

"A World in Miniature:" Slavery and Freedom, Empire and Law, and Atlantic Identities in  
Freedom-Claiming across the Antebellum South

By

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## ABSTRACT

In the antebellum American South, slaves and free blacks from across the Atlantic World went to court to petition for their freedom from illegal enslavement. US legal officials primarily cared whether or not slaves could prove their free status in court and, to that end, petitioners made legal claims that reflected themselves and their identities as free persons. They emphasized to courts that they were born free, emancipated or manumitted, and had freedom papers. To support these claims, petitioners also created narratives that would represent their identities as free persons and common examples included telling legal officials that they previously moved freely in the Atlantic, served in the military, or worked in skilled labor positions. Another way that petitioners articulated their status and identity as free persons was by telling legal officials about their connections to Atlantic empires. To petitioners, being a member of Iberian, French, or British empires and enjoying imperial subjecthood was closely connected to their identities as free persons.

This thesis examines freedom suits in the antebellum US South by slaves and free blacks from across the Atlantic World and the ways they created legal narratives connected to their identities within nineteenth-century empires. Ultimately, legal officials were most concerned with whether or not petitioners could prove their free status - not where they belonged in the Atlantic World, to what empires they pledged loyalty, or what king recognized them as subjects. Therefore, petitioners created narratives centered around proving their freedom. However, slaves and free blacks continued to incorporate notions of Atlantic empires and subjecthood in their freedom petitions to varying degrees - even if it served little legal strategic purpose to a US court. Their narratives illuminate the importance that imperial belonging and subjecthood represented to slaves and free blacks from the Atlantic World petitioning for freedom in the US

South and demonstrate that they understood imperial belonging and subjecthood as a way to embody their identities and experiences as free persons.

## CHAPTER 1

### INTRODUCTION

#### "FALSE AND PRETENDED MASTERS:" BELONGING, EMPIRE, AND SUBJECTHOOD IN FREEDOM-CLAIMING IN THE NINETEENTH-CENTURY ATLANTIC WORLD"

In December 1815, John Lewis, a black man, petitioned for his freedom at the First District Court of New Orleans in Louisiana.<sup>1</sup> Lewis told the court that he was "born in the island of Jamaica of free parents" and that he "always enjoyed his freedom until he was forcibly and unlawfully seized in the state of Kentucky." According to Lewis, he previously worked "in the capacity of a sailor onboard the *Morning Star*" that traveled to South Carolina in 1811 "from Dundee in Scotland in the Kingdom of Great Britain." Upon arriving in the United States, he told legal officials that he was "seduced into the state of Kentucky," "there seized and transported" and "shipped from thence and sold as a slave" to be "held in bondage by a certain Harvey Norton...contrary to...his lawful rights."

A few years later in June 1819, Candido Gomez presented the New Orleans district court with a similar freedom suit.<sup>2</sup> According to his testimony, Gomez was "born free and raised a free man in St. Salvador in the Kingdom of Brazil." He stated that he was working as a "seaman onboard the Brig *Falcon*" on its way from Salvador, Brazil, to Havana, Cuba, in 1811. According to Gomez, though, the ship never arrived. Instead, he stated that French privateers on a corsair captured by

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<sup>1</sup> Petition of John Lewis to the First District Court of the State of Louisiana Court at Orleans Parish, Louisiana, 6 December 1815, New Orleans Public Library, New Orleans, Louisiana; Granted; in *Race and Slavery Petitions Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 20881522.

<sup>2</sup> Petition of Candido Gomez to the First District Court of the State of Louisiana Court at Orleans Parish, Louisiana, 10 February 1818, Supreme Court of Louisiana Collection, University of New Orleans; Granted; Retried; Denied; Rescinded; Dismissed; Appealed; Affirmed; in *Race and Slavery Petitions Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 20881876.



famous French pirate, Jean Lafitte, “illegally captured” their vessel and took them to Grande Terre, a traditional pirate den in the Lesser Antilles. Held as prisoners by the French in the Caribbean, Gomez stated that he was later brought to New Orleans by a member of the corsair, Alexander Bonlivar.<sup>3</sup> He claimed that Bonlivar detained him, continued to hold him in bondage as his personal slave, and “pretended to the right to sell” him. “Praying that his status as a free man be recognized and that he be granted his freedom,” Gomez asked the court that he “may be allowed to sue for his freedom” and that Bonlivar be “summoned to pay the costs of the suit.”

Nearly two decades later and in a rural, plantation parish outside of New Orleans, Marie Francoise, a black woman, presented the district court in Iberville Parish, Louisiana with yet another similar legal suit as she petitioned for the freedom of her sons in 1845.<sup>4</sup> She explained to legal officials that her children were wrongfully held as slaves by the Borie family, a powerful free-black and slaveholding family in Louisiana. Marie Francoise explained that she and her children had long worked on the plantation as free persons and that her late mother, Isabelle, was a free woman from French Saint-Domingue who once had a close relationship with the Borie family's matriarch, Valerie Belly.<sup>5</sup> According to Marie Francoise, in Saint-Domingue Isabelle and Valerie had lived as free persons and later, during the Haitian Revolution, fled together to Cuba. After spending years in "Au Cane" in Santiago, Cuba as French refugees, Isabelle and Valerie

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<sup>3</sup> Spelling of 'Bonlivar' unclear and inconsistent in petition. Could also be French 'Boulivar.'

<sup>4</sup> Petition of Marie Francoise to the District Court, Iberville Parish, Louisiana, 12, June 1845, in Records of the Fourth Judicial District Court, *Marie Francoise v. Cyrpien Ricard, George Delonde Jr., and Pauline Ricard*, document/case #2279, PCH-Iberville Parish, Plaquemine, Louisiana. Petition Analysis Record No. 20884517.

<sup>5</sup> Valerie Belly has a few iterations of her name in the document. Her maiden name in Saint-Domingue was Valerie Samanos and then Belly in Louisiana. In Iberville, she married Augustin Borie and became known also as Madam Borie.

"were compelled to quit the island in the year 1809 as French subjects" as a result of war between Spain and France and they relocated to New Orleans as free women.<sup>6</sup>

Decades later both Isabelle and Valerie had died and Marie Françoise faced new challenges to her and her family's freedom because of an error in Valerie's will. According to Marie Françoise, Valerie falsely claimed her as one of her slaves in the will and freed her. Likely surprised at this discovery, Marie Françoise was considered then a freed, former slave and, therefore, her children were also slaves. Marie Françoise asked the court to recognize her and her children's freedom derived from her mother's free ancestry in French Saint-Domingue, demanded reparations, and concluded that "the false and pretended masters cannot allege the prescription against their freedom."

At first, John Lewis, Candido Gomez, and Marie Françoise's petitions may seem distinct. After all, they each told the courts about their lived experiences from different corners of the Atlantic World and each petitioner came from a separate imperial and colonial jurisdiction in the Caribbean. Lewis told the court that he was "born free" in British Jamaica and discussed his life as a free black sailor in "the Kingdom of Great Britain." Gomez brought an Iberian perspective to his petition and stated that he was "born free and raised free" in Brazil. Finally, Marie Françoise recalled her links to the French Caribbean and referenced her family's long history as free persons in Saint-Domingue.

Although they came from different British, Iberian, and French jurisdictions in the Atlantic World, Lewis, Gomez, and Marie Françoise's petitions have much in common. For instance, they each had important experiences moving across the Atlantic. Lewis and Gomez described to legal officials their experiences as free black sailors and Marie Françoise explained her family's

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<sup>6</sup> In 1809, Spain ordered the expulsion of all French subjects from their territory as they entered war with Napoleon-led France.

displacement across the Caribbean in the wake of war and revolution. Indeed, they all traveled far and wide from their original homes in Jamaica, Brazil, and Saint-Domingue.

The petitioners also shared similar experiences under illicit and illegal slavery in the Atlantic World. John Lewis described being kidnapped in Kentucky, Gomez by French pirates in the Caribbean, and Marie Francoise's children were enslaved by a family she knew. Further, each petitioner sought to regain their freedom in the law and used legal institutions like local courts in the antebellum South to seek recourse to their illegal enslavement. Taken together, these freedom petitions represent larger and interconnected histories of Atlantic movement, illicit slavery, and freedom-claiming in law, and, importantly, should be viewed in tandem.

In examining the petitions together, patterns emerge in their testimonies and reveal shared narrative strategies that petitioners used to best frame their freedom suits. Legal officials in US courts were most concerned with whether the petitioners could prove their free status. Therefore, at the crux of all their petitions were litigants' assertions and testimonies that they were free. Petitioners highlighted to courts that they were born free, manumitted or emancipated, or lived as free persons from their respective jurisdictions.

They also told courts stories about their lived experiences to support their legal claims and to represent their identities as free persons. Gomez and Lewis emphasized in their testimonies that their claims to freedom could be seen in connection to their free labor and movement as black sailors in the Atlantic. Likewise, John Lewis and Marie Francoise created kinship narratives that grounded their claims for liberty on free ancestry and described their relationships to free parents. Further, Lewis and Marie Francoise also stressed their experiences moving freely throughout the Caribbean and, especially, the recognition of those rights across jurisdictions as they crossed borders.

In addition to telling courts that they were free and creating narratives that reflected their experiences and identities as free persons, petitioners also included information about where they came from in the Atlantic. John Lewis stated that he was "born in the island of Jamaica of free parents" and traveled across the "Kingdom of Great Britain." Likewise, Gomez told officials that he was "born free and raised free in the Kingdom of Brazil." Finally, Marie Françoise connected herself to her mother's experiences in Saint-Domingue and Cuba as a "French subject."

Interesting imperial notions marked the petitioners' statements on where they were from in the Atlantic World. Lewis and Gomez invoked the ideas of sovereign kingdoms in the Atlantic such as that of Great Britain and of Brazil in stating where they were from. Likewise, Marie Françoise connected her claims to an inherited imperial subjecthood. As they told the courts where they were from in the Atlantic, it seems that they connected their identities as free persons to empires, sovereign powers, and black imperial subjecthood.

Petitioners' use of imperial language to articulate their identities as free persons in connection to their legal claims for freedom suggest that empire and subjecthood occupied an important role in slavery, freedom, and law in the nineteenth-century Atlantic World. It also raises many questions about Atlantic imperial authority, narrative and performance, and law and legal culture. For one, what role did the language of empire and subjecthood play in freedom-claiming legal narratives? To petitioners, articulating to what empire they belonged and claimed subjecthood was important to tell legal officials. However, what significance did it hold in their narratives? Was it simply a way for petitioners to state where they were from? Or, did they envision their membership in an empire as closely connected to their legal claims for freedom? In other words, did petitioners consider the use of imperial language and subjecthood a legal strategy that would support their claims or just basic information to relate to legal officials?

If petitioners used imperial language and rhetoric to present their identities as free persons and help support their claims for freedom, it is important to ask, then, what authority Atlantic empires had in the Americas, and where. For example, was imperial power focused in territorial holdings like colonies? Or was the power of an empire more concentrated at the metropole with the seat of the monarchy and crown? Further, would empires hold power and authority in jurisdictions not their own, such as the antebellum US South? In other words, would legal officials in New Orleans have been compelled to honor or employ freedom laws of Iberian, British, and French empires for these litigants?

Building off of the last question above in relation to antebellum US courts and legal officials, did the fact that petitioners were from Atlantic empires and claimed imperial subjecthood matter to antebellum legal officials adjudicating freedom suits in local courts in the US South? Legal officials were most concerned with whether a person was in fact free. Therefore, what importance did petitioners' narratives about where they were from and to what empire they pledged loyalty play in legal officials' decisions on their freedom suits? Did judges take into consideration where petitioners were from, what empires they belonged, and if they were indeed imperial subjects? In short, while facts about where they were from and what empires they belonged to were certainly important to petitioners, did their imperial narratives work as a legal strategy to convince legal authorities of their status as free persons?

This thesis explores how petitioners went to court for their freedom, created narratives that highlighted their status as a free person, and articulated their identities in connection to Atlantic empires. Cases like Lewis, Gomez, and Marie Francoise's were not unique and, in courtrooms across the nineteenth-century American South, enslaved and free Africans from places like Saint-Domingue, Cuba, Jamaica, and Brazil went to court and attempted to gain their freedom from illicit

slave traders, pirates, and former masters. In states like Louisiana, South Carolina, Georgia, Kentucky, Florida, and more, petitioners and their witnesses told the courts that they were born free, manumitted or emancipated, or lived as free persons in the Atlantic.

Litigants supported their legal claims with stories about their lived experiences that they thought best reflected themselves and their identities as free persons. Their narratives engaged common tropes associated with freedom that represented themselves, their identities, and their status as free - such as military service, skilled and artisanal labor, and free movement across the Caribbean, to name a few.<sup>7</sup> For example, they told judges that they gained their freedom after serving as grenadiers in black militias during the Haitian Revolution, moved freely across the Caribbean from Havana for work as a sailor, or worked as a free person and skilled cook on a British ship in Jamaica and Liverpool. In their narratives, being free was also connected with their identities as mobile, skilled, and knowledgeable free persons.

Like Lewis, Gomez, and Marie Francoise, many petitioners also articulated their identities as free persons by connecting themselves to Atlantic empires. Within narratives about free movement, military service cut short, skilled labor, and families left behind, petitioners often declared themselves free persons "belonging to the Dominion of his Catholic Majesty the King of Spain," "born a subject of the King of Great Britain," and "French subjects."

While petitioners certainly told legal officials where they came from in the Atlantic in order to provide information about where they traveled or previously resided, this information meant much more than geographic origin. To petitioners, it was vital to include these comments about their connections to Atlantic empires in order to represent themselves, their identities, and their status

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<sup>7</sup> See Kelly Kennington, *In the Shadow of Dred Scott: St. Louis Freedom Suits and the Legal Culture of Slavery in Antebellum America* (Athens: The University of Georgia Press, 2017) for more on broad patterns in narratives in freedom-claiming in law.

as free. They told courts to what empires they enjoyed membership, pledged loyalty, and were subjects. In cases like Candido Gomez's, he stated that he was born free in the Kingdom of Brazil and, simultaneously, created a link between himself as a free person with the Brazilian Portuguese empire. Likewise, in John Lewis's case, he stated that he had lived freely and was recognized as a free man in "the kingdom of Great Britain." Petitioners also enlisted ideas about subjecthood in their narratives.<sup>8</sup> Marie Françoise called upon her mother's connection to the French government and status as a "French subject" to bolster her filial claims to freedom for her sons. Ultimately, to the petitioners, their identities as free persons were also tied to their identities as members of an empire from across the Atlantic World. In short, imperial membership served as yet another way for petitioners to perform and represent themselves as free persons.

Cases initiated by petitioners from different corners of the Atlantic World are at the heart of this project. As a comparative project, this thesis does not focus on one jurisdiction, empire, or region in the Atlantic or antebellum US South. Rather, it views petitions by litigants with origins from across the Atlantic World in a discourse together to demonstrate the interconnected ways that they used the law to gain their freedom. Similar patterns of legal narratives emerge when viewing cases by litigants from Jamaica, Cuba, Brazil, Saint-Domingue, and more together, and suggest that their legal strategies and claims speak to a larger Atlantic phenomenon of freedom-claiming.<sup>9</sup>

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<sup>8</sup> This work defines subjecthood as the vertical relationship between an individual and a sovereign and where subjecthood operated in a reciprocal relationship of loyalty from the individual that compelled protections and obligations from a sovereign figure and administration. See Jane Landers, *Atlantic Creoles in the Age of Revolution* (Cambridge: Harvard University Press, 2010).

<sup>9</sup> This project approaches the freedom petitions in terms of *how* litigants strategically navigated the law to gain their freedom. It looks at freedom-claiming as a process and seeks to better understand the ways that slaves and free blacks framed their narratives as they engaged the law. Therefore, the outcome of these petitions is not a central focus to this project. Courts and judges dismissed cases for various reasons and outcomes were influenced by a number of factors. To do a study that incorporates the outcomes of the petitions to a greater degree will require a larger and more representative sample of freedom petitions. Rather than outcome, this paper looks at the legal process of the petitions and the formation of the petitioners' legal consciousness. It examines how the petitioners created narratives, articulated their identities and themselves as litigants, and how they accessed the law across imperial borders. Its overarching goal is to examine how they understood broad ideas about law and their rights within it, the ways they

This research utilized the *Race and Slavery Petitions Project* which contains thousands of legal cases involving free and enslaved blacks in antebellum America.<sup>10</sup> These petitions often included plaintiff, defendant, and witness testimonies, comments by legal officials such as judges, notaries, and court clerks, and insights into legal access for slaves and free blacks in the antebellum American South. Many of the petitions were complicated and multilayered as petitioners crossed several spatial, temporal, and generational boundaries. Further, as reflected in Figure 0.1 below, the court documents could be often difficult to read, damaged, or influenced by a court clerk's cross-hatched writing.

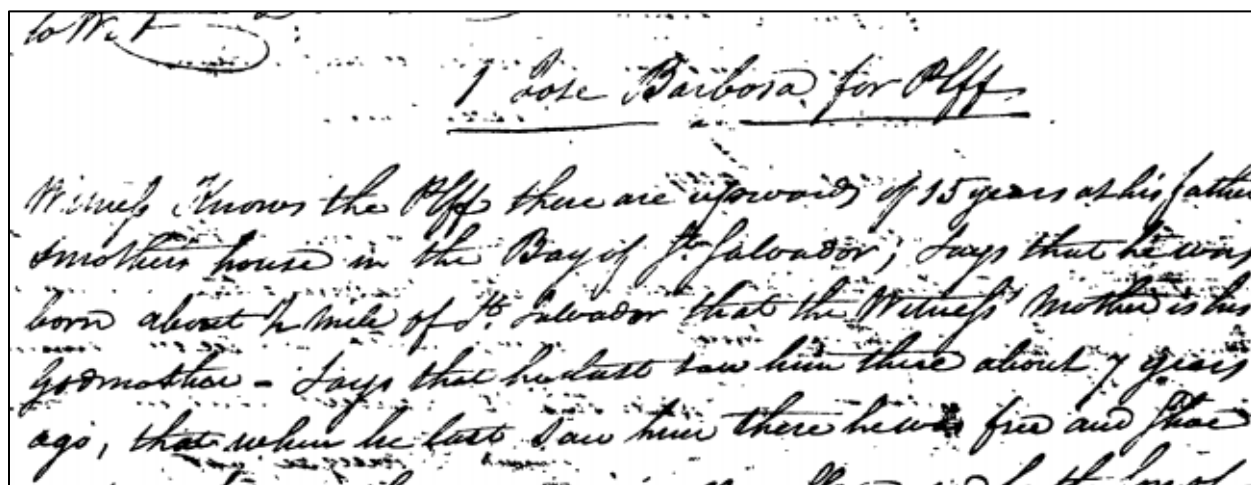


Figure 1: Excerpt from Candido Gomez's freedom petition and his witness's testimony from Candido Gomez's, 1818. This excerpt reflects the ways that court officials transcribed witness testimonies, often with third-person phrases such as "witness knows" and "says," as well as referring to legal actors as witness, plaintiff, and more. Transcription of this excerpt can be found in footnote citation below.<sup>11</sup>

made legal claims for freedom across imperial borders, and where they envisioned themselves within the interconnected Atlantic World.

<sup>10</sup> Loren Schweninger, *Race, Slavery, and Free Blacks: Petitions to Southern Legislatures and County Courts, 1775-1867*, University of North Carolina at Greensboro, 2000-2009.

<sup>11</sup> Figure 1 Transcription: "1. Jose Barbosa for Plff [plaintiff]. Witness knows the plff there are upwards of 15 years at his father and mother's house in the Bay of St. Salvador; says he was born about 1/2 mile of[f] St. Salvador that the witness's mother is his [Gomez's] godmother - says that he last saw him there about 7 years ago, that when he last saw him there he was free and shoe [next page] maker..."



These cases contained more than just the voice of the litigant, as well, such as legal voices and filters from attorneys, court clerks and transcribers, and judges that often obscured the original voice of the petitioner. Court clerks transcribed testimonies in third-person, made notes on the margins, and ambiguous references to third parties. Also, petitioners seldom petitioned alone and went to court with legal aid such as attorneys who wrote their petitions using formulaic legal jargon. Despite the legal filters that existed in these petitions, historians have recently proven that enslaved and free black litigants in the Atlantic World and Americas maintained degrees of control over their cases, continued to pursue them over time, and inserted their voices within the layers of legal formula.<sup>12</sup>

Another especially important voice in these petitions are from the witnesses that vouched for the legal claims by the petitioners. Witnesses serve as a valuable window into Atlantic networks in the nineteenth century and reveal what kind of access petitioners had to social and community groups. For example, in Candido Gomez's case, a family friend in Salvador, Brazil, shipmates onboard the *Falcon*, and a New Orleans port officer all added valuable testimonies and personal anecdotes. Petitioners took a calculated risk by calling upon witnesses and those they knew to testify for them. Sometimes neighbors and friends might agree with their claims and add veracity to their testimonies. In other instances, witnesses complicated petitioners' claims and called into question their rights to freedom. Whether they confirmed or contradicted petitioners, witnesses connected litigants to larger community and social networks across the Atlantic World.

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<sup>12</sup> For example, although the Iberville court denied Marie Françoise's case, her children continued to pursue the case in court later. Also, legal historians have shown that marginalized groups using the law often engaged the legal process to great degrees and that historians can still access, to an extent, the voice and perspective of the petitioners. For some examples, see Bianca Premo, *Ordinary Litigants in the Age of the Enlightenment* (Oxford: Oxford University Press, 2017).

This thesis engages historiographical discourses on claims-making and narrative performing across borders in the Atlantic World and views cases like Lewis, Gomez, and Marie Françoise's together in order to examine the Anglo, Iberian, French, and antebellum in interconnected terms. Scholars such as Frank Tannenbaum, Jane Landers, Rebecca Scott, Alejandro de la Fuente and Ariela Gross, Graham Nessler, Camillia Cowling, Kimberly Welch, Trevor Burnard and John Garrigus, and more have in recent decades demonstrated the importance of studying borders and comparative Atlantic spaces to demonstrate the degrees to which the Atlantic was an 'entangled' space.<sup>13</sup> Their works examine the Americas as a broad, connected, and comparative stage, and have shown that slaves and free blacks across the Americas often engaged the law in similar ways. In addition, this thesis places itself in historiographical discourses on narrative, performance, and story-telling in legal history.<sup>14</sup> Antebellum US scholarship on freedom suits and slaves and free blacks' access to law is especially important to this study and works by scholars such as Kelly Kennington, Ann Twitty, Judith Schafer, Martha Jones, and Kim Welch, among others, place the legal practices of slaves and free blacks from across the Atlantic World in a comparative legal context in the Americas.<sup>15</sup> For example, their work helps to compare cases

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<sup>13</sup> Jane Landers, *Atlantic Creoles* (2010); Trevor Burnard and John Garrigus, *The Plantation Machine: Atlantic Capitalism in French Saint-Domingue and British Jamaica*, (Philadelphia: University of Pennsylvania Press, 2016); Rebecca Scott, *Freedom Papers: An Atlantic Voyage in the Age of Emancipation*, (Cambridge: Harvard University Press, 2014); Ariela Gross and Alejandro de la Fuente, "Slaves, free blacks, and race in the legal regimes of Cuba, Louisiana, and Virginia: a comparison," *North Carolina Law Review*, June 2013, Vol. 91; Graham Nessler, *An Islandwide Struggle for Freedom: Revolution, Emancipation, and Reenslavement in Hispaniola, 1789-1809*, (Chapel Hill: University of North Carolina Press, 2016); Camillia Cowling, *Conceiving Freedom: Women of Color, Gender, and the Abolition of Slavery in Havana and Rio de Janeiro* (Chapel Hill: University of North Carolina Press, 2013); for the Atlantic World as an 'entangled' space, see Jorge Canizares-Esguerra, "Entangled Histories: Borderland Historiographies in New Clothes?" in *The American Historical Review*, 2007, Vol. 112.

<sup>14</sup> Kimberly Welch, *Black Litigants in the Antebellum American South* (Chapel Hill: University of North Carolina Press, 2018); Premo, *Ordinary Litigants* (2017); Gross, *What Blood Won't Tell: A History of Race on Trial in America* (Cambridge: Harvard University Press, 2009); Robert Cover, "Forward: Nomos and Narrative," *Harvard Law Review* 97 (1983-84): 4-68.

<sup>15</sup> Kennington, *In the Shadow of Dred Scott* (2017); Anne Twitty, *Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787-1857*, (New York: Cambridge University Press, 2016); Judith Kelleher Schafer, *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846-1862*, (Baton Rouge:

like Marie Francoise, Candido Gomez, and John Lewis's that spanned the Caribbean and Atlantic in a more comparative manner. For example, the cases in this study are quite similar to freedom suits by slaves and free blacks trafficked, kidnapped, or illegally enslaved from across northern and southern jurisdictions in antebellum America.

This thesis contributes to the above scholars' work on the Atlantic World, slavery and freedom, and legal narrative and performance. It situates cases by litigants like John Lewis, Candido Gomez, and Marie Francoise, as well as many more, together and argues that they cannot be viewed in singular as a Latin American or Atlantic history. Rather, they should be viewed in larger trends in freedom-claiming in the Americas. Regardless of their diverse and distinct Atlantic origins, this research seeks to place these petitions in conversation together within antebellum American and nineteenth century Atlantic historiographies.

To conclude, these cases serve as a window into freedom-claiming in the antebellum US South connected to the larger Atlantic World. Legal officials in places like Louisiana, Kentucky, the Carolinas, Florida, and more adjudicated freedom petitions based on petitioners' ability to prove their free status. Therefore, petitioners asserted first and foremost that they were free and made central to their claims that they were free by birth, emancipation, or manumission. In order to support their legal claims, litigants also created narratives that presented themselves as free persons and they articulated, performed, and reflected their identities, lived experiences, and status with tropes associated with freedom like mobility, skilled labor, and community support.

Another way that petitioners presented themselves as free persons was by connecting their identities with Atlantic empires. In their narratives, slaves and free blacks envisioned themselves

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Louisiana State University, 2003); Martha Jones, "Time, Space, and Jurisdiction in Atlantic World Slavery: the Volunbrun Household in Gradual Emancipation New York," *Law and History Review*, 2011, 29: 4, pp. 1031-1060; Welch, *Black Litigants* (2018)

- and their identities as free persons - in close connection to empires, sovereign figures, and subjecthood. For example, they linked themselves to the Spanish, Portuguese, British, and French empires as imperial subjects and asserted relationships between themselves and kings.

Despite articulating their identity as free persons in connection with Atlantic empires, though, proving freedom was still the central motivation of their petitions. As seen in the outcomes of these cases, legal officials seldom adjudicated on terms of Atlantic belonging and imperial subjecthood and, rather, focused on slaves' ability to prove their status as free person with freedom papers. In local courts in the US South, legal officials cared primarily whether slaves proved their free status convincingly and rarely decided cases on where petitioners belonged, to what empire they pledged loyalty, or what king recognized them as a subject. As a result, illegally enslaved free blacks from across the Atlantic framed their petitions primarily with assertions of their status and rights to freedom.

Nonetheless, in petitions spanning the late eighteenth to mid-nineteenth century, slaves and free blacks continued to incorporate notions of Atlantic empires and subjecthood in their freedom petitions to varying degrees - even if it served little legal strategical purpose to a US court. Their narratives illuminate the vital importance that imperial belonging and subjecthood represented to Atlantic slaves and free blacks in petitioning for freedom in the US South and suggest that they understood membership to an empire as a way to embody and articulate their experiences and identities as free persons. To them, being members of an empire or subjects to a king was synonymous with freedom. Ultimately, slaves and free blacks from across the Atlantic Caribbean brought Atlantic imperial notions to support their claims to freedom in southern courts, compelled legal officials to consider their claims for freedom in broader Atlantic terms, and positioned

themselves and their identities as free persons in close connection to empires, sovereign figures, and subjecthood.

### Thesis Organization

This thesis proceeds in three parts that work together to demonstrate the similar and interconnected ways that petitioners created narratives in court. First, in chapter two, this thesis provides a top-down examination of the Atlantic World as a unique and interconnected legal space. It reviews historiographical research in the Americas on slavery and law, legal constructs across the circum-Caribbean, and historical transformations in the early nineteenth century. By looking at the ways scholars have approached the Americas, how law and legal procedures on slavery and freedom shaped slaves' experiences and legal consciousness connected to pursuing freedom, and important historical changes in the Caribbean like the Haitian Revolution and the trans-Atlantic slave trade, this chapter argues that slaves and free blacks' experiences in the Atlantic World and in connection to slavery and freedom-claiming in law were connected by shared experiences.

Next, chapters three and four closely examine the narratives within the freedom petitions and provide close readings of the petitioners and their witnesses' testimonies. This approach to the petitions reveals some of the ways that slaves and free blacks articulated their identities as free persons to support their legal claims. For example, chapter three explores the ways that litigants articulated their identities as free persons in connection to their membership in an empire. This chapter argues that, to petitioners, their connections to sovereign figures like kings at the metropole, their status as imperial subjects, and their connections and membership in general to an empire were important in how they identified themselves as free persons. In other words, holding membership and being loyal to an empire, being connected to a king, and being part of a

political institution as an imperial subject were closely related with freedom to them and was important to how they formed and presented their identities as free persons in their legal narratives.

Chapter four likewise examines narratives in the freedom suits - although this time from petitioners' witnesses. Community members and witnesses in the petitions served an important role in litigation and friends, family, neighbors, and acquaintances' testimonies reveal important information about petitioners' identities and how they presented themselves to their communities. Ultimately, witness testimonies reflect the intricate Atlantic social networks to which petitioners belonged. Overall, the chapters in this thesis seek to provide a window into nineteenth-century freedom-claiming in law that reflects the Americas - and the experiences of the litigants - in connected and comparative terms.

## CHAPTER 2

### "ALTOGETHER REMEDILESS IN THE PREMISES AT LAW:" HISTORIOGRAPHY, LAW, AND ATLANTIC HISTORIES IN THE CIRCUM-CARIBBEAN

In 1804, Joseph Antoine petitioned for his freedom while held in jail in Kentucky.<sup>16</sup> He sued three slaveholders and slave traders on the basis of illegal enslavement and fraud, and stated that "he is a freeman & can establish this fact to the satisfaction" of the court. He asked legal officials to "enjoin & restrain" Jonathan Purcel, Emanuel Lisa, and Davis Floyd, and anyone else, from "interfering with [his freedom] & that he may be permitted to remain free from restraint."

Antoine presented the court with a heartbreaking story that spanned the Iberian and antebellum Americas. He stated that he was from Cuba and formerly a slave. He told officials that "at the Havana he was the property of a certain [...] who...emancipated him" and that he had proof of his freedom "by a Deed of Emancipation which your Orator prays may be taken as part of this bill."<sup>17</sup> Then a free man in Cuba, Antoine decided to resettle and he moved to Virginia in the United States, "where he resided about four years," and married a slave woman, "the property of one [Jonathan] Purcel."

Unfortunately, Antoine and his wife's marriage - and his freedom - were threatened by Purcel. Antoine stated that Purcel moved to Post Vincennes, a former French colonial area, and Antoine "went with thesd [the said] Purcel" and his wife. However, "not long after thesd Purcel got to Vincennes, thesd Purcel insisted that he [Antoine] should indent himself to him." Antoine

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<sup>16</sup> Petition of Joseph Antoine to the Circuit Court of Jefferson County in Jefferson County, Kentucky, 19, September 1804, Records of the Circuit Court, Case Files, Kentucky Division of Libraries and Archives, Frankfort, Kentucky; Granted; in *Race and Slavery Petitions Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 20780403.

<sup>17</sup> It was typical if slaves had freedom papers or any other official documents to submit them along with their petition.

"refused to do that," but Purcel proceeded to coerce him and "threatened that if he did not do so, that he would send his wife to some part of the Spanish country."

Purcel further coerced Antoine and his wife, taking them "into a room, & shut the doors & again insisted that they should indent themselves for fifteen years & threatened to send them off if they refused." Antoine stated in his petition that "by way of allurements," Purcel "promised that his [Antoine's] wife should be free at the expiration of that period." "Being thus situated, in a state of duress, and being apprehensive that if he refused, that thesd Lacey would put him in Irons and send him & sell him as a slave, where he would not have it in his power to recover his freedom," Antoine signed the indenture contract."<sup>18</sup>

Despite their contract, Antoine was "informed that thesd Purcel was about to sell him & his wife" to Emanuel Lisa. Antoine asked Lisa if this was true and "was informed that such was the fact." Antoine stated that Lisa "asked him if he was willing" and "that he replied if he was to be sold, he would as soon be sold to him, as another." Antoine, "fearing if he refused," worried "that thesd Purcel might convey him off & place him in a worse situation." According to Antoine, Lisa "did purchase him and his wife" and took them to New Orleans and, there, sold them "as slaves for life."

Learning that he and his wife had been sold by Lisa, Antoine "went to the Spanish Governor in Orleans, and shewed him his Deed of Manumission and requested his interposition." Antoine stated that "the governor took him and his wife into his custody, and after examination into the fact released them from the sale." The governor also "told them if they chose to return with thesd [...] to St. [Saint] Lewe the place of his residence that it was a matter of option with them, but that

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<sup>18</sup> Indentured servitude typically included an agreed upon contract that a person would work for a certain person for a defined period of time, typically 7 years.



they should not be sold or taken off by theses Elisa [Emanuel Lisa] unless they would consent to go."

Antoine and his wife's attempts to return home were filled with more coercion and anxiety. He stated that they were "anxious to return & upon theses Elisa [Emanuel Lisa] promising not to sell them again & that he would treat them, they consented to return." Further, Antoine was "still believing that his wife was a slave unless he served out with her the balance of the term." According to Antoine, this all "operated with him as a farther inducement to" return.

Cruelty and misfortune characterized their return to St. Louis. Antoine stated that Lisa "treated them so cruelly that he could no longer remain with him." He and his wife left and fled to Kentucky, however, on the way "his wife died." Further, "shortly after his arrival in this county he was apprehended & ~~thrown in goal where he remained a few days when he was delivered to a~~ by a certain Davis Floyd."<sup>19</sup> Antoine stated that "Floyd took him on the other side of the river & was offering to sell him." He stated that "Floyd has been endeavoring to take him off," but that Antoine was "committed to the Goal of Jefferson County where he is still confined." Antoine claimed that "he has good reason to believe" that "Floyd will forcibly deprive him of his liberty & take" him to Emanuel Lisa who would "dispose him in such a manner that he will be subjected to a state of untitled slavery the balance of his life" and "should he again get possession of him will treat very cruelly." In 1804, the court granted Antoine his freedom.

Joseph Antoine's petition is a fitting case that reflects slavery and law in the nineteenth-century Atlantic World, especially the Caribbean and the antebellum American South. His case tells a narrative of emancipation and freedom in Cuba, of the vulnerability of love and marriage under slavery in the US South, and coercion and cruelty in the antebellum slave trade. In fact,

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<sup>19</sup> Goal is in reference to a holding jail.

Antoine's petition is a highly cited case in the historiography of the antebellum US South, and scholars such as John Franklin Hope, Betty DeRamus, and Loren Schweninger examined his case in reference to runaway slaves, slave marriages and relationships, and law.<sup>20</sup> For example, DeRamus explored Antoine's case, the lack of legal standing in his marriage to a slave woman, and the legal restrictions imposed on slaves in the antebellum US South. In her study, she stated that Antoine was a savvy litigant who knew how to write and was literate, as well.<sup>21</sup>

Through Antoine's case, we can also see the ways that he asserted his status and constructed his identity as a free person. For example, Antoine created a rich narrative that asserted his free status. He told the court that he was legally emancipated in Cuba, referenced his former owner by name, and stated that he could prove his freedom by "a deed of manumission." Further, he told legal officials in Kentucky that his status as a free person had already been recognized in another legal jurisdiction by the Spanish Governor in Louisiana.<sup>22</sup> Ultimately, he stated that he was a free person because he was emancipated, had freedom papers, and had another jurisdiction - the Spanish empire in Louisiana - recognize his freedom.

Antoine also told the court about his lived experiences as a free person to support his legal claims and represent his identity as free. For example, he presented himself as a free person in reference to his geographic mobility in the Atlantic. After gaining his freedom in Cuba, he freely moved across the Atlantic and chose to migrate and resettle in Virginia as a free and independent

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<sup>20</sup> John Franklin Hope and Loren Schweninger, *Runway Slaves: Rebels on the Plantation*, (New York: Oxford University Press, 1999); Betty DeRamus, *Forbidden Fruit: Love Stories from the Underground Railroad*, (New York: Atria Books, 2005); Loren Schweninger, *The Southern Debate over Slavery: Petitions to Southern County Courts, 1775-1867, Volume 2* (Urbana and Chicago: University of Illinois Press, 2008).

<sup>21</sup> DeRamus, *Forbidden Fruit* (2005).

<sup>22</sup> Spain briefly held Louisiana as an imperial territory from 1762 to 1802. For more information on Spanish Louisiana, see bibliography entries for Kimberly Hanger and Judith Kelleher Schaffer.

man. Empire also played an important role in how Antoine articulated his identity as a free man. For example, he presented himself and his identity as a free person by referencing his connection to the Iberian empire, territory, and legal jurisdiction in Louisiana. Originally from Cuba as a free man and later recognized as a free person in Spanish Louisiana, Antoine asserted his identity as a former member of the Iberian empire alongside his status as a free man.

For the purposes of this chapter, Antoine's case serves as a useful starting point to examine slavery and freedom, law and legal procedure, and Atlantic historical transformations in the nineteenth-century Americas. This chapter aims at exploring the Americas in comparative terms. First, it addresses broad trends and patterns in the historiography of the Americas. Across antebellum American, Caribbean, and Latin American histories, scholars have increasingly viewed the Americas on an interconnected stage. Rather than looking at the histories of slavery in antebellum America, Latin America, and the Caribbean in separate terms, historians have increasingly produced important comparative scholarship that presents larger Atlantic perspectives that examine Iberian, British, French, and antebellum slavery in connected terms and have created a discourse on "entangled Atlantic" spaces.<sup>23</sup> Their works have demonstrated that different legal jurisdictions and constructs in law across the Caribbean were not as distinct as once thought.

To build on this historiographical discourse, this chapter then explores the law, legal processes, and historical transformations in the Atlantic World connected to freedom-claiming in the Americas, especially in Iberian and antebellum law. While petitioners came from across distinct legal jurisdictions with unique laws related to slavery and freedom-claiming, they each had a broad legal consciousness - or an individuals' understanding about the law and their rights

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<sup>23</sup> For more on "entangled" spaces in the Atlantic world, see Jorge Cañizares-Esguerra, "Entangled Histories," (2007) and Eliga Gould, "Entangled Atlantic Histories: A Response from the Anglo-American Periphery," *The American Historical Review*, 2007, Vol. 112.

within it - about their rights to pursue their freedom in law.<sup>24</sup> Also, petitioners likewise had similar shared experiences in connection to major historical events like the Haitian Revolution or the trans-Atlantic slave trade that they articulated in their narratives to give their freedom claims and identities as free persons a broader, Atlantic context.

Ultimately, the Atlantic World was a legal space in which petitioners' experiences, identities, and narratives were connected across borders and jurisdictions. Law and legal processes connected to slavery and freedom-claiming across the Caribbean and Atlantic Americas, while distinct and unique depending on jurisdiction, nonetheless had some shared similarities. For example, laws across Atlantic empires provided some opportunities at different degrees for slaves to pursue their freedom in court. As a result, slaves and free blacks across the Atlantic were knowledgeable about their rights in law to pursue their freedom and engaged a growing legal consciousness on their rights to freedom in law whether it was in Iberian, antebellum, or other Atlantic legal jurisdictions. Overall, after moving across the Atlantic and once in the US and in court, petitioners crafted legal narratives that presented their status and identities as free persons to gain their freedom and demonstrated how they envisioned and viewed the Atlantic World to a degree, namely in connected and persistent terms where laws that governed them under the Spanish, British, and French empires in the Caribbean ought to continue to protect them despite movement across borders.

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<sup>24</sup> This thesis uses the definition of legal consciousness from Kelly Kennington's work on freedom petitions in St. Louis and the antebellum US South in *In the Shadow of Dred Scott* (2017). On page 4, she defines legal consciousness as "individuals' view of law, their experience of the law, and the considerations they make when approaching the legal system for assistance." Also, she states that legal consciousness falls within her definition of legal culture on page 4 as "the constellation of attitudes and experiences concerning law in a particular time and place - separate from formal legal institutions like statutes and court proceedings..."

## Historiography of Freedom, Slavery, and Law in the Atlantic World

In December 1775, Antonio Muray petitioned the Justices of the Peace at the Inferior Court of Craven County in North Carolina for his freedom.<sup>25</sup> Muray told the court that in 1769 "your unhappy petitioner, left a wife and children in the Havanah; shipped himself on board a vessel bound to Jamaica and arrived at Jamaica and from thence to Carthagene [Cartagena] and back to Jamaica.<sup>26</sup>" He stated that on his voyage across the Caribbean, "he had lent one of the sailors (John Taylor by name) a pistole while at Cathagene [Cartagena]" and that "on their return to Jamaica a dispute happened which the said John Taylor struck" Muray. Affronted, Muray "returned blows" and "being a black man was taken up at the instance or complaint of the said John Taylor." In Jamaica, Muray found himself "committed to a goal, for which assault he was not prosecuted."<sup>27</sup>

Apparently, Muray was confined to the jail in Jamaica for some time. He stated that, "after being detained ~~several~~ three months in the said goal until as I understood five or six pounds was due for the fees of the goal," "a certain Timothy Clear and Capt. [Captain] Roberts came" and "talked about purchasing some negros that were in the goal & at last agreed with the goaler to pay the goal fees and take out your petitioner [Muray] and another free negro which was in the same goal."<sup>28</sup> Muray stated that "Mr. Clear pd. [paid] the fees for me, and Capt. [Captain] Roberts paid

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<sup>25</sup> Petition of Antonio Muray to the Inferior Court of Craven County, North Carolina, December 1775, Records of the County Court, Civil Actions Concerning Slaves and Free Persons of Color 1788-1860, *Antonio Muray v. [no named defendants]*, NCDAH, Raleigh, North Carolina; Denied; in *Race and Slavery Petitions Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 21277501.

<sup>26</sup> "Carthagene" refers to present day Cartagena, Colombia.

<sup>27</sup> Goal refers to a holding prison.

<sup>28</sup> Muray's petition especially demonstrates the ways that legal cases can show, to some extent, the voice of the petitioner. In many cases, legal filters such as court clerks' transcribing and legal jargon by attorneys influenced and obscured the petitioners' voices and perspectives. In particular, court clerks' annotations of interviews and testimonies in the third person create confusing links between the persons involved in the case. All of these aspects makes accessing the voice and perspective of the petitioner and their witnesses more difficult for legal historians. However, Muray's petition offers a closer view of the voice of the petitioner. While indeed containing legal jargon by

for the other, but before we left the goal an indenture was made for six or seven years" between Muray and Clear. Muray stated that Clear "promised to set me at liberty as soon as I had earned the value of the money which he paid." Finally released from the holding prison in Jamaica, Muray began an indenture contract with Clear.

Muray stated that the indenture included "fair promises of the said Timothy Clear, (that he would use me kindly and not detain me any longer than sufficient to reimburse him for about the sum of six pounds which was all he paid for me)." However, Muray claimed that Clear did not abide by the "fair promises" during the indenture. Instead, he stated that Clear "hath treated me cruelly, by unmerciful whippings, frequently for six years." Muray further stated that Clear, "not being satisfied with my labor as a slave during the said term, sold me again fœ to my present master Thomas Parsons, who treats me very ill."

Muray concluded his petition to the Inferior Court at Craven County by appealing to legal "justice and humanity." He stated that "your poor petitioner humbly prays that your worships will take my unhappy case into serious consideration, and do what justice and humanity requires to be done in the premises." At the end of the petition, a Mr. Codgell, likely Muray's attorney or legal aid, signed for him. Despite legal assistance and a compelling case, however, the court denied his request.

Antonio Muray's petition offers a valuable glimpse at free black society, slavery, and law in the eighteenth and nineteenth-centuries in the Atlantic World. For example, Muray's narrative reflects some of the lived experiences of free black sailors and their skilled work on ships. While his petition did not indicate what his line of work was - the slave trade or a cook on a ship, for

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his attorney and legal aid and full of formulaic writing such as "the said John Taylor," his case often oscillates between legal writing and first-person narrative, suggesting a closer connection to the voice of the enslaved petitioner.

example - Muray sailed from Havana to Cartagena and Jamaica, and was likely knowledgeable about the Atlantic World and the places he traveled. His petition also reflects some of the ways that free blacks became illegally enslaved in the Atlantic. Muray's enslavement resulted from his unfortunate circumstances in jail that led to his indenture and eventual enslavement in North Carolina. Muray's case also reflects the Americas as an interconnected space as he traveled across Iberian, British, and American borders as both a free and enslaved man.

Muray's petition raises many questions in relation to the Americas as an interconnected space and especially in connection to the diverse selection of freedom petitions and their petitioners' origins in this thesis. For example, are there significant differences or similarities in freedom petitions by litigants coming from places like Cuba, Brazil, Jamaica, French Saint-Domingue, and more? Did Iberian, British, French, or antebellum legal constructs influence the ways that petitioners litigated for their freedom across borders? Further, can historians view these cases and their narratives side by side with antebellum cases for freedom, such as a petitioner from Illinois in the illicit slave trade in the antebellum US South? Finally, should these cases and the litigants behind them be examined separately as products of the individual jurisdictions, empires or republics that they came from, or do they represent a larger Atlantic pattern of legal claims-making that should be viewed together?

These questions and comparisons together are important for producing scholarship that looks at the Americas in interconnected terms in the Atlantic World, and scholars have grappled with these questions in their work on the Americas. This section examines the ways that scholars in the US, Atlantic World, and Latin America show similar theories and approaches regarding the experiences of slaves and free blacks in the Americas in comparative terms. The scholarship on slavery and law in the Atlantic World explored below together demonstrate that historians

increasingly examine the Americas in interconnected terms, rather than exclusionary or separate ideas. While the legal jurisdictions that litigants came from certainly played a role in shaping how slaves and free blacks understood, accessed, and used the courts (antebellum Georgia certainly had different laws and legal customs in comparison to nineteenth-century Havana), slaves and free blacks by and large engaged more similar than dissimilar strategies to gain their freedom. They each created narratives that emphasized their status as free persons and, further, told courts stories about their lived experiences and identities as free persons. Indeed, the historians' works below situate slavery and law as themes which should not be viewed in a vacuum or in individual republics, empires, or borders. Rather, slavery, freedom, and law present interesting connections across the Atlantic World that should be viewed in comparison and in the context of the larger circum-Atlantic history.

Beginning first with his classic study on slavery and law in the Americas, Frank Tannenbaum positioned slavery in Iberian colonies in Latin America and the Caribbean as legally distinct and less harsh from Anglo colonies and nations like Jamaica and the United States.<sup>29</sup> Tannenbaum stated that under Iberian empires in the Americas, slaves and free blacks had greater access to and success in legal institutions due to the recognition of their legal and religious personhood in connection to Roman Catholic law and ecclesiastical authority.<sup>30</sup>

Tannenbaum's thesis comparing these two jurisdictions has played a significant role in shaping the discourse on slavery in the Americas. It has compelled scholars to view the region as a comparative space, and historians have added to and differed from the main points of his thesis. In recent decades, historians have provided new insights to his framework, explored slavery and

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<sup>29</sup> Frank Tannenbaum, *Slave and Citizen, the Negro in the Americas*, (New York, A.A. Knopf, 1947).

<sup>30</sup> *Ibid.*



law across the circum-Atlantic, and increasingly view the Americas as interconnected spaces of slavery and law.

For example, Camillia Cowling explored women's claims to freedom and citizenship in the late-nineteenth century in Brazil and Cuba.<sup>31</sup> Her work gains a comparative value that allows scholars who might focus solely on Brazil or Cuba to view that history in a larger Atlantic discourse. Also, Michelle McKinley reworked Tannenbaum's thesis by adding a gendered dimension to it and explored the historical practice of 'forum-shopping,' or the ability of slaves and other marginalized groups like women, indigenous peoples, and children, to make legal appeals to secular, ecclesiastical, and military courts depending on which would best serve their interests.<sup>32</sup>

Further, scholars such as Bianca Premo, Graham Nessler, Ariela Gross and Alejandro de la Fuente, Jane Landers, Rebecca Scott, and more connect their work with special consideration to Atlantic borders, law, and empire in the Americas.<sup>33</sup> Bianca Premo examined the Enlightenment in lawsuits by those she considered "ordinary litigants," namely women, indigenous peoples, and slaves, in the Spanish empire.<sup>34</sup> Her work did not examine one colony and, instead, she examined three jurisdictions in the Spanish empire. Similarly, Graham Nessler examined the aftermath of the Haitian Revolution and argued that it is important to look beyond French Saint-Domingue to

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<sup>31</sup> Camillia Cowling, *Conceiving Freedom: Women of Color, Gender, and the Abolition of Slavery in Havana and Rio de Janeiro* (Chapel Hill: University of North Carolina Press, 2013).

<sup>32</sup> Michelle McKinley, *Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima from 1600-1700* (Cambridge: Cambridge University Press, 2016); Bianca Premo also explores forum-shopping in *Ordinary Litigants* (2017), as does Kelly Kennington in *In the Shadow of Dred Scott* (2017).

<sup>33</sup> Bianca Premo, *Ordinary Litigants* (2017); Graham Nessler, *An Islandwide Struggle for Freedom*, (2016); Ariela Gross and Alejandro de la Fuente, "Slaves, free blacks, and race in the legal regimes of Cuba, Louisiana, and Virginia: A Comparison," *North Carolina Law Review*, June 2013, Vol. 91; Jane Landers, *Atlantic Creoles* (2010); Rebecca Scott, *Freedom Papers*, (2014).

<sup>34</sup> Premo, *Ordinary Litigants* (2017).

better understand the revolution's effects for slaves and free blacks.<sup>35</sup> To do so, he examined legal claims for freedom by slaves and free blacks from Saint-Domingue displaced across the Spanish border of Hispaniola in Santo Domingo.

Scholars of North America also added to the discourse of an interconnected Atlantic World by demonstrating the strategic ways that slaves and free blacks used the law. Works by scholars such as Ira Berlin, Kimberly Welch, Kelly Kennington, and Anne Twitty demonstrate that slaves and free blacks in the antebellum US South accessed the law to great degrees and were equally strategic in North America as their counterparts in the Caribbean or Latin America, as well as connected to a larger Atlantic World.<sup>36</sup>

Legal history theory also contributed to the discourse on slavery and freedom in law. For example, Barbara Young Welke's work on the long nineteenth century in the United States examines ideas of national belonging in terms of citizenry and legal personhood.<sup>37</sup> She argues that concepts of citizenship and personhood were mainly articulated through and defined by models of white, male authority, and that gendered and racialized authority persisted in law due to the consistent subordination of others, namely, non-white or male historical actors in relation to citizenship and personhood such as women, slaves, free blacks, and the disabled.

Welke's work focuses on the nineteenth-century US, however, legal theory in this piece is especially valuable for working through ideas of slavery, freedom, and law in the Atlantic World.

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<sup>35</sup> Nessler, *An Islandwide Struggle* (2016)

<sup>36</sup> Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 2000); Kimberly Welch, *Black Litigants* (2018); Kennington, *In the Shadow of Dred Scott* (2017); Twitty, *Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787-1857*, (2016).

<sup>37</sup> Barbara Welke, "Law, Personhood, and Citizenship in the Long Nineteenth Century: The Borders of Belonging," *Cambridge History of American Law*, Vol. 2 (Cambridge, 2008).

For example, she frames her work with the term "borders of belonging."<sup>38</sup> By borders, she states that they mean both physical spaces - like geographical borders, for instance - as well as figurative borders, stating "it refers equally to physical and psychic personhood (self-ownership) and to the legal consequences assigned to gendered or racialized elements of individual identity."<sup>39</sup> This legal concept of the "borders of belonging" allow historians to evaluate space in physical and geographic terms, but also in more conceptual terms like individual relationships and the self.

Overall, the above comparative works by scholars in recent decades have provided a contrast to Tannenbaum's original framework on slavery, freedom, and law. Rather than being largely distinct across Iberian and Anglo jurisdictions, these historians have demonstrated that across Atlantic borders slaves and free blacks' experiences and activities in law have more similarities than not. While these jurisdictions and laws certainly differed, recent work by historians have demonstrated that slaves and free blacks strategically navigated the legal sphere to access and protect their freedom in law in similar ways across the Atlantic World and in both Iberian and antebellum contexts.

"Permitted to Remain Free from Restraint:" Iberian and Antebellum Legal Constructs on Slavery and Freedom

The above historiographical works serve as a useful point of departure to examine law and legal processes connected to slavery and freedom in the Atlantic World, Latin America, and the antebellum US South. As scholars have grappled with the Americas on a connected stage, this section likewise explores law, legal culture, and legal consciousness in interconnected terms and in relation to race, slavery, and freedom across Atlantic borders in the nineteenth century. Iberian

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<sup>38</sup> Ibid, p. 346.

<sup>39</sup> Ibid.

and antebellum law and legal constructs connected to slavery and freedom serve as an especially useful area of analysis. For example, in both Iberian and antebellum jurisdictions, limited legal options existed for slaves and free blacks to pursue or protect their freedom in law. In Cuba, courts and specially appointed lawyers represented illegally enslaved individuals, as well as slaves who sought to change masters, in court. In the US South, slaves could petition for their freedom, as well, and the specific type of process depended on state jurisdiction. Overall, by examining law and legal procedures across the Atlantic World and especially in relation to slavery and freedom, this section explores slaves and free blacks' legal consciousness, or awareness, of their rights and access to the law to gain or protect their freedom. Ultimately, regardless of where they came from in the Atlantic World, petitioners were knowledgeable about their rights to pursue their freedom in court and they navigated legal structures to gain their freedom across borders in the Atlantic.

Beginning from a broad Atlantic and Caribbean perspective, in French Saint-Domingue, British Jamaica, and Spanish Cuba, legal and political structures in the imperial colonies shaped the lived experiences of slaves and free blacks. Authority in French Saint-Domingue was largely concentrated at the European metropole in France, and laws and legislation descended from elite power in the colonial governor or royal officials in Versailles.<sup>40</sup> Any colonial voice in legislation or law-making came from powerful slaveholders and planters on the island, typically in positions of legal authority like judges who were directly appointed by imperial officials in France.<sup>41</sup>

On the other hand, colonial authority in British Jamaica was held more locally and, in British colonies, wealthy planters were able to gain positions of power and authority in law-making.<sup>42</sup>

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<sup>40</sup> Burnard and Garrigus, *Plantation Machine*, 17 (2016).

<sup>41</sup> Ibid.

<sup>42</sup> Ibid, 16.

High seats of power appointed by the crown were relatively weak and imperial governors in Jamaica held little control over colonial practices.<sup>43</sup> In effect, local planters in Jamaica held considerable authority and asserted their rights as British subjects and lawmakers.<sup>44</sup>

In connection to slavery and the law in Saint-Domingue and Jamaica, the two imperial colonies again differed.<sup>45</sup> Saint-Domingue had a *code noir*, or a black code, since 1685 in which legal officials in France outlined restrictions for slaves and free blacks.<sup>46</sup> However, Jamaica had no slave code and the treatment and legislation of slavery on the island was again left to the discretion of powerful slaveholders in positions of legal authority.<sup>47</sup>

In the Iberian colonies, power was concentrated in high seats of power, such as governorships and *audiencias*, or Spanish high courts. These positions, like in Saint-Domingue and Jamaica, were usually filled by *peninsulares*, or elite native Spaniards, rather than local *criollos*, or Spanish-descended colonials. Further, colonial officials and governors exercised considerable governing power in response to royal laws and decrees. Officials often acted within the practice of "obedezco pero no cumplo,"(I obey, but do not comply) as a way to skirt royal authority, but maintain monarchical allegiance and loyalty.<sup>48</sup>

Further, slaves and free blacks in Spanish colonies were considered legal persons. Holding legal personhood meant courts and legal institutions largely recognized slaves and free blacks as

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<sup>43</sup> Ibid.

<sup>44</sup> Ibid, 17.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Andres Resendez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America* (Boston: Houghton Mifflin Harcourt, 2016), 143.

persons who could appear before court, provide testimony, and seek legal recourse.<sup>49</sup> For example, free blacks were recognized for their service in black militias and bestowed *mercedes*, or royal honors from imperial courts.<sup>50</sup> Further, slaves and free blacks could seek legal recourse for grievances in the form of royal petitions and were heard by imperial authorities, even sometimes the king.<sup>51</sup>

Ecclesiastical and military law and legal institutions also provided slaves and free blacks opportunities to seek legal recourse in a number of venues, a practice known as "forum-shopping." Under this practice, litigants went to various levels of jurisdiction to find the best legal venue for their cases.<sup>52</sup> Forum-shopping afforded marginalized groups, including women, slaves, and free blacks, opportunities to petition to ecclesiastical and military authorities in secular and religious councils and courts. Also, active participation in litigation by subordinated peoples influenced a shift more generally in the law, from a justice-oriented culture (based on community adjudication and network relations) to a law-oriented culture (based in formal rights and claims, and a demand for formal justice).<sup>53</sup>

Across secular and legal institutions, Iberian officials sometimes defined enslavement and freedom status in ambiguous terms, and slaves and free blacks were able to take advantage of loose legal structures to negotiate degrees of freedoms. For example, historian Michelle McKinley

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<sup>49</sup> Gross and de la Fuente, "Slaves, Free Blacks, and Race in the Legal Regimes of Cuba, Louisiana, and Virginia: A Comparison," (2013).

<sup>50</sup> Jane Landers, *Atlantic Creoles* (2010).

<sup>51</sup> *Ibid.*

<sup>52</sup> For more examples on forum-shopping, see Bianca Premo, *Ordinary Litigants*, 43.

<sup>53</sup> Premo, *Ordinary Litigants*, 15 (2017); Premo argues that this shift to a justice-oriented legal system can be directly connected to ideas of the Enlightenment and how it shifted the legal consciousness of ordinary and marginalized litigants.

provides a comparative analysis into a practice known as "conditional slavery" and examines the "in-between" versions of slavery in the Andes in seventeenth-century Lima, specifically women's claims for freedom, manumission practices, and the ambiguity of slavery and freedom.<sup>54</sup> McKinley argues that slavery was not defined in absolute terms and, rather, she states that slaves' lived experiences could be better described in terms of quasi-emancipation and conditional freedoms where the enslaved accessed degrees of freedom in Iberian colonies.<sup>55</sup> She stated that slaves often held "fractions" of freedom through methods such as self-purchase, a master's promise of freedom clauses in wills, and small-scale manumissions.<sup>56</sup> Since slavery and freedom were not absolute, McKinley argues that it was instead a constant negotiation between slave and master and, in this context, she focuses on gendered manumission practices - adding to Frank Tannenbaum's discussion on manumission in the Americas.<sup>57</sup>

In Cuba, an Iberian colony through which many petitioners in this thesis were born, had lived, or had experiences, laws regarding slaves and free blacks provided important legal opportunities and structures for them to protect and pursue their freedom. Historian Alejandro de la Fuente provides an especially valuable and broad overview of Cuban slave law and practices of obtaining freedom. The practice of *coartación*, or the act of gradual self-purchase, and *pedir papel*, the process of requesting a change in master, were customary laws in Cuba until the mid-nineteenth century.<sup>58</sup> Prior to their codification, La Fuente stated that these legal practices were evolving

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<sup>54</sup> McKinley, *Fractional Freedoms* (2017).

<sup>55</sup> For a comparative example of "conditional freedom" across the Iberian Americas and McKinley's work in connection to broader Atlantic slavery, see chapter four and Candido Gomez's freedom petition, as well as footnote 150.

<sup>56</sup> *Ibid*, 15.

<sup>57</sup> *Ibid*, 11; also, for more on slavery as a negotiation of power, see Ira Berlin's work in *Many Thousands Gone* (2000).

rights for slaves and were mostly customary in practice.<sup>59</sup> Further, according to La Fuente, since these practices were not legally binding practices until the 1840's, *coartación* and *pedir papel* placed slaves seeking their freedom through these measures in positions that were “vulnerable to the whim of individual masters.<sup>60</sup>” In 1842, the colonial government issued an updated version of the *Reglamento de Esclavos*, a set of codified laws and rights relating to slaves. In the *Reglamento*, practices such as *coartación* and *pedir papel* became codified legal rights for slaves.<sup>61</sup> With these codified laws, slaves who gained access to courts after 1842 could litigate against their masters for the opportunity to purchase their freedom or change masters in official law.

Although these practices were customary and not legally binding until the mid-nineteenth century, it is important to examine how they functioned and influenced the lives of slaves throughout the colonial period. First, *coartación* included the practice of a slave purchasing their own freedom and included an agreement between a slave and master on a fixed sale price to the slave.<sup>62</sup> La Fuente discussed the practice prior to its codification in 1842 and stated that “*coartación* should be seen as an emergent legal institution with poorly defined and contested legal effects.<sup>63</sup>”

The practice of *pedir papel* was another legal construct that created contention between slaves and their masters, and that functioned as a system of disputed claims of abuses. Masters often

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<sup>58</sup> Alejandro de la Fuente, “Slaves and the Creation of Legal Rights in Cuba: Coartación and Pedir Papel,” *Hispanic American Historical Review*, Vol. 87, 2007.

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

<sup>60</sup> *Ibid.*, 677.

<sup>61</sup> *Ibid.*, 662; Franklin Knight, *Slave Society in Cuba during the Nineteenth Century*, (Madison, Milwaukee, and London: University of Wisconsin Press, 1970).

<sup>62</sup> *Ibid.*, 662-682.

<sup>63</sup> *Ibid.*, 677.



litigated in response to and against their slaves who made claims of abuse about them to protect their public image.<sup>64</sup> When slaves requested *pedir papel*, it reflected poorly on their masters and damaged their status as slaveholders. Their reputation as slaveholders included some obligations to their slaves, such as to provide adequate housing and food to them, and, when requests for *pedir papel* arose, it called into question their character and slave practices. Further, La Fuente demonstrated that many local judges shared sympathies with slaveholders who felt that the customary practice of *pedir papel* was a public insult and ruled in favor for slaveholders.<sup>65</sup>

Although Iberian and, specifically Cuban, laws for slaves and free blacks recognized them as legal persons and provided opportunities for them to litigate for their freedom, many colonies still maintained a harsh and highly racialized system of slavery and black discrimination. Cuba, as well as French and British empires, had a *codigo negro*, or black code, that defined restrictive legislation against slaves and free blacks.<sup>66</sup> Further, while slaves and free blacks in Iberian jurisdictions enjoyed legal personhood, the opportunities in court for slaves to pursue their freedom could differ depending on urban or rural areas. In Havana, slaves could gain access to legal institutions and courts connected to imperial authorities and laws, such as the Captaincy General in Havana, the highest legal court on the island, to petition for their freedom. On the other hand, laws and legal institutions in rural, plantation areas could be influenced by more localized courts and legal institutions, as well as powerful individuals in positions of authority aligned with local planters.<sup>67</sup>

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<sup>64</sup> Ibid, 680.

<sup>65</sup> Ibid.

<sup>66</sup> Knight, *Slave Society in Cuba during the Nineteenth Century* (1970).

<sup>67</sup> There are many literary examples that reflect challenges that slaves and free blacks in rural and urban areas faced in Cuba to gain and protect their freedom. See Juan Francisco Manzano, *Autobiografía del esclavo poeta y otros escritos*, Ed. William Luis, (Iberoamericana, 2007); Morilla, “El Ranchador;” Cirilio Villaverde, *Cecilia Valdés*. (Nueva York: El Espejo, 1882).

Once in the United States from British, French, or Iberian colonies, slaves and free blacks faced a new legal environment regarding their freedom and standing in law. In the eighteenth and nineteenth centuries, the United States and particularly the antebellum South enacted restrictive legislation regarding slaves and free blacks.<sup>68</sup> Slaveholders held important positions of power in legislation and they enacted slave codes that promoted racial segregation, the perpetuity of slavery through maternal ancestry, and the subordination of free blacks in communities.<sup>69</sup> For example, laws in the nineteenth-century limited slaves' abilities to gain their freedom through emancipation or manumission and restricted masters' abilities to manumit their slaves in the North and South, requiring masters to financially back their claims that the slave was of good character.<sup>70</sup> Further, slaves were not recognized as legal persons and, thus, their marriages, property, and claims were denied legal standing and protection.<sup>71</sup> Free blacks also faced circumscribed liberties in their communities and laws existed that required free blacks to carry passes and papers that declared them as free persons, denied them the ability to serve in militias, and restricted their right to hold property.<sup>72</sup>

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<sup>68</sup> Historian Ira Berlin, as well as others, make the important note that when examining slave law, as well as law in general, these are examples of prescriptive histories, or the ways that those in positions of power sought to structure society. While they certainly influenced the legal sphere and the lived experiences of slaves and free blacks, prescriptive laws do not serve as accurate descriptions of the lived experiences of slaves and free blacks. Clandestine activities, runaway practices, overt resistance, and narratives by slaves and free blacks reveal more descriptive understandings of their lived experiences outside of legal codes and legislative acts.

<sup>69</sup> Ira Berlin, *Many Thousands Gone*, 9 (2000); see also Ariela Gross and Alejandro de la Fuente in bibliography.

<sup>70</sup> Berlin, 186-187.

<sup>71</sup> *Ibid*, *Many Thousands Gone*, (2000).

<sup>72</sup> *Ibid*.

While legal restrictions on slaves and free blacks in the US offered few opportunities for legal recourse, they could still become litigants in specific cases.<sup>73</sup> For example, slaves could seek legal recourse to gain and protect their freedom in a number of ways that depended on state jurisdictions. The process could be quite different depending on where and when slaves went to court and processes largely depended on state statutes and codes.<sup>74</sup> Some states allowed slaves to file freedom petitions.<sup>75</sup> This process provided slaves recognition in court to make the case for their freedom and required legal officials to hear their cases and summon an accused enslaver.<sup>76</sup> Other states required slaves to request a writ of habeas corpus to sue for their freedom.<sup>77</sup> Doing so forced legal officials to summon an accused enslaver to appear before the court and demonstrate proof and cause for holding an enslaved person.<sup>78</sup> In these cases, once the person summoned appeared before the court, legal officials would evaluate the slaves' claims to freedom.<sup>79</sup>

In some state jurisdictions, legal officials made it difficult or inaccessible for slaves to outright petition for their freedom in freedom suits or through a writ of habeas corpus. In these instances,

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<sup>73</sup> Recent studies reveal that, while slaves and free blacks faced restrictions in laws, they engaged civil and criminal courts to make claims on property and contracts, to protect themselves from violence and sale, and to make the case for their freedom. For example, Kimberly Welch demonstrated that slaves and free blacks actively and regularly used the law to gain and protect their freedom, often manipulating antebellum ideologies on race, slavery, and property.<sup>73</sup>

<sup>74</sup> Kennington, *In the Shadow of Dred Scott*, 25. It is important to note that Kennington looks primarily at freedom petitions in St. Louis, Missouri. However, she also examines broad practices in law for freedom-claiming in the US South in general, as well, such as state statutes, procedural requirements, and codes in states like Georgia, Virginia, Louisiana, Florida, and more. For more on Kennington's work on state statutes and laws outside of Missouri, see her footnote 50 in chapter 1 (page 221).

<sup>75</sup> *Ibid*, 25-26.

<sup>76</sup> Schweninger, *The Debate over Southern Slavery*, 215 (2001); Kennington, *In the Shadow of Dred Scott*, 31-32 (2017).

<sup>77</sup> Kennington, *In the Shadow of Dred Scott*, 49.

<sup>78</sup> On habeas corpus process, also see Welch, *Black Litigants*, 167 (2018).

<sup>79</sup> *Ibid*.

slaves could not gain legal access to freedom through direct petitions and they often had to navigate indirect legal methods to have their freedom recognized. Nonetheless, slaves continued to use the courts in strategic ways to petition for their freedom.

For example, in state codes and statutes across the antebellum South, other types of processes to petition for freedom existed in legal suits for assault and battery, trespassing, and false imprisonment.<sup>80</sup> These cases, unlike an outright freedom petition or a writ of habeas corpus, compelled legal officials to determine the filing party's enslaved or free status before the assault and battery, trespassing, or false imprisonment legal claims could go forward in court.<sup>81</sup> Indirectly, then, these methods allowed illegally enslaved individuals to have courts determine their freedom status.

Additional complexities existed in how slaves and free blacks could initiate their legal suits. Some states refused slaves and free blacks access to petition the courts independently. For example, Georgia required slaves to petition with a next of friend, or a white guardian.<sup>82</sup> Also, in an 1820 legal act in Virginia, courts allowed slaves without funds to sue for free, *in forma pauperis*.<sup>83</sup> Slaves and free blacks also took great risk in petitioning for their freedom. In some states like South Carolina and Georgia, laws enforced physical punishment to slaves as a result of an unsuccessful suit.<sup>84</sup>

The above procedures and complexities that defined how slaves could petition for their freedom - directly or indirectly - were closely connected to the continuation and protection of white

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<sup>80</sup> Kennington, *In the Shadow of Dred Scott*, 27-29.

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*, 28

<sup>83</sup> Schwenger, *The Debate over Southern Slavery*, 215 (2001).

<sup>84</sup> Kennington, 29

male property rights in the US South.<sup>85</sup> In *In the Shadow of Dred Scott*, Kelly Kennington explores some of legal officials' rationale behind statutes and codes that allowed slaves to file suit for their freedom in St. Louis and across the antebellum US South.<sup>86</sup> She highlights broad practices, procedures, and ideologies involved in antebellum law regarding freedom-claiming. For example, Kennington demonstrates that many of these laws were rooted in white men's determination to protect their own freedom in connection to racial ideologies and, especially, in connection to the debate on slavery. For instance, if a white person assisted an enslaved petitioner as a lawyer, guardian, or other role, they sometimes faced financial fees if the suit was unsuccessful.<sup>87</sup> This practice aimed to discourage white lawyers and anti-slavery and abolitionist advocates from assisting slaves' freedom petitions.<sup>88</sup> Despite the procedural challenges accompanied with filing suit and gaining freedom in law, slaves in the antebellum US actively became litigants and made legal claims with the assistance of legal aid like lawyers who signed on their behalf and helped them create their legal narrative.

Slaves' active engagement with the courts also reveals to a degree the type of legal consciousness they had regarding their rights to protect or gain their freedom in law. This thesis uses Kelly Kennington's definition of legal consciousness as "'individuals' view of law, their experience of the law, and the considerations they make when approaching the legal system for assistance."<sup>89</sup> Slaves and free blacks became aware of their rights to gain or protect their freedom

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<sup>85</sup> Ibid, 26.

<sup>86</sup> Kennington, *In the Shadow of Dred Scott*.

<sup>87</sup> Ibid, 26.

<sup>88</sup> Ibid, 26-27.

<sup>89</sup> Ibid, 4.

through a combination of sources. For example, Kennington discusses the importance of community networks, shared knowledge, and local discussions in the antebellum South that likely contributed to slaves' awareness of how to create a successful petition, as well as what lawyers might represent them and the experiences of other enslaved individuals in the community in court.<sup>90</sup>

Slaves and free blacks' legal consciousness of their rights in law grew and gained new information as a result of Atlantic movement, as well. Petitioners examined in this thesis often had experiences in Atlantic jurisdictions where they likely became aware of their rights in law in French, Iberian, and British law through, as Kennington discussed, community networks and shared knowledge. Also, slaves and free blacks' access to law and legal structures to gain or protect their freedom were important parts of Iberian legal culture and laws on slavery and freedom-claiming were well-known in Cuba. As a result, petitioners in the US South who had been born in, spent time in, or passed through Iberian jurisdictions likely made legal decisions that were informed with and built from some Iberian ideas about legal justice and slavery as they went to court, in addition to other laws in French, British, and antebellum US jurisdictions. Indeed, slaves and free blacks coming from Atlantic territories likely had a degree of knowledge about their rights that were protected in law that they combined with antebellum US laws to petition for their freedom.

Taken together, this section's examination of law, legal procedure, and legal consciousness in French Saint-Domingue, British Jamaica, Spanish Cuba, and the antebellum US South position the freedom petitions in this thesis in an interconnected Atlantic discourse. Legal constructs across Atlantic jurisdictions could be quite different across borders and informed slaves and free blacks

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<sup>90</sup> Kennington, 29-30.

of their legal rights and connections to an empire in distinct ways. However, similar options existed across these jurisdictions, especially in Iberian and antebellum law, for slaves and free blacks to pursue or protect their freedom. As a result, slaves and free blacks were aware of their ability to access courts and their legal rights in law in similar ways that were connected across Atlantic jurisdictions. Also, the freedom petitions that this thesis examines in greater depth in the following chapters, and especially in relation to empire and subjecthood in law, reveal that, despite their distinct origins, slaves and free blacks from Jamaica, Saint-Domingue, Cuba, and more largely petitioned and created legal narratives in similar ways, as well.

"From the Island of Santo Domingo in the Island of Cuba:" A Historical Review of the  
Interconnected Atlantic Caribbean in the Nineteenth Century

In 1813 in New Orleans, Castor, an enslaved black man, petitioned the parish court of New Orleans for his freedom.<sup>91</sup> He stated that the "late Francis Morin L'leveque inhabitant [...] of Sto [Santo] Domingo parish of [...] ... gave to him his freedom." Castor stated that in his master's last will and testament, Leveque promised a manumission clause that would liberate him. However, after Leveque died, Castor remained enslaved.

He stated that "some time after the death of the said L'leveque," the executor of his will, "named Joseph Hollandais" died as well and, importantly, had not filed freedom clause. "Since this time your petitioner" resided under "the authority of a certain woman named Claire Leveque, free woman of color, his [Francis's] sister." Claire forced Castor to travel with her across the Caribbean later, likely fleeing the Haitian Revolution and its aftermath. Castor stated that she

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<sup>91</sup> Petition of Castor to the First Judicial District of the State of Louisiana Court at Orleans Parish, Louisiana, 12, October 1813, Louisiana Collection, New Orleans Public Library; Partially Granted; in *Race and Slavery Petitions Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 20881318.

"brought him from the island of Sto. [Santo] Domingo in the island of Cuba" and then "in this city of New Orleans." Castor went on and stated, "that the said Claire L'leveque enjoys...his work, without title...particularly since his arrival in this city." Further, he stated that she often "treated him severely" and "enjoyed the fruits of his labor" without any right. "With respect for the memory of his late master," Castor petitioned for his freedom. He also demanded that Claire be held accountable for the eighteen years she illegally held him as her slave and summoned to compensate him \$1,500.00.

Castor petitioned with a sense of urgency, as well. He stated that he feared that Claire "is in the intention to depart this state, willing to [...] all difficulty in claiming of his right." Eager to gain his freedom and reparations before Claire fled Louisiana, Castor told the court "he has recourse to your authority and ...that it may please to your honor to order that the named [...] Leveque be cited to appear in the usual delays" and "to answer this petition and do show case" for his enslavement. On October 12, the court partially granted Castor his petition filed in both English and French.

Castor's freedom petition and its aftermath reveals some of the lived experiences of slaves and free blacks in historical events, political transformations, and movement and migration across the Atlantic in the late eighteenth and early nineteenth centuries. For example, while he did not reference the Haitian Revolution in his narrative, it is likely that it played a role in his movement in the Caribbean. Based on his statement that Claire held him as her slave illegally for eighteen years, he would have been in French Saint-Domingue right around the time of the revolution. He likely witnessed the slave rebellion to some degree and it probably served as the main reason that Claire took him with her to Santiago de Cuba, a common destination for French refugees fleeing the island.



As this chapter has shown in previous sections, the Atlantic World and the Caribbean was an interconnected space where slaves and free blacks' lived experiences, as well as their access to law and legal constructs regarding slavery and freedom, had important shared similarities. To better understand these connections in slavery, freedom, and law in the Atlantic, it is important to develop and engage the historical context in which slaves and free blacks' lived experiences and law and legal processes were connected.

Also, it is valuable to review some of the historical transformations in the Caribbean in the nineteenth century as many of the petitioners in this study articulated their experiences in connection to historical changes taking place in the Atlantic. For example, many arrived in New Orleans as French refugees fleeing the Haitian Revolution and petitioners told courts stories about their experiences fleeing the island, their family members in Haiti who were free, and their service in the British black militias during the British army's occupation of the French island. The Haitian Revolution also had an important impact on the Atlantic African slave trade following the fall of the French government on the island and the rise of an independent Haitian republic that petitioners articulated in court. As the trans-Atlantic slave trade gained new connections in the Caribbean, namely to colonies like Cuba and Brazil, some petitioners described being kidnapped from slave ships traveling with African slaves onboard to Cuba and Brazil as part of the revived African slave trade with the island.

In order to better contextualize the freedom petitions in this thesis and the changes that connected many of the petitioners, this section provides a historical framework that reflects many of their experiences in the Atlantic World. Castor's petition, as well as the eventual aftermath regarding Claire and her life in the Caribbean, connects to the lived experiences of many petitioners explored in this study and serves as fitting anecdote to begin to discuss historical connections in

the Atlantic Caribbean in the eighteenth and nineteenth century, namely through the development of French Saint-Domingue as a major export-based slave society, the Haitian Revolution, and subsequent changes in the trans-Atlantic slave trade in the Caribbean.

Ultimately, petitioners like Castor crossed borders, participated in wars and revolutions, engaged trans-Atlantic trade patterns, and were aware of political exchanges. Their narratives in the Atlantic were broad, far-reaching, and interconnected to historical and political transformations in the Caribbean. In short, the historical transformations taking place in the Atlantic Caribbean in the eighteenth and nineteenth centuries - especially the Haitian Revolution and shifts in the trans-Atlantic slave trade - reveal to a large degree the ways that the Atlantic World was an interconnected space articulated by slaves in their legal suits.

Beginning in the French Caribbean, by the middle of the eighteenth century the imperial colony of Saint-Domingue was known for its violent and oppressive slave regime. With thousands of African slaves, the island produced the highest amount of sugar for export in the Atlantic and became the wealthiest island in the Caribbean.<sup>92</sup> Sugar plantations required a high amount of investment and planning, such as through irrigation planning through the island.<sup>93</sup> Not least of all, they also required intensive labor. In 1752, Saint-Domingue had roughly 161,000 slaves on the island.<sup>94</sup> To produce such high amounts of exported sugar, planters and slaveowners in Saint-Domingue enacted a violent plantation system over the slave population.

By 1791, the slave society in Saint-Domingue became unsustainable and slaves across the island rose up in rebellion to overthrow the violent and repressive plantation system, spurring what

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<sup>92</sup> Burnard and Garrigus, *Plantation Machine*, (2016).

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

would be the first successful slave rebellion in the Americas. The Haitian Revolution, eventually led by Toussaint Louverture, swept the island as former slaves and free blacks burned sugar fields, challenged the planter elite, and grew in numbers of the thousands. During the span of the revolution, the British occupied the island for a time to claim it as their own, former slaves and free blacks rose to military and political prestige such as Toussaint Louverture and Jorge Biassou, and the French crown abolished slavery in metropolitan assembly decrees.<sup>95</sup> Despite advances from Atlantic empires and France's grasps to maintain control over the island, in 1804 the Haitian Revolution succeeded as former slaves gained their freedom and declared the new republic of Haiti. In response, scores of former slaveholders fled to nearby Cuba and Louisiana for refuge.<sup>96</sup>

Thousands of slaveholders and those seeking to flee the Haitian Revolution initially settled in Cuba in the nearby area of Santiago de Cuba. Soon after in 1809, the French refugees in Cuba were expelled as Napoleon invaded Spain and the Spanish and French empires entered war. Spain's provisional government declared the expulsion of all French subjects from Spanish territories. Forced to flee again, thousands of French refugees migrated to formerly-French controlled territory New Orleans and the broader area of Louisiana.<sup>97</sup>

Following the collapse of the French colony and the success of the Haitian Revolution, a vacuum emerged in the Caribbean for an imperial colony to take Saint-Domingue's place as the top-producer of exported sugar. The Spanish empire aimed at imitating Saint-Domingue's prior success and profitability in their colonial holding in Cuba. Until the nineteenth century, Cuba was

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<sup>95</sup> Landers, *Atlantic Creoles* (2010).

<sup>96</sup> For more on the Haitian Revolution, see bibliographic references to Laurent Dubois, David Geggus, Jane Landers, Ada Ferrer, Rebecca Scott, and Graham Nessler.

<sup>97</sup> Kimberly Hanger, *Bounded Lives, Bounded Places: Free Black Society in Colonial New Orleans, 1769-1803* (Durham: Duke University Press, 1997).

a relatively small Spanish settlement and port colony focused on small-scale agricultural production. However, after the Haitian Revolution, slaveholders transformed the island to an export-based system with sugar and coffee plantations mirrored after English and French models in Jamaica and former Saint-Domingue.<sup>98</sup> Aiming at taking the previous place of Saint-Domingue as the wealthiest and highest producing export-crop colony, Cuban slaveholders propelled the island into a slave society with a reignited connection to direct-African slave trading often referred to by scholars as the island's "second slavery."

Despite significant changes in Cuba characterized with extreme harshness in slave life on plantations and heightened racism in the nineteenth century, free black society in Cuba continued to be vibrant and diverse, and occupied a continued space in society. Because of Cuba's history as a relatively small settlement and port colony, free blacks had prominent roles as settlers and artisans in communities since the fifteenth century.<sup>99</sup> Because of their foundation in Cuban society, free blacks were able to access protected privileges in law, maintain their freedom to a limited degree, and occupy important positions in societies, in particular as a large group of free black artisans.<sup>100</sup>

Returning to the beginning of this section, Castor's petition and his testimony reflected many of the above explored historical transformations like slavery in French-Saint-Domingue, the Haitian Revolution, and refugee migrations. It is useful to look beyond Castor's freedom petition, as well, and at Claire's lived experiences to see additional historical events and changes. For example, legal records in Cuba reflect Claire and her family's lived experiences in the Caribbean

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<sup>98</sup> Ada Ferrer, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution*, (Cambridge: Cambridge University Press, 2014); David Wheat, *Atlantic African and the Spanish Caribbean, 1570-1640*, (Chapel Hill: University of North Carolina Press, 2015).

<sup>99</sup> Wheat, *Atlantic Africa*, (2016).

<sup>100</sup> Ibid.

after Castor's freedom suit and serve as a fitting conclusion for the historical context of the lived experiences of French refugees following the Haitian Revolution, free black women in Cuba, and Atlantic slaveholding.

In his freedom petition, Castor told the New Orleans parish court that he feared Claire would soon "depart the state" since she could not prove title or claim to hold him as her slave, and he was right. Apparently, Claire did just that and returned to Cuba after Castor's petition. In 1827, Claire Leveque was referenced in a legal document in the *Audiencia de Santiago de Cuba*, the colony's high court.<sup>101</sup> She was listed as "la francesa, Clara Leveque," or the French Claire Leveque. The legal record was filed by her *sobrinos*, or nieces and nephews, Jose Marissie, Carlotta Leveque, and Ana Maria Leveque, in Puerto Principe. The purpose of the legal file was the topic of Claire's recent death and the distribution of her property. Apparently, Claire had "passed away in the part of Santa Catalina in the jurisdiction of the city of Cuba."<sup>102</sup>

Her *sobrinos*, Jose, Carlotta, and Ana Maria, also previously from Saint-Domingue, filed suit to obtain her property through familial inheritance following her death, "demonstrating to be alone the relatives who left to the deceased, to be declared universal heirs."<sup>103</sup> They also stated their connection to Claire: "the other two nieces named Carlota, and Ana Maria daughters of Carolina Leveque, both sisters of the [...] Clara."<sup>104</sup>

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<sup>101</sup> Clara Leveque, Legajo 911, Orden 31,747, in the collection of the *Audiencia de Santiago de Cuba*, at the *Archivo Nacional de la Republica de Cuba*, (1827); Clara Leveque, Legajo 944, Orden 32,897, in the collection of the *Audiencia de Santiago de Cuba*, at the *Archivo Nacional de la Republica de Cuba*, (1828).

<sup>102</sup> Document Transcription: "fallecio en el partido de Santa Catalina en la jurisdicción de la Ciudad de Cuba."

<sup>103</sup> Document Transcription: "acreditando ser solos los parientes que dejó la difunta, para que se les declare herederos universales."

<sup>104</sup> Document Transcription: "las otras dos sobrinas nombradas Carlota, y Ana Maria hijas de Carolina Leveque, ambas hermanas de la yntestada Clara."

In their petition to the *Audiencia de Santiago de Cuba*, Jose, Carlotta, and Ana Maria referenced Claire's former belonging in French Saint-Domingue and the legal case identified her as a "native who was from the French part of Santo Domingo." Further, the nieces and nephew referenced the *siete partidas*, a set of imperial legal codes for Spanish colonies grounded in Roman canon.<sup>105</sup> They invoked laws that stated, "that one dying [...] without testament ascendants or descendants, but if nephews [...] two brothers, either on the part of a father, or of a mother, and those who were killed, the nephews will inherit from the uncle or aunt...."<sup>106</sup>

Jose Marissie, Carlota Leveque, and Ana Maria Leveques' claims in a Spanish high court to be recognized as Claire's legitimate heirs reflects historical themes of free black society in Cuba and specifically of free women, Iberian laws, and some of the lived experiences of French refugees migrating across the Caribbean. For example, in New Orleans, Claire was listed as a free woman of color in Castor's freedom suit and when she returned to Cuba after Castor's petition she likely entered Cuba's community of property holding free blacks, likely becoming herself a *vecina*. To be a 'vecino' or 'vecina,' one was an established member of a community, and often property holding.<sup>107</sup> Further, 'vecinidad' typically conferred certain rights and privileges to the members, often being comparable to the term 'citizen,' although not formally recognized by the crown on those terms.<sup>108</sup> Further, she and her nieces and nephews' experiences in law highlight the lived

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<sup>105</sup> Resendez, *The Other Slavery*, (2016).

<sup>106</sup> Document Transcription: "que muriendo uno sin testamento [...] ascendientes ni descendientes, pero si sobrinos [...] dos hermanos, yá sea por parte de padre, o de madre, y los que, fuesen muertos, heredarán los sobrinos al tio..."

<sup>107</sup> Landers, *Black Society in Spanish Florida*, (Urbana: University of Illinois Press, 1999), 148.

<sup>108</sup> Karen Graubart, "The Creolization of the New World: Local Forms of Identification in Urban Colonial Peru, 1560-1640," in *Hispanic American Historical Review* 89.3 (2009): 471-499.

experiences of French refugees from Saint-Domingue in the Atlantic Caribbean. For example, Claire's family's claims in court reveal that former French subjects litigated for property and family inheritances across Atlantic borders and navigated Spanish imperial law.

Ultimately, petitions like Castor's and the experiences of Claire's reimmigration to Cuba reflect large historical contexts and patterns seen in many petitions in this study. Many of the petitioners in the antebellum US South from across the Atlantic World had interconnected experiences of movement alongside the historical transformations in the eighteenth and nineteenth centuries in the Caribbean like the Haitian Revolution and shifts in the trans-Atlantic slave trade. In later chapters, this thesis explores narratives like Castor's in more depth where petitioners told legal officials about their lived experiences in the Atlantic in this historical context in order to create testimonies about their identities as free persons in close connection to historical, economic, and political changes in the nineteenth century Caribbean.

"The Peaceful and Lawful Enjoyment of his Freedom:" Conclusion on the Interconnected  
Atlantic World

In 1821, Antonio Saya Llado petitioned the First District Court of New Orleans for his freedom.<sup>109</sup> A recently freed slave from Cuba, Saya Llado told legal officials that he was emancipated in 1819 in Puerto Principe by his master Don Pedro Nicolás Saya. After he gained his freedom, Saya stated that he was in “the peaceful and lawful enjoyment of his freedom” and said that he obtained an “honest livelihood.”

Saya Llado was “in the peaceable and lawful enjoyment of his freedom” in 1819 and stated that he worked along the coast on the southern part of Cuba. He told legal officials that while he

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<sup>109</sup> Petition of Antonio Saya to the First Judicial District of the State of Louisiana Court at Orleans Parish, Louisiana, 9 November 1821, Louisiana Collection, New Orleans Public Library; Partially Granted; Discontinued; in *Race and Slavery Petitions Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 20882132.

was working along the coast, he was kidnapped and “forcibly and violently hurried off” by pirates. Following his capture, he stated that he was taken by a corsair through the Caribbean to a French pirate den in Baratavia Bay and, afterwards, New Orleans. Saya alleged that the owner of the pirate ship was a man named Alexander Livorgne and, from the moment of his illegal capture, Saya claimed that Livorgne maintained him as a slave in New Orleans “without any color of authority or right.”

Saya narrated this story of his experiences in slavery, emancipation from his master, freedom, and kidnapping in Cuba and the Atlantic World with the assistance of an attorney. He asked legal officials to honor his freedom and grant him “the enjoyment of his freedom” and requested the court that he “may be taken under the protection” of police custody for the duration of his petition for his protection. At the end of his petition, he signed his name, revealing that he was likely literate or at least able to write or sign his name.

Antonio Saya Llado's freedom petition joins the other cases in this chapter to demonstrate some of the important ways that the Atlantic World was an interconnected space. With similarities that match the petitions from Joseph Antoine, Antonio Muray, and Castor, Saya Llado presented the court with a narrative that described his experiences in freedom, illegal slavery, kidnapping and displacement, and more. Importantly, he petitioned as the others to the lower court of New Orleans and made a compelling narrative that wove Iberian colonies and emancipation practices, illicit slavery and French piracy, and antebellum US law to gain his freedom.

This chapter has demonstrated that while at first these cases may seem disparate, they in fact present an important panorama of slavery and freedom-claiming across the nineteenth-century Atlantic World. Indeed, the cases in this chapter and throughout this thesis are distinct and the petitioners presented unique lived experiences across the Caribbean. For example, after moving



from Cuba to Virginia, Joseph Antoine became enslaved by his wife's coercive master and accused of being a fugitive slave. Muray traveled across the Spanish and British Caribbean and was forced into indentured servitude that turned into slavery. Castor had been illegally enslaved by his former master's sister and denied the promise of emancipation. Finally, Antonio Saya Llado endured kidnapping from French pirates following his emancipation in Cuba. While the petitioners presented unique narratives of life in freedom and enslavement across the Caribbean from Iberian, French, and British jurisdictions, much connects them when viewed together. They all traveled similar courses across the Caribbean, ended up in the antebellum US South, and attempted to gain their freedom from illegal enslavement in courts.

Overall, in viewing these cases together it becomes increasingly clear that litigants from across the Atlantic World presented important ideas about the Atlantic World in interrelated terms. Scholars have grappled with the ways that the Americas occupied a shared Atlantic space, the ways that laws and customs had shared similarities, and the rippling connections of historical transformations across Atlantic, such as in the Haitian Revolution and the trans-Atlantic slave trade. Law and legal processes for slaves and free blacks to pursue and protect their freedom presented an especially interesting connection in the Atlantic, as well. French, British, Iberian, and antebellum laws on race, slavery, and freedom certainly differed and created harsh restrictions and challenges for slaves and free blacks. Despite these differences and restrictions, Atlantic jurisdictions also had some laws, regulations, and legal procedures connected to slavery and freedom that slaves and free blacks strategically used to gain or protect their freedom. For example, especially in Iberian and antebellum jurisdictions, some opportunities existed in law for slaves to escape slavery like *coartacion*, *pedir papel*, freedom suits, and more. While they had different options, as well as difficulties and challenges, for pursuing legal recourse, there existed some

opportunities to use the law in different ways to gain or protect their freedom. As a result, slaves and free blacks were savvy litigants who strategically used and manipulated these laws to gain their freedom. Further, the connections among law and legal procedure for freedom-claiming in Iberian and antebellum law suggest that slaves and free blacks engaged in and were a part of a broad Atlantic legal consciousness regarding their abilities to use the law to escape slavery and improve their lives.

## CHAPTER 3

### "BELONGING TO THE DOMINION OF HIS CATHOLIC MAJESTY:" NARRATIVES OF IDENTITY, EMPIRE, AND SUBJECTHOOD IN FREEDOM CLAIMS

In 1861, John Kelker and his family petitioned the Florida Assembly to recognize and safeguard their freedoms.<sup>110</sup> To begin their petition, Kelker and his family stated that they were "inhabitants of Santa Rosa County," and "free persons of color, natives of West Florida, and all born anterior to the treaty of [cession] with Spain. " One member of their family, Cecil Kelker, was not born prior to "the treaty with Spain," the Adams-Onis Treaty in 1819 under which Florida became a United States territory and ceded from Spain.<sup>111</sup> John Kelker stated that, although Cecil was not born under the Spanish empire in Florida, she was "the daughter of parents, subjects of Spain, and residents of West Florida at the date of the treaty." Since the ratification of the treaty and Florida's change in jurisdiction, Kelker and his family stated that "they have been continuously in Florida at all times, and have conducted themselves at all times as peaceable, sober, and industrious persons abiding the laws and performing all the duties imposed by the laws."

Kelker and his family had been attuned to American laws and recent legislative developments in Florida. In their petition, they stated that they knew "at the last session of your honorable body an act was passed relieving and exempting certain persons therein named being persons of color, of the city of Pensacola, from the restriction and penalties imposed upon them and persons of their class by several laws of the State of Florida. " Knowledgeable about recent legal precedents offering protection for free blacks, they stated that "the reasons of the act [by the

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<sup>110</sup> Petition of John Kelker et al. to the Florida General Assembly, 18 September 1861, Records of the Nineteenth Century Florida State Legislature, FSA; Granted; in *Race and Slavery Petitions Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 10586101.

<sup>111</sup> Loren Schweninger, *The Southern Debate Over Slavery*, 251 (2001).

assembly was] that they were subjects of the King of Spain anterior to the date of the treaty of [cession] with that nation." Seeking a similar exemption from restrictive laws against free blacks in Florida, John Kelker and his family asked the Florida legislature to honor their claims as both free persons and former Spanish subjects.

John Kelker and his family petitioned the State of Florida at a tumultuous time. In 1861, slave states in the antebellum American South seceded from the United States in response to the growing debate over the continuation of slavery in the westward expansion of antebellum America. After seceding from the federal union, southern states created the Confederate States of America, a slaveholding republic committed to the continuation of slavery and the subordination of slaves and free blacks in law and society. Wasting no time, officials in Florida did the same in February 1861 and became the third state to join the Confederacy. In that same year, the Florida Assembly referred Kelker's case to a select committee and Kelker and his family ultimately gained approval for their request in November. Indeed, the Florida legislature - as well as Kelker, his family, and his witnesses - considered Spanish imperial subjecthood a continued status that despite territorial and jurisdictional changes, continued to confer rights to freedom.<sup>112</sup>

Kelker and his family's petition is telling and presents a perhaps surprising juxtaposition between the American Civil War and Atlantic imperial authority. In 1861, it had been forty years since the Spanish cession of Florida and the state was certainly well-within the fold of the American republic. In 1861, the antebellum US entered into Civil War and Florida joined scores of southern states in declaring a commitment to slavery through the creation of the confederacy. In fact, written directly above the select committee's decision in favor of John Kelker and his family's petition in the 1861 *General Acts, Resolutions, and Memorials Adopted by the Legislature*

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<sup>112</sup> See Jane Landers *Black Society in Spanish Florida* (1999) for more on slaves and free blacks' rights under the Spanish empire before the US treaty.

*of Florida*, legal officials wrote a financial provision for wartime expenses.<sup>113</sup> In it, officials devoted "\$1,649.63 for military purposes, including the arming, equipping and clothing for volunteers, on account of and since the secession of the State of Florida from the old Federal Union, \$500,00."<sup>114</sup>

While Florida joined the growing debate in favor for slavery in America, however, Spanish imperial authority and subjecthood were still invoked in the state and in law. Although it was no longer a Spanish territory, John Kelker and his family, as well as other free black former Spanish subjects, brought ideas of the Spanish empire, imperial subjecthood, and colonial authority into the antebellum US debate on slavery and freedom during the Civil War. Despite the tumult of the quickly developing war, petitioners like John Kelker claimed continued imperial subjecthood and aligned themselves with the Spanish empire to protect their freedom. In short, their petition brought the Spanish empire and colonial subjecthood to the fore of freedom-claiming in the Florida State Assembly.

Kelker's petition and others like it raise many questions. For one, the cases seem to suggest that Atlantic empires occupied a contested space in the Americas as territories and jurisdictions shifted due to conflict, land exchanges, or war and revolution. A central question to this chapter, then, is where did empires exist and have authority? This question makes John Kelker and his petition to safeguard his family's freedom somewhat complicated. He appealed to the Florida State Assembly to protect their freedom, but on the ground of Spanish imperial subjecthood. Subjecthood, defined in this thesis as a vertical relationship between an individual and sovereign

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<sup>113</sup> *General Acts, Resolutions, and Memorials Adopted by the Legislature of Florida*, (W. & C. Julian Bartlett, 1862), 50.

<sup>114</sup> *Ibid.*

that ensured certain protections from an empire to a loyal individual, is at work in Kelker's petition.<sup>115</sup> Therefore, to add to the question about where an empire and its power and authority can exist, could empires and the relationship between a sovereign still have power and meaning in former territories or wholly different jurisdictions? In other words, what allowed Kelker and his family to assert their freedom by the authority and protection granted to them as former imperial subjects of the Spanish crown?

Another important string of questions that speak to legal narratives and story-telling: how did Kelker, his family, and community members envision and articulate their identities in relation to the Spanish empire? Kelker and his family asserted their freedom on the grounds that they were Spanish subjects. Did they envision subjecthood as a persistent and unfringeable right and, that no matter what space they occupied, it was valid? Further, that despite jurisdictional or territorial changes, their rights as not only free persons, but persons aligned with and subject to the Spanish crown were continuous no matter what jurisdiction they lived under? Recall that Kelker and his family petitioned for protection of their freedom nearly forty years after the Spanish cession of Florida. Therefore, after decades, did they continue to see themselves as members of the Spanish empire and loyal subjects?

This chapter explores the above questions by examining the ways that petitioners narrated their claims at court and how they presented their identities as free persons. Most importantly, they emphasized to legal officials that they were free persons. For example, they centered their petitions on the fact that they were originally or previously free in Atlantic jurisdictions. Some told legal officials that they were born free from free parents. Others stated that they had been legally

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<sup>115</sup> For a more Iberian overview of imperial subjecthood, see David Sartorius, *Ever Faithful: Race, Loyalty, and the Ends of Empire in Spanish Cuba*, (Durham: Duke University Press, 2013).

emancipated or manumitted by former owners. Also, others insisted that they could prove their free status with legal papers.

To support their claims to freedom, petitioners also created narratives that reflected their experiences and identities as free persons. By telling narratives about their lives as free persons they sought to convince court officials that they were truly free in connection to their legal claims for freedom. Like John Kelker and his family, petitioners stated that they had been longtime residences of certain areas as free persons and known by community members as free. In other petitions, they emphasized their connection to free ancestry and kinship ties, free movement and mobility across the Caribbean and Atlantic, or free work as skilled artisans. Most important, petitioners created narratives that best suited their legal interests which would emphasize that they had numerous experiences as free persons in order to support their legal claims.

Another way that petitioners often described their experiences and identities as free persons was by telling courts about their connections to empires and subjecthood in the Atlantic. Petitioners like John Kelker and many more stated, for example, that they belonged to Atlantic sovereignties and were subjects to kings. In all the petitions examined in this thesis, petitioners articulated their identities as free persons in close connection to their membership to Atlantic empires

Narratives referencing Atlantic empires and subjecthood suggest that petitioners' imperial identities served an important role for litigants to articulate their status as free persons. This chapter examines the role and importance of empire and subjecthood in petitioners' narrative testimonies. It looks at where and with what empires in the Atlantic World petitioners aligned themselves in their narratives, typically powerful Atlantic authorities like the Spanish, British, and French.

Further, petitioners also asserted their status within empires, particularly as free persons and, sometimes, as subjects.

Indeed, petitioners' consistent use of imperial rhetoric and language in their legal claims for freedom suggest that articulating their membership to an Atlantic empire was vital for them to tell courts and include in their narratives. However, as discussed in this thesis' introduction and first chapter, legal officials were primarily concerned with whether slaves could prove that they were free - through freedom papers or community support, for example. In other words, officials in local courts in the antebellum US South rarely adjudicated freedom suits based on imperial loyalties or subjecthood status. Why, then, did petitioners continually reference their or their family's connection to Atlantic empires if it served little legal strategy in asserting their freedom in law?

Ultimately, while to what empires petitioners belonged counted for little to legal officials in deciding their freedom in court, it mattered a great deal to petitioners. Their identities as members in an empire or loyal subjects to a king were closely connected to their identities as free persons, as well. Petitioners, therefore, articulated their connection to empires to show legal officials that they had been free persons. For example, they connected themselves to imperial metropolises in Europe and sovereign figures of kings. They also asserted themselves as imperial subjects. Finally, they also connected themselves to empires through ancestry. In short, petitioners' identities as free persons were intimately connected to their identities as members of an empire and they articulated their imperial connections to sovereigns as yet another way to demonstrate to legal officials that they had been free persons.



"Deprived during Eighteen Years of his Freedom:" Imperial Belonging in Legal Narratives

On August 4, 1818, José Gelar appeared before the Superior Court of Oakmulge Circuit in Twiggs County, Georgia and filed a writ of habeas corpus to secure his freedom.<sup>116</sup> In Gelar's case, his accusations were far-reaching and spanned the antebellum US South, the Atlantic Caribbean, and the Spanish empire. Gelar told the court that he was "a native of the island of Cuba." To be more specific, Gelar clarified that Cuba was "belonging to the dominion of his Catholic Majesty the King of Spain" and he stated that he was "by birth a freeman." Further, he invoked race alongside his claim for freedom, asserting that he was "not of that description of persons, called in the United States persons of colour."

Gelar went on and stated that he had been "taken by persons claiming to be from the United States," "claimed, and disposed of by the said citizens as a slave," and that he was "deprived of his liberty in the capacity of a slave by one Samuel P. Hargrow of the county of Twiggs [in Georgia]." Gelar concluded his petition with the assistance of an attorney, Moses Fort, and asked the judge "to grant the writ of habeas corpus directed to the said Samuel requiring him to show cause" for his enslavement.

Judge Christopher Strong evaluated Gelar's case and summoned Hargrow to appear before the court. In his summons, Judge Strong reiterated José Gelar's accusations against Hargrow and stated that "it has been represented to me that you have in your custody a José Gelar," who he described as "a freeman and late an inhabitant and citizen of his Catholic majesty the King of Spain's dominion." He stated that "you claim and hold the said José to service in the capacity of a slave"

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<sup>116</sup> Petition of José Gelar to the Superior Court in the Oakmulge Circuit, Twiggs County, Georgia, 4, August 1818, Gilder Lehrman Collection, Pierpont Morgan Library, New York, New York; Granted; in *Race and Slavery Petitions Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 20681825.

and referenced Gelar's request for a writ of habeas corpus "requiring you to show cause for such detention." Finally, Judge Strong "commanded that [Hargrow] bring the body of the said José before the Superior Court now in session by tomorrow morning nine o'clock" where the accusations and any evidence would be considered.

The next day Hargrow appeared with proof of ownership over Gelar, however, it did not convince the judge. Hargrow stated that he had a "bill of sale from [...] H. Moreland, dated 2nd. Feby. [February] 1816." Nevertheless, the bill of sale did not convince Judge Strong and he dismissed Hargrow's claim to Gelar. In his comments, Strong stated that "Gelar is a free person of color" and that he "ordered that the said José Gelar be discharged accordingly."

Gelar's petition serves as a useful case to examine the ways that slaves and free blacks formed strategic legal narratives as they went to court to petition for their freedom. Most important in his narrative, Gelar emphasized that he was a free man. For example, he stated that he was a free person from Cuba and "by birth a freeman." In addition to his claims that he was a free man and born free in Cuba, Gelar provided interesting narrative testimony to the court about his experiences and identity as a free person. For example, he stated that he was "not of that description of persons, called in the United States persons of colour."

Another important way that Gelar articulated his identity as a free man was by situating himself as a member of the Spanish empire and, moreover, connected to Iberian imperial and metropolitan authority. For example, while his origin in Cuba was important in order for Gelar to articulate where he was from, he ultimately aligned his identity as a free man beyond the colonial island. He pointed out in his petition that he was not only from Cuba, but that Cuba and himself belonged "to the dominion of his Catholic Majesty the King of Spain." In his case for freedom, Gelar

strategically invoked Spain's imperial metropole in Europe and the figure of the king to articulate his identity as a free man.

Gelar's case serves as a fitting lens through which to examine slaves and free blacks' imperial identities in the Atlantic World. When litigants like John Kelker and José Gelar petitioned for freedom and made connections between themselves and the Spanish empire and the king of Spain, they often did not do so in reference to colonial territories or authorities. While they likely had most familiarity with local authorities, colonies often changed hands unexpectedly due to war, revolution, or territorial exchanges. Rather, in cases like John Kelker and José Gelar's, their identities as members of Atlantic empires were most connected to the imperial metropole in Europe, and their relationship to a sovereign figure like a king was important.

Slaves and free blacks had many reasons to identify themselves within an empire more closely with imperial metropolises rather than colonial jurisdictions. For example, although the metropole was perhaps less familiar to them than their local colonial surroundings, colonial territories and authorities were often in flux and constantly changed hands. Territories shifted powers because of war, revolution, or political treaties. Also, authorities moved in and out of colonial positions and uncertainty characterized much of colonial authority in the Caribbean with shifting political alliances, piracy, and trade patterns. As a result of colonial changes and uncertainties in the Atlantic, the imperial metropole presented a more stable institution to identify oneself and make claims.<sup>117</sup>

In addition, slaves and free blacks' relationship to imperial authority at the metropole and their roles as subjects in the Spanish empire was connected to a long historical tradition. In Iberian legal

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<sup>117</sup> Works by scholars such as Jane Landers have demonstrated that slaves and free blacks often had higher rates of success in appealing to and aligning themselves to monarchies and as royalists. See Landers, *Atlantic Creoles*, (2010).

traditions, free blacks loyal to the empire were recognized as legitimate subjects and legal persons. They often invoked their loyalty to the crown and the reciprocal and vertical relationship of subjecthood they enjoyed between themselves as subjects and the distant monarch.<sup>118</sup> This thesis defines imperial subjecthood as the vertical relationship between an individual and a sovereign authority wherein individuals pledged loyalty to an empire in exchange for imperial protections and obligations to them as subjects.<sup>119</sup> Free blacks often strategically used this relationship and made legal petitions and royal requests to imperial authorities.<sup>120</sup> Under these relationships, imperial authorities and laws provided slaves and free blacks opportunities to gain their freedom, recognize their military service to the crown, or seek legal recourse through royal petitions. As a result, the metropole and the figure of the king, the height of imperial authority, played an important role for where litigants understood and connected their identities as free persons and members of Atlantic empires.

The importance of empire and subjecthood for slaves and free blacks' identities as free persons were important beyond Iberian jurisdictions, as well. In petitions by slaves and free blacks from French Saint-Domingue and British Jamaica, for example, litigants used strategies that aligned their freedom with imperial powers and a reciprocal relationship between an individual and sovereign, too. For example, imperial connections to slaves' identities as free persons featured prominently in Zephir's petition in antebellum Louisiana. Zephir, a black man, petitioned the New Orleans parish court in April 1819 for his freedom from Simon Gallien Preval.<sup>121</sup> Zephir testified

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<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid. Also for more on imperial subjecthood in Iberian empires, see David Sartorius, *Ever Faithful*, (2013).

<sup>121</sup> Petition of Zephir to the First Judicial District of the State of Louisiana Court at Orleans Parish, Louisiana, 5 April 1819, Louisiana Collection, New Orleans Public Library; Partially Granted; in *Race and Slavery Petitions*

that he was originally enslaved to Preval in French Saint-Domingue in the late eighteenth century, specifically in Saint Marc on the western side of the island. However, Zephir stated that, although Preval once held him as a slave, Preval no longer had any right to him because he sold him. In fact, Preval sold Zephir in 1794 to the British military during their invasion and occupation of the island during the Haitian Revolution.

Zephir provided a detailed account of his service with the British army during their invasion and occupation of the island in his testimony. He stated that “when that island was invaded by a British army under General White,” military officials “organized a regiment of blacks in the British service, offered a sum of \$400.00 for each slave to such planters and others,” and offered certificates to planters for having their slaves serve with the British. When the British invaded and occupied Saint-Domingue in 1794, 60% of their troops died, mostly due to yellow fever.<sup>122</sup> In order to make up for a lack of healthy troops, the British recruited black regiments to serve in their army. Zephir stated that Preval “availed himself of the offer,” received \$400.00, and relinquished ownership over him.

In 1794, Zephir was no longer Preval's slave, though not yet free. Following Preval's transaction with the British military, Zephir became a black militiaman in the British army. In fact, he was quite successful in the regiment and became a skilled grenadier. He stated that the regiment travelled across the western side of the island and served in St. Marc, Mole-St. Nicolas, and “Grand Anse in the plaine de St. Jeremie.” During his service, Zephir was a skilled and widely-knowledgeable soldier.

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*Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 20881907.

<sup>122</sup> Geggus, "Slavery, War, and Revolution: The British Occupation of Saint Domingue, 1793-1798," *The American Historical Review*, 1983, Vol. 88.

In 1798, Zephir stated that the regiment was disbanded “according to the capitulation made between General McClaine and Toussaint Louverture.” Zephir went on: “another order was published proclaiming free all persons of color and negroe slaves who had served under the British flag.” The order also promised the newly freed slaves that “they would be sent at the expense of the British government to their respective districts to enjoy their freedom.” Declared a free man, Zephir intended to “return to St. Marc” to “enjoy his freedom.”

Unfortunately, Zephir did not return to St. Marc. His former master, Simon Gallien Preval, happened to be in Jeremie at the same time when the British disbanded the black regiments. According to Zephir, Preval found him and “induced him on various pretenses to remain with him and not to return to St. Marc.” Zephir, “finding himself in the impossibility of opposing such unjust treatment, was obliged to comply.” Since then, Zephir testified that Preval “treated him as a slave and exercised over him every right of ownership.”

Coerced to remain with Preval, Zephir left the island with his former master “when the French evacuated Saint Domingue” and noted in his testimony that Preval “embarked [Zephir] as his slave and property, and sailed for St. Yago [Santiago] de Cuba.” Zephir stated that they “remained many years” in Cuba, but fled again later in response to “the declaration of war between France and Spain.” According to Zephir, “the French refugees from Saint Domingue were compelled to quit...all the Spanish possession in America.” Upon the French expulsion from Cuba, Preval took Zephir to New Orleans where he continued to hold him as a slave.

Zephir made a convincing appeal to the parish court of New Orleans. He complained to the court that “in this place, as well in St. Yago [Santiago] and Jeremie,” Preval “continued to exercise every right of ownership” over him. He told the court that he “cannot support longer to be deprived of the enjoyment of his freedom.” Zephir asked the court to call upon Preval to answer to the

claims against him, grant his freedom, and “condemn [Preval] to pay [Zephir] a sum of four thousand dollars as damages sustained...for having been deprived during eighteen years of his freedom.” He also claimed that he had his certificate of freedom issued by the British and witnesses to vouch for his claims, stating that he would “be able to prove by the testimony of various witnesses all the material facts in this petition.”

Unfortunately, Zephir was never able to call upon witnesses to testify on his behalf because the court denied his petition in December 1819. Despite the court's dismissal of his case, Zephir's experiences and legal narrative reveals valuable information about slavery in the Caribbean, slaves gaining freedom by serving with black militias in foreign militaries, and historical developments in the Atlantic. For example, Zephir petitioned the court with first-hand experience in military affairs. He spoke knowledgeably about specific developments, events, places, and figures in the Haitian Revolution and the British occupation of the island. He described imperial and international events involving the capitulation between the British and Haitian Revolution leader Toussaint Louverture which led to the end of the British occupation, and the many places he served as a grenadier with the black militia.

Further, his testimony reflects experiences of enslaved Africans in black militias in the Caribbean and how ordinary slaves gained their freedom through service. Across the Atlantic World, service in black militias was one way that slaves gained their freedom and degrees of social mobility and prestige.<sup>123</sup> As evidenced through Zephir's experiences, he became a skilled member of the British black militia as a grenadier.

These above examples also illustrate the ways that petitioners told legal officials narratives about their identities as free individuals. Zephir articulated how he earned and gained his freedom

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<sup>123</sup> Landers, *Black Society*, (1999).

- namely through skilled military service. Also, he told the court that he was a free person because of a British royal decree, had official freedom papers to support his claims, and could call upon community support to attest to his status as free man.

Further, just as John Kelker and José Gelar articulated their identities as free persons in connection to their experiences in and relationships to Atlantic empires, Zephir likewise connected his identity as a free man to British imperial authority during their military invasion in Saint-Domingue. For example, Zephir explained his freedom in connection to British imperial decrees and service. To him, there was no question that the British decree that liberated all soldiers in black militias should be legally binding across imperial and national borders - including Haiti, Cuba, and Louisiana. Zephir articulated himself and his identity as a free person as legally protected by British imperial freedom decrees and law, and positioned his freedom in terms of obligation and reciprocity among empires in the Atlantic World. Overall, he stated that his freedom was a right that was generated, bounded, and protected under the British empire and expected laws across jurisdictional borders to protect it.

Taken together, Zephir's case, as well as John Kelker and José Gelar's, reflect some of the ways that petitioners articulated their identities as free persons in close connection Atlantic empires. Gelar connected his status and identity as a free man to the Spanish imperial metropole and articulated that he belonged to "the dominion of his Catholic majesty the King of Spain." Zephir stated that his identity as a free man was bounded and protected by the British empire and imperial decrees granted by military forces in Saint-Domingue. While their cases had different outcomes - Gelar were approved and Zephir was denied - their narratives reflect the ways that slaves and free blacks articulated and defined their identities as free persons in close connection to Atlantic empires.



"Where your Petitioner Settled and Became a Citizen:" Subjecthood and Citizenship in the  
British Atlantic World

On July 7, 1837, Samuel Bryan asked the Criminal Court of the State of Mississippi in Warren County for a writ of habeas corpus.<sup>124</sup> Bryan petitioned the criminal court because he sought not only his freedom, but also to be released from jail. He stated that "he is confined as a runaway slave," but that "on the contrary...he is a free man and not a slave as alleged." He went on and stated that he "is a free man, that he was born of free parents in the town of Kingston in the Isle and of Jamaica & that he was born a subject of the King of Great Britain."

Bryan discussed his life in Jamaica and stated that "at thirteen years he was apprenticed to [...] James Johnson [...] to learn the trade of being a carpenter." He stated that he continued to work with Johnson for five years until Johnson died, after which Bryan worked as an assistant cook on ships and went "onboard a brig in the Harbour of Kingston bound to New York in the United States of America...where your petitioner settled and became a citizen." From there, Bryan continued to work as a cook "on various vessels sailing from New York to different ports in the United States to Savannah in Georgia and Charleston, South Carolina" as well as "to Liverpool in England." In short, Bryan's work as a ship cook took him well across the Atlantic World.

On a trip to New Orleans, Bryan left his ship without his freedom papers and was forced to travel back to New York along "Mississippi and Ohio to Pittsburgh...by land to New York." However, the "captain of the boat on which he embarked...on finding [Bryan] had no certificate of freedom...committed [him]" to the jail as a runaway slave. In July, after hearing Bryan's testimony,

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<sup>124</sup> Petition of Samuel Bryan to the Criminal Court of the State of Mississippi, Warren County, Mississippi, 07, July 1837, Natchez Trace Slaves and Slavery Collection; Granted; in *Race and Slavery Petitions Project, Series II: County Court Petitions* (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 21083706.

as well as that of witnesses, the court granted Bryan's request, released him from jail, and recognized his freedom.<sup>125</sup>

Samuel Bryan presented a compelling case and emphasized his status as a free man. For example, he told the court that he was a free man by birth and "born of free parents in the town of Kingston in the Isle and of Jamaica." Also, he created a narrative in which he described his experiences living as a free man, such being a skilled laborer who had been trained as an apprentice and who was well-traveled as a sailor and cook.

Like the other petitions explored in this chapter, Bryan also articulated his identity as a free man in close connection to his connection to an Atlantic empire. In his testimony he created a direct link between himself and the British empire, and stated that he was "born a subject of the King of Great Britain." By doing so, Bryan situated his identity as a free man in connection to imperial subjecthood. As mentioned in the first section of this chapter, this thesis defines imperial subjecthood as the vertical relationship between an individual and a sovereign authority wherein individuals pledged loyalty to an empire in exchange for imperial protections and obligations to them as subjects. Therefore, Bryan envisioned his former identity within the British empire (former because he stated that he eventually resettled and became a US citizen) as connected to royal protections and obligations. By creating a link to the British empire and, importantly, the king, as an imperial subject, Bryan characterized his identity as a free man in imperial terms. Ultimately, Bryan's case demonstrates one of the ways that freedom-claiming was closely connected to petitioners' identities within Atlantic empires and as loyal subjects.

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<sup>125</sup> Samuel Bryan's case appears and is analyzed in the following historical works: John Franklin Hope and Loren Schweninger, *Runway Slaves*, (1999); Raymond Arsenault, *Crucible of Liberty: 200 Years of the Bill of Rights*, (New York: Free Press, 2010).

Bryan's narrative also reflects the ways that freedom-claiming sometimes served as a platform to assert the legal and political recognition associated subjecthood and citizenship for slaves and free blacks. For example, Bryan's claims to freedom reached beyond his status as an imperial subject as he also closely aligned himself as a current citizen of the United States. He stated that he was "born a subject of the King of Great Britain," but after he began to work as a ship cook he "settled and became a citizen" in New York. Also, recall José Gelar's case from section one. In Judge Strong's comments, he characterized Gelar as "a freeman, and late an inhabitant and citizen of the King of Spain."<sup>126</sup>

Unlike subjecthood, citizenship functioned on the basis of a horizontal reciprocal relationship between an individual and nation.<sup>127</sup> Citizenship in the United States - as well as other emerging republics in the mid-late nineteenth-century Atlantic World such as Argentina and Brazil - was largely exclusive to white, property-holding males. Women, free blacks, slaves, and minors faced restrictions and exclusions to participating in the polity as citizens, for example through restrictions to own property, racial segregation laws, and denial of legal personhood in many areas of the law. Litigants like Bryan and Gelar who articulated their identities as free persons in connection to subjecthood and citizenship place their freedom petitions in a larger history that examines slaves and free blacks' efforts to gain legal and political recognition as subjects and citizens. These freedom petitions can be seen as not only legal claims for liberty, then, but also as efforts by slaves and free blacks to be recognized as subjects and citizens.

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<sup>126</sup> Petition of José Gelar, 1818.

<sup>127</sup> For definitions and explorations of citizenship in the nineteenth-century Atlantic World, see: Kimberly Welch, *Black Litigants*; Barbara Young Welke, "Law, Personhood, and Citizenship in the Long Nineteenth Century: The Borders of Belonging," *Cambridge History of American Law*, vol. 2 (Cambridge, 2008); Camillia Cowling, *Conceiving Freedom*, (2013); Nancy F. Cott, "Marriage and Women's Citizenship in the United States, 1830-1934," *American Historical Review* 103:5 (1998): 1440-1474.

Ultimately, while they did not use the language of citizenship or subjecthood in all of their cases, petitioners attempted to align their identities as free persons with their experiences associated with membership within an empire or republic. In Gelar and Bryan's petitions, they articulated and asserted their identities as subjects and sometimes as citizens. Overall, these cases reveal that as petitioners like Gelar, Bryan, Kelker, and more made legal claims for their freedom, they simultaneously asserted their identities as free persons and as imperial subjects who engaged in and participated in imperial and republican political institutions. In short, these cases serve as reflections of some of the ways that black litigants entered the Atlantic debate on who could be a subject or citizen, what membership to an empire or republic meant, and what rights and protections they were owed as free people.

#### "As French Subjects:" Kinship and Inherited Subjecthood in the French Caribbean

Recall Marie Françoise's freedom petition for her sons mentioned briefly in this thesis's introduction.<sup>128</sup> In 1845, Marie Françoise went to the district court of Iberville Parish, Louisiana to make the case for the freedom of her sons. Her case provides a valuable example that demonstrates the connection of family and kinship ties in articulating petitioners' identities as free persons and imperial subjects in legal narratives. For example, Marie Françoise's narrative testimony rested on at least three family generations and she could state with confidence the history of her family's freedom that spanned over half a century, across the circum-Caribbean, and that reached to the French empire.

Marie Françoise's narrative began in the late eighteenth century in French Saint-Domingue. She stated that her mother, Isabelle, lived as free women "from Petit Goave in the Island of Sto

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<sup>128</sup> Petition of Marie Françoise to the District Court, Iberville Parish, Louisiana, 12, June 1845, in Records of the Fourth Judicial District Court, *Marie Françoise v. Cyrpien Ricard, George Delonde Jr., and Pauline Ricard*, document/case #2279, PCH-Iberville Parish, Plaquemine, Louisiana. Petition Analysis Record No. 20884517.

[Santo] Domingo belonging at that time to the French government." Isabelle was quite close with Valerie Samanos, another free woman in the area. As the Haitian Revolution swept the island and when "the French government proclaimed and declared free all the slaves" in Saint-Domingue in response to the growing tensions of the revolution, the two women fled. Marie Françoise stated that her mother, "being friend of the said Valerie Samanos and nurse of the children," accompanied her. Marie Françoise told the court that they "both quitted together as free the Island of Sto [Santo] Domingo about in the year 1803 or 1804." Together, Isabelle and Valerie left Saint-Domingue and went to Santiago de Cuba, a common destination for those fleeing the Haitian Revolution. Once in Cuba, the two women continued to live together and they "remained there as free about 6 years at a certain place named Au Cané."

Their time in Cuba was cut short in 1809 when the Spanish and French empires entered an imperial conflict that led the Spanish crown to expel French subjects from their territories. According to Marie Françoise, Isabelle and Valerie "were compelled to quit the island in the year 1809 as French subjects" and they joined scores of other French persons fleeing Iberian territories, many headed to New Orleans where French refugees were accepted. Isabelle and Valerie likewise traveled to New Orleans where Marie Françoise stated that the port official "recorded [them] as free persons and authorized to remain" in Louisiana. Isabelle and Valerie soon moved to and "fixed their domicil" in Iberville, Louisiana, a more rural plantation area in the antebellum US South "on the right bank of the Mississippi." There, Valerie married a wealthy free black planter, Augustin Borie. As Valerie became the mistress of the Borie family's plantation, Isabelle, Marie Françoise, and Marie Françoise's children continued to live with Valerie and worked as free servants on the plantation for the next eighteen years.

After years of living in Iberville and in 1831, Valerie made her last will and testament "before the judge and notary Duton at Iberville." Within pages of inheritance and property distribution, Valerie made sure to free one of her slaves. According to Marie Francoise, "...because your petitioner was black and her goddaughter, and the said Isabelle was dead," "[Valerie] declared falsely in her last will or testament made in 1831" "that she gives the freedom to your petitioner her slave god daughter, named Dauphine your petitioner." After both Isabelle and Valerie had passed away years later and Valerie's will was made public and official, Marie Francoise discovered the mistake in the will that counted her as one of Valerie's slaves, albeit freed. She stated that, afterwards, Valerie's husband and family "took advantage of the aforesaid last will," "falsely declaring your petitioner to be a [former] slave."

Valerie's claim over Marie Francoise and her family dramatically changed their claims to freedom. For example, it removed their family's shared histories as free persons from Saint-Domingue and Cuba. Further, it transformed Marie Francoise from a *free* woman to a *freed* woman. Considered a former slave and freed woman, Valerie's heirs claimed that Marie Francoise's children were their enslaved property since they were born from an enslaved mother. While Marie Francoise maintained a degree of freedom following the will, her children suffered greatly due to the false enslavement. According to Marie Francoise, the Borie family "possessed AS slaves the two sons of your petitioner named Bouqui and Edwards," "ill-treating them," and that "Edward has been wept...in the jail of the municipality No 1 in the City of New Orleans."

With her children's freedom at stake and their suffering at the hands of the Borie family marked with violence and maltreatment, Marie Francoise determined to have their freedom formally recognized in law. In court in 1845, Marie Francoise recounted her family's long history of freedom across the Atlantic Caribbean, described Isabelle and Valerie's relationship as free

women, and asserted ideas that cemented their ties to freedom through family. In an effort to secure her children's freedom, she argued that the Borie family “cannot produce any title against your petitioner.”

Marie Françoise asked the court for more than her children's freedom, too. To make up for years of wrongful enslavement, she stated that the Borie family owed her and her children monetary damages. She stated that she and her children "have suffered damages at least to the amount of fifteen thousand dollars," and asserted that this amount corresponded to "having been deprived of their freedom and of the fruit of their labor."

The amount of \$15,000 was an exact calculation on the part of Marie Françoise. She tallied exact calculations for a precise amount of reparations owed and told the court that she determined the sum based on the date that she and her family began to live and work on the Borie family's plantation, in 1810. From then on and “until the present day,” she calculated “a rate at least of two dollars per day” that the Borie family owed them. Marked with an "X" and "not knowing how to write," Marie Françoise concluded her estimations by stating that “the false and pretended masters cannot allege the prescription against their freedom.”

With the assistance of an attorney, Marie Françoise constructed a rich and detailed narrative to achieve her sons' freedom and have their history as free persons recognized. It traced three familial generations and tied together themes of war, revolution, imperial conflict, freedom and slavery, and displacement and migration in the nineteenth-century Atlantic World. However, the court did not agree with Marie Françoise's claims and denied her claims.

Despite the denied response from the court, Marie Françoise's case presents an especially rich example of narrative claims to freedom in connection to empire, subjecthood, and family and kinship. According to Marie Françoise, her freedom was grounded in that of her mother's and her

claims centered on her filiation and ancestry to a free woman. For example, she stated that she was "the daughter of a certain Isabelle, FCW [free colored woman] and born from the said Isabelle during her freedom." Further, Marie Françoise stated that she had "two sisters older than her who were born free and who are living now in the island of Sto [Santo] Domingo." According to Marie Françoise, if her sisters could be free because of her mother's status as a free woman (and likely the Haitian Revolution), she should be, too, regardless of where she was.

Marie Françoise also articulated her and her family's identities as free persons in connection to the French empire and imperial subjecthood. For example, she defined Isabel and Valerie as French subjects and stated that when they were forced to flee Cuba it was because "they were compelled to quit the island in the year 1809 as French subjects." In effect, Marie Françoise situated her family's identities as free persons in close connection to the fact that her mother was a free woman who was a French subject. Ultimately, she expressed her identity as a free woman as also tied to her family's connection as members of an empire.

Marie Françoise's case shows how petitioners created narratives about their identities as free persons in connection to imperial subjecthood through family and generational ties. John Kelker and his family's petition to the Florida Legislature in this chapter's introduction reflects this theme well. In their petition, Kelker emphasized their long-acknowledged identities in connection to the Spanish empire. And, while a member of their family, Cecil Kelker, was born after the Spanish cession of Florida and, thus, technically not a member of the Spanish empire, John Kelker asserted that she was "the daughter of parents, subjects of Spain, and residents of West Florida at the date of the treaty," and therefore able to be given the same privileges as a subject.

Identities of petitioners as free persons and in connection to imperial subjecthood and membership to an empire through family and kinship ties presents an interesting question: was



subjecthood something that could be inherited? Again, in John Kelker's case, it seems so: in the decision reached by the Florida Legislature, the committee granted John Kelker and his wife's children and "together with the children which may hereafter be born to them" freedom from state restrictions on free blacks.<sup>129</sup> Also, Marie Françoise seemed to think so as well as she asserted her own identity as a free woman connected to her mother's freedom and imperial privileges. Ultimately, it seems that imperial subjecthood could sometimes reach through generations to substantiate legal privileges and free status.

#### "Old Spanish Subjects:" Conclusion on Identities of Empire and Subjecthood in Law

Briefly returning to John Kelker and his family's petition, legal officials interviewed witnesses to evaluate the family's claims as longtime Spanish subjects.<sup>130</sup> Witnesses included those with close connections to the Kelker family, namely longtime neighbors including George Walker. In Milton, Florida, Walker told officials that "when I went to Pensacola to reside, which was in 1832, the Kelker family resided in the vicinity of Pensacola." Walker knew that the Kelker family was well-known, as well, and stated that they "were mentioned as old Spanish subjects." He went on and stated that John and Frederick Kelker were "of that family" and, importantly, that they "have resided continuously in the county up to the present."<sup>131</sup>

George Walker's testimony was brief, but it provided details into how community members at large understood and connected free black and former Spanish residents' identities in nineteenth-century Florida. For example, Walker only knew John Kelker and his family after the Spanish cession when he "went to Pensacola to reside, which was in 1832." Indeed, he had no knowledge

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<sup>129</sup> Petition of John Kelker, 1861.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

of them when they were Spanish subjects. However, the immediate community in Pensacola did. Walker stated that community members told him that the Kelker's were "old Spanish subjects." Apparently, the Kelkers were a well-known and established family in Pensacola and community members relayed this to Walker. In his testimony, community knowledge played a significant role.

John Kelker and his family had another witness, as well, who knew them for even longer than Walker. In fact, James E. Simpson SS stated that he knew the Kelker family since the Spanish cession of Florida to the United States. He testified that he had "known Fred and John Kelker from the year AD 1821 and that they have lived in the State of Florida ever since that time." In 1821, the Adams-Onis Treaty was ratified and Florida officially became a US territory.<sup>132</sup>

Walker and Simpson's testimonies and comments on the Kelker's long-standing position in their Florida community forced legal officials to consider what Iberian empire and subjecthood meant for legal claims-making even forty years after the Spanish cession of Florida. According to Walker and Simpson, they and their community continued to identify the Kelkers in Iberian and imperial terms as "old Spanish subjects." Perhaps they considered subjecthood a continued status that despite jurisdictional changes, continued to confer rights and freedoms as did the Kelker's and the Florida State Legislature.<sup>133</sup>

Taken together, the petitions in this chapter reflected how litigants envisioned and articulated their identities as free persons in close connection to Atlantic empires and subjecthood. Petitioners first and foremost asserted their status as free persons - by birth, emancipation, or manumission. To support their claims to freedom, they also created narratives that illuminated their identities as free persons. They stated that they were black militiamen, sailors, and cooks.

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<sup>132</sup> Schweninger, *The Southern Debate over Slavery*, (2001).

<sup>133</sup> Sartorius, *Ever Faithful*, (2013).

Especially important in their narratives and another important way that they articulated their status as free persons, petitioners described their identities in connection to Atlantic empires. For example, litigants positioned their claims to freedom in close proximity with the imperial metropole in Europe rather than individual colonial authorities. José Gelar told the Superior Court in Twiggs County, Georgia that he was from Cuba, "belonging to the dominion of his Catholic Majesty the King of Spain." Zephir petitioned for his freedom and likewise aligned it with British imperial authority and decrees as he served as a black militiaman in their army. Litigants ultimately aligned themselves and their identities as free persons with the centers of imperial power, authority, and the crown, often invoking direct relationships to the king.

Moreover, petitioners crafted narratives in which they sometimes identified themselves as imperial subjects to strategically position their freedom in connection to ideas on subjecthood and citizenship. John Kelker and his family connected their rights as free persons to their long-held connections to the Spanish empire in Florida and Samuel Bryan asserted that he was a free man from Jamaica and originally "born a subject of the King of Great Britain." In both Gelar and Bryan's cases, petitioners also aligned identities as free persons alongside ideas of subjecthood and citizenship, propelling their legal cases for freedom into a larger discourse regarding legal and political recognition for slaves and free blacks in the nineteenth-century Atlantic World. Finally, Marie Françoise, as well as John Kelker's family, framed their claims to freedom through family and kinship ties that included generations of imperial subjecthood in which membership to an empire could be inherited.

The next chapter in this thesis likewise continues to explore the importance of petitioners' identities in legal narratives - this time through witness and community testimonies. Like the petitioners themselves, neighbors, acquaintances, and friends and family played an important role

in articulating litigants' often ambiguous identities. For example, Kelker's witnesses above, Walker and Simpson, provided testimonies that are useful in examining the ways that American residents in Florida understood free black communities of former Spanish subjects, often through long-standing community knowledge and memory. Indeed, litigants' identities based on subjecthood and empire could permeate into community networks in legal narratives for freedom, as well.

## CHAPTER 4

### "ACQUAINTED WITH A GREAT NUMBER OF PERSONS:" NETWORKS OF BELONGING IN LAW

Recall Candido Gomez's petition discussed briefly in the introduction to this thesis.<sup>134</sup> In 1818, the First District Court of New Orleans had few details on Candido Gomez's life. He stated in clear terms that he was "born free and raised free in the Kingdom of Brazil," yet he provided little more information about his life there. He told the court how he ended up in New Orleans as a victim of the illicit slave trade by pirates who overtook the ship he was working on as a sailor, but, for more details, legal officials would have to look elsewhere. Dedicating substantial time and effort into determining if Gomez truly was "born free and raised free in the Kingdom of Brazil," officials interviewed and obtained witness testimonies from some of his acquaintances, friends, and shipmates to learn more about Gomez's life.

Officials interviewed a diverse group of witnesses who provided testimonies on Gomez's status as a free man, from those who knew him in Brazil, to shipmates in New Orleans, and even a Louisiana port authority. Jose Barbosa, a long-time friend in Brazil whose mother was Gomez's godmother, Joaquim Fernandez and Manuel Joaquim, shipmates who sailed with Gomez onboard the *Falcon* and were in captivity with him by French pirates, and Edwin Lorraine, a port official in New Orleans who recorded Gomez as free when he entered the city, gave testimonies on Gomez's behalf. They provided anecdotes about how they knew Gomez, their experiences and relationships together, and, importantly, if they thought Gomez was in fact a free man.

Jose Barbosa's testimony is an especially interesting narrative on Gomez's life and further serves as a window into nineteenth-century Brazil, family and slavery in the Americas, and

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<sup>134</sup> Petition of Candido Gomez, 1818.

Atlantic travel.<sup>135</sup> Barbosa stated that he knew Gomez quite well and had intimate ties to his family. He testified that he knew Gomez “upwards of fifteen years,” “was born about 1/2 mile of[f] St. Salvador,” and often spent time at Gomez’s “father and mother’s house in the Bay of St. Salvador.” Moreover, legal officials noted that “the witnesses mother is his [Gomez's] godmother.” Apparently, Barbosa was quite connected to Gomez and his family in Salvador, Brazil.

While he gave clear comments on his connections to Gomez and his family, Barbosa provided a somewhat more complex version of Gomez's freedom in Brazil. Barbosa stated that Gomez's mother “was originally a slave and he the son of his master.” However, Barbosa stated that while Gomez's mother was a slave, she was “a slave conditionally, that is to say that she could not be sold above a fixed [...].<sup>136</sup>” Further, he claimed that “Gomez’s father, as master of his mother, treated Gomez as his son and not his slave.” In telling the court when he last saw Gomez, Barbosa stated that he “last saw Gomez about seven years ago,” and that he was then “free and a shoemaker...taught the trade by his father.”

Barbosa presented a complicated version of Gomez's status and identity as a free man in Brazil. According to Barbosa, Gomez and his mother were indeed connected to slavery as he was born from a slave mother and her master. However, his mother was a slave “conditionally” and his white father recognized him as his son and treated him as a free person. According to Barbosa, they occupied an ambiguous and perhaps flexible category that allowed limited access to freedom. In Barbosa's testimony, he presented a complex view of Gomez where he was recognized as a free

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<sup>135</sup> The freedom suit stated that on January 15, 1819, “the following testimony was taken and filed in open court.” This statement was written only once and appears to apply to all witness testimonies in support for either Gomez or Bonlivar. It is unstated if the witnesses were summoned from Brazil (or another place abroad) to come to New Orleans to testify or if court officials requested testimonies from Salvador, Brazil (or another place abroad), obtained witness testimony, and provided it in open court themselves.

<sup>136</sup> Document is illegible here, possibly “a fixed time” or “a fixed price.”

man by his community, immediate family, and his white father who was his mother's master. Moreover, he was a skilled laborer as a shoemaker, "taught the trade by his father."

Barbosa provided further details about Gomez's family relations to legal officials. In his cross-examination, Barbosa claimed that Gomez's "father sent him to the Havana" and "on account of drunkenness." Barbosa went on and stated that Gomez's father "placed him onboard of a vessel bound for the Coast of Guinea and that at his arrival at the Havana it was desired that he should have a shoemaker's shop." In the transcript for Barbosa's testimony, a legal official asked, "from whom he had the above details," and Barbosa explained it was "because he was in the house of Candido's mother who told him what he has stated." Barbosa went on and explained that "the conversation took place between Candido's mother and his white brothers," and "that the brothers wished to prevent his departure but he [Gomez] was already shipped off by the father." Apparently, while Gomez was treated as a free man by his father, his father still maintained control over him and his slave mother to great degrees. Gomez's departure forced by his father reflects some of the tensions inherent in slavery and the unequal power dynamics that masters held over slave mothers and their children.

In his final cross examination, Barbosa described to legal officials some details about Gomez as an individual. Barbosa stated that he was "not certain of Candido's having been in the U.S. before the time of seven years ago" and that "he has not known the plff [plaintiff] in any other part of the United States." While Barbosa was unaware of Gomez visiting the United States before, he knew about some of Gomez's other travels. According to Barbosa, Gomez "had made but two voyages before that time one to [...] & one to Mozambico.<sup>137</sup>" Barbosa also commented that "Candido may now speak French or English since he has been in the country" and that "when he

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<sup>137</sup> [...] illegible, but could possibly be "Curacao."

knew him 7 years ago, he spoke only Spanish & Portuguese and some words of Mina."<sup>138</sup>

According to Barbosa, Gomez was a well-traveled, knowledgeable and skilled, and multi-lingual free man in Brazil and the larger Atlantic World.

Barbosa's testimony, as well as the rest of Gomez's witnesses, is interesting as it compelled legal officials to grapple with competing and conflicting Iberian versions of slavery, free black communities, and Atlantic voyages in the antebellum US South. Barbosa explained a system of slavery in Brazil tied to negotiation and that could be defined with conditions. While slavery was also negotiated in the US South between slave and master in various forms, Barbosa's testimony brings Atlantic, and specifically Iberian, versions of slavery and freedom into the fold of antebellum law.<sup>139</sup> His testimony relates to larger studies on a spectrum of unfreedom in the Americas, for example, conditional freedoms, small-scale and baptismal manumissions, the practice of *pedir papel* (requests for change in master by slaves) and *coartación* (gradual self-purchase arrangements between slave and master) in Cuba, and more.<sup>140</sup> Indeed, Barbosa's commentary demonstrated that slavery and freedom in Brazil was not absolute.<sup>141</sup>

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<sup>138</sup> African ethnonym for Africans from El Mina.

<sup>139</sup> For examples of antebellum negotiations in slavery, see Ira Berlin, *Many Thousands Gone*, (2000). For example, slaves' subsistence crops.

<sup>140</sup> Alejandro de la Fuente, "Slaves and the Creation of Legal Rights in Cuba: *Coartación* and *Papel*," (2007); Ariela Gross and Alejandro de la Fuente, "Manumission and Freedom in the Americas: Cuba, Louisiana, Virginia, 1500s-1700s," *Quaderni Storici*, Jan. 2015, pp. 15-48; Michelle McKinley, *Fractional Freedoms* (2016).

<sup>141</sup> Michelle McKinley explores the practice of "conditional freedom" in the early colonial Andes and presents significant findings that resonate with Jose Barbosa's testimony in her examination of baptismal manumission practices in Lima (*Fractional Freedoms*, 2017). She states that in baptismal cases, masters sometimes conferred freedom to their slaves' children, a method to publicly appear benevolent while still maintaining control over the child's parents. Baptismal manumissions demonstrated contradictions in manumission and the importance of the household and domestic slavery - many of the children, while legally free from their baptismal manumission, still continued to live enslaved lives under their parent's masters' homes. While McKinley's examples take place in early Spanish colonial Lima, her research provides a comparative connection to Jose Barbosa's testimony on Gomez in Brazil, conditional slavery, and ambiguity as a slave or free person in Iberian colonial empires.



Barbosa's testimony also illuminated Iberian ideas about free black communities in the nineteenth-century Atlantic Caribbean, particularly in Cuba and the type of labor and craft that Gomez would have established if he arrived in Havana. Barbosa detailed Gomez's skilled labor in shoemaking, a trade taught to him by his father, and that "it was desired that he should have a shoemaker's shop in Havana." In the early nineteenth century, free blacks in Cuba increasingly held the majority of skilled crafts as shoemakers, bakers, smiths, carpenters, and potters, for some examples, in urban cities like Havana, and Gomez would have joined this group of skilled black artisans with degrees of social prestige.<sup>142</sup>

Finally, Barbosa also provided valuable details about Gomez's identity as a multi-lingual, well-traveled, and skilled free person. According to Barbosa's testimony, Gomez fit Ira Berlin's definition of an "Atlantic Creole," someone who had "linguistic dexterity, cultural plasticity, and social agility."<sup>143</sup> Especially interesting are Barbosa's comments that Gomez knew "a few words of Mina" and traveled before to Mozambique that connected him to the larger Atlantic African World, as well as possibly the trans-Atlantic African slave trade in the nineteenth century. According to Barbosa, Gomez was a flexible and savvy individual who might have known even more languages like French or English and new skills since he last saw him, too.

Jose Barbosa's testimony likely had an important impact on Gomez's case and the lower courts originally granted his petition until it was later overturned at the state supreme court after a lengthy appeals process.<sup>144</sup> His testimony gave insight into Gomez's life in Brazil, at times contradicted and complicated Gomez's claims to freedom, and added new information about

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<sup>142</sup> Franklin Knight, *Slave Society in Cuba*, (1970).

<sup>143</sup> Ira Berlin, *Many Thousands Gone*, (2000); Jane Landers, *Atlantic Creoles*, (2010).

<sup>144</sup> See the conclusion of this chapter for more details on the outcome of Gomez's case.

slavery, family, and movement in the Atlantic World. While the lower court decision in favor of Gomez was eventually changed, Gomez and his witnesses like Barbosa originally convinced legal officials to consider Atlantic ideas about slavery and freedom.

This chapter examines the role of witnesses and community members in freedom petitions like Candido Gomez's case. Witnesses served a vital role in freedom-claiming in law and neighbors, friends, family members, and acquaintances provided testimonies and depositions that described close relationships, personal opinions, and impressions of petitioners. Sometimes they helped the petitioners and affirmed their claims. Other times, they offered contradicting narratives that complicated the freedom petition. Petitioners' reputations, character, and identities were on display in their witnesses' testimonies.

Importantly, witnesses and community members reflected the Atlantic networks to which petitioners belonged and had access. This thesis calls these community connections "networks of belonging" in reference to the networks in which petitioners and witnesses both expressed ideas about Atlantic belonging. For example, petitioners took a calculated risk in calling upon certain witnesses to vouch for them. Sometimes witnesses provided reliable testimony and other times contradicted petitioners. By involving certain witnesses on their behalf, petitioners used their witnesses to articulate what social networks they envisioned themselves as belonging and having access to, such as groups of free blacks, skilled laborers, sailors, and religious networks through god-parentage, for some examples. The groups they called upon to vouch for them serves as a window into the groups they connected themselves to and, further, with whom they linked their status as free persons.

Also, witnesses and community members expressed plenty of ideas of their own about how they envisioned the petitioners' identities in the Atlantic World. Their testimonies further reflect

how community members grappled with the sometimes-ambiguous identities of petitioners from across the Atlantic. As they attempted to categorize and make sense of petitioners' claims to freedom, their narratives reflect the ways that people in the nineteenth century understood and constructed ideas about Atlantic identity. Further, their testimonies can be seen to a certain extent as a reflection of the petitioners' performances of freedom and imperial identities as discussed in chapter three.

Ultimately, witnesses like neighbors, shipmates, family and friends, and acquaintances served an important role in freedom-claiming for petitioners from across the Atlantic World. Witnesses sometimes expressed doubt and uncertainty in ambiguous circumstances and tried to mitigate and articulate how they understood the petitioner's identity. In other cases, witnesses remained fully convinced of the petitioners' claims to freedom and connections to Atlantic empires, offering compelling cases about the petitioners' claims. In most cases, like Jose Barbosa in Candido Gomez's, they neither gave definitive comments on their free or enslaved status, but, rather, served as a character reference and provided details on their lived experiences. In any case, witnesses provided valuable narratives in addition to petitioners' testimonies that revealed networks of belonging across the Atlantic.

#### "Accidentally on the Levee:" Networks of Belonging in the British Atlantic

John Lewis, his freedom petition mentioned briefly in the introduction to this thesis, made a compelling case for freedom. In 1815, he told legal officials that he was "born in the island of Jamaica of free parents" and "always enjoyed his freedom until he was forcibly and unlawfully seized in the state of Kentucky."<sup>145</sup> Following his work and travel as a sailor onboard the ship

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<sup>145</sup> Petition of John Lewis to the First District Court of the State of Louisiana Court at Orleans Parish, Louisiana, 6 December 1815, New Orleans Public Library, New Orleans, Louisiana; Granted; in *Race and Slavery Petitions Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 20881522.

*Morning Star* from Scotland to South Carolina, Lewis stated that he had been "seduced into the state of Kentucky," "there seized and transported" and "shipped from thence and sold as a slave" to be "held in bondage by a certain Harvey Norton...contrary to...his lawful rights."

J. L. Turner, Lewis's attorney, believed John Lewis's freedom suit. On Lewis's behalf, Turner stated "I am so far disposed to assist this man in the recovery of his rights as to offer my services" and he requested that "the court will give leave to file his petition." According to Turner, what further convinced him of Lewis's rights as a free man were Lewis's witnesses. Turner stated, "I have [...] with the witnesses in this case and have no doubt the plf. [plaintiff] is a free man." Witnesses for Lewis included "two women of colour in this city who knew him and his parents in Jamaica to be free people," and John Kimbel, one of Lewis's shipmates on the *Morning Star*.

Turner referenced "Mr. John Kimbel" as a convincing witness who knew Lewis "in Scotland and shipped himself at Dundee and sailed for Charleston" on the same ship as Lewis. In fact, John Kimbel provided a quite detailed deposition regarding Lewis and his life in the British Atlantic in favor of his freedom. Legal officials noted that Kimbel "first knew the plaintiff [Lewis] in Dundee in Scotland, in the fall of the year 1809" and that he believed Lewis "was then secreted in a boarding house, being a deserter from a British Man of War.<sup>146</sup>" According to Kimbel, Lewis soon after worked "as a cook on board the American ship *Morning Star*" where Kimbel "was chiefmate."

Kimbel also confirmed Lewis's testimony that they sailed on the *Morning Star* to Charleston, South Carolina and there he was "discharged with the rest of the crew." However, Kimbel further added new details to their experiences sailing across the British Atlantic to the antebellum South and stated that the "ship was seized in Charleston in consequence of some breach

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<sup>146</sup> "Man of War" being a British royal navy warship.

of laws of the United States, supposed the embargo law." Following the brief seizure of the ship, Kimbel stated that Lewis, "after being discharged from the said ship...agreed to bind himself for [...] years to a person keeping a boarding house in Charleston." After that, Kimbel "sailed from Charleston for New York" and that was the last time he saw Lewis until they met again in New Orleans, "accidentally on the Levee, about two weeks ago, when he was hired aboard the Brig *Archimedes*," where he worked as a mate.

Although it had been years since Kimbel saw Lewis, he recalled much about him and his status as a free man and from Jamaica. He stated that he "does not know that the plaintiff was born free, but that he was free when he last knew him" because there were "no negroe slaves in Scotland." Further, Kimbel stated that "from his dialect, that said plaintiff is a native of Jamaica, and has always reported himself as a native of Jamaica in the West Indies." Kimbel also held Lewis in high esteem as a shipmate, stating "the plaintiff was a good seaman." Further, as to if Lewis truly was a deserter of a British war ship, Kimbel stated that "he never saw him [Lewis] on board a British man of war, but from the circumstances of his concealment he believes [...].

John Lewis' witnesses played an important role in his freedom suit, especially in securing legal aid through J. L. Turner. Turner was convinced to offer his services to Lewis's suit in no small part because of convincing witness testimonies, including two women in New Orleans who apparently knew Lewis and his parents as free persons in Jamaica and John Kimbel who worked with Lewis in the British Atlantic.

Kimbel's testimony was especially valuable as he articulated Lewis's identity in connection to the British empire and as a free man from the West Indies. For example, Kimbel aligned John Lewis as a free black man under the British empire because of the way Lewis presented his identity. Kimbel understood Lewis as a free man from Jamaica because of his performance of that identity

as he stated that he believed Lewis was from Jamaica because of the way he spoke. Further, he also referenced that Lewis consistently identified himself as Jamaican and "has always reported himself as a native of Jamaica in the West Indies".

Ultimately, Kimbel's testimony reflects some of the ways that witnesses' testimonies can serve as a window into petitioners everyday lived experiences performing their Atlantic and imperial identities. Further, Kimbel invoked the British empire in his testimony as he articulated ideas on freedom and slavery across empires in the Atlantic. He stated that he believed Lewis was not a slave because in the British Atlantic there were "no negroe slaves in Scotland." Importantly, Kimbel's testimony, as well as the two black women's comments that they knew Lewis and his parents as free persons in Jamaica, compelled legal officials to consider Lewis's rights as free man in broader, more Atlantic terms. For example, Lewis's witnesses referenced slavery and abolitionism in Great Britain, the performance of Atlantic identities in his dialect and how Lewis identified himself to others, and kinship and community knowledges from the two women acquainted with Lewis's family. Together, their voices brought the voices of free black women and Atlantic sailors from across the British empire into freedom-claiming in the US South.

"Seventeen Months as Prisoners to the English:" Networks of Belonging in the Atlantic

Caribbean

Returning again to Candido Gomez's freedom suit, he gave few details about his experiences as a black sailor onboard the *Falcon* in the Caribbean. Jose Barbosa offered rich testimony about his life in Brazil, but even his comments stopped short at the Bay of Salvador. Much about Gomez's experiences onboard the *Falcon* as a free sailor, therefore, had to be obtained by legal officials elsewhere. Luckily, Gomez had two witnesses for him who were also sailors onboard the *Falcon*, Joaquim Fernandez and Manuel Joaquim. Their testimonies together serve to

fill in some of the missing gaps in Gomez's petition regarding life on the ship, provide details about its voyage, and give opinions on Gomez's identity, free or enslaved status, and belonging in Brazil - albeit uncertain at times.

In Joaquim Fernandez's testimony, Fernandez stated that the *Falcon* was an African slave ship and there were fourteen slaves onboard, all "bosal negros from the coast, slaves..."<sup>147</sup> Regarding his relationship to Gomez, he knew few details about him and his impression of Gomez as an enslaved or free man was left largely speculation. He stated that "he knows Candido in the Bay of St. Salvador and shipped with him onboard the vessel for the Havana," but that "Candido was shipped in the same capacity as the other negros."<sup>148</sup> Further, Fernandez stated that "Gomez helped the sailors onboard." Fernandez's comments that Gomez "was shipped in the same capacity" as the other slaves, yet that he worked onboard and "helped the sailors" presented a contradicting narrative of whether Gomez was enslaved or a free sailor. Further, his depictions of Gomez reflected him as occupying two competing spheres of enslavement or freedom. Reflecting these uncertainties, Fernandez stated that he "knows not whether he be a slave or not."

Manuel Joaquim, another of Gomez's witnesses and recorded by legal officials as "a mulatto" man, corroborated Fernandez's testimony, likewise full of uncertainty. According to Joaquim, "all he knows is that Candido came onboard of the same vessel where he was as a slave with other slaves from the Bay of St. Salvador onboard the brig *Falcon*." According to Joaquim, Gomez's status as a slave was clearer to him and he associated him with the other slaves from Salvador. Further, he encountered Alexander Bonlivar and Gomez in New Orleans before the freedom petition and stated that "Bonlivar showed him the plff [plaintiff, Gomez] and said he was his slave"

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<sup>147</sup> Petition of Candido Gomez, 1818.

<sup>148</sup> "Coast," meaning the Coast of Guinea (referenced in another section of testimony in Gomez's petition).

and "that Candido himself showed him said Bonneval [Bonlivar] saying he was his master." According to Fernandez and Joaquim, Gomez certainly came onboard the *Falcon* in Salvador in Brazil, but whether it was as a free or enslaved man was ambiguous and in contention among them and Gomez.

While they expressed doubt regarding Gomez's free or enslaved status, Fernandez and Joaquim spoke knowledgably about the *Falcon's* journey through the Atlantic. With certainty, they stated that the ship was "destined for the Havana" and that it was a slave ship with fourteen "bosal negros from the coast." Further, although they sailed on the *Falcon* "upwards of 6 years ago," they still stated with confidence the name of the captain, "Francisco Garcia," and important and previously unknown details about its journey, purpose, and detainment. For example, Gomez only indicated in his testimony one instance of detainment in the Caribbean when French privateers commanded possibly by the famous pirate, Jean Lafitte, captured their ship and took it to Grande Terre. However, Fernandez and Joaquim both stated that the ship was actually captured twice: first by the English navy and then by French privateers. According to Fernandez, the *Falcon* "started for the Havana and they were captured by an English Brig and taken to St. Thomas." There, they spent "seventeen months as prisoners to the English."

It is unclear why the English detained the *Falcon* based on Fernandez and Joaquim's testimony, however, an 1813 account of the "violent and oppressive capture of Brazilian vessels by the English" provided insights into the occurrence. The 1813 text, *Representations of the Brazilian Merchants and Against the Insults Offered to the Portuguese Flag and Against the Violent and Oppressive Capture of some of their Vessels by Some Officers Belonging to the English Navy*, was first written by a Portuguese investigator to the "prince regent of Portugal" and then translated into English to be published in London. The author wrote on behalf of Brazilian merchants and as a



matter of importance to “national honor, in defense of the flag, and Portuguese independence, which has been violated and invaded in its very possessions.”<sup>149</sup>

Details regarding the detainment of the *Falcon* appeared in the investigator’s section titled, “The First Representation of the Merchants of Bahia,” and detailed the unjust detainment of the ship according to the investigator. He stated the English detained the *Falcon* and examined its shipping papers, journals, and clearances as it passed through the Caribbean and decided that it did not have proper permission to sail through. The English then “took, confiscated, and hostilely conducted it to the ports of the British empire into St. Thomas” to better understand the nature of the *Falcon’s* voyage and trade. According to the investigator, the detainment was without reason and an example of the “insatiable thirst for prizes or perhaps the abuse by their powerful maritime influence” of the English. The investigator stated that during the time that the *Falcon* was detained in St. Thomas, the English appealed the High Court of Admiralty in London to continue its detainment of the ship, but were denied.

The English released the *Falcon* after more than a year of detainment and investigation, and it started to remake its journey to Cuba. However, Gomez, Fernandez, Joaquim, the crew, and the African captives onboard experienced further misfortunes. The ship was captured again, this time “on the shores of Havana by a privateer” and “carried to the Grande Terre,” part of the small French island Guadalupe in the Lesser Antilles of the Caribbean, and a well-known pirate den.

Joaquim stated that during their captivity by the French pirates, he “remained a long time at Grande Terre, say 2 or 3 months a prisoner.” As for Gomez and the other slaves and crew, Joaquim stated that “Candido and the others were taken somewhere else he knows not where.” Further,

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<sup>149</sup> J. Darling. *Representations of the Brazilian Merchants and Against the Insults Offered to the Portuguese Flag and Against the Violent and Oppressive Capture of some of their Vessels by Some Officers Belonging to the English Navy*, (London: Minerva Press, 1813).

Joaquim did not know if the infamous pirate Jean Lafitte commanded the privateers. Instead, he commented that "the privateer was commanded by one Marcos who is since dead," and "does not know where said Marcos lived or died."<sup>150</sup>

Recalling events that "happened upwards of 6 years ago," Joaquim Fernandez and Manuel Joaquim provided testimonies that illuminated the experiences that Gomez, the crew, and the African slaves faced on the *Falcon's* journey across the Atlantic. Their testimonies demonstrated the renewed direct African trade in the Spanish Caribbean, specifically Cuba, in the early nineteenth century, the often-tenuous relationships and interactions among empires in the Caribbean, and, importantly, how they made sense of Gomez's and the African "bosal" slaves' Atlantic identities.

In the late eighteenth and early nineteenth centuries and specifically following the Haitian Revolution, Cuba transformed from a Spanish settlement and port colony focused on small-scale agricultural production to an export-based system with sugar and coffee plantations mirrored after English and French models in Barbados and French Saint-Domingue.<sup>151</sup> The itinerary of the *Falcon* that included "the coast of Guinea" and Cuba, and having "bosal slaves" onboard reflect this shift in Cuba's transition toward export-based plantation models and the second "Africanization" of the island with the direct-African slave trade.<sup>152</sup> Further, the *Falcon* also

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<sup>150</sup> It is important to point out that historians Adam Rothman and Judith Schaffer noted the importance of Candido Gomez's freedom suit in New Orleans in their research (Rothman, *Slave Country: American Expansion and the Origin of the Deep South* (Cambridge: Harvard University Press, 2005); Schaffer, *Slavery, the Civil Law, and the Supreme Court of Louisiana*, (Baton Rouge: Louisiana State University Press, 1994). Rothman explored Gomez's case as an example of lawless slave smuggling into the antebellum American South. Schaffer, on the other hand, explored Gomez in the context of Louisiana legal history. However, Gomez's experiences and freedom suit is yet to be reconstructed as part of a larger Atlantic world project that ties together African, Brazilian, and Caribbean experiences outside of New Orleans and the antebellum South. Further, their research did not include details or descriptions of Gomez's witnesses' testimonies.

<sup>151</sup> Ada Ferrer, *Freedom's Mirror*, (2014); Wheat, *Atlantic Africa*, (2015).

<sup>152</sup> Ferrer, *Freedom's Mirror* (2014); Wheat, "Conclusion," in *Atlantic Africa*, 262-263.

illuminates some of the impacts of the slave trade in the Atlantic Caribbean, namely through examples of imperial tensions as demonstrated by the English detainment of the ship and illicit trade such as piracy.

Moreover, Fernandez and Joaquim's comments regarding the African captives as "bosal slaves from the coast of Guinea" revealed their ideas about African ethnic origins in the slave trade. Regardless of whether the African slaves in fact came from Guinea or another slave trading port along Africa's Atlantic coast (like El Mina, of which Gomez knew some words according to Jose Barbosa), Fernandez and Joaquim's designation of the captives' identities as from "the coast of Guinea" demonstrate that they considered the African captives as perhaps belonging overall to "Guinea" and without more specific ethnic origins. The "coast of Guinea" was in reality home to numerous African ethnic groups through the "rivers of Guinea" such as the Biafra, Bran, Mandinga, or Zape, to name a few.<sup>153</sup> In short, Fernandez and Joaquim's testimonies reveal how they understood the international slave trade across the Atlantic and, importantly, how they made sense of African identities and origins within it.

Their testimonies also reflected ideas of empire and tensions among nations across the Atlantic World. For example, their testimonies on the detainment of the *Falcon* by the English and the additional 1813 commentary by the Portuguese investigator reflected imperial conflict in the early nineteenth-century Caribbean. Their commentaries revealed infighting between imperial powers in the Caribbean as the investigator described the English's detainment of the ship and, according to the investigator, served as evidence of British greed and arrogance. Fernandez and Joaquim's statements that they were treated as "prisoners" for the duration of seventeen months in St. Thomas

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<sup>153</sup> Wheat, *Atlantic Africa* (2016).

support the investigator's allegations of English hostility and serve as an example of the experiences of ordinary individuals involved in imperial trading and political conflicts.

Importantly, their narratives regarding Gomez and if he was a free or enslaved man - along with Jose Barbosa and Gomez's own comments - serve as a lens through which to view how Gomez's identity was articulated throughout his petition. For example, as Gomez and his witnesses provided anecdotes and narratives about their lived experiences, Gomez and his witnesses grappled with how to make sense of Atlantic identities and ideas of freedom and slavery. For Gomez, his identity as a free man was linked to the Brazilian empire. For example, he aligned his freedom with "the Kingdom of Brazil" and stated that there he was "born free and raised a free man."

His witnesses also grappled with how to categorize and present a clear view of Gomez as they knew him. Barbosa considered Gomez as part of an ambiguous spectrum of slavery and freedom in Brazil and, importantly, his freedom or enslavement were not in absolute terms. Instead, he considered Gomez and his family to be part of a system of slavery that could be conditional and offered limited "fractions" of freedom.<sup>154</sup> To him, Gomez's identity would likely be better defined when viewed as an Atlantic Creole. Barbosa's most telling comments came from his assertions that Gomez was multi-lingual, well-traveled, and skilled. Indeed, Barbosa connected Gomez's identity with the notion of flexible Atlantic creolization and not a specific empire or place.

While imperial belonging, conditional slavery, and creolization characterized Gomez and Barbosa's notions of Atlantic identity, sailors Joaquim Fernandez and Manuel Joaquim understood Gomez in more ambiguous terms. They were less certain about how to articulate his Atlantic identity and left much to speculation. Instead, they focused on their experiences at sea on the *Falcon* and their lived experiences in the Caribbean. Regardless of their uncertainties, their

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<sup>154</sup> McKinley, *Fractional Freedoms*, (2017).

testimonies serve to demonstrate the ambiguities of Atlantic and African identities in the early nineteenth century.

"Some Persons Who Knew her to Be a Free Woman:" Networks of Belonging in the French  
Caribbean

Simon Gallien Preval attempted to sell Catherine, a black woman, three times.<sup>155</sup> Each time, he was unsuccessful. In 1818 in New Orleans, Preval “tried twice to effectuate the sale in public auctions at Maspero Coffee House, but did not succeed.” On another occasion, Preval briefly sold Catherine to a Mr. Laresche, however, Laresche quickly rescinded the sale. Upon rejecting the sale, Laresche apparently “became so affected with madness that he ran into the streets totally uncovered.” After each unsuccessful attempt to sell Catherine, Preval, a Justice of the Peace in New Orleans, locked her in the parish jail.<sup>156</sup>

Each of Preval’s attempts to sell Catherine failed. For one, she was a free woman. Catherine stated that she was a free woman from French Saint-Domingue, and that she travelled from Port Au Prince to Cuba and, finally, New Orleans where she spent “upwards of a decade.” Likely travelling across the Caribbean because of the Haitian Revolution, she ended up in New Orleans with scores of other French refugees.

Further, she was a well-known resident and community member in New Orleans. Each time Preval tried to sell her, community members intervened. Catherine stated that at the public slave auctions at the Maspero Coffee House, a busy slave auction site, “some persons who knew

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<sup>155</sup> Petition of Catherine to the First Judicial District of the State of Louisiana Court at Orleans Parish, Louisiana, 18 April 1819, Louisiana Collection, New Orleans Public Library; Partially Granted; in *Race and Slavery Petitions Project*, Series II: County Court Petitions (Bethesda, MD: University Publications of America, 1998), Microfilm edition, Petition Analysis Record No. 20881909.

<sup>156</sup> *The New-Orleans directory and register; containing the names, professions & residences of all the heads of families and persons in business of...* Volume 1822. New Orleans [La.], 1822. 222 pp. Sabin Americana. Gale, Cengage Learning.

her to be a free woman manifested...in such a manner that Preval ordered the auction to discretion [...] the sale.” And when Preval finally succeeded in selling Catherine to Mr. Laresche, albeit briefly, Laresche immediately rescinded the sale because he “was informed that she was a free woman.” Laresche even went so far as to make a public display of the rejected transaction by running out into the streets of New Orleans "totally uncovered" and shouting that he did not purchase a free woman. Despite the assistance of community members who affirmed and protected Catherine’s freedom, she remained enslaved and imprisoned by Preval. It would take more than community intervention for Catherine to gain her freedom and, in 1819, she pursued legal recourse and sued Preval at the parish court for her freedom.

Catherine narrated her experiences as a free woman to the New Orleans parish court in April 1819. According to her testimony, she was a free woman from the French island of Saint-Domingue, lived in Port Au Prince, and “enjoyed all of the privileges of a free person for a great number of years.” Catherine described her life in Saint-Domingue and stated that “during her residence in Port Au Prince, she lived with Francois Michel, a seaman, commonly called Mr. Cadet.” Around the time of the Haitian Revolution in Saint-Domingue, she “evacuated Port Au Prince with Cadet and sailed to St. Yago [Santiago] de Cuba,” a common entry port for French refugees fleeing Saint-Domingue after the Haitian Revolution.<sup>157</sup>

Catherine and Cadet stayed in Cuba as free persons until they were forced to flee in 1809 due to the expulsion of the French in Spanish territories and they travelled to New Orleans where the French were received as refugees. Catherine stated that she spent “nearly a decade” in New Orleans as a free woman and “has always been considered a free woman both in St. Yago [Santiago] and

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<sup>157</sup> Geggus, "Slavery, War, and Revolution."

in this city [New Orleans].” More than that, she stated that she was a property holding woman and “possessed slaves in St. Yago [Santiago] which she brought with her” to New Orleans.

Then, in October 1818, Simon Gallien Preval threatened Catherine’s privileges as a free and property-holding black woman in New Orleans. He arrested her, put in her in jail, and “claimed to own her and tried to sell her” on two occasions at the Maspero Coffee House and to Mr. Laresche. And when he tried to sell her, community members thwarted his attempts and vouched for Catherine’s character and reputation as a free woman in the community. Still though, Preval claimed Catherine was his slave and imprisoned her.

“Under those circumstances” and with the assistance of an attorney, Catherine asked the district court of New Orleans that “Preval be cited to appear before this honorable court and answer this petition.” She stated that she was “illegally detained in slavery, and moreover in jail” because of Preval, and asked the court that she “may be deemed the enjoyment of her freedom.” Further, she told the court that “she has been acquainted with a great number of persons who are now in this city [New Orleans] and who will certainly prove most evidently all the facts alleged in this petition.” She concluded with a request that Preval be “condemned to pay the costs of the suit.<sup>158</sup>” The court partially granted her petition in April 1819.

Catherine’s case is an important petition that demonstrates the experiences of free black women as property holders in the nineteenth-century Atlantic. She was a free woman in the Caribbean and in New Orleans, and also a property owner. In fact, some of her property consisted of slaves that she “possessed...in St. Yago and brought with her to New Orleans.”

Catherine’s experiences as a free and property-holding black woman in the Caribbean provides an example of their roles in the Atlantic World as important community members. Free afro-

descended women played important social and economic roles in Latin America and the Caribbean as skilled artisans, shop owners, and property-holders.<sup>159</sup> They contributed to and participated in economic development and occupied important social roles connected to kinship and community networks. Based on Catherine's testimony, she was likely known as a *vecina*, or permanent community member, in Saint-Domingue, Cuba, and the antebellum South based on the community relations she cultivated.<sup>160</sup>

Perhaps most notably, Catherine's petition provides a window into the formation of important community networks in the Atlantic World. As evidenced in her testimony, Preval's attempts to sell her failed when people in the community "who knew her to be a free woman" intervened and vouched for her reputation as a free, property holding black woman in New Orleans. These community networks existed beyond New Orleans and in the circum-Caribbean, as well, and she stated that she was always known as a free woman in Santiago, Cuba, too.

Especially central to Catherine's petition is how she articulated her status and identity as a free, property-holding woman by invoking the community networks to which she belonged. As litigants called upon witnesses or invoked community protection, they also revealed to which networks they belonged and had access to, often revealing simultaneously their own status. For example, in John Lewis and Candido Gomez's cases, they both relied heavily on witness testimonies from fellow black sailors like them and revealed the Atlantic community networks to which they belonged.

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<sup>159</sup> Sarah Franklin, *Women and Slavery in Nineteenth-Century Colonial Cuba*, (Rochester: University of Rochester Press, 2012)

<sup>160</sup> *Ibid.*



In Catherine's case, she stated repeatedly that she was a free woman in Saint-Domingue, Cuba, and the antebellum South, as well as well-known by free persons like the seaman Michel Francois and community members in each area. She even told legal officials that she could call on community members to vouch for her status as a free woman and that “she has been acquainted with a great number of persons who are now in this city [New Orleans] and who will certainly prove most evidently all the facts alleged in this petition.” Catherine likely envisioned herself as belonging to a larger network of free black property-holding women in the Caribbean and, by narrating the instances where community members came to her aid when Preval attempted to sell her, she also situated herself as a free woman in the broader antebellum southern slave trade communities, at places such as the Maspero Coffee House and individual sales.

"Gomez Is of Right a Free Man:" Conclusion on Networks of Belonging across Iberian, British, and French Empires in the Atlantic US South

Returning once more to Candido Gomez's freedom suit, in 1818 Edwin Lorraine, a “naval officer in the ports of New Orleans,” appeared before the First District Court. He did not know Candido Gomez well and in fact knew quite little about him. However, he testified on behalf of Gomez and stated that he “believes that Gomez is of right a free man.” The reason Lorraine believed Gomez was “of right a free man” had little to do with Gomez and his witnesses' narratives about life in the Atlantic; Lorraine did not speak about Brazil, the *Falcon*, or French pirates.

Instead, he discussed the legality of Gomez even being in Louisiana. According to Lorraine, Gomez was free because he “was imported into the country since January 1808,” the official end to the international slave trade in the United States and in violation of the Act Prohibiting the

Importation of Slaves of 1807.<sup>161</sup> Further, Lorraine claimed that Bonlivar “holds Gomez in bondage under a claim denied originally from the importers of the said petitioner.”

Gomez originally petitioned the First District Court of New Orleans with the assistance of petitioners like Edwin Lorraine, Jose Barbosa, Joaquim Fernandez, and Manuel Joaquim, and initially gained his freedom for a brief period from the New Orleans First District Court. However, his case underwent lengthy appeals processes from his illegal enslaver, Alexander Bonlivar, until it finally reached the Louisiana State Supreme Court in 1818.

Despite the lower court's approval of Gomez's freedom suit, Justice Pierre Derbigny, the presiding judge over Gomez's case in the state supreme court, unfortunately overrode the district court's decision and altogether dismissed Gomez's suit. In his commenting opinion on the case, Justice Derbigny stated that, while Gomez may have been brought to the United States illegally and in violation of slave smuggling laws, “individuals thus imported attain no personal rights.”<sup>162</sup> He went on and stated that “the plaintiff cannot be listened to in a court of justice,” and essentially threw out Gomez's case. In his final remarks, Derbigny declared all illegally imported slaves into Louisiana as “mere passive beings.”

Candido Gomez’s freedom suit and its outcome at the state supreme court serves as a useful lens through which to better understand how slaves actively and strategically navigated the law as a channel for resistance to slavery. Gomez and his witnesses connected the Atlantic World through their lived experiences in the international and illicit slave trades and presented their diverse worldviews on race and slavery from Brazil, the Caribbean, and the antebellum American South.

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<sup>161</sup> *An Act to Prohibit the Importation of Slaves into Any Port or Place within the Jurisdiction of the United States, From and After the First Day of January, in the Year of Our Lord, One Thousand Eight Hundred and Eight*, 2 Stat, U.S. Statues at Large 246 (1807).

<sup>162</sup> Petition of Candido Gomez, 1818.

Black voices were central to Gomez's freedom suit and forced legal officials to mitigate competing visions of slavery in the Atlantic World. Although the Supreme Court of Louisiana decided Gomez's case by declaring all illegally imported slaves as "mere passive beings," Gomez and his witnesses demonstrated the opposite. Indeed, free and enslaved blacks actively shaped the Atlantic World as they navigated the law as litigants, worked as sailors and shipmate, and served as witnesses whose testimonies illuminated the lived experiences of black society in the circum-Caribbean.

Further, Gomez's case, along with the other petitions in this section including John Lewis from British Jamaica and Catherine from French Saint-Domingue, reveal to a great degree the importance of witnesses and community members in legal claims-making. Their witnesses provided important comments on the petitioners' status as a free or enslaved individual, how they knew them, and if they agreed with their testimonies. Perhaps most importantly, though, their narratives revealed valuable details into the lived experiences and identities of the petitioners across the Atlantic and the networks they belonged to. In Gomez's case, we can see an intricate network of belonging among himself, free and enslaved Africans in Brazil, free sailors in the Caribbean involved in the African slave trade, and far-off networks of trade in Mozambique and El Mina. In John Kimbel's case, his witnesses revealed that Kimbel belonged to a network of free black sailors in the British Atlantic and perhaps even a military community as a potential deserter of a British man of war ship. Finally, Catherine's case presented a glimpse into her networks in New Orleans as a free and property-holding black woman displaced from Saint-Domingue. In her narrative, she recounted how on two occasions community members vouched for her freedom and "manifested in such a way" that she was able to hold onto her rights as a free woman.

Ultimately, these freedom petitions provide an important window into freedom-claiming narratives by petitioners and, moreover, narratives by communities in the Atlantic World. They revealed how witnesses attempted to articulate and make sense of litigants' sometimes ambiguous statuses and identities as free or enslaved individuals. Further, when viewing these cases together, a broad web of Atlantic narratives across the circum-Caribbean appears that reveals connections among the British, Iberian, and French empires. As petitioners and witnesses gave testimonies about their lived experiences for distinct corners of the Atlantic World, their narratives revealed a wide-ranging network of belonging across imperial colonies, oceans, and metropolises.

## CHAPTER 5

### CONCLUSION

#### "A GREAT CONFUSION OF TONGUES:" ATLANTIC EMPIRES IN ANTEBELLUM FREEDOM-CLAIMING

In 1822, the *New Orleans Directory and Register* was published and it contained “the names, professions, and residences of all heads of families and persons of business” in New Orleans. The register served as a directory and useful tool to navigate the city and names of people in the city were listed, along with their profession.<sup>163</sup> For example, recall both Zephir and Catherine's freedom petitions in 1819. They both petitioned separately and with different stories about how they became illegally enslaved. Zephir presented the court with a narrative of military service and displacement from illegal enslavement and the Haitian Revolution. On the other hand, while Catherine was displaced as well due to the Haitian Revolution, it was as a free and property-holding black woman who created strong community ties in New Orleans. Despite their differences, they both shared one thing in common: they were both illegally enslaved by Simon Gallien Preval who appeared in the *Directory and Register*. The directory listed Preval as a Justice of the Peace, a title that explains why he had access to the parish jail to imprison Catherine after each unsuccessful attempt to sell her. Further, it demonstrates the great risk that Zephir and Catherine both took in publicly suing a Justice of the Peace.<sup>164</sup>

In addition to containing information about elite community members and their professions, the directory provided commentary about the city. In a section titled, “Notes on New

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<sup>163</sup> *The New-Orleans directory and register; containing the names, professions & residences of all the heads of families and persons in business of...* Volume 1822. New Orleans [La.], 1822. Sabin Americana. Gale, Cengage Learning.

<sup>164</sup> *Ibid*, 222.

Orleans,” the author relayed information about changes in demographics developing in the city.<sup>165</sup> For example, he stated that “the population was much increased by the unfortunate French emigrants from St. Domingo [Saint-Domingue], and afterwards in 1809, by those who were compelled to flee from the island of Cuba, to the number of about 10,000.”

The author also referenced the growing diversity in New Orleans and noted that “the population is much mixed, consisting of foreign and native French; Americans born in the state and from every state in the Union; a few Spaniards; and foreigners from almost every nation; and consequently, the society is much diversified.” The author stated, “there is no general fixed character and there is a great ‘confusion of tongues,’ and on the Levee, during a busy day, can be seen people of every grande, color, and condition.” To conclude, the author wrote, “in short, it is a world in miniature.”

The author's comments in the *New Orleans Directory and Register* especially resonate with the freedom suits in this thesis. Litigants' freedom petitions and lived experiences across the Atlantic illustrate to a great degree the registry's remark that New Orleans - as well as the rest of the antebellum US South and circum-Caribbean - was a “world in miniature.” Their petitions traced each of their journeys across the Atlantic World, sometimes reaching as far as Mozambique in Africa or Dundee in Scotland. They petitioned as savvy litigants and revealed insight into slaves and free blacks' experiences as skilled artisans, knowledgeable shipmates, and free black women as successful property-holders.

While their narratives did not appear in the registry, their freedom petitions serve as a window into the lived experiences of afro-descended peoples in slavery, freedom, and the law across the Atlantic Caribbean. Perhaps most important, their petitions tell these stories through

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<sup>165</sup> Ibid, 45.

their own voices, perspectives, and experiences. Indeed, the freedom petitions in this thesis and the narratives within them mirror the 1822 New Orleans directory statement that the city was "a world in miniature," only this time told through the voices and perspectives of afro-descended peoples seeking freedom in law.

This thesis has explored freedom petitions initiated by slaves and free blacks from across the Atlantic World in the antebellum US South to reveal important similarities and comparisons across Iberian, French, British, and American jurisdictions. Ultimately, antebellum US legal officials primarily cared whether or not slaves could prove their free status in court and, to that end, petitioners made legal claims and strategies that asserted their freedom. They emphasized to courts that they were either born free, manumitted, or emancipated, and sometimes used freedom papers or community support to assist their claims. Slaves and free blacks also created narratives that reflected and represented themselves and their identities as free persons to support their claims. Common examples they used to reflect their experiences in freedom involved moving freely in the Atlantic, serving in the military, and working in skilled labor positions.

Importantly, petitioners also articulated their identity as free persons through their Atlantic imperial connections. To petitioners, being a member of an empire and enjoying imperial subjecthood was connected to their identities as a free persons. This connection to empire and subjecthood in their claims raised important questions throughout this thesis. For example, what role did empire and subjecthood play in their narratives? How useful was it as a legal strategy for slaves and free blacks to present themselves as free? Did legal officials recognize or adjudicate freedom suits based on imperial connections?

Overall, legal officials were mostly concerned with whether or not petitioners could prove their free status - not where they belonged in the Atlantic World. However, slaves and free blacks

continued to present themselves and articulate their identities as closely connected to Atlantic empires. Ultimately, their use of imperial connections served as another way to articulate their experiences and identities as free persons alongside assertions of free birth, emancipation, and manumission although it held few legal benefits in the US South.

In addition to this thesis' examination of petitioners' legal narratives in court in connection to Atlantic empires and their identities within them, this study examined major trends in historiographical works, law and legal procedures in the Atlantic World, and historical transformations that gave a broad and interconnected context to the petitioners' lived experiences. Indeed, seemingly disparate experiences of slaves and free blacks across the Atlantic World in reality shared many commonalities, namely through their experiences at court where they presented strategic narratives to petition for their freedom. Litigants and their witnesses from Jamaica, Brazil, Saint-Domingue, Cuba, and more navigated the law in similar ways and this work contributed to a larger academic discourse that views the Americas on a shared stage.

Also, petitioners strategically called upon witnesses to vouch for their claims and these witnesses and community members played a vital role in the legal process for freedom. Neighbors, friends and family, and more told legal officials anecdotes and opinions about the petitioners and grappled with how to articulate their identities and relationships. Although they were sometimes ambiguous, uncertain, or contradictory, witnesses revealed the social networks to which petitioners belonged and could access. In these petitions, networks of free black sailors, free property-holding women, imperial subjects, and more appeared and serve to tie together the Atlantic World in interconnected ways.

Taken together, the petitions in this thesis exemplify the statement that New Orleans and, even more broadly the antebellum US South, was a "world in miniature." Ultimately, the



antebellum US South became a nexus where slaves and free blacks used the law to gain their liberty, craft narratives that reflected their freedom, and position their identities as free persons in close connection to Atlantic empires. Importantly, petitioners presented courts with narratives in which rights as free persons and as imperial subjects were intertwined.

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