of slavery in 1833, through an Act that took effect the following year, on August 1, 1834. Emancipation in the British West Indian colonies was followed by a period of “transition to freedom” called Apprenticeship, which ended in 1838. The French government enacted the immediate abolition in its colonial possessions in 1848. This definitive emancipation had been preceded by the first abolition of the revolutionary period, which lasted from 1794 to 1804, when Napoleon reintroduced slavery in the French Antilles. In Cuba, the abolition process was notably prolonged and temporally overlapped with the struggle for independence against the Spanish crown, which began in 1868. A year into the conflict, the leaders of the independence movement declared the end of slavery in the territories wrested from the empire's control. In response, Spain, in 1870, implemented a policy of gradual abolition, which reached its culmination in 1886, making Cuba the last Caribbean territory to abolish slavery.

## *The Trans-imperial Caribbean Space*

Emphasizing unifying factors among colonial territories from different empires, Atlantic studies have defined Caribbean colonies as slave societies. In these societies, social and political institutions were fundamentally organized around slavery, distinguishing them from societies with slaves, such as those typical of Mediterranean slavery.<sup>1</sup> Sidney Mintz and other scholars described these slave societies as characterized by a plantation economy, European colonialism, and the extensive introduction of an African enslaved population.<sup>2</sup> Scholarship

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<sup>1</sup> Salvatore Bono, *Schiavi. Una storia mediterranea (XVI-XIX secolo)* (Bologna: il Mulino, 2016), 9.

<sup>2</sup> Sidney W. Mintz, “The Caribbean as Socio-Cultural Area,” in *Peoples and Cultures of the Caribbean*, edited by Michael M. Horowitz (Garden City: Natural History Press, 1971), 17–46, quotation at p. 20. See also: George

on the relations between the Atlantic space and the Caribbean has been thus dominated by slavery and the transatlantic slave trade from Africa to the Americas.<sup>3</sup> However, the divergent paths of the abolition of slavery pose challenges for historians engaged in comparative analyses of imperial experiences. The consequence was that slavery and abolition were long treated as separate fields of analysis.<sup>4</sup> On one side, historiography on the abolition of slavery, largely authored by Northern European scholars, has heavily concentrated on the progression of British abolitionism, neglecting other imperial experiences. On the other side, historical analyses followed separate trajectories as many studies remained confined to a single colonial territory or empire, perpetuating a compartmentalization of Atlantic history into the stories of the British, French, and Spanish empires that preclude the understanding of imperial interconnections.<sup>5</sup>

The increased focus on global history, connected history, and entangled history has revitalized colonial and imperial studies in recent years. These new approaches shifted scholar's attention towards investigating the connections between different territories and regions, thereby enriching contemporary historiography with sources, ideas, and actors often overlooked in traditional narratives. Abolitionism studies have expanded beyond the borders of the British Empire and the Atlantic world.<sup>6</sup> Some scholars have reconstructed the history of the abolitionist movement in the French empire,<sup>7</sup> while others have dealt with the trajectories of the abolitionist perspective in the Hispanic world.<sup>8</sup>

Moreover, historical studies have embraced a transnational perspective to elucidate the global implications of abolitionist policies. In his overview on slavery, David Brion Davis examined the international implications of the legal dispute between Spain and the US following the mutiny of the ship *La Amistad* by enslaved African people. This approach revealed the

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Baca, Aisha Khan, and Stephan Palmié, ed., *Empirical Futures: Anthropologists and Historians Engage the Work of Sidney W. Mintz* (Chapel Hill: University of North Carolina Press, 2009).

<sup>3</sup> Philip Curtin, *The Atlantic Slave Trade. A Census* (Wiley: University of Wisconsin Press, 1969); Herbert S. Klein, *The Atlantic Slave Trade* (Cambridge: Cambridge University Press, 1999), especially 132-163.

<sup>4</sup> William Mulligan and Maurice Bric, ed., *A Global History of Anti-Slavery Politics in the Nineteenth century* (London: Palgrave Macmillan, 2013), 3.

<sup>5</sup> Jorge Cañizares-Esguerra and Benjamin Breen, "Hybrid Atlantics: Future Directions for the History of the Atlantic World," *History Compass* 11, no. 8 (2013): 597-609.

<sup>6</sup> Hideaki Suzuki, ed., *Abolitions as a Global Experience* (Singapore: National University of Singapore Press, 2016).

<sup>7</sup> Lawrence C. Jennings, *French Anti-Slavery: The Movement for the Abolition of Slavery in France, 11802-1848*, (Cambridge: Cambridge University Press, 2000).

<sup>8</sup> Josep M. Fradera and Christopher Schmidt-Nowara, ed., *Empire and antislavery: Spain, Cuba, and Puerto Rico, 1833-1874*, (Pittsburgh: University of Pittsburgh Press, 1999).

connections of anti-slavery ideas and networks across time and space, emphasizing the establishment of transnational networks and the global legacy of anti-slavery and abolitionist policies.<sup>9</sup> Looking beyond national borders, scholar Robin Blackburn interpreted modern slavery as an international institution, dedicating ample space to the role of the rebellions of African descendants in its overthrow.<sup>10</sup> Moreover, historian Seymour Drescher uncovered the influence of the radical abolitionist movement and its transatlantic ramifications.<sup>11</sup>

Additional studies examined the transformations of colonial societies after the outlawing of the slave trade and slavery from a comparative perspective. This historiography highlights that, by the slow and arduous end of the slave trade, slavery in the Americas was replaced by other forms of coerced labor involving African Caribbean people or immigrants from India, China, Africa, or Europe.<sup>12</sup> Overcoming the dichotomy between free and unfree labor, the historical analysis of the post-emancipation period has provided insight into the nuanced meanings of freedom.<sup>13</sup> These collective efforts contribute to a more comprehensive understanding of the intricate imperial dynamics surrounding the abolition of slavery in the Atlantic world and the Caribbean region.

In reconstructing imperial ties in relation to emancipation in the Caribbean space, these analyses have played a crucial role in this dissertation. However, it further extends this scholarly trajectory by exploring the imperial entanglements that define the Caribbean region and exploring the intricate practices that have shaped it, emphasizing the interconnectedness of colonial islands through networks of actors and institutions that transcend formal political and legal boundaries. In addition, the dissertation draws inspiration from the contemporary

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<sup>9</sup> David B. Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (New York: Oxford University Press, 2006). *United States v. Schooner Amistad*, (1841), was a United States Supreme Court case resulting from the rebellion of Africans on board the Spanish schooner *La Amistad* in 1839. On the case, see also Marcus Rediker, *The Amistad Rebellion: An Atlantic Odyssey of Slavery and Freedom* (New York: Penguin Books, 2013).

<sup>10</sup> Robin Blackburn, *The American Crucible: Slavery, Emancipation and Human Rights* (London: Verso, 2013).

<sup>11</sup> Seymour Drescher, *Abolition: A History of Slavery and Antislavery*. Cambridge: Cambridge University Press, 2009.

<sup>12</sup> Emma Christopher, Cassandra Pybus and Marcus Rediker, ed., *Many Middle Passages: Forced Migration and the Making of the Modern World* (Berkeley: University of California Press, 2007); Ulrike Schmieder, Katja Füllberg-Stolberg and Michael Zeuske, ed., *The End of Slavery in Africa and the Americas. A Comparative Approach* (Berlin: LIT Verlag, 2011); Céline Flory, *De l'esclavage à la Liberté Forcée. Histoire des travailleurs africains engagés dans la Caraïbe française du XIXe siècle* (Paris: Karthala, 2015).

<sup>13</sup> Frederick Cooper, Thomas C. Holt, and Rebecca J. Scott, *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Post-emancipation Societies* (Chapel Hill: University of North Carolina Press, 2000).

focus on spatiality and maritime geography in Atlantic history.<sup>14</sup> By reframing our understanding of Caribbean entanglements, this research reveals hidden connections that remain obscured when examining islands in isolation or as part of a single administrative and political units. Echoing both approaches suggested by historians David Armitage and Sanjay Subrahmanyam, the assumption that these connections existed and were known in the past allows us to identify and trace them in their complexity. Moreover, by reconnecting these interrelationships through “acts of imaginative reconstruction rather than simple restitution,” historical analysis creates the necessary distance between the imperatives of the past and current concerns.<sup>15</sup>

This dissertation examines actors and institutions that inhabited both the islands and the sea that separated them within a space of interaction that, as defined by Ernesto Bassi, “was not exclusively Spanish, British, or French but simultaneously Spanish, British, and French” – the trans-imperial Caribbean space.<sup>16</sup> The study focuses on British Jamaica, Spanish Cuba, and the French possessions of Martinique and Guadeloupe. I chose them because they represented the largest and most economically important Caribbean colonies of the three empires and, consequently, the greatest challenge to social and political plans to dismantle the slave system. However, the study is not limited to them and examines a geographical area that is deeply embedded in transatlantic networks. Moreover, when historical events or the connections drawn require it, the analysis expands to other imperial possessions – from the “old” British possession of the Bahamas and the Britain-acquired colony of Trinidad to the islands that surrounded French colonies in the Lesser Antilles, such as Spanish Puerto Rico – and regional actors, including the Caribbean colonies of the Dutch and Danish empires, Haiti, the newly independent republics of the continental Americas, and the expansive US power.

Chronologically, the dissertation spans from the initial British Act against the transatlantic slave trade (1807) to the beginning of the gradual abolition process in Spanish Cuba (1868). During this period, which the dissertation considers the Age of Abolition, social, economic,

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<sup>14</sup> Jeppe Mulich, *In A Sea of Empire. Networks and Crossings in the Revolutionary Caribbean* (Cambridge: Cambridge University Press, 2020); Tessa Murphy, *The Creole Archipelago. Race and Borders in the Colonial Caribbean* (Philadelphia: University of Pennsylvania Press, 2021).

<sup>15</sup> David Armitage and Sanjay Subrahmanyam, ed., *The Age of Revolution in Global Context c.1760-1840* (London: Palgrave Macmillan, 2010), XXXI.

<sup>16</sup> Ernesto Bassi, *An Aqueous Territory. Sailor Geographies and New Granada's Transimperial Greater Caribbean World* (Durham: Duke University Press, 2016), 9.

and political trajectories intertwined in the Caribbean area in ways often ignored by imperial or national histories.

Following the 1807 Slave Trade Act, Britain engaged in bilateral treaties with France and Spain to suppress the slave trade. The historiography on the “second slavery” illuminates how transatlantic trafficking expanded spatially after the outlawing of the slave trade, alongside slave-based plantation production in both old and new Caribbean manufacturing zones.<sup>17</sup> Despite British efforts to eradicate international human trafficking, the importance of slavery to Caribbean economies did not diminish for many years. Anti-slave trade legislation, however, was part of a broader social, economic, and political reform process leading toward emancipation. By the end of the century, slavery had been abolished in many parts of the world and in the Caribbean.<sup>18</sup>

Examining the abolitionist legislation drafted and implemented by Britain for the Caribbean region, the study considers its impact on the legal regimes of slavery within the British Empire and also French and Spanish colonial territories. The study of these interconnections opens a window into the struggle over the slave trade and the threat of revolutionary movements and slave revolts, the tensions between colonial sovereignty and imperial jurisdiction, the expansion of free trade and the challenges of illicit commerce, and, ultimately, the rise of British global hegemony.

### *Slavery, Law and Freedom in the Age of Abolition*

This dissertation considers that within the trans-imperial space, individuals led their lives amidst a variety of imperial projects, balancing between the abolition and preservation of the slave system. In a region subject to different legal and labor regimes, enslaved and freed people moved between societies where slavery was legally allowed and those where it had been abolished, in a setting marked by imperial tensions, abolitionist ideas, enslaved/enslavers conflicts, re-enslavement practices, and the constant precariousness of freedom. For African Caribbean people, how did the chances of gaining freedom change as regulations on the slave trade and slavery increased?

Answering this question is not as simple as it might seem, as it interrogates the issue of the legal release from slavery and its practices in different imperial contexts. An extensive

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<sup>17</sup> Dale W. Tomich, and Michael Zeuske, “Introduction, the Second Slavery: Mass Slavery, World-Economy, and Comparative Microhistories,” *Review (Fernand Braudel Center)* 31, no.2 (2008): 91–100.

<sup>18</sup> Alison Games, “Atlantic History: Definitions, Challenges, and Opportunities,” *The American Historical Review* 111, no. 3 (2006): 741–757.

bibliography exists on the paths through which enslaved people could obtain legal freedom while the institution of slavery continued. Beginning with Frank Tannenbaum's pioneering study, *Slave and Citizen*, research on slavery and manumission compared "Anglo" and "Latin" legal traditions in order to understand the different provisions for the legal enfranchisement of enslaved individuals and their social impact on race relations.<sup>19</sup> As we will explore in more detail in Chapter I, imperial authorities and colonial administrators had already noted that the practice of manumission in the Spanish and, partially, in the French colonies sharply contrasted with the rigid slave conditions found in the British West Indies. To explain the difference whereby "if in the Latin American environment was favorable to freedom, the British and American were hostile," Tannenbaum emphasized understanding these divisions in culture, religion, and law.<sup>20</sup> Abandoning the idea that the institution of manumission somehow "humanized" the institution of slavery, subsequent studies dealt with the intricate factors influencing manumission rates. Among other variables, scholars particularly highlight that the expansion of plantations, urbanization processes, and the demographic characteristics of the enslaved population emerged as significant determinants of the rates and extent of the practices of legal enfranchisement in colonial societies.<sup>21</sup> In the wake of Tannenbaum comparative approach, moreover, scholars such as Robert Cottrol and Alejandro de la Fuente, whose research gave new impetus to historical studies on law and slavery, emphasized how norms and legal institutions played a role "in determining the often contrasting condition under which slaves lived."<sup>22</sup>

In the Caribbean region, the rapid development of plantation economies linked to the cultivation of sugar and coffee, along with the exponential increase in the African enslaved population in the 18th century, especially in the French and British colonies, led to increasingly restrictive governance in terms of labor discipline and access to manumission for the enslaved population. During the 19th century, a similar trend occurred with the expansion of the sugarcane industry in Cuba and the corresponding rise in coerced labor. In the Atlantic world, as the institution of slavery faced growing criticism and opposition due

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<sup>19</sup> Frank Tannenbaum, *Slave and Citizen. The Negro in the Americas* (New York, Vintage Book, 1946).

<sup>20</sup> *Ibid.*, 65.

<sup>21</sup> Randy J. Sparks and Rosemary Brana-Shute, ed., *Paths to Freedom: Manumission in the Atlantic World* (Columbia: University of South Carolina Press, 2009).

<sup>22</sup> Robert J. Cottrol, "The Long Lingered Shadow: Law, Liberalism, and Cultures of Racial Hierarchy and Identity in the Americas," *Tulane Law Review* 76, no. 1 (2001): 11-79, quotation at p. 42. See also: Alejandro De la Fuente, "Slave Law and Claims-Making in Cuba: The Tannenbaum Debate Revisited," *Law and History Review* 22, no. 2 (2004): 339-369.

to slave revolts and abolitionism, the expansion of illegal trafficking brought violence and threatened the freedom of individuals of African origin and descent. During this period, however, economic transformations coexisted with more racially stratified societies, the growing importance and autonomy of colonial cities, a more complex division of labor and gender roles, and established legal traditions and customary practices of manumission.

Yet, the nature of the institution of manumission remains an issue of contention for many scholars, achieving distant and even conflicting positions. According to historian Orlando Patterson, the cultural process of release from slavery was part of – and could not be separated from – a larger cycle. Beginning with enslavement, passing through slavery, and ending with the act of manumission, it constituted an authentic “rite of passage.”<sup>23</sup> Since the violent practice of enslavement, the individual was removed from his or her background, origins, and history, and condemned to “social death.”<sup>24</sup> Ideologically, through manumission slaveholders reified their power to restore life to slaves as the granting of freedom represented the individual’s transition to a new status and, simultaneously, the gift of a new life. Referring to Marcel Mauss’ sociological theory of “gift exchange,” Patterson explained manumission as the granting of freedom by the master to the slave in exchange for loyalty and gratitude.<sup>25</sup> In his perspective, the institution of manumission represented then an instrument of social control through which slaveholders regulated coercive labor. By granting manumission, they could reward a small “slave elite” while entrapping the remaining enslaved population with the illusory promise of freedom. Moreover, once freed, manumitted people remained bound to their former owners by various levels of dependence and rarely developed any hostility to the institution of slavery. In his view, rather than contributing to the abolition of slavery, manumission had little or nothing to do with it, and instead of undermining the institution, it strengthened it.<sup>26</sup>

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<sup>23</sup> Arnold Van Gennep, *Les rites de passage* (Paris: Émile Nourry, 1909).

<sup>24</sup> “Perhaps the most distinctive attribute of the slave’s powerlessness was that it always originated (or was conceived of as having originated) as a substitute for death, usually violent death. [...] Not only was the slave denied all claims on, and obligations to, his parents and living blood relations but, by extension, all such claims and obligations on his more remote ancestors and on his descendants. He was truly a genealogical isolate. Formally isolated in his social relations with those who lived, he also was culturally isolated from the social heritage of his ancestors.” Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1982), 5.

<sup>25</sup> Marcel Mauss, *Essai sur le don: forme et raison de l'échange dans les sociétés archaïques* (Paris: Presse Universitaire de France, 1973).

<sup>26</sup> Orlando Patterson, “Three Notes on Freedom,” in *Paths to Freedom*, 20.

As anthropologies have long pointed out, and as Patterson stressed in relation to slave societies and manumission, the gift was part of an unequal exchange of debt relations not foreign even to market economies and capitalist societies.<sup>27</sup> Abolition policies and post-emancipation apprenticeship schemes show that this debt, formal or informal, shaped Caribbean societies and impacted the lives of African descendants even after the legal abolition of slavery. Historiography have also identified forms of dependency in ostensibly free labor relations, illustrates the blurred division between forced labor under slavery and free wage labor under capitalism.<sup>28</sup> The dissertation highlights how British protection policies extend legal freedom to enslaved African Caribbean people but, at the same time, did not erase their vulnerability. In this sense, freedom remains a contested concept, to be considered in the plural in this dissertation.

Moreover, recent scholarly interest in freedom litigations has opened new avenues for examining legal emancipation from slavery, emphasizing that manumission transcended the private realm between master and slave. Instead, it emerged as a dynamic and public practice involving colonial officials and often resulting in public documents sanctioned by imperial authorities. Moreover, manumission typically stemmed from the sustained efforts of enslaved people, sometimes spanning many years, as they pressured and persuaded owners to grant them freedom. This growing body of literature explores how enslaved individuals actively contributed to shaping legal meanings, customs, institutions, and rights through legal actions and claims. Historians have demonstrated how enslaved people adeptly navigated legal institutions and engaged with representatives, ultimately securing not only their legal freedom but also protections against the abuses of their masters, and spaces of independence that redefine the understanding of the rigid social hierarchy of slave societies.<sup>29</sup> Some scholars have even argued that, between the seventeenth and 19th centuries, this transformative process included the establishment of customary and codified rights, contributing to the grassroots development of an “Enlightenment from below.”<sup>30</sup> The importance of these

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<sup>27</sup> David Graeber, *Debt. The First 5,000 Years* (London: Melville House, 2014), 206-210.

<sup>28</sup> Tom Brass and Marcel van der Linden, ed., *Free and Unfree Labour: The Debate Continues* (Lausanne: Peter Lang, 1997); Marcel van der Linden and Magaly Rodríguez García, ed., *On Coerced Labor: Work and Compulsion after Chattel Slavery* (London: Brill, 2016).

<sup>29</sup> Alejandro De la Fuente, “Slaves and the Creation of Legal Rights in Cuba: *Coartación* and *Papel*,” *Hispanic American Historical Review* 87, no. 4 (2007): 659–92.

<sup>30</sup> Bianca Premo, *The Enlightenment on Trial: Ordinary Litigants and Colonialism in the Spanish Empire* (New York: Oxford University Press, 2017); Adriana Chira, “Affective Debts: Manumission by Grace and the Making of Gradual Emancipation Laws in Cuba, 1817–68,” *Law and History Review* 36, no. 1 (2018): 1–33.

studies for this thesis lies in the way legal historians have analyzed the emergence of legal practices not only rooted in doctrines and traditions but also influenced by the strategies of litigants. In this perspective, the consequences of enslaved people's actions extend beyond individual cases. Unlike previous analyses focused only on legal codes, statutes, and doctrines to understand the legal frameworks of slavery, these studies perceive law as a dynamic space or, in the words of legal historian Mariana Dias Paes, an "arena of conflict" in which "the meanings of legal categories and norms are constantly in dispute between different historical subjects."<sup>31</sup>

However, this dissertation explores a dimension that has not yet been sufficiently addressed in studies on the interactions of enslaved people with legal institutions: the intricate relationship between legal enfranchisement and emancipation decrees. Research on free people of color in the Americas has shown how their social status posed many challenges to the maintenance of slavery.<sup>32</sup> Some freed people, for example, played key roles in abolitionist campaigns, shaping public opinion against slavery.<sup>33</sup> In addition, studies on the intersection of manumission and gender explored how individual freedom could extend to family members, underscoring the importance of an established community of free people of color in supporting the enslaved people's petitions to legal freedom.<sup>34</sup> This dissertation shows that the economic boom and abolition attacks that redefined the chains of slavery also provoked internal and external changes that opened new pathways of manumission. In a region where the competing interests of different actors constantly clashed, enslaved people sought to take advantage of available opportunities to improve their lives and secure freedom from slavery. Imperial competition and inter-colonial connections became tools for African Caribbean people, enabling them to exploit competitive legal regimes to their advantage and gain freedom without waiting for emancipation decrees.

### *Intermediaries*

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<sup>31</sup> Mariana A. Dias Paes, *Esclavos y tierras entre posesión y títulos. La construcción social del derecho de propiedad en Brasil (siglo XIX)* (Frankfurt: Max Planck Institute for Legal History and Legal Theory, 2021), 15.

<sup>32</sup> Rebecca Scott and Jean Hébrard, *Freedom's Papers. An Atlantic Odyssey in the Age of Emancipation* (Cambridge: Harvard University Press, 2012), 3.

<sup>33</sup> Blackburn, *American Crucible*, 92.

<sup>34</sup> Pamela Scully and Diana Paton, ed., *Gender and Slave Emancipation in the Atlantic World* (Durham: Duke University Press, 2005), 13. See also: Camilla Cowling, *Conceiving Freedom: Women of Color, Gender and the Abolition of Slavery in Havana and Rio de Janeiro* (Chapel Hill: The University of North Carolina Press, 2013).

As Historians Douglas Hay and Paul Craven highlighted the central role of imperial magistrates and agents in shaping the day-to-day governance of the British empire,<sup>35</sup> this research explores the area of diplomacy examining the role of British consuls and intermediaries in inter-imperial relations. In the trans-imperial Caribbean space, these individuals, who acted as local representatives of a distant metropolitan authority, occupied a unique position between the metropolis and the various stakeholders, including plantocratic elites, slave owners, traders, and the enslaved population. Likewise, as British agents enforced abolitionist laws and treaties, they emerged in the dissertation as central figures in intercolonial disputes involving representatives of rival empires on the persistence of slave trade and slavery.

Understanding their contribution to enslaved people's freedom strategies has been essential to unraveling the complex web of alliance dynamics, rivalries, and legal disputes that characterized the Caribbean region in the age of abolition. A critical point in this exploration is an examination of the Consolidation Act of 1824 and the contemporaneous bilateral treaties with Spain and France. The dissertation argues that these legislations marked a significant change, as British agents not only secured asylum protection for enslaved individuals from rival imperial territories but also actively intervened in support of British West Indian slave freedom causes in foreign territories. The thousands of enslaved individuals who seized the opportunities offered by the British slave trade and abolition legislation triggered profound and contrasting changes in emancipation policies within the different imperial territories. On the one side, the necessity to regulate trade in the trans-imperial Caribbean space led to an evolution in trade legislation, shifting British focus from the Atlantic to the Caribbean. For the French, British, and Spanish empires, following the formal cessation of the slave trade, the struggle for the future of slavery in the Caribbean unfolded along the jurisdictional borders dividing colonial territories. On the other, British provisions and bilateral treaties were contested and circumvented through inter-colonial mobility. In this sense, also slave traders and smugglers became intermediaries between the interests of local governments and Caribbean owners, establishing a network of internal trade and inter-island connections across imperial divides. Regulating or resisting the abolitionist legislation and treaties, the internal slave trade came to be perceived as a crucial strategy for

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<sup>35</sup> Douglas Hay and Paul Craven, ed., *Masters, Servants, and Magistrates in Britain and the Empire, 1562-1955* (Chapel Hill: North Carolina University Press, 2004).

shaping both the maintenance of slavery and the future of the empire.<sup>36</sup> In this perspective, the Caribbean space emerges not as a colonial borderland but as a central area where overlapping imperial interests and ambitions transform dynamic societies.

To analyze similar situations of imperial interaction, Lauren Benton and other historians have highlighted the so-called legal pluralism, that is, the presence of multiple norms in the same region, as a tool used by enslaved people, freed people, and immigrant laborers to defend their rights.<sup>37</sup> This historical scholarship on colonial law and slave societies has been extraordinarily useful in examining the interactions between the various actors and different legislations in the Caribbean region, as it proposes the view of the empire as being composed of various sets of practices. However, the notion of legal pluralism is highly heterogeneous and it encompasses situations ranging from the coexistence of multiple legal bodies in the same colony to that between norms and local customary rights, codified and recognized by the imperial authorities themselves.<sup>38</sup> The research shows that the imperial legal regimes contaminated, influenced, or affected each other but still remained distinct.

### *Vulnerability and Autonomy*

Examining the persistence of illegal intercolonial trade and British actions on behalf of African Caribbean people to force rival empires to comply with legislation and treaties against the slave trade, the dissertation employs the concept of “vulnerable freedom” as a tool to unravel the connections between institutions, social practices, and individuals. Recent research on liberated Africans – enslaved people seized from slave ships during British abolitionist campaigns – and studies by historians of slavery in the West Central Africa underscore the vulnerability of free African people in falling victim to slave traders and outline the legal avenues available to those who were illegally enslaved.<sup>39</sup> This study shows

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<sup>36</sup> Lauren Benton and Lisa Ford, “Legal Panics, Fast and Slow: Slavery and the Constitution of Empire,” in *Power and Time: Temporalities in Conflict and the Making of History*, edited by Dan Edelstein, Stefanos Geroulanos and Natasha Wheatley (Chicago: University of Chicago Press, 2020), 295-316.

<sup>37</sup> Lauren Benton and Lisa Ford, “Magistrates in Empire: Convicts, *Slaves*, and the Re-making of Legal Pluralism in the British Empire,” in *Legal Pluralism and Empires, 1500-1850*, edited by Lauren Benton and Richard J. Ross (New York: New York University Press, 2013), 173-198.

<sup>38</sup> According to historian Alessandro Stanziani, moreover, “legal pluralism was not a prerogative of the colonial world or the old regimes in Europe; it persisted in Europe as well in the nineteenth and twentieth centuries,” *Labor in the Fringes of Empire. Voice, Exit and the Law* (London: Palgrave MacMillan, 2018), 46.

<sup>39</sup> Richard Anderson and Henry B. Lovejoy, ed., *Liberated Africans and the Abolition of the Slave Trade, 1807-1896*, (Woodbridge, Suffolk, UK: Boydell & Brewer, 2020); Mariana P. Candido, *An African Slaving Port and the Atlantic*

that even in the Caribbean, neither obtaining manumission nor emancipation decrees could prevent the re-enslavement of African descendants by owners, slave traders and sometimes even colonial administrations in the intercolonial slave trade routes. For them, the transition from slave to free status was not a linear path as the persistence of slavery in the Caribbean space represented the main circumstance of their vulnerability. However, the reasons for the vulnerability of Afro-Caribbeans were different and went beyond slavery. They were related, for example, to living and working conditions, exploitation, and restrictions on freedom of movement.

The term “vulnerable” qualifies a person who is exposed to the possibility of physical or emotional harm, but also identifies those who are deemed in need of particular care, support or attention. These two divergent views on vulnerability were neither competing nor contradictory when examined in the social, political and economic context of the trans-imperial Caribbean space. By analyzing legal cases and British diplomatic intervention in enslaved people’s petitions for freedom, the dissertation emphasizes how this double understanding of vulnerability concurred to deny the agency of African Caribbean people as they were perceived as in need of protection and fundamentally incapable of making autonomous decisions.

However, this does not imply equating vulnerability with the incapacity for self-determination, nor does it suggest that vulnerability is inherently tied to notions of weakness, dependence, and powerlessness. The extensive literature on enslaved people and the law has significantly enhanced our understanding of their ability to act within limited legal spaces. In this perspective, the dissertation highlights their strategies, legal creativity, and maneuvering in the trans-imperial space. Nevertheless, recognizing vulnerable individuals as autonomous agents does not entail disregarding the existence of relationships characterized by varying degrees of power that influenced their choices. Instead, it involves considering agency in more relational terms that go beyond the control and boundaries of the individuals.

Starting from an extended understanding of vulnerability, this research pays attention to the roles played by different actors, considering the autonomy of agents, the influence of imperial institutions and the importance of the environmental context. The use of a trans-imperial framework emphasizes a relational approach between rival powers, their agents, owners,

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*World: Benguela and Its Hinterland* (Cambridge: Cambridge University Press, 2013); Mariana Armond Dias Paes, “Shared Atlantic Legal Culture: The Case of a Freedom Suit in Benguela,” *Atlantic Studies* 17, no. 3 (2020): 419-40.

traders, enslaved people and their interests.<sup>40</sup> These interactions were experienced first by those who frequently crossed imperial borders. An extensive historiography has shown how sea captains, sailors, pirates, and smugglers constantly came into contact with colonial authorities, merchants, enslaved people and other inhabitants of the Caribbean.<sup>41</sup> In addition, a vast intercolonial movement of exiles and refugees participated in the significant social, economic and political changes that shaped the Atlantic revolutions.<sup>42</sup> The literature on the resistance of African descendants against slavery has shown that the Atlantic slave system was not only about great distances, as in the case of the Middle Passage, or only about the physical immobility imposed by ships and plantations. Slaveholders' mobility was also about autonomous travel as a means of escaping domination, evading master control, and rebelling against the slaveholders' social order.<sup>43</sup> Historiography has also emphasized the importance of slave mobility in the processes of manumission from slavery, where the ability to move was crucial both to earn the money needed to acquire freedom and to access justice.<sup>44</sup> However, physical movement was not the only way to experience the flows, circularity and connections of Caribbean trans-imperial space. This thesis addresses mobility as a transition from one legal status to another in different colonial societies and as migration, forced or voluntary, between islands.

### *The sources*

The sources employed in this study encompass court cases and judicial decisions, statutes, acts, and treaties between the French, British, and Spanish empires on the regulation and

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<sup>40</sup> Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009).

<sup>41</sup> Linda M. Rupert, *Creolization and Contraband: Curaçao in the Early Modern Atlantic World* (Athens: University of Georgia Press, 2012); Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors Slaves Commoners and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000); Julius C. Scott, *The Common Wind: Currents of Afro-American Communication in the Age of the Haitian Revolution* (London: Verso, 2018).

<sup>42</sup> On this issue see the project "Atlantic Exiles," that explores the history of revolutionary-era refugee movements: Alessandro Bonvini's interview with Jan Jansen, "Atlantic Exiles: Refugees and Revolution in the Atlantic World, 1770s-1820s," *Rassegna storica del Risorgimento* 108, no. 2 (2021): 126–132.

<sup>43</sup> George P. Rawick, *From Sundown to Sunup: The Making of the Black Community* (Westport: Greenwood Pub, 1972); Michael Craton, *Testing the Chains: Resistance to Slavery in the British West Indies* (Ithaca: Cornell University Press, 1982).

<sup>44</sup> Mariana Dantas, *Black Townsmen: Urban Slavery and Freedom in the Eighteenth-Century Americas* (New York: Palgrave Macmillan, 2008); Sherwin K. Bryant, "Enslaved Rebels, Fugitives, and Litigants: The Resistance Continuum in Colonial Quito," *Colonial Latin American Review* 13, no. 1 (2004): 7-46.

abolition of the slave trade. Drawing primarily on legal sources, the dissertation specifically examines the petitions that enslaved individuals submitted to free themselves from slavery in court or before some legal entity. These legal documents offer a unique opportunity to investigate and reconstruct the geographic and personal trajectories of African Caribbean people across the Caribbean, embedding them in social dynamics and imperial interrelations.<sup>45</sup> Furthermore, the trans-imperial lens permits the uncovering of connections and practices that are not visible through the examination of a single archive. The archival research was conducted in European archives in Seville, Madrid, London, Aix-en-Provence, Paris, and the Cuban National Archive of Havana. Unfortunately, pandemic limitations prevented extending the research to the departmental archives of Guadeloupe and Martinique and the National Library of Jamaica, as originally planned. However, digitalized versions of the Manumission of Slaves registers, which contain acts of freedom for the freed people of Jamaica, are accessible through the Endangered Archives Programme (EAP). Additionally, a significant portion of the documentation on the pre-abolition period from the departmental archives of the French Antilles is present at the Archives d'Outre Mer in Aix-en-Provence, essential to reconstruct French slavery legislation and legal cases of manumission. The accounts of enslaved people escape from French territories to British territories mostly come from the Mackau funds at the Archives nationales, as well as from the texts and manuscripts of Victor Schœlcher at the Bibliothèque nationale de France in Paris. Reconstructing the trajectories of French enslaved refugees seeking British protection would not have been possible without consulting the reports from British agents in the West Indies in the Colonial Office and Foreign Office, Slave Trade Department of the National Archives in London. These same funds were crucial for the documentation regarding legal cases of enslaved individuals in Cuba claiming their belonging to British territories to obtain manumission in the courts of the Spanish island. In Seville, the majority of documents related to Spanish slavery legislation are preserved. Despite the Archivo General de Indias being to official colonial archive of Spain, most materials related to Cuba during the 19th century are actually preserved at the Archivo Histórico Nacional of Madrid. Documents in the Ultramar and Estado funds were consulted to reconstruct legal cases of manumission for individuals

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<sup>45</sup> Johan Heinsen, "Runaways Heuristics: A Micro-Spatial Study of Immobilizing Chains c. 1790," *Annals of the Fondazione Luigi Einaudi* LVI (2022): 37-60; Sue Peabody and Keila Grinberg, *Slavery, Freedom, And Law in the Atlantic World: A Brief History with Documents* (London: Palgrave Macmillan, 2007), 15.

from the illicit slave trade. Finally, the research conducted at the Archivo Nacional de la República de Cuba in Havana complete the documentation related to cases identified in London and Madrid. The archival exploration predominantly focused on the Gobierno Superior Civil fund, while other documentation was found in Junta de Fomento, Asuntos políticos, Reales Ordenes y Cédulas and Intendencia.

Drawing on these sources, the thesis consciously avoids language associated with the economics of slavery and the racial terminology that goes with it, opting instead for terms that highlight the violence and dehumanization inherent in this institution. Accordingly, the term “slave” is used when referring to the system, while “enslaved people” is employed to refer to individuals. Where possible, terms such as “refugee” and “asylum seeker” are used rather than the more commonly employed “fugitive slave.” The use of the titles Mr./Ms. (or M./Mme., Don/Doña) is minimized since in archival documents these are often linked and reserved to indicate whiteness. Where sources allow, the thesis always includes the names of enslaved people. In cases where names were changed during the process of enslavement, we have chosen to use the original names, recognizing, however, that they often came from previous French, English, or Spanish owners. Nevertheless, citation of historical documents sometimes involved the use of racial taxonomies, which often served as an additional means of identification to describe people’s African origins and ancestry.

### *Chapters’ overview*

The dissertation is composed of four chapters.

The first chapter, “Revolution, Second Slavery and Mobility,” deals with revolutionary changes in the Caribbean between 1791 and 1824. The first section, “The Impact of the Haitian Revolution,” examines the profound effects of the Haitian Revolution on the other imperial territories of the region. This crucial event not only led to the ruin of the French colony of Sant-Domingue, but had repercussions throughout the Caribbean space, setting the stage for the complex historical developments and imperial connections during the 19th century. At a time when the Caribbean colonies were living in constant fear of slave revolts while simultaneously experiencing renewed economic development due to the fall of the area’s main competitor, British legislation banning the transatlantic slave trade was enacted in 1807. The chapter examines British diplomatic policies through the bilateral treaties of the Congress of Vienna and analyzes the repercussions of these agreements on the status of Africans seized by slave ships and imported into the British, Spanish, and French Caribbean colonies. The reorganization of slave labor in the Caribbean shows that the British colonies

in the West Indies were an important site of experimentation for the empire. British authorities, charged with transforming former Spanish and French outposts into sugar colonies with “free” labor, adopted and transformed the traditional legal regime on manumission to meet abolitionist demands. British abolitionist legislation succeeded in limiting the flow of enslaved people from the old colonies to the new frontier areas of the British West Indies, but resistance from slave owners led to significant movements of people to rival imperial territories.

The second chapter, “Escaping Slavery,” traces the origins of the Slave Trade Consolidation Act of 1824 and analyzes its effects on enslaved people, slave owners, and colonial administrations in the trans-imperial space. Examining the legal tradition of territorial asylum and free soil, the first section shows how imperial policies toward fugitives changed over time. From 1824 onward, the crossing of borders by enslaved individuals took on a new meaning. The issue was no longer viewed through the lens of rivalries between slave-holding colonial powers vying for control over people and territories. Instead, in the new context, border crossing became a matter of national sovereignty between territories of freedom and territories of slavery. Examining the French West Indies in particular, the third part of the chapter, “Controlling Evasions, Supervising Owners,” explores the relationship between escapes to British free soil and issues of status and spatial mobility of the African Caribbean population in French and Spanish colonies. The intent is to illustrate how British laws against the slave trade influenced both slave enfranchisement strategies and the French empire’s path to abolition. In addition, analysis of legal cases, newspaper notices and abolitionists’ accounts allow us to reconstruct the escape networks and the presence of enslaved refugee communities that built new trajectories of freedom in the age of emancipation.

The third chapter, “Re-enslavement,” deals with the intricate relationship between smuggling, the semi-official slave trade, and the domestic institution of slavery. While transoceanic trade continued in the shadows, the Caribbean was plagued by illegal practices of re-slavery supported by traders engaged in the illegal smuggling of captives to sustain plantation economies. In the 1830s, Britain stepped up efforts to curb the Atlantic slave trade in the Caribbean. However, within a decade, these attempts created the greatest diplomatic tensions with Spain and France. The chapter analyzes in particular the Escalera conspiracy, in which slave revolts merged with British ambitions to end slavery in Cuba, and imperial conflicts over the British Empire’s right to search French ships. The analysis of cases of illicit slave trade reveals the involvement and attitudes of local planters, traders, and rulers in the practices of enslavement of the African Caribbean people. Tacit agreement with illegal

slavery, despite prohibitions, and the direct or indirect participation of colonial administrations in the slave trade led to conflicts between local governors and magistrates and between France, Spain, and Britain, highlighting the difficult control of Caribbean territories by authorities and conflicts within and outside the empire. The clash of different ideas and interests in these cases also allows us to explore how, where, and why people of African descent were captured, sold and enslaved.

Finally, the fourth chapter, “Manumission and Emancipation,” explores how enslaved people recovered their freedom through legal means, examining the evolution of inter-imperial relations and the expansion of abolition decrees. In the three years prior to the abolition of slavery in 1848, the French West Indies adopted a program of laws that ensured the selective manumission of much of the enslaved population while maintaining the labor force in the colonies. At the same time, illegitimate slavery cases that had exacerbated tensions between Spain and Britain entered Cuban courts, challenging the very legitimacy of the institution of slavery. The analysis of legal procedures not only illuminates how enslaved people creatively interpreted different legal frameworks to their advantage, but also underscores the dual nature of courtrooms and judicial slave depots – simultaneously realms of coercion and conduits for the dissemination of knowledge and autonomy among African Caribbean people. In the 1850s, both Britain and post-emancipation France closely monitored the state of slavery in Spanish territories, supporting emancipation processes outside their imperial borders. At the same time, the American Civil War and the Cuban struggle for independence reshaped the landscape of relations between the imperial powers and the colonies, unveiling irreversible transformations for the future of the Caribbean.

This thesis offers a novel understanding of the multifaceted path to the abolition of the slave trade and slavery in the trans-imperial space of the Caribbean. This exploration not only illuminates historical events but also sheds light on the lasting repercussions that continue to shape the contours of our collective past.

## **Revolution, Second Slavery and Mobility**

### **The Abolition of Slave Trade in the Trans-imperial Caribbean Space**

**(1791-1824)**

- 1.1 *The Impact of the Haitian Revolution*
- 1.2 *The 1807 Abolition Act and the New Geography of Slavery*
- 1.3 *The Second Slavery in the Caribbean*
- 1.4 *Liberated Africans and the Anti-Slave Trade Treaties*
- 1.5 *Intercolonial Connections and British Amelioration laws in the West Indies*

Eh! Eh! Bomba! Hen! Hen!

Canga, bafio té

Canga, moun de lé

Canga, do Ki là

Canga, do Ki là

Canga li.

Aimé Césaire, *Toussaint Louverture: La Révolution française et le problème colonial*

(Paris: Le club français du livre, 1952), 178.<sup>1</sup>

New ideas crossed the ocean from the last decades of the 18th century onwards contributing to a redefinition of relationships among empires. The Age of Revolution, on the one hand, altered the imperial balances through the loss of some colonial territories and the emergence of new poles of influence in the Americas. At the same time, the expansion of sugar production provoked a second wave of slavery, combined with changing market relations,

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<sup>1</sup> Congolese Vodou song in honor of the snake Mbumba (Bomba).

that reconfigured the global economy. The mobility of people, goods, ideas and even institutions, norms and practices in the Atlantic space intensified connections across the Caribbean, transcending imperial boundaries. Moreover, abolitionist ideas profoundly transformed perceptions of slavery and its nature. The context of trade and trans-imperial connections influenced the enactment of slave amelioration laws and the transition to “free” labor in the British West Indies. Against the backdrop of the revolutionary changes that impacted the region, the following paragraphs deal with the evolution of British laws against the slave trade, bilateral treaty diplomacy, and reforms of the slavery system in the interconnected space of the Caribbean.

### **1. The Impact of the Haitian Revolution**

In 1789, on the eve of the revolution that would disrupt its existence, French Saint-Domingue was the Caribbean colony with the most significant number of enslaved people – about half a million out of a population of about 560,000 – and, at the same time, the largest market in their trade.<sup>2</sup> As the world’s leading sugar cane and coffee producer, the West Indian colony was at the heart of the Atlantic economy, playing a central role in France’s international trade. Its remarkable success was the outcome of the establishment of an intensive plantation system on the island and the subsequent marketing of its products along transatlantic routes.<sup>3</sup> The impressive prosperity of the possession contributed to the development of several port cities (Nantes, Bordeaux, Marseille, Le Havre) engaged in transatlantic trade, upon which a significant portion of the wealth of the French bourgeoisie depended.<sup>4</sup>

In 1791, two years after the start of the French Revolution and after the War of Independence had led to the birth of the United States of America (1775-1783), the revolt

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<sup>2</sup> Alejandro E. Gómez, *Le spectre de la Révolution noire. L’impact de la Révolution haïtienne dans le Monde Atlantique, 1790-1886* (Rennes: Presses Universitaires de Rennes, 2013), 11. According to historians Herbert S. Klein and Ben Vision III, by the late 1780s, in Saint-Domingue “the slave population stood at 460,000 people, which not only was the largest of any island but represented close to half of the 1 million slaves then being held in all the Caribbean colonies,” *African Slavery in Latin American and the Caribbean* (Oxford: Oxford University press, 2007), 57.

<sup>3</sup> Jacques de Cauna, “Vestiges of the Built Landscape of Pre-Revolutionary Saint-Domingue,” in *The World of Haitian Revolution*, edited by David Geggus, Norman Fiering, (Bloomington: Indiana University Press, 2009), 21-48.

<sup>4</sup> Alan Forrest, *The Death of the French Atlantic: Trade, War, and Slavery in the Age of Revolution* (Oxford: Oxford University Press, 2020), 41-59.

that ultimately resulted in the abolition of slavery and independence from the French empire erupted on the Antillean Island. On August 14 of that year, a large meeting of slaves from approximately one hundred plantations in the colony convened on the estate of Lenormand De Mézy. A purported smaller reunion occurred a few days later in a wooded area known as La Caïman (the Alligator). During this meeting, the leaders of enslaved people, led by the Vodou priest Boukman, sacrificed a black pig and drank its blood in a ritual ceremony to solemnize their commitment to insurrection.<sup>5</sup>

The slave revolt was preceded by that of the white planters, who aspired to political and economic autonomy from the motherland, and that of the free people of color, who sought the achievement of legal and political equality.<sup>6</sup> During the 18th century, the expansion of the Saint-Domingue plantation opened new opportunities for fortune for the class of free people of color, and their presence in the social and economic life of the colony became significant. At the beginning of the Haitian Revolution, 30,000 free people of color lived in

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<sup>5</sup> “During the night of 14 August 1791 in the midst of a forest called Bois Caïman, on the Morne Rouge in the northern plain, the slaves held a large meeting to draw up a final plan for a general revolt. They consisted of about two hundred slave drivers, sent from various plantations in the region. Presiding over the assembly was a black man named Boukman, whose fiery words exalted the conspirators. Before they separated, they held amidst a violent rainstorm an impressive ceremony, so as to solemnize the undertakings they made. While the storm raged and lightning shot across the sky, a tall black woman appeared suddenly in the center of the gathering. Armed with a long, pointed knife that she waved above her head, she performed a sinister dance singing an African song, which the others, face down against the ground, repeated as a chorus. A black pig was then dragged in front of her and she split it open with her knife. The animal’s blood was collected in a wooden bowl and served still foaming to each delegate. At a signal from the priestess, they all threw themselves on their knees and swore blindly to obey the orders of Boukman, who had been proclaimed the supreme chief of the rebellion. He announced as his choice of principal lieutenants Jean Francois Papillon, Georges Biassou, and Jeannot” *Histoire du Peuple Haïtien* (1492-1952), Port-au-Prince, 1953, trans. David Geggus, “The Bois Caïman Ceremony,” *The Journal of Caribbean History* 25, no. 1, (1991): 41-57, quotation at p. 41. According to historian David Geggus, the best-known account of the Bois Caïman ceremony is based on the well-documented public gathering that took place on August 14. This account, however, has generated confusion as it is intertwined with the Vodou propitiatory ritual, for which evidence is scant and uncertain. After a thorough examination of the sources and accounts, Geggus concluded that the ritual ceremony probably took place around August 21. However, he points out that the facts have been significantly manipulated by historians to emphasize the influence of African slave culture and Vodou religion in the Haitian nation’s founding myth.

<sup>6</sup> John D. Garrigus, “Saint-Domingue’s Free People of Color and the Tools of Revolution,” *The World of Haitian Revolution*, edited by David Geggus, and Norman Fiering, (Bloomington: Indiana University Press, 2009), 49-64.

the French colony, the majority of whom were individuals of mixed race. They outnumbered the white colonists who were only 28,000, compared to over 500,000 enslaved individuals.<sup>7</sup> The convergence of several rebellions in a single event, the Haitian Revolution (1790-1804), lasted for thirteen years. During this time, enslaved and free African descendant people, led by Toussaint Louverture (1743-1803), a manumitted enslaved man, repeatedly defeated local settlers and French soldiers.<sup>8</sup> In 1792, as a consequence of the French Revolution, the Legislative Assembly declared that the *gens de couleurs libres* had equal rights and were on par with other citizens before the law. This decision was extended to Saint-Domingue in 1793, where, to establish an alliance with the rebels and regain control of the colony, the civil commissioner Léger Félicité Sonthonax also promised freedom to those who would fight alongside the republicans. Since the Seven Years' War (1756-1763), it had been a common practice for imperial authorities in the Americas to respond to insurrectionary movements by inviting slaves to defend the colonial order in exchange for freedom.<sup>9</sup> As a representative in the colony for Republican France, Sonthonax faced challenges not only from insurgent slaves but also from Spaniards on the other part of the Hispaniola island, Britons who had occupied part of the French colony since 1793, and anti-Republican settlers. In 1794, the rebels of Saint-Domingue compelled France to acknowledge the abolition of slavery on the island and extend the right to freedom also to its other colonial territories. In the same year, they repelled an invasion by the British government, upon which the slaveholders had pinned their hopes for the restoration of slavery, thwarting the expansionist ambitions of the rival empire.<sup>10</sup>

In 1801, Louverture wrote the first constitution of the island which established the colony's strong autonomy within the French empire and recognized racial equality.<sup>11</sup> The following

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<sup>7</sup> Leonara Sansay, *Secret history, or, The Horrors of St. Domingo and Laura*, edited by Michael J. Drexler (Peterborough: Broadview Editions, 2007), 13.

<sup>8</sup> On the history of the Haitian revolution, see: C.L.R. James, *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution*, (London: Allison & Busby, 1938); Aimé Césaire, *Toussaint Louverture: La Révolution française et le problème colonial*, (Paris: Le club français du livre, 1952).

<sup>9</sup> Christopher L. Brown, Philip D. Morgan, and Ben Vinson, *Arming Slaves from Classical Times to the Modern Age* (New Haven: Yale University Press, 2006), 7.

<sup>10</sup> David Geggus, *Slavery, War, and Revolution: The British Occupation of Saint-Domingue, 1793–1798* (Oxford: Oxford University Press, 1982), 38.

<sup>11</sup> Toussaint Louverture, *La libertà del popolo negro. Scritti politici*, ed. by Sandro Chigliola (Torino: la Rosa Editrice, 1997), 161-171; On the republican constitution and the Haitian revolution, see also: Lorenzo Ravano, *La rivoluzione haitiana. Scritti politici e giuridici* (Verona: Ombre Corte, 2020).

year, the insurgents faced French troops sent by Napoleon Bonaparte to restore the *ancien* slave order. In Saint-Domingue, the defeat of the expedition promoted to restore slavery and the *Code Noir* led by General Victor Emmanuel Leclerc (1772-1802), Napoleon's brother-in-law, was resolved on January 1, 1804, with the declaration of independence of the Republic of Haiti. Jean-Jacques Dessalines (1758-1806), who succeeded Louverture in the military leadership after his capture by the French army, thus became the leader of the first independent state of Latin America, the "first post-colonial state" and a "Black nation formed by ex-slaves."<sup>12</sup>

Concurrently, slavery was abolished in Guadeloupe, while the institution persisted in British-occupied Martinique (1794-1802). An edict of Napoleon Bonaparte's government, reinstated slavery – along with the *Code Noir* – in other French colonies in 1801. The edict was officially implemented in 1802.<sup>13</sup> In Guadeloupe, the enslaved people who had experienced freedom and had become, at least nominally, new citizens were once again reduced to bondage.<sup>14</sup> Furthermore, a clear demarcation line was established between enslaved people and free people of color, on one side, and white colonists, on the other. The first article of the decree on July 16, 1802, addressed the suppression of rights for African Caribbean people in the colony and stated that "jusqu'à ce qu'il en soit autrement ordonné, le titre de citoyen français ne sera porté, dans l'étendue de cette colonie et dépendances, que par les blancs. Aucun autre individu ne pourra prendre ce titre ni exercer les fonctions ou emplois qui y sont attachés."<sup>15</sup> The specter of the "Black revolution" hovered in the Caribbean, and news of the ongoing rebellions circulated insistently throughout the region. From the beginning of the revolt of the enslaved and free African descendant people of Saint-Domingue until the declaration of independence of Haiti, the war forced thousands of individuals to leave the island. The

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<sup>12</sup> Nick Thompson Nesbitt, *Universal emancipation: The Haitian Revolution and the radical Enlightenment* (Charlottesville: University of Virginia Press, 2008), 9.

<sup>13</sup> "Dans les colonies restituées à la France [Martinique, Tobago, Saint Lucie] en exécution du traité d'Amiens du 6 germinal an X [Mars 27, 1802], l'esclavage sera maintenu conformément aux lois et règlements antérieurs à 1789/ In the colonies restored to France [Martinique, Tobago, Saint Lucia] in execution of the Treaty of Amiens of the 6th Germinal, Year X [March 27, 1802], slavery will be maintained in accordance with the laws and regulations predating 1789." Loi du 30 floréal an X (May 20, 1802).

<sup>14</sup> Laurent Dubois, *A Colony of Citizens. Revolution and Emancipation in the French Caribbean (1787-1804)* (Chapel Hill: University of North Carolina Press, 2004), 317-320.

<sup>15</sup> "Until further orders, the title of French Citizen shall be borne, in this Colony and its dependencies, only by Whites. No other individual may assume this title or exercise the functions or roles associated with it." Projet d'arrêté du 27 messidor an X (July 16, 1802).

exodus began very early, soon after the 1791 insurrections in the territory of Cap-Français (Guárico) and continued intermittently until 1804. Refugees fled to Martinique, Guadeloupe, and French Louisiana, or to neighboring islands in the Caribbean belonging to rival empires, awaiting the end of the conflict. Some refugees settled in these territories, while others opted to return to Europe, giving rise to a diaspora marked by intricate travel narratives and transatlantic family epics.<sup>16</sup>

According to research conducted by Jan Jansen, in the Age of revolutions, “exile was becoming an experience shared by opponents and proponents of revolutionary change alike.”<sup>17</sup> During the early years of the Saint-Domingue uprising, many royalist refugees sought refuge in Cuba. The first recorded landing in Cuba took place in the port of Baracoa, where a vessel carrying refugees from Saint-Domingue arrived in 1791. Most of them were French sugar and coffee plantation owners, accompanied by some enslaved domestic workers and a few free people of color.<sup>18</sup> After the proclamation of the French Republic in September 1792, other settlers, military personnel and aristocrats in Saint-Domingue chose to align themselves with the Spanish Crown and abandon the already troubled French colony as revolts broke out. For example, Laurent-François Le Noir, Marquis of Rouvray and owner of two plantations in the Plaine du Nord area, described himself in his writings as a “vigoureux royaliste [vigorous royalist]” and a staunch opponent of abolitionism.<sup>19</sup> He was firmly convinced that the liberal ideas underlying the revolutionary process at home would lead to the downfall of the French Caribbean colony. At the same time, he held the French abolitionist movement in the metropolis responsible for the uprisings of slaves and free people of color in Saint-Domingue. The private correspondence of the Rouvray family reconstructs the massacres during the rebellions and the life-threatening risks faced by the whites in the colony. This is coupled with an account of the family’s economic hardships, shared during that period by numerous planters, and the trials they endured to escape from

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<sup>16</sup> R. Darrell Meadows, “Les relations familiales transatlantiques dans *Mon Odyssée*,” *Dix-huitième siècle* 1, no. 43 (2011): 429-445.

<sup>17</sup> Moreover, a few years later, tens of thousands of people from Spanish America sought refuge in the Caribbean, the United States, and Europe. Jan C Jansen, “Aliens in a Revolutionary World: Refugees, Migration Control and Subjecthood in the British Atlantic, 1790s–1820s,” *Past & Present* 255, no. 1 (2022): 189–231, quotation at p. 197.

<sup>18</sup> Gómez, *Le spectre de la Révolution noire*, 55.

<sup>19</sup> Laurent François Le Noir Rouvray, *Une correspondance familiale au temps des troubles de Saint-Domingue: lettres du Marquis de Rouvray à leur fille; Saint-Domingue-Etats-Unis (1791-1796)*, edited by M.E. MacIntosh, and B. C. Weber (Paris: Société de l’histoire des colonies françaises, 1959), 109.

Saint-Domingue. In a letter to the Count of Lostange, also a landowner, Madame Rouvray confides her husband's intentions: "Il ne souhaite plus demeurer sous la domination française et je pense que si nous parvenons à réussir le transfert de notre atelier, ce que nous sommes sur le point de faire, nous irons sur l'île de Cuba, qui appartient aux Espagnols."<sup>20</sup> Additionally, following the Treaty of Basel in 1795, when Spain ceded part of its possession of Santo Domingo to France, surrendering the border territories of Bayajà, Monte Christi, and Dajabòn, numerous refugees from French Saint-Domingue who had initially sought asylum there were compelled to resume their path of escape. Many arrived in Cuba, leveraging the Spanish *cartas de naturaleza* (certificates of naturalization) they had previously obtained in Santo Domingo, and settled across the island.<sup>21</sup> Other French planters, on the other hand, relocated to the British West Indian colonies. They followed in the footsteps of at least sixty thousand Loyalists, accompanied by approximately fifteen thousand slaves, who fled the former colonies in 1782–1783.<sup>22</sup> In all these cases, the decision to emigrate was not solely based on political motivations; often, economic justifications prevailed, as individuals saw opportunities that Saint-Domingue no longer provided in colonies belonging to rival empires.

Slaveholders frequently demonstrated stronger devotion to those ensuring the persistence of slavery than faithfulness to their own empire. During the early escapes, enslaved people owned by French planters were often sold to cover the expenses of the journey from Saint-Domingue or to establish a new life upon arrival. However, in 1793, Commissioner Sonthonax declared the slaves of Saint-Domingue free – a decision later ratified and extended to the rest of the French colonies in 1794 by the Convention. From then on, it became more challenging for French owners to bring along those who, despite still being considered and treated as slaves, were no longer their property. Additionally, applying for a passport posed particular difficulties for free people of African descent, whose full legal personhood was not

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<sup>20</sup> Le Noir Rouvray, *Une correspondance familiale au temps des troubles de Saint-Domingue*, 29.

<sup>21</sup> Alain Yacout, "Esclaves et libres français à Cuba au lendemain de la Revolution de Saint Domingue," *Jahrbuch für Geschichte von Staat, Wirtschaft und Gesellschaft Lateinamerikas* 28, (1991): 163- 197, quotation at p. 171. In that era, the passport served as permission for a single journey and as a basic document identifying membership in a sovereign political community. Usually, French refugees sought *cartas de naturaleza* (certificates of naturalization) in the Spanish Caribbean. According to David Sartorius, these documents were historically linked to trade and travel privileges, *Ever Faithful: Race, Loyalty, and the Ends of Empire in Spanish Cuba* (Durham: Duke University Press, 2013), 39. On French migrants' petitions for *carta de naturaleza* in Cuba, see: AGI: ULTR, Leg. 2.

<sup>22</sup> Jansen, "Aliens in a Revolutionary World," 196.

recognized by Spanish and British law. This led to intricate personal narratives for Black individuals from Saint-Domingue and a continuous reassessment of their status in the years to come. Among those who embarked from the ports of Saint-Domingue, in addition to white settlers, were people of African descent who had long since ceased to be considered slaves. They were recognized as farmers, domestic workers, or more generally, French *citoyens* (citizens). The diverse group on the ships departing from the French colony represented, on a smaller scale, the society of Saint-Domingue and its transformations. However, once at sea and headed for colonies where slavery still prevailed, the journey became an opportunity for many refugees to assert property rights over other passengers. Historian Rebecca Scott has investigated the classification of travelers, questioning the real status of individuals of African descent on these ships. Her analysis also allows for a nuanced reconstruction of their trajectories since the departure from Saint-Domingue.<sup>23</sup> Specifically, former slave owners sought to reinstate the slave status and assert dominance over their fellow travelers. The term *domestique* in French and English or *criado/criada* in Spanish was employed with ambiguity in passenger classifications, referring to both free servants and enslaved people engaged in domestic and urban work, as opposed to those working on plantations. Exploiting this ambiguity, during voyages from Saint-Domingue to other Caribbean colonies thousands of African descendant refugees lost their freedom as they were reclassified as slaves and slavery reinvented during the trip.

Among those who opted to depart from Saint-Domingue were not only French planters but also foreign landowners who, for various reasons, had chosen to settle in the colony either permanently or temporarily. Additionally, free people of color escaping conflicts and numerous enslaved individuals followed their masters. These movements, whether forced or voluntary, within the Caribbean space intensified connections and contacts between different imperial territories. The “fear of Haiti” spread to the region mainly through the accounts of the tragic experiences of these refugees. The different stories of migrations, reconstructed through the numerous documents and autobiographies that testify to their travels, help us to understand the influence and diffusion of news about the Haitian Revolution throughout the Caribbean area.

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<sup>23</sup> Rebecca Scott, “Paper Thin: Freedom and Re-enslavement in the Diaspora of the Haitian Revolution,” *Law & History Review* 29, no. 4 (2011): 1061-87. See also: Rebecca Scott, “Reinventar la esclavitud, garantizar la libertad: De Saint-Domingue à Santiago a Nueva Orleáns, 1803-1809,” *Caminos* 52, (2009): 2-13 ; Rebecca Scott, and Jean Hébrard, “Les papiers de la liberté: Une mère africaine et ses enfants à l’époque de la révolution haïtienne,” *Genèses* 66, (2007): 4-29.

The most intense moments of migration coincided with the events that most dramatically shaped the war on the island. In 1793, Cap-Français was attacked by insurgents; by 1798, the British had evacuated the island. Later, a conflict unfolded in Saint-Domingue between the Black faction, led by Toussaint Louverture, and the Mulatto faction under General Rigaud. Known as the Southern War, this conflict began in 1799 and persisted until 1800, culminating in Louverture's victory and the occupation of Port-au-Prince and the southern part of the island by his forces. Finally, in 1803, following the defeat of Leclerc's expedition, French troops abandoned the colony, which subsequently declared its independence. During this time of conflict, the demand for seats on departing ships was so high that securing passage became challenging. Hundreds of people crowded onto the decks of the boats, facing perilous journeys in unfavorable conditions, and arrived at their destination ports exhausted. They recounted the atrocities and violence from which they had managed to escape.<sup>24</sup> The letters of Leonora Sansay, an American woman who lived in Saint-Domingue, vividly reconstruct the daring journey through different colonies of the Caribbean:

We embarked at the Cape, Clara, myself and six servants, in a small schooner, which was full of women, and bound to St. Jago. As soon as we were out of the harbour a boat from a British frigate boarded us, condemned the vessel as French property, and, without further ceremony, sent the passengers on board another vessel which was lying near us, and was going to Barracoa, where we arrived in three days, after having suffered much from want of provisions and water. Everything belonging to us had been left in the schooner the English made a prize of. St. Louis, having foreseen the probability of this event, had made Clara conceal fifty doubloons in her corset. On our arrival at Barracoa, a French man we had know at the Cape came on board. He conducted us ashore, and procure us a room in a miserable hut, where we passed the night on a board laid on the ground, is being impossible procure a mattrass.<sup>25</sup>

Departing from Cap-Français, she arrived at the Cuban port of Baracoa in the east of the Spanish island. In Cuba, the nearest port of call to the shores of Saint-Domingue, numerous civilian and military refugees found shelter. After disembarking in the eastern ports, they

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<sup>24</sup> See, for example: Anonymous, *My Odyssey. Experiences of a young refugee from two revolutions* (Baton Rouge: Louisiana State University Press, 1959).

<sup>25</sup> Sansay, *Secret history*, Letter XXIV.

gradually established themselves across the island, in both rural areas and cities. The majority of boats docked at the ports of Baracoa and Santiago de Cuba, the capital and most significant city in the eastern part of the Spanish island, where a majority of the refugees chose to settle down. Santiago was, in fact, a thriving merchant port, and the adjacent territory offered ample uncultivated land, providing a significant opportunity for those intending to rebuild their lives in Cuba.<sup>26</sup> After a period in Santiago de Cuba, Lorette finally reached Jamaica. There, another large community of Saint Domingue refugees had settled over the years, providing for the new arrivals. In 1798, almost three thousand people, including some 1,600 slaves, were reported to have arrived in Kingston with the evacuating British troops.<sup>27</sup> Among the soldiers, moreover, were the former enslaved people of Saint-Domingue whom Britain had freed because they had agreed to fight on their side.<sup>28</sup> Eventually, more than 4,000 people moved to the British colony.<sup>29</sup> Referring to Scott's estimates, the fugitives from Saint-Domingue who landed in the port of Santiago in 1803 alone numbered 18,000<sup>30</sup>. By incorporating the arrivals from preceding years and considering the large presence of African descendant people, who are frequently absent from official documents and censuses, historical research suggests that the total number of individuals seeking refuge in Cuba from 1791 to 1804 reached 30,000.<sup>31</sup> The refugees who arrived in Jamaica and Cuba were part of a larger diaspora of several tens of thousands scattered across the Atlantic.<sup>32</sup>

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<sup>26</sup> Gabriel Debien, "Les colons de Saint-Domingue réfugiés à Cuba (1793-1815)," *Revista de Indias* 13, (1953): 559-605, quotation at p. 576.

<sup>27</sup> Jansen, "Aliens in a Revolutionary World," 191.

<sup>28</sup> Geggus, *Slavery, War, and Revolution*, 293-302.

<sup>29</sup> Philip Wright and Gabriel Debien, "*Les colons de Saint-Domingue passés à la Jamaïque (1792-1835)*," *Bulletin de la Société d'Histoire de la Guadeloupe*, 26, 3-216, quotation at p. 197.

<sup>30</sup> Scott, "Paper Thin," 1063.

<sup>31</sup> Gómez, *Le spectre de la Révolution noire*, 53.

<sup>32</sup> Nathalie Dessens examines the legacy of approximately 15,000 Saint-Domingue refugees who settled in Louisiana between 1791 and 1815, *From Saint-Domingue to New Orleans. Migration and Influences*, (Gainesville: University Press of Florida, 2006). According to David Geggus, 700 refugees from Saint-Domingue arrived in France: "Haiti and the Abolitionists: Opinion, Propaganda and International Politics in Britain and France, 1804-1838," in *Abolition and its Aftermath: The Historical Context, 1790 1916*, edited by David Richardson (London: Frank Cass, 1985), 113-140, quotation at p. 131. Other refugees reached various regions of the United States, Puerto Rico, Venezuela, New Granada, and the other French Caribbean colonies. Gómez, *Le spectre de la Révolution noire*, 53-54.

Despite the manifest aversion to France present in rival imperial territories, the calamities suffered by the Saint-Domingue refugees pitied the colonial authorities and the inhabitants of the Caribbean port cities, prompting them to allow landings and offer hospitality. This charitable disposition often coexisted with an attitude of condescension toward the French colonists, who were struggling with the consequences of the liberal ideals of the Revolution and the emancipation of the enslaved population. At the same time, the offer of aid to refugees concealed an awareness that the events unfolding in Saint-Domingue could potentially occur in other colonial territories, fostering a sense of identification among the fugitives, particularly among white owners. However, following the initial period of hospitality, local colonial authorities began to curb the ongoing arrivals from Saint-Domingue.

After the defeat of the British military expedition to the French island, Jamaica continued to provide refuge for American people and other foreigners from Saint-Domingue, while many French refugees were forced by British authorities to divert to the Spanish Caribbean. In fact, access to the British West Indian colony was barred to French people who had not actively participated in the conflict by siding with British forces.<sup>33</sup> However, even in Cuba, the constant arrival of French refugees in the eastern provinces caused concern among colonial authorities. On July 7, 1803, the governor of Santiago, Sebastian Kindelán, issued a decree to maintain order, temporarily prohibiting anyone from renting or selling land to foreigners in the province.<sup>34</sup> The following year, the Spanish King suspended the issuance of naturalization certificates to white French immigrants.<sup>35</sup> However, this measure did not stop the expansion of French possessions in Cuba. Refugees continued to have the opportunity to acquire land in the interior after swearing loyalty to the Spanish Crown. Cuban authorities hesitated to fully grant Spanish political status to French immigrants but provided material support for establishing new plantations and fostering the growth of the colonial economy.<sup>36</sup>

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<sup>33</sup> *Ibid.*, 59.

<sup>34</sup>“Artículo 4: los dichos dueños de hacienda, y terras, no arrendaràn, ni permitan situarse en ellas à extrangeros algunos con cualquiera título, o contrato, que sea, por ahora, y hasta que resulte la resolucìon del Señor Capitan General sobre su permanencia/ Article 4: The said owners of estates and lands shall not lease or allow any foreigners to settle on them with any title or contract whatsoever, for now, and until the resolution of the Captain General regarding their permanence,” quoted in Olga Portuondo Zúñiga, *Francia y Haití en la cultura cubana*, (La Habana: Editorial José Martí, 2014), 58.

<sup>35</sup> AHN: Acuso recibo de la Real Orden prohibiendo la permanencia en Cuba de los emigrados franceses procedentes de Santo Domingo, June 14, 1804, ULTR, Leg. 6366, Exp. 2, no. 81.

<sup>36</sup> Sartorius, *Ever Faithful*, 39-40.

However, not all those seeking refuge enjoyed the same privilege. The presence of numerous refugees of African descent posed a problem for the receiving colonies, torn between the obligation of hospitality and the apprehension of a revolutionary contagion. Agitators and revolutionaries who would spread the ideas of rebellion and freedom could hide among them, and especially among the free people of color.

While for the local enslaved population the revolt of Haiti could be interpreted as a redemption of conscience, for the Spanish and British slaveholders and colonial authorities the possibility of an extension of the conflict translated into the fear of a “new Haiti”, and therefore into forms of control able to prevent what had led to the ruin of the French colony. This meant the use of increasingly accurate selection methods in the reception of Black refugees and, in some cases, their expulsion. In Jamaica, precautions were taken early in the conflict to ward off the arrival of enslaved people and free Blacks from the revolting French territories. On January 5, 1793, the Assembly authorized the governor of the island Williamson to prohibit the purchase or use of slaves from other regions of the Caribbean after August 23 of that year.<sup>37</sup> In 1803 a law authorized the colonial authorities to quickly remove any foreigner deemed suspicious from the island, without regard to the interests of property owners.<sup>38</sup> As early as May 1790, a Royal Ordinance was promulgated by the Spanish Crown, aimed at prohibiting entry into colonial territories to “Blacks acquired or fleeing the French colonies.”<sup>39</sup> In 1796, a decree issued by Captain General Luis de las Casas barred the entry of foreign Black individuals into Cuba unless they were *bozales* – enslaved people brought directly from Africa. This directive specifically targeted African Caribbean people who had been involved in revolts in other imperial domains.<sup>40</sup> Since 1800, moreover, Black males over the age of thirteen were prevented from landing in Cuban ports, and those who were stopped were held by authorities as prisoners and transported at the earliest opportunity to colonial territories on the continent.<sup>41</sup>

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<sup>37</sup> An act to prohibit the purchasing, hiring, or employing, certain foreign slaves, except as there in mentioned, *Royal Gazette*, December 05, 1793, XV.

<sup>38</sup> Gómez, *Le spectre de la Révolution noire*, 60-61.

<sup>39</sup> *Ibid.*, 124.

<sup>40</sup> HL: Por el bando solemne publicado en esta ciudad en 25 de febrero de 1796, en su articulo 2º, se prohibio bajo ningún titulo ni pretexto la introducción de esclavos que hayan vivido en países extranjeros Circular, Habana, January 3, 1835, Miguel Tacón, MS Span 52 (945).

<sup>41</sup> This policy is discussed in general terms by both Scott, “Reinventar la esclavitud, garantizar la libertad,” 4; and Yacout, “Esclaves et libres français a Cuba,” 174-175.

The measures taken by colonial authorities to prevent anti-slavery uprisings were somehow justified. The Haitian conquest of freedom by the enslaved people fueled the spread of revolts to other colonial territories, leading to the multiplication and intensification of slave revolts throughout the imperial possessions. During the revolution and in the years immediately following, the revolts in the Caribbean extended from Dominica (1791) to Curaçao (1795; 1800), Grenada (1795), Saint-Vincent (1795), Barbados (1816), Demerara (1823), and reached the coasts of Venezuela (1795) and Louisiana (1795).<sup>42</sup> Although in other French colonial possessions Leclerc's expedition led to the reintroduction of the institution of slavery, in the French Antilles this imposition found resistance from the African Caribbean population. The revolts of enslaved people and *gens de couleur libres* continued at regularly both in Martinique (1789; 1800; 1811; 1822-1823; 1831; 1833; 1843) and in Guadeloupe (1793; 1802; 1831; 1840).<sup>43</sup> According to historian Ada Ferrer, news of the rebellion of Saint-Domingue enslaved population and the Bois Caïman ceremony quickly reached Cuba. As evidence of this, in 1791 "en la Habana se notó una escasez de cerdos en la carnicería."<sup>44</sup> When the colonial authorities investigated the cause of this shortage, they discovered that African Cuban people were sacrificing pigs to support insurgents from French colony. Since that, in the Spanish island conspiracies or rebellions were uncovered at fairly regular intervals,<sup>45</sup> and direct references to the Haitian example appeared in the series of revolts that shook the colony between 1811 and 1812, renamed Aponte's Rebellion.<sup>46</sup> On the other hand, after the events of Saint-Domingue, fear of revolutionary contagion had crept into the planter class. On the one hand, during the 19th century, a "common wind" united the men

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<sup>42</sup> David Geggus, "Slave Rebellion during the Age of Revolution," in *Curaçao in the Age of Revolutions*, edited by W. Klooster and G. Oostindieg (Leiden: KITLV Press, 2011), 23-56, quotation at p. 25.

<sup>43</sup> Bernarde Moitt, "Slave Resistance in Guadeloupe and Martinique, 1791-1848," *The Journal of Caribbean History* 25, no. 1 (1991): 136-149.

<sup>44</sup> "In Havana a shortage of pigs in the butcher's shop was noted." Ada Ferrer, "Noticias de Haití en Cuba," *Revista de Indias* 63, no. 229 (2003): 675-694 quotation at p. 686.

<sup>45</sup> In 1795 in Bayamo e Puerto Príncipe; in 1796 in Puerto Príncipe; in 1798 in Trinidad, Güines, Mariel, Santa Cruz, and again in Puerto Príncipe; in 1802 in Managua; in 1803 in Río Hondo; in 1805 in Bayamo; in 1806 in Güines; 1809 in Havana and Puerto Príncipe; and in 1811-1812 in Puerto Príncipe, Bayamo, Holguín, Remedios, and Habana: Ada Ferrer, "Speaking of Haiti. Slavery, revolution and freedom in Cuban slave testimony," in *The World of Hatian Revolution*, edited by David Geggus, and Norman Fiering, (Bloomington: Indiana University Press, 2009): 223-247, quotation at p. 228.

<sup>46</sup> Matt Childs, *The 1812 Aponte Rebellion in Cuba and the Struggle against Atlantic Slavery*, (Chapel Hill: University of North Carolina Press, 2006), 4-9.

and women of the African diaspora in anti-slavery rebellions.<sup>47</sup> The revolts continued in the years to come, contaminating and intertwining with abolitionist claims and expanding the age of revolutions in the Caribbean region.

## 2. The 1807 Abolition Act and the New Geography of Slavery

Saint-Domingue's rebellion highlighted that "the exploitation of thousands of workers, used as slaves in the colonies, was accepted as part of a world taken for granted by the same thinkers who proclaimed freedom as a natural condition and an inalienable right of man."<sup>48</sup> Nevertheless, in the European and American cities, anti-slavery ideas had been circulating since the last decades of the 18th century. Intellectuals, politicians, economists, religious and activists from one side of the Atlantic to the other proposed different interpretations and sought solutions to the problem of slavery. The American Revolution had not led to the cessation of slavery but had raised the issue of its preservation and the traffic connected with it. After the wars of independence from Britain, the institution of slavery had gradually begun to be abolished in some northern American states. In 1774, Rhode Island banned future imports of slaves. Vermont and Pennsylvania adopted laws phasing out slavery in 1770 and 1780 respectively, and by 1804 most northern states had declared the institution inhumane and illegal.<sup>49</sup> In Great Britain, after the first Quaker's abolition petition to the House of Commons in 1783, the demands against slavery and slave trade had invaded both parliamentary and public debate.<sup>50</sup> The abolitionist movement, inspired by Enlightenment universalism, had extended its influence from Great Britain to France. In 1788, the *Société des amis des Noirs* was founded, deeply influenced by Anglo-American ideals.<sup>51</sup> The Danish ban on the transatlantic slave trade in 1792, which would not take effect until 1803, marked the beginning of similar interventions by imperial powers in the Caribbean. The abolitionist

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<sup>47</sup> Julius S. Scott, *Common Wind: Afro-American Currents in the Age of the Haitian Revolution*, (New York: Verso, 2020).

<sup>48</sup> Susan Buck-Morss, *Hegel, Haiti and Universal History*, (Pittsburgh: University of Pittsburgh Press, 2009), 22.

<sup>49</sup> Benedetta Rossi, "Abolitionismes et Abolitions," in *Les Mondes de l'esclavage: Une histoire comparée*, edited by Paulin Isnard, Benedetta Rossi, and Cécile Vidal (Paris: Seuil, 2021), 973.

<sup>50</sup> Historian James Walvin mentioned 51, 432 pamphlet and abolitionist books, 26, 525 reports and documents on slavery and the condition of slaves in the colonies. In 1787, 60,000 people signed a petition to end the trade, *Slavery and British Society 1776–1846* (Baton Rouge: Louisiana State University Press, 1982), 51-52.

<sup>51</sup> The association was modeled upon the London Society for the Abolition of the Slave Trade which had been formed the previous year. Robin Blackburn, *The American Crucible. Slavery, Emancipation a Human Rights* (London: Verso, 2011), 179.

campaigns undertaken to suppress the slave trade changed the world's disposition toward slavery, beginning to perceive it as no longer morally acceptable.<sup>52</sup>

However, the trajectory leading to the definitive abolition of slavery in the Caribbean colonies was far from linear. The self-liberation of Haitian slaves, actively pursued as a subjective assertion of freedom by the oppressed, challenged the Atlantic abolitionist debate and philanthropic ideas.<sup>53</sup> As historian Michel-Rolph Trouillot argues, the Haitian Revolution “entered history with the peculiar characteristic of being unthinkable even as it happened.”<sup>54</sup> In the Atlantic world, the Haitian revolution acquired contradictory connotations and judgments, depending on the subjects and contexts. These different associations contributed to shaping divergent notions regarding the meaning of freedom and rights throughout the 19th century.<sup>55</sup> Concerning the stability of colonial empires, references to the Haitian uprisings carried multiple implications, encompassing revolution, the upheaval of social order, and the pursuit of revenge by enslaved people. After the “violent and organized” uprising of the Black people of Saint-Domingue, the abolitionist debate in Great Britain was revived.<sup>56</sup> However, the strategy of the anti-slavery activists shifted from proclaiming the inhumanity of slavery to denouncing the aberration of the slave trade, calling for its cessation and better treatment of enslaved populations in Africa and overseas colonies.

The British Empire ultimately abolished the slave trade in 1807, followed shortly by the United States, initiating efforts to combat trafficking both within and beyond its imperial boundaries. The Act, effective from January 1, 1808, forbade all British subjects from engaging in human trafficking.<sup>57</sup> The tension between slavery and its abolition formed part

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<sup>52</sup> David Brion Davis, *The Problem of Slavery in the Age of Revolution 1770-1823* (Ithaca: Cornell University Press, 1975), 41-42.

<sup>53</sup> In the introduction to his Italian translation of C. L. R. James, *Black Jacobins*, the philosopher Sandro Chignola argues that “la libertà per lo schiavo non viene da Parigi o da Londra, dalle idee filantropiche dell’abolizionismo. La libertà dello schiavo, soggettivamente intesa, è piuttosto ciò che tiene in tensione e riapre la stessa definizione dell’idea europea di libertà, come appunto insegnano i giacobini neri di Santo Domingo. / Freedom for the slave does not come from Paris or London, from the philanthropic ideas of abolitionism. Rather, the freedom of the slave, subjectively understood, is what holds in tension and reopens the very definition of the European idea of freedom, as precisely taught by the Black Jacobins of Saint-Domingue” C. L. R. James, *I giacobini neri. La prima rivolta contro l’uomo bianco* (Derive & Approdi, Roma, 2015), 13.

<sup>54</sup> Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon, 1995), 73.

<sup>55</sup> Ada Ferrer, “La société esclavagiste cubaine et la révolution haïtienne,” *Annales HSS* 58, (2003): 333-356 quotation at p. 336.

<sup>56</sup> Susan Buck-Morss, *Hegel, Haiti*, 30.

<sup>57</sup> An Act for the Abolition of the Slave Trade, 47 Geo.III. c.36, sess. I, 25 Mar. 1807.

of a broader process of social and political reform. By the end of the 19th century, slavery had been ended in many regions of the world, including the Caribbean. This premise has given rise to an exceptionally rich and often contentious historiography exploring the origins, diffusion, and triumph of abolitionism. Giving the prominent role of Great Britain in the anti-slavery policies, historians have paid more attention to British efforts in slave trade and slavery suppression than to any other country. Several studies have examined the motivations behind the British decision to make the slave trade illegal and grant emancipation in their colonies nearly three decades later, often disagreeing on the definition of objectives and intentions.<sup>58</sup> Among these analyses, Eric Williams' *Capitalism and Slavery*, published in 1944, remains one of the most influential and, at the same time, most controversial texts, still at the center of the historiographical debate.<sup>59</sup> Through the perspective of Black Marxist historiography, his analysis deals with the impact of slavery in the formation of British capitalism. Nevertheless, Williams criticized both liberal and classical Marxist interpretations of the Atlantic slave trade and slavery.<sup>60</sup> Adam Smith's theories on free market demonstrated a profound hostility towards slavery, viewing it as a production system incompatible with the freedom of the economic agent and fundamentally antithetical to liberal capitalism.<sup>61</sup> Meanwhile, the Marxist interpretation of slavery within a progressive view of history tended to downplay the historical and theoretical significance of phenomena considered pre-capitalist and of secondary importance. Instead, Williams viewed plantation slavery as an inherently modern institution of capitalist exploitation.<sup>62</sup> *Capitalism and Slavery* is based on two fundamental theses. On the one hand, it investigates the correlation between capital accumulation in the British West Indies and the advent of the Industrial Revolution in England in the 18th century. The trade and the plantation economy enabled the development of the port cities of the mother country and transformed British manufacturing, trade, and financial activities. On the other hand, it shows how the abolition of slave trade and slavery were the result of the development of capitalism, which no longer found economic convenience in maintaining slavery in the colonies. According to William, the decline of the slave system was to be attributed to various factors. First, he examined the downturn of

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<sup>58</sup> Mulligan and Bric, *A Global History of Anti-Slavery Politics*, 7-9.

<sup>59</sup> Eric Williams, *Capitalism and Slavery* (Chapel Hill: The University of North Carolina Press, 1944).

<sup>60</sup> Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition*, (Chapel Hill: The University of North Carolina Press, 1983), 155-157.

<sup>61</sup> Adam Smith, *The Wealth of Nations* (London: W. Strahan and T. Cadell, 1776), c. 7, v. IV.

<sup>62</sup> Jean-Yves Grenier, "Capitalisme," in *Les Mondes de l'esclavage: Une histoire comparée*, edited by Pauline Ismard, Benedetta Rossi, and Cécile Vidal, (Paris: Seuil, 2021), 941-942.

plantations in the British Caribbean, the conflicts between slave traders in port cities, and the emerging industrial bourgeoisie's desire to break free from the antiquated colonial monopoly system. Furthermore, he scrutinized the diminishing influence of mercantilism in favor of free trade and its consequential impact on the colonial economy.<sup>63</sup> Lastly, he underscored how the strategic focus of the British Empire shifted from the Caribbean to the Indian Ocean following the American Revolution. In summary, when viewed through the lens of economic history, slavery played a pivotal role in generating wealth for the mother country and financing the Industrial Revolution.<sup>64</sup> However, the decline of plantations prompted Britain to abandon the economic system based on slave labor, which was deemed no longer advantageous. In consequence of this, the abolition of slavery was not driven by moral or humanitarian considerations but primarily stemmed from the evolution of modern capitalism.

However, the primary criticism centers on the economic perspective of the work, with particular emphasis on challenges to Williams' second thesis being crucial in our analysis.<sup>65</sup> Historian Seymour Drescher, utilizing meticulous quantitative analysis, has contested Williams' proposition regarding the decline of the West Indian plantation economy and its connection to the abolition of the slave trade.<sup>66</sup> Through a comprehensive examination of

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<sup>63</sup> According to Williams, free trade was definitely imposed with the abolition of the sugar duties and the Corn Law, in 1846, *Capitalism and Slavery*, 136.

<sup>64</sup> William's insights have significantly shaped historiography concerning the intricate relationship between Britain and its empire during the nineteenth century. Notably, historian Catherine Hall's work reflects on how metropolitan ideas and practices were profoundly influenced by the colonial experience. Hall's studies provide valuable insights into the broader dynamics between metropolises and Caribbean colonies, encompassing both economic and legislative perspectives. Her analysis sheds light on the integral role of slavery in shaping European cities and, following the abolition of the slave trade, underscores the ensuing conflicts between metropolitan power and the planter class. On the examination of these historical dynamics, see: *Civilising Subjects: Metropole and Colony in the English Imagination 1830-1867* (Chicago: The University of Chicago Press, 2002). Additionally, Hall's studies deal with the intricate processes of reparations and rewards granted to slaveholders after emancipation. She is at the helm of the Centre for the Study of the Legacies of British Slavery, which analyzes the impact of slave-ownership and slavery on the formation of modern Britain (<https://www.ucl.ac.uk/lbs/>, accessed 11/05/2023). This project contributes significantly to our understanding of the enduring legacies of British slavery and its far-reaching socio-economic implications on contemporary Britain.

<sup>65</sup> For critiques of the first thesis and the historical debate on the role slavery and the slave trade played in the Industrial Revolution, see: Stanziani, *Tensions of Social History*, 59-61.

<sup>66</sup> Seymour Drescher, *Econocide. British Slavery in the Era of Abolition* (Pittsburgh: The University of Pittsburgh Press, 1977).

the slave economy in the West Indies, Drescher contends that there was no direct correlation between abolitionism and the interests of industrial capitalism. He argues that slavery, far from being a hindrance, supported the entire economic system of the British Empire, and the abolition of the slave trade amounted to an act of econocide – economic suicide. According to him, the British Abolition Act of 1807 did not result from a decrease in the imperial value of slavery, but rather from a significant mobilization against slavery and the slave trade. Reversing the temporal and causal order of the argument, he argues that emancipation, combined with the strength of the abolitionist movement, was the driving force behind the decline of the plantations. While Williams claimed that economic decline led to the abolition of the slave trade and slavery, Drescher argues that emancipation itself and the vitality of the abolitionist movement precipitated the decline of the plantations.

Both Williams and Drescher perceive abolitionism and capitalism as distinctly British phenomena, with the impact on the slave system confined to the West Indian colonies. In this perspective, empires are conceptualized as closed, homogeneous and independent entities, rather than interconnected spaces. Contrastingly, recent historiography has contextualized the abolition of the British slave trade within the broader framework of global interdependencies and trans-imperial connections in the Caribbean.<sup>67</sup> This approach considers the ambiguous consequences of the Haitian Revolution on the region and analyzes the causes and effects of the abolition of the slave trade from multiple perspectives. On the one hand, the turbulent period of wars and revolutions turned the politics and economics of slave trade and slavery. On the other hand, the expansion of production and demand for sugar changed market relations and restructured the world economy.<sup>68</sup> As previously argued by Drescher, despite slave revolts and abolitionist claims, the period from the 1780s to the 1820s witnessed economic expansion for the British Empire and throughout the Atlantic world. During this time, processes of industrialization, urbanization, and demographic growth in Europe and North America unprecedentedly altered the demand for raw materials in the global market. Increasing trade in goods underscored the key importance of sugar,

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<sup>67</sup> Dale W. Tomich, ed., *New Frontiers of Slavery* (New York: State University of New York, 2016); Dale W. Tomich, ed., *Atlantic Transformations: Empire, Politics, and Slavery during the Nineteenth Century* (Albany: SUNY Press, 2020); Dale W. Tomich, and Paul E. Lovejoy, *The Atlantic and Africa: The Second Slavery and Beyond* (Albany: SUNY Press, 2021).

<sup>68</sup> Klein and Vision III, *African Slavery*, 87.

accompanied by cotton and coffee.<sup>69</sup> Historian Dale Tomich emphasizes that, “this long-term cyclical movement was accompanied by the redistribution and reorganization of labor, the adoption of new varieties of cane and new processing technologies, and, most importantly, the creation of new zones of sugar production.”<sup>70</sup> Adopting this interpretative approach encourages the use of comparison between different imperial experiences as a tool to analyze the transition to freedom in Caribbean colonial societies and understand movements of people within the trans-imperial Caribbean space.

At the turn of the 19th century, European powers ceded portions of their colonial possessions to other empires. The global conflict between France and Britain (1778-1783) and subsequent European conflicts from 1792 onwards had significant repercussions in the Atlantic world, involving overseas territories. This situation impacted the Caribbean space, leading to colonies changing hands permanently, especially during the Napoleonic wars (1803-1815). Some possessions shifted under new governance, and through changing frontiers, power relations between empires were redefined.<sup>71</sup> Following the formation of the new independent state of Haiti, France lost its richest and most productive colony, significantly diminishing its imperial power in the Americas. Napoleon’s transfer of Louisiana to the United States (1803) and the subsequent divestiture of Florida from Spain (1819) were also consequences of the Haitian Revolution.<sup>72</sup> These territorial annexations contributed to the expanding influence of North America on the Caribbean region, where the American Revolution had severed the imperial union between Great Britain’s American colonies and the British West Indies. By 1783, the maritime strength of the United States had grown to rival that of Britain, allowing it to participate in trade with French, Spanish, and other

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<sup>69</sup> Daniel B. Rood, *The Reinvention of Atlantic Slavery: Technology, Labour, Race, and Capitalism in the Greater Caribbean* (New York: Oxford University Press, 2017), 8. See also: Sven Beckert, “Cotton and the Global Origins of Capitalism,” *Journal of World History* 28, no. 1 (2017): 107–120, especially p. 109.

<sup>70</sup> Dale W. Tomich, *Through the Prism of Slavery: Labor, Capital, and World Economy* (Lanham: Rowman & Littlefield, 2004), 107.

<sup>71</sup> Mulich, *In a Sea of Empire*, 8-11.

<sup>72</sup> The African American intellectual W.E.B. Du Bois emphasized the impact of the Haitian Revolution on American society. According to him, the revolts led by Toussaint Louverture “intensified and defined the anti-slavery movement and became one of the causes, and probably the prime one, which led Napoleon to sell Louisiana for a song, and finally, through the interworking of all these effects, rendered more certain the final prohibition of the slave-trade by the United States in 1807,” *The suppression of the African slave-trade to the United States of America, 1638-1870* (New York: Longmans, Green, and Co., 1896), 70.

European colonial territories. This marked the emergence of the United States as a new competitor in both production and commerce.<sup>73</sup>

Later, the process of the imperial dissolution of Spanish America gave rise to the Latin American republics. In this context, Latin American independence and, particularly, the process of Brazil's separation from Portugal (1822-1825), created political spaces and economic opportunities for the planter elites of the new states.<sup>74</sup> Despite the proliferation of political entities and actors in the Americas, the fall of Saint-Domingue brought new prosperity to neighboring imperial territories in the Caribbean, particularly in Jamaica and Cuba, which shared the wealth abandoned by the former French colony.<sup>75</sup>

### 3. The Second Slavery in the Caribbean

Between 1791 and 1815, sugar production in the British West Indies experienced unprecedented growth. In the same period when Saint-Domingue was in turmoil, and the rebels in Haiti successfully defeated the British, Jamaica nearly doubled its sugar output. Despite the Slave Trade Abolition Act of 1807, Britain remained the largest commercial intermediary for sugar producers, with its colonies supplying nearly half of the world sugar market.<sup>76</sup> Similarly, the French colonies – Guadeloupe, Martinique, Guiana, and Reunion – sustained accelerated expansion until the late 1820s, reaching production levels that had been previously guaranteed by Saint-Domingue.<sup>77</sup> Following the loss of its most productive colony, France had to rely more heavily on the remaining colonies. It adopted a system of protective tariffs that excluded foreign sugar from the domestic market to ensure the recovery of the maritime-commercial sector of the French economy and the rapid expansion of the sugar industry and slave labor in the French Antilles. In Martinique, which had returned to British control during the second military occupation from 1809 to 1814,

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<sup>73</sup> Sam Willis, *The Struggle for Sea Power: A Naval History of the American Revolution* (New York: W.W. Norton & Company, 2016).

<sup>74</sup> Antonio Annino, Luis Castro Leiva, François-Xavier Guerra, *De los imperios a las naciones. Ibero-américa* (Zaragoza: Ibercaja, 1994).

<sup>75</sup> David Geggus, *The Impact of the Haitian Revolution in the Atlantic World* (Columbia, University of South Carolina Press, 2001); Ada Ferrer, *Freedoom's Mirror: Cuba and Haiti in the Age of Revolution* (Cambridge, Cambridge University Press, 2015).

<sup>76</sup> Tomich and Zeuske, "Introduction, the Second Slavery," 95.

<sup>77</sup> *Ibid.*

increased land exploitation, the expansion of sugar mills, and innovation in production methods revitalized the plantation industry and reinforced the discipline of slave labor.<sup>78</sup>

In the Cuban context, the Haitian Revolution and its aftermath intersected with the Cuban elite ongoing efforts to establish a plantation economy for the expansion of transatlantic trade. In the eighteenth century, the economic potential of the Spanish Caribbean had not been fully realized. Before the British invasion of Havana in 1762 during the Seven Years' War, the Spanish island had a relatively low number of slaves compared to other Caribbean islands, and its plantations, primarily focused on tobacco, were of limited size. The Cuban sugar industry received a stimulus from the introduction of 5,000 individuals enslaved by the British.<sup>79</sup> However, the enslaved population remained relatively low, and due to the increased accessibility of manumission and the prevalence of the practice of *cimarronaje* (marronage) in the Spanish colonies, there was also the highest number of free people of color compared to the neighboring English and French colonies.<sup>80</sup> Since the 1770s, during the era of Bourbon reformism, the island became the prototype of what the American colonies were to become to revive the fortunes of the motherland: large producers of raw materials, in great demand in Europe. Commodities sales would have allowed Spain to enrich itself and modernize the structures of its empire. To this end, it was necessary to increase the importation of enslaved people and liberalize the slave trade. To remedy this disparity, in 1778 Charles III authorized the *Reglamento de libre comercio* (Free Trade Regulation) between Spain and the Indies.<sup>81</sup> The journey of Francisco de Arango y Parreño, a young man belonging to the Cuban aristocracy, to Spain in 1788 had the objective of making explicit these demands to the Spanish monarchy. Once in Madrid, he lobbied for the liberalization of the slave trade, which he

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<sup>78</sup> Dale W. Tomich, *Slavery in the Circuit of Sugar: Martinique and the World Economy 1830-1848* (Baltimore: Johns Hopkins University Press, 1990), 100-103.

<sup>79</sup> Tomich, *Through the Prism of Slavery*, 80. According to Seymour Drescher, this was the first experience of the liberalization of the slave trade in Cuba since “the British conquest of Havana during the Seven Years' War temporarily shattered the Spanish imperial Asiento system,” “The Fragmentation of Atlantic Slavery and the British Intercolonial Slave Trade,” in *The Chattel Principle: Internal Slave Trades in the Americas*, edited by Walter Johnson (New Haven: Yale University Press), 234-255, quotation at p. 234.

<sup>80</sup> “By 1792, free blacks and mulattoes represented 38 percent of the nonwhite Cuban population and 20 percent of the population as a whole.” De la Fuente, “Slave Law and Claims-Making in Cuba,” 345. In Saint-Domingue, as we have seen, they constituted only 17 percent of the non-white population. In 1789, in Jamaica, there were 2,500 free Black people and 7,500 individuals of mixed race among 250,000 enslaved people (just 4 %). Daniel Livesay, *Children of uncertain fortune: mixed-race Jamaicans in Britain and the Atlantic family, 1733-1833* (Chapel Hill: University of North Carolina Press, 2018), 24.

<sup>81</sup> *Reglamento y Aranceles Reales para el Comercio Libre de España a Indias* (Madrid: Imprenta de P. Marin, 1778).

achieved through a Royal Decree of *Introducción libre de esclavos* (Free Introduction of Slaves) into Spanish America of 1789,<sup>82</sup> then renewed over the years in favor of Cuban landowners and the elite of Spanish possessions in America. In 1792, one year after the outbreak of the slave revolt in Saint-Domingue, Arango y Parreño wrote the *Discurso sobre la agricultura en La Habana, y medios para fomentarla*.<sup>83</sup> In the book he explained the benefits that the revolution which was underway in the French colony and the new Atlantic geo-economic reality would have brought to the development of Cuba, as an important international supplier of tropical agricultural products. According to him, the changed conditions represented an unmissable opportunity to modernize production techniques and compete in the Atlantic economy with France and Great Britain. In the following years, Arango y Parreño was one of the greatest promoters of the reforms and changes that shaped slave economy and Cuban society. Specifically, Arango y Parreño advised the Spanish crown that agricultural reform was imperative, advocating for free trade, agricultural scientific advancements, and the unrestricted importation of slaves. Building on these principles, he also believed that for slavery in Cuba to be more productive, the conditions of the enslaved population should be improved. As in his case, Enlightenment ideals played a significant role among proponents of slavery in Cuba. They envisioned alternatives to Adam Smith's economic model that included the perpetuation of slavery.<sup>84</sup>

While discussions about its abolition were beginning in the Anglo-American world, the Spanish imperial government actively promoted the slave trade in various ways. Soon after 1807, moreover, the process of independence of the Latin American republics exponentially increased Spanish interest in Cuba, which, along with the Philippines and Puerto Rico, remained imperial territory. Cuba's loyalty to the Spanish empire during the Age of Revolutions was rewarded by conferring the title *siempre fiel* (ever faithful) upon the island. Furthermore, the Creole elite was compensated, as no other Spanish possession benefited as

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<sup>82</sup> *Real Cedula Concediendo Libertad Para el comercio de negros con las islas de Cuba, Santo Domingo, Puerto Rico, y Provincia de Caracas, à españoles y Estanjeros, baxo la reglas que se expresan* (Madrid: de la Imprenta de Viuda de Ibarra, 1779).

<sup>83</sup> Francisco Arango y Parreño, *Discurso sobre la agricultura en La Habana, y medios para fomentarla* (Habana: Publicaciones del instituto de la Víbora, 1792).

<sup>84</sup> Dale W. Tomich, "The Wealth of Empire: Francisco Arango y Parreña, Political Economy and the Second Slavery in Cuba," *Comparative Studies in Society and History* 45, no. 1 (2013), 4-27. On the coexistence of slavery and liberal ideas, see also: Caroline Oudin-Bastide, *Travail, capitalisme et société esclavagiste. Guadeloupe, Martinique (XVII<sup>e</sup>-XIX<sup>e</sup> siècle)* (Paris: La Découverte, 2005).

much as Cuba from the decree liberalizing trade.<sup>85</sup> Between 1789, the year of trade liberalization, and 1820, at least 300,000 slaves arrived on the island. This was a much larger importation if compared with the previous period when an estimated 41,604 African men and women were deported to Cuba between 1763 and 1789, adding to the 32,000 already there.<sup>86</sup>

As Cuban sugar production expanded concurrently with the vast growth of African slavery, Cuban elites favored Spanish stability over the risk of violent conflict, and Spain did everything in its power to maintain control over the Caribbean colony. Imperial policy remained unchanged even amid the chaos generated by conflicting attempts to reformulate Spanish sovereignty after 1808. In 1812, Article 22 of the Cadiz Constitution extended citizenship “a los Españoles que, por cualquier línea, son considerados y reputados como nativos de África”, ensuring:

carta de ciudadano à los que hicieron servicios calificados a la Patria, o a los que se distinguan por sus talentos, aplicación y conducta; con la condición de que sean hijos de legitimo matrimonio de Padres ingenuos; de que estén casados con Mujer ingenua; y avecindados en los dominios de las Españas; y de que coerzan alguna profesión, oficio o industria útil con un capital propio.<sup>87</sup>

On the one hand, for the *Cortes*, the status of free people of color remained anchored in their social and family position. On the other hand, the article underscored the growing political influence of free African descendants in the Spanish empire, and their ability to lobby

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<sup>85</sup> Karen Y. Morrison, *Cuba's Racial Crucible: The Sexual Economy of Social Identities 1750-2000* (Bloomington: Indiana University Press, 2015), 98.

<sup>86</sup> Aline Helg, *Slave No More. Self-Liberation before Abolitionism in the Americas* (Chapel Hill: The University of North Carolina Press, 2019), 190.

<sup>87</sup> “to Spaniards who through whatever line are considered and reputed to be natives of Africa [...] a letter of citizenship to those who have performed qualified services to the country or are distinguished by their talents, application and conduct; on the condition that they be the legitimate offspring of free parents, married to a free woman, resident in the Spanish kingdoms, practice some useful profession, office or industry, and have their own assets.” *Constitución política de la monarquía española promulgada en Cádiz*, March 19, 1812. Moreover, as early in 1795, Spanish government introduce the *gracias al sacar*, a royal exempt allowing *mulattos* and *pardos* to purchase whiteness. Through this legal mechanism, free mixed race-people could ascend socially, enter certain educational institutions, and hold public office, enjoying privileges otherwise reserved for whites. *Real Cédula de Gracias al Sacar, February 10, 1795*. On this issue, see: Ann Twinam, *Purchasing Whiteness: Pardos Mulattos and the Quest for Social Mobility in the Spanish Indies* (Redwood City: Stanford University press, 2015).

institutions, advance their own demands, and improve their social position. However, as the Cadiz Cortes reevaluated the privileges and connotations of whiteness during the Latin American wars of independence in Cuba following the 1812 Aponte Rebellion, the Spanish administration was more inclined to monitor the enslaved population and safeguard the loyalty of the Creole elite than to provide opportunities for free people of color.<sup>88</sup>

The contradiction between the fear of slave uprisings and the increase in enslaved people importation in the 19th century was resolved by the Cuban administration through policies controlling the social mobility of African descendant population. As highlighted in the studies of Ariela Gross and Alejandro de la Fuente, these provisions aimed to reduce the possibilities of manumission for the enslaved and restrict the access of free people of color to privileges reserved for the creole and white elite.<sup>89</sup> While these provisions were significant, their success was not consistent, as in Cuba, manumission remained a deeply ingrained traditional legal and religious practice, limiting the impact of the efforts of Cuban slaveholders to curtail the rights of freed people.<sup>90</sup> Nevertheless, as we will explore in the subsequent chapters, the expansion of freedom in Cuba was almost entirely the result of enslaved people's tenacious pursuit of emancipation, exploiting political circumstances and imperial rivalries in the age of abolition, rather than policies or legislation designed to increase manumissions.

The transformations in the Cuban sugar industry were made possible not only through the Spanish imperial initiative but also owing to the "migration utile (useful migration)" of thousands of landowners, administrators, artisans, and technicians from Saint-Domingue.<sup>91</sup> These individuals were closely tied to the production of sugarcane and coffee and found employment on the plantations of the Spanish island. In both Cuba and Jamaica, their contributions to the economies of the rival imperial islands propelled an increase in production between the late 18th and early 19th centuries.<sup>92</sup> However, the Napoleonic wars

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<sup>88</sup> Sartorius, *Ever Faithful*, 23. On the repression of the Aponte's revolts, see also: Childs, *The 1812 Aponte Rebellion*, 173-176.

<sup>89</sup> Alejandro De la Fuente and Ariela J. Gross, *Becoming Free, Becoming Black: Race Freedom and Law in Cuba, Virginia and Louisiana*, (Cambridge: Cambridge University Press, 2021), 1-12.

<sup>90</sup> The population of free people of color increased in Cuba, witnessing a doubling of the free Black population in Havana between 1792 and 1817. *Ibid.*, 133.

<sup>91</sup> Yacou, "La presencia francesa," 222.

<sup>92</sup> R. Darrell Meadows, "Engineering Exile: Social Networks and the French Atlantic Community, 1789-1809," *French Historical Studies* 23, no. 1 (2000): 67-102. On this issue, see also: Rood, *The Reinvention of Atlantic Slavery*, 14.

had repercussions in the Caribbean colonial territories, sparking an anti-French reaction in regions where just a few years earlier, thousands of colonists, free people of color, and slaves from Saint-Domingue had found refuge. Due to the conflict, non-naturalized French citizens were expelled from British Jamaica in 1803.<sup>93</sup> Shortly after the French invasion of Spain in 1808 and the patriotic uprising on March 2 of the same year in Madrid against the Napoleonic forces, news of the unrest reached the colony of Cuba, and the fate of French refugees on the island became uncertain once again. On July 28, 1808, a dispatch was issued, requiring governors of all districts to enumerate the number of foreigners in their district, particularly those from France and its colonies. By March 12 of the following year, the French were expelled from the island.<sup>94</sup> Fleeing from Saint-Domingue and expelled from Jamaica and Cuba, the refugees resumed their exile, moving to French colonies in America, especially Louisiana, or returning to the homeland. Some never returned in the Caribbean, establishing permanent residence in these new locations, while others came back to Cuba after the restoration of the monarchy, reclaiming their properties left under the care of trusted individuals on the island to prevent confiscation.<sup>95</sup> Attempts by French refugees to return to the Spanish island encountered a favorable political climate, in line with the colony's plans to maintain the balance between white settlers and the population of African descent.<sup>96</sup> Meanwhile, Cuban sugar production surged rapidly and consistently in the years following the Napoleonic Wars, with Cuban sugar exports increasing continuously from 16,731 metric tons in 1791 to 45,396 metric tons by 1815.<sup>97</sup>

While production had been expanding both in the traditional sugar-producing regions and in new areas until that point, after 1815, the economic opportunities in the Caribbean post-Haitian revolution weakened, and the market regained stability. The islands that initially implemented the institution of slavery in the plantation economy – Barbados in the 17th century, Jamaica, and Saint-Domingue in the 18th century – lost their centrality, and the production of sugar, coffee, and cotton expanded in the Americas, giving rise to a second era of slavery. In this changing landscape, the newly emerging production regions continued to enhance their influence and economic significance, whereas the older production areas

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<sup>93</sup> Wright and Debien, " *Les colons de Saint-Domingue passés à la Jamaïque*," 170-174.

<sup>94</sup> Scott, "Paper Thin," 1071.

<sup>95</sup> According to Sartorius, they had to take oaths of loyalty to Spain upon arrival but faced fewer restrictions, *Ever Faithful*, 40.

<sup>96</sup> In 1812, members of the Havana Sociedad Económica de Amigos del País established a Comisión de Población Blanca (Commission for White Population), AHN: EST, Leg. 8052, Exp.1, no. 84.

<sup>97</sup> Tomich, *Through the Prism of Slavery*, 91.

struggled to adapt to the altered conditions. Global trade shifted to regions that had previously held a relatively marginal position from an economic and commercial perspective: Cuba, the southern United States, and the southeastern area of Brazil. Those expelled from Jamaica, therefore, found it hardly worthwhile to reclaim their plantations on the British island with the conclusion of the Napoleonic wars. By 1815, British expansion in the Caribbean had halted, and sugar production in the British Caribbean had reached its saturation point.<sup>98</sup> In Jamaica, where sugar trade still yielded substantial profits, limited territory restricted plantation expansion to the island's interior, leading to increased production and transportation costs. Despite settlers' efforts to boost plantation income through new methods and technologies, when compared to sugar cane production in Cuba and the growing demand in the European market, productivity remained low. In the late 1820s, French Antilles colonies also ceased expanding and required protective tariffs to maintain their achieved levels.<sup>99</sup> In the meantime, sugar had become the dominant sector of the Cuban economy. The simultaneous decline of old slave production zones and the emergence of new ones led to Cuba becoming the world's largest sugar producer.<sup>100</sup>

#### **4. Liberated Africans and the Anti-Slave Trade Treaties**

Throughout the 19th century, American cities transitioned from mere producers for the motherland to becoming vital hubs in commercial networks, expanding their significance and gaining autonomy. This shift reshaped the dynamics between metropolises and old colonial territories, reforming the political and economic role of the Atlantic region. Cuba, in this context, diversified its exports, reaching not only Spain but also the United States, Europe, and Russia.

The development of the "second slavery societies" relied heavily on a new wave of bonded labor and the subsequent deportation of hundreds of thousands of enslaved individuals from Africa. Despite legislative efforts in Anglo-American jurisdictions to abolish the slave trade, the trafficking endured throughout the first half of the 19th century.<sup>101</sup> Between 1750 and 1830, the slave population in the Americas tripled, surging from 1.5 million to 4.5 million,

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<sup>98</sup> *Ibid.*, 63.

<sup>99</sup> Tomich, *Slavery in the Circuit of Sugar*, 41-53.

<sup>100</sup> Cuba surpassed Jamaica's peak production in 1827 by producing 76,669 tons of sugar. Tomich, *Through the Prism of Slavery*, 81.

<sup>101</sup> Michael Zeuske, "Out of the Americas: Slave traders and the Hidden Atlantic in the nineteenth century," *Atlantic Studies* 15, no. 1 (2018): 103-135.

and the slave frontier dramatically expanded in those same years. As highlighted in the literature examining the long-term history of the Atlantic world, never before, until the 1820s, did the Americas have such a substantial slave population.<sup>102</sup>

However, the slave trade underwent new dynamics and control measures as Great Britain enacted laws for the suppression of the “odious commerce” outside its imperial borders through a policy of bilateral treaties with other slaveholding powers.<sup>103</sup> Through the ratification of the Slave Trade Act, the moral, religious, and philosophical condemnation of the institution of slavery had passed to the level of legal contrast. In line with this, Great Britain established a special department of the Foreign Office, known as the Slave Trade Department.<sup>104</sup> British abolitionist diplomatic negotiations spanned virtually the entire 19th century, establishing a new hierarchical international political order.<sup>105</sup> Through treaties, Britain reconfigured its relationships with the United States and the independent Latin American republics, reinstating Atlantic commercial and political ties. Moreover, the treaties for the suppression of the slave trade reshaped the relationship between Spain, France, and Britain through forms of intra-imperial law that had never been experienced before.

With the Treaty of Paris of May 30, 1814, following Napoleon’s defeat, the French government agreed to abolish the slave trade within a period of five years and to support Great Britain in convincing other powers to do the same.<sup>106</sup> However, between 1815 and

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<sup>102</sup> Federica Morelli, *Il mondo atlantico. Una storia senza confini (XV-XIX)* (Roma: Carocci editore, 2013), 226. According to Helg, “the year 1829, with a total of 106,000 African men, women, and children brought alive to the Americas, marked the peak of that odious trade’s history,” *Slave No More*, 124. See also: Slave Trade Database (<https://www.slavevoyages.org/>, accessed 13/11/2023).

<sup>103</sup> David R. Murray, *The Odious Commerce: Britain, Spain and the Abolition of the Cuban Slave Trade*, (Cambridge: Cambridge University Press, 1981).

<sup>104</sup> Claudia Storti, *Economia e politica vs libertà: Questioni di diritto sulla tratta atlantica degli schiavi nel XIX secolo* (Torino: Giappichelli, 2020), 54.

<sup>105</sup> Edward Keene, “A Case Study of the Construction of International Hierarchy: British Treaty-Making Against the Slave Trade in the Early Nineteenth Century,” *International Organization* 61, no. 2 (2007): 311-39.

<sup>106</sup> On June 15, 1814, French King Louis XVIII confirmed that the French delegation would support the British position during the Congress of Vienna, scheduled to commence on September 18 of the same year. *Additional Articles Between France and Great Britain*, Art. I: “His Most Christian Majesty, concurring without reserve in the sentiments of His Britannic Majesty, with respect to a description of traffic repugnant to the principles of natural justice and of the enlightened age in which we live, engages to unite all his efforts to those of His Britannic Majesty, at the approaching Congress, to induce all the Powers of Christendom to decree the abolition of the Slave Trade, so that the said Trade shall cease universally, as it shall cease definitely, under any circumstances, on the part of the French Government, in the course of 5 years; and that, during the said period, no slave merchant shall import or sell slaves, except in the colonies of the State of which he is a subject.”

1830, the Bourbon monarchy, eager to rebuild a French Atlantic economy, adopted an ambivalent stance toward suppressing the slave trade, demonstrating significant ambiguity in its implementation. The return of colonies under French sovereignty, previously occupied by the British, revitalized the African slave market.<sup>107</sup> Additionally, refugees from Saint-Domingue who had resettled in France contributed to reinforcing the pro-slavery stance.<sup>108</sup> Simultaneously, the end of the war brought British and French abolitionists closer and revived petitions to end the slave trade. Abolitionist activists understood that making the slave trade illegal required intervention in local legislations and extending abolitionist claims internationally.<sup>109</sup>

Despite the renewed peace in Europe leading to a general resurgence of the slave trade, the Congress of Vienna represented the first inter-European commitment to end transatlantic trafficking. On February 8, 1815, Austria, France, Prussia, Portugal, Spain, Sweden, and Russia joined Britain in proclaiming the Atlantic slave trade as “repugnant to the principles of humanity and universal morality”, invoking the “wish of putting an end to a scourge, which has so long desolated Africa, degraded Europe, and afflicted humanity.”<sup>110</sup> The proclamation consolidated the idea of humanity as the foundation for political action, while showing the unity and moral superiority of the European powers.<sup>111</sup>

In exchange for its support of the abolitionist cause, France had already secured the restoration of its borders to those of January 1792 and obtained financial compensation from Great Britain for French colonies.<sup>112</sup> Under British pressure, even Spain declared its opposition to the slave trade. Given the hesitancy of the Catholic powers to make a genuine

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<sup>107</sup> Anita Rupprecht, “Les voyages des aveugles. Le Havre-La Guadeloupe, 1819,” in *Les Mondes de l’esclavage: Une histoire comparée*, edited by P. Ismard, B. Rossi, and C. Vidal, 277-283, quotation at p. 278.

<sup>108</sup> Geggus, “Haiti and the Abolitionists,” 130-131.

<sup>109</sup> Seymour Drescher, “British Way, French Way: Opinion Building and Revolution in the Second French Slave Emancipation,” *The American Historical Review* 96, no. 3 (1991): 709-734 quotation at p. 713.

<sup>110</sup> Declaration of the Powers, on the Abolition of the Slave Trade, February 8, 1815, Art. XV.

<sup>111</sup> Rossi, “Abolitionnismes et Abolitions,” 975.

<sup>112</sup> Treaty of Paris 1814. Art. VIII: “His Britannic Majesty, stipulating for himself and his Allies, engages to restore to His Most Christian Majesty, within the term which shall be hereafter fixed, the Colonies, Fisheries Factories, and Establishments of every kind which were possessed by France on the 1st of January, 1792, in the Seas and on the Continents of America, Africa, and Asia; with the exception, however, of the Islands of Tobago and St. Lucia, and of the Isle of France and its Dependencies, especially Rodrigues and Les Séchelles, which several Colonies and possessions His Most Christian Majesty cedes in full right and Sovereignty to His Britannic Majesty, and also the portion of St. Domingo ceded to France by the Treaty of Basle, and which His Most Christian Majesty restores in full right and Sovereignty to His Catholic Majesty.”

commitment to abolition, they structured the collective stance against the slave trade in a way that allowed each country to determine domestically the methods and timing of abolition. In following years, however, British diplomatic skill ensured that the vague intentions established at the Congress of Vienna were translated into formal commitments by the other powers. Utilizing the accumulated ‘moral capital,’ Great Britain successfully urged other powers to sign bilateral treaties, consenting to a mutual right to inspect suspicious ships in international waters during times of peace.<sup>113</sup>

Since 1808, the British patrolled the African coasts in an effort to curb the slave trade. In the same year, Sierra Leone became a Crown colony and served as the operational base for the Royal Navy’s West Africa Squadron, housing the Vice-Admiralty Court for adjudicating captures and serving as the repository for African people seized from slave ships. When a naval patrol intercepted a slave ship, the transported enslaved people became “prize negroes”, the property of their captor with an exchange value. The captor then brought the slave ship to court.<sup>114</sup> According to the Slave Trade Abolition Act, the British Crown assumed responsibility for “receiving, protecting, and providing for such Natives of Africa” that were enfranchised and redistributed as “free laborers” in the imperial possession nearest to where the ships were seized.<sup>115</sup> The majority of these so-called liberated Africans were taken to Sierra Leone, which became a reserve of apprentice laborers for the Crown.<sup>116</sup> Freetown had previously been the arrival point for Nova Scotians, Jamaican Maroons, and liberated Africans taken off slave ships, constituting a significant immigration after 1808.<sup>117</sup> However, over the years, the transfers of apprentice laborers to the British West Indies also

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<sup>113</sup> Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: The University of North Carolina Press, 2006), 10.

<sup>114</sup> Treaty between the Governor of Sierra Leone and King Firama and King Tom, July 7, 1807.

<sup>115</sup> 47 Geo. III, c.36.

<sup>116</sup> In the British Empire, African people seized by illegal slave ships were also referred to as “recaptives,” “prize Negroes” or “prized slaves.” Considering the different nomenclature, we use “liberated Africans” here since it is the preferred term in British documents for the Caribbean area and by historiography. On terminology, see Richard Anderson, “Liberated Africans,” *Oxford Research Encyclopedia of African History* (<https://oxfordre.com/africanhistory/view/10.1093/acrefore/9780190277734.001.0001/acrefore9780190277734-e-741>, accessed 12/03/2024).

<sup>117</sup> Suzanne Schwarz, “The Impact of Liberated African ‘Disposal’ Policies in Early Nineteenth-Century Sierra Leone,” in *Liberated Africans and the Abolition of the Slave Trade, 1807–1896*, edited by Richard Anderson, and Henry B. Lovejoy (Rochester: University of Rochester Press, 2020), 45-65.

intensified.<sup>118</sup> Forcibly relocated between African and American colonies, their legal status remained in an intermediate limbo between slavery and freedom.

The first Anglo-Spanish treaty aimed at preventing their subjects from engaging in illicit slave trafficking was signed in Madrid on September 23, 1817.<sup>119</sup> As part of the treaty terms, Britain agreed to compensate Spain with a sum of £400,000,<sup>120</sup> and the agreement banned the slave trade within the dominions of Spain as of May 30, 1820.<sup>121</sup> Through this bilateral agreement with Spain, the British sought to prevent the protection of the Spanish flag from being extended to foreigners involved in the slave trade. Moreover, signatory imperial powers committed to establishing Courts of Mixed Commission for the Abolition of the Slave Trade, international courts tasked with adjudicating cases involving captured slave ships. These courts operated when the nationality of a slave ship corresponded to a co-signatory of a bilateral abolition treaty with Britain. This legal framework allowed for mutual rights of search and the establishment of mixed commissions on British possessions along the African coast (Freetown in Sierra Leone) and on territories held by the Spanish Crown (Havana in Cuba) to try and condemn captured slave ships. Similar conventions were signed between Great Britain and Portugal, and the Netherlands between 1817 and 1818.<sup>122</sup> In this way, British government asserted its sovereignty at sea and implemented the organization and

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<sup>118</sup> Rosanne Marion Adderley, *New Negroes from Africa: Slave Trade Abolition and Free African Settlement in the Nineteenth-Century Caribbean* (Bloomington: Indiana University Press, 2006); Lisa Ford and Naomi Parkinson, “Legislating Liberty: Liberated Africans and the Abolition Act, 1806–1824,” *Slavery & Abolition* 42, no. 4 (2021): 827-846.

<sup>119</sup> HC: Treaty between his Britannic Majesty and his Catholic Majesty, for preventing their subjects from engaging in any illicit traffic in slaves. Signed at Madrid the 23rd of September 1817, *Deb 28 January 1818 vol. 37, c. 67-80*.

<sup>120</sup> Art. IV: “the said Sum of four hundred thousand Pounds Sterling is to be considered as a full Compensation for all Losses sustained by the Subjects of His Catholic Majesty engaged in this Traffic, on account of Vessels captured previously to the Exchange of the Ratifications of the present Treaty, as also for the Losses, which are a necessary Consequence of the Abolition of the said Traffic.”

<sup>121</sup> Art. I: “the Slave Trade shall be abolished throughout the entire Dominions of Spain, on the 30th day of May 1820, and that, from and after that Period, it shall not be lawful for any of the Subjects of the Crown of Spain to purchase Slaves, or to carry on the Slave Trade, on any Part of the Coast of Africa, upon any pretext or in any Manner whatever; provided, however, that a term of five months, from the said Date of the 30th of May 1820, shall be allowed for completing the Voyages of Vessels, which shall have cleared out lawfully previously to the said 30th of May.”

<sup>122</sup> Additional Convention between Great Britain and Portugal for the Prevention of the Slave Trade, signed at London, July 28, 1817; Treaty between His Britannic Majesty and His Majesty the King of the Netherlands, for preventing their Subjects from engaging in any Traffic in Slaves, May 4, 1818

garnered international support by establishing courts of mixed commission also in Rio de Janeiro (Brazil), Paramaribo (Suriname) and, subsequently, in Jamaica, Angola, and the island of St. Helena.<sup>123</sup>

The Anglo-Spanish treaty established the functions and composition of the mixed commission, stating that:

The two high contracting parties shall each of them name a commissary judge, and a commissioner of arbitration, who shall be authorized to hear and to decide, without appeal, all cases of capture of slave vessels which, in pursuance of the stipulations of the treaty of this date, may be laid before them. [...] There shall be attached to each commission a secretary or registrar, appointed by the sovereign of the country in which the commission may reside, who shall register all its acts, and who, previous to his taking charge of his post, shall make oath, in presence of at least one of the commissary judges, to conduct himself with respect for their authority, and to act with fidelity in all the affairs which may belong to his charge.<sup>124</sup>

Furthermore, the treaty stipulated that in cases where a vessel was cleared of charges as an “unlawful prize,” it would be returned to its owners, who were compensated for the undue apprehension. On the contrary, if the ship’s involvement in the slave trade was confirmed before the mixed commission, both the vessel and its cargo would be auctioned, and the resulting funds would be shared between the two signatory countries.<sup>125</sup> However, in the event of enslaved people being seized along with the rest of the cargo, “they shall receive from the Mixed Commission a certificate of emancipation and shall be delivered over to the Government on whose territory the Commission that judged them is established, to be

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<sup>123</sup>Daniel Domingues Da Silva, David Eltis, Philip Misevich, and Olatunji Ojo, “The Diaspora of Africans Liberated from Slave Ships in Nineteenth Century,” *The Journal of African History* 55, no. 3 (2014): 347-369.

<sup>124</sup> Additional Convention between Great Britain and Portugal for the Prevention of the Slave Trade, signed at London, July 28, 1817; Treaty between His Britannic Majesty and His Majesty the King of the Netherlands, for preventing their Subjects from engaging in any Traffic in Slaves, May 4, 1818, Art. II.

<sup>125</sup> As highlighted by legal historian Beatriz Mamigonian in the case of the Rio de Janeiro Mixed Commission Court, this procedure deviated from standard maritime law, which awarded the prize – both the ship and its cargo – to its captors: “The Rights of Liberated Africans in Nineteenth-Century Brazil,” in *Current Trends in Slavery Studies in Brazil*, edited by Stephan Conermann, Mariana Dias Paes, Roberto Hofmeister Pich, and Paulo Cruz Terra (Boston: De Gruyter, 2023), 71-100 quotation at p. 74.

employed as servants or free laborers.”<sup>126</sup> Each of the two governments commits to guaranteeing the free status of the enfranchised individuals consigned to them.<sup>127</sup>

Historians have different interpretations of the functioning of the anti-slave trade courts, reflecting contrasting interpretations of the legal significance of abolition. Some legal scholars view these instances of intra-imperial regulation as early examples of human rights courts. Jurist Jenny S. Martinez, for example, contends that “more than a century before Nuremberg, international courts in Sierra Leone, Cuba, Brazil, and other places around the Atlantic heard cases related to the slave trade, the original “crime against humanity.”<sup>128</sup> In her view, mixed commissions “were the first international human rights courts [...] explicitly aimed to promote humanitarian objectives.”<sup>129</sup> Martinez conducts an in-depth analysis of the operation of the Atlantic courts of mixed commissions, acknowledging their value beyond the limited impact of seizures on the persistence of the slave trade during the 19th century. Nevertheless, her position does not address the more controversial implications of British abolitionist policy. Also for this reason, her research has been vigorously debated within the historiography on the origin and evolution of human rights.<sup>130</sup> The controversies have

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<sup>126</sup> Treaty between his Britannic Majesty and his Catholic Majesty, for preventing their subjects from engaging in any illicit traffic in slaves. Signed at Madrid the 23rd of September 1817, Annex 3, Regulation for the Mixed Commissions, which are to reside on the Coast of Africa, and in a Colonial Possession of his Catholic Majesty, Art VII.

<sup>127</sup> According to Domingues da Silva and others, the Courts of mixed commission condemned 567 vessels and declared “liberated” a total of 84,700 African people – nearly half of all those seized by captured slave ships. Most of these (66,600) were registered in Sierra Leone, another 12,200 in Havana, 5,800 in Rio de Janeiro and 137 in Luanda: “The Diaspora of Africans Liberated,” 349. The estimates are constantly being updated through ongoing research and the Liberated Africans Court Cases Database (<https://liberatedafricans.org/digital-resources/court-records.php>, accessed 12/12/2023). The Database was created from the documents of the Records of liberated Africans at the National Archives of Sierra Leone, Freetown, and in the FO84, FO313, CO247 and CO267 series held at The National Archives in London. During the last 60 years of the transatlantic slave trade, courts in the Atlantic basins condemned over two thousand ships for participating in the trade and recorded the details of prisoners found on board, including their African names. Grouping people by cases by court and government, the results show that Portugal produced over 235,000 liberated Africans, followed by Great Britain with 150,000, France with 133,000, and Mixed Commission Tribunals, again involving the British, with just over 100,000 liberated Africans.

<sup>128</sup> Jenny S. Martinez, *The Slave Trade and the origin of International Human Rights Law* (Oxford: Oxford University Press, 2012), 6.

<sup>129</sup> *Ibid.*

<sup>130</sup> Martinez’s research draws on historiography that highlights the long history of human rights, see: Robin Blackburn, *The American Crucible*; Lynn Hunt, *Inventing Human Rights: A History* (London: W.W. Norton &

focused on the attempt to establish a chronological beginning and identify a single origin of human rights, risking reproducing the same potentially misleading approach and not recognizing the polycentric nature of the concept.<sup>131</sup> In this context, however, these studies allows us to highlight how humanitarianism and human rights remain highly fluid and contested categories, not easily reducible to political and economic interests alone. Other scholars, not outright rejecting but employing greater caution in their humanitarian interpretations, conceive the signing of bilateral treaties for the suppression of the slave trade as an important trend toward positive international law. In a broader historical perspective on legal change during the age of abolition, historians Lisa Ford and Lauren Benton placed the origins of international law in empires.<sup>132</sup> They contended that British legal reforms in the 19th century were primarily geared towards establishing order rather than advancing human rights. To substantiate this perspective convincingly, they illustrated that the procedures of the courts and the language of the bilateral treaties referenced prize law and the property privileges of captured slave vessels rather than in a rights-based sense. Through the framework outlined by the two historians, we consider also that bilateral treaties on the suppression of the slave trade reflected “shifting conceptions of civilization.”<sup>133</sup> The abolition of the slave trade created a useful moral measure, as argued, for example, by historian Christopher Schmidt-Nowara for the Spanish empire, for assessing the “humanity” of different empires.<sup>134</sup> Along this line, we can argue that the treaty system became a criterion for conforming to the standard of civilization within the emerging international imperial system and a global economy aligned with the interests of Great Britain.

Diplomatic efforts to suppress the slave trade consolidated legal authority of the British empire and enhanced the link between abolition and imperial consolidation.<sup>135</sup> From the

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Company, 2007). Among Martinez’s major critics there is Samuel Moyn, *Human Rights and the Uses of History* (London: Verso, 2017), 53-68. According to Moyn, we can only speak of human rights since the 1970s, *Last Utopia: Human Rights in History* (Cambridge: University of Cambridge Press, 2010).

<sup>131</sup> On the debate between deep-history and recent-history on human rights, see: Stefan-Ludwig Hoffmann, “History and Human Rights,” *Past and Present* 232 (2016): 280-310; Philip Alston, “Does the Past Matter? An analysis of competing histories of the origins of international human rights law,” *Harvard Law Review* 126, no. 2043 (2013): 2044 -2081.

<sup>132</sup> Lauren Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800-1850*, (Cambridge: Harvard University Press, 2018), 115.

<sup>133</sup> Bric and Mulligan, ed., *A Global History of Anti-Slavery*, 11.

<sup>134</sup> Christopher Schmidt-Nowara, “Anti-slavery in Spain and Its Colonies, 1808–1886,” in *A Global History of Anti-Slavery Politics*, 140.

<sup>135</sup> Keene, “A Case Study of the Construction of International Hierarchy,” 312.

Atlantic, the British empire engaged in commercial and extractive enterprises around the globe, building global links that intensified during the 19th century. These networks moved in the world economy of production and commerce and determined a new global labor market that led to new routes of transoceanic forced migration and the development of global imperialism. On the one hand, the gradual end of the slave trade resulted in a diminishing productive capacity in the British West Indian colonies. On the other hand, during the same period, Britain experienced financial expansion on a global scale, asserting its hegemony over the world economy. This apparently contradictory duality can be better understood by considering Giovanni Arrighi's theory on the cycles of capitalist accumulation.<sup>136</sup> These cycles comprise two distinct phases: the capitalist period of material expansion and that of financial expansion. According to him, this sequence reconfigures the world economy on a broader spatial scale than the previous cycle. In this regard, the abolition of slavery was part of the broader process of globalization and modernization of empires, with capitalist development contributing to the "succession of global hegemonies and systemic cycles of accumulation"<sup>137</sup>. Legislation on liberated Africans and their employment in the Caribbean colonies shows how this process began before the formal cessation of slavery.

These divisions are also reflected in research on liberated Africans and their legal status.<sup>138</sup> On one side, some historians perceive antislavery naval patrols, treaties, and relocations as essentially granting rights, potentially even human rights, to seized African people. Others focus on how liberated Africans effectively suffered forms of re-enslavement through compulsory labor.<sup>139</sup> The debate on the abolition of slavery, which included the status reserved for liberated Africans, focused mainly on concerns about their treatment, oscillating between utilitarian and humanitarian perspectives, but rarely recognizing them as subjects with rights. In this sense, the historiography that stresses the connections between free and unfree labor on a global scale understands the blurred boundaries between freedom and slavery in the condition of liberated Africans.<sup>140</sup> Scholars examining the intersection of

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<sup>136</sup> Giovanni Arrighi, *Il lungo XX secolo: denaro, potere e le origini del nostro tempo* (Milano: Il saggiatore, 1996).

<sup>137</sup> *Ibid.*, 95

<sup>138</sup> On this debate, see: Jake Christopher Richards, "Anti-Slave-Trade Law, 'Liberated Africans' and the State in the South Atlantic World, c.1839–1852," *Past & Present* 241, no 1 (2018): 179–219, especially pp. 179-181.

<sup>139</sup> Robert Conrad, "Neither Slave nor Free: The Emancipados of Brazil, 1818–1868," *The Hispanic American Historical Review* 53, no. 1 (1973): 51-69.

<sup>140</sup> Anderson and Lovejoy, ed., *Liberated Africans and the Abolition of the Slave Trade*; Beatriz Gallotti Mamigonian, *Africanos livres: A abolição do tráfico de escravos no Brasil* (São Paulo: Companhia das Letras, 2017).

slavery and law propose a promising avenue to navigate beyond these perspectives, asserting that the experiences of liberated Africans are integral to the broader history of slave trade abolition. Considering liberated Africans as active subjects rather than mere objects of analysis, this historiography conceptualizes emancipation from slavery beyond the sole perspective of the evolution of the British abolitionist movement. This approach becomes particularly intriguing when applied to the trans-imperial Caribbean context because it indicates that in each specific location, liberated Africans confronted distinctive circumstances influenced by the local legal framework and decisions regarding the abolition or continuation of the slave trade and slavery itself. Moreover, in the region, a multiplicity of legal statuses between freedom and slavery coexisted, and these had different impacts on individuals' ability to turn to the law and break free from coercion. In this regard, we can analyze how the treaties formulated the status of liberated Africans by drawing parallels to manumitted slaves in the Caribbean but maintained legal distinctiveness from them and within the imperial territories.

Residing in Cuba under the status of *emancipados/as*, these individuals were nominally under government custody, registered, and identified upon disembarkation.<sup>141</sup> They were later destined to work for a term of five years, legally extendable for another three years, under the guidance of a guardian. These “protectors” were obligated to provide clothing, food, and care for the liberated Africans assigned to them. Furthermore, colonial authorities entrusted the tutors with the responsibility of overseeing the religious education of *emancipados/as* as part of their “apprenticeship” toward full civilization. At the end of this period, they were supposed to attain complete freedom and gain access to wage labor. However, only a few African captives were actually declared liberated, and those who were often remained victims of an exploitative system that extended their servitude indefinitely.<sup>142</sup>

At times, the Cuban administration itself illegitimately exploited the labor of *emancipados/as*. They were engaged in various projects by the *Real Consulado* and, from 1832, the *Junta de Fomento*, along with other colonial institutions that routinely utilized unfree laborers for road

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<sup>141</sup> Inés Roldán de Montaud, “En los borrosos confines de la libertad: el caso de los negros emancipados in Cuba, 1817–1870,” *Revista de Indias* 71, no 251 (2011): 159-192, especially pp. 167-171.

<sup>142</sup> According to Liberated Africans Database 40,489 people were declared emancipated between 1820 and 1866 in Cuba. This number represents a small percentage (about 7%) when compared to the 520,701 Africans landed for the Spanish island between 1820 and 1866, estimated by the Transatlantic Slave Trade Database (<https://www.slavevoyages.org/assessment/estimates>, accessed 07/12/2022).

construction or infrastructure projects.<sup>143</sup> In these endeavors, liberated Africans contributed to public works related to civil, road, and defensive construction, all of which supported the rapidly expanding plantation economy. Additionally, many of them were victims of actual re-enslavement practices; they were moved from their port of arrival, their names were changed so that they were no longer identifiable, and they were eventually sold as slaves.<sup>144</sup> Others were transferred for imperial needs to different colonial possessions, especially to Fernando Poo.<sup>145</sup>

In the early decades of the 19th century, the status of *emancipados/as* in Cuba was poorly regulated, allowing for numerous abuses against them. It wasn't until the 1850s, during the government of General Cocha, that a specialized *Junta de emancipados* was established, along with a corresponding treasury.<sup>146</sup> This institution and its funds empowered the colonial government to oversee the presence of Cuban *emancipados/as*, determining provisions for their maintenance and addressed legal matters concerning them. Despite their theoretically temporary condition, the living and exploitative circumstances of *emancipados/as* in the Spanish colonies closely resembled those of Cuban slaves. They lacked the privileges accorded to the free population and endured poor working conditions. On one hand, they were unable to formally access the limited legal protections provided by Spanish law for slaves. On the other hand, the bilateral treaties provided enslaved people with the

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<sup>143</sup> ANC: Sobre la necesidad de emancipados para tripular las embarcaciones de la Real Hacienda en Matanzas, Intendencia General de Hacienda (IGH), Leg. 1052, Exp. 3; Carta aprobándose destino a los trabajos públicos los negros emancipados, Real Ordenes y Cédulas (ROC), Leg. 90, Exp. 61. On this issue see also: Evelyn P. Jennings, *Constructing the Spanish Empire in Havana: State slavery in defense and development, 1762-1835* (Baton Rouge: Louisiana State University Press, 2020), 178-186.

<sup>144</sup> This was the case of the *emancipada* Teresa (ANC: Expediente sobre haberse embarcado sin licencia en el vapor 'Isabel' la negra Teresa Mina, GSC, Leg. 949, Exp. 33581), analyzed by historian Camilla Cowling in "Teresa Mina's journeys: "Slave-moving," mobility, and gender in mid-nineteenth-century Cuba," *Atlantic Studies* 18, no 1 (2021): 7–30. In addition, petitions from *emancipados* claiming freedom were numerous in both Spanish and Cuban archival sources. See, for example, AHN: Trinidad Carabalí pidiendo carta de libertad, EST, Leg. 8046, Exp. 14, Expediente de solicitud de cédula de libertad para la negra Trinidad Caravelí, ULTR, Leg. 4649, Exp.26, Expediente de declaración de libertad de cinco emancipados, ULTR, Leg. 4722, Exp.20 and ANC: Sobre la manifestación hecha por el negro Francisco, esclavo de Doña Merced Herrera de pertenecer a la clase de emancipados, GCS, Leg. 949, Exp. 33564.

<sup>145</sup> Roldán de Montaud, "En los borrosos confines de la libertad," 179.

<sup>146</sup> AHN: Expediente general de emancipados: Formación de una Comisión para el ramo de emancipados. Ordenanzas de emancipados, ULTR, Leg. 4666, Exp.1 See also: Murray, *Odious Commerce*, 289-291.

opportunity to make legal claims based on their new legal status as “liberated.”<sup>147</sup> However, despite being under the protection of the mixed Court, the Spanish faction of the commission resisted processing their claims. The Cuban and Spanish personnel of the mixed commission reflected the strength and influence of the Creole planter elite in Cuba. In fact, the first Spanish clerks of the Havana Mixed Commission Court were Alejandro Ramirez y Blanco, as judge, and Arango y Parreño, the man who had most implemented the slave trade in Cuba, as arbitrator.<sup>148</sup> Furthermore, even British judges often showed limited concern for the complaints of liberated Africans, primarily focusing on seizing illegal cargoes from slave ships, particularly before the eventual abolition of slavery in the British colonies.<sup>149</sup> However, in cases involving the illicit transfer of liberated Africans from seized slave ships under British Crown ownership, the British officers had the authority to intervene in their defense, even beyond their imperial borders. In 1829, for example, British commissioner Walker requested the Cuban authorities to release from slavery an African man named Ashua (renamed Frederick in Cuba) and facilitate his return to the Bahamas. Ashua had originally arrived in Nassau from Africa as an indentured worker but was illicitly taken to Cuba as a slave by a certain John Turner on March 31, 1824.<sup>150</sup>

British treaty-making was influenced by the relative strength or weakness of the states involved, and the bilateral treaties did not encompass all slave-trading routes. France resisted entering such treaties, insisting on the jurisdiction of its national courts over intercepted slave ships.<sup>151</sup> However, the legislation on African people seized from the slave trade had some commonalities with that established by the mixed commissions implemented by Britain. The Royal Ordinance of January 8, 1817, issued by Louis XVIII, prohibited the introduction of African enslaved people into French colonies. This ordinance defined the status of individuals seized by France from slave ships and outlined their role in the colonial economy

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<sup>147</sup> For example, in 1853 an *emancipado* complained about his detention as a slave in public works for more than ten years despite his status. ANC: Expediente en que el negro Manuel de Jesús Peña pide se le declare emancipado, pues siendo tal se le destinó a obras publicas por diez anos en Holguín, GSC, Leg. 948 Exp. 33514.

<sup>148</sup> Jennifer Louise Nelson, “Liberated Africans in the Atlantic World: The Courts of Mixed Commission in Havana and Rio de Janeiro 1819-1871” (Ph.D. diss., The University of Leeds, 2015), 50.

<sup>149</sup> Luis Martínez-Fernández, *Fighting Slavery in the Caribbean: The Life and Times of a British Family in Nineteenth Century Havana* (London: Routledge, 2015), 30.

<sup>150</sup> ANC: Expediente en que el comisario de S.M.B. trata sobre el reconocimiento de un africano que fue llevado da las Bahamas y conducido a esta isla, Habana, 2 de noviembre 1829, GCS, Leg. 838, Exp. 28234.

<sup>151</sup> On the ambivalence of French trade abolition policy in the 1820s, see Serge Daget, “L’Abolition de la traite des noirs de 1814 à 1831,” *Cahiers d’études africaines* 11 (1971): 14-58.

of overseas possessions. It stipulated that “tout bâtiment qui tenterait d’introduire dans une de nos colonies, des Noirs de traite soit française, soit étrangère, sera confisqué” and that “à l’égard des Noirs, ils seront employés dans la colonie aux travaux d’utilité publique.”<sup>152</sup> Furthermore, the law of April 15, 1818, abolished the slave trade, establishing that:

Toute part quelconque qui serait prise par des sujets et des navires français en quelque lieu, sous quelque condition et prétexte que ce soit, et par des individus étrangers dans les pays soumis à la domination française, au trafic connu sous le nom de traite des noirs, sera punie par la confiscation du navire et de la cargaison, et par l’interdiction du capitaine, s’il est Français.<sup>153</sup>

On June 24, 1818, a new ordinance established a cruise by the Royal Navy to inspect French vessels near the imperial possessions on the West African coast to verify any infractions by their commanders. The law specified the competent jurisdiction in these cases, determining that they would be examined and judged before the courts handling customs violations.<sup>154</sup> Similar to the liberated Africans in the British possession, and the Cuban *emancipados/as*, the so-called *Noirs de traite* were subjected to a seven-year apprenticeship regime and were redeployed to plantation work or, more frequently, used by administrations in civil infrastructure work for the colonies.<sup>155</sup> In the French Caribbean, Africans from confiscated

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<sup>152</sup> “Any vessel attempting to introduce into one of our colonies Blacks from the slave trade, whether French or foreign, shall be confiscated,” and regarding the Blacks, “they shall be employed in the colony for public utility works.” ANOM: Tout bâtiment qui tenterait d’introduire dans une de nos colonies, des Noirs de traite soit française, soit étrangère, sera confisqué, et le capitaine, s’il est Français, interdit de tout commandement, MC, APC, Ordonnance Royale relative à la lutte contre la traite noire, January 8, 1817, Art. 1, 1 Leg. 4.

<sup>153</sup> “Any part whatsoever taken by French subjects and ships in any place, under any condition or pretext whatsoever, and by foreign individuals in countries subject to French domination, in the traffic known as the slave trade, will be punished by the confiscation of the ship and cargo, and by the banning of the captain, if he is French.” BnF: *Loi du 15 avril 1818 qui prononce des peines contre les individus qui se livreraient à la traite des Noirs*, Bulletin des lois, no.3937.

<sup>154</sup> BnF: Ordonnance du Roi qui établit sur les côtes d’Afrique une croisière pour empêcher la traite des Noirs, 24 juin 1818, Bulletin des lois, no.4484. An ordinance from 1825 also authorized a bounty of one hundred francs “par tête de Noir (per head of Black)” to be paid by the colony to which the liberated Africans have been delivered to the seizers or collectors of slave ships. ANOM: Rapport au roi, 3 août 1825, MC, APC, 1 LEG 8.

<sup>155</sup> The duration of apprenticeship is not defined until 1831. ANOM: Loi du 4 mars 1831, Art. XI: “Les noirs libérés pourront toutefois être soumis envers le Gouvernement à un engagement dont la durée n’excédera pas

slave ships shared living spaces and working conditions with *esclaves du Roi* or *du domaine* (King's slaves). In the French Antilles, as in other part of the empire, these were slaves belonging to the colony and employed in the service of the colonial administration.<sup>156</sup> Unlike most plantation slaves, they were paid and their daily wages depended on the tasks they performed, which facilitated their emancipation.<sup>157</sup> Like them, the *Noirs de traite* were commonly engaged in activities such as hospital work, shipyards, and small cabotage shipping, where they performed various tasks, including management work, port activities, customs duties, and service in the King's warehouses, as well as serving in the colony's hospitals as nurses and sailors. In other cases, they were employed on plantations owned by the colonial domain. Moreover, they could be moved according to the needs of the various French colonial domains, ensuring the flow of labor between Guadeloupe and Martinique and, from the latter, mainly to French Guiana.<sup>158</sup>

Few historical studies exist on the *Noirs de traite*, probably because of the French government's lack of activism in seizing slave ships flying its own flag and, therefore, because of small numerical impact these apprentices had on the French Antilles.<sup>159</sup> However, their

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sept ans à partir de l'introduction dans la colonie, ou de l'époque où ils seront devenus adultes. Ils seront employés, pendant le cours de cet engagement, dans les ateliers publics/Liberated Africans may, however, be subject to a commitment to the Government for a period not exceeding seven years from the time of their introduction into the colony, or from the time when they reach adulthood. They will be employed, during the course of this commitment, in public workshops"; Art XII: "Les dispositions de l'article précédent seront applicables aux noirs de traite provenant des saisies antérieures et actuellement en possession du Gouvernement. La durée de l'engagement auquel ces noirs seraient soumis, sera comptée à dater de la promulgation de la présente loi/ The provisions of the preceding article will be applicable to Black people from previous seizures and currently in the possession of the Government. The duration of the commitment to which these Negroes are subject will be counted from the date of promulgation of the present law," MC, APC, 1 Leg. 14

<sup>156</sup> See, for example, Giulia Bonazza, "Collective and Individual Experiences of Slaves in Leghorn, Pisa and Florence, 1702-1826," *Esclavages & Post-Esclavages* 8 (2023): 1-22.

<sup>157</sup> ANOM: Noirs dit "du Roi," GEN, Carton 117, Dossier 996.

<sup>158</sup> ANOM: Noirs du domaine, arrêté réglementaire relatif aux Noirs du service colonial, SGM, Carton 35, Dossier 301.

<sup>159</sup> According to historian Gérard Lafleur, "les nègres de traite, son une catégorie qui ne concerna, pour la Guadeloupe, en définitive, peu de monde ; 107 + 207 soit 314 individus plus quelques personnes envoyées de Martinique/ les *nègres de traite*, are a category that ultimately concerned very few people in Guadeloupe; 107 + 207, or 314 individuals, plus a few people sent from Martinique:" "Les esclaves à statut spécial," *Bulletin de la Société d'Histoire de la Guadeloupe* 146-147 (2007): 47-55 ; see also "Destin des *Nègres de traite* en Guadeloupe," *Bulletin de la Société d'Histoire de la Guadeloupe*, 180 (2018): 3-11 On 245 *Noir de traite* aboard the ship *Amélié*, see

importance in the Antilles colonial economies is not to be underestimated since we can consider their intermediate status between freedom and slavery as parallel to the development of the time-based *engagisme* system in the French African colonies (1819-1848) and then to the French transoceanic system of engaging African indentured laborers after the abolition of slavery (1856-1862).<sup>160</sup> In 1819, in Senegal, one of the territories returned to France by the British, the governmental authorities introduced a specific form of manumission called *rachat* (literally redemption or release) for the enslaved population of the colony, aiming to meet the demand for labor and enhance agricultural production. According to the historian Céline Flory, this practice served to address labor issues while concurrently pursuing abolitionist objectives to halt the slave trade.<sup>161</sup> Under the system of *engagement à temps*, enslaved individuals, once purchased, received a manumission certificate specifying that they were required to work for a period ranging from ten to fourteen years from the date of issuance, recorded by the government as a temporary contract.<sup>162</sup> Within the regime of *engagement à temps*, workers did not receive a salary for their labor, but in certain situations, they obtained some form of material benefits. Between 1819 and 1844, for the colony of

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Françoise Thésée, *Les Ibos de l'Amélie: destinée d'une cargaison de traite clandestine à la Martinique, 1822–1838* (Paris: Editions Caribéennes, 1986). On Guiana, to which most of the *Noirs de traite* were transferred from 1820s, see: Miranda Spieler, “Slave Flight, Slave Torture, and the State: Nineteenth-Century French Guiana,” *French Politics, Culture & Society* 33, no 1 (2015): 55-74 quotation at p. 59; According to her research, “of the 5,142 Africans who are known to have disembarked from slave ships in Guiana between 1815 and 1830, at least 3,215 were slaves conducted there as an unusual form of maritime prize. From a legal standpoint, these people – called *noirs de traite* – differed from contraband slaves. If you were contraband, someone could buy you. If you were a *noir de traite*, your value was inestimable (or non-existent). African captives seized at sea by the Navy while enforcing the abolition of the slave trade did not have a price and could not be sold. On arrival to French Guiana, they became *nègres du roi* – slaves of the king.” On Reunion, Bruno Maillard’s thesis: “Les noirs des géôles. La répression pénale des esclaves à l’Île Bourbon entre puissance publique et pouvoir despotique des maîtres. 1815-1848,” (Ph.D.diss., Université Paris Diderot Paris VII, 2010).

<sup>160</sup> François Zuccarelli, “Le régime des engagés à temps au Sénégal (1817-1848),” *Cahiers d’études africaines* 2, no. 7 (1962): 420-461; Céline Flory, “Alforriar sem libertar: a prática do ‘resgate’ de cativos africanos no espaço colonial francês no século XIX,” *Mundos do Trabalho* 3, no. 6 (2011): 93 -104. In particular, her research deal with the system of African indenture in Guyana and the French Caribbean, which was implemented by the imperial government of the Second Empire following the abolition of slavery on April 27, 1848. This system aimed to recruit, transport, and engage African people through labor contracts spanning multiple years. See also: Flory, *De l’esclavage à la Liberté Forcée*.

<sup>161</sup> Flory, *Alforriar sem libertar*, 97.

<sup>162</sup> The decree of September 28, 1823, establishes the regime of *engagement à temps*, setting the contract period at 14 years. *Ibid.*, 97.

Senegal, it is estimated that around 3,077 individuals were recruited, primarily in the service of the French colonial administration.<sup>163</sup> In the Antilles as well, the uncertain statuses of African “recaptives” underscored the nuanced shift from forced to free labor. Chattel slavery and the coerced labor of apprentices seized from slave ships coexisted in the trans-imperial space, and the construction of these legal categories occurred under the protection of abolitionist treaties and laws.

### **5. Intercolonial Connections and British Amelioration Laws in the West Indies**

While the British abolitionist movement initially focused on moral issues rather than political economy, beginning with the first bilateral treaties, Britain confronted more intensely the economic problems associated with the eventual abandonment of the slave system in its imperial possessions.<sup>164</sup> By 1820s, voices to reform the slaveholding institution became increasingly pressing, and this was a crucial period for debates about the future of the empire and its reorganization. In 1823, in Britain the debate on slavery reforms reached a climax. In the same year, the Society for the Mitigation and Gradual Abolition of Slavery in the British Dominions was created. The Anti-Slavery Society emerged as a significant force in British politics, presenting numerous petitions – particularly supported by women’s associations and Methodists, Baptists and Quakers – to the House of Commons to improve the conditions of the enslaved population in the West Indies. The public debate shifted from the abolition of the slave trade to the abolition of slavery.<sup>165</sup>

As we have seen in the previous section, the initial stage of British abolitionism, which was more closely related to the definition of human and nonhuman, was succeeded by a phase in which imperial authorities dealt with concrete measures to both reform the slave system and facilitate the introduction of “free” laborers in the colonies. Moreover, the British abolitionist movement adhered to gradualist positions, aiming to regulate slavery through ameliorative reforms that would gradually lead to its elimination. Accordingly, Britain implemented a series of legal measures, known as “Amelioration laws,” designed to reform the institution

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<sup>163</sup> *Ibid.*, 101.

<sup>164</sup> Alessandro Stanziani, for example, distinguishes between a first period of the abolitionist movement between 1770 and 1807 and a second one between 1821 and 1843, *Le metamorfosi del lavoro coatto. Una storia globale, XVIII-XIX secolo* (Bologna: Il Mulino, 2022), 139 and 170-172.

<sup>165</sup> Robin Blackburn, *The American Crucible*, 279.

of slavery in British West Indian islands, among with restrictive laws on intercolonial trade.<sup>166</sup> These provisions shaped the abolition processes in the West Indian colonies, conveying contrasting meanings and different expectations and reactions among enslaved population, planters, local administration, and metropolitan authorities. For slaveholders, the policy of amelioration was both strongly opposed and only weakly welcomed as a way to reformulate and, in the best hopes, implement the institution of slavery. For British abolitionists, on the contrary, the regulation of slavery would lead to its dissolution.<sup>167</sup>

The slavery reforms were accompanied by the enactment of the Slave Trade Consolidation Act of 1824, which provided new restrictions on inter-island trade for British subjects. In this way, British laws broadened their focus from the transatlantic slave trade to address the specific context of the Caribbean, allowing the British abolitionist project to extend anti-slavery policies from the Atlantic trade to domestic trade in the West Indies. This shift shows how the abolitionist measures taken by Britain in its West Indian possessions were strongly influenced by the context of Caribbean trans-imperial connections and exchanges, as well as the circulation of ideas and legal practices from one island to another. In this context, the West Indian colonies became an ideal space for the British Empire to experiment with slavery reforms and to confront other imperial experiences with manumission policies and the treatment of enslaved population. At the same time, new British restrictions on the slave trade provoked also other migratory movements of Caribbean planters into the region.

The abolitionist activists sharply criticized the brutality of merchants and slave owners, blaming the private and arbitrary administration of justice in the overseas territories. As Christopher Bayly argued, from 1780 a process of progressive centralization of authority

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<sup>166</sup> HC: Papers Relating to The Amelioration of The Condition of The Slave Population of The West Indies. After numerous petitions had been presented to the House, praying for the Abolition of Slavery, Mr. Secretary Canning presented, by command of his Majesty, the following Papers, in explanation of measures for the Amelioration of the Condition of the Slave Population of the West Indies, vol. 10, March 16, 1824.

<sup>167</sup> Historian Caroline Quarrier Spence argues that amelioration followed two distinct phases. The first, between the 1790s and 1823, dominated by planters and apt to improve the institution of slavery, and the second, from 1823 to 1833, in which abolitionists conceived the new laws as part of a program to abolish slavery, “Ameliorating Empire: Slavery and Protection in the British Colonies, 1783–1865” (Ph.D. Thesis, Harvard University, 2014), 14. Moreover, analyzing the efforts of an English slaveholder to improve his properties in Berbice, historians Trevor Burnard and Kit Candlin pointed out that a small portion of the planter elite was even able to increase its profits during the decline of the West Indies economy by supporting amelioration laws. For these owners, reforming slavery represented a desire to preserve the institution over time rather than eliminate it, “Sir John Gladstone and the Debate over the Amelioration of Slavery in the British West Indies in the 1820,” *Journal of British Studies* 57 (2018): 760-782.

began in Britain, imposing social and economic reforms while avoiding opposition from independent colonial legislatures.<sup>168</sup> Nevertheless, in British West Indian colonies, administration of justice remained firmly in the hands of the planters, who resisted metropolitan interventions for decades. This partially resulted from the absence, still in the first decades of the 19th century, of clear and established British legislation on slavery, slave protection and enfranchisement. As British colonization underwent rapid expansion, and the number of slaves within the empire surged concurrently with the development of the plantation economy, there existed no statutes in Britain specifically regulating slavery and the status of enslaved people. To address the sale, transfer of ownership, and inheritance of slaves, the British applied property law, while the imperial possessions independently established regulations through codes that provided a legal framework for slavery in the Americas.<sup>169</sup> Notably, the inaugural comprehensive slave code in Barbados, titled *An Act for the better ordering and governing of Negroes of 1661*, served as the foundational model for subsequent slave codes adopted in various territories, including Jamaica (1664).<sup>170</sup> Its enforcement in Jamaica, marked by emulations and adaptations, grew notably stringent as owners grappled with frequent rebellions and slave escapes. Legally, slaves were subject to the discipline of their masters, and the law imposed minimal constraints on the demands and punishments that owners could impose on them. In addition, aligning with the tradition of trial by jury, the British colonies instituted special slave courts to adjudicate cases involving enslaved people. In case of abuse, those subjected to mistreatment could seek justice in common law courts, yet the preponderance of legal proceedings related to people in bondage were categorized under criminal law.<sup>171</sup> In Jamaica, as in the rest of the British West Indies, enfranchisement was treated “as a property transfer, with formal deeds drafted, witnessed, signed, and kept by the island government that safeguarded the former slave’s property right

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<sup>168</sup> Christopher Bayly, *Imperial Meridian: The British Empire and the World 1780-1830* (London: Longman, 1989).

<sup>169</sup> Sue Peabody, “Slavery, Freedom, and the Law in the Atlantic World, 1420–1807,” in *The Cambridge World History of Slavery*, edited by David Eltis and Stanley L. Engerman (Cambridge: Cambridge University Press, 2011), 594–630, especially pp. 603-607.

<sup>170</sup> TNA: CO 28/98/22. On this issue see: Edward B. Rugemer, “The Development of Mastery and Race in the Comprehensive Slave Codes of the Greater Caribbean during the Seventeenth Century,” *The William and Mary Quarterly* 70, no. 3 (2013): 429-458.

<sup>171</sup> Diana Paton, “Punishment, Crime, and the Bodies of Slaves in Eighteenth-Century Jamaica,” *Journal of Social History* 34, no. 4 (2001): 923–954, quotation at pp. 923-924.

over his or her own body.”<sup>172</sup> Only in 1774, for example, did the Jamaican Assembly enact the *Act for the Regulation of the Manumission of Slaves*, which mandated owners to provide sufficient economic security for each manumitted slave.<sup>173</sup> Before this legislation, the process of enfranchisement lacked any regulation beyond the owner’s discretion. Along the lines of attempts to reorganize slavery, the Jamaican Slave Code of 1816 only allowed enslaved people to appeal to local magistrates if punishments exceeded legal limits.<sup>174</sup>

During the centuries of colonization, several Caribbean islands were constant targets of the alternating British, Spanish, and French empires in their rule. Especially after the Napoleonic Wars, the transfer of some of the French and Spanish West Indian islands under British rule offered Britain the opportunity to directly confront other imperial legal systems regarding slavery.<sup>175</sup> In the 1820s, Great Britain transformed the recently acquired territories into crucibles for legal experimentation in the broader context of imperial reorganization. Carrying French and Spanish regulations on slavery, these islands were viewed by the British administration as optimal arenas for legal innovation, and they served as prime sites for the British government to test and refine policies aimed at improving slave conditions.

Unlike Britain, France and Spain shared the Roman legal tradition, which highlighted the protective role of the state in defense of “vulnerable” subjects. Both empires acted to regulate slavery in the American colonies. Although it had no tradition of statutes regulating slaves, in 1685 France systematized slave law through the *Code Noir* that was implemented in the Antilles by providing clear guidelines on the treatment of slaves and outlining various obligations for owners. According to the slave code, despite designating enslaved people as chattels,<sup>176</sup> they were mandated to be baptized and instructed in the Catholic faith, and their master had the duty to clothe and feed them.<sup>177</sup> Slaves were also allowed to marry, requiring

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<sup>172</sup> David Beck Ryden, “Manumission in the Late Eighteenth-Century Jamaica,” *New West Indian Guide* 92 (2018) 211-244, quotation at p. 214.

<sup>173</sup> Jamaica, 15 Geo. III c. 18. The Act required owners to pay sufficient security to the parish church in order to distribute to each future manumitted slaves an annuity of £5.

<sup>174</sup> 57 Geo. III c. 25.

<sup>175</sup> Heater Freund, When French Islands Became British: Law, Property, and Inheritance in the Ceded Islands, Nancy Christie, and Michael Gauvreau (Eds.) *Voices in the Legal Archives in the French Colonial World: “The King is Listening,”* (New York: Routledge, 2022), 307-329.

<sup>176</sup> Code Noir ou Edit du Roy du Mars 1685, touchant la Police des Iles de l’Amerique Françoise, *Recueils de règlements, édits, déclarations et arrêts, concernant le commerce, l’administration de la justice & la police des colonies françaises de l’Amérique, & les engagés*, Paris: Chez les Libraires associés, 1765, Article XLIV.

<sup>177</sup> *Ibid.*, Art. II, XXV, XXII, respectively.

permission from their owner,<sup>178</sup> who, however, could not force them into marriage against their will.<sup>179</sup> Furthermore, the *Code Noir* introduced, among the provisions regarding treatment and policing of slaves in the colonies, clear guidelines on manumission. Article 55 regulated the transition from slavery to freedom, allowing slaveowners who were twenty years of age to free their slaves through legal acts or by will, without providing a reason for the manumission or seeking consent from their parents. Article 27 discouraged owners from enfranchising their sick or infirm slaves. Legal enfranchisement from slavery was also possible through marriage, family, and child recognition.<sup>180</sup> These provisions were reinforced by the prohibition of separating the slave family if all its members were the property of the same owner and the children were minors,<sup>181</sup> along with the obligation to grant freedom to slaves made universal legatees by their masters, appointed executors, or guardians of their children.<sup>182</sup> In the French possessions there was also the *procureur general* (attorney general), an official who had the authority to prosecute masters who neglected the welfare of their slaves or mistreated and abused them, to supervise the manumission processes, and later to monitor the behavior of the freed people.<sup>183</sup>

During the colonization of the Americas, the Spanish empire benefited from a well-defined body of slavery laws. Spain's long familiarity with slavery was reflected in the 13th-century code of positive law of the *Siete Partidas*, which defined the obligation to care for the *pobres y miserables* (poor and miserable) and allowed enslaved people to attain legal freedom by relying

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<sup>178</sup> *Ibid.*, Art. X.

<sup>179</sup> *Ibid.*, Art. XI.

<sup>180</sup> *Ibid.*, Art. IX. The Article establish that: "Free men who will have one or several children from their concubinage with their slaves, together with the masters who permitted this, will each be condemned to a fine of two thousand pounds of sugar; and if they are the masters of the slave by whom they have had the said children, we wish that beyond the fine, they be deprived of the slave and the children, and that she and they be confiscated for the profit of the [royal] hospital, without ever being manumitted. Nevertheless, we do not intend for the present article to be enforced if the man who was not married to another person during his concubinage with his slave would marry in the church the said slave who by this means will be manumitted and the children rendered free and legitimate."

<sup>181</sup> *Ibid.*, Art. XLVII.

<sup>182</sup> *Ibid.*, Art. LVI.

<sup>183</sup> On the functions of the *procureur* and relations with the *Code Noir*, see: Laurent Benoiton, "Le droit de l'esclave d'ester en justice contre son maître. Réflexions sur une disposition du Code noir protectrice de l'esclave, in *Esclavage et droit: Du Code noir à nos jours*, edited by Tanguy Le Marc'hadour and Manuel Carius (Arras: Artois Presses Université, 2010), 43-52.

on a public defender.<sup>184</sup> According to formal manumission policies, enslaved persons could secure their enfranchisement through marriage to a free person, pursuing clerical careers, or receiving concessions from the Crown for specific services. After the Conquest, the Laws of Burgos in 1512 prohibited the bondage of Indians in America.<sup>185</sup> Subsequently, Spanish town councils, or *cabildos*, enacted specific legislation on slaves and free people of color. In the American colonies, marriage and church careers were effectively precluded for people of African descent. However, the *Real Cédula* of 1540 asserted that enslaved people claiming to be free should be heard by the highest courts in the colonies, the *Audiencias*. In 1680, aligned with the multi-jurisdictional structure of the Spanish judicial system and the customs and royal regulations that governed the New World, the primary compilation of written laws for the Americas, known as *Recopilación de las Leyes de los Reynos de las Indias*, was promulgated.<sup>186</sup> Later, during the Bourbon reformism era between 1768 and 1789, the relationships between the government, masters, and enslaved people in the Spanish monarchy were reorganized, intensifying imperial intervention in the domestic governance of the enslaved population. Legal historian Manuel Lucena Salmoral notes that during this period, the *Audiencias* were provided with *Códigos Negros* designed and compiled from the French example.<sup>187</sup> The first legislative experiment was the Santo Domingo Code of 1768, referring to the territory of the island of Hispaniola, whose control Spain shared with the French empire. Moreover, the *Código de legislación para el gobierno moral, político y económico de los negros de la isla Española* of 1784, commonly known as *Código Carolino*, had a significant influence in the Caribbean.<sup>188</sup> Although repealed after a few years due to planters' resistance, it served as the foundation for regulations governing freed and enslaved people until the abolition of slavery. In 1766, the role of the *síndico procurador* was introduced – a municipal attorney providing legal representation for enslaved individuals in cases of conflicts with masters or mistreatment (*sevicias*). Later, the Royal Decree of 1789 on the Education, Treatment, and Employment of

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<sup>184</sup> *Las Siete Partidas*, Book IV, Titles XXII, translated and annotated in Samuel Parsons Scott, *Las Siete Partidas: Family, Commerce, and the Sea: The Worlds of Women and Merchants (Partidas IV and V)* (Philadelphia: University of Pennsylvania Press, 2001), 981-986.

<sup>185</sup> AGI: *Ordenanzas para el tratamiento de los indios (Leyes de Burgos)*, December 27, 1512, IND, Leg. 419, L. 4, F. 83R-96V.

<sup>186</sup> *Real Cedula*, April 15, 1540. Later Ley 8, Título 5, Libro 7 in the *Recopilación de Leyes de los Reynos de las Indias*, 1680, Boletín Oficial del Estado.

<sup>187</sup> Manuel Lucena Salmoral, *Los códigos negros de la América española* (Madrid: UNESCO, 1996).

<sup>188</sup> Javier Malagón Barceló, *Código Negro Carolino (1784). Código de legislación para el gobierno moral, político y económico de los negros de la isla española* (Santo Domingo: Edición Taller, 1974).

Slaves, enumerated the tools and methods of legal punishment, establishing the involvement of the *síndico* in legal proceedings concerning enslaved persons.<sup>189</sup> According to the new imperial policies, the “slave protector” defined economic sanctions against owners who excessively mistreated individuals under their ownership, even allowing for a change of master in cases of flagrant abuses. The *sindicatura* curtailed the power of slaveholders, and by resorting to this institution, enslaved individuals could more easily access manumission and negotiate agreements for their freedom. In 19th century, enslaved people in colonial cities had five Courts where they could expect someone to hear their complaints. The most important was the *sindicatura*, but they could also rely on the tribunal del the *gobierno político*, the *capitanía general*, the *intendencia* and the *alcaldía*. Along the *síndicos*, there were also the *asesores generales*, lawyers that played a role equivalent to that of a Court of political government and were responsible for the affairs of the *alcaldías mayores* (regional officials).<sup>190</sup> Even preceding the Bourbon reforms in the Spanish Americas, legal mechanisms to curb owners’ authority and customary practices of manumission existed. In cases of mistreatment, for example, enslaved people could seek royal protection. In some cases, they could change masters (*pedir papel*) and enfranchisement could take place as a form of reparation for the abuse suffered by their owners. Additionally, since the early centuries of colonization, the enfranchisement custom of *coartación* was prevalent in the Spanish empire. This practice involved gradual self-purchase through installments by the enslaved people. Through negotiation, slaves paid owners the price of their freedom piece by piece, gaining freedom from slavery over time.<sup>191</sup> Thanks to the intervention of *síndicos*, manumission through *coartación* became increasingly common in Spanish Americas and in Cuba.<sup>192</sup>

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<sup>189</sup> *Real Cedula de su Magestad sobre la educacion, trato y ocupaciones de los esclavos en todos sus dominios de Indias, é Islas Filipinas, baxo las reglas que se expresan* (Madrid: de la Imprenta de Viuda de Ibarra, 1789).

<sup>190</sup> Claudia Varela, “El canal administrativo de los conflictos entre esclavos y amos. Causas de manumisión decididas ante síndicos en Cuba,” *Revista de Indias* 71, no. 251 (2011): 109-136. See also: Manuel Barcia Paz, “Fighting with the Enemies Weapons. The usage of the colonial legal framework by nineteenth-century Cuban slave,” *Atlantic Studies* 3, no. 2 (2006): 159-181.

<sup>191</sup> On *coartación* and *pedir papel* in Cuba see: Lair W. Bergad, Fe Iglesias García, and María del Carmen Barcia, *The Cuban Slave Market, 1790–1880* (Cambridge: Cambridge University Press, 1995), 122-142; De la Fuente, “Slaves and the Creation of Legal Rights in Cuba;” Aisnara Perez Díaz and María Meriño Fuentes, *Para librarse de lazos, antes buena familia que buenos brazos. Apuntes sobre la manumisión en Cuba* (Santiago de Cuba: Editorial oriente, 2009), 169-213.

<sup>192</sup> Quantifying the exact number of enfranchisements obtained through purchase is an impossible task. Only in 1842, the Cuban *Reglamento de esclavos* formalized and codified the custom of *coartación* into law: Claudia Varela, and Manuel Barcia Paz, *Wage-Earning Slaves: Coartación in Nineteenth Century Cuba* (Gainesville: University Press

Previously part of the Spanish empire, Trinidad was a small island near the coast of Venezuela. Occupied by Britain in 1797, the colony had been formally ceded by Spain in 1802, becoming administratively part of the British Empire in 1814.<sup>193</sup> At that time, Trinidad was still inhabited by Spaniards and many French planters. Their presence was a consequence of the Spanish decision in 1783, outlined in the *Real Cedula de Population* (Royal Decree of Population), which aimed to encourage immigration from French territories to this underutilized possession.<sup>194</sup> The edict encouraged increased colonial population and profitability by regulating forms of taxation, the introduction of new plantations and trade. Particularly after the Saint-Domingue riots, many frightened and worried French slave owners moved into Spanish territory from the nearby islands of Granada, Martinique, Guadeloupe, St. Lucia and Dominica.

When the British colonial administration settled on Trinidad, the island assumed a central role in the imperial reform agenda. The Council Order of 1824 concerning the British West Indian colony of Trinidad established working hours for the enslaved population, prohibited the whipping of enslaved women, and limited whippings for enslaved men to twenty-five. It also established the right to marriage, rules to hinder family division, and self-purchase of manumission.<sup>195</sup> The British Colonial Office opted not to establish its own rules for the new possession. Instead, it chose to govern Trinidad according to the legal organization that

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of Florida, 2020), 146-147. Moreover, in the process of *coartación*, we do not know whether enslaved people had completed payments, and whether they actually succeeded in acquiring freedom. Nevertheless, the numerous studies conducted on manumissions in Iberian America argue that freedom arrangements involving money, either through self-purchase or through payment from a relative, reached 80 percent of total enfranchisements. In Cuba, these numbers remained low considering that, according to the 1871 census, only 2,137 slaves were *coartados* for a population in bondage of over 280,000 individuals. De la Fuente, "Slaves and the Creation of Legal Rights in Cuba," 708.

<sup>193</sup> In the same year, the British had also acquired the Dutch possessions of Berbice, Demerara, and Essequibo (unified administratively by the British into the colony of Demerara-Essequibo).

<sup>194</sup> HC: The Royal Cedula of 1783 Translated into English by Governor Don José Maria Chacón, the last Spanish Governor of Trinidad, under whom the Cedula was promulgated throughout the Caribbean as a result of the endeavor of Rome de St. Laurent in Commissioners of Inquiry on the Subject of Titles to Land in Trinidad, *Report of the Commissioner of Inquiry On the Subject of Titles to Lands In the Island of Trinidad (Dated 10th April 1827), Ordered by the House of Commons to be printed 14 June 1827* (London, 1827), 191-194.

<sup>195</sup> HC: Papers Relating to The Amelioration of The Condition of The Slave Population of The West Indies. After numerous petitions had been presented to the House, praying for the Abolition of Slavery, Mr. Secretary Canning presented, by command of his Majesty, the following Papers, in explanation of measures for the Amelioration of the Condition of the Slave Population of the West Indies, vol. 10, March 16, 1824.

prevailed during the Spanish administration.<sup>196</sup> For this reason, the British administration retained the Protector of Slaves, an institution rooted in the legal tradition of the Spanish Americas. Originally, this office was where the *síndico procurator* practiced and acted precisely as the “protector” of the enslaved population. Among the amelioration laws, the British government stipulated that the Trinidadian “Procurador Syndic” was to be salaried and report directly to the Colonial Office, sending detailed and frequent accounts to the motherland.<sup>197</sup> In this place, enslaved people appealed to the authorities and accused their master of punishments they considered unjust or excessive. Enslaved people could also turn to the protector for various complains; the appellants could prove their infirmity or illness, lament mistreatment or neglect by their owners, demand to be allowed to change masters, or set a price for their freedom (Figure 1). On the other side, owners resorted to the office to claim their property and defend themselves against charges. Once the testimony was collected, the court was guided by the ancient Spanish legislative canon, which the administration had arranged to transcribe into English.<sup>198</sup>

The presence of the translator among the slave protector’s employees shows that many Trinidadian enslaved people had Spanish and French owners and came from Africa or other places in the Caribbean where English was not spoken. Sometimes, the protector transcribed their accounts and those of the slave owners in French, confirming the presence of a large community of French planters on the British island and their influence on the public life of the colony<sup>199</sup>.

Concurrently, France was aware of the experiments Great Britain was conducting in its Caribbean possessions and the transformations occurring in Trinidad.<sup>200</sup> Punctually, news regarding the provisions and ordinances implemented by the British on the island reached the French government. Despite having often acquired Spanish naturalization before the advent of British rule, the community of white and free people of color with French origins in the colony sustained close ties with their ancient motherland. These planters even sought recourse to France in case of disputes with the new government. In 1826, for example, the

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<sup>196</sup> Claudius Fergus, “The *Siete Partidas*: A Framework for Philanthropy and Coercion during the Amelioration Experiment in Trinidad 1823-1834,” *Caribbean Studies* 36, no. 1 (2008): 75-99.

<sup>197</sup> HC: Papers Relating to The Amelioration of The Condition of The Slave Population of The West Indies, vol. 10, March 16, 1824.

<sup>198</sup> TNA: Commissioners of Legal Enquiry in the West Indies, 1822-1828, Free People of Colour: Disabilities and Grievances, CO 318/76, folios. 475-502.

<sup>199</sup> TNA: April 30, 1823, CO 318/71.

<sup>200</sup> ANOM: Nouvelles générales- Jamaïque – Trinidad, GEN, Carton 82, Dossier 716.

French free people of color settlers in Trinidad wrote to the French consul in London, seeking assurance that their privileges would be upheld under the British administration.<sup>201</sup> In Trinidad, colonial administrators, enslaved people, and planters shared legal knowledge that came from the Spanish tradition, the new British government, and even French customs. Relying on the existing Spanish legal framework, efforts to enhance the living conditions of enslaved people also involved the experimentation of manumission practices that aimed at facilitating the progressive emancipation of the colonial African descendent population. The genesis of this idea can be traced back to British activist Granville Sharp, a prominent figure in the first British abolitionist movement, who, in 1776, published a treatise advocating for the limitation of slavery. In one of the appendices, Sharp detailed the Cuban custom, revealing how slaves could achieve freedom through self-purchase, with structured installments and specific timeframes.<sup>202</sup> This practice, as described by Sharp, came to be known in British territories as the “Spanish regulation.” According to him, the innovative aspect of the “Spanish regulation” was that individuals in bondage could negotiate the terms of their manumission in court, surpassing the conventional exclusive relationship between masters and slaves. Moreover, the system appealed to the idea of gradual emancipation, while it offered also economic benefits for slave owners.<sup>203</sup>

Speculation about the potential introduction of gradual manumission in the British West Indies continued over the following decades, sparking discussions among planters and abolitionists alike.<sup>204</sup> Trinidad’s Protector of Slaves gave an opportunity to transpose these discussions into practice.

In the subsequent years, similar experimentation extended to the rest of the British West Indies, as the Trinidad amelioration law became the blueprint for future gradual emancipation models. In 1826, for example, Tomkyns Hilgrove Turner, military man and governor of Bermuda from 1826 to 1832, presented his “ideas on the question of slave emancipation” to the Colonial Office. His draft referred to the proposal made during

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<sup>201</sup> ANOM: Gens de couleur libres. Possessions étrangères, January 5, 1826, Port d’Espagne, GEN, Carton 639, Dossier 2750.

<sup>202</sup> Granville Sharp, The Regulations lately adopted by the Spaniards, at the Havanna, and some other Places, for the gradual enfranchisement of Slaves, *The Just Limitation of Slavery in the Laws of God*, Appendix V, London: Printed by B. White, 1776, 54-56.

<sup>203</sup> Mary Turner, “The British Caribbean, 1823-1834. The Transition from Slave to Free Legal Status,” in *Masters, Servants, and Magistrates*, 312.

<sup>204</sup> Matthew Wyman-McCarthy, “Perceptions of French and Spanish Slave Law in Late Eighteenth-Century Britain,” *Journal of British Studies* 57, no. 1 (2018) 29-52, quotation at p. 46.

discussions on amelioration laws by abolitionist Thomas Fowell Buxton, which stipulated that all slaves born after a certain date should be freed by an act of Parliament.<sup>205</sup> According to him, “should any experimentation be made on that head Bermuda offers itself with peculiar facilities the slaves be employed in general for indoor uses and the disposition of the inhabitants not adverse.”<sup>206</sup> Going into details, Turner’s plan outlined three different ways to invest government funds for gradual emancipation: purchasing for liberation all the female slaves (1); or all the unborn children (2); or the unborn children and those under ten years old (3).

This and other projects never reached actual implementation by the Colonial Office, and British policies of progressive enfranchisements of the enslaved population often remained only on paper. However, regulations aimed at improving the treatment of African Caribbean enslaved population extended, albeit with tension and difficulty, to Berbice, Saint Lucia, and Dominica in 1826, Demerara in 1828, Tobago in 1829, and Saint Vincent in 1830. Jamaican planters vehemently opposed slavery reform,<sup>207</sup> which was not implemented until 1831.<sup>208</sup> Moreover, the comparison and adoption of legal practices from rival empires concerning slavery and its management enabled Britain to accumulate legal expertise in the protection of people in bondage and, subsequently, to extend British abolitionist policies to foreign territories.<sup>209</sup>

The newly acquired British West Indian islands served also as laboratories for experimenting new restrictions on the slave trade. The Slave Trade Abolition Act of 1807 primarily targeted illegal transatlantic transfers, allowing considerable space of action for British Caribbean traders and planters. According to its provisions, the transportation of enslaved people from one British colony to another required the license of the administration of the exporting colony, after the owner had posted a bond for each slave. Moreover, exemptions from the licensing requirement applied to certain groups, including fishermen, sailors, and domestic slaves (limited to two per passenger on board), demonstrating the inclusion of the names

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<sup>205</sup> HC: Abolition of Slavery. Mr. Fowell Buxton rose, and addressed the House nearly as follows, *vol. 9, December 15, 1823, cc257-360*.

<sup>206</sup> TNA: Submits ideas on slave emancipation, Sir Hilgrove Turner, private, September 26, 1826, CO 37/86/22, folios 123-124.

<sup>207</sup> In 1836, Sir Lionel Smith stated at the Committee of the House of Commons that “Jamaica is a century behind the rest of West Indies with respect to anything related to the condition and treatment of Negroes,” TNA: CO 318/141.

<sup>208</sup> Turner, “The British Caribbean, 1823-1834,” 309.

<sup>209</sup> Benton and Ford, *Rage for Order*, 88-89

and occupations of these enslaved individuals in the ship's documents.<sup>210</sup> Due to these legal loopholes, owners and traders relocated slave force from the ancient British islands like Barbados and Dominica to the newly acquired and less developed colonies. Notably, Trinidad, Demerara, and St. Vincent became focal points for imports from various regions across the British Caribbean.<sup>211</sup>

Activists and legislators who supported the abolitionist agenda feared that the newly acquired islands' entry into the British plantation economy would revitalize slavery and weaken pro-emanicipation claims. They understood that expansion of the sugar frontier could jeopardize amelioration provisions and slave reforms. In the wake of efforts to end transatlantic trade, the abolitionist movement thus urgently recognized the need to implement restrictions on the Caribbean domestic trade. In 1819 a law was enacted requiring the registration of slaves in all the British possessions.<sup>212</sup> In 1823, Buxton advocated the prohibition of removing slaves from the island where they were registered.<sup>213</sup> The commitment of the abolitionist movement within the House of Commons led to the issuance of the Slave Trade Laws Consolidation Act in 1824, which included a clause entirely prohibiting intercolonial traffic. The Act explicitly prohibited "to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves" from the Crown's possessions.<sup>214</sup> As of January 1, 1825, British colonial officials could no longer grant permission for the intercolonial movement of slaves.

The studies on the British intercolonial movement of enslaved people during the years between the 1807 abolition of the transatlantic slave trade and the 1833 emancipation legislation have primarily focused on understanding its extent and impact on colonial economies. Historiography has highlighted how these intercolonial movements, although significant, were unable to offset the shortage of African labor in the British Caribbean.

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<sup>210</sup> 47 Geo. III, c.36.

<sup>211</sup> According to David Eltis, "Demerara drew heavily from Berbice and less heavily from the Bahamas and Dominica; Trinidad's main sources were Grenada and Dominica and to a lesser extent Barbados; St Vincent's inflow came largely from Dominica and the Bahamas." David Eltis, "The Traffic in Slaves between the British West Indian Colonies, 1807-1833," *The Economic History Review* 25, no. 1 (1972): 55-64, quotation at p. 57.

<sup>212</sup> An Act for establishing a Registry of Colonial Slaves in Great Britain, and for making further Provision with respect to the Removal of Slaves from British Colonies, 1819, 59 Geo. III, cap. 70.

<sup>213</sup> David Eltis, "Dr Stephen Lushington and the Campaign to Abolish Slavery in the British Empire," *Journal of Caribbean History* 1 (1970): 41-56, especially p. 47.

<sup>214</sup> 5 Geo. IV c. 113.

Additionally, the prohibition of the intercolonial slave trade prevented the new productive areas of the British West Indies from becoming fertile ground for the resurgence of slavery.<sup>215</sup> Drescher further argued that the Slave Trade Law Consolidation Act of 1824 passed through Parliament with minimal discussion and its implementation escaped public attention. There were no major petition campaigns either in favor or against the regulation or abolition of intercolonial trade. According to him, the issue of intercolonial trafficking was overshadowed by campaigns to reduce the transatlantic slave trade and accelerate the process of emancipation of colonial enslaved population.<sup>216</sup> While this is certainly true, we also consider that, simultaneously with the restrictions on intercolonial slave trade in the British islands, there was a significant relocation of slave owners and their slaves to other parts of the Caribbean. Instead of formally opposing imperial decisions, British planters chose migration to the Spanish Antilles as a means of resisting abolitionist laws.

British and French planters in the West Indies were attracted to Cuba and Puerto Rico because the slave system in these regions was not only firmly established but also thriving. On August 10, 1815, King Ferdinand VII of Spain approved the *Real Cédula de Gracias* (Royal Decree of Graces), granting Puerto Rico the right to establish commercial ties with countries in good standing with Spain.<sup>217</sup> The decree also provided free land to settlers and offered incentives for Spaniards willing to relocate and invest in agricultural development in the colony. It was published in English and French, in addition to Spanish, and distributed throughout the Americas and Europe to attract non-Spanish settlers.<sup>218</sup> From the end of the British occupation of Martinique in 1814 until 1830, also slaveholders from French Antilles moved together with their slaves to the foreign possession with the support of the Spanish Crown. According to Admiral Baron de Mackau, then governor of Martinique, in 1835 there were “un grand nombre de Français” living on the Spanish island, and in the account of his journey around the Antilles, he reported that “qu’il y en a 3 000 sur l’île de Porto Rico et que certains d’entre eux possèdent jusqu’à 300 esclaves.”<sup>219</sup> These settlers established themselves in the island’s interior, which was not yet exploited. Puerto Rico was largely undeveloped,

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<sup>215</sup> For updated discussion on this issue, see: Hilary Beckles, “An Unfeeling Traffick”: The Intercolonial Movement of Slaves in the British Caribbean, 1807–1833,” in *The Chattel Principle*, 257-258.

<sup>216</sup> Drescher, “The Fragmentation of Atlantic Slavery,” 238.

<sup>217</sup> *Real Cédula de Gracias*, August 10, 1815.

<sup>218</sup> AHN: Sobre medidas para favorecer la riqueza en Puerto Rico, 1815, ULTR, Leg. 1112, Exp.3.

<sup>219</sup> “a large number of Frenchmen” [...] “there were 3,000 of them on the island of Puerto Rico and some of them had up to 300 slaves under their ownership.” ANF: Trois jours à Aguadilla, dans l’île Espagnole de Porto Rico,” FM, AP/156(I)/23, Dossier 2.

and they gradually developed sugarcane, coffee, and tobacco plantations, relying on relocated slaves and the continued illegal trade from Africa. During the same years, planters from all the islands of the Lesser Antilles also arrived in Puerto Rico.<sup>220</sup>

In Cuba, the booming sugar industry created a substantial demand for slave labor, which was in chronic short supply on the island.<sup>221</sup> For British West Indian planters discontented with the prospect of losing their captive workforce, unwilling to adapt to free labor or even improve the conditions of their existing slaves, Cuba provided the perfect place. Cuba also had vast expanses of mostly unexploited and highly fertile land, especially in the central and eastern parts of the island, which offered considerable opportunities for those with the means to cultivate it. In addition, Cuba's broad coastline made it relatively easy for individuals from neighboring islands to sail inland without necessarily having to use the main ports or attract the attention of local authorities.<sup>222</sup> Following the path forged by French owners during the Saint-Domingue uprisings, numerous British slaveholders opted to relocate to the Spanish colony and establish their operations there. In the 1820s, numerous owners from Jamaica and the Bahamas archipelago, the colonies nearest to the Cuban coast, disembarked on the Spanish island along with their slaves. Historian Jonathan Curry-Machado argues that "from around 1821, at least 2,300 slaves (about 20% of the total) were removed from the Bahamas alone, with many of these ending up in Cuba; and a similar movement occurred from Jamaica."<sup>223</sup> As we will explore in more detail, these relocations were carried out by circumventing the law, and the slave status of African Caribbean individuals involved in these transfers was replicated in Spanish territory through various *escamotages*. To evade anti-slave trade restrictions, enslaved people were at times manumitted by their owners before the journey, only to be enslaved again upon arrival in Cuba. In other cases, masters manipulated the status of people in bondage by forging travel documents or exploiting the ambivalence of passenger classification. Due to this array of illicit methods, the actual number of individuals transported was almost certainly much higher than the estimates would suggest. In Cuba, Caribbean planters could reinvent slavery in secret, hoping to escape British abolitionism. As we will further explore in the next chapter, the Consolidation Act

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<sup>220</sup> Joseph C. Dorsey, *Slave Traffic in the Age of Abolition: Puerto Rico, West Africa, and the Non-Hispanic Caribbean, 1815-1859* (Gainesville: University Press of Florida, 2003).

<sup>221</sup> Franklin Knight, *Slave Society in Cuba during the 19th Century* (Madison: University of Wisconsin Press, 1970).

<sup>222</sup> Bassi, *An Aqueous territory*, 4-5.

<sup>223</sup> Jonathan Curry-Machado, "How Cuba Burned with the Ghosts of British Slavery: Race, Abolition and the Escalera," *Slavery and Abolition* 25, no. 1 (2004) 71-93, quotation at p. 76.

and its the conflicting effects played a key role in transforming the geographies of slavery and freedom in the Caribbean trans-imperial space.

## Escaping Slavery

### New Trajectories of Freedom in the Age of Emancipation (1822- 1840)

*2.1 Asylum and Free Soil*

*2.1 Projecting British Protection on the Caribbean*

*2.3 Controlling Evasions, Supervising Owners*

*2.4 Slavery, Mobility and Runaway Networks*

Illi robur et aes triplex circa pectus erat, qui fragilem truci commisit pelago ratem primus.

Orazio (*Odi*, lib. I, ode III, v. 9)

During the Revolutionary era, migrants, political exiles and refugees fled from one territory to another and runaways' mobility became a mass phenomenon. Among them, many enslaved people and free people of color found asylum in rival imperial possession, reconfiguring the geographies of political belonging and imperial membership in the Atlantic world.<sup>1</sup>

Slave revolts and British abolitionist aspirations reconfigured the geographies of slavery and freedom in the Caribbean. By the 1820s, news on the reforms of slavery taking place in the British empire circulated insistently in the French and Spanish possessions. The British Slave Trade (Consolidation) Act of 1824 granted asylum and denied extradition to enslaved people who came from rival imperial territories. In this way, Britain undermined a practice that had organized imperial relations for centuries in the area. Although the inter-island escapes of people in bondage were a constant in the history of imperial relations in the Caribbean, from that time, British West Indian colonies definitively became free soils for enslaved refugees. Runaways increasingly exploited intercolonial contacts and networks to escape slavery and

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<sup>1</sup> Jansen, "Aliens in a revolutionary world," 191-192.

obtain legal freedom. Moreover, while slavery had been accepted as the foundation of the colonial social order in the region, British emancipation irreversibly overturned the assumption on which trans-imperial relations were based. From 1834, thousands of enslaved people moved to the British West Indian islands from the rest of the Caribbean. On one hand, the novelties introduced both by Atlantic revolts and by British anti-slave trade legislation affected the practices of escaping from slavery; on the other hand, changes within the British Empire reverberated across the rival Caribbean empires. By preventing escapes to British free soils and controlling the autonomous mobility of the African Caribbean population in the colonies, the French and Spanish possessions experienced transformations that caused profound and lasting legal consequences.

This chapter examines the everyday practices of enslaved people's escapes, the developments and changes of imperial policies toward slave fugitives over time, the British asylum policies for runaways, and, eventually, how enslaved people used British free soil and imperial antagonism to escape their masters' control in the Caribbean.

### 1. Asylum and Free Soil

Studies on "Free Soil" suggest that, since ancient times, similar laws and local customs "freed people in bondage when they crossed particular state borders."<sup>2</sup> This principle shaped Atlantic legal culture in many different ways, opening up pathways to freedom for enslaved people. One of these was to invoke the European "freedom principle." It implied that slaves who entered and resided for any reason in metropolitan territories where chattel slavery had been abolished automatically acquired freedom. Historian Sue Peabody analyzed how the French Empire policed slavery in the Hexagon in 1716 – and then in 1738, 1777 and 1836 – for the notion that any slave who set foot on French soil became free.<sup>3</sup> Similarly, the celebrated Somerset's decision argued that slaves entering England in the same way were enfranchised. There again, access to free legal status intersected with the issue of enslaved fugitives. In 1769, Charles Stewart (or Steuart), an American merchant and customs officer, arrived in England from Virginia along with his slave James Somerset. Here, the enslaved man managed to escape from the master. After being recaptured, Stewart held him captive on Captain Knowles' ship, waiting to be sold and destined for plantation work in Jamaica.

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<sup>2</sup> Sue Peabody, and Keila Grinberg, "Free Soil: the generation and Circulation of an Atlantic Legal Principle," *Slavery & Abolition* 32, no. 3 (2011): 331-339, quotation at p. 331.

<sup>3</sup> Sue Peabody, *"There Are No Slaves in France": The Political Culture of Race and Slavery in the Ancien Régime* (New York: Oxford University Press, 1996).

At that point, Somerset's godparents mobilized habeas corpus in Court to challenge the legality of his imprisonment, and his cause was taken up by abolitionist Granville Sharp. In the meantime, Somerset was temporarily released in spite of the Stewart's protests. The case attracted great attention in the public debate and gathered many supporters on both sides. In 1772, Judge Mansfield finally ruled in favor of the enslaved man. His decision retraced the court case, emphasizing that since Somerset was on English soil, he should be enfranchised:

The cause returned is, the slave absented himself, and departed from his master's service, and refused to return and serve him during his stay in England; whereupon, by his master's orders, he was put on board the ship by force, and there detained in secure custody, to be carried out of the kingdom and sold. So high an act of dominion must derive its authority, if any such it has, from the law of the kingdom where executed. A foreigner cannot be imprisoned here on the authority of any law existing in his own country: the power of a master over his servant is different in all countries, more or less limited or extensive; the exercise of it therefore must always be regulated by the laws of the place where exercised. [...] No master ever was allowed here to take a slave by force to be sold abroad because he had deserted from his service, or for any other reason whatever; we cannot say the cause set forth by this return is allowed or approved of by the laws of this kingdom, therefore the black must be discharged.<sup>4</sup>

This ruling set an important precedent for the British Empire. On the one side, it addressed the issue of the mobility of enslaved people between metropolitan and colonial space. On the other side, it challenged the legal status of the thousands of Black Britons that resided on England soil. The Somerset case gave great impetus to the British and American abolitionist movement, and before long the ruling became part of the common law. Until 1807 Slave Trade Abolition, most of the enslaved people that live in England were transferred or enfranchised by their owner or by the Court.<sup>5</sup>

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<sup>4</sup> Somerset against Stewart, May 14, 1772 (Easter Term, 12 Geo. 3, 1772, K. B.).

<sup>5</sup> According to Kathleen Charter's estimates, the number of Black Britons amounted to the considerable figure of 10,000 before Mansfield's decision. Of the 4,500 Black individuals surveyed in 1807, only 15 were formally slaves. *Untold Histories: Black People in England and Wales during the Period of the British Slave Trade, c. 1660 –1807* (Manchester: Manchester University Press, 2011), 29-30 and 93-95.

From the late 18<sup>th</sup> century, French and British enslaved people used the residence in the Old World for short or prolonged periods as an opportunity to claim their freedom. However, while the freedom principle tended to be respected in Europe<sup>6</sup>, in colonial space planters resisted to the metropolitan regulations, that were systematically obstructed or circumvented. The European freedom principle had ambiguous repercussions on colonies. It permanently eliminated slavery in the motherland, and the possibility that people under bondage could transit there. In this sense, the same measures that enfranchised enslaved people on metropolitan soil could prevent them from setting foot there.<sup>7</sup> Ultimately, slavery of African descendants was banned first in Europe and then in overseas territories, effectively diversifying the metropolitan legal space from the colonial one. Therefore, the colonies were an exception to the supposed unity of imperial law.<sup>8</sup>

Once freed people returned to the colonies, moreover, their manumissions were often not recognized, and those who had accompanied their masters to the motherland were fraudulently re-enslaved. As evidence of this, the rule was updated and revived several times in France, and constantly tested in various proceedings in the British Empire from 1772. In Jamaica, legal adviser James Stephen ruled in 1826 that the “Black servant” owned by Colonel McDonald should be freed because he had previously been taken to England by his master.<sup>9</sup> To enforce the free soil legislation, the French Royal Ordinance of April 29, 1836, argued that “tout habitant des colonies qui voudra introduire en France un esclave de l’un ou l’autre sexe sera tenu de faire préalablement une déclaration d’affranchissement en sa faveur.” Following the decree, French courts granted enfranchisement from slavery because “tout esclave qui, à partir de la publication de la présente ordonnance dans les colonies, sera amené ou envoyé en France pour son maître sans l’accomplissement de la condition prescrite [...]

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<sup>6</sup> See, for example, the collection of court cases in favor of freedom collected in ANOM: Execution de la déclaration de 9 aout 1777 concernant les esclaves amenés en France des diverses colonies, GEN, 629.

<sup>7</sup> Boulle Pierre-Henri, Sue Peabody, *Le droit des noirs en France au temps de l’esclavage* (Paris: L’Harmattan, 2014). On this issue, Miranda Spieler’s research analyzed Royal Orders for the arrest and return of slaves in Paris to the colonies between 1716 and 1776. See: M. Spieler, “The Vanishing Slaves of Paris: The Lettre de Cachet and the Emergence of an Imperial Legal Order in Eighteenth-Century France,” in *The Scaffolding of Sovereignty: Global and Aesthetic Perspectives on the History of a Concept*, edited by Zvi Benite, Stefanos Geroulanos and Nicole Jerr (New York: Columbia University Press, 2017), 230-245.

<sup>8</sup> Josep M. Fradera, *La nación imperial. Derechos, representación y ciudadanía en los imperios de Gran Bretaña, Francia, España y Estados Unidos (1750-1918)* (Barcelona: Edhasa, 2015).

<sup>9</sup> TNA: On the status of “black servant” owned by Colonel McDonald imported in Loyal Briton, CO 137/164. Similar ruling occurred in the British colony in the same year and petitions to the relevant authorities had positive outcomes for applicants. TNA: Freedom claimed by slaves returning from Britain, CO 137/164

deviendra libre de droit.”<sup>10</sup> This was the case of the manumission ruling of May 4, 1847 in favor of Rodney Destin, an enslaved man residing in Fort-Royal and belonging to Charles Liot, treasurer of the colony. Two years earlier he had accompanied his master to Paris, where he stayed a few months before returning to Martinique. He had approached the court to obtain enfranchisement under the freedom principle, which was granted the following year.<sup>11</sup> In contrast, Spain adopted free soil legislation within its metropolitan borders much later, through a *Real Orden* (Royal Order) of 1836, reinforced in 1861 and 1866. Thus, controversies regarding manumissions in favor of the freedom principle persisted until slavery was abolished in all Caribbean territories. In Cuba, the dispute over the manumission of *pardo* Benigno Larrinaga, known as Parejo, began in 1850, when he was 21 years old. He resided in Havana and was owned by Luisa Benitez. She had inherited the enslaved man from her first husband, Antonio Larrinaga, and later remarried a certain Antonio Juan Parejo. In 1843 the new couple went to Spain, taking Benigno with them as servant. When her husband died, Luisa returned back to Cuba and Benigno returned to being a slave. He later tried twice more to appeal to the court for freedom, in 1861 and 1863, always with unfortunate outcomes. Despite the mistress’ firm opposition, the controversy reached a positive resolution only in 1865.<sup>12</sup> In that year, the enslaved man petition for freedom was corroborated by the discovery of the travel documents that Antonio Juan Parejo had requested for both of them in Puerto Rico, where the two had made a stop before arriving in Spain. These papers allowed him to finally recover his freedom.<sup>13</sup>

As in Benigno’s case, some legal battles went on for years, and the freedom status of those returning to overseas possessions from the metropolis was often questioned. However, their petitions in courtrooms were quite frequent in all three empires, indicating that awareness of the “right to manumission” for free soil legislation was widespread among the African

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<sup>10</sup> “Any inhabitant of the colonies who wishes to bring into France a slave of either sex shall be obliged to make in advance a declaration of emancipation in his favor [...]. Any slave who, from the publication of the present ordinance in the colonies, shall be brought or sent to France for his master without the fulfillment of the prescribed condition [...] shall become free as of right.” ANOM: Ordonnance du Roi, 29 avril 1836, Concernant l’affranchissement des esclaves amenés des colonies en France, Art. 2, GEN 158, Dossier 1307.

<sup>11</sup> ANOM: Concession d’un titre d’affranchissement, GEN 158, Dossier 1307.

<sup>12</sup> The first petition of 1850 is preserved in Madrid, AHN: ULTR, Leg. 4634, Exp. 4. The other two, from 1861 and 1863, respectively, along with the 1865 judgment in Havana, ANC: GSC, Leg. 961, Exp. 34059.

<sup>13</sup> ANC: Expediente promovido por el pardo Benigno Parejo solicitando la libertad porque se cree comprendido en la real orden de 2 de agosto sobre los que han estado en la Península, GCS, Leg. 961, Exp. 34059.

Caribbean population continued throughout the 19th century.<sup>14</sup> On journeys between the Americas and Europe many enslaved people accompanied their owners as domestic servants, cooks, maids, drivers, nannies. In some cases, they had crossed the Atlantic several times in their lifetimes. Occasionally, runaways also managed to board ships crossing the Atlantic and obtain enfranchisement guaranteed by the freedom principle. On February 12, 1859, Lino, a Cuban enslaved man who belonged to a French-born owner, secretly embarked in the port of Havana on the French steamer “Franc Comtois” bound for Le Havre.<sup>15</sup> Discovering his escape, the master Michel Rosell notified both the French consul and Cuban authorities to bring Lino back. Although slavery had already been abolished in the French empire, the consul tirelessly searched for the runaway slave in Atlantic ports and contacted the Spanish diplomat in La Havre. In this case, the Spanish authorities stopped the investigation because, according to the metropolitan law of free soil:

Desde el momento que el negro Lino salió da la Isla de Cuba deajo de ser esclavo en sentir del que suscribe; ni a bordo de un buque francés fiera de las aguas de la Isla de Cuba, ni en vecino imperio, ni en la Península puede seguir un procedimiento gubernativo ni judicial para volver à un hombre à la esclavitud que ha evitado. Esta propiedad deja de serlo cuando llega a países libres, de tal manera que un negro esclavo que viene a la Península con su dueño queda en esta completamente libre.<sup>16</sup>

Although Spain adopted free soil legislation within its metropolitan borders much later than France and Britain, in the trans-imperial Caribbean space the Spanish Crown had earlier

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<sup>14</sup> On this issue and the similar legal case of the enslaved man Rufino, see: Aurelia Martín Casares, Margarita García Barranco, “Legislation on Free Soil in Nineteenth Century Spain: The Case of the Slave Rufino and Its Consequences (1858–1879),” *Slavery & Abolition* 32, no. 3 (2011): 461-476.

<sup>15</sup> AHN: D. Miguel Rosell y Forner reclama un esclavo de su propiedad que se ha fugado llamado Lino, ULTR, Leg. 4665, Exp. 4.

<sup>16</sup> “From the moment that the Black Lino left the island of Cuba, he ceased to be a slave in the opinion of the undersigned; neither on board of a French ship outside the waters of the island of Cuba, nor in the neighboring empire, nor on the *Península* (metropolitan Spain) can a judicial governmental procedure be followed to return a man to the slavery he has avoided. This property ceases to be so when it arrives in free countries, so that a Black slave who comes to the *Península* with his owners remains completely free in this one.” At the same time, the Cuban government called on former master to be more careful with his slaves and to investigate who might have helped the man in his plan to escape. *Ibid.*

enacted asylum policies and legal ordinances granting manumission to enslaved people fleeing rival imperial territories. In particular, in 1680 Spain promulgated a *Real cédula* (Royal decree) offering release from slavery to fugitive slaves who wished to embrace Catholicism by taking refuge in the territories of Spanish America. According to Linda Rupert, granting freedom to these fugitives was initially “an innovative solution that helped the Crown consolidate its often tenuous jurisdiction over problematic areas, although it frequently went against the interests of local colonial officials and denizens.”<sup>17</sup> A more comprehensive Royal decree was issued in 1750, establishing religious conversion as a condition for freedom in all Spanish colonies in the empire to fugitive slaves from Protestant territories. In the Caribbean area, this decree primarily targeted and impacted runaways from British and Dutch possessions. From the late 17th century until the 18th century, several times sanctuary decrees and provisions were promulgated by Spanish authorities.<sup>18</sup> Enslaved African Caribbeans benefited to the opportunities these created, reaching Spanish territories from neighboring Protestant domains.

In 1787, four enslaved fled from Jamaica and arrived in Cuba seeking refuge. One of these, rechristened Juan de la Rosa in the Spanish island, after being assigned to public works for two years by the colonial authorities appealed for legal manumission in 1789. In his petition, the notary reported:

Hace el tiempo de veintisiete anos se haya esclavos de su Majestad mediante a que con tres otros de la misma nación pasó a esta plaza con motivo de instruirse en la fe católica y hacerse cristiano en tempo oportuno, por cuyo motivo le fueron asignados dos anos en las obras de fortificaciones y no habiendo incurrido en falta ni nota de fealdad en todo el tiempo que lleva expresado, ha

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<sup>17</sup> Linda M. Rupert, “Seeking the Water of Baptism: Fugitive Slaves and Imperial Jurisdiction in the Early Modern Caribbean,” in *Legal Pluralism and Empires. 1500-1850*, edited by Richard J. Ross and Lauren Benton (New York: New York University Press, 2020), 199- 203, quotation at p. 200.

<sup>18</sup> In 1680, 1693, 1733, 1740, 1750, 1773, and 1789. On Spanish sanctuary decrees in modern era, see: Linda M. Rupert, “Marronage, Manumission and Maritime Trade in the Early Modern Caribbean,” *Slavery & Abolition* 30, no. 3 (2009): 361-382. On Spanish asylum policies in late 18th century, see: Manuel Lucena Salmoral, *Regulación de la esclavitud negra en las colonias de América Española (1503-1886)*, (Alcalá de Henares: instituto de Estudios Latinoamericanos, 2005).

verificado ser cristiano [...] por tanta a V. suplica que previo los informes que tenga por conveniente dar, resultado conforme se otorgue la carta de libertad.<sup>19</sup>

Following the petition, he eventually obtained the promised certificate of freedom. Another decree of 1789, based on the earlier one of 1773, explicitly granted asylum to all the runaway slaves who arrived from the nearby British colonies on the island of Trinidad, which was under Spanish rule. The decree related to the manumission of Grenadian Morena Teresa and her six children, who had benefited from Spanish asylum a few years earlier. In response to the return request of British master “Monsieur Yozly”, the Spanish government denied the family’s extradition because of the mistreatment they had suffered from their owner. For the colonial administration, they “hicieron fuga con el único objeto de conseguir su natural Libertad.”<sup>20</sup> Thereafter, Spanish authorities extended the imperial protection to runaways from Grenada and Tobago. Formally, these provisions guaranteed freedom to those who fled Protestant territories to embrace Catholicism, emphasizing the Spanish “humanity” in the treatment of enslaved people compared to the British competitor. In practice, this measure allowed the Spanish to obstruct Britain in its colonial possessions while ensuring laborers to the islands under Crown rule. The strategic nature of the ordinance became however evident just a year later, when on May 17, 1790, a new Royal decree revoked the previous ones:

Con uniforme dictamen de la Junta de Estado ha resuelto el Rey que por ahora cese el uso de la libertad de los esclavos que de la colonias extranjeras se refugian a las nuestras, mediante no haber en qué ocuparlos, y sin cuya circunstancia no

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<sup>19</sup> “Twenty-seven years ago he was enslaved by His Majesty, because of this he and three others of the same nation went to this place to be instructed in the Catholic faith and to become a Christian in due time, whereupon he was assigned two years in the work of fortification and having not incurred any fault or note of negativity throughout the time indicated, he has proved himself to be a Christian [...] therefore he begs you that, after such reports as you deem convenient to give, he shall result in accordance with the granting of the freedom’s paper.” ANC: Expediente en que Juan de la Rosa promueve justificación de motivo de haber venido a esta isla por ser católico, ME, Leg. 4191, Exp. C, also available in Aisnara Perera Díaz, and María Meriños Fuentes, *Estrategias de libertad, un acercamiento a las acciones legales de los esclavos en Cuba (1762-1872)*, Tomo II (La Habana: Editorial de Ciencias Sociales, 2015), 346.

<sup>20</sup> “Escaped with the sole purpose of obtaining their natural freedom,” *Real Cedula Ratificando la Libertad de los esclavos fugitivos procedente de otros dominios extranjeros*, Madrid 14 de abril de 1789, quoted in Lucena Salmoral, *Regulación de la esclavitud negra*, 248–251. The children were named Rafael, León, Carlos, Reny, Yani, and Carlota.

se debe admitir su residencia en ellas [...] y que se suspendan entre tanto el cumplimiento de las cédulas declaratorias de la libertad que, conforme a derecho de gentes, se han expedido en diversas ocasiones y casos y caso particulares a favor de los esclavos que se han refugiado a nuestros dominios de América.<sup>21</sup>

This order ended the Spanish sanctuary decrees, reflecting the changing needs of the Crown. Meanwhile, Spain was liberalizing the slave trade and needed to protect its colonies from Saint-Domingue uprisings. Spanish sanctuary decrees met imperial needs at certain times and under the specific conditions of the runaway's provenience.

Moreover, in the same years the Caribbean empires signed a number of agreements for the mutual restitution of runaways, affecting the chances for enslaved people to obtain manumission by fleeing to the Spanish possessions.<sup>22</sup> British owners had often taken advantage of formal and informal arrangements to recover enslaved people who managed to escape their control by reaching rival imperial territories. In 1793, for example, the Governor of the Bahamas crossed the few miles separating the island of Providencia from Cuba to retrieve seven fugitive slaves who had reached San Juan de los Remedios and had been held in the Spanish city's slave depot.<sup>23</sup> Even in wartime, in some cases colonial powers had

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<sup>21</sup>“With the uniform opinion of the *Junta de Estado* (Council of State), the King has resolved that for the time being the use of the freedom of slaves who take refuge in our colonies from foreign colonies should cease, since there is nothing to occupy them, and without which circumstance their residence in them should not be admitted [...] and that in the meantime the execution of certificates declaring freedom should be suspended, which, according to the law of nations, have been issued on various occasions and in particular cases in favor of slaves who have taken refuge in our dominions in America.” *Real Orden Revocando temporalmente la Libertad a los esclavos de las colonias extranjereras refugiados en las españolas*, Aranjuez 17 de mayo de 1790 quoted *ibid.*, pp. 251-252.

<sup>22</sup> Such a treaty was signed between Spain and Great Britain in respect of runaways to Puerto Rico in 1767. An accord for the reciprocal restitution of runaways was signed between the Spanish and French on Hispaniola in 1776. Similar agreements were signed also with the Dutch and Danish empires in 1791. AHN: Antecedentes de la Convención entre España y Holanda para la recíproca restitución de negros desertores, firmada el 23 de junio de 1791, EST, Leg. 3408, Exp. 2; Documentos relativos al tratado sobre desertores entre Dinamarca y España (1757-1768), EST, Leg. 3398, Exp.3; Convención entre el Rey nuestro Señor y los Estados generales de las Provincias Unidas, para la recíproca restitución de desertores y fugitivos entre las colonias de América, 19 August 1791, EST, Leg. 14, Exp. 34; Proyecto de reglamento para la captura y mutua entrega de los negros desertores de las partes españolas y francesas de la isla de Santo Domingo, presentado al Conde de Aranda, por el Sr. Larroyet, EST, 2845, Exp.29. On this issue, see also: Alvin O. Thompson, *Flight to freedom: African runaways and maroons in the Americas* (University of West Indies Press, 2006), 265-294.

<sup>23</sup> AGI: Entrega de siete negros al Comandante General de Bahamas, EST, Leg. 14, Exp. 34.

secured restoration of escapees to foreign owners. In 1805, thirteen enslaved people from the British colony of Essequibo had descended the Orinoco River only to be intercepted on “una piragua y una curiara” by a Spanish ship sailing from Guadeloupe to Venezuela.<sup>24</sup> Colonial authorities were undecided whether to resell the captured fugitives for the benefit of the Royal Treasury or declare them free as an outrage to the British rival empire. Also considering that at the time the introduction of foreign Black people into Spanish colonies was prohibited to avoid unrest, the court finally decided that runaways “se restituirán inmediatamente a sus propietarios.”<sup>25</sup> The inter-colonial practice remained in use even during the Age of Abolition. When a raft of escaping enslaved people from Basse-Terre wrecked on the shores of Danish Saint-Croix in 1840, the local governor immediately wrote to the French representative to arrange for their return:

Quatre esclaves français [...] ont échoué sur nos cotes, l'un est mort, je suis prêt à vu rendre les trois autres. Vous jugerez, je l'espère, que les souffrances endurées par ces malheureux, sont une punition suffisante de leur faute, et vous obtiendrez de leurs maitres qu'ils ne soient pas punis. Je désire, M. le gouverneur, que vous voyez dans ce que je fais aujourd'hui une nouvelle preuve de mon zèle à maintenir la bonne harmonie qui existe entre nos deux cours.<sup>26</sup>

Despite words of mercy toward the runaways, the Danish administrator's first concern was to alert the French authorities. Reporting the discovery of enslaved fugitives was a sort of mutual agreement between owners that transcended imperial boundaries. Similarly, diplomatic agents in the other imperial territories relied on local colonial authorities to maintain control over their property and interests. On October 21, 1831, for example, a

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<sup>24</sup> “One pirogue and one *curiara*,” two different types of canoes. AGI: Apresamiento de piragua con trece esclavos negros fugitivos, EST, Leg. 63, Exp. 29. On maritime transportation methods used by African Caribbean people, see: Kevin Dawson, “A Sea of Caribbean Islands: Maritime Maroons in the Greater Caribbean,” *Slavery & Abolition* 42, no. 3 (2021): 428-448.

<sup>25</sup> “Shall be immediately returned to their owners,” *ibid.*

<sup>26</sup> “Four French slaves [...] have washed up on our shores, one is dead, and I am ready to return the other three. You will judge, I hope, that the suffering endured by these unfortunate people is punishment enough for their fault, and you will obtain from their masters that they not be punished. I hope, Mr. Governor, that you will see in what I am doing today a new proof of my zeal to maintain the good harmony that exists between our two courts.” BnF: Victor Schœlcher, *Des colonies françaises. Abolition immédiate de l'esclavage* (Paris: Pagnerre éditeur, 1842), 115.

request came from the consulate of France to the Captain General to search for an escaped slave. The French consul had lost his young slave Pablo, who had left his master home to buy for coal and had not returned and was looking for him in the Havana repositories of Cerro, Puentes Grandes, Jesus del Monte and the other urban slaves *depósitos* (depots).<sup>27</sup> To deal with runaways, colonial newspapers usually had a section devoted to captured missing slaves who were being held in prison waiting to be repossessed by their owners. The frequent notices included physical and other details useful to recognize those arrested, as in this case reported by the *Journal Commercial de La Point-a-Pitre*:

Un nègre, ne voulant dire son nom et celui de son maître, taille de 5 pieds, âgé de 26 à 28 ans, quatre coupures entre les sourcils, cinq marques noires à la tempe droite et une cicatrice près de l'oreille, six marques noires à la tempe gauche, les oreilles percées, plusieurs marques formant une raie verticale au milieu de l'estomac et tatoué sur le ventre, conduit du petit-bourg comme marron.<sup>28</sup>

Other notices were placed by the owners themselves, who were looking for fugitive slaves, assuring a reward to those who found and returned their slaves. Sometimes these were foreign slaveholders, resident or passing through rival imperial possessions, who relied on local institutions to capture runaways. This was the case of a British master in Havana, looking for his *cimarrones* (maroons):

En la noche del día 3 del pasado, se robaron o se huyeron del Bergantín ingles Sanspareil, su capitán J. Medcalfi, cinco negros bozales con el bote de dicho Bergantín en donde se gratificará completamente á quien los entregare.<sup>29</sup>

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<sup>27</sup> ANC: El Señor cónsul general de Francia se queja de haberse aprendido un negrito nombrado Pablo por un asunto judicial, GSC, Leg. 839, Exp. 28237.

<sup>28</sup> "A Negro, unwilling to give his name and that of his master, 5 feet tall, 26 to 28 years old, four cuts between the eyebrows, five black marks on the right temple and a scar near the ear, six black marks on the left temple, pierced ears, several marks forming a vertical stripe in the middle of the stomach and tattooed on the belly, was led to the small village as a maroon." BnF: Etat nominatif des nègres détenus à la geôle de la Point-a-Pitre depuis plus de dix jours, *Journal Commercial de La Point-a-Pitre-Guadeloupe* (Septembre 15, 1831), 4.

<sup>29</sup> "On the night of the 3rd of last, five black *bozales* [enslaved people recently imported from Africa] were stolen or fled from the English brigantine named Sanspareil, their captain J. Medcalfi, with the vessel of the said brig., where they will be fully rewarded to whoever delivers them." *Papel periodico de la Havana* (August 15, 1802) quoted in Antonio Núñez Jiménez, *Los esclavos negros* (La Habana: Editorial Letras Cubanas, 1998), 181.

Starting from this overview of escape practices to gain freedom across imperial borders, we can assert that legislation on asylum and free soil was ultimately confined to specific empire territories or had a limited duration. However, these stories of intercolonial and transatlantic migration demonstrate how tensions between the European powers were embodied in the Atlantic space, directly impacting the lives of African Caribbean people who sought, and often obtained, protection. Their strategic efforts established a culture of seeking and negotiating asylum spaces by navigating imperial boundaries and diplomatic conflicts, practices widely employed throughout the 19th century. In the Caribbean space, post-1804 Independence, enslaved people endeavored to reach Haiti from all colonial dominions<sup>30</sup>. Moreover, in the 1820s, British advancements in anti-slave trade legislation and amelioration laws in West Indian colonies further reshaped the dynamics of relations between Caribbean empires regarding fugitive slaves.

## 2. Projecting British Protection on the Caribbean

On March 29, 1822, British officials Thomas Moody, a colonel with a long career in the Caribbean belonging to a family of planters, and John Dougan, “a Tortolan ex-slaveholder turned evangelical abolitionist,” arrived in Antigua charged by Second Secretary to the Admiralty John Barrow to lead the *Commission of Enquiry into the State of the Captured Africans in the West Indies*.<sup>31</sup> Established in 1821 and operating throughout the 1820s, this office was responsible for overseeing the conditions and treatment of liberated Africans and monitoring the practices of the illegal slave trade in the Caribbean. The Royal Commission settled in Tortola, a strategic location to conduct the committee’s activities and control the region. In this and other island laboratories on par with Trinidad, through the employment of African people confiscated and “freed” in accordance with the abolition of the trade, Britain was experimenting with apprenticeship as an alternative to slave labor in the years before general emancipation. Because of its geographic location, the island was an excellent sighting place for clandestine vessels carrying slaves from Africa and allowed the commissioners to control

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<sup>30</sup> Ada Ferrer, “Haiti, free soil, and antislavery in the revolutionary Atlantic,” *The American Historical Review* 117, no. 1 (2012): 40-66.

<sup>31</sup> Anita Rupprecht, “He says that if he is not taught a trade, he will run away”: Recaptured Africans, Desertion, and Mobility in the British Caribbean, 1808–1828,” in *A Global History of Runaways: Workers, Mobility, and Capitalism, 1600–1850*, edited by Marcus Rediker, Titas Chakraborty, and Matthias van Rossum (Berkeley: University of California Press, 2019)178-198, quotation at p. 185.

the work of the collector of customs duties, inspectors who supervised the seizure of ships and their human cargo on behalf of England. In addition, from that location, Moody and Dougan received news from the other imperial colonies, maintaining close correspondence with the governors of the various British possessions and sending regular reports back to Europe.

On April 18, 1822, a letter arrived in Tortola from the Chief Justice of British Dominica submitting a troublesome issue to the commissioners.<sup>32</sup> In the subsequent report sent to England, among the expenses incurred by colonial administrations to seize vessels engaged in the trans-Atlantic clandestine trade, the commissioners reported the court costs incurred by the Dominican government in dealing with the case of “five fugitive French slaves.”<sup>33</sup> As the governor first explained, they arrived in Dominica in 1821 from French Maria Galante, a small island under the possession of Guadeloupe, a few miles off the coast of British territory.<sup>34</sup> He complained about the disproportionate costs sustained by the colony to prosecute the five French individuals accused of escape, who had subsequently remained on the island “without being employed as apprentices,” wondering what to do about them.<sup>35</sup> In his opinion, enslaved people arriving from French domains had to be transferred quickly for the “interest and tranquility” of the colony “as such removal would soon be known in the neighboring islands and would greatly tend to discourage other Slaves and Africans there from following their example in considerable number.”<sup>36</sup> Avoiding a “new Haiti” remained a priority for both owners and colonial administrators in the West Indies. The fear of slave insurrections and the concern of loss imperial control in the colonies had curbed British abolitionist aspirations at the turn of the century. By the 1820s, the active policy of abolition of the slave trade and management of liberated Africans required solutions that would balance imperial desires with local contexts.

This was not the first time the commissioners addressed the problem of desertion. Among its various activities, the Commission for Enquiry dealt with liberated Africans who fled or were stolen by competing imperial powers from the West Indies colonies. In the same

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<sup>32</sup> TNA: From the Arch. Gloster, Chief Justice of Dominica, to the Commission of Enquiry into the State of the Captured Africans, Dominica, 18 April 1822, CO 318/81.

<sup>33</sup> TNA: Report of the Commission for Enquiry into the State of the Captured Africans, Tortola, 3 June 1822, CO 318/81.

<sup>34</sup> TNA: From Government House of Dominica to the Commission for enquiry into the state of the Captured Africans, Dominica, 19 April 1822, CO 318/81.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

1822, for example, the British officials ordered the inspection of Saint Thomas' Fort, where the Danish authorities temporarily held in bondage people destined for domestic sale and trade with French or Spanish possessions.<sup>37</sup> Among the Commission's papers was a letter that Tortola Governor Porter addressed to foreign authorities to find some liberated Africans missing from the British colony. Among them, for example, was a certain John "who was [an] apprentice to a colored Man in this Island named Jim Wickham."<sup>38</sup> After Wickham died, John escaped by sea, but eventually met with detention in Saint Thomas to be sold as a slave. Besides him, other apprentices had also arrived on the Danish Island in various ways, as explained in the letter to the British administrator:

Many person to whom these People were Apprentices, either ignorant of the obligation by which they were bound, or supposing not motivated to taken of the breach of their Covenant, in direct violation of the Act of Parliament, have sent or permitted these Apprentices to go to your island, and remain there. And many of these Negroes, so apprentices, have run away, and are at the present in Saint Thomas passing as free Persons who are entirely at their own disposal.

Among these I have just now been inform that one called Jim, who was an indenture Servant to the late Mr. James Roberson of this Island, deceased, was lately put into the Fort in your Island (on what ground I have not heard) and sold to a Person name Wolf, who have same sold him, as a Slave, to same Person who carried him, in that capacity, to Puerto Rico.<sup>39</sup>

Trans-imperial mobility and the attempts to escape by coerced people remained among the main concerns of Britain's abolition policies in the Caribbean. Despite ameliorating policies, forced people continued to run away by any means from the exploitative mechanism of plantations and other colonial worksites. But these were not the only colonial tensions. Overseeing slave trade suppression agreements with other empires, the Commission addressed the question of how British owners perceived the difference between slaves and liberated Africans assigned to them. As in the cases of John, Jim and the other African apprentices held at Saint Thomas, planters often sold them as slaves in

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<sup>37</sup> TNA: From Thomas Moody and John Dougan to Secretary Barrow, Tortola, 27 May 1822, CO 318/81.

<sup>38</sup> TNA: From Governor George R. Porter to Governor Peter von Scholten, Tortola, 28 November 1821, CO 318/81.

<sup>39</sup> *Ibid.*

neighboring islands, overlapping the two legal statuses and effectively contravening British law.<sup>40</sup> Actually, the issue was not limited to the settler owners and involved the commissioners themselves. Even though they both came from the colonial elites of the West Indies, Moody's and Dougan's views on the treatment of liberated Africans differed considerably. While the latter gradually embraced convinced abolitionist positions, Moody was much more inclined to favor the planter class in maintaining slavery. He himself owned a plantation in Barbados on which several enslaved people were employed and which was in operation during his term as commissioner.<sup>41</sup>

Because of continuing disputes with his colleague, Dougan precipitously left the Commission of Enquiry at the end of 1822, and probably the report on the five French enslaved fugitives held in Dominica was entirely redacted by Moody.<sup>42</sup> In this case, the fact that the runaways pertained to another imperial power and were not part of the liberated Africans seized by British agents made both the governor's reporting and the commissioner's involvement unusual. However, the affair became Moody's pretext for proposing an effective solution "to the problem of unclaimed fugitives [underlined in original]" reaching the British territories.<sup>43</sup> According to the commissioner, the five French runaways, condemned by the Crown as fugitive slaves, were not to be resold due to anti-slave trade laws but could be re-employed by Britain as apprentices on a par with the liberated Africans. As such, and no longer slaves, they could be displaced from Dominica to Sierra Leone or another British possession needing a workforce. The relocation to Africa or "some place remote to the West Indies," also met the governor's concerns about the danger of keeping foreign runaways in the colony.<sup>44</sup> According to Moody, therefore, customs collectors had the right to extend their powers to fugitive foreign slaves. For this reason, colonists were urged to report to the

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<sup>40</sup> *Ibid.*

<sup>41</sup> Mulich, *In a Sea of Empires*, 139.

<sup>42</sup> This is my inference since this report and the letters to the governors contained in the same archival fund are written and signed by Moody in the same handwriting and only some of these are also signed by John Dougan (in the second line and with other handwriting). On the tensions within the Royal Commission, see also: Anita Rupprecht, "When he gets among his Countrymen, they tell him that he is free': Slave Trade Abolition, Indentured Africans and a Royal Commission," *Slavery & Abolition* 33, no. 3 (2012): 435-455.

<sup>43</sup> TNA: From the Custom House of Dominica to the Commission for Enquiry into the State of the Captured Africans, Dominica, 19 April 1822, CO 318/81.

<sup>44</sup> TNA: Report of the Commission for Enquiry into the State of the Captured Africans, Tortola, 3 June 1822, CO 318/81.

authorities the presence of these fugitives who, following the proceedings, would be appointed apprentices for the Crown.<sup>45</sup>

Moody's proposals and the Dominican governor's demands to the imperial governance were supported by the fact that neither the Guadeloupe administration had approached the British authorities about the matter and no settler of Maria Galante had claimed ownership of the five runaways. However, not reporting to French colonial administrators the presence of fugitive slaves on their territory went against the usual inter-colonial relations. Of course, there were several exceptions to the rule, and in many cases, runaways were not returned to their legal owners, being re-enslaved by those who had taken them captive. However, as we have seen, when the complaint was reported to colonial authorities, the return of fugitives became proof of good coexistence between imperial powers sharing the same environment. By not restoring the five runaways to Guadeloupe, Britain had broken the "pact of loyalty" involving both owners and colonial administrators in the Caribbean area. In the second place, the assumption by Commissioner Moody that the French enslaved fugitives would become apprentices under the custody of the British Crown was uncommon. As we have seen in Chapter I, France, unlike the British and Spanish empires, was not a member of the commissions for the suppression of the slave trade and there were no mixed courts in its colonial possessions that, as in Cuba and in the British West Indies, regulated the lives, work and transfer of liberated Africans.

Moody's proposals on the case of Maria Galante's runaways exceeded the duties of the Commission of Enquiry but still found the approval of the governor of Dominica and the Secretary to the Admiralty. These advanced indications with respect to the fact, which had become increasingly clear to local administrators, that the 1807 law, designed primarily to curb the trans-Atlantic slave trade, could not by itself regulate the specific context of the Caribbean. Two years later, in 1824, the British Slave Trade (Consolidation) Act addressed the issue by imposing severe restrictions on inter-island trade and travel, with contrasting effects in the Caribbean trans-imperial space. However, the Consolidation Act directly intervened in another key issue for an area of imperial confrontation and competition: the fate of fugitive enslaved people. Specifically, Article 23 read:

Provided always, and be it further enacted, That in case any Person or Persons illegally held or detained in Slavery shall hereafter by Shipwreck or otherwise be cast upon, or shall escape to or arrive at any Island or Colony, Fort, Territory,

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<sup>45</sup> *Ibid.*

or Place under the Dominion or in the Possession of His Majesty, it shall and may be lawful for His Majesty, His Heirs and Successors, or for any such Officers Civil or Military as aforesaid, *to deal with, protect, and provide* for any such Person or Persons, in such and the same Manner as is hereinbefore directed with respect to Persons condemned as Prize of War, or as forfeited under this Act [*italics mine*].<sup>46</sup>

Britain had a long legal tradition of granting asylum to foreigners seeking refuge in England, and hostility toward their extradition was mostly independent of the reason for fleeing and the crime with which they were charged. Beginning with the French Revolution, major changes occurred in the way European powers approached extradition, which shifted from criminal justice to political morality and the British regularly granted asylum to protect those who were wanted abroad for political offenses.<sup>47</sup> However, since 1824, in the Caribbean area, imperial agreements and custom governing inter-colonial relations on fugitive slaves showed a different attitude. The principle of mutual aid between empires and owners to return runaways was based on the deep-rooted assumption that slaves who escaped from their masters were responsible for a crime. However, the Consolidation Act addressed the issues highlighted by the governor of Dominica through a radical change in the conventions that governed relations between empires in cases of foreign enslaved runaways. The Consolidation Act granted asylum to those who had hitherto been defined and considered “fugitive slaves” by owners, colonial authorities and the legal system.<sup>48</sup> Since asylum was part of the criminal law, in the first half of the 19th century this essentially meant refusing to return runaways to other imperial possessions, denying their extradition.<sup>49</sup>

According to article 23 of the Consolidation Act, “in case Persons detained in Slavery shall escape, any Officer may provide for and protect them.”<sup>50</sup> Once African Caribbean runaways

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<sup>46</sup> 5 Geo. IV c. 113.

<sup>47</sup> According to historian Matthew Price, until 1870 Britain signed no more than a handful of extradition treaties – with the United States in 1794 and France, the Netherlands, and Spain in 1802 and again with the United States and France in 1843 – primarily for murders and criminal offenders and mostly ineffectual, *Rethinking Asylum: History Purpose and Limits* (Cambridge: Cambridge University Press, 2009), 44-47. On Great Britain asylum tradition, see also: Paul O’Higgins, “History of Extradition in British Practice, 1174–1794,” *Indian Yearbook of International Affairs* 2 (1964): 78-115.

<sup>48</sup> TNA: Barbados Slave Code or An Act for the better ordering and governing of Negroes, 1661, CO, 30/2.

<sup>49</sup> Price, *Rethinking Asylum*, 25.

<sup>50</sup> 5 Geo. IV c. 113. Art. 23, Slave Trade Act, June 24, 1824.

reached the British shores they were intercepted or went directly to the local authorities to access the procedure for obtaining imperial protection and freedom. Under the control of local authorities, they were referred to the judiciary, which accorded them protection by denying extradition and granting them release from slavery under the Slave Trade (Consolidation) Act. This was the case of “five decent and intelligent looking man presented themselves at the Office of the Chief Inspector of Police to reported themselves as fugitive slaves, escaped from Martinique.”<sup>51</sup> After an arduous sea voyage, they arrived in British Saint Lucia and there “seek an asylum under the British flag.”<sup>52</sup> In their testimony, the claimants recounted the mistreatment they suffered from the French owners and the atrocity of slavery in the *vielle* colony. Shortly before, six other runaways had arrived on the British island. The news was reported in local newspapers:

The men reported that seven of them had left Martinique, for St. Lucia, on the previous Sunday, with only one day provision, that they were unable to make port from the prevalence of a strong current, and that one of their comrades jumped overboard the day before they were picked up. They landed from the Water Witch yesterday morning and are now enjoying all the privileges of free men.<sup>53</sup>

As we examined in the previous paragraph, the practice of seeking freedom on foreign soil was not entirely new in the Atlantic space. However, escape to British West Indies became the gateway for African Caribbean enslaved people to obtain manumission, despite the fact that the institution of slavery was still in place in much of the region. They were no longer prosecuted as fugitives in British territories but received as “refugees.” As a result, colonial authorities no longer had to contact competing local administrations and search for legal owners or respond to requests for restitution because, under British protection, fleeing people obtained release from slavery on behalf of abolitionist laws.

Yet, as long as slavery remained in force in British territories, the debate over the legitimacy of freeing fugitive enslaved people legally owed by French slaveholders remained a source of

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<sup>51</sup> Escape of slaves - St. Lucia Palladium, *The British and Foreign Anti-Slavery Reporter*, Vol. 6 (London: Ed. Lancelot Wild, 1845), 196.

<sup>52</sup> *Ibid.*

<sup>53</sup> The news was first reported by the Grenada Chronicle and later by the Barbados Liberal. Escape of slaves – Barbados Liberal, *ibid.*, 92.

contention among British colonial administrators, magistrates, planters and merchants. In 1829 the influential Caravan Brothers & Co. acted as an intermediary between another merchant company active in Barbados and Sir George Murray, reporting to the Secretary of State for the Colonies in London an event “of great importance to the Interests of the Trade in the British West Indian Islands.”<sup>54</sup> Captain Warrant of the brigantine named “Bermuda”, property of the Tucker & Haley Company, complained about the treatment he received from the Barbados authorities with respect to the case of an enslaved man who escaped from Martinique by hiding on his ship:

Some time past the Brigantine “Bermuda” of Bermuda left Martinique for this place and after being at sea thirty hours a Negro Man was found secret on board; on the vessel coming to here he made his escape but was ultimately taken, carried before a Magistrate, and lodged in the slave prison. On the vessel clearing, the master claimed the said slave with a view of returning him to his lawful Owner, but the Magistrate refused to release him nor which the Honour the President [the Governor] permit him to be given up.<sup>55</sup>

Not only Captain Warrant but also the merchant company had appealed Governor William Gibbons to request that the escaped man be returned to the French colony. Without hiding his regret, the administrator replied that he had to abide by the magistrate’s decision on this matter. Reconstructing the events, he reminded the complainants that:

the Slave having absented from a Foreign colony cannot, by an Act of Parliament, be returned to there to be dealt with as a slave and His Honour is therefore under the painful necessity of declining to accede to the request which you have made [underlined in original].<sup>56</sup>

Despite this, Captain’s concern over the real risk that the Barbadian authorities’ ruling would damage trade relations with the French domains did not subside. In the correspondence between the trading companies, there was a translated excerpt from the Martinique administrator’s letter dated February 5, 1829, which states that “the conduct of your

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<sup>54</sup> TNA: From Cavan brothers & Co. to Sir George Murray, London, April 7, 1829, CO 28/104.

<sup>55</sup> TNA: From Tucker & Haly to Cavan brothers & Co., Barbados, February 18, 1829, CO 28/104.

<sup>56</sup> TNA: From Private Secretary of Willam Gibbons to Tucker & Haley, January 26, 1829, CO 28/104.

Government in this occasion will prove detrimental to British shipping.”<sup>57</sup> He also threatened English merchants with retaliation, as “we might have a fine chance of laying hold of the Crew of number of British vessels maned by Slaves which came daily in our Ports.”<sup>58</sup>

By denying the extradition of the French enslaved runaways, the captain and the trading companies were afraid that Britain would erode diplomatic relations with other empires and that this would adversely affect intercolonial trade. Their grievances were part of the magistrates’ difficulties in obtaining the cooperation of colonial officials and private actors in Barbados and other British possessions in enforcing laws to abolish the slave trade. However, the 1824 Act was not only an achievement for British abolitionists and a step toward the emancipation decree in the colonies. As the result of intense negotiations and competing interpretations, colonial planters also benefited from the new legislation. The same law that prevented British owners from transferring their property to other imperial territories established the very simple rule that if it was illegal to move slaves out of the Crown’s domains, it was equally illegal to return them to foreign possessions. In this way, “refugees” compensated, like liberated Africans, for the chronic labor shortage since the end of the legal slave trade. In addition, giving asylum to enslaved runaways instead of trying them as maroons meant cost savings for local courts of justice. Finally, if the presence of many freed fugitives was perceived as dangerous by British authorities, by making the runaways apprentices – as Commissioner Moody suggested a few years earlier – they could be deported and relocated to other imperial possessions if necessary.

Nevertheless, British administrations were certainly aware of the impact that these escapes would have on the neighboring colonies and the tensions that protecting fugitives would cause in the planter class. According to Dominica’s governor:

The Inhabitants of Guadeloupe, Martinique and Maria Galante are so highly exasperated at having their runaways negros detained here and made free, that I should not at all be surprised in a event of a War breaking out, at this attempting a rescue of them, or otherwise visiting the Island with some dreadful catastrophe by way of retaliation, either in setting fire to the Town or levying contributions on the Inhabitants.<sup>59</sup>

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<sup>57</sup> TNA: From Tucker & Haly to Cavan brothers & Co., Barbados, February 18, 1829, CO 28/104.

<sup>58</sup> *Ibid.*

<sup>59</sup> TNA: From the Custom House of Dominica to the Commission for Enquiry into the State of the Captured Africans, Dominica, 19 April 1822, CO 318/81.

Moreover, even when enslaved fugitives managed to reach asylum, colonial authorities and owners stubbornly tried to claim and recapture them, meeting British refusal. For example, a Cuban owner named Santiago López petitioned the Spanish Captain General to intercede with the British authorities for the return of José, Camilo and Francisco, three fugitive sailors he owned as slaves. Since the enslaved men had arrived on the British atoll of Agua because of a shipwreck and not because they had escaped, the owner argued that the British should restore them to Cuba.<sup>60</sup> However, the Spanish authorities advised him to desist from the intent and refrain from pursuing the claim because Britain would surely refuse restitution.<sup>61</sup> Similarly, a Guadeloupe master came all the way to Antigua in pursuit of other three runaways. Once he arrived on the foreign island, he applied to British authorities for their return, which was promptly refused.<sup>62</sup> The *gerant de l'habitation* (plantation manager) Raisent in Lamentin described in his diary the indignation of the French planters over this and similar cases:

Imaginez vous combien été humiliant pour MM. Bordié, Brefford, adjoints de la commune, et Darasse, commandant de la milice, qui se sont rendue à Antigue pour réclamer ces nègres, de se voir refuser leur remise [...]; c'est au reste ainsi que nos réclamations sont toujours repousses, fort heureux encore quand on est reçu et renvoyé avec politesse, ce qui n'est point toujours arrivé, car en plusieurs occasions, les officiers du Roi, et les habitants français, se sont vu insultés et hués par le peuple noir anglais, souvent même assaillis, poursuivis de vociférations et obligés de se rembarquer au plus vite pour ne pas être assassinés et déchirés par la populace que les autorités anglaises ne cherchaient guère a à contenir.<sup>63</sup>

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<sup>60</sup> AHN: Expediente de reclamación al Gobierno Británico de tres negros fugados de un barco, ULTR, Leg. 4642, Exp.4.

<sup>61</sup> AHN: Calderón de la Barca al Encargado de negocios de S.M. en Londres, Madrid, April 7, 1854, ULTR, Leg. 4642, Exp.4.

<sup>62</sup> The case was reported in Schœlcher, *Des colonies françaises*, 116.

<sup>63</sup> "Imagine how humiliating it was for Messrs. Bordié, Brefford, deputies of the commune, and Darasse, commander of the militia, who went to Antigua to claim these negroes, to have their return refused [...]. On several occasions, the King's officers and the French inhabitants were insulted and booed by the Black British people, often even assaulted, shouted at and forced to leave as quickly as possible to avoid being killed and torn apart by the mob, which the British authorities barely tried to contain." ANOM: Famille Reiset, Lamentin, le

His frustration also came upon the French imperial authorities, who were considered unable to reach diplomatic agreements with Britain to extradite the fugitives. Slaveholders perceived this issue as very serious so much so that, according to the plantation manager: “il est temp que le gouvernement français s’occupe sérieusement d’obtenir du gouvernement anglais la remise de nos esclaves, s’il veut prévenir la ruine totale de nos colonies.”<sup>64</sup>

The 1824 Consolidation Act reconfigured the role of British empire in the Caribbean area and beyond. Enslaved people not only fled to the British West Indies, but they also reached Canada and the British possessions in Africa and the Americas to seek asylum.<sup>65</sup> Meanwhile, free soil spaces expanded step by step with the decrees of slave trade abolition and emancipation, multiplying the routes of fugitives to Mexico, the United Provinces of the La Plata River, or Northern United States.<sup>66</sup> British anti-slave trade legislation challenged chattel slavery because those persons no longer committed an act that was considered a criminal offense under British law.<sup>67</sup> According to the Consolidation Act, the principle that runaways were to be restored to their masters as private property failed, and the return of enslaved people to foreign territories became equivalent to their illegal import or export. Besides, British granted asylum even in the case of violent crimes when these involved people in bondage. For example, Florimond Castaing, an imprisoned French enslaved man accused of murder, escaped from Martinique to British Saint Lucia, eventually reaching Trinidad. Also

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14 mai du 1839, APOM, Cote 170, Dossier 6, transcribed source in Evelyn Camara, Isabelle Dion, and Jacques Dion., *Esclaves. Regards de blancs, 1672-1913* (Aix-en-Provence: Archives nationales d’outre-mer, 2008), 150.

<sup>64</sup> “It is time for the French government to get serious about obtaining the surrender of our slaves from the English government, if it wants to prevent the total ruin of our colonies.” *Ibid.*, 152.

<sup>65</sup> Gordon S. Barker, “Revisiting ‘British Principle Talk’: Antebellum Black Expectations and Racism in Early Ontario,” in *Fugitive Slaves and Spaces of Freedom in North America*, edited by Damian A. Pargas (Gainesville: University Press of Florida, 2018), 34–69; Robert Ali Myles, “Here in the Queen’s Territory, Every Man and Woman are Free”: Slavery and the Lives of the Enslaved in Late Nineteenth Century Sierra Leone,” (Ph.D. diss., York University of Toronto, 2020).

<sup>66</sup> Thomas Mareite, *Conditional freedom. Free soil and fugitive slaves from the U.S. South to Mexico’s Northeast, 1803–1861* (Leida: Brill, 2022); Keila Grinberg, “Illegal Enslavement, International Relations, and International Law on the Southern Border of Brazil,” *Law and History Review* 35, no. 1 (2017): 31-52; Damian A. Pargas, *Freedom Seekers: Fugitive Slaves in North America, 1800–1860* (Cambridge: Cambridge University Press, 2021).

<sup>67</sup> In this sense, the treaty that France and Britain signed in 1843 for the extradition of persons accused of the crimes “murder, assault with intent to commit murder, piracy, forgery, arson, robbery, or the utterance of forged paper” did not directly impact the issue of enslaved fugitives. HC: Extradition of Offenders, Deb 30 June 1843, Vol. 70, cc 472-9.

in his case, British officials refused extradition to the French colony because, in their view, there was insufficient evidence to warrant that the enslaved man had actually committed the crime with which he was charged.<sup>68</sup> Protection from extradition was also granted to criminals, extending the British legal tradition of asylum to the colonies and enslaved people.<sup>69</sup> At that time, for Britain, the treatment of runaways became inextricably linked to discussions on the suppression of the slave trade and the legitimacy of slavery.

### 3. Controlling Evasions, Supervising Owners

Since 1824, in the absence of extradition agreements, British protection was extended to foreign enslaved people, and this almost certainly encouraged flight from rival imperial territories. However, the repercussions of the escapes were not limited to the economic damage suffered by Spanish and French planters. By granting asylum to foreign fugitives, Britain challenged the legitimacy of another imperial power and interfered with the exercise of its authority. In this way, this legislation extended Britain's influence over the region by impacting also territories resistant to antislavery treaties as the French Antilles. Rejecting the constraint of mixed commission, France had hitherto resisted interference by British officers in its overseas possessions and African coasts. Nevertheless, Article 23 of the Consolidation Act changed the balance of power between the two empires and the protection of African Caribbean runaways became a weapon in favor of Great Britain. French Antilles were particularly exposed to the phenomenon of maritime marronage.<sup>70</sup> Because of Martinique, Guadeloupe and the small possession of Saint-Martin's proximity to Saint Lucia, Dominica,

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<sup>68</sup> TNA: Murray MacGregor to Lord John Russell, secretary of state for war and the colonies, 10 December 1839, CO 28/129/18.

<sup>69</sup> In this way, for example, we can consider the famous diplomatic incident of the American slave ship "Creole." In 1841, 138 U.S. runaways traveling from Virginia to Louisiana on a slave ship dropped anchor in the British Bahamas after staging a mutiny. Despite insistent requests from the American consul, the British authorities denied the return of the boat and the enslaved insurgents and granted them protection. The case further developed British protection against the extradition of runaways. This challenged the very definition of what could be considered a crime, recognizing that these enslaved people were engaged in justified rebellion rather than charging them with murder. On the "Creole" case and British extradition policy, see: Christopher H. Pyne, *Extradition, Politics, and Human Rights* (Philadelphia: Temple University Press, 2001), 48-62.

<sup>70</sup> On the definition and usefulness of the concept of maritime marronage, see: Theresa A. Singleton & Jane Landers, "Maritime Marronage: Archaeological, Anthropological, and Historical Approaches," *Slavery & Abolition* 42, no.3 (2021): 419-427; Neville A. T. Hall, "Maritime Maroons: 'Grand Marronage' from the Danish West Indies," *The William and Mary Quarterly* 42, no. 4 (1985): 476-498.

Anguilla, Barbados, Monserrat, and other British possession in the Lesser Antilles, inter-colonial mobility of runaways was a common feature of imperial relations. Under the Consolidation Act, and in the absence of extradition agreements between the two empires, enslaved fugitives from the French colonies sought shelter under British asylum.

Historians have long studied runaways as part of the daily resistance practices of enslaved people to slavery and coercion. Scholarship dedicated much attention to wilderness marronage. Runaways hid in forests, swamps, hills and other internal areas of the imperial possessions to escape masters' control.<sup>71</sup> Isolated areas constituted important spaces of freedom for fugitive enslaved people, as colonial authority could hardly penetrate to impose law and slavery. In some cases, runaways formed actual societies in the inland of the Caribbean islands. In Jamaica, they won armed conflicts and negotiated treaties with the British government that recognized marrons communities.<sup>72</sup> But for the most part, they remained perpetually on the run with the risk of being captured, imprisoned, and eventually returned to the former owner or sold to a new one. More recently, scholars have pointed out that many runaways also hid in cities, trying to avoid colonial surveillance and living camouflaged in urban places within the free African descendant population. Even in this case, their freedom remained relegated to informality and their clandestine position could be questioned at any time by imperial government.<sup>73</sup>

Asylum seekers' flights to British West Indian colonies were part of a larger and lasting phenomenon involving the autonomous mobility of enslaved people in colonial societies. Scholar George Mauvois' posthumous book, elaborated on the basis of Yvan Debbasch and Gabriel Debien's pioneering studies on *marronage*, dealt with the enslaved escapes from French Martinique to the British colonies in the period between the two imperial

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<sup>71</sup> Gad Heuman, ed., *Out of the House of Bondage: Runaways, Resistance and Marronage in Africa and the New World* (London: Frank Cass, 1986); Richard Price, ed., *Maroon Societies: Rebel Slave Communities in the Americas* (Baltimore and London: Johns Hopkins University Press, 1979).

<sup>72</sup> Richard B. Sheridan, "The Maroons of Jamaica, 1730–1830: Livelihood, demography and health," *Slavery & Abolition* 6, no. 3 (1985): 152-172; Kenneth M. Bilby, *True-Born Maroons* (Gainesville: University Press of Florida, 2005).

<sup>73</sup> Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: University of Pennsylvania Press, 2016); Damian Alan Pargas, "Urban Refugees: Fugitive Slaves and Spaces of Informal Freedom in the American South, 1800–1860," *Journal of Early American History* 7, no. 3 (2017) 262-284; Viola Franziska Müller, *Escape to the City. Fugitive Slaves in the Antebellum Urban South* (Chapel Hill: University of North Carolina Press, 2022).

emancipation decrees (1833-1848).<sup>74</sup> Foremost historians on French Caribbean such as Josette Fallope, Frédéric Régent, Caroline Oudin-Bastide and Nelly Schmidt mentioned the issue of enslaved evasions in their research on the abolition paths in Guadeloupe and Martinique.<sup>75</sup>

Relying on Gabriel Debien's definition of *petit marronage* and *grand marronage*, studies on runaways have traditionally made conceptual distinctions between permanent and temporary escapes.<sup>76</sup> The phenomenon of slaves' absenteeism from work for short periods of time, was a long-standing practice in the Caribbean colonies, and was far more common than is often assumed. Escaping to visit relatives and loved ones who lived on another plantation and returning after a few days, or temporary evading the plantation's living conditions were part of a wider repertoire of day-to-day resistance to bondage. Although harshly sanctioned by the planters' private justice, these escapes had never raised excessive concerns for governments with respect to the maintenance of colonial coerced labor relations and social hierarchies.<sup>77</sup> However, slave escapes by sea in British free soil colonies transformed the way slave desertions were perceived by both masters and colonial administrations. According to a French owner from Basse-Terre (Guadeloupe), in the area of "Deshayez le marronage est rare; si parfois des negres abandonent le travail, c'est pour peu de jours". However, after

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<sup>74</sup> Georges B. Mauvois, *Les Marrons de la mer, évasions d'esclaves de la Martinique vers les îles de la Caraïbe (1833-1848)* (Paris: Karthala, 2018). See also: Yvan Debbasch, "Le Marronage: Essai Sur La Désertion de l'esclave Antillais," *L'Année Sociologique* 12 (1961): 1–112, especially pp. 41-56; Gabriel Debien, "Le Marronage Aux Antilles Françaises Au XVIIIe Siècle," *Caribbean Studies* 6, no. 3 (1966): 3-43, especially pp. 28-31.

<sup>75</sup> Josette Fallope, *Esclaves et citoyens: les noirs à la Guadeloupe au XIXe siècle dans le processus de résistance et d'intégration, 1802–1910* (Basse Terre: Société d'Histoire de la Guadeloupe, 1992), 319-322 ; Frédéric Régent, *La France Et Ses Esclaves: De La Colonisation Aux Abolitions 1620-1848* (Paris: Hachette, 2009), 286 ; Oudin-Bastide, *Travail, capitalisme et société esclavagiste*, 301-303 ; Nelly Schimidt, *Abolitionnistes de l'esclavage réformateurs des colonies* (Paris: Karthala, 2001), 287-288.

<sup>76</sup> "Les planteurs distinguaient deux sortes de marronage, le grand et le petit marronage. Le grand marronage était le marronage proprement dit. C'était la fuite hors de l'habitation avec l'intention de n'y pas rentrer. [...] On disait aussi marronage, "mais improprement" en parlant, des absences d'un ou deux jours, ou même d'une semaine, que les esclaves faisaient plutôt par paresse et par libertinage que dans l'esprit de la désertion. Nous l'appellerons le petit marronage ou marronage léger, qui restait individuel ou par très petits groupes./ Planters distinguished between two types of marronage, large and small. Grand marronage was marronage proper. It involved fleeing the plantation with the intention of not returning. [...] It was also called marronage, "but improperly" in reference to absences of one or two days, or even a week, which slaves did rather out of laziness and libertinism than in the spirit of desertion. We'll call it petit marronage or light marronage, which was carried out individually or in very small groups." Debien, "Le Marronage Aux Antilles Françaises," 5.

<sup>77</sup> Debbasch, "Le Marronage," 84.

1824, his disposition on the issue changed considerably, given that “[British] Monserrat est en vue de Deshayez”.<sup>78</sup>

News with respect to the British abolition process circulated throughout the Caribbean and among the African descendant population. Free Blacks, sailors, and abolition activists formed an intercolonial network of communication and spread words about a coming general emancipation.<sup>79</sup> In a space characterized by high trans-imperial mobility and where enslaved escapes were frequent maintaining slavery became more challenging for concurrent administrations. The intention of the enslaved refugees was not only to put distance between themselves and their masters but also to find protection in rival colonies that would not return runaways to foreign owners. After the fall of Saint Domingue and the trade deficit due to the Napoleonic wars, the freedom routes of enslaved people seeking protection on British soil could again destabilize the French Caribbean estates, causing great concern among colonial elites and forcing the imperial administration to regulate enslaved people mobility with urgency. If temporary flights, wilderness marronage and desertions were a constant in colonial societies, the changing geographies of slavery and freedom in the Caribbean space meant that the mobility of enslaved people – understood both physically as crossing borders and as moving from one legal status to another – had to be regulated both outside and inside imperial territories. However, the transition from the 1820s to the 1830s represented a turning point in inter-imperial relations not only because of the slave desertions to the British West Indies. On the one hand, French colonial administrations implemented policies aimed at preserving slavery and controlling the African Caribbean population. On the other hand, the French overseas possessions were also at the center of a broader process of imperial legal reorganization that reconfigured the relationship between the metropolis and its colonies.

In 1826, a Black man from Point-a-Pitre approached the procureur general “pour obtenir un acte confirmatif de liberté”.<sup>80</sup> As explained by the historian Rebecca Scott, while free or slave status was commonly perceived as a legal fact requiring a straightforward determination in

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<sup>78</sup> “Deshayez marronage is rare; if some negroes give up work, it’s only for a few days. [...] Monserrat is in view of Deshayez.” BnF: Rapport du procureur du Roi de la Basse-Terre, du 8 septembre 1841, in *Exposé général des résultats du patronage des esclaves dans les colonies françaises* (Paris: Imprimerie Royale, 1844), 349.

<sup>79</sup> Blackburn, *The American Crucible*, 278-279.

<sup>80</sup> “To obtain an act confirming freedom.” ANOM: Séance du Conseil privé du 23 décembre 1826. Basse Terre, 29 décembre 1826, GEN 160, Dossier 1321.

19th century, it more closely resembled a collection of practices demanding interpretation.<sup>81</sup> During the first French abolition, his mother had followed her master in emigration, being manumitted in British controlled Martinique in 1797. Therefore, her son was baptized under British rule and lived as freedman up until he returned to Guadeloupe. The case was then submitted to the *Conseil Privé* (Privy Council). From that year, the administrative body was responsible for assisting the governor and making decisions on litigation.<sup>82</sup> Its recent creation was part of a series of reforms that Ministry of the Navy and Colonies had implemented during the Restoration period to bring colonial courts in line with French practices. In the same period, France abolished the *Cour prévôtale* (Provostial Court), a court of summary justice that bypassed the usual procedures of the Royal Court justice created to combat slave disobedience in the period of Carbet slave revolt (1822), while the Napoleonic Code of Civil and Criminal Procedure was enforced more rigorously in the colonies.<sup>83</sup> Despite legal reforms, *Conseil privé* directly expressed the interests of the planters and slaveholders, who largely composed it. From 1826 until the emancipation decree of April 27, 1848, the authority of *Conseil Privé* was consulted before making any decisions on slave enfranchisement cases.<sup>84</sup> In Guadeloupe, the Black man possessed no documents attesting to his free status, but no one claimed ownership over him. He was part of those who, in the French Antilles, were called *libres de fait* or *de savane*. Discussing this legal case, the *Conseil privé* did not question status of the man, who eventually received a license of freedom, and provided a definition of this category of people:

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<sup>81</sup> Rebecca Scott, "Social Facts, Legal Fictions, and the Attribution of Slave Status: The Puzzle of Prescription," *Law & History Review* 35, no. 1 (2017): 1-22.

<sup>82</sup> The execution of sentences issued by the *Cour d'assises* (Assize Court) was subject to approval and conditions imposed by the Governor and his *Conseil privé*. In cases involving the death penalty for both slaves and freemen, the Council's opinion determined the exact method of condemnation, its scope, or the commutation of the sentence in cases of mercy. *Conseils privés* were permanently introduced in Île Bourbon (later Île de La Réunion) by the ordinance of August 21, 1825, in Guadeloupe and Martinique by the ordinance of February 9, 1827, and in French Guiana by the ordinance of August 27, 1828. They disappeared only with departmentalization in 1946. On this issue, see: Dominique Aimé Mignot, "Le conseil privé du gouverneur aux Antilles," *Bulletin de la Société d'Histoire de la Guadeloupe* 130 (2001): 63-86.

<sup>83</sup> *Ordonnance portant suppression de la Cour prévôtale, du 28 février 1827*. On the relation between the exceptional system of penal law and the colonial justice reform in the Restoration period, see: Marco Fioravanti, "Domestic enemy: Poisoning and resistance to the slave order in the 19th century French Antilles," *Historia Constitucional* 14 (2013): 503-514.

<sup>84</sup> In Guadeloupe, chaired by the governor, the *Conseil privé* consisted of the military commander, the Ordinator, the interior general director, the prosecutor, and three colonial advisers chosen from the colonial elite.

On ne connaissait primitivement que des libres et des esclaves; il s'est établi successivement une troisième classe qui forme la nuance entre les deux autres. Les individus qui la composent se nomment, dans le pays Libres de Savane: Ils ne sont point dans l'Esclavage, ils ne sont pas libres aux yeux du Gouvernement, ils ne se sont que de fait, leur existence ne peut être que dangereuse pour la colonie [underlined in original].<sup>85</sup>

This was a “classe intermédiaire entre les affranchis et les esclaves” that lived in a state of legislative uncertainty, as people legally in bondage who lived “as free” belonged to it.<sup>86</sup> Although studies on free people of color and enslaved populations argued that similar situations existed in other Caribbean slave societies, in the French West Indies this phenomenon was particularly evident, up to the point that authorities designed a name for this.<sup>87</sup> There, previous administrative efforts to limit manumission rate by increasing the cost and formality of the enfranchisement process had encouraged owners to bypass the procedures. Masters granted freedom to their slaves without government permission, often using the *affranchissement* to abandon old, sick, and unable people. Moreover, to circumvent restrictions, many enslaved people had obtained manumission in foreign countries, where

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<sup>85</sup> “Originally, there were only free people and slaves, but a third class has since been established, forming the nuance between the other two. They are not in slavery, they are not free in the eyes of the Government, they are only free in fact, and their existence can only be dangerous for the colony.” ANOM: Séance du Conseil privé du 23 décembre 1826. Basse Terre, 29 décembre 1826, GEN 160, Dossier 1321.

<sup>86</sup> “Intermediate class between freedmen and slaves.” ANOM: Extrait du registre des Délibérations du Conseil des Députés des Colonies. Séance du 5 Janvier 1828, GEN, Carton 160, Dossier 1321.

<sup>87</sup> José Antonio Piqueras and Emily Balboa Navarro, ed., *Gente de color entre esclavos. Calidades raciales, esclavitud y ciudadanía en el Gran Caribe* (Granada: Editorial Comares, 2019); Olga Portuondo Zúñiga, *Entre esclavos y libres de Cuba colonial*, (Santiago de Cuba: Editorial Oriente, 2003); Trevor Burnard, “Slaves and Slavery in Kingston, 1770–1815,” *International Review of Social History* 65, no. 28 (2020): 39-65.

formalities were simpler and taxes less expensive, but their certificates had not been formally recognized by local governments.<sup>88</sup>

Several *libres de fait* were included in the category of slaves who were promised freedom in exchange for service in the military but not actually granted.<sup>89</sup> Others had arrived in the French Antilles during the first abolition of slavery or, in the case of Martinique, had gained freedom under the British occupation of the island. Further, some masters had granted manumission to their slaves by testamentary deed upon their death, without this will ever being recorded.<sup>90</sup> In some cases, these people maintained informal ties to their former owner (*patron*) that did not render them completely free. For this reason, they were usually called also *patronés*.<sup>91</sup>

The large presence of *libres de fait* in the French Antilles had also been noticed by the British administration during the period of occupation of Martinique. Their uncertain status had been under scrutiny by British officials, who had noticed the large number of “illegal proceedings” in manumission concessions on the island during their rule.<sup>92</sup> British authorities have attempted to curb the proliferation of “illegal freedom” status by tracing the former

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<sup>88</sup> Bernard Moitt, “In the Shadow of the Plantation: Women of Color and the *Libres de Fait* of Martinique and Guadeloupe, 1685–1848,” in *Beyond Bondage: Free Women of Color in the Americas*, edited by David B. Gaspar, and Darlene C. Hine (Champaign, University of Illinois Press, 2004), 37-59. On *libres de fait* in French Antilles, see also: Jennifer L. Palmer, *Intimate Bonds: Family and Slavery in the French Atlantic* (Philadelphia: University of Pennsylvania Press, 2016); David Geggus, “The Slaves and Free People of Color of Cap Français,” in *The Black Urban Atlantic in the Age of the Slave Trade*, edited by Jorge Cañizares-Esguerra, Matt Childs, and James Sidbury (Philadelphia, PA: University of Pennsylvania Press, 2013), 101-121.

<sup>89</sup> ANOM: Exposé des Délibérations du Conseil Privé de la Guadeloupe. Séance du 5 Novembre 1827, Cinquième proposition concernant les esclaves aux quel on avant promis la liberté a condition qu'ils s'armeraient pur la défense de la colonie, GEN 160, Dossier 1321.

<sup>90</sup> “ Cette classe se composé d'individues affranchis en pays étrangers, particulièrement pendant les troubles de la révolution, ou qui l'ont été dans les pays même pendant la domination étrangère ; des enfants des uns et des autres, et d'esclaves qui ayant été libérés par actes testamentaires, n'ont point obtenu de patente/This class is made up of individuals who were freed in foreign countries, particularly during the revolution, or who were freed in their own countries during foreign domination; the children of these individuals, and slaves who were freed by testamentary deed, but did not obtain a patent.” ANOM: ministère de la Marine et des colonies. Rapport. Paris, 18 décembre 1827, GEN, Carton 160, Dossier 1321.

<sup>91</sup> On the status of *patronés*, see: Letícia Gregorio Canelas, *Escravidão e liberdade no Caribe Francês: a alforria na Martinica sob uma perspectiva de gênero, raça e classe (1830-1848)* (Ph.D. diss., Universidade Estadual de Campinas, 2017).

<sup>92</sup> TNA: Thoughts on the situation of the free coloured People in the West Indies and of those who have Pretensions to Freedom, CO 166/1/3, folio 12.

owners, selling *libres de fait* for the benefit of the colonial government, and ultimately granting manumission to those who could produce the proper papers. The foreign administration encountered several difficulties in managing legal manumission, especially “with respect to the islands of Jamaica and Barbados”, and ultimately failed to complete its plans before the island was returned to France.<sup>93</sup>

Confronted with the *libres de fait* issue, the Guadeloupe *Conseil privé* agreed that it was “dans l’intérêt du system coloniale et de l’ordre public que [...] ne soit pas trop facile à accorder des affranchissement,” while trying to repair the “partie du mal déjà fait.”<sup>94</sup> For the councilors, the greatest concern in granting manumission to *libres de fait* concerned the future employment of the freed people and their movement in the colonial cities. According to the assembly report:

Les colons de la Guadeloupe sont très disposés à donner des libertés [...] si les personnes affranchies se livraient à la culture des terres, il n’en résulterait pas d’inconvénients; mais il n’en est pas aussi. Les affranchies vont encombrer les bourgs et surtout les villes. Leur nombre augmentant sans cesse, ils ne trouvaient bientôt plus de quoi s’occuper, et les moyens d’existence ne tarderaient pas à leur manquer.<sup>95</sup>

Ports, where most of the free Black population lived, become places of increased concern for owners and colonial administration. As historian Wim Klooster pointed out, in 19th century “cities are sites of specialized activity, variegated employment opportunities, exchange of information, and intermingling of people.”<sup>96</sup> Urban space represented a meeting

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<sup>93</sup> *Ibid.*, folios 10-13.

<sup>94</sup> “Is in the interest of the colonial system and public order that [...] it should not be too easy to grant emancipations,” while trying to repair “the part of the damage already done.” ANOM: Séance du Conseil privé du 23 décembre 1826. Basse Terre, 29 décembre 1826. GEN, Carton 160, Dossier 1321.

<sup>95</sup> “The settlers of Guadeloupe are very willing to give freedoms [...] if freed people were to cultivate the land, there would be no disadvantages; but there aren’t any either. The freed people will clutter up the towns and especially the cities. As their numbers continued to grow, they would soon run out of things to occupy themselves with, and their means of subsistence would soon run out.” *Ibid.*

<sup>96</sup> During the long centuries of colonization, Caribbean ports developed thanks to the slave economy, and the urban centers rose in step with the growing importance of maritime trade. At the end of the 18th century, Havana was the major city in the Caribbean, but Kingston, Saint Pierre and Santiago de Cuba were also among the major Atlantic ports, with a population of between 15,000 and 30,000. Wim Klooster, “Comparative Perspectives on the Urban Black Atlantic on the Eve of Abolition,” *International Review of Social History* 65, no.

place for slaves, free people of color, *libres de fait*, maroons, indentured laborers. As mentioned earlier, these places allowed many runaways to live “as free”, hiding among the African Caribbean population. Moreover, the various occupations of the urban environment guaranteed a degree of autonomy for enslaved and freed people, as well as the “privilege” of anonymity for those living in irregular conditions. Moreover, *libres de fait* shared the urban environment with enslaved people employed in different jobs, such as domestic servants, small artisans, carpenters, fishers and sailors. These occupations coexisted with those of many enslaved day laborers and plantation workers who resold the surplus of agricultural production in urban markets.<sup>97</sup> Despite the many differences between urban and rural areas, between cities and plantations, these spaces were thus highly interconnected as reservoirs of labor. It was common for French masters to send their slaves from plantations to urban areas to be employed in day-jobs or in civil and military constructions for colonial administration. Slave renting was one of the many ways in which owners secured their income. Over time, French Caribbean enslaved people gained a degree of independence that enabled many of them to travel alone, find a job independently or hire housing in their own names. In some cases, a portion of the earnings remained in their hands, and these savings favored enfranchisement by self-purchase.<sup>98</sup> Despite the profonde asymmetry of their relation, both the masters and the enslaved derived benefits from engaging in labor within urban spaces.<sup>99</sup>

However, unregulated mobility of enslaved people and the widespread use of daily laborers weakened control over the urban African descendant population. The interplay between towns and the countryside served as a source of power and authority for slaveowners, as well as an arena for their contestation. As in the case of the liberated Africans analyzed in the previous chapter, the distinction between enslaved day-laborers and free workers was not always clear, both socially and economically, as slaves for hire present an ambiguous

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28 (2020): 15–37, quotation at pp. 15-16. On the importance of Atlantic ports cities, see also: Franklin W. Knight, and Peggy K. Liss, ed., *Atlantic Port Cities: Economy, Culture, and Society in the Atlantic Worlds, 1650–1850* (Knoxville: The University of Tennessee Press, 1991).

<sup>97</sup> On the role of “Black markets” in the Caribbean, see: Trevor Burnard, and Morgan Kenneth, “The Dynamics of the Slave Market and Slave Purchasing Patterns in Jamaica, 1655–1788,” *William and Mary Quarterly* 58 (2001): 205-228.

<sup>98</sup> On the employment of enslaved people in the French Caribbean cities, see: Fallope, *Esclaves et citoyens*, 111-119. On hired slaves and their movements from country to city and vice versa in Cuba, see also Barcia and Varella, *Wage-Earning Slaves*, 70.

<sup>99</sup> Evelyne P. Jennings, “Imperial Defense and Manumission in Havana, 1762-1800,” in *Paths to Freedom*, 122.

condition in which wage labor was intertwined with chattel slavery. Moreover, it was often impossible for the colonial administration to distinguish enslaved fugitives from those who had moved to the city with their masters' permission, since in the urban environment social conditions were constantly changing and overlapping over time. Finally, the ambiguous status of the *libres de fait* contributed to the planters' concerns about the urbanized freed people. Slaves living "as free" were seen intermediaries in communications with neighboring islands and the circulation of dangerous ideas among African Caribbean population.<sup>100</sup> Along the lines of the previous British administration, the *Conseil privé* proposed awarding sponsors to all the *patronés*, while those who could not prove their free status would be sold by the state. Undocumented people or enslaved persons who moved without owner's permission became part of the category of *épavés*. Held in the *geôle* (prison with depot function) for a period of three months following arrest, if no one claimed ownership or they were unable to find a tutor to sponsor their enfranchisement, *épavés* were sold at public auction for government profit.<sup>101</sup> The term *épavé* extended in the colonies to persons in an irregular state of freedom, but it also described objects whose owners were unknown, and wrecks brought back from the sea. On the coasts, enslaved people who tried to escape from the islands were captured by colonial authorities or their lifeless bodies were found.<sup>102</sup> Although active since the reintroduction of slavery by Napoleon, in these years the colonial institution of the *police des esclaves* (slave police) was also implemented.<sup>103</sup> Also in police duties, enslaved evasions,

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<sup>100</sup> ANOM: Séance du Conseil privé du 23 décembre 1826. Basse Terre, 29 décembre 1826. Généralités, Carton 160, Dossier 1321.

<sup>101</sup> Règlement du Gouverneur, en conseil, concernant la vente des Épaves, Fort-Royal, 8 janvier 1828, *Bulletin Officiel de la Martinique*, 1828, 40.

<sup>102</sup> "Tout objet égaré ou abandonné et dont on ne connaît pas le propriétaire. [...] Spécialement: Droit maritime. Objet abandonné en mer, débris rejeté par la mer sur le rivage et provenant d'un navire naufragé ; carcasse d'un navire qui a fait côte. *Ramasser des épaves. Des pilleurs d'épaves. La côte, après la tempête, était couverte d'épaves.* Par analogie. *Épave d'eau, de rivière*, objet échoué sur les berges d'un cours d'eau. Par extension. Bateau abandonné en mer par son équipage. *Remorquer une épave.* Bateau coulé. *L'épave gisait par vingt mètres de fond* / Any lost or abandoned object whose owner is unknown. [...] Especially: Maritime law. Object abandoned at sea, debris washed ashore by the sea from a wrecked ship; carcass of a ship that has run aground. Pick up wrecks. Wreck raiders. The coast, after the storm, was covered with wrecks. By analogy. Water wreck, river wreck, object stranded on the banks of a river. By extension. A boat abandoned at sea by its crew. To tow a wreck. Sunken boat. The wreck lay in twenty meters of water," Dictionnaire de l'Académie Française (last access 20/07/2023: <https://www.dictionnaire-academie.fr/article/A9E2132>).

<sup>103</sup> Special police were established in the French West Indies after the reintroduction of slavery in 1802 and later after the Congress of Vienna. Marion Pluskota, "Freedom of Movement, Access to the Urban Centres,

internal marronage, and unregulated mobility to the cities were strictly connected. On the one hand, police patrolled the coasts in search of boats and crafts harboring fugitives. On the other hand, it monitored the freed and enslaved population of colonial towns looking for *épavés* and undocumented people. Especially from 1826, the governments of Martinique and Guadeloupe repeatedly renewed restrictive measures on fishing activities, vessel movement, coastal control, and the use of slaves as seamen.<sup>104</sup> Among the professions in which they were usually employed, that of sailors undoubtedly offered enslaved people the greatest freedom of movement and, consequently, the opportunity to run away or to circulate news of British asylum in the other Caribbean imperial territories.<sup>105</sup> These measures required considerable economic sacrifice on the part of merchants and traders. But they were vital to the maintenance of the colonial slavery system because, according to members of the Colonial Council of Guadeloupe, “una plaie devorante, l’évasion des nègres vers les colonies voisines, fait sentir la nécessité de nouveaux sacrifices pour diminuer, si ce n’est détruire un mal pour la guérison duquel nous sommes réduits à nos propres ressources.”<sup>106</sup>

On the eve of the 1830s, colonial control extended to *épavés* to freed people and resulted in restrictions on mobility and sociability for the urban Black population. This period coincided with the gradual suppression of the *sociétés des esclaves* (slave associations). These were associations of African origin or descendent people that arose on an ethnic basis and existed in different parts of the Caribbean. The organizations were primarily responsible for organizing venues and coordinating rituals and dances for religious festivals and procession. In Cuba and the Spanish Caribbean, for example, these took the name of *cabildos de la nación*

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and Abolition of Slavery in the French Caribbean,” *International Review of Social History* 65, no. 28 (2020): 93-115, quotation at p. 105. On the duties of the slave police, see also: Bernard Gainot, “Considérations sur la police aux colonies,” *Ordonner et partager la ville: XVII<sup>e</sup>-XIX<sup>e</sup> siècle*, edited by Gaël Rideau, and Pierre Serna (Rennes: Presses universitaires de Rennes, 2011), 195-210.

<sup>104</sup> ATM: Décision du Conseil privé portant qu’à l’avenir l’embarquement de nègres esclaves comme marins à bord des caboteurs ne sera plus toléré, 1 août 1826, *Code de la Martinique. Contenant les Actes Législatifs de la Colonie*, Vol. 8, Fort-de France: Imprimerie du gouvernement, 1888, p. 272 ; ANOM: Guadeloupe et dépendances. Recueil des dispositions réglementaires relatives à la Police des esclaves, 1838, GEN, Carton 167, Dossier 1348 ; On the *police des embarcations*, see also: Georges B. Mauvois, *Les Marrons de la mer*, 41-44.

<sup>105</sup> On sailors and slaves, see: Marcus Rediker, *The Slave Ship: A Human History* (New York: Penguin, 2007), chapter 8 (ebook); Alessandro Stanziani, *Sailors, Slaves and Immigrants. Bondage in the Indian Ocean World, 1750–1914* (Basingstoke and New York: Palgrave Macmillan, 2014), 69-88.

<sup>106</sup>“A growing plague, the escape of negroes to neighboring colonies, makes us feel the need for new sacrifices to diminish, if not destroy, an evil for the cure of which we are reduced to our own resources.” BnF: Conseil Colonial de la Guadeloupe, 1<sup>ère</sup> session de 1839, 651.

and were important entities especially in Havana and Santiago de Cuba. Freed and enslaved people circulated in these organizations following the routes of inter-colonial mobility. In Santiago, for example, there were *cabildos* that congregated mainly *negros franceses* (French Blacks), who arrived in large numbers on the island during the Haitian revolts. In 1817, the Governor Sebastián Kindelan tried to suppress the *cabildos* through the *Bando de Buen Gobierno* (Good Governance Code) which imposed severe restrictions on the Black people associations.<sup>107</sup> That same year, the governor had received a concerned letter from official Eusebio Escudero informing him about the activities of a Vodou fraternity in the city:

Un cierto numero de negras esclaves francesas tenían formada una Sociedad con contribuciones estipuladas así con objeto à reunirse, y bailar en los días festivos, como para socorrer recíprocamente en sus necesidades, y ocurrir à la libertad de aquellas que no se consideran con bien tratadas de sus Señores, [...] había la tal congregación compuesta de dos que se conocían con el titulo de gran madres y otra con el de Reyna estas con una banda de cintas verdes terciada, y las demás socias con un lazo del mismo color en el brazo, [...] por una vez se habían reunido à comer en la casa de un francés blanco dueño de una de las dos primeras, asistiendo a la función sobre diez negros varones libres sus concubinarios (hallándose hoy fuera con plazas de marineros en buques del comercio del África).<sup>108</sup>

Similarly, the joint activities of the police and the *Conseil Privé* led the government of Fort-Royal to take restrictive measures against the phenomenon of the enslaved societies in

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<sup>107</sup> *Bando de Buen Gobierno*, ANC: AP, Leg. 11, Exp. 6.

<sup>108</sup> “A certain number of French Black slaves had formed a Society with stipulated contributions with the purpose of meeting and dancing on public festivities, as well as to reciprocally help each other in their needs, and to provide for the freedom of those who do not consider themselves well treated by their Lords [...] [...] the congregation was composed of two who knew each other with the title of great mothers and another with that of Reyna, these with a band of green ribbons, and the other members with a band of the same color on their arms, [...] for once they had met to eat in the house of a white Frenchman who owned one of the first two, attending the function about ten free Black men their concubines (being today out with places as sailors in ships of the African trade).” AGI: From Eusebio Escudero to Sebastian Kindelan, November 14, 1817, Santiago de Cuba, Leg. 125, Exp. 4. On these Santiago de Cuba’s Vodou associations, see: Olga Portuondo Zúñiga, *Francia y Haití en la cultura cubana* (La Habana: Editorial José Martí, 2014), 79-86.

1829.<sup>109</sup> A number of associations were identified both in Fort-Royal and in Saint-Pierre, recognizable by the use of certain clothing or particular colors on public occasions. According to colonial investigations, these *sociétés* were founded in the late 18<sup>th</sup> century, when, as in the case of Santiago de Cuba, many freed and enslaved people arrived in Martinique and Guadeloupe from the former colony of Saint-Domingue. Therefore, these organizations were active for more than thirty years in the French Antilles and in the urban environment many *patronés*, free people of color and rural enslaved people participated in these “clubs.”<sup>110</sup> The police commissaires could neither demonstrate nor control that the activities of the associations did not become “dangereux pour la vie de la colonie.”<sup>111</sup> In some cases, they served as network of assistance and mutual aid within the urban African Caribbean community. Through circulation of legal knowledge among the participants, they supported each other in lawsuits against proprietary mistreatment or hoarded money together to buy freedom or support member petitions. The associations were part of the informal escape networks that created links between runaways and the urban host communities. In particular, those who lived as free “de facto” were the greatest concern for the colonial administration because “la classe nombreuse des patronnées comprend quelques individus qui n’ont de relations qu’avec les libres, mais la plupart d’entre eux vivent dans le même cercle que les esclaves [...] tendant à détacher ces derniers de leurs devoirs et à en former des domestiques infidèles et au besoin dangereux.”<sup>112</sup>

With the pretext of colonial public order, the government addressed the problem of *sociétés des esclaves* by eliminating them. Prohibiting African Caribbean people from associating and meeting in public events, the administrative measure limited urban-rural contacts and control the movement of plantation slaves to the cities. In Guadeloupe, the *Directeur général de l’intérieur* Jules Billecocq, charged with the administration of the overseas possessions, instructed the colonial police to monitor “les esclaves envoyés dans les villes ou les campagnes pour y travailler à la journée ou au mois, ainsi que les charpentiers et calfats envoyés dans les ports

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<sup>109</sup>ANOM: Décision du gouvernement concernant la suppression des sociétés des esclaves. 9 janvier 1830, GEN, Carton 167, Dossier 1349.

<sup>110</sup> ANOM: Rapport à Monsieur le Gouverneur de la Martinique. Présentation d’un projet d’arrêt portant sur la suppression des sociétés d’esclaves, GEN, Carton 167, Dossier 1349.

<sup>111</sup> “Dangerous for the life of the colony,” *ibid.*

<sup>112</sup> “The large class of *patronnés* includes a few individuals who have relations only with the free, but most of them live in the same circle as the slaves [...] tending to detach the latter from their duties and to make them unfaithful and, if need be, dangerous servants,” *ibid.*

de l'Île.”<sup>113</sup> These people were required “de billets énonçant leur mission”, and if not, they would be arrested and tried as fugitives.<sup>114</sup>

In the same years, similar preventive measures were taken by Spanish colonial administrations. Even in Cuba, colonial government controlled the porous connections between plantations and the urban environment, and access to colonial cities became increasingly restricted. In the 1830s, the Cuban administration required more caution from owners than from enslaved day laborers, who moved alone or lived independently in urban areas. In 1835, Capitan General Miguel Tacón y Rosique announced that:

Habiéndome manifestado el capitán juez pedáneo del Barrio de San Lázaro, que en el su cargo se encuentra un crecido numero de negros esclavos de ambos sexo con solo unos simple papeles de sus amos para poder pernoctar y vivir donde les acomode, y como nada es tan fácil como hacer una licencia falsa, y difícil al mismo tiempo el que se puedan conocer todas las firmas de los que las dan; he determinado para evitar dudas, el que los amos de referido jornaleros a quien permite vivir por su cuenta , ò pernoctar fuera de sus casas, den dichas licencias visadas por el comisario de barrio y capitanes de extramuros, que lo harán gratis, con lo que se evitará la fuga de muchos, que tal vez existían bajo este refugio [...] todos lo que se encuentren sin esto requisito, serán considerado como cimarrones, y conducidos por los Comisarios y Capitanes al deposito de la Real Junta de Fomento, agricultura y comercio.<sup>115</sup>

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<sup>113</sup> “Slaves sent to the towns or countryside to work by the day or month, as well as carpenters and caulkers sent to the island’s port.” ANOM: Guadeloupe et dépendances. Recueil des dispositions réglementaires relatives à la Police des esclaves, 1838, GEN, Carton 167, Dossier 1348.

<sup>114</sup> “Of tickets stating their mission,” *ibid.*

<sup>115</sup> “The Captain Judge of the District of San Lazaro, having told me that in his office there is a large number of black slaves of both sexes with only a few simple papers from their masters to spend the night and live where it suits them, and as nothing is as easy as making a false license, and difficult at the same time to know all the signatures of those who give them; I have determined to avoid doubts, that the masters of said day laborers who are allowed to live on their own, or to spend the night outside their houses, give said licenses stamped by the neighborhood commissary and captains of *extramuros* [urban areas outside the city wall], who will do it for free, thus avoiding the escape of many, who perhaps existed under this shelter [...]. all that are found without this requirement, will be considered as maroons, and led by the Commissioners and Captains to the deposit of the Royal Council of Development, agriculture and commerce.” ANC: Diario de la Habana, 20 de marzo 1835, GCS, Leg. 937 Exp. 33069.

In the Spanish colony, the *pedaneos* (local magistrates) of Havana were responsible for controlling the certificates that regulated the movement of the African Caribbean population in the city. Since 1835, colonial administration increased oversight by requiring a special license from slave owners to allow their slaves to move from the countryside. According to *pedaneos*' reports, some enslaved people escaped the control of their masters and settled in the urban area through forged documents. Licenses to move, like freedom certificates, were fragile papers subject to the wear and tear of time.<sup>116</sup> If this made the lives of Black people terribly precarious, at the same time it meant that the documents could also be reproduced or altered. Indeed, testimony confirmed that the practice of falsifying travel licenses and freedom papers by the Cuban Black population was widespread and continued in the years following General Tacón's provision. For example, the captain of the Casablanca suburb reported that the enslaved Domingo Hernández moved freely through the neighborhood using two licenses bearing different names.<sup>117</sup> Another Black man, named Domingo Rodríguez, possessed a freedom paper that also appeared to be false. The certificate bore the manumission date of July 23, 1800, year in which the man was described as being between 25 and 30 years old, but upon inspection, although several years had passed, he appeared younger.<sup>118</sup>

These legislative enactments showed that in the particular context of the end of the slave trade, the retention of enslaved properties was the primary concern of the colonial elites. Measures such as curbing manumission, overseeing internal marronage or preventing enslaved evasions became imperative as they ensured the colonial possessions' ability to survive. The social composition that inhabited the Caribbean port cities were similar, as were the constant desertions of enslaved people. Notwithstanding, in the 1830s' French and Spanish colonies confronted Britain's abolition policies from different positions. British emancipation intersected with the profound social and economic changes that were turning old and new productive areas in the region. In Cuba, the plantation economy was flourishing, and the slavery system enjoyed the favor and protection of imperial authorities. Moreover, the economic expansion of the colonies occurred alongside the limited spread of abolitionist

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<sup>116</sup> See, for example, the case of a free Black man that required another freedom's paper because the old certificate was lost. ANC: Expediente en que el negro Bonifacio solicita carta de libertad como emancipado por habersele extraviado la que tenia, 1854, Leg. 950 Exp. 33597.

<sup>117</sup> ANC: Expediente en que el Capitán de Casa Blanca manifiesta haber aprendido al negro Domingo Hernández con dos licencias de diferentes nombres, GSC, Leg. 938, Exp. 33085.

<sup>118</sup> ANC: Sobre averiguar la procedencia y condición del negro que dijo llamarse Domingo Rodríguez, GSC, Leg. 940, Exp. 33144.

ideas within the Spanish Empire.<sup>119</sup> On the contrary, in the French Antilles, following the abolition of the slave trade, the costs of the plantation economy increased. Imperial protection policies for colonial products faced resistance from both the growing French abolitionist movement and metropolitan sugar refiners, who demanded lower raw material costs and market liberalization.<sup>120</sup>

The Revolution of 1830 gave a liberal impetus to political power in France. In August, Louis Philippe was crowned, and from then on the French Caribbean was part of the imperial attempts to regulate and reorganize slavery in the colonies.<sup>121</sup> For some years, moreover, the demands for greater social and political rights of French free people of color had become more concrete. In 1824, the Martinique colonial court had sentenced to life imprisonment and hard labor Cyrille Bissette, Louis Fabien and Jean-Baptiste Volny. These three mixed-race men were accused of spreading the pamphlet titled *De la situation des gens de couleur aux Antilles Françaises*, which denounced the condition of the free people of color in the colonies.<sup>122</sup> The case had great resonance both in France and in overseas territories.<sup>123</sup> In 1827, a new ruling limited the sentences of the accused, and Fabien and Volny were freed, while Bissette was banished from Martinique for ten years. During the trial, the three men had found refuge in Paris, where they continued to actively mobilize for the rights of free people of color and also gradually embraced abolitionist positions.<sup>124</sup> When the new government was established, France abolished most of the discriminatory statutes to which *gens de couleur* had been subjected (1830), and in 1833 free people of color gained legal and civil equality, stipulating that “every person born free or having legally acquired freedom enjoys, in the French colonies: (1) civil rights (2) political rights under the conditions prescribed by the present law”.<sup>125</sup> Although the census principles that determined access to the vote severely limited its benefits, the implementation of the reforms showed that the

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<sup>119</sup> Schmidt-Nowara, “Anti-slavery in Spain and Its Colonies, 1808–86,” *A Global History of Anti-Slavery Politics*, 137-148.

<sup>120</sup> Salvatore Turi, *Schiavi in un mondo libero: Storia dell'emancipazione dell'età moderna ad oggi* (Bari: Laterza, 2012), 236

<sup>121</sup> Régent, *La France Et Ses Esclaves*, 283.

<sup>122</sup> Anonymous, *De la situation des gens de couleur aux Antilles Françaises* (Paris: Imprimerie J. Mac-Carthy, 1823).

<sup>123</sup> Lorelle Semley, *To Be Free and French: Citizenship in France's Atlantic empire* (Cambridge: Cambridge University Press, 2017), 115-117.

<sup>124</sup> Lawrence C. Jennings, “Cyrille Bissette, Radical Black French Abolitionist,” *French History* 9, no. 1 (1995): 48–66.

<sup>125</sup> Loi du 24 avril 1833 concernant le régime législatif des colonies, *Bulletin des lois de France, IXe séries* (Paris: Imprimerie Royale, 1833), texte n° 216, 117-127.

Bissette affair had drawn the metropolitan government's attention to the more general situation of the population of African descent in the colonies.<sup>126</sup>

Under the July Monarchy (1830-1848), the enforcement of slavery reforms by civil jurisprudence ensured that large numbers of *libres de fait* had easier access to freedom through ordinances that facilitated the enfranchisement proceedings. In 1831, a royal decree eliminated the fee for individual freedom licenses. On July 12, 1832, the law that regularized the position of *libres de fait* in overseas possessions had been enacted. It allowed enslaved people to bid for manumission through sponsorship by a patron. These provisions were completed in 1839, when the government allowed free people of color to sponsor the application for enslaved relatives, with the approval of owners.<sup>127</sup> Reforms of legal status had been the main goal of French abolitionist activists. Among them, Luis Fabien, already a protagonist in the Bissette Affair, addressed several appeals to the Chambre des députés to draw attention to the condition of *libres de fait* in the colonies.<sup>128</sup>

Moreover, the early 1830s period marked a shift in the administration of the French overseas colonies. Measures to control the African Caribbean population were matched by the implementation of metropolitan supervision of local institutions. A new generation of magistrates sent in Martinique and Guadeloupe closely monitored the planters' enslaved disciplines and exposed the limits of private and colonial justice toward the African Caribbean population.<sup>129</sup> On the one hand, refugees fleeing to British territories continued to exploit inter-imperial competition. On the other side, the desertion of enslaved people created frictions between the interests of local planters and metropolitan imperial planners,

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<sup>126</sup> The law was particularly important for the evolution of the legal status of the colonized under French rule. On this issue, see: Myriam Cottias, "Le silence de la Nation. Les "vieilles colonies" comme lieu de définition des dogmes républicains (1848-1905)," *Outremers* 90 (2003): 21-45.

<sup>127</sup> Moitt, "In the Shadow of the Plantation," 40.

<sup>128</sup> In 1831, he wrote a text claiming the enfranchisement of the *libres de fait*. BnF: Luis Fabien, *Patronnés ou Libres de Savane. Réclamations en leur faveur, faites antérieurement à la présentation de la loi sur l'État des personnes aux colonies, et observations soumises à la Commission depuis cette Présentation. Par un homme de couleur* (Paris: Dezauche, 1831).

<sup>129</sup> ANOM: Ordonnance du roi abolissant dans les colonies françaises les peines de la mutilation et de la marque, établies soit comme peines principales soit comme peines accessoires par la législation concernant les esclaves, 30 avril 1833. The ordinance stipulated that the cour d'assises à la Martinique refrain from condemning to death enslaved people found guilty of "vol de canot pour s'évader/stealing a boat to escape." MC, APC, 1 leg. 12. Additionally, many other enslaved people were spared from the death penalty, as seen, for example, ANOM: Ordonnance du roi accordant des lettres de grâce à Rosaire, esclave, condamné à mort par la cour d'assises de Saint-Denis du 4 août 1832, comme l'un des auteurs d'un complot ayant pour but d'exciter une insurrection générale et de porter le pillage et la dévastation dans la colonie, June 25, 1833, 1 Leg. 12.

guiding how the latter conceptualized and implemented provision that ameliorated enslaved conditions. In this context, we can understand how the escapes abroad became an expression of the failure of the planters' strategies to control and discipline the freed and enslaved population of the French Antilles. Moreover, metropolitan supervision of owners' behavior revealed the violent reality of slavery, that clashed with the growing abolitionist expectations of a large part of French public opinion.

During these years, the mistreatment of Caribbean slaves by masters sometimes gave place to prominent legal cases, debated across the Atlantic. Under trial, punishments inflicted by owners seemed to escalate as the colonial slavery system was undermined and were judged inhumane et "barbares" by the widespread anti-slavery sensibilities.<sup>130</sup> The Spoutourne affair lasted from 1831 to 1834 in Martinique, starting when some enslaved cane cutters denounced for mistreatment the *gèreur* (manager) of the Spoutourne plantation to Judge Alexandre Belletête.<sup>131</sup> Conducting the investigation, he uncovered the many harassments to which people in bondage were subjected on the plantation and the brutal reality of the colonial system in Martinique. Nevertheless, due to the firm opposition of the slaveholder elites and the collusion of the colonial authorities, the trial ended in an unfavorable way for the enslaved plaintiffs. Six of them were accused in turn with rebel conspiracy and sentenced by the colonial *Conseil privé* to be deported abroad. Although historiography has been less concerned with the final part of the trial, this has proven to be the most interesting for understanding the interconnection between enslaved people desertions, metropolitan control over colonial planters, and legal reforms. Indeed, the sentence was never executed because in 1834 Tine, Monique, Lambert, Marc, Louis, and Michel, taking two children with them (probably Monique's children), fled the French colony and seek refuge in Saint Lucie.<sup>132</sup> For these asylum seekers, escape became part of a broader path that alternately used rival legal regimes to their advantage to gain freedom. They reached British free soil when the act of final abolition of slavery was finally enforced in the colonies.

In 1834, in the wake of the British emancipation vote of 1833, the French Society for the Abolition of Slavery was founded. However, British final emancipation also had ambiguous repercussions on the French abolitionist debate. In the mid-1830s, the plantation system of

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<sup>130</sup> ANOM: Sévices exercés à l'encontre des esclaves, GEN, Carton 186, Dossier 1447.

<sup>131</sup> ANOM: Habitation Spoutourne, SG, MAR, Carton 42, Dossier 347 et 348. The Spoutourne affaire was analyzed by historian Caroline Oudin-Bastide in the book devoted to the legal process, *Des nègres et des juges. "La scandaleuse affaire Spoutourne" (1831-1834)* (Paris: éditions Complexes, 2008).

<sup>132</sup> *Ibid.*, 162.

the French Antilles entered an irreversible crisis, and a belief grew among elites that giving up slave labor would lead to the collapse of the imperial economy. In this uncertain situation, the government embraced gradualist positions, distancing any idea of a possible divestment of slavery in the colonies.<sup>133</sup> Yet, this did not stop the escapes of French enslaved people to the British Caribbean, which in fact became increasingly frequent from the British emancipation until 1848. By that time, the landscape of slavery in the West Indies had incontrovertibly changed and Spanish and French colonies were only a few miles away from British freedom's territories.

#### 4. Slavery, Mobility and Runaway Networks

In 1835, French Admiral Baron de Mackau travelled around the Caribbean islands to visit British colonies that had recently ended slavery.<sup>134</sup> As Commander-in-chief of the naval forces in the Antilles (1833-1835) and governor of Martinique (1835-1838), his purpose was to assess changes in the rival empire's possessions to understand the limits and opportunities of emancipation and to manage the impact of these transformations on French domains. Among the colonial governor's duties was also to oversee the implementation of legislative reforms since the establishment of the July Monarchy.

For Mackau, diplomatic relationships with British possessions, particularly Dominica and Saint-Lucie, "demandent la plus grande circonspection," since both were "les lieux de refuge des noires évadés de la Martinique et de la Guadeloupe."<sup>135</sup> In his logbook, he described the visible presence of French "refugees" in Saint-Lucie, which he estimated was the residence of "900 noirs, femme et enfants, provenant de notre colonie."<sup>136</sup> Despite the adversity of the

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<sup>133</sup> Stanziani, *Le metamorfosi del lavoro coatto. Una storia globale, XVII-XIX* (Bologna: Il Mulino, 2022), 178-179.

<sup>134</sup> The Mackau's journey reached Barbados, Jamaica, Danish Saint-Croix, Spanish Puerto Rico, Antigua, Saint Lucie. The logbook is kept at the Archives Nationales de France. AN: Rapport adressé, en août 1835, "en mer" par Mackau au Ministre de la Marine sur l'application dans les colonies anglaises du bill sur l'émancipation des esclaves, AP, 156(I), Carton 23, Dossier 2.

<sup>135</sup> "Require the greatest circumspection," since both were "places of refuge for Blacks escaping from Martinique and Guadeloupe," AN: Mémoire remis par Mackau au contre-amiral de La Bretonnière, commandant la station navale des Antilles et du golfe du Mexique, en quittant le commandement des forces navales des Antilles. 10 décembre 1837, AP, 156(I), Carton 25, Dossier 6.

<sup>136</sup> "900 Blacks, women and children, from our colony," AN: Rapport adressé, en août 1835, "en mer" par Mackau au Ministre de la Marine sur l'application dans les colonies anglaises du bill sur l'émancipation des esclaves, AP, 156(I), Carton 23, Dossier 2.

sea voyage, Saint-Lucie was reachable from Martinique in a few hours even by small boats, so much so that he claimed:

Fort heureusement, les noirs de la Martinique ignorent encore combien, en certaine circonstances, il est facile même aux plus petites pirogues d'atteindre Ste Lucie; Pendant les moins de l'hivernage, avec le calme ou une faible brise, dépendants du Nord, le trajet se fait sans obstacle. En quittant la Martinique, de grand matin, les pirogues atteignant avant la nuit une terre qui procure à ceux qui y abordent, non seulement la liberté, mais encore aujourd'hui une existence douce et facile.<sup>137</sup>

During his governorship, he sent several reports to inform the Ministry of Colonies about the progress of enfranchisements of *libres de fait* in the French possession and escapes from Martinique to the British West Indies.<sup>138</sup> Collecting the owners' complaints and the colonial authorities' inquiries, he meticulously reported data on the escape attempts of the French enslaved population. On the night of July 25, 1836, colonial police spotted a boat near the shores of Grand' Anse with sixteenth slaves on board attempting to go out to sea. Two of them voluntarily surrendered, while the others tried to escape arrest by diving into the water.<sup>139</sup> On the same night, other fourteenth fugitives, including three children, managed to escape from Saint Anne and arrive in Saint Lucie on two crafts assembled "à l'inseu de tout le monde, dans les pieces de cannes de l'habitation de Madame de Caritan," their owner.<sup>140</sup> Instead, Martin, Fredian, Cyrile, Anatole, Mandole, and Jaques managed to reach Dominica from Trinité on December 16 on a "bateau de 25 pieds de long" that they had stolen to escape.<sup>141</sup>

Official correspondence, owner complaints, coastal police searches, enslaved flight notices in colonial newspapers, and court cases involving runaways provided the colonial

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<sup>137</sup> "Fortunately, the blacks of Martinique are still unaware of how easy it is, in certain circumstances, for even the smallest pirogues to reach St. Lucia; during the winter months, with a calm or light breeze, depending on the northerly direction, the journey is unhindered. Leaving Martinique early in the morning, the pirogues reach a land before nightfall that provides those who land there not only with freedom, but also with a gentle and easy existence." *Ibid.*

<sup>138</sup> AN: Evasion d'esclaves (10 mai 1836–16 decembre 1837), AP/156(I), Carton 25, Dossier 1.

<sup>139</sup> *Ibid.*, folio 66(I).

<sup>140</sup> "For all, with pieces of the sugarcane from Madame de Caritan's plantation," *Ibid.*, folio 66(II).

<sup>141</sup> "25-foot-long boat," *Ibid.*, folio 66 (III).

administration with an idea of the extent of maritime marronage from the French Antilles to the British West Indies between the 1830s and 1840s. In 1840, an *Ordonnance Royale* (Royal Ordinance) was enacted that supported religious instruction and primary education of the enslaved population. This ordinance increased the magistrates assigned to periodic inspection of colonial plantations and slaveholders' houses in order to supervise the enforcement of regulations on enslaved discipline and manumission (*magistrats inspecteurs*).<sup>142</sup> In the following years, *procureurs généraux* (attorneys general) and their subordinates, the *procureurs du Roi* (King's attorneys), in charge of the inspections of French Antilles plantations, devoted ample space in their reports to the phenomenon of enslaved people escapes and, above all, to evasions to British territories.<sup>143</sup>

Enslaved people's flights to the British Caribbean assumed considerable proportions over time, created intercolonial networks of runaways. However, given the illegal nature of these movements, establishing the rates of this migration was a difficult task. Despite the fact that the Caribbean islands were very close together, sea currents, unexpected storms and all sorts of dangers could hinder escapes. This implied that a large proportion of the French fugitives did not actually arrive at their destination, and many runaways died or dispersed in the attempt. British and French abolitionist activists reported on the harsh conditions of the enslaved people's journeys, seeking to bring public attention to the phenomenon of refugees in favor of the divestment of slavery. During their mission to report on the progress of the apprenticeship period in British West Indies in 1837, Quaker abolitionists Joseph Sturge and Thomas Harvey emphasized the difficult conditions under which the voyages occurred. They estimated that deaths at sea during crossings to the British Free soils were so frequent that "of three thousand slaves who have thus disappeared from Martinique only twelve hundred are accounted for, as having reached the British islands; so that it would appear, that nearly two-thirds perish in the desperate attempt."<sup>144</sup> According to Georges Mauvois, escape attempts further increased and expanded due to the end of the British apprenticeship period in 1838.<sup>145</sup> Inspired once again by the British and American movement, French abolitionist

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<sup>142</sup> *Ordonnance Royale du 5 Janvier 1840*, ANOM: Amélioration du sort des esclaves, 1839-1846, GEN, Carton 187, Dossier 1449.

<sup>143</sup> BnF: *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 339-356. The publication collected the materials contained in part in ANOM: Patronage des esclaves, GEN Carton 144, Dossier 1224.

<sup>144</sup> Joseph Sturge and Thomas Harvey, *The West Indies in 1837. Being the Journal of a Visit to Antigua Montserrat Dominica St. Lucia Barbados and Jamaica. Undertaken for the Purpose of Ascertaining the Actual Condition of the Negro Population of Those Islands. by Joseph Sturge and Thomas Harvey* (London: Hamilton Adams, 1838), 115.

<sup>145</sup> Mauvois, *Les Marrons de la mer*, 67.

propaganda used the stories of enslaved refugees to support the cause of ending slavery to emancipation. In 1842, French abolitionist Victor Schœlcher claimed that in the eight years following emancipation in the British colonies, a total of 5,000 enslaved people escaped from the Martinique and Guadeloupe. Of these, no more than 2,000 arrived in the British West Indies: “600 à Saint-Lucie, 7 à 800 à la Dominique et 600 à Antigua.”<sup>146</sup> However, also defining the number of asylum seekers in the individual possessions of the British Caribbean is difficult. As we have seen, since the 1820s refugees were displaced and employed as apprentices throughout the British empire. In his accounts, Schœlcher described their movements in the region:

Une preuve, en tous cas, qui appuie ces renseignements d’une manière assez forte, c’est que bien que le nombre des nègres français arrivés à Antigua monte au moins à six cents; il n’en reste guère que deux cents. Ces hommes hardis et d’humeur entreprenante, se laissent embaucher pour Demerara, où on leur promet plus d’argent, lorsqu’ils ne s’embarquent pas de nouveau pour la Dominique, Saint-Christophe, la Trinité [...].<sup>147</sup>

These moves had also been noticed by another abolitionist, British diplomat David Turnbull. In 1835, while traveling through the Caribbean, he had reported in his notes:

Before reaching Martinique I had the misfortune, by one of those accidents which not unfrequently occur in the West Indies, to be driven to leeward, in an attempt to pass from St. Vincent to St. Lucia; and finding myself at sea for at least as many days as I expected to be hours on the passage, I was compelled, under no small apprehension of starvation, to go on board the first vessel that presented itself, which happened to be the William Stow, bound from Martinique to Trinidad. On board this vessel I found a considerable number of

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<sup>146</sup> “600 in Saint Lucia, 7 to 800 in Dominica and 600 in Antigua.” BnF: Schœlcher, *Des colonies françaises. Abolition immédiate de l’esclavage*, 114. The same numbers are quoted by historian Frédéric Régent until abolition in 1848, *La France Et Ses Esclaves*, 286.

<sup>147</sup> “One piece of evidence, in any case, which supports this information quite strongly, is that although the number of French negroes who arrived at Antigua is at least six hundred, only two hundred remain. These bold and enterprising men let themselves be hired for Demerara, where they are promised more money, if they do not embark again for Dominica, Saint-Christophe, Trinité [...]” BnF: Schœlcher, *Des colonies françaises. Abolition immédiate de l’esclavage*, 119.

negroes, who, hearing that slavery had ceased in the British islands, had made their escape from Martinique to St. Lucia, where the William Stow had called for them, under instructions from some planters in Trinidad; wages being higher there, and labour more in demand, than at St. Lucia.<sup>148</sup>

He, too, described the considerable proportions of the escapes from the French Caribbean and the difficulties of the journey to reach British free soil:

Several thousand of slaves of Martinique had previously been driven by the severity of they treatment or incited by the innate love of liberty to embark in canoes, on rafts formed for the purpose, in the hope of reaching Saint Lucia or Dominica, where they had been informed that their natural rights as men would be respected.<sup>149</sup>

Flights success depended mainly on the conditions of the journey, but the chances asylum seekers to gain British protection resided also on other factors. Contacts and networks before and during the escape and the circulation of legal knowledge between runaways determined the possibility of enfranchisement. In the case of three “refugees from Martinique” in Saint-Lucie, for example, the local newspaper reported that they “where brought by some of their relations, who long previously had had the good fortune to make their escape, before the Special Justice of the District.”<sup>150</sup> The British asylum particularly impacted the French colonies not only because of the geographical proximity of Martinique and Guadeloupe to several British domains, but also because of the common past and the linguistic and cultural commonality that some of these islands shared.<sup>151</sup> African Caribbean people had established connections between these islands over time, and familial and affectionate relationships became the networks upon which the freedom seekers’ escapes rested. According to Mackau’s logbook, enslaved French fugitives (re)created their own communities in the

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<sup>148</sup> David Turnbull’s travel notes were later published in the book *Travel in the West: Cuba; with notice from Porto Rico and the Slave Trade* (London: Printed for Longman, Orne, Brown, Green, and Longmans, 1840), 562.

<sup>149</sup> *Ibid.*, p. 563.

<sup>150</sup> Escape of slaves - St. Lucia Independent Press, *The British and Foreign Anti-Slavery Reported*, Vol. 1 (London: Ed. Peter Jones Bolton, 1846), 208.

<sup>151</sup> Heather Freund, “When French Islands became British: Law, Property, and Inheritance in the Ceded Islands,” in *Voices In The Legal Archives in The French Colonial World: “The King Is Listening,”* edited by Nancy Christie, Michael Gauvreau, and Matthew Gerber (New York: Routledge, 2021), 307-32.

British territories, helping each other with the local Black population and transforming social relations in the colonies:

Les noirs du voisinage fêtent toujours les nouveaux débarques, les accueillent dans leur cases en les aident autant qu'ils peuvent. Autre fois les Colons de Ste Lucie s'étaient entendus pour repousser de leurs habitations ces déserteurs d'une Ile amie. Depuis peu, le Gouvernement local a pris une tout autre direction. Des secours, des moyens de travail leur sont assurés ; on vient de leur concéder des terres dans les environs de Castries où ils cultivent avec succès des vivres, des légumes et des fruites qui abondent maintenant au marché de la Capitale.<sup>152</sup>

Outlining the reception of runaways in Saint Lucia, the French Admiral captured the tensions between the African Caribbean community, the former colonial owners and the British colony government that corresponded to distinct relationships with the enslaved fugitives, perceived in turn as “guests”, “defectors” or “workers”. Colonial administrations employed French refugees in a variety of tasks. In addition to domestic activities, they worked in plantation workshops and cultivated small plots of land, selling agricultural products at the local markets and contributing to the post-emancipation economy of the British colonies.<sup>153</sup> Runaways relied on the local African Caribbean population and frequented cities and public places. In some cases, living by expedients on the edge of legality. Sturge and Harvey, for example, witnessed at the Castries Court (Saint Lucia) a trial against two Black prisoners accused of petty theft in which “the proceedings were entirely in French”.<sup>154</sup>

The networks among slaves, runaways, free people of color created during the escape deepened the circulation of legal knowledge and the dynamics of exchange of informality activities and practices, bringing different colonial territories closer together and creating trans-imperial communities of fugitives. At the same time, the lawsuit against the two French

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<sup>152</sup> “The local Blacks always celebrate the new arrivals, welcoming them into their huts and helping them as much as they can. On another occasion, the settlers of Saint Lucia agreed to repel these deserters from a friendly island from their homes. Recently, the local government has taken a completely different direction. They have just been granted land in the vicinity of Castries, where they are successfully growing food, vegetables and fruit, which now abound at the capital’s market.” AN: Rapport adressé, en août 1835, “ en mer ” par Mackau au Ministre de la Marine sur l’application dans les colonies anglaises du bill sur l’émancipation des esclaves, AP, 156(I), Carton 23, Dossier 2.

<sup>153</sup> Sturge and Harvey, *The West Indies in 1837*, 93-94 and 117-125.

<sup>154</sup> Sturge and Harvey, *The West Indies in 1837*, 116.

men confirmed the enslaved fugitives' legal and economic precariousness. Their position as both African descendants and aliens rendered them more vulnerable in the new society such that "le nom de *passé par terre*, qui leur est appliqué, soit devenu une sorte d'injure légère."<sup>155</sup> Still in French colonies, to arrange transfers or build boats to escape, migrants needed assistance and material supports. In 1845, the Black free carpenter Joseph Catherine called Ney was arrested for hiding three enslaved fugitives and sentenced to two years in prison.<sup>156</sup> In one of his report, the attorney of Fort-Royal highlighted how "les esclaves d'habitation, et souvent les individus de condition libre [...] leur procurent le placement de ces objets et des vivres et vêtements."<sup>157</sup> Employed in urban labor, these people could more easily find ropes, nails, sails and the essentials to prepare the journeys. Not surprisingly, during the same period, African Caribbean servants were considered by the city administration "le fléau du travail, des bonnes mœurs, et la principale cause de tous les vols commis en ville, désordres et débauches."<sup>158</sup> Evidence collected by *procureurs* indicated that "la disposition des lieux, le voisinage d'anciens affranchis ayant des relations de famille avec les esclaves [...] sont des circonstances qui rendent ces évasions plus facile".<sup>159</sup>

Escapes did not only involve young men who could more easily sustain the hard journey or individually find passage on a ship but also involved women and children. These flights were part of repertoires of collective acts. Families and groups of African Caribbeans migrated to freedom territories, creating bonds from below between the British and French imperial territories. According to the *procureur du Roi* of Basse-Terre, for example, of the people who fled Guadeloupe in 1842 "la plupart avaient des relations de famille avec d'anciens

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<sup>155</sup> "The name *passé par terre*, which is applied to them, has become a kind of mild insult." BnF: Schœlcher, *Des colonies françaises. Abolition immédiate de l'esclavage*, 118.

<sup>156</sup> BnF: Administration de la Justice. Cour Royale. Chambre de Police Correctionnelle, *Journal Officiel de la Martinique*, 15 janvier 1845.

<sup>157</sup>"House slaves, and often individuals of free condition [...] provide them with the placement of these objects and with food and clothing," BnF: Rapport du substitut du procureur du Roi du Fort-Royal, novembre 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 345.

<sup>158</sup> "The plague of work, good morals, and the main cause of all theft, disorder and promiscuity in the city" BnF: Rapport du procureur du Roi du Fort-Royal, du 6 septembre 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 121.

<sup>159</sup>"The disposition of the place, the proximity of ancient freedmen having family relations with the slaves [...] are circumstances that make these escapes easier," BnF: Rapport du substitut du procureur du Roi du Fort-Royal, novembre 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 347.

transfuges.”<sup>160</sup> Probably because of more sensational news than the flight of a single individual, most of the reported escapes involved numbers of runaways as high as several dozen. In French Saint Martin, a “complot d’évasion (evasion conspiracy)” involving forty enslaved people had been discovered from coast police in October 1843, and the event was reported by the local *procureur*. Questioning a young man among the suspects, a judge asked him “Que vouliez-vous aller faire à Anguille?” In one of the rare times when the voice of enslaved people emerges in the accounts, he replied: “some thing good for me.”<sup>161</sup> In this case, the desertion from the French Antilles slavery system, as historians Matthias Van Rossum and Janette Kamp pointed out, “was not only a rejection of one’s work and working conditions, but was also related to finding a better future, lying either in a new employment elsewhere, or in alternative ways of livelihood.”<sup>162</sup>

In this respect, also the relational and financial resources needed to organize the flight determined who could migrate and the living conditions at the destination. Not only formal freedom, but the desire to receive monetary recognition for work and to manage time and life independently seemed to underlie migration choices to both colonial cities and British islands. In 1842, the Governor of Martinique Du Valdailly argued that “les noirs que s’évadent sont ceux qui ont le plus de valeur pour le maître, par leur industrie et leur intelligence.”<sup>163</sup> In the French Antilles, these enslaved people were called *ouvriers* (skilled laborers) or *à talent* (talented). Josette Fallope’s studies on the occupations of the African Caribbean population in the first half of the 19th century in Guadeloupe showed that this category of enslaved people included both individuals who specialized in the production process of sugar mills and skilled laborers employed in artisanal work. The latter were more numerous and occupied, along with the domestics, a position considered “privileged” within

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<sup>160</sup> “Most had family connections with former desertors,” BnF: Rapport du procureur du Roi, octobre 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 349.

<sup>161</sup> “What did you want to do in Anguille?” Curiously, the response of the enslaved man was quoted in English in the French source. BnF: Rapport du juge de paix de Saint-Martin, du 20 octobre 1843, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, p. 353.

<sup>162</sup> Matthias van Rossum and Jeanette Kamp, ed., *Desertion in the Early Modern World* (London: Bloomsbury, 2016), 4.

<sup>163</sup> “The Blacks who escape are those who are most valuable to the master, through their industry and intelligence.” BnF: Lettre du gouverneur au ministre, du 31 aout 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, p. 344.

the enslaved population, living mainly in urban agglomerations.<sup>164</sup> In 1844, a report addressed to the governor of Guadeloupe by *procureur* Fourniols divided the occupations of Basse-Terre's enslaved population into domestic servants and laborers assigned to the "professions industrielles," which he listed as butchers, carpenters and masons, tailors and laundresses, fisherman, and people employed on boats, in forges, and in drainage.<sup>165</sup> Moreover, these professions corresponded in part to the categories of urban jobs most prevalent among the African Caribbean people of Fort-Royal identified by the local attorney, namely *ouvriers*, dailies, fishermen sailors, domestic servants, and cultivators of small plots of land in the suburban areas.<sup>166</sup> The presence of domestics and skilled laborers among enslaved fugitives and in escape support networks posed questions for imperial governance. On the one hand, it undermined the very premise of metropolitan inspection policies and magistrate surveillance in the French Antilles that by improving the conditions of the enslaved population, evasion would decrease. On the other hand, colonial administrations had to deal with the rural depopulation and internal mobility to urban areas, which had become the place of refuge for marrons and enslaved people in irregular conditions. For the *procureur du Roi* of Point-à-Pitre the relationship between escapes and enslaved urban professions was summarized according to the fact that "deux causes principales poussent l'esclaves à ces désordres: l'intérêt et l'appât d'une liberté de fait."<sup>167</sup> This connection was reiterated by the legal representative through the parallelism whereby "les petite habitations son accidentellement aux grandes comme les îles anglaises a la colonie."<sup>168</sup> The dynamic relationship between internal movements and evasions was also reported by Martinique's *procureur général*, who said that in Marin, the Fort Royale suburb closest to the coast of Saint Lucie, the very view of the foreign colony "doit donner aux esclaves des idées de

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<sup>164</sup> Josette Fallope, "Les occupations d'esclaves à la Guadeloupe dans la première moitié du XIXe siècle," *Revue française d'histoire d'outre-mer* 74, no. 275 (1987): 189-205, quotation at p. 192.

<sup>165</sup> ANOM: *Revue colonial*, Janvier 1846. Extrait d'un rapport adresse, le 1er octobre 1844, au gouverneur de la colonie par M. Fourniols, procureur général intérimaire, GEN, Carton 167, Dossier 1348.

<sup>166</sup> BnF: Rapport du procureur du Roi du Fort-Royal, du 6 septembre 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 118.

<sup>167</sup> "Two main causes drive slaves to these disorders: self-interest and the lure of de facto freedom." BnF: Rapport du procureur du Roi à la Point-à-Pitre, du 25 novembre 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 349.

<sup>168</sup> "Small settlements are as accidental to large ones as the English islands to the colony," *Ibid.*

liberation.”<sup>169</sup> For this reason, many African Caribbean people arrived in the district and settled there temporarily, seeking passageways to flee to the British island. According to the colonial administration, “les noirs ne se retirent pas tous dan le bois. Les uns, et surtout ceux des villes, se tiennent dans le voisinage des lieux habités, où ils sont recelés par les autres noirs.”<sup>170</sup>

Besides informal networks of migration aid among runaways, urban slaves and free people of color, enslaved people resorted to “entrepreneurs d’enrôlement” and “agents d’émigration” who acted as intermediaries of the clandestine trade.<sup>171</sup> In a report to the Ministry of Colonies Governor Du Valdailly claimed that:

L’administration a des raisons de penser que des individus de la colonie se livrant à la contrebande, ont facilité aussi les évasions. Dernièrement on a découvert une grande embarcation qui servait à se double usage. Elle avait été coulée près de la côte entre Sainte-Marie e la Trinité, sur un point presque qu’inaccessible par terre, et elle devait la nuit suivant porters des noirs à Sainte-Lucie. C’est ce que l’ont a appris par un de ceux qui devaient s’embarquer. Perdant tout espoir de partir, il était rentré chez son maître. Un homme de condition libre, compromis dans cette affaire est, en cette moment, l’objet de poursuites judiciaires.<sup>172</sup>

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<sup>169</sup> “Must give slaves ideas of liberation,” BnF: Rapport du procureur général, du 1 juillet 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 343. Likewise, the city attorney argued that “ les évasions de noirs esclaves sont assez fréquentes dans les quartiers de Sainte-Anne et du Marin, facilitées qu’elles sont par la proximité de Sainte-Lucie , qui est à peine distante de 7 lieues,” Rapport du substitut du procureur du Roi du Fort-Royal, novembre 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 347.

<sup>170</sup> “Not all Blacks retreat to the woods. Some, especially those from the cities, stay in the vicinity of inhabited places, where they are recalled by other Blacks.” BnF: Lettre du gouverneur au ministre, du 31 aout 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 345.

<sup>171</sup> “Contractors and agents of migration” BnF: Extrait d’une dépêche ministérielle, du 10 juin 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, p. 343.

<sup>172</sup>“The administration has reason to believe that smugglers in the colony have also facilitated escapes. Recently, a large boat was discovered which served this double purpose. It had been sunk near the coast between Sainte-Marie and La Trinité, on a point almost inaccessible by land, and was to carry blacks to Sainte-Lucie at night. This is what we learned from one of those who were due to embark. Losing all hope of leaving, he had returned to his master. A free man involved in this affair is currently the subject of legal proceedings.” BnF: Lettre du

Through smuggling, maritime marronage developed into a commercial trade that responded to the growing demand of enslaved people to reach British free soil. Captains, sailors, smugglers or even simple fishers, often free people of color or white settlers from the lower classes, participated in the illegal transportations. In 1839, the Cour Royale of Martinique sentenced a 34-year-old sailor from St. Pierre named Jean Elie, accused of fraudulently removing slaves from the island to the penalty of “2 années d’emprisonnement, à 10 années d’interdiction des droits mentionnés en l’article 42 du Code pénal colonial, à demeurer pendant 5 années sous la surveillance de la haute police et aux dépens du procès.”<sup>173</sup> Moreover, owners complained to local authorities that British ships, “qui s’approchaient des cotes pendant la nuit”, embarked French marrons to bring them into their imperial domains.<sup>174</sup> For this reason, already under the Governor Mackau, in Martinique foreign vessels suspiciously approaching the coast were “susceptibles de la visit” by local authorities.<sup>175</sup>

In the same years, some reports to the Captain General of Cuba indicated the existence of a similar system of transporting enslaved fugitives to Jamaica and other British possessions. In some cases, these were simply traffickers who boarded runaways on their ships for a fee. One Juan Cilejara, for example, organized the escape of two slaves from the town of Nuevitas to the Bahamas.<sup>176</sup> Some enslaved people had escaped from Puerto Príncipe to British territory thanks to a white sailor who “los seducía con el pretexto de la libertad.”<sup>177</sup> In other cases, British merchant ships aided in the escape of Cuban enslaved people. In 1842, the *pardo* Félix, escaped from his master Nicolas José Gutiérrez by embarking on the ship

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gouverneur au ministre, du 31 aout 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 344.

<sup>173</sup> “2 years of imprisonment, 10 years of disqualification from the rights mentioned in article 42 of the Colonial Penal Code, and to remain for 5 years under the supervision of the high police force and to pay the costs of the trial.” BnF: Administration de la Justice. Cour Royale. Chambre Correctionnelle, *Journal Officiel de la Martinique*, 7 décembre 1839.

<sup>174</sup> “That approached the coast during the night.” BnF: Extrait d’une dépêche ministérielle, du 10 juin 1842, *Exposé général des résultats du patronage des esclaves dans les colonies françaises*, 343.

<sup>175</sup> AN: Etat numérique des embarcations mise en contravention pour le gouvernement depuis le 26 octobre 1835 et dans le courant de premier semestre 1836. AP, 156(I), Carton 25, Dossier 1.

<sup>176</sup> ANC: Expediente promovido por el Teniente Gobernador de Nuevitas dando cuenta de la fuga de dos esclavos a la isla inglesa de Nueva Providencia, GCS, Leg 1056, Exp. 37625.

<sup>177</sup> “Seduced them under the pretext of freedom.” ANC: El regente de la Audiencia de Puerto Príncipe sobre el sumario de aquella tenencia de gobierno por la desaparición de unos negros, GCS, Leg. 941, Exp. 33185

“Venezuela” to Jamaica.<sup>178</sup> Three other enslaved fugitives were traveling with him.<sup>179</sup> In the same year, a certain Pedro García had also fled his master’s house to attempt to board the British ship.<sup>180</sup> In 1844, a Black man named Símon seeked refuge on the British brigantine “Thames.”<sup>181</sup> These complaints, sent by owners to French and Spanish authorities in the early 1840s, testified that a trans-imperial network of runaways’ transportation was developing in the Caribbean region. As we discuss in subsequent chapters, this developed in a more organized manner in later years, not only as smuggling, but also through the efforts of British and French abolitionists to weaken slavery in the Spanish colonies. Parallel to the implementation of anti-slavery policies in the Atlantic, an illegal internal slave trade also emerged. On the contrary, this was based on traders, smugglers, owners and even colonial administrators who navigated the routes of asylum seekers in opposite directions.

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<sup>178</sup> ANC: El Dr. Nicolas José Gutiérrez en queja de las circunstancias de la fuga de su esclavo pardo Félix, GCS, Leg. 941, Exp. 33177.

<sup>179</sup> ANC: Testimonio de la causa que se siguió por ante don Fernando de Castro contra Agustín Bestia y Rosalía Acosta, GCS, Leg. 941, Exp. 33201.

<sup>180</sup> ANC: Expediente formado contra el negro Pedro García por haber fugado de la casa de su amo y haber tratado de embarcarse, GCS, Leg. 941, Exp. 33179.

<sup>181</sup> ANC: Sobre que se entrega a dn. Carlos Drak un negro llamado Simón que se refugio a bordo del vapor “Thames,” GCS, Leg. 943, Exp. 33292.

## **Re-enslavement**

### **Patterns of the Intercolonial Illegal Slave Trade (1833-1845)**

- 3.1 *Emancipation and Mobility in British Caribbean*
- 3.2 *The Renewal of Anti-slave Trade Treaties*
- 3.3 *Consul Turnbull and the British Presence in Cuba*
- 3.4 *The Escalera Revolt and Illegal Slave Trade*
- 3.5 *The Controversies on the Right to Search*
- 3.6 *The “Traite de cabotage” in the French Antilles*
- 3.7 *Routes, Agents and Enslaved People of the Intercolonial Trade.*

I spoke aloud, but the sound of my voice startled me. I felt of my pockets, so far as the fetters would allow – far enough, indeed, to ascertain that I had not only been robbed of liberty, but that my money and free papers were also gone! Then did the idea begin to break upon my mind, at first dim and confused, that I had been kidnapped.

Solomon Northup, *Twelve Years a Slave* (New York: C.M. Saxton, 1859), 38.

In the 1830s, the movements of slaveholders fleeing abolitionist decrees once again intersected with policies controlling mobility and suppressing the Atlantic slave trade. Predominantly led by Britain, these efforts were crucial to substantiate its abolitionist agenda, aiming to protect the West Indies colonies from economic collapse due to unfair competition with the Spanish Caribbean. To achieve this goal, Britain instructed its naval cruisers to intensify the pursuit of ships from all flags involved in the slave trade. Additionally, British diplomatic efforts were intensified to encourage the other European empires to unite against the slave trade, facing strong resistance in both French and Spanish territories in the following decades.

While the transoceanic trade continued in the shadows, many agents, merchants and intermediaries supplied the internal slave trade within the colonial systems of the Americas to maintain the flourishing plantation economies. The Caribbean space was crisscrossed with illegal practices of re-enslavement by traders who carried on the illegal smuggling of captives in the “hidden Atlantic”. In an area where freedom was legal in some islands and not in others, African Caribbean domestics, fishermen, sailors, and cane cutters were forcibly displaced in the interisland trade. As victims of kidnapping and illegal enslavement, they were held in bondage within the resisting slave societies.

Examining the persistence of intercolonial routes for illegal trafficking beyond the formal cessation of the slave trade, this chapter deals with the intricate relationship between smuggling, the semi-official slave trade, and the domestic institution of slavery to further complexify the understanding of the abolitionist path in the Caribbean.

### **1. Emancipation and Mobility in British Caribbean**

The Slavery Abolition Act of 1833 had a profound effect on the legal status of thousands of enslaved people in the British Empire. On August 1, 1834, the enforcement of the act declared general emancipation, formally freeing 665,000 slaves in the British West Indies.<sup>1</sup> Simultaneously, the law introduced the apprenticeship regime.<sup>2</sup> Former slaves above the age of six were required to work for their masters without compensation for a period of six years in the case of predial laborers, usually ex-plantation slaves, and four years for domestic servants (or non-predial laborers). The gradual process of abolition had weakened the economies of the British West Indies, which lost a total of 110,000 slaves since 1807.<sup>3</sup> For Britain, the immobilization of the workforce through the apprenticeship system became essential to cope with the crisis of production in the colonies. The period of “transition” to free labor, based on former enslaved people’s gratuitous labor in exchange for freedom, was

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<sup>1</sup> B. W. Higman, “Population and Labor in the British Caribbean in the Early Nineteenth Century,” in *Long-Term Factors in American Economic Growth* edited by Stanley L. Engerman & Robert E. Gallman (Cambridge: NBER Books, 1986), 605-642, quotation at p. 605.

<sup>2</sup> 3 & 4 Wm. IV, c. 73. An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the persons hitherto entitled to the Services of such Slaves.

<sup>3</sup> According to historian B. W. Higman, the slave population declined from 775,000 in 1807 to 665,000 in 1834, “Population and Labor,” 605.

part of a broader imperial project aimed at both educating ex-masters and slaves in contractual relations and gradually assimilating the new subjects into society.<sup>4</sup>

The emancipation decree had the most significant impact in Jamaica, the colony in the British West Indies that held the largest number of enslaved individuals and represented “the most demographically and politically complex society”.<sup>5</sup> According to the estimates provided by the scholar Daniel Livesay, in 1834, just before general emancipation, the population of Jamaica consisted of 16,600 whites, 31,000 free people of mixed race, 11,000 free Black people, and 310,000 enslaved people.<sup>6</sup>

Based on Livesay’s data, three-quarters of the non-white free population, primarily concentrated in urban areas, were individuals of mixed race. Partially influenced by the colonial gender imbalance, in Jamaica the relationships between white men and African Caribbean freed or enslaved women often transcended the rigid colonial hierarchy. However, not unrelated to colonial power relations, these unions usually remained outside of marriage and took the form of “concubinage.” Scholar Barbara Bush defined the institution as “an integral part of the plantation life, inextricably woven into the social fabric” that “served as the basis not only for social control but also for social development.”<sup>7</sup> Some colonists recognized the children of their non-marital relationships, contributing to a gradual increase in the free mixed-race population within the colony. Some of them also received an education in the United Kingdom, becoming part of the Jamaican ruling class and influential members of public life.<sup>8</sup>

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<sup>4</sup> James Latimer, “The Apprenticeship System in the British West Indies,” *The Journal of Negro Education* 33, no. 1 (1964) 52–57; Hay and Craven, ed., *Masters, Slaves and Magistrates*, 28-31.

<sup>5</sup> Thomas C. Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832–1938* (Baltimore: Johns Hopkins University Press, 1992), 8.

<sup>6</sup> Livesay, *Children of uncertain fortune*, 24. On Jamaican population racial distribution, see also: Gad J. Heuman, *Between Black and White: Race, Politics, and the Free Coloreds in Jamaica, 1792–1865* (Westport: Greenwood Press, 1981); B.W. Higman, *Slave Population and Economy in Jamaica, 1807–1834* (Kingston: University of the West Indies Press, 1995).

<sup>7</sup> Barbara Bush, *Slave Women in Caribbean Society, 1650-1832* (Bloomington: Indiana University Press, 1990), 111. On gender relations in British Caribbean, see also: Hilary Beckles, “Black Female Slaves and White Households in Barbados,” in *More than Chattel: Black women and slavery in the Americas* edited by Darlene C. Hine and Berry D. Gaspar, (Bloomington: Indiana University Press, 1996), 111-125; Verene A. Shepherd, ed., *Women in Caribbean history: the British-Colonised Territories* (Kingston: Randle, 1999); Aaron Graham, “Gender, Family, Race, and the Colonial State in Early Nineteenth-Century Jamaica,” *New West Indian Guide* 95, no. ¾ (2021): 199-222.

<sup>8</sup> Livesay, *Children of uncertain fortune*, especially pp. 20-89.

Moreover, the racial and social composition of the colony was shaped by the gradual implementation of abolitionist policies and regulations that favored the African Caribbean population in achieving freedom. In 1816, the Jamaican Assembly reduced taxes on manumission, and in 1823 the British government recommended that enfranchisement should no longer be conditional on masters paying a deposit or annuities that would guarantee the future needs of their former slaves.<sup>9</sup> From 1817 to 1830, the number of free African descendants in Jamaica had consistently grown (Table 1), to the extent that at the time of general emancipation, they outnumbered the white resident population. In 1830, the Jamaican planter-controlled legislature, in response to local and imperial pressures, granted free people of color equal rights with whites. From that time on, they formally “shall be entitled to have and enjoy all the rights, privileges, immunities, and advantages whatsoever to which they would have been entitled if born to a descendent from white ancestors”.<sup>10</sup> Finally, on December 27, 1831, the so-called Christmas Rebellion or Baptist War broke out when slaves set fire to the Kensington Estate in the hills above Montego Bay, Jamaica. The revolt was led by a Black Baptist deacon, Samuel Sharpe and involved tens of thousands of enslaved people becoming, according to historian Michel Craton, “the largest and most widespread of all British West Indian slave uprisings.”<sup>11</sup> The reciprocal influence between the ideals of the abolitionist movement and the demands of the enslaved people reverberated within the activities of churches and independent religious congregations, exemplified by the involvement of Baptist ministers among the rebel leaders. Despite the slavery amelioration laws in effect since the 1820s, founded also through Christianization and creolization of the African descent population, Jamaican enslaved people had not stopped claiming full freedom. Not coincidentally, it was in 1831 that Cuban authorities temporarily banned the introduction of any slaves from Jamaica, for fear that they would foment revolts on the

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<sup>9</sup> Jamaica, 5 Geo. IV c. 21. On this issue, see also: Trevor Burnard, “Inheritance and Independence: Women’s Status in Early Colonial Jamaica,” *The William and Mary Quarterly* 48, no. 1 (1991): 93-114. Christer Petley, “Legitimacy and Social Boundaries: Free People of Colour and the Social Order in Jamaican Slave Society,” *Social History* 30, no. 4 (2005): 481-98.

<sup>10</sup> 1 Gul. IV, c. 17. On this bill, see: Christer Petley, *Slaveholders in Jamaica: Colonial society and culture during the era of abolition*, (London: Routledge, 2016); and Brooke N. Newman, *A dark inheritance: Blood, race, and sex in colonial Jamaica*, (New Haven: Yale University Press, 2018).

<sup>11</sup> Craton claims that about 60,000 of the 300,000 Jamaican slaves were involved in the revolt, *Testing the Chains*, 291.

Spanish island.<sup>12</sup> The rebellion had a significant impact on the future of the colony. On one hand, this tempered the enthusiasm of Jamaican white planters towards the reforms initiated in the preceding years. On the other hand, it persuaded many British parliamentarians to advocate for the complete abolition of slavery and to take a more active role in shaping colonial policies. In response to increased advocacy from abolitionists, the British government formally pledged to pursue emancipation in March 1833.<sup>13</sup>

However, the enactment of the British West Indies Abolition Act forced imperial authorities to confront both a complex social situation and a declining economy. The Abolition Act ensured a policy of compensation to slave owners to prevent British planters from rebelling against the Emancipation Act by abandoning colonial territories *en masse*. Compensation would be provided on the basis of a government census showing all owners as of August 1, 1834, a process eventually formalized by the Slave Compensation Act of 1837.<sup>14</sup>

Nevertheless, the very data collection for censuses ordered by colonial governments to secure compensation revealed several discrepancies, and the Jamaican administration had to deal with the issues of recording and tracking the movements of freed people and their former owners. In 1835, for example, the Jamaican Governor Howe Peter Browne, 2nd Marquis of Sligo faced the dilemma of how local maroons could become apprentices for the benefit of the colony.<sup>15</sup> The transition to the new labor system increased the administration's concerns about recording runaways, undocumented people, and free "de facto" in the

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<sup>12</sup> HL: "En 6 de Agosto de 1831 se circuló a la isla los temores de los movimientos en los esclavos de Jamaica, encargado en su consecuencia la debida vigilancia para evitar la introducción clandestina de negros y mulatos extranjeros/ On 6 August 1831, fears of the movements of slaves in Jamaica were circulated to the island, and the island was consequently ordered to be vigilant to prevent the clandestine introduction of foreign Blacks and mulattoes," Circular, Habana, January 3, 1835, Miguel Tacón, MS Span 52 (945).

<sup>13</sup> Turner, "The British Caribbean, 1823-1838. The Transition from Slave to Free Legal Status," in *Masters, Slaves and Magistrates*, 313.

<sup>14</sup> 1 & 2 Vict. c. 3, Slave Compensation Act, Decembre 23, 1837. The provision authorized the commissioners of the reduction of the national debt to compensate slave owners in the British colonies in the amount of approximately 20 million for freed slaves. Nicholas Draper, *The Price of Emancipation: Slave-Ownership, Compensation and British Society at the End of Slavery* (Cambridge: Cambridge University Press, 2010). On owner's compensations, see also the Database of the Legacies of British Slavery project (<https://www.ucl.ac.uk/lbs/search/>, accessed 11/05/2023).

<sup>15</sup> TNA: To Lord Sligo for his information, February 7, 1835, CO 137/206.

colony.<sup>16</sup> Excluded from slave registrations, they could not legitimately be included in the apprenticeship lists after 1834. At the same time, denying them the opportunity to work would have been an economic detriment to the social order and economic prosperity of the imperial domain. Many of them lived in the urban space and continued to perform various informal works essential to the life of the colony as servants, laundresses, sawyers. Some had not been properly registered by their former masters and, following general emancipation, they intended to regulate their position by applying to a special magistrate.<sup>17</sup> However, Governor Peter Brown, Marquis of Sligo, coined a special definition to solve the problems dictated by their ambiguous status. According to him, “such bodies of slaves did on that day (1st August) become entitled to the *unqualified* enjoyment of their personal freedom,”<sup>18</sup> ensuring that they could continue to work for the colony even though they were not on the apprentice list but remaining in informality.

The abolition of slavery did not erase the harsh working conditions of former colonial slaves, nor did it eliminate abuses by former masters. Enslaved people who became small landowners often found themselves in debt, frequently to their former owners, and their properties were foreclosed.<sup>19</sup> Despite the emancipation decree, the relationship between settlers and freed people remained unequal, and ambiguous statuses and forms of forced labor persisted in the British West Indian colony.<sup>20</sup> While some maroons accepted the same labor conditions as apprentices, many African Jamaican people continued to escape plantation life, living in urban space without proper documentation or taking refuge in the island’s inland.<sup>21</sup>

Despite the promise of compensations, even the resistance of the planter class to the abolition of slavery continued to be strong. Their hostility to the government’s decision was

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<sup>16</sup> In 1835, for example, the Governor presented the British government with a plan to pay compensation to owners of fewer than twelve slaves to prevent their improper purchase. TNA: Despatch Howe Peter Browne, Marquis of Sligo, Governor of Jamaica, Jamaica No. 194, 1835, CO 137/204.

<sup>17</sup> This legal request concerned fourteen people, seven women and seven men, all engaged in urban work. TNA: Superintendent John Stilton to the Governor, May 24, 1835, CO 137/199.

<sup>18</sup> TNA: To Lord Sligo for his information, February 7, 1835, CO 137/206.

<sup>19</sup> See, for example, the case of Samuel Price, a former slave, financially ruined in a lawsuit concerning a right to way over a neighbor’s property because of the excessive cost of the Court in 1877, TNA: CO 321/15/29.

<sup>20</sup> Holt, “The Articulation of Race, Gender and Political Economy in British Emancipation Policy 1838-1866,” in *Beyond Slavery*, 33-60.

<sup>21</sup> Nigel Bolland, “Systems of Domination after Slavery: The Control of Land and Labor in the British West Indies after 1838,” *Comparative Studies in Society and History* 23 (1981): 591–619.

evident in political debates and violence directed towards former enslaved people, and also in their reluctance to adhere to newly introduced regulations. In continuity with pre-emancipation anti-slave trade provisions, the 9<sup>th</sup> section of the Act of Parliament for the Abolition of Slavery declared that “no apprenticed laborer shall be subject or liable to be removed from the colony to which he or she may belong.”<sup>22</sup> In the trans-imperial Caribbean space, overlapping legislation and the inability to properly classify owners’ property, land and the number of slaves, due to the residence abroad of many settlers, complicated the imperial officers’ work. Moreover, the enforcement of the new legislation proved challenging for local administrations and, in some instances, unclear.

In 1835, the Marquis of Sligo sent a letter to the Secretary of State for War and the Colonies, Lord Glenelg, informing him of the intention of the British subject Lady Perez to embark from Kingston to Carthagena, accompanied by her maid. According to his account, the apprentice had voluntarily presented herself before the Special Justice of Kingston, declaring her intention to accompany her mistress on the journey. The attorney general handling the case was inclined to grant permission for the two women to travel. However, due to lingering uncertainties about how to interpret the new law regarding the movement of apprentices, both he and the Jamaican Governor wished to consult imperial authorities before making a final decision.<sup>23</sup> First of all, the Marquis of Sligo sought clarification from Lord Glenelg regarding the position of the maid. Indeed, as summarized by the British Secretary:

The compulsory removal of any apprenticed laborer in attendance on the employer’s person would be illegal, and the mere usurpation of a right not incident to the relation between the parties. On the other hand, the law does not prohibit the voluntary departure of an apprentice from a British colony with the consent of the person entitled to his services. [...] If an apprentice should quit Jamaica with such a consent, he would, during his absences, be entitled, in the fullest sense of the words, to all the privileges of a free British subject. He

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<sup>22</sup> 3 & 4 Wm. IV, c. 73.

<sup>23</sup> TNA: “A question as arisen here, on which I wish to procure your instructions how I am to act. A lady of the name of Perez was about to sail from Kingston to Carthagena, and was anxious to take her apprentice, lady’s maid, with her,” Despatch from the Marquis of Sligo to Lord Glenelg, King’s House, St. Jago de la Vega [now Spanish Town], June 5, 1835, CO 137/199.

could not lawfully be compelled to return to the Colony nor to serve his employer elsewhere; the relation between them is exclusively local.<sup>24</sup>

Given that the maid would no longer be subject to the apprenticeship system, the Secretary clarified that in the event of the apprentice's escape, the mistress would not be able to appeal to British justice for her return. Simultaneously, he agreed with the Attorney General in granting permission for Lady Perez to depart but urged stricter controls on the presence of apprentices and free people of color on vessels leaving the colonies to prevent such requests from spreading uncontrollably and extending beyond the specific case. In 1835, for example, the Governor had to confront severe criticisms from the former owners of the Cayman Islands, an archipelago administratively under Jamaica's jurisdiction.<sup>25</sup> Due to the negligence of colonial officials, the census of the enslaved population had not been conducted in the small islands before abolition. This left local planters without formal apprentices, and the governor had to compel them to hastily compile lists of their properties before deciding to relocate their business to nearby Cuba, following the example of many other British owners.<sup>26</sup>

The increase of free people of African descent in the Caribbean after emancipation, who were added to those who had obtained legal freedom before the abolition decree, set the stage for the intensification of re-enslavement practices and the kidnapping of free individuals by unscrupulous traders and slave owners.<sup>27</sup> The concerns of the Jamaican administration with respect to the journey that maid and mistress were to undertake were not over as "the Attorney General of Jamaica objects even to the voluntary departure of an apprentice in attendance on his employer's person, because means might readily be found of

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<sup>24</sup> TNA: Despatch from Lord Glenelg to the Marquis of Sligo, Downing-street, August 12, 1835, CO 137/199.

<sup>25</sup> A petition signed by owner William Connor and subscribed by dozens of other former Cayman owners was sent to the Marquis of Sligo in November 1835, TNA: CO 137/199.

<sup>26</sup> TNA: From His Majesty Ship Forte, Grand Caymans, May 5, 1835, CO 137/198.

<sup>27</sup> In the same period, the phenomenon was spread throughout the American second slave societies. See, for example, Beatriz G. Mamigonian and Keila Grinberg, "Le crime de réduction à l'esclavage d'une personne libre (Brésil, XIX<sup>e</sup> siècle)," *Brésil(s)* 11 (2017) (<http://journals.openedition.org/bresils/2138>, accessed 13/02/2024); Karl Monsma and Valéria Fernandes, "Fragile Liberty: The Enslavement of Free People in the Borderlands of Brazil and Uruguay, 1846-1866," *Luso-Brazilian Review* 50 (2013): 7-25; Benjamin N Lawrance, *Amistad's Orphans: An Atlantic Story of Children, Slavery, and Smuggling* (New Haven: Yale University Press, 2015); Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington: University Press of Kentucky, 1994), 83-102.

selling him into slavery in Cuba.”<sup>28</sup> Aware of the risk, Lord Glenelg failed to find an immediate solution to the problem. As he argued in his response to the Governor, “so long as slavery shall exist in any part of the West Indies or America, The King’s subjects of African descent or origin may become the prey of slave-traders.”<sup>29</sup> Given this premise, Britain was compelled to intensify its diplomatic efforts to persuade rival empires to join its abolitionist agenda.

## 2. The Renewal of Anti-slave Trade Treaties

After the establishment of the July Monarchy, the French government became more willing to assist Britain in its efforts to suppress the illegal slave trade. On November 30, 1831, France finally agreed to enter into conventions with Britain for the mutual right to search vessels suspected of carrying slaves.<sup>30</sup> British and French cruisers cooperated off the coasts of Africa, Brazil and the West Indies to intercept and inspect foreign vessels engaged in the slave trade. The convention regulated the sizes of squadrons from each empire engaged in search operations, specifying that seized ships should be taken to designated ports. Cases were to be adjudicated by the respective imperial courts rather than mixed courts, as outlined in the agreements between Britain and Spain. The Anglo-French treaty was renewed on March 22, 1833, just before the British abolition decree.<sup>31</sup> In 1837, the convention between Britain and France for a more effectual suppression of the slave trade was extended to the Hanse Towns<sup>32</sup> and later to the Grand Duke of Tuscany.<sup>33</sup> The Republic of Haiti also ratified the treaty in 1839.<sup>34</sup> The agreement introduced stricter penalties for slave traders and

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<sup>28</sup> TNA: Despatch from Lord Glenelg to the Marquis of Sligo, Downing-street, August 12, 1835, CO 137/199.

<sup>29</sup> *Ibid.*

<sup>30</sup> TNA: France and Great Britain Convention on the suppression of the slave trade, November 30, 1831, FO 94/95. See also: ANOM: Traité conclu le 30 novembre 1831 entre la France et la Grande-Bretagne, à l’effet d’autoriser la visite réciproque à bord des navires de l’une ou l’autre nation qui seraient soupçonnés de prendre part à la traite des noirs, GEN, carton 159, Dossier 1315.

<sup>31</sup> TNA: France supplementary article to the convention for the suppression of the slave trade, March 22, 1833, FO 94/97.

<sup>32</sup> TNA: Convention between His late Majesty, the King of the French and the Hans Town, Hamburg, June 9, 1837, CO 318/133.

<sup>33</sup> TNA: Convention between Her Majesty, the King of the French, the Gran Duke of Tuscany, Florence, Nov 24, 1837, CO 318/133.

<sup>34</sup> TNA: Haiti Accession to Convention between Britain and France of 1831 for suppression of slave trade, December 23, 1839, FO 94/350.

shipowners. Once proven guilty of clandestine trafficking, they faced sentences of up to twenty years of forced labor. Prosecution was possible not only if caught during the transfer of enslaved individuals but also if their ships were found to contain chains for wrists and ankles, additional boards, containers, extra food supplies, and other materials indicating their involvement in the slave trade.<sup>35</sup> In the same 1833, five French ships, under the command of Admiral Mackau, were deployed in the Caribbean. The *Méléagre*, *Adonis*, *Badine*, *Feine* and *Zébé* provided support to British ships in the area, overseeing the stretch of sea from Martinique to Puerto Rico and monitoring traffic from there to Cuba.<sup>36</sup>

On June 28, 1835, a new anti-slave trade treaty was concluded between Britain and Spain.<sup>37</sup> The previous agreement of 1817 had proven largely ineffective, as the influx of enslaved labor from Africa to the Spanish Caribbean persisted sustainably. Rather than decreasing in intensity, since 1833 the British arbitrators of the Havana mixed commission court documented a growth in illegal transports. From the arrival of 8,200 enslaved people on Cuban shores documented by British representatives in 1832, the number increased to 9,000 in 1833, 11,400 in 1834 and 14,800 in 1835.<sup>38</sup> British representatives' reports provided a continuous information on the illegal slave trade to Cuba. Their accounts and the documents drafted by the Captain General Mariano Ricafort, for example, have led historians to conclude that Cuban planters at that time turned to the underground market to replace enslaved workers lost in the devastating cholera epidemic that had hit the colony.<sup>39</sup> The new

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<sup>35</sup> “Tout bâtiment portant des chaines, une quantité d'eau considérable, des gamelles des chaudières plus grandes que d'ordinaire, des provision au-delà des besoins probables de l'équipage, et des planches propres à construire un double pont, sera considéré comme négrier e traité comme tel/Any ship carrying chains, a significant amount of water, larger-than-usual cooking pots, provisions beyond the probable needs of the crew, and planks suitable for constructing a double deck will be deemed a slave ship and treated as such,” *Ibid.*

<sup>36</sup> AN: Paris, le 25 septembre de 1833, AP, 156(I), Carton 23, Dossier 2.

<sup>37</sup> TNA: Britain and Spain Treaty on the suppression of the slave trade, June 28, 1835, FO 94/301. On the 1835 convention see also: Murray, *Odious Commerce*, 92 – 113.

<sup>38</sup> David Murray, “Statistics of the Slave Trade to Cuba, 1790-1867,” *Journal of Latin American Studies* 3, no. 2 (1971): 131-149, quotation at p. 143. According to data collected in the Slave Trade Database, which is also based on other sources, arrivals were 14,354 in 1833, 17,640 in 1834 and jumped to 27,038 in 1835(<https://www.slavevoyages.org/voyage/database#timeline>, accessed 13/11/2023).

<sup>39</sup> According to the estimates reported by the Cuban governor, the cholera epidemic in the city of Havana alone had caused between February 25 and April 30, a total of 11,086 deaths, divided between *blancos* 2,980 and *de color* 8,106. As of May 31, the death toll had risen to 17,585, including 3,524 among the white population and 14,061 among the enslaved people and the free people of color. AGI: Correspondencia De capitanes generales y Gobernadores (1751-1850), Mariano Ricafort, 1833, ULTR, Leg 90. Cuban planter and politician Francisco

Anglo-Spanish treaty sought to curb the increase in illegal trade by reestablishing the agreement already signed and expanding the scope for British West African squadrons to intervene. Similar to the Anglo-French agreement, the articles of the bilateral treaty expanded the area of the right to search<sup>40</sup> and provided for the seizure and condemnation of ships carrying specific slave trade equipment, even if the slaves were not on board at the time of capture.<sup>41</sup> Other sections stipulated more precisely how enslaved people seized by slave ships were to be divided between Spanish and British imperial possessions. According to the convention, the empire carrying out the detention of the slave ship was since then responsible for the liberated Africans, while the condemned vessel was to be sold at public auction, along with the rest of its cargo, for the benefit of the two governments.<sup>42</sup> Moreover, Spain committed itself to enact more stricter legislation against slave merchants to curb the allegations of collusion between local authorities and slave traders in colonial territories.<sup>43</sup> However, what most differentiated the old treaty from the new was that the latter extended trafficking prohibitions to slave movements between Spanish colonies (Fernando Po, Philippines, Puerto Rico, Cuba). By permanently abolishing the Spanish slave trade legally, it not only addressed transatlantic transfers but also monitored and penalized internal movements within the Caribbean. Specifically, by prohibiting sales and movements between Puerto Rico and Cuba, the agreement directly targeted the legal loopholes available to slave traders, reducing the chances for foreign merchants and owners residing in the Spanish Caribbean to circumvent anti-slave trade legislation.<sup>44</sup>

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de Arango y Parreño, for example, had lost 96 of the enslaved people in his employ in the epidemic. AGI: From Arango to Ricafort, 1833, ULTR, Leg 90.

<sup>40</sup> TNA: Britain and Spain Treaty on the suppression of the slave trade, June 28, 1835, Art. IV, FO 94/301.

<sup>41</sup> TNA: Britain and Spain Treaty on the suppression of the slave trade, June 28, 1835, Art. X, FO 94/301.

<sup>42</sup> TNA: Britain and Spain Treaty on the suppression of the slave trade, June 28, 1835, Art. XI-XII-XIII, FO 94/301. Historiography has yet to explore the fate of the captains and crews of the slave ships seized and condemned by the mixed commissions. Scholar Diego Schibelinski is conducting research on this topic. On his first research results, see: Diego Schibelinski, “Uma análise do perfil de trabalhadores da construção naval nos mapas estatísticos do Ministério da Marinha do Império do Brasil (1847-1875),” *Trabajos y Comunicaciones* 55, no. 166 (2022).

<sup>43</sup> TNA: Britain and Spain Treaty on the suppression of the slave trade, June 28, 1835, Art. III, FO 94/301.

<sup>44</sup> TNA: “The slave trade is hereby again declared, on the part of Spain to be henceforward totally and finally abolished in all parts of the world/ Por la presente se declara de nuevo, por parte de España, que la trata de esclavos queda en adelante total y definitivamente abolida en todas las partes del mundo,” Britain and Spain Treaty on the suppression of the slave trade, June 28, 1835, Art. I, FO 94/301.

As a result of the renewed Anglo-Spanish treaty, from 1837, the British Royal Navy HMS Romney was stationed in the port of Havana, where it remained until 1845. The warship was primarily intended to settle disputes with the Spanish Empire over the capture of slave ships and “a floating transit center” for liberated Africans who had been seized from slave traders off the Cuban coast by British cruisers.<sup>45</sup> The previous year, the Irish abolitionist Richard Robert Madden had been appointed as the Superintendent of Liberated Africans in Havana. This new institutional role, stemming from consultations between the Colonial Office and the Foreign Office to intensify efforts toward suppressing the illegal slave trade, expanded British presence within the Havana mixed commission.<sup>46</sup> It complemented the work of other British officials already based in Cuba. In contrast to other British arbitrators in Cuba, who frequently confined their reports to the Foreign Office to the number of illegal ships landed on the Spanish island, Madden’s commitment was notably directed towards legal cases involving slave ships captured by British cruisers. In these disputes, he actively supported the petitions of the *emancipados/as* before the Cuban mixed court. During his tenure, for example, the HMS Romney also functioned as a temporary residence for liberated Africans awaiting the verdict of the mixed commission trials.<sup>47</sup>

Madden’s abolitionist activities increased the local authorities’ suspicions and caused growing impatience among the Cuban elite with the British ship’s presence in Havana harbor. HMS Romney was an old ship commanded by British naval officer Lieutenant Jenkins, who supervised a contingent of fifteen soldiers who formed the Navy Guard. The crew was composed of Black troops from the West Indian Regiments, including individuals who had been rescued from the slave trade and who, occasionally, served as interpreters in cases involving African *emancipados/as*.<sup>48</sup> Upon its arrival, Captain General Miguel Tacón repeatedly prohibited the Romney’s troops from disembarking on Cuban soil.<sup>49</sup> Until the cessation of

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<sup>45</sup> Keith Hamilton and Farida Shaikh, *Slavery in Diplomacy: The Foreign Office and the Suppression of the Transatlantic Slave Trade* (London: Foreign and Commonwealth Office Historians, 2007), 65.

<sup>46</sup> *Ibid.*, 60.

<sup>47</sup> David Murray, “Richard Robert Madden: His Career as a Slavery Abolitionist,” *Studies: An Irish Quarterly Review* 61, no. 241 (1972): 41-53.

<sup>48</sup> Jennifer Louise Nelson, “Slavery, race, and conspiracy: The HMS *Romney* in nineteenth-century Cuba,” *Atlantic Studies* 14, no. 2 (2017): 174-195, especially pp. 181-182.

<sup>49</sup> AHN: Correspondencia del Capitán General Miguel Tacón, 1837, Estado, Leg. 8025, Exp. 17.

its activities, the ship was constantly monitored, and its crew confined on board “para no causar disgustos a las autoridades”.<sup>50</sup>

The colonial administration was particularly concerned about the impact the British warship would have on the enslaved population in Cuba. In 1837, an enslaved Cuban man “escaped from his mistress to avoid punishment” and hid in the hold of the British ship.<sup>51</sup> His intent was to seek British protection and, mirroring the enslaved people who sought refuge on British free soil in the wider Caribbean, to request asylum and attain freedom from slavery. In accordance with bilateral agreements and to mitigate tensions with Spain, Captain Jenkin “immediately placed the slave under the charge of an officer, to deliver him over to the authorities of Havana.”<sup>52</sup> However, the colonial administration’s apprehensions about the increased British presence on the island and its potential impact on Cuba’s enslaved population were not unfounded. Beginning in the 1830s, the British diplomatic body in Cuba, represented mainly by commissioners appointed to the mixed court in Havana since 1819, assumed a more significant role.

In 1833, Charles David Tolmé was appointed the first British Consul general in Havana. Unlike Madden, he was a British merchant who was favorably regarded by Cuban authorities as he had been accommodating to the elites’ planter. On the island, his wife owned a plantation that employed enslaved people, and he was even implicated in an obscure trade in indigenous workers from Yucatan.<sup>53</sup> Even though he was not an antislavery activist, his appointment was contemporaneous with the enactment of the Abolition Act in the British dominions and to the new Anglo-Spanish treaty which forced him to adapt the role of consul in the Spanish colony to the ongoing transformations in the British Empire.<sup>54</sup>

During his tenure, Tolmé reported to the Foreign Office the presence of African Caribbean British subjects captured by slave traders and held in slavery in Cuba. This was the case of Wellington, a Black British subject kidnapped in Montego Bay (Jamaica) in 1834 at the age of 19, along with his friends Franck and James, and transported to Santiago de Cuba as slaves

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<sup>50</sup> “Not to cause any displeasure to the authorities.” ANC: Expediente formado a consecuencia de el Real Orden del ministro de Estado de 19 de octubre de 1841 sobre las ordenes que ha dictado el gobierno británico para que los soldados de color del pontón Romney no den disgustos a estas autoridades, GCS, Leg. 844 Exp. 28343. On this Anglo-Spanish affair, see also: TNA: CO 318/146.

<sup>51</sup> TNA: Lieutenant Jenkin to Her Majesty’s Commissioners, “Romney,” Havana, October 5, 1837, FO, 1433/1.

<sup>52</sup> *Ibid.*

<sup>53</sup> Martínez-Fernández, *Fighting Slavery in the Caribbean*, 27.

<sup>54</sup> *Ibid.*

aboard Captain Juan Gonzales' clandestine schooner *Martha*.<sup>55</sup> His mother had reported Wellington's disappearance to the Governor of Jamaica, who, in turn, had alerted the Vice-consul of Santiago de Cuba, James Wright.<sup>56</sup> The report of the kidnapping was confirmed by the testimony of one John Alford, a sailor native of Puerto Rico but living for years in Montego Bay met and recognized "the boy on the streets of Santiago as he cried."<sup>57</sup> At the refusal of the city governor to be allowed to take Wellington back to Jamaica with him, John Alford returned to the British colony, where he reported the presence of the enslaved subject to the authorities.<sup>58</sup> Informed by the British Vice-consul, Tolmé intervened on behalf of Wellington with the Cuban authorities in 1835, requesting his identification and release from slavery to enable his return to Jamaica. From that moment, additional similar cases reached the British consuls in Cuba. In 1839, for example, Vice-consul James Wright wrote to the Secretary for Foreign Affairs with Spain, Earl of Clarendon, pointing out that there were other cases like Wellington's throughout the eastern provinces.<sup>59</sup> In the same year, two kidnapped British subjects, Mitchell and Allen, managed to return to Jamaica precisely because of the intercession of the British diplomatic representatives.<sup>60</sup> Along with them, Wellington's traveling companion Franck also returned to Jamaica.<sup>61</sup> Despite Tolmé's intervention, Wellington's case concluded after the consul's term ended. In 1841, Mitchell returned to Santiago de Cuba from Kingston to testify on behalf of Wellington, with whom he had shared imprisonment on the ship that arrived in the Spanish colony. This testimony succeeded in convincing the Spanish authorities to release the enslaved man.<sup>62</sup> Unfortunately, upon his return to Jamaica, Wellington found that his mother, who had spent years waiting for her abducted son to return, had "lost her mind" and, ultimately, had passed away.<sup>63</sup> His unfortunate case illustrates how, since the Abolition Act, the influence of British diplomacy

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<sup>55</sup> ANC: From Marquis Sligo to Captain General Tacón, April 22, 1835, GSC, Leg. 938, Exp. 33081.

<sup>56</sup> TNA: Foreign Office: correspondence on 1834 kidnapping of "black boy" called Wellington, CO 137/245

<sup>57</sup> From archival sources we know that Wellington received his name in honor of the Battle of Waterloo and that he was probably born on the very day of the battle, June 18, 1815. ANC: From the Governor of Jamaica Sligo to Captain general of Cuba, April 22, 1835, GSC, Leg. 938 exp. 33081.

<sup>58</sup> *Ibid.*

<sup>59</sup> TNA: Correspondence on 1834 kidnapping of "black boy" called Wellington, CO 137/245.

<sup>60</sup> ANC: From Consul Turnbull to Captain General Valdes, July 22, 1841, GCS, Leg. 940, Exp. 33142

<sup>61</sup> ANC: From Consul Turnbull to Captain General Valdes, Havana, September 3, 1841, GCS, Leg. 844, Exp 28360.

<sup>62</sup> "13 Novembre de 1841," ANC: GSC, Leg. 844, Exp. 28360.

<sup>63</sup> "22 Julio de 1841" Leg. 940 exp. 33142

in Cuba extended beyond the provisions of the Anglo-Spanish mixed commission. While numerically less prominent than legal cases involving *emancipados/as*, the petitions for the freedom of African Caribbean individuals illegally transported from British West Indian colonies had a direct impact on the evolution of the illegal slave trade and the inter-imperial relationships in the Caribbean. In involving the British consul in matters concerning slavery and its persistence in the Spanish colony, Great Britain directly engaged in the affairs of the rival power, contributing to the deterioration of relations between the British representatives and the local administration in the following years.

### 3. Consul Turnbull and the British Presence in Cuba

In the early 1840s, Wellington's release from slavery coincided with the widespread expansion of abolitionist activities in the Caribbean region and the heightened British diplomatic pressure in Cuba. The premature termination of the apprenticeship – which ended in 1838 instead of 1840 as initially planned – represented a notable victory for the British abolitionist movement, which denounced the new labor regime as the perpetuation of slavery in the colonies.<sup>64</sup> From that moment onward, the persistence of the slave trade became the primary focus of abolitionist efforts. Its prosecution, for example, was among the major topics discussed at the World Anti-Slavery Convention held in London in 1840.<sup>65</sup> During the meeting, direct testimonies from activists focused not only on the Atlantic traffic but also the internal commerce in the Americas. As mentioned in Chapter II, one of these narratives included the account of the British abolitionist David Turnbull.<sup>66</sup> In the chronicle of his journey to the Caribbean, *Travels in the West*, Turnbull collected his impressions on the slave trade in the Spanish Antilles, detailing the horrors of slavery on Cuban plantations and

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<sup>64</sup> The debate surrounding the “new forms of slavery” among the British elite and public opinion was extensive and connected to the situation in India, where slavery was formally abolished in 1843. Stanziani, *Le metamorfosi del lavoro coatto*, 170-172.

<sup>65</sup> The abolitionist Convention discussed the measures to be taken “to deliberate on the best means of promoting the interests of the Slave; of obtaining his immediate and unconditional freedom; and, by every pacific measure, to hasten the utter extinction of the Slave-Trade,” *Proceedings of the General Anti-Slavery Convention, Called by the British and Foreign Anti-Slavery Society, and Held in London from Friday, June 12th, to Tuesday, June 23rd, 1840* (London, 1841) 31. On the 1840 Anti-Slavery Convention, see also: Maurice Bric, *Debating Slavery and Empire: The United States, Britain and the World's Anti-Slavery Convention of 1840*, Mulligan and Bric, ed., *A Global History of the Anti-Slavery*, 59- 77.

<sup>66</sup> *Proceedings of the General Anti-Slavery Convention*, 463-511.

portraying the enslaved condition as profoundly distressing.<sup>67</sup> Published in 1840, the book provoked considerable controversy, causing concern especially among Cuban planters.<sup>68</sup> This was because, in the same year, at the end of Consul Tolmé's term, Turnbull took charge of the consular office in Havana. Simultaneously, the British diplomat was also appointed Superintendent of the Liberated Africans by Lord Viscount Palmerston, replacing his friend Richard Robert Madden. For the first time, the same person held both institutional roles.<sup>69</sup> Arriving in Cuba, Turnbull increased British engagement within the Havana court of mixed commission and changed the consulate's attitude toward the persistence of slavery on the Spanish island. His work in the mixed commission was tireless, punctually reporting cases of mistreatment or abuse of liberated Africans in his communications with the Foreign Office and supporting their petitions in the Havana mixed court. During his tenure, the British officer became the advocate for as many *emancipados/as* as he could support in their claims.<sup>70</sup> However, his commitment was often solitary, and the relationship with his British colleagues – James Kennedy, the British Commissary Judge on the Havana mixed court from 1837 to 1852, and his deputy Campbell J. Dalrymple – marked by conflicts.<sup>71</sup> Turnbull also investigated and tried to restore freedom for the British West Indians who, like Wellington, were being held in slavery on the Spanish island. On September 3, 1841, he wrote to new Cuban Captain General Jerónimo Valdés:

I have received an application from another kidnapped British Subject born in freedom at Nassau, New Providence, but long held in this Island in Slavery. The

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<sup>67</sup> Turnbull, *Travel in the West*.

<sup>68</sup> The Cuban *Real Junta del Fomento* wrote a letter expressing its concern that Turnbull's ideas could incite the island's enslaved population to revolt, and that the insinuations about Cuban owners' cruelty could influence the decisions of the government in Madrid. AHN: EST, Leg. 8037, Exp. 16. ANC: Acusando el recibo de una exposición de la Junta del fomento acerca de los inconvenientes que puede causar la presencia y opiniones del nuevo cónsul ingles Mr. David Turnbull, AP, Leg. 40, Exp. 60.

<sup>69</sup> Hamilton and Shaikh, *Slavery in Diplomacy*, 75.

<sup>70</sup> See, in particular TNA: Correspondence, Original - Secretary of State: Removal of liberated Africans from Cuba. Correspondence from Mr. Turnbull, superintendent of liberated Africans at Havana, and the Foreign Office, CO 318/153 and 318/157.

<sup>71</sup> AHN: 31 de Enero, 1842, EST, Leg. 8038, Exp. 6. James Kennedy had been appointed Judge of the mixed commission in 1837, followed in 1839 by the Arbitrator Campbell J. Dalrymple. Both were described by David Turnbull as disinclined to work. In particular, Kennedy was said to devote his time in Cuba to the study of ornithology more than to his work as a judge. Moreover, he was described as fully integrated into Havana's social life, to the point of being a slaveholder himself. Martínez-Fernández, *Fighting Slavery in the Caribbean*, 47.

name of the person is James Thompson. He has made his escape from his oppressors and has arrived at the Havana where I have the honor to claim for him some assurance that he shall not share the fate of the unfortunate Wellington of Santiago de Cuba and the other subjects of Her Majesty proved to be still in slavery within Your Excellency jurisdiction. What regard to James Thompson, I have the honor to propose to receive him on board Her Majesty's ship Romney where I undertake that he shall remain until I am able to convince Your Excellency that he is really what I have stated a kidnapped British Subjects.<sup>72</sup>

James Thompson, mixed-race freeborn as illegitimate son of the Bahamian planter John Thompson, was kidnapped and transported to Cuba as a child. On the Spanish island he was renamed Santiago Ignacio Vila.<sup>73</sup> After two decades of illegal slavery, he managed to escape the custody of his French owner, Bartolo Muz (or Muzo), taking refuge aboard the HMS Romney. This time, the enslaved man was not immediately returned to Cuban authorities by the British Captain Jenkin. Instead, he secured the protection of Consul Turnbull.<sup>74</sup> However, Cuban Governor General Jerónimo Valdés vehemently disapproved of the British consul's initiative, and within a few days, Turnbull was forced to return Thompson's custody to the local administration.<sup>75</sup> He was then transferred to the Havana slave depot, from where he continued his petition, finally obtaining freedom and repatriation to Nassau in 1842.<sup>76</sup> Not being a liberated Africans seized from a slave ship by British cruisers, the Spanish administration claimed that the Thompson case was not within the jurisdiction of the mixed commission. For that reason, British Consul could not detain the enslaved man on HMS Romney, which, being a military base, enjoyed extraterritoriality.<sup>77</sup> On the one side, the

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<sup>72</sup> TNA: From Turnbull to Valdés, September 3, 1841, Havana, FO, 84/1436.

<sup>73</sup> AHN: Testimonio del expediente instruido en este Gobierno en consecuencia de la reclamación establecida por el Consul David Turbnbull solicitando la libertad del individuo de color ingles llamado James Thompson o sea Santiago Ignacio Vila, 30 de junio, 1842, EST 8056, Exp. 3.

<sup>74</sup> TNA: From Turnbull to Valdés, September 3, 1841, Havana, FO, 84/1436.

<sup>75</sup> ANC: From Turnbull to Valdés, September 10, 1841, Havana, GSC, Leg. 845, Exp. 28390.

<sup>76</sup> ANC: El cónsul ingles reclamando la libertad del mulato James Thompson, GSC, Leg. 845, Exp. 28390.

<sup>77</sup> "El Cónsul, no conforme con haber eludido la acción de los tribunales abrigando y ocultando a dicho individuo, proporciono según su extracción del territorio español, privando con este hecho a su dueño de ejercer los derechos que tenia sobre el/ The Consul, not content with having evaded the action of the courts

Cuban government preferred not to compare the position of the two categories of people, *emancipados/as* and kidnapped British subjects held in slavery in the Spanish possession, and to maintain separate competence to deal with their petitions. On the other side, submitting timely reports of his activities to the Foreign Office, which in some cases were intercepted and translated into Spanish, Turnbull claimed “la libertad inmediata de todos los esclavos nacidos en colonias británicas y llevados a Cuba después de 1807 en que les fue concedidas la libertad, así como a su hijos y descendientes, y una amplia indemnización por sus sufrimientos.”<sup>78</sup> According to the abolitionist consul, Britain should have guaranteed freedom for all enslaved people who came to Cuba from British possessions since the first anti-slave trade act or, at least, after the first Anglo-Spanish agreement came into force in 1820 as “the [free] legal condition of all such person is inalterably fixed, beyond all doubt or questions, by a statute of the Imperial Parliament passed in the 46th year of the reign of king George III, chapter 52.”<sup>79</sup> Although the legal case was not recognized within the jurisdiction of the mixed commission, the eventually successful outcome of the James Thompson/Santiago Ignacio Vila lawsuit demonstrated that British West Indians held in bondage in Cuba could succeed in obtaining their freedom in Spanish courts.

Moreover, Turnbull conducted numerous investigations into Cuban estates owned or managed by British individuals.<sup>80</sup> Confirming what British authorities had long known, his goal was to demonstrate that a considerable number of British West Indian enslaved people

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by harboring and hiding said individual, provided according to his extraction from Spanish territory, thereby depriving his owner of exercising the rights he had over him,” ANC: GSC, Leg. 845, Exp. 28390.

<sup>78</sup> “The immediate freedom of all slaves born in British colonies and taken to Cuba after 1807 when they were granted their freedom, as well as their children and descendants, and ample compensation for their sufferings,” ANC: GCS, Leg. 846, Exp. 28439.

<sup>79</sup> ANC: Turnbull to Valdés, January 18, 1842, GCS, Leg. 846, Exp. 28439. See also: 46 Geo III, c. 52, “An Act to prevent the Importation of Slaves, by any of His Majesty’s Subjects into any Islands, Colonies, Plantations, or Territories belonging to any Foreign Sovereign, State, or Power; and also to render more effectual a certain Order, made by His Majesty in Council on the Fifteenth Day of August One thousand eight hundred and five, for prohibiting the Importation of Slaves (except in certain Cases), into any of the Settlements, Islands, Colonies, or Plantations on the Continent of America, or in the West Indies, which have been surrendered to His Majesty’s Arms during the present War; and to prevent the fitting out of Foreign Slave Ships from British Ports.” The act stipulated that starting January 1, 1807, no slaves would be exported from British dominions to colonies or foreign territories under penalty of confiscation of slaves and ships. This provision was followed by the Act for the Abolition of the Slave Trade (47 Geo III, c. 36).

<sup>80</sup> Robert L. Paquette, *Sugar is Made with Blood: The Conspiracy of La Escalera and the Conflict between Empires over Slavery in Cuba* (Middletown: Wesleyan University Press, 1988), 177-180.

were illicitly transported to the Spanish island by slave traders and foreign planters in contravention of British law and bilateral agreements. Lord Palmerston supported Turnbull in his efforts, granting him authorization to search the Cuban plantations.<sup>81</sup> Taking advantage of his role as consul, Turnbull focused his abolitionist efforts on identifying and pursuing the routes and agents of the domestic slave trade in Cuba and the Spanish authorities were forced to contain the enormous repercussions this would have on Cuban society and the plantation economy. According to his inquiries, British owners settled mainly in rural areas and in isolated districts, such as Cárdenas in Matanzas province or Candelaria in Holguín where hundreds of enslaved people from the Bahamas and other British Caribbean islands worked there. In Cardenas, Turnbull inspected the Santa Marta estate, owned by the heirs of New Providence's planter William Forbes. He verified that more than a hundred individuals from the British colony were held in slavery and employed on the plantation or working in the nearby city of Matanzas.<sup>82</sup> Moreover, Turnbull's investigations in Holguín province revealed the reality of settlements in which, according to the testimony of an enslaved man from the Bahamas, "throughout the district English was spoken, and also French and Spanish" and the presence of enslaved people from the British colonies reached 5,000 individuals.<sup>83</sup>

The information obtained by Consul Turnbull could have a devastating impact on all slave owners in Cuba. The investigation extended beyond the British subjects who had illegally transferred their slaves to the Spanish possession, going so far as to investigate also transfers of ownership and purchases of slaves from the British West Indies. This exacerbated the concerns of the Cuban government, which believed that:

Turnbull promueve una búsqueda general que empieza a alarmar a todos sobre la esclavitud en la isla. Esa búsqueda afectaría también a los intereses privados, porque los extranjeros de todas las naciones, algunos de ellos procedentes de Jamaica y Santo Domingo, tienen un número cada vez mayor de sirvientes de

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<sup>81</sup> TNA: From Palmerston to Turnbull, August 26, 1841, FO 84/358.

<sup>82</sup> ANC: El cónsul inglés manifiesta hallarse detenido en esclavitud un número considerable de súbditos de su nación que fueron extraídos de Providencia, Leg. 845, Exp. 28385. See also: TNA: CO 318/157

<sup>83</sup> ANC: Sobre la reclamación de Cuffee Kelsen para que se le día libertad a su familia que existe esclava en Holguín, GSC, Leg. 946 Exp. 33340.

origen extranjero adquiridos de buena fe y en virtud de la transferencia del título de dominio.<sup>84</sup>

Turnbull's persistence in investigating the provenance of the slaves working on Cuban plantations would have seriously jeopardized estates' stability and undermined Cuba's image of prosperity and its attractiveness to foreign slaveholders. For this reason, the British consul's investigation was hindered by local governors, who denied him or made it extremely complicated to obtain permits to travel within the Cuban provinces and gain access to plantations.<sup>85</sup> The reaction of the Cuban owners was not long in coming either. Some of them renounced membership in the *Real Sociedad Económica de Amigos de País*, as a sign of protest at the fact that the British consul had been accepted among its members.<sup>86</sup> Moreover, the governor of Holguín sent the Captain General Valdés an extensive letter signed by many British and American owners living in the province who claimed the "justa y legal posesión de sus esclavos."<sup>87</sup> They called for the removal of Turnbull and the replacement of the former Consul Tolmé. Finally, Cuba's influential *Junta de Fomento* sent a statement to the motherland warning the government about Turnbull's abolitionist views and the problems his presence would cause in the colony.<sup>88</sup>

#### 4. The Escalera Revolt and the Illegal Slave Trade

In the meantime, Cuban administration confronted one of the most significant slave rebellions in Caribbean history. Beginning in 1841, several episodes of anti-slavery and anti-colonial uprisings occurred particularly in the productive area of Matanzas, a province in the

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<sup>84</sup> "Turnbull promotes a general search that begins to alarm everyone about slavery in the island. That search would also affect private interests, because foreigners of all nations, some of them coming from Jamaica and Saint Domingue, have an increasing number of servants of foreign origin acquired in good faith and by virtue of the transfer of the property," AHN: EST, Leg. 8054, Exp. 1, N. 191.

<sup>85</sup> ANC: Expediente sobre la diligencia que remite el Gobernador de Matanzas acerca de haber presentado en dicha Ciudad el cónsul inglés Mr. David Turnbull, 12 de noviembre 1841, GCS, Leg. 843, Exp. 28310.

<sup>86</sup> ANC: Sobre los socios de la Real Sociedad Económica de Amigos de País que han renunciado sus títulos de tales por razones que se expresan respecto a hallar inscripto en el catalogo de socios Mr. David turnbull, 31 diciembre 1841, AP, Leg. 41, Exp 48.

<sup>87</sup> "Fair and legal possession of their slaves," ANC: D. José Garcerán de Vals, exteniente gobernador de Holguín acompañando una exposición de varios ingleses y norteamericanos, vecinos de aquella jurisdicción sobre la legalidad de sus esclavos y protestando contra la intentona de Mr. Turnbull, GSC, Leg. 941, Exp. 33191.

<sup>88</sup> ANC: Real Orden fecha Madrid 8 febrero, 1841, AP, Leg. 40, Exp. 60.

Cuban northwest near Habana. Rebellions went beyond the borders of the plantations, reaching the Capital and linking the struggles and claims of the enslaved people with those of the Cuban free people of color. The insurrectionary attempt took the name of the Conspiracy of the Escalera (the ladder), and multiple rebellions persisted in the Spanish colony from 1841 to 1844.<sup>89</sup>

Turnbull's campaign on behalf of enslaved British West Indians contributed to the perception of British influence as destabilizing for the Spanish colony and Cuban authorities closely monitored and investigated his activities. On August 16, 1842, only two years after his appointment, the British consul was accused of conspiring to overthrow Spanish dominion, and the Cuban Captain General Valdés decided to expel him from the island.<sup>90</sup> On the one hand, British political interference, coupled with anti-slavery uprisings, had profoundly altered the political landscape of the colony and the ideological trajectory of the Spanish governor. With moderate abolitionist inclinations, during his two-year tenure in Cuba, Captain General Valdés shifted towards more intransigent positions, consolidating the conviction that slavery should be firmly maintained in the Spanish colony. On the other hand, Britain removed Turnbull as British consul, but he nominally retained his role as Superintendent for the liberated Africans. However, having lost diplomatic protection on Spanish soil, he took refuge on HMS Romney from where he continued his abolitionist activities for a few months. Fearing for his own life and that of his wife Eleonor, he finally left Cuba for the British Bahamas<sup>91</sup> and, later, became Judge in the Anglo-Portuguese mixed court in Kingston.<sup>92</sup>

In 1843, while far from the Spanish island, Cuban authorities initiated legal actions against former Consul Turnbull based on evidence indicating his commitment to supplying weapons to rebels, along with his personal assistance to Francis Ross Cocking. Although the investigation never proved his guilt, the legal process highlighted in an unprecedented way the open clash between Spain and Britain over the maintenance of slavery in Cuba. The trial involving the British consul focused on six free Black men “de Jamaica (from Jamaica)” who

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<sup>89</sup> For recent studies on the Escalera conspiracy, see: Paquette, *Sugar Is Made with Blood*; Michelle Reid-Vazquez, *The Year of the Lash: Free People of Color in Cuba and the Nineteenth Century Atlantic World* (Athens, University of Georgia Press, 2011); Aisha K. Finch, *Rethinking Slave Rebellion in Cuba: La Escalera and the Insurgencies of 1841–1844*, (Chapel Hill: The University of North Carolina Press, 2015).

<sup>90</sup> TNA: Proceedings of the Royal Patriotic Society and vote for expulsion, CO 138/157. The fonds holds 28 pages listing the members of the *Sociedad Patriótica* who voted to expel Turnbull from Cuba.

<sup>91</sup> TNA: Turnbull from Romney, CO 318/157.

<sup>92</sup> Hamilton and Shaikh, *Slavery in Diplomacy*, 80.

were accused of conspiracy, spreading abolitionist propaganda, and inciting the Cuban enslaved population to rebellion.<sup>93</sup> Notably, two of them, Joseph Mitchell and José del Carmen Zamorano were investigated as agents of Turnbull.<sup>94</sup> The British officer's interactions with African Caribbean individuals in Cuba provided tangible evidence for colonial officials, confirming his involvement in the slave uprisings. Moreover, the dissemination of anti-slavery materials, along with the influence of Anabaptist and Methodist missions in the Caribbean, heightened the Cuban government's apprehension about a potential slave rebellion and fueled suspicions regarding British abolitionists.

In 1836, the Spanish government dispatched Navy General Jose Ruiz de Apodaca to Jamaica. His mission was to convey, through detailed reports, the situation in the British colony following the abolition of slavery. Simultaneously, he was tasked with monitoring the activities of Methodist societies on the island and their connections in Europe. The authorities sought not only to comprehend the economic and social conditions of their commercial competitor but also to scrutinize abolitionist plans and potential repercussions in Cuba.<sup>95</sup> In a dispatch from Jamaica, Apodaca argued that "the intentions of what they call friends of humanity aspire that the misfortunes of Haiti will be replicated and reproduced throughout the West Indies."<sup>96</sup>

During the same period, abolitionist pamphlets, often originating from Europe and translated from English, circulated widely in the Caribbean. Spanish, French, Danish, Swedish, and Dutch colonial authorities actively worked to intercept these materials and maintain control over their dissemination.<sup>97</sup> For instance, in 1838, the Spanish translation of a *folleto* (flyer) published in London by the British and Foreign Abolitionist Society,

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<sup>93</sup> According to the Cuban *Comision militar ejecutiva permanente*, the six accused were José Mitchell, José del Carmen Zamorano, José María Matamoros, Feliz Rodriguez, José del Carmen Veita y Anicieto and Trinidad Valdemoro or Valdemusas. AHN: EST, Leg. 8057, Exp. 1.

<sup>94</sup> AHN: Sentencia dictada contra los negros José Mitchel y José del Carmen Zamorano, agentes de Mr. Turnbull, 1843, ULTR, Leg. 4617, Exp. 8. In 1839, yet another British abolitionist agent was identified and reported to Cuban authorities, triggering concerns on the Spanish island. HL: Comunicación del Excelentísimo Señor Capitán General para que se averigüe la existencia de su oficial al servicio de S M Británica que se dice que paga voleas de abolición, 1839, MS Span 52 (938).

<sup>95</sup> AHN: El Capitán General de Cuba participa noticias que ha adquirido, EST, Leg. 8035, Exp. 3. See also: Biblioteca Virtual de Defensa, Archivo General de Marina "Álvaro de Bazán," Comisión del capitán de navío José Ruiz de Apodaca en Jamaica, con motivo de los temores que infunden en la isla de Cuba las conmociones entre los negros, Caja 79/087.

<sup>96</sup> AHN: EST, Leg. 8035, Exp. 4

<sup>97</sup> Scott, *The Common Wind*, 90.

advocating for the universal abolition of slavery, raised concerns among Cuban authorities.<sup>98</sup> Additionally, there was anxiety on the island about possible arrivals from Kingston of abolitionist Methodist and Anabaptist missionaries in the ports of Santiago, Trinidad, and Matanzas.<sup>99</sup> Pedro de Alcántara Téllez-Girón, who served as Captain General of Cuba for a brief period between 1840 and 1841, reported to the Secretary of State that Methodists, Presbyterians, and other religious groups were consistently producing texts advocating for the emancipation of Spanish slaves.<sup>100</sup>

In this context, Cuban officials identified the two Black men propaganda role as part of an international conspiracy to occupy Cuba and/or compel Spain to end slavery. In the trial against Turnbull, Mitchell and Zamorano, Cuban authorities unmasked a complex and extensive plan through the testimony of a merchant man “natural de Perú,” who was working in Jamaica.<sup>101</sup> He argued that a secret society existed in the British island “en la que trabajaron duro por la emancipación de los negros de Cuba.”<sup>102</sup> Sometime earlier, the Spanish consul in Jamaica, Antonio Brosa, reported to the Cuban government about secret meetings held on the British island concerning the state of slavery in Spanish possessions. Brosa asserted that the rebellious organization brought together liberated individuals from Haiti, Jamaican Methodist missionaries, and former generals from the Latin American wars of independence, including the prominent Venezuelan revolutionary Santiago Mariño. Notably, this dangerous partnership maintained constant communication with Prince Albert. As a result, Spanish authorities acknowledged Britain’s direct involvement and coordination in the operations conducted against Cuba. According to their reconstruction, Turnbull allegedly orchestrated the conspiracy with the support of his government, which, under the guise of false humanitarianism, concealed the specific project of destabilizing Cuba’s slave economy.<sup>103</sup>

The Cuban government focused on exposing the British influence in the rebellions, despite evidence suggesting the direct involvement of enslaved and freed African Caribbean people in the uprisings. Examination of court documents revealed that, during interrogations, the six Black men responded to charges in broken English, indicating a preference for speaking

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<sup>98</sup> AHN: Expediente general de esclavitud: Prohibición de que circule en Cuba un folleto sobre la esclavitud, ULTR, Leg. 3551, Exp.8.

<sup>99</sup> AHN: EST, Leg. 8036, Exp 1.

<sup>100</sup> AHN: EST, Leg. 8037, Exp.1.

<sup>101</sup> “Native of Peru,” AHN: Aviso de la existencia de una sociedad secreta en Jamaica que pretende la emancipación de los negros de Cuba, ULTR, Leg. 4617, Exp. 6,

<sup>102</sup> “In which they worked hard for the emancipation of the blacks of Cuba,” *Ibid.*

<sup>103</sup> AHN: EST, Leg. 8038, Exp. 3.

in Spanish. Initially assumed by the Cuban administration to be British agents from Jamaica recruited by Turnbull, they turned out to be free people of color from Cuba. Doubts lingered only about Mitchell's identity, given his travels to the United States and a likely connection to a family of British owners before gaining freedom. Nevertheless, he resided permanently in Havana for at least two years.<sup>104</sup> This information was corroborated by Carlos Duquesnay, the Spanish vice-consul in Kingston, in his correspondence with the Cuban administration. A short time before, he reported that some young Black men arrived in Jamaica from Cuba to gather news about British emancipation and propaganda materials "por informar a sus conciudadanos y incitarles a difundir estas ideas."<sup>105</sup> However, the role of Cuban slaves and free people of color in the revolts was marginalized, in favor of a more reassuring description of the rebels as unwilling victims of abolitionist ideas and Turnbull's machination. According to the colonial officials tasked with the investigations, "se ve que los abolicionistas han sido causa del motín. Sin embargo, ninguno de ellos ha sido cogido, y los pobres mal acompañados negros tienen que sufrir en su lugar."<sup>106</sup> The British agent exploited the naivety of the local African Caribbean population by inciting "los ignorantes negros a una evidente carnicería", "obligando" the Cuban administration to vehemently repress the attempted insurrection.<sup>107</sup>

As consistently returned by accounts, the most credited hypothesis among Cuban authorities was that the uprisings in the Spanish colony were instigated by foreign plots. For this reason, in 1842, Governor Valdés blocked the landings "sin licencia especial" from Jamaica and the republics of Tierra Firme.<sup>108</sup> On February 24, 1844, also some French planters residing in Matanzas were arrested and accused of abolitionist activities. Thanks to the intervention of the French consul in Habana, the charges against them turned out to be false and they were

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<sup>104</sup> AHN: ULTR, Leg. 4617, Exp. 8.

<sup>105</sup> "To inform their fellow citizens and encourage them to disseminate these ideas," AHN: EST, Leg. 8038, Exp. 10.

<sup>106</sup> "It is seen that the abolitionists were the cause of the riot. Yet none of them have been captured, while the poor ill-advised Black people have to suffer in their place" AHN: ULT, Leg. 4617, Exp. 16

<sup>107</sup> "The ignorant Black people to an obvious carnage," "forcing," *ibid.*

<sup>108</sup> "Without special license" AHN: Ultramar, Leg. 4617, Exp. 6. Some time earlier, the Spanish vice-consul in Kingston, Carlos Duquesnay, warned Governor Valdés to pay close attention to free Black people arriving from Jamaica. Having obtained emancipation, he argued that "intentaron obtener la independencia de los blancos aunque fuera con el uso de la violencia, teniendo los mismos designios respecto a Cuba y Puerto Rico/ they tried to obtain the independence from the whites even with the use of violence, having the same designs with respect to Cuba and Puerto Rico," AHN: 28 de Febrero, 1842, Estado, Leg. 8038, Exp. 8.

released after fifty-two days of diplomatic tension. According to Consul Gaspar Théodor Mollien, the Spanish government's intention was to find foreigners to blame for the insurrectional situation, which had become unmanageable.<sup>109</sup>

Finally, the Escalera revolt was vehemently suppressed by Captain General Leopoldo O'Donnell, who had been specially commissioned by the motherland to contain the colonial rebellion. The Cuban administration's response was so severe that 1844 became known as "The Year of the Lash," during which numerous enslaved and free African Caribbean people faced imprisonment, execution or exile. The brutality was further evident in the very name assigned to the revolt. Suspected rebels were bound to ladders and whipped during interrogations, often until death.<sup>110</sup> To restore order, Governor O'Donnell enacted the slave code known as the *Ordenanzas* in 1844.<sup>111</sup> This document drastically altered all the provisions favoring the enslaved population announced in the former *Reglamento de Esclavos* adopted by Valdés just two years prior.<sup>112</sup> To stop the slave uprising, the militias formed by free African

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<sup>109</sup> Karim Ghorbal, "La correspondencia diplomática del cónsul general de Francia en La Habana entre 1841 y 1844. La actitud de Gaspar Théodor Mollien frente a la esclavitud y la Conspiración de la Escalera," *Del Caribe* 46 (2005): 30-42, quotation at p. 35.

<sup>110</sup> Reid-Vazquez, *The Year of the Lash*, 3.

<sup>111</sup> *Ordenanzas para el Reglamento de los Esclavos*, May 31, 1844. The original version is annotated in Manuel Barcia Paz, *Con el látigo de la ira. Legislación represión y control en las plantaciones cubanas 1790-1870* (Habana: Editorial de Ciencias Sociales, 2000), 105-107. On this issue, see also: Jean Pierre Tardieu, "Morir o Dominar": *en torno al reglamento de esclavos de Cuba (1841-1866)* (Vervuert: Iberoamericana, 2003).

<sup>112</sup> *Reglamento de esclavos*, 1842. The original version is annotated in Manuel Barcia Paz, *Con el látigo de la ira*, 90-104. As part of the *Bando de la Gobernación y política de la isla de Cuba*, the regulations encompassed various aspects of enslaved people lives, including religious education, marriage, family, as well as the provision of food and clothing by their owners. It also governed *coartación* and manumission, penalties for defaulting owners, and relationships between slaves and masters. In a period characterized by deep social tensions, the promulgation of the *Reglamento* acquired conflicting meanings, leading to diverse historiographical interpretations. According to Fernando Ortíz, the 1842 systematization marked a turning point in Cuban slave legislation, initiating the gradual imperial attempt to dismantle the institution of slavery, *Hampa Afro-Cubana. Los Negros Esclavos; Estudio Sociológico Y De Derecho Público* (La Habana: Editorial de Ciencias Sociales, 1975), 370. Analyzing the Cuban regulation alongside other Spanish Caribbean codes, Lucena Salmoral, on the other hand, categorically argued that it did not represent a step towards emancipation. Instead, he contended that the regulation served to reinforce the subjugation of enslaved people who had remained on the Spanish colony after the end of the slave trade, *Los códigos negros*, 159.

descendant people were dismantled,<sup>113</sup> and white and European immigration projects were promoted on the Spanish island.<sup>114</sup> The old prohibitions aimed at freeing Black people from Saint-Domingue/Haiti were revived and expanded in the mid-19th century. Many free people of color who had arrived in Cuba from “any other country” were expelled and deported from the Spanish colony.<sup>115</sup> In addition, scrutiny of the documents of free Black foreign individuals by authorities increased, in tandem with their appeals for the safeguarding of their freedom. When a Cuban slave owner challenged the freedom of Jamaican José Manuel Rabat in 1844, the *asesor* requested the Spanish consul in Kingston to verify the man’s status. Simultaneously, Rabat sought the assistance of the British consul, aiming for support in the legal process. In this case, documents from Jamaica confirmed that the man was a free person of color from the British colony, a long-term resident of Havana with a wife and two children, and fortunately, neither his residence on Spanish soil nor his freedom were again called into question.<sup>116</sup>

In addition, Governor Leopold O’Donnell ordered local authorities to intensify vigilance over the *cabildos* of people of African descent. Free Blacks without property, trades or known occupations were registered as vagrants and were precluded from certain urban jobs that involved independent mobility and contact with rural slaves.<sup>117</sup>

Even in the case of the Black men accused of collaborating with ex-Consul Turnbull, the authorities established severe punishment. Joseph Mitchel, identified as the leader, initially faced a death sentence by *garrote vil* (strangulation), which was later commuted to deportation from Cuba to the African possession of Ceuta. There, he would be compelled to force labor

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<sup>113</sup> Reid-Vazquez, *The Year of the Lash*, p. 117. According to De la Fuente and Gross “in 1830, free colored militias represented about 10 to 15 percent of all military forces on the island,” *Becoming Free, Becoming Black*, 185.

<sup>114</sup> The art. VI of the *Ordenanzas* stipulated that at least 5 percent of all plantation laborers on each estate had to be “empleados blancos (white employees).” On this white colonialism policy in Cuba, see also: AHN: Sobre reemplazar con blancos los colonos de color, ULTR, Leg. 91, Exp.3.

<sup>115</sup> This measure supplemented the Royal Order of 1837, enacted under Captain general Tacón, that prevented any free Black people from the French West Indies from landing in Cuba. De la Fuente and J. Gross, *Becoming Free, Becoming Black*, p. 146.

<sup>116</sup> ANC: Sobre averiguar la condición del negro Ingles José Manuel Rabat, GSC, Leg. 943, Exp. 33289.

<sup>117</sup> Although the public events were not prohibited, the tight restrictions on mobility for enslaved people and free people of color prevented *cabildos* gathered on Sundays and religious holidays. In addition, Article V of the *Ordenanzas* stipulated that they were to be “precisamente blancos los carreteros, arrieros, mandaderos y cualesquiera otro empleado en diligencia de la finca que tenga de salir de su linderos/ precisely white the carters, muleteers, errand boys and any other employee in diligence of the estate that has to go out of its boundaries.”

for ten years, with an absolute prohibition on returning to the Spanish Antilles.<sup>118</sup> In contrast, the other defendants received a life sentence under surveillance within Cuban territory. This measure was implemented by Spanish authorities to ensure that they would not escape and seek refuge in Jamaica or any other foreign colony.<sup>119</sup>

The interpretation of these events created several historiographical controversies. Some scholars argued that in the Cuban case we cannot really speak of an attempted subversion that occurred between 1842 and 1843, but that it is more correct to refer to a broad set of anti-slavery and anti-imperialist uprisings, in which both enslaved and freed people participated, and which began before the bloody 1844. Others claimed that the Escalera uprising was a construction of the Spanish imperial government, created to justify a policy of violent repression of abolitionist ideas on the Cuban island and to suppress the free African Caribbean community, which was potentially dangerous to the existing social order.<sup>120</sup> According to the research of Robert Paquette and Michelle Reid-Vazquez, the presence of free people of color involved in the proceedings conducted by the O'Donnell administration was indeed significantly higher compared to their proportion in Cuban society.<sup>121</sup> Despite these studies emphasized the importance of the revolts and their protagonists, the repression of the uprising also reflected the Cuban administration's determination to preserve slavery and maintain unchanged power dynamics on the island.<sup>122</sup> The manifestation of colonial state violence, which played a role in shaping our understanding of the Escalera revolt, underscored the extent to which the Spanish empire opted to control threats and navigate the changes occurring in the Caribbean region. This historiography also explored the link between British abolitionism and the Cuban slave rebellion, seeking to grasp the extent of Consul Turnbull's involvement in the attempted

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<sup>118</sup> AHN: EST, Leg. 8057, Exp. 1.

<sup>119</sup> *Ibid.*

<sup>120</sup> Herbert S. Klein, *Slavery in the Americas: A Comparative Study of Cuba and Virginia* (Chicago: University of Chicago Press, 1967). On *La Escalera* historical debate, see also: Michelle Reid-Vasquez, *The Year of the Lash*, 6-8.

<sup>121</sup> Drawing on Robert Paquette's earlier research, Michelle Reid-Vasquez estimated that "by January 1845, the Military Commission had carried out seventy-one rounds of sentencing. Of the colony's population of 1,007,624 inhabitants, authorities sentenced 1,836 people. Among that number, free people of color composed 1,232 (67%), slaves were listed as 590 (32%) and whites numbered 14 (almost 1%). With the exception of those executed, free blacks and mulattoes formed the majority of individuals indicted for rebellion and alleged conspiracy," *The Year of the Lash*, 62.

<sup>122</sup> Paquette, *Sugar is Made with Blood*, 263-264.

insurrection. The inability to establish conclusively his guilt contributed to questioning the credibility of the charges leveled against Turnbull by the Cuban government. However, with the exception of historian Jonathan Curry-Machado, the relationship between British landowners in Cuba, abolitionist activism supporting victims of the intercolonial slave trade, and the Escalera revolt has not received comprehensive scrutiny from historians.<sup>123</sup> Considering the deterioration of Anglo-Spanish diplomatic relations following his expulsion from Cuba, Turnbull's abolitionist zeal embarrassed even Britain. Furthermore, Lord Aberdeen, Palmerston's successor in the Secretary of the Foreign Office, decided to abolish the role of Superintendent of Liberated Africans.<sup>124</sup> He believed that Turnbull had not exercised the necessary restraint in his diplomatic duties, asserting that during his tenure as consul "the commercial interests of HM subjects in Cuba have suffered" due to his actions.<sup>125</sup> Britain replaced him with Consul Joseph Tucker Crawford, who served in Cuba from 1842 to 1869. Crawford's arrival at the British consulate relaxed relations with Spain to some extent. He was well-connected in diplomatic circles, so much so that his wife Sally was daughter to former Consul Tolmé. Of abolitionist positions, but decidedly more moderate than his predecessor, before arriving in Cuba he had already gained a great deal of experience working as a consular official in Portugal and Mexico.<sup>126</sup> Nevertheless, Crawford actively pursued cases involving kidnapped and enslaved British West Indians in Cuba originally initiated by Turnbull. While their petitions did not progress to the extent desired by the former consul, who sought the intervention of the mixed court, Crawford advocated for their freedom with the Spanish authorities. In certain cases, he joined forces with Turnbull,

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<sup>123</sup> Jonathan Curry-Machado recent research focuses on the technological contribution of British subjects to the development of the Cuban plantation economy during the nineteenth century, *Cuban Sugar Industry: Transnational Networks and Engineering Migrants in Mid-nineteenth Century Cuba* (New York: Palgrave Macmillan, 2011). However, he also addresses the issue of intercolonial trade between the British Caribbean and Cuba during Turnbull's consular tenure in, Curry-Machado, "How Cuba Burned with the Ghosts of British Slavery;" and "Catalysts in the Crucible: kidnapped Caribbeans, free black British subjects and migrant British machinists in the failed Cuban revolution of 1843," in *Blacks and National Identity in 19<sup>th</sup> Century Latin America*, edited by Nancy Naro (London: ILAS, 2003), 123-142. On the relation between British diplomacy and the Escalera revolt, see also: Manuel Barcia Paz, "Entre amenazas y quejas: un acercamiento al papel jugado por los diplomáticos ingleses en Cuba durante la conspiración de la Escalera, 1844," *Colonial Latin American Historical Review* 10, no. 1 (2001): 1-26.

<sup>124</sup> Hamilton and Shaikh, *Slavery in Diplomacy*, 80.

<sup>125</sup> TNA: From Earl of Aberdeen to Turnbull, 10 February 1842, FO 72/608

<sup>126</sup> Martínez-Fernández, *Fighting Slavery in the Caribbean*, 27.

who, despite his expulsion, continued to persist in investigating the Caribbean domestic slave trade.

Upon his relocation in the Bahamas, Turnbull dedicated several days to examining the slave records in the Nassau archive.<sup>127</sup> He meticulously scrutinized documents related to manumission grants, sales, and transfers of slaves by British owners. The objective was to identify irregularities, omissions, and loopholes by cross-referencing this information with the findings from his inspections of Cuban properties owned by British subjects, aiming to uncover instances of illegal slave transportation. One of the most documented outcomes of his research was in part analyzed by Cuban historian Manuel Barcia Paz in a study dedicated to the intra-Americas slave trade.<sup>128</sup> During his precedent investigations in the province of Holguín, Turnbull encountered Daniel Kelsall, an enslaved man laboring at the La Caridad estate in Gibara, which was under the ownership of the British subject Henry Wood.<sup>129</sup> He bore the name of a famous Loyalist planter family that moved from South Carolina to the Bahamas in the late 18th century.<sup>130</sup> Mary Elizabeth Kelsall, heir of this family, departed New Providence in 1822, abandoning her life in the British colony drawn to the economic opportunities of Cuba. Accompanying Mary Kelsall, six African British West Indian brothers—Nat, Cuffee, Newton, John, Billy, and Daniel—traveled with her and were subsequently reemployed as slaves on her plantation in the Spanish possession.<sup>131</sup> Upon her death, five of them remained under the ownership of her daughter, Henrietta Eysing, while Daniel Kelsall was sold to a man named Patterson and later purchased by Henry Wood.<sup>132</sup> Together with the Governor of the Bahamas, Francis Cockburn, Turnbull conducted research to verify the story and understand how Mary Kelsall managed to transport her slaves out of the British colony. Among the Bahamian manumission records, they found the

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<sup>127</sup> TNA: From Turnbull to Lord Stanley from Nassau, 1842, CO 318/157.

<sup>128</sup> Manuel Barcia Paz, “The Kelsall Affair: A Black Bahamian Family’s Odyssey in Turbulent 1840s Cuba,” in *The Chattel Principle: Internal Slave Trades in the Americas*, edited by Walter Johnson (New Haven: Yale University Press), 275-290.

<sup>129</sup> ANC: El cónsul ingles acompaña documentos sobre la manumisión del negro Daniel Kelsall que se halla como esclavo en la hacienda de Don Henrique Wood cerca de Gibara, GSC, Leg. 850, Exp. 28617. See also TNA: Turnbull on the enslaved British subject Daniel Kelsall, CO 318/161.

<sup>130</sup> According to Michael Craton and Gail Saunders “the Kelsall were almost the quintessential Bahamian Loyalist family,” *Islands in the Stream: A History of the Bahamian people, Vol.1* (Athens: University of Georgia Press, 1985), 233.

<sup>131</sup> ANC: Cónsul Crawford remetiendo papeles de libertad, 7 de junio 1844, GSC, Leg. 850, Exp. 28640.

<sup>132</sup> ANC: GSC, Leg. 850, Exp. 28617.

certificates of freedom for the six brothers, signed with a simple cross and presented by Mary Kelsall to the local authorities shortly before her departure.<sup>133</sup> The discovery confirmed to Turnbull that the woman had circumvented British laws by pretending to free the six brothers in order to take them with her on the voyage, intending to re-enslave them once reaching Cuban shores.

Using this evidence, the British officer forced his government to intercede with the Spanish authorities to recognize Daniel Kelsall's freedom.<sup>134</sup> Thanks to Turnbull's documentation and with Crawford's support, the enslaved British man appealed to the Cuban court, and his freedom was eventually granted in January 1843. A few months later, he returned to the Bahamas.<sup>135</sup> On June 7, 1844, the new British consul remitted to the colonial authorities the freedom papers of the other brothers, which had arrived from the Bahamas.<sup>136</sup> Finally, Billy, Cuffee, John, Nat and Newton Kelsall were freed after twenty-two years of illegitimate slavery and, later, transferred to Jamaica.<sup>137</sup>

Persevering investigations on the clandestine inter-Caribbean trade, Turnbull not only obstructed the Spanish administration but also clashed with British landowners who had found a way to reinvent slavery on the Spanish island of Cuba. His activism against illegal trafficking caused growing concern for both the colonial administration and British landowners residing in Cuba. Shortly after his expulsion, Cuban authorities reported Turnbull's presence near the port of Gibara, "en una balandrina tripulada por negros", coming from Nassau.<sup>138</sup> According to the Spanish government, this was further evidence of the British abolitionist's involvement in the Escalera conspiracy. However, we can speculate that Turnbull's return to Holguín province was related to the affairs of Daniel Kelsall and the other British enslaved people whose illicit origins he had discovered. Probably, the potential implications of the effective end of the slave trade were frightened the Cuban elite even more than the slave revolt.

In conclusion, we can assert that Turnbull's consular mandate had contrasting impacts on both the Cuban slave system and British abolitionist policy. In 1843, a decade after the formal end of slavery in its domains, Britain enforced further legislation "for the more effectual

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<sup>133</sup> TNA: August 28, 1843, CO 318/161.

<sup>134</sup> ANC: GSC, Leg. 850, Exp. 28617.

<sup>135</sup> *Ibid.*

<sup>136</sup> TNA: From Crawford to O'Donnell. June 7, 1844, TNA: CO 318/161.

<sup>137</sup> ANC: GSC, Leg. 850 Exp. 28640.

<sup>138</sup> "In a sloop full of Black people," AHN: Aparición en Gíbara de David Turnbull, ex cónsul británico, ULTR, Leg. 4617, Exp. 5.

suppression of the slave trade, and of certain practices tending to promote and encourage it.”<sup>139</sup> This provision encompassed all the stipulations of the previous Slave Trade (Consolidation) Act of 1824:

Extend and apply to British Subjects wheresoever residing or being, and whether within the Dominions of the British Crown or of any Foreign Country; and all the several Matters and Things prohibited by the said consolidated Slave Trade Act or by this present Act, when committed by British Subjects, whether within the Dominions of the British Crown or in any Foreign Country, except only as is herein-after excepted, shall be deemed and taken to be Offences committed against the said several Acts respectively, and shall be dealt with and punished accordingly.<sup>140</sup>

The direct involvement of British diplomats, abolitionists and landowners in the conflict over the preservation of slavery in Cuba raised questions about the role of British owners in foreign colonial societies. Essentially, the law prohibited British subjects living abroad from owning slaves. However, it did not penalize those who already possessed slaves before 1843, as long as the acquisition was legal. The law also allowed exemptions for individuals acquiring slaves in the future through means such as marriage, gift, inheritance, or involuntarily through mortgage or commercial transitions. In such cases, a fine of £100 was the only stipulation for each violation of the rule.<sup>141</sup>

With the conclusion of Turnbull’s tenure as Superintendent of the Liberated Africans, the activity of the Havana court of the mixed commission turned to being restricted. Following the Escalera revolt, the presence of HMS Romney was considered intrusive and dangerous by colonial authorities. Eventually, Britain agreed to sell the ship to Spain in 1845, leading to the establishment of a land-based depot under Cuban management for the *emancipados/as*.<sup>142</sup> The activity of the mixed court in Cuba remained virtually at a standstill. As evidence of this, historian Luis Martínez-Fernández estimates that between 1840 and 1850, the Anglo-Spanish mixed commission’s work to search for slave trade vessels was almost nonexistent; “it

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<sup>139</sup> 55 & 56 Vict. c. 10, The Slave Trade Act, 1843.

<sup>140</sup> *Ibid.*

<sup>141</sup> *Ibid.*

<sup>142</sup> Louise Nelson, “Slavery, race, and conspiracy,” 186.

condemned three vessels, freed three others, and was unable to adjudicate another case.”<sup>143</sup> The Spanish colonial administration decreed that the functions of the mixed commission were to be confined to the 1835 agreement, and its decisions were to be subject to the Cuban Court of Justice. Consequently, the role of the British commissioners was limited exclusively as foreign representatives with judicial power over captured slave ships.<sup>144</sup> The consul, on the other side, had to adhere to the role of a commercial agent, promoting and protecting the interests of British subjects in the Spanish colony.

Moreover, the attempted slave insurrection alerted the Cuban government to the continuous and indiscriminate influx of African enslaved labor in the island. Fears of new slave uprisings and British pressures for the abolition of slavery in Cuba prompted the Spanish government to devise a new law to restrict the slave trade. On March 4, 1845, Spain issued the Royal Decree, establishing the penal law for those involved in or participating in the illicit slave trade outlined in the obligations of the bilateral Anglo-Spanish treaty of 1835.<sup>145</sup> Divided into two chapters, the first part of the law established penalties for the crew, penalties for shipowners and rules for the confiscation of slave ships and their cargo. The second part outlined the procedure authorities should follow to punish the illegal trafficking offenses and established the periodic census of the Cuban slave population. The law was the result of extensive consultations with Spanish owners and the outcome of conflicts involving former Consul Turnbull and the British owners residing in Cuba.<sup>146</sup> For this reason, Article IX of

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<sup>143</sup> Martínez-Fernández, *Fighting Slavery in the Caribbean*, 46.

<sup>144</sup> For example, in the case of the petition supported by mixed commission Judge Kennedy of the Cuban *emancipadas* Monica to join her husband Valentin, who had been transported to Jamaica upon their arrival from Africa, the Cuban court used bilateral treaties to reject the application, claiming that: “en conformidad con los Tratados de 1817 y 1835, los Jueces de los Tribunales Mixtos no tienen ni pueden tener más atribuciones que la de juzgar los casos de apresamientos de barcos negreros efectuados en el mar por los cruceros, y que, por consiguiente, nada es más ajeno a su institución que inmiscuirse en los asuntos internos de la esclavitud/ in accordance with the Treaties of 1817 and 1835, the Judges of the Mixed Courts have and can have no other powers than that of adjudicating cases of arrests of slave ships made at sea by cruisers, and that consequently nothing is more extraneous to their institution than to interfere in the internal affairs of slavery,” ANC: Real orden referente a la reclamaciones del juez británico respecto a una negra, se recuerdan las atribuciones de este funcionario, 5 enero 1849, ROC, Leg. 145 Exp. 336.

<sup>145</sup> *Real Cédula de 4 de marzo de 1845* in AHN: Los gobernadores capitanes generales de Cuba y Puerto Rico contestan a la Real Orden de 5 de marzo de 1845 con que se les comunicó la Real Cédula expedida el 4 de marzo anterior, que inserta la ley penal del tráfico de esclavos, ULTR, Leg. 1647, Exp. 32.

<sup>146</sup> AHN: Expediente general de esclavitud: Disposiciones para hacer cumplir el Tratado de abolición del tráfico de esclavos, ULTR, 3547, Exp.12.

the provision stated that “en ningún caso ni tiempo podrá procederse ni inquietar en su posesión a los propietarios de esclavos con pretexto de su procedencia.”<sup>147</sup> The article guaranteed owners the security of their properties, as neither the origin of the slaves could be verified nor searches could be conducted in *haciendas* (estates) since, once brought to the island, slaves were considered legally acquired, and their possession was deemed legitimate. While Spain appeared accommodating to British demands on one hand, on the other hand, the new law provided a legal loophole for Spanish and foreign owners. Despite changed political and economic circumstances that led to the abolition of slavery in neighboring colonial territories and increased British insistence on curbing the illegal trade, this provision ensured the persistence of the plantation economy based on slavery in Cuba for decades.

### 5. The Controversies on the Right to Search

During the period when La Escalera insurrection strained relations between Britain and Spain over the maintenance of slavery in Cuba, diplomatic conflicts also entangled the British Empire with France. Despite friendly ties between Lord Aberdeen and French Foreign Minister François Guizot—both committed to the abolition of the transatlantic slave trade—a series of controversies complicated relationships between the two empires from 1841 to 1845.<sup>148</sup> Disagreements arose also over the measures necessary to suppress the slave trade, specifically revolving around the dispute over the “right of search” for vessels engaged in obstructing it. As we have seen, by the 1840s, both Britain and France were actively involved in repressing the illegal trafficking. However, the bilateral treaty signed in 1831 had been in effect for ten years, and to renew the convention, the British proposed extending the agreement into a multi-imperial power treaty. In early 1841, Britain, France, Austria, Prussia and Russia agreed to extend the rights to search and seize slave ships to anti-illegal trade cruisers.<sup>149</sup> However, this sparked a storm of protest in France that triggered not only a diplomatic crisis but also anti-British sentiment in all the imperial territories. Initially, the

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<sup>147</sup> “In no case and at no time may slave owners be proceeded against or disturbed in their possession under the pretext of their origin.” *Real Cédula de 4 de marzo de 1845*, Art. IX.

<sup>148</sup> “Relations between the Tory government and the Soult-Guizot ministry were raked by a series of trials and tribulations, such as those arising from the Pritchard affair, the proposed Franco-Belgian customs union, and Franco-British rivalry in Spain,” Lawrence C. Jennings, “France, Great Britain, and the Repression of the Slave Trade, 1841-1845,” *French Historical Studies* 10, no. 1 (1977): 101-125, quotation at p. 101.

<sup>149</sup> TNA: Treaty between Great Britain, Austria, Prussia, France and Russia, for the Suppression of the African Slave Trade, December 20, 1841, FO 94/361A.

government refused to ratify the treaty, only to sign it reluctantly in December of that year.<sup>150</sup> In the following years, France demonstrated no intention of yielding to British pressure regarding the right to inspect its merchant ships, consistently questioning the 1841 treaty.<sup>151</sup> Finally, in 1845, after years of intense negotiations, another Anglo-French treaty was stipulated. Britain and France agreed to maintain at least twenty-six cruisers off the African coast as an anti-slave trade force while abolishing the rights of search and seizure.<sup>152</sup> According to historian Lawrence Jennings, “a thorough examination of the French reaction to the right of search between 1841 and 1845 should provide new insight into an important chapter in the history of the slave trade”.<sup>153</sup> However, a lack of in-depth analysis regarding how the debates in France about these diatribes were shaped by and impacted both domestic slavery in the Caribbean and the imperial abolition policies persists in the historiography.<sup>154</sup> By 1840, disputes between the European empires multiplied over ships suspected of carrying enslaved people being seized by Britain. In some cases, these diatribes gave rise to long and complex legal litigations, erupting in international conflict between the rival powers. In 1841, the ship “Marabout” of Nantes, a French merchant ship trading between Brazil and Africa, had been seized by a British cruiser off the Brazilian coast.<sup>155</sup> While there were no slaves on board, the ship was under scrutiny as British inspectors discovered an unusually high number of planks among its equipment. Consequently, it was subjected to trial on suspicion of engaging in illegal slave trade activities. The seizure was further complicated by French reports that the captain and crew had been mistreated by British inspectors during their arrest

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<sup>150</sup> TNA: Slave trade treaty signed by Great Britain, Austria, France, Prussia and Russia has not yet been ratified by France and France cannot therefore be considered a party to the treaty, CO 318/158.

<sup>151</sup> *Ibid.*

<sup>152</sup> TNA: Convention between France and Britain on the Suppression of the slave Trade, May 29, 1845, and France Additional convention, June 3, 1845, in FO 94/375.

<sup>153</sup> Lawrence C. Jennings, “France, Great Britain, and the Repression of the Slave Trade,” 102.

<sup>154</sup> The exceptions pertain precisely to the studies conducted by Lawrence C. Jennings. In addition to the previously mentioned work, see also: “The French Press and Great Britain’s campaign against the slave trade, 1830-1848,” *Revue française d’histoire d’outre-mer* 67, no. 246-247 (1980) 5-24; and “French Reaction to the “Disguised British Slave Trade”: France and British African Emigration Projects, 1840-1864,” *Cahiers d’études africaines* 18, no. 69-70 (1978): 201-213. See also: Serge Deget, *La répression de la traite des Noirs au XIXe siècle: l’action des croisières françaises sur les côtes occidentales de l’Afrique, 1817-1850* (Paris: Karthala, 1997), 418-506. Instead, the issue of the “droit de visite” had already been addressed by Victor Schœlcher, especially in *Colonie étrangères et Haïti, résultats de l’émancipation anglaise, Tome II*, (Paris: Pagnerre Editeur, 1843), 355-384.

<sup>155</sup> TNA: On Marabout case, June 7, 1855, FO 84/970.

and subsequent detention in prison.<sup>156</sup> In fact, as Victor Schœlcher pointed out in defense of the British actions, the clause regarding the equipping of suspect ships had been in effect since the Anglo-French treaty of 1831.<sup>157</sup> Nevertheless, the news of the seizure of the Marabout sparked public opinion when it was reported in several French newspapers, intensifying feelings of outrage at the treatment by British inspectors.<sup>158</sup> Eventually, the ship was acquitted of charges of illegal trafficking, and the French government sided with the Marabout's owner, Mr. Serpentiere, demanding substantial damages to compensate for his financial losses. The court case triggered by the seizure did not finally end until fifteen years later, when Great Britain agreed to pay of 174,304, 41 francs in damages established by the court of Bordeaux in 1855.<sup>159</sup>

The Marabout affair exploded longstanding tensions between the planter and merchant classes and the French government, as well as between the latter and the British government. According to French newspapers, the multilateral treaty between the European powers had revitalized British aggressiveness in eradicate illegal trade. At the same time, it increased public concern that the British search right not only impacted the slave trade but also affected French mercantile activities. As a commercial matter, this caused apprehension among French merchants, particularly concerning the Chambers of Commerce in major French port cities such as Nantes, Havre, Bordeaux, and Marseille.<sup>160</sup> However, the British insistence on measures of control and inspection of merchant vessels was also considered an insult to French dignity and autonomy, triggering the indignant reaction of a large segment of the

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<sup>156</sup> According to the letter sent to the newspapers by the second captain, Pichard, of the ship Marabout, spanning from Oct. 26 to Dec. 3, 1841, the French ship's crew had been confined in prison aboard the British frigate Crescent in the port of Rio de Janeiro. They were never permitted to disembark and subsisted solely on a scant ration of cookies and limited water. Schœlcher, *Colonie étrangères et Haïti*, 583.

<sup>157</sup> Schœlcher, *Colonie étrangères et Haïti*, 358. On previous Anglo-French agreements on the right of search, see also ANOM: Exécution de l'article 9 de la convention de 1833, GEN Caron 166, Dossier 1339.

<sup>158</sup> "Trois points principaux précisent et enveloppent la discussion qui vient d'avoir lieu à la chambre et dans la presse: la traite, la dignité de la France, l'intérêt de l'Angleterre/ The discussion that has just taken place in the House and in the press is based on three main points: the slave trade, the dignity of France, and the interests of England," *Ibid.* According to historian Lawrence Jennings, "in early 1842 the right of search might at times be the most important news item in many French newspapers, but in late 1831 and early 1832 few French journals gave any importance to the decision by London and Paris to implement this in their efforts to terminate the slave trade," "The French Press and Great Britain's campaign," 7.

<sup>159</sup> TNA: June 19, 1855, FO 84/970.

<sup>160</sup> Forrest, *The Death of the French Atlantic*, 250-269.

population, not only those interested in the maintenance of slavery.<sup>161</sup> These positions contributed to the widespread belief that abolitionist policy favored the economy of Britain at the expense of the French economy.

Beginning with the controversy over the right to search, the French press expressed heavy doubts and different theories about the British emancipation. The Colonial Gazette used the sarcastic expression “philantropie anglaise (English philanthropy)” to refer to the false British interest in enslaved people.<sup>162</sup> The term denounced that the British were engaged in a disguised form of slave trade, transferring to the West Indian colonies liberated Africans that their cruisers had seized abroad slave ships, but denied that rival empires could do the same. The article referred to the French conscription of Wolof soldiers in Sierra Leone who, once freed from slavery, were to reach the Cayenne. However, the French frigate on which they were traveling had been placed under seizure by the British navy and declared a slave-trading ship.<sup>163</sup> In the same period, France and Spain began to assert their right to search, and at times, ships commanded by British subjects, who often fraudulently used foreign flags to continue their trade, were accused of clandestine trading.<sup>164</sup> Newspapers, satirical publications and imagines, ship captain’s testimonies reinforced the French belief in British hypocrisy regarding the abolition of the slave trade and slavery, since “le puritanisme philanthropique qu’elle impose aux autres nations disparaît, pour elle-même, dès que son intérêt s’y trouve engagé.”<sup>165</sup>

The parliamentary debate focused on the controversy surrounding the right to search, highlighting positions that differed from Guizot’s conciliatory policy with Britain. The discussions regarding the multi-lateral agreements also raised questions about the suitability of abolishing slavery. In 1841, Adolphe Jollivet, deputy of the department of Ille-et-Vilaine and delegate of Martinique, accused the French abolitionist journals of not recognizing the

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<sup>161</sup> Lawrence C. Jennings, “France, Great Britain, and the Repression of the Slave Trade,” 113.

<sup>162</sup> ANOM: *Gazette Colonial. Supplement Commercial*. “Philantropie Anglaise. Nouvelle traite des noirs organisée,” May 30, 1841, GEN, Carton 117, Dossier 1008.

<sup>163</sup> On the diplomatic incident between France and Great Britain, see ANOM: *Difficultés avec les Anglais à la côte occidentale d’Afrique à l’occasion du droit de visite réciproque*, GEN, Carton 175, Dossier 1405.

<sup>164</sup> ANOM: *Navires étrangers arrêtés sous prévention de piraterie*, GEN, Carton 166, Dossier 1338. AHN: *Aprehensión por sospecha de tres barcos británicos que transportan negros entre Cuba, Filipinas y Estados Unidos*, ULTR, Leg. 4637, Exp. 60.

<sup>165</sup> ANOM: “the philanthropic puritanism it imposes on other nations disappears, for itself, as soon as its own interests are involved,” GEN, Carton 117, Dossier 1008.

opportunism behind the choice of British emancipation.<sup>166</sup> According to him, by privileging the positions of the members of the British and Foreign Anti-Slavery Society in mission in France and giving space to abolitionist John Bowring's theory on free trade, newspapers were not able to distinguish religious and humanitarian motives from those of economic and political interest:

Les journaux français ont été dupes pour la centième fois de beaux semblant de liberté et d'humanité de nos *magnanimes alliés* [italics in original] ; [...] Chacun sait aujourd'hui que si les dissidents anglais méthodistes, anabaptistes, quakers, etc., ont poussé à l'abolition par principe religieux, le gouvernement anglais a été mu par une pensée plus mondaine, par un calcul purement politique; Que l'Angleterre n'aurait jamais consentir à abolir l'esclavage dans ses colonies de l'Amérique; Qu'elle ne se serait jamais résignée à compromettre l'avenir de la production à la Jamaïque, Démérera, etc., sans l'espoir que la Guadeloupe et la Martinique, Cuba et Porto-Rico, le Brésil et les Etats-Unis seraient un jour forcés de suivre son exemple.<sup>167</sup>

The discussion regarding the false humanitarian motivations behind Britain's abolitionist policy extended beyond criticisms of the Atlantic trade. It was intricately connected to concerns about economic stability and productive competition in the Caribbean colonies. The apprehension that the abolition of slavery could precipitate in an economic disaster and contribute to an increase in British influence in the Antilles was strongly rooted in the political debate. But it was certainly not limited to France. In 1842, a similar line of reasoning surfaced in the records of Spanish parliamentary debates. Discussing the request of Consul Turnbull in the mixed commission, supported by the British government, to emancipate all Cuban slaves imported into Spanish possessions after 1820, representatives of Valencia, Murcia, and the Canary Islands' owners and merchants gathered in Madrid responded by asserting, "Inglaterra se esconde detrás de una filantropía mentirosa, que oculta su plan de derrocar a nuestras colonias para monopolizar en solitario el comercio del azúcar y de otros

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<sup>166</sup> Adolphe Jollivet, *Des missions en France de la société abolitionniste anglaise et étrangère* (Paris: Imprimerie D'ad. Blondeau, 1841).

<sup>167</sup> *Ibid.*, 4.

frutos tropicales.”<sup>168</sup> The document followed reports by the Juntas de Comercio of Barcelona, which also rejected Britain’s request, accusing it of concealing “intereses particulares bien conocidos, pero disfrazado con el velo de la humanidad.”<sup>169</sup> The concerns expressed by Spanish traders found resonance in the sentiments of colonial authorities. Joaquin de Ezpeleta, a prominent political and military figure in the Spanish Empire and Captain General of Cuba between 1838 and 1840, echoed similar sentiments during his administration of the colony. According to him, Britain aimed to reduce the availability of labor in Cuba because, following emancipation in Jamaica, it was “una manera de evitar que sus productos compitieran con los de la India como ocurría con los cafetales y ingenios de azúcar.”<sup>170</sup> Consequently, he concluded that the perspectives and interests regarding the abolition of the British Crown aligned with those of West Indian owners because and that “las sistematicas denuncias de los comisarios británicos pretendían obstaculizar el legitimo comercio.”<sup>171</sup>

The parliamentary debate involved associations of merchants and owners from both the motherland and colonial territories, who shared apprehension about persistent demands from the British side to suppress illegal trade and advocate for gradual emancipation policies in the Spanish colonies.<sup>172</sup> Their analyses were diverse, extending beyond British motivations for abolition to encompass issues related to the potential decline in production and the increasing enslaved population. While reasoning about the economic disadvantages of abolition, the Juntas of San Sebastian, Tarragona, the Balearic Islands, and Cadiz proposed a comparison with Jamaica. They argued that the decrease in sugar and coffee production in

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<sup>168</sup> AHN: “England masquerades behind a false philanthropy, which hides the project of removing our colonies to monopolize the trade of sugar and other tropical fruits,” Expediente en el cual varios corporaciones hacen reflexiones acerca de la emancipacion de los esclavos en nuestras Antillas, ULTR, Leg. 4616, Exp. 24.

<sup>169</sup> “well-known special interests, but disguised in the veil of humanity,” *ibid.*

<sup>170</sup> “A way to prevent their products from competing with those of India, as was the case with coffee plantations and sugar mills.” AHN: Habana, 24 de febrero de 1839, EST, Leg. 8036, Exp. 20.

<sup>171</sup> “The systematic denunciations of the British commissioners aimed at hindering legitimate trade,” *ibid.*

<sup>172</sup> In 1843, the *Junta de Barcelona* strongly expressed its opposition to the British proposal at the mixed court, AHN: Expediente general de esclavitud: Alarma por las noticias de la emancipación de los esclavos de Cuba ULTR, Leg. 3547, Exp.9. Reactions equally contrary to the British proposal were also expressed in Cuba by the *Real Audiencia Pretorial de la Habana*, *Audiecia de Puerto Principe*, *Ayuntamiento de la Habana*, *Real Junta de Fomento*, *Junta de población blanca*, *Tribunal de Comercio de La Habana* and other influential entities and actors in Havana, Matanzas, Trinidad and Santiago. AHN: Informes de las autoridades de Cuba sobre pesquisas de negros, año 1841, EST, Leg. 8052, Exp. 1.

Jamaica had been evident since 1839.<sup>173</sup> Comparing Crown dominions to the British West Indian colony, Spanish merchants and owners also claimed that “nuestros esclavos son mucho más felices que los de Jamaica, que ahora son pobres [...]” And the comparison continued by looking beyond the Antilles and examining side by side wage and slave labor: “Los ochenta mil negros que por el interés de su amo y la protección que le dan nuestras leyes, están ahora mejor vestidos y mantenidos que los proletarios de Europa, siendo menos su trabajo.”<sup>174</sup>

The disappointment among Spanish elites was further fueled by the increasingly significant role played by the United States in international dynamics. As early as 1836, Angel Calderon de la Barca, the Spanish consul in Washington, warned the Cuban administration about strong connections between British abolitionists and North American states, where antislavery organizations were gaining momentum. According to his analysis, the prospect of immediate emancipation of the Cuban enslaved population would have been disastrous for Spain while proving to be a significant success for the United States, particularly in the slaveholding South where sugarcane was cultivated.<sup>175</sup> Faced with British demands, Spanish traders also wondered: “¿por qué Gran Bretaña no exige lo mismo a Rusia, Estados Unidos y otros países?”<sup>176</sup> Similarly, France argued that although the United States also opposed the right to search, Britain was more lenient and more attentive to American interests.<sup>177</sup> Both France and Spain perceived themselves as targets of abolitionist aspirations, with Great Britain being the common adversary. In both instances, British insistence on the abolition of trafficking and slavery stirred national-imperial pride. Nevertheless, the economic situation of the Spanish Caribbean differed significantly from that of the French Antilles.

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<sup>173</sup> AHN: Expediente general de esclavitud: Noticias de la decadencia de Jamaica desde la emancipación de los negros, ULTR, Leg. 3547, Exp. 10.

<sup>174</sup> “Our slaves are much happier than those of Jamaica, who are now poor[...]. The eighty thousand blacks who, by the interest of their master and the protection given them by our laws, are now better clothed and maintained than the proletarians of Europe, their work being less.” AHN: ULTR, Leg. 3547, Exp. 4.

<sup>175</sup> AHN: 8 diciembre 1836, EST, Leg. 8036, Exp.1.

<sup>176</sup> “Why doesn’t Britain demand the same from Russia, the United States and other countries?” AHN: Expediente en el cual varias corporaciones hacen reflexiones acerca de la emancipación de los esclavos en nuestras Antillas, ULTR, Leg. 4616, Exp. 24.

<sup>177</sup>TNA: FO 84/970. However, in early 1840s British attempts to impose right of search on American ships also exacerbated Anglo-American relations. On this issue, see: Hugh G. Soulsby, *The Right of Search and the Slave Trade in Anglo-American 1814-1862* (Baltimore: The John Hopkins University Press, 1933).

## 6. The “Traite de cabotage” in the French Antilles

While British interference was causing increasing annoyance in France, the imperial government simultaneously grappled with criticism from planters and slaveholders. As analyzed in the previous chapter, the economic decline of the French Caribbean colonies coincided with the evasions of asylum seekers into the British West Indies. Struggling to enforce anti-slave laws, the French government also confronted the escape of Antillean owners concerned about the impending abolition of slavery, seeking refuge in Puerto Rico, Cuba, and the southern United States. Unlike in Spain, the French abolitionist movement was growing along with its influence on imperial policies. The Royal Ordinance of 1840 established that masters were required to compile a detailed and annually updated register of enslaved people under their ownership. The ordinance reinforced the one from 1833, whereby municipal officials were also required to compile separate registers for the enfranchised population and for the birth, marriage, and death declarations of enslaved persons.<sup>178</sup> The policy of counting enslaved labor and registering enfranchisement served a dual purpose. On the one hand, it facilitated authorities’ control over slave marronage and vagrancy by forcing enslaved and freed people to work in colonies that relied mainly on an agricultural economy.<sup>179</sup> On the other hand, the legal reform, mirroring the slave censuses implemented by the British before emancipation, prevented slave owners from illegally selling their enslaved property or transferring their businesses abroad.

The inter-imperial tensions with Britain were compounded by the internal conflicts within the French empire concerning the abolition of the slave trade and the eventual abandonment of the slavery system. While motivations against the expansion of Britain’s right of search extended beyond the defense of slavery to scrutinize patriotic pride, the critique of abolitionist stances nonetheless favored slaveholders and colonial planters. In response to both metropolitan interventions and the escalating constraints of Atlantic trade, illicit practices of re-enslavement proliferated in the French Antilles. Additionally, to ensure the continuity of interisland trade, local administrators and plantation elites devised methods to circumvent restrictive laws, adapting and revitalizing punitive measures against the African

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<sup>178</sup> The registration and census of enslaved people and *affranchis* were regulated by the Royal Ordinance of August 1, 1833, repeated in the Ordinance of June 11, 1839, and January 5, 1840.

<sup>179</sup> Marion Pluskota, “Freedom of Movement,” 94. On the legacy of anti-marronage provisions in global perspective, see: Richard B. Allen, “Indian Immigrants and the Legacy of Marronage: Illegal Absence, Desertion and Vagrancy on Mauritius, 1835-1900,” *Itinerario* 21, no. 1 (1997): 98-110; A. L. Beier, and Paul Ocozbek, ed., *Cast Out: Vagrancy and Homelessness in Global and Historical Perspective* (Athens: Ohio University Press, 2008).

descendant population to meet the demands of the new trade landscape. For instance, in the wake of testimonies gathered by British abolitionists, abolitionist Victor Schœlcher collected evidence on the persistence of what he called “*traite de cabotage (cabotage trade)*” in the Caribbean trans-imperial space of the 1840s.<sup>180</sup> Thanks to his travels and network of correspondents in the Caribbean region, he publicly denounced numerous instances of re-enslavement, administrative deportation, and the illegal sale of enslaved individuals involving both the owners and administrations of the French possessions. His writings, articles, and interventions in the Chamber of Deputies were an important source of information on the conditions of the enslaved population in the French Antilles, shedding light on several events that might have otherwise remained confined to the overseas colonies.<sup>181</sup>

In 1842, Schœlcher reported the case of a woman named Manette, referred to as *épavé*, who was “*arrêtée divaguant le 1<sup>er</sup> de novembre 1836, resté à ta geôle de la Basse-Terre jusqu’au 15 février 1838, quoiqu’elle se dite libre.*”<sup>182</sup> Instead of conceding her enfranchisement under the 1831 reform, after two years of unjustified detention, the *Directeur de l’intérieur* of Guadeloupe Jules Billecocq sold Manette to a slave owner in the colony. According to Schœlcher, this case exemplifies that undocumented people and *libres de fait* were frequently not manumitted and registered in colonial censuses as mandated by law. Instead, they were enslaved again, becoming part of the reservoir for the internal slave trade within the French colonial domains. Moreover, this was not the only instance of the slave trade in which the colonial administration proved complicit. Schœlcher’s research demonstrated how local authorities employed the practice – “*extra-legal-in-character*”<sup>183</sup> – of penal transportation to compensate for the decline in formal Atlantic trafficking.

The punitive deportation of slaves was a long-standing practice that persisted in the French possessions, although subject to legal changes. In particular after the age of revolutions, the practice of expelling and transferring convicts, free people of color, and enslaved persons “*reconnus dangereux pour la tranquillité publique*” was frequently adopted by the imperial

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<sup>180</sup> BnF: “Réforme, 21 Février 1846,” Schœlcher, *Histoire de l’esclavage pendant les deux dernières années, Vol. 1*, (Paris: Pagnerre Éditeur, 1847), 338.

<sup>181</sup> In 1840, Schœlcher went to the West Indies to study abolition in the British colonies, investigate the persistence of slave trade and slavery in the Caribbean region, establish contacts and create a network of local informants. On his life and abolitionist activism, see: Nelly Schmidt, *Victor Schœlcher et l’abolition de l’esclavage* (Paris: Fayard, 1994).

<sup>182</sup> “Arrested vagrantly on November 1, 1836, remained in your Basse-Terre jail until February 15, 1838, although she claimed to be free,” Schœlcher, *Des colonies françaises*, 226.

<sup>183</sup> Clare Anderson, *Convicts: A Global History* (Cambridge: Cambridge University Press, 2022), 137.

powers of the Caribbean, whether in Africa or in other colonial domains of the Americas.<sup>184</sup> Especially during the Napoleonic era, special criminal courts were introduced in France, in the occupied European territories and in overseas colonies, with the purpose of controlling and suppressing insurrection and deviancy. After the Congress of Vienna, the enactment of the *Charte* of 1814 restricted the use of special courts in the Restoration period. However, the constitutional text retained the possibility of establishing special jurisdictions, known as *Cours prévôtales* (Provostial Courts), consisting of civilian and military magistrates and designed to prosecute offenses of rebellion and vagrancy.<sup>185</sup> Although these were abolished in France in 1818, they persisted in various forms in the colonies for several years until their suppression through the decree of November 10, 1826.<sup>186</sup> By 1827, French legislation provided that enslaved people accused of social dangerousness were “envoyés par le gouverneur au Sénégal, et remise à la disposition de l’autorité locale.”<sup>187</sup> In legal cases of punitive transportation, the governor’s exercise of extraordinary power through the *Conseil privé* rested on the accusations of the masters. As an administrative measure, it was executed without a trial to establish the real guilt of the accused.

In French Antilles, punitive relocations mostly occurred following the suppression of slave riots, and deported people were usually charged with crimes that terrorized planters and undermined social hierarchies, including rebellions, fires, and poisonings.<sup>188</sup> Notably, the fear

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<sup>184</sup> “Reconnus dangerous to public order.” ANOM: Déportation d’individus reconnus dangereux pour la tranquillité publique, par décision du Conseil spécial du gouvernement: procès-verbaux, correspondance (1819-1822), MC, SGM, Carton 123, Dossier 1101, On rebellions and expulsion of enslaved individuals and free people of color, see: Semley, *To Be Free and French*, 115-116.

<sup>185</sup> *Charte constitutionnelle du 4 juin 1814*, Art. 63: Il ne pourra en conséquence être créé de commissions et tribunaux extraordinaires. Ne sont pas comprises sous cette dénomination les juridictions prévôtales, si leur rétablissement est jugé nécessaire.

<sup>186</sup> On the functioning of the *cours prévôtales* and the exceptional system of penal law in poisoning cases during the 19<sup>th</sup> century see: Marco Fioravanti, “Domestic enemies”; and “Schiavi avvelenatori. Resistenze alla schiavitù e giurisdizioni penali straordinarie nelle Antille francesi della Restaurazione,” *Giornale di storia costituzionale* 25, no. 1 (2013): 13-33, especially pp. 13-17; John Savage, “Between Colonial Facts and French Law: Slave Poisoners and Provostial Court in Restoration-Era Martinique,” *French Historical Studies* 4 (2006): 565-594.

<sup>187</sup> “Sent by the governor to Senegal and placed at the disposal of the local authority.” Art. 76, *Ordonnance du Roi concernant le gouvernement de la Martinique, et celui de la Guadeloupe et de ses dépendances*, February 9, 1827.

<sup>188</sup> *Ibid.*

of poisoning became a veritable phobia for French owners.<sup>189</sup> In the aftermath of the 1832 revolt of enslaved people and free people of color in Martinique, the Attorney General of the colony and planter Pierre François Dieudonné Dessalles wrote in a letter:

Nous avons de vives inquiétudes au sujet de Saint-Pierre, où il semble que les esclaves, poussés par les libres et les patronnés, aient encore formé le projet d'incendier la ville et la campagne ; on prétend même que les boulangers, ou plutôt leurs garçons, avaient été gagnés et que l'on devait empoisonner le pain.<sup>190</sup>

According to historian John Savage's studies, the charge of "empoisonneur" was usually reserved for people in bondage as day laborers, *libres de faits* and *patronés*.<sup>191</sup> Due to their mobility within the colonies, planters attributed to them the main responsibility for producing and distributing poison within the African Caribbean community. Consequently, upon arrest, they could face expulsion from the colonies. Criminal deportation cases established by the *Conseils privés* were reported by colonial governors to the Ministry of the Navy and Colonies from 1827 to 1845.<sup>192</sup>

However, as early as 1830 the government of Senegal objected to receiving dangerous Black people from the West Indies.<sup>193</sup> On November 9, 1831, moreover, a Royal Ordinance specified that colonial governors could, through Council decisions and only for security reasons, mandate the detention of enslaved individuals deemed dangerous for a designated period in *dépôts spéciaux* (special depots), where they would engage in public work. The detention period was limited to 5 years and could be reduced upon the master's request,

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<sup>189</sup> On enslaved people and poisoning in the Caribbean space, see: John Savage, "'Black Magic' and White Terror: Slave Poisoning and Colonial Society in Early 19th Century Martinique," *Journal of Social History* 40, no. 3 (2007): 635–62; Diana Paton, "Witchcraft, Poison, Law, and Atlantic Slavery," *The William and Mary Quarterly* 69, no. 2 (2012): 235–64; Caroline Oudin-Bastide, *L'effroi et la terreur. Esclavage, poison et sorcellerie aux Antilles* (Paris:La Découverte, 2013).

<sup>190</sup> Pierre Dessalles, *La vie d'un colon à la Martinique au XIX<sup>ème</sup> siècle. Correspondances 1808-1834*, edited by Henri de Fremont (Paris: Courbevoie, 1980), 198.

<sup>191</sup> John Savage, "Unwanted Slaves: The Punishment of Transportation and the Making of Legal Subjects in Early Nineteenth-Century Martinique," *Citizenship Studies* 10, no. 1 (2006): 35–53, quotation at p. 39.

<sup>192</sup> ANOM: Déportation d'esclaves envoi au Sénégal et à Porto Rico (1827-1845), MC, SGM, Carton 42, Dossier 346.

<sup>193</sup> ANOM: May 28, 1830, MC, SGM, Carton 141, Dossier 1271.

granted they were willing to reclaim their slave.<sup>194</sup> Moreover, the difficulties of trans-Atlantic transfer, implied that punitive relocations often relied on cooperation between empires in the Caribbean. In most cases, coerced people were not transferred to Senegal but to French Guiana and, mainly, to Spanish Puerto Rico. By the 1840s, increased provisions against the slave trade made deportation arrangements through the sale of “esclaves dangereux” to the Spanish a convenient option for both owners and local administrators. In light of these changing circumstances, the absence of trials on socially dangerous charges allowed the colonial elite of the French Antilles not only to maintain order in the colonies but, more significantly, to circumvent abolitionist legislation and sustain internal trade with the Spanish Caribbean.

On November 5, 1845, an enslaved woman – accused by her owner Charles Derivery of poisoning “selon la coutume (according to custom)” – was embarked along with two other enslaved men on the ship of Mr. Brafin, a well-known St. Pierre merchant, to be transported and sold in the Puerto Rico.<sup>195</sup> Although the transfer followed an administrative order, the three enslaved people were boarded overnight to avoid public outrage. In fact, the decision of the Martinique *Conseil privé* had been challenged by the deported woman’s sister, a free Black woman. She had appealed to purchase the freedom of her enslaved relative, offering monetary compensation to the owner and halting the export. The lawyer questioned the Interior Director Ferdinand Frédéric Frémy about the case, but the administrator firmly opposed the manumission, arguing that the woman “condamnée à l’exportation, ne pouvait être arrachée à la loi.”<sup>196</sup> Always used to maintain order in the colonies, extra-legal practices such as punitive deportation and the sale of free and enslaved African Caribbean people to Danish, Dutch, and Spanish possessions persisted through agreements that favored slaveholders in the abolition era. In this occasion, as in many others, the exceptional nature of the administrative deportation was in open contradiction to metropolitan laws and overruled imperial regulations on enfranchisements. Moreover, the decision proved to be economically shortsighted since colonial council preferred to sell “dangerous subjects” to

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<sup>194</sup> ANOM: Ordonnance du roi fixant que les gouverneurs des colonies pourront ordonner en conseil, par mesure de haute police, que les noirs reconnus dangereux seront pendant un temps déterminé détenus dans un lieu de dépôt spécial pour être employés à des travaux d’utilité publique, November 9, 1831, MC, APC, 1 Leg 10.

<sup>195</sup> BnF: “Réforme, 21 Février 1846,” Schœlcher, *Histoire de l’esclavage*, 339.

<sup>196</sup> “Condemned to export, could not be wrested from the law.” *Ibid.*

the Spanish empire to benefit the planter class rather than face the contradiction of losing local labor through deportations.

The French abolitionist movement frequently opposed the use of penal deportations, pointing to the absence of due process for the accused. Moreover, activists underscored the inhumanity of this practice, as it involved forcibly separating enslaved individuals from their loved ones and families. In 1845, the dispute between France and Britain regarding the persecution of the slave trade found resolution in the Convention of May 29.<sup>197</sup> This agreement suspended the right to search for ten years, substituting it with a system of collaborating double fleets.<sup>198</sup> These developments provided a renewed impetus to the French abolitionist movement, which had experienced setbacks during the years of the dispute.<sup>199</sup> Having curbed anti-British sentiments, the French abolitionist movement was also able to focus on the persistence of domestic slave trade in the Antilles.

Starting to the same year, the *Conseil privé* no longer sanctioned criminal deportations of slaves to foreign colonial territories. This did not completely end such illegal practices, which were nevertheless frequently denounced by both enslaved people and abolitionist activists. However, the instabilities inherent in the sugar plantation economy left planters feeling vulnerable, leading to the persistence of illegal sales of free and enslaved people until the abolition of slavery. While in Cuba the growth of the plantation economy and demand for workforce increased the clandestine slave market, French owners sold their enslaved property in the underground trade out of debt and fear of impending abolition. In 1846, the petition of an enslaved woman from Guadeloupe was reported in several metropolitan and colonial newspapers.<sup>200</sup> She appealed to the Queen as victim, along with her daughter, of unjust imprisonment in Martinique:

A Sa Majesté la Reine de France.

Madame,

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<sup>197</sup> ANOM: Convention du 29 mai 1845 et annexes, GEN, Carton 190, Dossier 1462.

<sup>198</sup> ANOM: Exécution de la convention du 29 mai 1845, GEN, Carton 168, Dossier 1367.

<sup>199</sup> According to Lawrence Jennings, “whit the termination of the right of search dispute a yoke was lifted from the shoulders of French abolitionism. This development also permitted once again much more concerted Franco-British cooperation on the anti-slavery scene,” *French Anti-Slavery*, 230.

<sup>200</sup> The petition was published in part or in entirety in the newspapers *Le Courrier français*, *L’Algérie*, *Echo français*, *L’Emancipation de Toulouse* and *L’Avenir national de Limoges*. Schoœcher reported the case several times in the newspaper *Réforme* between July 5, 1846, and January 5, 1847. BnF: “Réforme, 15 Julliet 1846,” *Histoire de l’esclavage*, 345.

Je m'appelle Marie, et en priant la sainte Vierge ma patronne, j'ai pensé que vous, qui êtes puissante dans votre royaume de la terre comme elle dans le ciel vous écouteriez la prière d'une pauvre mère esclave que le malheur accable.

Ce n'est point une femme coupable qui tient implorer sa grâce c'est une pauvre mère qui n'a commis d'autre crime que d'aimer son enfant et d'avoir imploré la protection des hommes pour n'en être pas séparée.

Oui, madame, c'est parce que j'ai osé réclamer contre l'embarquement illégal de ma fille, qu'on allait vendre sur une terre étrangère, que j'ai été violemment arrachée à mon pays où j'ai laissé dans la désolation mon mari, mes frères, mes sœurs et mes vieux parents.

La bonne Vierge Marie écoute sans se lasser la prière des malheureux; vous qui êtes bonne comme elle, qui êtes mère comme elle l'a été, vous écouterez avec la même indulgence la mère esclave qui vient vous prier pour sa fille.<sup>201</sup>

In the petition, Marie explained the events that had led her and her daughter, both slaves of Jolie di Sabla, owner of Basse-Terre, to be held in the Saint-Pierre prison in Martinique. By the end of 1845, the woman decided to sell illegally Marie's daughter out of the French colony to face debts with creditors. The transaction was deemed profitable, as French owners could sell their slaves in Puerto Rico for up to five times their value in the French Caribbean during that period.<sup>202</sup> With the cooperation of the local police commissioner, the girl had been detained ten days "dans une espèce de cachot (in prison)" and clandestinely embarked on a schooner to Saint-Martin.<sup>203</sup> The small island was divided, with one half under French control and the other part belonging to the Dutch empire. From there, she would be easily sold and later transferred to Puerto Rico. Upon learning of her daughter's deportation, Marie sought the intervention of colonial authorities to request her return to the family. Indeed, three weeks later the girl returned to Guadeloupe, thus avoiding being sold to the Spanish. However, on the day of her arrival, the police gendarmerie seized the girl and her mother and deported them to Martinique in obedience to an administrative order signed by Billecocq and the Attorney General Bernand. There they were imprisoned despite Marie's protests:

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<sup>201</sup> BnF: "Saint-Pierre (Martinique), février 1846," Schœlcher, *Histoire de l'esclavage*, 343.

<sup>202</sup> "Plusieurs colons trouvent avantage à faire vendre 2 et 5,000 fr. à Puerto-Rico des noirs qui valent 500 fr., 1,000 fr. au plus chez nous/ Many colonists find it advantageous to have blacks worth 500 fr. sold for 2 and 5,000 fr. in Puerto-Rico, and 1,000 fr. at most here," Schœlcher, *Histoire de l'esclavage*, 338.

<sup>203</sup> BnF: " Saint-Pierre (Martinique), février 1846," *ibid.*, 343.

“nous ne sommes pas de mauvais sujets, nous n’avons jamais fait de mal à personne, nous n’avons jamais été accusées d’aucun crime.”<sup>204</sup>

Thanks to the clamor raised by the petition, after six months of detention in St. Pierre the two women were sent back to Guadeloupe on September 11, 1846<sup>205</sup>. Remitted to the custody of the local authorities, Billecocq again placed the two women in prison pending a legal decision on the case. The administrator was undecided on whether to return the two enslaved women to the old mistress, now accused of illegal trafficking, or place them under the control of the colonial government. In the latter case, he had to choose whether to consider them *esclaves du domaine* or, instead, enfranchise both in accordance with the enfranchisement reforms. At that point, another family member appealed on their behalf. Even though they were not legally married, the freeman Saint-Pierre declared himself Marie’s husband and, in this capacity, approached the new attorney general Blanchard to request the release of his relatives. Finally, through the intercession of Governor Marie Jean-François Layre, the local judiciary ruled that Marie, and her daughter should be released but not enfranchised from slavery, while giving them the opportunity to change masters.<sup>206</sup>

Only two years before the emancipation decree, Marie’s plea for release from illegal detention in slavery testified to the forced displacements of African Caribbean people in the French Antilles. Her family’s case revealed to French public opinion that clandestine slave trade was still effective in the territories of the Empire and involved its representatives. The notoriety surrounding Marie’s affair challenged the legitimacy of internal slave transfers between French possessions and once again denounced the use of forced displacements by colonial authorities as administrative measures. This form of coerced mobility allowed colonial elites to circumvent anti-slave trade laws and international agreements, reaffirming their autonomy from the motherland. The strategies adopted by local actors to bypass official decrees highlighted the gaps between imperial policies and colonial practices in the French Caribbean, influenced by competing legal regimes in the area. These movements underlined a hidden network of merchants and agents in the domestic trade that allowed slavery in the trans-imperial Caribbean space to persist, while simultaneously revealing attempts by the French government to counteract these practices.

In 1846, Louis Denys, a free Black fisherman from British Dominica enslaved in Guadeloupe, petitioned the *procureur du Roi* Mr. Robert of Basse-Terre to regain his

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<sup>204</sup> “We’re not bad people, we’ve never hurt anyone, we’ve never been accused of any crime,” *ibid.*, 344.

<sup>205</sup> BnF: “Réforme, 9 Décembre 1846,” *ibid.*, 347.

<sup>206</sup> *Ibid.*

freedom.<sup>207</sup> The report on his complaint, prepared by the lawyer, revealed that African British West Indian fishermen, engaged in trade with the French island by catching and selling fish on its shores, were often apprehended by Guadeloupe authorities and enslaved to serve in colonial public works or to be entrusted by local planters.<sup>208</sup> According to Schœlcher, this practice represented the “basse vengeance” of the French owners against the British West Indians administrations, which provided refuge to Guadalupe asylum seekers fleeing slavery.<sup>209</sup> In this case, inter-island connections provided the setting for the enslavement of Louis Denys. This demonstrated that, in the hidden slave trade, French colonial administrators and Creole elites were also responsible for the kidnapping of British West Indian subjects. In Guadeloupe, he had been transferred from the *Directeur de l'intérieur* Billecocq to the island treasurer Mr. Navailles, who employed him as a slave on his sugar plantation. Appointed to the colonial judiciary by a special Royal Ordinance in 1844, *procureur* Robert was considered “notablement dévoués au principe de l'affranchissement.”<sup>210</sup> As a matter of fact, the French prosecutor represented the Louis Denys in court, obtaining his release and return to British Dominica. While the *procureur* eventually restored the Dominican fisherman’s freedom, no compensation was recognized for his time spent in slavery on the French island.

In 1847, thirty enslaved people were clandestinely transported by a trader named Finser Bellevue from the island of Maria Galante, under the Guadeloupe possession, to the small Puerto Rico dependency of Vieques.<sup>211</sup> Searches ordered by Governor Jean-Francois Layrle initially suggested that the schooner on which the slaves had boarded had facilitated their escape to Dominica. However, more thorough investigations revealed that the enslaved people had been sold to the Spanish and were still on Puerto Rico. The governor sent Captain

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<sup>207</sup> BnF: “ Réforme, 21 Février 1846,” *ibid.*, p. 340.

<sup>208</sup> “plusieurs fois les autorités de la Guadeloupe ont fait saisir des nègres de la Dominique qui viennent vendre du poisson, et les ont employés comme esclaves sur les habitations de l’État! / on several occasions, the Guadeloupe authorities have seized Black Dominican people who come to sell fish, and employed them as slaves on the State’s dépôts!” *Ibid.*

<sup>209</sup> “ C’est une basse vengeance contre les colonies anglaises qui accueillent nos marrons. / It is a dirty revenge against the British colonies that welcome our maroons,” *Ibid.*

<sup>210</sup> BnF: Victor Schœlcher , *Histoire de l’esclavage pendant les deux dernières années, Vol. II*, (Paris: Pagnerre Éditeur, 1847), 291. ANOM: Basse-Terre: Robert, juge auditeur au tribunal de 1ère instance de Pointe-à-Pitre, Ordonnance du roi portant nomination de magistrats en Guadeloupe, en Guyane française, au Sénégal et en Martinique, 1844, Ministère des Colonies, Actes du pouvoir central, 1 LEG 23.

<sup>211</sup> BnF: “Trente esclaves exportés de Marie-Galante à Puerto Rico,” Schœlcher , *Histoire de l’esclavage, Vol I*, 341.

Robin on the ship *Estaffette* as French representative to the Spanish colony to request their return to the Captain General Rafael Arístegui y Vélez. Once the thirty French slaves illegally transported to the island were identified, Captain Robin turned to the *auditor de guerra*, who compiled a report advocating for the return of the enslaved people in Guadeloupe.<sup>212</sup> The case reached the Court of the *Real Audiencia* of Puerto Rico which, in turn, sent the legal documentation to Madrid. In the meantime, the matter was discussed in the July 13 session of the *Chambre des députés*. There, French representatives argued that an agreement would soon be reached with Spain for the return of the enslaved. Moreover, the Minister of the Navy and Colonies, Louis Napoléon Duc de Montebello, pressed by abolitionist Victor Destutt de Tracy, promised that once they returned to Guadeloupe, the thirty enslaved people would be granted freedom as a reward for their illicit displacement.<sup>213</sup>

For French abolitionists, this and other similar cases represented the weakness of the July Monarchy's legislative interventions that preserved the system of slavery in the colonies rather than eliminating it. In addition, the frequent involvement in illicit trafficking of colonial administrators, in the most part direct expression of the Creole plantation elite, gave radical abolitionists the opportunity to propose immediate rather than gradual abolition.<sup>214</sup> However, the two legal cases indicated a significant shift in the French government's approach to illegal trafficking in the Caribbean. By granting freedom to British West Indian fishermen illegally enslaved in the French Antilles, France restored Britain's trust. Simultaneously, by handling the legal case through the French procurer, it avoided allowing

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<sup>212</sup> BnF: "San Juan Puerto-Rico, 15 mai 1847," Schœlcher, *Histoire de l'esclavage, Vol. II*, 288. In Spanish Caribbean, the *auditor de guerra* was a lawyer employed by the Captain General that served as first instance Judge in legal cases, particularly those involving individuals in the army as military officer. In this role, the Judge fulfilled multiple functions, acting as an advisor, prosecutor, and legal consultant. Their responsibilities included providing guidance on the interpretation or application of laws and proposing appropriate resolutions during court proceedings.

<sup>213</sup> "Quand ils seront réintégrés, a dit M. de Tracy avec sa généreuse chaleur ordinaire, au milieu de la discussion du 13 juillet, leur donnera-t-on la- liberté? Cette réparation leur est due. " M. le ministre de la marine, répondant aux cris de oui! oui! qui partaient de tous les bancs de la Chambre, a dit textuellement " Certainement; c'est l'instruction du gouvernement./ When they are returned, said M. de Tracy with his usual generous warmth in the middle of the discussion on July 13, "will they be given their freedom? This reparation is their due." The Minister of the Navy, responding to the cries of "yes! yes!" from all benches of the House, said tectually: Certainly; it is the government instruction." BnF: "Exportation d'esclaves de la Guadeloupe à Puerto Rico," *ibid.*, p. 289.

<sup>214</sup> Lawrence Jennings, *French Anti-Slavery*, 235-236. On this issue, see also: Guillaume Félice, *Émancipation immédiate et complète des esclaves: appel aux abolitionnistes* (Paris: Chez Delay, 1846).

British diplomacy to intervene in its own courts. Moreover, by safeguarding and granting freedom to enslaved people from Guadeloupe who were illegally held in bondage in Puerto Rico, France adopted a policy of protection similar to that implemented during the same period by British consuls in Cuba. Beginning in 1845, the cessation of criminal deportations of enslaved people and the restored understanding with Britain after the dispute over the right of search were accompanied by the introduction of new legislative reforms on manumission. Although the gradualist approach of the French government prevailed and slavery did not end in the French Caribbean, these laws triggered an unstoppable process of enfranchisement that accompanied the final emancipation.

### **7. Routes, Agents and Enslaved People of the Intercolonial Trade.**

After the 1840s, as British cruisers began systematic patrols south of the equator and anti-slavery treaties became more widespread, smuggling and secrecy gained new significance in the inter-colonial slave trade. While data on the extent of covert domestic trafficking in the Caribbean region remains scarce, uncertain, and largely unexplored, instances of forced transfer, abduction, and the enslavement of African Caribbean people destined for the Cuban market contribute to our understanding of the phenomenon of inter-island mobility since the cessation of the legal trade.<sup>215</sup> Focusing on the trajectories of the enslaved people and

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<sup>215</sup> We do not have a database to support estimates of the size of this traffic. However, recent data added to the Intra-American Slave Trade database in late 2021 and early 2022 significantly increased coverage of trafficking within the Americas after abolitionist movements curtailed transatlantic slavery in the 19th century (Intra-American Slave Trade - [slavevoyages.org](http://slavevoyages.org), accessed 10/16/2023). According to the coverage of the database, these movements were primarily directed towards the second slave societies in the Americas. Historian Jennie K. Williams contributed data on more than three thousand sea voyages that forcibly moved enslaved people from various U.S. ports, mainly on the East Coast, to New Orleans between 1820 and 1860. Daniel Domingues and researchers at Rice University used Brazilian newspapers to document over twelve thousand voyages that brought enslaved people to Rio de Janeiro between 1831 and 1860, mostly from other parts of Brazil. However, the maritime part of the slave trade in both the United States and Brazil was extensive and not yet fully documented. Historian Jorge Felipe analyzed intra-American and transatlantic voyages to Cuba between 1790 and 1820, when arrivals significantly increased before the major peak in direct transatlantic arrivals from 1820 to 1860. The prevailing pattern revealed by this new intra-American database underscores the significance of the Spanish Americas, arguably ranking as the second-largest slave landing region in the Americas after Brazil. Furthermore, Michael Zeuske's project, 'The Hidden Atlantic/El Atlántico oculto: Sources for a History of the Atlantic Slavery,' identifies essential documentary sources for studying both the illegal Atlantic trade to the Spanish Caribbean and the domestic trade to Cuba, which is currently undergoing systematization. For the project's initial results, see: Zeuske, "Out of the Americas," 103-135. For a summary

their exploitation in the Cuban economy, we can gain insight into their origins, scrutinize the re-enslavement practices they endured, identify the occupations that exposed them most to forced displacement, and examine the roles they performed in the Cuban slave society.

Since the renewal of the Anglo-Spanish treaty, the Cuban government was formally engaged in prosecuting slave traders. In practice, however, very few trials were held against them, and illegal trade remained an open secret for colonial authorities. Until the 1840s, when British diplomacy became more present and pressing toward the Cuban administration, some legal cases concerning the kidnapping and enslavement of African British West Indian people also involved slave traders. One of these was a certain Antonio Ledesma.<sup>216</sup> His name recurred in the accounts of British subjects held in slavery in the Spanish colony, and he was identified through the investigations of British consuls. With the cooperation of his father, also named Antonio, and other contacts on the island, he had illegally transported several people to Cuba, mostly from the Jamaican shores. Consul Tolmé's early research identified the route of his clandestine traffic from around Kingston to the shores of Montego Bay, in northern Jamaica, eventually reaching Manzanillo, in Bayamo province, on the coast of southern Cuba. From there, the enslaved people were smuggled throughout the Spanish colony, to Havana, Santiago de Cuba, Puerto Principe.<sup>217</sup>

Simultaneously, as several victims sought freedom and a return home, a trial was instituted against him by the Cuban court under the consulate of Turnbull and continued under Crawford. From their testimonies in Cuban courts, the judges assessed the various methods by which he kidnapped Black Jamaican people; some were promised freedom in exchange for working for him, others were violently coerced into boarding, and still, others were deceived with the promise of a simple passage. In this way, Jim, renamed Santiago de Betancourt in Cuba, had been kidnapped when he was only 11 years old:

He went to swim in the Baja, near the Castillo de Dragones, and a certain Ledesma, calling him in English, told the declarant and one of his cousins that his mother claimed him. They boarded the ship; he suggested they go to

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of research on the domestic slave trades in North America, Brazil, and Cuba see also: Michael Tadman, "Internal Slave Trades," in *The Oxford Handbook of Slavery in the Americas*, edited by Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2010), 625-642.

<sup>216</sup> ANC: Extracto del expediente y incidentes sobre introducción de unos negros de la Jamaica por don Antonio Ledesma, GSC, Leg. 940, Exp. 33142.

<sup>217</sup> *Ibid.*

Kingston and come back after a few days. Instead of arriving in Kingston, they arrived in a land where no English was spoken, and it was Playa de Santa Cruz. His cousin Dievvis [probably Davis] drowned on the night of his departure from Falmouth [...] because, having gone to the edge of the ship for personal motivation, he fell into the water from where he could not be pulled out.<sup>218</sup>

Jim/Santiago de Betancourt was a Black man born in the United States to free parents and moved to Falmouth, Jamaica when he was a child. Similarly, Richard Black, a free-born resident in Rum Lane, Kingston, was kidnapped. He was the son of John, a fisherman, and Camille Mezi, a peddler, both of free status.<sup>219</sup> According to his account, he had gone with his father and three other men to the mouths of a river in front of Port Royal to fish. While the others continued fishing offshore in canoes, Richard Black remained on the shore salting fish when a Spanish ship arrived. The ship was commanded by Ledesma's father, accompanied by other men, who attacked Richard and forced him aboard. Once they reached Cuban Manzanillo, he was handed over to one of their accomplices, José Font y Martorel. José transported him to Bayamo, then returned to Manzanillo and sold him to a French owner in Puerto Principe.<sup>220</sup>

Both Black Jamaican men in bondage were freed by the Cuban Court with permission to return home on September 24, 1842.<sup>221</sup> However, the slave trader had illegally transported many other African Caribbean people from Jamaica, and they were traced through the investigations of Cuban consuls. These enslaved individuals also provided statements about their forcible transfer to the Cuban courts. Among his victims was, for example, the free Black Henry Shirley, who lived as a slave and worked as a domestic servant in the province of Puerto Principe.<sup>222</sup> Antonio Ledesma also kidnapped Jack Pinigui, born free in Spanish Town (Jamaica) and known in Cuba as José Antonio, along with the born-slave people

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<sup>218</sup> ANC: Declaración de Santiago (de Betancourt), GSC, Leg. 940, Exp. 33142. The statement before the judge is transcribed on Oct. 11, 1841. In this, Jim/Santiago claims to be 21 years old and to have been kidnapped at 11, so in all probability we can establish that Ledesma took him to Cuba in 1831.

<sup>219</sup> ANC: Declaración de Julián Richard Black esclavo de Don José Fals, GSC, Leg. 940, Exp. 33142.

<sup>220</sup> *Ibid.*

<sup>221</sup> ANC: 24 de septiembre de 1842, GCS, Leg. 940, Exp. 33142.

<sup>222</sup> ANC: Sobre los autos remitidos por el gobernador de Cuba en averiguación del paradero Enrique Shirley, Habana July 4, 1840, GCS, Leg. 940, Exp. 33142.

Francisca and Washington, also known as Ramón.<sup>223</sup> The woman belonged to Ledesma's father, who deliberately lost his tracks so that she could not testify during the trial. The man, born in Kingston and owned by a Mr. Prise, was boarded on the slaver's ship under false pretenses. Ledesma promised to take Washington to Cuba to work and set him free, but upon arriving on the Spanish island, he sold him to Doña Teresa Cordero and later to Don Segundo Socarras.<sup>224</sup> During the trial, more details emerged about the cruel trafficking organized by the slave trader. Some kidnapped people did not survive the journey, while others committed suicide once they realized they had become slaves, as in the case of William, who took his own life after Ledesma sold him.<sup>225</sup>

The proceedings against Ledesma revealed that African Caribbean people were particularly vulnerable to kidnapping by slave traders while engaged in activities such as fishing, boat building, or boat repair along the coasts of the Antillean islands. Subsequent cases confirmed this trend. In the spring of 1852, a desperate father arrived in Havana from the British colony of Tortola, knocking on Consul General Crawford's door. He was searching for his son Charles Callwood, who had disappeared from home some years earlier, and whose movements he had traced throughout the Caribbean.<sup>226</sup> According to his testimony to the diplomat, his son had been kidnapped while fishing off the Virgin Islands and forcibly taken to Puerto Rico. There, Charles Callwood had been enslaved and eventually transported to Cuba, arriving on April 23 aboard the Spanish brig "Union". The man argued that his son was in Havana, along with other unfortunates who shared his fate.<sup>227</sup>

The accuracy of the information provided by the father to the diplomat arose from the fact that news of the "transporte excepcional (exceptional transport)" from Puerto Rico had been discovered by British authorities. They had alerted the Cuban government, which promptly dismissed the allegations.<sup>228</sup> Faced with this situation, Consul Crawford immediately

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<sup>223</sup>ANC: Declaración de José Antonio esclavo de Ramon Llorente, 11 de Octubre de 1841, Puerto Principe, GSC, Leg. 940, Exp. 33142.

<sup>224</sup> ANC: Declaración de Ramon (a) Washigton, GSC, Leg. 940, Exp. 33142.

<sup>225</sup> ANC: Declaración de José Antonio esclavo de Ramon Llorente, 11 de Octubre de 1841, Puerto Principe, GSC, Leg. 940, Exp. 33142.

<sup>226</sup> ANC: Expediente relativo a la libertad del individuo de color Tomas Callwood deportado de la isla "La Tórtola" y vendido como esclavo en Puerto Rico, GCS, Leg. 942, Exp. 33397.

<sup>227</sup> ANC: From Consul Crawford to Thomas Otway, October 3, 1852, GCS, Leg. 942, Exp. 33397.

<sup>228</sup> AHN: El ministro plenipotenciario de Inglaterra reclama contra la supuesta detención de varios súbditos ingleses naturales de las Islas vírgenes que dice hallarse próximos a ser vendido como esclavos, AHN: EST, Leg. 8045, Exp. 9.

advocated for the case of the kidnapped fisherman, reaching out to both the Cuban authorities and the governor of Puerto Rico. During his investigations, Crawford obtained the transcript of a statement made by a fisherman from Danish Saint-Thomas, Richard Potter, who had been held for a long time in a slave depot in Puerto Rico along with Charles Callwood. Potter's words described the practices of enslavement and forced relocation of African descendant people across the Caribbean, conducted through subterfuge and irregularities, often with the complicity of controlling institutions:

Salí de San Thomas a pescar con dos hombres que eran libres y se llamaban Tomás y Jacob. Estábamos en una canoa fuera, amarrados al bote remolcado lleno de pescados frente a la Isla de Norman. Vino un fuerte chubasco del norte; los dos hombres se salvaron nadando, y yo creí que la tierra estaba muy lejos para mí para nadar hasta ella, así que me quedé en el fondo de la canoa. Esto ocurrió un lunes por la mañana. El martes por la mañana, al amanecer, vi un bergantín que venía del este y le hice señas; vino y me recogió. Era un bergantín español, cuyo nombre no sé. Uno de los marineros me preguntó si había estado en un penarco. En ese momento, creí que me estaba preguntando por un lugar donde la gente va a romper piedras, y le dije que sí, que había estado en dos, pero después descubrí que él estaba preguntando si yo había estado esclavo. Me preguntó si tenía amo. Le dije que no. Luego me preguntó si quería ir al país español, si cuidaría al Capitán que me trataba bien. Le dije que no, que prefería regresar a mi tierra. Fui conducido a la ciudad de Puerto Rico llamada Laborchie, y el marinero me llevó al Alcaldía. El alcalde me preguntó si quería volver a mi tierra; le dije que sí, y me dijo que me enviaría a la cárcel hasta que pudiera enviar una carta a mi país. El juez me preguntó si sabía hablar francés; le dije que no, que solo sabía hablar inglés.<sup>229</sup>

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<sup>229</sup> "I left San Thomas to fish with two men who were free and called Thomas and Jacob [...] we were in a canoe offshore, tied to the towed boat full of fish in front of Norman Island. A strong north squall came, the two men saved themselves by swimming, and I thought the land was too far for me to swim to, so I stayed at the bottom of the canoe. This was on Monday morning. On Tuesday morning at sunrise, I saw a schooner coming from the east, and I signaled to it; it came and picked me up. It was a Spanish schooner, whose name I don't know. One of the sailors asked me if I had been in a *penarvo* [penal institution]. At that moment, I thought he was asking about a place where people go to break stones, and I said yes, as I had been in two, but later I discovered he was asking if I had been a slave. He asked if I had a master. I said no. Then he asked me if I would go to the Spanish country, if I would take care of the Captain who treated me well. I said no that I

Charles Callwood's affair soon reached Europe and caught the attention of Loftus Charles Otway, the Secretary of the British legation at Madrid. He demanded that Cuban authorities immediately release the kidnapped man and provide compensation "con cargo al fondo de los emancipados o en la forma que Su Eminencia estime más oportuna."<sup>230</sup> Manuel Beltrand de Lis, the Spanish officer in charge of relations with Britain, was compelled "a recomendar al General Cañedo que proceda en este negocio con toda eficacia, y teniendo al mismo tiempo muy presente el especial interés que respecto a él muestra el gobierno de S. M. la Reina Victoria, la cual S. M. desea dar todas las pruebas de amistad y buena inteligencia."<sup>231</sup> Despite these pressures, the trial protracted for two years, until Crawford discovered that in Puerto Rico the fisherman had been given the name Tomás. However, aboard the ship on which he traveled, two other enslaved people were registered under the same name, making the identification of the British West Indian subject more difficult.<sup>232</sup> Eventually, the Cuban court freed Charles in 1853. However, after experiencing capture, displacement, and imprisonment in slavery, it remains uncertain whether he received any form of compensation.<sup>233</sup>

Other petitions to the British consuls concerned Black British sailors docking in Cuban ports. Since the Haitian revolts and after the numerous slave rebellions in the Spanish colony, the Cuban administration strictly controlled the entry of foreign free people of color into its ports, preventing them from disembarking or charging a fee to ships that stopped in the colony's harbors. Although free, if Black sailors were discovered without any permit or identification card on Cuban soil, this could be a reason to incarcerate these persons,

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wanted to go back to my land. I ended up in the city of Puerto Rico called Laborchie[?], and the sailor took me to the jail. The mayor asked me if I wanted to return to my land; I said yes, and he told me he would send me to jail until I could send a letter to my country. The judge asked me if I knew how to speak French; I said no that I only knew how to speak English." AHN: En la cárcel publica de Puerto Rico, 19 abril de 1851, EST, Leg. 8045, Exp. 10.

<sup>230</sup> "Charged to the fund for the emancipated or in the manner that His Eminence deems most appropriate." ANC: Sobre la contestación de Mr. Otway, Madrid, 1 octubre 1852, GCS, Leg. 942, Exp. 33397.

<sup>231</sup> "A recomendar al General Cañedo que proceda en este negocio con toda eficacia, y teniendo al mismo tiempo muy presente el especial interés que respecto a él muestra el gobierno de S. M. la Reina Victoria, la cual S. M. desea dar todas las pruebas de amistad y buena inteligencia," *ibid.*

<sup>232</sup> ANC: Declaración de Tomás, 14 de abril de 1853, GCS, Leg. 942, Exp. 33397.

<sup>233</sup> *Ibid.*

exposing them to the risk of being enslaved.<sup>234</sup> From the *Real Fuerza* prison in Havana, a group of detained British sailors contacted the consular officer to reclaim their freedom in the courtrooms. In 1840, British sailors Carlos Tomas, José, Gregorio, and Martin Bruno, whose “real” names remain undisclosed, and for whom the case outcomes were not recorded, appealed to Consul Turnbull to restore their free status.<sup>235</sup> Also detained with them was one Juan Carabali 42, later identified as William Jones, a Jamaican Black kidnapped during the 1830s.<sup>236</sup> He was finally freed in 1849.<sup>237</sup> Again, on March 16, 1841, the British consul obtained liberation for James Buchanan and John Levis.<sup>238</sup> During the trial that lasted from 1845 to 1846, Crawford assumed charge and succeeded in the freedom’s lawsuits for Francis Evans, Charles Kemp and Cato Stirrup.<sup>239</sup> For the legal cases in which the sentence was preserved, we can argue that the Cuban judge always recognized the free status of the appellants. However, it should be considered that some of them remained in prison for several months, if not years, before their freedom was restored, and during this time, convicts were usually exploited in public work by the Cuban authority.

In addition to fishermen, sailors and all those who navigated for work, among the victims of illicit enslavement were enslaved runaways who moved independently in Caribbean space. As we saw in the previous chapter, fugitives, sometimes in an attempt to reach British free soil, could fall into the hands of unscrupulous traders. In some cases, currents, storms, and the many hardships of the sea crossing pushed the boats on which they traveled to the wrong destination by reaching lands where slavery was still in place. In addition, free people of African descent in the Caribbean were enslaved as they moved autonomously from one imperial territory to another. The precariousness of their condition was evident in reconstructions of their inter-American trajectories during trials to release from slavery.<sup>240</sup>

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<sup>234</sup> Still in 1856, the French ambassador to Madrid, Turgit, complained that free people of color to enter Cuban ports had to deposit a bond of *mil piastras* and, often, were prevented from disembarking from boats or crossing the port area. AHN: ULTR, Leg.4633, Exp. 4.

<sup>235</sup> ANC: AP, Leg. 40, Exp. 54.

<sup>236</sup>ANC: From Turnbull to Captain General Valdes, September 21, 1840, GSC, Leg. 843, Exp. 28293.

<sup>237</sup> ANC: Aprobando la contestación dadas al Juez Ingles del Tribunal Misto y al Cónsul ingles, que reclamaban la libertad del negro Juan Carabali, 27 de febrero de 1849, ROC, Leg 146, Exp. 64.

<sup>238</sup> ANC: March 16, 1841, GSC, Leg. 844, Exp. 28333.

<sup>239</sup> ANC: AP, Leg. 141, Exp. 9.

<sup>240</sup> On the precariousness of freedom and the illegal enslavement of free people see: Sidney Chalhoub, “The Precariousness of Freedom in a Slave Society (Brazil in the Nineteenth Century),” *International Review of Social History*, 56: 3, 2011, pp. 405-439, especially pp. 420-430; Camillia Cowling, “The People of All Kinds Who Walk

On January 20, 1842, for example, Consul Turnbull wrote to Captain General O'Donnell regarding another petition for freedom from a British subject held in slavery in Cuba:

I have received an application from Francisco Joseph otherwise Moses, a native of Kingston Jamaica and a soldier in Her Majesty's Third Regiment of Foot, complaining that he has been unjustly held in slavery in this island for a great many years by one Bernardo la Rosa, a native of New Orleans, a carpenter residing in this city in the Calle de Aguila.<sup>241</sup>

The British diplomat demanded that Moses/Francisco Joseph be compensated for his long captivity and immediately granted a passport for his return to his homeland.<sup>242</sup> According to the subsequent judicial reconstruction, he was born in Guinea, presumably during the 1780s, and at the age of seven, he was captured and taken as a slave to Jamaica. There he was sold to a Mr. Kelman, who named him Moses, and under whom he remained in captivity for twenty-two consecutive years. Later, he was kidnapped by a French merchant who took him to Pensacola, South Florida, and sold him to Don Francisco Morejon, a Spanish lieutenant in the Louisiana regiment. Morejon baptized Moses and renamed him Francisco Joseph, keeping him in bondage for ten years. As a result of the conflict between imperial powers over the partition of Louisiana, Moses became a soldier in the British army because “como a todos los esclavos de los españoles, los británicos les hicieron combatir durante un año en Apalachicola [Florida].”<sup>243</sup> Despite gaining manumission for his service to the Crown, Moses continued to fight with the British under General Nickers in Florida. After receiving his license, he moved to Cuba, where, unfortunately, he encountered his old master Morejon. The former owner claimed Moses as his property by denouncing him to Cuban authorities as a fugitive slave. Later, Morejon sold the enslaved person to other owners, until he came into the possession of Bernardo De La Rosaa. His story mirrored that of many other African descendants who, amid the political upheavals and wars characterizing the Age of Revolutions, served as soldiers in imperial armies and were subsequently manumitted due to

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Along the Lines?: The Precarious Mobilities of Unfree Workers on Cuba's Early Railroads, *Slavery & Abolition*, 44:3, 2023, pp. 456-47.

<sup>241</sup> ANC: From Turnbull to O'Donnell, Havana, January 20, 1842, GSC, Leg. 847, Exp. 28441.

<sup>242</sup> *Ibid.*

<sup>243</sup> “Like all slaves belonging to the Spanish, the British made them fight for a year at Apalachicola [in Florida].” ANC: Deposition de el teniente José María Pinaro, 2 de marzo 1842,” GSC, Leg. 847, Exp. 28441.

their military service. As a consequence of military deployments, these individuals traveled across the Americas and their journeys were marked by shifts in factions and alliances, complicating their position and putting their conquered freedom at risk.

Despite the support of British diplomacy, the ruling on his petition by the Cuban Court was not favorable. The reconstruction of Moses/Francisco Joseph's life relied not on his statements but on the testimony of Lieutenant José María Pinero and other Spanish military officers.<sup>244</sup> In addition, Bernardo De la Rosa substantiated his ownership claim with a certificate of purchase worth 500 pesos dating back to 1825.<sup>245</sup> The Cuban court determined that Moses/Francisco Joseph could not be considered a British soldier but a Cuban slave. According to the evidence collected, the enslaved man “fue vendido en Florida a un súbdito español, a quien le fue arrebatada mediante un acto de violencia.” For this reason, the owner could not be deprived of his “derecho de propiedad (property right).”<sup>246</sup> The trial concluded on March 8, 1842, with the judge ruling that the man should be returned to his master.<sup>247</sup>

In other cases, those who arrived in Cuba as free people and were enslaved there managed to have their freedom papers recognized. Luisa Wolf, for example, was a Black Bahamian free woman who had entered Cuba as a domestic servant “in the employment of a person called Matilda Destoup under Contract for eighteen years since May 2, 1820.”<sup>248</sup> When the German mistress died, she was responsible for taking the deceased's two children to Germany. Returning to Cuba a few years later, Luisa worked in the home of Margarita de Rueda, who lived in Havana *intramuros*, in Calle Lamparilla No. 60. In 1842, she approached Consul Crawford, who asked Cuban authorities to grant her a passport to return to Nassau “to join her sister and end her days in the place of her nativity being now a quiet and old woman.”<sup>249</sup> Proving her status through her freedom certificate and identification from the governor of the Bahamas, the Cuban court easily accorded the woman permission to return home. Nevertheless, Crawford wrote a letter to Aberdeen, in which he informed the Foreign Office representative that he had succeeded in “recovering from Mr. Juan, the person who

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<sup>244</sup> *Ibid.*

<sup>245</sup> *Ibid.*

<sup>246</sup> “He was sold in Florida to a Spanish subject, from whom he was taken by an act of violence,” ANC: 8 de marzo de 1842, GSC, Leg. 847, Exp. 28441.

<sup>247</sup> *Ibid.*

<sup>248</sup> ANC: El cónsul inglés remitiendo una carta del gobernador de las Bahamas y los documentos que justifican la libertad de la negra súbdita de S. M. B. Luisa Wolfe para la cual reclama pasaporte para Nassau, GSC; Leg. 846, Exp. 28427.

<sup>249</sup>TNA: From Consul Crawford to Earl of Aberdeen, August 30, 1842, Habana, CO 318/157.

retrained the said Luisa as his slave, the sum of one hundred and fifty dollars, as compensation due to her for his services.”<sup>250</sup> This man, who was probably Margarita’s husband, had thus subjected the free woman of color to illegal enslavement since her return to Cuba. Despite the fact that she possessed freedom papers, only the protection of foreign diplomacy and a court ruling had recognized the woman’s right to return to her homeland. When African British West Indian people arrived in Cuba following their owners, they were often re-employed in the same occupations they performed in their original territories. Frequently, they accompanied their owners in the migration as personal domestics, like Louisa Wolf, or as sugarcane workers reintegrated into the Cuban plantation systems. In the second case, as seen for the Kelsall family, these moves involved numerous enslaved people and encompassed entire slave families, maintaining parental and emotional ties in the new destination. In comparison, people kidnapped by slave traders and those who were originally free but became slaves were uprooted from their original contexts and transported alone or in small groups. In Cuba, they were re-employed in various activities and often changed occupations during their enslavement on the Spanish island. This is the case of the enslaved British subject Wellington, who told the Spanish judge about the different jobs he held during his years of slavery before contacting the British consul in Santiago de Cuba:

Permaneció en una plantación de tabaco Marote en las montañas cerca de Manzanillo, propiedad de Joaquín Castillo, durante un año; luego lo envió a su hermano en Santiago de Cuba, a una plantación de tabaco Aranake a cuatro millas de la ciudad; luego fue vendido a un francés llamado José Chantis en la ciudad, quien lo empleó como cocinero durante cuatro años; después fue vendido a Pedro Pallas, un capitán, y empleado en una finca de café a seis millas de la ciudad.<sup>251</sup>

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<sup>250</sup>TNA: From Consul Crawford to Earl of Aberdeen, Novembre 5, 1842, Habana, CO 381/157.

<sup>251</sup> “He remained in a Marote tobacco estate in the mountains above Manzanillo by Joaquin Castillo for a year; then he sent him to his brother in Santiago de Cuba, to an Aranake tobacco estate four miles from the city; then he was sold to a Frenchman named José Chantis in the city, who employed him as a cook for four years; he was then sold to Pedro Pallas, a captain, and employed in a coffee farm six miles from the city.” ANC: El cónsul ingles referente a que venga a esta isla desde Jamaica el negro Wellington a buscar muchachos negros de Jamaica a quienes conoce y se cree están como esclavos en la isla, 23 de marzo 1843, GSC, Leg. 138, Exp. 2.

Once in Cuba, enslaved people were redistributed across the island through the colonial “infrastructure of coercion” involving slave transportation, railroads, and streets designed and constructed to support the booming plantation economy.<sup>252</sup> The interrogations regarding Antonio Ledesma’s involvement in illicit trafficking provided an account of the movements within the Cuban provinces of Jack Pinigui/José Antonio, one of the freeborn Jamaican Africans kidnapped by the slave trader. In his statements, he asserted that:

El Señor Ledesma, que habla inglés perfectamente y realiza muchos viajes a Jamaica, lo engañó en Kingston diciéndole que lo llevaría a pasear a Cuba, de donde regresaría a la vuelta del barco. En cambio, lo llevó a Santa Cruz y luego, al no poder venderlo, a Santi Espiritu, donde lo dejó a cargo de un pardo llamado Carmenates para que lo cuidara en el pueblo por un tiempo. Al regresar, Ledesma lo vendió a Salvador Sagol de Las Tunas, con quien permaneció durante un año. Luego lo compró el carpintero Carlos Dramas y estuvo con él durante cuatro años, siendo este último año el actual.<sup>253</sup>

According to historian Camilla Cowling, transfers through the “slave-moving system” were specifically designed to transform people into chattels.<sup>254</sup> In the kidnappings of African

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<sup>252</sup> Historians Oscar Zanetti and Alejandro García illustrate how, from 1837 to 1851, the evolution of the railway system closely mirrored the trajectory of the sugar industry. The inaugural section, linking Habana to Güines, was completed in 1837 with the support of British and North American financing. According to the authors, the relationship between the railway and the sugar industry played a pivotal role in shaping the economic and infrastructural landscape of Cuba. The railway network connected production centers to nearby embarkation ports, enhancing not only the efficiency of sugar transportation but also contributing to the growth of regional ports, *Sugar and Railroads: A Cuban History, 1837-1959* (Chapel Hill: University of North Carolina Press, 1998), 21-38.

<sup>253</sup> “Mr. Ledesma, who speaks perfect English and makes many trips to Jamaica, tricked him in Kingston by saying he would take him to Cuba, from where he would return when the ship returned. Instead, he took him to St. Croix and then, unable to sell him, to Santi Espiritu, where he left him in the care of a *pardo* named Carmenates, who took care of him in the village for a while. Upon his return, Ledesma sold him to Salvador Sagol of Las Tunas, with whom he stayed for a year. It was then bought by carpenter Carlos Dramas and stayed with him for four years, the last of which is the present one.” ANC: Declaración de José Antonio esclavo de Ramon Llorente, 11 de Octubre de 1841, Puerto Principe, GSC, Leg. 940, Exp. 33142.

<sup>254</sup> Or, in Camilla Cowling words, “slave-moving served the practical needs of the expanding plantation economy, occurring via the same transport systems that enabled faster transfer of commodities, and became a key function of the colonial bureaucracy. It also served disciplinary purposes, deepening slaveholders’ power

Caribbean people, the constant movements served to cover their tracks so that they would not be recognized, and thus claimed by someone, or have access to Cuban justice. Moreover, many of the people illegally transported to Cuba changed their names and were rechristened with Spanish ones or with that of their new masters. Jim became Santiago de Betancourt, James Thompson changed to Santiago Ignacio Vila, Charles Callwood to Tomás, Wellington was “translated” to Guillermo. The old name represented the link to their history and past, which the enslavement process had sought to erase. For the same reasons, they were frequently denied to speak English, as Wellington himself claimed: “Pallas mistreated me a lot and did not want me to speak a single word in English.”<sup>255</sup>

A large number of agents, merchants, and intermediaries supplied the Cuban slave market to maintain the plantation economy through inter-Caribbean trade. To confirm the extension of this traffic, the illegal trade to Cuba was not only participated in by Spanish agents but the legal cases of illegal enslavement of African British West Indian people involved French, Danish, Dutch, British, American, Italian, and German owners and traders, and sometimes also local authorities and diplomatic officers. In order to erase the traces of the black British subject Henry Shirley, the lieutenant governor of Puerto Prince tried to convince Consul Turnbull that the kidnapped man he was looking for was dead, when in fact he was in prison in the same province under his charge.<sup>256</sup> Additionally, in 1828, John Haman, the American consul in Santiago de Cuba, played a direct role in the illicit sale of the British West Indian men Cuaco and Jim. They had been unlawfully transported, along with other enslaved people, from the Bahamian island of San Salvador to the port of Baracoa by their owners, Mr. and Mrs. Anderson. Haman sold Cuaco to a Frenchman named Pedro Soulet and retained Jim with him. After enduring twenty-seven years of illicit enslavement, moving from one master to another, Cuaco eventually reached Havana. There, in 1855, he sought the protection of Crawford for himself and his long-time companion in misfortune Jim.<sup>257</sup>

These kidnappings gave rise to new illegal routes in the Caribbean, consisting of points of passage, collection, and sorting of the captured. The inter-colonial trajectories involved empires and nations in the area and extended from the Lesser Antilles to the continental

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and unfree people’s subjection,” in “Teresa Mina’s journeys: “Slave-moving,” mobility, and gender in mid-nineteenth-century Cuba,” *Atlantic Studies* 18, no. 1 (2021): 7–30, quotation at p. 7.

<sup>255</sup> ANC: El cónsul ingles referente a que venga a esta isla desde Jamaica el negro Wellington a buscar muchachos negros de Jamaica a quienes conoce y se cree están como esclavos en la isla, 23 de marzo 1843, GSC, Leg. 138, Exp. 2.

<sup>256</sup> TNA: Another incident in the affair Henry Shirley. January 23, 1841, Habana, CO 318/153.

<sup>257</sup> ANC: Voto consultivo, 14 de Jenaro 1856, Habana, Sección de Fomento, IGH, Leg. 929, Exp. 33.

territories of the Gulf of Mexico.<sup>258</sup> In particular, Spanish Puerto Rico became the gathering point for re-enslaved people not only from the British territories but also from the other colonies of the Lesser Antilles. From there, they were transported to Cuba.<sup>259</sup> Moreover, some fishermen from the British Lesser Antilles, before arriving in Cuba, transited through the Danish West Indies.<sup>260</sup> During the 19th century, Puerto Rico, the Danish West Indies, as Dutch Saint-Martin, became important hubs in the networks of interregional slave trade logistics.<sup>261</sup> Their locations and the “weakness” of their empires in controlling illegal slave trade turned these islands into laboratories of re-enslavement practices, participating in the continuous reinvention of slavery in the Caribbean during the emancipation era. Moreover, these cases of illegal reduction to slavery of free people demonstrate that some areas, considered less important in the Atlantic trade of the 19th century, were crucial in intra-American and trans-Caribbean networks of forced migration.

As the conduct of French owners revealed, the inter-Caribbean trade gained prominence as abolitionist policies became more stringent. For them, selling slaves in the illegal intercolonial market was a strategy to mitigate economic losses in anticipation of the abolition of slavery. For Cuban planters, on the other hand, it was a way to procure slave labor by circumventing the restrictions imposed by the abolition of trade. As early as the mid-1830s, Turnbull argued that “the trader who kidnaps in Anguilla or Antigua can afford to sell on much more reasonable terms than the one who steals or receives stolen Negroes on the coast of Africa.”<sup>262</sup> By mid-century, Consul Crawford estimated that slaves from the British West Indies sold for between 300 and 600 pesos, while *bozales* – enslaved people from Africa transported across the Atlantic – came to cost up to 1,200 pesos in Cuba.<sup>263</sup> The lower prices

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<sup>258</sup> Bassi, *An Aqueous Territory*, 4.

<sup>259</sup> Joseph C. Dorsey, “Seamy sides of abolition: Puerto Rico and the Cabotage slave trade to Cuba 1848–73,” *Slavery & Abolition* 19, no. 1 (1998): 106-128.

<sup>260</sup> On slave trade to and for Danish Caribbean, see: Jeppe Mulich, “Microregionalism and intercolonial relations: the case of the Danish West Indies, 1730–1830,” *Journal of Global History* 8, no. 1 (2013): 72-94.

<sup>261</sup> Mulich, *In a Sea of Empires*, 134-156.

<sup>262</sup> Turnbull, *Travels in the West*, 570.

<sup>263</sup> ANC: Habana 5 julio 1861: Traducción de un despacio de el juez de la Comisión mixta Crawford a lord John Russel de el 5 de febrero de 1861 publicado en Inglaterra, GCS, Leg. 954, Exp. 33684. Prices for bozales continued to rise during the nineteenth century. The high figures are confirmed by the research of Manuel Moreno Fragonals, Herbert S. Klein, and Stanley L. Engerman, who claim that “en el período 1856-1863 el precio de los esclavos varió apreciablemente, como reflejo hasta cierto punto de las variaciones de la producción y del precio del azúcar, así como de las importaciones de esclavos. Los precios de los criollos varones de mejor edad aumentaron un 90 por 100 entre 1856 y 1859, de 668 pesos a 1.271. Después bajaron un poco a 1.163

on the illegal market of African Caribbean people depended on various factors, including the higher costs of trans-Atlantic crossings, the risks associated with British cruiser patrols, and the high mortality rates among the victims of the traffic. Examples such as the trade from the Old U.S. South to the New and the traffic from the northeast to southeast Brazil illustrate how, in certain cases, domestic slave trades replaced the Atlantic traffic when transoceanic supplies were restricted by colonial policy and abolitionist measures.<sup>264</sup> However, this was not the case for Cuba. Studies by David Eltis and others points out that the intra-American slave trade was never major as long as direct trade with Africa was possible.<sup>265</sup> Historians Manuel Barcia Paz and Effie Kesidou have demonstrated how Cuban slavers were able to efficiently reorganize trans-Atlantic commerce to circumvent ever-increasing risks post-1807.<sup>266</sup> The direct supply of labor from Africa to Cuba was ensured by internalized networks of agents, allowing the rapid diffusion of information, diversification of trading goods, expansion of partnerships to reduce transaction costs and risk, and adoption of technological innovations that modified the design and use of vessels. In this way, the Cuban plantocracy sustained the Atlantic market until the 1860s. For the Spanish colony, surrounded by islands belonging to rival empires that obstructed the slave trade, it remained more convenient to secure a direct supply of slaves from Africa rather than from neighboring territories. However, we can hypothesize that the price disparities between *bozales* and African Caribbean individuals were not solely driven by strictly economic motives. By the 1840s, the

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pesos en 1861 y a 914 en 1863/ In the period 1856-1863 the price of slaves varied appreciably, reflecting to some extent variations in the production and price of sugar, as well as slave imports. Prices for the best-aged male criollos rose 90 percent between 1856 and 1859, from 668 pesos to 1,271. They then fell slightly to 1,163 pesos in 1861 and 914 in 1863,” “El Nivel Y Estructura De Los Precios De Los Esclavos De Las Plantaciones Cubanas a Medios Del Siglo XIX: Algunas Perspectivas Comparativas,” *Revista De Historia Económica / Journal of Iberian and Latin American Economic History* 1 (1983): 97-120, quotation at p. 106.

<sup>264</sup> Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999); Michael Tadman, *Speculators and Slaves: Masters, Traders, and Slaves in the Old South* (Madison: University of Wisconsin Press, 1989); Brodwyn Fischer, and Keila Grinberg, ed., *The Boundaries of Freedom: Slavery, Abolition, and the Making of Modern Brazil* (Cambridge: Cambridge University Press, 2022).

<sup>265</sup> David Eltis, “The Volume and Structure of the Transatlantic Slave Trade: A Reassessment,” *The William and Mary Quarterly* 58, no. 1 (2001): 17-46, quotation at p. 43. See also: David Eltis, and David Richardson, ed., *Extending the Frontiers: Essays on the New Transatlantic Slave Trade Data Base* (New Haven: Yale University Press, 2008); Alex Borucki, David Eltis, and David Wheat, “Atlantic History and the Slave Trade to Spanish America,” *American Historical Review* 120, no. 2 (2015): 433-461.

<sup>266</sup> Manuel Barcia Paz, and Effie Kesidou, “Innovation and entrepreneurship as strategies for success among Cuban-based firms in the late years of the transatlantic slave trade,” *Business History* 60, no. 4 (2018): 542-561.

Escalera revolt had heightened the Cuban colonial elite's fear toward foreign slaves and free people of color, particularly those identified as *negros ingles* or Black British West Indian individuals. The "dangerousness" of Caribbean Africans, real or perceived, was a factor that influenced their price in the slave market, explaining why the inter-Caribbean trade did not become a substitute for the Atlantic slave market for the Spanish colony. In subsequent years, the kidnappings of free and enslaved individuals from neighboring territories escalated tensions with rival empires over sustaining the trafficking. Furthermore, their agency in Cuban courts and support from British officers in their lawsuits challenged not only the preservation of the slave trade but also the very maintenance of slavery in Cuba.

## Manumission and Emancipation

### Freedom's lawsuits Across Imperial Boundaries (1844-1868)

- 4.1 *"Affranchissements" Before the French Second Abolition of Slavery*
- 4.2 *Enslaved British Subjects in Cuban Courts*
- 4.3 *A Vulnerable Freedom*
- 4.4 *Awaiting Legal Judgment. The Havana Casa de la Beneficencia Slave Depot*
- 4.5 *Diplomatic Protection and the Persistence of Slavery*
- 4.6 *Questioning the Legitimacy of Slavery*

Las miradas de la Europa se dirigieron hacia tamaña empresa para observar sus resultados más inmediatos, que mucho vaticinaban como desastrosos. Las otras colonias se mantuvieron en la expectativa de la inmensa reforma que se ensayaba y hacia la cual eran convocadas. Las de la Francia, predispuestas de antemano á verla llegar, aceleraron las medidas con buen criterio decretadas: las de la España, confiadas en la prosperidad de sus cultivos y en la abundancia de sus recursos para continuarlos, vieron en la libertad concedida á los esclavos de las islas inglesas, más bien que un ejemplo de imitación un amago de ruina, del cual procuraron resguardarse.<sup>1</sup>

Ramón J. de la Sagra, *Estudios coloniales con aplicación a la isla de Cuba. I. De los efectos de la supresión en el tráfico negrer* (Madrid: Imprenta de D. Dionisio Hidalgo, 1845), 24.

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<sup>1</sup> "The eyes of Europe were directed towards such an undertaking to observe its most immediate results, which many predicted to be disastrous. The other colonies remained in expectation of the immense reform that was being tried and to which they were summoned. Those of France, predisposed beforehand to see it arrive, accelerated the measures with good judgment decreed; those of Spain, confident in the prosperity of their crops and in the abundance of their resources to continue them, saw in the freedom granted to the slaves of the English islands, rather than an example of imitation, a threat of ruin, from which they sought to protect themselves."

While Britain prevented the illegal slave trade and projected imperial authority beyond its borders, enslaved people employed the composite notion of protection to secure their freedom. Trans-imperial connections created conditions in which diverse legislative regimes clashed and mutually influenced one another, creating new legal spaces for African Caribbean people during the era of emancipation.

This chapter explores how individuals in bondage gained freedom due to evolving relations between empires and international agreements. Additionally, the examination of legal procedures unveils how enslaved people comprehended and interpreted the different legal frameworks in their favor. In this context, courtrooms and judicial depots for slaves awaiting judgment represented at the same time, sites of coercion and spaces that favor the circulation of knowledge and autonomy among coerced people.

Starting from the 1850s, both Britain and post-emancipation France continued to monitor the state of slavery in Spanish territories and to push for emancipation processes to take place outside their imperial borders. Meanwhile, revolutions and independence processes reconfigured relations between imperial powers and between the American colonies and Europe, irrevocably altering the future of the Caribbean.

### **1. *Affranchissements* Before the French Second Abolition of Slavery**

In 1834, a man named Paul, applied to the *procureur du Roi* at Fort Royal to request his freedom. He belonged to a certain Louis Gouyer but considered himself free “de facto” because he had been informally manumitted by his previous master, one Pouillet. The attorney provisionally listed Paul on the *état civil* (registry office) of the municipality of Lamentin to secure the legal status of a freeman. Before the freedom license could be issued, Gouyer legally contested enfranchisement by presenting a bill of sale indicating that the slave still belonged to him. The court returned the enslaved man to the master, but the sentence also mandated that the expenses of the trial be borne by the owner, as “n’y avoir lieu de mettre les dépens a la Charge de la caisse Caisse Coloniale.”<sup>2</sup> Subsequently, Gouyer appealed to the Court Royal, reopening the legal case. The *procureur* again attempted to prove Paul’s free status by producing the unrecorded deed of May 5, 1797, by which Pullet granted him manumission. However, the hopes of freedom were dashed by a handwriting expert who compared the previous owner’s signature on the deed to the one on his marriage certificate.

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<sup>2</sup> “There is no need to charge the costs to the Colonial Fund.” ANOM: Le greffiers en Chef de la Court de Cassation, M. Laporte, au Procurer Général, 3 juillet 1838. GEN, Carton 158, Dossier 1306.

The expert invalidated the paper, stating that “le nom de Poulet était écrit avec une seule L [Poulet].”<sup>3</sup> On August 13, 1836, the judge not only confirmed Paul’s return to slavery but also decreed that court costs be charged to the Colonial Fund. In response to the second point of the ruling, the attorney general appealed to the Cour de Cassation, arguing that a public prosecutor acting on behalf of an enslaved person should not be compelled to cover trial expenses. This time, the request was granted by the sentence of July 3, 1838, which annulled the judgment of the Court Royal de la Martinique and remitted “les parties aux mêmes états ou elles étaient avant le dit arrêt” due to the violation “des articles 117, 118, 119 et 120 du tarif des frais en matière criminelle et la mauvaise application de l’article 130 du Code de procédure civile.”<sup>4</sup>

During the July Monarchy, the legal reorganization of the French Caribbean domains gave rise to increasing tension between the colonial ruling class and metropolitan bodies, particularly regarding the issue of slavery. This tension manifested in conflicts between the colonial courts and the *Chambre des Députés*.<sup>5</sup> Starting from September 24, 1828, a royal ordinance mandated that local courts justify their decisions before a higher court of appeal, the *Cour de Cassation*, which held authority over the enforcement of colonial laws, regulations, and decisions issued by colonial courts.<sup>6</sup> This provision aimed to intervene in colonial legislation, aligning administrative procedures with those of the metropolis. Nevertheless, as we have seen in the previous chapter, this did not effectively erase the special justice of the *Conseils privés*, perpetuating the illegal displacement practices of the African Caribbean

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<sup>3</sup> *Ibid.*

<sup>4</sup> “The parties to the same state they were in before the said decision” due to the violation “of articles 117, 118, 119, and 120 of the tariff of costs in criminal matters and the improper application of Article 130 of the Code of Civil Procedure.” *Ibid.*

<sup>5</sup> Schmidt, *Abolitionnistes de l’esclavage réformateurs des colonies*, 68-74. On this issue, see also: Ann Laura Stoler, and Frederick Cooper, Between Metropole and Colony: Rethinking a Research Agenda, in *Tensions of Empire: Colonial Cultures in a Bourgeois World*, edited by Ann Laura Stoler and Frederick Cooper (Berkeley: University of California Press, 1997), 1-56.

<sup>6</sup> The control of the *Cour de Cassation* over colonial jurisdictions is established by the ordinance of September 24, 1828, for the Antilles, that of September 30, 1827, for Réunion, and that of December 21, 1828, for Guyane. The publicity of hearings and the mandatory justification of judgments are reiterated by Article IV of the ordinance. Furthermore, the ordinance of October 12, 1828, applied the *Code d’instruction criminelle* to Martinique and Guadeloupe, and an additional directive on October 29, 1828, introduced the metropolitan penal code in the French Antilles (art. V). Frédéric Charlin, “Une forme de résistance judiciaire à l’esclavage: les actions en affranchissement devant les juridictions françaises au XIX<sup>e</sup> siècle,” *Histoire de la justice* 26, no. 1 (2016): 51-65, quotation at p. 51.

population until 1845. Faced with growing metropolitan demands to increase standards of legal procedure, the *Conseils privés* and colonial courts often found ways to bypass established institutions and accommodate the planter class. In most instances, the judiciary remained a direct extension of the planter elites, who persisted in advocating for the reinstatement of *Cours prévôtales* and retaining legal authority in the colonies.<sup>7</sup>

Beginning in the 1830s, metropolitan legislative interventions had reformed the system of enfranchisement and the colonial monitoring of punishment, gradually excluding slaves from the sphere of domestic justice.<sup>8</sup> In this context, the *Cour de cassation's* involvement in enfranchisement cases corresponded to metropolitan attempts to limit the authority of colonial administrators and owners, often synonymous with each other, challenging the longstanding colonial assumption that people in bondage were the exclusive private property of their masters and resulting in the progressive erosion of slaveholders' power.<sup>9</sup> Although the prosecutor failed to restore Paul's freedom, for example, he relied on the power of cassation to curb the decisions of the colonial court. The achieved outcome was not insignificant, as by stipulating that legal fees were to be paid by the masters, regardless of whether they won the case, the intervention of the *Cour de Cassation* discouraged planters from multiplying appeals in colonial courts against enfranchisement rulings.

In 1842, Martinique governor Du Valdailly reported to the Ministry of Colonies "l'appui du pouvoir en cassation formé par le Procureur General dans l'intérêt du Jules Cyrille dit Colod."<sup>10</sup> The *procureur* requested the review of the sentence "de la Cour Royal de la Martinique du 10 Mars 1842 qui, annulant un jugement du Tribunal de Saint-Pierre en date du 7 Aout 1841, a admis l'opposition formé à l'affranchissement de l'esclave ci-dessus dénommé."<sup>11</sup> Before reaching the *Cour de Cassation*, the legal case had been previously

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<sup>7</sup> Fioravanti, "Schiavi avvelenatori," 28.

<sup>8</sup> From the 1830s onward, not only were legislations implemented to support enfranchisement and regularization of the de facto free, but also, starting with the Ordonnance Royale du 30 Avril 1833, physical punishment for enslaved individuals was progressively abolished.

<sup>9</sup> Margaret Tanger, "Le conservatisme des cours coloniales et le rôle réformateur de la Cour de cassation," in *La Cour de cassation et l'abolition de l'esclavage*, edited by Peimane Ghaleh-Marzban, Catherine Delplanque and Pierre Chevalier (Paris: Dalloz, 2014), 55-75.

<sup>10</sup> "The support of the cassation power formed by the Attorney General in the interest of Jules Cyrille, also known as Colod." ANOM: Envoi d'un pouvoir du procureur General en matière d'affranchissement, Fort Royal, 1 septembre 1842, GEN, Carton 158, Dossier 1306.

<sup>11</sup> "Of the Royal Court of Martinique dated March 10, 1842, which, annulling a judgment of the Tribunal de Saint-Pierre dated August 7, 1841, admitted the opposition filed against the emancipation of the aforementioned slave." *Ibid.*

submitted to the Tribunal of First Instance, which had granted manumission to Jules Cyrille under the 1832 law for the civil liberty of free African Caribbean people in irregular condition. Subsequently, his alleged master had appealed to the Royal Court, invalidating the enfranchisement ruling. In this case, the cassation appeal was the final step in the long road to restoring Jules' freedom and opposing the colonial court's decision. Many times, local courts expressed opposition to the judgments of *affranchissements*, reflecting the resistance of colonial owners to metropolitan reforms. As in Paul's case, even the intervention of the cassation authority could not alter their decisions. In other instances, the recourse to the supreme court allowed the prosecutor to win cases, enabling the enslaved individuals to achieve formal freedom. In any case, as claimed by Court of Cassation Attorney General Aîné Dupin: "la Cour de cassation a saisi toutes les occasions qui se sont présentées de décider en faveur de la liberté les questions relatives à la condition et au traitement des esclaves."<sup>12</sup> Moreover, the outcomes of appeals to the Court of Cassation established a jurisprudence that favored enslaved people in seeking justice. Over the years, the *Cour de Cassation's* control over the colonial courts became a tool to overturn rulings on enfranchisements in favor of the enslaved population and improved access to justice for African Caribbean people.

As the plantation economies of the French West Indies plunged into an irreversible crisis, the sustainability of the slave system came under question. French abolitionists persisted in developing proposals to abolish slavery, and colonial councils staunchly resisted these initiatives. Echoing, in part, the British debate of the 1820s, these propositions leaned toward gradualist positions. In 1838, Hyppolite Passy drafted a plan for gradual emancipation, which provided for the enfranchisement of the children of slaves and the possibility of self-purchase of freedom by the latter. A new commission headed by François Guizot and Charles de Rémusat evaluates this proposal, predicting the end of slavery in 1840.<sup>13</sup> Under Tracy's proposal, another commission was appointed in 1839, chaired by Count Xavier de Sade, to review Passy's proposal. This time, the rapporteur was Alexis de Tocqueville, who argued against the gradualist positions, advocating immediate emancipation, compensation

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<sup>12</sup> "The Cour de Cassation seized every opportunity that arose to rule in favor of freedom on matters concerning the condition and treatment of slaves." BnF: Aîné Dupin, *Réquisitoires, plaidoyers et discours de rentrée prononcés par M. Dupin, procureur général à la Cour de cassation*, Tome XII (Paris: Imprimerie Henry Plon, 1873), 10.

<sup>13</sup> Nelly Schmidt, "Abolishing Slavery. A History and a Process yet Incomplete," in *Slavery, resistance and abolitions. A pluralist perspective*, edited by Ali Moussa Iye, Nelly Schmidt and Paul E. Lovejoy (Trenton: Africa World Press, 2020), 325-350, quotation at p. 342.

for slaveowners at the expense of the government, and a transitional period of compulsory labor in the colonies. All these measures were punctually rejected by the colonial councils, which nullified any abolitionist plans and deferred any governmental decision on general emancipation. Thereafter, the De Broglie Commission was established. In 1843, its final report presented two separate plans for gradual abolition, lasting ten or twenty years respectively, along with propositions for compensating owners. Also, this project was followed by the contrary opinion of the colonial councils of Guadeloupe, Martinique, Bourbon and Guyana.<sup>14</sup>

However, starting from a legal judgment in 1844, the action of the *Cour de Cassation* on cases of enfranchisement initiated a process of gradual and selective liberation of the enslaved population in the French Caribbean. In 1841, Virginie, a Black woman in Guadeloupe irregularly manumitted by will by her mistress in 1822, who had obtained formal enfranchisement in 1834, claimed through the *procureur* the enfranchisement of her two children, Amélié and Simon. After a complex legal battle, in 1844 the *Cour de Cassation* ruled against her owner's heirs that she was entitled freedom license and that "les enfants impubères de la mère ainsi léguée auraient de suivre se sort."<sup>15</sup> Although Simon had died during the process, Amélié, after thirteen years of intense confrontation between local and metropolitan institutions, obtained formal freedom.

In the Virginie affair, the *Cour de Cassation* explicitly invoked Article 47 of the *Code Noir* of 1685, which provided for the indivisibility of the enslaved family:

Ne pourront être saisis et vendus séparément le mari, la femme et leurs enfants impubères, s'ils sont tous sous la puissance d'un même maître; déclarons nulles les saisies et ventes séparées qui en seront faites; ce que nous voulons avoir lieu dans les aliénations volontaires, sous peine, contre ceux qui feront les aliénations, d'être privés de celui ou de ceux qu'ils auront gardés, qui seront adjugés aux acquéreurs, sans qu'ils soient tenus de faire aucun supplément de prix.<sup>16</sup>

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<sup>14</sup> Claudia Giurintano, *L'abolizione della schiavitù nelle colonie francesi. Il rapporto della commissione Broglie (1840-1843)* (Milano: Franco Angeli, 2016), 13- 18. See also De Broglie's draft laws, "Emancipation générale et simultanée. Projet de loi," quoted at pp. 140-153.

<sup>15</sup> BnF: Cour de Cassation, *Nombreuses libérations au cours de l'année judiciaire 1844-1845: Guadeloupe, Martinique, Guyane, Sénégal. Plaidoiries, mémoires et arrêts de cassation* (Paris: Imprimerie de P. Cordier, 1845), 7.

<sup>16</sup> *Code Noir*, Art. 47: "They cannot be seized and sold separately: the husband, the wife, and their underage children, if they are all under the power of the same master. We declare null and void any separate seizures and sales that may be made. We want this to apply to voluntary alienations as well, under penalty, for those who

Applying the same principle as Article 47 but interpreting it in favor of freedom, possibilities for enfranchisements increased for members of families composed of both freed and enslaved persons through mediation by Supreme Court lawyers. The legal ruling set a precedent that informed the Court's decisions on other similar "family enfranchisement" petitions that had been pending in previous cases, and the jurisprudence extended the "right to manumission" to others enslaved claimants.

In the same 1844, Martinique's *procureur général* requested the cassation appeal for the case of an enslaved woman named Cecilie, who had petitioned for her own freedom and that of her daughters, Augustine and Elizabeth known as Za. Cecilie, as *patroné*, was recognized free and registered in the *état civil* records. On the contrary, her second daughter Za was sold to a slaveholder, who opposed her enfranchisement at the Court Royal. The intervention of the cassation allowed the mother to obtain her enslaved daughter's freedom.<sup>17</sup> On March 11, 1845, the *Cour de Cassation* recognized Catherine Leonard's freedom for her act of baptism and manumitted her fourteen children,<sup>18</sup> nullifying a judgment of the Royal Court of Martinique of August 19, 1841.<sup>19</sup> Catherine's mother, Marie Louise, a slave owned by the Voisin-Duplesoy family, gave birth in 1793 to twins, Chaterine and Marie Thomasine. The baptismal record dated January 4, 1794, confirmed that Chaterine was enfranchised by Capitaine Voisin at birth. Following the death of the owner and his wife, Marie Anne, their granddaughter, inherited Marie-Louise and her twins. Disregarding Chaterine's enfranchisement, Marie Anne sold her to Madame Cazeneuve, who listed the child in the family's slave register on July 23, 1812. However, eighteen years later, the *procureur du Roi* of Saint-Pierre, checking the baptism records, entered Catherine Leonard on the *affranchis* list along with her numerous children. In response, Cazeneuve initiated legal action against the heir of the previous owners, challenging the authenticity of the baptismal certificate.

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make such alienations, of being deprived of the one or ones they have retained, who will be awarded to the purchasers, without being required to make any additional payment."

<sup>17</sup> ANOM: Pouvoir formé par le Procureur général de la Martinique, contre trois arrêts de la Cour Royal de la Colonie. GEN, Carton 158, Dossier 1306.

<sup>18</sup> The names of Catherine's children were Marceline, Clémentine, Virginie, Charles, Luis Hippolyte, Denis Sextius, Louise Hermine, Emilie, Jeanne, Rose, Aristide, Marie Rose, Clémentine Montalin, Sierre Antoine Montalin. Eleven of them obtained legal manumission in court; the last three were born during the trial, when Catherine's free status had already been defined.

<sup>19</sup> ANOM: Le greffiers en Chef de la Court de Cassation au Procurer Général, 11 mars 1845, GEN, Carton 158, Dossier 1306.

Nevertheless, on May 1, 1841, the Tribunal of First Instance ordered the owner to acknowledge Catherine's enfranchisement and pay a fine of 1,000 francs. At once, Cazeneuve appealed to the Royal Court and won, in part because the existence of the baptism document had not been disclosed. Ultimately, the prosecutor appealed to the *Cour de cassation*, denouncing the Cazenueves for violating several legal ordinances relating to the birth, death, and burial of freed and enslaved people registrations and establishing freedom for Catherine and her children.<sup>20</sup> In 1842, another cassation appeal sought the manumission of three enslaved women – Henriette, Marie, and Suzanne – and the latter's three daughters – Honorine, Amelie, and Marie Claire – all inherited from the Rufz-Lavison family upon the death of their former master. The *Cour de cassation* invalidated the illegitimate transfer of ownership of the six women, declaring their release from slavery in 1848.<sup>21</sup>

From the mid-1840s, several manumissions were granted thanks to the legislation that had ensured the preservation of slavery in the colonies for centuries, the *Code Noir*. For the *Cour de Cassation*, the principle of the indivisibility of the enslaved family became a tool to ensure that children would follow their parents in obtaining freedom rather than remaining in bondage. In this sense, the *Cour de Cassation* was an active actor in the policy of gradual manumission of the enslaved colonial population in the years before 1848, contributing to a policy of progressive enfranchisements and to the management of the final abolition of slavery in the French West Indies. Moreover, by ruling the freedom of enslaved children in favor of the status of their relatives and vice versa, the lawyers affirmed the moral value of the family for those newly freed in colonial societies, considering these manumissions as part of a broader process of the gradual legal personalization of enslaved people toward general emancipation. Although the abolition of slavery had not been formally declared by the government, the decisions of the *Cour de Cassation* concurred in its demise and, at the same time, planned for the future of the French empire (Table 2).

The manumissions of individuals and entire families obtained through cassation appeals mobilized jurists in defining the relevant question of when and how much an irregularly enfranchised person could be considered free. Moving beyond the personal sovereignty of

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<sup>20</sup> "C'est contre cet arrêt qu'un pouvoir en cassation a été dirigé par M. le procureur général de la Martinique, pour fausse application des ordonnances royales de 1713 et 1736: son pouvoir a été soutenu par M. Gatine et combattu par M. Chevrier," ANOM: Extrait du Courrier du havre, 12 mars 1845, GEN, Carton 158, Dossier 1306.

<sup>21</sup> ANOM: Extrait des procès-verbaux de la session ordinaire du mois de février 1848. Affranchissement de 6 esclaves, GEN, Carton 158, Dossier 1306

colonial owners, the imperial reforms of the July Monarchy in the 1830s had established a different relationship between enslaved subjects and the courts. To reinforce this trend, on July 18 and 19, 1845, legislative provisions were enacted and collectively referred to as the Mackau Laws.<sup>22</sup> The reform of the slavery system had been proposed by Admiral Mackau, who, after accumulating experience as the governor of Martinique, had become the Minister of the Navy and Colonies in the French government. On one hand, the laws reinstated the obligations placed on owners, imposed limits on masters' abuse, and granted legal capacity and ownership rights to the French enslaved population.<sup>23</sup> On the other hand, their implementation procrastinated further the final abolition of slavery in the French Antilles while trying to preserve relations with the planters. In this regard, according to Aline Helg, with the Mackau Laws, "the July Monarchy adopted its own version of the British "amelioration of slavery" laws."<sup>24</sup>

The provisions enacted on July 18 specified that owners were obligated to provide food, clothing, and medical care for their slaves.<sup>25</sup> Additionally, the law established that daily working hours should not exceed nine and a half hours,<sup>26</sup> and education in the Catholic religion became mandatory for the enslaved population.<sup>27</sup> Within certain limitations, these legal articles conferred upon the enslaved the rights to marriage, property, and inheritance, with the permission of their owners designated as curators.<sup>28</sup> In this manner, these measures

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<sup>22</sup> Loi du 18 Juillet 1845 concernant le régime des esclaves aux colonies et Loi du 19 Juillet 1845. Commented version of the laws in Schmidt, *Abolitionnistes de l'esclavage et réformateurs des colonies*, 330-331.

<sup>23</sup> On the introduction of the Mackau Laws in the French Antilles, see: Elizabeth A. Heath, "The Meaning of Freedom: Slave Self-Purchase and the Making of Free Labour in Martinique," *French History* 34, no. 3 (2020): 342-359.

<sup>24</sup> Helg, *Slave No More*, 274.

<sup>25</sup> Loi du 18 Juillet 1845, Art. I.

<sup>26</sup> Loi du 18 Juillet 1845, Art. III.

<sup>27</sup> Ordonnance du 18 mai 1846 concernant l'instruction religieuse et élémentaire des esclaves.

<sup>28</sup> "La disposition qui précède ne s'applique ni aux bateaux, ni aux armes: ces objets ne pourront jamais être possédés par des personnes non libres. [...] Dans tous les cas, l'esclave ne pourra exercer, sur les objets à lui appartenant, que les droits attribués au mineur émancipé par les articles 481, 482, 484 du Code civil. Le maître sera de droit le curateur de son esclave, à moins que le juge royal ne croie nécessaire de lui en nommer un autre/The foregoing provision does not apply to boats or weapons: these objects may never be owned by persons who are not free. [...] In all cases, a slave may only exercise the rights granted to an emancipated minor under articles 481, 482 and 484 of the Civil Code over objects belonging to him. The master will be by right the curator of his slave, unless the royal judge deems it necessary to appoint him another curator," Loi du 18 juillet 1845, Art. IV.

legalized enslaved savings (*pécule légale*), permitting people in bondage to own and set aside modest sums of money. Moreover, the Mackau Law regulated the practice of *rachat* that allowed enslaved people to self-purchase their freedom, and/or that of their loved ones, in exchange for an economic agreement with owners on acceptable price. The *rachat* was called *amiable*, if the manumission agreement between slave and owner was reached cordially. Instead, it was termed *rachat forcé* in cases where the conditions of the redemption were established by a commission composed of the president and a counselor of the royal court, and a member of the colonial council. Similar to Cuban *coartación*, people in bondage could autonomously negotiate the terms of their manumission in court. However, although this form of release from slavery differed from the process of *rachat* for captive Africans under the regime of *engagisme à temps*, after *affranchissement* former enslaved people remained dependent on their owners, or *patrons*, for at least five years as they gradually paid for their own freedom.<sup>29</sup>

The law of July 19, on the other hand, established the economic foundation for policies aimed at ameliorating slavery and promoting emancipation. Specifically, a Royal Ordinance pertaining to this law ensured the “*rachat sur fonds de l’État*,”<sup>30</sup> meaning that the state covered the expenses associated with manumission proceedings. These costs were distributed among the French colonial possessions.<sup>31</sup> In 1846, the enslaved woman Rosette and her son Vincent were freed “*par rachat amiable*”, utilizing state funds, profiting from the passing of inheritance to the brother of their former owner Jaham, a resident of Saint-Pierre.<sup>32</sup> In contrast, for the enslaved Monrose, known as Babdor, the attainment of freedom papers occurred through the intervention of the *procureur* “*par rachat forcé*” at a price set by a special commission.<sup>33</sup> In both cases, individuals in bondage achieved legal freedom.

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<sup>29</sup> Loi du 18 juillet 1845, Art. V. On the ambiguities of the term *rachat*, see Flory, “Alforriar sem libertar,” 96. On the manumission practice of *rachat* in the French Antilles, see also: Bernard Moitt, “Freedom from bondage at a price: Women and redemption from slavery in the French Caribbean in the nineteenth century,” *Slavery and Abolition* 26, no. 2 (2005): 247-256.

<sup>30</sup> “Release from state funds.” *Ordonnance du 23 octobre 1845 qui règle les formes à suivre aux colonies pour faire concourir les fonds de l’État au rachat des esclaves*. ANOM: Rachat des esclaves sur les fonds des états, 1845-1847, ANOM: Généralité 139, Dossier 1191.

<sup>31</sup> ANOM: Etat des esclaves compris dans la distribution des fonds alloué par la loi du 19 Juillet 1845. *Journal Officiel de la Martinique*, 7 novembre 1846. , GEN, Carton 139, Dossier 1188.

<sup>32</sup> ANOM: Rachat par l’Etat des esclaves Rosette et Vincent, mars 1846, GEN, Carton 139, Dossier 1188.

<sup>33</sup> ANOM: Affranchissement du nommé Bobdor pour suite de rachat forcé, juillet 1846, GEN, Carton 139, Dossier 1188.

However, those who could not demonstrate employment under an owner or business and justify their means of subsistence were labeled as vagrants and “puni comme tel.”<sup>34</sup> As in the case of Rosette and Vincent, freed individuals were “incorporés dans l’ateliers du domaine colonial” ensuring the workforce and perpetuating the system of labor coercion in the colonies.<sup>35</sup>

As discussed in Chapter I with respect of the *Noirs de traite*, within the colonial workshops of the empire, the French government experimented with forms of coerced labor beyond chattel slavery. In 1835, for instance, Anne Marie Javouhey, the head of the Sisters of Saint Joseph of Cluny, proposed to the King the creation of an institution on the banks of the Mana River in French Guiana. This institution aimed to accommodate African people liberated from the slave trade who were working in colonial workshops, with the intention of allowing them to undergo “une sorte d’apprentissage de la liberté.”<sup>36</sup> In this line, we grasp how the introduction of compulsory labor following *rachat forcé* in the French Antilles legally established a transitional labor regime and created new dependent relationships between the colonial administration, freed individuals, and their former owners. Precisely the *esclaves du roi*, mostly employed in public works for the benefit of the colony, were gradually freed through collective manumission decrees, with the compensation of colonial treasuries.<sup>37</sup> These ordinances complemented legislative efforts and confirmed the government’s desire to reduce the weight of slave labor in the French Antilles. In 1846, a royal ordinance enfranchised 126 *Noirs du domaine*,<sup>38</sup> and another in 1847, few months before final

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<sup>34</sup> “Tout individu âgé de moins de soixante ans qui ne justifiera pas, devant l’autorité administrative, de moyens suffisants d’existence, ou bien d’un engagement de travail avec un propriétaire ou chef d’entreprise industrielle, ou bien de son état de domesticité, sera tenu de travailler dans un atelier colonial qui lui sera indiqué. En cas de refus de déférer à cette injonction, il pourra être déclaré vagabond, et puni comme tel, dans chaque colonie, suivant les lois qui y sont en vigueur[...]/ Any individual under the age of sixty who cannot justify, before the administrative authority, sufficient means of existence, or an employment commitment with an owner or industrial business leader, or proof of their state of domestic service, will be required to work in a colonial workshop assigned to them. In case of refusal to comply with this injunction, they may be declared a vagabond and punished as such, in each colony, according to the laws in force there [...],” Loi du 19 Juillet 1845, Art. XVI.

<sup>35</sup> “Incorporated into the workshops of the colonial estate.” ANOM: Ou rendu compte du rachat de deux esclaves, Fort Royal, 24 mars 1846, GEN, Carton 139, Dossier 1188.

<sup>36</sup> “A sort of apprenticeship of freedom.” ANOM: Rapport au roi, 14 août 1835, MC, APC, 1 Leg. 14.

<sup>37</sup> ANOM: Affranchissement du noir du domaine colonial, May 26, 1846, GEN 117, Dossier 996.

<sup>38</sup> ANOM: Ordonnance du 21 juillet 1846 qui déclare libres 126 noirs du domaine colonial, GEN 117, Dossier 996.

emancipation, granted manumission to 218 enslaved people in Martinique, Guadeloupe, Bourbon, and French Guiana.<sup>39</sup>

The Mackau Laws led to an increase in self-manumissions and a surge of legal complaints against abusive masters. The growing influence of abolitionism, combined with the legal reforms, empowered enslaved individuals to testify in trials against their owners.<sup>40</sup> Consequently, mistreatment and illegal behaviors by the proprietors were more frequently denounced and gained public attention.<sup>41</sup> Additionally, the practice of fleeing to seek asylum in nearby British colonies persisted among enslaved people in the French Antilles as a strategy for rebelling against the control of masters who did not comply with the new legislation. In 1847, for example, “Vincent, Saint-Éloi, Roseline, Ambrosine, Octave, Suffrin et Jeanne, tous cultivateurs de la même habitation, avaient annoncé à M. Lacase l’intention

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<sup>39</sup> ANOM: Ordonnance du 12 octobre 1847 qui déclare libres 218 noirs du domaine colonial Ordonnance Royale, October 12, 1847 ; and “ ANOM, Généralité 117, Dossier 996.

<sup>40</sup> Loi du 18 Juillet 1845, Art. IX “Sera puni d’une amende de 101 francs à 300 francs tout propriétaire qui ne fournirait pas à ses esclaves les rations de vivres et les vêtements déterminés par les règlements, ou qui ne pourrait pas suffisamment à la nourriture, entretien et soulagement de ses esclaves infirmes par vieillesse, maladie ou autrement, soit que la maladie soit incurable ou non. En cas de récidive, il y aura lieu de plus à un emprisonnement de seize jours à un mois/Any owner who fails to provide their slaves with the food rations and clothing determined by the regulations or who does not adequately provide for the food, maintenance, and relief of their infirm slaves due to old age, illness, or otherwise, whether the illness is incurable or not, will be punished with a fine ranging from 101 francs to 300 francs. In the case of a repeat offense, there may be imprisonment for a period of sixteen days to one month” and Art. X. “Tout maître qui aura infligé à son esclave un traitement illégal ou qui aura exercé ou fait exercer sur lui des sévices, violences ou voies de fait, en dehors des limites du pouvoir disciplinaire, sera puni d’un emprisonnement de seize jours à deux ans, et d’une amende de 101 fr. à 300 francs, ou de l’une de ces deux peines seulement. S’il y a eu préméditation ou guet-apens, la peine sera de deux ans à cinq ans, et l’amende de 200 francs à 1,000 francs/ Any master who inflicts illegal treatment on their slave or who has committed or caused to be committed acts of cruelty, violence, or assault on the slave, beyond the limits of disciplinary power, will be subject to imprisonment from sixteen days to two years and a fine ranging from 101 francs to 300 francs, or either of these two penalties alone. If there was premeditation or an ambush, the punishment will be from two to five years of imprisonment and a fine from 200 francs to 1,000 francs.” On the evolving legal dimensions of enslaved testimonies in both French and British empires in 19<sup>th</sup> century, see: Sue Peabody, “Slaves as Witnesses, Slaves as Evidence: French and British Prosecution of the Slave Trade in the Indian Ocean,” in *Voices in the Legal Archives in the French Colonial World: “The King is Listening,”* edited by Nancy Christie, and Michael Gauvreau (New York: Routledge, 2022), 281-303.

<sup>41</sup> Victor Schœlcher, for example, collected complaints of mistreatment of several enslaved people in Martinique in 1847: BnF: Collection Victor Schœlcher, NAF 3630 II, Martinique.

de se racheter.”<sup>42</sup> Even though this was among their new set of privileges, the master refused them to approach the prosecutor of Basse-Terre and obstructed the self-purchase procedure. Unsatisfied, he also decided to punish enslaved people initiative by increasing the plantation workload. A few days later, the seven people fled to Dominica “emportant leur pécule.”<sup>43</sup> The British free soil policy, examined in Chapter II, challenged the political and legal debate on slavery and its persistence in the French Caribbean over time. In 1846, in the small possession of French Saint-Martin, escapes to British colonies by the enslaved population were so widespread that the island’s owners addressed a petition to the *Chambre des Députés* demanding immediate emancipation to counter the depopulation of their plantations.<sup>44</sup> Although the petition did not yield a positive outcome, the stance of the owners in Saint-Martin demonstrated that general emancipation in French colonies was no longer unthinkable even for the proprietors. Moreover, while enslaved people continued both to escape and to petition the courts for freedom, the practice of *rachat* and state funds for manumissions provided assurance to the French owners and anticipated compensation policies by the colonial administrations. Consequently, in Guadeloupe, Martinique, and French Guiana, 36,500 slaves gained their enfranchisement from slavery between 1830 and 1848.<sup>45</sup>

Finally, the Second Republic (1848–52) provided the revolutionary context necessary for the abolition of French slavery. Conceived by Victor Schœlcher, the Emancipation Act invoked revolutionary ideals such as freedom and equality, while also stipulating compensation for slave owners.<sup>46</sup> The legislation received approval from the French Provisional Government on April 27, 1848, and took effect two months later.<sup>47</sup> However, the enslaved people in the

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<sup>42</sup> “Vincent, Saint-Éloi, Roseline, Ambrosine, Octave, Suffrin, and Jeanne, all cultivators of the same plantation, had informed Mr. Lacase of their intention to self-purchase their freedom.” BnF, *Courrier français*, 10 janvier 1847, *Histoire de l’esclavage*, 451.

<sup>43</sup> “Taking their savings with them,” *ibid.*

<sup>44</sup> Pétition des habitants de la partie française de l’île de Saint-Martin à la Chambre des Députés du 18 juillet de 1846, quoted in Nelly Schmidt, *Abolitionnistes de l’esclavage*, 287.

<sup>45</sup> Aline Helg, *Slave No More*, 276. According to Frédéric Régent, on the eve of emancipation in 1848, in Guadeloupe il 26% and in Martinique il 34% percent of the African descendant population in the French West Indies were free, *La France et ses esclaves*, 283.

<sup>46</sup> Nelly Schmidt, “1848 dans les colonies françaises des Caraïbes. Ambitions républicaines et ordre colonial,” *Outre-Mers. Revue d’histoire* 320 (1998): 33-69. On compensations to French owners, refer to the REPAIRS project Database (accessed 10/12/2023: <https://esclavage-indemnites.fr/public/Recherche/Base/2>).

<sup>47</sup> Décret du 27 avril 1848 relatif à l’abolition de l’esclavage dans les colonies et possessions françaises, Duvergier, p. 194.

French Antilles succeeded in imposing immediate emancipation before France's official abolition decree reached the colonial territories. In Martinique, enslaved people gathered in Saint-Pierre to call for immediate emancipation on May 20. The unrest escalated, forcing the Governor of the colony to declare the liberation of the enslaved population on May 22.<sup>48</sup> To avoid a general insurrection, the Governor of Guadeloupe did the same on May 27.<sup>49</sup> A year earlier, Sweden ended slavery in Saint-Barthélemy.<sup>50</sup> On July 2, 1848, the enslaved population of the Danish Caribbean rose up in an initial rebellion on St. Croix. Plantations were burned down, and the colonial administration was forced to declare the general emancipation. In the same year, the Danish Empire also declared the abolition of slavery.<sup>51</sup> Countless slaves in the Dutch Leeward Islands escaped by sea and crossed the French border to reach free territories. Those on St. Martin were granted de facto emancipation in 1848 to prevent their flight to the French side of the island.<sup>52</sup>

## 2. Enslaved British Subjects in Cuban Courts

Cuban slaveholders observed with apprehension the expansion of emancipation in neighboring colonial possessions. New imperial balances emerged due to the spread of the abolitionist movement, initially driven by the British West Indies, into the Danish, Dutch, and French Caribbean. By the mid-19th century, only Spain persisted in maintaining the slave system in its colonial holdings in the region. Nevertheless, a similar situation unfolded in Dutch Suriname, and Cuba approached the slave societies of the southern United States. In particular, Cubans and Southern planter elites were intimately connected as members of the

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<sup>48</sup> Édouard Delépine, *Dix semaines qui ébranlèrent la Martinique* (Paris: Servedit-Maisonneuve & Larose, 1999).

<sup>49</sup> Inez Fisher-Blanchet, "Troubles paysans en Guadeloupe à l'époque de l'émancipation: le procès Sénécal à Basse-Terre," *Cimarrons* 1 (1981): 139-160.

<sup>50</sup> Lill-Ann Körber, "Sweden and St. Barthélemy: Exceptionalisms, Whiteness, and the Disappearance of Slavery from Colonial History," *Scandinavian Studies* 91, no. 1/2 (2019): 74-97.

<sup>51</sup> Nat Hall, "The Victor Vanquished: Emancipation in St. Croix; its Antecedents and Immediate Aftermath," *Nieuwe West-Indische Gids / New West Indian Guide* 58, no. 1/2 (1984): 3-36.

<sup>52</sup> Similarly, in Saint Eustatius, Saba, Curaçao, Aruba, and Bonaire, the Dutch government introduced forms of wage labor for the enslaved. Instead, the institution persisted until 1863 in Suriname, where illicit trade continued almost indiscriminately. Kwame Nimako, and Glenn Willemsen, *The Dutch Atlantic: Slavery, Abolition and Emancipation* (London: Pluto Press, 2011); Jessica Vance Roitman, "Land of hope and dreams: slavery and abolition in the Dutch Leeward islands, 1825–1865," *Slavery & Abolition* 37, no. 2 (2016): 375-398.

American slaveholding class. For both, the imperative of preserving the institution of slavery held the potential to forge new alliances and new political powers.<sup>53</sup>

In the last decades before the end of slavery, the institution in Cuba seemed stronger than ever. The island's sugar production surged from 147,000 tons in 1830 to 345,000 in 1850, making it the largest in the world.<sup>54</sup> The insurgent attempt of the Escalera and the mounting diplomatic pressures from Britain collided with the resistance of the Cuban plantocracy. In the 1840s, the Cuban administration expelled many free people of color, repressed the African Caribbean community, and progressively restricted access to freedom.<sup>55</sup> Additionally, the increasing rate of illegal enslavement had a detrimental impact on the everyday experience of freedom for African descendant people as domestic trafficking became more prevalent in the Americas.

Studies on the interactions between British diplomacy, Cuban administration, and the enslaved population remained confined to the specific context of the Escalera conspiracy.<sup>56</sup> However, the analysis of freedom petitions involving the British consuls shows that the practice of seeking diplomatic protection in lawsuits developed in the subsequent years, with long-term consequences for the Cuban slave regime. Despite more stringent regulations, in Cuba, enslaved people continued to achieve freedom for themselves and their loved ones through a variety of legal, personal, and family strategies. In the Caribbean space, the new geographies of freedom and slavery changed the way African descendant people used the law to claim freedom. As historian Sidney Chalhoub noted regarding Brazil, "the connection between illegal enslavement and the precariousness of freedom is crucial, both to understanding the logic permeating public policies and to observing the strategies used by blacks and *pardos*, slave, free, and freed, to deal with it."<sup>57</sup> Legal cases involving foreign subjects held in bondage in Cuba became an example of this. The use of international diplomacy and concurrent legal regimes became a means for the enslaved population to

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<sup>53</sup> Daylet Domínguez, "Slaveholders in the South: The networks of Cubans and Southerners in the age of the second slavery," *Atlantic Studies* 18, no. 1 (2021): 51-69.

<sup>54</sup> Tomich, *Through the Prism of Slavery*, 81.

<sup>55</sup> According to Alejandro De la Fuente and Ariela J. Gross, if since the late 1700s the free population of color in Cuba had always grown by 1840 it remained stable. The free population of color in Havana, for example, remained essentially stable between 1840 and 1860 at about 35,000 individuals, *Becoming Free, Becoming Black*, 157.

<sup>56</sup> Barcia Paz, "The Kelsall Affair," 285; Curry-Machado, "Catalysts in the Crucible," 123.

<sup>57</sup> Sidney Chalhoub, "The Precariousness of Freedom in a Slave Society (Brazil in the Nineteenth Century)," *International Review of Social History* 56, no. 3 (2011): 405-439, quotation at pp. 424-425.

obtain freedom from slavery. Through recourse to British consular protection, enslaved people used, experienced, and, in a sense, constructed a new path to freedom during the age of abolition.<sup>58</sup>

Determining the precise number and success rates of these legal cases is challenging due to fragmentary archival records. Moreover, in some instances, the final sentence has not been preserved among the court papers. By cross-referencing data from the National Archives in London, the Archivo Histórico de Madrid, and the Archivo Nacional de la República de Cuba, the analysis is based on the collection of 58 individual petitions of British subjects held in slavery in Cuba and supported by the British diplomacy (Table 3). The legal cases spanned from 1835 to 1857 and directly involved at least 78 family members or individuals who were kidnapped and imprisoned together. Reading these legal cases, we can provide an estimate of the numbers and success rate of the legal practice of seeking the protection of British diplomacy to support the claim for freedom in the Cuban colonial courts. Out of the total number of petitions that reached the courtrooms, 28 resulted in litigation that granted freedom to British subjects held in slavery in Cuba. However, Cuban judges rejected 7 other applications, refusing to grant freedom while keeping the appellants, and sometimes their loved ones, in slave status in the colony. For 13 cases, it was impossible from the remaining archival documents to reconstruct the entire trial and know the sentence. Additionally, 6 legal cases remained open for various reasons: because of the escape of the defendants; due to the lack of clarity of the law in this regard, especially in cases involving the appellant's children; because the litigation involved people connected to other judicial processes. Finally, 4 times the legal cases were successful because the petitioners were recognized as already free, either being free people of color or freed slaves who had obtained manumission in Cuba through other legal methods.

The success of the petitions depended on the commitment and inclination of the acting consul, which often reflected the position of the government that appointed and assigned him to the Spanish possession. These inclinations were contingent and changed over time. Turnbull's tenure was the peak period for freedom claims by enslaved British subjects in Cuba. In fact, the highest number of petitions (12) to Cuban courts was presented in 1841. These petitions were mainly the result of the individual efforts of the British diplomat, who directly inspected the estates of the Spanish island to demonstrate the illicit trade that

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<sup>58</sup> On other similar examples of this, see: Grinberg, "Illegal Enslavement," 31-52; Lauren Benton, "The Laws of This Country": Foreigners and the Legal Construction of Sovereignty in Uruguay, 1830-1875," *Law and History Review* 19 (2001): 479-511.

Bahamian and Jamaican planters entertained with Cuba. Not surprisingly, the majority of the plaintiffs were enslaved people who had been employed on Cuban plantations owned by British masters. Moreover, these petitions of British West Indian enslaved people often were intertwined with legal cases and matters concerning *emancipados/as*. This confusion arose primarily because of the “dual title” of British consul and Superintendent of liberated Africans with whom Turnbull was involved in the lawsuits.

For the most part, these cases were resolved in later years under Consul Crawford’s supervision. The success of a claim depended mainly on the political and social contingencies of the Spanish possession. Although there is some consistency in the reasoning of judgments in the trial papers, the inclination of the Cuban court to grant enfranchisement in legal cases supported by British diplomacy depended on the attitude of the captain general in charge. Declining demands in 1842 were due to the full powers given by Spain to the military management of the colony pursued by Governor O’Donnell in the aftermath of the Escalera revolt as well as the poor relationship between the Cuban government and the British consul. In 1845, the Spanish administration more precisely defined anti-slave trade rules while maintaining protection for Cuban slave owners. After the Escalera revolt, moreover, the action of the mixed commission was reduced. Attempting to quiet the tensions with the colonial administration provoked by his predecessor, Consul Crawford complied more closely with the limits imposed by Spanish authorities. He was more receptive to the Cuban request to deal exclusively with its own consular responsibilities, avoiding matters concerning *emancipados/as*.

Despite the diplomat provided the Foreign Office with detailed reports on the number of disembarks and freedom papers issued to the *emancipados/as* by the Cuban government, he did not support many petitions in their favor.<sup>59</sup> In one of these rare cases, involving “four African women, named respectively Casimira, Mamerta, Escolástica and Justa, belonging to the class of ‘Emancipados,’” the consul supported their plea to be relocated to British territory along with their children, as they lamented unsatisfactory living conditions in Cuba.<sup>60</sup> Immediately, the colonial authorities’ response emphasized the limits of the diplomat’s

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<sup>59</sup> TNA: From Mr. Crawford, Consul General in Cuba, FO 313/54.

<sup>60</sup> AHN: El cónsul Crawford solicitaba del capital general de Cuba la libertad de cuatros africanas llamada Casimira, Escolástica, Mamerta y Justa, que siendo emancipadas continuaban como esclavas, EST, Leg. 8046, Exp. 1. Casimira, for example, once disembarked from Africa, was assigned as an *emancipada* to a protector. In Cuba, she had a son named Ambrosio, born free and baptized. Later, she was transferred under another owner, Maria del Rosario Montero de Espinosa, “que maltrata a la madre y no enseña la educación católica al hijo,” AHN: EST, Leg. 8045, Exp. 4.

powers, stating that “para presentar este tipo de reclamación, el único competente para verificarlo es el Juez del Tribunal Mixto.”<sup>61</sup> In this, as in many other cases, tensions between Crawford and Cuban authorities were revived, jeopardizing diplomatic relations between the British and Spanish empires. At the same time, the increased number of positive resolutions under Crawford’s protection was a sign of the more relaxed relations between the Cuban administration and the British consul.

Therefore, British subjects held in bondage on foreign soil gained free status due to evolving inter-imperial relations and anti-slave trade agreements. In the 1850s, Cuban Captain General Juan González de la Pezuela y Ceballos – in office from 1853 to 1854 – took effective measures to curb illegal trafficking. In addition, in 1852 George Blackhouse arrived in Havana as new British Judge of the mixed commission and, through his determination, succeeded in reviving the functions of the mixed court.<sup>62</sup> As we will explore further, changing political circumstances led to a gradual decline in protection requests from enslaved British subjects to Consul Crawford. The last petition involved the enslaved man Cuaco, and his companion Jim, supported by the consul in the legal case that extended from 1855 to 1857.<sup>63</sup> Under the Consul Crawford, the freedom lawsuits of British West Indian people held in slavery in Cuba were refined, establishing a freedom strategy that was replicated over time and gained greater recognition in the courts. British protection had extended from the enslaved people who had been kidnapped after the emancipation decree, to those who had been transported illegally in the Spanish island before 1834. In this way, the distinction between free-born individuals and slaves blurred, as freedom-seeking Afro-Caribbeans were recognized as British subjects in legal proceedings in Cuban courts. Analytically, this distinction sets the analysis of their claims apart from legal cases involving liberated Africans

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<sup>61</sup> “To make this kind of claim, the only one competent to verify it is the Judge of the Mixed Court,” AHN: 14 de Septiembre 1852, EST, Leg. 8046, Exp. 1. Through the Havana Mixed Commission Court, the four women managed to embark for Jamaica. Casimira appealed once again to the Court, requesting that her son Ambrosio be allowed to leave the Spanish colony with her. They were embarked on December 10, 1852, aboard the British ship “Trent,” AHN: EST, Leg. 8046, Exp. 18.

<sup>62</sup> In this respect, one of Blackhouse’s many complaints to the British Colonial office concerned the inactivity of Consul Crawford in cases involving the liberated Africans. Martínez-Fernández, *Fighting Slavery in the Caribbean*, 55.

<sup>63</sup> ANC: Voto consultivo, 14 de Enero 1856, Habana, Sección de Fomento, IGH, Leg. 929, Exp. 33.

and demands for recognition of the “original freedom,” an issue that has been addressed by historiography focused on the Lusophone world.<sup>64</sup>

By alleging that the Cuban court was responsible for arbitrary detentions of enslaved persons from British territories, Britain mobilized *habeas corpus* to safeguard freedom and projecting authority over its new subjects. British consuls representing them in courtrooms directly confronted Cuban governors and judges, contributing to the destabilization of slavery in Cuba throughout the 19th century. Moreover, these legal cases demonstrated how agreements on the suppression of the slave trade and the use of legal protection were integral to Britain’s efforts and successes in reshaping and extending its influence beyond the borders of the empire.<sup>65</sup>

The court papers traced the contacts between the different petitions and the handovers from one consul to another and some of the processes initiated during Tolmé’s and Turnbull’s tenures were taken over by Consul Crawford.<sup>66</sup> In intercession with Cuban authorities, appeals by British diplomacy referred to previous legal cases, urging judges to take past decisions into account when evaluating new requests for freedom. In this way, different cases formed a jurisprudence on which the British consul based their appeals before Cuban courts, broadening the diplomatic protection of British African West Indian subjects. For example, building upon the positive ruling inherited from his predecessor in the Juan Fontanales case, recognized as a free man from the British possession of Sierra Leone,<sup>67</sup> Crawford built the defense of other enslaved British subjects. On October 12, 1842, the consul wrote to the Captain General:

Billy Thomas, a Black person, subject of H. B. Majesty, native of Sierra Leone as applied to me and made the following statement. [...] That about one year ago he was kidnapped by a crew of slave sealers in the employ of Don Pedro

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<sup>64</sup> José C. Cutro, “The Story of Nbena, 1817–20: Unlawful Enslavement and the Concept of ‘Original Freedom’ in Angola,” in *Trans-Atlantic Dimensions of Ethnicity in the African Diaspora*, edited by Paul E. Lovejoy and David V. Trotman (London: Continuum, 2003), 43–64. Mariana P. Candido, “African Freedom Suits and Portuguese Vassal Status: Legal Mechanisms for Fighting Enslavement in Benguela, Angola, 1800–1830,” *Slavery & Abolition* 32, no. 3 (2011): 447–459.

<sup>65</sup> On this issue, see: Lauren Benton, Adam Clulow, and Bain Attwood, *Protection and Empire. A Global History* (Cambridge: Cambridge University Press, 2017).

<sup>66</sup> See, for example: ANC: From Tolmé to Turnbull, October 24, 1840, GSC, Leg. 940, Exp. 33142; and TNA: From Turnbull to Crawford, July 25, 1842, CO 318/157.

<sup>67</sup> TNA: From Turnbull to Foreign Office, January 14, 1841, CO 318/153.

Blanco [...] and with a great number of others unfortunate negroes was forced on board of a schooner belonged to the said Don Pedro Blanco and was brought to this island.<sup>68</sup>

Sierra Leone had become a British colony in 1807, and the Malaga-born merchant Pedro Blanco was among the most notorious Spanish *negreros* (slave traders) in the Atlantic slave trade.<sup>69</sup> The Cuban court recognized Billy's freedom and his entitlement to return "to his home and family in Sierra Leone."<sup>70</sup> As had occurred in the previous case of Juan Fontanales, the British consul embarked him for England.<sup>71</sup> From there the freed British subjects would continue their journey back to Africa, although we do not know if this happened.

During Crawford tenure, moreover, petitions for protection extended from the Consul General of Havana to diplomatic representatives in other Cuban cities, most notably Vice-Consul James Forbes of Santiago de Cuba. Additionally, the number of enslaved women in freedom lawsuits sponsored by British consuls increased. In fact, unusually compared to other enfranchisement practices, the legal cases involving British West Indian people held in bondage in the Spanish possession predominantly featured male claimants.<sup>72</sup> Illegal enslavement and subjugation of free people primarily implicated individuals engaged in typically male activities, such as sailors or fishermen. Many, furthermore, were re-employed as slaves in the plantation industry. Out of the total legal cases supported by the British consul in the Cuban court, only 13 petitions were filed by women, of which 10 under the protection of Consul Crawford.<sup>73</sup> The increased number of petitions involving women during Crawford's tenure was accompanied by the fact that appeals to the British diplomat

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<sup>68</sup> TNA: From Crawford to Captain General, October 12, 1842, CO 318/157.

<sup>69</sup> Barcia Paz and Kesidou, "Innovation and entrepreneurship," 550.

<sup>70</sup> TNA: From Crawford to the Earl of Aberdeen, Novembre 5, 1842, CO 318/157.

<sup>71</sup> TNA: Foreign Office to Crawford, December 31, 1842, CO 318/157.

<sup>72</sup> The prevalent view in historiographical analysis argues that enslaved women, especially those involved in domestic labor within urban settings, were more likely to secure manumission. However, for a more nuanced examination of the relationship between gender and manumission in the Atlantic world, see: Rosemary Brana-Shute, "Sex and gender in Surinamese Manumissions," in *Paths to Freedom*, 175-198; and Eva Sheppard Wolf, "Manumission and the Two-Race System in Early National Virginia," in *Paths to Freedom*, 309-338.

<sup>73</sup> Francisca, Maria Rufina Napoli, Maria Feliciana Pina under Consul Turnbull. Betsy, Charlotte Gallagher/Carlota, Dido, Polly Gaythorne, Eve, Mary Ann Bethel/Mariana, Luisa Wolf, Nancy, Gabriela, Plassy Lawrence/Maria del Carmen under Consul Crawford.

were predominantly made by enslaved people working and living in urban contexts.<sup>74</sup> These individuals independently contacted the consul, requesting his intercession with Cuban authorities in litigations. The documentation on these lawsuits is richer and more articulate than the previous legal cases, and their movements in the Caribbean space were recounted in detail, showing that agency by the enslaved British subjects in the courtrooms increased over time. Analyzing these lawsuits, we can examine in deep the legal procedures within Spanish courts.

In 1842, a 34-year-old enslaved woman named Nancy went to the British consulate in Santiago de Cuba claiming freedom as a subject of Her Majesty and, consequently, requesting diplomatic protection. In 1849, the petition came to the attention of the municipal authority (*Alcaldía*), which appointed a lawyer to advise regional officials (*asesor*) who questioned Nancy about her history. This inaugurated a legal process of heated confrontation between Spain and Great Britain, which would continue beyond her death.<sup>75</sup>

Nancy was a Jamaican slave, owned by a certain John Clarke, a member of the commercial community of Kingston. When Clarke moved to England, he transferred Nancy's ownership to his partner, Louise Defournet. In 1825, Defournet decided to move to Spanish Cuba, accompanied by her putative mother Bonne Castain and Joseph Fonçon, her new lover. He was a Frenchman who, like Louise and Bonne, had moved to Jamaica from the colony of Saint-Domingue a few years earlier, during the conflict that led to the birth of the Republic of Haiti. Statements taken during the trial confirmed that Nancy had been forced to embark in Kingston regardless of her resistance and cataloged in the Fonçon's travel documents as free *criada* (domestic) despite her slave status.<sup>76</sup> This information indicates also that Nancy

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<sup>74</sup> This general assumption does not aim to deny the presence of enslaved women engaged in plantation work. Conversely, it acknowledges that men were often employed as domestic workers or in urban occupations. Recent historiography deals with the intricate relationship between gender and labor roles within colonial spaces. It emphasizes how the fluidity between plantation and urban areas enabled enslaved individuals to transition between different occupations throughout their lives. For a more comprehensive understanding, see Varella and Barcia Paz, *Wage-Earning Slaves*, 69-71. Additionally, historian Aisha K. Finch provides valuable insights into the realm of female labor on plantations, "Cécile Fatiman and Petra Carabalí: Late Eighteenth-Century Haiti and Mid-Nineteenth Century Cuba," in *As If She Were Free: A Collective Biography of Women and Emancipation in the Americas*, edited by Erica Ball, Tatiana Seijas, and Terri Snyder (Cambridge University Press, 2020), 293-311.

<sup>75</sup> AHN: Expediente de reclamación de libertad para una negra y sus hijos por ser británicos, ULTR, Leg. 4639, Exp. 38; EST, Leg. 8046, Exp. 1, 13, 14, 16; and HC: "Accounts and Papers," vol. 26, part. II, 1851, p. 788-798.

<sup>76</sup> AHN: El Gobernador General de la Isla de Cuba, 8 abril 1853, ULTR, Leg. 4639, Exp. 38

and her mother Isabel were transported from Kingston to Santiago de Cuba by their owners aboard the merchant ship “Rose” on April 1, 1825.<sup>77</sup> After several years in Cuba, Louise Defournet and Joseph Fonçon married in 1838. Soon after their union, the couple moved to France. Nancy was left in the hands of Bonne Castain, who employed her as a domestic servant. During the time she stayed in Cuba, Nancy had four children: Juan, Gabriela, José, and Luciano. The last one had received the manumission from slavery directly from Bonne Castain. The other two males had been sold to new owners by Mr. and Mrs. Fonçon before they left for France. These new masters relocated them from Santiago de Cuba to the interior of the Bayamo province, where they were put to work on plantations. Gabriela, on the other hand, had remained as a maid with her mother. After the death of Bonne Castain, Nancy and her daughter passed to the *Tribunal de bienes de difuntos*, the Spanish institution in charge of the affairs and property of those who perished without a will. After spending 17 years in Cuba, Nancy, for the first time in her life, found herself without a master. Despite still being a slave, she could finally contact the British consul to pursue her own freedom.<sup>78</sup>

To assert her status as a free British subject and secure freedom for her children, Nancy sought support from the British diplomatic representative in Santiago. Following the appeal, the city’s Vice-consul Forbes promptly approached Consul General Crawford in Havana. Subsequently, Forbes notified authorities in Santiago de Cuba, who, in turn, contacted Captain General Valdés. After numerous exchanges of letters between British and Spanish authorities, the trial commenced with Nancy’s interrogation by the *asesor*. The testimony of the enslaved woman showed that her transfer occurred in open violation of the Slave Trade (Consolidation) Act of 1824. British laws and international agreements to suppress the slave trade, combined with the ongoing emancipation processes in the Caribbean, complicated the position of the ownership claimants and provided Nancy with the opportunity to question her status in the Spanish colony. Along with others, Nancy’s petition to the Cuban court concerned the prosecution of illegal trafficking but also challenged the property rights of masters who had illegally brought or purchased slaves from British West Indian colonies into Spanish possession. Nancy’s appeal for justice, with the involvement of British diplomacy, was based on the belief that if the transport was considered illegitimate, her status as a slave could also be challenged in courts, obtaining the recognition of British subject status, and subsequent enfranchisement from slavery. However, the priority of the Cuban authorities was to establish the honesty of her statements and origins to decide subsequently whether

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<sup>77</sup> AHN: Palacio, 2 de enero 1853, EST, Leg. 8046, Exp. 1.

<sup>78</sup> AHN: El Gobernador General de la Isla de Cuba, 8 abril 1853, ULTR, Leg. 4639, Exp. 38.

her claims were admissible and how to proceed with respect to the case. Meanwhile, Nancy and Gabriela were placed by the court in the judicial slave depot (*depósito*) in the city of Santiago de Cuba, to await the end of the investigation and the final decision. Secondly, the attorney had to determine whether the case involved foreign authorities and, if so, how to limit Britain's interference in the affairs concerning the maintenance of slavery in Cuba. Questioning the role of the British diplomat as the main advocate in the case, Cuban judges decided to involve the French consul in Cuba, Gaspar Théodor Mollien, in the trial. According to Spanish authorities, "no era suficiente con que dijera que era libre para creerle."<sup>79</sup> Complying with their demands, in March 1849, Mollien attempted to contact Mr. and Mrs. Fonçon or any heirs in France to ensure the protection of their property rights. Despite his efforts, no one from Europe came forward to claim ownership of Nancy and her family. Thanks to the intercession of British diplomacy, the case did not stall. Even though several years had already passed since the lodging of the first complaint, Consuls Forbes and Crawford continued to support Nancy, sending letters to governors and lobbying the colonial administration. Finally, after ten years of legal battle, a decree of October 10, 1851, declared Nancy "free from all servitude". Unfortunately, she could never enjoy her new status.<sup>80</sup> On November 1, 1852, Consul Crawford announced that Nancy had died the month before because of a cholera epidemic that had developed in the *depósito* in Santiago de Cuba.<sup>81</sup> However, the legal case was not yet concluded. From the time she chose the legal route to gain freedom and approached Vice-consul Forbes, Nancy individual petition was shaped as part of a collective and family strategy of enfranchisement from slavery.<sup>82</sup> Enslaved people who remained in bondage in Spanish possession for a long time built new ties and often families on the island. Her petition for freedom also challenged the position of her three sons still in bondage. Over time, the investigation extended to her daughter Gabriela, who remained with the mother in the *depósito*, and to her two sons, José and Juan, who were transferred back to Santiago after identifying their new masters in the neighboring province of Bayamo.<sup>83</sup>

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<sup>79</sup> "It was not enough for her to say she was free to believe that." AHN: El Gobernador General de la Isla de Cuba, 8 abril 1853, ULTR, Leg. 4639, Exp. 38.

<sup>80</sup> AHN: ULTR, Leg. 4639, Exp. 38.

<sup>81</sup> *Ibid.*

<sup>82</sup> On family manumission in Cuba, see: Aisnara Perez Díaz, and María Meriño Fuentes, *Para librarse de lazos, antes buena familia que buenos brazos*, 240-263.

<sup>83</sup> AHN: ULTR, Leg. 4639, Exp. 38; HC: *Accounts and Papers*, vol. 26, part. II, 1851, p. 789.

British officers were convinced that they could obtain freedom for the whole family because this had been the outcome of a similar petition. In 1850, Cuban court had declared “the negress Bess or Isabel and her sons, José, Juan and Louis free and exempt from all slavery and bondage.”<sup>84</sup> The proceedings, which Forbes, concurring with Crawford, called “one of the most interesting cases which has ever come under our notice,” concerned the fifty-one-year-old British subject Betsy (or Isabel), a woman legally manumitted in Jamaica in 1799 and fraudulently re-enslaved in Cuba years later.<sup>85</sup> During the trial, Cuban authorities granted her permission to return to the British colony to testify against the woman former master Bastienne Claber, who was guilty of fraud for manipulating her enfranchisement documents and disobeying Laws 46 Geo III c. 52 and 5 Geo. IV c. 113 on slave trade.<sup>86</sup> After the deposition Betsy protected by Governor Charles Edward refused to return in Cuba, and the freedom lawsuit for her and her children continued from Jamaica.<sup>87</sup> After winning the case against Claber, who was sentenced to three years in prison, Betsy reestablished her freedom in 1850. Moreover, the Jamaican authorities persuaded the Spanish Consul in Kingston, Juan de Cantillo, to grant Betsy the passport to go to Santiago de Cuba and bring back José, Juan and Luis “in order that she may pass the short remain of her life in the society and with the support and under the care of her sons.”<sup>88</sup>

Actually, even when Nancy obtained her freedom, it was extended to her offspring.<sup>89</sup> However, the woman untimely death, which in no way should have invalidated her children’s right to freedom, complicated the situation, and the process was reopened. José’s last owner, Salvator Benitez, refused to give up his property and immediately appealed to the justice, suing the person who had sold him the boy and raising doubts about slave’s identity.<sup>90</sup> Shortly after, considering Benitez’s requests, the General Governor and the *asesor* questioned the status of her sons. Eventually, in 1853 Juan and Gabriela were granted their freedom, but José’s name was lost in the legal papers, suggesting that years after Nancy’s petition, the trial did not end favorably for the entire family.<sup>91</sup>

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<sup>84</sup> HC: *Accounts and Papers*, vol. 26, part. II, 1851, p. 778.

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*, 780.

<sup>87</sup> *Ibid.*, 786.

<sup>88</sup> *Ibid.*, 785.

<sup>89</sup> AHN: ULTR, Leg. 4639, Exp. 38.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

In cases involving enslaved British West Indian people in Cuba, legal proceedings concerning petitioners' children sometimes resulted in their gaining freedom. On other occasions, enslaved women failed to succeed in litigations precisely due to their progeny. In 1847, British subject Cuffee Kelsall demanded the release of his wife Eve and his children held in slavery in Cuba.<sup>92</sup> Like his brothers, he obtained his enfranchisement in 1844 by approaching the British consul and declaring himself a freeman from the Bahamas who had been fraudulently turned to slavery on the Spanish island.<sup>93</sup> Once free again, he moved to Jamaica, and from there acted to extend to his family manumission from slavery.<sup>94</sup> In their tumultuous lives, Cuffee and Eve had ten children: Harriet, Elizabeth, George, Maria, Edward, Robert, Amelia, Alexander, Eve, and Adam. In turn, Maria had a son named Ricardo with Juan Muiz, another British subject held in slavery on plantations near Candelaria.<sup>95</sup> The freedom of twelve other people in slavery depended on the success of Eve's petition. Furthermore, when Cuffee decided to denounce the condition of the family, his brothers followed him. John Kelsall supported his wife Polly Gaythorne's claim for freedom and Nat Kelsall's request the enfranchisement from slavery of his son Frederico, both of whom had remained in Cuba after their departure.<sup>96</sup> The Cuban Court found itself in a difficult position since the freedom papers sent from the Bahamas by the British authorities indicated that Eve had arrived in Cuba illegally along with the Kelsall brothers. However, granting freedom to such a substantial number of enslaved people would have jeopardized the colonial government's standing with foreign slaveholders who had relocated to the Spanish possession from other Caribbean areas. In the end, the legal dispute did not favor Eve and her children. In the justifications for the unfavorable decision on her freedom, the Cuban Court contended that there was insufficient evidence to prove that Eve was the same person illegally brought in from the Bahamas. According to the judgment, Eve was not Cuffee's legitimate wife, "por lo que no se le permitió abandonar [Cuba], y como era esclava, sus hijos conservan el estado de esclavos."<sup>97</sup> By passing slavery by maternal line, the status of the mother should correspond to that of the children, condemning the woman and her progeny to remain in

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<sup>92</sup> AHN: Cuffee Kelson reclama la libertad de su familia, ESTADO, Leg. 8060, Exp. 2.

<sup>93</sup> ANC: GSC, Leg. 850 Exp. 28640.

<sup>94</sup> ANC: Sobre la reclamación de Cuffee Kelsen para que se le día libertad a su familia que existe esclava en Holguín, GSC, Leg. 946, Exp. 33340.

<sup>95</sup> *Ibid.*

<sup>96</sup> ANC: GSC, Leg. 850 Exp. 28640.

<sup>97</sup> AHN: "So she was not allowed to leave [Cuba], and because she was a slave, her children retrained the status of slave" 27 Abril de 1848, EST, Leg. 8060, Exp. 2.

slavery and in Cuba. In the same way, Polly's identification was not recognized, and Federico was also declared as slave because he was born to the Cuban enslaved woman Teresa. However, in rejecting Federico's requests for freedom as British subjects, the Cuban court maintained the possibility for Nat Kelsall to gradually purchase the manumission of their wife and son with the earnings from their labor.

As seen in cases of manumission in the French Caribbean, while manumission was an individual claim, it often implicated entire families. Moreover, the legal activism of people in bondage not only affected life and labor relations in the colonies but also influenced emancipation policies. In these lawsuits, the principle of *partus sequitur ventrem* had informed the Court's decision, but the rule was not applied in the same routine manner in the suit that concerned Nancy. Despite her being declared free, uncertainties arose about the status of her children after her passing. Even Betsy's lawsuit, which ultimately succeeded, underwent a challenging process, and its favorable conclusion was likely facilitated by her presence in British Jamaica. In cases where the appellants were women, the Cuban court applied the rule that the status of the children followed that of the mother on a discretionary basis; this was considered a fixed rule only when the woman and her offspring remained in bondage.

Studies on the persistence of slavery in the southern United States enable comparisons between these and Cuban slave society. There, the reproductive capacity of enslaved women became a valuable commodity during the age of emancipation. The more the prohibitions of the trans-Atlantic slave trade affected local territories, the more crucial enslaved women became due to their ability to reproduce slave labor.<sup>98</sup> The ongoing abolition processes in the Caribbean also reshaped the priorities of Cuban slave society, influencing the granting of manumission from slavery. In this context, we can assume that also enslaved British West Indian women faced considerable challenges in attaining freedom in mid-19th-century Cuba due to these historical shifts. A recent study of race in Cuba reinforces this hypothesis. Historian Bonnie Lucero argues that in the 1850s "pronatalist policies," similar to those implemented in the southern United States, were enforced on the Spanish island. Although these provisions became insufficient over time, and the Cuban plantation economy continued to thrive through clandestine transatlantic trade, also these cases confirm that "the plan to regenerate Cuba's enslaved population and salvage Spain's international reputation

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<sup>98</sup> Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004). Theoretical analysis on the modes of reproduction of the slave class, was initiated by the Marxist approach of Africanist anthropologist Claude Meillassoux, *Anthropologie de l'esclavage. Le ventre de fer et d'argent*, (Paris: Presse Universitaire de France, 1986).

recognized that the future of slavery lay in enslaved women's wombs."<sup>99</sup> The gender trend observed in the manumissions of British West Indian individuals in Cuba underscore a significant contrast with the family cases of emancipation in the French Antilles. Nevertheless, this asymmetry stresses the pivotal role played by the bodies of enslaved women in both sustaining the institution of slavery and driving the processes of its abolition.<sup>100</sup>

Moreover, this dynamic explains the active efforts of British consuls to broaden petitions for the freedom of British enslaved subjects to encompass even their children born in Cuba. As legal cases extended over time, they provided the British diplomacy with the opportunity to intervene in Cuban courts, going beyond the limit of protecting the enslaved subjects, and negotiating with Spanish authorities the conditions of their release from slavery. Diplomatic representatives performed the role of intermediaries between enslaved appellants and the Cuban courts, claiming freedom for British subjects but also complaining of abuse and mistreatment and negotiating economic compensation or agreements for the price of manumissions for the Cuban servile population. Through these freedom lawsuits, British diplomacy attempted to broaden the interpretation of international treaties and extend the jurisdiction of British law over Spanish territory. In the meantime, British officers extended diplomatic protection from enslaved British subjects to their Cuban slave children, assuming their defense as prosecutor, emulating and replacing the role of *síndicos* in the Spanish American legal tradition.

The case of Henry Shirley, one of the first enslaved British Subjects protected by Tolmé, continued for many years and, as in other legal cases, extended to his family.<sup>101</sup> Henry had been free born in Jamaica but had been kidnapped and enslaved in Cuba 20 years earlier. In favor of his origins and birth status, he was granted freedom in 1841.<sup>102</sup> Once securing freedom for himself, he petitioned the Cuban court to allow his wife and daughter to join him in Jamaica.<sup>103</sup> However, the family members held different social statuses, and their mobility was subject to distinct legal regulations. During Henry's interrogation by the *asesor* in Havana, he declared that his wife was also from British territories and had been brought

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<sup>99</sup> Bonnie A. Lucero, *Race and Reproduction in Cuba* (Athens: University of Georgia Press, 2022), 176.

<sup>100</sup> Camilla Cowling, "As a Slave Woman and as a Mother": Women and the Abolition of Slavery in Havana and Rio de Janeiro," *Social History* 36, no. 3 (2011): 294-311.

<sup>101</sup> TNA: Slave Trade, From Turnbull to Foreign Office, 1841, CO 318/153.

<sup>102</sup> ANC: Habana, 7 junio de 1841, Asesor tercero, GSC, Leg. 940, Exp. 33142.

<sup>103</sup> ANC: Declaración de Henry Shirley, GSC, Leg. 940, Exp. 33142.

to Cuba as a slave. Her name was Maria Rufina Napoli, and she was described by the consul as easily recognizable because she was “suffering from Elephantiasis.”<sup>104</sup> She was a laundress in Santa Cruz, in the province of Puerto Principe, where Henry also resided, and together, they had built a house and had a daughter. Investigations established that the woman was of free status because years earlier, through the income from her labor, she had managed to buy her own manumission from her former mistress Gertrudes Napoli.<sup>105</sup> In contrast, their daughter, named Maria Feliciana Pini, lived in bondage in the service of Juana Marín, an elderly woman who resided on Calle de la Horca in Puerto Principe at the home of one of her daughters.<sup>106</sup> His wife, as a manumitted person, could have followed him after requesting and obtaining a passport. Their daughter was a Cuban slave and, therefore, could be released through payment of enfranchisement and at the discretion of her owner. Henry and Rufina once again sought the assistance of the British consul, urging the diplomat to intercede with the *asesor*. They proposed to purchase Maria Feliciana’s manumission by offering their home as compensation to her mistress.<sup>107</sup> For Henry and Rufina, the prospect of securing their daughter’s freedom and bringing her to Jamaica hinged entirely on the sale of their house in Santa Cruz, which was constructed from the earnings of the manumitted laundress and the day labor of the enslaved British subject.<sup>108</sup> Feliciana’s mistress, after consulting with the fiscal, requested 500 pesos plus the value of the house for her manumission, making it clear to the consul that she would not part with the “joven criada (young servant)” for less than 600 pesos.<sup>109</sup> In contrast, the British agent urged the Cuban governor to condemn the slave trader Antonio Ledesma, responsible for the parents’ abduction, to pay the price of

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<sup>104</sup> Lymphatic filariasis, commonly known as elephantiasis, is a tropical disease that causes the enlargement and hardening of limbs or body parts due to tissue swelling. ANC: From Tolmé to Turnbull, October 24, 1840, GSC, Leg. 940, Exp. 33142.

<sup>105</sup> ANC: Expediente particular No. 2 remitido por el teniente gobernador de Puerto Príncipe formado para averiguar la condición de la negra Francisca o Juana esclava de Dona Gertrudis Nápoles, GSC, Leg. 941, Exp. 33222.

<sup>106</sup> ANC: Expediente en que el cónsul ingles solicita permiso para que el negro de su nación Enrique Shirley venda una casa de su propiedad que esta en Santa Cruz y al mismo tiempo se le de libertad a una hija suya, GSC, Leg. 844, Exp. 28351.

<sup>107</sup> *Ibid.*

<sup>108</sup> ANC: Expediente en que el cónsul ingles solicita permiso para que el negro de su nación Enrique Shirley venda una casa de su propiedad que esta en Santa Cruz y al mismo tiempo se le de libertad a una hija suya, GSC, Leg. 844, Exp. 28351.

<sup>109</sup> ANC: Juana Marín tramite escribano y por el señor fiscal, 12 julio 1841, GSC, Leg. 844, Exp. 28351.

Feliciana's emancipation, compensating her mistress.<sup>110</sup> On the Cuban side, authorities intervened to bring order to the negotiation, invoking the apparent intervention of the *síndico procurador* as Feliciana's representative in her freedom petition instead of the British diplomat.<sup>111</sup> The court papers delved into the details of valuing the house versus the price of the daughter in slavery, leaving the judgment on Feliciana's freedom lawsuit and the future of the Shirley family pending.

### 3. A Vulnerable Freedom

To the British attempt to let case law prevail in the decisions, the Cuban court always opposed the exceptional nature of the freedom judgments. For this reason, we cannot assert that the jurisprudence negotiated by British consuls concerning African West Indian people in slavery in Cuba led to the establishment of a law regarding their emancipation in Spanish courts. According to the court papers, these sentences were obtained for "benevolencia y buena inteligencia" and exclusively in favor of the cordial diplomatic relations between the two empires.<sup>112</sup> Moreover, when consuls invoked British laws against moving and transporting slaves from imperial possessions, the Spanish counterpart always claimed that Parliamentary Acts of foreign empire had no power in Cuba because these "no es derecho de gentes, sino propio y exclusivo de Inglaterra."<sup>113</sup> Spain could not respond to bilateral treaty on slave trade contravention charges in the same way. However, the limits of these agreements often remained the prerogative of magistrates' interpretation, and references to past sentences were part of the arguments of both imperial sides in litigations.

In 1849, Mary Ann Bethel, called Mariana in the Spanish possession, laundress and *criada* of Aurora Rossi, residing in Habana, approached Consul Crawford to denounce her illegal detention in slavery and declare herself a free British subject.<sup>114</sup> Born in 1818 in the island of

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<sup>110</sup> ANC: from Turnbull to Valdes, September 22, 1841, GSC, Leg. 844, Exp. 28351.

<sup>111</sup> ANC: Juana Marín tramite escribano y por el señor fiscal, 12 julio 1841, GSC, Leg. 844, Exp. 28351.

<sup>112</sup> "Kindness and good intelligence" ANC: Madrid, 1 octubre de 1852, GSC, Leg. 947, Exp. 33397.

<sup>113</sup> "Is not *derecho de gentes* [ius gentium], but peculiar and exclusive to England." ANC: El señor presidente pide voto consultivo sobre la libertad que reclamo el cónsul general de Inglaterra en esta plaza por la negra Mariana esclava de Dona Aurora Rossi (Secretaría del Real Acuerdo), IGH, Leg. 1106, Exp. 6.

<sup>114</sup> For the reconstruction of Mary Ann/Mariana Bethel's lawsuit see: AHN: ULTR, Leg. 4639, Exp. 35; EST, Leg. 8043, Exp. 4; Leg. 8046, Exp. 10; Leg. 8045, Exp. 4; Leg. 8047, Exp. 9. ANC: ROC, Leg. 117, Exp. 233; Leg. 150, Exp.41; Leg. 151, Exp. 56; Leg. 155, Exp. 231; Leg. 158, Exp. 56. HC: *Accounts and Papers*, vol. 26, part. II, 1851, p. 730-732.

Eleuthera (Bahamas), Mary Ann had been baptized<sup>115</sup> and registered as the property of Charles Bethel under the act of British Parliament which stipulated that “all slaves be catalogued and forbidden to leave British territories.”<sup>116</sup> Once the owner died, the “chattel” passed to his daughter Isabel Bethel, who shortly thereafter married a German named Mr. Stolz and decided to move to Veracruz with him and her slaves, Mary Ann and her sister Rinha (or Elvira).<sup>117</sup> During the trip, they stopped in Cuba, where they sold the first slave to Clementiné Vigo, at the time of the trial became “*Madame Fallet*”, a French free woman of color from Saint-Domingue/Haiti. From that moment on, his sister’s trace was lost while Mariana was sold to different slaveholders, whose names and addresses were carefully recorded in the investigation papers:

Clementina Vigos/Vigò, o sea, Fallet, que vive en la Calle de Empedrado en la cuadra antes de llegar al barrio que fue a milicia. Luego la vendió a la negra libre Sebastiana García, que reside en la Calle del Blanco. Esta, a su vez, la remitió a Don Joseph Gay, dueño que sirvió en la Calle de Obrapia. Él la puso en venta a Madama Martiné, que actualmente está ausente de la isla, pero antes de partir, la vendió a Don Luis Berganza, ya fallecido, quien la vendió al señor fiscal de la Real Audiencia Pretoria, Don José Antonio Olañeta. Este la vendió a Don Prapedés Parri y de él a Doña Aurora Rossi.<sup>118</sup>

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<sup>115</sup> A copy of the baptism certificate of the May 17, 1818 was preserved in the documents of the *Sección de Fomento* Assembly on the legal case. ANC: El señor presidente pide voto consultivo sobre la libertad que reclamo el cónsul general de Inglaterra en esta plaza por la negra Mariana esclava de Dona Aurora Rossi (Secretaría del Real Acuerdo), IGH, Leg. 1106, Exp. 6.

<sup>116</sup> 46 Geo. III c. 52.

<sup>117</sup> ANC: 6 novembre de 1851, IGH, Leg. 1106, Exp. 6.

<sup>118</sup> “Clementina Vigos/Vigò, that is, Fallet, who lives on Empedrado Street in the block before reaching the neighborhood that was the militia. Then she sold [Mariana] to the free Black woman Sebastiana Garcia, who lives in Calle del Blanco. This one gave she to Don Joseph Gay, the master whom she served in Calle de Obrapia, who put she up for sale to *Madame* Martiné, who is now absent from the island but who before she left sold she to Don Luis Berganza, deceased, who sold she to the fiscal of the *Real Audiencia Pretorial* Don Jose Antonio Olañeta, who sold she to Don Prapedes Parri and by him she passed to Dona Aurora Rossi.” ANC: Declaración de Mme. de Fallet, 9 agosto de 1851, IGH, Leg. 1106, Exp. 6.

The process continued for three years, until on January 19, 1852, the Court decided to grant her a freedom paper and, at the same time, to compensate the owner for the lost property.<sup>119</sup> Although the government's interest was not to confuse the status of liberated Africans with that of enslaved foreign subjects, they used the *emancipados* fund created by Captain General Cocha to guarantee Aurora Rossi the indemnity of 485 pesos.<sup>120</sup> At the age of thirty-four, Mariana was considered an enslaved woman of advanced age and, therefore, less valuable. Nevertheless, she was also the only slave owned by Aurora Rossi, who, for this reason, strongly claimed compensation for economic loss.<sup>121</sup> In this case, the compensation value also depended on the fact that even before petitioning through the British consulate, Mariana had tried other strategies to obtain enfranchisement from slavery. She was a *coartada*, and, obtaining manumission through the practice of self-purchase, she had already paid some installments to the owner.<sup>122</sup>

Besides the indemnification to the former owner, the colonial authorities ordered Mariana to leave the Spanish island and return to British territory. Given the request, Crawford embraced the lawsuit again, demanding that she could remain in Cuba because returning to the Bahamas after so many years would make her feel "like a foreigner."<sup>123</sup> Generally, those who succeeded in their freedom lawsuit were dislocated to British colonies in the West Indies. Most of them were transferred out of Cuba after the court sentence of release from slavery. These relocations were often desired by enslaved people themselves, who wanted to reconnect their affective ties and return to their native lands especially since slavery had been abolished there. Sometimes, the freed British subjects were not returned to their islands of provenience, but in other imperial territories of the West Indies. For example, when the Kelsall brothers were freed, they did not restore to the Bahamas, as initially requested by the appellants, and were embarked for Jamaica.<sup>124</sup> In this way, the most important island in the

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<sup>119</sup> AHN: Sobre la declaración de libre de Mariana, nacida en las Bahamas y vendida como esclava en Cuba, EST, Leg. 8043, Exp. 4.

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*

<sup>123</sup> AHN: Mr. Crawford to the Captain General, EST, Leg. 8046, Exp. 10. Because of her attachment to Cuba, I have more frequently used the name Mariana to refer to her, instead of the English version Mary Ann. Also, in both Spanish and British archival documents she was often called Mariana, unlike the other foreign subjects held in slavery for whom I have kept the English name.

<sup>124</sup> TNA: August 28, 1843, CO 318/161.

British Caribbean became the involuntary destination of several freed subjects.<sup>125</sup> Once obtain legal freedom, British subjects were placed in the custody of the diplomatic representative who indicated to the Cuban government the date they would leave and decided their destination. The ships that carried them away from Spanish possession were the same schooners that patrolled the Caribbean colonial territories for the imperial partitioning of liberated Africans. Despite the fact that very little information was given in the reports about their lives in the new destinations, this evidence suggests that in addition to the shipping routes some freed British subjects also shared with the liberated Africans labor on Jamaican plantations. For British consuls, helping its subjects held in slavery in the Spanish colony was not only an act of humanity. It increased Great Britain's credibility as powerful international actor and, at the same time, undermined the rival empire. In many cases, in conjunction with the sentencing, the Cuban court itself delivered to the freed British subjects an order of expulsion from the island. On these occasions, British strategic interests aligned with the Spanish desire to avoid an increase in the number of free people of color in the colony. However, when petitioners were reluctant to leave Cuba, the legal proceedings became intricate. In such cases, the African Caribbean people were frequently the ones facing adverse consequences.

In his correspondence with Captain Cañedo on the ongoing trial, Consul Crawford appealed the ruling issued the previous year against British subject Charlotte (Carlota) Gallagher. In that case, the Cuban court had restored the woman's freedom after Crawford invoked British laws against the transfer of slaves from colonial possessions and allowed her to remain working as a laundress in Havana.<sup>126</sup> The colonial government replied that, in Carlota's case, the *asesor* had concluded that she had not been claimed by anyone as his property and that her enslavement could be considered illicit, whereas Mariana had a legitimate mistress in Cuba and had arrived in Cuba as a slave in contravention of another country's laws.<sup>127</sup> In this context, the *Junta de Fomento* Assembly, consisting of twelve councilors and a syndic appointed by the crown from among Cuba's wealthiest merchants and planters, expressed their opposition in a more explicit manner, employing a striking comparison: "Hubo un tiempo en que España prohibió la exportación de caballos a Francia. Si un contrabandista

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<sup>125</sup> On this issue, see: Monica Schuler, *"Alas, Alas, Kongo": A Social History of Indentured African Immigration into Jamaica, 1841-1865* (Baltimore: The Johns Hopkins University Press, 1980).

<sup>126</sup> AHN: Sobre la declaración de libre de Mariana, nacida en las Bahamas y vendida como esclava en Cuba, EST, Leg. 8043, Exp. 4.

<sup>127</sup> ANC: IGH, Leg. 1106, Exp. 6.

lograba hacerlos pasar, ¿podría España reclamarlos en Francia como propios bajo la ley española que los confiscaba al ser exportados?”<sup>128</sup> Despite the manumission granted to Mariana, Cuban authorities reiterated their non-recognition of British laws and sought to restrict the influence of international treaties on Spanish territory. Moreover, according to Captain General Cañedo, her freedom was not considered a “derecho (right)” but rather “un acto de gracia de Su Majestad, sin ninguna justificación legal”, and for which the colonial administration had compensated her former mistress.<sup>129</sup> Due to these circumstances, Mariana could not enjoy free status in Cuba and had to be relocated to British territories.

Furthermore, justifying the non-admission of her claim, Mariana was accused of misconduct “por sus propios vicios, entre los que se encuentra la embriaguez casi habitual” for which “ni la política ni la moral pública le permiten permanecer en este país.”<sup>130</sup> Her habits were described as contrary to all common sense and she herself as a vagrant and an avid consumer of alcohol. In addition, the accusation against the woman alleged that one of Mariana’s previous owners had abandoned her because she was refractory to work. The government’s concern was that her behavior would prompt other enslaved people imported from foreign colonies to make similar claims. However, the reconstruction of Mariana’s inclinations gave the colonial administration cause to establish her expulsion as “negra libre de mala conducta.”<sup>131</sup> This type of measure was similar to the one that had allowed many Cuban free people of color to be expelled after the Escalera uprising or to keep all African descendant people defined as “vagrants” in slave depots. However, the sentence of freedom declaring Mariana as a foreign freed person aggravated her situation, bringing her condition closer to that of the Black sailors of the Romney, who were forbidden to disembark from the boat and enter Cuban territory. Moreover, being a woman in Cuban society in the mid-19th century implied certain expectations in terms of morality and honor to which it was mandatory to conform on the penalty of social stigmatization.

In Mariana’s case, her conduct was exacerbated by the fact that the court had accepted Crawford’s proposal to be her *depósito*, confining her in his custody until the freedom

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<sup>128</sup> “There was a time when Spain prohibited the export of horses to France. If a smuggler managed to get them through, could Spain claim them in France as its own under the Spanish law that confiscated them upon export?” *Ibid.*

<sup>129</sup> “An act of grace from Her Majesty, without any legal justification,” AHN: Nueva quejas sobre Mr. Crawford, EST, Leg. 8046, Exp. 10.

<sup>130</sup> “By their own vices, among which is the almost habitual drunkenness” for which “neither politics nor public morality allow her to remain in this country,” *ibid.*

<sup>131</sup> “free Black of bad conduct,” *ibid.*

lawsuit was over. Again, to obtain this special concession, the consul referred to the case of Carlota Gallagher, whom he had previously detained in his house for the time of the trial.<sup>132</sup> However, in 1853 Captain Cañedo approached Madrid government complaining of abuse by the British diplomat, who was accused of still fraudulently keeping the freed Mariana in his home and employing her as a laundress in his service against the colonial authorities' demands for deportation. The Cuban government considered the consul's abuse a disrespect and an affront to the Court's decisions, and this again inclined the troubled diplomatic relations between the two empires.<sup>133</sup> The appeal to respect concurrent legislations and international agreements in Cuba led to lengthy legal battles, the outcome of which remained uncertain as was the enjoyment of the freedom gained, often conditioned to subordination and subject to displacement. Although enslaved people invoked its intervention, consular protection, as well as that of the law, did not always guarantee appellants freedom or, once obtained, the exercise of the rights attached to it. Moreover, the viscous relationships of domestic labor demarcated the boundaries of lives awaiting judgment, and the compulsory nature of the work allowed for the reproduction of institutions of detention.

For Mariana, the enjoyment of the new status was subject to and conditional on her departure.<sup>134</sup> Therefore, the acquisition of legal freedom had not improved her living conditions in any way. On the one hand, despite being free, Mariana had been confined to consul Crawford's house for more than a year and forced to work for him. On the other hand, the Spanish government could expel her from the island at any time. The obligation to remain confined in Crawford's house and the request for expulsion were expressed and concretized through the appeal and the preservation of morality, put at risk by Mariana's very existence. On March 13, 1853, she was embarked on the ship "Dre" and obliged to return to the Bahamas, a country where she no longer belonged after so many years spent in Cuba.<sup>135</sup>

#### **4. Awaiting legal judgment. The Havana *Casa de la Beneficencia* slave depot.**

The exam of legal cases related to freedom lawsuits involving British African Caribbean people in Cuba unveils a consistent link between the legal process and the use of the slave

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<sup>132</sup> AHN: Sobre la declaración de libre de Mariana, nacida en las Bahamas y vendida como esclava en Cuba, EST, Leg. 8043, Exp. 4.

<sup>133</sup> AHN: Nueva quejas sobre Mr. Crawford, EST, Leg. 8046, Exp. 10.

<sup>134</sup> On the concept of conditional freedom, see: Thomas Mareite, *Conditional freedom*, 159-205.

<sup>135</sup> AHN: Capitán General Cañedo, Secretaría Política, Sección 5º, No. 7, EST, Leg. 8043, Exp. 4.

depot, a system that confined individuals awaiting judgment in an indefinite state between slavery and freedom. The *déposito* was a complex institution, part of multifaceted practices, used both by the enslaved, who “deposited” themselves to request the Royal protection against the mistreatment of their masters,<sup>136</sup> and by the colonial authorities who restricted individuals during legal proceedings.<sup>137</sup> In Cuba, the dispositive served mainly as a slave prison, in which runaways were temporarily placed when captured or less obedient individuals were confined as a measure of correction. Usually, they remained there until their owners reclaimed them.<sup>138</sup> Moreover, colonial administration used these places to retain individuals who belonged to smallholders who had to pay off debts through the will.<sup>139</sup> In some instances, enslaved people were restrained in these repositories waiting to be rented or sold to new owners or to recruited as forced labor in public works.<sup>140</sup> Every imperial territory had similar sites for imprisoning runaway slaves. We can find parallel institutions in the American colonies and even in the metropolis. From 1777, for example, the *dépôts des noirs* were established in some French port cities like Bordeaux or Nantes under the control of the *Police des noirs* (slave police). Notably, these depots housed enslaved people residing in France awaiting expulsion from the metropolis since the enactment of the free soil law in the hexagon.<sup>141</sup>

The paths of the British West Indian appellants in Cuban courts enable us to closely examine the crucial role of the *depósito* in their legal pursuit of freedom. In response to the initial British attempts to detain petitioners awaiting judgment aboard the HMS Romney, the Cuban government mandated their confinement in the island’s slave depots. For the Cuban authorities, the British African Caribbean people were enslaved in the colony under Spanish

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<sup>136</sup> ANC: Antonio Ledesma, negro esclavo de don Antonio del mismo apellido, en queja del mal trato que le da don Enrique Sanguineti a quien aquel lo tiene entregado y pidiendo se le ponga el en deposito de la Beneficencia, 1843, GCS, Leg. 941, Exp. 33214.

<sup>137</sup> ANC: Expediente promovido por dona Mariana de Jesús Valdés pidiendo su esclava la parda Josefa de la Cruz que hace un año esta en deposito por el síndico Don Pedro Martin Rivero, GSC: Leg. 961, Exp. 33780.

<sup>138</sup> ANC: Expediente sobre que don Antonio Gonzales solicita se le entregue su esclava Felicia Criolla que existe en la Beneficencia, GCS, Leg. 948, Exp. 33468.

<sup>139</sup> ANC: Expediente que contiene las reglas y disposiciones que se observan en el deposito judicial de esclavos de esta ciudad el cual se forma para lo que pueda convenir en orden a los que existan en otros pueblos, 1840, GCS, Leg. 1672, Exp. 83542.

<sup>140</sup> *Ibid.* Moreover, according to Barcia and Varella, many *cortados/as* were held in Cuban slave depots and rented out for short-term work to pay for their manumission in installments, *Wage-Earning Slaves*, 83-109.

<sup>141</sup> Sue Peabody, *There Are No Slaves in France*, 106-120. See also: Pierre-Henri Boulle and Sue Peabody, ed., *Le droit des noirs en France au temps de l’esclavage* (Paris, L’Harmattan, 2014).

jurisdiction and subjected to such legislation. As a result, the local administration claimed the right to treat them as Cuban slaves until their status was definitively determined in court, limiting British attempts to circumvent Spanish regulations. Moreover, these lawsuits demonstrate how the legal mechanism restricted individuals awaiting sentence in an indefinite time, where the dispositive of judicial repository forced them into spaces of exploitation and coercion. Nevertheless, the court cases also highlight how, from the slave depots, enslaved people were able to forge relationships and maintain ties with other Caribbean territories, using the urban space and Cuban courts to their advantage.

Plassy (or Plácida, Placia, Lorenza) was born in the early 19th century on the island of Nevis, where she worked as a plantation slave under the ownership of William Lawrence.<sup>142</sup> In 1819 or 1820, she managed to flee the British colony alongside an enslaved man named John Scarborough (possibly from the homonymous town in Tobago), ultimately reaching the island of Saint-Thomas in the Danish West Indies. Immediately, officers were dispatched from Nevis to reclaim the woman and return her to her owner. Despite their efforts, Plassy eluded the custody of local authorities, seeking refuge in the homes of two women who generously provided her with hospitality. One of them, a free woman of color named Jane Huggins, aided in planning her second escape attempt.<sup>143</sup> Unfortunately, slave traders captured the fugitive, and Plassy boarded a schooner bound for Puerto Rico, where she was once again enslaved. Upon arriving in the Spanish city of Caguas, she was taken to Captain Florencio's house. Despite this, she managed to escape once again, approaching a Spanish magistrate.<sup>144</sup> However, her attempt to appeal for illicit enslavement failed, and Plassy was taken to prison for some months. Later, she was sold cheaply to Joaquín Delgado, who traded her to another slaver in exchange for a black French cook. Her new master, named Leonardo Romani, kept the woman in his service for two years but abandoned her as she refused to work “insisting upon her being free.”<sup>145</sup> Passed from one owner to another, we do not know precisely when, Plassy arrived in Spanish Cuba following a certain Antonio Vila. In Havana, she was put in jail again because also this master claimed that she did not work “in consequence of considering herself to be free.”<sup>146</sup> After that, Plassy was resold and resold

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<sup>142</sup> AHN: Expediente de reclamación de libertad para una negra natural de Bahamas, ULTR, Leg. 4639, Exp. 27.

<sup>143</sup> ANC: Expediente sobre reclamación que hace el cónsul inglés de la negra María del Carmen, esclava de Don Pedro rizo porque dice corresponde a la corona de la Gran Bretaña, GSC, Leg. 947, Exp. 33381

<sup>144</sup> *Ibid.*

<sup>145</sup> *Ibid.*

<sup>146</sup> AHN: The Earl of Malmesbury to Mr. Otway, August 13<sup>th</sup>, 1852,” EST, Leg. 8046, Exp. 2.

and rebaptized with the Spanish name of Maria del Carmen. Finally, in 1850, she sought out the protection of Havana's British Consul, Joseph Crawford, appealing to the Cuban Court to be recognized as a British subject and thereby gain her freedom. Her hope was to return as free to the land from which she had escaped as a slave. Similar to the other cases analyzed, the quest for freedom did not yield immediate results. Pending the outcome of her petition, Plassy was removed from her last master, Don Pedro Rizo, and held at the Havana slave depot of the *Real Casa de la Beneficencia y de la Maternidad* (Royal House of Charity and Maternity).

The institution was founded in 1794 through the intervention of the Real Sociedad Económica de los Amigos del País de la Habana to board orphans and unmarried pregnant women, with the stated purpose of preventing infanticide and safeguarding public morality. The Havana *Casa de la Beneficencia* arose from the Spanish institutional practice of *recogimiento* (from *recoger*: to separate oneself or abstract the spirit), which involved a considerable number of women and girls – called *recogidas* – who voluntarily or involuntarily retreated to live in houses or convents. As historian Nancy van Deusen argued, these places performed “a plurality of function as schools, asylum, or centers of legal deposit supported by the Spanish state but often under the guardianship of a religious order.”<sup>147</sup> Located in the *extramuros*, the area outside the ancient city walls, next to the hospital and the cemetery in the Barrio of San Lazaro, the *Casa de la Beneficencia* was fully integrated into urban social life.<sup>148</sup> It was also the birthplace of the orphan Cecilia Valdés, the mixed-race heroine of one of the major Cuban novels of the 19th century by independence novelist Cirilo Villaverde.<sup>149</sup> Due to the 19th-century reorganization of the city, the charitable institution also became the place where vagrants were confined and, after the Real Orden of April 18, 1840, the official slave *depósito*

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<sup>147</sup> Nancy E. van Deusen, *Between the Sacred and the Worldly. The Institutional and Cultural Practice of Recogimiento in Colonial Lima* (Stanford: Stanford University Press, 2001), XII.

<sup>148</sup> “For Havana specifically, the area bordered by *Casa de Beneficencia* (Charity House), Belascoin, Puente de Chaves, and Canal, and extending to the harbor, was designated as the limits of the Havana población, within which the guano, wooden or straw home were prohibited, and in which any structures deemed to be *insalubres* (unhygienic), would not be allowed to remain,” Guadalupe García, *Beyond the Walled City: Colonial Exclusion in Havana* (Oakland: University of California Press, 2016), 96.

<sup>149</sup> Published in 1839, the narrative chronicled the life of the illegitimate daughter of an elite planter and slave trader of the island, detailing the racial and class interactions in Havana at the time. As many other orphans, Cecilia grew up at the *Casa de la Beneficencia*, to which she also owes her name: “– What is your name? – Cecilia – answered vividly – And your mother? – I have no mother – Poor thing! And your father? – My name is Valdés. I have no father! – Cirilo Vilaverde, *Cecilia Valdés o la Loma del Angel*, edited by Ivan A. Schulman (Caracas: Biblioteca Ayacucho, 1981), 21.

of the city until 1857.<sup>150</sup> Similar to other institutions spread across the Spanish empire, the Havana *Casa de la Beneficencia* was at the center of institutionalized and cultural practices of correction and, at the same time, safeguard for all those confined within its walls. On the one hand, the very reproduction of the *Casa de la Beneficencia* relied on the labor of the coerced people held there. On the other hand, according to the purposes of the colonial state, the education of orphans, the preservation of female virtue, and work within or in public works for vagrants and runaway slaves converted these individuals into productive elements and ensured social order. Between punishment and protection, the *Casa de la Beneficencia* performed also the role of judicial repository for slaves awaiting trial resolution.

Since 1840, the colonial government opted for more stringent regulation of licenses for slave depots, preferring that these repositories be managed by public institutions. When the courts did not utilize public facilities, they entrusted individuals awaiting sentences to reputable individuals – *vecinos* – deemed morally suitable for the role. Usually, these legally responsible persons had control over several slaves and ran some sort of private prisons. Otherwise, the authorities would identify someone to serve as a custodian for a single trial, which in many cases coincided with whoever represented the slave claiming his/her freedom. Given the versatile nature and spread of *depósitos*, there were also clandestine slave depots in Cuba, which were not declared and did not possess the necessary permits to operate, and whose activities remained outside the control (and profit) of state authorities. In 1853, for example, the director of the Havana *Real Arsenal*, the largest shipyard on the island and one of the colonial sites where unfree laborers were employed, warned the Captain General about illegal depots. According to his report, there were “depósitos de negros en la Calle de Los Corrales N° 12, en la casa de Susan Delané, [...] y en la Calle de Cienfuegos N° 28, en la casa de José

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<sup>150</sup> “Accediendo Su Majestad la Reina Gobernadora a la solicitud de la Junta de gobierno de esa capital, se ha servido resolver que este establecimiento sea el único depósito de esclavos y que con él se entiendan todos los tribunales del distrito de La Habana sin distinciones ni privilegios, en la inteligencia de que por tal depósito no se menoscaben en lo más mínimo los derechos de los propietarios y mantengan puedan tenerles a los esclavos en cualquier concepto hasta que se decida cuál corresponde y salgan de la Real Casa de la Beneficencia/ Accessing Her Majesty the Governing Queen to the request of the Government Board of that capital, she has been pleased to resolve that this establishment be the only slave depot and that with it, all the courts in the district of Havana be understood without distinctions or privileges. It is understood that through this depot, the rights of the owners will not be diminished in the slightest, and they may maintain control over the slaves in any capacity until it is decided which belongs to them, and they leave the Royal House of Charity.” ANC: Carta disponiendo que la Casa de la Beneficencia de la Habana sea el único depósito de esclavos, ROC, Leg. 117, Exp. 2.

Valdés”, of which the authorities were unaware.<sup>151</sup> Then, the enslaved people held there were seized by the Court pending their placement at the *Casa de la Beneficencia* or, otherwise, in “casas de vecinos de confianza, una práctica que durante mucho tiempo habían utilizado los síndicos” with the caution that “estos negros no debían molestar al vecindario ni preocupar a la policía.”<sup>152</sup>

The function of slave depot represented a huge financial income for the *Casa* and for the *Junta de Fomento*, which benefited from the taxes paid by slaveholders for the various services provided.<sup>153</sup> Furthermore, the legal mechanism that detained individuals in an indefinite state compelled them into a sphere of exploitation. Indeed, the absence of an expiration date for their ‘in-definition status’ did not limit colonial power in forcing coerced individuals to work in any repository to which they were assigned. Detained convicts were utilized in various public works or leased by private actors and companies, employed both within the *Casa de la Beneficencia* and in the nearby St. Lazaro Hospital. In these locations, epidemics often spread, constantly exposing enslaved people to the risk of contracting diseases.<sup>154</sup> For Mariana Bethel, not even the British consul’s house was exempt from exploitative mechanisms during the trial, revealing a certain continuity between free and unfree labor through the coercive tools employed. In this case, the reiteration of Mariana’s coercion into domestic slavery had occurred in the home of her “protector”. Furthermore, the judgment of her behavior merged the restrictions imposed on her as a slave with gender expectations. Similarly, in Plassy’s trial, the Cuban judges emphasized the petitioner’s systematic avoidance of work, as reported by her previous owners. The Cuban government deemed these behaviors highly perilous to the colony’s security, justifying imprisonment for enslaved individuals and expulsion from the island for free people of color who refused to conform to the imposed rules and limits. On one hand, Plassy’s occasional refusal to work posed an exceptional challenge to imperial

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<sup>151</sup> “Slave depots in Calle de Los Corrales No. 12, in the house of Susan Delané, [...] and in Calle de Cienfuegos No. 28, in the house of José Valdés.” ANC Expediente sobre un deposito de negros que tenia sin conocimiento de la autoridad dona Susana de Lané, GSC, Leg. 948 Exp. 33517.

<sup>152</sup> “The homes of trusted *vecinos*, which was a practice long used by *síndicos*. These Black people were not to disturb the neighborhood or worry the police,” *Ibid.*

<sup>153</sup> Claudia Varela, “Caridad por lucro por esclavos. La Casa de la Beneficencia de La Habana 1840-1857,” in *Esclavitudes hispánicas (siglos XV al XXI): Horizontes socio-culturales*, edited by Aurelia Martín Casares. (Granada: Universidad de Granada, 2014), 245-267.

<sup>154</sup> ANC: Sobre tomar cien emancipados para la ópera de esta corporación, GSC, Leg. 415, Exp. 16507; and ANC: Expediente promovido por la Junta de Beneficencia de Cuba para que se declaren gratis las ocho emancipadas que tiene asignadas el hospital civil, RCJF, Leg. 151, Exp. 7191.

power. On the other, the standards of morality to which she had to adhere represented the colonial administration's vengeance, specifically directed at women.<sup>155</sup>

From the moment that Cuban authorities confined Plassy in the *Casa de la Beneficencia*, Crawford gathered evidence and testimonies to certify her provenance. The Governor of Nevis, contacted by the Consul, confirmed that the woman's name was in the Slave Register of the colony. According to the Nevis' slave population census of 1817, Plassy was 14 years old, described as a Black Caribbean born in the colony, owned by William Lawrence, and employed on the plantation called "the Farm". The British official also contacted some witnesses to confirm the woman's identity.<sup>156</sup> A notary recorded statements from Elsie Lawrence, Plassy's mother, Kitty Huggins, a Black woman who had known her well when she was in Nevis, and Amelia Mills, a childhood friend.<sup>157</sup> Their testimonies proved crucial in reconstructing the origin of the woman detained in Cuba. Thanks to the witnesses, we know that although her name had been changed to Maria del Carmen on Spanish soil, Plassy was still recognizable because of a large scar from a severe burn suffered while working on the Lawrence plantation.<sup>158</sup> If the evolution of the procedure reconstructed through the trial papers, appeared as confused and, occasionally, non-linear, the temporal scanning of each moment of the lawsuit was measured on the life of enslaved people. In Nancy's case, for example, this wait extended to and beyond her death. Similarly, Plassy's scar had allowed for her recognition through "marks on her body", which became the site of the memory of an existence in slavery.<sup>159</sup>

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<sup>155</sup> On gender expectation in freedom's lawsuits, see: Erica L. Ball, Tatiana Seijas, and Terry Snyder, ed., *As If She Were Free*, 5-7. Müge Özbek, "Disorderly Women" and the Politics of Urban Space in Early Twentieth-Century Istanbul, 1900–1914," in *Crime, Poverty, and Survival in the Middle East and North Africa: The "Dangerous Classes" since 1800*, edited by Stephanie Cronin (London: I.B. Tauris, 2019), 51-64.

<sup>156</sup> According to the Nevis' Slave Register, on July 14, 1817 Plassy was 17 years old, a Black Caribbean born in the colony, owned by William Lawrence and employed on the plantation called "the Farm." Data from Former British Colonial Dependencies, Slave Registers, 1813-1834, (accessed 09/09/2023: [https://www.ancestry.co.uk/imageviewer/collections/1129/images/CSUK1812\\_13371600093?backlabel=ReturnSearchResults&queryId=f1778ec261cd4e559735c333bbf90a8a&pId=3769020](https://www.ancestry.co.uk/imageviewer/collections/1129/images/CSUK1812_13371600093?backlabel=ReturnSearchResults&queryId=f1778ec261cd4e559735c333bbf90a8a&pId=3769020))

<sup>157</sup> AHN: Foreign Office, August 13, 1852, from The Earl of Malmesbury to Otway, EST Leg. 8046, Exp. 2. Also recorded in the Slave Register of 1817, were a Black girl named Amelia, age 15, born in Nevis; a certain Elcey, referred to as "sambo" (racial term derived from Spanish *zambo* and indicated a person of African and Native American ancestry), age 45, born in Nevis, and a Black woman, age 30, from Africa, named Kitty. All belonging to William Lawrence, they could be the witnesses in the Cuban trial.

<sup>158</sup> AHN: EST, Leg. 8046, Exp. 2.

<sup>159</sup> *Ibid.*

The duration of judicial processes for enslaved foreign subjects varied, but often the convicts remained in colonial depots for at least a year awaiting sentencing. The time of justice extended the path to a verdict, relying on the plaintiffs' aspirations for tangible recognition of their status through freedom papers. Sometimes, the wait was justified by the difficulties encountered in identifications; in other cases, such as Plassy's situation, the time of detention was prolonged due to increased imperial tensions caused by the affair. Keeping the appellants in slave judicial depots provided local authorities with the opportunity to inform and engage with the motherland in sensitive cases involving British diplomacy. Despite the evidence collected by Consul Crawford, Cuban authorities decided to take time to verify Plassy's certifications and sent the entire proceedings to Madrid. However, on occasion, these detention spaces, as well as prisons, eluded the control of colonial institutions. The records of the *Real Consulado* and *Junta de Fomento* bore witness to attempts and successes of slave evasions from the *Casa de la Beneficencia* and other places of confinement.<sup>160</sup> In December 1847, for example, the administrator of the Junta warned of the escape from Havana's *emancipados/as* depot, located in the suburban Cerro district, of a Black man named Victor Locumí.<sup>161</sup> Similarly, a dispatch from Cuba on May 6, 1853, informed Madrid that Plassy had escaped from the *Casa de la Beneficencia* together with another British West Indian enslaved man detained in the *depósito*. According to the report, she had embarked on the cruiser "Vestal" of the British Royal Navy, engaged in the fight against the Slave Trade, likely bound for Jamaica.<sup>162</sup>

With her was Richard Hamilton Stephenson, a "British colored subject" employed on the plantations near Cienfuegos, who had arrived from Jamaica 27 years earlier and had been illegally held in slavery in Cuba.<sup>163</sup> Similar to Plassy's experience in Puerto Rico, he had previously attempted to re-establish his freedom in a Spanish court and sought assistance from the British diplomat in the Cuban central province where he worked as slave. On January 19, 1852, the British vice-consul of Cienfuegos reported that Richard was "más de

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<sup>160</sup> Several cases of escape from the *depósito* are collected in ANC: Esclavos de la Real Junta de Fomento que han fugado de las obras de caminos según avisos del Administrador de la casa de deposito en los partes diarios que da a esta Contaduría, IGH, Libro 94.

<sup>161</sup> ANC: El administrador de la Junta de Fomento participa la fuga del negro Víctor, GCS, Leg. 945, Exp. 33330.

<sup>162</sup> AHN: Placia, Testimonio de declaraciones, ULTR, Leg. 4639, Exp. 27.

<sup>163</sup> AHN: La Inglaterra reclama la libertad de los negros Stephenson and Plassy Lawrence, 1853, EST Leg. 8046, Exp. 2.

cincuenta años y aún hablaba corrientemente inglés.”<sup>164</sup> According to his testimony, the enslaved man “nació en Kingston, hijo de Jane Wathon y Richard Hamilton, quien lo bautizó en la Iglesia de Inglaterra y lo registró como hombre libre en presencia del escribano William y el padrino el Capitán Bell.”<sup>165</sup> In 1823, he had been kidnapped in Jamaica by one Manuel Paganini and transported to Trinidad, where on March 3 he was purchased by Antonio Meza, husband deceased of his female owner Maria Regla Tejada. Despite the accuracy of the information, at the end of the six months given by the Cuban court to the British vice-consul to prove Richard’s identity through legal papers, the appellant was returned to his mistress because the required documentation had not been submitted within the stipulated timeframe.<sup>166</sup> Only by escaping from the Cienfuegos plantations and arriving in Havana could he again request the protection of British diplomacy and pursue his freedom lawsuit in Cuban court. Indeed, Richard requested Crawford’s protection to appeal to colonial authorities for recognition of his freedom. Since then, he had been detained in the Casa de la Beneficencia.<sup>167</sup> Shortly thereafter, however, he found a way to escape from the slave depot together with Plassy.<sup>168</sup>

In his report to Spain regarding the escape of Plassy and Richard from the *Casa de la Beneficencia*, Governor Cañedo confidently asserted that Consul Crawford had assisted in their evasion.<sup>169</sup> Evidence against him included the consul’s proposal to the Cuban government that Plassy be accommodated at his home during the legal proceedings and, later, was seen by witnesses in front of the slave depot, confabulating with her in English.<sup>170</sup> For this reason, the *Audiencia Pretorial de La Habana* proposed the revocation of the *regium exequatur*, which

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<sup>164</sup> “Over fifty years old and still spoke fluent English.” ANC: Expediente sobre averiguar la verdadera condición del negro Richard Hamilton Stephenson o Stevenson con motivo de gestión del cónsul ingles, GCS, Leg. 947, Exp. 33404.

<sup>165</sup> “He was born in Kingston to Jane Wathon and Richard Hamilton, who baptized him at the Church of England and registered him as a free man at the presence of the scribe William and godfather Captain Bell.” ANC: Don Santiago Escarrá, escribano publico de Gobierno, 19 enero de 1852, GCS, Leg. 947, Exp. 33404.

<sup>166</sup> ANC: 20 julio de 1852, GCS, Leg. 947, Exp. 33404.

<sup>167</sup> ANC: Expediente sobre averiguar la verdadera condición del negro Richard Hamilton Stephenson o Stevenson con motivo de gestión del cónsul ingles, GSC, Leg. 942, Exp. 33404.

<sup>168</sup> AHN: La Inglaterra reclama la libertad de los negros Stephenson and Plassy Lawrence, 1853, EST Leg. 8046, Exp. 2.

<sup>169</sup> AHN: El gobernador Capitán General manifestó haberse fugado de la Casa de la Beneficencia de la Habana la negra María de Carmen por otro nombre Placia Lorenza y que el cónsul ingles de aquella capital había sido el autor de este hecho, EST, 8048, Exp. 2.

<sup>170</sup> *Ibid.*

guaranteed the rights and privileges of the diplomat, for offense to the Cuban government.<sup>171</sup> Moreover, Spain could obstruct Crawford consular role by appealing to the law of February 5, 1764, in the *Novissima Recopilacion* enacted by King Carlos II, which provided that “the consul of foreign powers before entering in their function must apply for, and obtain, the Royal approbation.”<sup>172</sup> In the opinion of the Foreign Office, on the other side, Plassy’s slave condition was “intolerable”, and British authorities complained to the Cuban ones about the “delay to render justice to this woman.”<sup>173</sup>

Further exacerbating Anglo-Spanish diplomatic relations, Plassy’s case obtained extraordinary notoriety and her battle for freedom was used to rally support around abolitionist campaigns. The *New York Enquire* published the account of her escape and reconstructed the story of her imprisonment and life in slavery. The news, reported in the trial papers to support the consul’s defense, revealed details about Plassy’s living conditions, mentioning both a history of sexual exploitation and the sale of her children as slaves:

Her sad story will without doubt be made public and will probably have the effect of inducing the government of this country to make further inquiries into the horror of slavery, to which it would appear even British subjects are liable to be subjected by the duplicity of the Spanish government. The poor Plassy Lawrence was compelled to prostitute herself, and her children were sold into slavery. The marks of the more severe flogging were evident on her back, when she went on board of the ship.<sup>174</sup>

On the one hand, news of Plassy’s successful escape from Cuba traveled across the Atlantic, gaining reputation and becoming an occasion for discussion and debate in American and European abolitionist circles. Her story had been published by the British newspaper *Morning post* and the French *Journal des debats*.<sup>175</sup> Before long, the news circulated throughout Europe, so much so that it was, for example, the main topic of an article in the Italian newspaper *La gazetta del Popolo* on the differences between Catholics and Protestants with respect to the

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<sup>171</sup> AHN: ULTR, Leg. 4639, Exp. 27.

<sup>172</sup> *Novissima Recopilacion de las Leyes de España*, Book VI, Title XI, Law VI. Quoted by Turnbull in ANC: AP, Leg. 40, Exp. 53.

<sup>173</sup> AHN: ULTRAMAR, Leg. 4639, Exp. 27.

<sup>174</sup> *New York Enquirer*, 1853, vol. XLVII, no. 7993.

<sup>175</sup> Also these articles were translated by the Spanish administration. ANC: GSC, Leg. 947, Exp. 33381.

issue of slavery.<sup>176</sup> On the other hand, the detailed narratives of the atrocities of life in slavery increased the empathy of white Europeans for the misfortunes of slaves. Her story had particularly outraged anti-slavery activism, for whom the restoration of the purity and virtue of Black female bodies was integral part of the humanitarian cause against the persistence of slavery.<sup>177</sup> As explained by historian Sarah Turner, this issue was also relevant to the British government's aspirations regarding the role of enslaved women in the British West Indian colonies, a key aspect of the project to shape and develop new moral and industrious subjects during the difficult introduction of free labor regime.<sup>178</sup> At the same time, Plassy's inter-Caribbean routes revealed that submission to forced dislocations and constant change of masters was highly gendered and resulted primarily in greater exposure and vulnerability of enslaved women to sexual violence in displacements.<sup>179</sup>

Despite the insistent Spanish requests, the search for Plassy and Richard in Jamaica did not lead to any result, and their traces were completely lost. After decades of unjust slavery, the hope of freedom for both enslaved individuals once again materialized in escape rather than in legal resolution. Resorting to the law did not guarantee a favorable ruling every time, and the path of manumission often left the appellants in a vulnerable condition. Similar to Mariana's request to remain in Cuba and not be relocated, enslaved individuals were frequently silenced and marginalized in the realms of justice. Concurrently, in the same spaces, coerced individuals presented their petitions, recounting their experiences and carefully selecting their truths. In Puerto Rico, for example, Mary Gordon's initial petition to be recognized as a free British subject failed after the Court's investigation determined that she was a slave from Danish Saint-Thomas and, therefore, had no right to appeal the anti-slave trade agreements between Great Britain and Spain.<sup>180</sup> Due to the lack of further information about the lawsuit in the Cuban records, we cannot determine whether Mary was

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<sup>176</sup> "Lo zio Tom, e la schiavitù tra cattolici e protestanti (Uncle Tom, and Slavery between Catholics and Protestants)," *La gazetta del popolo*, January 19, 1853, IV, n° 16.

<sup>177</sup> According to Diana Paton, for example, as early as 1824, antislavery discourse on the amelioration of slavery was powerfully gendered: "abolitionists condemned all flogging of slaves, but found the flogging of women particularly offensive, as much because it led to the exposure of enslaved women's bodies as because of its violence and brutality.," *Not Bond but the Law*, 7.

<sup>178</sup> Sarah Turner, *Contested Bodies: Pregnancy, Childrearing, and Slavery in Jamaica* (Philadelphia: University of Pennsylvania Press, 2017), 4.

<sup>179</sup> On gender and mobility in colonial Cuba, see: Camillia Cowling, "Gendered Geographies: Motherhood, Slavery, Law, and Space in Mid-nineteenth-century Cuba," *Women's History Review* 27, no. 6 (2018): 939-953.

<sup>180</sup> AHN: ESTADO, Leg. 8046, Exp. 13.

telling the truth about her origins.<sup>181</sup> Nevertheless, it is certainly possible that her attempt was a legitimate effort to achieve freedom from coercion by any means possible, rather than to establish and seek recognition of her nationality.

In slave depots, people in bondage awaiting sentencing endured the immobility of restriction and, simultaneously, projected their status mobility from slavery to freedom. The attempts of enslaved individuals, even unsuccessful ones, to insert themselves into international lawsuits revealed their ability to penetrate legal discourse and narrate their own stories, both because of and despite it. Furthermore, from these cases emerged the entanglement of legal activism and illegal practices in the strategies of enslaved individuals to gain freedom. The same legal process, alongside escape, contributed to the creation of new trans-Caribbean trajectories from places of coercion and spaces of waiting.

Newspaper articles, letters between British consuls and Cuban Captain Generals, reports to Europe, and contacts with the governors of the surrounding Caribbean islands ensured the circulation of news about legal cases concerning enslaved foreign subjects in Spanish possession. These exchanges also involved and engaged the courts, magistrates and colonial administrators of the Atlantic and trans-imperial Caribbean space. On a different scale, similar movements occurred among the African Caribbean population. In institutions where they were confined while awaiting sentencing, enslaved people shared information, strategies, and legal knowledge on how to free themselves and helped each other cope with the slavery condition. Enslaved people on plantations worked and lived closely together, sharing different kinds of experiences and knowledge, but in rural areas, it was often complicated to contact foreign diplomacy and appeal to the Courts. Judicial repositories, on the other hand, were an integral part of the social and economic fabric of the city. As we have seen, from there convicts were sent to work in the local hospital, cemetery, asylum, and in other neighborhoods as forced laborers. From the Barrio of San Lazaro, where the *Casa de la Beneficencia* was located, the enslaved could easily reach the *intramuros* area of Havana. In Calle Cuba, a few streets away from *Arsenal* and the port area, was the headquarters of the *Real Audiencia*, on Callejon de Justicia the *Intendencia*, and between Calle Obispo and Calle Mercaderes was the House of the Capitan General. All over the city, there were the offices of the *síndicos procuradores*; for example, Don José de Olano's office was located at Calle

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<sup>181</sup> For analysis of Puerto Rico documents on diplomatic cases involving enslaved British subjects see: Joseph C. Dorsey, *Slave Traffic in the Age of Abolition: Puerto Rico, West Africa, and the Non-Hispanic Caribbean, 1815-1859* (Gainesville: University Press of Florida, 2003).

Obispo No. 16.<sup>182</sup> Furthermore, many British and American residents in Havana resided in the neoclassical *extramuros* neighborhood of El Cerro, near the Puerta de Tierra and the Arsenal, and frequented the de Tacón market.<sup>183</sup> The movements to and from the slave depots created chances to meet people, exchange information, become familiar with the urban environment, reach diplomatic posts, and access the Courts (Figure 2). This included interactions with other slaves, sailors or intermediaries to plan escapes, as well as engaging with notaries, lawyers, and, in certain instances, foreign diplomats and agents to plan legal battles, intertwining as required legal and illegal practices for escape slavery. Despite the persistent asymmetries of power, the ambiguous nature of the judicial depot could, in some cases, become a tool in the hands of enslaved people.<sup>184</sup> Institutions of coercion, such as the *Casa de la Beneficencia*, served as sites of interaction among enslaved people, and colonial urban space provided the backdrop for the exchange of legal knowledge, turning courtrooms into arenas of confrontation involving enslaved individuals, foreign diplomacies, and local institutions. In colonial urban spaces, Spanish courts and British diplomatic offices were locations where multiple actors collaborated in shaping legal categories and gave meaning to concepts of freedom and rights in the Atlantic world.

The ability to mobilize resources in support of the petitions was not solely dependent on individual agency but relied on various factors, including the social networks that appellants could rely on. When these ties were severed, the likelihood of success diminished, the duration of legal processes extended, and the risk of being displaced again, returning under the owner's authority, heightened. The exchange of legal knowledge among enslaved appellants occurred not only in depots but also in other locations where captives were confined and compelled to work for a specific period.<sup>185</sup> For instance, Richard Potter, a Danish Saint-Thomas fisherman and a witness in Charles Callwood's freedom trial, encountered the British appellant in the Puerto Rico jail, where both had been unlawfully

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<sup>182</sup> AHN: Expediente promovido por la esclava negra María Josefa Moliner, vecina de La Habana, solicitando la libertad que ya le había concedido su dueña, la infidente Francisca Moliner y Alfonso, también llamada Francisca Moliner de Ayestarán. Concedido, ULTR, Leg. 4407, Exp. 17.

<sup>183</sup> Martínez-Fernández, *Fighting Slavery in the Caribbean*, 30.

<sup>184</sup> On the concept of asymmetrical dependency in slave studies and global labor studies, see: Julia Winnebeck, Ove Sutter, Adrian Hermann, Christoph Antweiler and Stephan Conermann, *On Asymmetrical Dependency* (University of Bonn: Bonn Center for Dependency and Slavery Studies, Concept Paper 1, 2021), 3-6.

<sup>185</sup> Rachel Price, for example, understands prison as a path towards and even a space of freedom in 19<sup>th</sup> century Cuba, "Getting locked up to get free in colonial Cuba," *Atlantic Studies* 18, no. 1 (2021): 108-128.

imprisoned after being abducted by slave traders.<sup>186</sup> Two years after regaining his freedom, Wellington served as a witness and brought identification papers to Cuba to support the case of the enslaved British subjects Charles, William, and Saulman, whom he had previously worked with on plantations in the Cuban east.<sup>187</sup> These support networks involved enslaved people, freed and free people of color and even the white population. Those who alerted the authorities and conducted searches for missing slaves and freed individuals were sometimes their (former) owners, aiming to reclaim their property. Other times, family members were involved in these efforts.<sup>188</sup> Plassy's relatives and those who remained closest to her in Nevis provided evidence for the recognition of her British subject status after twenty years of separation. Their testimonies demonstrated that African Caribbean people actively participated in courtrooms and proceedings where typically only slaveholders and representatives of colonial elites were heard. Moreover, these networks prolonged over time and extended across Caribbean spaces, transcending imperial borders and divisions.

## 5. Diplomatic Protection and the Persistence of Slavery

The reverberations of the freedom lawsuits filed by enslaved British subjects in Cuba had facilitated the dissemination of legal knowledge within the African Caribbean community. Moreover, the presence of planters from abolitionist territories within Spanish possessions extended debates concerning the belonging of African Caribbean individuals to other imperial and national powers, underscoring the urgency of safeguard enslaved people through diplomatic channels. Despite France's definitive decision to abolish slavery, thousands of French planters continued to reside permanently in slaveholding territories in the Caribbean region and the southern United States. In 1848, other French slave owners threatened to relocate there, resisting general emancipation.<sup>189</sup> In light of this, Article 8 of the abolition decree stipulated that:

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<sup>186</sup> AHN: EST, Leg. 8045, Exp. 10.

<sup>187</sup> ANC: El cónsul ingles referente a que venga a esta isla desde Jamaica el negro Wellington a buscar muchachos negros de Jamaica a quienes conoce y se cree están como esclavos en la isla, 23 mayo de 1843, AP, Leg. 138, Exp. 2.

<sup>188</sup> On family members as witnesses in courts, see: John C. Marquez, "Witnesses to Freedom: Paula's Enslavement, Her Family's Freedom Suit, and the Making of a Counterarchive in the South Atlantic World," *Hispanic American Historical Review* 101, no. 2 (2021): 231–263.

<sup>189</sup> ANOM: De la possession des esclaves par francais résidant à l'étranger, GEN, Carton 119, Dossier 1059. According to the legal document, at the abolition of slavery there were 20,000 French residents between Brazil, Suriname, Cuba, Puerto Rico, Louisiana, and the rest of the Southern United States. These figures are confirmed

À l'avenir, même en pays étranger, il est interdit à tout Français de posséder, d'acheter ou de vendre des esclaves, et de participer, soit directement, soit indirectement, à tout trafic ou exploitation de ce genre. Toute infraction à ces dispositions, entraînera la perte de la qualité de citoyen français. Néanmoins, les Français qui se trouveront atteints par ces prohibitions, au moment de la promulgation du présent décret, auront un délai de trois ans pour s'y conformer. Ceux qui deviendront possesseurs d'esclaves en pays étrangers, par héritage, don ou mariage, devront, sous la même peine, les affranchir ou les aliéner dans le même délai, à partir du jour où leur possession aura commencé.<sup>190</sup>

The republican ideals that drove the Schœlcher-led commission to abolish slavery prevented any French citizen, even those residing abroad, from owning slaves. According to the revolutionary government, individuals who persisted in slave ownership did not deserve to be considered French and faced the penalty of losing their nationality due to unworthiness.<sup>191</sup> The strictness of French law diverged significantly from the British legislation of 1843, which lacked retroactive application, and the punishment was confined to monetary compensation.<sup>192</sup> In contrast, the French law surpassed the punitive measures of British anti-slave trade laws, mandating the loss of citizenship for all French citizens who continued to own slaves in foreign countries without complying with the specified statute of limitations. The adoption of such a drastic and contested measure partly aimed to establish a more decisive stance towards slaveholding countries, showcasing the abolitionist radicalism of the revolutionary government. In this context, the revocation of nationality for slave owners

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by Lawrence C. Jennings, who claims, however, that only half, about 10,000 people, were actually slave owners. "L'abolition de l'esclavage par la IIe République et ses effets en Louisiane (1848-1858)," *Revue française d'histoire d'outre-mer* 56, no. 205 (1969): 375-397, quotation at p. 377

<sup>190</sup> "In the future, even in foreign countries, it is forbidden for any French citizen to own, buy, or sell slaves, and to participate, either directly or indirectly, in any traffic or exploitation of this kind. Any violation of these provisions will result in the loss of French citizenship. However, French citizens affected by these prohibitions at the time of the promulgation of this decree will have a period of three years to comply. Those who become owners of slaves in foreign countries, through inheritance, gift, or marriage, must, under the same penalty, emancipate them or alienate them within the same period, starting from the day their possession began." Décret du 27 avril 1848 relatif à l'abolition de l'esclavage dans les colonies et possessions françaises, Art. VIII.

<sup>191</sup> On loss of French citizenship and forfeiture of nationality due to unworthiness see: Anne Simonin, *Le déshonneur dans la République. Une histoire de l'indignité 1791-1958* (Paris: Grasset, 2008).

<sup>192</sup> 55 & 56 Vict. c. 10.

symbolized both a moral conviction and an economic and political choice. Guided by noble ideals, French diplomacy was faced with the imperative of persuading slaveholding territories to embrace abolition. This viewpoint was championed by François Arago, the Minister of the Navy and Colonies of the revolutionary government. He advocated for French diplomats to exert their utmost efforts in aligning with the progressing abolitionist sentiment, offering substantial moral support to the governments of the countries in which they were engaged.<sup>193</sup> However, the legislative measure triggered intense reactions and discussions, both in the colonies and in France, involving even the territories of new residence of French planters and slaveholders. French owners living abroad had no intention of conforming to the new abolition provisions. In Louisiana, for example, French legislation clashed directly with local jurisdiction, which prohibited the widespread enfranchisement of slaves.<sup>194</sup> In Cuba, colonial authorities did not yield to French pressure to allow planters to grant a significant number of emancipations from slavery, especially after the Escalera conspiracy. Moreover, even in metropolitan France the decree was considered excessive and difficult to enforce in foreign territories as well as at risk of compromising commercial and international relations due to aggressive meddling in the affairs of other nations.<sup>195</sup> According to a letter sent to the “*Corrier de Havre*” by M. Fevreau, representative of the province of Loire, the greatest risk of Article 8 was that it would jeopardize trade relations between France and the countries where the French slave owners lived, who in many cases would renounce French citizenship in favor of naturalization in the country of residence.<sup>196</sup> The threat of denaturalization was employed as a form of blackmail by both the French government and the slave owners living abroad. The latter opted to abandon French territories disregarding the government-imposed regulations, while the former risked losing the commercial contacts and membership of a part of its citizens.

In Cuba, as discussed in Chapter I, the majority of French planters had relocated from Saint-Domingue at the beginning of the century. Having resided on the Spanish island for decades, establishing solid relationships and holding prestigious roles in society over the years, many of them considered themselves adopted Cubans. Others had already been expelled from the island in 1808 or had been naturalized to avoid separation from their properties. Despite the

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<sup>193</sup> ANOM: Arago à Bastide, Juin 1848, GEN, Carton 119, Dossier 1059.

<sup>194</sup> On Louisiana slave laws, see: Ariela J. Gross, “Legal Transplants: Slavery and the Civil Law in Louisiana,” *Legal Studies Working Paper Series* 32 (2009): 1-36.

<sup>195</sup> ANOM: Extrait de *Courrier de Havre* du 23 novembre 1850, GEN, Carton 119, Dossier 1059.

<sup>196</sup> *Ibid.*

peremptory tone in which Article 8 was initially drafted, the decree initially allowed a three-year compliance period, later extended to ten years.<sup>197</sup> Both domestic and foreign pressures advocated for an alignment of Article 8 with the English legislation of 1843.<sup>198</sup> Consequently, a decade after its issuance, and with no effective enforcement, the government opted to amend the decree. The imperial law enacted on May 28, 1858, stipulated that those individuals who owned slaves before April 27, 1848, as well as those acquiring slaves through marriage, gift, or inheritance after 1848, could now legally retain them<sup>199</sup>. The uncompromising nature of the abolition decree had thus been completely nullified, as there were no instances where French citizenship was called into question for the act of owning slaves abroad. “En raison d’une certaine tolérance dans la pratique”, its implementation ultimately found no real match in the processes for forfeiture of citizenship.<sup>200</sup> Archival research did not uncover any legal cases in which the French consulate supported petitions to free enslaved individuals, as observed in the British case. However, this does not imply that the practice of intervening in cases for the freedom of enslaved individuals in Cuba did not extend to other diplomatic agents.

In the mid-19th century, the US consulate in Havana, much like British diplomacy, was intent on enforcing agreements related to the illegal slave trade and pursuing an assertive policy toward Spain. At the same time, it began to provide protection to enslaved African Americans in Cuba. In a manner unprecedented since the proclamation of the Monroe Doctrine, these legal cases, emphasized how Cuba’s fate became intricately linked with that of the United States, distancing the Caribbean island from the British influence and emancipating it from Spanish rule.<sup>201</sup>

In January 1848, the U.S. consul William H. Robertson had claimed to the Cuban government on behalf of Charlotte/Carolina, a free African American held in bondage in Cuba.<sup>202</sup> As in the cases of enslaved British West Indian appellants, the affair was remanded

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<sup>197</sup> A Bill was passed on February 11, 1851, amending Article 8 of the 1848 Abolition decree by granting French citizens abroad a period of ten years, instead of three, to dispose of their slaves. ANOM: GEN, Carton 119, Dossier 1059

<sup>198</sup> ANOM: “Bill” du 24 août 1843, GEN, Carton 119, Dossier 1060.

<sup>199</sup> ANOM: GEN, Carton 119, Dossier 1059.

<sup>200</sup> “Due to some tolerance in practice.” *Ibid.*

<sup>201</sup> On the Cuba-US historical entanglement, see: Ada Ferrer, *Cuba, An American History* (New York: Simon & Schuster, 2021).

<sup>202</sup> ANC: Expediente sobre reclamación del cónsul de los Estados Unidos en Cuba de la negra Carolina que se halla como esclava siendo libre, Leg. 945, Exp. 33312.

to the jurisdiction of the *Alcalde*, which appointed “a commission headed by the Governor and the advisory of the *asesor* to verify through testimony the notification sponsored by the consul.”<sup>203</sup> Collecting evidence of Charlotte’s identity, the judge granted her freedom in December of the same year.<sup>204</sup> In the subsequent years, other enslaved individuals sought protection from the American consul in freedom lawsuits in Cuban courts. On October 5, 1853, a letter arrived at Capitan General Cañedo from the US consulate that read:

Yesterday a Black man appeared at this Consulate. The first person he saw was Mr. Savage, the Secretary of this office, whom he addressed in this manner: “Sir, is it right and proper that a man born free in a civilized country should now be held in slavery without having committed any crime?”<sup>205</sup>

Heard by Secretary Thomas Savage, he declared his name as Juan Criollo, owned by the Marteguí company. Born free in Charleston (South Carolina) under the name Ben, he arrived in Cuba in slavery around the age of twelve in 1812. Both of his parents were free; his father, generally called “Tío Pepe (Uncle Joe)”, and his mother, “Lizzie (Isabel).”<sup>206</sup> During his childhood, the family moved to Florida, where they were engaged in fishing. Many fishers of Spanish and English origin also worked in the area, and Ben often went with his father to fish near the Bahamian island of New Providence. There a certain Captain Jim suggested recruiting Ben as a cabin boy, and once he boarded the ship owned by an American resident in Cuba, he was transported to Havana. In the Spanish city, he was eventually sold as a slave to a certain Antonio Pedroso, who baptized him Juan Criollo in the Regla district. He was employed there, working for “Marteguí y Compañía” as a cord weaver in the maritime industry.<sup>207</sup>

Ben had managed to reach the Havana American consulate because, in parallel, he engaged in another freedom strategy by claiming *pedir papel* – the legal practice of changing masters –

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<sup>203</sup> *Ibid.*

<sup>204</sup> *Ibid.*

<sup>205</sup> ANC: Consulado de los Estados Unidos, 5 octubre de 1853, GCS, Leg. 948, Exp. 33475. Scholar Victor Goldgel Carballo, in the only other extant study of this case, examines slave testimony from a methodological perspective that intersects literary and historical studies in “Forty-one years a slave: Agnosia and mobility in nineteenth-century Cuba,” *Atlantic Studies* 18, no. 1 (2021): 31-50.

<sup>206</sup> *Ibid.*

<sup>207</sup> ANC: Expediente sobre haberse presentado el negro Juan Criollo esclavo de Martitegui y Cia. al agente comercial encargado del consulado de los Estados Unidos, GCS, Leg. 948, Exp. 33475.

to the Cuban *síndico procurador*.<sup>208</sup> His request was granted, giving him the opportunity to relocate and seek a new owner within three days. During these days, he could move freely between downtown and Regla, on the opposite side of Havana Bay, searching for witnesses to prove that he had been captured and enslaved in Cuba for 41 years despite being a free man. He contacted Thomas Savage and later shared his story with American Consul Roberts, who, in turn, informed Cuban Governor Cañedo. As in similar trials, an *asesor* was appointed for the legal case, and concurrently, he was placed in a slave depot awaiting verdict. At that point, the two legal proceedings overlapped, and the verdict on the claim sponsored by the consul remained pending.<sup>209</sup> The latest documents we have regarding the case demonstrate that the investigation conducted by the authorities did not yield conclusive results. The Spanish consulate in Charleston notified Havana that they still had not been able to find any corresponding baptismal records.<sup>210</sup>

The uncertainty regarding the final verdict corresponded to the challenging interpretation of the interests of the American consulate in this freedom lawsuit. On one side, Ben/Juan's narrative was embedded in the ideological struggle between Anglo-American abolitionism and pro-slavery interests. On the other side, the petitions of enslaved African American people intersected with the US desire to expand its influence in the Caribbean, and particularly, to annex Cuba.<sup>211</sup> The Fugitive Slave Law of 1850 exemplified the considerable power of American slaveholders, expanding slavery subjection beyond the boundaries of the US South territories. This law not only criminalized support networks for runaway slaves but also, by circumventing the laws of free states, encouraged the abduction of free people of African descent.<sup>212</sup> As discussed in Chapter II, starting with the Consolidation Act of 1824 and particularly after British emancipation, a considerable number of African American

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<sup>208</sup> *Ibid.*

<sup>209</sup> *Ibid.*

<sup>210</sup> AHN: Secretaria de Gobierno da cuenta de la gestión del agente comercial encargado del Consulado de los Estados Unidos sobre la libertad del negro Juan Criollo y remite testimonio de la actuación, 13 junio 1854, ULTR, Leg. 4641, Exp. 45.

<sup>211</sup> Pedro Glejjeses, "Clashing over Cuba: The United States, Spain and Britain, 1853–55," *Journal of Latin American Studies* 49, no. 2 (2017): 215-241.

<sup>212</sup> Damian A. Pargas, *Freedom Seekers*, 41. A parallel occurrence unfolded simultaneously on the borders of slave-holding Brazil. Following the conclusion of the Great War, Brazil entered into a treaty with Uruguay in 1851, addressing matters of borders, trade, and the extradition of prisoners. Under the terms of this agreement, the two nations mutually committed to the repatriation of enslaved individuals to each other. Grinberg, "Illegal Enslavement," 43.

people had sought refuge in Canada and the British West Indies to escape slavery and attain freedom. After the enactment of the Fugitive Slave Act, the persistent insecurity faced by free Black American people led many to continue seeking asylum in nearby territories. However, the Fugitive Law reignited also the abolitionist movement in the United States, bringing to the forefront the issue of domestic trade and the problem of illegal enslavement. In this context, Ben's petition, much like Charlotte's, could receive support from Northern abolitionists. Their petitions presented the United States as a model opposed to the slaveholding Cuba. Similar to the British anti-slavery policy and the ideals of the French revolutionary government, American abolitionists believed that challenging slavery within their own borders was synonymous with fighting against it beyond those borders.<sup>213</sup> However, during the same years when the debate about slavery and its preservation was agitating US politics, the presidency of Franklin Pierce (1853-1857) saw significant efforts to acquire Spanish Cuba. The idea of annexing Cuba to the United States not only aligned with American expansionist goals but also found favor among Cuban and US planters. Additionally, Cuban annexationist exiles residing in the United States lobbied the US government to intervene and weaken the Spanish empire's control over the Caribbean island. For all these actors, the incorporation of the Spanish colony into the American union represented a guarantee to preserve the system of slavery, which was under abolitionist attack both in Cuba and in the United States.<sup>214</sup>

While American opposing interests viewed the annexation of Cuba as a fortuitous opportunity, Spain responded to the threat by altering its policy concerning the slave trade to gain favor with Britain. In December 1853, Juan Pezuela was appointed governor-general of Cuba, having previously held the same position in Puerto Rico and being known for his strict enforcement of treaties against the slave trade.<sup>215</sup> Immediately, his program alarmed Cuban plantocracy. Pezuela reinstated the free Black militias that had been dismantled following the Escalera conspiracy.<sup>216</sup> He also introduced reforms challenging Article 9 of the 1845 royal decree. These reforms included the abolition of the immunity of rural properties from searches by the authorities, the seizure of illegally entered slave labor, and the

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<sup>213</sup> Ferrer, *Cuba, An American History*, 113.

<sup>214</sup> Domínguez, *Slaveholders in the South*, 52.

<sup>215</sup> Stanley Urban, "The Africanization of Cuba Scare, 1853-1855," *The Hispanic American Historical Review* 37, no. 1 (1957): 29-45, quotation at p. 32.

<sup>216</sup> According to De la Fuente and Gross, "the militias were reinstated in 1854, but they lost much of their traditional function as a platform for social mobility and respect for the free community of color," *Becoming Free, Becoming Black*, 185.

registration of all slaves held on the island.<sup>217</sup> Slave owners were required to declare their properties to local authorities, including the legitimate title to each of their slaves and proof that they had acquired them legally.<sup>218</sup> All improperly registered slaves were to be freed.<sup>219</sup> Cuban owners, along with their allies in the US, strongly opposed the reforms introduced by Pezuela's government. John Quitman, a former governor of Mississippi and a prominent figure among slaveholders and planters, picked up on the dissatisfaction of Cuban and American owners. He organized an expedition to wrest Cuba from Spain and make it one of the slaveholding states in the US South.<sup>220</sup> Only the return to command of General José de la Concha in September 1854 stopped American plans and restored order to the Spanish colony. After his appointment, he restored the immunity of the plantations from search and seizure by local authorities. Due to his conservative approach, the new regime was welcomed by Cuban elites who renewed their loyalty to Spain.<sup>221</sup> However, it also managed to maintain distended relations with rival abolitionist powers in the Caribbean, primarily Great Britain, by implementing and supporting some reforms in the Cuban labor system. Under General Concha's administration, in particular, a special *Junta de emancipados* was established, along with a corresponding treasury. This institution and its fund allowed the colonial government to regulate the presence of liberated Africans in Cuba, determine their placement with private

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<sup>217</sup> ANC: Real Orden aprobando el reglamento que deberá observarse en la isla de Cuba para la formación de los patrones y de un registro civil de los esclavos, 22 de marzo 1854, ROC, Leg. 180, Exp. 15. Especially Art. XX, XXI.

<sup>218</sup> *Ibid.* Art. I, II, VII, VIII, XII.

<sup>219</sup> *Ibid.*, Art. XV. Moreover, Art. XVI established that “los esclavos no podrán circular sin llevar consigo una copia de la cédula, pena ser tratados como fugitivos. Serán encarcelados y el amo tendrá treinta días para presentar la cédula, de lo contrario serán liberados entregando por autoridad competente su carta de libertad/ Slaves may not circulate without a copy of the cedula, under the penalty of being treated as fugitives. They will be imprisoned, and the owner will have thirty days to present the cedula; otherwise, they will be released by delivering their freedom papers to the competent authority”; Art. XXXVIII, “La falta de notificación de la manumisión o coerción por parte del propietario conllevará una multa de 100 a 500 pesos. La misma pena aplica por no notificar las defunciones o la omisión de matrimonios entre esclavos/ he failure to report emancipation or coercion by the owner will result in a fine ranging from 100 to 500 pesos. The same penalty applies for not reporting deaths or the omission of marriages among slaves”; and Art. CII, “El esclavo que no sea registrado debido a la negligencia del tenedor será liberado, pero el tenedor deberá compensar a su amo/ a slave who is not registered due to the fault of the keeper will be free, but the *tenedor* (keeper or, literally, person who physically holds a property) must compensate their owner.”

<sup>220</sup> On this expedition: Robert A. May, *John Quitman: Old South Crusader* (Baton Rouge: Louisiana State University Press, 1985).

<sup>221</sup> Stanley Urban, “The Africanization of Cuba Scare,” 41-42.

masters or in public works, and address their maintenance and legal matters.<sup>222</sup> The *Ordenanzas de emancipados* stipulated that *emancipados/as* be provided with a certificate of freedom, including the registration number, the name and address of the individuals to whom they were assigned, the date of assignment, the wages owed, and the payment method.<sup>223</sup> The tension between abolitionist aspirations and the interests of slaveholders in the United States found a parallel in the legal proceedings concerning enslaved American people in Cuba during the same period. On November 20, 1857, the American consul in Havana intervened in a case involving the enslaved woman Esther and her former owner William Fulton. The latter was an American citizen residing permanently in the Spanish colony. Several years earlier, he had illegally transported Esther from New Orleans and subsequently sold her to a new owner. However, in January of the same year, he applied for a passport for Esther and the two children she had since borne in Cuba, intending to bring her back with him to the United States.<sup>224</sup> Meanwhile, Esther had turned to a Cuban *síndico procurador*, firstly to report her mistreatment by her current owner and secondly to seek protection against the intentions of her former possessor, who was convinced he still had rights of ownership over his ex-slave.<sup>225</sup> Unlike other legal cases, this process had reversed roles, as the American consul sided with William Fulton, asserting his right to bring Esther back to the United States, while the Cuban official supported the enslaved woman. *Síndico* Francis Fesseor rejected her former master's request to repatriate her to the United States because, having illegally transported and sold her in Cuba, he had forfeited any claim to ownership over his former slave.<sup>226</sup> Furthermore, speaking out against family separation, he proposed granting freedom papers to Esther and her children. According to the attorney, "la morena es una excelente cocinera," and this work allowed the enslaved woman to earn her freedom and support herself and her two young children.<sup>227</sup>

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<sup>222</sup> AHN: Expediente general de emancipados: Formación de una Comisión para el ramo de emancipados. Ordenanzas de emancipados, ULTR, Leg. 4666, Exp.1 On this issue, see also: Murray, *Odious Commerce*, 289-291.

<sup>223</sup> Ordinance of December 20, 1853, renewed on January 1, 1854, February 12, 1855, and in the Regulations of August 13, 1865. AHN: Expediente general de emancipados: Reglamento para el régimen de los negros emancipados, ULTR, Leg. 4666, Exp.3.

<sup>224</sup> ANC: Expediente promovido por don. Guillermo Fulton para remitir unos esclavos a los Estados Unidos, Habana, 8 enero 1857, Leg. 950, Exp. 33620.

<sup>225</sup> ANC: Habana, 26 febrero 1857, Leg. 950, Exp. 33620.

<sup>226</sup> ANC: Habana, 2o noviembre 1857, Leg. 950, Exp. 33620.

<sup>227</sup> "The *morena* is an excellent cook." ANC: Habana, 26 febrero 1857, Leg. 950, Exp. 33620.

The legal dispute, which seemed to have concluded in Esther's favor, resumed a year later. On June 14, 1858, William Fulton appealed to the Cuban Governor-General against the mayor's decision.<sup>228</sup> This time, it was not the former slave's belonging to the United States that was called into question, but her behavior during her detention in the judicial depot pending judgment. The ex-owner complained that instead of staying in *depósito*, the Black woman "deambula por las calles hasta altas horas de la noche, embriagándose y escandalizando [sic], participando en todo tipo de desorden en bares y otros lugares, mezclándose con marineros y personas sin moral."<sup>229</sup> According to the American man, since Esther had invoked the law "está adquiriendo vicios y una deshonestidad descontrolada de la que antes no tenía conocimiento y que ahora debe a la protección del síndico."<sup>230</sup> He considered the appeal for justice to be the reason for the corruption of the former slave's habits, who occupied the public space in a manner deemed inappropriate and sexually promiscuous for rejecting her condition of slavery and the protection of the owner.<sup>231</sup> The outcome of this second trial remains unknown in legal papers. However, it is likely that the former owner, backed by the American consulate, aimed to have Esther, now a free woman, expelled from the Spanish island in an attempt to reclaim possession of her in the United States.

In this legal case, like that of French slaveholders living abroad, the American owner employed both illegal and legal strategies that directly influenced the law. For the former, Cuban slave legislation could be manipulated to their advantage by pressuring the French government to safeguard their slave holdings abroad. For the latter, invoking the intervention of the US consulate was a way to assert their property privileges in Cuban courts. In this context, citizenship was not a passive concept in the hands of state power alone but was constantly negotiated on the basis of individual interests, especially by the owners.

## 6. Questioning the Legitimacy of Slavery

The question of unworthiness or, conversely, the right to own slaves revolved around the definition of what was considered morally acceptable, constantly reshaping the concept and

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<sup>228</sup> ANC: Habana, 14 junio del 1858, GSC, Leg. 950, Exp. 33620.

<sup>229</sup> "roam the streets late at night, getting drunk and *escandalizando* [doing scandalous things], indulging in all kinds of disorder in bars and other places, mixing with sailors and people without morals." *Ibid.*

<sup>230</sup> "she is acquiring vices and an uncontrolled dishonesty of which he was previously unaware and which he now owes to the *síndico's* protection," *ibid.*

<sup>231</sup> *Ibid.*

meaning of freedom. In the trans-imperial Caribbean space, the issue transcended the boundaries of individual empires, impacting both abolitionist and slaveholding territories. In the latter, the presence of both foreign owners and foreign enslaved people challenged the legitimacy of maintaining slavery within imperial borders. Despite the strong resistance of slaveholders, the petition of the African Caribbean people to gain freedom compelled Cuban judges to distinguish between legal and illegal slavery. Regardless of the trial outcomes, disputes over the illicit subjugation of free or freed people has challenged “the conceptual frontiers of slavery,”<sup>232</sup> confronting the Cuban court with the broader question of the rightfulness of the institution. Moreover, freedom’s lawsuits and consular protection expanded the space of agency of enslaved people toward emancipation.

Whatever Esther’s fate may have been, the intentions of the former owner, William Fulton, to return to New Orleans undoubtedly clashed with the eruption of the conflict over the future of slavery in the United States. As the institution of slavery crumbled in the southern states, American slaveowners embarked on a reverse journey, transporting individuals whose ownership they claimed and seeking refuge themselves in Cuba.<sup>233</sup> The American Civil War concluded in 1865 when Confederate forces surrendered, and slavery was legally abolished in the United States. Meanwhile, Dutch Suriname had also declared emancipation in 1863. Only Brazil continued to uphold the institution in the Americas. Surrounded by territories where slavery was no longer legal, Cuba found the supply of enslaved labor through illegal trade unsustainable. On October 2, 1866, a royal decree approved a new law to suppress the slave trade.<sup>234</sup> In the same year, the last recorded trans-Atlantic ship carrying enslaved people docked in a Cuban port.<sup>235</sup> More than fifty years had elapsed since the participants at the

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<sup>232</sup> Mamigonian and Grinberg, “Le crime de réduction à l’esclavage,” 3.

<sup>233</sup> Ferrer, *Cuba, An American History*, 118.

<sup>234</sup> AHN: Disposiciones sobre la represión y castigo del tráfico negrero, mandadas observar por Real Decreto de 29 de septiembre de 1866, ULTR, Leg. 4882, Exp. 2.

<sup>235</sup> The Transatlantic Slave Trade Database indicates that the last ship to dock in 1866 was the “Daomé,” which departed from Portugal. See also: María Meriño Fuentes and Aisnara Perera Díaz, *Contrabando de bozales en Cuba: perseguir el tráfico y mantener la esclavitud (1845-1866)* ( San José de las Lajas: Ediciones Montecallado, 2015). However, David Eltis argues that “there can be no certainty as to whether the final transaction took place in 1866 or in 1867. While reports from Africa indicate one shipment, and those from Cuba suggest two arrivals in 1867 totaling 1,000 slaves, the dates of the reports from the two sides do not coincide,” “The Nineteenth-Century Transatlantic Slave Trade: An Annual Time Series of Imports into the Americas Broken Down by Region,” *Hispanic American Historical Review* 67, no. 1 (1987): 109–138, quotation at p. 128. Moreover, historian Juan Perez de la Riva argues that illegal slave trade, especially domestic trafficking, continued secretly until the

Congress of Vienna declared the slave trade “repugnant to the principles of humanity and universal morality”, committing to its gradual abolition.<sup>236</sup>

Meanwhile, joint efforts by Britain and France to weaken the colonial possession and force Spain to permanently abolish slavery focused on getting enslaved people out of Cuba. On September 10, 1867, Haiti’s Cap newspaper, “Pionier du Nord”, reported the escape of two enslaved women and a child traveling in the company of their master from Puerto Rico to Cuba thanks to the intervention of the captain of the French ship “Caravelle.”<sup>237</sup> The article magnified the captain’s exploit and France’s struggle against the inhumanity of slavery still persisting in the Spanish Caribbean:

Le magnifique steamer français La Caravelle a vu se dénouer à son bord, lors de son dernier voyage, un épisode qui fait honneur aux principes humanitaires de l’honorable commandant. Un trafiquant d’esclaves, dont l’horrible entreprise diminue chaque jour l’honneur de l’humanité, avait embarqué à Porto Rico deux belles femmes et un enfant en bas âge pour être conduit à Cuba. Ces créatures humaines étaient marquées du sceau réprobateur de l’esclavage, mais le propriétaire de chair humaine s’était gardé d’en faire l’aveu à âme qui vive et encore moins au commandant de La Caravelle. Cependant, voyez les décrets de la providence! Quelques nobles étrangers sont passagers au même bord. Ils apprennent l’infortune de ces pauvres âmes; leurs cœurs se révoltent au souvenir de leur malheur, et ils forment le projet de briser leurs fers et de les affranchir à tout jamais. À peine arrivé dans notre rade, le steamer se met en train d’opérer le déchargement des marchandises dont il est porteur. Profitant d’un moment de confusion, les généreux étrangers poussent les captives dans le bateau qui se rend à terre, et quelques instants après, elles étaient sur le sol haïtien, respirant en pleins poumons l’air pur de la liberté. Lorsque cette nouvelle fut connue à bord de La Caravelle, il fallut voir la fureur de ce possesseur impitoyable. Il domine son bien avec la passion d’un frénétique; il offre des poignées d’or pour le recouvrer. Mais tous les efforts furent inutiles et toutes les supplications

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1870s, “Cuando llegaron a Cuba los últimos bozales?” *Revista de la Biblioteca Nacional José Martí* 16, no. 2 (1974): 174-179.

<sup>236</sup> Declaration of the Powers, on the Abolition of the Slave Trade, February 8, 1815, Art. XV.

<sup>237</sup> AHN: Esclaves forcement affranchis, “Pionnier du Nord,” 10 septembre 1867, ULTR, Leg. 4714, Exp. 43, n°3. The escape had occurred on August 23, 1867.

vaines. Le commandant français se contenta de lui répondre avec une grande dignité que son navire n'avait pas été constitué pour porter des esclaves mais bien des êtres libres; que le glorieux pavillon de la France ne connaît sur la terre que des frères sortis d'une origine commune et destinés à un même but. Les malheureuses affranchies ont été immédiatement placées dans notre ville, et elles y gagnent une vie honorable dont un maître fort souvent grossier ne viendra plus leur demander un compte brutal et tyrannique.<sup>238</sup>

Such incidents embarrassed Spain to the extent that the Spanish consul in Haiti wrote to the Cuban governor, Blas Villate, advising it would be prudent to prevent slave owners from visiting abolitionist territories to avoid causing a scandal by revealing that they were bringing slaves on board.<sup>239</sup> In the following years, the same “Caravelle” ship was engaged in other escapes of enslaved people from Cuba. According to authorities in Santiago de Cuba, the captain facilitated the escape of thirteen slaves in the early days of September 1871.<sup>240</sup> In that same year, another French ship named “Caraïbe” was reported to the city administration for the “apoyo y protección (support and protection)” the crew provided to enslaved fugitives. According to the complaint, the captain of “Caraïbe” was notorious for neglecting to check

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<sup>238</sup> “The magnificent French steamer La Caravelle witnessed an unfolding episode on board during its last voyage, an episode that honors the humanitarian principles of the honorable commander. A slave trader, whose horrific business diminishes the honor of humanity every day, had embarked from Puerto Rico with two beautiful women and a young child to be taken to Cuba. These human beings were marked with the condemning stigma of slavery, but the owner of human flesh refrained from confessing it to anyone, let alone to the commander of La Caravelle. However, behold the decrees of providence! Some noble foreigners were passengers on the same ship. They learned of the misfortune of these poor souls; their hearts revolted at the memory of their misery, and they formed the project of breaking their chains and freeing them forever. Barely arrived in our harbor, the steamer began unloading the goods it carried. Taking advantage of a moment of confusion, the generous foreigners pushed the captives into the boat heading to land, and a few moments later, they were on Haitian soil, breathing in the pure air of freedom with full lungs. When this news became known on board La Caravelle, one had to witness the fury of this ruthless owner. He demanded his property back with the passion of a fanatic; he offered handfuls of gold to recover it. But all efforts were in vain, and all supplications were futile. The French commander contented himself with responding with great dignity that his ship was not constituted to carry slaves but free beings; that the glorious flag of France only recognizes on earth brothers who share a common origin and are destined for a common purpose. The unfortunate freed ones were immediately placed in our city, where they lead an honorable life that a often rude master will no longer come to demand with brutal and tyrannical accountability.” *Ibid.*

<sup>239</sup> AHN: 26 de septiembre de 1867, ULTR, Leg. 4714, Exp. 43, n°1.

<sup>240</sup> AHN: Vice consulado de España en Jamaica, ULTR, Leg. 4416, Exp. 3, n° 2.

the papers of his passengers.<sup>241</sup> Both French ships, moreover, collaborated with the British to in so far as they had transported Cuban enslaved people to Jamaica. The Cuban governor of the eastern provinces had claimed the runaway slaves through the Spanish vice-consul in Kingston but had received no response.<sup>242</sup> Consequently, he informed the French consul in Santiago de Cuba that the two ships were no longer welcome in Cuban ports, but even this second act had not caused the diplomat any particular concern.<sup>243</sup> The secrecy surrounding the illegal trade and the maintenance of slavery in Cuba, combined with constant diplomatic conflicts with the other imperial powers, had eventually weakened Spain and emboldened its enemies.

By 1868, Spain's power in Cuba had eased, and tensions between Cuban Creoles and the metropolis had precipitated the Ten Years' War (1868-1878). The ever-faithful island had rebelled, marking the beginning of the First Cuban War of Independence. In this context, alongside rival imperial powers, internal forces conspired against the preservation of slavery in Cuba. As confirmation of this, for instance, when the ship "Caribe" transported two enslaved men, Ander and Juan, owned by Augustin Granda and José Grintón to the British West Indies, their escape was further aided by the *infidante* (disloyal) Estanislao Figueras.<sup>244</sup> The First War of Independence marked the beginning of the slow process of gradual abolition in Cuba. Cuban insurgent leaders declared emancipation, stipulating that former slaves would remain under the guardianship of their former owners. However, slavery persisted in areas that remained loyal to Spain.<sup>245</sup> To preempt the independence movement in the colony, the Spanish government enacted the Moret Law or *Ley de vientre libre* by 1870. Similar to other Atlantic laws granting freedom to offspring born to enslaved mothers after a particular date, this legislation declared that children born on or after September 18, 1868, would be considered free. Nevertheless, they were required to remain under the guardianship of their mother's owner, overseeing their education until they reached the age of eighteen.

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<sup>241</sup> AHN: El gobernador político del Departamento Oriental de Cuba informa al gobernador superior político de la isla, ULTR, Leg. 4416, Exp. 3, n° 1.

<sup>242</sup> AHN: Cuba Submarine Telegraph Company, From Habana To Kingston, ULTR, Leg. 4416 Exp. 3, n°4.

<sup>243</sup> AHN: Se da cuenta de la salida furtivamente de esta Ciudad para Jamaica de d. Estanislao Figueras y dos esclavos, ULTR, Leg. 4416 Exp. 3, n° 5.

<sup>244</sup> *Ibid.*

<sup>245</sup> Sartorius, *Ever Faithful*, 95-98.

Additionally, the law granted freedom to slaves who served in the Spanish army, those over 60 years old, and those owned by the Spanish government.<sup>246</sup>

During the Cuban wars of secession, the issue of slave ownership resurfaced in complex ways. Hundreds of individuals declared *infidentes* had their property seized by the April 20, 1869, asset embargo decree promulgated by Governor Domingo Dulce y Garay. Among these properties were the enslaved individuals that they owned.<sup>247</sup> In addition, the Moret Law stipulated that only loyal owners would be compensated when the government freed slaves who had served in the army.<sup>248</sup> The promises of emancipation were acted upon by both the colonial government and the rebels to gain the sympathy and trust of the soldiers employed in the Black militias and the enslaved population. This unfolded as part of a continuous balancing act with the planter class, who could financially support both the cause of independence and the loyalist one but sought security over their property. Despite the anti-slavery ideals of Cuban independence leader José Martí and the significant participation of African descent people who joined the anti-colonial struggle and fought on both sides in the First and Second Wars of Independence (1868-1878/1879-1880), the promises of emancipation remained unfulfilled for many years. Only in 1878, the Pact of Zanjón granted freedom to enslaved people who had fought for Cuban independence, thereby solidifying the rebels' longstanding promise with a legal guarantee.<sup>249</sup>

In the meantime, on March 22, 1873, Spain abolished slavery in Puerto Rico, though freed people had to sign three-year contracts, delaying full freedom until 1876.<sup>250</sup> In addition to international pressures to end the slave system, the emancipation decree stands out as the greatest achievement of the Spanish abolitionist society, which emerged in 1865 under the

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<sup>246</sup> Rebecca Scott, *Slave Emancipation In Cuba: The Transition to Free Labor, 1860–1899* (University of Pittsburgh Press, 1985), 63-64.

<sup>247</sup> AHN: Sobre bienes que estaban embargado a los infidentes, ULTR, Leg. 4361. The archival collection contains about a hundred cases concerning requests for the release of requisitioned property, including many enslaved individuals, either from those who had been accused of *infidencia* or from their relatives. Cuban historian María Elena Meneses Muro published her research on the enslaved people confiscated during the Ten Years' War, *El embargo de los esclavos. Movilidad, espacios, y trabajo durante la Guerra de los Diez Años en Cuba* (Santa Marta: Universidad del Magdalena, 2021).

<sup>248</sup> Sartorius, *Ever Faithful*, 114.

<sup>249</sup> Ada Ferrer, *Insurgent Cuba: Race, Nation, and Revolution, 1868-1898* (Chapel Hill: The University of North Carolina Press, 1999), 226

<sup>250</sup> Diego C. Ayala, "The Transition to Free Labour in Puerto Rico: Class, Race and Politics in a Nineteenth-Century Colony," *Journal of Latin American Studies* 55, no. 2 (2023): 191-214.

influence of the American abolition of slavery.<sup>251</sup> According to Christopher Schmidt-Nowara, “the American Civil War and slave emancipation had a major effect on slavery, and anti-slavery, in the Hispanic world.”<sup>252</sup> The Spanish Abolitionist Society embraced Anglo-American methods of organization and activism, which included public meetings, petition drives, and a substantial presence in print through a periodical, “El Abolicionista Espanol.” It was led by the Puerto Rican Julio Vizcarrondo and other Antillean reformers who were active in Madrid. In 1873, the Society sought also permission from the Spanish government to establish a branch in Havana, advocating for abolition as the optimal method to modernize the colony’s economy. However, it encountered strong opposition from the influential Cuban planter class.<sup>253</sup> Despite this, due to enslaved people’s escapes during the ‘Ten Years’ War, selective emancipations through the Moret Law, and demographic decline resulting from the end of the transatlantic slave trade, Cuba’s enslaved population witnessed a significant reduction from 368,550 in 1862 to 199,094 at the conclusion of the First War of Independence in 1878.<sup>254</sup>

In 1880, the Spanish Cortes enacted a gradual abolition law and introduced the *Patronato* system. This legislation designated all Cuban enslaved people as *patrocinados/as* (apprentices), subjecting them to an eight-year period of guardianship during which they were obligated to work for their former masters. In contrast to the post-British abolition Apprenticeship regime, *patrocinados/as* received a wage and some forms of compensation for their work.<sup>255</sup> Enslaved people, collectively determined to escape slavery and actively pursue emancipation, once again used the law to negotiate their manumission with owners, effectively securing

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<sup>251</sup> AHN: Expediente de reclamación de una Ley aboliendo la esclavitud por la Sociedad Abolicionista Española, ULTR, Leg. 4759, Exp. 17.

<sup>252</sup> Christopher Schmidt-Nowara, *Empire and Antislavery: Spain, Cuba, and Puerto Rico, 1833-1874* (Pittsburgh: University of Pittsburgh Press, 1999), 100.

<sup>253</sup> AHN: Expediente de solicitud de permiso para crear una sociedad abolicionista en La Habana, ULTR, Leg. 4736, Exp. 11.

<sup>254</sup> Helg, *Slave No More*, 280.

<sup>255</sup> On the *Reglamento de Patronato* see: Scott, *Slave Emancipation in Cuba*, 127-140. However, Scott also argues that on Cuban plantations, “although stipends began to be paid, at first irregularly, they seem often to have been used as a special incentive rather than as wages, in much the same way that rewards or feasts had been used under slavery,” 141.

their freedom in most cases.<sup>256</sup> By 1886, only 25,381 *patrocinados/as* remained<sup>257</sup> and two years before the scheduled end of slavery in 1888, Spain officially decreed the definitive abolition of slavery in Cuba.

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<sup>256</sup> Cowling, *Conceiving Freedom*, 215-216. Elena Barattini, “«Che si disponga di ciò che spetta». Il Patronato a Cuba fra Genere e Giustizia (1880-86),” *Storica* 80 (2021): 45-78.

<sup>257</sup> According to Helg, by 1886 *patrocinados/as* had dropped to a quarter of their number three years earlier, *Slave No More*, 281. The statement is based on estimates by Rebecca Scott who claims that the *patrocinados/as* population dropped from 99,566 in 1883 to 53,381 in 1885 to 25,381 in 1886. *Slave Emancipation in Cuba*, 194.

## Conclusion

The dissertation has explored the entanglement between the abolition of slavery and the attainment of freedom by examining the enslaved people efforts to shake off their bounds in the legal arena and through their trajectories in the trans-imperial Caribbean space. These individual and collective experiences vividly demonstrate how apparently abstract imperial connections echoed in the lives of African Caribbean people. Historian Stephanie Camp revisited Edward Said's concept of "rival geographies," adapting his description of resistance to colonial occupation to the experience of the plantation in the everyday lives of enslaved women in the US Southern States.<sup>1</sup> Looking at her analysis of alternative communication and the movement of bodies within and around the plantation, this study also reinterpreted the mobility of African descendant people in the trans-imperial space of the Caribbean. They used the geographic distribution of imperial powers as a battleground, moving between colonial territories where legislation on slavery differed and reaching cities where they could appeal to courts. The exchange of legal information and knowledge, safe support during the journey, the use of witnesses during trials, and the support of family and emotional chains created an intercolonial and intergenerational network from below, shaped in a broad connected space. As historian Tim Cresswell suggests, although movement is often perceived as a straightforward shift from one point to another, mobility is ensnared in relations of power that give rise to social, political, economic, cultural, and environmental geographies and narratives.<sup>2</sup> In the Caribbean area, the movement of people connected territories through which African descendants drew intricate maps of freedom. Beyond and within courtrooms, their actions produced, used, and transformed the trans-imperial space.

Moreover, this dissertation illustrates how the dissemination of legal knowledge within the African Caribbean population transcended the confines of the single empires. Anthropologist Arjun Appadurai has contended that movement shapes the essence of things, including commodities and objects, influencing their functionality and meanings. To understand material objects in colonial contexts, he argued, it is essential to trace their social life and their relationships with people, other objects and places, exploring how these

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<sup>1</sup> Stephanie M. H. Camp, *Closer to freedom: Enslaved women and everyday resistance in the plantation South* (University of North Carolina Press, 2004), 7.

<sup>2</sup> Tim Cresswell, *On the Move: Mobility in the Modern Western World*, (New York: Routledge, 2006), 2-4.

networks affected their values and meanings. The examination of freedom petitions uncovers that, during legal proceedings, both judges and colonial authorities in all three empires accorded significant weight to written papers as evidence of the legal status of African Caribbean people. These documents were not “divorced from the capacity of persons to act.”<sup>3</sup> On the contrary, they often constituted the very precondition for legal action. As scholar Laurent Dubois argued, they represented “living testimony of the uses [African descendants] made of their legal freedom and its expansion.”<sup>4</sup> Relying on British diplomats and other intermediaries, African Caribbean people connected different colonial territories to gather tangible proofs of free status, giving new value to freedom letters and notarial papers, such as wills, marriage contracts, property, and inheritance transfers. In addition, these “rival geographies” allowed African descendants to support each other during lawsuits, providing testimony in courts, physical recognition, and useful information for investigations. The analysis of their freedom trajectories has demonstrated that, in some circumstances, these oral testimonies could even substitute for papers in proving the petitioner’s free status or geographical provenience. By looking beyond the archives of a single empire, the resulting petitions, complaints, and lawsuits found in British, Spanish, and French records contribute to a better understanding of the enslaved peoples’ material and immaterial legal knowledge. While it is undoubtedly true, as many historians have pointed out, that inequalities were inscribed and reproduced in law, and that in courtrooms the “voices” of enslaved individuals were silenced and marginalized,<sup>5</sup> these legal cases are evidence of how enslaved people often forced the margins and widened the interstices of the juridical narrative in a creative manner.

Although historians of slavery typically differentiate among various forms of everyday rebellion, legal battles, revolts, and escapes by enslaved people, this dissertation delineates a web of connections among these seemingly distinct forms of resistance. The boundaries within which the tools of “exit” and “voice” operate – borrowing the terminology of Albert Hirschman, critically employed by scholars like Yann Moulier Boutang and Alessandro Stanziani to explore the relationship between mobility, labor, and law – often appear blurred,

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<sup>3</sup> Arjun Appadurai, “Introduction: Commodities and the Politics of Value,” in *The Social Life of Things: Commodities in Cultural Perspective*, edited by Arjun Appadurai (Cambridge: Cambridge University Press, 1986), 3–63, quotation at p. 4.

<sup>4</sup> Dubois, *A Colony of Citizens*, 11.

<sup>5</sup> For an updated discussion on this topic see: Burnard and White, “Introduction: Slave Narratives in British and French America, 1700–1848,” in *Hearing Enslaved Voices*, 1–15.

if not problematic, in the study of African Caribbean people's trans-imperial trajectories.<sup>6</sup> The inter-colonial movements sets the stage for reconsidering legal and illegal, individual and collective practices of resistance that contribute to the shaping of enslaved people strategies to break free from the condition of slavery. The dissertation shows that “the circularity of the legal and illegal practices of resistance of the enslaved vis-à-vis the violence they experienced” constitutes the pathways to freedom in the abolition period, in which both legal process and escape contribute.<sup>7</sup>

Mobility has, therefore, been a fruitful lens for analyzing the entanglement of slavery and freedom in the trans-imperial space, revealing almost three different directions through which movement relates to the shift from slavery to free status for African Caribbean people. Firstly, the ability to move, in many cases, increased the chances of accessing freedom. However, the journeys of the enslaved people were dangerous, filled with violence, abductions, and separation from emotional and familial bonds, transforming them into physical and emotional challenges. Second, the analysis of illicit enslavement practices highlighted the vulnerability of the population around French, Spanish, and British settlements, revealing how the pressures of the inter-colonial slave market spread instability, even among those supposed to be protected by colonial law. In this sense, mobility expanded both the passage to freedom and the possibility of re-enslavement in the trans-imperial space. Finally, the analysis of legal procedures offered a way to reflect on how mobility also produces immobility and on the configurations of their entanglement. The freedom suits of enslaved British West Indian individuals in Cuba demonstrate that being considered worthy of freedom and being restricted in slave depots are intertwined issues, as sites of immobility could integrate the expectation of social mobility for people confined there.

Moreover, the dissertation highlights that time is another key aspect to examine the interconnection of slavery, freedom, and mobility in the Caribbean environment. Waiting in judicial depots, as well as the time of travel (and its preparation) towards British free soil, represents a liminal status between condemnation to slavery and the hope of freedom for African Caribbean people. Explaining when, where, and why enslaved individuals await freedom in repositories, the analysis of cases also reveals that the anticipation of freedom

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<sup>6</sup> Albert O. Hirschman, *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States* (Cambridge: Harvard University Press, 1970). See also: Yann Moulier Boutang, *De l'esclavage au salariat. Économie historique du salariat bridé* (Paris: PUF, 1998), 16; and Stanziani, *Labor on the Fringes of Empire*, 40-41.

<sup>7</sup> Christian De Vito, “Paternalist Punishment,” *Journal of Global Slavery* 7, no. 1-2 (2022): 48-72, quotation at p. 61.

could be closely tied to sites where exploitation was reproduced. Working time and waiting time were embedded in inter-imperial relationships and in the lawsuits of freedom-seekers. The relationship between mobility and its connection with the freedom guaranteed by emancipation decrees is a topic that deserves further exploration beyond the conclusions of this dissertation. Censuses and registry records, for example, responded to the increasing demands for recognition from enslaved and freed people but were also part of the administrative project to limit their physical and status mobility.<sup>8</sup> Documenting, measuring, or attempting to control their movements was also an important feature of the development of colonial bureaucracy.<sup>9</sup> Overall, this dissertation points out that mobility represented both a strategy to escape coercion and a tool of control, through which new dependency structures emerged. While moving through the trans-imperial space was a means by which enslaved individuals sought freedom, the process of mobility also served to lock them into highly asymmetrical, violent, and often gendered relations of exploitation, forcing them back into enslavement and other forms of dependency.

If the Caribbean connections provided both challenges and opportunities for enslaved people, this was also true for imperial administrators. The dissertation shows how, during the age of abolition, crossing imperial borders took on new political meanings in the struggle between territories of freedom and slavery. It was when enslaved African Caribbean people crossed an imperial border that their condition seemed to become more susceptible to regulation and, therefore, controversy. Although it can be argued that attempts to gain freedom often ended in failure and did not represent a substantive challenge to the institution of slavery, the political influence exerted by British diplomacy on rival empires had an effective impact on legal rulings in favor of freedom. These inter-imperial conflicts may be viewed as integral part of British initiatives to regulate the slave trade and, ultimately, eradicate slavery in the Caribbean region and beyond. Conversely, the essential information for bolstering the abolitionist crusade against slavery was equally generated by the actions and resistance of African Caribbean people. In this manner, the ideological justification for the British Empire was refined during its campaign to abolish the enduring slave trade, which persisted in the Caribbean until the 1860s. The endeavors of British agents, advocating for the enslaved population of the French and Spanish West Indies, also foreshadowed later

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<sup>8</sup> Jennifer Palmer, "Proof of Freedom, Proof of Enslavement: The Limits of Documentation in Colonial Saint-Domingue," in *Voices in the Legal Archives*, 75-94.

<sup>9</sup> Silyane Larcher, *L'Autre citoyen. L'Idéal républicain et les Antilles après l'esclavage* (Paris: Arman Colin, 2014), 191-192.

well-known policies of protection, such as those directed at halting Chinese “coolie trade” to Cuba,<sup>10</sup> and humanitarian interventions in informal imperialism across the globe.<sup>11</sup>

Employing the concept of vulnerability outlined in the introduction of the thesis, we consider how the slave dominance that emerges prominently in the violence of the illegal trade and planters’ efforts to sustain slavery by any means did not stem from Caribbean slave owners’ unwavering confidence in their power, but rather from their perceived weakness in the age of abolition. The conflict between the plantocratic elite and decision-makers in France was resolved in favor of immediate abolition, subsequently adopting an anti-slavery policy that aligned with the British one. On the contrary, slavery continued to be both Cuba’s greatest wealth and worst fragility. On the one hand, Cuban planters, strong in their economic power and alliances with slaveholders in the US South, based their strength on the slave economy. On the other hand, British and French interventions on behalf of the enslaved Cubans underscored the weakness of the Spanish Empire in the emerging international arena. Pressured by both the need to respect the treaties established with Britain to preserve international respectability and the demand of Cuban slave owners to maintain slavery, Spain faced a dilemma that would contribute to the empire’s final crisis in the late 1860s.

Finally, the enslaved people trajectories analyzed in the dissertation contribute to a better understanding of the racial dynamics in inter-colonial forced movements in the Caribbean. As historian Thomas Holt has pointed out, the transition to post-legal slave labor represented an unprecedented conflict over how future societies would be structured and how social relations within the colonies would change, requiring a deeper historical analysis of the processes in which ideas of race were used and produced.<sup>12</sup> Although studies of free people of color have demonstrated that African descendants in the Americas built communities that

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<sup>10</sup> On the diplomatic dispute between Britain and Spain over the trafficking of Chinese indentured laborers known as “coolies:” Evelyn Hu-DeHart, “La Trata Amarilla: The ‘Yellow Trade’ and the Middle Passage, 1847-1884,” in *Many Middle Passages*, 166-183; Elliott Young, “Chinese Coolies, Universal Rights and the Limits of Liberalism in an Age of Empire,” *Past & Present* 227, no. 1 (2015): 121-149. On the experiences of Chinese immigrant workers: Lisa Yun, *The Coolie Speaks: Chinese Indentured Laborers and African Slaves in Cuba* (Philadelphia, 2008); On British protection policy in other regions in the 19<sup>th</sup> century: Inge Van Hulle, “British Protection, Extraterritoriality and Protectorates in West Africa, 1807–80,” in *Protection and Empire*, 175–193; Benton and Ford, *Rage of Order*, 85-116.

<sup>11</sup> Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth Century British Liberal Thought* (Chicago, 1999), 194.

<sup>12</sup> Thomas Holt, “The Essence of the Contract. The Articulation of Race, Gender, and Political Economy in British Emancipation Policy, 1838-1866,” in *Beyond Slavery*, 39-42.

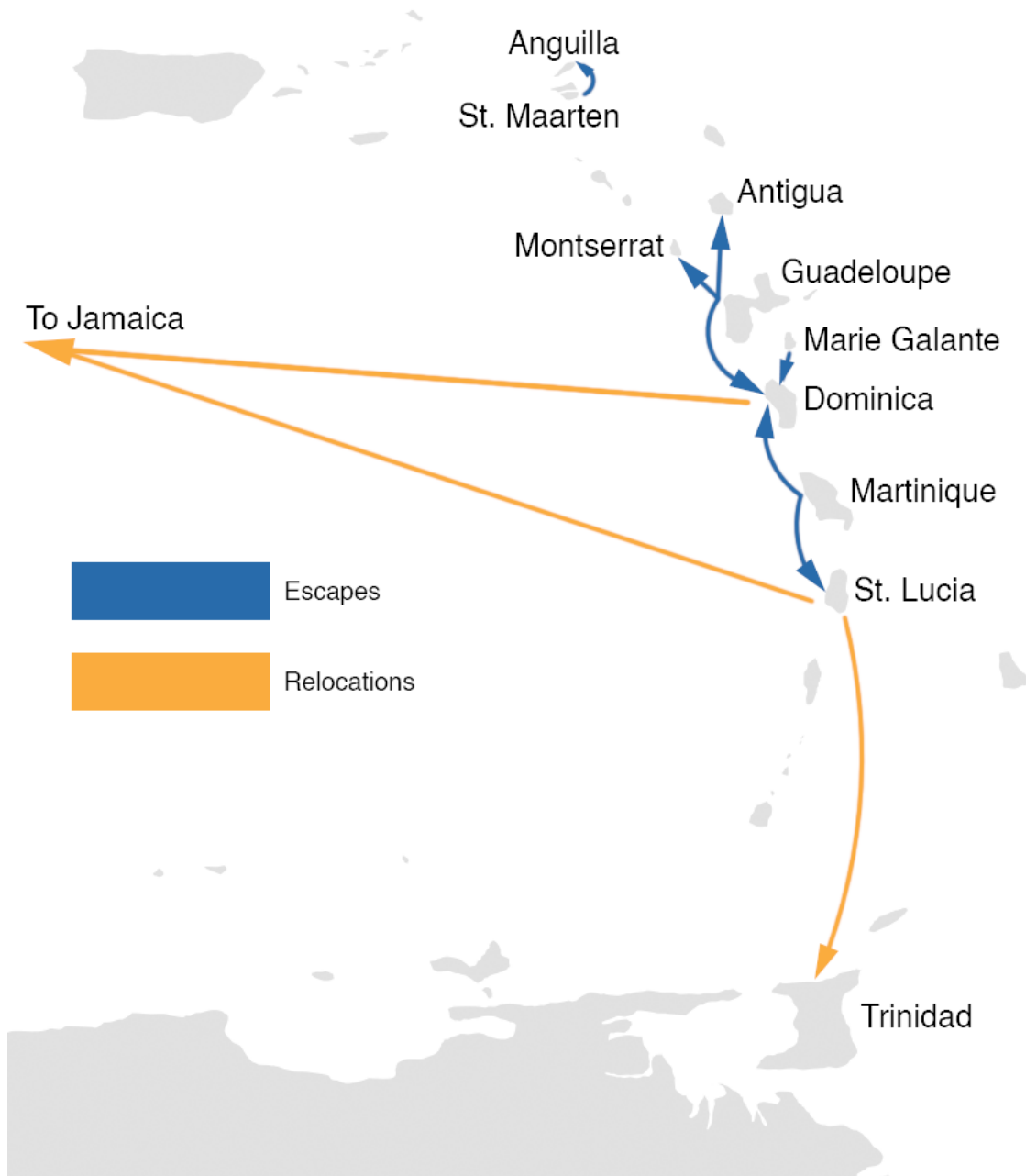
challenged slaveowners' efforts to equate blackness with slavery, legal cases related to the illicit enslavement of African Caribbean people during the mid-19th century highlight a different story of imperial sovereignty, economic exploitation and racial domination. The array of records collected in this dissertation vividly show how, in order to cope with internal demand, slavers kidnapped anyone in a defenseless position. More than social status or position, the "line" of this vulnerability often was embodied in skin color.<sup>13</sup> Moreover, the thesis does not analyze, primarily due to a lack of available sources, what happened once freed African Caribbean people arrived or returned to the British West Indies. However, the rare accounts regarding the relocation of French refugees and the transfer of freed British West Indian people from Cuba to Jamaica and other British colonies indicate that they were usually carried on the same ships used to transport liberated Africans. Even though their legal status was that of free subjects, we can assume that their living conditions resembled those of indentured laborers rescued from Atlantic slave ships. Lastly, although documentary evidence of legal status remained important, access to courts and diplomatic support changed for African Caribbean people depending on their classification as "British Black," "French Black," or "Spanish Black". What made the enslaved population closer to becoming subjects of the empire simultaneously reinforced the racial terms that would contribute to defining the limits of their inclusion over time. During the 19th century, new forms of forced labor were implemented, racial categories were formulated, and other orders of privilege were codified. Trans-imperial mobility (and immobility) – and its intersection with personal conditions of status, gender, and race – is a privileged vantage point for analyzing the dimensions through which new forms of autonomy and dependency emerged in the Caribbean space.

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<sup>13</sup> Frederick Douglass, "The Color Line," *The North American Review* 132, no. 295 (1881): 567-577.

## Maps, Tables and Figures

# Escapes of French Asylum Seekers and British Relocations



Map 1: Approximate routes of escape and relocation for French enslaved refugees in the British West Indies (1824-1848)

# The Illegal Slave Trade Routes to Cuba



Map 2: Approximate routes of the illegal slave trade to Cuba (1824-1867)



Figure 1: Richard Bridgens, "Protector of Slave Office (Trinidad)," 1838.

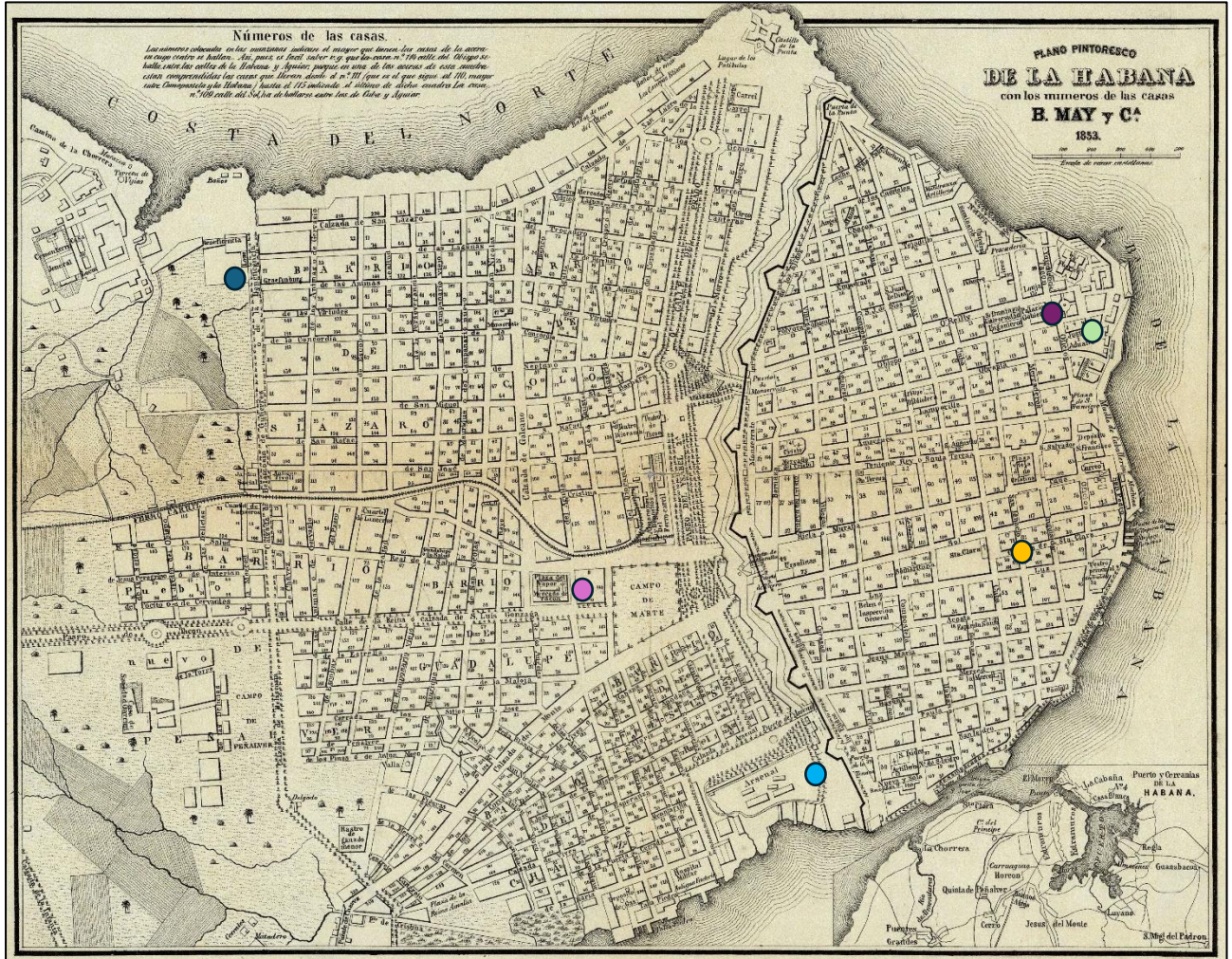


Figure 2 Plano Pintoresco de la Habana, 1853

- Casa de la Beneficencia
- Real Audiencia
- Arsenal
- Intendencia
- Tacón Market
- Palacio de los Capitanes Generales (House of the Capitan General)

*Table 1 - A Return of all Manumissions granted in Jamaica (1817-1830)*

<b>Period – From 1st January to 31st December</b>	<b>For a Valuable Consideration [by payment]</b>	<b>For a Nominal Consideration [Gratuitous]</b>	<b>Total</b>
1817	264	564	828
1818	211	387	589
1819	220	341	561
1820	271	395	666
1821	202	285	487
1822	219	278	497
1823	184	263	447
1824	213	252	465
1825	191	174	365
1826	216	237	455
1827	233	216	449
1828	236	234	470
1829	278	263	541
1830	278	240	518
<b>Total</b>	<b>3,216</b>	<b>4,139</b>	<b>7,345</b>

TNA: CO 137/184. The table distinguishes the number of manumissions recorded in each year and those granted free of charge from those purchased. For the certificates of manumission, see also JA: Certificates of freedom of emancipated peoples on Jamaica, EAP, 148/3/1/7.

*Table 2. Lists of Freedom’s Petition at the Cour de Cassation*

Paul	1834 - Tribunal of First Instance, enlistment in the civil registry. 1836 - Opposition by the Cour Royal de la Martinique. 1838 - Intervention of the <i>Cour de Cassation</i> (freedom denied)
Jules Cyrille « Colod »	1841 - Tribunal of First Instance, enlistment in the civil registry. 1842 - Opposition by the Cour Royal de la Martinique. 1838- Intervention of the <i>Cour de Cassation</i> (freedom granted)
Virginie	1822 - Informal freedom granted by the owner 1834 - Tribunal of First Instance, enlistment in the civil registry 1841 - Petition for the enfranchisement of her children Amélie and Simon 1844 - Freedom granted by the <i>Cour de Cassation</i>
Cecilie	1844 - Petition for the enfranchisement of her children Augustine and Elizabeth “Za” 1844 - Freedom granted by the <i>Cour de Cassation</i>
Catherine Leonard	1794 - Informal freedom by baptism 1830 - <i>Procureur du Roi</i> of Saint-Pierre, enlistment in the civil registry. 1841, May 1 - Tribunal of First Instance, enlistment in the civil registry 1841, August 19 - Opposition by the Cour Royal de la Martinique. 1845 - Freedom granted by the <i>Cour de Cassation</i> for Chaterine and her children Marceline, Clémentine, Virginie, Charles, Luis Hippolyte, Denis Sextius, Louise Hermine, Emilie, Jeanne, Rose, Aristide, Marie Rose, Clémentine Montalin, Sierre Antoine Montalin.
Henriette, Marie, and Suzanne	1842 – Freedom’s petition 1848 - Freedom granted by the <i>Cour de Cassation</i> for Henriette, Marie and Suzanne; and Honorine, Amelie, and Marie Claire (Suzanne’s children)

Table 3 – **British Subjects Legal Cases Database**

Name	Duration of the lawsuit	British officials	Route to Cuba	Route from Cuba	Petition result
Betsy/ Bess/ Isabel	1848-1850	James Forbes Joseph Crawford	Jamaica> Santiago de Cuba (Cuba)	Santiago de Cuba (Cuba)> Kingston (Jamaica)	Freedom granted
Joseph (Betsy's son)	1848-1850	James Forbes Joseph Crawford	Born in Santiago de Cuba (Cuba)> Jamaica	Santiago de Cuba (Cuba)> Kingston (Jamaica)	Freedom granted
John (Betsy's son)	1848-1850	James Forbes Joseph Crawford	Born in Santiago de Cuba (Cuba)> Jamaica	Santiago de Cuba (Cuba)> Kingston (Jamaica)	Freedom granted
Louis (Betsy's son)	1848-1850	James Forbes Joseph Crawford	Born in Santiago de Cuba (Cuba)> Jamaica	Santiago de Cuba (Cuba)> Kingston (Jamaica)	Freedom granted
Billy Thomas	1842	Joseph Crawford	Sierra Leone> Cuba	Havana (Cuba)> England>?	Freedom granted
Carlota Gallagher		Joseph Crawford	Bahamas> Havana (Cuba)		Freedom granted
Charles Callwood/ Tomas	1852-1853	Joseph Crawford	Tortola>Puerto Rico>Cuba	Cuba >?	Freedom granted
Cuaco	1855-1857	Joseph Crawford	San Salvador (Bahamas)> Baracoa (Cuba)> Havana (Cuba)		?
Dido	1845	Joseph Crawford	Nassau (Bahamas)> Caldelaria, Holguin (Cuba)		?
Francis /Francisco	1841	Charles Tolmé	Jamaica >Cuba		?
Francisca/ Juana	1841-1842	Charles Tolmé David Turnbull	Jamaica> Cuba		Freedom denied
Henry or William Shirley / Julian	1840- 1841	Charles Tolmé David Turnbull	Montego Bay (Jamaica)> Santa Cruz, Puerto Principe (Cuba)	Havana (Cuba)> Kingston (Jamaica)	Freedom granted

Maria Rufina Napoli (Henry's wife)			Jamaica> Santa Cruz, Puerto Principe (Cuba)		Manumission in Cuba
Maria Feliciano Pini (Henry and Maria's daughter)	1841	David Turnbull	Born in Cuba		Pending judgment
Jack (or George, Jar) Pinigui (or Jeanwich, Perrick or Penique) / José Antonio	1841-1842	Charles Tolmé David Turnbull	Spanish Town (Jamaica) > Kingston (Jamaica)> Montego Bay (Jamaica)> Santa Cruz, Puerto Principe (Cuba)> Santi Espiritu (Cuba)> Las Tunas (Cuba) > Puerto Principe (Cuba)		Freedom denied
James (or Charles) Thompson/ Santiago Ignacio Vila	1841-1842	David Turnbull	Nassau (Bahamas)> rural Cuba> Havana (Cuba)	Havana (Cuba)> Nassau (Bahamas)> London (England) > Jamaica	Freedom granted
James/ Julian	1841	David Turnbull	Jamaica > Cuba		?
Jim (or James)	1855-1857	Joseph Crawford	San Salvador (Bahamas)> Baracoa (Cuba)		?
Jims/ Santiago de Pablo de Betancourt	1841-1842	David Turnbull	United State> Falmouth (Jamaica)> Santa Cruz, Puerto Principe (Cuba)> Manzanillo (Cuba) > Bayamo (Cuba)> Puerto Principe (Cuba)	Cuba> Kingston (Jamaica)	Freedom granted
Juan Fontanales	1840-1841	David Turnbull Joseph Crawford	Sierra leone> Cuba> England>?		Freedom granted
Billy Kelsall	1844	Joseph Crawford	New Providence (Bahamas)> Candelaria, Holguin (Cuba)> Santiago de Cuba (Cuba)> Jamaica (Kingston)	Cuba> Jamaica (Kingston)	Freedom granted
Cuffee Kelsall	1844	Joseph Crawford	New Providence (Bahamas)> Candelaria, Holguin (Cuba)> Santiago de	Cuba > Jamaica	Freedom granted

			Cuba (Cuba) > Jamaica (Kingston)		
Eve and Cuffee's family (13 people)	1845-1847	Joseph Crawford	Bahamas (New Providence) > Candelaria, Holguin		Freedom denied
Daniel Kelsall	1842-1844	David Turnbull Joseph Crawford	Bahamas (New Providence) > Candelaria, Holguin (Cuba) > Gibara, Holguin (Cuba) >	Havana (Cuba) > Bahamas	Freedom granted
John Kelsall	1844	Joseph Crawford	New Providence (Bahamas) > Candelaria, Holguin (Cuba) > Santiago de Cuba (Cuba)	Cuba > Jamaica	Freedom granted
Polly Gaythorne- John Kelsall's wife	1845	Joseph Crawford	Nassau (Bahamas) Caldelaria, Holguin (Cuba)		Freedom denied
Nat Kelsall	1844	Joseph Crawford	New Providence (Bahamas) > Candelaria, Holguin (Cuba) > Santiago de Cuba (Cuba)	Cuba > Jamaica	Freedom granted
Federico – Nat Kelsall's son	1845	Joseph Crawford	Born in Cuba		Freedom denied
Newton Kelsall	1844	Joseph Crawford	New Providence (Bahamas) > Candelaria, Holguin (Cuba) > Santiago de Cuba (Cuba)	Cuba > Jamaica	Freedom granted
Louisa Wolf	1842	Joseph Crawford	Nassau (Bahamas) > Cuba (Matanzas) > Germany > Cuba (Havana)	Cuba (Havana) > Nassau (Bahamas)	Always free - passport granted
Mary Ann Bethel /Mariana	1849-1852	Joseph Crawford	Eleuthera (Bahamas) > Veracruz > Havana (Cuba) > Bahamas		Freedom granted
Moses/ Francisco José o Joseph	1842	David Turnbull	Guinea > Jamaica > Florida > Cuba (Havana)		Freedom denied
Nancy	1842-1852	James Forbes Joseph Crawford	Jamaica (Kingston) > Cuba (Santiago de Cuba)		Freedom granted

Gabriela - Nancy's daughter	1842-1853	James Forbes Joseph Crawford	Born in Cuba		Pending judgment
José - Nancy's son	1842-1853	James Forbes Joseph Crawford	Born in Cuba - Cuba (Santiago de Cuba)> Cuba (Bayamo)		Pending judgment
Juan – Nancy's son	1842-1853	James Forbes Joseph Crawford	Born in Cuba		Pending judgment
Luciano - Nancy's son			Born in Cuba		Manumission in Cuba
Plassy Lawrence (Placida, Lorenza)/Maria del Carmen	1850-1853	Joseph Crawford	Leeward islands (Nevis)> Saint Thomas> Puerto Rico> Cuba (Havana)	Cuba (Havana)> Jamaica	Pending judgment (for escape)
Richard Hamilton Stephenson et alt. (Juan Crillo from Jamaica and Gerardo)	1852-1853	Joseph Crawford	Jamaica> Cuba (Cienfuegos)> Cuba (Havana)	Cuba (Havana)> Jamaica	Pending judgment (for escape)
Washington/Ramon	1841-1842	David Turnbull	Kingston (Jamaica)> Puerto Principe (Cuba)		Freedom denied
Wellington/ Guillermo	1835- 1841	Charles Tolmé David Turnbull	Montego Bay (Jamaica)> Santiago de Cuba (Cuba)	Santiago de Cuba (Cuba)> Kingston (Jamaica)	Freedom granted
Charles	1843	Joseph Crawford	Jamaica > Cuba		?
Saulman	1843	Joseph Crawford	Jamaica > Cuba		?
William	1843	Joseph Crawford	Jamaica > Cuba		?
William Allen	1839	Charles Tolmé	Montego Bay (Jamaica)> Santiago de Cuba (Cuba)	Santiago de Cuba (Cuba)> Spanish Town (Jamaica)	Freedom granted
William Black/Ricardo Blac or Julian	1841-1842	David Turnbull	Rum lane, Kingston (Jamaica)> Port Royal (Jamaica)> Manzanillo (Cuba) > Bayamao (Cuba)> Manzanillo (Cuba)>	Cuba> Kingston (Jamaica)	Freedom granted

			Puerto Principe (Cuba)		
William Jones/ Tones o Juan Carabali	1840 - 1849	David Turnbull Joseph Crawford			Freedom granted
William Mitchell	1839	Charles Tolmé	Montego Bay (Jamaica) > Santiago de Cuba (Cuba)	Santiago de Cuba (Cuba) > Spanish Town (Jamaica) > Saint James (Jamaica)	Freedom granted
Charles/ Carlos	1840	David Turnbull	British sailors detained at the Real Fuerza		?
Thomas/ Tomas	1840	David Turnbull	British sailors detained at the Real Fuerza		?
José	1840	David Turnbull	British sailors detained at the Real Fuerza		?
Gregorio	1840	David Turnbull	British sailors detained at the Real Fuerza		?
Martin Bruno	1840	David Turnbull	British sailors detained at the Real Fuerza		?
James Buchnan	1841	David Turnbull	British sailors detained at the Real Fuerza		Freedom recognized
John levis	1841	David Turnbull	British sailors detained at the Real Fuerza		Freedom recognized
Francis Evans	1845-1846	Joseph Crawford	British sailors detained at the Real Fuerza		Freedom recognized
Charles Kemp	1845-1846	Joseph Crawford	British sailors detained at the Real Fuerza		Freedom recognized
Cato Stirrup	1845-1846	Joseph Crawford	British sailors detained at the Real Fuerza		Freedom recognized

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