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## The Unusual Suspects: The Bourbon Reforms and The Inter- and Intracolonyal Mobility of Africans and Their Descendants In The Spanish Caribbean

Trevor E. Bryant  
*Florida International University*, [tbrya040@fiu.edu](mailto:tbrya040@fiu.edu)

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FLORIDA INTERNATIONAL UNIVERSITY

Miami, Florida

THE UNUSUAL SUSPECTS: THE BOURBON REFORMS AND THE INTER- AND  
INTRACOLONIAL MOBILITY OF AFRICANS AND THEIR DESCENDANTS IN THE  
SPANISH CARIBBEAN

A dissertation submitted in partial fulfillment of the  
requirements for the degree of  
DOCTOR OF PHILOSOPHY

in

HISTORY

by

Trevor E. Bryant

2022

To: Dean John F. Stack, Jr.  
Steven J. Green School of International and Public Affairs

This dissertation, written by Trevor E. Bryant, and entitled *The Unusual Suspects: The Bourbon Reforms and the Inter- and Intracolonial Mobility of Africans and Their Descendants in the Spanish Caribbean*, having been approved in respect to style and intellectual content, is referred to you for judgement.

We have read this dissertation and recommend that it be approved.

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Andrea Jean Queeley

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Michael J. Bustamante

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Hilary Jones

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Bianca Premo, Major Professor

Date of Defense: June 21, 2022

The dissertation of Trevor Bryant is approved.

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Dean John F. Stack, Jr.  
Steven J. Green School of  
International and Public Affairs

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Andrés G. Gil  
Vice President for Research and  
Economic Development and Dean of the University Graduate School

Florida International University, 2022

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## DEDICATION

I dedicate this work to my great grandfather, Bob Willeke, and great uncle, Roger Williams

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ABSTRACT OF THE DISSERTATION  
THE UNUSUAL SUSPECTS: THE BOURBON REFORMS AND THE INTER- AND  
INTRACOLONIAL MOBILITY OF AFRICANS AND THEIR DESCENDANTS IN  
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by

Trevor E. Bryant

Florida International University, 2022

Miami, Florida

Professor Bianca Premo, Major Professor

This social history examines the trans-imperial mobility of people of African descent in the eighteenth-century Spanish Caribbean in the context of Atlantic enslavement and fugitivity and Spanish imperial policy. Spanish officials knew how often Africans and their descendants traveled throughout the circum-Caribbean. They implemented policies to use this movement for their own gain, either by harnessing that movement for imperial rivalry or commandeering it for security. A close analysis of Catholic parish records, Spanish governors' correspondence, drafts of Black codes, and smuggling investigations reveals a tension between free and enslaved people's multi-faceted mobility and Spanish officials' attempts to use and limit this mobility. This study proposes a new periodization of that tension. Spanish policy towards free and enslaved inter- and intracolony movement evolved throughout the eighteenth century in response to both global geopolitical tensions and to the movement of Africans and their descendants. During the first half of the century, officials readily commandeered fugitive religious asylum as a means to check British encroachment along its maritime and

terrestrial borders. They offered Catholicism as a pathway for free and enslaved people to signal loyalty to the Spanish empire. Officials' flexible use of inter- and intracolonial mobility shifted after the occupation of Cuba in the 1760s as they increasingly believed that movement represented a threat to the empire and that people of African descent should be tied to plantation slavery. When the administrative, economic, and military imperial policies of the Spanish monarchy, known collectively as the Bourbon Reforms, reached their zenith at the beginning of the Age of Revolutions, officials implemented new laws that used religious instruction as a disciplinary measure to root people of African descent to the plantation rather than to employ multifaceted integration strategies. The adaptability and fluidity of policies in the first half of the century gave way to more rigid policies of rootedness and enslavement. This study contributes to scholarship that analyzes the connections between marronage, militia service, the Atlantic slave trade, and the Bourbon Reforms by emphasizing the central role itinerant free and enslaved people of African descent played in shaping policies in the Spanish Caribbean.

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## INTRODUCTION

In the eighteenth century, people of African descent in the circum-Caribbean encountered Spanish officials focused on fending off a rapidly ascending British empire while simultaneously consolidating its “Enlightened” empire. A central concern among these officials was how to approach the inter- and intracolonial movement of free and enslaved people of African descent. Officials knew how often Africans and their descendants traveled across boundaries, and they had been quite willing to use this movement for their own gain, either by harnessing that movement for imperial rivalry or commandeering it for security. During the second half of the century the flexible use of mobility shifted, particularly after the occupation of Cuba in the 1760s but also spurred by the Age of Revolution. Officials increasingly believed that movement represented a threat, and that people of African descent should be tied to plantation slavery.

One of the major avenues for officials to control this movement was the Atlantic and intra-American slave trade, yet this was not the only way Africans and their descendants traveled across boundaries. Officials paid particular attention to colonies at its borders, like Florida, and to colonies in the heart of its Caribbean empire, like Cuba and Santo Domingo. No matter a colony’s purpose within the empire, officials throughout the Spanish Caribbean depended on Africans and their descendants for many reasons. Africans were brought into Spanish colonies not only as enslaved people but also crossed borders as maroons, asylum-seekers, smugglers, merchants, soldiers, sailors, and often many of these things as once. Moreover, once in Spanish territory, they continued to move through urban and rural spaces. They might move to perform acts as mundane as

visiting a friend at their house. They also moved to conduct more politically or economically charged actions, such as moving goods through a wharf to animate an intercolonial smuggling operation. Or they traveled between plantations to spread news of rebellions that occurred in another colony in another empire. It is this tension between free and enslaved people's multi-faceted mobility and Spanish officials' attempts to use and limit this mobility that this dissertation illuminates.

In exploring this tension, I argue that Spanish policy towards free and enslaved inter- and intracolony movement evolved throughout the eighteenth century in response to both global geopolitical tensions and to the movement of Africans and their descendants. During the first half of the century, officials readily commandeered fugitive religious asylum as a means to check an encroaching British rival, particularly along Spanish maritime and terrestrial borders. Officials offered Catholicism as a pathway for free and enslaved people to signal loyalty to the Spanish empire, tying them to the colony in the process. When the administrative, economic, and military imperial policies of the Spanish monarchy, known collectively as the Bourbon Reforms, reached their zenith at the beginning of the Age of Revolutions, however, officials implemented new laws that used religious instruction as a disciplinary measure to tie people of African descent specifically to the plantation rather than to employ multifaceted integration strategies. The adaptability and fluidity of policies in the first half of the century gave way to more rigid policies of rootedness and enslavement. Modernity, for officials in the Spanish empire, meant promoting enslaved plantation labor, which they believed would lead to an imperial renaissance and to filling their own coffers and those of the Spanish Crown.

### Sources, Methodological Framework, and Theoretical Perspective:

Research projects are products of the time in which they are written, and this dissertation is no exception. The sources of its arguments often come from eras and places with few surviving records.<sup>1</sup> Moreover, the bulk of this dissertation was researched and written during the COVID-19 pandemic which severely limited global mobility itself. I was afforded access to a significantly reduced number of archives and documents. Due to these two factors, I approach the documents as suggestions of deeper patterns, convinced that the materials which I have been able to access permit confidence in the fundamental periodization of Spanish policy on Black mobility that is the dissertation's central argument. Further research will surely expand or nuance the claims here, particularly when analyzing the legibility of people's mobility within the colonial records.

What the available documents do facilitate is a social history that examines how inter- and intracolony mobility caused by Atlantic enslavement and fugitivity interacted with imperial policies in the Spanish Caribbean. It relies upon documents that reflect intercolony movement and colonial responses to either harness it or stop it, which includes Catholic parish records, Spanish governors' correspondence, drafts of Black codes, and smuggling investigations. Historians who examine similar intersections between fugitivity and imperial policy often employ the concept of the "Atlantic Creole,"

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<sup>1</sup> For example, there are no surviving notary records for St. Augustine during the first Spanish period (ca. 1565-1764). What records are available are governor reports, surviving proof of merit petitions, clergy correspondence with the Crown, census and *situado* inventories, and parish records. These records survived because they are duplicates or triplicates of the original reports which were sent to Havana, Mexico City, or to Spain. Thus, the vast majority of Florida's original historical records currently reside in archives outside the United States.



which Jane Landers defines as highly mobile and polyglot cosmopolitans who display “linguistic dexterity, cultural plasticity, and social agility.”<sup>2</sup> The concept is particularly useful when attempting to understand how historical actors navigated European social and political structures in urban environments. Yet the concept is best applied to those who could *successfully* create legal personalities and judicial identities legible in the archive because of their interactions with Spanish officialdom, which does not include many who crossed colonial boundaries.<sup>3</sup>

Thus, I am particularly interested in the set of character traits people of African descent and Spanish authorities cultivated in extant documents that epitomized idealized Spanish behavior and mores.<sup>4</sup> These legal personalities were not legal fictions but the intersection of lived experiences, Christian political thought, and Spanish imperial ideology that gave people “discrete juridical identities as slaves, royal subjects, and persons with souls.”<sup>5</sup> The experiences of Africans and their descendants represented a

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<sup>2</sup> Jane Landers, *Atlantic Creoles in the Age of Revolutions* (Cambridge MA: Harvard University Press, 2010), 3. Landers’ definition comes from Ira Berlin, who coined the term in his pioneering works, Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge MA: The Belknap Press of Harvard University Press, 1998); Ira Berlin, “From Creole to African: Atlantic Creoles and the Origins of African- American Society in Mainland North America,” *The William and Mary Quarterly* 53, no. 2 (April 1996): 251, <https://doi.org/10.2307/2947401>.

<sup>3</sup> One of the primary critiques of the concept is that it favors the African-European encounter over encounters between Indigenous actors or inter-African encounters, as well as how it can be used to conflate the process of creolization with acculturation. For a more detailed understanding of the of the Atlantic Creole concept and its major critiques see Linda M. Heywood and John K. Thornton, *Central Africans, Atlantic Creoles, and the Foundation of the Americas, 1585-1660* (New York: Cambridge University Press, 2007); Jane Landers, *Atlantic Creoles in the Age of Revolutions*; Joseph Calder Miller, *The Problem of Slavery as History: A Global Approach* (New Haven, Conn.; London: Yale University Press, 2012), 129, 200–201 particularly footnote 20; Mary Hicks, “The Sea and the Shackle: African and Creole Mariners and the Making of a Luso-African Atlantic Commercial Culture, 1721-1835” (PhD Diss, University of Virginia, 2015), 78–79.

<sup>4</sup> Landers, *Atlantic Creoles in the Age of Revolutions*, 7–9.

<sup>5</sup> Herman L Bennett, *Africans in Colonial Mexico: Absolutism, Christianity, and Afro-Creole Consciousness, 1570–1640* (Bloomington, IN: Indiana University Press, 2003), 5.

“field of identities” that could be moved around in, to root oneself through kin-formation, invocation of the law, and more.<sup>6</sup>

One of the primary ways Africans and their descendants “moved around in” their “field of identities” to make themselves legible to authorities in legal personalities was to use Spanish ethnonyms to identify African “nations.” While ethnonyms recorded in Spanish-language documents were based on Spanish preconceptions, people of African descent still used them to organize confraternities, militia units, and to explain their origins in parish records.<sup>7</sup> Spanish ethnonyms tended to describe coastal regions of Africans in lieu of specific ethnic or linguistic designations. Still, the use of the term “*nación*” to describe people was valuable to individuals recorded in the archive, even if what that “nation” meant was, in the words of Gwendolyn Midlo Hall, “sometimes unclear and equivocal.”<sup>8</sup> Moreover, Spanish ethnonyms, and racial designations, changed over time, which makes these terms more valuable to think with than the catchall concept of “Atlantic Creoles,” which is a modern term that can obscure how people’s identity-based terminology and sense of belonging changed over time and focuses too narrowly on European standards of assimilation.<sup>9</sup>

Many Spanish-language documents also show that people of African descent gained legal personalities legible to officials through baptism and participation in

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<sup>6</sup> Bennett, 2–5.

<sup>7</sup> Alex Borucki, *From Shipmates to Soldiers: Emerging Black Identities in the Río de La Plata, Diálogos Series* (Albuquerque: University of New Mexico Press, 2015), 12; Jane Landers, *Black Society in Spanish Florida* (Urbana IL: University of Illinois Press, 1999), 50; Gwendolyn Midlo Hall, *Slavery and African Ethnicities in the Americas: Restoring the Links* (Chapel Hill: The University of North Carolina Press, 2005) particularly Chapter Two.

<sup>8</sup> Hall, *Slavery and African Ethnicities in the Americas: Restoring the Links*, 34–35.

<sup>9</sup> See footnote 3 for more specific works that explain and criticize the Atlantic Creole concept.

Catholic celebrations, property ownership, and militia service. Yet authorities still created documents for free and enslaved people of African descent who worked and lived in Spanish cities who were not Spanish subjects. These people included recently arrived enslaved Africans who were unfamiliar with Spanish customs and language as well as those who simply never chose to enter the record unless forced to because of imperial suspicion or third-party actors. To better navigate between the actions of those who chose to enter the record and those who did not, I take inspiration from Julius Scott's work *The Common Wind*, which examines how "masterless" people (sailors, privateers, merchants, etc.) spread antimonarchical and republican news from port to port during the Age of Revolutions, influencing slave rebellions throughout the Atlantic world while defying imperial attempts to stop the exchange of such news.<sup>10</sup>

I am particularly interested in Aisha Finch's application of Scott's concept to understand how non-elite or non-literate (in European languages) people of African descent exchanged news within Spanish colonial holdings, particularly when authorities focused their attention on sailors and elite Black subjects living in cities.<sup>11</sup> Often officials

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<sup>10</sup> Julius Sherrard Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution* (London: Verso, 2018). For an expanded look at how Scott's concept informed rebels, royalists, and smugglers in the Spanish Caribbean, see Edgardo Pérez Morales, *No Limits to Their Sway: Cartagena's Privateers and the Masterless Caribbean in the Age of Revolutions* (Nashville: Vanderbilt University Press, 2018); Jesse Cromwell, *The Smugglers' World: Illicit Trade and Atlantic Communities in Eighteenth-Century Venezuela* (Chapel Hill, N.C.: University of North Carolina Press, 2018).

<sup>11</sup> Aisha K. Finch, *Rethinking Slave Rebellion in Cuba: La Escalera and The Insurgencies of 1841-1844*, *Envisioning Cuba* (Chapel Hill: The University of North Carolina Press, 2015). Finch's insightful work reevaluates how news of slave rebellions spread in nineteenth-century Cuba by focusing on the importance of enslaved people, particularly women, who lived in the countryside in rebellions. For more reevaluations of slave rebellion in Cuba and the roles literate Black free people played in the rebellions, see Matt D. Childs, *The 1812 Aponte Rebellion in Cuba and The Struggle Against Atlantic Slavery*, *Envisioning Cuba* (Chapel Hill: The University of North Carolina Press, 2006); Gregory Childs, "The Common Exceptionality and the Exceptional Commonality of Black Thought," *Hemisphere* 27 (Winter 2018): 23–28. For more on how literate and illiterate people of African descent consumed and spread antimonarchical outside of Cuba, see Cristina Soriano, *Tides of Revolution: Information, Insurgencies, and the Crisis of*

clamped down on mobility through local policing actions while in other cases their attempts became incorporated in Black codes and royal decrees that sought to limit mobility throughout the Caribbean and the larger empire. It is important to note that this dissertation ends with the Haitian Revolution. Certainly, policies of rootedness evolved after the revolution and could have developed into a new period of colonial anxiety. Yet focusing on the longer genealogy of anxiety predating the event emphasizes how imperial officials continuously revised policies they implemented to quell anxieties over the inter- and intracolonial movement of Africans and their descendants throughout the entire century.

Moreover, analyzing the evolution of Spain's relationship with its European rivals and the intertwined movement of people of African descent in the eighteenth century reveals how officials in the Spanish Caribbean understood and implemented the Bourbon Reforms. Defining the "Caribbean," and particularly the "Spanish Caribbean," is difficult because what it is, and thus its geographic scope, has constantly changed throughout history due to shifting imperial geopolitical agendas. Scholar Antonio Gaztambide-Géigel argued that the Caribbean, as a term for a geographic region, is a construct that enables scholars to better understand relationships between areas that may not possess a shared language, political heritage, or history.<sup>12</sup> Attempting to identify what tied the region together despite its many differences, Franklin Knight theorized that the Caribbean did not develop synchronically (simultaneous change), but through systadial change

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*Colonial Rule in Venezuela*, First edition, Diálogos Series (Albuquerque: University of New Mexico Press, 2018).

<sup>12</sup> Antonio Gaztambide-Géigel, "The Invention of The Caribbean in the 20th Century (The Definitions of the Caribbean as a Historical and Methodological Problem)," *Social and Economic Studies* 53, no. 3 (September 2004): 127–57.

(pertaining to the same stage in an evolutionary sequence). Other scholars specifically point to the development of the plantation system, African enslavement and creolization, treasure fleets, and imperial and post-colonial hegemony as examples of similarities.<sup>13</sup> Yet many definitions put forth for the Caribbean are ultimately based on a combination of European/United States-centric perceptions and imperial possessions. While the empires of Europe and the United States did shape the region, it is ultimately the people who inhabited it who can best define it.

Considering all this, this dissertation does not envision the Caribbean through a necessarily strict geopolitical or economic lens. Rather it understands the Caribbean as a constantly churning whirlpool of movement, which for the purposes of this study is best seen via the legal and illegal trading networks of the Atlantic and inter-American slave trades. Spanish officials paid careful attention to these routes, not only concerned with the humans who were trafficked, but also the people that trafficked them and the information both carried. Additionally, Afro-descendant people and Spanish officials were more keenly aware of the pathways of mobility that stitched together colonial spaces than necessarily held any concrete notion of the “Caribbean” region they inhabited. The center of this Caribbean “whirlpool” may be the ports, cities, and plantations along and within the Caribbean Sea, but it was animated by highly transient

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<sup>13</sup> Sidney W Mintz, *Caribbean Transformations* (New York: Columbia University Press, 1989); Antonio Benítez Rojo, *La isla que se repite: el Caribe y la perspectiva posmoderna* (San Juan, PR: Editorial Plaza Mayor, 2010); Franklin W. Knight, *The Caribbean: The Genesis of a Fragmented Nationalism*, 3rd ed (New York: Oxford University Press, 2012). Moreover, scholars of the Caribbean often use the concept of “counterpoints,” first used by Cuban ethnographer Fernando Ortiz, to best describe the region’s many similarities and contradictions. Fernando Ortiz, *Cuban Counterpoint: Tobacco and Sugar*, trans. Harriet de Onís (Durham: Duke University Press Books, 1995); Stephan Palmié and Francisco A. Scarano, “Introduction: Caribbean Counterpoints,” in *The Caribbean: A History of the Region and Its Peoples*, ed. Stephan Palmié and Francisco A. Scarano (Chicago; London: The University of Chicago Press, n.d.), 1–21.

people who transported information, goods, and themselves far beyond the region through trade, enslavement, and warfare.

While this definition risks being too ambiguous, its flexibility accommodates the dynamic sense of place and place-making of people “on the ground” instead of European definitions found in treaties and maps. Often, officials saw enslaved Africans defying imperial rule as they crossed boundaries, while in many cases the borders Africans crossed were simply illegible to them. Moreover, Spanish governors in Florida, Cuba, and Santo Domingo paid equal attention to events occurring in New York, South Carolina, Jamaica, Saint Domingue, and the coasts of Central and Western Africa as they did to events in New Orleans, Pensacola, Mexico City, Campeche, and Caracas all while considering how to best implement the Spanish Crown’s orders within their “Caribbean” context. This is why Florida and Cuba are ideal places to study this evolution because their geopolitical locations invited inter-colonial mobility and rival imperial attention. The colonies’ officials, as well as itinerant free and enslaved Africans and their descendants who traveled to and from Florida and Cuba, constantly adapted to shifts in policing caused by imperial wars, local rebellions, and colonial reforms.

Historians of the Bourbon Reforms traditionally focus on their broad economic and social impact on society, particularly when the reforms reached their zenith after the Seven Years War.<sup>14</sup> Newer scholarship challenges this by analyzing earlier reforms

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<sup>14</sup> Stanley J. Stein and Barbara H. Stein, *Apogee of Empire: Spain and New Spain in the Age of Charles III, 1759-1789* (Baltimore, Md: Johns Hopkins University Press, 2003); Barbara H. Stein and Stanley J. Stein, *Edge of Crisis: War and Trade in the Spanish Atlantic, 1789-1808* (Baltimore, Md: Johns Hopkins University Press, 2009); John Lynch, “The Institutional Framework of Colonial Spanish America,” *Journal of Latin American Studies* 24 (1992): 69–81; Gabriel B. Paquette, *Enlightenment, Governance and Reform in Spain and Its Empire, 1759 - 1808*, Cambridge Imperial and Post-Colonial Studies Series (Houndmills: Palgrave Macmillan, 2011).

implemented at the beginning of the century, as well as how the reforms' ideological underpinnings changed and stayed the same throughout the century, and how the reforms evolved in conjunction with rival European empires and internal colonial dynamics.<sup>15</sup> Spanish officials are no longer portrayed as reactionary and entrenched in inefficient trading policies, as historians once contended, but instead as actively engaged in “modern” Enlightenment practices.<sup>16</sup> They deliberately selected “successful” policies they wanted to “emulate” and paid close attention to colonial issues to better modify their new policies.<sup>17</sup> Elena Schneider emphasizes that while many works do not connect the Bourbon Reforms to slavery and the slave trade, “the desire to reform the slave trade and expand slavery lay at the very heart of this impulse for ‘Enlightened’ reform in Spain and Spanish America.”<sup>18</sup> She argues that Spanish intellectuals pointed to Spain’s lack of

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<sup>15</sup> Adrian J. Pearce, *The Origins of Bourbon Reform in Spanish South America, 1700-1763*, Studies of the Americas (New York, NY: Palgrave Macmillan, 2014); Allan James Kuethe and Kenneth J. Andrien, *The Spanish Atlantic World in the Eighteenth Century: War and the Bourbon Reforms, 1713 - 1796*, New Approaches to the Americas (New York, NY: Cambridge Univ. Press, 2014); Elena A. Schneider, *The Occupation of Havana: War, Trade, and Slavery in the Atlantic World* (Chapel Hill, N.C: University of North Carolina Press, 2018); Paquette, *Enlightenment, Governance and Reform in Spain and Its Empire, 1759 - 1808*; Gabriel B Paquette, *Enlightened Reform in Southern Europe and Its Atlantic Colonies, c. 1750-1830* (Farnham, Surrey, England; Burlington, VT: Ashgate, 2009).

<sup>16</sup> For a brief overview of “traditional” approaches that depicts eighteenth-century metropole officials as combating a declining empire in fiscal crisis, warding off increased competition from rivals, and confronting demands for local autonomy from the colonies, see Stein and Stein, *Apogee of Empire*; John H. Elliott, *Empires of the Atlantic World: Britain and Spain in America 1492-1830* (New Haven: Yale University Press, 2007), 325–411; John Lynch, *Bourbon Spain, 1700-1808* (Oxford: Blackwell, 1989). For an overview of scholarship that depicts a more dynamic process of Spanish Enlightenment see Jorge Cañizares-Esguerra, *How to Write the History of the New World: Histories, Epistemologies, and Identities in the Eighteenth-Century Atlantic World* (Stanford, Calif: Stanford University Press, 2001); Paquette, *Enlightenment, Governance and Reform in Spain and Its Empire, 1759 - 1808*; Paquette, *Enlightened Reform in Southern Europe and Its Atlantic Colonies, c. 1750-1830*; Bianca Premo, *The Enlightenment on Trial: Ordinary Litigants and Colonialism in the Spanish Empire* (Oxford University Press, 2017); David J. Weber, *Bárbaros: Spaniards and Their Savages in the Age of Enlightenment* (New Haven: Yale University Press, 2005).

<sup>17</sup> Paquette, *Enlightenment, Governance and Reform in Spain and Its Empire, 1759 - 1808*, 19–20, 115–16.

<sup>18</sup> Elena Schneider, “African Slavery and Spanish Empire: Imperial Imaginings and Bourbon Reform in Eighteenth-Century Cuba and Beyond,” *Journal of Early American History* 5, no. 1 (April 6, 2015): 5, <https://doi.org/10.1163/18770703-00501002>.

control over the Atlantic slave trade, specifically the *Asiento*, as “proof” of the empire’s weakness in the mid-eighteenth century and its role in revitalizing the empire.<sup>19</sup>

Notwithstanding this gap in the historiography of the Bourbon Reforms, many works do focus on the pivotal role fugitives and free people of African descent played in navigating imperial policies and in protecting the empire. One of the primary ways the reforms transformed Spanish American society was by altering the empire’s military structures, an important facet of Spanish society.<sup>20</sup> Free people of African descent often used militia service as a means to gain access to social honors and to elevate their social status.<sup>21</sup> As more transformative Bourbon Reforms were implemented over the century, officials increasingly brought into question and eliminated much of the autonomy and privileges that people of African descent acquired through militia service, even if they were still needed to defend against growing republican threats.<sup>22</sup> This shifted, but did not eliminate, the avenues in which free, or even enslaved, people of African descent negotiated their status in the empire. The development of persuasive legal personalities enabled people to navigate the geopolitical currents of the Bourbon Reforms through the keen use of both old and new bureaucratic systems. Moreover, they moved across

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<sup>19</sup> Schneider, 13.

<sup>20</sup> Sherry Johnson, *The Social Transformation of Eighteenth-Century Cuba* (Gainesville: University Press of Florida, 2001); Allan J. Kuethe, *Cuba, 1753-1815 - Crown, Military, and Society* (Knoxville, TN: University of Tennessee Press, 1986).

<sup>21</sup> Landers, *Black Society in Spanish Florida*; Ben Vinson, *Bearing Arms for His Majesty: The Free-Colored Militia in Colonial Mexico* (Stanford, Calif: Stanford University Press, 2001).

<sup>22</sup> Vinson, *Bearing Arms for His Majesty*, 224; Landers, *Atlantic Creoles in the Age of Revolutions*, 49–54.



territorial boundaries to share information about developing events, putting themselves in positions to benefit from imperial geopolitics.<sup>23</sup>

This dissertation threads together Schneider’s reminder that slavery and the slave trade lay at the heart of the imperial renewal project with studies that focus on fugitivity and militia service by examining the through-line that connect the two – Spanish colonial anxiety over free and enslaved inter- and intracolonial mobility. Instead of understanding reform and mobility as two separate aspects of the colonial project, officials often implemented policies regarding movement that clarified the rights and privileges of fugitives, the enslaved, and free people. The evolution from the religious incorporation and recognition of corporate identities among mobile people of African descent to disciplinary religious conversion and increased plantation labor stemmed from the same rhetorical question officials repeatedly asked themselves: How could they commandeer Black mobility for the purposes of empire? In examining how officials responded to this question, this dissertation emphasizes the central role free and enslaved Africans played in Spanish imperial thought as well as how itinerant people of African descent not only navigated but actively shaped policies in the Spanish Caribbean.

Note on terminology:

I refer to the movement of people across two or more imperial territories as “inter-colonial” or “inter-imperial” movement and the movement of people within a single colonial space as “intracolonial” or “intra-imperial” movement. Jeppe Mulich defines the

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<sup>23</sup> Landers, *Atlantic Creoles in the Age of Revolutions*; Schneider, *The Occupation of Havana*; Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution*.

three aspects of what he calls the “inter-imperial microregion.” These include inter-imperial politics, intercolonial relations, and trans-imperial networks. These three levels of cross-polity interactions are fostered by the movement of people across the borders of different empires. Moreover, they can also apply to intra-imperial movement, which refers to the movement of people across political boundaries within the same empire.<sup>24</sup>

Racial designations in the colonial Spanish empire were fluid, subjective, and changed over time. The numerous racial categories people used to denote African ancestry (including *pardo*, *moreno*, *mestizo*, *negro* and many more) as well as the many ethnonyms used by officials and Africans to describe African linguistic and political groups should serve as a caution for historians inclined to use the term “Black” as a catchall for anyone of African descent when discussing events and people of the eighteenth century. When the specific Spanish term will not suffice, I use the phrases “people of African descent,” “Afro-descendant people,” and “Africans and their descendants” to better capture the diverse experiences of the African diaspora, while also being attentive to how Spanish officials understood race and skin color as extensions of religion and genealogy during the eighteenth century.<sup>25</sup> In the cases where I use the term “Black” I am following the terminology established by historians on specific subjects, such as free Black militias.

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<sup>24</sup> Jeppe Mulich, *In a Sea of Empires: Networks and Crossings in the Revolutionary Caribbean*, Cambridge Oceanic Histories (New York, NY: Cambridge University Press, 2020), 17–19.

<sup>25</sup> María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico* (Stanford, Calif: Stanford University Press, 2008); Ann Twinam, *Purchasing Whiteness: Pardos, Mulattos, and the Quest for Social Mobility in the Spanish Indies* (Stanford, California: Stanford University Press, 2015).

### Outline of Chapters:

Chapter One argues that the inter- and intracolonial movement of Africans and their descendants was not only crucial to the evolution of Spanish fugitive policies, but that this movement must be viewed through a lens that captures more than military policy to better understand the role intra- and inter-colonial economies played in urban integration policies. It begins with an overview of how Spain's fugitive asylum policy evolved in response to growing violence along the borders of Spanish Florida. The chapter then turns to focus on how people of African descent moved, at times illicitly, across colonial boundaries to pursue goals both within and in spite of the context of slavery, empire, and war. A broader understanding of inter- and intracolonial movement is revealed through an investigation into the intersection between illicit economies and illegible communities.

Chapter Two shifts its regional scope to 1740s Puerto de Príncipe, Cuba, to examine a handful of investigations into the *descamino de negros y de mala entrada* (roughly translated as the "unauthorized movement of blacks and their illicit entry"). These investigations show that even within the disciplinary regimes of the first half of the eighteenth century, officials manufactured stable, binary legal categories for mobile people of African descent who might challenge imperial stability, but without necessarily hindering their movement. Conversely, it also reveals that while authorities strove to implement static, legible legal personalities within these investigations, people of African descent, through their movement, displayed more complex, fluid motivations and goals that commonly defied imperial logic. Each section in the chapter unravels the reasoning for the investigator's questions in the Puerto Príncipe investigations as well as the

structure of the depositions and the categories they used in interrogations. While officials in Florida typically attributed asylum seekers sanctioned or legible motives, the people Spanish authorities in Cuba investigated were apprehended because they were in unsanctioned spaces with motives illegible to officials. Their subsequent “recaptivity” during the investigations shows the mental and legal gymnastics officials performed to affix a legible enslaved status upon them while also revealing that not all forms of mobility are easily understood in documents created by European colonists.

Whereas Chapters One and Two examine events in Cuba and Florida from 1687 to 1750, Chapter Three widens both its regional and chronological scope to understand Spanish reactions to the Age of Revolutions as well as the creation of the 1784 Carolinian Black code in Santo Domingo. It argues that Spanish authorities placed greater emphasis on plantation labor as the primary means of Black “utility” to the empire instead of religious asylum. Whereas fugitive asylum-seekers were once viewed as potential safeguards against European invasion, officials now worried that fugitives, as well as sailors, merchants, and recently arrived enslaved people, could spread antimonarchical news. The chapter first contextualizes Spain’s involvement in the Seven Years War and the subsequent revolutions in North America, France, and Haiti. The rise of republican empires compelled Spanish authorities to reconsider how they viewed and commandeered free and enslaved inter- and intra-colonial mobility, carefully using free Black militias along its borders while growing the plantation economy throughout the entire Spanish Caribbean. The chapter then examines the 1784 slave codes of Santo Domingo, known as the Carolinian codes in honor of Bourbon king Carlos IV. These codes are important to understand because they reflect the ideological shift that occurred

in how officials sought to instill rootedness through disciplinary religious instruction rather than voluntary conversion.

Chapter Four returns the dissertation's focus to Spanish Florida, which had changed dramatically over the course of the eighteenth century. Spain's defeat in the Seven Years War cost the empire Florida, yet the colony was returned to the Spanish Crown because it aided American rebels during their war for independence.<sup>26</sup> The chapter specifically reviews St. Augustine's racially segregated baptismal records from 1735-1764 and 1784-1800 to understand how later Bourbon Reforms that sought to promote enslaved plantation labor affected a colony that once was central to the Crown's fugitive asylum policies. The parish records reveal an erasure of familial heritage and a fixing of "slave" identity for the enslaved. Royal officials, priests, and colonial elites sought to link both free and enslaved people of African descent to plantation slavery and servitude, including through the registration of their personal histories. Moreover, the records show that people of African descent came to St. Augustine and its surrounding plantations under two policies: a fading policy of asylum and a mushrooming policy promoting plantation labor.

Note on opening anecdotes:

Every chapter begins with an anecdote that summarizes the main tensions discussed in the following analysis. This is not simply a literary device to ease the reader

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<sup>26</sup> As will be discussed more thoroughly in Chapters Three and Four, when the British gained Florida in 1764 it split it into two colonies, West Florida and East Florida. When Spain received the Floridas back in 1784, it retained the two colony system. It was not until 1821, when the United States acquired Florida, when the now-territory reverted back to one single political entity.

into the chapter's main ideas, but also a reminder to the reader, and particularly for its author, that the people discussed were humans living in complicated times. Studies of enslavement often risk reifying enslaved people as victimized cargo in their analysis.<sup>27</sup> Opening every chapter with a narrative that explores people's actions and motives is an attempt to safeguard my analysis from such a reification as much as possible. Moreover, every opening anecdote is told from the perspective of the enslaving elite. Part of this is due to the nature of the documents, which were produced by colonial governments. Yet writing an anecdote from the perspective of enslaving authorities reveals that while, governors, military officials, and clergy members reacted to the inter- and intracolonial movement of free and enslaved people of African descent, they did so to uphold the institution of slavery and the racial hierarchies it influenced. Border crossing did not always result in triumph, especially when it was aboard a slave ship.

Writing a narrative that tries to acknowledge both violence and the very real efforts of people of African descent to achieve autonomy of movement and social relations makes the central finding of this dissertation—whatever the challenges of its research—more than compelling: that free and enslaved people traveled across borders both because of institutions of racialized oppression and in defiance of them.

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<sup>27</sup> For more on the ways narratives can be used to both dehumanize enslaved people and to fight against this dehumanization, see Saidiya Hartman, "Venus in Two Acts," *Small Axe*, no. 26 (June 2008): 1–14; Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, Inc, 2011); Jennifer L. Morgan, *Reckoning with Slavery: Gender, Kinship, and Capitalism in the Early Black Atlantic* (Durham: Duke University Press, 2021).

## CHAPTER ONE

### Mobile Rootedness in St. Augustine: Inter-Colonial Mobility, Ecclesiastical Asylum, and Illegible Communities in Early 18<sup>th</sup> Century Florida

“[To give] liberty to all . . . the men as well as the women . . . so that by their example and by my liberality others will do the same.”

~ Carlos II, via 1693 Real Cédula<sup>28</sup>

In 1690 Florida governor don Diego de Quiroga y Losada wrote to the Crown about a consequential decision ten fugitive slaves forced him to make when the governor of South Carolina demanded the fugitives' return.<sup>29</sup> The eight men and two women arrived in the city via a canoe requesting to become Catholic in 1687. The governor accepted their request but sent the men to work on the royal fortifications and kept the two women to work in his household, attempting to sell them to other elite colonial residents (*vecinos*) of St. Augustine a year later. Yet, despite the governor's attempts to impose a permanent slave status upon these ten people, they had already started to become part of St. Augustine's religious and secular community. They had been baptized, been married by Catholic priests, and some had found employment with relative

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<sup>28</sup> As quoted in Jane Landers, “Spanish Sanctuary: Fugitives in Florida, 1687-1790,” *The Florida Historical Quarterly* 62, no. 3 (1984): 298.

<sup>29</sup> Irene A. Wright, “Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Gracia Real de Santa Teresa de Mose, Florida,” *The Journal of Negro History* 9, no. 2 (April 1924): 145, <https://doi.org/10.2307/2713638>.

autonomy. To return them to Carolina could possibly invite scandal as they were members of the city now.<sup>30</sup>

Quiroga y Losada's calculus also included broader geo-political issues.

Throughout the seventeenth century, Britain escalated its colonization efforts along the southeast coast of North America. Spain claimed this land as *La Florida* and argued that they controlled it through a mission network that once extended Spanish "influence" as far north as the Chesapeake. Yet the establishment of Virginia and Carolina severely undermined the ability of Spanish officials in St. Augustine to wield influence in the region. Thus, Quiroga y Losada could cathartically refuse English demands by telling Carolina's governor that neither England nor its colonies held sway in Florida, that St. Augustine was under Spanish rule and any fugitive who sought Spanish subjecthood was under the King's, and the governor's, protection. Moreover, the fugitives, unnamed in the documents, knew of this inter-colonial rivalry and used flight to force the Spanish governor's hand by granting asylum. As Jane Landers writes of marronage and inter-colonial movement in Florida and the Caribbean, Africans and their descendants "were keenly attuned to shifting political currents," and "became adept at interpreting political events and manipulating them, when possible, to achieve freedom."<sup>31</sup>

The Florida governor ultimately decided to offer only compensation, 1600 pesos, for the runaway slaves. The decision displeased the British, who were not given the

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<sup>30</sup> Wright, 145, 150–58. It is unknown if they gained manumission. For an unspecified reason, Quiroga y Losada ran into trouble selling the two unnamed women, and he chose not to sell them "to avoid scandal."

<sup>31</sup> Landers, *Atlantic Creoles in the Age of Revolutions*, 5. Additionally, these fugitives arrived in Florida one year after the Spanish attacked Port Royal in 1686, taking thirteen slaves, of which only two chose to return to the English. Edward Bartlett Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World* (Cambridge, Massachusetts: Harvard University Press, 2018), 64–65.



compensation immediately (it was payable within a year), and they knew fugitive slaves would continue to escape their plantations for freedom in Catholic, Spanish Florida. It is unknown what happened next to these unnamed fugitives after the governor's last letter about them. They were, however, among the first wave of people of African descent recorded to use inter-colonial movement to navigate the imperial tensions between Spain and England in colonial Florida to pursue their own goals - be it manumission, access to better economic opportunities, the ability to create, or re-create, kinship groups, or to pursue goals beyond what the archive was designed to explain.<sup>32</sup>

Quiroga y Losada did not make his decision in a vacuum. He drew from newly promulgated royal decrees issued throughout the Caribbean regarding the flight of African slaves from rival empires' plantations to Spanish territories along its borderlands and seas. These decrees were not comprehensive, and governors in Venezuela, Cuba, Puerto Rico, and Florida continued to solicit the Spanish Crown for advice and guidance on the matter. These fugitive asylum decrees clearly show the close connection between military security and religious identity as the Crown often reaffirmed that the path to manumission for asylum-seeking fugitives was through baptism and service in racially

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<sup>32</sup> As Fernanda Bretonas Lane argues when examining maritime marronage cases in eighteenth-century Cuba, it is problematic to assume that freedom meant manumission to maroons. In her case study she found that maroons sought the freedom to "bury their dead," (belonging in a religious community) instead of manumission when claiming religious asylum. Fernanda Bretonas Lane, "Free to Bury Their Dead: Baptism and the Meanings of Freedom in the Eighteenth-Century Caribbean," *Slavery & Abolition* 42, no. 3 (July 3, 2021): 457–59, <https://doi.org/10.1080/0144039X.2021.1927510>. The year after this more freedom seekers arrived in St. Augustine requesting religious asylum. They were granted it and when British representatives arrive to demand their return, the governor again only offered compensation. Jane Landers, "Gracia Real de Santa Teresa de Mose: A Free Black Town in Spanish Colonial Florida," *The American Historical Review* 95, no. 1 (February 1990): 14n29, <https://doi.org/10.2307/2162952>; Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World*, 65–66.

segregated militias. Such an explicit connection serves as the basis for every analysis of the intra-colonial movement of fugitive Africans in Spanish Florida.<sup>33</sup>

More broadly, historians who examine the asylum decrees throughout the Caribbean pay careful attention to their religious aspects, showing how conversion to Catholicism provided a framework for community building for erstwhile fugitives while giving Spanish officials a pathway to regulate growing communities of African descent and incite imperial rivals in the process.<sup>34</sup> Scholarship on Africans and militia service also highlights how Africans and their descendants carefully used militia service and participation in religious organizations to help them secure and elevate their status in society.<sup>35</sup> Yet these decrees were also implemented within the context of complex illicit economies that were formed due to the irregular shipments of the *situado* and proximity to foreign colonies.<sup>36</sup> People of African descent traveled across borders as free and

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<sup>33</sup> Sherry Johnson, “The Historiography of Eighteenth-Century Florida,” *Florida Historical Quarterly* 93, no. 2 (Winter 2015): 303–4. While much work has been done on fugitive asylum in Spanish Florida, there have only been a handful of historians who have published works that focuses on the subject. They are Irene A. Wright, Kenneth Porter Wiggins Porter, John J. TePaske, and most importantly, Jane Landers. Landers has published most extensively on the subject, showing how Black society in Spanish Florida fits within the wider framework of the Spanish Caribbean.

<sup>34</sup> Bretones Lane, “Free to Bury Their Dead”; Landers, “Spanish Sanctuary: Fugitives in Florida, 1687-1790”; Linda M. Rupert, “Marronage, Manumission and Maritime Trade in the Early Modern Caribbean,” *Slavery & Abolition* 30, no. 3 (September 2009): 361–82; Linda M. Rupert, ““Seeking the Water of Baptism,”” in *Legal Pluralism and Empires, 1500-1850*, by Richard J. Ross, ed. Lauren Benton (NYU Press, 2013), 199–232; David M. Stark, “Rescued from Their Invisibility: The Afro-Puerto Ricans of Seventeenth- and Eighteenth-Century San Mateo de Cangrejos, Puerto Rico,” *The Americas* 63, no. 4 (April 2007): 551–86, <https://doi.org/10.1353/tam.2007.0091>.

<sup>35</sup> Borucki, *From Shipmates to Soldiers*; David A. Sartorius, *Ever Faithful: Race, Loyalty, and The Ends of Empire in Spanish Cuba* (Durham: Duke University Press, 2013); Vinson, *Bearing Arms for His Majesty*.

<sup>36</sup> The *situado* was the Crown stipend sent to financially support Spain’s colonies. It was particularly important for colonies like Florida, which purportedly could not support itself through trade or agriculture alone by the seventeenth and eighteenth centuries since its purpose was to protect the mission frontier and Spain’s treasure fleet. While Florida did not develop a plantation system that could support the colony until Britain assumed control of Florida in 1764, it did have thriving, but illicit, cattle ranches that traded with both British colonies and Cuba and, as will be discussed later in this chapter, St. Augustine became a hotspot for smuggling. Thus, while Florida officials often claimed poverty, it often was a ploy to convince the Crown to send a larger *situado*. For more on the *situado* and its relationship to Florida, please read Amy

enslaved merchants and sailors, never tapping into Spain's asylum policies. The relationships that stretched throughout the city and across imperial borders provided the kinds of opportunities for safe spaces or wealth that imperial decrees often could not provide.

This chapter argues that the inter-colonial movement of Africans and their descendants was not only crucial to the evolution of Spanish fugitive policies, but that this movement must be viewed through a lens that captures more than military policy. Many people of African descent came to St. Augustine and Cuba to claim Spanish subjecthood and manumission, but did not serve in the segregated Black militia, one of the central requirements of the decrees. Often the records of such movement obfuscate the connections Africans and their descendants formed beyond what was relevant to the parish records. Yet, despite this obfuscation, the records can be read both with and against the grain to reveal the connections they made and maintained, spanning from South Carolina to Florida, and Florida to the Spanish Caribbean. Imperial authorities knew these connections existed and sought to utilize them to secure the empire and protect the colony. Conversely, as will be demonstrated here, people of African descent knew officials wanted to capitalize on their movement and so used their mobility to

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Turner Bushnell, *Situado and Sabana: Spain's Support System for the Presidio and Mission Provinces of Florida*, Archaeology of Mission Santa Catalina de Guale (Athens, Ga: American Museum of Natural History ; distributed by the University of Georgia Press, 1994); Amy Turner Bushnell, *The King's Coffers: Proprietors of the Spanish Treasury, 1565-1702*, 1st Edition edition (Gainesville: University Press of Florida, 1981). For more on cattle ranching in Spanish Florida, please see Charles W. Arnade, "Cattle Raising in Spanish Florida, 1513-1763," *Agricultural History* 35, no. 3 (1961): 116–24; Amy Turner Bushnell, "The Menéndez Marqués Cattle Barony at La Chua and the Determinants of Economic Expansion in Seventeenth-Century Florida," *The Florida Historical Quarterly* 56, no. 4 (1978): 407–31.

navigate, manipulate, and take advantage of the opportunities created by imperial rivalries and illicit trade.

This chapter first examines the movement of Africans and their descendants from the perspective of Spanish officials, looking at the evolution of the Crown's *real cédulas*, or royal decrees, which granted asylum to fugitive slaves. These decrees were promulgated within the context of long-standing tensions with the foreign empires in the Americas and heightened violence between southern British colonies and Spanish Florida. Spanish officials knew this and capitalized on such movement in order to secure its colonial holdings. The chapter then turns to focus on how people of African descent moved, at times illicitly, across inter- and intra- colonial boundaries to pursue goals both within and in spite of the context of slavery, empire, and war. It closely examines a 1750 burglary conspiracy in St. Augustine that involved people of African descent from many different backgrounds and statuses. Understanding the intersection between illicit economies and illegible communities revealed in this case, and in the context of imperial asylum laws, widens our understanding of inter-colonial movement beyond the use of African fugitives to build up the military fortification of St. Augustine, providing a more complex history in which movement took place in the shadows as well as the light of Spanish law.

#### Imperial Rivalries and Fugitive Asylum:

Since St. Augustine's founding in 1565, men and women of African descent actively took part in the city's daily life, and their importance to its community grew with the establishment of English colonies in the Americas during the seventeenth century.

Jane Landers, whose work on Black society in Spanish Florida provides the basis for much contemporary research on marronage and religious asylum throughout the Spanish Caribbean, emphasizes how these people, whom she describes as “Atlantic Creoles,” used their cosmopolitan, polyglot skillsets to proactively navigate imperial rivalries and legal circumstances to secure their freedom as well as elevate their social standing within society.<sup>37</sup> St. Augustine’s geographic position, bordering two European empires and multiple indigenous nations, and its role as a military bastion meant that people from all backgrounds would travel to and from the city to capitalize on military and economic opportunities. This uniqueness explains why so much historiography on Afro-descendant society and slavery in Spanish Florida focuses on the role Spain’s fugitive slave sanctuary policy played in framing British and Spanish tensions within the region and in how those tensions shaped St. Augustine’s internal military and social life.<sup>38</sup>

St. Augustine originally served as a military outpost to expel French Huguenot colonists at Fort Caroline, established in present-day Jacksonville 1564.<sup>39</sup> As the British

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<sup>37</sup> Landers, *Atlantic Creoles in the Age of Revolutions*; Landers, “Spanish Sanctuary: Fugitives in Florida, 1687-1790,” 296–313; Landers, *Black Society in Spanish Florida*. For more on those who build upon or are in dialogue with Landers’ ideas please read the selected works of Linda M. Rupert, Elena Schneider, and Fernanda Bretones Lane. For more on the “Atlantic Creole,” Please read Berlin, *Many Thousands Gone*, 24.

<sup>38</sup> Johnson, “The Historiography of Eighteenth-Century Florida”; Landers, “Spanish Sanctuary: Fugitives in Florida, 1687-1790”; John Jay Tepaske, “The Fugitive Slave: Intercolonial Rivalry and Spanish Slave Policy, 1687-1764,” in *Eighteenth-Century Florida and Its Borderlands*, ed. Samuel Proctor (Gainesville, FL: University Press of Florida, 1975), 1–12; Wright, “Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Gracia Real de Santa Teresa de Mose, Florida.”

<sup>39</sup> For more on the conditions surrounding St. Augustine’s founding and its shift to a Royal colony, please reference Eugene Lyon, *The Enterprise of Florida: Pedro Menendez de Aviles and the Spanish Conquest of 1565-1568*, First PB Edition, Second Printing edition (Gainesville, Fla: University Press of Florida, 1983); Eugene Lyon, “Settlement and Survival,” in *The New History of Florida*, ed. Michael Gannon (Gainesville: University Press of Florida, 1996), 40–61. As Eugene Lyon wrote extensively, Pedro Menéndez de Avilés, St. Augustine’s founder, never meant for the city to be Florida’s capital. The city became the capital as the failure of other settlements and ineffective leadership forced the Crown to take over the colony’s governance, effectively ending Spanish attempts to expand settlements in the region.

began to colonize the Atlantic seaboard during the seventeenth century, Spanish officials in St. Augustine and Madrid saw Florida as a military buffer that protected the Spanish empire's lucrative Caribbean trade-networks, as well as an important mission frontier.<sup>40</sup> St. Augustine was designated a *presidio*, a fortified military settlement that protected the empire's frontiers with military personnel making up a large portion of the city's population. By 1764, almost a third of the population served the Spanish Crown in a military or administrative capacity.<sup>41</sup>

Due to its military purpose and location near encroaching British colonies, St. Augustine often faced the prospect of war, with British Governors launching campaigns into Spanish territory during a series of wars between the European rivals.<sup>42</sup> In 1702, Carolinian governor James Moore launched a full-scale invasion of Florida as a part of the War of the Spanish Succession, known in the Anglo-Atlantic world as Queen Anne's

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<sup>40</sup> For more on the significance of the "Mission Frontier" in Spanish imperial policy, please read Amy Turner Bushnell, "Republic of Spaniards, Republic of Indians," in *The New History of Florida* (University Press of Florida, 1996), 76–91. For an insightful critique of the "republic of the Spaniards/republic of the Indians" model, please read Adrian Masters, "The Two, The One, The Many, The None: Rethinking the Republics of Spaniards and Indians in the Sixteenth-Century Spanish Indies," *The Americas* 78, no. 1 (January 2021): 3–36.

<sup>41</sup> "Estado que manifiesta el numero de Familias, que componían las Personas de ambos sexos, y todos esclavos..." St. Augustine, January 22, 1764, AGI: Santo Domingo 2595 fol. 17r.

<sup>42</sup> It is important to point out that though St. Augustine was founded to protect Spain's claim to Florida against European rivals, Spanish officials in Florida spent most of their time maintaining their relationships with Indigenous people who often dictated the course of European settlement in North America. This chapter focuses mostly on Spanish Florida's relationship to British colonialism because archival material available to the author was created as a result of Spain's rivalry with Britain. Additional research in future projects will elucidate the important relationships between Indigenous and Afro-descendant people in Florida. For more on the Spanish Florida's relationship with Indigenous people and their importance to early European colonialism please read Alejandra Dubcovsky, *Informed Power: Communication in the Early American South* (Cambridge, Massachusetts: Harvard University Press, 2016); John H. Hann, *A History of the Timucua Indians and Missions*, 1st edition (Gainesville: University Press of Florida, 1996); J. Michael Francis and Kathleen M. Kole de Peralta, *Murder and Martyrdom in Spanish Florida: Don Juan and the Gualte Uprising of 1597* (New York: American Museum of Natural History, 2017); John E. Worth, *The Timucuan Chiefdoms of Spanish Florida: Assimilation*, vol. 1, 2 vols. (University Press of Florida, 1998); John E. Worth, *The Timucuan Chiefdoms of Spanish Florida: Resistance and Destruction*, vol. 2, 2 vols. (University Press of Florida, 1998).

War. Three decades later, James Oglethorpe's launched two invasions, one in 1740 and the other in 1743, during the War of Jenkins' Ear, which later became subsumed by the War of Austrian succession. Though both men failed to capture St. Augustine, their attacks only exposed, in officials' mind, Spanish Florida's vulnerability to its neighboring British colonies.

The constant stream of fugitive African slaves, who fled from the southern British colonies to Spanish Florida, aggravated the inimical Anglo-Spanish relationship.

Historian Elena Schneider examines how during the mid-eighteenth century Bourbon officials in Madrid and Cuba engaged in philosophical debates about the role of slavery in modernizing the Spanish Empire, with several arguing that the empire's success was fundamentally linked to slavery and the slave trade.<sup>43</sup> Not only did Spanish officials hope that reclaiming the *Asiento*, the monopoly given to the British in the 1713 to supply African slaves to Spanish colonies, would boost the imperial economy but would also populate and defend Spanish territories with Africans and their descendants to combat threats from rival empires.<sup>44</sup> The idea of moving large numbers of Spanish subjects around the empire to fortify and populate what historian John Jay Tepaske called the "vital peripheries" of the Spanish empire was not unique to Africans or to Spanish Florida.<sup>45</sup>

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<sup>43</sup> Schneider, "African Slavery and Spanish Empire: Imperial Imaginings and Bourbon Reform in Eighteenth-Century Cuba and Beyond," 5.

<sup>44</sup> Schneider, 13.

<sup>45</sup> Theodore G. Corbett, "Migration to a Spanish Imperial Frontier in the Seventeenth and Eighteenth Centuries: St. Augustine," *The Hispanic American Historical Review* 54, no. 3 (August 1974): 414–30, <https://doi.org/10.2307/2512931>; Elliott, *Empires of the Atlantic World*, 272; Paul E. Hoffman, *Florida's Frontiers* (Bloomington: Indiana University Press, 2002), 168–73; 184–85; James J. Parsons, "The Migration of Canary Islanders to the Americas: An Unbroken Current Since Columbus," *The Americas* 39, no. 4 (April 1983): 447, <https://doi.org/10.2307/981248>; Diana Reigelsperger, "Interethnic Relations and

Throughout the seventeenth and eighteenth centuries the Crown moved large numbers of its subjects to increase the population of borderland settlements that were at risk of being overrun by the British. Earlier precedents of this can be found in the Toledan reforms of sixteenth-century Peru. Worried about the declining production of Andean mines, Spanish officials, most notably Francisco de Toledo, implemented sweeping changes to Peruvian society, specifically the *Gran Reducción*. With the *Gran Reducción*, Spanish authorities razed indigenous settlements and forced the residents into newly built European-style towns. In doing this Toledo hoped that the *mita*, the indigenous labor draft, would be made more efficient and would thus lead to renewed profits for the Crown.<sup>46</sup> By the late seventeenth century Canary Islanders were often chosen to fortify the imperial borderlands, though by the mid-eighteenth century, Spanish officials began to specifically identify enslaved and free African-descendant subjects as key to reasserting the power of the Spanish empire in the Atlantic.<sup>47</sup>

While Spanish authorities regularly moved its subjects to strengthen its borders, it also promulgated a series of *cédulas reales* stipulating, and often reclarifying, the process of granting asylum to fugitive slaves escaping from rival empires in key spots throughout

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Settlement on the Spanish Florida Frontier, 1668-1763” (PhD diss, Gainesville, FL, University of Florida, 2013), 123–48. To Tepaske, “vital peripheries” were areas of the Spanish empire that were central to the wider imperial project even though they were not primary wealth-producing colonies. For more on this please read John Jay Tepaske, “Integral to Empire: The Vital Peripheries of Colonial Spanish America,” in *Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820*, ed. Christine Daniels and Michael V. Kennedy (New York: Routledge, 2002), 29–42.

<sup>46</sup> More research needs to be done to understand how Spanish perceptions of the *mita* affected later Crown policy towards royal slaves in the Caribbean. For more on the *Gran Reducción* and Francisco de Toledo, particularly on the *Gran Reducción*’s connection to modern population relocation projects, please read Jeremy Mumford, *Vertical Empire: The General Resettlement of Indians in the Colonial Andes* (Durham: Duke University Press, 2012).

<sup>47</sup> Schneider, “African Slavery and Spanish Empire: Imperial Imaginings and Bourbon Reform in Eighteenth-Century Cuba and Beyond,” 13–15.



the Caribbean. The earliest decree, issued in 1680, which specifically encompassed Trinidad, Martinique, St. Vincent, and Grenada, stipulated “that all blacks who came directly seeking baptism from whichever of the foreign nations that occupy the lands of the King, be declared free.”<sup>48</sup> For the next 140 years the Spanish Crown periodically issued decrees to address specific issues about marronage and asylum, based on events and petitions emanating from its colonies in the Caribbean and American Southeast.

Despite their piecemeal nature and origin in Hapsburg policy, these degrees were integral to evolving Spanish practices throughout the eighteenth century. *Cédulas* originating from Hapsburg rule were part and parcel of Bourbon modernization efforts, which often aimed at executing past policy regarding fugitive asylum, in other words reviving laws considered to be “dead letters.” African maroons did spur Bourbon reformers to develop more flexible legal frameworks to conduct free trade in colonial slave societies.<sup>49</sup> But these Bourbon orders also often reaffirmed what was proclaimed in previous decrees, linking marronage policy with attempts to use people of African descent as military reinforcements in important hotspots. The link between *cédulas*, marronage, and the transition from Hapsburg to Bourbon rule is important, as it shows that the Bourbon Reforms were simultaneously reforming imperial policies while also relying on older policies the reforms were meant to modernize.

Even as Bourbon officials used marronage to invigorate population movement policies that originated in Hapsburg rule, any categorical assessment of the novelty of Bourbon officials’ reforming policies and the role the colonies played in shaping Bourbon

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<sup>48</sup> As quoted in Rupert, ““Seeking the Water of Baptism,”” 201.

<sup>49</sup> Rupert, “Marronage, Manumission and Maritime Trade in the Early Modern Caribbean.”

*cédulas* must balance continuity and change. Whether prompted by attempts to execute old laws or responsive to changing dynamics and local circumstances, Spanish Florida was at the center of these decrees despite being treated as a problematic backwater.<sup>50</sup> Its residents, whether Spanish, creole, or of African descent, pushed Bourbon monarchs to constantly clarify their policy towards African fugitivity, manumission, and asylum.<sup>51</sup>

The first royal decree was specially directed at the West Indies, but governors in Venezuela and Florida quickly wrote to the Crown to clarify its position when fugitive slaves arrived seeking asylum and manumission. In 1687, the first known fugitive slaves arrived in St. Augustine from Charlestown, South Carolina. Governor Diego de Quiroga y Losada did not automatically manumit them, but instead assigned them to residents of

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<sup>50</sup> The Spanish empire's perception of Florida, and its importance, changed constantly throughout the colony's existence, often depending on the proximity of Spain's rivals to the colony. In the beginning of the eighteenth century, Florida was viewed as a small but important military outpost in desperate need of aid and population. Yet towards the end of the century, East and West Florida was not only viewed by royal scholars as an important military outpost, but also as a crucial epistemological battleground to be won as the Enlightenment produced new histories of the Americas in Spain and Britain. For more on Florida's epistemological importance to the Spanish Enlightenment, please read Cañizares-Esguerra, *How to Write the History of the New World*, 155–203.

<sup>51</sup> Regarding the relationship between the Bourbon Reforms, modernity, and the shift away from Hapsburg policy, it is important to note that I am emphasizing how Bourbon administrators used the decrees clarifying marronage to continue manumission policies originating from Hapsburg rule. Yet there are more complicated legal and philosophical issues here that do mark a difference in the legal approach between Hapsburgs and Bourbons. While Spanish Hapsburg rule rested on its use of the *Siete Partidas* and Roman legal systems, reformers and administrators under Bourbon rule sought to reorient legal precedents away from these two legal pillars to local customs. As will be discussed in a later chapter, the *presidente* of the *Audiencia de Santo Domingo*, who was tasked with revising the island's slave codes, wondered how much of the revised laws should be based on established Roman Law and which should be rooted in existing customs on the island. Yet, as Adriana Chira shows, this shift away from Hapsburg tradition to modernity should be considered on a colony-by-colony basis. In her research on nineteenth-century Cuba she argues that the break occurred when local custom, rooted in Hapsburg tradition, gave way to Liberalism and not the Bourbon Reforms and their Enlightenment influences. For more on the tension between Hapsburg, Bourbon laws, emerging Liberal systems, metropole and colonial precedents, and the shifting modernity of the Spanish empire, please read Adriana Chira, *Patchwork Freedoms: Law, Slavery, and Race beyond Cuba's Plantations* (Cambridge: Cambridge University Press, 2022); Paquette, *Enlightenment, Governance and Reform in Spain and Its Empire, 1759 - 1808*; Premo, *The Enlightenment on Trial*; Bianca Premo, "Custom Today: Temporality, Customary Law, and Indigenous Enlightenment," *Hispanic American Historical Review* 94, no. 3 (January 1, 2014): 355–79.

the town that worked similar jobs as these freedom seekers, with the governor paying the fugitives for their labor.<sup>52</sup> It was not uncommon in the Spanish Empire to compensate fugitives for their work, which added ambiguity to their legal status as slaves. Moreover, fugitives in the British Caribbean, specifically women, often hawked goods in the open market to gather enough funds to sustain their planned marronage. Enslaved women throughout the Caribbean commonly owned and operated their own businesses, which earned them money often used to purchase their own manumission or provide funds for flight.<sup>53</sup>

The Crown saw how advantageous it was to use fugitive slaves for both economic and military strength, yet it was ultimately the men and women running away from enslavement who forced the Spanish government to take a stance on their own legal subjecthood. In the time between the ten fugitives arriving to Florida in 1687 and Quiroga y Losada's final decision in 1692 to compensate the British but not return the freedom-seekers, the governor continually asked the Crown for clarification about manumission and asylum practices. Not only that, he and the royal treasurer worried whether it was legal to compensate British representatives who demanded the return of their former slaves after the governor refused to return them, as the fugitives had converted to Catholicism, married into the community, were successfully employed, and

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<sup>52</sup> Landers, "Spanish Sanctuary: Fugitives in Florida, 1687-1790," 297-98.

<sup>53</sup> Alejandro de la Fuente, *Havana and the Atlantic in the Sixteenth Century*, Envisioning Cuba (Chapel Hill: University of North Carolina Press, 2008), 154-57; Sweeney, "Market Marronage: Fugitive Women and the Internal Marketing System in Jamaica, 1781-1834," *The William and Mary Quarterly* 76, no. 2 (2019): 197-222, <https://doi.org/10.5309/willmaryquar.76.2.0197>.

declared to be in fear for their lives.<sup>54</sup> To hopefully settle the matter, Carlos II issued a *cédula* in 1693 legitimating what the governor was already doing, ultimately declaring to give “liberty to all . . . the men as well as the women . . . so that by their example and by my liberality others will do the same.”<sup>55</sup> Fugitives would continue to arrive in St. Augustine to request asylum, causing successive governors to solicit the Crown for advice on the matter, and in turn the Crown issued new decrees to clarify its position in light of new changes in its rivalry with Britain.

The mobility of people of African descent escalated tensions between Spanish Florida and Britain throughout the eighteenth century. Their use of Spain’s fugitive asylum policies, particularly in joining the Black militia, incited British colonists to clamor for war to wipe out the Florida “threat,” leading to important changes in the region.<sup>56</sup> In 1702 South Carolina Governor James Moore invaded Florida, marking the end of the mission frontier. The invasion cleared the way for the establishment of the colony of Georgia thirty years later and forced St. Augustine’s leaders to rebuild and

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<sup>54</sup> Regarding the fugitives’ fear, the governor wrote to the Crown, “*no se entregassean a dichos Yngleses por el temor de la muerte.*” Wright, “Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Gracia Real de Santa Teresa de Mose, Florida,” 151.

<sup>55</sup> As quoted in Landers, “Spanish Sanctuary: Fugitives in Florida, 1687-1790,” 298.

<sup>56</sup> The invasions fundamentally changed how Indigenous people interacted with European settlements. While the Spanish claimed to be supported by 26,000 Christianized “natives” during the seventeenth century, by 1711 only 401 Indigenous people could be counted to support the Spanish. In the face of British invasions, many chose to either move to the hinterlands or accept British alliance overtures. Moreover, newer Indigenous peoples, such as the Yamasee and Creek, who moved into newly vacated spaces found the British as better allies, as the Spanish, used to gift-giving practices established in the sixteenth century, often promised much but delivered little. For more on how Indigenous people established alliances with Spanish Florida and the erosion of their support during the British invasions, please read Dubcovsky, *Informed Power*; Hann, *A History of the Timucua Indians and Missions*, 191–95; Hoffman, *Florida’s Frontiers*, 156–59, 174–82; John Jay Tepaske, *The Governorship of Spanish Florida 1700-1763* (Duke University, 1964), 193–98, 205–6.

redesign the city after he burned it to the ground.<sup>57</sup> In 1733, amidst intermittent violence with Britain, the Spanish Crown updated the 1687 decree by declaring that St. Augustine's governor should no longer offer compensation to British slave owners. In a sign of how successful Spain's fugitive asylum polices were, the Crown commended manumitted fugitives who defended St. Augustine against British attacks in 1728, indicating the prestige associated with serving in the Crown's militia. The second part of the 1733 decree specifically reemphasized the practice of freeing fugitive slaves who converted to Catholicism and joined the king's militia for a period of four years. The presence of a militia composed of former enslaved Africans worried and infuriated the British in South Carolina and the newly established colony of Georgia.<sup>58</sup> Moreover, by praising St. Augustine's Black militiamen, the Crown underlined the importance of fugitive Africans in preserving and protecting Spanish Florida, including women.<sup>59</sup>

Black militias were important to Florida and the broader Spanish empire. Termed "free-colored" militias by historian Ben Vinson III, these militias "were integrally linked to the processes and currents of military policy formed at the highest rungs of the colonial

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<sup>57</sup> In rebuilding St. Augustine elite families shaped where new power dynamics, specifically rooted in strategic marriages and property ownership, were located in the city. By building new buildings on razed lots, these families could cluster their power, effectively owning and controlling entire blocks in the city. For more on this, and the physical aspects of the city from 1702-1764 please read Charles W. Arnade, "The Architecture of Spanish St. Augustine," *The Americas* 18, no. 02 (October 1961): 149–86, <https://doi.org/10.2307/979041>; Charles W. Arnade, "The Avero Story: An Early Saint Augustine Family with Many Daughters and Many Houses," *The Florida Historical Quarterly* 40, no. 1 (1961): 1–34.

<sup>58</sup> There are no official records available that recorded of how many slaves were freed each year. One report from 1738 reveals that thirty-one slaves petitioned the governor for their freedom. Yet it is unclear how many petitions were granted and how many of the petitioners were British fugitives. Moreover, in 1764, there were thirty-four Black militiamen, though it is also unclear how many of them were manumitted through the two royal decrees. Jane Landers, *Black Society in Spanish Florida*, Appendix 2; "Resumen General," St. Augustine, January 2, 1764, AGI: Santo Domingo 2595, fol. 15v.

<sup>59</sup> Landers, "Gracia Real de Santa Teresa de Mose," 14. For more on the vital economic roles women of African descent performed, please see de la Fuente, *Havana and the Atlantic in the Sixteenth Century*, 154–55.

administration.”<sup>60</sup> Due to the high cost of maintaining a standing military in its American colonies, the Spanish empire depended on local militias to protect vital regions in the colonies, albeit they did so due to necessity, not by first choice.

The Crown and local officials initially implemented rules during the sixteenth century banning people of African descent from bearing arms to prevent them from supporting slave uprisings, thus limiting how many free people of African descent could form militias. Yet the Crown acknowledged their importance as the number of Africans grew in the colonies and the availability of Spaniards or white creoles decreased. By the mid-eighteenth century, free-colored militias served in important campaigns in almost every part of the empire. Different types of “free-colored” militias served in the empire, from independently formed companies to companies composed of former maroons, and each type of company served a different purpose.<sup>61</sup> In Florida there were two companies for people of African descent, the *compañía de pardos libres* and the *compañía de morenos libres*, both designed to specifically counter the growing British threat and to segregate and sequester the city’s growing number of African residents and Black *criollos* into a community that would live outside the city.<sup>62</sup> In 1740, St. Augustine’s

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<sup>60</sup> Vinson, *Bearing Arms for His Majesty*, 8.

<sup>61</sup> Karen B. Graubart, “On Being Disciplined and Counted in the Early Modern Circum-Caribbean,” *Hemisphere* 27 (Winter 2018): 14–18. Vinson, *Bearing Arms for His Majesty*, 14–22.

<sup>62</sup> Landers, “Gracia Real de Santa Teresa de Mose”; Landers, *Black Society in Spanish Florida*, 22. “Yncluye por sus Nombres, el numero de Personas del sexo Masculino de edad de 15 anos para arriba...que componian la Guarnicion y vecindario de la Plaza de Sn Agustin De Florida...al tiempo de entregarse a la Corona Britanica,” St. Augustine January 22, 1764 AGI: Santo Domingo 2595, n. 1 fols.14v-15r. The term “pardo” was used to indicate someone of African descent with lighter skin pigmentation. The term “moreno,” literally “brown,” indicated someone of African descent but with darker skin pigmentation, and generally assumed, according to Spanish racial logic, to be less European and more African in genealogy. People considered to be *pardos* could petition the Crown to legally “purchase whiteness” to gain access to segregated institutions, such as universities or guilds. For more on this, please read Twinam, *Purchasing Whiteness*.

Black militias would again protect St. Augustine during James Oglethorpe's invasions of Florida during the War of Jenkins' Ear, a war caused in part because of their fugitivity.

Attempting to accomplish what James Moore could not in 1702, Oglethorpe launched a military campaign into Florida to capture St. Augustine to secure British interests in the region. This was part of Britain's long-term strategy of slow encroachment into Spanish territory, with the main goal of occupying Havana, Cuba.<sup>63</sup> When Charles II originally approved the charter of Carolina, its southern border encompassed St. Augustine. The 1670 Treaty of Madrid legally established the border much further north, where the modern border between South Carolina and Georgia is currently located, but British colonists regularly ignored the 1670 boundary, clinging to the idea that Florida was theirs to take. This idea persisted throughout the eighteenth century, as British cartographer Thomas Jefferys claimed in 1774 that, through Charles II's charter, St. Augustine was "within the English dominions, and consequently belongs to us as a forfeiture. The Spaniards say indeed that grant is an invasion of their right, they pretending a right of possession to all the coast as high as Virginia."<sup>64</sup>

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<sup>63</sup> Daniel L Schafer, "Raids, Sieges, and International Wars," in *The History of Florida*, ed. Michael Gannon (Gainesville, FL: University Press of Florida, 1996), 120; Schneider, *The Occupation of Havana*, 21.

<sup>64</sup> Thomas Jefferys, *A Description of the Spanish Island and Settlements on the Coast of the West Indies [Texto Impreso]: Compiled from Authentic Memoirs, Revised by Gentlemen... and Illustrated With Thirty-Two Maps and Plans*, The Second Edition (London: Printed For Faden and Jefferys, Geographer to the King..., 1774), 72. Jefferys' book, while filled with Black Legend-inspired rhetoric that called the Spanish "lazy," "superstitious" and ill-equipped to fully maximize their colonies, was still used by royal academics in Spain to determine the boundaries of their empire in the Americas later in the century. For more, please see "*Establecimiento de La República de Los Estados Unidos de La América Septentrional, Precediendo Una Circunstanciada Relación de La Florida...*" (Manuscript, ca 1793), Biblioteca Digital Hispánica; Buckingham Smith, "*Papeles para la historia de Florida. Tomo 1*" (Manuscrito, 1857), Biblioteca Digital Hispánica.

The British rested their claim of possession on two interrelated ideas: utility and capability. British philosophers and legal officials argued that much of the land claimed by Spain was not actually settled and so was “empty,” thus open to any power (specifically Britain) who could properly utilize the land’s natural resources. Those that made this argument were not ignoring the presence of Indigenous peoples nor were they conveniently overlooking British military campaigns that destroyed Spanish mission systems. Instead, they argued that even if the Spanish (and Indigenous people by extension) did clear and plant these lands, they would have spoiled them because they were incapable of improving nature as God commanded.<sup>65</sup>

The Black Legend explicitly framed Britain’s *res nullius* argument, yet many of the British who settled in lands claimed either by the Spanish or Indigenous people often recognized that the legitimacy of their conquest was in fact identical to Spanish rationale for conquest, particularly when connecting sovereignty on religion. Examining Puritan and Pilgrim conquests in seventeenth-century New England, Jorge Cañizares-Esguerra shows that they employed religious arguments, such as the conversion of Indigenous populations for the salvation of gentiles’ souls, to justify their expansion. While evangelizing Indigenous people, they also sought to identify specific rituals that would transfer dominion and sovereignty of land from Indigenous “kings” (or the Spanish Catholic monarch within the context of eighteenth-century Florida) to the British king,

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<sup>65</sup> Eva Botella-Ordinas, “Debating Empires, Inventing Empires: British Territorial Claims Against the Spaniards in America, 1670-1714,” *Journal for Early Modern Cultural Studies* 10, no. 1 (2010): 143, <https://doi.org/10.1353/jem.0.0038>.



and then to the settlers by extension.<sup>66</sup> Infused with ideas of Spanish intellectual and religious “inferiority,” and the need to better utilize “empty” lands, British colonists settled Georgia in the land cleared by Moore’s invasion, thus bringing them, and more specifically the people British colonists enslaved, to Spanish Florida’s doorstep.

There was a steady stream of African-descendant fugitives who arrived in Florida every year from Georgia and South Carolina. The founding of Georgia led to a brief spike of fugitives who arrived in St. Augustine, specifically after James Oglethorpe ordered the construction of Fort St. George on the northern bank of the St Johns River in 1736, only 53 miles away from St. Augustine.<sup>67</sup> It is unknown if the spike in fugitives arriving in Florida was caused by the construction of Fort St. George, but the construction of a British fort so close to Spanish territory only shrank the distance fugitives needed to cross to access asylum. Tracing the history of baptism shows how much of St. Augustine’s Black population was comprised of fugitives. In 1738, 14 fugitive men and women were baptized in St. Augustine, the same number of fugitives that would be baptized over the next three years. Between 1735 and 1763, when Florida was temporarily ceded to the British as due to the Seven Years’ War, 843 people of African descent, *chinos*, and *indios* were baptized in St. Augustine and recorded in a racially segregated book of baptisms.<sup>68</sup>

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<sup>66</sup> Jorge Cañizares-Esguerra, ed., *Entangled Empires: The Anglo-Iberian Atlantic, 1500-1830* (Philadelphia: University of Pennsylvania Press, 2018), 164–65.

<sup>67</sup> Schafer, “Raids, Sieges, and International Wars,” 120.

<sup>68</sup> Within the Florida context a “*chino*” denoted anyone with a yellowish cast to their skin pigmentation and considered to be descendants of African and Indigenous parents. For more on “*chinos*” in the Spanish Americas, please read Landers, *Black Society in Spanish Florida*. Spaniards used the term *indio* to indicate “Indians.” Because the term carries certain racial, caste, and status implications, it will be used in lieu of the term “Indian.” For more on these implications, refer to Robert H. Jackson, *Race, Caste and Status: Indians in Colonial Spanish America* (Albuquerque: University of New Mexico Press, 1999).

Of those 843 baptisms, 95 men, women, and children were listed as being from the Carolinas. Of these 95, 29 were specifically identified as free.<sup>69</sup> One hundred and fourteen baptized Black residents claimed to be from a British territory. Of those 114, 65 were slaves and 33 were free, with 16 entries omitting the person's status.<sup>70</sup> This means that, based solely on baptismal entries from this period, about eleven percent of Black residents baptized in just under 30 years were from an English territory. In other words, among St. Augustine's Catholic residents of African descent, one in every ten could have been affected by fugitivity and Spain's manumission and asylum policies.

Surely the baptismal records represent only a fraction of the Black population. The number of fugitives arriving from British colonies to Spanish Florida between 1735 and 1763 never reached more than fourteen people, yet each person's flight infuriated British colonists. For example, Georgia Governor William Bull and James Ogelthorpe, an original trustee, founder, and de facto military leader of Georgia colony, sent letters in 1738-39 to don Manuel de Montiano, then governor of Florida, demanding the return of several slaves who fled South Carolina to seek asylum in St. Augustine. Their letters were filled with implicit threats, urging Montiano to return the slaves or else face the destruction of good correspondence and faith between "the two Crowns."<sup>71</sup> This was not a polite threat. British lawmakers in their American colonies were often the colonies' largest slaveholders, and they often responded to what they viewed as Spanish threats with violence either to the Spanish or to their enslaved populace.

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<sup>69</sup> "Libro 1, de los pardos," November 1735 - January 1763, Ecclesiastical Documents Diocese of St. Augustine [hereafter EDDSA] (Accessed through the Slave Societies Digital Archive [hereafter SSDA]).

<sup>70</sup> "Libro 1, de los pardos," November 1735 - January 1763, EDDSA (Accessed through SSDA).

<sup>71</sup> Smith, "Papeles para la historia de Florida," 232-40.

During the seventeenth and eighteenth centuries, British colonies that depended on enslaved labor, such as South Carolina, were growing and tightening their slave laws. British slave law not only conceptualized enslaved Africans as “animate capital,” but it was also designed to violently root enslaved Africans and their descendants to British plantations. The original proprietors of Carolina specifically fostered racialized slavery to make the land profitable. To ensure this, in 1691 they adopted the Jamaican Slave Act of 1684 with minor changes to stabilize British racial hierarchy in Carolina, based on their belief that the Act was “successful” in Jamaica.<sup>72</sup> Slaveholders tightly intertwined racialized slavery with Carolina’s existence. Anyone enslaved who sought freedom in Spanish territory directly contradicted the central purpose of Carolinian plantation owners, to earn profit through the cultivation of cash crops by enslaved labor.

The Jamaica Slave Acts of 1684, which was itself an almost verbatim copy of the Barbados Slave Act of 1661, recognized how fugitive Africans threatened the economy of the island and deliberately crafted provisions to control the movement. In Jamaica slaveholders offered hefty rewards to those who killed “maroon leaders” and returned fugitive slaves.<sup>73</sup> The Barbados Slave Act of 1661 included a “ticketing clause” which stipulated that if a “white” man accompanied a slave, implicitly of African descent, the slave did not need the “ticket” needed to leave assigned plantations. The 1684 Jamaican Slave Act retained this provision, only changing one word in the ticketing clause so that “Christian” became “white.” Slaveowners wanted to ensure that conversion to Christianity did not erode slavery. Additionally, the 1684 Jamaican Act stipulated that

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<sup>72</sup> Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World*, 60–62, 67–68.

<sup>73</sup> Rugemer, 38–41.

any plantations vacant for more than two months should be burned to prevent fugitive communities from gathering there as well as levy fines against whites who did not comply with the Slave Act's provisions.<sup>74</sup>

The provisions in these acts were not crafted in a vacuum. The flow of fugitives from South Carolina to Florida motivated British slaveholders to incorporate terroristic mutilation in their governance of Carolina's enslaved population. In direct response to Carlos II 1693 decree that "granted liberty to all...the men as well as the women...so that by their example and by my liberality others will do the same" British slaveholders implemented provisions in their laws to brand, castrate, and disfigure enslaved Africans who continually resisted their enslavement.<sup>75</sup> Beyond using violent terror to deter fugitives from escaping, British slaveholders deliberately used gelding to dehumanize enslaved Africans to emphasize their legal and social status as chattel in British society. As Edward Rugemer argues, "By threatening enslaved black men with gelding, the South Carolina Assembly literally treated them as beasts with a procedure that would have been immediately recognizable and terrifying."<sup>76</sup> Thus, when Florida governors kept with Spanish policy to not return fugitive slaves, British slaveholders viewed it not only a threat to their economy, but to their grip on racial order as well.

It was in this context of increasingly violent restrictions on fugitive movement and British encroachment into Spanish colonial territories that James Oglethorpe launched an invasion into Spanish Florida in 1740. The invasion of Florida was

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<sup>74</sup> Rugemer, 48–49.

<sup>75</sup> Rugemer, 72–73.

<sup>76</sup> Rugemer, 73.

ultimately a political disaster for Oglethorpe, whose failure to capture St. Augustine weakened his authority in South Carolina and Georgia, inciting debates in newspapers about his “utter want of Military Skill.”<sup>77</sup> The British tried to save face, stating that “this important undertaking, which, if it had succeeded, must have been attended with extraordinary advantages to the English, whose southern settlements on the continent would have hereby been secured against any attempts of the Spaniards by land, besides the great service this place would have been to our trade...”<sup>78</sup> Despite its outcome, Oglethorpe’s invasion was particularly important because of the role people of African descent played in repelling the invasion.

One of the Spanish forts that Oglethorpe took on his way to St. Augustine was *Gracia Real de Santa Teresa de Mose*, also known as Fort Mose. Fort Mose was established by Governor Montiano in 1738 two miles north of the city to house the freed men and women who sought asylum in Florida, with the men serving as the city’s “Black” militia.<sup>79</sup> The fort not only acted as a lookout for potential invaders along the St. John’s River, but also was an autonomous space for St. Augustine’s Black subjects to live their lives away from the direct gaze of the city’s officials.<sup>80</sup> Because Mose was a community in addition to being a military fort, Montaino ordered the fort be evacuated before Oglethorpe, with forces that vastly outnumbered those of the Spanish, arrived and

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<sup>77</sup> Philaxias, *Both sides of the question, or, A candid and impartial enquiry into a certain doubtful character* (London: Printed by J. Mechell, 1746), 10, <<http://galenet.galegroup.com.ezproxy.fiu.edu/servlet/Sabin?af=RN&ae=CY3805045276&srchtp=a&ste=14>>.

<sup>78</sup> Jefferys, *A Description of the Spanish Island and Settlements on the Coast of the West Indies*, 71–72.

<sup>79</sup> Landers, “Gracia Real de Santa Teresa de Mose”; Wright, “Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Gracia Real de Santa Teresa de Mose, Florida,” 146.

<sup>80</sup> Landers, *Black Society in Spanish Florida*, 30–32.

garrisoned troops there. While Oglethorpe bombarded St. Augustine's main fort, the *Castillo de San Marcos*, which housed the besieged populace, Montiano ordered a nighttime raid on the Scot Highlanders garrisoned at Fort Mose. A crucial part of this attack was the free Black militia, whose success became known throughout the British colonies in the Americas as they captured or killed most of the soldiers garrisoned at Mose.<sup>81</sup> On July 6 Spanish ships arrived to reinforce St. Augustine and a few weeks later, recognizing the invincibility of the *castillo*, Oglethorpe withdrew his forces and returned to Georgia to prepare for Florida's counterattack, which occurred two years later.

The Black militia's efforts proved to officials in St. Augustine and Madrid the success of their asylum policies. Not only did it deprive British colonies of enslaved men and women, but it also provided the Spanish empire with a dedicated force of people committed to repelling British attacks to avoid British re-enslavement. Until the end of Florida's fugitive asylum policy in 1790 Spain defended its imperial borders by relying on Black militias, often explicitly manned with fugitives who escaped slavery from the empires they were tasked to fight against.<sup>82</sup> It is important to note, however, that both Spain's asylum policies and Britain's aggression towards fugitives were responses to the intracolonial movement of Africans and their descendants. People of African descent

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<sup>81</sup> Schafer, "Raids, Sieges, and International Wars," 122–23.

<sup>82</sup> It is important to note that St. Augustine's relationship with fugitives soured during the Second Spanish Period. As will be discussed in Chapters Three and Four, the formation of the United States of America and unfolding of the Haitian and French Revolutions changed how Spanish officials viewed fugitive slaves. As Jane Landers writes, "By 1784, however, the fugitives did not enjoy the same leverage with the Spanish, who now viewed them as a source of constant trouble. Not only were they blamed for a variety of social ills, but their presence invited raids by angry American planters. Moreover, the new government of the United States seemed determined to protect the property rights of its citizens. There was little chance of dislodging this neighbor and thus little to gain by antagonizing it by encouraging the flight of American slaves." Landers, "Spanish Sanctuary: Fugitives in Florida, 1687-1790," 310–12.

were not pawns in European rivalries. Beyond understanding how to navigate physical landscapes to access European asylum laws, people of African descent also possessed important military and nautical knowledge that connected Africa to the Americas beyond enslaved labor. As the next sections will discuss, this knowledge helped both free and enslaved people receive important maritime positions as well as shape imperial wars and trade in the New World.

#### Liquid Motion – Africans and Maritime Mobility:

It was not only on land that men and women of African descent navigated imperial rivalries. One man whose exploits transcended colonial borders was Francisco Menéndez. Menéndez was a Mandinka born in West Africa, purchased by English traders, sent to Barbados, then to South Carolina, to labor as a slave.<sup>83</sup> In 1715 he joined the Yamasee revolt where he spent the next three years of his life fighting with Chief George against the British. When the war went poorly for the rebels, he escaped to Florida and was granted religious asylum. In Florida he became a leader in the community by earning a commission as captain of St. Augustine's *moreno libre* militia company stationed at Fort Mose.<sup>84</sup> Menéndez's life is important to highlight not because it is exceptional, but because he is representative of the diverse traditions that shaped the knowledge and experiences of free and enslaved travelers. By the 1670s many captives taken from the Gold Coast would have had at least some military experience due to the

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<sup>83</sup> The Spanish records recorded Mandinka as Mandinga/o, depending on the gender of the person.

<sup>84</sup> Landers, *Atlantic Creoles in the Age of Revolutions*, 1–2.

escalating wars between Akan states to control gold mining and the local slave trade.<sup>85</sup> Just as Menéndez acquired military training during the Yamasee revolt to lead St. Augustine's *compañía de morenos libres*, so too did captive Akan use military knowledge they learned in the Gold Coast to lead rebellions against slaveholders in Jamaica and Barbados. These revolts were fundamentally connected to the wars European empires fought in the Americas. Often the same people fighting against British slaveholders in Jamaica and Barbados were the ones who fought the British around Cape Coast in the wars that embroiled the Gold Coast during the 1730s and 40s.<sup>86</sup>

Equipped with decades of experiences, Menéndez personally led the charge against the British at the battle of Fort Mose, fighting so valiantly that governor Montiano wrote to the Crown in support Menéndez's proof of merit petition. To raise funds to travel to Spain to present his case in person, Menéndez turned to what many men of African descent did in the eighteenth century, privateering.<sup>87</sup> For a year Menéndez

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<sup>85</sup> Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World*, 42–43; John K. Thornton, *Africa and Africans in the Making of the Atlantic World, 1400-1800*, 2nd ed (Cambridge ; New York: Cambridge University Press, 1998), 305–17.

<sup>86</sup> Vincent Brown, *Tacky's Revolt: The Story of an Atlantic Slave War* (Cambridge, Mass: Harvard University Press, 2020), 29–43. It was not only in British colonies where enslaved Africans with military training rebelled against the slaveholding elite. African rebels in Cuba also employed African military tactics to revolt against slaveholders. For more on this, please read Manuel Barcia Paz, *West African Warfare in Bahia and Cuba: Soldier Slaves in the Atlantic World, 1807-1844* (Oxford: UK: Oxford University Press, 2014); Manuel Barcia Paz, *The Great African Slave Revolt of 1825: Cuba and the Fight for Freedom in Matanzas* (Baton Rouge: Louisiana State University Press, 2012); Manuel Barcia Paz, *Seeds of Insurrection: Domination and Resistance on Western Cuban Plantations, 1808-1848* (Baton Rouge: Louisiana State University Press, 2008).

<sup>87</sup> By 1803 free Black sailors filled about 18 percent of American seamen's jobs. There are no studies of Spanish mariners of African descent. Yet, as will be discussed shortly, Francisco Menéndez was one of four mariners of African descent when the British captured his vessel. The British were not infuriated at the sight of Black sailors, but rather at their past military actions. Thus, it is not unreasonable to think that Spanish vessels either contained the same amount of Black sailors, or even more, as British vessels. W. Jeffrey Bolster, *Black Jacks: African American Seamen in the Age of Sail* (Cambridge, Mass: Harvard University Press, 1997), 5–7; Landers, *Black Society in Spanish Florida*, 42.



privateered along the American and Mexican coastline, raiding British ports and harrying British ships.<sup>88</sup> As Jane Landers argues in her study of Menéndez, maritime institutions allowed men of African descent opportunities to earn equal pay, as maritime occupations tended to focus on merit more than skin color, though not completely color-blind.<sup>89</sup>

Maritime institutions also offered more than economic opportunities. Kevin Dawson's innovative work stresses the personal experiences and knowledge that waterways offered to men of African descent. He argues that it is important to consider how they manipulated waterways to gain access to special privileges by using coastal hydrographic maps to chart the degrees of autonomy, and more importantly authority, of enslaved Black ship pilots.<sup>90</sup> Ship pilots possessed important knowledge of waterways that constantly changed, and so were highly valued on ships as they held the power of life and death. Enslaved ship pilots often used their position to challenge assertions that Black people lacked intellect, logic, and reason. When someone insulted them based on their skin color, Black pilots, both free and enslaved, countered by ordering that person to perform a task they considered below their station.<sup>91</sup> These opportunities were generated

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<sup>88</sup> Landers, *Black Society in Spanish Florida*, 40–41; Landers, “Gracia Real de Santa Teresa de Mose,” 41–43.

<sup>89</sup> Landers, “Spanish Sanctuary: Fugitives in Florida, 1687-1790,” 41, 300; Bolster, *Black Jacks*; Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age*, Nachdr., Paperback (Boston, Mass: Beacon Press, 2010). For additional reading on the important relationship between maritime occupations and freedom, please refer to Kevin Dawson, “Swimming, Surfing, and Underwater Diving in Early Modern Atlantic Africa and the African Diaspora,” in *Navigating African Maritime History*, ed. Carina Ray and Jeremy Rich (Newfoundland & Labrador, Canada: Research in Maritime History book series, Memorial University of Newfoundland Press, 2009), 81–116; Pérez Morales, *No Limits to Their Sway*; Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution*.

<sup>90</sup> K. Dawson, “Enslaved Ship Pilots in the Age of Revolutions: Challenging Notions of Race and Slavery between the Boundaries of Land and Sea,” *Journal of Social History* 47, no. 1 (September 1, 2013): 71–100, <https://doi.org/10.1093/jsh/sht052>.

<sup>91</sup> Dawson, 76–77.

by not only by their positions, or by the personal knowledge they accrued, but by movement itself. Once back on land, these men were again subject to political and social systems that no longer valued their knowledge and violently rooted them in place until the opportunity to go back to sea arose.

It is difficult to overstate the importance of the sea to mariners of African descent. The sea offered space to escape plantation slavery, either totally or by degree. Groups of fugitives in Jamaica would commonly make or buy canoes to cross the sea between Jamaica and Cuba to seek manumission. Their journeys were not haphazard nor were they unskilled sailors. Communities that resided along coastlines in Africa primarily used paddleboards and canoes to traverse the water. Those captured and transported to the Americas to be slaves retained the knowledge to build and use canoes, using their knowledge to escape enslavement. Many African captives, forced to travel to the Americas as passengers of slave ships, possessed important spiritual connections to waterways, which was expressed through the Kikongo term “Kalunga” as the watery threshold between the here-and-now and afterlife. As fugitive mariners, Africans used the combination of African maritime wisdom, technology, technical skills, and maritime relationships necessary to flee British plantations to find freedom, be it manumission or access to religious community, in Spanish territory.<sup>92</sup>

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<sup>92</sup> Kevin Dawson argues that even though the term Kalunga is specifically from Kikongo, because the concept that a body of water was as a threshold between the physical and spiritual worlds was a widely held throughout Atlantic Africa, it can be used to understand how members of many communities understood human connections with spirit worlds. Kevin Dawson, “A Sea of Caribbean Islands: Maritime Maroons in the Greater Caribbean,” *Slavery & Abolition* 42, no. 3 (July 3, 2021): 430, 445-446n11, <https://doi.org/10.1080/0144039X.2021.1927509>.

Scholarship of the Atlantic slave trade rightfully depicts the Atlantic Ocean as a traumatic space for Africans aboard slave ships, as slavers used the ocean to sever Africans from their homeland both physically and spiritually. Highlighting this trauma, Olaudah Equiano wrote in his acclaimed slave narrative that the first time he saw the slave ship loading captured Africans “filled me with astonishment, which was soon converted into terror, which I am yet at a loss to describe, nor the then feelings of my mind.”<sup>93</sup> Yet waterways in the Caribbean, and elsewhere through the Americas, also served as spaces of belonging through maritime marronage, which fugitives knowledgably navigated to escape enslavement. This belonging was linked both to spirituality and to community. Mariners of African descent often spoke multiple languages, knew how to navigate land and nautical terrains, and were noted for their loyalty and bravery.<sup>94</sup> Their skills and knowledge made them valuable members in shipborne communities.

The sea offered physical, institutional, and spiritual spaces for freedom, but it was not without its risks. Smugglers of African descent needed to be careful when entering new jurisdictions. Without the proper paperwork to demonstrate political freedom, these men could not prove if they were indeed “free” and thus faced re-enslavement either

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<sup>93</sup> Olaudah Equiano, “The Interesting Narrative of the Life of Olaudah Equiano, or Gustavus, the African,” in *The Classic Slave Narratives*, ed. Henry Louis Gates, 2. print (New York, NY: Signet Classics, 2012), 54. For more on the physical and metaphysical trauma Africans endured aboard slave ships in the Atlantic refer to Sowande’ M. Mustakeem, *Slavery at Sea: Terror, Sex, and Sickness in the Middle Passage*, The New Black Studies Series (Urbana: University of Illinois Press, 2016); Marcus Rediker, *The Slave Ship: A Human History*, A Penguin Book History African-American Studies (New York, NY: Penguin Books, 2008); Stephanie E. Smallwood, *Saltwater Slavery: A Middle Passage from Africa to American Diaspora* (Cambridge, Mass: Harvard University Press, 2007).

<sup>94</sup> Tamara J. Walker, “‘They Proved To Be Very Good Sailors’: Slavery and Freedom in the South Sea,” *The Americas* 78, no. 3 (July 2021): 440.

because of deals gone bad or through dishonest crewmembers.<sup>95</sup> Moreover, these men found that their past would reach across colonial boundaries. On July 28, 1741, the Boston-based *Revenge* captured Francisco Menéndez's ship. Under interrogation the crew discovered who Menéndez was which, as Landers' highlights, galvanized the crew. Menéndez's pride in his actions at Fort Mose infuriated them and they subsequently gave him two hundred lashes and then "pickled him and left him to the Doctor to take Care of his Sore A-se" for his commission as a captain during the attack.<sup>96</sup>

Docking in the Bahamas, the captain's quartermaster of the *Revenge* argued before the Admiralty Court that Menéndez and the other men of African descent captured on the ship should be sold into slavery. His argument rested on their skin color, asking "Does not their Complexion and features tell all the world that they are of the blood of Negroes and have suckt Slavery and Cruelty from their Infancy?" and on Menéndez's role in the "barbarous Action Committed to his Majesty's Brave Subjects att the Retaken of the for att St. Augustine."<sup>97</sup> This was enough for the judges, who condemned Menéndez and the other men to slavery. Yet Menéndez's story does not end in re-enslavement. It is unknown how, but he was able to return to St. Augustine and resumed command of his company at a newly reestablished Fort Mose. He retained his command there through 1763, when he oversaw the community's evacuation to Cuba when the Spanish Crown ceded Florida to Britain at the end of the Seven Years' War.<sup>98</sup>

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<sup>95</sup> Cromwell, *The Smugglers' World*, chap. 7. Apple eBook.

<sup>96</sup> As quoted in Landers, *Black Society in Spanish Florida*, 42–43.

<sup>97</sup> As quoted in Landers, 43–44.

<sup>98</sup> The other men's names were Pedro Sancho, And[re]w Estavie, and Augustine (which Jane Landers says was abbreviated as Aug'ne by the British). Landers, 39–45. Francisco Menéndez's rank and position when Spain ceded Florida to Britain can be found in "Yncluye por sus Nombres, el numero de Personas del sexo

The actions and prestige of Menéndez, and others who participated in military action against Spanish imperial rivals, reverberated throughout the Caribbean. British and Spanish officials fundamentally linked Black intercolonial mobility to military action, either through militia or privateer service. To the British, this mobility was both infuriating and fear-inducing. Spanish authorities recognized this, and purposely preyed on British panic by combining fugitivity with military service. As Florida Governor Fulgencio García de Solís remarked to a proxy in 1752 regarding attempts to convince British authorities to return captured Black privateers, “without those of ‘broken’ color, blacks, and Indians...I do not know if we could arm a single corsair solely with Spaniards.”<sup>99</sup> What is not said was the importance of waterways to people of African descent in navigating European rivalries outside the imperial gaze.

#### St. Augustine’s Illicit Economy:

To survive under the constant threat of war, the residents of St. Augustine ironically became dependent on merchants from the very colonies that invaded *La Florida*.<sup>100</sup> These merchants often brought enslaved people of African descent, who in

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Masculino de edad de 15 anos para arriba...que componian la Guarnicion y vecindario de la Plaza de Sn Agustin De Florida...al tiempo de entregarse a la Corona Britanica,” St. Augustine January 22, 1764 AGI: Santo Domingo 2595, n. 1 fols.15r. St. Augustine officials abandoned Fort Mose after Oglethorpe’s invasion because many of its inhabitants refused to return, enjoying the opportunities in the walled city that were not present in a fort located in the middle of a swamp. In 1752 Governor Fulgencio García de Solís resettled Fort Mose once again, against the wishes of the city’s Black residents, in order to segregate St. Augustine’s Black community and police their religious practices. Landers, 47–53.

<sup>99</sup> As quoted in Landers, *Black Society in Spanish Florida*, 44–45.

<sup>100</sup> The term *La Florida* refers to the Spanish conception of what Florida entailed geographically. When Phillip II ordered Pedro Menéndez de Avilés to expel French Huguenots and settle *La Florida* in 1565, it was understood to be the land between modern-day Baton Rouge and Newfoundland. By 1762, the Spanish and British agreed that Florida was all Spanish land southeast of the Mississippi river and south of colonial

turn developed their own personal and trading relationships with people living in St. Augustine. Through these relationships, these men and woman exchanged news, information, and goods that connected St. Augustine and its northern British neighbors beyond military goals. At the turn of the eighteenth century, British invasions eroded Spain's mission frontier in Florida, transforming the demographic and geo-political conditions of the region. St. Augustine's governors and elite families turned towards British trade, and specifically towards British merchants living in the city, for economic stability and as a new means to secure their station within the empire. Ultimately, the collapse of Florida's missionized frontier accelerated Spanish dependency on British trade in St. Augustine.

Illicit trade between Spanish Florida and the British American colonies occurred so frequently that even in times of war smugglers commonly appeared in the *presidio*.<sup>101</sup> The city's oldest "elite" creole families benefitted both socially and economically from St. Augustine's illicit trade networks. These families developed complex kinship networks with the white British merchants/smugglers in order to secure and elevate their status in St. Augustine's society as well as to better position themselves to profit from, and hopefully control, illicit trading.<sup>102</sup> Through intermarriage, royal compensation, and nepotism Florida's elite creole families controlled St. Augustine's real estate, military

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Georgia. In this chapter, the term *La Florida* is used to emphasize the Spanish understanding of Florida to avoid adopting later Anglo-American conceptions of the region that stems from the nineteenth century.

<sup>101</sup> Joyce Elizabeth Harman, *Trade and Privateering in Spanish Florida, 1732-1763* (Tuscaloosa: University of Alabama Press, 1969), 40–43.

<sup>102</sup> Susan Lois Pickman, "Life on the Spanish-American Colonial Frontier: A Study in the Social and Economic History of Mid-Eighteenth Century St. Augustine, Florida" (PhD diss, State University of New York at Stony Brook, 1980), 67–71, 155–60.

assignments, and any opportunities to acquire wealth and prestige in Spanish Florida.<sup>103</sup> With the increased reliance on illicit smuggling during the eighteenth century, these elite families lived well above the subsistence level.<sup>104</sup> Newly arrived governors needed to either affirm the status quo or face opposition from the elite, who were infamous for hindering the governorship when it suited their interests.

Governor Francisco del Moral y Sánchez was one such governor who faced the wrath of the local elites while trying to implement new policies to shore up the *presidio*'s defenses. When Moral y Sánchez became governor in 1734, St. Augustine was still reeling from the loss of its mission frontier. The year prior to his installment, James Oglethorpe founded Georgia. Not only did the establishment of Georgia completely end Spanish hope to rebuild an allied indigenous frontier in that area, but it also brought British merchants closer to St. Augustine. These merchants played an important role in Anglo-Spanish territorial struggles, facilitating trade and often acting as unofficial diplomatic go-betweens between Georgia and Florida.<sup>105</sup> They also created rivalries among Spaniards, as officials sought to dominate de jure a trade that creole elites had controlled de facto.

Moral y Sánchez knew the importance of British merchants to the city. To revitalize the *presidio*, he designed new policies to jumpstart the economy, which he hoped would lead to stronger defenses and provide St. Augustine more material wealth to

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<sup>103</sup> Pickman, "Life on the Spanish-American Colonial Frontier," 155; Charles W. Arnade, "The Averó Story: An Early Saint Augustine Family with Many Daughters and Many Houses," *The Florida Historical Quarterly* 40, no. 1 (1961): 1–34.

<sup>104</sup> Pickman, "Life on the Spanish-American Colonial Frontier," 178.

<sup>105</sup> Reigelsperger, "Networks of Diplomacy and Trade in the Contested Florida Borderlands," 511–512.

gift to indigenous allies, who in turn the Spanish needed to harass British colonists. To a lesser degree, Moral y Sánchez also sought to assert his power over the elite families. In addition to requesting that St. Augustine be exempt from taxes such as the *almorifazgo*, Moral y Sánchez set his sights on promoting British merchants.<sup>106</sup> Though smuggling was already common, Moral y Sánchez allowed for more British merchants to openly trade in St. Augustine. This was too much for St. Augustine's leading families who, just one year after the governor's installment, sent a secret letter to the Crown accusing the governor of allowing British ships to trade their goods without requiring customs inspections, arresting his critics, and censuring negative correspondence.<sup>107</sup> There exists no surviving documentation to prove the accusations against Moral y Sánchez. Yet the accusation that the influx of British goods dramatically affected local Spanish profits potentially reveals one of the primary motivations for elite ire. With British goods going directly to St. Augustine's market, elite families lost the ability to profit from illegal smuggling.

To the Crown, always careful not to inquire too deeply about St. Augustine's illicit commerce, open trade with the British proved too much. Moral y Sánchez was arrested in 1737 on eleven separate charges, deposing him from office, after a tenure that lasted only three years. While St. Augustine's elite might have been happy to see Moral y Sánchez removed from office, they did not fight to remove the increased British presence. Instead, they sought to integrate the British merchants into St. Augustine's social structure and British trading firms assigned employees to live in St. Augustine.

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<sup>106</sup> Reigelsperger, "Networks of Diplomacy and Trade in the Contested Florida Borderlands," 512-513.

<sup>107</sup> Reigelsperger, 515.



Often assigned at a young age, these merchants would spend their entire lives in St. Augustine, becoming full residents of the Spanish city while remaining subjects of the British Crown. Moral y Sánchez failed to implement his policies in Florida not because his policies depended on British trading, but because he failed to appease elite local families who were already tapped into illicit trading. Other governors were much more successful in utilizing British trading, both illicit and licit, while not suffering from local politics and interests or Crown consternation. This meant that the British presence in the Spanish *presidio* increased and, more specifically, so too grew the presence of enslaved people of African descent British merchants bought with them who existed outside the scope of the surviving documents of Spanish Florida.

Moving between Ecclesiastical Asylum, Illegible Communities, and Illicit Economies:

Spanish authorities capitalized on the intracolonial movement of people of African descent by tying movement to approved policies encouraging dependency and loyalty. In Florida, fugitives first needed to convert to Catholicism before joining the militia. As mentioned in the opening anecdote, Governor Quiroga y Losada would not return fugitive slaves to the British because they converted to Catholicism, which in turn allowed them to marry and enter St. Augustine's community. Yet despite the centrality of religious asylum and militia service to Spanish attempts to tie fugitive Africans to Florida, these were not the only forms of movement people of African descent used to cross colonial boundaries. It was often through St. Augustine's illicit economy, and the illegible communities that formed as a result, that people of African descent moved across inter and intra-colonial lines. While the previous sections highlight how imperial

authorities reacted to the movement of people of African descent, this section examines how Africans and their descendants moved, literally and figuratively, between imperial, religious, legal, and economic systems to pursue goals both outside the scope of slavery and empire while still cognizant of its effect of their choices.

On a cold January afternoon in 1750 St. Augustine, Florida, a seventeen year-old slave named Yarens Yons was walking through the alley next to the house of Don Pablo de Hita running a stick across the boards of Hita's fence.<sup>108</sup> Though it was the only major European settlement in the region, St. Augustine's status as a military outpost meant that its officially recorded population never reached little more than three thousand people. Thus, it was surprising to Yons when, through the cracks of the fence, he saw a white man he did not know running out of the house of Joseph del Olmo, the city's official French and English interpreter who also worked as a cooper. Yons "knew for a fact" that Olmo was not in the house, and neither was Flores, who "assists there."<sup>109</sup> Yons called out to the strange man, warning him that he saw him running out of the house. The man stopped and asked Yons if he could speak Spanish. When Yons replied that he did not the strange man gestured with a silk bag full of money in his hand and then beckoned Yons to come back to the house with him.<sup>110</sup> Yons could tell that the front door had been

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<sup>108</sup> The name Yarens Yons is sometimes transcribed as Jaren Yons or Jarens Yons in the documents. I believe that this is Spanish transliteration of Aaron Jons or Aaron Jones. Yet because I cannot be more certain about his name, in this chapter I will write his name as it is in the record.

<sup>109</sup> Yons used the term "*mozo*" to describe Flores, which indicated he was a young male servant.

<sup>110</sup> Later Yons said the man was called Pancho. A man named Pancho was detained and put in the stockades with Yons, but it is unknown what happened to him because his testimony was not included in the documents. When pressed about his relationship with Pancho, Yons said that Pancho never used violence to coerce him, "*Pancho no le castigo nunca.*" It is unclear if authorities wanted Yons to implicate Pancho as the instigator of the burglary and theft or if Yons said that Pancho burglarized the house first to better frame his own participation in the theft as happenstance. During the eighteenth and nineteenth centuries authorities often tried to identify white "masterminds" behind nonwhite "conspiracies," and

broken into but still followed the man into the house where the man gestured to an open liquor box. Using sign language, the man indicated that the open box contained money. For reasons known only to Yons himself, Yons took a pouch that looked to be full of money and ran out of the house, jumping over the house's stone fence and then hopping over the neighbor's wooden fence, careful to avoid being seen by guards in the city's barracks. Yons returned to Hita's house and buried the money in the chicken coop. St. Augustine's authorities detained Yons the next morning, placed him in the stocks, and interrogated him until he satisfied the authorities' inquiries.<sup>111</sup>

Yons, and the other people interrogated in this case, were questioned multiple times under the threat of death. Each telling of the events changed slightly. The version mentioned above comes from Yons' second interrogation. To give an idea of how versions differed, in his first interrogation, Yons' said, through his interpreter, that he was walking by the "Marina Gate of Joseph del Olmo's house" and heard a sound in the house. Yons' pushed the door further open, because it was already slightly open, and found Pancho in the house. It is not necessarily the veracity of the testimonies that will steer this analysis. Rather, it is the connections between Yons and the other people involved in the case that are important to highlight as these connections elucidate the trans-colonial relationships formed in St. Augustine outside parish records and militia service. Interrogators often asked leading questions based on their own prejudices and those interrogated would have very important reasons for omitting or including

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nonwhite suspects often used this knowledge to play the part of gullible innocents. For more on this please read Childs, *The 1812 Aponte Rebellion in Cuba and The Struggle Against Atlantic Slavery*.

<sup>111</sup> This case is documented in "Testimonios sobre del robo del Joseph del Olmo," St. Augustine, November 28, 1750, *Archivo General de Indias* (hereafter AGI): Santo Domingo 2584.

information from their testimony. Thus, while Yons' testimonies are slightly different, the events his actions set in motion reveal the more complicated aspects of how people of African descent moved across colonial and city boundaries to form relationships.

Yons and others like him moved throughout the city every day, pursuing goals oftentimes illegible or irrelevant to Spanish authorities. Documents created within the contexts of slavery and imperial rivalries often erased any imprint of Black subjects' personal intentions, overwriting motives, and more importantly relationships, because officials highlighted only the issues that they cared about in their roles as administrators of the Crown's colonies.<sup>112</sup> In Spanish Florida, constantly under British threat yet significantly buoyed by British trade, this meant that authorities always framed any actions, particularly movement across colonial boundaries or within the city undertaken by people of African descent, within the discourse of imperial strategy and local, legal concerns. That is why Yaron Yons, while certainly an important suspect to the Spanish, was not the main person who concerned authorities.<sup>113</sup> Rather it was a free, property owning, cooper named Domingo de Jesús, whose keen understanding of space, both legal and geographic, and international relationships, facilitated the events that occurred after Yons was detained by authorities. Moreover, though authorities were fixated on de Jesús, he was not the only transnational figure in this case with extraimperial connections beyond the city. It was a Spanish-owned slave named Antonio Joseph who connected

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<sup>112</sup> The erasure of personal motive in the documents will be discussed in more detail in the following chapter.

<sup>113</sup> The authorities reprimanded Yaron Yons during his interrogation for possibly blaming Pancho for his current predicament. Yons stated after the reprimand that "he didn't have any feelings for Pancho." "Testimonios sobre del robo del Joseph del Olmo," AGI: Santo Domingo 2584.

Yons' actions to Domingo de Jesús and the other men involved in this case. These men were part of St. Augustine's community but always vulnerable because of their extraimperial connections.

While in the guardhouse and presumably in between interrogation sessions, Yons told Antonio Joseph, working in the guardhouse in his role as a drummer for his slaveholder's military regiment, where he hid the stolen money. Yons begged Antonio to recover the money, offering to split it with him. Later, Yons accused Antonio of not telling him if he had recovered the money, instead only offering Yons "good hopes" that he would take the money. If one believes the testimony provided in the records, Antonio decided instead to take the money for himself and split it between a select group of friends. This left Yons in jail without any hope of seeing the money that he initially stole. Antonio left the guardhouse to tell Francisco Sanson, an Afro-Antiguan enslaved to a South Carolinian merchant named Carlos Veit, about the money and his plan to divide it. While Antonio Joseph recovered the money, Sanson, in turn, proceeded to tell Thomas Hume, who was enslaved to another British merchant, what was happening. Together, they went to the house of Domingo de Jesús, a freedman and a cooper. There they met Antonio Joseph, who had in his possession the now twice-stolen money. After the four men split the money between them evenly, Domingo de Jesús burned the now empty bag to erase any remaining evidence of a crime.<sup>114</sup>

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<sup>114</sup> When pressed on Yons' connection to them, Antonio, Sanson, and even Yons himself, all emphasized that Yons took no part in dividing or keeping the pesos. Taken at face value, the division between Yons and the other men seem like two separate acts, with Yons and Pancho stealing the money first and the other men taking the money for themselves after the fact. However, Yons was the youngest of all the five men at seventeen years of age (Antonio, Sanson, and Hume were 20, 24, and 21 years old respectively. De Jesús' age is not given but he was married and owned property, indicating that he was most likely older than Yons). The other men could have been protecting Yons from further punishment by framing his

Antonio Joseph gave a portion of his share of the stolen money to Sanson, who promised to pass along the money to Antonio Joseph's brother still living in Carolina enslaved to the same owner.<sup>115</sup> Thomas Hume sent a portion of his money to his wife in Carolina separately, hiding it in a bag of sweets on a small ship that left St. Augustine before the men were detained. Sanson, however, was caught hiding the money on the British trading vessel *Isabel*, which was owned by Thomas Hume's enslaver, John Hume. The ship's pilot, who caught Sanson, took all the silver Sanson possessed and put Sanson in prison. Antonio Joseph and Thomas Hume were subsequently brought to the guardhouse and interrogated about their roles in the theft. Domingo de Jesús, however, fled to the city's Franciscan monastery where he sought and was granted ecclesiastical asylum. He stayed in the monastery for several months, until he reached an agreement with St. Augustine's governor to serve manual labor on the royal fortifications as his punishment.<sup>116</sup> This punishment was not indefinite, as records show that he and his family abandoned Florida in the 1764 evacuation during the British takeover and relocated to Cuba, where he farmed tobacco in San Augustine de la Nueva Florida, the newly created *pueblo* Cuban officials designated for Florida's evacuees.<sup>117</sup>

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involvement as only in taking the money "in the company of the white man Pancho," as Antonio Joseph phrased it.

<sup>115</sup> It is not clear if the brother in Carolina had the same owner as Sanson, Hume, or even Antonio Joseph. The scribe, Simon Basquez, recorded Sanson as saying during his second testimony "*el citado Antonio le entrego su parte para que la llevase a Carolina a un hermano suyo esclavo de su mismo amo...*" Moreover, Sanson said in his first testimony that Antonio asked him to send money to two brothers. Antonio's testimony and Sanson's second testimony state that there was only one brother supposed to receive the money in Carolina.

<sup>116</sup> *Ibid.*

<sup>117</sup> "Tazmia de tabaco," San Agustín de Nueva Florida, May 26, 1770, AGI: Papeles de Cuba 1090, fol. 160 verso; Sherry Johnson, "Casualties of Peace: Tracing the Historic Roots of the Florida-Cuba Diaspora, 1763-1800," *Colonial Latin American Historical Review* 10, no. 1 (2001): 91-125.

The interrogators did not press the men as to how they knew each other, yet their testimony and parish records do reveal important intercolonial links. According to their parish records, both Antonio Joseph and Domingo de Jesús lived in Carolina before coming to St. Augustine. Both men could have established a relationship with each other based on their past experiences in British Carolina or could have even met while living in Carolina. Sanson and Hume were connected through Thomas Hume's merchant slaveholder, John Hume, who owned the ship where Sanson attempted to hide the money. Yons said he told Antonio about the money while imprisoned in the stocks. It is not said how Sanson knew Antonio beyond that, nor why he would share the information with him, but if one takes Yons' testimony at face value, one can see Antonio Joseph's strategic trans-colonial and extraimperial thinking at work. Through Sanson's connection to Carolina via the *Isabel*, and Hume's connection to Antonio via John Hume, Antonio could send his portion of the money to family still living in Carolina. Yet to do so, he would need a safe space to discuss the plan and split the money. Hence Domingo de Jesús' house became as an important space for this to occur. Antonio Joseph's trans-colonial connections stitched together the swamps of South Carolina with the streets of St. Augustine. Moreover, Francisco Sanson and Thomas Hume capitalized on the opportunities provided by St. Augustine's illicit trade by establishing relationships with people in two different empires as enslaved mariners and traders.

These men's identities changed in each geographic and legal space they occupied. What was written in the documents was tailored both by the interrogated, to employ certain ideas of faithfulness, subjecthood, or naïve gullibly, and by the officials, who pinpointed certain ideas as markers for potential trouble. Domingo de Jesús's extended

stay at the monastery was not a source of pride for Church officials. The documents that described the theft and subsequent conspiracy to cover it up were contained within a series of letters from don Francisco Xavier Arturo, St. Augustine's Benefited Curate, and don Melchor de Navarrete, Florida's governor, to the Cuban Bishop. Arturo and Navarrete felt that Domingo de Jesús manipulated the asylum process to indefinitely escape the Crown's justice. While Domingo de Jesús resided in the Franciscan monastery, Arturo and the governor pleaded with the Bishop of Cuba to permit de Jesús' removal from Church property. Arturo's and Navarrete's wishes were eventually granted when Jesús agreed to work on royal fortifications as punishment for his complicity.<sup>118</sup> In November of 1750, Governor Navarrete compiled selected copies of Arturo's letters to the bishop with the testimony of Yaren Yons, Antonio Joseph, Francisco Sanson, and Thomas Hume, as well as Navarrete's own notes on de Jesús' refuge in the monastery and subsequent punishment. These items were collected into a report that he then sent to the Spanish Crown.

The case reveals that, first, no matter how rooted people like Domingo de Jesús became in St. Augustine through religious conversion, property ownership, marriage, or other markers of residence, slavery rendered them transnational figures with disperse and dynamic connections beyond the city and empire. Second, the inter-colonial movement of men like Francisco Sanson and Thomas Hume demonstrate that social mobility through military service and ecclesiastical asylum is not the whole story. While Spanish authorities were more than willing to link movement to military service and public

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<sup>118</sup> Domingo de Jesús was specifically charged with receiving the stolen money and covering up the robbery, but not with participating in the robbery. "Testimonios sobre del robo del Joseph del Olmo."



displays of fidelity, these men instead navigated imperial rivalries by capitalizing on opportunities, such as acquiring money for family, provided by the trans-colonial illicit trade that brought them to St. Augustine.

In their testimonies they were not asked what they hoped to do with the stolen money. Authorities only wanted to know *who* took or would receive the money, not why. While focusing attention on the connections between conspirators obscures the conspirators' own internal motivations, it does show that Spanish authorities were quite aware of the relationships between people of African descent that stretched across borders. Authorities hoped to capitalize on these trans-colonial relationships to destabilize British rivals by offering access to religious community via conversion and corporate prestige through militia service, but these opportunities were not offered altruistically. Any Spanish subject of African descent who used their mobility and relationships to pursue goals outside sanctioned activities, such as sending stolen money outside the colony, immediately incurred authorities' suspension.

Domingo de Jesús highlights this tension. He could have been considered a model Spanish subject who escaped Carolina to be a hard-working cooper in Spanish territory learned in the Catholic faith, who possessed a family network spread throughout the city that was documented in the parish records. Yet these very facts were highlighted as problematic and criminal in the record. Both Florida's governor and St. Augustine's priest expressed their frustration at de Jesús' use of asylum, the very asylum available to him through the conversion the Crown offered fugitives to escape British enslavement. De Jesús' connections, made in South Carolina and in St. Augustine, worried officials who normally encouraged intercolonial mobility if it meant undermining the British, but

feared their borders were too porous when people of African descent crossed them to undertake actions not approved by Crown policy. Moreover, Sanson and Hume also underline the Janus-faced actions of authorities. Both men were in St. Augustine because of illicit trade, but the Crown and officials often ignored the magnetic pull of economics for people of African descent when considering how to capitalize inter-colonial mobility, instead concentrating on how information about religious asylum in Florida could be spread to South Carolina and Georgia.<sup>119</sup> Those of African descent who capitalized on the illicit trade immediately aroused the suspicions of authorities, even though authorities were more than willing to let elite white creoles to benefit from the trade.

Herein lies the issue when considering the intra- and inter-colonial mobility of people of African descent in Spanish Florida. Most information about people of African descent in St. Augustine is derived from documents produced by the governor, parish records, incomplete city records, and the few documents created by Africans and their descendants, such as Francisco Menéndez's *mérito*. Due to this, Black society in Spanish Florida is often viewed through the lens of military affairs, foreign policy, and religion. Yet there also existed an undeterminable number of Africans and their descendants who operated within both Spanish and British worlds who are, either through choice or circumstance, not visible in these types of documents. This does not mean that they were peripheral in consequence. The presence of men like Thomas Hume and Francisco Sanson, enslaved to British merchants operating in the "closed" port of St. Augustine, show both the porousness of imperial boundaries and how British slaves often

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<sup>119</sup> Landers, "Spanish Sanctuary: Fugitives in Florida, 1687-1790," 298.

interacted with free and enslaved people of African descent in St. Augustine. Conversely men like Domingo de Jesús and Antonio Joseph made alliances with other people of African descent, regardless of their legality or origins. Altogether, men and women like Yaron Yons, Antonio Joseph, Thomas Hume, Francisco Sanson, and Domingo de Jesús actively navigated inter- and intra-colonial boundaries to achieve goals both within and despite the context of the shadow of slavery and Spanish attempts to control their movement.

#### Asylum Revisited:

Looking back at the beginning of Florida's fugitive policy, although Quiroga y Losada in 1688 did not return the fugitives who wanted to convert to Catholicism that arrived in Florida back to Carolina, he also did not automatically manumit them. He assigned them to residents of the town that worked similar jobs as the freedom seekers.<sup>120</sup> It is unknown if they continued to press for manumission, but even if they did, no surviving record of it has been recovered. They came to Florida to escape British enslavement but were not automatically manumitted, instead seen as weapons to be used against the British by Spanish authorities. Moreover, both the 1687 and 1733 decrees highlighted their importance to society to underscore their utility to the community. As Governor Quiroga y Losada pointed out in 1687 when the South Carolinian slave owners demanded the return of their slaves, the fugitives were already successfully employed and

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<sup>120</sup> Landers, 297–98.

married, which meant the freedom seekers possessed a new identity rooted in the local, Spanish community.<sup>121</sup>

Moreover, the governor also noted they feared for their lives, an important point in requesting asylum.<sup>122</sup> While there was certainly the threat of retaliatory violence if returned to the British, fugitive Africans and their descendants still knew to invoke fear as a reason for requesting asylum. Indeed, the constant stream of fugitives escaping to Florida who knew not only to ask for asylum but to give specific reasons demonstrates how widely information circulated throughout the Caribbean, the American southeast, and between different empires.<sup>123</sup> This “common wind” of information spread via sailors, both free and enslaved, who were vital to merchants in every empire.<sup>124</sup> As noted before, despite constant tension with its British neighbors, St. Augustine was reliant on British merchants operating illicitly in the city, and the slaves British merchants brought with them could not only form relationships with those that lived legally free in the city, but also exchange news and information about the finer points of Spain’s fugitive and asylum practices.

Indeed, Thomas Hume said in his testimony that Francisco Sanson told him about Yons’ theft and the plan to split the money in the kitchen of the house that Hume and his

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<sup>121</sup> Jane Landers, “Spanish Sanctuary: Fugitives in Florida, 1687-1790,” 297-298

<sup>122</sup> Landers, “Spanish Sanctuary: Fugitives in Florida, 1687-1790,” 298.

<sup>123</sup> No lawyers lived in Spanish Florida during the First Spanish Period. Priests most often served as legal intermediaries for legal situations, though usually on issues relating to the Church, such as ecclesiastical asylum.

<sup>124</sup> Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution*; Bolster, *Black Jacks*. Using Julius Sherrard Scott’s framework to reevaluate slave rebellion in nineteenth century Cuba, Aisha Finch stresses the importance women and non-elite men in spreading anti-slavery information and other revolutionary rhetoric. Finch, *Rethinking Slave Rebellion in Cuba*, 4, 222.

slaveholder lived. Hume said that his owner, John Hume, was away at work, giving a clue at how familiar it was for the two men to share news with each other outside the sight of British, or Spanish, ears. The importance of “safe spaces” to exchange news speaks to the importance of places like Domingo de Jesús’ house and Fort Mose. Places owned and operated by people of African descent were natural spaces for information to be exchanged amongst travelers, who could form relationships with people in every city they traveled to away from the prying eyes of the slave owning elite. Hume, Sanson, de Jesús, and Antonio Joseph may have known each other because of their Carolina connection, but they fostered their relationships by using these spaces.<sup>125</sup>

After Quiroga y Losada started the practice, governors commonly assigned fugitive slaves to residents throughout the city, based on the fugitives’ skills. While fugitive slaves may have known about Spain’s asylum laws, the burden was still on them to actively pursue manumission. Illicit trade allowed friendships and information pathways to be forged in the city among the many fugitive slaves were not automatically granted freedom upon entering Spanish Florida. On June 10, 1738, a group of “*los Negros fugitivos de los Plantages de Yngleses*” wrote to the Spanish Crown detailing how they repeatedly asked for their liberty, only to have Governor Montiano grant it much later and only after promising to establish a place outside the city where they could cultivate the land and serve the king against the British. This place would eventually become *Gracia Real de Santa Teresa de Mose*.<sup>126</sup>

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<sup>125</sup> “Testimonios sobre del robo del Joseph del Olmo,” AGI: Santo Domingo 2584.

<sup>126</sup> Irene A. Wright, "Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Gracia Real de Santa Teresa de Mose, Florida," 146.

Providing spaces for all-Black communities was not unique to Florida. Often Spanish authorities would grant *pueblo* status to maroon communities in Cuba, Santo Domingo, Columbia, and other places throughout the Caribbean and South America when they tired of failing to eliminate maroon settlements. Yet, there was a price for imperial recognition of *pueblos de negros*. In addition to agreeing to aid the Spanish in repelling invasions from European rivals, the newly recognized *pueblos* would also agree to send their militia to capture fugitive slaves.<sup>127</sup> In Florida, the militia at Fort Mose was established to fortify the frontier against an encroaching British threat and to ensure that the growing population of former African-descended fugitives would not revert to their former Protestant or African “superstitious” ways.<sup>128</sup> Forming a legible community in Spanish Florida carried the price of extra scrutiny and policing from authorities.

Additionally, the fugitive asylum decrees offered a path to manumission, but it was not a proactive path. It was people of African descent who pressured St. Augustine’s governors to grant them manumission, often facing resistance from the city’s slaveholders. On May 31, just ten days prior to the “*Negros fugitivos de los Plantages de Yngleses*” arriving requesting manumission, Governor Montiano wrote to the Crown that fugitive slaves from English colonies (presumably a separate group) appeared before him to demand their liberty on the strength of the Crown’s royal *cédulas*. While he did grant their request, the residents of St. Augustine protested the governor’s decision.<sup>129</sup>

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<sup>127</sup> Graubart, “On Being Disciplined and Counted in the Early Modern Circum-Caribbean”; Brown, *Tackys Revolt: The Story of an Atlantic Slave War*.

<sup>128</sup> Jane Landers, “Social Control on Spain’s Contested Florida Frontier,” in *Choice, Persuasion, and Coercion* (Albuquerque, N.M.: University of New Mexico Press, 2005), 32–33.

<sup>129</sup> Wright, “Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Gracia Real de Santa Teresa de Mose, Florida,” 146.

Fugitives needed to carve out spaces, find time, and forge relationships that would allow them to demonstrate to the governor that they met the requirements for manumission, which was conversion to Catholicism (proven by reciting catechism and being baptized into the Church) and, for the men, entry into either the *moreno libre* or *pardo libre* militia. This is important as it created a group of people living in St. Augustine who were fugitives from British colonies, kept in slavery by Spanish officials, yet in the process of converting to Catholicism to gain manumission. While records detailing manumission earned through military service and conversion show how people African descent earned freedom, they also obscure the people who were still trying to enter the city's religious and secular communities as well as those who never chose to engage in legal or religious litigation to receive manumission.

The decision to not enter the records was either due to timing, if something occurred while someone was in the process of learning catechism, or deliberate, if someone chose not to engage with authorities. As James Sweet reminds historians, "By remaining bound to European colonial logics, scholars ignore the thousands of Africans who operated at the boundaries of European ideas and institutions – those who barely, if ever, learned European languages, customs, or ways of being."<sup>130</sup> St. Augustine's priests often visited Fort Mose to regulate the community's religious life and became frustrated at the "bad customs" the new converts displayed, such as continuing to pray in their native African languages. While priests bemoaned the lack of total assimilation to

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<sup>130</sup> James H. Sweet, "Reimagining The African-Atlantic Archive: Method, Concept, Epistemology, Ontology," *The Journal of African History* 55, no. 02 (May 29, 2014): 153, <https://doi.org/10.1017/S0021853714000061>.

Spanish norms, the residents of Fort Mose, particularly those who were born in Africa, continued their “bad customs” despite Spanish policing. Moreover, Francisco Sanson and Thomas Hume chose not to take advantage of Spain fugitive asylum laws, despite seeing the benefits it afforded Domingo de Jesús, who could own property and take refuge in the Franciscan monastery to escape immediate detention by authorities. They were entered into the record as “slaves,” but they were clearly influenced enough by the opportunity to earn money, through both legal and illegal means, that occurred by maintaining relationships across imperial borders. Antonio Joseph also served in the militia as the drummer in his slaveholder’s militia unit. Militia service to him was not a means to gain manumission, but the state of his enslavement. Yet his transnational relationships to Hume and Sanson, both of whom would not be in the written record if it were not for the stolen money, existed outside the realm of the parish records and his militia service.

Spanish officials used conversion and militia service to root people of African descent to Florida. Conversion and militia service to people of African descent, however, was only one aspect of their lives. To those who chose to enter into the record did so to increase their social standing in society or to establish a “safe” space away from the Crown’s or British gaze. While engaging with the Church was the primary way to achieve this, other avenues, such as property ownership also offered physical spaces to achieve goals not always legible to, and sometimes deemed illegal by, authorities.

In 1735 the auxiliary Bishop of Cuba, don Francisco Buenaventura visited St. Augustine to ensure its priests kept racially segregated parish records.<sup>131</sup> While the

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<sup>131</sup> “Libro 1, de los pardos,” November 1735 - January 1763 EDDSA (Accessed through SSDA), Images 5-6.



records only marked those who participated in Catholic rites, they still provide a rough estimate of the city's demographics. Moreover, while the priests and scribes were not consistent with their terminology and biographical information of those that were included in the parish records, priests would occasionally include the baptism of someone of African descent in a book for white Spaniards and creoles, analysis of these records does reveal certain trends about the movement of people that priests determined to be of African descent.<sup>132</sup> As mentioned earlier, between 1735 and 1763, 843 free and enslaved *negros*, *chinos*, and *indios* were baptized in St. Augustine and recorded in a segregated book of baptisms and explicitly designated as being from Carolina. Expanding the parameters to any British territory, 114 men and women were baptized in St. Augustine while being explicitly linked to the British.<sup>133</sup> Due to the absence of notary records from the first Spanish period, it is unknown how many of these men and women were fugitives who found freedom in Spanish Florida. Regardless, these men and women traveled across intercolonial boundaries in direct violation of British law, presumably to seek manumission in Florida. What is more, by entering into the ecclesiastical record, they were making themselves visible and legible in a community, which gave them ties to elite

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<sup>132</sup> Robert Jackson, in his study of indigenous baptisms in colonial Mexico and Bolivia, argues that race-based designations in parish records were dependent on priests' perceptions of legal definitions and familiarity with parishioners' heritage. In other words, that racial distinctions in parish records are subjective and not self-evident. Jackson, *Race, Caste and Status. La Florida: The interactive database of the Americas* is currently researching the often contradictory and obscure record keeping of St. Augustine's parish records to understand fluctuations in racialized language.

<sup>133</sup> "Libro 1, de los pardos," November 1735 - January 1763, EDDSA (Accessed through SSDA). While this figure may not seem significant, this data is only drawn from baptisms and specifically refers to those who were baptized and does not consider the biographical information of the baptized's kin. Marriage, confirmation, and death records also contain people of African descent who escaped slavery in British colonies. Research is currently underway by the author to identify all people of African descent living in St. Augustine who were recorded in St. Augustine's parish records for the eighteenth-century. Later chapters will provide more comprehensive information for all mentioned in a recorded entry.

members of society through *compadrazgo* (godparentage), protections against British re-enslavement, possible access to basic education, and time to learn Spanish and thus further tie themselves to Spanish society. Becoming legible Spanish subjects gained them privileges of subjecthood, which meant the ability to submit *meritos* to the Crown, earn pensions for militia service, and the ability to own a home.<sup>134</sup>

Through their movement across colonial boundaries, they exercised their autonomy and their humanity. While scholars often associate physical movement with social mobility through manumission and militia service, many of these men-- and, obviously, women-- did not serve in the black militia. Instead, they used the skills they learned before coming to Florida to forge new lives. They still sought freedom, but not within the confines of the royal decrees, which only offered military service as the path to freedom. Among the 94 black men and women from Carolina that were baptized in St. Augustine between 1735 to 1763 was Domingo de Jesús, the only conspirator who was free and owned property both within the city and in Fort Mose. It is unknown how or why he came to St. Augustine, but on February 10, 1749, he was baptized into the Catholic Church along with his wife, Maria del Rosario.<sup>135</sup> While his baptismal record reveals that he was originally from Carolina, it is unknown if he was a former slave who sought freedom in St. Augustine using the royal decrees. Even so, the Carolinian connection tied

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<sup>134</sup> Landers, *Atlantic Creoles in the Age of Revolutions*, 41–43. David Stark in his analysis of parish records in eighteenth-century Puerto Rico found that entry into the Church signaled to the community that one was financially stable and mature enough to start a family. Many who became godparents soon became married and had children shortly after. David M. Stark, “Ties That Bind: Baptismal Sponsorship of Slaves in Eighteenth-Century Puerto Rico,” *Slavery & Abolition* 36, no. 1 (January 2, 2015): 84–110, <https://doi.org/10.1080/0144039X.2014.935127>.

<sup>135</sup> “Libro 1, de los pardos,” November 1735 - January 1763, EDDSA (Accessed through SSDA), Image 166. According to her entry from the same document, Maria del Rosario was from Jamaica.

Domingo de Jesús to the other conspirators, even though de Jesús was the only freedman of the group. In a city where one out of every ten baptized black adults had a connection to Carolina, it is not unreasonable to assume that people like Domingo de Jesús would use that connection to foster relationships with others from Carolina, like Thomas Hume or Antonio Joseph, or with Sanson, who was not from Carolina, but owned by a Carolinian slaveholder named Carlos Veit.

Beyond maintaining extraimperial relationships, Domingo de Jesús was also quite apt at negotiating St. Augustine physically and legally, which made him an ideal participant in the smuggling conspiracy. It was in his house that Antonio Joseph, Sanson, and Hume met to divide the money. And it was Domingo de Jesús, according to the testimony of the other men who said it under threat of torture, who destroyed the bag to erase any evidence of the theft.<sup>136</sup> Domingo de Jesús was one of the several black men in the city to own property within the city's walls. St. Augustine was a cosmopolitan community, and it is reflected to a minor extent in property ownership in the city and Fort Mose.<sup>137</sup>

Most of these Black property owners served in the free black militia. Yet there were some, such as Domingo de Jesús, who did not serve in the militia and were still able to acquire property. Historian Charles Arnade in his study of the Avero family, a prominent family that resided in St. Augustine for several centuries, demonstrated how

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<sup>136</sup> "Testimonios sobre del robo del Joseph del Olmo," fol. 72r.

<sup>137</sup> T.E. Bryant, "Between Two Empires: Life in Mid-Eighteenth Century St. Augustine on the Eve of Evacuation" (Masters Thesis, St. Petersburg, Florida, University of South Florida St. Petersburg, 2017), 140; Landers, *Black Society in Spanish Florida*, 59, 261–63; Pickman, "Life on the Spanish-American Colonial Frontier."

intricate kin-networks in St. Augustine could be traced through property, marriage, and baptismal records.<sup>138</sup> Tracing these connections also reveals important geographic connections, especially for highly mobile people such as the ones in this case.

While the lack of notary records for the first Spanish period makes it impossible to determine with any certainty how common renting was in St. Augustine, elite families in the city often housed foreign merchants to facilitate friendly business connections between the family and the company.<sup>139</sup> Though Domingo de Jesús would not have received the same privileges that members of the free Black militia received, the fact that he was one of the few property owners of African descent does imply a higher social status within the community.<sup>140</sup> More specifically his property afforded to people of African descent a “safe space” where they could conduct their business in relative privacy. This space was not only for other residents of the city, but also allowed people who did not live in St. Augustine, such as Sanson and Hume, to meet, make plans, and to carry out their goals. Viewing property ownership not only as a status marker, but also as a hub for trans-colonial connections, allows for a deeper understanding of who helped foster inter-colonial connections and where in the city these connections took place.

In addition to property ownership, Domingo de Jesús was also active in St. Augustine’s religious networks, which played a major role in the lives of the city’s residents. Landers argues that baptism was the most effective path for people of African

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<sup>138</sup> Arnade, “The Avero Story: An Early Saint Augustine Family with Many Daughters and Many Houses.”

<sup>139</sup> Robert L. Gold, “That Infamous Floridian, Jesse Fish,” *The Florida Historical Quarterly* 52, no. 1 (1973): 1–17.

<sup>140</sup> For more on the privileges men of African descent received via militia service during the eighteenth century please refer to Vinson, *Bearing Arms for His Majesty*.

descent to enter Spanish society and elevate their standing within it through godparentage and access to opportunities such as education (for children), service in confraternities, and access to ecclesiastical asylum.<sup>141</sup> Yet social mobility and rootedness, via religious community, did not mean that Afro-descendants severed all trans-imperial ties. Antonio Joseph, who also was baptized into the Church, maintained his connections with Sanson and Hume presumably outside the context of his new religion. Domingo de Jesús looked like a model subject to authorities as he quickly acclimated to St. Augustine's parish system, becoming a godfather to several children in the city and fostered relationships with other residents who served as godparents to his daughters.<sup>142</sup> It is unknown if his baptismal connections helped him buy property in the city, but between his city property and his property in Fort Mose, it is easy to assume that he held a somewhat prestigious position in St. Augustine's society.<sup>143</sup> Yet his status as a respected member of the city did not fully eliminate the suspicion he faced and courted by being part of a robbery. His social mobility, based in part on his physical mobility, put him in a precarious position as his connections with other people who traveled across empires made him a threat in the eyes of Spanish officials.

Going deeper, Domingo de Jesús's navigation of St. Augustine's religious infrastructure is most apparent during the 1750 theft and smuggling conspiracy. As a member of the Catholic Church, Domingo de Jesús was entitled to its protections, both religious and legal. One of the foremost legal protections the Church offered was

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<sup>141</sup> Jane Landers, *Atlantic Creoles in the Age of Revolutions*, 40-43.

<sup>142</sup> "Libro 1, de los pardos," November 1735 - January 1763, EDDSA (Accessed through SSDA).

<sup>143</sup> For more on Domingo de Jesús's Fort Mose property, please reference Appendix 5 in Jane Landers' *Black Society in Spanish Florida*.

ecclesiastical asylum, which Domingo de Jesús sought and was granted when his fellow conspirators were captured and interrogated by St. Augustine's officials. Ecclesiastical asylum was a judicial fixture throughout the Spanish empire, with Carlos II codifying it in 1680 with the *Recopilación de leyes de los reynos de las Indias*. While there were many stipulations regulating its use, one of its primary purposes was to function as a brief "cooling off" period so that judicial officials could gather facts about a crime and not rush to punishment.<sup>144</sup> In St. Augustine, however, those who were granted asylum enjoyed longer reprieve from discipline than was normal compared to the rest of the empire. St. Augustine was a *presidio*, meaning that there were no trained judges present in the city. It was Florida's governor, usually a lifelong soldier, who investigated crime and served as judge. Conversely, many within St. Augustine's clergy received university training that enabled them to employ legalistic language that prolonged asylum cases. In St. Augustine, ecclesiastical asylum did not just serve as a brief cooling off period but to avoid corporal punishment and to shorten sentences, which often further exasperated the centuries-long rivalry between the clergy and the governors over whose jurisdiction, and ultimately political power, reigned supreme in the colony.<sup>145</sup>

Though Domingo de Jesús was a member of the Church for only one year before the robbery was committed, it appears as if he knew his rights well enough to utilize ecclesiastical asylum to avoid interrogation, in which torture was often employed, and

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<sup>144</sup> Robert L. Kapitzke, *Religion, Power, and Politics in Colonial St. Augustine* (Gainesville: University Press of Florida, 2001), 98–101.

<sup>145</sup> Kapitzke, 103–4; For more on the jurisdictional rivalry between St. Augustine's clergy and governors, please read Robert L. Kapitzke, "The 'Calamities of Florida': Father Solana, Governor Palacio Y Valenzuela, and the Desertions of 1758," *The Florida Historical Quarterly* 72, no. 1 (1993): 1–18.

extended punishment.<sup>146</sup> This could have been the result of effective training given to him during conversion to Catholicism, or evidence of knowledge contained on the “common wind” that he heard in his life in Carolina or any of the other place he lived before Florida.<sup>147</sup> Church property was considered sacred, but its sacredness was measured in material terms, as church protection was extended to the grounds within forty paces of cathedrals and to thirty paces of lesser churches and convents.<sup>148</sup> The Franciscan convent Domingo de Jesús sought refuge in was a religious and judicial symbol representing safety that was overlaid onto the physical features of St. Augustine’s topography.

Domingo de Jesús successfully navigated asylum both physically and symbolically. Not only did he physically navigate St. Augustine’s urban environment to avoid capture, but he also utilized the legal protection offered by the church. The moment he gained asylum the convent’s space transformed into a refuge that protected him from the governor’s reach. Moreover, his successful use of ecclesiastical asylum indicates how people of African descent used religious legal systems for their own gain, claiming space within a Spanish Bourbon empire that sought to use religion as means to control the lives of African-descended people.<sup>149</sup>

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<sup>146</sup> Interrogation was a violent process. In the recorded interrogations Francisco Sanson, was “severely punished” for withholding details about the robbery and was threatened with execution if he did not reveal the total truth. “Testimonios sobre del robo del Joseph del Olmo,” fol. 74r.

<sup>147</sup> Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution*.

<sup>148</sup> Kapitzke, *Religion, Power, and Politics in Colonial St. Augustine*, 103–4.

<sup>149</sup> Chapters 2 and 3 will investigate the relationship between identity, control, and religion in more detail.

## Conclusion:

This chapter examined two separate but closely connected types of inter- and intracolony movement in Spanish St. Augustine: inter-colony movement linked with military policy and intracolony movement linked with the forging and maintenance of illicit connections. The flight of Africans and their descendants from British plantations to Florida was central to broader imperial tensions of the first half of the eighteenth century, particularly the rivalry between Spain and Britain. Spanish authorities capitalized on this movement by legalizing and commandeering it, connecting military service to manumission, and then putting Black militiamen and privateers on the front lines against British incursions. Yet Black men and women were not mere pawns in the schemes of monarchs and royal governors. They keenly knew how their movement incited conflicts in the region and used these conflicts to their advantage.

Moreover, men and women of African descent should not be understood within Florida's military context alone. Just as the city depended on and used illicit trade to survive and thrive, so too did free and enslaved merchants, soldiers, and craftsmen. British traders often brought enslaved men who used their situations to forge and maintain relationships with free and enslaved men and women in Florida. These relationships were often illegible in surviving documentation, yet they were important to the pursuit of goals both within the context of slavery and despite the institution. More legible forms of community and movement also helped foster these goals. Property ownership—and presumably residence not captured in the records—provided spaces where friends and acquaintances could meet and discuss their goals outside the suspicious imperial gaze. Entry into St. Augustine's religious community could formalize these



relationships and, more importantly, offer protection to people in need who knew how to navigate the city's physical and symbolic boundaries.

Africans and their descendants' inter- and intracolonial movement was crucial to the evolution of Spanish fugitive policies, yet many people of African descent operated in the city to pursue goals outside the command of officials. Such movement did not sever but sustained ties formed by Africans and their descendants with one another from South Carolina to Florida, and Florida to the Spanish Caribbean. This chapter established imperial authorities knew that mobility fostered connections, and instituted policy designed to harness movement to its own purposes. The following chapter will shift its lens to examine colonial Cuba during the 1740s to better understand how authorities, still operating at the intersection of foreign policy, smuggling, and religion used legal and religious documents to impress upon mobile Africans stable categories of identities likewise in line with its imperial aims.

## CHAPTER TWO

### Persons of *Mala Entrada* and *Descamino de Varios Negros*: Creating Legible Imperial Subjects in Cuba Amidst Fears of British Invasion

“Asked by your mercy through an interpreter what was his motive to want to be among the Spanish and if he was devoted to embrace the Catholic religion / he said that he gave himself to this land to live with the Spanish because if returned to Jamaica he’d be hanged and that whether to embrace the Catholic religion the interpreter said he was not satisfied...”

~ Céspedes to Don Gregorio Rosales y Osóres, via Francisco de la Buelga, 1745<sup>150</sup>

Spanish officials throughout the empire went to great lengths to police the inter- and intracolony mobility of its subjects. Yet people were still highly mobile. Their persistent mobility, particularly the mobility of Africans and their descendants, reveal the tension within Spanish imperial policy, which encouraged fugitive religious asylum but also policed the most common types of mobility that could lead to it. To better understand this tension, the following chapter examines depositions from five cases that intertwined concerns over smuggling with investigations into *descamino de negros* and *de mala entrada*.<sup>151</sup> These cases were completed between 1743-1747 and all took place in Puerto del Príncipe (modern day Camagüey, Cuba).

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<sup>150</sup> “preguntado por su merced por medio del ynterprete qual fue el motivo por que quiso benirse entre los españoles y si asido el de abrazar la religion catholica = dijo que el que darse en estas/ tierra pasa vivir con los españoles porque si bolviera a jamaica lo ha horcarian y que en quanto abrazar la religion catholica dijo el ynterprete que no satisfacía...” “Testimonio de autos obrados sobre un negro bozal de nacion conga e que hallo perdido en uno e los embarcaderos de la costa del sur de esta jurisdiction...., “1745, AGI: Santo Domingo, 503: f. 8v-9r.

<sup>151</sup> A literal translation of *descamino de negros* and *de mala entrada* is “seizure of Blacks” and “of bad entry.” The word *descamnio* refers to something, or in this case someone, that is smuggled as an illicit product. However, as will be discussed later in this chapter, *descamino* derives from the infinitive verb *descaminar*, which can mean to be led astray or to wander. While several of the people investigated in these cases did arrive to Cuba through the illicit slave trade, several others were only assumed to be by the apprehending officials, who could not immediately determine their “owner.” The cases under examination

In examining these investigations this chapter shows how authorities affixed stable, binary legal categories onto people of African descent to erase any perceived issues their mobility raised that could undermine a colonial society dependent on enslaved labor. These cases demonstrate that officials perceived movement through a free/unfree binary (marronage vs slave trade) lens which did not always match the illegible motivations of those under investigation. Any questions of marronage and illicit trade were raised by Spanish officials because that made sense to them. Authorities' suspicions were raised when they approached people of African descent found in unsanctioned places because their motivations were not clearly known to the officials. Moreover, these investigations served as a form of recaptivity for people of African descent who were apprehended because officials could not understand the reason for their mobility and so deemed it illegal.<sup>152</sup>

One case that highlights this underlining tension occurred on 20 April, 1745, when Don Gregorio Rosales y Osoreo, Captain of the Almansa Dragoons, Deputy to the

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are found in "*Testimonio de autos formados en la villa de Puerto Principe sobre descamino de varios negros y ropa de ilícito comercio. Isla de Cuba*," Santo Domingo 503, AGI, Seville, Spain. These cases indexed in the archive alongside investigations into smuggled clothing. Moreover, several cases of *descamino de negros* and *mala entrada* stemmed from a larger investigation into suspected smuggling operations in the region.

<sup>152</sup> I find Sharla Fett's insightful work on "recaptives" helpful in destabilizing static notions of "freedom" and "unfreedom." These *descamino de negros y de mala entrada* investigations were "just one phase of dislocation within an extended process of upheaval, terror, and physical deprivation." The people under investigation "experienced the breaking and remaking of their social worlds many times over, in shifting familial, labor, and commercial contexts" both before, during, and after time in Cuba. Sharla M. Fett, *Recaptured Africans: Surviving Slave Ships, Detention, and Dislocation in the Final Years of the Slave Trade* (Chapel Hill: The University of North Carolina Press, 2017), 8. Moreover, Pablo Miguel Sierra Silva's work on the experiences of captive Afro-Mexican during piracy raids in seventeenth century Caribbean was also helpful in applying Fett's work to these cases. Pablo Miguel Sierra Silva, "Afro-Mexican Women in Saint-Domingue: Piracy, Captivity, and Community in the 1680s and 1690s," *Hispanic American Historical Review* 100, no. 1 (February 1, 2020): 3–34, <https://doi.org/10.1215/00182168-7993067>.

Cuban Governor, and Captain of War for the village of Santa María del Puerto del Príncipe, Cuba, initiated hearings to understand how a runaway named Céspedes, described as a “*negro bozal*,” escaped his Jamaican slaveholder and found himself in Cuba.<sup>153</sup> After questioning the two men who apprehended and brought Céspedes to Rosales y Osore’s attention, he finally called forth Céspedes to testify, asking an English resident in the village named Miguel Diaz to interpret for Céspedes. Rosales y Osore asked Céspedes very pointed questions about his connection to Jamaica (Céspedes was owned by a Jamaican ship captain), how he came to Cuba (working on a Bermudian trader’s ship), his purpose for escaping (the Bermudian ship’s captain was very abusive), and “what was his motive to want to be among the Spanish and if he was devoted to embrace the Catholic religion?”<sup>154</sup> To this Céspedes responded that if he returned to Jamaica he would be hanged. To the question of religion though, the scribe only wrote “*y que en quanto abrazar la religion catholica dijo el ynterprete que no satisfacía.*” In other words, his motive for embracing Catholicism, which would have given him a legal reason to claim asylum, was unsatisfactory.<sup>155</sup> Due to the use of the third person, it is difficult to know if it was the interpreter or the scribe, Francisco de la Buelga, who was not satisfied with Céspedes’s response.<sup>156</sup>

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<sup>153</sup> “*Testimonio de autos obrados sobre un negro bozal de nacion conga...*” AGI Santo Domingo 503, n.14a. Céspedes’s name was not entered into the record until the end of the investigation, when Céspedes himself testified before Rosales y Osore. Until then Céspedes was only referred to as “*el negro bozal*.” It is not clear if the name Céspedes, which means lawn or grass, is a Spanish rendering of an African name or was a sobriquet.

<sup>154</sup> “*Testimonio de autos obrados sobre un negro bozal de nacion conga...*” AGI Santo Domingo 503, n.14a.f. 8v.

<sup>155</sup> For more on how religion was used to claim ecclesiastical asylum in Cuba, please read Bretones Lane, “Free to Bury Their Dead.”

<sup>156</sup> Moreover, it may have been Céspedes who did not feel comfortable answering the question. It is important to remember that while Spanish officials often granted religious sanctuary to fugitive freedom seekers who

The unusual remark about Céspedes’s “unsatisfactory” desire to become Catholic and part of the Spanish empire suggests that Rosales y Osoreo did not use this investigation to simply understand why Céspedes was in Cuba. Just as the use of the third person obscures who effaced Céspedes’s answer in the written record, using these investigations to understand Afro-descended people’s motivations for crossing inter- and intracolonial lines is difficult because officials used these investigations to answer their own questions about such movement. Céspedes’s investigation, and others like it, were deliberately designed to 1) identify possible British smuggling hotspots in the region, 2) identify people of African descent who were not obviously enslaved or free, and 3) determine if such people were eligible to be part of the Spanish empire, to, in the words of Tamar Herzog, establish the framework of identification used to process who could claim certain rights and duties in the community.<sup>157</sup> These investigations into *personas de*

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requested baptism into the Catholic Church, that did not mean that officials fully believed the authenticity of the conversations after the fact. Recall from the previous chapter that the governor of Florida often complained that those who lived in Fort Mose practiced “African superstitions” while at the same time he lauded their loyalty to the Spanish Crown. People of African descent throughout the Caribbean and broader Atlantic world knew of Spain’s religious asylum policies. Many of those who sought to gain freedom using the policies genuinely wanted to convert to access *compadrazgo* (godparentage), the social prestige of militia service, or even to participate in important birth and death rites. Yet while Catholicism offered people of African descent opportunities to navigate Spanish society, that did not mean that all wanted to be Catholic. According to Céspedes, he spent most of his life in the British Caribbean after being taken as a “young boy” from Guinea, meaning that he could have devoutly practiced any number of Protestant faiths or did not follow any European religion. The decision to “convert” to Catholicism may have been a pragmatic choice Céspedes made to gain asylum in Cuba but not a desirable one that reflected his own personal beliefs. Thus, when Rosales y Osoreo asked Céspedes if he wanted to embrace Catholicism, Céspedes may have recited a statement of affirmation that he believed authorities wanted to hear while Rosales y Osoreo, Miguel Díaz, or Francisco de Buelga flagged such an answer as sounding inauthentic.

<sup>157</sup> Herzog argues that notions of belonging in the “Spanish community” worked along an axis of assimilation that authorities used to determine which immigrants “were willing to integrate themselves into the community and take on both the rights and duties of membership, and those who were not.” Moreover, when the “Spanish community” grew as the Spanish empire expanded, people used the terms of *vecinidad* and *naturales* to justify the rejection of “bad” immigrants (for example enslaved Africans) while welcoming foreign vassals and Catholics. Herzog writes that “Distinguishing good from bad immigrants involved defining good and bad and determining who had the authority to decide these issues. It was in this realm, of believing or not the good intentions of migrants and making their integration easier or harder, that most debates took place.” Examining these cases of *mala entrada* and *descamino* using Herzog’s

*mala entrada* or *descamino de negros* were attempts by Spanish officials to ascribe to people of African descent, assumed by imperial authorities to be “unclaimed,” legible legal personalities to prove that they “properly” assimilated to the Spanish empire through language and religion. Yet deeper dynamics were at play. While the investigations reveal how authorities strove to implement legible legal categories, they also show that people of African descent, through their movement, displayed more complex, fluid motivations and goals that often defied the imperial logic.<sup>158</sup>

While the previous chapter focused on the importance of imperial rivalry, religion, and smuggling to intercolonial movement of people of African descent and Spanish officials in Florida, this chapter tightens its focus to understand *how* Spanish officials used these three ideas to exclude or incorporate highly mobile people of African descent into Cuban society. Unlike Spanish Florida, which never developed large-scale plantations dependent on the enslaved labor of people of African descent in the early eighteenth century, Cuba’s ranches, plantations, and large urban centers relied extensively on enslaved people to function. Officials in Florida saw highly mobile Africans and their descendants as potentially useful in protecting the colony against

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arguments, this chapter pays particular attention to how authorities assigned “good” or “bad” characteristics to Afro-descended people so that they could later show proof that they assimilated to Spanish mores. Tamar Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (Yale University Press, 2003), 1–2, 6.

<sup>158</sup> The term “identity” has been critiqued by scholars Rogers Brubaker and Fredrick Cooper as being used to mean too many things and too encumbered by its own reifying connotations. To avoid using the term “identity” as a catchall without having a precise definition, in this chapter I will use the terms “legal personalities” (which is defined in Chapter One of this dissertation and will be discussed in more detail later in this chapter), legal categorizations, or to reference the internal motivations and goals of Africans and their descendants. If the term “identity” does appear in this chapter, it should be thought of in these terms. For more on Brubaker’s and Cooper’s critiques of the term, as well as a related examination of the usefulness of the term “agency” in studies of slavery, see Rogers Brubaker and Fredrick Cooper, “Beyond ‘Identity,’” *Theory and Society* 29, no. 1 (2000): 1–47; Walter Johnson, “On Agency,” *Journal of Social History* 37, no. 1 (Autumn 2003): 113–24.

invasion. Officials in Cuba saw such movement as a threat to the island's economy and racial hierarchy. People of African descent did protect the island through free-colored militias, ran successful businesses and trades, and pursued asylum through maritime marronage and conversion to Catholicism. Yet the presence of ranches and plantations dependent on enslaved labor meant that their intercolonial mobility was not solely a military issue but also an economic and social one. Officials in Cuba still understood inter- and intracolony movement through the lens of imperial rivalry, religion, and smuggling, but their purpose in tying people of African descent to the island was not to deter British expansion, though this was a factor in their thinking. It was to ensure enslaved Africans met approved legal categories of identification.

First, this chapter examines how officials used the investigations to identify links between intercolonial movement with British smuggling in the area. Like Florida, Cuba constantly faced the threat of British attack during the first half of the eighteenth century while conversely developing illicit smuggling networks with British merchants. These investigations were a means by authorities to identify potential areas of danger to Spanish Cuba yet nonetheless exposed how fluid and porous the borders were between the two empires. More specifically, by framing investigations into *mala entrada* and *descamino* within the context of illicit commerce, Spanish authorities sought to ascribe to people of African descent European motivations for crossing imperial boundaries, overwriting any personal motivations for crossing territorial lines.

Connected to this porousness was the pejorative term *bosalidad*, through which investigators articulated foreignness and the degree to which someone would need to overcome their "foreignness" to become legible members of society. Those who

demonstrated knowledge of Spanish customs, specifically the ability to speak Spanish, could access Spanish subjecthood, and possibly manumission. Officials designated those who could not as enslaved. Yet officials used investigations upon meeting people of African descent for the first time to establish in what degree a person's foreignness would affect their ability to integrate into Spanish society. This section specifically examines how language in investigations not only revealed this, but how it also shaped what both the investigated and the investigators could reveal about the other's working categories of identity and mobility.

While the pejorative term *bosalidad* indicated foreignness, religion was used to determine belonging within society, structured the legal definitions of slavery, and to resolve any issues that occurred when authorities caught itinerant Black travelers "out of place." Catholicism lay at the root of Spanish legal and social justifications for slavery. Yet not only did it justify slavery for enslavers it also provided pathways for enslaved Africans to claim Spanish subjecthood and thus room to navigate Spanish society. After this discussion, the chapter turns to an analysis of how the investigations concluded. While the cases' conclusions may seem ordinary, they in fact carried horrible consequences for the people under investigation. It marked that the person now had a legible identity to officials and were thus "prepared" for re-enslavement.

After discussing how authorities tried to reify slave status and assign it to people of African descent found in unauthorized spaces, the chapter discusses the theoretical and historiographical connections between inter- and intracolony movement, identity, and imperial anxiety. Doing so provides a better insight into the dynamics between authorities' questions and the nuances of the answers. Moreover, it allows us to better



understand the link between movement and community, a link that investigators sought to reframe to ensure their vision of society would be maintained. James Sweet reminds historians that too often the history of Africans in the Americas starts at the history of “the slave” in the archive.<sup>159</sup> Yet, for Spanish officials regulating slavery in the colonies that was the goal, to affix a slave/free status upon Afro-descended people to better answer the questions authorities raised over the over the movement and community formation of Africans and their descendants. These documents, Euro-centric in their design as they may be, still offer fascinating glimpses into how people of African descent used mobility to foster relationships beyond the documents’ logics to reveal a “range of possibilities” concerning their motivations.<sup>160</sup>

It is not difficult to imagine that people of African descent pursued their own goals both because of and despite the institution of slavery, and that these could be either illegible to authorities or outside the scope of their concerns. Much of this chapter examines the mindset of officials attempting to re-shape what they found as dangerous. This does not mean, though, that the officials’ motives take priority over those pursuing their own goals. Rather, this chapter highlights imperial officials’ responses to the movement of Africans and their descendants to emphasize that such movement dictated imperial responses, setting the stage for the era of imperial freedoms to transition to the Age of Revolutions and its republican empires, which will be discussed in Chapter

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<sup>159</sup> Sweet, “Reimagining The African-Atlantic Archive: Method, Concept, Epistemology, Ontology.”

<sup>160</sup> Elena A. Schneider, “A Narrative of Escape: Self Liberation by Sea and the Mental Worlds of the Enslaved,” *Slavery & Abolition* 42, no. 3 (July 3, 2021): 484–501, <https://doi.org/10.1080/0144039X.2021.1927508>.

Three.<sup>161</sup> More specifically, as colonial officials more closely associated Blackness with enslavement throughout the eighteenth century, people of African descent also found that their movement became closely interlinked with enslavement as well. People considered to be at the margins of European colonial projects quickly found that their actions were interpreted through an increasingly narrowing number of categories by imperial authorities.<sup>162</sup>

#### Locating British Threats in Intercolonial Movement:

Cuba's value in the Caribbean, and to the wider Atlantic world, was no secret to eighteenth-century traders, soldiers, and imperial officials, which made the island a prime target for British foreign and military policy. Havana sits on the Gulf Stream, which made Cuba the fulcrum of Spain's *flota* system and the engine that dictated the rhythms of European empires.<sup>163</sup> People from rival empires envied the commerce that ran through the island's ports, as British cartographer Thomas Jefferys once wrote, "While the fleet is

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<sup>161</sup> "Freedom" may not be the right word, considering its roots in nineteenth-century Liberal political philosophy. In her study of the Gulf of Mexico during the American Revolutionary War, Kathleen DuVal argues that "advantageous interdependence" was a more logical goal for people navigating the politics of North America during the eighteenth century. People "were part of a hierarchy of reciprocal dependencies that extended from the king at the top to slaves at the bottom." While people living in Cuba were certainly more concerned with events occurring in the Caribbean rather than North America, Cuba's strategic maritime location meant that its residents still engaged in trans-imperial networks built through reciprocal dependencies, such as smuggling. Kathleen DuVal, *Independence Lost: Lives on the Edge of the American Revolution*, Reprint edition (Random House Trade Paperbacks, 2016), xxi–xxiii, 346–47; Jane Burbank and Frederick Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton, N.J.: Princeton university press, 2010), 1–3; Mulich, *In a Sea of Empires*, 17–19.

<sup>162</sup> Alejandro de la Fuente and Ariela Julie Gross, *Becoming Free, Becoming Black: Race, Freedom, and Law in Cuba, Virginia, and Louisiana* (New York, NY: Cambridge University Press, 2020); Tessa Murphy, *The Creole Archipelago: Race and Borders in the Colonial Caribbean*, Early American Studies (Philadelphia: University of Pennsylvania Press, 2021); Weber, *Bárbaros*.

<sup>163</sup> Ada Ferrer, *Cuba: An American History*, First Scribner hardcover edition (New York ; London: Scribner, 2021), 23–24. For more on the centrality of Cuba's roles in the *flota* system, please read de la Fuente, *Havana and the Atlantic in the Sixteenth Century*.

in the bay, provisions are excessively dear on shore, and money so plenty, that a Spaniard expects half a piece of eight a day from a male slave, and a quarter from a female, out of what they can earn by their labour.”<sup>164</sup>

Yet not all trade to Cuba was legal. People from all over the Atlantic world illegally traded goods and people throughout the island’s ports. Indeed, Rosales y Osores’ investigations into *personas de mala entrada* and *descamino de negros* were products of smuggling investigations that tracked smuggling “hot spots” in the region. This is why when Rosales y Osores questioned people of African descent, he asked questions to ascertain their connection to illicit trade, even if the circumstances that led to their apprehension were not related to anti-smuggling operations. Smuggling not only framed investigations into *personas de mala entrada* and *descamino de negros* but it also flagged authorities’ attention to the idea that a person of African descent did not “belong” to the local community. This section examines how officials like Rosales y Osores perceived British smuggling and the movement of Africans into and within Puerto Principe as intertwined issues that needed to be resolved through the creation of approved legal personalities.

Rosales y Osores particularly worried over the link between trade and people of African descent. Throughout his investigations he continually pressed Africans about their connection to the British empire, specifically asking if the ship that brought Ysabel María, a sixteen-year old woman of proclaimed Carabali caste, “were English or other

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<sup>164</sup> Jefferys, *A Description of the Spanish Island and Settlements on the Coast of the West Indies*, 80.

nation.”<sup>165</sup> This paranoia of the British was well founded. As the previous chapter showed, throughout the seventeenth and eighteenth centuries Spain and England struggled for dominance in the Americas. Beginning with their first attempts to establish colonies in the Americas, England pursued a strategy of slow encroachment into Spanish territory, with the main goal of seizing Havana from the Spanish.

British attacks on the Spanish empire accelerated at the very beginning of the eighteenth century, when European empires went to war over who would succeed the childless Spanish monarch, Carlos II. The War of Spanish Succession, known in England as Queen Anne’s War, demonstrated to military officials and royal administrators in Madrid Britain’s ascension as the premier naval power of the era, forcing the newly installed Bourbon monarch, Felipe V, to reconsider how to rule Spain’s American colonial holdings while simultaneously ameliorating the economic and social consequences of a war-torn Spain.<sup>166</sup> Under the Hapsburgs, Spanish colonies in the Americas, particular those on the borderlands and -seas, developed sophisticated illicit economies, in order to survive the irregular deliveries of the *situado*.<sup>167</sup> These illicit economies were deeply intertwined with British trading interests and the reforms

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<sup>165</sup> “*Testimonio de autos de causa seguida sobre la prehension de una negrita de mala entrada...*” Camagüey, Cuba, May 20, 1747, AGI: Santo Domingo 503, f.3r-4v. Bianca Premo has cautioned scholars against taking ages in legal documents at face value, arguing that age in colonial documents was meant to express cultural markers, not exact years of existence. This is often indicated through phrases such as “appears to be ‘X’ years of age” which is how Ysabel María’s age is framed in the document. Bianca Premo, “Meticulous Imprecision: Calculating Age in Colonial Spanish American Law,” *The American Historical Review* 125, no. 2 (April 1, 2020): 396–406, <https://doi.org/10.1093/ahr/rhaa169>.

<sup>166</sup> Lynch, *Bourbon Spain, 1700-1808*, 37.

<sup>167</sup> Cromwell, *The Smugglers’ World*; Lynch, *Bourbon Spain, 1700-1808*; Rupert, “Marronage, Manumission and Maritime Trade in the Early Modern Caribbean”; Stein and Stein, *Apogee of Empire*, 6. The *situado* was a subsidy the Crown paid to its colonies. For more on its institution, operation, and steady decline, please read Bushnell, *The King’s Coffers*; Bushnell, *Situado and Sabana*.

instituted by Felipe V and his administrators, the first set of reforms of what is collectively known as the Bourbon Reforms - a century-long attempt by Bourbon monarchs to “modernize” the Spanish empire - was to break these markets to not only increase revenue directly to the Crown by reorganizing the fleet system by focusing on register ships as the dominant vehicle for Atlantic trade, but also to dislodge the claws of British trading from its colonies.<sup>168</sup> Britain, however, continue to press into Spanish territories as they attempted to seize Havana twelve times, with the War of Jenkins’ Ear seeing British forces assaulting Cartagena, Santiago de Cuba, and even St. Augustine, Florida (whose siege was ended with the arrival of the Spanish Navy from Cuba) throughout the 1740s. The British eventually accomplished their goal of seizing Havana in 1762 during the Seven Years War, holding the city until the cessation of hostilities.<sup>169</sup>

The War of Jenkins’ Ear (1739-1748) was fought in the British West Indies and Spanish Caribbean. Though the titular incident - that Spanish *guardacoastas* bordered a British trading vessel suspected of smuggling illicit goods and cut off the ear of its captain when he protested the impounding of his vessel - was used by imperial expansionists in Parliament to instigate war, in truth the war was a pretext for both the Spanish and British empires to pursue long-standing imperial and commercial agendas against one another. While the war was mostly a string of failures for the British, who failed to capture Cartagena, St. Augustine, Santiago de Cuba (twice), Guantánamo, or

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<sup>168</sup> Lynch, *Bourbon Spain, 1700-1808*, 142–56; Pearce, *The Origins of Bourbon Reform in Spanish South America, 1700-1763* particularly Chapter Three. Free and enslaved Africans and their descendants were integral to these illicit economies, either as smugglers or as cargo. For more on the thin line between being a smuggler vs being smuggled cargo, please read Cromwell, *The Smugglers’ World*, pgs. 239-270

<sup>169</sup> Schneider, *The Occupation of Havana* particularly chapters One and Two.

even Havana, it allowed the British empire to fine-tune strategies that proved successful a decade later against the Spanish during the Seven Years' War. Conversely, Spanish successes during the War of Jenkins' Ear gave the Spanish a false sense of security throughout the empire. The Spanish failed to develop new strategies to counter Britain's new tactics during the Seven Years War. It was this historical context, combined with the knowledge that it was slavers from Jamaica who regularly sailed to Puerto del Príncipe to sell enslaved people, that worried Rosales y Osores.<sup>170</sup>

The initial set of reforms failed to end smuggling, which remained a prominent feature of Spanish Caribbean society throughout the first half of the century and was explicitly connected with the intercolonial movement of people of African descent. In 1745, two soldiers detained a woman, later called María de la Caridad, whom they believed to be a "*bozal de mala entrada*" and brought her to Rosario y Osores for questioning. At the beginning of the proceedings Rosales y Osores, via the scribe Francisco de la Buegla, explicitly linked her *bosalidad* to the frequency of British smuggling in the area when providing an introductory summation of the document's contents. The scribe wrote that the two soldiers found the "*negra bosal*" by the river and because "her *bosalidad* and she not understanding our words" it was "evident" that the residents of the village traded with English ships, and which frequently conducted "commerce clandestinely" in that region.<sup>171</sup> It is important to note that when the soldiers

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<sup>170</sup> Stein and Stein, *Apogee of Empire*, 55. Stanley and Barbara Stein point out that though the information acquired by British "traders" often went both ways. Accusations were made after the Spanish defeat in Havana to the British in 1762 that Havana's commander, Prado y Portocarrero, was forewarned of the British attack months before the siege.

<sup>171</sup> "*Testimonio de autos seguidos sobre la aprehencion que executaron matheo de lara y joseph marin soldados del desta camiento de esta villa, de una negrita bosal de mala entrada que encostraron quel rio que corre por la orilla de esta villa la que se declaro por de comico y benejucio de cuenta de la real*

approached María de la Caridad neither one was patrolling the region for smugglers. Rather it was her “*bosalidad*,” her lack of knowledge of the Spanish language, and her proximity to a smuggling hotspot that led Rosales y Osoreo to assume that she was a person of *mala entrada* because of British smuggling, even though no evidence was brought forth to confirm this was the case.<sup>172</sup> The inter-American slave trade, English trading, and clandestine commerce were intricately interwoven in Spanish authorities’ minds by its frequency on Cuban shores, informing authorities’ decisions in using smuggling to frame *mala entrada* investigations.

As discussed in the previous chapter, in Florida Africans and their descendants expertly navigated Spanish sanctuary laws and bureaucracy. The “*Negros fugitivos de los Plantages de Yngleses*” who implored the governor in 1738 to continue the process of manumission cited the promises made by the Crown in the 1693 and 1733 royal decrees in their arguments.<sup>173</sup> They specifically centered their demands for manumission on the claim of reciprocal obligations, which was expressed through three areas: participation in community (of often illustrated via conversation to Catholicism, marriage, and employment), claim to the Crown’s “liberality” (that rights and privileges were handed

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*hacienda*” Camagüey, October 1<sup>st</sup>, 1745 AGI: Santo Domingo 503 n. 19a, f. 1r. “*que por su bosalidad y no entender sele palabrea[,] se evidenciaba ser de las que a costumbran los vecinos de esta villa comprar a donde de las embarcar de la nación inglesa y frecuentemente hasen comercio clandestino en cula virtud su merced para a justificación.*”

<sup>172</sup> María de la Caridad did say during questioning that English traders brought her to Cuba, yet as Britain held the *asiento* to sell enslaved Africans to Spanish colonies in 1745, it is not conclusive if British smugglers brought her to Cuba. Moreover, she had been in Cuba for some time before authorities approached her. The details of María de la Caridad’s case will be examined in much more detail in the following section, particularly how the Spanish category of “*bosalidad*” defined a person’s foreignness to Spanish society.

<sup>173</sup> Wright, “Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Gracia Real de Santa Teresa de Mose, Florida,” 146.

through and maintained by the Crown, even if legal matters were dispensed by local officials), and utility to the empire.<sup>174</sup> Yet those who pressed for their freedom already lived in St. Augustine and performed the necessary requirements to prove they were eligible to claim the decree's promises. The people that don Gregorio Rosales y Osore investigated in Cuba were engaging with Spanish officials for the first time and so had no paper trail to prove that they rightly belonged to the empire and could claim its decrees about freedom. Only Céspedes, the freedom seeker from the opening anecdote, expressed his wish to live in Cuba "among the Spaniards" and only because he feared for his life and not necessarily to seek baptism, a central tenet of the royal decrees.<sup>175</sup> The people Rosales y Osore investigated were of *mala entrada*, whose *descamino*, or wandering, destabilized static, binary free/slave categories imperial authorities used in legal documentation to "make sense" of Afro-descended people. Thus, Rosales y Osore's primary goal was not to determine if these people could access asylum, but to press upon them a stable legal category, as someone totally free or enslaved.

These investigations "processed" men and women of African descent, categorizing information for imperial authorities so that they could assess threats and create new, imperially approved, identities, such as a "runaway" identity in Céspedes's case or a "slave" identity in María de la Caridad's case. Once "given" new identities, officials then expected Africans and their descendants to navigate Spanish legal and religious

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<sup>174</sup> Wright, "Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Gracia Real de Santa Teresa de Mose, Florida"; Landers, *Atlantic Creoles in the Age of Revolutions*; Landers, *Black Society in Spanish Florida*; Bennett, *Africans in Colonial Mexico*.

<sup>175</sup> "Testimonio de autos obrados sobre un negro bozal de nacion conga..." AGI Santo Domingo 503, n.14a f. 8v.



pathways, create legal petitions, and convert to Catholicism to access manumission or other rights, such as the “right to bury their dead.”<sup>176</sup> The identity of those under investigation was not self-evident but established chronologically, with officials carefully laying a foundation of character traits they wanted people of African descent to use to navigate Spanish society after the primary investigation.

In legal documents, petitioners used these set of character traits, or “legal personalities,” when they described themselves or their actions in ways that epitomized idealized Spanish behavior and mores - be it through acts of loyalty to the Crown, adoption of Catholicism, or participation in the community. Yet these legal personalities only worked because imperial officials understood the petitioner’s legible identity (as an enslaved or freeperson, a fugitive, a foreign trader, etc.). When Spanish authorities approached María de la Caridad they did not know who she was or her purpose when they accosted her. Rosales y Osore’s investigation established what authorities did not know about María de la Caridad so that when she engaged with Spanish imperial governing system later, there would be a preestablished, vetted, platform from which she could operate legally but also where authorities could legibly “perceive” and understand her actions.<sup>177</sup> In other words, legal personalities could only be demonstrated after authorities established the infrastructure, via legal documentation, that created the

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<sup>176</sup> Fernanda Bretones Lane, “Free to Bury Their Dead: Baptism and the Meanings of Freedom in the Eighteenth-Century Caribbean,” *Slavery & Abolition* 42, no. 3 (July 3, 2021): 449–65, <https://doi.org/10.1080/0144039X.2021.1927510>.

<sup>177</sup> For more on legal personalities and how people of African descent both produced and navigated legal documents that are found in Spanish-language archives please refer to Landers, *Atlantic Creoles in the Age of Revolutions*, 2–9; Premo, *The Enlightenment on Trial*, 191. For more on how people of African descent navigated ecclesiastical courts in urban settings, read Bennett, *Africans in Colonial Mexico*.

opportunities for petitioners of African descent to display the characteristics authorities recognized and valued. Rosales y Osore's investigations were a means to accomplish this "creation" of approved and recognizable characteristics. While the Spanish colonial project often used geographic space, such as urban infrastructure, to make sense of race, in these cases it was the intra- and inter-imperial movement of Afro-descendant people that flagged officials' attention to make incoming people recognizable.<sup>178</sup> The Crown and its officials certainly advocated for religious asylum but the "ideal" Black subject still needed to come into focus for local officials who used *mala entrada* and *descamino* investigations to understand how people of African descent moved into Spanish territory.

That is why officials such as Rosales y Osore's who worked in the Spanish empire's borderlands and seas wanted to ascertain a person's connection to a rival European empire. Loyalty to the Spanish empire, from authorities' perspectives, was not automatic. Officials used these investigations to assess foreign threats to colonial Cuba that officials perceived people of African descent represented. The investigations into *mala entrada* and *descamino* were not primarily meant to give people of African descent avenues for integrating into and navigating Spanish society because the ability to navigate society came after these initial investigations were completed and officials determined that those under investigation no longer represented a threat to the island. That is why Rosales y Osore's asked leading questions meant to identify British incursions in the region, such as when he asked Ysabel María if the ship that brought her

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<sup>178</sup> Daniel Nemser, *Infrastructures of Race: Concentration and Biopolitics in Colonial Mexico*, First edition, Border Hispanisms (Austin: University of Texas Press, 2017).

to Cuban shores “were English or other nation.”<sup>179</sup> In a sense, this was “first contact” between Ysabel María and Rosales y Osoreo.

British smuggling intertwined with these issues of movement and creation of legal personalities. In 1744, a soldier named Augustin Blanco brought to Rosales y Osoreo a man he described as a “*negro muleque bozal*.” Blanco said the youth was about fourteen years old but never learned his name. The fourteen-year old could not speak Spanish and authorities could not find anyone in the region who could speak his language to serve as a translator.<sup>180</sup> Thus, any the information provided in the investigation about the fourteen-year old’s presence in Cuba came from Blanco’s supposition. Blanco claimed he found him while dispatched by Rosales y Osoreo to investigate illicit commerce in the region’s southern coast to “restrict the illicit commerce with foreigners and in particular with the boats of the English nation that reached port on said [southern] coast.” In his search he found three or four persons across the river Najasa. After crossing the river to where he had seen the people, he only found the unnamed “*negro descaminado*,” whom he detained after searching in vain for the other persons. Asked if Blanco knew who the unnamed “*negro descaminado*” could be and about the vessel that brought him to shore, Blanco responded that while he did not know who he was, he was “persuaded” that the

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<sup>179</sup> “*Testimonio de autos de causa seguida sobre la prehension de una negrita de mala entrada...*” Camagüey, Cuba, May 20, 1747, AGI: Santo Domingo 503, n. 27a f.3r-4v.

<sup>180</sup> “*Testimonio de autos obrados sobre al aprehension de un negro muleque Bozal que aprehendio augustin blanco con su partida en el monte del rio de nahza en el passo de las ciegas del Hato de la Quemada*,” Camagüey, Cuba, December 21, 1744, AGI: Santo Domingo 503, n.10a f.1r-6v.

“*negro decsamindado*” was purchased aboard the British ships that were illicitly trading along the coast.<sup>181</sup>

That an anti-smuggling operation “produced” a *negro descaminado* indicates that Spanish officials often conflated the “problem” of Black mobility with British illicit trade. It did not matter to Blanco that he had no evidence to prove that the youth participated in illicit trade, as either a smuggler or the one that was smuggled into Cuba. Indeed, Blanco never identified the other men he saw on the boat, but Blanco’s mission, to restrict British illicit trade, overwrote any other possible motivation that explained how the unnamed youth found himself along the river. It was common knowledge that maritime maroons often swam or canoed towards Cuba’s southern coast. Both Spanish and British authorities regularly encountered groups of maritime maroons working as teams on canoes while sailing between Cuba and Jamaica. This could explain why the youth was in the presence of other people if he was indeed part of the group that Blanco had seen.<sup>182</sup> Yet Blanco did not say that he saw a group of maroons, only a group of men in a region where he believed smugglers were common. He automatically assumed their purpose was conducting illicit trade and set out to apprehend them. In other words, Africans found in unsanctioned places were presumed to be illegally traded even if no further evidence was provided to justify officials’ presumption.

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<sup>181</sup> “*Testimonio de autos obrados sobre al aprehenzion de un negro muleque Bozal que aprehendio augustin blanco con su partida en el monte del rio de nahza en el passo de las ciegas del Hato de la Quemada,*” Camagüey, Cuba, December 21, 1744, AGI: Santo Domingo 503, n.10a f.1r-4r.

<sup>182</sup> Dawson, “A Sea of Caribbean Islands,” 438–42. For more on how Africans in the Americas used canoes to interact with Caribbean waterscapes please read Kevin Dawson, *Undercurrents of Power: Aquatic Culture in the African Diaspora*, 1st edition, The Early Modern Americas (Philadelphia: University of Pennsylvania Press, 2018) especially ch 8.

In drawing attention to this specific case, I am not concerned with the obvious point that smuggling investigations cast the shadow of illegality over every person investigated by authorities. Instead, I want to emphasize that officials such as Rosales y Osoreo often understood the mobility of Afro-descendant people as problematic, despite knowing that the Crown wanted enslaved people to flee British plantations to seek religious asylum in Spanish colonies.<sup>183</sup> Officials used fugitivity to strengthen the empire's borders, but when considering the motivations for why people of African descent crossed borders Spanish officials still required a British explanation to understand the pathways through which people traveled to Spanish shores.

When explaining the movement of individuals of African descent Spanish officials relied on Euro-centric explanations, such as illicit trade, to calibrate their perceptions of Africans and their descendants who did not easily fit into an understood category. Grouping investigations into smuggling with the discovery of *personas de mala entrada* or *descaminado* gave Spanish officials a more recognizable explanation as to how and why Africans crossed borders. In other words, investigations into *personas de mala entrada* or *decsaminando* did not focus on the choices made by the persons under investigation, but instead focused on the extent of a person's foreignness, usually defined by their association to a European rival.

Identifying connections to British traders was an important facet of the investigations, but not the sole driver of them. Anti-smuggling operations, such as the one

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<sup>183</sup> As discussed in Chapter One, the Crown legalized fugitive asylum to legitimize what officials already were doing in the colonies. Moreover, Rosales y Osoreo's question to Céspedes regarding his willingness to "embrace" Catholicism shows that he clearly knew the requirements required to offer religious asylum to maroons.

Rosales y Osoreo charged Augustine Blanco with leading, were important in identifying geographic spaces that British traders visited and the communities with whom they conducted trade. Moreover, in an era of constant British threat, this information could provide Spanish military leaders an idea of where the British might strike next. Yet, as will be discussed in the next sections, questions about a person's connection to British traders persisted even when that person was apprehended by a random passerby or a soldier with little connection to anti-smuggling operations.

Returning the focus back to the unnamed fourteen-year old briefly, remember that he could not speak Spanish and did not have a translator. Any chance he had to request asylum, dispute his connection to illicit commerce, or to claim any other motive for being in the region without a proper license was eliminated by the language barrier.<sup>184</sup> Spanish authorities connected the ability to speak Spanish to a person's purpose in society. If a person could not speak Spanish, they were fundamentally an outsider and needed to learn Spanish as well as other Spanish customs to integrate into society. Or, conversely, Spanish authorities saw a combination of traits that they pejoratively deemed "*bosalidad*," or unfamiliarity with Spanish customs and language, as a threat to society, one that needed to be rectified by instituting, or re-instituting, a slave status on those deemed to be *bosales*. Keeping in mind how Rosales y Osoreo used questions about illicit British trade to overwrite the personal motivations for people of African descent so that

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<sup>184</sup> In the beginning of the investigation Francisco Buelga wrote that Blanco was specifically ordered to investigate trains of Black *muleques* who carried baskets full of smuggled clothing from British ships along the southern shoreline to the interior cities, towns, and plantations without the proper licenses to show where they lived. "*Testimonio de autos obrados sobre al aprehension de un negro muleque Bozal que aprehendio augustin blanco con su partida en el monte del rio de nahza en el passo de las ciegas del Hato de la Quemada*," Camagüey, Cuba, December 21, 1744, AGI: Santo Domingo 503, n.10a f.1r.

he could begin the process to assigning them a stable free/enslaved identity, the following section examines how questions revolving around a person's "foreignness" often framed authorities' questions. It is not a question of if being born in the Americas could lead to asylum and integration whereas being African born led to re-enslavement, but rather that Spanish officials used these investigations into *personas de mala entrada* and *decsaminando* to define one's connections to the external world, be it British slavery and trade or African heritage.

*Bosalidad* as Foreignness:

In these investigations the idea of foreignness, often understood through the inability to speak Spanish, drove Rosales y Osore's questioning. While smuggling opened the door to imperial suspicious, it was often the term "*bosalidad*" that officials ascribed to Africans determined to be suspicious by their movement. Smuggling framed Rosales y Osore's investigations of *personas de mala entrada* and *descamino* while questions regarding a person's outsider status drove the questions. When specifying *bosalidad* to connect people's status as *persona de mala entrada* or *negro descamino*, Rosales y Osore was determining to what degree a person was an outsider to the local community.

Governors throughout the Spanish Empire capitalized on the inter-imperial mobility of Africans and their descendants, as such movement could be used against the British, yet in Puerto del Príncipe the people brought before Rosales y Osore arrived in Cuba through illegible means. The people investigated could not be pressed into militia service because officials categorized their arrival as illicit commerce. Their ability to

invoke royal decrees to gain manumission, asylum, or other rights was overshadowed by their illegality. Even for those who could speak Spanish and clearly expressed their desire to convert to Catholicism in return for their freedom, manumission was not guaranteed, and these individuals were commonly captured or made royal slaves.<sup>185</sup> Knowledge of Spanish asylum extended past imperial boundaries, but authorities did not always honor, or report, such claims. In Puerto del Príncipe, Rosales y Osoreo would have known of the Crown's decrees about asylum, but he could choose, and so did in these investigations, not to implement the Crown's decrees unless someone forced his hand.<sup>186</sup>

Officials, both outside and within the investigation room, rooted this illegality to the inability to speak Spanish, which emphasized a person's foreignness to the Spanish empire and its customs. More specifically, this foreignness was articulated through the term *bosalidad*. In the case of Ysabel María, found by a river filling a gourd with water, the soldier who apprehended her, Juan del Poso, judged that she illegally entered the country because she "did not know how to explain in our language" why she was in that place and thus he perceived her to be a "*bozal*."<sup>187</sup> In its most common form the term

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<sup>185</sup> Elena Schneider, "Routes into Eighteenth-Century Cuban Slavery: African Diaspora and Geopolitics," in *From the Galleons to the Highlands: Slave Trade Routes in the Spanish Americas* (Santa Fe, N.M.: University of New Mexico Press, 2020), 258.

<sup>186</sup> Spanish officials commonly did not offer asylum unless forced to do so. Every governor of Florida mentioned in the previous chapter only carried out the asylum decrees when the fugitives themselves pressed their case with the governor and the Crown. In her case study, Bretones Lane shows that a group of maritime fugitives were only offered religious sanctuary after they publicly demanded "*el agua de Dios*" in front of a crowd. The crowd felt so scandalized that the highest-ranking ecclesiastical authority in the Province, Vicar General D. Manuel Francisco Calzado y Cadenas, immediately reacted by issuing orders to suspend the group's deportation to Jamaica so that he could properly examine the group's claim. Bretones Lane, "Free to Bury Their Dead," 450–52.

<sup>187</sup> "y por que no se savia explicar en nuestro lenguaje percivio sería de mala entrada..." *Testimonio de autos de causa seguida sobre la prehension de una negrita de mala entrada...* n.27 f. 1r.



*bozal* was used to indicate that a person was directly from Africa, did not speak Spanish, and was, consequently, not familiar with local customs.

Officials often viewed suspicious behavior through the lens of *bosalidad*. Recall the case of María de la Caridad, particularly how in the opening paragraph Rosales y Osoreos assumed María's "*mala entrada*" was an extension of illicit commerce, even though she was not apprehended in an anti-smuggling operation.<sup>188</sup> It was her assumed "*bosalidad*" that caught the soldiers' attention. To break down the case in more detail, in 1745 Matheo de Lara, a soldier stationed at Puerto del Príncipe, walked along the road after bathing in the river when he saw two Black women (*negras* in his testimony) coming towards him further down the road. When one of the women saw him, she ran towards the river away from Lara. Lara approached the other woman and demanded to know her name and who was her owner. She refused to answer Lara, so he called to another soldier named Alonso Marin, whose reason for being nearby was not explained, telling him that the woman was a "*bozal*" of "*mala entrada*." Marin repeated Lara's demands and she refused to answer Marin as well. Both Lara and Marin found another woman of African descent "that worked at the river," to question the silent woman. Again, she did not respond. Frustrated, they detained her in the town, returning later,

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<sup>188</sup> According to María de la Caridad, she already was living in Cuba for some time. What caused her to be considered a "*bozal*" of "*mala entrada*" was her refusal to answer Lara and Martín's questions, because she did not speak Spanish, and because Rosales y Osoreos could not find the people who she called her "owners." There is a very good chance she may not have been escaping her enslavement when Lara first approached her. She could have been, as will be discussed shortly, either lost or simply walking with a companion. It was Lara's, Martín's, and Rosales y Osoreos' own understandings of race, enslavement, and their inability to understand her motive for walking with another woman that introduced the idea of illicit trade and marronage in the records. More simply, the question as to if she was escaping enslavement or came to Cuba through the illicit trade exists because Spanish officials assumed it, not because it was self-evident or because there was definitive proof.

presumably with an interpreter, to question her again. This time she said her name was *Caridad* (Charity), later she used María Caridad – and that her owner was called Joseph.<sup>189</sup>

María Caridad’s silence towards Lara and Marín highlights how Spanish fears of British interlopers interlinked with *bosalidad*, one of the main areas of concern in these investigations as it framed her entire testimony. Not only did Rosales y Osorez start the entire proceedings musing on the connection between her “*bosalidad*,” inability to speak Spanish, and (unproven) proximity to smuggling, he also commanded a search be made for someone who could “translate her language,” finding a man named Thomas who was only described as “*un negro...casta carabali yntelijente*.”<sup>190</sup> The need for an African translator underwrote her entire deposition, as Thomas was a crucial bridge between de la Caridad and Rosales y Osorez.<sup>191</sup> Thomas could interpret Rosales y Osorez’ questions, breaking down the legal implications in Rosales y Osorez’ words for de la Caridad, and could in turn repackage her words to fit Spanish legal and cultural frameworks.<sup>192</sup> Yet Thomas’ presence also may have hindered de la Caridad’s case.

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<sup>189</sup> “*Testimonio de autos seguidos sobre la aprehencion que executaron matheo de lara y joseph marin... soldados del desta camiento de esta villa, de una negrita bosal de mala entrada que encostraron quel rio que corre por la orilla de esta villa la que se declaro por de comico y benejucio de cuenta de la real hacienda*” Camagüey, October 1<sup>st</sup>, 1745 AGI: Santo Domingo 503 19a, f. 3v-6r.

<sup>190</sup> “*Testimonio de autos seguidos sobre la aprehencion que executaron matheo de lara y joseph marin soldado...*” AGI: Santo Domingo 503 n. 19a, f. 1r, 6v.

<sup>191</sup> Historian Yanna Yannakakis argues in her study of native intermediaries in Colonial Oaxaca that interpreters in legal situations acted as cultural brokers, giving both Spanish authorities and their subjects a “common symbolic framework” via their communication skills. Yanna Yannakakis, *The Art of Being In-Between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca* (Durham: Duke University Press, 2008), xiv.

<sup>192</sup> For more on the differences between translating and interpreting, as well as how legal writers in Spanish colonies translated not just words, but brought legal categories to life for non-Spaniards, see Bianca Premo and Yanna Yannakakis, “A Court of Sticks and Branches: Indian Jurisdiction in Colonial Mexico and

While Thomas could speak Spanish, the fact that de la Caridad needed “*un negro...carabali*” to speak for her would have reinforced in Rosales y Ososres’ mind de la Caridad’s foreignness because he needed to translate “*her language*.”<sup>193</sup> By categorizing her as a “*bozal*” he foreclosed any avenue for her to navigate Spanish judicial and cultural signposts to request asylum and instead focused on what distinguished her as a foreigner to the land. Rosales y Ososres ordered her to be evaluated and auctioned back into slavery before she was even questioned. These are the tangible issues that guided Rosales y Ososres’ questioning. Yet at the most basic level, issues surrounding her foreignness boiled down to how belonging, and specifically racist notions of Blackness in eighteenth century Spanish society, was understood.<sup>194</sup> María de la Caridad raised the suspicions of Lara, Marín, and later Rosales y Ososres because she was approached in an unsanctioned space and did not give an answer to Lara and Martín as to why she was in that space. In other words, her motives were indiscernible to the officials, who

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Beyond,” *The American Historical Review* 124, no. 1 (February 1, 2019): 28–55, <https://doi.org/10.1093/ahr/rhy574>.

<sup>193</sup> “*Testimonio de autos seguidos sobre la aprehencion que executaron matheo de lara y joseph marin soldado...*” AGI: Santo Domingo 503 n. 19a, f. 6v. Italics are mine.

<sup>194</sup> Since the beginning of Spain’s colonial efforts in Cuba, Spanish officials consistently issued legislation that often conflated being of African descent with slavery because officials operated under a legal framework that justified the enslavement of people from Africa. In the sixteenth century, officials crafted laws based on *Siete Partidas* which framed slavery as a religious experience, where those who were eligible to be slaves were non-Catholic and needed slavery to find salvation through Catholic teachings, particularly those of Islamic faith living in Africa. As will be discussed later in this chapter, and in Chapter Three, by the eighteenth century the Atlantic slave trade’s prominence had racialized notions of slavery to the point where dark skin pigmentation, not necessarily African descent, was equated with slavery. As the Age of Revolutions and the Bourbon Reforms reached their zenith, the Spanish empire implemented policies that calcified racial categories to better root people of African descent to its plantations and to limit the flow of anti-monarchical rhetoric from entering its domains. Due to this, the paths for people of African descent to find freedom, social prestige, or even to move from place to place, became much more dependent on explicit proof of assimilation to white European lifeways. For more on Blackness and belonging in Cuba, and on the calcification of social status for people of African descent across the broader Spanish empire, see de la Fuente and Gross, *Becoming Free, Becoming Black*, 21–27; Vinson, *Bearing Arms for His Majesty*.

automatically assumed she came to Cuban shores due to smuggling because that explanation made sense to them. Thus, she was an outsider to them, a person categorized as not being part of Spanish society and hence needed to have a more stable identity affixed by Rosales y Osore's questioning.

María de la Caridad troubled Rosales y Osore's not simply because British traders transported her to the island (illegally or not), but her reason for walking around the island was both not apparent and beyond the scope of approved activities Spanish enslavers legislated for people of African descent. She was "free" while conversing with another woman not in Spanish before she was detained by Lara and Marín and it was this freedom of movement and non-approved relationship to another person of African descent that authorities wanted to police, as evidenced by Lara's immediate suspicion of her when her companion fled and Rosales y Osore's quickness in preparing her to be resold back into slavery.<sup>195</sup> During his questioning, Rosales y Osore's was not particularly interested in how María de la Caridad became separated from her owners, instead pressing her on how she was transported to the area (via British ships), what those ships carried (eleven other people, six men and five women all between thirteen or fourteen years of age according to María), and if she could identify her owner's house or the other enslaved people living there.<sup>196</sup> Yet it was not her assumed connections to smuggling that caused the investigation, even though this case was grouped with other smuggling

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<sup>195</sup> As will be discussed in the following sections, each person investigated was auctioned into slavery once the investigation concluded.

<sup>196</sup> "*testimonio de autos seguidos sobre la aprehencion que executaron matheo de lara y joseph marin soldados del desta camiento de esta villa, de una negrita bosal de mala entrada que encostraron quel rio que corre por la orilla de esta villa la que se declaro por de comico y benejucio de cuenta de la real hacienda,*" 3r;6v-8r. At the end of her deposition, it was written that she seemed to be of fifty years of age.

investigations, or if she was a British spy. María de la Caridad's lack of a Spanish owner incited the entire investigation. She was detained, questioned, and auctioned into slavery because she did not initially tell Lara and Marín who "owned" her and when she did reveal her enslaver, Rosales y Osos could not find him.

María de la Caridad represented a breach to colonial Cuba's security, both its social order and its economic/military order. While the officials' actions may have foreclosed any small chance that María de la Caridad could have used to gain manumission (if indeed manumission was what she wanted), or any other judicial rights in Spanish law, it was her "unclaimed" identity that concerned authorities. When asked who she "belonged to," she replied that she was sold to a husband and wife in Cuba. This question was an attempt to put her in the "*esclava*" category, thus ascribing her identity to a stable binary free/unfree category. Yet her lived experience matters when considering how we come across her story. These investigations were created by people who needed categories to sustain a racial hierarchy of slavery. If we consider Yannakakis' argument that legal proceedings show how Spanish authorities and native intermediaries used shared cultural signs, what then of those who had no leverage to navigate cultural markers?<sup>197</sup> The answer to this question lies with Elena Schneider's reminder to historians to "'think with' testimony" of marrons to "reveal a set of possibilities that constituted a world."<sup>198</sup>

María de la Caridad lived layered experiences, which incited immediate action from authorities to police such unapproved complexities. The intra-American slave trade

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<sup>197</sup> Yannakakis, *The Art of Being In-Between*.

<sup>198</sup> Schneider, "A Narrative of Escape," 486.

brought her to Cuban shores. But what caught the attention of Lara and Marin was not her immediate connection to British trade, legal or not. She was not apprehended as “property” on a ship or at an illegal auction. What first aroused suspicion was the fact that she was in the same vicinity as other women of African descent. Shifting our perspective away from Rosales y Osos, Lara, and Marín’s perspectives to “think with” María de la Caridad, she was a fifty-year-old woman born, lived, and taken in Calabar (modern-day Nigeria/Cameroon), enslaved and traded through the Bight of Biafra, and once arriving in Jamaica immediately sent to Cuba with a group of other people all aged between fourteen and fifteen years of age.<sup>199</sup> Shipmate ties were not only important in helping enslaved people endure the harsh conditions of the trade, but also shaped relationships formed after they left the slave ship.<sup>200</sup> The investigation does not reveal the extent of María de la Caridad’s relationship with the women she was found walking with, but they most likely spoke the same language as each other, indicating that María de la Caridad was forming new relationships with people that shared the same language or customs as her in Cuba. As Jennifer Morgan reminds historians, it is important to remember the roles African-born women performed in the Americas to recreate traditions among American-born generations.<sup>201</sup> As a woman perceived by Spanish authorities to be

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<sup>199</sup> As mentioned before, Spanish designations for African “castes” are complicated as they often referred to the regions where captives departed the African coast for American slavery and not for specific ethno-linguistic groups, let alone specific political states. María de la Caridad identified as a *carabari* in the documents. The term was a Spanish transliteration for Kalabari/Calabari, which referred to Calabar. This meant she might have been born in either modern day Nigeria or Cameroon, in the region collectively known as the Bight of Biafra. The Bight of Biafra was a major Atlantic slave port and many captives that departed Africa from there often headed towards slavery in Spanish territories, particularly Cuba. For more on the complexities of European designations for African people, please read Hall, *Slavery and African Ethnicities in the Americas: Restoring the Links*.

<sup>200</sup> Borucki, *From Shipmates to Soldiers*.

<sup>201</sup> Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* Particularly Chapter Four.

fifty years of age, María de la Caridad could have been conveying traditions via folktales or riddles or reminiscing to younger generations stories of life along the Niger or Cross rivers.<sup>202</sup>

Understanding María de la Caridad's actions through the lens of her relationships and journey from Africa to Cuba, rather than through the legal categories of good or bad "entrances" into territory, allows historians to ask better questions of what she was seeking in Cuba and to better understand the gap between lived experiences and imperial assumptions. The slave trade, both legal and illegal, brought her to Cuba, yet when questioned, she did not invoke religion or request manumission. She instead kept track of the people she met. She remembered the ages of the people captive on the boat with her that sailed to Cuba. She explicitly remembered that one of the other men whom Joseph and Nicholasa - whom she claimed were her slaveholders but were not identified by the authorities - bought along with her was called Diego, and that he was of the same "caste" as her. These personal connections were important to María de la Caridad and defined her experience as an enslaved captive in Cuba.

To Lara and Marín, and later Rosales y Osore, however, María de la Caridad's lack of purpose and fixity as a *slave* worried them. It was why Lara and Marín asked both her name and the name of her assumed owner when they first met her, causing them to call her as a "*bozal*" of *mala entrada*, which Rosales y Osore's investigation served to legitimize. This definition that Rosales y Osore tried to impress upon her was a means to

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<sup>202</sup> For more on the use of folktales and childrearing in West African traditions in the Americas, please read Colleen A. Vasconcellos, *Slavery, Childhood, and Abolition in Jamaica, 1788-1838*, Early American Places (Athens: The University of Georgia Press, 2015), 67-68.

reinstitute, to him, a purpose that served the locality of Puerto del Príncipe. The constant threat of British invasion framed his questioning, but it was the idea of an illegible foreignness that drove Rosales y Osore's questions. At every chance in the documents, he tried to reify an idealized Spanish empire by casting María's *mala entrada* as threatening and outside, and a threat to the island because her reasons for walking along the road were not easily discernable to him or to his soldiers.

#### Incorporating Catholic Subjects:

Spanish authorities perceived María de la Caridad, the fourteen-year old whose name Spanish authorities never learned, and every other person detained and questioned as almost unalterably "outside" Spanish society and colonial Cuba, because they could not speak Spanish and they were found in unauthorized spaces. Yet if *bosalidad* signaled foreignness to authorities, religion was a way to construct new identities to erase enslaved Africans' perceived foreignness and provide new, legible, and imperially approved reasons to exist within Spanish society.

In 1745 a sergeant of the local regiment called Toribio de Mier discovered a woman named Antonia while searching for smuggled clothing in a house near Tinima bridge. He claimed that she was a *bozal* because she could not speak Spanish and labeled her as a *descaminado negra* - a black woman found in a place she was not supposed to access without explicit consent by the slave-owning elite. Like María de la Caridad, Antonia needed an interpreter (authorities found a man named Joseph who was identified as a *carabali* enslaved to a don Geronimo Boza) and was not pressed in great detail as to



how she was separated from her owners but rather was interrogated about her connections to British trading.<sup>203</sup>

One way Antonia's deposition departed from María de la Caridad's testimony was on the question of religion. Asked if she was "made a Christian" she responded with a simple no.<sup>204</sup> This was not an uncommon question, as authorities often asked it and followed affirmative answers with more questions meant to qualify their answers. In 1747, while Ysabel María was being sworn in for her deposition she was asked if she was made a Christian, and she responded via her interpreter with a resounding affirmative, that she was a Christian "by the grace of God."<sup>205</sup> Yet later in the deposition Rosales y Osoreo asked her to qualify her status as a Christian, asking her where she was baptized and who performed the rite. She responded that she was once sick in the house she served at and a man she did not know came to baptize her.<sup>206</sup> This was an important question to authorities, as religion structured the pathways people, especially those of African descent, demonstrated assimilation, as well as legitimized the Crown's, and slaveowners', authority over Africans and their descendants in the Spanish empire.

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<sup>203</sup> "*Testimonio de autos obrados sobre una negra bozal de nazion carvali nombrada antonia (que hallo) la que se hallo perdida del otro lado del puente de tinima y aprehendio el sargento toribio de mier...*" Camagüey, August 12, 1745 AGI: Santo Domingo 503. She identified the ship as captained by a Jamaican and that she was brought to Cuba with four adults and two children.

<sup>204</sup> In colonial legal investigations the investigator's reactions to responses were not recorded, so it is not known how Rosales y Osoreo responded when Antonia said she was not a Christian. The document quickly moves on to the next question, asking her how long she was in Jamaica and how many other people of African descent, "negros y negras," were brought to the area. *Ibid.*, f. 4r

<sup>205</sup> "...*que es christiana por la gracia de Dios*" "*Testimonio de autos de causa seguida sobre la prehension de una negrita de mala entrada...*" May 20, 1746, AGI: Santo Domingo 503, n.27, f. 3r-3v.

<sup>206</sup> "*Testimonio de autos de causa seguida sobre la prehension de una negrita de mala entrada...*" May 20, 1746, n.27, f. 4r.

Slavery in Iberian law rested on religion. When the Portuguese first began tapping into the markets of West Africa during the mid-fifteenth century the Pope issued a series of Papal Bulls to justify the enslavement of human beings in Africa. In 1455 Pope Nicholas V issued the *Romanus Pontifex* which declared that captives could be purchased if the necessary provisions were made to convert them to Christianity. The *Romanus Pontifex*, along with the other papal bulls issued to justify Portuguese involvement in conquering Madeira, the Azores, and trade in West Africa, conferred on the Portuguese the “responsibility” to spread the Christian faith.<sup>207</sup> While the Spanish granted licenses, *asientos*, to traders rather than establish trading forts along the African coastline, they still used religion as a pathway to slavery.

Once Portuguese, and later French, Dutch, and English traders sold captive Africans to Spanish colonies, the captives found themselves under Spanish law shaped, to a large degree, by Roman principals enshrined in the medieval code, *Las Siete Partidas*. During the thirteenth century, the court of Alfonso X crafted a series of laws governing

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<sup>207</sup> Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern* (New York: Verso, 1997), 102–3. The process of legitimizing Portuguese trade with West African polities was a complex process that did not presuppose the rise of a commercialized, capitalistic, slave trade. By this I mean that in issuing religious justifications for enslaving Africans, the Pope also acknowledged the sovereignty of African polities, who in turn determined who was eligible for enslavement and who was not. Thus, West Africans were not historical objects doomed to be preyed upon by European traders. Rather it was African sovereigns, engaged in complex political maneuvering, who dictated the origins of what would become the Atlantic slave trade in the fifteenth century. Portuguese traders, eventually operating under Papal blessing, simultaneously reacted to and influenced the political and economic dynamics of the region. This point is important to make because it is arguing that one must be careful in viewing the Atlantic slave trade solely through an economic lens. This dissertation argues that the Spanish perceived slavery through the lens of plantation-based commercialism *towards the end* of the eighteenth century. Prior to the turn of the nineteenth century, Spanish officials understood and structured slavery through the lens of religion, resting their understanding on the initial Papal Bulls and *Siete Partidas* that acknowledged African sovereignty and, by extension, that captive Africans could be active political and religious agents in society. For more on the religious and political contexts of African and European interaction in the fifteenth and early sixteenth century, please read Herman L Bennett, *African Kings and Black Slaves: Sovereignty and Dispossession in the Early Modern Atlantic* (Philadelphia: University of Pennsylvania Press, 2019).

all aspects of Castilian life, and this code remained a touchstone in the Spanish colonies, especially its regulation of slavery. In that code, and in subsequent royal edicts for the New World, the responsibilities of slaveholders and the reciprocal “rights” of slaves, revolved around religious instruction. If an enslaver excessively abused the enslaved, particularly in a way that would interfere with the instruction of Christianity, enslaved people could request to be transferred to a new enslaver who would take better care of their soul and, by extension, their bodies.<sup>208</sup>

The *Siete Partidas* served as the foundation for Spanish legal law yet, as will be discussed in Chapter Four, during the eighteenth century, Spanish authorities envisioned newer legal sources to understand the relationship between the enslaved and the Crown. Religion still guided the thinking of these lawmakers, though, as the idea that conversion to Christianity was the sole compensation for slaves’ “miserable condition” was a through line in eighteenth-century slave codes. Enslaving authorities believed that “loyalty to the sovereign, love to the Spanish nation, recognition and gratitude to their masters, subordination to whites, respect and veneration to their parents, relatives and elderly, sensibility and reciprocity to their friends and other social virtues” would save Africans from spiritual poverty.<sup>209</sup> No matter if people understood the law through

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<sup>208</sup> Frank Tannenbaum, *Slave and Citizen*, Beacon Press Edition (Boston: Beacon Press, 1946). There were many other “rights” slaves had under the *Siete Partidas*, such as access to arbitration to determine *coartación* (manumission) and legal guarantees to the Church and its sacraments, such as baptism, marriage, and death rites. There has been much debate about how often such rights were guaranteed in the Spanish empire, particularly in plantations far away from cities. Yet the *Siete Partidas* still formed the central pillar of Spain’s legal code.

<sup>209</sup> Ana Hontanilla transcribes the quote as ““lealtad al soberano, del amor a la nación española, del reconocimiento y gratitud a sus amos, de la subordinación a los blancos, respeto y veneración a sus padres, parientes y ancianos, sensibilidad y correspondencia con sus amigos y demás virtudes sociales”.” Quote can be found in Ana Hontanilla, “Sentiment and the Law: Inventing the Category of the Wretched Slave in the Real Audiencia of Santo Domingo, 1783–1812,” *Eighteenth-Century Studies* 48, no. 2 (2015): 181–200 footnote 35; A draft of the Carolinian Black Code writes the quote as “lealtad al Soberano, amor

Roman precepts or eighteenth-century Bourbon perceptions, religion still dictated how people belonged within the empire and provided legible paths to navigate Spanish society.

In Cuba, Florida, and elsewhere through the empire, proof of conversion to Catholicism was key to accessing rights as a Spanish subject and maintaining and establishing ties within one's community.<sup>210</sup> In Florida, the 1693 decree guaranteeing manumission for people escaping slavery in Carolina stipulated that manumission would only be given if conversion occurred first. In El Cobre, Cuba, the celebration of the la Virgen de Caridad was fundamental to the formation of the prominent Black community who intertwined that with the navigation of imperial decrees and legal processes to earn manumission collectively.<sup>211</sup>

Yet these examples reveal how those who voluntarily engaged authorities displayed religion as an anchoring device, showing their attachment to place and their belonging. For people apprehended in the course of *ilícito comercio* investigations, like Ysabel María, what purpose did it serve authorities to not only affirm her Christianity, but to then force her to explain its legitimacy? While *bosalidad* was used by officials to

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*a la Nation Española, reconocimiento a sus Amos, subordinación a los Blancos, respeto, y veneración a sus Padres, mayores, y ancianos, sensibilidad, y correspondencia con sus Amigos, y demás virtudes Sociales.*" "Papeles referentes a los esclavos negros en América" (Manuscript, c 1790), 34v, Biblioteca Digital Hispánica.

<sup>210</sup> Landers, *Black Society in Spanish Florida*, 32; 49–53; Landers, *Atlantic Creoles in the Age of Revolutions*, 40–42; Rupert, "Marronage, Manumission and Maritime Trade in the Early Modern Caribbean," 364. Jane Landers analysis of parish records and proof of merit petitions reveals how important religion was to Africans and their descendants' "legal personalities" and their relationship to their community. Moreover, Linda Rupert points out that "new arrivals had to petition authorities separately for freedom and land, proving with documents and often with the testimony of third parties that they had converted to Catholicism and been baptised after arriving in Spanish territory" Rupert, 364.

<sup>211</sup> María Elena Díaz, *The Virgin, the King, and the Royal Slaves of El Cobre: Negotiating Freedom in Colonial Cuba, 1670-1780*, Cultural Sitings (Stanford: CA: Stanford University Press, 2000).

mark foreignness, religion was used to determine belonging within the empire.

Conversion was not only proof that one was assimilating to imperial standards of subjecthood, but also a foundation through which authorities could build and shape the ideal subject.<sup>212</sup> If, however, authorities assumed a person already was a Christian, then it served no purpose in legal investigations to continue to define a person's Catholicism.

Thus, Rosales y Osoreo may not have asked María de la Caridad if she was a Christian because he may have assumed that she already was Catholic due to her name. It is unclear if she was baptized upon arriving in Cuba. When asked how long she had been living in Puerto del Príncipe, she replied that it had only been "six moons" since she was bought and brought to the village. It would have behooved Rosales y Osoreo to check the parish records to determine who claimed to be de la Caridad's slaveholders. The fact that he did not indicates that she most likely was already baptized in West Africa.<sup>213</sup> Though conversion to Catholicism guided the enslavement of Africans by Europeans, the politics of rivaling African sovereignties, slave traders' lack of ethics, and economic pressure meant that Christian Africans did become enslaved and sent to American colonies. Moreover, by the 1740s, Britain gained the *Asiento*, the monopoly to sell enslaved

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<sup>212</sup> Sherwin K. Bryant, *Rivers of Gold, Lives of Bondage: Governing through Slavery in Colonial Quito* (Chapel Hill: The University of North Carolina Press, 2018). Bryant shows how the Crown established the sovereignty of the law during the sixteenth century through the physical and legal bodies of enslaved men and women. Slave bodies were places sovereign to their owner, which in Castilian law was the *Pater*, or Crown. "Slavery was, in this sense, an apparatus of colonial governance that installed colonial sovereignty, allowing the Crown access to the household dominion and personal affairs of a range of colonial actors through its regulation." Bryant, 31; 32-33.

<sup>213</sup> A counterargument to María de la Caridad being baptized in Africa is her name, which references the *Virgen de la Caridad*, the Madonna of El Cobre, a major Black *pueblo* in Cuba. It could be coincidental that María de la Caridad shared the same name as the *pueblo's* Madonna, yet the fact that she did have the same name as a figure who would become central to a manumitted Black *pueblo* and to the development of Cuban identity in the nineteenth century is important to consider when determining when she was baptized. For more on El Cobre, the importance of the Marian cult of the Virgin de la Caridad, and slavery in Cuba, please read Díaz, *The Virgin, the King, and the Royal Slaves of El Cobre*.

Africans to Spanish territories, which meant that Christianity mattered even less when determining who was eligible to be enslaved. María de la Caridad's presumed Christianity, and specifically Catholicism, deprived her of the opportunity to request the "*agua de Dios*" and seek religious sanctuary and manumission. To Rosales y Osoreo, María de la Caridad's Christianity meant that he need not ask more about it in his investigation, as that was one legal box he could check before selling her back into slavery.<sup>214</sup> Authorities offered religious sanctuary to fugitives to tie them to the Spanish empire through conversion to Catholicism—as opposed to rewarding belonging to the faith itself-- to ensure loyalty to the local community and to "correct" any "pagan" or Protestant "heresy." If a fugitive was already Catholic, then there was no need to offer conversion to use against rival empires.

It was common for officials throughout the empire to automatically baptize smuggled Africans so that they fit within approved imperial categories and remove the possibility that they could claim asylum through conversion within the empire. In 1762, when authorities in St. Augustine, Florida, captured British traders smuggling African children into the colony the authorities immediately baptized the children once they inventoried and appraised them so that they could be properly auctioned off in the city to be re-enslaved.<sup>215</sup> By pressing them into the Catholic Church, Spanish authorities operated in the intersection between Spanish imperial ideology and Christian political

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<sup>214</sup> María de la Caridad was appraised for re-enslavement before her testimony, meaning that her religious status would not matter if she had requested manumission or asylum. Rosales y Osoreo wanted to reify a slave-status as quickly as possible. The following section will examine this in more detail.

<sup>215</sup> "*Autos obrados sobre la ilícita introducción de cuatro negros,*" St. Augustine, Florida, May 8, 1762, AGI: *Papeles de Cuba* 472. The children were claimed by authorities to all be between nine and twelve years old.

thought to assign the smuggled children “discrete juridical identities as slaves, royal subjects, and persons with souls.”<sup>216</sup> To historian Herman Bennett, Africans’ lived experience of operating within Spanish imperial ideology and Christian political thought represented a “field of identities” that could be moved around in, to root oneself through kin-formation, invocation of the law, and more.<sup>217</sup>

From officials’ perspective, however, the assignment of Christian identities meant that when people of African descent did engage with authorities their actions were now legible. The Christian identity could be used by authorities to attach a recognizable – and disruptive – motivation to people found in spaces they were not authorized to occupy. Moreover, the movement of people of African descent across imperial and local borders could now be understood, and used, to either tie people of African descent to the baptismal font or the plantation. An imperial-friendly Catholic identity overwrote the more complicated layers of people’s movements and relationships in the eyes of officials so that racialized slavery could continue to function. This “overwriting” was not straightforward. For some people of African descent, being Catholic meant they could be re-enslaved without repercussion; for those who were not Catholic upon engaging with authorities, there was the possible advantage of using the desire to become Catholic to gain access to manumission.

Catholicism was the capstone that held together Spanish slavery, justifying Spain’s participation in the Atlantic slave trade, regulating slave-owners treatment of

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<sup>216</sup> Bennett, *Africans in Colonial Mexico*, 5.

<sup>217</sup> Bennett, 2–5.

enslaved people, and was the basis for slaves' right to manumission and *coartación*.<sup>218</sup>

That is why Rosales y Osores pressed Ysabel María, Antonia, and the multiple other people to affirm and qualify their religion. And that is why Céspedes's interpreter's comment, that he was not satisfied with Céspedes's response as to if he would "embrace the Catholic religion," is important to highlight. Authorities were not asking about religion to better understand Céspedes's marronage but wanted to see how Céspedes could be tied to Cuba: as either a convert or simply as a slave, liable to either be sold on the island or back to imperial rivals.

In Fernanda Bretones Lane's case study of a group of maritime marrons who requested "*agua de Dios*" in 1751 Santiago de Cuba, the group was going to be sent back to Jamaica until they very publicly begged for baptism. This forced the Bishop of Santiago to halt their return so that he could interview them to determine the authenticity of their request. Officials did not automatically offer religious sanctuary when requested by maroons, and any request was met with deliberate and careful questioning. Religion structured both the enslavement people of African descent in the Spanish empire and dictated the relationship between them and authorities. It was a "field of identity" that both parties could use to communicate with one another, but they did not meet on equal footing. It was meant to preserve the power of slaveholders and police the behavior, and movement, of people of African descent. Officials like Rosales y Osores used religion to maintain a slave society, and so used these investigations to ensure that slaveholders were

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<sup>218</sup> Blackburn, *The Making of New World Slavery*, 102–8; Alejandro de la Fuente, "Slaves and the Creation of Legal Rights in Cuba: Coartación and Papel," *Hispanic American Historical Review* 87, no. 4 (November 1, 2007): 659–92.



buying imperially approved slaves either already made Catholic, or who “needed” slavery to save their souls.

#### The Seal of Enslavement – Concluding the Investigations and the Auction Process:

Officials wanted to construct and validate imperial-friendly identities for apprehended *bozales* so that officials could ensure that each person would be acceptable to potential buyers, thus completing the transformation from a “wayward or unmoored person” to slave. In most cases Rosales y Osoreo and don Diego Enríquez Huertado, the royal treasurer who also participated in the investigations and questionings, hired a man named Hemeterio de Arrieta to appraise the worth of each person for enslavement. Once a value was given, Rosales y Osoreo gave a public notice to the town crier, often a *criollo negro* named Gabriel, who posted the announcement. Potential buyers, both *vecinos* and travelers passing through, would offer bids. Antonia was appraised at 300 pesos but the initial bids for her were for 205 pesos by a don Joseph Carmona Valdes, and 235 pesos by a Joseph Ramon, a resident of Puerto del Príncipe but a *vecino* of Havana.<sup>219</sup> Joseph Ramon won the second round of the auction by raising his bid to 265 pesos.<sup>220</sup> Céspedes was sold for 255 pesos.<sup>221</sup> When María de la Caridad was appraised, Arrieta judged her worth to be 255 pesos. These horrifying transactions were recorded as part of the investigations, acting as the logical conclusion to the proceedings. The combination of

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<sup>219</sup> “*Testimonio de autos obrados sobre una negra bozal de nacion carvali nombrada antonia (que hallo) la que se hallo perdida del otro lado del puente de tinima y aprehendio el sargento toribio de mier...*”, n. 13, f.16v.

<sup>220</sup> *Ibid.*,

<sup>221</sup> “*Testimonio de autos obrados sobre un negro bozal de nacion conga e que hallo perdido en uno e los embarcaderos de la costa del sur de esta jurisdiction...*”, “ f.15v.

the questioning and the auction processes was not merely a bureaucratic technique to streamline cases, but a fundamentally singular process, transforming a *persona de mala entrada* and/or a *negro descaminado* to a person recategorized as simply a slave and ready to be re-enslaved.

Once authorities were sure that those under investigation had no more information to give, they would immediately start the auction process. For example, on 21 December 1744 Rosales y Ososres started an investigation into the fourteen-year old who did not have a Spanish name and finished the investigation with the unnamed man's public auction five days later.<sup>222</sup> The free and enslaved mobility of each African was tightly intertwined with these smuggling operations, as cargo or as enslaved labor on the ships themselves. Such was the case of Antonia, who was apprehended by sergeant Thorbio de Mier after he followed a horse carrying smuggled clothing to a house in the mountains.<sup>223</sup> Through these investigations Spanish officials hoped to sever the international links established by African mobility and to tether humans to the empire, specifically to fortify Spain's position in its imperial rivalry against Britain.

Rosales y Ososres used these investigations to not only identify British smuggling operations but also to reclaim Africans as "goods" – as objects rather than travelers.

Through Hemeterio de Arrieta's appraisals, *personas de mala entrada* and *descaminado*

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<sup>222</sup> "Testimonio de autos obrados sobre al aprehenzion de un negro muleque Bozal que aprehendio augustin blanco con su partida en el monte del rio de nahza en el passo de las ciegas del Hato de la Quemada," Camagüey, Cuba, 21 December 1744 AGI: Santo Domingo 503, f. 1r-12v. Rosales y Ososres did not question him because authorities could not find anyone who could identify or translate his language. Thus, his name was never recorded in the written record.

<sup>223</sup> "Testimonio de autos obrados sobre una negra bozal de nazon carvali nombrada antonia (que hallo) la que se hallo perdida del otro lado del puente de tinima y aprehendio el sargento toribio de mier..." n.13, f.1r-3v.

*negros* had their physical and biological information entered into the record, as well a monetary value assigned to them that began the process of turning a *descaminado negro* into a slave.<sup>224</sup> While most appraisals occurred after testimonies were recorded, in some cases, such as in María de la Caridad's case, people were appraised before questioning began. No matter when the appraisal took place, questions that revolved around *bosalidad*, religion, and linkages to the Spanish and British empires provided legal and social information for officials to fully flesh out the biological details recorded from the appraisal. In doing so, officials attempted to create new, and easily identifiable enslaved subjects, for the enslaving elite and colonial administrators. The auction process was the seal meant to finalize the transformation from illegible personhood, identified as *mala entrada* or *descaminado*, to imperially approved slave.

Yet to only look at how authorities dehumanized people to establish order and maintain racialized social hierarchies is to miss how Africans were able to work through delimiting language to accomplish their own goals, revealing that freedom and slavery are not antithetical, but layered. They experienced both freedom and unfreedom as layers, continually informing their actions and ideas as they moved throughout Cuba as well as the Caribbean. Imperial officials created investigations of *descaminado* to determine the boundaries of a specific group of people whose movement represented a problem to authorities. Ending the analysis once each person was auctioned back into slavery reinforces Rosales y Osoroos' goal, to solve the "problem" of a "wandering," complex person by reinstating a slave status upon them. This status was used by officials to

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<sup>224</sup> For more on how the assignment of a numerical value shaped the relationship between enslavers and the enslaved, see Morgan, *Reckoning with Slavery*.

create an ideal Black subject who was, by definition, a slave, and whose labor could be used to profit the colonies and enforce racial hierarchy. In instituting a slave status onto people of African descent officials were also laying the legal infrastructure needed for people to develop legal personalities that could be used to navigate the law and assimilate to approved Spanish mores.<sup>225</sup>

Returning to the beginning of each investigation allows us to better understand how Africans and their descendants navigated racist imperial regimes. Céspedes went to great lengths to escape abuse while enslaved aboard a British ship. María de la Caridad was behaving as “free” when she walked and conversed with another woman of African descent. The others investigated by Rosales y Osoreo were also pursuing their own goals, goals that were often illegible to officials, who provided their own reasons for apprehending them. While these documents were meant to tame people’s movements and recategorize them as legally enslaved, the very actions that caught the gaze of the empire reveal a much more complex series of relationships and subjectivities that defied officials’ categorization.

While the documents do not focus on those relationships—almost by design—careful reading shows almost each person under investigation established some form of a

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<sup>225</sup> Landers, *Atlantic Creoles in the Age of Revolutions*; Bennett, *Africans in Colonial Mexico*. During the eighteenth-century Enlightenment philosophers began to link race to biological factors. In the Spanish empire authorities attempted to clarify and regulate “new races” created as a result of African, European, and Indigenous miscegenation in the American colonies. The result was the calcification of racial hierarchies that privileged “white” Spaniard’s authority over those with African and Indigenous heritage. While people with African and Native heritage could, and often successfully, petition for rights and honors as Spanish subjects, such petitions were based on their ability to demonstrate assimilation to approved Spanish mores. For more on this please read William Max Nelson, “Making Men: Enlightenment Ideas of Racial Engineering,” *The American Historical Review* 115, no. 5 (December 2010): 1364–94, <https://doi.org/10.1086/ahr.115.5.1364>; Twinam, *Purchasing Whiteness*; Weber, *Bárbaros*.

relationship to another person of African descent while in Cuba. María de la Caridad was walking with another woman when she was accosted and questioned by Lara and she was aided by the translating skills of Thomas, a *carabali* who possibly shared the same cultural framework as María. Antonia was also aided by an interpreter who was enslaved and was apprehended in the vicinity of other women of African descent. Every person interacted with other enslaved people on the ships that brought them to Cuban shores, and more telling, remembered them even if they did not always know their names. These relationships, forged both before and during the investigations, were vital to the establishment of communities and information networks stitched across the Caribbean. Often people traded in the trans-American trade could forge shipmate bonds that later were foundational to kinship formation in the areas they were traded to.<sup>226</sup> Even if the persons under investigation were sold to people that lived outside of Camagüey, communication networks were established throughout the island, and to other islands, via Black sailors and people traveling to and from different plantations.<sup>227</sup>

Authorities knew that information traveled quickly and efficiently through Black communication networks. Writing in his diary on September 24, 1775, after conversing with two Delegates of the Continental Congress from Georgia, John Adams remarked that “The Negroes have a wonderfull Art of Communicating Intelligence among

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<sup>226</sup> Borucki, *From Shipmates to Soldiers*.

<sup>227</sup> Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution*; Finch, *Rethinking Slave Rebellion in Cuba*. While Julius S. Scott looks at how “masterless” men sailed throughout the Caribbean sharing news of revolutions Aisha Finch applies Scott’s “common wind” to look at how rural slaves, particularly women, spread antislavery news throughout nineteenth-century Cuba. As will be discussed in Chapter Three, Spanish officials were so concerned about the inter-plantation movement of people of African descent that they drafted laws prohibiting intracolony movement for people of African descent who did not possess specific licenses or express permission from slaveholders.

themselves. It will run several hundreds of Miles in a Week or Fortnight.” Frustrated that the British threatened to free and arm slaves in South Carolina and Georgia, Adams wrote that the delegates’ “only Security is this, that all the Kings Friends and Tools of Government have large Plantations and Property in Negroes. So that the Slaves of the Tories would be lost as well as those of the Whiggs.”<sup>228</sup>

Rosales y Osoreo would have understood the anxieties of the Georgian delegates and shared in their “security” that officials in the metropole were as invested in enslaved labor as local slaveholders. Indeed, the Spanish Empire first established the practice of framing Africans and their descendants, as well as indigenous peoples, through increasingly rigid notions of difference that codified race and capital as mutually produced sites of meaning in their Atlantic empire throughout the sixteenth and seventeenth centuries. Moreover, during the eighteenth century Spanish philosophical thinkers deliberately linked the empire’s success to the Atlantic slave trade.<sup>229</sup> Auctioning people determined to be *bozales* after creating a legible category for them was not simply a clerical function. It rooted these people to Spanish law and slavery, instilling a static slave status that made their mobility legibly illegal to overwrite any complexities illegible to Spanish officials or deemed a threat to the empire at large.

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<sup>228</sup> Diary entry, 24 September 1775, in Gordon Wood, ed., *John Adams: Revolutionary Writings 1775-1783*, (New York: The Library of America, 2011), pg. 19. Capitalization and spelling errors are found in original text.

<sup>229</sup> Morgan, *Reckoning with Slavery*, 61; Schneider, “African Slavery and Spanish Empire: Imperial Imaginings and Bourbon Reform in Eighteenth-Century Cuba and Beyond.”

Conclusion: Marronage as Freedom or Products of Illicit Trade?:

In the mid-eighteenth century, Cuban colonial officials saw slavery and the slave trade as a complex system that could easily be disrupted by people not clearly defined and categorized according to imperial and colonial logic. Of course, lived “freedom” was much more complex than a simple binary slave/free status. Slavery was a “messy,” complex system and colonial officials, both deliberately and unconsciously, used these criminal investigations to simplify the connection between skin color and African heritage into *esclavos negro/as*. By doing so, imperial officials could impress a useable “slave” identity onto people whose mobility defied control.

Still, the people under investigation were not passive participants in this process, and in their responses to investigations designed to deny their complexity, revealed a dynamic mobility that linked trans-imperial movement with fluid and layered identities. This is important as these mobilities, these “flights of freedom” using political theorist Neil Roberts’ thinking, demonstrate how “slave agency” is not dictated according to the slavers’ ideology, but to the potentiality of action. While these investigations found María de la Caridad, Ysabel María, Céspedes, and many others underneath a system that attempted to reclassify what authorities found to be a problematic “wandering,” they instead used mobility and movement across territorial boundaries to advance their purposes, purposes beyond imperial slavers’ goals. In Roberts’ words:

During marronage, agents struggle psychologically, socially, metaphysically, and politically to exit slavery, maintain freedom, and assert a lived social space while existing in a liminal position. Agency here is temporally fluid in contrast to prevailing modern Western theories, particularly Aristotelian and Hegelian systems, which obscure the degrees of agency and their pertinence to freedom due to their inattentiveness to flight and mistaken rigid division between potentiality

and actuality. In marronage, there is agency within potentiality. Actuality is merely the manifestation of a heightened form of activity in the action of flight.<sup>230</sup>

While Roberts is concerned with connecting the freedom of *marooners* to political actions, such as theorizing how Haitians broke free from slavery to engage in practices such as constitution writing, he is advocating thinking of marronage, the flight from domination to “freedom,” as a state of being. In other words, he is arguing that neither “freedom” or “unfreedom” are static states.<sup>231</sup> The line between “freedom” and “unfreedom” is fluid and layered, and this complexity confounded and defied imperial attempts to control Africans by implementing categorizations of race and status on them. While those under investigation in Puerto de Príncipe did not utilize the political or legal tools available to free and enslaved Spanish subjects in the eighteenth century for a variety of reasons (be it ignorance of the law or a decision to not invoke manumission through asylum or abuse), authorities interpreted their flight from slavery from a perspective that conceived of them as human goods, traded or who entered the country illegally.

Examining how and why officials in mid-eighteenth century Puerto del Príncipe tried to enact this reduction of humans on the move to smuggled property reveals that they encountered a process far messier than we might think is important. These investigations reveal a gap between colonial ideology and lived experiences. The people under investigation understood their own experiences outside the state’s understanding and outside traditional binary narratives of the “slave” or the “free person.” They moved

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<sup>230</sup> Neil Roberts, *Freedom as Marronage* (Chicago: The University of Chicago Press, 2015) The author accessed this work as an ebook and so the page numbers are unavailable.

<sup>231</sup> Roberts.



freely in a way that Cuban colonial officials struggled to comprehend or refused to acknowledge, in a field outside the realm of rigid identities where true meanings of freedom and enslavement were known only to the persons themselves. This is not to say that people of African descent operated outside the scope of history or the archival record. People of African descent were often motivated by African cultural, spiritual, and political ideas, particularly when engaging in maritime marronage, not to mention that many also adapted to and used European traditions in their everyday life. But Spanish officials, who produced the investigations and made the archives that contained the investigations, not only occluded these alternate categories of belonging from their analysis of fugitive motivations, but purposefully sought to restrict African-based ideas.<sup>232</sup>

To authorities, Africans were either runaways/fugitives or “loyal” to their slave owner or the empire. Yet, as anthropologist Justin Dunnivant wrote poetically about Africans crossing the sea, “the ocean is both the geography where Africans’ social status was transformed into enslaved and, for these maritime maroons, the space where they became transfigured yet again as free subjects – never fully becoming either.”<sup>233</sup> In other words, the decision to pursue a goal - be it “freedom” from slavery, telling stories based in West African oral traditions, or even the pursuit of material wealth through illegal trading - was not always clearly defined to the maroons. “Freedom” was kaleidoscopic in

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<sup>232</sup> Dawson, “A Sea of Caribbean Islands.” As will be discussed in later chapters, a common restriction found in Spanish Black Codes from the sixteenth to the eighteenth centuries was prohibition on any dance, religious ceremony, or language from Africa.

<sup>233</sup> Justin Dunnivant, “In the Wake of Maritime Marronage,” *Slavery & Abolition* 42, no. 3 (July 3, 2021): 447, <https://doi.org/10.1080/0144039X.2021.1927511>.

nature, and to better “think with” the individuals captured by the imperial archive, one must see how people operated within multiple traditions, often combining them, when attempting to understand motivations of Afro-descendant people in documents produced by Spanish authorities.<sup>234</sup>

Spanish officials created the documents for the investigations, asked the questions, provided the scribe to record words, and, if needed, also provided interpreters for those who found themselves in Spanish legal investigations. The questions posed by officials and the answers given by the men and women under investigations were subject to a complex set of legal and linguistic variables, where words carried different understandings of law, religion, and society. These meanings did not always overlap with one another, and interpreters were often needed to bridge this gap.<sup>235</sup> For officials, these investigations defined status and imposed imperial-approved categories, but the defendants’ mobility made them difficult to define. To erase this complexity, authorities deployed lines of questioning that were influenced by concerns of imperial and local security. Conversely, people of African descent employed responses that claimed space within the colonial sphere while still retaining a degree of “independence” for themselves. In short, these investigations into persons of *mala entrada* and *descamino de varios negros* reveal the mental and legal gymnastics officials in Puerto del Príncipe performed to transform the ill-formed, and threatening, category of “*descaminados*” into *negros esclavos*.

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<sup>234</sup> Lane, “Free to Bury Their Dead: Baptism and the Meanings of Freedom in the Eighteenth-Century Caribbean,” 458; Schneider, “A Narrative of Escape.”

<sup>235</sup> For more on the importance of interpreters, please read Yannakakis, *The Art of Being In-Between*, xiv.

When participating in the investigation into “unclaimed” *bozales*, Francisco de la Buegla wrote “*descamino de varios negros*.” While the direct translation would be the seizure of various *negros* apprehended in the wrong place (e.g. not within the vicinity of their owners), the root word *descaminar* also implies to be lead someone astray. This is an important connotation as marronage was not only an economic problem for Spanish authorities, but a moral one, where the “proper” system, the institution of slavery, was being undermined by “wandering” Africans. Thus, by escaping slavery, even temporarily, Africans and their descendants were in the wrong space, both physically and morally. Yet, as Roberts points out, “freedom is not a place; it is a state of being.”<sup>236</sup> While Spanish authorities wanted to delimit the geographic spaces of “freedom” Africans and their descendants were apprehended in, these Africans were not necessarily concerned with physical space, but rather the actions and relationships that could lead them there. It was mobility, intrinsically tied to British smuggling, that could be used to navigate spaces of freedom that authorities wanted to cordon off with their legal categories such as “*esclavo de*” or “unclaimed.”

Viewing these investigations as flashpoints is important because it shows how the coerced and voluntary mobility of people of African descent tied together British smuggling and slavery in the minds of Spanish officials. Not only does this further demonstrate the “common wind” that circulated throughout the Caribbean, but also reveals one facet of how the institution of slavery operated before the 1762 occupation of Havana. Historians of the Atlantic and Spanish slave trade Alex Borucki, David Elitis,

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<sup>236</sup> Roberts, *Freedom as Marronage*, 11.

and David Wheat note that the vast majority of historical scholarship on slavery in the Spanish American colonies focus either on the “long seventeenth-century” in Central America and Mexico or on nineteenth-century Cuba. They rightfully point out that “even in Cuba, the size and significance of this island’s slave-based economy was large and diverse well before 1789, which is a useful corrective to studies that have portrayed Cuba as an underdeveloped backwater prior to the sugar boom.”<sup>237</sup> While their work focuses primarily on what other scholars call the “numbers game” of the Atlantic Slave trade, these investigations reveal the more complex logics that underwrote imperial officials’ intentions and the experiences of the investigated. In doing so one can circumvent the “abstraction of violence” that a narrow statistical focus on the slave trade can cause.<sup>238</sup>

When Miguel Díaz, the English interpreter assigned to Céspedes during his investigation, was not satisfied with Céspedes’s response to if he would embrace Catholicism, he chose not to directly translate Céspedes’s response, overwriting Céspedes’s words with his own judgment so that Francisco de la Buelga could only write, “*el ynterprete que no satisfacía.*”<sup>239</sup> While it is not recorded in the investigation why Díaz was not satisfied, the note reveals the complex dynamics that were at play in these investigations. To officials like Rosales y Osoreo, the investigations into persons of *mala entrada* and *descamino de varios negros* represented a solution to the “problem” of wandering Africans apprehended in Camagüey deemed to be of “bad entry.” By directing

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<sup>237</sup> Alex Borucki, David Eltis, and David Wheat, eds., *From the Galleons to the Highlands: Slave Trade Routes in the Spanish Americas*, First edition, Diálogos Series (Albuquerque: University of New Mexico Press, 2020), 3.

<sup>238</sup> Mustakeem, *Slavery at Sea*, 191; Rediker, *The Slave Ship*, 12.

<sup>239</sup> “*Testimonio de autos obrados sobre un negro bozal de nacion conga e que hallo perdido en uno e los embarcaderos de la costa del sur de esta jurisdiction...*,” “1745, AGI: Santo Domingo, 503: f. 8v-9r.

his inquiries along a specific line of questions, he could press upon these people an imperial-friendly legal category that would benefit the region by exploiting their labor while also identifying potential threats to the empire via British smuggling. Thus, Rosales y Osores could appease both the interests of local enslavers in Puerto del Príncipe and colonial officials in Madrid.

And yet these investigations also reveal how the freedom and “unfreedom” of apprehended Africans was layered. Except for Céspedes, none of the investigated Africans claimed to be escaping their enslavement. More specifically, each person was pursuing their own sets of goals that was either immaterial or unthinkable to authorities, who were more concerned with identifying connections to the British empire and how to apply standards of subjecthood to these people. Yet slavery was not absent from these African’s lives. Because of the institution of slavery, each person was brought to Cuba and investigated for being in the wrong places and keeping the company of the wrong people—namely, other people of African descent. It was both because of slavery and despite it that these people of African descent moved throughout Puerto del Príncipe and formed relationships with other people. These people did not see freedom or slavery as absolute to their identity or oppositional in nature. Rather they experienced both as layers, continuing informing their actions and ideas as they moved throughout Cuba and the Caribbean.

This chapter examined how local authorities in 1740s Puerto del Príncipe used investigations of illicit trade to reify a slave status on people they considered to be “unclaimed.” This process was not one-sided, and these investigations also revealed the fluid, layered experiences Africans lived while navigating the Atlantic and inter-

American slave trades. The following chapter will move forward chronologically and expand its scope to consider the evolution of Spain's Black Codes amidst the chronic warfare of the eighteenth century's second half. In doing so it will show how Spanish authorities' perceptions of African mobility shifted in response to revolutions in America, France, and most importantly, Haiti. Where authorities sought to capitalize on such movement to destabilize imperial rivals and consolidate Spanish holdings during the first half of the eighteenth century, authorities began to fear movement and so implemented laws to root people of African descent into place while centralizing the authority of the Crown over its subjects in the Americas.

## CHAPTER THREE

### Legalizing Rootedness: Imperial Slave Laws and Republican Revolution

“Excited by some of the French enthusiasts...under the pretext of commerce that they introduce in number into Louisiana...the same blacks and mulattos, free and slaves, enter pretending to be merchants, and the others accompanying their masters suddenly rise up and slit the throats of those [residents] and their families in the same day...”

~ Baron Francisco Luis Héctor de Carondelet, Governor of Louisiana and West Florida, 1796

Increasingly anxious about events occurring in the French colony of Saint Domingue, the governor of Louisiana and West Florida, Baron Francisco Luis Héctor de Carondelet, wrote to King Carlos IV about his decision to half the number of African slaves imported from the French Antilles. He argued that the inhabitants of Louisiana and West Florida faced “imminent danger” from the “Revolution of the Slaves” on the island of Santo Domingo. According to him, enslaved and free people, under the pretext of commerce and clearly influenced by “French enthusiasts” and “the liberty which is possessed” by slaves in the colony of Saint Domingue, would arrive and terrorize the province by suddenly revolting and killing Louisiana’s white population in their homes. He pointed out to the King that though haciendas were “on the two sides of the Mississippi and distant from one another,” it would still be easy for slaves “whose number is large, to surprise and slit throats in the night the three or four whites at the most that reside in every habitation.”<sup>240</sup>

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<sup>240</sup> Barón de Luis Francisco Héctor de Carondelet, “Letter from Baron de Carondelet Concerning Reduction of Slave Licenses to Louisiana and West Florida,” in *Papeles Para La Historia de Florida. Tomo 1*, ed. Buckingham Smith, vol. 1, 2 vols., 1796, 419r–21.

Furthermore, he argued, New Orleans was particularly at risk from the “furor of the slaves,” as many of the houses in the city were made of wood and could catch fire easily. He included in his letter to the Crown a testimony from a slave named Zellerd concerning a potential uprising that would take place on Easter.<sup>241</sup> Reductions at the San Carlos redoubt and the small size of the local garrison meant that the slaveholding elite could not survive such a threat. Thus, the Baron de Carondelet and the cabildo of New Orleans declared that licenses to import slaves from the French Antilles be reduced by half for the next six months. He made this decision without the King’s authorization, as “the determination of Your Majesty could not be received before the six months,” yet he also requested that the King extend the prohibition until “the reestablishment of the tranquility and good order in the French Islands.”<sup>242</sup> The Baron’s letters contained a vastly different view of Black mobility than that of Florida Governor Diego de Quiroga y Losada in 1690. Both men wrote to the Crown about the men and women of African descent who crossed into Spanish territory, but while Quiroga y Losada welcomed it, wanting to use their mobility to strengthen Spanish Florida’s borders, Baron de Carondelet saw African trans-imperial mobility as an explicit danger to the province because he believed they traveled borders to share rebellious news dangerous to the enslaving elite.

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<sup>241</sup> Buckingham Smith, ed., “Translated Copy of Zellerd’s Warning of Slave Rebellion, New Orleans, January 31 1796,” in *Papeles para la historia de Florida. Tomo I*, trans. Barón de Luis Francisco Héctor de Carondelet, vol. 1, 2 vols. (Madrid, Spain, 1857), f. 434r-434v.

<sup>242</sup> Carondelet, “Letter from Baron de Carondelet Concerning Reduction of Slave Licenses to Louisiana and West Florida.”



This chapter looks at this change in Spanish authorities' attitudes toward the inter- and intra-imperial mobility of people of African descent. It argues that Spanish authorities placed greater emphasis on plantation labor as the primary means of Black "utility" to the empire instead of religious asylum. Anti-colonial revolutions in America, France, and Haiti meant inter-imperial travelers carried news filled with anti-monarchical rhetoric and of slave uprisings throughout the Atlantic world, upsetting, in officials' minds, the burgeoning plantation economies they strove to perfect throughout the Caribbean.<sup>243</sup>

As these revolutions occurred the Bourbon Reforms reached their zenith. Officials in Spain and its colonies grafted newer economic and political theories onto older Hapsburg legal codes in an attempt to streamline Bourbon governance.<sup>244</sup> This chapter examines how the 1784 Carolinian Black code written by judge and Dominican priest don Augustín Ignacio Emparán y Orbe for Santo Domingo reflected the broader anxieties of Spanish officials throughout the empire over the intra- and inter- colonial mobility of people of African descent. He explicitly crafted provisions to root the island's enslaved populace to the plantation, used religious instruction to depersonalize enslaved laborers instead of casting them in the more traditional role of religious asylum seekers, and tried to limit the mobility of free(wo)men of African descent to and within the island to prevent the exchange of potentially anti-monarchical and anti-slavery news. To Emparán y Orbe and other Bourbon officials, Black trans-imperial mobility was needed less to

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<sup>243</sup> Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution*; Soriano, *Tides of Revolution*.

<sup>244</sup> Stein and Stein, *Apogee of Empire*; Stein and Stein, *Edge of Crisis*.

stabilize the empire's borders against rival European threats. Now it was Africans and their descendants who represented threats to a Spanish empire wanting to become more dependent on plantation slavery than in previous eras.<sup>245</sup>

First, this chapter will contextualize the Seven Years War and the revolutions that occurred in North America, France, and Haiti. In reaction to the anti-monarchical rebellion in North America and slave rebellion in Haiti, European colonial holdings throughout the Caribbean implemented similar slave codes to prevent a Haitian-influenced rebellion from spreading throughout the region. Moreover, it shows why the Spanish empire aided anti-imperial rebellions in other parts of the Americas while crafting Enlightened absolutist laws for its own territories, anchored through slave codes created originally for Santo Domingo. Spanish officials wanted to root the empire's economic success to plantation slavery, so they phased out their religious asylum policies in favor of policies that solidified burgeoning plantations societies.

After charting the events from the Seven Years war to the official end of Spain's religious asylum policy in 1790, the chapter then turns to the heart of its argument, a detailed examination of the 1784 Carolinian slave codes. The Crown never implemented

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<sup>245</sup> It is important to remember that people of African descent did not all share visions of rebellion or revolution. Many people chose to fight with slaveholding European elites against revolutionaries who offered freedom from slavery, believing that their monarch served as the legitimate political power that safeguarded their "rights" as subjects. Others tried to work with both rebels and loyalists depending on what their own needs were at any given time. Some simply used rebellion as an opportunity to flee into the hinterlands to escape European dominion completely. For more on how people of African descent navigated rebellion and revolution, please read Frank T. Proctor, *Damned Notions of Liberty: Slavery, Culture, and Power in Colonial Mexico, 1640-1769*, Diálogos Series (Albuquerque: University of New Mexico Press, 2010); Landers, *Atlantic Creoles in the Age of Revolutions*; Schneider, "A Narrative of Escape"; Marcela Echeverri, *Indian and Slave Royalists in the Age of Revolution: Reform, Revolution, and Royalism in the Northern Andes, 1780-1825*, Cambridge Latin American Studies 102 (New York, NY: Cambridge University Press, 2016); Sartorius, *Ever Faithful*; Gary B. Nash, *The Forgotten Fifth: African Americans in the Age of Revolution* (Cambridge, MA: Harvard University Press, 2006) particularly Chapter One.

these codes in Santo Domingo, the island they were designed for, due to local slaveholders' resistance to perceived imperial overreach. After the code's author, Emparán y Orbe, sent his final draft of the decree to Spain, it stayed in Contaduría General de Indias [Audit Office of the Indies] until its core ideas were repurposed for the 1789 Black codes known as the *Real Cédula de Su Majestad sobre la educación, trato y ocupaciones de los esclavos* [Royal Decree of Your Majesty on the education, treatment, and occupations of slaves] issued in 1789.<sup>246</sup> The Carolinian slave codes of 1784 was the Bourbon Crown's third attempt at devising a set of Black codes, with the Black codes of Santo Domingo written in 1768 and the Black codes of Louisiana in 1769. Yet what makes the 1784 Carolinian Black codes valuable to this chapter is that it not only incorporated the previous two Spanish codes, but also other codes written for sixteenth-century Santo Domingo and French Black codes implemented during the seventeenth and eighteenth centuries. Moreover, the version of the 1784 code, known specifically as the "extracto del Código Negro Carolino," that is under examination in this chapter was a work in progress that contained Emparán y Orbe's annotations, strikethroughs, and the marginal notes where he cited which laws provided precedent for many of the code's precepts.<sup>247</sup>

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<sup>246</sup> Hontanilla, "Sentiment and the Law"; Javier Malagón Barceló, *Código Negro Carolino (1784)* (Santo Domingo: Editora Taller, 1974), 161.

<sup>247</sup> Physical copies of the 1784 code can be found in the Archivo General de Indias, in Seville, Spain, and in the Archivo Nacional de Cuba, in Havana, Cuba. Malagón Barceló, *Código Negro Carolino (1784)*, 161; Manuel Lucena Salmoral, *Los Códigos Negros de La América Española*, 2a ed., Colección Africanía (Spain: Ediciones UNESCO: Universidad Alcalá, 2000), 61. The version I use is a digitized version that can be found on Biblioteca Digital Hispánica's website, the digital collection for the Biblioteca Nacional de España in Madrid, Spain. Moreover, the version under examination here is not just the "extracto del Código Negro Carolino," but a bound manuscript titled "Papeles referentes a los esclavos negros en América" that contains several Spanish translations of other codes Emparán y Orbe used to write his code and a list of every code he cited. The manuscript can be found at <http://bdh.bne.es/bnesearch/CompleteSearch.do?numfields=1&field1=materia&showYearItems=&field1va>

Emparán y Orbe notations are valuable because they allow us to see which laws he cited and, more importantly, the ideological shift that occurred in how officials used these laws to instill rootedness by favoring disciplinary religious instruction rather than voluntary conversion. In reacting to their current events, Emparán y Orbe and other Spanish authorities drew on their own history, highlighting what they thought legitimated local colonial and Crown rule over the land, and more specifically, their subjects. It was often the mobility of Africans and their descendants who Spanish officials focused on to usher in a new era of “modern” Spanish rule in the Americas.

#### Imperial Wars and Colonial Reorganization:

When officials in Britain and France, and later Spain, entered the Seven Years War they could not have expected how the war’s aftermath would dramatically change the imperial calculus in the Americas. Not only did the war set the stage for the republican wars and revolutions of the late-eighteenth and early-nineteenth centuries, but the war’s end also led to a massive transfer of colonial territories. Colonial officials arriving to their sovereign’s new territories implemented sweeping changes that would survive well into the nineteenth century.

On June 6, 1762, a fleet of British ships appeared on the horizon in Havana to capture Havana. For the next six weeks British forces barraged the Morro fortress, Britain’s key to capturing Havana, finally succeeding in capturing it after exploding a

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mine and storming the fort. On August 11, Cuba's governor, Juan de Prado, surrendered the city to the British after determining that no other option existed for the city's residents. For the next eleven months, the British occupied Havana until ceding the city back to the Spanish after the conclusion of the Seven Years War.<sup>248</sup> The siege of Havana, its occupation, and the larger war that led to Havana's capture were microcosms of the factors that guided imperial maneuvering throughout the eighteenth century. Conflict over legal and illegal trade, slavery and marronage, and rivaling claims for greater dominance in the Americas led Britain and France to open warfare in the Americas. Spanish officials in Madrid did not want to enter what they initially perceived to be an Anglo-French conflict, but when Carlos III ascended to the Spanish throne in 1759, he worried that a British victory would disrupt the balance of power in both Europe and the Americas. The dynastic connection between Carlos III and the French king, Louis XV, led Spain to finalize the Third Family Compact with France and to declare war on Britain. Upon hearing news of Spain's entry into the war Britain quickly launched attacks on Cuba and the Philippines, eager to succeed where they had failed during the War of Jenkins' Ear.<sup>249</sup> Despite fierce resistance from Cuba's defenders, particularly from Cuba's free and enslaved people of African descent, and the viciousness with which Yellow Fever infected British Forces, Havana eventually fell to Britain's invading force.

While the British attacked Havana, the residents of Florida, most of whom still remembered Oglethorpe's invasion twenty years earlier, hastily prepared for an assault

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<sup>248</sup> Schneider, *The Occupation of Havana*. For a detailed overview of the siege of Havana, and particularly the vital roles Africans and their descendants played in the siege for both sides, please read Chapter Three.

<sup>249</sup> Schneider; Allan J. Kuethe, *Cuba, 1753-1815 - Crown, Military, and Society* (Knoxville, TN: University of Tennessee Press, 1986).

that never materialized. Once hostilities ceased and the treaty process began, *Floridanos* learned that they were to be, as historian Sherry Johnson phrased it, “casualties of peace.”<sup>250</sup> The loss of Havana deprived the Spanish empire of its most important Caribbean colony, humiliating the Crown, who convened several investigations to identify what went wrong, and more importantly, to find someone to blame.<sup>251</sup> Moreover, as the war was initially fought between France and England, Spain was not directly involved in the treaty process and was forced to rely on French negotiators to defend Spain’s interests. To mollify their frustrated Spanish allies the French agreed to cede Louisiana to them.<sup>252</sup> Even with Louisiana ceded to them, the cost of wresting Havana back was still steep. To regain their most prized possession in the Caribbean the Spanish Crown agreed to cede “to His Britannick Majesty, all that Spain possesses on the Continent of North America, to the East, or to the South East, of the River Mississippi.”<sup>253</sup> In other words, all of Florida.

On January 21, 1764, the galleon *Our Lady of Sorrow* departed from St. Augustine, Florida, carrying the city’s last remaining Spanish residents to their new life in Cuba. The evacuation of St. Augustine, Pensacola, and other smaller Spanish forts and

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<sup>250</sup> Johnson, “Casualties of Peace: Tracing the Historic Roots of the Florida-Cuba Diaspora, 1763-1800.”

<sup>251</sup> Kuethe, *Cuba, 1753-1815 - Crown, Military, and Society*.

<sup>252</sup> Elliott, *Empires of the Atlantic World*, 294–95; Robert L. Gold, *Borderland Empires in Transition: The Triple-Nation Transfer of Florida* (Carbondale IL: Southern Illinois University Press, 1969).

<sup>253</sup> John Bedford, Duke & Earl, Duc Caesar Gabriel de Praslin, and Marquis Don Jerome Grimaldi, “Preliminary Articles of Peace, Between His Britannick Majesty, the Most Christian King, and the Catholick King: Signed at Fontainebleau, the 3d Day of November 1762” (Treaty, Fontainebleau, France, November 3, 1762), 15, <http://hdl.handle.net/2027/aeu.ark:/13960/t8qc0m51g>. To clarify, during the negotiation process the French ceded Louisiana to the Spanish only when it became apparent that ceding Florida to the British was the price the Spanish had to pay to regain Havana. Moreover, the treaty also forced the Spanish to recognize British logging rights in the Yucatan.

*indio* settlements in Florida occurred over the previous year, and seven ships filled with the newly made exiles had departed earlier that day. Yet the *Sorrow's* passengers included don Melchor Feliú, Florida's governor, officially signifying the end of Spanish reign in Florida.<sup>254</sup> Britain finally succeeded in accomplishing what 145 years of direct military aggression could not, a British Florida.

With the departure of Governor Melchor Feliú the British officially took full possession of Florida, dividing it into two provinces. East Florida was comprised of the land east of the Apalachicola River and south of the St. Marys River, with St. Augustine continuing to serve as the capital. West Florida included the land west of the Apalachicola to the Mississippi River, which included the modern-day Panhandle region of Florida, much of Alabama and Mississippi, and part of Louisiana. Pensacola, settled by the Spanish in 1698 to deter French and British settlement along the Mississippi River and Gulf Coast, served as the capital of Britain's West Florida. The governors of both provinces, shocked at how small each settlement was, set out to rapidly grow their respective capitals.

In St. Augustine, Governor James Grant wanted to accomplish this by investing in enslaved plantation labor. When profits from Grant's indigo plantation repaid all his startup costs in four years the city's other slaveholders quickly followed suit, leading to a dramatic increase in East Florida's enslaved population.<sup>255</sup> St. Augustine, the city that

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<sup>254</sup> "Razon de las familias blancas y morenas que a pedimento piedad y quenta del Yll(mo) Señor don Pedro Augustin Morel y Santa Cruz, Dignissimo obispo de esta Ysla, se transportaron del presidio de San Augustin de la Florida a esta ciudad en los Barcos que abajo se expresaran con declaración de sus capitanes día en que partieron de aquella barra y numero de personas que trajo cada uno y son a saver" AGI, Seville, Spain. Santo Domingo 2660, fol. 43.

<sup>255</sup> Robin F. A. Fabel and Daniel L. Schafer, "British Rule in the Floridas," in *The History of Florida*, ed. Michael Gannon (Gainesville, FL: University Press of Florida, 2013), 144–61.

Africans and their descendants once used to leverage freedom, now had become a burgeoning plantation colony. It would continue to depend on enslaved plantation labor until the end of the U.S. Civil War a hundred years later.

Britain's victory in the 1763 led to massive inter- and intra-imperial migrations that dramatically changed the demography and economy of borderland colonies such as Florida, yet British victory also set the stage for its American colonists to question the limits of imperial authority. As James Grant and George Johnstone (the first governor of West Florida) worked to transform the two Floridas into what they thought the "ideal" British colonies should be, many of their northern colonial neighbors grew increasingly frustrated with British imperial rule. Some believed British officials did not grant colonists sufficient say over taxation or special access to western lands. The most disgruntled colonists increasingly articulated this frustration through rhetoric that interpreted British imperial rule as tyranny and, more specifically, as slavery.<sup>256</sup> When fear of imperial slavery turned into violent rebellion, slaveholders in Georgia and other southern colonies worried that the British would actually deprive them of their slaves by offering freedom to any enslaved person who joined British forces in suppressing the rebellion. In July of 1776, the rebel leaders in Philadelphia officially articulated the goal of their rebellion, independence from British "tyrannical" rule.

Spain and France saw the rebellion-turned-war for independence as an opportunity to regain what was lost in the Seven Years War, as well as to reciprocate the

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<sup>256</sup> Bernard Bailyn, *The Ideological Origins of The American Revolution*, Fiftieth Anniversary Edition (The Belknap Press of Harvard University Press, 2017); For a detailed examination of the roots of the American War for Independence that decenters the British rebels' experience please read DuVal, *Independence Lost*.



humiliation both experienced at British hands. For the first four years of the conflict, Spain officially declared neutrality, offering to act as a mediator between the British Crown and the rebels. In reality officials in Spanish New Orleans used the port to channel aid and supplies to the rebels.<sup>257</sup> Cuba also sent aid and supplies to the rebels in addition to using intelligence-gathering networks established during the evacuation of St Augustine to maintain relations with Seminoles and other Indigenous peoples in Florida.<sup>258</sup> Between 1776 and 1777 Spain sent more than 1.5 million *reales de vellón* to rebels through the royal treasuries in New Orleans and Havana.<sup>259</sup> In June 1779, Spain eventually declared war. Led by Bernardo de Gálvez, governor of New Orleans and commander of Spanish forces in North America, Spanish troops, free *pardo* and *moreno* militias among them, advanced from New Orleans to capture Mobile in March 1780 and Pensacola in May 1781, effectively wresting West Florida from British control.<sup>260</sup> Losing a colony that never rebelled against the British Crown to a European rival frustrated British leaders and forced them to consider how Britain's global reputation would

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<sup>257</sup> Gonzalo M. Quintero Saravia, *Bernardo de Gálvez: Spanish Hero of the American Revolution* (Chapel Hill: The University of North Carolina Press, 2018), 138–42.

<sup>258</sup> Juan José Eligio de la Puente, one of the most prominent residents of St. Augustine in influence and wealth during the First Spanish Period, was tasked by officials in Cuba to maintain communication with Indigenous people who stayed in Florida to monitor British movement in the region and to provide aid in case Spain invaded St. Augustine. Indigenous Floridians who evacuated with the Spanish and relocated to Cuba often acted as hosts and translators for Florida-based Indigenous people who traveled to the island from the Florida peninsula to maintain relations with the Spanish Crown. Moreover, Luciano de Herrera, born and raised in Spanish St. Augustine, chose to stay in the city after the British assumed control to spy for the Spanish Crown. Johnson, "Casualties of Peace: Tracing the Historic Roots of the Florida-Cuba Diaspora, 1763-1800," 101, 115–19; Robert L. Gold, "The East Florida Indians under Spanish and English Control: 1763-1765," *The Florida Historical Quarterly* 44, no. 1/2, (1965): 118–19.

<sup>259</sup> Between 1775 and 1779 the Spanish expended 1,673,397,000 *reales de vellón* to fight the British, though not all of it was spent on fighting in the Americas as Spain launched attacks on British colonies all over the globe. Quintero Saravia, *Bernardo de Gálvez*, 142–43.

<sup>260</sup> For more details on Spain's conquest of West Florida please see DuVal, *Independence Lost* particularly Chapters Twelve and Thirteen.

continue to deteriorate the longer the war continued. As John Adams wrote to the French minister of foreign affairs in 1780, Spain's victories "in West Florida, and particularly of late at Mobile, and the probability that they will succeed in acquiring both the Floridas, show that the English are on the losing hand in this quarter."<sup>261</sup>

Excited to have avenged the occupation of Havana with his conquest of West Florida, Gálvez wanted to press his advantage by attacking St. Augustine, the Bahamas, or even Jamaica before the peace talks that began in 1782 between Britain and the American rebels became serious. Britain, tired of costly war, attentive to worsening public opinion, and worried that losses would continue to mount if the war did not swiftly end, agreed to end hostilities and recognize the United States' sovereignty after an arduous peace negotiation.<sup>262</sup> By aiding the rebels Spain not only humiliated a rival empire that had seized Spain's oldest colonies in the Caribbean and North America in previous wars, but the two Floridas also returned to Spanish control. As historian Kathleen DuVal writes, "the thirteen colonies' war for independence had strengthened Europe's oldest and largest empire."<sup>263</sup>

While the leaders of the American rebels rallied around ideas of liberty and independence, Spain did not participate to aid the republican cause. Rather, Spain entered

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<sup>261</sup> As quoted in Quintero Saravia, *Bernardo de Gálvez*, 173.

<sup>262</sup> DuVal, *Independence Lost*, 229–38; Quintero Saravia, *Bernardo de Gálvez*. Chapter Five. For a detailed examination of 545 free Black soldiers who fought in the 1779 siege of Savannah under the French general Comte d'Estaing, please read T.G.(Theophilus Gould) Steward, *How the Black St. Domingo Legion Saved the Patriot Army in the Siege of Savannah, 1779* (Washington, D.C., 1899). For more on Africans' and their descendant's participation in the war please read Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: University of North Carolina Press, 1999); Nash, *The Forgotten Fifth*.

<sup>263</sup> DuVal, *Independence Lost*, 217.

the war to reassert its authority in the Americas. As Gálvez advanced on West Florida, Spanish troops were also sent to suppress the *Comunero* Rebellion, a tax-inspired revolt against Spanish imperial authority, in New Granada and to suppress the Túpac Amaru Rebellion in Peru. Spanish authorities attributed the success of their involvement in the American War for Independence to revised military tactics, strategic alliances with native peoples, and reforms passed after 1763. After the capture of West Florida, Spain claimed all the land from Tierra del Fuego to Alaska and both sides of the Mississippi up the Great Lakes. After the Treaty of Paris in 1783, Spain could claim the Gulf of Mexico and the Florida Peninsula as well.

The Seven Years War resulted in Spain losing several important colonies and its reputation as a global force because past successes in previous wars never compelled officials to implement new military, political, and economic policies. After their success during the American War for Independence, Spanish officials felt that a new era of Spanish imperial dominance would unfold. This is important to highlight because Spanish officials now operated under a different geo-political logic. Citing the importance of slave plantations to French and British success, officials wanted plantation slavery to be the heart of a new Bourbon era of Spanish imperial dominance.

#### Plantation Slavery within The Context of Republican Revolution:

When Spain officially repossessed Florida in 1784, it retained the two Florida colonial systems and kept the plantation system that James Grant initiated twenty years

prior.<sup>264</sup> Unlike the Spanish evacuation of St. Augustine in 1763-64, when virtually the entire population of Spanish subjects chose to leave Florida rather than live under British rule, several major British property owners, and particularly plantation owners, decided to stay, along with 460 people of Menorcan, Greek, and Italian descent who migrated to the city during British rule.<sup>265</sup> People of African descent still sought religious sanctuary in St. Augustine, but Spanish authorities were less interested in granting it than they had been in prior years. While Florida was certainly not a racial paradise during the First Spanish Period, its governors saw the strategic importance of granting asylum to fugitives of British plantations and offered pathways for Africans and their descendants to become part of the community so that they would be invested in defending Florida from British invasions. Yet governors did so because they, and Spanish officials in Madrid, viewed English colonization as a violation of Spanish claims to the region and something to actively resist through any necessary means.

This equation would change after the rebels won their independence against the British empire. The 1783 Treaty of Paris meant that Spain, as well as Britain, had to recognize the sovereignty of the newly created United States. Spanish authorities were doubtful that a republic comprised of former British colonies would succeed, but they knew that its residents would never leave the region. Moreover, inhabitants of the United

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<sup>264</sup> Under Spanish rule, West Florida fell underneath the governor of New Orleans' purview while East Florida retained a governorship with the same powers as those who held the office during the First Spanish Period and continued to fall under the economic, political, and legal jurisdiction of Cuba.

<sup>265</sup> Specifically, five major British landholders remained under Spanish rule. They were Francis Philip Fatio, Jesse Fish (who first came to live in the city during the First Spanish Period), Carlos Howard, John Leslie, and John Hudson. All these men greatly invested in enslaved labor. Hoffman, *Florida's Frontiers*, 234. See also <http://laflorida.org/people/> for more details of these men's connections to East Florida's enslaved population.

States were even more ambitious about expansion than had been their grandparents, as they quickly moved into the Ohio River Valley, along the Mississippi River, and pressured residents of East Florida, West Florida, and Louisiana to either join the new republic or cede land to them.<sup>266</sup> Indigenous peoples most often felt the pressure from these settlers, who in turn commonly met Indigenous rejection of their land claims with violence.

Officials in Spanish and French cities along the Gulf of Mexico, Mississippi, and Florida borderlands worried that Indigenous responses to settlers from the United States would drag them into wars they could ill-afford to fight. Even the United States' newly installed leaders struggled to rein in the expansionist impulse of American settlers.

George Washington issued a proclamation on March 19, 1791, declaring that any person who "associated" with a James O'Fallon, who levied "an armed force in that part of the State of Virginia which is called Kentucky" in "defiance [of] the treaties of the United States with the Indian tribes," would be persecuted "with the utmost rigor of the law."<sup>267</sup>

While it is unclear what Washington thought the penalty should be for violating the treaties, his proclamation does show that the settler urge to expand westward quickly outpaced the United States' government's ability to regulate such expansion. The violence settlers unleashed towards Indigenous people in defiance of their government's treaties concerned the Spanish and French, who not only worried what their Indigenous

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<sup>266</sup> F. Andrew McMichael, *Atlantic Loyalties: Americans in Spanish West Florida, 1785-1810* (Athens, Ga: University of Georgia Press, 2008); Landers, *Atlantic Creoles in the Age of Revolutions* particularly chapters one and three.

<sup>267</sup> "Copy of Proclamation by George Washington," March 19, 1791, *Papeles de Cuba* 204, F. 778-779, Accessed via P.K. Yonge Library of Florida History, University of Florida, Gainesville, Fla. (hereafter cited as PKY).

allies would do in response, but that the settlers were already turning their gaze towards neighboring European colonies as well.

Thus, when pushed by then Secretary of State Thomas Jefferson to end the religious sanctuary policy in 1790, Spanish authorities saw no reason to refuse. Provoking a neighboring territory-hungry nation, especially as former British subjects owned St. Augustine's most profitable enslaved labor plantations was not in Spanish officials' best interest. The rise of plantations in both East and West Florida meant that encouraging fugitive slaves to seek manumission in Florida could incite slave rebellion in the colony as well as irritate a neighboring country dependent on enslaved labor. Moreover, in 1784, the newly installed governor of Spanish Florida, Vicente Manuel de Zéspedes, already issued an order requiring every inhabitant of African descent to present themselves before Spanish authorities for registration, which marked the beginning of end for Spain's religious asylum policy in Florida.<sup>268</sup> During the eighteenth month transition from British to Spanish rule, many enslaved people of African descent escaped their British enslavers to request religious asylum with the incoming Spanish. Zéspedes' issued the registration order to provide legal protection to these converts, even though in his personal writings he doubted the authenticity of their conversion. Moreover, Zéspedes' order had a more insidious goal. Any "vagrant *negro*" without a known owner or who lacked freedom papers needed to clarify their status immediately, lest they forfeit

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<sup>268</sup> Gabriel B. Paquette and Gonzalo M. Quintero Saravia, eds., *Spain and the American Revolution: New Approaches and Perspectives* (London New York: Routledge, Taylor & Francis Group, 2020), 28.

their freedom and become slaves to the Spanish Crown.<sup>269</sup> With this proclamation, people of African descent were beginning to be valued less for their roles as religious converts and instead rooted to the empire through their enslavement.

As Spain resettled back into East and West Florida, keeping plantation slavery while resisting American expansion, revolution began in France and spread to the Caribbean's most profitable colony, Saint Domingue. The French Revolution dramatically changed the political world of Europe while the revolutionary slaves-turned-citizens of Haiti changed how colonial officials understood slavery, forcing authorities to become much more concerned about how people of African descent spread news across colonial boundaries. Officials in Cuba, Louisiana, and Jamaica, terrified that their own enslaved population would rebel, implemented futile policies to control information and anti-slave and anti-monarchical rhetoric from spreading from island to island and plantation to plantation.<sup>270</sup> In the Leeward Islands, officials in St. Barthélemy, St. Croix, St. Thomas, and Dominica considered or implemented similar draconian slave laws, all based on the 1685 French Code Noir, to secure the authority of their slaveholders, suppress potential slave rebellion, and pledged intracolonial support if one island did see

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<sup>269</sup> Baron de Carondelet's decision to half the number of slaves imported from French colonies to Louisiana and West Florida was not unusual. Officials in every colony weighed or implemented similar policies. Landers, *Atlantic Creoles in the Age of Revolutions*, 37.

<sup>270</sup> Ada Ferrer, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution* (New York, NY: Cambridge University Press, 2014). As discussed in previous chapters Africans and their descendants, both free and enslaved, were experts in communicating news across national and imperial borders. Attempts to stymie the flow of information was virtually impossible for authorities, who depended on the same sailors who exchanged news to conduct trade. For more on how antimonarchical news spread within empires, see Soriano, *Tides of Revolution*. To understand how people of African descent shared news across intra- and inter-imperial borders, see Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution*; Pérez Morales, *No Limits to Their Sway*; Finch, *Rethinking Slave Rebellion in Cuba*.

a Haitian-inspired slave rebellion occur.<sup>271</sup> Officials in the United States, happy to see a republican revolution occur in Europe, and to a rival of Britain no less, often became irritated when French radicals came to the United States to spread revolution to other colonies at its borders. Moreover, the United States' leaders refused to acknowledge the Haitian Revolution because much of its own economy depended on enslaved plantation labor and many enslavers served in Congress, ran for President, or served in their state's governments.<sup>272</sup>

The slave rebellion turned revolution in Haiti terrified those living in Spain and Cuba as well, yet enslavers unexpectedly benefitted from island's uprising. Enslaved Africans meant to disembark in Saint Domingue were rerouted towards Cuba, whose planters deliberately ramped up sugar production hoping to replace Saint Domingue as the center of sugar production in the Caribbean.<sup>273</sup> In 1793, the Spanish and British entered the conflict and immediately began courting Georges Biassou, one of the most influential slaves-turned-generals in Saint Domingue, to join their forces during the conflict. While France's General Assembly's universalist language sparked rebellion in its colonies, many former slaves-turned-military leaders fought in the name of the deposed King Louis and not for the republican cause. Indeed, in 1793 Biassou declared

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<sup>271</sup> Mulich, *In a Sea of Empires* especially chapter five.

<sup>272</sup> The work of historical anthropologist Michel-Rolph Trouillot challenged historians to consider how the Haitian Revolution was "silenced" because those who produced the documents that historians use to understand the past considered the events of the Revolution to be "unthinkable." His work forced historians to reevaluate the centrality of the Haitian Revolution to the Age of Revolutions and to the historical transition to modernity. The United States only recognized Haitian sovereignty when it fought a Civil War to abolish the institution of slavery. Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston, Mass: Beacon Press, 1997).

<sup>273</sup> Ferrer, *Freedom's Mirror*.



himself “Chief of the Counter-Revolution,” showing that while many republicans used rhetoric depicting monarchical subjecthood as “slavery,” many of those who lived in actual slavery favored and identified with their respective monarch, who they believed served as the legitimate political authority who preserved the “rights” of faithful subjects.<sup>274</sup>

Republican revolution also spread to West and East Florida, threatening to embroil the colonies in violence while revealing that “slavery” held different meanings for revolutionaries and individuals of African descent. In 1794, two years before writing to the Spanish Crown regarding his fears of slave rebellion, the Baron de Carondelet discovered that French Republican enthusiasts distributed propaganda throughout the province encouraging French residents of Louisiana to join the revolution and overthrow Spanish rule. Keeping with the political rhetoric of republican revolution, the letter-writers equated imperial subjecthood to slavery, writing that “now is the time to cease to be Slaves to a Government that you were unworthily sold to.” They emphasized that the “freedom and success” of a republican France, United States, and the nascent territory of Kentucky “foreshadowed” a “prosperity that makes the Spanish Government tremble.”<sup>275</sup>

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<sup>274</sup> Landers, *Atlantic Creoles in the Age of Revolutions*, 55, 69. Biassou eventually allied with the Spanish after the General Assembly executed the French king, writing that he and his allies would “rather be slaves of the Spaniards than free with the French.” In 1794 Biassou’s close friend and ally, the legendary Toussaint Louverture, broke with Biassou and gave his loyalty to the French. In 1795 Spain and the Directory of the French Republic ended hostilities, and one of the treaty’s stipulations was exile for Biassou. He and his core group of followers were given an option by the Cuban Governor of where to live in exile: the Isle of Pines on the southern coast of Cuba or St. Augustine, Florida. Biassou chose Florida, where he lived until his death in 1801.

<sup>275</sup> Andrés Almonaster and Buckingham Smith, eds., “Untitled Letter, New Orleans 1794,” in *Papeles Para La Historia de Florida. Tomo 2*, trans. Barón de Luis Francisco Héctor de Carondelet, 1818, f. 209r-210v f. 209r-209v.

It is unknown who the letter writers were or if they were apprehended. Moreover, Buckingham Smith, the nineteenth-century historian of Spanish America who transcribed the document, did not provide the original letter in his manuscript, so it is impossible to know how accurate the translation is or if certain scribal emphases were contained in the original letter or were added in the translation. For example, the scribe of the letter underlined the sentence “Foreshadowing a prosperity that makes the Spanish Government tremble.” The original letter writer could have wanted to emphasize the Spanish government’s “fear” of republican success or, conversely, Spanish officials could have been highlighting that republicans were drawing comparisons to the economic and social “prosperity” of Spanish Louisiana.

In either case, French Republicans made a concerted effort to spread the “successes” of the revolution around the borders of the United States. One year prior to Baron Carondelet finding anti-Spanish propaganda in Louisiana, Spain’s vice-consul in Charleston discovered that two French diplomats in the United States were raising an army of men from Mississippi, Georgia, and Tennessee to invade East Florida.<sup>276</sup> The so-called Revolutionary Legion intended to liberate East Florida from Spain to make it a province of the French Republic, until it was deemed ready to be an independent country with a democratic republican government. To meet the threat, East Florida governor don Juan Nepomuceno de Quesada and Georgia governor George Matthews coordinated with each other to meet the Jacobian threat.

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<sup>276</sup> They were France’s Minister Plenipotentiary to the United States, Edmond Genêt, and the French Consul to South Carolina, Mangourit.

The response of Spanish Florida's inhabitants to the crisis reveals that Spanish commitment to plantation slavery did not mean that plantation slavery was absolute in the colony. Governor Matthews, worried about endangering U.S. neutrality in the region, agreed to work with Nepomuceno de Quesada only after he complained to Nepomuceno de Quesada about the Spanish governor's "failure" to return fugitive slaves who escaped from Georgia's plantations.<sup>277</sup> Matthews' accusation may seem contradictory considering that Spanish Florida governors had officially ended their religious sanctuary policies three years prior to Matthews' complaint. A slaveholder himself, Nepomuceno de Quesada was more than willing to convene a council of war in St. Augustine and vote to "arm all the free black and mulattoes in the province, for being fugitives from the State of Georgia, they will be loyal and will defend themselves to the death in order not to return to their former slavery."<sup>278</sup> Yet despite Nepomuceno de Quesada's claim, people of African descent living in Spanish St. Augustine would also have their own reasons to fight for the Spanish Monarch beyond fear of re-enslavement, though this was a very tangible reason for them.

Just as Haitian freedom-fighters like Georges Biassou fought in the name of their monarch instead of joining republicans, so too did slaves-turned-fighters who lived in Spanish colonial holdings from Popayán in New Granada (Modern-day Columbia) to Havana, Cuba. Not all styled themselves as "Chief of the Counter-Revolution" as Biassou did, but many fought for royalist causes as they believed the monarch served as the

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<sup>277</sup> Landers, *Atlantic Creoles in the Age of Revolutions*, 51–54.

<sup>278</sup> As quoted in Landers, 52.

legitimate political authority, to gain freedom in exchange for militia service, or simply for imperial pride and loyalty.<sup>279</sup>

More specific to Florida, people of African descent still crossed imperial borders along the Spanish Borderlands to seek opportunities to achieve their goals, be it freedom or loyalty to the Spanish empire. Despite the policy changes governors implemented to end asylum and grow the plantations, this was a gradual process. The goal of reaching Spanish territory for asylum was often safer and more trusted for people of African descent than newer, dubious claims of republican freedom. Many men and women of African descent knew the political options available to them and navigated an era where both revolutions and slavery were on the rise to pursue opportunities of freedom, community, and material wealth. As Jane Landers points out, the free Black militias raised to fight the Revolutionary Legion impressed Nepomuceno de Quesada with their service, even when he had previously denied granting property grants to free Blacks in St. Augustine because of their skin color. They continued to stay loyal to the Spanish Crown even as they consistently encountered republican propaganda promising to free them from “Spanish Tyrants.”<sup>280</sup>

#### The Influences of Republicanism, Slavery, and the 1685 French Code Noir:

European sovereigns, while navigating revolutionary warfare and its anti-monarchical rhetoric, still used the political and physical bodies of enslaved Africans to

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<sup>279</sup> Echeverri, *Indian and Slave Royalists in the Age of Revolution*; Sartorius, *Ever Faithful*; Landers, *Atlantic Creoles in the Age of Revolutions*, 55.

<sup>280</sup> Landers, *Atlantic Creoles in the Age of Revolutions*.

determine the boundaries of its imperial rule, as the Atlantic slave trade continued to grow during the century. The American War for Independence disrupted the Atlantic slave trade, with the number of humans enslaved and sent across the Atlantic reaching just below 30,000, the lowest number of people sent since the War of Jenkins' Ear thirty-five years prior.<sup>281</sup> It was not only European imperialists who participated in Atlantic slavery. Republican revolutionaries, who often used the rhetoric of "slavery" to call for revolution against European monarchs, fully engaged in enslaving Africans and their descendants to fuel their newly formed countries' nascent economies.

Yet the republicans who most advocated for slavery were not blind to the contradictions between republican revolutionary political thought that espoused rights-based liberties and the actual practice of enslaving humans. When the highest number of humans enslaved and traded across the Atlantic after the American War for Independence, republicans, grappling with these contradictions, sought to redefine what the term "slavery" meant within their political lexicon.<sup>282</sup> Building on, and twisting, John Locke's writings on consent and hereditary slave status, Thomas Jefferson argued that enslaved Africans and their descendants lacked the full mental capacities to be free citizens, just as children. Thus enslavers, according to Jefferson, acted in the same legal

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<sup>281</sup> Trans-Atlantic Slave Trade – Database, Slave Voyages, <https://www.slavevoyages.org/voyage/database#visualization>.

<sup>282</sup> Bailyn, *The Ideological Origins of The American Revolution*. Philosophers were ambivalent when writing about "slavery" during the nineteenth century due to fears over Black revolution from Haiti. Georg Wilhelm Friedrich Hegel's work on the "dialectic power in the master-slave relationship" has been debated by scholars on if Hegel was speaking to Black slavery in his writings. Yet, as literary critic Sybille Fischer points out, Hegel's lack of specificity, or more precisely his silence on Black slavery and the Haitian revolution reveals his disavowal of Haiti's progress, as it directly opposed his example of "modern" States such as the U.S, France, and Great Britain, all of whom depended on slavery. For more on how Hegel's use of the term conceptually effaced actual Black slavery, see Sybille Fischer, *Modernity Disavowed: Haiti and the Cultures of Slavery in the Age of Revolution* (Durham: Duke University Press, 2004), 24–33.

space as parents did for their children, who served as guardians until their children (and enslaved Africans by extension) reached the age of full mental capacity.<sup>283</sup> Going further than Jefferson, James Maddison argued that the issue over whether the children of enslaved Africans could consent to their hereditary status as slaves was immaterial. To Madison, the property rights of enslavers were more valuable than any personal rights of enslaved Africans.<sup>284</sup> As Jefferson, Madison, and other republicans debated the meaning of slavery to obscure tensions between their republican freedoms and their slave economies, the Atlantic slave trade accelerated. In 1784 alone, just five years after Spain declared war on Britain, almost 100,000 enslaved humans were traded across the Atlantic, with 71,456 people disembarking in the Caribbean to either work on sugar plantations or to be re-routed to the American or Spanish mainland.<sup>285</sup>

While republican enslavers needed to redefine slavery to obscure the philosophical tensions between their politics and enslaving practices, imperial enslavers needed to do no such revisioning as their justifications for slavery were rooted in medieval legal notions of subjecthood. Indeed, Spanish legal officials looked towards

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<sup>283</sup> Jefferson's argument that enslaved Africans "lacked" reasoning capabilities was not just a means of infantilizing Africans to justify their enslavement, but also part of a wider trend in the Anglo-American writing tradition to view Africans and their descendants as not fully human in the first place. Drawing on sixteenth- and seventeenth-century literary traditions that depicted inhabitants of Africa as monstrous, eighteenth-century proponents of slavery argued that people from Africa were eligible for enslavement because they were not yet fully human, or at least as fully human as their Euro-American enslavers. For more on how disability rhetoric structured enslavers' justifications, and later abolitionists' arguments, see Stefanie Hunt-Kennedy, *Between Fitness and Death: Disability and Slavery in the Caribbean*, Disability Histories (Urbana: University of Illinois Press, 2020).

<sup>284</sup> Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2005), 352–59.

<sup>285</sup> Trans-Atlantic Slave Trade – Database, Slave Voyages, <https://www.slavevoyages.org/voyage/database#tables>.

seventeenth-century French politics to strengthen their authority over enslavers as well as the enslaved. The difference between the political rhetoric that invoked slavery and the actual lived experience of enslaved humans and enslavers was not contradictory to Spanish officials in the 1780s but was rather understood as extensions of imperial sovereignty.

What did change, however, was the role religion played in strengthening both the empire and the Crown's authority within it. Bourbon officials in Spain envisioned a "modern" empire that would operate through Enlightened ideals. They wanted to root their resurgent empire to plantation slavery after seeing the wealth that its rivals in Britain and France had in Jamaica and Saint Domingue.<sup>286</sup> Officials were particularly inspired by Saint Domingue's productivity and attributed the colony's "success" to France's 1685 Code Noir, which French officials designed to ameliorate the abuses of enslavers by clearly defining the French Crown's authority over both slaves and slaveholders.<sup>287</sup>

French lawmakers did not write the 1685 Code Noir in a vacuum. Throughout the seventeenth century Louis XIV and his ministers implemented wide-sweeping economic, judicial, and military reforms that simultaneously invited a "France of movement," specifically through international trade, while attempting to limit the introduction of "alien values," primarily Islam, into French society.<sup>288</sup> In doing so Louis transformed the

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<sup>286</sup> Paquette, *Enlightenment, Governance and Reform in Spain and Its Empire, 1759 - 1808*; Schneider, "African Slavery and Spanish Empire: Imperial Imaginings and Bourbon Reform in Eighteenth-Century Cuba and Beyond."

<sup>287</sup> Malick W. Ghachem, *The Old Regime and the Haitian Revolution* (Cambridge: Cambridge University Press, 2012), <https://doi.org/10.1017/CBO9781139050173>; Hontanilla, "Sentiment and the Law."

<sup>288</sup> Gillian Weiss, *Captives and Corsairs: France and Slavery in the Early Modern Mediterranean* (Stanford, Calif: Stanford Univ. Press, 2011) chapters three and four in particular.

ransoming process French Catholic mariners went through to escape captivity, particularly in the Barbary States of North Africa.<sup>289</sup> He co-opted elaborate religious processions to ritualize the redemption process, forcing newly redeemed captives to quarantine in port cities, like Marseilles, and then journey on foot to Versailles in a religious procession to meet with Louis XIV to fully reintegrate back into French society. In doing this he elevated the Crown's role in redeeming captives, transforming the process from a local religious issue to the centralized domain of the Crown. The redemption of enslaved captives was no longer perceived in starkly religious binaries (Catholic vs Islam) but became an issue of determining who could be eligible for ransom and, more specifically, what could be considered French.

The 1685 Code Noir was an extension of Louis XIV's reforms. It was not only enslaved Africans who the king wanted to define his authority over, but specifically the slaveholders, who, influenced by the writings of political philosopher Jean Bodin, French officials believed acted as "domestic enemies" whose authority over their slaves undermined the Crown's sovereignty.<sup>290</sup> The Code Noir reflected the Enlightened

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<sup>289</sup> For more on the importance of the "Ransom Economy" in the sixteenth and seventeenth Mediterranean world, see Wolfgang Kaiser and Guillaume Calafat, "The Economy of Ransoming in the Early Modern Mediterranean," in *Religion and Trade: Cross-Cultural Exchanges in World History, 1000-1900*, ed. Francesca Trivellato, Leor Halevi, and Catia Antunes (Oxford University Press, 2014), 108–30, <https://doi.org/10.1093/acprof:oso/9780199379187.003.0004>. The "Ransom Economy" was not just an extension of the corsairing economy, but a vital part of Mediterranean commerce that crossed religious, legal, and political boundaries. Officials used it to damage rival economies, but merchants and mariners navigated it to seize economic opportunities that belied rigid national and religious divisions. For more on how the ransom economy shaped the beginning of international law in the Early Modern Mediterranean, please read Erica Heinsen-Roach, *Consuls and Captives: Dutch-North African Diplomacy in the Early Modern Mediterranean*, 2019.

<sup>290</sup> Ghachem, *The Old Regime and the Haitian Revolution*, 9, 43. More specifically it was slaves that Bodin perceived as "domestic enemies," yet the Code Noir turned the French Crown's attention towards limiting slaveholders' authority, which was created through the act of owning slaves. In other words, slaves were "private property" that slave holders held power over, power that did not belong to the French Crown. The Code Noir set out to remedy this "usurpation" of power.



absolutist reforms the Spanish Crown enacted a hundred years later with the 1784 *Código negro carolino*. Scholars emphasize how both codes ameliorated violence against slaves by stipulating how exactly discipline would be meted out for specific infractions.<sup>291</sup> Spanish officials wanted to curb what they perceived to be slaveholders' violent excess so that they would "observe and consistently follow the system that makes use of servants, keeping the principles, and rules that dictate religion, humanity, and the good of the state, compatible with slavery, and with peace, and public tranquility."<sup>292</sup> Louis XIV transformed the ransoming process to define French subjecthood by emphasizing the Crown's role in determining what French Catholicism meant.<sup>293</sup> In both the changed ransoming process and the 1685 Code Noir, religion was used by officials as a disciplinary measure to reinforce the Crown's authority.

Throughout the sixteenth-, seventeenth-, and early eighteenth-centuries Spanish authorities often used Spanish Catholicism to create the legal pathways for enslaved people to navigate society.<sup>294</sup> The 1685 Code Noir, however, offered Bourbon officials the opportunity to use religion not only to determine legal personalities and belonging, but to compulsorily root enslaved people to the Crown's authority. Authorities were not interested in creating God-fearing Christian subjects, but Crown-fearing Christian subjects. The *Código negro carolino* articulated how racialized plantation slavery could

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<sup>291</sup> Hontanilla, "Sentiment and the Law"; Ghachem, *The Old Regime and the Haitian Revolution*.

<sup>292</sup> "Papeles referentes a los esclavos negros en América," 2.

<sup>293</sup> Weiss, *Captives and Corsairs*, 3.

<sup>294</sup> Bennett, *Africans in Colonial Mexico*; Landers, *Black Society in Spanish Florida*; Díaz, *The Virgin, the King, and the Royal Slaves of El Cobre*. Please refer to Chapter Two of this dissertation for an in-depth examination of how religion was used to create legible identities for African fugitives.

be made “compatible” with religion, humanity, and most importantly, good governance.<sup>295</sup> The same era that saw the *Código negro carolino* drafted in Santo Domingo also saw the Crown fund scientific expeditions to better understand what it possessed in the Americas so that Spanish authorities could better “utilize” its demographic and environmental resources.<sup>296</sup> In crafting slave codes explicitly influenced by Louis XIV’s absolutist laws, the Crown understood slavery as something more than a means to fortify the empire’s borderlands and seas. Spanish authorities understood the codes as an aggressive measure to subordinate more of the population under Crown authority, redefining subjects’ relationship to colonial rule.

#### The 1784 Carolinian Black Codes:

When the president of the Real Audiencia de Santo Domingo, the superior court of appeals with jurisdiction over colonial Cuba, Florida, Puerto Rico, Louisiana, and

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<sup>295</sup> With the growth of Atlantic colonialism, and its subsequent trade networks, Africans and their descendants became the primary source of enslaved labor in the Atlantic world. Due to this, by the mid-seventeenth century, when the plantation economy began to fully develop in the Caribbean, Brazil, and North America, Europeans linked slavery with race, specifically to people from Africa. By the time the Carolinian Black Code was drafted in 1784, slavery had long been linked with people from Africa. By stressing the religious foundations of the codes here, I want to highlight that slavery was no longer generally understood as a religious experience by European colonists, but was used to regulate, and justify, the practice to meet with both European “sensibilities” and economic efficiency. Also, this is the European enslaver perspective of slavery. Africans understood slavery through their own material and spiritual perspectives and their descendants also merged these understandings with their own experiences in the Americas. For an incredibly brief overview on the racialization of Atlantic slavery as well as African and Creole understandings of slavery please see Blackburn, *The Making of New World Slavery*; Anne C. Bailey, *African Voices of the Atlantic Slave Trade: Beyond the Silence and the Shame* (Boston: Beacon Press, 2005); Bennett, *African Kings and Black Slaves: Sovereignty and Dispossession in the Early Modern Atlantic*; Suzanne Miers and Igor Kopytoff, “African ‘Slavery’ as an Institution of Marginality,” in *Slavery in Africa: Historical and Anthropological Perspectives*, ed. Suzanne Miers, Igor Kopytoff, and Ralph A. Austen, Reprinted (Madison, Wisc. London: University of Wisconsin Press, 1979), 3–78; Vincent Brown, *The Reaper’s Garden: Death and Power in The World of Atlantic Slavery* (Cambridge, MA: Harvard Univ. Press, 2008).

<sup>296</sup> Weber, *Bárbaros*.

Santo Domingo, received orders from Spain in 1783 to codify a new set of rules to govern the island's Black population, he tasked senior judge and Dominican priest Agustín Emparán y Orbe with fulfilling the orders.<sup>297</sup> To prepare for the task he reviewed Santo Domingo's previous sixteenth-century laws as well as the 1685 French Code Noir and its eighteenth-century updates. While the 1685 French Code Noir formed the ideological backbone of what would become the Spanish *Código negro carolino*, it was language and specific ordinances from the older slave codes of Santo Domingo, crafted and revised throughout the previous three hundred years of colonization, that Emparán y Orbe used as a template for the newer code.<sup>298</sup>

Many of the ordinances Emparán y Orbe drew from had been implemented during an age of Indigenous and African marronage, which influenced how Emparán y Orbe wanted to “govern the moral, political, and economic life of Santo Domingo and its free and enslaved Black population.”<sup>299</sup> The older Santo Domingo slave codes established how authorities not only regulated the behavior and actions of enslaved Africans, but also governed the extent of enslavers' authority. In addition to the codes' many ordinances

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<sup>297</sup> Hontanilla, “Sentiment and the Law.” According to historian Manuel Lucena Salmoral, Emparán y Orbe was born in Azpeitia, Basque country, in 1748 and studied philosophy and law in Valladolid and in Salamanca. In 1777 he was named judge of the Audiencia de Santo Domingo and arrived at the island in 1779 to take up his charge. He later served as the Alcaldel Crimen in the same Audiencia until 1786, when he became the Third Alcalde of the Sala del Crimen for the Audiencia de Mexico. In 1790 he was named Regente of the Audiencia de Manila where he lived until his death in 1801. For more about his life see Lucena Salmoral, *Los Códigos Negros de La América Española*, 63–65; Hontanilla, “Sentiment and the Law,” footnote 21.

<sup>298</sup> In addition to the sixteenth-century Black Codes, Emparán y Orbe also drew from seventeenth-century Spanish Codes and French Black Codes issued in 1724. In addition to the marginal citations, a list of what codes Emparán y Orbe drew from can be found in “Papeles referentes a los esclavos negros en América,” 90r–104r.

<sup>299</sup> “Papeles referentes a los esclavos negros en América,” 31r. “...conforme a lo prevenido en Rl. Orden de 23 de Septiembre de 1783 para el gobierno Moral, Politico, y Economico de los Negros de aquella Ysla.”

regulating marronage they also prevented those enslaved on plantations from being *jornaleros* (slaves who sought paid work outside their owners' home/business while sending their owners part of their wage), prohibited owners from forcing enslaved women to engage in prostitution, and clarified which religious holidays enslaved Africans were allowed to celebrate without fear of repercussion.<sup>300</sup> The older codes applied to Santo Domingo's growing enslaved Africa-born population, but they were also drafted during an era when European colonists were still grappling with a growing Indigenous slave trade. By drawing on these sixteenth-century laws, ideas of "rootedness" and "resettlement" became central to Emparán y Orbe's codes.

In addition to reviewing older slave codes, Emparán y Orbe also toured the island to talk with major slaveholders, military officials, and municipal authorities. After his tour Emparán y Orbe wrote the code, organizing it into three parts. Part One stipulated the proper "moral governance" of the island's free and enslaved Black population. For the second part Emparán y Orbe was concerned with the civic and political lives of enslaved Africans. Part Three covered the economic aspects of plantation slavery.<sup>301</sup> While he emphasized that the codes were meant to increase agriculture and trade between

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<sup>300</sup> Manuel Lucena Salmoral, *Los Códigos Negros de La América Española*, 2a ed., Colección Africanía (Spain: Ediciones UNESCO: Universidad Alcalá, 2000); "Papeles referentes a los esclavos negros en América," 9r–29v. Enslaved Africans and their descendants often used this type of work to save enough to purchase their freedom. However, enslavers also often hired out their slaves with the expectation that they would send part of their pay back to them. Prohibition for enslaved plantation *jornaleros* may have been an attempt by authorities to curb the enslaved from freeing themselves from plantation labor and to prevent enslavers from allowing the enslaved to travel into the city to "mix" with the city's free and enslaved population. For more on *jornaleros* see Christine Hünefeldt, *Paying the Price of Freedom: Family and Labor among Lima's Slaves, 1800-1854* (Berkeley: University of California Press, 1994), 108–17; Sweeney, "Market Marronage"; de la Fuente, *Havana and the Atlantic in the Sixteenth Century*, 151–61, 170–79.

<sup>301</sup> "Papeles referentes a los esclavos negros en América," f. 32r, 49r, 64r.

Santo Domingo and the metropole, Emparán y Orbe still stressed “That Religion is the first object and adornment of good governance.” Religion, he argued, was not just for “slaves and free blacks” but that “perfect instruction in the Catholic Religion” should be given through ministers of “those that are free, and their owners, and the trustees of slaves.”<sup>302</sup>

The codes were not meant only to govern the island’s population of African descent, but also define the authority that the island’s white population held too, a clear influence of the French Code Noir’s logic. While Emparán y Orbe was influenced by sixteenth and seventeenth slave codes, he ultimately repurposed them to match prevailing Bourbon ideas of “good governance” that rooted people in place, strengthened imperial authority over enslavers, and sought to fully “utilize” enslaved people of African descent by using religious instruction to turn them into “machinelike” laborers, a marked change from the first half of the eighteenth century when voluntary conversion and sacramental instruction was used to incorporate people into the empire.

The codes used religious instruction, and prohibition, to initiate the change from African to enslaved laborer. The first *capítulo* of the Code was titled “On the moral governing of servants” and the first law stipulated “that slaves should be instructed with the most clarity and soundness in the principles and dogmas of the Catholic Religion.” An ordinance from the 1535 Black Code and the 1724 revision of the French Code Noir both informed this law.<sup>303</sup> Religious instruction was not an abstract goal but clearly intertwined with actions individuals performed in their daily life. The following law

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<sup>302</sup> “Papeles referentes a los esclavos negros en América,” 32r.

<sup>303</sup> “Papeles referentes a los esclavos negros en América,” 32v.

prohibited “Blacks, under the most severe penalties” from “clandestinely” attending at night the houses of their dead, “or of their relatives to pray,” to sing in “their languages” for the deceased, and to mix “their superstitious rites and dances.” These prohibitions were meant to “uproot in the Blacks their errors, and notions of the Divinities of their homeland.”<sup>304</sup> Prohibitions like these ran throughout the Codes to govern the “proper education” of individuals of African descent, emphasize that enslaved persons were to work in the fields, and, more specifically, to hold enslavers accountable for such actions.

The “proper” education of slaves laid at the foundation of the codes, which not only highlighted how slaves should interact with slaveholders and officials, but also dictated the responsibilities of slaveholders to their slaves.<sup>305</sup> Many ordinances outlined the punishments for not only those who violated the code, but if the person was enslaved, their enslaver as well. The third law of chapter one, on moral governance (Part One), stipulated that every slave receive proper instruction in the religion of their owners and parish priest the same year they entered the king’s domains. If a slave’s behavior prevented them from receiving the sacred sacraments, they would be “dealt with later” while their overseers would be fined twenty-five pesos payable to the Black Hospital.<sup>306</sup> Here, enslavers became legally accountable for tying newly arrived enslaved Africans to the island and its plantations through religious instruction, while emphasizing the

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<sup>304</sup> “Papeles referentes a los esclavos negros en América,” 32v.

<sup>305</sup> In her work on children in Lima, Bianca Premo argues that very laws governing childhood and enslavement are actually not directed at regulating the enslaved, but rather their enslavers. Bianca Premo, *Children of the Father King: Youth, Authority, & Legal Minority in Colonial Lima* (Chapel Hill, NC: University of North Carolina Press, 2005). Need to find pg #s

<sup>306</sup> The law was derived from Ordinance Two, of the French Code Noir. “Papeles referentes a los esclavos negros en América,” f. 33r.

authority of the local parish priest alongside the enslaver.<sup>307</sup> Yet specifying the timeframe for Catholic instruction, that it should come a year after entering the Crown's domain, signals a shift from previous uses of religious rhetoric. Instead of expecting enslaved Africans to accept Catholicism when they chose to in order to become part of the empire as in the Hapsburg and early Bourbon era, officials now used religious instruction as a disciplinary measure, making it compulsory rather than a voluntary choice to accept the Sacraments.

As evidenced by the code's three parts, Emparán y Orbe wanted to govern both the moral and political life of Santo Domingo's free and enslaved Black population. To that end, two intersecting themes were woven throughout the ordinances. For the first theme, Emparán y Orbe wanted to govern labor by dictating who was eligible for what type of labor, who could receive compensation, and where this labor was supposed to take place. Indeed, laws one and two of chapter six, part one, stipulated that only "miserable persons, like minors, widows, and elders" could receive wages for labor, and only "with notice and intervention of the secular *cabildos*, that regulates the number at the expense of the owners, who pay the deposit." All "the rest are destined to labor in the field," and any owner with slaves found receiving a wage would be fined twenty-five pesos for the first offense, a hundred pesos the second offense, and would lose ownership

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<sup>307</sup> The stipulation that enslaved people should be instructed in the religion of both the parish priest and the enslaver may have been an attempt by Emparán y Orbe to placate an enslaving elite already angry with the Crown's order to compile a new set of ameliorating slave codes. Lieutenant Colonel Ignacio Caro believed that any unproductiveness from the island's enslaved populace came from the Church's interference and civil magistrates "careless manumissions." José Núñez de Cáceres, a chaplain in Santo Domingo, argued that his plantation already functioned efficiently and that "his own observance of Christian instruction made the Crown's order redundant." For more on these two men's objections, see Hontanilla, "Sentiment and the Law" footnotes 29 and 30.

of the slave with the third infraction. The law stipulating that “*personas miserables*” could receive wages drew from Ordinance 12 of the 1528 code as well as Ordinance 41 from the 1768. The subsequent law, which roots “the rest” to labor in the fields derived from Ordinance 40 of the 1768 codes which “*Prohibe a los Esclabos todos los oficios* [Prohibits slaves from all trades].”<sup>308</sup>

Emparán y Orbe underlined the Crown’s authority here by not only emphasizing that enslaved Africans should be rooted to plantations but also by stressing the economic responsibility of enslavers. To those inspired by French absolutism, the Crown should define slavers and slaves’ roles in society, not slavers who could undermine the Crown’s authority by making their own decisions without heeding the Crown’s position.<sup>309</sup> Moreover, Emparán y Orbe attempted to make plantation slavery on the island more efficient by streamlining the process of who determined the number of “miserable” people. Those “miserable persons” who could not labor to their fullest biological capacity would hinder the production of sugar and other crops. To Enlightened Bourbon officials, only those who could fully “utilize” their labor would work in the fields. Moreover, instead of relying on local enslavers to determine a person’s eligibility, he placed the responsibility upon local cabildos, who would theoretically be more attuned to the island’s needs while still accountable to the metropole’s economic situation and the Crown’s demands.

The second theme of the ordinances involved laws that governed social, political, and religious life. Undergirding these was the Enlightened Bourbon urge to fully “utilize”

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<sup>308</sup> “Papeles referentes a los esclavos negros en América,” 43r.

<sup>309</sup> Ghachem, *The Old Regime and the Haitian Revolution*.



their enslaved labor force. Law four of chapter one, part one, prohibited owners from making their slaves “work in the fields, sugar operations, nor any productions, on Sundays and reserved feasts.”<sup>310</sup> Moving beyond specifying field labor, the code stated that slaves should “not have any personality or civil concept to acquire the same right of possession, or property, other than for the benefit, and mercy of their master”<sup>311</sup> Again, Emparán y Orbe drafted these laws to make “better” slaves by stripping them of all political identity in lieu of Catholic adherence, which he believed could prevent people “violently extracted from their homeland, and family, reduced to Slavery, and deprived of their freedom” from rebelling, such as they did in “Suriname, Jamaica, and Martinique, and before that on the Island Hispanola.”<sup>312</sup> These two themes represent the era’s broader impulses to modernize imperial rule by crafting “Enlightened” laws on efficiency.

While some Enlightenment scholars in the second half of the eighteenth century tried to “make better men” by tying emerging racial sciences to republican ideals, Emparán y Orbe instead tried to do so by melding Enlightenment-inspired “good governance” with Catholic adherence.<sup>313</sup> This push to meld “good governance” with Catholic instruction to create an efficient workforce matched Spanish Bourbon utility

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<sup>310</sup> “Papeles referentes a los esclavos negros en América,” 33r–33v. This law drew from multiple sources, from Ordinance 23 of the 1528 code, the fifth ordinance of the French Code Noir, a decree from November 10, 1771, and from communication with the Bishop of Popayan. Moreover, Emparán y Orbe noted that “by decree of March 16, 1754 it was declared, that according to the Brief cited in this Law, the work of Slaves on holidays, yields in favor of their owners, or masters.”

<sup>311</sup> “Papeles referentes a los esclavos negros en América,” f. 50r. Chapter seventeen concerned the “civil state of the slaves,” and cited the Ordinance 37 of the 1768 code and Ordinance 22 of the “Codigo Negro,” may imply the French Code Noir.

<sup>312</sup> “Papeles referentes a los esclavos negros en América,” f. 35r.

<sup>313</sup> Nelson, “Making Men.”

projects elsewhere in the empire. Intellectuals and reformers in Spain itself, known as *ilustrados*, obsessed over the Enlightened drive for “utility.” Sensitive to the myth perpetuated by European rivals that Spaniards regarded manual labor as “vile” because it was dishonorable, these *ilustrados* crafted legislation, policies, pamphlets, and treaties to foster a new, Enlightened era of economic success in the Iberian Peninsula based on the “industriousness” of its subjects.<sup>314</sup> Influenced by reforms crafted by *ilustrados* meant to strengthen the empire’s welfare services, the Viceroy of New Spain (Mexico), Antonio María de Bucareli, opened Mexico City’s first Poor House in 1774 with the goals of redirecting the able-bodied into the city’s work force and to deter future begging in the city. Through the Poor House Bourbon officials wanted to “civilize” the lower classes by maintaining civil order while fostering economic development. Free elementary education would be given through parishes, convents, municipalities, and asylums that would not only teach “useful” trades but also instill a strict work ethic and a sense of civic responsibility that would curtail “bad” behaviors while creating a better work force.<sup>315</sup>

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<sup>314</sup> It is important to note that Ruth MacKay’s main argument was not that the *ilustrados* wanted to create a more “industrious” Spain, but rather that in their push to do so they altered the discourse around perceptions of work in Spain, and thus changed the historiography of Spain’s work ethic. More specifically, MacKay’s findings show that many of the *ilustrados* depictions of a “lazy” workforce was inaccurate and reactionary to outside, rivaling European perceptions of Spain. Her work reveals that many people in sixteenth-and seventeenth-century Spain were not disinclined to manual labor and that many Spanish laborers engaged in discourses of honor no matter their work. For more on how the *ilustrados* altered discourses on Spanish manual labor, see Ruth Mackay, “*Lazy, Improvident People*”: *Myth and Reality in the Writing of Spanish History* (Ithaca, N.Y: Cornell University Press, 2006) Particularly Chapters Three and Four.

<sup>315</sup> Silvia Marina Arrom, *Containing the Poor: The Mexico City Poor House, 1774-1871* (Durham: Duke University Press, 2000), 11–15. Mackay, *Lazy, Improvident People*.

*Ilustrados* in Spain and Bourbon officials in New Spain wanted to inspire a better civic duty among those they believed were prone to laziness to usher in an era industry in the Spanish Empire. Emparán y Orbe, however, did not want to foster too strong a sense of civic identity in Santo Domingo's enslaved population. The Dominican priest's goal in better "utilizing" enslaved labor involved "thingifying" people of African descent through controlled religious instruction.<sup>316</sup> Thus, in citing previous slave rebellions that occurred in the Caribbean, Emparán y Orbe wanted to argue that a history of rebellion against colonial authorities could be properly rechanneled for field work – that their "robust bodies accustomed to the weathering, and vigorous arms constantly armed, even for the precise tasks of the field..." Yet he went further by arguing that enslaved people could only be fully utilized if they "received" laws, laws that consistently emphasized a Catholic adherence regulated by the Church and Crown. If these enslaved people accepted the codes, Emparán y Orbe argued, it would bring "relief to its [Hispaniola's] agriculture, and benefit to its mines."<sup>317</sup> Good moral, political, and economic governance was, to Emparán y Orbe and the authority he represented, the melding of proper religious observance and education to better "utilize" Santo Domingo's enslaved workforce. This obsession with utility marked a difference from previous Hapsburg policies on enslaved Africans. Whereas Hapsburg officials used voluntary religious conversion to root Africans and their descendants to the empire, Bourbon officials instead used compulsory

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<sup>316</sup> Aimé Césaire argues that European colonialism required colonizers to "thingify" the colonized in order to both justify the colonial project and to perpetuate it. For a more detailed understanding of Césaire's famous equation, "colonization = thingification," see Aimé Césaire, *Discourse on Colonialism*, trans. Joan Pinkham (New York: Monthly Review Press, 2000), 42–46.

<sup>317</sup> "Papeles referentes a los esclavos negros en América," f. 35r.

conversion and instruction to not only root enslaved Africans to the empire, but also to better “utilize” them.<sup>318</sup>

Controlling the inter- and intra-imperial movement of people of African descent, both free and enslaved, was central to Emparán y Orbe’s goal of “utilizing” Santo Domingo’s enslaved population. In 1693 the Spanish Crown encouraged Africans to flee British enslavement to claim religious asylum in Spanish territories so that they would inspire others to do so. Emparán y Orbe, conversely, wrote laws that would prevent information about Black flights to freedom from spreading. One law stipulated that both “free blacks and slaves” were not to “leave their populations, and haciendas, without license written by their owners.”<sup>319</sup> While similar laws appear in almost every set of slave laws in the Americas, Emparán y Orbe specifically targeted information exchange within Black communities. Two pages prior he wrote a law that prohibited the “mixing of blacks of the city with those of the fields and haciendas in their confraternities.”<sup>320</sup> As the Age of Revolutions continued into the nineteenth century, Spanish authorities became increasingly worried about the perceived central role people of African descent living in

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<sup>318</sup> Mentioned in the previous chapter was a 1762 case in St. Augustine, Florida, where Spanish officials captured a British trader smuggling four African children into the colony. In this case the children were automatically baptized during the appraisal process before being auctioned off as slaves to be the city’s residents. While the baptisms were obviously compulsory, the logic for doing so differed from the automatic religious instruction in the Carolinian Black codes. In this case officials knew nothing about these children and so baptized to give them, in the words of Herman Bennett, “discrete juridical identities as slaves, royal subjects, and persons with souls.” The automatic baptisms were not undertaken to better utilize the children’s potential as enslaved labor or to root them to St. Augustine’s agricultural fields as was Emparán y Orbe’s goal for Santo Domingo’s enslaved population twenty years later.

<sup>319</sup> “Papeles referentes a los esclavos negros en América,” f. 48r. The law stipulating that an individual of African descent needed a license to leave their assigned area derived from Ordinance 6, of the 1768 Black Codes.

<sup>320</sup> “Papeles referentes a los esclavos negros en América,” f. 46r.

cities played in slave rebellions.<sup>321</sup> By prohibiting “mixed” confraternities, Emparán y Orbe sought to prevent city-dwelling Africans from sharing news and ideas about rebellion with enslaved Africans and their descendants living on plantations. Yet this law also reveals a more insidious goal, to prevent Africans and their descendants of all statuses from forming kinship connections through religious confraternities that could potentially undermine Santo Domingo’s plantation efforts. Emparán y Orbe wanted enslavers and priests to provide religious instruction to enslaved plantation laborers to keep them rooted to the plantation. Confraternities offered opportunities to not only learn about international news, but also easily accessible pathways for manumission or other activities that would take enslaved Africans away from the plantation’s fields.

As discussed more thoroughly in Chapters One and Two of this dissertation, Spanish authorities knew quite well how quickly news spread between colonies. These prohibitions, however, show an increased concern over how news spread *within* colonies and informed Black thought. Historian Aisha Finch argues that during the violent repressions of the 1840s *La Escalera* insurgences in Cuba, political movements were “formed inside, not outside, of coercive labor regimes... The licit and illicit movements of black rural laborers through cane fields, boiling houses, cabins, and woodland hinterlands took these spaces from the violent universes that the planter elite imagined and mapped onto them a host of new meanings, political possibilities, and forms of sociality.”<sup>322</sup>

These codes reveal that during the beginning of the Age of Revolutions, Spanish

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<sup>321</sup> Childs, *The 1812 Aponte Rebellion in Cuba and The Struggle Against Atlantic Slavery*; Childs, “The Common Exceptionality and the Exceptional Commonality of Black Thought.”

<sup>322</sup> Finch, *Rethinking Slave Rebellion in Cuba*, 221–22.

authorities already feared how licit and illicit movements informed the political and social identity of people of African descent throughout its colonies long before sugar became the central crop of Cuba.<sup>323</sup> In the same decade that Emparán y Orbe drafted the Carolinian codes to prohibit enslaved field laborers from mixing with Black people living in cities, people like Juan Baptista Whitten, a former enslaved plantation laborer, sought ecclesiastical asylum in Florida, joined the militia, and fought against the French-American Revolutionary Legion invading East Florida.<sup>324</sup> While Spanish officials were using older, Hapsburg-era philosophies regarding Black mobility to protect its borderlands from revolution, they were also drafting newer codes, based on Enlightened absolutism and obsession over utility, that stymied movement to prevent those very same revolutionary ideas from growing in their sugar plantation colonies.

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<sup>323</sup> Historian Eric Hobsbawm first coined the phrase “Age of Revolutions” with his foundational work *The Age of Revolution 1789-1848*. Hobsbawm wanted to map out the beginning of Europe’s “modern” global empires through the lens of the French Revolution and British Industrial Revolution. Scholars framed his ideas to be the beginning of the “Long Nineteenth Century” and have since tried to break free of its narrower Atlantic understanding of political revolution. Nevertheless, these scholars still favor European-centric arguments of “modernity” and “modern empires.” My point here builds on even newer scholarship that argues to decenter strict European explanations for modernity, revolution, and Enlightenment by examining the conversations that occurred between colonial subjects and metropole officials in the eighteenth-century Spanish empire over rights, agency, and knowledge-production. Eric J. Hobsbawm, *The Age of Revolution 1789-1848*, 1st Vintage Books ed (New York: Vintage Books, 1996); C. A. Bayly, *The Birth of the Modern World, 1780-1914: Global Connections and Comparisons*, The Blackwell History of the World (Malden, MA: Blackwell Pub, 2004); For a more in-depth examination on the evolution of the scholarship on the Age of Revolutions and the Long Nineteenth Century, Mulich, *In a Sea of Empires*, 3–4. For more on newer scholarship that argues for a broader understanding of revolution and modernity please read “AHR Roundtable Historians and the Question of ‘Modernity’: Introduction,” *American Historical Review* 116, no. 3 (June 2011): 631–37; Keith Michael Baker and Peter Hanns Reill, eds., *What’s Left of Enlightenment? A Postmodern Question* (Stanford, Calif: Stanford University Press, 2001); Gurinder K. Bhambra, “Historical Sociology, Modernity, and Postcolonial Critique,” *The American Historical Review* 116, no. 3 (June 2011): 653–62, <https://doi.org/10.1086/ahr.116.3.653>; Jorge Cañizares-Esguerra, “Some Caveats about the ‘Atlantic’ Paradigm,” *History Compass* 1, no. 4 (2003): 1–4; Cañizares-Esguerra, *How to Write the History of the New World*; Reinhart Koselleck, “The Eighteenth Century as the Beginning of Modernity,” in *The Practice of Conceptual History: Timing History, Spacing Concepts* (Stanford, Calif: Stanford University Press, 2002), 154–69; The introduction of Nicola Miller and Stephen Hart, *When Was Latin America Modern?* (New York: Palgrave Macmillan, 2007); Premo, *The Enlightenment on Trial*.

<sup>324</sup> Landers, *Atlantic Creoles in the Age of Revolutions*, 41, 51–54.

Hence, Emparán y Orbe not only policed movement and tried to limit access to spaces where ideas and information could be discussed, he also wrote laws that required slaves to show “respect” to slaveholders and to religious, government, and community authorities. Emparán y Orbe mused “that the pride, arrogance, and independence in which is found in all the unclean classes on the island,” makes it necessary to pass reforms “since they communicate easily their contagions to the people coming from Africa...and thus it becomes necessary to establish the most severe subordination towards white population, as the fundamental basis of the colony’s internal policy.” To emphasize the need to craft laws to subordinate the island’s Black population to the white population, Emparán y Orbe wrote a marginal note declaring that this idea was “a prelude, or foundation” for the ensuing laws.<sup>325</sup>

Indeed, the following law declared that “all Black, slave, or free... will be so submissive, and respectful of every white person, as if each of them were his master, or lord.” Furthermore, any “Black, or Pardo to the first degree” that failed in any way to “give respect to a white person, will be placed in the pillory, or ring [*argollon*] of the square, and will be given twenty and five whippings by the hand of the executioner.”<sup>326</sup> Just as with the prohibition on “mixed” confraternities, Emparán y Orbe wanted to prevent people of African descent from interacting with one another to “easily communicate” news or “contagious behaviors” that could inspire rebellion against the island’s white enslaving elites. In mandating submission and respect, Emparán y Obre not

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<sup>325</sup> “Esta mas bien es un preludio, o fundamento de las Leyes siguientes, que una ley.” “Papeles referentes a los esclavos negros en América,” 36r–36v.

<sup>326</sup> “Papeles referentes a los esclavos negros en América,” 36r–37v.

only undermined individual enslavers but also created more subordinate race categories. Remember in Chapter One that St. Augustine’s free Black militia was often accused of continuing to practice African “superstitions” even though their freedom and participation in the militia was predicated on conversion to Catholicism. Moreover, Spanish subjects of African descent often pursued legal action against people accused of using racial insults against them.<sup>327</sup> Any similar pushback from Santo Domingo’s enslaved population would have interfered with Emparán y Orbe’s vision of a profitable plantation island. Moreover, during an era when antimonarchical and slave rebellion was breaking out, many judicial acts people of African descent who claimed freedom and asylum in Spanish dominions pursued to secure their own standing as honorable, Catholic subjects could possibly be perceived as inherently rebellious. Laws subordinating both free and enslaved people were meant to curtail any potential rebellion during an era where it was becoming more problematic for European empires.

Ordinances policing movement and limiting contact between different sets of people were not new. Every set of previous codes Emparán y Orbe drew from were expressly designed for that purpose.<sup>328</sup> What makes the Carolinian Codes novel, however, is the way it rooted people of African descent not only in geographical place but in social place too.<sup>329</sup> Numerous laws specified that every available slave of African descent should work in the plantations, except only those “miserable persons, like

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<sup>327</sup> Landers, *Atlantic Creoles in the Age of Revolutions*, 46.

<sup>328</sup> Lucena Salmoral, *Los Códigos Negros de La América Española*, 28–29.

<sup>329</sup> The codes can also be understood as an attempt to root plantations owners in place as well to prevent absentee owners from “neglecting” the enslaved.



minors, widows, and elders.”<sup>330</sup> Emparán y Orbe wrote these laws to stress that enslaved persons of African descent should be tied to plantation labor, matching the Bourbon impulse for greater “efficiency” in the empire. The proper social place for people of African descent was agricultural labor. One law prohibited “under the most severe penalties, that no Black, or *Pardo* of the third degree, can exercise art, nor any mechanical profession; that these should be reserved for white quadroons and *mestizos* with preference.”<sup>331</sup> In the preamble he wrote that these laws were for the “happiness, usefulness, and security of the state, the parts that constitute good governance... in which many [of the laws] can contribute to its achievement, the *useful occupation* of the free Blacks, and slaves in the cultivation of the products that are necessary for the Metropole.”<sup>332</sup>

This orientation towards using slavery and racial policing to meet the metropole’s needs reflects the broader Bourbon push for utility and efficiency. Moreover, while the codes directly reflected the motivations found in the 1685 Code Noir’s ordinances that sought to strengthen the Crown’s authority over its enslaving subjects, Emparán y Orbe also used religious indoctrination to not simply tie people of African descent to the plantation, but to transform them into machine-like “automatons” fit only for plantation labor. In doing so he did not use religious instruction to foster the loyalty and civic participation of Africans and their descendants in the same way as Hapsburg or early-

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<sup>330</sup> “Papeles referentes a los esclavos negros en *América*,” 43r.

<sup>331</sup> “Papeles referentes a los esclavos negros en *América*,” 44r.

<sup>332</sup> “Papeles referentes a los esclavos negros en *América*,” 31v–32r. Italics are mine.

Bourbon officials had, marking a shift from “miserable” religious asylum seekers to people viewed as inherently dangerous and potentially rebellious.

While freedom-seeking migrants like Juan Baptista Whitten continued to find spaces in the old Habsburg order as he joined the militia and became a loyal subject, far more enslaved Africans found the only community to which they could belong to be the plantation quarters. As discussed in Chapter One of this dissertation, the process of transitioning from the *ancien regime* of Habsburg rule to “modern” Bourbon practices was not straightforward. During the first half of the eighteenth century, officials often implemented early Bourbon policies based on Habsburg decrees to clarify their approach towards African fugitivity.<sup>333</sup> After 1764 Bourbon officials often looked abroad and to their colonies when considering how best to “modernize” their empire, borrowing ideas from French and British policies that they thought would best reform older Habsburg policies. Even prior to 1764, Spanish intellectuals argued that the best path forward for Spain was to anchor the empire’s success to plantation slavery to islands like Cuba instead of relying so heavily on the fleet system in the Caribbean. These same intellectuals cited Britain’s ownership of the *Asiento*, which Spain gave to Britain as part of the treaty process to install a Bourbon monarch to succeed the heirless Habsburg Carlos II, as reason for Spain’s “decline” in the eighteenth century.<sup>334</sup>

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<sup>333</sup> See the discussion in Chapter One about the 1689 and 1734 royal decrees on granting religious asylum to fugitives of African descent for more information.

<sup>334</sup> Paquette, *Enlightenment, Governance and Reform in Spain and Its Empire, 1759 - 1808*; Schneider, “African Slavery and Spanish Empire: Imperial Imaginings and Bourbon Reform in Eighteenth-Century Cuba and Beyond.”

Keeping pace with these debates over how to best modernize Spain, Emparán y Orbe made comments throughout the entire set of Codes to distinguish between modern slaving practices that were in the “manner of Roman thralls.” The preamble to part two, which outlined the political and civic lives of Santo Domingo’s Black population, specifically emphasized that the following laws would “insinuate at the difference between ancient slaves of the Romans, and those of the island Hispaniola” indicating that Emparán y Orbe wanted to use these laws to transition from traditional Hapsburg policies to newer Bourbon policies by focusing on the island’s specific needs and practices to better centralize the Crown’s authority by making its rule more efficient.<sup>335</sup> Thus it was not only through the movement and behaviors of individuals of African descent through which the Crown wrote its authority, but also determined the course of Spanish modernity in the eighteenth century.

Conclusion:

In 1783 Great Britain, Spain’s rival for imperial dominance in the Americas, signed the Treaty of Paris with thirteen of its former colonies, acknowledging the United States of America’s newfound sovereignty. This peace slowed, if only temporarily, British incursions into Spanish imperial dominions. Yet where once British advances were checked by ideas of balancing imperial powers among European empires, the Spanish found that their new American neighbors felt no such restraint as they quickly pushed into Spanish, French, and most critically, Indigenous lands. Though European

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<sup>335</sup> “Papeles referentes a los esclavos negros en América,” f. 49r-49v.

officials would write otherwise in their reports to officials in European metropolises, Indigenous peoples sustained the European colonial project through military support, trade, enslaved labor, intelligence gathering, or even intermarriage. American advances into their lands worried Spanish and French officials because not only would it ignite a war in the region, but it also threatened to further deteriorate European-Indigenous relationships, some of which extended back to the sixteenth century.<sup>336</sup>

While the eagerness of American rebels-turned-settlers worried Spanish officials, it did not surprise them, as it was settlers' parents and grandparents who took part in numerous British military campaigns against Spanish holdings throughout the eighteenth century. What was different now, however, was the geo-political and economic contexts. From 1784, when the Treaty of Paris was signed, to 1791, the year the Haitian Revolution began, slavers captured and traded 716,992 people across the Atlantic to labor as slaves in the Americas, the second highest peak of the century.<sup>337</sup> In 1789, just five years after the American War for Independence ended, the French King Louis XVI convened the

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<sup>336</sup> In Florida for example, *sargento mayor* don Bernardo Nieto de Carvajal sent a *merito* to the Crown in 1701 wherein he stated that in 1685 he “led” four hundred allied *indio* war canoes to expel English traders in Apalachicola. This Indigenous force easily dwarfed whatever military force St. Augustine could have mustered at the time. Moreover, every Florida governor periodically visited “allied” Indigenous settlements for the official purpose of inspecting them, but, in reality, they brought gifts in hopes of retaining allied Indigenous loyalty. For more on Nieto de Carvajal’s *merito* and his experiences with Indigenous peoples please refer to “*Merito: Bernardo Nieto de Carvajal*,” St. Augustine, Florida, November 8, 1701 AGI: Indiferente, 131 N.31, imagen 2. For more on the importance of Indigenous peoples to European colonization efforts in Florida, and North America more broadly, please see Dubcovsky, *Informed Power*; Francis and Kole de Peralta, *Murder and Martyrdom in Spanish Florida: Don Juan and the Guala Uprising of 1597*; Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge, Mass.: Harvard University Press, 2003). Though Indigenous people were central to the story of European colonization in the Americas, they are not discussed in this dissertation due to limitations in scope.

<sup>337</sup> Trans-Atlantic Slave Trade – Database, Slave Voyages, <https://www.slavevoyages.org/voyage/database#statistics>. The highest peak was between 1764 to 1774, where slavers sent 912,283 Africans to the Americas, with 780,999 people surviving the brutalities of the Middle Passage to disembark in slaving ports in the Americas.

Estates General, setting in motion a violent series of events that led to a republican French empire whose universalist rhetoric, in combination with the increase in slavery, led to rebellion, revolution, and independence in Saint Domingue, the island whose prosperity in enslaved labor and sugar production Spain hoped to emulate. This threatened Spanish officials and affected their approach to Black mobility in a way that inter-imperial rivalries had not before

The Carolinian Codes reflect a Spanish empire cognizant that the era was changing, yet they also show which sources Spanish officials reached for to meet these changes. Emparán y Orbe drafted the Carolinian Black codes the same year hostilities ended in North America between the British and American rebels. He could not have guessed at the changes brought by the French and Haitian revolutions in the following decades, but he did sense that the Atlantic slave trade would dramatically increase. While Emparán y Orbe used French absolutist and Hapsburg sources to govern Santo Domingo's plantation society, he did so in hopes that it would usher in a new era of prosperity for the empire. He used sources based in older political philosophies, but he updated them to "insinuate at the difference" between Hapsburg rule (based on Roman law) and newer Bourbon policies (based on "enlightenment" philosophies) that underlined Crown authority while doubling down on his commitment to emulate rival empires' approaches to enslaved plantation labor.<sup>338</sup>

The slave codes and revolutions represented the "political currents" that people of African descent navigated during the Age of Revolutions. They often successfully

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<sup>338</sup> Paquette, *Enlightenment, Governance and Reform in Spain and Its Empire, 1759 - 1808*.

navigated, both socially and physically, the tensions between empires and republics to pursue freedom, community, or material wealth. Yet, just as in the first half of the eighteenth century, officials in these same empires and republics dependent on slavery knew how frequently people of African descent were on the move and tried to capitalize on it. For the Spanish, they once tried to foster loyalty and use migrants of African descent as buffers on their borders through religious asylum policies that encouraged inter-imperial movement. In Emparán y Orbe's time, however, such movement also meant the spread of republican ideals, ideals that were anti-monarchal and potentially lead to slave rebellion. So, while Spanish officials continued to depend on free Black militias to protect their borderlands from republican enemies, they crafted draconian Black codes in plantation colonies. While officials still viewed religious conversion as key to this rootedness, the laws required compulsory conversion to root people to the colony rather than voluntary conversion. The only mobility permitted under plantation rule was forced mobility through the Atlantic Slave trade. Violently limiting social and physical mobility within the island, officials hoped to increase prosperity and modernize the empire.

Emparán y Orbe's 1784 draft was never implemented due to resistance from planters who feared imperial overreach. Yet the philosophical heart of the codes was incorporated in the 1789 royal decree which stipulated "proper instruction" for the education, treatment, and occupations of slaves, and was promulgated in response to Spain's new *comercio libre* policies.<sup>339</sup> Baron de Carondelet made his decision in 1791 to

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<sup>339</sup> Lucena Salmoral, *Los Códigos Negros de La América Española* Appendix Four.

half the number of enslaved persons imported from French colonies within the context of the 1789 decree and the Crown's free commerce policies. His letter reflected commonly held fears that both free Blacks and enslaved Africans would be inspired by the Haitian revolution to incite a slave rebellion. The baron not only worried that Africans coming from French domains through the slave trade would bring rebellious ideas, but he specifically pointed to free and enslaved people of African descent who came "under the pretext of commerce" to New Orleans. In both cases it was inter- and intra-imperial movement that worried the Baron. His attitude towards such mobility marked a dramatic shift in imperial attitudes towards people of African descent over the course of the century.

At the turn of the eighteenth century, Spanish officials welcomed fugitive slaves, seeing in their movement the opportunity to strengthen the borders of the empire. During the middle of the century, people of African descent found moving into spaces without the consent of the enslaving elite raised the anxiety of officials, but they used their investigations to clarify and shape what they perceived to be the ideal imperial identity for people of African descent. During the Age of Revolutions, however, Spanish officials saw the same movement as potentially destructive to imperial rule, and in crafting laws to limit that movement, they defined and clarified the Crown's authority. In each case, Spanish officials used the inter- and intracolonial movement of Afro-descended people to determine the extent of imperial authority and as a measure of the empire's wider prosperity.

In the last two chapters, we have seen how Spanish officials used the movement of people of African descent to determine the shape, limits, and scope of its own imperial

authority. The ensuing chapter will shift its lens to study people of African descent themselves by tracking their movement to and from Spanish Florida. In doing so it will measure how the shift from a flexible, mobile environment to a more rigid, rooted set of policies founded on plantation labor affected the mobility of Afro-descended people and how that shaped the demographics of eighteenth-century St. Augustine.



## CHAPTER FOUR

### Counting Origins: The Effects of Fugitive Asylum and Plantation Labor on Spanish Florida's Free and Enslaved Population

“First Baptism Book of blacks and mulattos that are from this Parochial Church of St. Augustine of East Florida, after His British Majesty ceded this plaza and province to the arms of our Catholic Monarch don Carlos III (may God protect) ...”

~ Baptisms: Book 17, Archives of the Diocese of St. Augustine, 1784.<sup>340</sup>

On Thursday, 20 April 1790, one week after Semana Santa (Holy Week) Thomas Hassett, the priest, ecclesiastical judge, and vicar of the St. Augustine Parish, traveled nine hours from St. Augustine by boat to baptize sixteen enslaved children living on New Switzerland, the plantation of Francis Phillip Fatio. Hassett performed the rites “*no solemne*” and “*en caso de necesidad*” indicating that their baptisms were not conducted in a church because it was “necessary” to do so at the plantation.<sup>341</sup> In their baptismal entries, Hassett wrote that the godparents were asked to bring the baptized child to the parish church, when possible, to receive the holy oils. Their godparents did this a year and a half later when on October 10, 1791, each of the sixteen children, by that date ranging between one to seven years old, stood in the city's parish church and received the sacred oil from Hassett.

Ten days after Hassett traveled to New Switzerland, he went to Anna Moore's plantation along the St. John's River to baptize four enslaved children living there. For

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<sup>340</sup> Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida: Digital Archives of the Americas, hereafter La Florida), Image 2487

<sup>341</sup> For more on the use of these terms in Spanish Florida's parish records, see Jane Landers, *Black Society in Spanish Florida* (Urbana IL: University of Illinois Press, 1999), 120.

the next five weeks Hassett journeyed throughout northern East Florida to baptize enslaved children “in the house of their owner(s)” who lived “on the St. Johns’ river,” “the Santa Maria River,” “on Talbot island,” or “ along the Nassau River,” which was located seventy miles north of St. Augustine.<sup>342</sup> In total, Hassett baptized 51 enslaved children of African descent during this trip, all of whom lived outside the city and on plantations owned by mostly Anglo enslavers, all non-Spaniards, who had moved to East Florida during British rule.<sup>343</sup>

Hassett’s trip reflects the staying influence of the Anglo slavers who remained in Florida after the transfer of sovereigns as well as the broader push by Spanish officials to grow the empire’s plantation economy. Spain ended its religious asylum policy in Florida at the very same time that Hassett was touring East Florida’s plantations in May 1790.<sup>344</sup> As discussed in the Chapter Three, pressure from the nascent United States to end Spain’s fugitive asylum policy matched a wider push by Spanish intellectuals, government officials, clergy, and enslavers to root enslaved people to plantations. Upon

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<sup>342</sup> Each group of baptisms had a different set of godparents. The godfather for the enslaved children owned by Anna Moore was George Fleming while the enslaved children of Spicer Blueth Christopher, of Talbot Island, had either Clemente de Sala or Domingo Figueroa selected to be their godparent. The godparents for children enslaved on Fatio’s plantation were George Flemming and María Magdalena Crespel. Only Flemming and Crespel followed Hassett’s instructions to bring the children to St. Augustine to receive the sacred oils. Antonio Suárez, who owned the skiff Hassett used to travel to these plantations, also served as godfather to many of the children Hassett baptized during this trip.

<sup>343</sup> Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Images 2634-2681. Due to Covid-19 archival restrictions and changes in website interfaces, two different digital archives were used to access St. Augustine’s parish information. Every baptismal record examined from 1735 to 1764 was accessed through the Slave Societies Digital Archive. Every recorded examined between 1784 and 1800 was accessed through La Florida: Digital Archive of the Americas. Both use the same digitized copies of the parish records, yet SSSA categorizes and cites their collection based on the time periods covered in the baptismal book (e.g. Baptisms 1735-1764, Baptisms and Burials – 17<sup>th</sup> century, etc.) whereas La Florida uses each baptismal book’s numerical title (e.g. Book 1, Book 2, etc.) as their means of categorizing and citing the information.

<sup>344</sup> Jane Landers, “Spanish Sanctuary: Fugitives in Florida, 1687-1790,” *The Florida Historical Quarterly* 62, no. 3 (1984): 311.

resuming control of East Florida in 1784, Spanish governors continued to grow the plantation system they inherited from the British, though they needed to work cautiously as the major slaveholders who stayed during the transfer of sovereigns were either Anglo, had close ties to the British empire, or illicitly traded with the United States.<sup>345</sup>

Every child Hassett baptized from April 20 to May 30 was from these plantations and was born after the Spanish resumed control of Florida in 1784, meaning that Hassett, or Miguel O'Reilly, St. Augustine's auxiliary priest and garrison chaplain, waited six years to baptize the enslaved children living on Anglo-owned plantations. Hassett may have chosen this exact moment to visit the plantations because of the religious zeal of the Semana Santa celebrations.<sup>346</sup> Yet the timing was not a coincidence. By the end of the eighteenth century, officials enacted polices throughout the Spanish empire which stressed enslaved plantation labor and that compulsory religious instruction be implemented through disciplinary laws. In borderland colonies such as Florida, this meant that these newer laws existed alongside older policies that encouraged voluntary conversion and displays of public corporate identities for people of African descent. The goal for governors, clergy members, and the enslaving elite was clear; to ensure that people of African descent, regardless of their free/enslaved status, would continue to serve the enslaving elite while anti-monarchical and antislavery rebellions spread through the Atlantic world.

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<sup>345</sup> Susan R. Parker, "Men without God or King: Rural Settlers of East Florida, 1784-1790," *The Florida Historical Quarterly* 69, no. 2 (1990): 135-236; Diane Boucher, "Mayhem and Murder in the East Florida Frontier 1783 to 1789," *Florida Historical Quarterly*, 500 Years of Florida History, 93, no. 3 (2015): 461-64.

<sup>346</sup> Landers, *Black Society in Spanish Florida*, 120.

This chapter examines St. Augustine's racially segregated baptismal books, a first set from 1735 to 1764, and another set extending from 1784 to 1800. The changes in the baptismal entries from these two periods reveals priests' participation in the turn away from religious asylum and inter-imperial mobility towards plantation slavery as a fixed status. These baptismal records show how priests phrased the entries to emphasize an enslaved person's familial connection to slavery and Blackness, thus reflecting an erasure of documented family heritage for the enslaved to fundamentally link them to plantation slavery and servitude. Analyzing these two sets of parish records from the First and Second Spanish periods in Florida's history reveals this shift.<sup>347</sup> Baptismal records from 1735-1764 reflect the height of Black mobility in Spanish Florida. People of African descent traveled regularly across borders to pursue asylum, manumission, trade, and to support family and friends living in rival European colonies. They operated under policies that encouraged, to a degree, Black inter-colonial mobility to strengthen the Spanish Empire's position in the American borderlands. Baptismal records from 1784-1800, in contrast, record people who also fled Anglo slavery for Spanish religious asylum but found that the circumstances in Florida had changed. Spanish officials now sought to encourage the growth of plantation slavery in the region rather than use militia service and trade to tie people of African descent to the colony.<sup>348</sup>

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<sup>347</sup> The chorological beginning of the first Spanish period can either be 1513, when Juan Ponce de León first arrived at Florida's shores, or 1565, when Pedro Menéndez de Avilés founded St. Augustine, Spain's first successful permanent settlement in the region after seven previous failed attempts by other conquistadors. The first Spanish period's definitive end was in 1764, when Great Britain assumed control of Florida as a result of the Seven Years War. The second Spanish period lasted from 1784 to 1821, when the United States of America assumed control of Florida after the First Seminole War.

<sup>348</sup> The segregated baptismal book for 1735-1764 contained entries for both Indigenous people and people of African descent. The entries between 1784-1800 were explicitly only for people of African descent.

East Florida's officials had changed as well. When the Spanish regained St. Augustine in 1784, none of the Crown's appointed officials had a prior connection to the city.<sup>349</sup> Moreover, East Florida had new priests who not only brought their own subjective understandings of race, religion, and nationality with them, but also had a more cooperative relationship with Florida's governors.<sup>350</sup> Like their counterparts from 1735-1764, these new officials and clergy members still needed to protect Spanish interests in the region against an encroaching neighbor, but they pursued their goals with very different motivations than their predecessors. The new officials were influenced by Bourbon Reforms implemented after 1764 that stressed efficiency, utility, and wealth through slavery. In the words of Sherry Johnson, "the Spanish government returned to a virtual *tabula rasa*" and, in seeking to resettle the colony, officials pursued Bourbon-style policies of "*buen gobierno*" to remake the colony in the ideal Spanish Bourbon image.<sup>351</sup>

Upon his installment as Governor of East Florida in 1790, Juan Nepomuceno de Quesada issued a *bando del buen gobierno* outlining his policies about improving St. Augustine's public health, infrastructure, and most specific to this chapter, clarifying issues regarding the status of formally enslaved people whose freedom was in question after Spain repealed its fugitive asylum policy. He declared that he would protect the

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<sup>349</sup> It is important to emphasize that Crown-appointed officials in East Florida had no prior connection to the colony. Several *floridanos* or children of *floridanos* who left St. Augustine in 1764 returned in 1784. Many of these returning "exiles" joined the colony's administration in various offices. Yet they still reported to the Crown's appointed governor. For more, see Sherry Johnson, "The Spanish St. Augustine Community, 1784-1795: A Reevaluation," *Florida Historical Quarterly* 68, no. 1 (1989): 27-54.

<sup>350</sup> For an overview of the acrimonious power struggle between St. Augustine's clergy and governors during the first Spanish period, see Robert L. Kapitzke, *Religion, Power, and Politics in Colonial St. Augustine* (Gainesville: University Press of Florida, 2001).

<sup>351</sup> Johnson, "The Spanish St. Augustine Community, 1784-1795: A Reevaluation," 32.

“liberty” of “the multitude of foreign Blacks” who gained their freedom from the repealed asylum laws if they “promised” to enter the service of “people of property” within one month. Those that did not would be dealt with in a manner that the governor found “most convenient.”<sup>352</sup> The liberty guaranteed by fugitive asylum would still be honored for those who accessed it in time, but now governors thought of liberty as a means to push people of African descent, regardless of their status, into service of propertied people.

These parish records, though containing the same terminology, offer a chance to understand the changing attitudes and government policies of the colony. This chapter first provides an overview of the parish records and then examines the changing nature of the information recorded by the priests. Following this will be an analysis of the origins, previous places of residences, and ethnonyms given to the baptized. This reveals that while in the beginning of the second Spanish period fugitive asylum seekers still accessed baptism, these policies were being phased out in favor of policies that would grow both free and enslaved plantation labor.

Investigating the origins of mothers recorded at baptism shows how priests used the rite to deprive people of African descent enslaved on East Florida’s rural plantations the chance to access asylum in the city while also emphasizing mothers’ status to highlight a baptized person’s enslavement status. An examination of fathers’ origins leads to a discussion of the designation “*no conocido*,” which scribes, often the priests who performed the baptisms, recorded at a higher rate in 1784-1800 than they did in 1735-

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<sup>352</sup> “Bando, del buen gobierno, del Gobernador Juan Nepomuceno de Quesada,” 1790, St. Augustine, Florida, AGI: Papeles de Cuba, 434, F. 5. Accessed via PKY.

1764. Recording that a father was “unknown” underscores how baptismal records reflected, and perhaps helped create, the erasure of parentage. In short, the promotion of plantation slavery meant that people were increasingly deracinated from their kinship structures. This then leads to a discussion of godparentage, which examines the limitations of fictive kinship in a colony orienting towards plantation labor. Oftentimes those enslaved on plantations received the same godparents, undercutting the benefits of having a respected godparent that fugitive asylum seekers gained through their baptisms.

#### The Parish Records:

In 1735 the auxiliary Bishop of Cuba, don Francisco Buenaventura, visited St. Augustine to ensure that the city’s inhabitants’ religious needs were being properly met. To his surprise, the city’s clergy kept people’s parish information bound in the same books, regardless of their race or status. Before Buenaventura left for Cuba, he ordered the local clergy to keep racially segregated parish records, an order they kept until 1764 when most of the city’s inhabitants evacuated Florida after Britain officially assumed control of the colony.<sup>353</sup> From 1735 to 1764 St. Augustine’s priests recorded the baptismal, marriage, confirmation, and death information for every person of Catholic

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<sup>353</sup> “Baptisms 1735-1764,” EDDSA (Accessed through SSDA), Images 5-6. Spanish St. Augustine’s clergy also took with them their parish records. The now exiled *Floridanos* often needed to request their parish information when petitioning the Crown or other officials to verify their biographical information as well as their standing in the Catholic Church. Clergy members made duplicates of the requested parish documents so that the petitioner could validate their claim. This is why many duplicates of St. Augustine’s parish records can be found in places such as the Archive of the Indies in Seville, Spain. For more on the theoretical and methodological approaches the EDDSA considered when digitizing the records, see Mariza Soares et al., “Slavery in Ecclesiastical Archives: Preserving the Records,” *Hispanic American Historical Review* 86, no. 2 (May 1, 2006): 337–46, <https://doi.org/10.1215/00182168-2005-006>.

faith in racially segregated books.<sup>354</sup> These books were not absolute in their segregation, as both people of African and Indigenous descent found their information recorded in books meant for Spanish-descendant residents, yet these occurrences were exceptions. It is also not clear how the power struggle between St. Augustine's clergy and the governorship affected the baptismal records for people of African or Indigenous descent during this era.<sup>355</sup> Whatever the effect on the records, St. Augustine's clergy baptized 843 people of African and Indigenous descent during this twenty-nine year period.

When Spain reclaimed Florida in 1784 the city's new clergy members continued the practice of keeping racially segregated parish records.<sup>356</sup> Between 1784 to 1800, 804 people of African of descent were baptized in or around St. Augustine. From 1784 to 1788 the baptisms were recorded in Latin, yet when the new auxiliary Bishop of Cuba, don Cirilo de Barcelona, visited the province he found St. Augustine's religious officials'

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<sup>354</sup> There were several priests who conducted baptisms during the era. They were Juan Joseph Solana, Juan Bernardo de Paredes, Francisco Xavier Arturo, or Manuel Rodríguez. Non-clergy members in the community commonly "applied the water" when a licensed priest was not available.

<sup>355</sup> The power struggle came to a head in 1758 when Governor Lucas Fernando de Palacio y Valenzuela publicly feuded with Juan Joseph Solana, St. Augustine's benefited curate and vicar, after Solana granted ecclesiastical asylum to eighty-four soldiers who deserted their posts in protest of the new governor's reforms, an act that the governor believed Solana had encouraged, if not initiated. This occurred after Palacio y Valenzuela instructed Father Bernardo Paredes, Solana's rival for parish vicar, to secretly investigate Solana to find evidence that would lead to his removal from office. After the events of 1758, Paredes' report became public and the king tasked Solana to investigate Palacio y Valenzuela's conduct, which led to two long reports where Solana accused the governor of abandoning the Church and the Catholic faith. The enmity between the governor and Solana ended with Palacio y Valenzuela's death in 1762, and the rivalry between the clergy and Governorship, which stretched back to the sixteenth century, dissipated after Britain assumed control of Florida in 1764. For more on Solana and Palacio y Valenzuela's rivalry, see Robert L. Kapitzke, "The 'Calamities of Florida': Father Solana, Governor Palacio Y Valenzuela, and the Desertions of 1758," *The Florida Historical Quarterly* 72, no. 1 (1993): 1-18.

<sup>356</sup> From 1784-1800 only two priests conducted baptisms on a regularly basis, Thomas Hassett and Miguel O'Reilly. Pedro Camps, a presbyter, occasionally baptized people in East Florida but only when it was an emergency, and the other two priests could not arrive in time to conduct the ceremony. No entries during this timeframe record a non-clergy member who "applied the water" in lieu of a licensed priest.



comprehension of Latin lacking and ordered them to cease the practice.<sup>357</sup> The chastised local priests obeyed Barcelona's order and recorded the baptismal entries in Spanish until 1841 when the first baptismal entry for a person of African descent was written in English.<sup>358</sup>

Despite the switch in language, the format of the entries remained the same. Indeed 1,648 entries spread across three books from 1735 to 1800 roughly followed the same formula. Typically, the scribe wrote the baptized person's name in the margin.<sup>359</sup> In the entry itself the scribe began with the day, month, and year, followed by his name and titles, the parish's name, and the location and building the baptism occurred. He would then write the reason for the baptism, for example if it was an infant baptism, if it was performed "*no solemne*," or of "*por necesidad y peligro de los enemigos*" (for necessity and danger from the enemies).<sup>360</sup> Following the reason was the person's name, their age or stage of life (child, adult, infant, etc.), race, status, ethnonym, original place of origin or residence, their documented birth status (legitimate, illegitimate, natural, orphaned,

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<sup>357</sup> "...prohibiendo el que se use de numeraciones, abreviaturas y mucho menos de la lengua latina, como hasta aquí se ha practicado y para mayor inteligencia se observará el formulario que para este fin ponemos en el mismo libro" Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Images 2582-2586.

<sup>358</sup> The first segregated baptism to be recorded in English occurred on 16 November 1841. The scribe, whose name is not recorded, wrote that the baptized child, Clavineda Clarke, was born on 1 December 1841 but was baptized the previous month. It is not clear if this error was rectified in later entries. "Baptisms Colored 1808-1848 [Book 28]," Archives of the Diocese of St. Augustine, (Accessed through La Florida), Image 4535.

<sup>359</sup> For baptismal entries of people of African descent, it is uncommon for their full names to be written. The scribe would only write their first or second name and rarely would provide the baptized person's last name in the entry.

<sup>360</sup> Some other reasons given were "*aviendo examinado en doctrina christiana*" (having been examined in Christian doctrine) which indicated that the person voluntarily converted as an adult, or "*hallandose gravemente enferma*" (having been gravely ill) meaning that baptism was performed in case the person died, or "*sub condicione*" if it was a conditional baptism.

etc.), the mother's name if known, her race, status, if she was a "*huido*" (fugitive), her original place of origin/residence, and if enslaved, her enslaver's information. The father's information followed, and then the scribe recorded the godparent(s) and their information, as well as his explanation to them of their sacred duty. He then completed the entry with his signature or the signature of the official priest if the original baptism was not performed by a licensed priest.<sup>361</sup>

The scribes usually wrote between two to three sentences for each entry, dividing the date, baptized and baptized parents' information, and godparent information into three parts. Yet, despite this formula the baptismal records contained many discrepancies, exceptions, and unclear or imprecise language. When recording the enslaved status of a daughter and mother the scribe's grammar and punctuation often makes it unclear if only one or both were enslaved to the same person. Additionally, because scribes relied on context clues when recording information, it is difficult to know if fathers were enslaved as well, which makes determining the number of enslaved fathers living in the colony difficult. While this may seem immaterial because a person's slave status was determined by their mother's status, it does have ramifications for considering a person's racial designation, which was determined by both parents.

Moreover, scribes often did not record family names for enslaved people during the first Spanish period but did during the second Spanish period.<sup>362</sup> Often fathers, and in

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<sup>361</sup> Such as when Peter Camps, a presbyter living in St. Augustine during the second Spanish period, baptized Juan Fatio on 29 May 1789, in the house of his parents because he was "next to death." Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Image 2602.

<sup>362</sup> Moreover, due to the way the excel spreadsheets that I am using are constructed, I am only able to count how many times *entries* list the information of the mother, which does not distinguish between mothers who had multiple children baptized. For example, An(n)a Gallum is recorded six times as mother of a baptized child. Yet due to the structure of the data I am not able to filter out that she is the same person.

some cases mothers, were listed as “*no conocido*” or “*blanco no conocido*” (not known, white not known).<sup>363</sup> While the trend to include the mother’s information makes sense because in Iberian law a mother’s status dictated the enslaved status of her child, there are cases in which the use of “*blanco no conocido*” and the child’s birth status and racial designation leads one to infer that in many cases both the child and the mother are enslaved to the father.<sup>364</sup> Racial designations were often reserved only for those considered to be of partial or full African or Indigenous descent. There is only one entry where someone, in this case the father, was recorded as “*blanco.*”<sup>365</sup> Moreover, even though Bourbon officials sought to calcify racial designations during the latter-half of the eighteenth century, in the records local officials ultimately gave designations based on their own understandings of race. Though clergy members and Crown officials tried to

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Thus, she is counted six times in the 230 entries that contain the original place of residence for mothers. This also extends to information about fathers, godparents, and any other people recorded multiple times in the baptismal entries. Because it was illegal to baptize someone multiple times it is easier to distinguish between baptized individuals. Thus, when tracking the information of baptized people, I can track individuals rather than just sentries.

<sup>363</sup> There are several cases where scribes did not record an infant’s parents. Yet it was mostly in entries for adult baptisms where the parent’s information was not recorded.

<sup>364</sup> There is only one case where it was explicit that the enslaver fathered a child with an enslaved mother. On 14 April 1796, Juan Antonio Josef Saunders was recorded as free in the entry and his father was recorded as Juan Saunders, who also enslaved Juan Antonio Josef’s mother Rafaela Saunders. I am not arguing that in cases where implied white fathers of enslaved children with mixed-race designation were most often their enslavers. Instead, I want to point out that while the term “*no conocido*” silences paternal lineage, it does highlight the violence and racial politics enslaved mothers and children needed to navigate every day.

<sup>365</sup> The father was George Cook, whose daughter, María Rosa was baptized on 27 April 1790. Both María Rosa and her mother, Julia, were enslaved to William Pengree. María Rosa was categorized as “*de color parda*” while Julia was recorded as a “*morena.*” Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Image 2849. Moreover, Juan Antonio Josef Saunders’ baptismal entry demonstrates how racial designations were reserved only for those of African or Indigenous descent. Juan Antonio Josef was recorded as a “*cuarterón,*” and Rafaela, his mother, was recorded as a “*parda.*” John Saunders, the father, who is recorded several times in the parish records as an enslaver, never had his race recorded, even when the son he fathered with the woman he enslaved was baptized.

portray race as static and self-evident, the inconsistency in racial patterns demonstrates that it firmly was not.<sup>366</sup>

Scribes also inconsistently stated children's stage of life. They used the terms "niño/a," "infante," or "párvulo/a" for children of the same age range. This also extended to instances where the baptized person would be what we could consider a "teenager." In some cases, "teenagers" were listed as children and in others as adults, with some people as young as eleven being called adults and others called *niños*.<sup>367</sup> For example, Juan Joseph Isnardy, enslaved by the auxiliary Bishop of Cuba Cirilo de Barcelona, was baptized on 16 November 1788 as an adult of "about eleven to twelve years of age." It was a marginal note that described Juan Joseph as an adult, not information in the entry. José María O'Donovan, however, was baptized three months prior as a "*niño*" even though he was listed as being "twelve years old." He was enslaved to John O'Donovan with his parents listed as "*no conocido*." María del Carmen Overestrit, whose parents were fugitive slaves from "North America" (meaning the United States), was baptized on November 16, 1790, as an adult in the margin and a "*niña*" in the entry. Juan Joseph Solanao baptized Joseph María del Pilar as an eleven-year old adult on September 16, 1758.<sup>368</sup> This inconsistency between ages and stages of life was often not an error or

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<sup>366</sup> Robert Jackson, in his study of indigenous baptisms in colonial Mexico and Bolivia, argues that race-based designations in parish records were dependent on priests' perceptions of legal definitions and familiarity with parishioners' heritage. In other words, that racial distinctions in parish records are subjective and not self-evident. Robert H. Jackson, *Race, Caste and Status: Indians in Colonial Spanish America* (Albuquerque: University of New Mexico Press, 1999). *La Florida: The interactive database of the Americas* is currently researching the often contradictory and obscure record keeping of St. Augustine's parish records to understand fluctuations in racialized language.

<sup>367</sup> Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Images 2591, 2580, 2695.

<sup>368</sup> "Baptisms 1735-1764," EDDSA (Accessed through SSDA), Image 287.

miscommunication between the priest and scribe. Instead, age was commonly used to express cultural markers rather than people's years of existence. Writing that someone was "about" a certain age meant that they received, or conversely were not afforded, a certain set of rights and privileges that their "age" dictated.<sup>369</sup>

Scribes also did not differentiate between a person's place of origin, their previous place of residence, or their ethnonym. Thus, on 12 September 1792, Miguel O'Reilly wrote that Juan Antonio Ruiz del Canto's father, Juan Mayes, was a free *moreno* and a "*natural de Virginia*," and that his mother, Josepha Fernández, was "*de nación Caravaly*." On 2 September 1792 Thomas Hassett simply wrote that twelve-year old Joseph Domingo Letgrafs and his parents were "*de la Carolina del Sur*," (of/from South Carolina).<sup>370</sup> While O'Reilly specified that Juan Mayes and Josepha Fernández *originated* from Virginia and Africa by using specific language such as "*natural de*" or "*nación de*," Hassett only used the word "*de*" (of/from) for the Letgrafs family, indicating that they came from South Carolina but may not have originated from there. Furthering the confusion, scribes combined a person's status as a fugitive slave with their previous place of residence by using the phrase "*esclavo huido de...*" (fugitive slave from...), such as when O'Reilly wrote on 26 October 1789 that Jorge and María Harrison were "fugitive slaves from South Carolina."<sup>371</sup> This language is problematic because

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<sup>369</sup> Premo, "Meticulous Imprecision."

<sup>370</sup> Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Images 2754, 2756; 2574. From 1735-1764 African ethnonyms were often recorded either as "*castas*" or as nationalities, as was the case for Josepha Fernández.

<sup>371</sup> Jorge and María Harrison's information was recorded because their eighteenth-month old daughter, Rafaela Manuela de la Encarnación, was being baptized. It is not clear if the child was born in St. Augustine or in South Carolina.

O'Reilly did not clarify if they also were born in South Carolina or if they continued to be considered slaves by Spanish officials despite their fugitivity.

It is difficult to fully know how the cultures, political and religious traditions, and languages of other places shaped life in East Florida because scribes obscured people's birthplaces or origins by not fully distinguishing between previous residences, origins/birthplaces, or ethnonyms. Moreover, scribes highlighted people's contact with foreign powers while effacing their lingo-cultural heritage by conflating people's origins and previous residences. For example, María and Jorge Harrison were defined by their connection to South Carolina and their status as fugitives, not by the place they were born and raised, be it South Carolina or elsewhere.<sup>372</sup>

#### Places of Origin and Residence for Baptized People:

Baptismal records do not tell the whole story of St. Augustine's population. An indeterminable number of people of African descent either lived or worked in the city who never chose, or were forced, to accept the sacraments of the Catholic Church. Those who did receive baptism, particularly during the first Spanish period, could access manumission under the fugitive asylum policies, through *coartación*, or because St. Augustine's authorities automatically baptized people of African descent smuggled into the colony in order to auction them into slavery to recoup the cost of the smuggling investigation.<sup>373</sup>

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<sup>372</sup> This was particularly true for entries when scribes listed parents as being from Fort Mose, where every adult residing there came from someplace else.

<sup>373</sup> "Autos obrados sobre la ilícita introducción de cuatro negros," St. Augustine, Florida, May 8, 1762, AGI: Papeles de Cuba 472, sin folios.

Keeping in mind that entry into the baptismal records was a strategic choice by either the baptized or by the authorities, from 1735 to 1764, 843 people of non-full Spanish descent were baptized in St. Augustine. Of those 843 people about 15 percent, 120 people, had their place of origin/residence recorded in the document. Within that 15 percent, 70 people were enslaved, 33 people were listed as free, and 17 people did not have their status recorded. Scribes wrote ethnonyms for 224 baptized people, with 196 people listed as enslaved, 15 free, and 13 with no recorded status. Priests baptized 185 adults, 357 children, and 301 people with no given stage of life.<sup>374</sup>

Most people baptized with a recorded origin or previous place of residence came from Carolina, as can be seen in Tables 1, 2, and 3. This should not indicate that the majority of Africans and their descendants came to Florida from Carolina though, as 186 people baptized were given African ethnonyms.<sup>375</sup> Even among the 34 people called *criollo/as* (creoles), 23 percent did not come from Carolina. What these records do show, which will be further substantiated in the following sections on baptized parents' origins, is that during the end of the first Spanish period Spanish Florida's Black population was highly transient. People from Carolina certainly formed a significant part of Florida's Black population, yet many also came from elsewhere in the British and Spanish empires.

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<sup>374</sup> In many entries with no stage of life given the scribe provided an age or date of birth, though not in all cases. Date of births were most often provided for newborns, who priests generally baptized a few weeks after their birth.

<sup>375</sup> In the documents it is difficult to define where exactly someone came from in Africa. Spanish officials often used ethnonyms that conflated race, nationality, and ethnicity and these ethnonyms were based on European perceptions of African polities and ethnicities. Moreover, scribes often used the region where a person departed from in Africa to designate people rather than the place a person was born or the people they belonged to.

<b>Table 1 - Baptized Origins: 1735-1764</b>	<b>Status</b>			
	<b>From</b>	<b>Enslaved</b>	<b>Free</b>	<b>Unknown/Not Recorded</b>
Carolina/Charleston	54	29	12	95
St. Augustine	5	1	1	7
Barbary	0	1	0	1
Majorca	1	0	0	1
Word Damaged in Entry	1	0	0	1
Philadelphia	2	0	0	2
Puerto Real	1	0	0	1
Chinu, Nueva Granada (Columbia)	1	0	0	1
Antigua	2	0	0	2
New York	1	0	1	2
Jamaica	1	1	1	3
Roatan	0	0	1	1
Santo Andres de Villaverde, Spain	0	0	1	1
England	0	1	0	1
<b>Grand Total</b>	<b>70</b>	<b>33</b>	<b>17</b>	<b>120</b>



<b>Table 2 - Ethnonym Baptized: 1735-1764</b>	<b>Enslaved</b>	<b>Free</b>	<b>Unknown/Not Recorded</b>	<b>Grand Total</b>
Congo	66	4	3	73
Mandinga	44	1	1	46
Creole	23	6	5	34
Carabali	30	1	1	32
Mina	9	1	0	10
Araro	5	0	0	5
Angola	4	0	0	4
Guinea	3	0	0	3
Ethnonym Damaged in Entry	3	0	0	3
English	1	1	0	2
Bongo	1	0	0	1
Surba (Yoruba?)	0	0	1	1
Bena	1	0	0	1
Bamba	1	0	0	1
Huchis [Uchise]	0	0	1	1
<i>Yndio</i> (Indigenous)	0	0	1	1
Yalongo	1	0	0	1
Fula	1	0	0	1
Fayo	1	0	0	1
Aringuini	1	0	0	1
Encoyo (?)	1	0	0	1
Creca (?)	0	1	0	1
<b>Grand Total</b>	<b>196</b>	<b>15</b>	<b>13</b>	<b>224</b>

<b>Table 3 - Creoles Baptized: 1735-1764</b>	<b>Status</b>			
	<b>Enslaved</b>	<b>Free</b>	<b>Unknown/Not Recorded</b>	<b>Grand Total</b>
Antigua	2	0	0	2
Philadelphia	1	0	0	1
Carolina/Charleston	16	5	5	26
Jamaica	0	1	0	1
New York	1	0	0	1
Puerto Real	1	0	0	1
St. Augustine	2	0	0	2
<b>Grand Total</b>	<b>23</b>	<b>6</b>	<b>5</b>	<b>34</b>

Moving to the second Spanish period, scribes recorded 804 baptisms across two baptismal books between 1784 and 1800. Of those 804 baptisms only 69 baptized people had either their origin, previous place of residence, or ethnonym provided, accounting for 8 percent of the records. While this seems far lower than those from 1735-1764, in most of the 1784-1800 entries those with an origin, previous place of residence, or ethnonym were baptized as an adult. Fewer adults, 96 in total, were baptized from 1784-1800. Indeed, 680 people were baptized as children or infants, with only 28 not given a stage of life. Often, as will be seen in the following sections, a parent's information would provide the context for a baptized child's origins and race. Adult converts did not need their parent's enslavement status, origins, ethnonyms provided because a parent's information rarely informed an adult's status and an adult's own history of movement often superseded their parent's origins. There were few entries with a recorded origin,

previous place of residence, or ethnonym because there were few adults baptized during this period of time.

<b>Table 4 - Origins/Ethnonyms: 1784-1800</b>	<b>Free</b>	<b>Enslaved</b>	<b>Unknown/Not Recorded</b>	<b>Grand Total</b>
Maryland	0	1	0	1
Massachusetts	0	1	0	1
South Carolina/Charleston	6	9	0	15
Georgia	2	1	1	4
New York	0	2	0	2
North Carolina	0	2	0	2
Virginia	0	2	0	2
North America (United States)	0	3	0	3
Mina	0	1	0	1
Jamaica	0	1	0	1
Tomo, Africa	0	1	0	1
Carabali	0	1	0	1
Guinea	2	23	0	25
East Florida	0	3	2	5
<b>Grand Total</b>	<b>10</b>	<b>51</b>	<b>3</b>	<b>64</b>

The lower rate of adult baptisms for 1784-1800 may have resulted from news spreading throughout the Atlantic world about the policy's repeal. Out of the 43 baptized people that either originated or previously resided in a U.S. state, 29 appeared after the laws were repealed in 1790, and most of these people were labeled as enslaved adults. Even if people fleeing enslavement in the U.S. did not know that Spain's policy ended in

1790, Spanish officials would have been unwilling to return them to the U.S. as those that arrived were rerouted to labor for those within the community.

Scribes recorded the current/previous place of residence for fewer baptized people during 1784-1800. Among the five who had their current/previous place of residence recorded, four were from South Carolina or Charleston specifically and one simply came from the United States. The oddest of these cases was 6-year old Felicia Ferrer's entry because she was baptized in Charleston and had the holy oils applied to her on 7 June 1789 in St. Augustine. Her godfather, Juan Baptista Ferrer, was also her enslaver.<sup>376</sup> Among the other cases were Tomás Quinty and Francisco Joseph Paten, two adult fugitive slaves from South Carolina and "North America" respectively in 1791.<sup>377</sup> Joseph Domingo Letgrafs a 12-year old fugitive slave from South Carolina, was the fourth entry. He was baptized on 2 September 1792.<sup>378</sup> The fifth person who previously resided in a U.S. state was 18-year old María Agustina Joly, the "natural" born daughter of Catalina and Diego, who were listed as being in South Carolina for her baptism on 31 July 1796.<sup>379</sup>

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<sup>376</sup> Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Image 2604.

<sup>377</sup> Tomás Quinty's entry states that prior to his baptism as an adult his name was Samuel. Moreover, the priest did not apply the holy oils even though he was being baptized because he was "gravely ill," nor was there a godparent present or assigned to him. He was "about" forty years old when baptized. Francisco Joseph Paten was "about" fifteen years of age when baptized. Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Images 2703, 2735.

<sup>378</sup> Joseph Domingo's parents were listed as Nancy and Sanco. His godfather's name was Domingo Sánchez, indicating that Joseph took on his godfather's name when baptized. It is unknown if he had a different name prior to baptism. Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Image 2754

<sup>379</sup> All three were enslaved to Ester Joly. Legally, a "natural" child is the child of two parents who were not married at the time of the baptism, but they recognized the child and there was no impediment to prevent them from getting married. The rights given to "natural" children were very different to those who were considered to be "legitimate" (the children of married couple legitimately married in the Catholic Church). In practice, however, priests and scribes used the term more subjectively. For more on the legal status of children in Latin America see María Emma Mannarelli, *Pecados públicos: la ilegitimidad en Lima, siglo XVII* (Lima, Peru: Ediciones Flora Tristan, 1993); Nara Milanich, "Historical Perspectives on Illegitimacy

No matter if people knew about the policy's repeal when they fled the U.S. or not, once they arrived and started forming relationships with other people living in the community they would have been made aware of the advantages that families, such as the Whitten family, had from converting to Catholicism. Indeed, not only did the Whitten family gain important ties with city elites through godparentage and prestige from serving in the militia, but they also saw their son, Francisco, gain a primary education by attending the city's school, where children of African descent could attend in segregated rooms.<sup>380</sup>

The potential for a better life in Florida, however, did not mean that those who fled Anglo enslavement in the U.S. found a different system in Florida. Even before the fugitive asylum policy ended, fugitive slaves still retained their enslaved status when requesting asylum. This possibly explains why so many people from Carolina in the 1735-1764 baptismal records were baptized as slaves. Asylum seekers needed to continually push Florida's governors to acknowledge the "freedom" promised to them by the Crown for converting and joining the militia. Moreover, asylum seekers made these demands while "temporarily" re-enslaved to members of the community, the same

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and Illegitimates in Latin America," in *Minor Omissions: Children in Latin American History and Society*, ed. Tobias Hecht (Madison, Wis: University of Wisconsin Press, 2002), 72–102; Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality and Illegitimacy in Colonial Spanish America*, Nachdr. (Stanford, Calif: Stanford University Press, 2000).

<sup>380</sup> Jane Landers, *Atlantic Creoles in the Age of Revolutions* (Cambridge MA: Harvard University Press, 2010), 39–43.

members of the community who often protested the governor's decision to manumit the asylum seekers.<sup>381</sup>

What had changed from 1735-1764 was the increased use of precise terminology to identify those that were explicitly "*esclavos huidos*" (fugitive slaves) during 1784-1800. As stated before, governors Zéspedes and Nepcucemco de Quesada, though leery of the authenticity of fugitives' desire to convert, wanted to ensure that these fugitives did, indeed, have legal cover to stay in Florida.<sup>382</sup> Yet, as Governor's Nepomuceno de Quesada's *bando* made clear, no matter if they gained liberty through the policy or not, the Spanish colonial government wanted people of African descent to serve people "of property," either as slaves or as servants. Multiple censuses of East Florida taken throughout the second Spanish period highlight that most of East Florida's African-descent population was enslaved and a large portion of those people were enslaved to plantation-owning Anglo inhabitants of East Florida. In Thomas Hassett's 1786 census, 461 people of African descent were recorded living in the colony, with 304 enslaved and 170 living in rural Florida, presumably on plantations. In just two years, Governor Zéspedes recorded that 281 people of African descent lived in the city while 354 were enslaved to Anglo inhabitants of East Florida.

Yet these censuses tended to exclude portions of the overall population, specifically those attached to the city's garrison. In Governor Nepomuceno de Quesada's

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<sup>381</sup> Irene A. Wright, "Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Gracia Real de Santa Teresa de Mose, Florida," *The Journal of Negro History* 9, no. 2 (April 1924): 146, <https://doi.org/10.2307/2713638>; Landers, *Black Society in Spanish Florida*, 77–78.

<sup>382</sup> That being said, of the nine people baptized as fugitive slaves, only four were baptized after the policy's repeal. There were several instances where parents recorded as fugitive slaves appeared in the baptismal records after 1790, yet it is beyond the source material to know if they arrived before or after the repeal.

1793 report in East Florida, which was more inclusive, he counted 1,653 people of African descent living in the colony, with only 126 people free.<sup>383</sup> While the city offered people of African descent more opportunities to gain access to laws that regulated slavery, officials continually pushed, and allowed Anglo plantation owners to bring people of African descent to plantations outside the city.<sup>384</sup> This was a marked change from 1735-1764, where the vast majority of people of African descent lived in the city and resisted Governor Fulgencio García de Solís' plan to for them to leave the city to resettle Fort Mose in 1752.

The main change that can be seen when comparing baptisms between 1735-1764 and 1784-1800 is that, while there was a decrease in the number of people that came from former British colonies to seek baptism in Florida from 1784-1800, these people still comprised the majority of entries of people with a recorded previous origin or residence outside of Florida.<sup>385</sup> In other words, fewer people of African descent from Spanish domains, excluding Florida, sought baptism in St. Augustine during the beginning of the second Spanish period. This was most likely was due to the rise in anti-monarchical rhetoric spreading throughout Atlantic colonies as well as rising fears over slave rebellion sparked by the Haitian Revolution that caused many governors to limit slave imports from French colonies. Yet, despite the rise in human trafficking that would occur after 1800, the most compelling reason why the majority of people baptized came from U.S.

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<sup>383</sup> Landers, *Black Society in Spanish Florida*, 82.

<sup>384</sup> More than one thousand enslaved Africans were imported into East Florida after 1793, with many established inhabitants, such as Zephaniah Kingsley William Cook, or Lorenzo Seguí, either buying or shipping the people into the colony. Landers, *Black Society in Spanish Florida* Appendix 11.

<sup>385</sup> This will become more apparent when examining the information listed for parents in the following sections.

territories, even as their number declined, was due both to the lingering hold Spain's asylum policy held in people's minds as well as the fact that many people of African descent living in East Florida were holdovers from British rule or in the colony due to Anglo enslavers. People of African descent came to East Florida under two policies, a fading policy of asylum and a mushrooming policy of plantation labor. Yet no matter how they entered the colony, as freedom-seekers or enslaved, they were pushed to the Anglo-owned rural plantations.

#### Mothers' Origins and Previous Places of Residence:

Scribes recorded the origins and previous places of residence for parents far more often than they did for baptized people. From 1735-1764, 475 mothers were listed in the baptisms (accounting for 56 percent of the entries).<sup>386</sup> The scribes recorded the original place of residence and the previous place of residence for 186 of these mothers. It is not surprising that more mothers had their information recorded than those who were baptized, as under Spanish law the status of the mother passed onto her children. Moreover, recording a mother's origins would also be valuable to Spanish officials who wanted to track non-Spanish influences within the colony.

Examining the two periods reveals that while most entries with a mother originating from non-Spanish domains came from Carolina, the majority of entries recorded a mother with Spanish or African connections from 1735-1764. During the

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<sup>386</sup> Again, due to the way the baptismal data was recorded in the spreadsheets, I am unable to distinguish between parents with multiple entries in the records. Thus, the 475 mothers recorded should be understood as 475 instances where a mother was listed in the entry, not 475 different mothers.



beginning of the second Spanish period, however, the number of entries listing a mother from Spanish or African domains decreased while the number of entries with a U.S. or British connection dramatically increased. Looking closer at which mothers had their origins recorded reveals that priests used baptism to deprive enslaved people of African descent the opportunity to use religious asylum to escape the plantation.

Table 5 shows that few mothers came from outside St. Augustine or other Spanish domains between 1735-1764. Only 26 mothers came from a British colony, with 23 from Carolina or San Jorge, two women from Jamaica, and one from Savannah, Georgia. This accounted for only 12 percent of entries listing a mother's origins or previous residence. Most mothers originally came from Spanish dominions, with 126 residing in St. Augustine or its surrounding Indigenous pueblos, accounting for 67 percent of entries with a recorded mother's origin.<sup>387</sup> Among the 160 mothers who came from Spanish territories 37 were enslaved, 37 free, and 96 did not have their status recorded.

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<sup>387</sup> It is difficult to determine what some of the pueblos listed in the records were called because of the records' deterioration and the scribes' spelling, in turn making it difficult to know if they resided in Florida or elsewhere in the Spanish empire.

<b>Table 5 - Count of Mothers' Origins: 1735-1764</b>				
<b>Mother From</b>	<b>Enslaved</b>	<b>Free</b>	<b>Blank/ Not Known</b>	<b>Grand Total</b>
Apalachee	0	0	3	3
Cam[roto]aia	0	0	1	1
Canary Islands	0	0	2	2
Carolina	4	15	4	23
Cuba	2	5	2	9
Puebla de los Angeles, Nueva España (Mexico)	0	0	3	3
Cumaná, Nueva Granada (Venezuela)	0	0	1	1
St. Augustine, Florida	32	26	52	110
Jamaica	0	2		2
Paidie (?)	0	0	1	1
Puebla de Baliba	0	0	1	1
Puebla de Palica, Florida	0	0	8	8
Pueblo de Caveta, Florida	0	0	2	2
Pueblo de Charchave, Florida	0	0	1	1
Pueblo de Chiquito, Florida	0	0	1	1
Pueblo de la [roto]ta	1	0	0	1
Pueblo de la Pes[roto]a	0	0	1	1
Pueblo de la Punta, Florida	0	0	4	4
Pueblo de Osuche	0	0	1	1
Pueblo de Tolomato, Florida	0	0	4	4
Pueblo del Junta	0	0	1	1
Savanah, Georgia	1	0	0	1

Santa Cruz (Most likely Santa Cruz de Tenerife)	0	0	1	1
Santa Margarita (Most Likely Santa Margarita, Spain)	0	0	1	1
Tolomato, Florida	0	0	1	1
Yguaja del Pueblo de la Puna, Florida	0	0	1	1
Quertano, Nueva Espana (Querétaro, Mexico)	0	0	1	1
<b>Grand Total</b>	<b>40</b>	<b>48</b>	<b>98</b>	<b>186</b>

It is important to note that the baptismal book from 1735-1764 also recorded the baptisms of children of Indigenous descent. Most mothers recorded as Indigenous or as a *mestiza* resided in the pueblos listed in Table 5. Moreover, Table 6 shows that many mothers with a recorded ethnonym came from Africa and outnumbered those explicitly listed as creole. Twenty percent of entries listing a mother recorded her with an African ethnonym, far greater than the seven percent with an explicit creole ethnonym.

<b>Table 6 - Mothers' Ethnonyms &amp; Race: 1735-1764</b>	<b>Mother's Race</b>								
<b>Mother's Ethnonym</b>	<i>China/China Libre</i>	<i>Criollo</i>	<i>Mestiza</i>	<i>Morena</i>	<i>Negra</i>	<i>Parda</i>	<i>Yndia</i>	<b>Not Recorded</b>	<b>Grand Total</b>
Carabali	0	0	0	36	0	0	0	5	41
Congo	0	0	0	34	0	0	0	5	39
Criolla [Creole]	1	0	0	30	0	1	0	5	37
Huchis [Uchise]	0	0	0	0	0	0	1	0	1
Mandinga	0	0	0	1	0	0	0	4	5
Mina	0	0	0	9	0	0	0	4	13
Timuqua	0	0	0	0	0	0	1	0	1
Ybaja	0	0	0	0	0	0	0	1	1
Not Recorded	5	2	8	62	7	26	13	583	704
<b>Grand Total</b>	<b>6</b>	<b>2</b>	<b>8</b>	<b>172</b>	<b>7</b>	<b>27</b>	<b>15</b>	<b>608</b>	<b>843</b>

The baptismal entries from 1784 to 1800 carry on this pattern of recording origins and previous places of residence more often for mothers than those who were baptized, albeit at a lower rate. Table 7 shows the 230 instances in the records where mothers had their place of origin recorded, accounting for about 28 percent of total entries and 32 percent of entries containing a mother.<sup>388</sup> Of those 230 instances the mother was recorded as free 60 times, enslaved 163 times, and there were seven instances where the mother did not have her status recorded.<sup>389</sup> In 171 entries the mother came from the United States. This is a marked increase from 1735-1764, yet indicative of the plantation owners who moved from the former British colonies to East Florida and stayed after the change in sovereigns.

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<sup>388</sup> There were 715 entries from 1784-1800 that referenced a mother. Again, because of the way the Excel spreadsheets are constructed I am counting the entries where the mother's information is recorded, rather than individual mothers. This also extends to fathers and godparents.

<sup>389</sup> Looking at total entries, 589 entries recorded an enslaved mother, 81 entries with a free mother, 12 entries with a mother called a "fugitive slave," and 27 entries where the mother's status is not recorded.

<b>Table 7 - Entries with Mothers' Origins/Ethnonyms: 1784-1800</b>	<b>Free</b>	<b>Enslaved</b>	<b>Unknown/Not Recorded</b>	<b>Grand Total</b>
Boston, Massachusetts	0	1	0	1
Puerto del Príncipe, Cuba (Camagüey, Cuba)	1	0	0	1
South Carolina	21	7	3	30
Guatemala	4	0	0	4
New York	5	1	0	6
North Carolina	2	0	1	3
Virginia	0	1	0	1
North America (United States)	6	117	3	126
Savannah, Georgia	1	0	0	1
East Florida	7	6	0	13
Bengal (Possibly Senegal)	6	0	0	6
Carolina (State not specified)	0	1	0	1
Santo Domingo (Dominican Republic)	2	1	0	3
Antigua	0	1	0	1
Africa	1	0	0	1
Providence (Either New Providence or Rhode Island)	1	0	0	1
Mozambique	0	1	0	1
Carabali	0	1	0	1
Guinea	3	25	0	28
<b>Grand Total</b>	<b>60</b>	<b>163</b>	<b>7</b>	<b>230</b>

Not only did many more entries contain mothers from former British colonies, the presence of mothers from Spanish domains dramatically declined. Only eight entries listed mothers from Spanish colonies outside of Florida, accounting for three percent. Adjusting to include those originally from East Florida, only nine percent of entries with a mother's origins or ethnonym recorded came from Spanish dominions.<sup>390</sup> There are 37 entries where the mother's origin was in Africa which accounts for 16 percent of these entries, slightly lower than the 20 percent of entries from 1735-1764 that listed a mother with an African ethnonym. Fewer mothers had their current/previous place of residence recorded than those with a recorded origin. Yet it is when looking at previous places of residence where the shrinking impact of fugitive slaves on East Florida's community becomes apparent. Table 8 shows that half of the 25 entries that listed a mothers' previous or current residence called her an "*esclava huida*." Spanish authorities paid more attention to fugitives' previous place of enslavement than their origin, so it logical that baptismal scribes would focus more on providing fugitives' former place of residence rather than their origin or ethnonym. Indeed, no mother called an "*esclava huida*" in the 24 baptismal entries was given an African ethnonym or an origin from 1784-1800. Thus, because fewer asylum seekers came to Spanish Florida during the

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<sup>390</sup> Again, I am counting entries, not specific people, which does not accurately reflect the number of people living in East Florida. For example, María Guadalupe de Rubio was recorded twice as a mother in these records, with her OPR written as "*natural de Comayagua en el reyno de Guatemala*" in 1786 and 1789. The other mother from Comayagua is María Guadalupe Morillo, who saw her daughter baptized in 1793. Miguel O'Reilly wrote that Morillo was a "*natural de Comayagua*" and that the father was "*blanco, no conocido*." Both Rubio and Morillo were recorded as free and as *pardas*, but Rubio did have her husband's name recorded, Juan Mañe. Because of the similarities and the timeframe of the baptisms it is tempting to assume that Rubio and Morillo were the same person and that Rubio remarried shortly after the baptism of her first child, however more evidence is needed to confirm this. For Morillo's first entry as a mother, see Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Images 2843, 2845. For Rubio's entries as a mother, see Baptisms - Book 25, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Images 3927, 2967.

second Spanish period than during the first Spanish period, scribes recorded fewer mothers' previous places of residence.

<b>Table 8 - Entries with Mothers' Previous Place of Residence: 1784-1800</b>	<b>Free</b>	<b>Enslaved</b>	<b>Unknown/Not Recorded</b>	<b><i>Esclava Huida</i></b>	<b>Grand Total</b>
Georgia	0	0	0	1	1
Havana, Cuba	0	1	0	0	1
South Carolina	4	0	3	6	13
United States	3	0	1	5	10
<b>Grand Total</b>	<b>7</b>	<b>1</b>	<b>4</b>	<b>12</b>	<b>25</b>

It is striking that while more children were baptized in East Florida from 1784-1800 than in 1735-1764, fewer of these entries from the second Spanish period contained a mother with a recorded origin/residence/ethnonym. Six hundred-eighty children were baptized in East Florida from 1784-1800, far more than the 357 children baptized from 1735-1774.<sup>391</sup> The rise in child baptisms not only shows a colony with a growing Black population, but it also reflects efforts by Spanish officials to root people of African descent in place. Those who came during the first Spanish period could leave once they secured their freedom in St. Augustine or may have left family behind in British Carolina, such as Antonio Joseph.<sup>392</sup> There were those that needed to stay in St. Augustine because

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<sup>391</sup> By children, I am tracking the number of entries that explicitly call the baptized person an infant, child, or boy/girl. These stages of life were not consistent with years lived, as there are twenty cases with 10-14 year olds called adults between 1735-1764, with many more of the same age range called a child.

<sup>392</sup> "Testimonios sobre del robo del Joseph del Olmo," AGI: Santo Domingo 2584. Antonio Joseph's entry only states that he is a "*moreno, criollo de Carolina*" and enslaved to don Simon Vasquez. It is not known what his birthname was or how Antonio Joseph became enslaved to Vasquez in St. Augustine. The robbery



their freedom was tied to militia service. However, St. Augustine's free Black militias rarely exceeded fifty soldiers at any given time from 1735-1764.<sup>393</sup> Those that appeared in St. Augustine's parish records during the first Spanish period were tied to the city because it was a *presidio*, one whose official population seldom exceeded 3,000 people. The parish records rarely captured the high rate of merchants and their slaves, both legal and illegal, who did business in the city as did Carlos Viet and Francisco Sanson or John and Thomas Hume, who were discussed in Chapter One.

During the second Spanish period, however, Spanish officials wanted to root enslaved people to plantations and link freed people to wealthy residents. In the same year that Thomas Hassett made his first trip to East Florida's Anglo plantations and Spain ended its fugitive asylum policy, the newly installed governor declared that people freed under the now repealed fugitive laws must enter the service of "people of property" in the community or face the governor's punishment.<sup>394</sup> Requiring that newly freed people be put to work immediately was not a new policy in Spanish Florida, as Spanish officials thought it would make "useful" subjects out of people not yet fully assimilated into Spanish society.<sup>395</sup> Indeed, even the prominent Whitten family needed to find work as soon as their freedom was granted under the fugitive policy, agreeing to work on Ambrose Nelson's plantation along the St. Marys River in 1787. Yet using work as social

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conspiracy discussed in Chapter One reveals that Antonio Joseph was a drummer in the unit of don Diego Pablo Escobar and that he was enslaved to Escobar, not Vasquez.

<sup>393</sup> "Relacion del numero de personas del sexo masculino y vasallos de la corona de España...a saber." St. Augustine January 22, 1764 AGI: Santo Domingo 2595, fols. 2r- 16r; Landers, *Black Society in Spanish Florida*, Appendixes 3, 5.

<sup>394</sup> "Bando, del buen gobierno, del Gobernador Juan Nepomuceno de Quesada," 1790, St. Augustine, Florida, AGI: Papeles de Cuba, 434, F. 5.

<sup>395</sup> Landers, *Atlantic Creoles in the Age of Revolutions*, 44.

control backfired, as one of Nelson's neighbors, the wealthy enslaver William Pengree, complained that the Whitten's "behaved with such shamelessness and presumption...that two of my negroes have fled with the idea of becoming free."<sup>396</sup>

That the Whitten family shared news regarding how to access freedom with other enslaved people is not surprising considering that enslavers living in British-turned-U.S. States had complained about this during the previous one hundred years. Yet Spanish officials in Florida originally created the asylum policy for those enslaved in British territory, not on plantations in Spanish dominions, and not while U.S. enslavers threatened violence if their former slaves were not re-captured.<sup>397</sup> Thus, the actions of the Whitten family and other freed families working on plantations may have factored into Hassett's decision to tour East Florida's rural plantations to baptize enslaved children living there.

Spanish authorities offered fugitive Africans freedom through baptism to tie them to the Spanish empire, not necessarily to reward faith itself and especially not to free people already enslaved within Spanish territories. Hassett deprived children and their parents of the ability to request religious asylum in St. Augustine by baptizing them on plantations, despite his proclamations that his month-long journey north was nothing

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<sup>396</sup> As quoted in Landers, 44–45. Pengree went on to say that he recaptured one of the fugitives who fled his enslavement, but that he "sent to Georgia in search for the other." That the other freedom seeker fled towards Georgia, and not the St. Augustine, serves as a reminder that despite its fugitive asylum policy, Spanish Florida was not the sole place people looked towards to flee enslavement.

<sup>397</sup> Landers, 45. While working on the Nelson plantation, the family learned that their former enslaver from the U.S., Lt. Colonel Jacob Weed, had vowed to re-enslave them "by force, if it costs him [Weed] his life." Nelson wrote to Governor Zéspedes asking him to grant permission for the family to return to the city until the threat of re-enslavement passed, which the governor did. The Whittens stayed in St. Augustine until 1789, when they signed a contract to work on James McGirtt's North River plantation. Francisco Whitten agreed to be a carpenter and his wife, Judy, agreed to labor as a wash and cook.

“compared to the salvation of so many souls.”<sup>398</sup> Indeed, Hassett wrote no origin, previous place of residence, or ethnonym for parents of the children he baptized during his 1790 tour.<sup>399</sup> It may not have mattered to Hassett the origins of the children or parents, many of whom may have arrived enslaved in Florida during the British period from 1764-1784. Yet, by not recording the parents’ origins, Hassett effectively introduced the children into the records as slaves connected to plantation in East Florida, erasing the heritage they received from their parents. This is particularly important because baptismal records served as the foundation through which people’s religious judicial identity were first crafted.

In addition to erasing the past history of mothers with baptized children, East Floridians also imported many more enslaved Africans into the colony during the second Spanish period. From 1752 to 1763, slave traders brought at least 204 Africans to St. Augustine. In 1802 alone, more than 466 enslaved Africans were brought to the colony through the slave trade.<sup>400</sup> This matched the broader trend occurring throughout the Atlantic at the same time. Officials, enslavers, and merchants in colonies and countries dependent on enslaved labor sought to grow their enslaved population both in response to growing abolition movements threatening to abolish the slave trade and to take advantage of a trade becoming ever more lucrative with each passing decade.<sup>401</sup> Yet fewer mothers

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<sup>398</sup> As quoted in Landers, *Black Society in Spanish Florida*, 120.

<sup>399</sup> Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Images 2634-2681, 2848

<sup>400</sup> Landers, *Black Society in Spanish Florida* Appendixes 10, 11.

<sup>401</sup> Alex Borucki, David Eltis, and David Wheat, “Atlantic History and the Slave Trade to Spanish America,” *American Historical Review* 120, no. 2 (2015): 433–61; Alex Borucki, David Eltis, and David Wheat, eds., *From the Galleons to the Highlands: Slave Trade Routes in the Spanish Americas*, First edition, Diálogos Series (Albuquerque: University of New Mexico Press, 2020).

were called by an African ethnonym, despite the rise in enslaved imports. In the parish records, a person's "African-ness" mattered less than their slave status, especially when fugitive slaves arrived to challenge the free-slave binary.

Fathers' Origins and "No Conocido" Entries:

A mother's information was incredibly important to the scribes and to the baptized, as a mother's status and race dictated her child's status and informed their racial designation. While a father's race would factor into his child's race, his status would not. The importance of a father in the baptismal records, then, was his ability to provide the appearance of a whole family unit, an honorable name, and clarity as to a baptized child's lineage. Only half of baptismal entries from 1735-1764 recorded a father. This proportion jumps up to 70 percent for entries written between 1784-1800. During the first Spanish period more fathers came from Spanish territories than from British territories, indicating the limitations of fugitive asylum and Spanish Florida's place as a highly transient port in the Atlantic world. While many of East Florida's inhabitants were still highly transient during the second Spanish period, the rate of fathers of African descent who came from Spanish dominions dramatically decreased, possibly reflecting the staying influence of the Anglo-owned plantations and the greater emphasis on stationary plantation labor. Many of the Anglo enslavers who started their plantations during the British period most likely brought with them enslaved people from former British colonies, meaning that when the Anglo enslavers stayed, so too did the people they enslaved. The eventual repeal of the asylum policy and the work mandates for recently freed people would have further contributed to the increase in the number of fathers from the U.S. or British

colonies recorded in the baptisms, as there became increasingly fewer reasons, sanctioned by authorities at least, for them to travel throughout the Spanish Atlantic.

Briefly examining fathers' origins from 1735-1764, it is unsurprising that scribes recorded slightly fewer fathers than mothers. In addition to laws that used a mothers' status to inform her child's status, women in St. Augustine typically lived longer because many men in the colony were either soldiers or sailors.<sup>402</sup> Only 457 fathers were recorded in the records (54 percent of the entries) and of those, 100 fathers were enslaved, 91 were free, and 266 did not have their status recorded. Only 167 fathers had their place of origin or previous place of residence recorded, comprising about 35 percent of entries with recorded fathers. Looking at Table 9, among the 167 fathers with an origin recorded, 12 were enslaved at the time of their child's baptism, 46 were free, and 109 did not have their status recorded. Moreover, only 30 fathers (compared to 26 mothers) originated from British dominions during this time from 1735-1764. The low number of fathers originating from British colonies may seem surprising considering how widespread news about Spain's fugitive asylum policy and the successes of St. Augustine's free Black militia traveled. Yet this is a reminder that while knowledge of Spain's fugitive asylum

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<sup>402</sup> More men lived in St. Augustine than women during the first Spanish period, but they were slightly more transient because the city was a military outpost. This is not to argue that men traveled more than women during the eighteenth century, rather that the Crown sent soldiers and male prisoners to fortify the city's defenses in addition to whole family units meant to bolster the colony's population. One of the best avenues for soldiers to integrate into St. Augustine society and elevate their standing within it was to marry propertied creole women. Many women in St. Augustine remarried after being widowed and several accrued large tracts of property within the city's walls and throughout Florida's countryside. For more on women's role in property ownership, see T.E. Bryant, "Between Two Empires: Life in Mid-Eighteenth Century St. Augustine on the Eve of Evacuation" (Masters Thesis, St. Petersburg, Florida, University of South Florida St. Petersburg, 2017), 91. For a broader overview of Spanish Florida's demographic makeup see Diana Reigelsperger, "Interethnic Relations and Settlement on the Spanish Florida Frontier, 1668-1763" (PhD diss, Gainesville, FL, University of Florida, 2013); Susan Lois Pickman, "Life on the Spanish-American Colonial Frontier: A Study in the Social and Economic History of Mid-Eighteenth Century St. Augustine, Florida" (PhD diss, State University of New York at Stony Brook, 1980).

policy may have successfully circulated throughout the region, actually traversing through British territory to claim asylum in Spanish Florida was still extremely difficult for families.<sup>403</sup> British and Spanish officials would have been paid particular attention to the number of asylum-seeking families escaping to Florida and produced much documentation that reflected their anxieties, but this did not mean that the number of people who actually escaped matched officials' anxieties. The fugitive religious asylum policies were important in shaping policy and officials' responses to current events but focusing only on the asylum policy can occlude the actual demographic makeup of Florida's Black population from 1735-1764.

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<sup>403</sup> Landers, "Spanish Sanctuary: Fugitives in Florida, 1687-1790"; Edward Bartlett Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World* (Cambridge, Massachusetts: Harvard University Press, 2018); Linda M. Rupert, "Marronage, Manumission and Maritime Trade in the Early Modern Caribbean," *Slavery & Abolition* 30, no. 3 (September 2009): 361–82.

<b>Table 9 - Fathers' Origins: 1735-1764</b>				
<b>Place</b>	<b>Enslaved</b>	<b>Free</b>	<b>Not Recorded</b>	<b>Grand Total</b>
Word Damaged in Document	2	0	7	9
Carolina	2	20	3	25
Nueva Grenada (Columbia/Venezuela)	0	2	5	7
France	0	0	3	3
Spain	0	2	29	30
Cuba	1	6	6	13
Curaçao	0	0	1	1
England	1	1	0	2
Jamaica	0	2	0	2
Lima, Peru	0	0	1	1
Mexico	0	1	17	18
Mobile, Florida (Current-day Alabama)	0	0	1	1
Puebla de la Punta	0	0	3	3
Puebla de los Angeles	0	0	2	2
Pueblo de Caveta	0	0	2	2
Pueblo de Charchave	0	0	1	1
Pueblo de Cherla	0	0	1	1
Pueblo de Chiaja	0	0	1	1
Pueblo de los Angeles	0	0	2	2
Pueblo de Palica	0	0	1	1
Pueblo de Poco[roto]ja	0	0	1	1
Pueblo de Tolomato	0	0	1	1
St. Augustine	6	11	17	34
Tolomato	0	0	1	1

Virginia	0	1	0	1
Canary Islands	0	0	3	3
<b>Grand Total</b>	<b>12</b>	<b>46</b>	<b>109</b>	<b>167</b>



Scribes did not record the majority of fathers' racial designation, ethnicity, or nationality from 1735-1764, as can be seen in Table 10. Many of the fathers listed from Florida's pueblos were also given an Indigenous ethnonym or racial designation. Only 86 fathers had their ethnonym or race recorded, comprising of 18 percent of all entries with a recorded father. Sixty-four fathers were given an African ethnonym, which accounts for 14 percent of entries listing a father. Yet the baptismal entries only show two (one Congo, one Mina) who came to Florida through Carolina. The rest were either listed as "from" St. Augustine or not given a place of residence or origin. This is important to note because while many fathers who originated from Africa and fled British enslavement were not recorded in these records, the low rates of African fathers in the baptismal records remind us that 1) St. Augustine still participated in the Atlantic slave trade while advocating fugitive asylum and 2) many fathers who came to Florida through the trade may have chosen not to convert, or to practice Catholic rites if they were forced to convert. During the second Spanish period the tension between fugitive asylum and the Atlantic slave trade became more pronounced, yet it still existed during the first Spanish period.

<b>Table 10 - Fathers' Ethnonym &amp; Race: 1735-1764</b>	<b>Chino</b>	<b>Mestizo</b>	<b>Moreno</b>	<b>Negro</b>	<b>Pardo</b>	<b>Yndio</b>	<b>Mestizo</b>	<b>Not Given</b>	<b>Grand Total</b>
Ethnonym Damaged in Document	0	0	2	0	0	0	0	0	2
Araro	0	0	3	0	0	0	0	0	3
Carabali	0	0	11	0	0	0	0	2	13
Congo	0	0	29	0	0	0	0	5	34
Criollo	0	0	12	0	3	0	0	0	15
Huchis [Uchise]	0	0	0	0	0	1	0	0	1
English	0	0	2	0	0	0	0	0	2
Mandinga	0	0	6	0	0	0	0	0	6
Mina	0	0	6	0	0	0	0	2	8
Solongo(?)	0	0	1	0	0	0	0	0	1
Timuqua	0	0	0	0	0	1	0	0	1
Not recorded	1	1	51	6	20	6	1	285	371
<b>Grand Total</b>	<b>1</b>	<b>1</b>	<b>123</b>	<b>6</b>	<b>23</b>	<b>8</b>	<b>1</b>	<b>294</b>	<b>457</b>

Scribes recorded fathers and their origins/places of residence at a higher rate in 1784-1800 than in 1735-1764. In total, there were 573 entries with a father (70 percent of all entries) from 1784-1800, of which 326 listed the father as enslaved, 52 as free, 15 as fugitive slaves, and 180 with no status recorded. Scribes recorded the place of origin for fathers in 223 entries from 1784-1800 (27 percent of all entries). These 223 origins can be seen in Table 11. In 48 percent of the entries where the scribe recorded a father with an origin or ethnonym the father was enslaved. In 32 percent the scribe did not provide a status. In 18 percent the father was free. Not only did many more entries list a father from the United States from 1784-1800 than in 1735-1764, but 83 percent of the 109 entries that provided an origin/ethnonym for an enslaved father listed the father from the United States. When the Spanish returned to Florida with the intention of growing its dependence on plantation slavery there was a large number of people from the now United States already enslaved in the colony who now found themselves governed by Spanish law. While Spanish law gave enslaved people certain rights that they could use to leverage better living conditions (such as permission to find a new, less abusive, owner or to arbitrate the cost of their manumission), these new laws did not necessarily afford them opportunities to leave the colony much less the plantation. While many enslaved families were forced to come to Florida from someplace else, the transfer of sovereigns and the end of fugitive asylum meant that most families stayed in the colony, often rooted to the plantation.

<b>Table 11 - Entries with Fathers' Origins/Ethnonyms: 1784-1800</b>	<b>Free</b>	<b>Enslaved</b>	<b>Unknown/Not Recorded</b>	<b>Grand Total</b>
Spain	0	0	5	5
Puerto de Príncipe, Cuba	1	0	0	1
South Carolina	15	4	7	26
England	0	0	14	14
New York	0	1	1	2
Georgia	2	0	2	4
Campeche, Mexico	1	0	0	1
East Florida	1	1	7	9
Canary Islands	0	0	1	1
North Carolina	0	0	1	1
Virginia	5	0	0	5
United States	5	86	20	111
Brabant (Belgium/Netherlands)	0	0	2	2
Scotland	0	0	3	3
France	0	1	2	3
Guinea	9	15	1	25
Wales	0	0	2	2
Guarico, Venezuela	2	1	2	5
Ireland	0	0	1	1
Africa	0	0	1	1
Ibo	1	0	0	1
<b>Grand Total</b>	<b>42</b>	<b>109</b>	<b>72</b>	<b>223</b>

Only 21 entries from 1784-1800 listed a father’s current or previous place of residence, as shown in Table 12. In the vast majority of these entries the father came from a U.S. state, with only four entries showing the father from Havana or St. Augustine.<sup>404</sup> Just as with mothers, fewer asylum-seeking fathers arrived to Florida during the second Spanish period (particularly after the policy ended in 1790) which meant fewer fathers had their previous places of residence recorded in the baptismal entries, even though scribes called more fathers “*esclavos huidos*” from 1784-1800 than they did from 1735-1764.

<b>Table 12 - Entries with Fathers’ Previous Place of Residence: 1784-1800</b>	<b>Free</b>	<b>Enslaved</b>	<b>Unknown/ Not Recorded</b>	<b><i>Esclavo Huido</i></b>	<b>Grand Total</b>
Havana, Cuba	1	1	0	0	2
South Carolina	0	0	3	6	9
St. Augustine, East Florida	0	0	2	0	2
United States	0	0	3	5	8
<b>Grand Total</b>	<b>1</b>	<b>1</b>	<b>8</b>	<b>11</b>	<b>21</b>

The pre-existing presence of a larger enslaved population compared to the previous era, combined with shrinking number of legal pathways to leave the colony, meant that more fathers were recorded in the records even after asylum contracted. Moreover, East Florida’s population of fugitive asylum-seekers decreased even if the entries highlighted their presence with more precise terminology. Policies that attempted

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<sup>404</sup> The enslaved father from Havana is Luis Almanza, the husband of María Belén and father of Manuel de Jesús. All three were enslaved to Manuel de Almanza. Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Image 3901, 3902.

to root people of African descent to the plantation encouraged the growth of families that were stationary, thus causing a rise in the number of baptisms where the scribe could record both sets of parents. This is not to argue that fugitive freedom-seekers commonly left their families in enslavement while they sought asylum in Spanish Florida. Indeed, most fugitive asylum-seekers arrived in St. Augustine in groups, particularly when arriving by river or ocean.<sup>405</sup> The higher rate of recorded fathers in the entries, though, shows a colony with increasingly immobile families.

Going deeper, during the second Spanish period a quarter of entries recorded fathers as “*no conocido*” (not known). The use of this term is important because instead of not mentioning a father in the entries, scribes now emphasized a father’s “absence” in the records. From 1784-1800 there were 200 baptismal entries where a father is listed as either “*no conocido*,” “*blanco, no conocido*,” “*no conocido, de color moreno*” and 32 entries where a father is not referenced at all, together comprising 28 percent of all entries. These figures can be seen in Tables 13 and 14. This is a 15 percent increase of “*no conocido*” entries for fathers from 1735-1764, where scribes recorded 124 fathers as “*no conocido*.” While only 13 percent of entries from 1735-1764 contain a “*no conocido*” for fathers, 386 entries simply do not reference one.

The 32 entries from 1784-1800 that do not reference a father is markedly lower than the 368 entries from 1735-1764. Why was this the case? Throughout Latin America

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<sup>405</sup> Theresa A. Singleton and Jane Landers, “Maritime Marronage: Archaeological, Anthropological, and Historical Approaches,” *Slavery & Abolition* 42, no. 3 (July 3, 2021): 419–27, <https://doi.org/10.1080/0144039X.2021.1927512>; Kevin Dawson, “A Sea of Caribbean Islands: Maritime Maroons in the Greater Caribbean,” *Slavery & Abolition* 42, no. 3 (July 3, 2021): 428–48, <https://doi.org/10.1080/0144039X.2021.1927509>; Fernanda Bretones Lane, “Free to Bury Their Dead: Baptism and the Meanings of Freedom in the Eighteenth-Century Caribbean,” *Slavery & Abolition* 42, no. 3 (July 3, 2021): 449–65, <https://doi.org/10.1080/0144039X.2021.1927510>.

scribes often wrote “*no conocido*” in baptismal records to hide instances of extraconjugal sexual relations between elites or those whose standing within their community would be negatively affected with the birth of an illegitimate child.<sup>406</sup> Within the context of the plantation, however, scribes might use the term to conceal when enslavers’ sexual relations with enslaved women produced a child. Hiding the sexual predations of enslaving men would explain the dramatic increase of “*no conocido*” entries from 1784-1800, when East Florida’s plantations sought more enslaved inhabitants. Yet only fifteen baptisms conducted on plantations away from St. Augustine listed a father of “*no conocido*” (eleven) or “*blanco, no conocido*” (four), suggesting that hiding someone’s paternity may not have mattered as much to those who lived on plantations for the majority of the year.

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<sup>406</sup> Bianca Premo, *Children of the Father King: Youth, Authority, & Legal Minority in Colonial Lima* (Chapel Hill, NC: University of North Carolina Press, 2005) accessed via ebook. Please see Chapter Four, particularly her discussion on the correlations between caste, illegitimacy, and abandonment. Also read Twinam, *Public Lives, Private Secrets*; Mannarelli, *Pecados públicos*.

<b>Table 13 - Free/Enslaved Status for Children of Paternal <i>no conocido</i>/Not Recorded: 1764-1800</b>	<b>Baptized Person's Enslave- ment Status</b>				
<b>Type of no conocido</b>	<b>Esclavo/a Huido/a</b>	<b>Free</b>	<b>Slave</b>	<b>Status Not Recorded</b>	<b>Grand Total</b>
blanco, no conocido	1	6	37	1	45
moreno, no conocido	0	0	5	0	5
no conocido	3	19	128	0	150
Father Unmentioned	1	0	31	0	32
<b>Grand Total</b>	<b>5</b>	<b>25</b>	<b>201</b>	<b>1</b>	<b>232</b>

<b>Table 14 - Stage of Life &amp; Baptismal Status for those with Paternal <i>no conocido</i>/Not Recorded: 1784-1800</b>	<b>Stage of Life</b>				
<b>Natal Status</b>	<b>Adult</b>	<b>Infant</b>	<b>Child</b>	<b>Not Given</b>	<b>Grand Total</b>
Illegitimate	0	11	3	2	15
Illegitimate, Natural	0	2	0	0	2
Natural	2	1	62	0	65
Status not given	58	10	70	12	150
<b>Grand Total</b>	<b>60</b>	<b>24</b>	<b>135</b>	<b>13</b>	<b>232</b>



Because the plantations were Anglo-owned there would have been very little reason for non-Catholic Anglo fathers to hide the children they fathered with enslaved women in the baptismal records, especially as Anglo enslavers rarely baptized all of their slaves.<sup>407</sup> Several of East Florida's most prominent enslavers did not hide the children they fathered with women of African descent whom they never married. Francisco Xavier Sánchez lived openly with his common-law wife María Beatriz Piedra, who was called in the records a *mulata*, and their eight children. They regularly traveled between Sánchez' plantations and his townhouse inside the city. It is not clear in the records if María Beatriz was once enslaved, yet the fact that she and Francisco Xavier never formally married does indicate a combination of social stigma and Francisco keeping his marriage options "open" to expand his social and economic fortunes. Indeed, later in his life he would marry María Carmen del Hill, a seventeen-year old daughter of a wealthy South Carolina planter, with whom he would have ten children.<sup>408</sup>

Moreover, certainly not all applications of *no conocidos* in the records were for the same reason. Few people (16 enslaved and 1 free) called "legitimate" or "legitimate, natural" in the entries had a "*no conocido*" recorded for their father, indicating that they were adults who simply did not know who their father's name. This further suggests that either people of African descent or scribes may have meant something other than "married by the Church" when they said "legitimate." Sixty-five people with a "*no*

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<sup>407</sup> Landers, *Black Society in Spanish Florida*, 118–21.

<sup>408</sup> Landers, 151–52. All of his children with María Beatriz received an inheritance from their father after his death and were highly respected members of the community. Both families were close as they often served as godparents for one another, and María Carmen and her children supported in court the inheritances María Beatriz's children received after Sánchez's death. María Beatriz died three years after Sánchez married María Carmen.

*conocido*” for their father were called “natural” children, with two called fugitive slaves, eight free, and 55 enslaved. Yet 150 people with a “*padre no conocido*” or no recorded father were not given a natal status (legitimate, illegitimate, natural, etc.) when baptized.<sup>409</sup> Among the 150 people with no natal status, 38 percent were called adults, 53 percent were called children or infants, and eight percent did not have a stage of life given.<sup>410</sup> One hundred-thirty children of *padre no conocido* were enslaved. Scribes would have reason to protect the social standing of elite Spanish enslavers who they saw every day on the streets of St. Augustine, despite the lower rates of entries for “illegitimate” or “natural” children with “*padre no conocido*.” While scribes often did not know the parental information for adult converts, relatively few adults, or fugitives, with a *no conocido* for their father had a recorded origin.

Thus, when paternity was in doubt for whatever reason, scribes tended to write *no conocido* to efface not only the father’s line but also to erase the entire background of baptismal subjects, making their histories disappear and to reintroduce them in official documents as Black subjects deracinated from any extra-Spanish connections passed to them by their father. Only the mother, whose status and race would be passed to the baptized, would be used to determine a person’s eligibility for enslavement.

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<sup>409</sup> Among people with a *padre no conocido* and no natal status: three were fugitive slaves, sixteen were free, and one did not have a recorded status.

<sup>410</sup> Scribes recorded the age at the time of the baptism for nine of those twelve people. Only three, Juan Francisco Sánchez, Lucia Agustina Sánchez, and Antonio Lorenzo Rodríguez would be considered adults using modern understandings of age at 30, 28, and 65 years of age respectively. The other six were given age ranges of “about” two to fourteen years of age. The three with no stage of life or age given were Pedro José Llagostera, Ana María Llagostera, and María Antonia Triay. Pedro José and Ana María were baptized on the same day and had the same enslavers and godparents. Their enslavers were Pedro Jacobi and Rosa Llagostera, who were married to each other. Their godparents, José de la Quintana and María Antonia Llagostera were called residents of St. Augustine.

## Godparentage – Choice or Obligation?

Godparentage served newly baptized fugitives by granting them access to important socio-economic networks in their new homeland.<sup>411</sup> The rite, however, was important not only for the newly baptized, but also for those chosen as godparents. If one accepted the honor of serving as godparent, it signaled to the community that they were ready fiscally, socially, and spiritually for greater responsibilities.<sup>412</sup> In St. Augustine's enslaved community, however, the choice of godparents appeared to be out of the parent's control in many entries as the same set of people accepted the role for sometimes hundreds of baptized people, far more than they could reasonably expect to support in their role as godparent.<sup>413</sup> Those who could choose a godparent for themselves or their children, or at least knew enough people in the community to inform their decision, often chose godfathers based on their ties within the community and godmothers for their ties back to Africa.<sup>414</sup>

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<sup>411</sup> Landers, *Atlantic Creoles in the Age of Revolutions*, 40–41.

<sup>412</sup> David M. Stark, "Crossing the Threshold from Adolescence to Adulthood in Eighteenth-Century Puerto Rico: The Baptismal Sponsorship of Enslaved Infants in Arecibo, 1735–1772," *Hispanic American Historical Review* 100, no. 4 (November 1, 2020): 623–54.

<sup>413</sup> Landers, *Black Society in Spanish Florida*, 122.

<sup>414</sup> Landers, 122–23. Landers, whose examination of St. Augustine's parish records formed the foundation of the field, examined the entirety of the records, from 1784 to 1821. Because she based her findings on a broader set of the records, I am referring to her work rather than my own examination of the records, which only accounts for sixteen years, when making observations about the entire second Spanish period.

<b>Table 15 - Godmother's Origins/Ethnonym: 1735-1763</b>	
Angulo	2
Creole	1
Havana	1
Not Given	324
<b>Grand Total</b>	<b>328</b>

<b>Table 16 - Godfather's Origins/Ethnonym: 1735-1763</b>	
Caraballi	1
Carolina	1
Congo	2
Creole	1
Havana	1
Margarita	1
Not Given	515
<b>Grand Total</b>	<b>522</b>

Looking at Table 15, scribes rarely recorded the place of origin/residence for the 328 godmothers recorded from 1735-1764. Only four godmothers had their origin/residence recorded, with two called “Angulo,” one called a “*criolla*,” and one from Havana, Cuba. Both entries where the godmother was labeled “Angula” she was called Ana María. Yet in only one of these entries is she recorded as enslaved, making it difficult to determine if this is the same person. Looking at Table 16, seven godfathers had their origin/residence listed from the 522 entries with a godfather. Among the godfathers with origin/residence/ethnonym recorded: one was enslaved, one was free, and four did not have their status recorded. Their racial designations can be seen in Tables 17 and 18.

<b>Table 17 - Godmother's Race &amp; Status: 1735- 1764</b>	<b>Godmother Status</b>			
	<b>Godmother's Race</b>	<b>Enslaved</b>	<b>Free</b>	<b>Not Recorded</b>
Moreno	1	7	3	11
Negro	0	3	1	4
Pardo	2	2	2	6
Not Given	36	5	266	307
<b>Grand Total</b>	<b>39</b>	<b>17</b>	<b>272</b>	<b>328</b>

<b>Table 18 - Godfather's Race &amp; Status: 1735-1764</b>	<b>Godfather Status</b>			
	<b>Godfather's Race</b>	<b>Enslaved</b>	<b>Free</b>	<b>Not Recorded</b>
Moreno	4	7	4	15
Negro	1	1	0	2
Pardo	1	0	1	2
Not Given	12	2	489	503
<b>Grand Total</b>	<b>18</b>	<b>10</b>	<b>494</b>	<b>522</b>

Looking at the 804 baptismal entries written between 1784-1800, scribes recorded 649 entries with a godfather and 466 entries with a godmother. The vast majority of these entries did not provide an origin for the godparents. Only 23 entries, accounting for two percent of all godparents, listed an origin for godparents. The scribes also gave no racial designation for the entries. This is not to argue that scribes did not care about recording

godparents' places of residence, though, as there are 703 instances in the records where a godparents' current or previous place of residence was recorded. The high rate of godparents with a place of residence recorded suggests a slight shift towards more legible, white, and notable city *vecinos* selected as godparents for baptized children.

<b>Table 19 - Godfather's Place of Residence: 1784-1800</b>	<b>Free or Slave</b>			
<b>Place of Residence</b>	<b>Free</b>	<b>Slave</b>	<b>Not Recorded</b>	<b>Grand Total</b>
Canary Islands	0	0	1	1
Cuba	0	0	2	2
Galicia, Spain	0	0	1	1
Havana, Cuba	0	0	2	2
Ireland	0	0	1	1
Italy	0	0	1	1
Menorca	0	0	26	26
Potosí, Bolivia	0	0	1	1
Spain	0	0	3	3
East Florida	24	6	334	364
Not Recorded	9	39	199	247
<b>Grand Total</b>	<b>33</b>	<b>45</b>	<b>571</b>	<b>649</b>

<b>Table 20 - Godmother's Place of Residence: 1784-1800</b>				
	<b>Free or Slave</b>			
<b>Place of Residence</b>	<b>Free</b>	<b>Slave</b>	<b>Not Recorded</b>	<b>Grand Total</b>
Cuba	0	0	1	1
France	0	0	3	3
Havana	0	0	1	1
Ireland	0	0	2	2
Menorca	0	0	25	25
East Florida	37	8	223	268
United States of America	0	0	1	1
Not Recorded	13	70	82	165
<b>Grand Total</b>	<b>50</b>	<b>78</b>	<b>338</b>	<b>466</b>

Among the 1,115 godparents listed in the entries, 63 percent (703: 402 godfathers, 300 godmothers) had their residence information recorded and is shown in Tables 19 and 20. The vast majority, 89 percent (632: 268 godmothers and 364 godfathers), of the 703 godparents resided in East Florida. Moreover, among those residing in East Florida, 93 percent (593: 347 godfathers, 246 godmothers) were considered to be a *vecino/a*.<sup>415</sup> Six

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<sup>415</sup> Depending on the context the term *vecino/a* could either mean someone was a resident, neighbor, or a citizen with a right to vote in municipal assemblies or councils. In these parish records scribes used the term interchangeably, calling both the landed elite and the enslaved *vecino(a)s*. For more on *vecindad* in Spanish-American cities, see Jay Kinsbruner, *The Colonial Spanish-American City: Urban Life in the Age of Atlantic Capitalism*, 1st ed (Austin: University of Texas Press, 2005), 35–36. Another term to indicate a person's residential status was *poblador nuevo*, which means new “new settler.” There are only two instances in the records from 1784-1800 where a person is called a *poblador nuevo*. On 17 January 1796, John Saunders was listed as one in his role as the enslaver for the baptized child, Juana María Francisca Saunders. In this entry he is listed as both a *vecino* and a *poblador nuevo*. Three and a half months later John Saunders appears again in the baptismal records as both the father and enslaver to Juan Antonio Josef Saunders. In this entry John Saunders is listed as a “natural of London.” The other record of a *poblador nuevo* is Diego Lee, who was listed as the enslaver to the baptized child's mother, Isabel Lee on 26

hundred fifteen entries with a previous place of residence recorded for godparents did not provide a racial designation. While the information scribes provided in entries made racial designations often ambiguous, in most of these entries the scribes imply that those with no racial designation given are white or not of African or Indigenous descent.

The high rate of godparents with a residence of St. Augustine called *vecinos* reflected that people wanted godparents who not only resided in East Florida but were well-established within the community. This makes sense as more established members of the community could offer more benefits to their godchildren. This was particularly important to freed fugitives wanting to establish a new life in East Florida. Moreover, the perception that one had the resources to be a godparent would also be enticing to those wanting to maintain or grow their own social standing in society by taking on multiple godchildren. This is particularly important to highlight because 136 people were godparents to multiple people from 1784-1800. Twenty people were godparents to five or more people. Ninety people called Antonio Suárez their godfather. Nicolás Gómez served as godfather for 81 people. Lorenzo Capo, the assistant to St. Augustine's priests during the second Spanish period, served as godfather to 102 children of African descent during the course of his life.<sup>416</sup>

Clearly these people could not sufficiently provide for all of their godchildren.

Yet it is who they were godparents to that reveals a lack of choice for the enslaved in East

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February 1798. Baptisms - Book 17, Archives of the Diocese of St. Augustine, (Accessed through La Florida), Images 3922, 3928, 3962.

<sup>416</sup> From 1784-1800 Capo was godfather to 64 people. Jane Landers counted 102 godchildren for him over the course of the entire second Spanish period (1784 – 1821) Landers, *Black Society in Spanish Florida*, 122.



Florida. Many of the children Antonio Suárez served as godparent to were baptized during Thomas Hassett's tour of East Florida's plantations in 1790. Indeed, each plantation Hassett visited used a specific set of godparents for the baptized, leading people such as Thomas Sterling and María Magdalena Crespel to be godparents to twenty children each. Even when Sterling and Crespel were chosen to be godparent in later years, it was still to people enslaved by the same enslaver. Crespel tended to be godmother to people enslaved by Francis Phillip Fatio and Sterling tended to be godfather to people enslaved by John MacQueen.<sup>417</sup>

Godparents such as Suárez, Capo, Crespel, and Sterling highlight a pattern in the records even if they represent the extreme. Many enslaved people living in St. Augustine may have had godparents established in the city, but they did not choose them to be their godparents. This indicates that godparentage became more perfunctory during the second Spanish period. This becomes even more pronounced when considering that few godparents listed from 1735-1764 had their origins or places of residence recorded in the documents. If a baptized person's recorded origins reflected their past inter-colonial mobility, then the rise in godparents for enslaved people who were recorded as specifically residing in St. Augustine became a way for scribes to symbolically root people of African descent to the plantation and enslavement in East Florida.

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<sup>417</sup> Francis Phillip Fatio was called Francisco Phelipe Fatio in the documents. Because of Fatio's Swiss origins and close connections to the British empire I am choosing to call him by his anglicized name, which he most likely went by with his non-Spanish associates. I am making the same decision for anyone in the documents with an Anglo name that scribes hispanized, with the exception of those who were baptized. Thomas Sterling was a British doctor who fathered a child with an enslaved woman named Colorinda. Colorinda was enslaved to John MacQueen. The baptism for his son can be found in Baptisms - Book 25- Archives of the Diocese of St. Augustine, (Accessed through La Florida), Image 3918.

## Conclusion:

Across the Spanish empire a person's lineage was important because it reflected their standing in society. Children considered illegitimate or of parents "*no conocidos*" faced discrimination from the city's elite and government's officials, as their lack of clear ancestry, in the words of Ann Twinam, "violated the predominant Hispanic presumption of guilt, that missing information hid the negative..." which in the case of East Florida meant that children of parents *no conocidos* were racially mixed.<sup>418</sup> Moreover, in Florida the use of "*no conocido*" amongst people of African descent indicates that, during the second Spanish period and in light of the plantation-centered policies of the Bourbon Reforms, people were becoming more deracinated from their inter-colonial kinship structures and more attached to master-approved godparents as the push towards plantation slavery made families more stationary.

Spanish Florida's segregated baptismal records intertwined previous places of residence/origins/ethnonyms with a baptized person's racial designation, which in turn reflected their social and economic standing in the community. As seen in this chapter, scribes used a combination of racial designations, parental information, and a free/slave status to indicate the specific race of a baptized person to emphasize their eligibility for enslaved labor. Scribes rarely clarified the race of those implied to be white, indicating that, to scribes, whiteness was irrelevant to enslavement and that African heritage needed to be stressed to highlight a person's "connection" to slavery.

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<sup>418</sup> Ann Twinam, "The Church, the State, and the Abandoned: Expósitos in the Late Eighteenth-Century Havana," in *Raising an Empire: Children in Early Modern Iberia and Colonial Latin America*, ed. Ondina E. González and Bianca Premo, *Diálogos* (Albuquerque: University of New Mexico Press, 2007), 177.

Surely this was not the case for every person of African descent found in these records. Many bravely crossed territorial and political boundaries with the express hope of being able to enter the baptismal books. Baptism offered fugitive freedom-seekers manumission and an extended kinship network to elevate their social position. Baptism also was important to the enslaved because it formed the beginning of a religious judicial identity that allowed them to leverage their “rights” as Catholic subjects to escape abusive enslavers, petition the Crown and its officials, seek *coartación*, or to sue for their rights in court.<sup>419</sup>

Yet these records also show that baptism did not offer the same thing for everyone. For every free or *esclavo huido* in the baptismal record there are many more enslaved adults and children who lived on an Anglo-owned plantation or had a godparent not of their own choosing. These records show just how much Florida changed after the British period (1764-1784). The largest plantation owners were Anglo and many of the colony’s enslaved had closer ties to the newly formed United States than to other parts of the Spanish empire. These British/U.S. origins formed a platform from which newly arriving Spanish officials and clergy, inspired by Bourbon ideas of “utility” and efficiency, sought to grow the plantation economy.

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<sup>419</sup> For more on the legal rights of the enslaved in the Spanish Empire, see Alejandro de la Fuente, “Slaves and the Creation of Legal Rights in Cuba: *Coartación* and *Papel*,” *Hispanic American Historical Review* 87, no. 4 (November 1, 2007): 659–92.

## CONCLUSION

“Treatises of public health or of the interest of the owner, [and] the rules on the capture of fugitive slaves, should vary with the times: be made narrower or looser, as the number of blacks and whites grows or decreases....”

~ José Manuel Torrónategui and Francisco de Arango y Parreño, 1796<sup>420</sup>

On June 9, 1796, José Manuel Torrónategui and Francisco de Arango y Parreño, the leading members of Havana’s governing Junta for agriculture and commerce, printed their recommendations for a revised, streamlined set of regulations on the capture of runaway slaves. A month later scribes sent a copy of their book to the Governor and Captain General of Cuba. Their work was similar to the Carolinian codes Ignacio Emparán y Orbe drafted twelve years prior. Both works stressed the need for a single set of laws, described the exact fines and punishments fugitive slaves and enslavers should receive for breaking the laws, and sought to curtail the movement of enslaved people of African descent.

Yet Torrónategui and Arango y Parreño’s laws were more explicit and adamant where Emparán y Orbe’s codes had been tentative. The two men categorized enslaved fugitivity with vagabondage, stating that “Owners are interested in the earliest capture of their fugitive slaves, and it is likewise the interest of public tranquility, for the damage all

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<sup>420</sup> The full sentence is “*Treatise de la salud pública o del interés del amo, las reglas sobre capturas de los / esclavos prófugos, deben variar con el tiempo: se han de estrechar o aflojar, según crezca o disminuya el número de negros y blancos, los riesgos o los motivos que pende haber para temer.*” Joseph Manuel de Torrónategui and Francisco de Arango y Parreño, *Informe Que Se Presento En 9 de Junio de 1796 a La Junta de Gobierno Del Real Consulado de Agricultura y Comercio de Esta Ciudad e Isla / Por ... Joseph Manuel de Torrónategui ... y ... Francisco de Arango y Parreño; Quando Exâminó ... El Reglamento y Arancel de Capturas de Esclavos Cimarrones y Propuso al Rey Su Reforma* (Havana: Imprenta de la Capitanía General, 1796), 12–13.

vagabonds cause.”<sup>421</sup> Moreover, while Emparán y Orbe molded his codes from older French and Spanish codes, the two Cuban authors wrote firmly in the midst of rebellion in Haiti and Jamaica and argued for a localized response to fugitivity. They pointed out that “what was useful yesterday[,] it can be today very harmful; and what is good and necessary in Jamaica...will perhaps be harmful in another island or city.”<sup>422</sup> They not only stated that the capture and corporal punishment of fugitive slaves should be governed by “Christianity” but also indicated that “to avoid the gathering of runaways and to restore them to the dominion of their owners, we say that it should be the sole purpose and object of the laws on this matter, and that its great work is to see how the prompt restitution [of the enslaved to their enslavers] is executed without offending humanity, or with the least possible [offense]: with all the economy and comfort that is possible.”<sup>423</sup>

The “goal” for their laws marked a shift away from language in previous slave codes that described fugitive slaves as the “wretched,” who could asylum to gain “the water of God.” Their language also moved away from laws that used disciplinary religious instruction to tie people to the empire and to the plantation. Now authorities like Torrónategui and Arango y Parreño invoked “humanity” only as a minor impediment to

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<sup>421</sup> Torrónategui and Arango y Parreño, 11. “*Se interesa el propietario en la mas pronta captura de su esclavo fugitivo, y se interesa igualmente la pública tranquilidad, por los daños que la causan todos los vagamundos.*”

<sup>422</sup> Torrónategui and Arango y Parreño, 12. “*...pues lo que ayer fué my útil. puede ser hoy muy nocivo; y lo que es bueno y precisó en Jamaica v.g. perjudicará tal vez en otra isla o ciudad.*”

<sup>423</sup> Torrónategui and Arango y Parreño, 11. “*Evitar la reunión de cimarrones y restituirlos quanto antes al dominio de sus dueños, diximos que debia ser el único fin y objeto de las Leyes de este asunto, y que su grande obra es ver como se executa la pronta restitución sin ofensa de la humanidad , o con la menor posible: con toda la economía y comodidad que sea dable. Demos mayor claridad, ó al menos mayor extensión á estas primeras ideas.*”

their desire to hunt down enslaved people escaping slavery, and to do so for good of the “public.” Authorities still sought to capitalize on the inter- and intracolonial movement of free and enslaved people of African descent for the benefit of the Spanish empire, but now the good of the “public” firmly meant enslaved plantation labor instead of fugitive asylum and free Black militias.

Theorist Antonio Benítez Rojo once argued that the Caribbean was the engine of Atlantic empire.<sup>424</sup> During the eighteenth century in particular free and enslaved people of African descent kept Atlantic empires functioning, expanding, and jostling for power. Spain built a massive empire using the labor of enslaved people trafficked to the Americas against their will. Against this backdrop of Atlantic slavery, free and enslaved people of African descent crossed borders both of their own volition and as dehumanized cargo. Sometimes they did so to escape European enslavement, other times to conduct business in “friendly” ports, and occasionally to take advantage of opportunities to aid loved ones and friends that lived far from them. Spanish officials were well aware this occurred and adopted a variety of different strategies to tap into this movement, both voluntary and forced. These strategies could benefit both the empire and lead to their own personal gain. It is this tension, between Black intra- and intercolonial mobility and Spanish reactions to it, that this dissertation has explored.

In the beginning of the eighteenth century, officials governing colonies throughout the Spanish borderlands and Caribbean commonly linked the inter-colonial movement of asylum seekers with military policy. They suspiciously viewed

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<sup>424</sup> Benítez Rojo, *La isla que se repite*.

intercolonial movement as a means for people to forge and maintain illicit connections with colonial rivals. But closer investigation reveals what their focus on contraband and rivalry occluded: that people's personal relationships commonly stretched across imperial borders. Spanish authorities legalized the flight of enslaved Africans and their descendants from British plantations to commandeer it, connecting military service to manumission and then sending free Black militiamen and privateers back to the border to protect against British invasion. Yet these men and women were not pawns in monarchs' and royal governors' strategies. They keenly knew how their movement aggravated tensions in the region and used the ensuing conflicts to their advantage by highlighting their military service in proof of merit petitions and their desire for conversion in public spaces.

Moreover, men and women of African descent should not be understood within Florida's military context alone. The majority of surviving documents produced during the first Spanish period in Florida were composed by clergy and military officials, meaning that the archive focuses our attention on Catholicism and militia service. Yet the city also depended on illicit trade to survive and thrive and particularly upon the free and enslaved merchants, soldiers, and craftsmen who participated in the trade. Enslaving merchants often sent enslaved people to conduct their business in the city, but that did not prevent enslaved traders from using their situations to forge and maintain relationships with free and enslaved people living in Spanish Florida to pursue their own business ventures. These relationships were often illegible in surviving documentation but no less important for people pursuing their goals both within the context of slavery and in spite of the institution.

In addition to illegible relationships, legible forms of community and movement also helped foster these goals. Property ownership and other forms of residence not always captured in the records provided spaces where people could meet outside the gaze of suspicious imperial officials. Entry into St. Augustine's religious community could formalize these relationships and, more importantly, offer protection to people in need who knew how to navigate the city's physical, legal, and spiritual boundaries.

The inter- and intracolonial movement of Africans and their descendants were crucial to the evolution of Spanish fugitive policies, yet many people of African descent operated in the city to pursue goals outside Spanish officials' plans. Authorities were paranoid about any movement not sanctioned by them. Those found crossing borders without approval were met with immediate suspicion, detainment, and re-enslavement. The investigations into *negros de mala entrada y descaminado* in Puerto de Príncipe highlight Spanish officials' anxieties towards the inter-colonial mobility of people of African descent while also revealing the mental and legal maneuvers officials conducted to make unapproved movement legible. In constructing legible judicial identities and legal personalities for detained people of African descent, Rosales y Osores organized his investigations around three main avenues of questioning regarding 1) religion 2) language, and 3) connections to foreign Europeans. Through his questioning Rosales y Osores revealed the blueprint for how Spanish authorities approached and understood mobile Africans and their descendants, as either needing to be enslaved and/or potential Catholic subjects.

These investigations also reveal how the freedom and "unfreedom" of apprehended Africans was layered. Few of the investigated people claimed to be escaping



their enslavement. Authorities apprehended many who were pursuing their own sets of goals that were either immaterial or unthinkable to the apprehending authorities. Yet slavery, of course, was a constant factor in these people's lives. The institution of slavery caused each person to be in Cuba and to be investigated for being in unsanctioned places with the wrong people—namely, other people of African descent. It was both because of slavery and despite it that these people of African descent moved throughout Puerto de Príncipe and other places in and out of the empire to form relationships. These people did not see slavery as absolute immobility or the entire story of their identity. Rather they experienced slavery and freedom as layered, continually informing their actions and ideas as they moved throughout Cuba and the Caribbean.

When anti-monarchical and antislavery rebellions broke out across the Atlantic world in the second half of the eighteenth century, Spanish perspectives on mobility began to shift. Authorities, influenced by the Enlightenment and imperial rivalry, implemented new laws that reframed the value of inter- and intracolony movement. Policies that encouraged fugitive asylum became subordinated to the growth of plantation labor. Those serving in free Black militias, often the same people who gained manumission through asylum, still proved to be valuable and dedicated soldiers to the military. Yet officials valued them because they protected the colony's plantations. In islands with established plantation economies, such as Santo Domingo, officials drafted new Black Codes designed to stimulate economic success while limiting movement. Those living on plantations faced draconian punishments if they left without the explicit permission of the enslaving elite. Free and enslaved people were prohibited from “mixing” with those enslaved on plantations. Parishes near plantations were supposed to

be the center of enslaved peoples' spiritual worlds, not self-sanctioned religious kinship, African "superstitions," or religious confraternities in the city. Moreover, the Crown's officials drafted the new Black codes not only to govern free and enslaved people of African descent, but also re-emphasize the Crown's authority over the local enslaving elite. Enslavers also faced (relatively light) punishment if one of their slaves violated the codes' precepts.

While at the beginning of the eighteenth-century Spanish officials welcomed fugitive slaves because they saw it as an opportunity to strengthen the borders of the empire, rebellion and revolution caused Spanish officials to see the movement of free and enslaved people of African descent as dangerous to imperial rule and crafted laws to not only limit that movement but to define and clarify the Crown's authority. No matter the era, though, Spanish officials still looked towards the inter- and intracolonial movement of Afro-descended people to understand the extent of imperial authority and to measure of the empire's wider prosperity.

Officials did not, however, implement these new policies overnight nor did they immediately phase out older policies regarding fugitive asylum. While planters and officials such as José Manuel Torrónategui and Francisco de Arango y Parreño took advantage of the Haitian revolution to grow Cuba's plantations, officials in borderland colonies such as Florida used asylum-seeking fugitives to defend their borders while gradually restricting the ability of people living on plantations in Spanish territory to access the same policy. Thus, while Torrónategui and Arango y Parreño argued that public tranquility would be best served by the quick apprehension of fugitive slaves in 1796, Florida Governor Nepomuceno de Quesada wrote in 1790 that the service of fugitives

who received their liberty through recently repealed asylum policy were a “credit to the public,” but that they would only continue to be valuable if they entered the service of “propertied people.”<sup>425</sup> For many, this meant seeking employment on plantations near the very places they had escaped, though they still could gain prestige in the colony through militia service and by forging important kinship connections through baptism.

Unfortunately, many more enslaved people of African descent entered the baptismal records unable to gain freedom through religious asylum and became increasingly cut off from kin living throughout the Atlantic world.

The Spanish Empire’s policies on the inter- and intracolonial movement of people of African descent were not static or monolithic. The policies changed over time and in response to the eighteenth century’s many geopolitical changes. Officials often grafted the “Enlightened” Bourbon Reforms onto older Hapsburg policies. The Bourbon Reforms, like the older Hapsburg laws, employed religious instruction to tie people of African descent to the empire. Yet whereas Hapsburg officials advocated corporate religious identity and voluntary conversion to signal loyalty to the empire, Bourbon officials used religious instruction as a disciplinary force that not only tied enslaved people of African descent to Spanish colonies but pulled them to the plantation as well.

This dissertation is not only about how Spanish officials sought to capitalize on and regulate the inter- and intracolonial mobility of Africans and their descents. While the documents it relied upon were produced by these officials for the purpose of controlling movement, it also reveals that authorities implemented these laws in response

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<sup>425</sup> “Bando, del buen gobierno, del Gobernador Juan Nepomuceno de Quesada,” 1790, St. Augustine, Florida, AGI: Papeles de Cuba, 434, F. 5. Accessed via PKY.

to free and enslaved people, people who pursued their goals no matter what authorities thought those goals would be. Africans and their descendants traversed across the political and geographic boundaries of the Atlantic world both because of and in spite of the institution of slavery. It was through this constant adaptation to slavery and imperial policy that led Ana Madgigine Jai Kingsley to sip her coffee while looking over the St. Johns' River on an early morning in 1813.

Originally from Senegal, she was most likely enslaved at 13 years of age during a tyeddo raid in Jolof in 1806. After some time serving in a royal household, she was eventually sold to Francis Ghisolfi, the captain of the slaving ship *Sally*, who transported her and other enslaved people to Havana. In October 1806, the wealthy East Florida enslaver Zephaniah Kingsley saw her at auction, where he bought her and two other enslaved women, bringing them back to his Laurel Grove Plantation along the St. Johns River. There she was taken to Zephaniah's house, already pregnant with his child. She would live the next 40 years of her life connected to Zephaniah, who called her his "wife" and lived openly with their children.<sup>426</sup> He formally emancipated her in 1811 and one year later she moved down the river with her children to establish her own plantation. She moved to Haiti in 1838 to escape discriminatory practices implemented by U.S. officials after the United States gained Florida in 1821. She returned to Florida in 1843 after Zephaniah died and his sister contested the inheritance of all Kingsley heirs with African ancestry. In a U.S. court she successfully defended her and her children's

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<sup>426</sup> Ana Madgigine Jai Kingsley was not Zephaniah's only "wife." Many other women he enslaved gave birth to his children and lived openly with him as "wives" or "concubines." Yet Ana Madgigine Jai's contemporaries and later historians saw her as the senior figure, his "first wife."

inheritance. It was not until the eve of the Civil War that she fled Florida again, this time returning in 1865 to a greatly diminished estate. She passed away in 1870, and was buried Arlington Jacksonville, Florida.<sup>427</sup>

Ana Madgigine Jai Kingsley's lived a remarkable life that saw her survive enslavement and the Middle Passage to become a successful plantation owner in East Florida and later in Haiti. Yet while her life is remarkable, it was not unique when considering how successfully she navigated multiple legal systems to protect her family financially and physically. That same river she looked upon while enjoying her coffee carried scores of people fleeing British and U.S. enslavement for asylum in Spanish Florida. Many of those people came to North America through the Atlantic slave trade and many traveled to Cuba, Mexico, and other Spanish colonies after finding asylum in Florida. All crossed the Atlantic's many borders not only to find manumission, though this certainly was the goal for many, but also to find opportunities to earn wealth, find community, and to accomplish goals that neither records nor imperial officials could ever discern.

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<sup>427</sup> Ana Madgigine Jai Kingsley's full story is told in Daniel L Schafer, *Anna Madgigine Jai Kingsley: African Princess, Florida Slave, Plantation Slaveowner*, 1st paperback ed (Gainesville, FL: University Press of Florida, 2010).

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VITA

TREVOR E. BRYANT

Born in Clearwater, Florida

ACADEMIC AND PROFESSIONAL HISTORY

2010-2012	A.A., General Studies St. Petersburg College St. Petersburg, Florida
2012-2014	B.A., History University of South Florida St. Petersburg St. Petersburg, Florida
2015-2017	M.L.A., Florida Studies University of South Florida St. Petersburg St. Petersburg, Florida
2015-2017	Graduate Research Assistant University of South Florida St. Petersburg St. Petersburg, Florida
2016-2017	Researcher La Florida: The Interactive Digital Archive of the Americas St. Petersburg, Florida
2017-2022	Doctoral Candidate Florida International University Miami, Florida
2017-2022	Graduate Assistant Florida International University Miami, Florida
2020	Research Intern Vizcaya Museum and Gardens Archives & Collections Coconut Grove, Florida

2016-2017 Data Input Consultant  
La Florida: The Interactive Digital  
Archive of the Americas  
St. Petersburg, Florida

2021-2022 Dissertation Year Fellow  
Florida International University  
Miami, Florida

#### PUBLICATIONS AND PRESENTATIONS

Paper Presentation, “Persons of *Mala entrada* and *Descamino de Varios Negros*: Smuggling Investigations in 1740s Camagüey, Cuba,” *Southeastern Council of Latin American Studies (SECOLAS) 2021 Virtual Conference*, April 15-18, 2021.

Paper Presentation, “Criminal Intentions, Personal Freedoms: Theft, Smuggling, and Modernity in 1750 Spanish St. Augustine,” *New and Emerging Studies of the Spanish Colonial Borderlands 4th Annual Graduate Workshop*, Virtual (due to Covid19 pandemic), Huntington-USC, March 21, 2021

Blog Post, “Searching for Black Voices in Vizcaya’s Construction,” *Vizcaya Museum and Gardens - The Stories of Vizcaya*, November 23, 2020.

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Paper Presentation, “The Unusual Suspects: Black Mobility, Agency, and Crime in 1750 Spanish St. Augustine,” *Florida Historical Society (FHS) 2018 Annual Meeting & Symposium*, Hyatt Regency, Sarasota, FL, May 17-19, 2018.

Paper Presentation, “The Spaces of Urban Dialogue: Navigating Society in Eighteenth-Century Spanish St. Augustine,” *17th Annual Department of History Graduate Student Association Conference*, Florida International University, Miami, FL, March 24, 2017.

Public Lecture, “St. Augustine on the Eve of Evacuation: Portraits of Life in Eighteenth-Century Florida,” St. Petersburg Museum of History, *Thinking Through... Faculty Speaker Series*, St. Petersburg, FL, October 26th, 2016.