

**Liberated Africans in the Atlantic World: The Courts of Mixed
Commission in Havana and Rio de Janeiro 1819-1871**

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Abstract

This thesis compares two courts of Mixed Commission for the suppression of the slave trade in two notorious slave trading ports: Havana and Rio de Janeiro. Treaties, through which Britain imposed slave trade laws, led to the establishment of bilateral Mixed Commissions courts for the suppression of the slave trade in several Atlantic ports in the early nineteenth century. The Commissions have generally been viewed by scholars as important, but precursory to effective abolition of the slave trade; institutions which did not deter slave traders. Here the impact of these courts is addressed principally through the study of the liberated Africans or “recaptives” who the courts were intended to free. It demonstrates the potential and legacy of the Mixed Commissions in light of British reluctance to sabotage economic dominance, despite its dedication to eradicating the slave trade. Drawing on research in archives in Britain, Brazil and Cuba it highlights the importance of addressing local socio-economic circumstances and British imperial policy and objectives in each place, as well as viewing the courts as part of a wider Atlantic system. In doing so it reveals the challenges that the courts represented to slave traders and slave societies during the zenith of the slave trade to both locations.

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Abbreviations

ANRJ	Arquivo Nacional, Rio de Janeiro
AHI	Arquivo Historico de Itamaraty, Rio de Janeiro
ANC	Archivo Nacional de la República de Cuba, Havana
TNA	the National Archives, London, UK
HCPP	British Parliamentary Papers online
FO	Foreign Offices Archives, the National Archives, London

Introduction

The illicit slave trade to Brazil and Cuba in the nineteenth century has long been studied against the backdrop of the British campaign against the slave trade.

Historians have focused on the ineffectiveness of the measures and laws which were pursued in the early nineteenth century and demonstrated that thousands of slaves continued to be transported to these locations in spite of the pressures to abolish the slave trade which were exerted both from within and from without. This included the ideological shift in Western thought which developed in the Atlantic during this period which began to see slavery and liberalism as diametrically opposed. As part of the British campaign against the slave trade international treaties were responsible for freeing around 200,000 Africans in large part destined for the slave trade to Cuba and Brazil. The majority of these Africans were freed by a network of bilateral anti-slavery courts.¹

The importance of these courts has been widely debated, suggesting on the one hand that they represent the first international courts of human rights, whilst on the other hand that in fact, they were a means of extending British Imperial authority. The resentment which British interference caused has been unilaterally acknowledged. However, rarely has the courts' impact on the societies in which they functioned been the focus of analysis. What were the dynamics and peculiarities of each of the courts? How did British commissioners and agents navigate the laws on

¹ The majority of the slave ships were captured off the African coast and freed in Sierra Leone.

anti-slavery in each specific location? Most importantly of all, what was the role of the Africans liberated by these courts in societies where slavery was still largely uncontested as an institution, such as in Cuba and Brazil? This thesis explores the role of the Mixed Commissions in Havana and Rio de Janeiro within this context. It spans the period from 1819, when the courts were first established, to 1871-the year after a clause in the Moret law guaranteed the final freedom of any Africans who had been freed by Mixed Commission in Havana but were still considered to be under the auspices of the state.

An Act of Parliament was passed in Britain in 1807 to put an end to British involvement in the slave trade, stimulated by the pressure exerted by abolitionists such as William Wilberforce.² However, other slave trading nations were quick to increase the volume of their own trade to fill the gap. To abolish the trade completely, it was realised that the participation of all slave-trading nations would be necessary. As part of the British suppression campaign against the slave trade during the early nineteenth century, slave ships were intercepted by British anti-slave trade cruisers or in rare cases by those of other nations. The legality of such measures including the seizure of foreign vessels came under scrutiny after the end of the Napoleonic wars and a series of treaty agreements was thus established between Britain and the most prolific slave-trading nations. Partly because of its “prestige and power” Britain took on the task of both negotiating and enforcing treaties with African leaders as well as with European and South American nations involved in

² Lawrence F. Hill, “The Abolition of the African Slave Trade to Brazil,” *Hispanic American Historical Review* 11, no.2 (1993):169.

slave trading.³ Enforcement included the establishment of international tribunals or Mixed Commissions in the territories of both signatories of the treaties.

The Mixed Commissions were presided over by representatives appointed by the two respective governments.⁴ They were confronted with the task of implementing international treaties, with varying degrees of success. The courts were required to judge whether a ship had been lawfully detained, if it was involved in the illegal slave trade, and impart certificates of freedom to any illegally imported slaves. In areas of intense slave trading activity, the courts were considered an unwelcome intrusion, and sometimes also viewed as a challenge to sovereignty.

Mixed Commissions were established between Britain and many other slave trading nations, with five courts based in the British colony of Sierra Leone as well as courts in the territory of the co-signatories of the treaties from Luanda to New York.⁵ The two courts which were most active outside those of Freetown, were those based in Havana and Rio de Janeiro which were both hotbeds of slave trading activity. The life of these courts exemplifies the contentious nature of the issues surrounding the abolition of the slave trade, and the involvement of international pressure from an outside Imperial power. What is interesting is the presence and functioning of these courts at all in these circumstances, as David Eltis points out, “It

³ Hill, “Abolition of the African Slave Trade,” 169.

⁴ See Jenny S. Martinez “Anti-Slavery Courts and the Dawn of International Human Rights Law,” *Yale Law Journal* 117 (2007): 550.

⁵ Leslie Bethell, “The Mixed Commissions for the Suppression of the Transatlantic Slave Trade in the Nineteenth Century,” *The Journal of African History* 7, no. 1 (1966):79.

is surprising not that abolition and the navy had so little effect, but that they had so much.”⁶

The courts have generally been grouped together in various locations under the umbrella of Mixed Commission courts with the same essential function. However, the local conditions in Sierra Leone and other distant places, as well as the fact that the numbers of emancipated slaves vary wildly in each locality, make the different courts a challenging subject of comparison.⁷ To draw conclusions on impact, a smaller scale study would be more effective, hence the decision in this thesis to focus on the courts in Havana and Rio de Janeiro, where the social conditions offer greater possibilities for comparison, and thus contribute towards correcting the imbalance in studies on the Mixed Commissions where the Sierra Leone courts have tended to dominate.

As part of the British campaign for the abolition of the slave trade the Mixed Commissions courts have warranted some degree of attention, however, their significance has not been widely acknowledged. There is still disagreement about the role that the courts played, and the effect that their presence had. Jenny Martinez argues that the courts deserve a more substantial place in the scholarship. Despite

⁶ David Eltis, “The Impact of Abolition on the Atlantic Slave Trade,” in *The Abolition of the Atlantic Slave Trade*, ed. David Eltis and James Walvin (Madison: University of Wisconsin Press, 1981), 173.

their limitations, and evidence to show that the ultimate end of the trade depended on domestic laws, their part in the process should not be overlooked.⁸ One article written in 1966 is still fairly representative of the current state of knowledge about the courts, and one of the only historical studies which features the courts as its main subject.⁹ This study by Leslie Bethell is far from conclusive; rather it opens up the discussion, offering possible avenues of further research. Although little has been written which places the Mixed Commissions as a subject in their own right, analyses of the British campaign against the slave trade necessarily include at least a passing reference to the Mixed Commissions, if not a chapter which includes details of their problems and effects.¹⁰

From the perspective of International relations and law, Jenny Martinez has thus far developed the most comprehensive analysis of the courts and their function,

⁷ For example, treaty negotiations between the British and Dutch established Mixed Commission courts in Freetown and Paramaribo, Surinam in 1819. However, although illegal slave importations continued to arrive in Surinam, they were not carried out by British or Dutch citizens, so the Court in Paramaribo was only ever required to try one ship. See Pieter C. Emmer, "Abolition of the Abolished: The Illegal Dutch Slave Trade and the Mixed Courts," in *The Abolition of the Atlantic Slave Trade*, ed. David Eltis and James Walvin (Madison: University of Wisconsin Press, 1981), 180.

⁸ Martinez, "Anti-Slavery Courts," 553. See also Jenny S. Martinez, *The Slave Trade and the Origins of International Human Rights Law* (Oxford: Oxford University Press, 2012).

⁹ Leslie Bethell, "Mixed Commissions," 79-93.

¹⁰ See for example Arthur F Corwin, *Spain and the Abolition of Slavery in Cuba, 1817-1886* (Austin: University of Texas Press, 1967). Keith Hamilton and Patrick Salmon, eds., *Slavery, Diplomacy and Empire: Britain and the Suppression of the Slave Trade, 1807-1975* (Brighton: Sussex Academic Press, 2009).

as she sees it; “weaknesses in the system...led the British government to augment, and then replace, the mixed court system with a combination of military force and domestic courts.” Such an approach combined with “economic, political, and social changes”, led to the final crucial amendments to Portuguese and Brazilian domestic law, successfully bringing the slave trade to an end in those places. She also believes, however, that international law, through the treaty with the United States, played a key role in ending the slave trade to Cuba.¹¹ As Martinez has previously stated, it is a difficult task to weigh the various factors involved in the overall suppression of the slave trade against one another.¹² In this thesis I will go some way to understanding the importance of all the contributory factors, on a reduced scale, by concentrating on the last two Latin American countries to abolish the slave trade.

This thesis shifts the focus towards the social and political impact of the courts and argues that even if the courts of Mixed Commission did not halt the traffic in slaves by themselves, or significantly reduce it, they did have more subtle and long lasting consequences. The influence of the Mixed Commissions certainly permeated the societies in which they functioned. They were effective tools for challenging the existing social order, and laying the foundations for the transition to free labour in two slave based societies. The most significant legacy was the creation of a separate class within society which defied the established codes of social

¹¹ Martinez, *Slave Trade*, 140.

¹² Martinez, “Anti-Slavery Courts,” 553.

hierarchy and ascension, the liberated Africans.¹³ The liberated Africans have garnered attention in the scholarship, but rarely have they been integrated as a key component of the British abolitionist campaign.

The Africans who were freed by these courts became known as liberated Africans and their freedom was subject to a period of apprenticeship imposed and supervised by the courts. During the apprenticeship liberated Africans were hired out largely to influential members of society or by the government itself to work in the construction of roads, in factories or even in military bases or mines which could be situated far from the regulatory systems which were charged with the liberated Africans' protection. The proscribed duration of the apprenticeship was a minimum of 5-7 years in Cuba and 14 years in Brazil but it often far exceeded this time limit and the system was widely abused.

The study has several broad objectives to answer the question to what extent the courts of Mixed Commission were influential in society. It draws on records from the courts in Havana and Rio de Janeiro to demonstrate the importance of addressing local circumstances, as well as viewing the courts as part of a wider Atlantic system. It assesses the courts and their function as well as the immediate impacts on local communities in Havana and Rio de Janeiro. It explains who was involved in their administration and how they influenced the social and political spheres. The thesis explores the ways that British objectives changed in each

¹³ Both Rebecca Scott and Gloria Garcia highlight the importance of the apprenticeship system to the end of slavery itself. Gloria Garcia, *Voices of the Enslaved in Nineteenth-Century Cuba: A Documentary History*, trans. Nancy L. Westrate (Chapel Hill: University of North Carolina Press, 2011), 2. Rebecca J. Scott, *Slave Emancipation in Cuba: The Transition to Free Labor, 1860-1899*

location.

The potential of the Mixed Commissions is examined in light of British reluctance to sabotage economic privileges and undermine diplomatic relationships. As a key element of their legacy, it addresses comparatively the question of the liberated Africans in Brazil and Cuba, what the treaty agreements meant to them and in what ways they differed from slaves, as well as highlighting their active involvement in securing their own freedom. Predominantly it focuses on the liberated Africans in the cities of Rio de Janeiro and Havana although it does not exclude completely liberated Africans who were sent to other localities, especially in the immediate surroundings.

The interruption of slave ship journeys gives us an extraordinary insight into the specific details of slave ships and their Atlantic passages, including information regarding the crew and the points of embarkation and commerce. Documents concerning these ships can tell us much about the people who were brought to Brazil and Cuba during the last decades of the slave trade, including clues about their origins, sex and rough ages. The health of the Africans on these ships is also a gauge of the state of the traffic. It indicates whether slave traders conformed to laws regarding immunisation of slaves and what the provisions and conditions were for the duration of the Middle Passage during the illegal phase of the trade's existence.

Context: Commitment to Slavery and the Slave Trade in Cuba and Brazil

The premises of the treaties with Portugal in 1815 and 1817, and Spain in 1817 to abolish the slave trade were slightly different. The treaty with Portugal was reserved for ships trading north of the equator, whilst trading to the south remained legal.¹⁴ The treaty with Spain also imposed a ban on trading north of the equator, which became immediately effective in 1817 with some time allowed for voyages in progress to be completed. The Spanish treaty went further, however, and made slave trading to all Spanish territories illegal with effect from May 1820, allowing for a period of adaption and five months leeway for ships which were in the process of the Trans-Atlantic passage.¹⁵

Mutual right of search between Britain and both nations was established which legalised the interception and detainment of ships suspected of trading in slaves. Portugal and Spain both received considerable remuneration for agreeing to anti-slave trade treaties; £400,000 in the case of Spain and £300,000 with added interest to Portugal. The interest was due to an outstanding commitment to pay this amount in exchange for the anti-slave trade treaty of 1815, as well as neglecting a promise to annul Portuguese debt of twice this amount agreed during the negotiations for the same earlier treaty.¹⁶

¹⁴ Martinez, *Slave Trade*, 31.

¹⁵ Martinez, *Slave Trade*, 35.

¹⁶ Martinez, *Slave Trade*, 31.

The independence of Brazil, proclaimed in 1822, meant that the treaty with Portugal ceased to apply. Before a Brazilian treaty was agreed, it was accepted that the treaties with Portugal which had previously applied to Brazil would be adhered to in the meantime, and the Mixed Commission would continue to function as a Brazilian and British court.¹⁷ A new treaty was then agreed based on the one which had been negotiated with Portugal in 1817. The Brazilian treaty in 1826 imposed a complete ban on the slave trade, which was consolidated as of November 1831 when the illegality of the slave trade was inscribed in Brazilian law.¹⁸ Britain was able to push for such an extensive treaty because it stipulated recognition for the country's independence; it also conveniently introduced a low tariff on imported British goods to Brazil.¹⁹ Crucially, the treaty also established that the slave trade was equivalent to piracy, a definition which would be used by the British to legitimate intervention and the trial of Brazilian ships in its own courts in years to come.

In all three of these cases: Spain, Portugal and Brazil, the laws were entered into not in the spirit of anti-slave trade fervour but through a degree of coercion with the Brazilian law of 1831 becoming known as *a Lei para inglêes ver* (The law for the English to see.) In spite of support for the suppression of the slave trade in both Cuba and Brazil, largely due to concerns about "Africanisation," without the proper means or intentions to enforce the law, the principle behind it seems to have been

¹⁷ Bethell, *Abolition of the Brazilian Slave Trade*, 45.

¹⁸ Bethell, *Abolition of the Brazilian Slave Trade*, 69.

¹⁹ Bethell, *Abolition of the Brazilian Slave Trade*, 61.

appeasing the British in the short term.²⁰ Such reluctance reinforces the idea that slavery, and by association the slave trade, “did not die an accidental death of abandonment in the face of competition from industrial capitalism”, but rather it was “intentionally” ended.²¹ As demand and slave prices continued to rise in the 1860s and 1870s in Cuba, Laird Bergad safely assumes that this signifies the “continuing economic compatibility of slavery and sugar production.”²²

In this context, despite the vast geographical distance between them, the similarities between Cuba and Brazil and especially the cities of Rio de Janeiro and Havana, during the late eighteenth and early nineteenth century are commonly acknowledged.²³ Comparative studies including those with an Atlantic Studies perspective have highlighted important parallels between Cuba and Brazil during

²⁰ Gilberto da Silva Guizelin, “Uma Lei ‘para ingles ver’ ou ‘para ingles nenhum botar o bedelho’? A lei antitrafico de 1831 e suas implicacoes na politica externa brasileiro nos tempos da regencia,” paper presented at XXVI Simpósio Nacional de História, ANPUH, São Paulo, July 17-22, 2011, 2.

²¹ Jenny Martinez, *Slave Trade*, 13.

²² Laird W. Bergad, “Slave Prices in Cuba, 1840-1875,” *Hispanic American Historical Review* 67, no.4 (1987): 633.

²³ Michael Zeuske, “Comparing or Interlinking? Economic comparisons of early nineteenth-century slave systems in the Americas in historical perspective,” in *Slave Systems: Ancient and Modern*, ed. Enrico dal Lago and Constantina Katsari (Cambridge, Cambridge University Press, 2008).

this period.²⁴ Not only were their trajectories similar but to some extent interlinked. The governments of Madrid and Rio de Janeiro closely watched one another's movements on anti-slavery policy.²⁵

The practice of slavery continued in these territories far longer than anywhere else in the Americas, and was abolished through a process of implementing conciliatory half-measures until it was eventually abolished around the same time in 1886 in Cuba and 1888 in Brazil. The economies of both were based on plantation agriculture and were reliant on labour intensive practices. Although in other respects their histories differ quite substantially, the most important similarity for the purposes of this analysis is their mutual dependence on slave labour and the constant supply of slaves through the trans-Atlantic slave trade until the middle of the nineteenth century. The final cessation of the traffic in slaves to Brazil occurred in

²⁴ See Laird W. Bergad, *The Comparative Histories of Slavery in Brazil, Cuba, And the United States* (Cambridge: Cambridge University Press, 2007). Stanley L. Engerman, *Slavery, Emancipation and Freedom: Comparative Perspectives* (Baton Rouge: Louisiana State University Press, 2007). Márcia Berbel, Rafael Marquese, and Tâmis Parron, *Escravidão e política: Brasil e Cuba, c.1790-1850* (São Paulo: Editora Hucitec, 2009). Manuel Barcia, "Rebeliones de esclavos, rebeliones de "libres de color": una comparación entre Bahía y la Habana-Matanzas." In *Trabajo libre y coactivo en sociedades de plantación*, ed. José A. Piqueras (Madrid: Siglo XXI, 2009), 345-368. Dale T. Graden. *Disease Resistance and Lies: The Demise of the Transatlantic Slave Trade to Cuba and Brazil* (Baton Rouge: Louisiana State University Press, 2014). Camillia Cowling, *Conceiving Freedom: Women of Color, Gender and the Abolition of Slavery in Rio de Janeiro and Havana* (Chapel Hill: University of North Carolina Press, 2013). Manuel Barcia, *West African Warfare in Bahia and Cuba: Soldier Slaves in the Atlantic World* (Oxford: Oxford University Press, 2014).

²⁵ Cowling, *Conceiving Freedom*, 8.

the 1850s, and more than a decade later was effectual in Cuba in the late 1860s.²⁶

One important difference between the two is the fact that Cuba remained a Spanish colony throughout the lifetime of the court of Mixed Commission, whilst in Brazil the slave trade treaties and the Mixed Commission court were passed on from Portugal to Brazil as a prerequisite of the British recognition of independence. The question of slavery was therefore a crucial element in both the independence of Brazil, and the very fact that Cuba remained a colony. Luiz Martinez Fernandez describes the situation thus. The “potentially explosive circumstance of a black and slave majority” left the Cuban elite “traumatized into colonial submission.”²⁷

Reliance on the slave trade at such a relatively late stage meant that both Cuba and Brazil were able to reap distinct economic advantages from the disappearance of slavery in other territories in Latin America. The production of similar primary goods including coffee and sugar was a direct link between them through global market forces. Fluctuations and decline of production in one country could cause a marked response in the other nation. Such was the case in Brazil in the late 1840s after coffee production fell in Cuba as a result of a multitude of climatic and local factors including slave rebellions. The consequent rise of production of coffee and sugar in Brazil was instigated by the dedication of large tracts of land for

²⁶ After two years with no arrivals, at least one slave ship was reported to have landed slaves in 1855 in Pernambuco, Brazil. Leslie Bethell, *The Abolition of the Brazilian Slave Trade: Britain, Brazil and the Slave Trade Question 1807-1869* (Cambridge: Cambridge University Press, 1970), 395. The last recorded slave trade ship to make it to Cuba arrived in 1873. See María del Carmen Barcia, *Burguesía esclavista y abolición* (Havana: Editorial de ciencias, 1987), 125.

²⁷ Martinez-Fernandez, *Fighting Slavery in the Caribbean*, 5.

the purpose during this decade.²⁸ In Cuba, hurricanes and droughts devastated crops successively in 1842, 1844, and 1846.²⁹ Such extreme weather systems were certainly not isolated events.³⁰ Slave rebellions and suspicion surrounding possible insurrection augmented during the 1840s as well, culminating in a period of extensive and brutal repression known as the “year of the lash”.³¹ In chapter three the relationship between these events and British abolitionism is explored. The intense reactions were partly stimulated by fears that slave rebellions could take on proportions to emulate the revolution in Haiti.

Despite its proximity and the threat it posed, the Haitian revolution also offered stimulation for agricultural production in Cuba, where the gap in the sugar

²⁸ Dale T. Graden, “O envolvimento dos Estados Unidos no comércio transatlântico de escravos para o Brasil, 1840-1858,” *Afro-Asia* 35 (2007):10.

²⁹ Louis A. Pérez Jr, *Winds of Change: Hurricanes and the Transformation of Nineteenth-Century Cuba* (Chapel Hill: University of North Carolina Press, 2001), 87.

³⁰ Sherry Johnson demonstrates in her study between the years 1748 to 1804 the vulnerability of Cuba to violent storms which continue to affect the region today. Sherry Johnson, *Climate and Catastrophe in Cuba and the Atlantic World in the Age of Revolution* (Chapel Hill: University of North Carolina Press, 2011).

³¹ Michele Reid-Vazquez, *The Year of the Lash: Free People of Color in Cuba and the Nineteenth-Century Atlantic World* (Athens: University of Georgia Press, 2011). Aisha K. Finch. *Rethinking Slave Rebellion in Cuba: La Escalera and the Insurgencies of 1841-1844* (Chapel Hill: University of North Carolina Press, 2015).

market after 1791 was keenly taken advantage of.³² In fact the aftermath of the Haitian revolution was a divisive moment in the Atlantic World, propelling planters in Brazil, Louisiana and Cuba to invest in slavery and weakening it in other parts of the Americas.³³ More slaves would be introduced for the increased labour demands and both Cuba and Brazil would experience what Dale Tomich has called the “second slavery”. In Cuba this was influenced by the economic reforms and guidance of Francisco Arango y Parreño, who amongst others, advocated greater involvement in the slave trade.³⁴ Without a total ban, curtailing the slave trade to one destination would not induce a total reduction of the trade; instead opportunities were seized for trading to places where it was still possible.³⁵ After the Brazilian

³² Márcia Berbel, Rafael Marquese, Tâmis Parron, *Escravidão e política: Brasil e Cuba, c.1790-1850* (São Paulo:Editora Hucitec, 2009), 94. Dale Tomich, “The Wealth of Empire: Francisco Arango y Parreño, Political Economy, and the Second Slavery in Cuba,” *Comparative Studies in Society and History* 45, no.1 (2003):8.

³³ Robin Blackburn, “The Force of Example” in *The Impact of the Haitian Revolution in the Atlantic World*, ed. David Geggus (Columbia: The University of South Carolina Press, 2001), 18. Ada Ferrer, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution* (Cambridge: Cambridge University Press, 2014).

³⁴ The ideas of the enlightenment were prominent amongst supporters of slavery in Cuba who envisaged alternatives to Adam Smith’s economic model which included the continuation of slavery. Arango y Parreño advised the Spanish crown that agricultural reform was necessary including such maxims as free trade, scientific innovations in agriculture and the unrestricted importation of slaves. He also pertained to the view that slavery in Cuba was “mild” and justified it on these grounds. See Tomich, “Wealth of Empire.” See also Maria Dolores González-Ripoll and Izaskun Álvarez Cuartero, eds, *Francisco Arango y la invención de la Cuba azucarera* (Salamanca: Ediciones Universidad de Salamanca, 2009).

³⁵ Note the “resurgence” of the Cuban slave trade in the 1850s, see Laird W. Bergad, “Slave Prices in Cuba, 1840-1875,” *Hispanic American Historical Review* 67, no.4 (1987):638.

Trans-Atlantic trade was finally abolished, the trade to Cuba showed no signs of abating. “Between 1851 and 1860 over 120,000 Africans landed on the island.”³⁶

The time frame for the study of the Mixed Commissions is similar and overlapping but slightly different in terms of the peak activity and its end in Cuba and Brazil. The Aberdeen Act of 1845 could be considered a key turning point in the struggle against the slave trade to Brazil which had endured for 20 years. It “proved fatal” for the British and Brazilian Court of Mixed Commission.³⁷ It resulted in a deterioration of diplomatic relations between Britain and Brazil as it allowed for Britain to treat slave-trading as piracy. The bill was considered a challenge to the sovereignty of the country because it gave the British the power to try Brazilian ships in British Vice-Admiralty courts. Such a challenge required action in the shape of anti-slave trade legislation to protect Brazilian national pride and security. This led to the Eusebio de Queiroz law in 1850 which gave control back to Brazilian law courts. The problem of the liberated Africans, however, remained and further problems arose such as the growth of the internal slave trade.³⁸

³⁶ Laird W. Bergad , Fe Iglesias Garcia and Maria del Carmen Barcia, *The Cuban Slave Market, 1790-1880* (Cambridge: Cambridge University Press, 1995), 57. A query with Cuba as the principal place of slave landing between these dates in the slave trade voyages database gives the number as: 122,513. Voyages database. 2009. *Voyages: The Trans-Atlantic Slave Trade Database*. <http://www.slavevoyages.org/tast/database/search.faces> (accessed on 23/05/2015).

³⁷ Martinez, *Slave Trade*, 81.

³⁸ Hebert S. Klein, “The Internal Slave Trade in Nineteenth Century Brazil: A Study of Slave Importations into Rio de Janeiro in 1852” *Hispanic American Historical Review* LI, no.4 (1971): 567-585.

Pressure from the British government was not the definitive factor in Cuba in causing the cessation of the traffic in slaves. Indeed after the trade to Brazil was stopped, the Cuban trade began to increase as capital which would have been invested in the slave trade to Brazil began to be redirected there.³⁹ The relationship between Spain and Britain as well as the fear that Cuba could be annexed by the United States further complicated the situation. In Cuba the *emancipados* remained restricted and controlled under the pretext of completing a work contract. Even after the Moret Law of 1870, they were subject to a new system which meant that they earned less than the market price for their work for a further six years.⁴⁰ Therefore the study of *emancipados* in Cuba covers a more protracted period than that of Brazil.

Due to internal pressures as well as international anti-slave trade policy, it became clear as time progressed that the constant arrival of new African slaves could no longer be relied on to supply labour indefinitely. One consequence of addressing this eventuality was to question what would happen to the high numbers of slaves in society once slavery was abolished. It was a concern of the ruling classes that there ought to be a smooth transition from slavery to free labour, which in part explains the implementation of similar abolitionary measures, which were to be effectual over generations rather than immediate, such as the “freedom of the womb” laws in both

³⁹ “Minutes of Evidence taken before the Select Committee on Slave Trade Treaties: Captain C.B. Hamilton, R.N.” 15 July 1853. Parliamentary Papers online (hereafter HCPP), 1852-53 (920) XXXIX.1: 10.

⁴⁰ Roldán de Montaud, “Blurred Boundaries,” 178.

Cuba and Brazil.⁴¹ However, the pace of change was not determined exclusively by the policy-makers.

Already, prior to abolition, as an integral function of slave society, many slaves were able to buy their own freedom or negotiate arrangements which demonstrated a blurred line between slavery and wage labour. Free people of colour who excelled as artisans and skilled labourers could achieve some status and wealth and use this to their advantage.⁴² Slaves themselves were active agents in securing such arrangements and often employed more radical means of achieving freedom. Possible and actual slave revolts and unrest were a great cause of concern. Indeed the numbers of free coloured in Cuba had surpassed a level of comfort for some officials who argued for the removal of some of these individuals and tighter controls on their whereabouts and employment.⁴³

Antislavery efforts instigated by the British government undermined the idea of gradual manumission. This included the group of Africans emancipated by bilateral Mixed Commission courts jointly run by British and local authorities in Rio

⁴¹ Prior to abolition, in Brazil in 1888 and Cuba in 1886, there were several minor laws which allowed for partial abolition such as the Moret law of 1870 which applied to Spanish colonies. This law manumitted children of slave women. However they were to be employed by the mother's master until 18 years of age, which rather led to loose interpretations and continued enslavement, although some legal benefits were obtained by slaves. See Rebecca J. Scott, "Gradual Abolition and the Dynamics of Slave Emancipation in Cuba, 1868-86," *Hispanic American Historical Review* 63, no.3 (1983): 453. For another example of a partial measure, regarding Brazil in this case, see Joseli Maria Nunes Mendonça, *Entre a mão e os anéis. A lei dos sexagenários e os caminhos da abolição no Brasil* (Campinas: Editora da Unicamp, 1999).

⁴² Matt D. Childs, *The 1812 Aponte Rebellion in Cuba and the Struggle Against Atlantic Slavery* (Chapel Hill: University of North Carolina Press, 2006), 71.

⁴³ Gwendolyn Midlo-Hall, *Social Control*, 128.

de Janeiro and Havana. With regard to these courts, a tense political climate had to be manoeuvred by the principal actors on both sides. Three elements could be considered paramount to the law-makers in the respective countries: the necessity of limiting the effects of outside intervention from the British government, maintaining order and social constraint, and at the same time complying or at least appearing to comply with regulations for the protection from slavery of this new social group of Africans.

Although they did carry out occasional captures of slave ships at sea and on land and free liberated Africans according to the treaties, for the purposes of this study it is important to reiterate that the governments of Portugal, Spain and Brazil did not practice “meaningful enforcement of domestic laws against the slave trade” until the 1850s at least.⁴⁴ In this respect Lord Palmerston, the British Foreign Secretary, considered the Mixed Commissions to be a better solution than the prospect of adjudication by national courts.⁴⁵ A combination of factors eventually led to the abolition of the slave trade. As Jaime Rodrigues emphasises, explaining the end of the traffic is much more complex than the simple combined effects of British abolition and a commitment to gradual abolition.⁴⁶ Looking at the Mixed Commissions allows us to investigate the stages of the transition because it offers a window into the struggles between abolitionists and the pro-slavery movement.

⁴⁴ Martinez, “Anti-Slavery Courts,” 615.

⁴⁵ Bethell, “Mixed Commissions,” 82.

⁴⁶ Jaime Rodrigues, *De Costa a Costa: Escravos, marinheiros e intermediários do tráfico negro de Angola ao Rio de Janeiro (1780-1860)* (São Paulo: Companhia das Letras, 2005), 38.

Theoretical Background and Literature Review

A significant debate surrounds the role of and motivations behind British abolitionism and whether diplomatic pressure, as well as the threat of armed interference was the predominant factor in the suppression of the trade in several localities. Eric William's interpretation was one of the first to question British suppression as a completely altruistic venture.⁴⁷ Although his emphasis on economic motivations for anti-slavery has now been largely disproved, the importance of a variety of complex motivations and dynamics is recognised in this study.⁴⁸ Predominantly the courts of Mixed Commission have been associated with diplomatic or legal history and the British navy's anti-slavery campaign. The activities of the West Africa squadron have been the focus of attention as well as the squadrons in the West Indies and Brazil. Whilst Leslie Bethell and others have recognised the understudied presence of the Mixed Commissions within the arena of British anti-slavery, the role of British commissioners as observers and actors and the symbolic power of the courts are only starting to gain the attention they deserve.⁴⁹

⁴⁷ Eric Williams, *Capitalism and Slavery* (London: Deutch, 1964).

⁴⁸ David Brion Davis, *The Problem of Slavery in Western Culture* (New York: Ithaca, 1966). Christopher L. Brown, *Moral Capital: Foundations of British Abolitionism* Chapel Hill: University of North Carolina Press, 2006). Blackburn, *The Overthrow of Colonial Slavery*. Thomas Bender ed., *The Antislavery Debate: Capitalism and Abolitionism as a Problem in Historical Interpretation* (Berkeley: University of California Press, 1992).

⁴⁹ See Bethell, *Abolition of the Brazilian Slave Trade* and Richard Graham, *Britain and the Onset of Modernization*. Richard Huzzey, *Freedom Burning*, 46-49.

The importance of the Mixed Commissions from the perspective of international law has been explored, because of their contested role as some of the first international tribunals of human rights.⁵⁰ Their significance in this respect is gradually becoming clear whilst also highlighting some of the contradictions which prevailed in the British administration of liberated Africans.⁵¹ Addressing the courts from a legal perspective helps to draw attention to the diplomatic conditions in an era of emerging nation states with some dispute about the courts as unconstitutional.⁵² Although the disputes have centred on the United States constitution, an understanding of the legal background to the courts is important when assessing their functionality. Resistance to the courts was not necessarily related to proslavery, but was also an expression of nationalism accentuated by the invasive activities of the anti-slavery squadrons.

This study adopts a comparative historical analysis as a tool for highlighting patterns and nuances in the history of the Mixed Commission courts. Guidelines outlined by Gwendolyn Midlo-Hall for understanding her own comparative analysis of St. Domingue and Cuba form useful parameters for the study of Cuba and Brazil, particularly her argument that “slave systems were dynamic, not static” and that they

⁵⁰ Jenny Martinez, ‘Anti-Slavery Courts,’ 550-641. Jean Allain, “The Nineteenth Century Law of the Sea and the British Abolition of the Slave Trade,” *British Yearbook of International Law* 78, no.1 (2009): 342-388.

⁵¹ Robert Burroughs, “Eyes on the Prize: Journeys in Slave Ships Taken as Prizes by the Royal Navy,” *Slavery and Abolition* 31, no. 1 (2010): 99-115.

“interacted upon each other.”⁵³ She also argues that “simultaneity” in time is not essential to a useful comparison which must reduce variables between the two places to be compared as much as possible. She believes it is more important to prioritise similarities in terms of the prosperity of the colony and the types of crop being produced.⁵⁴

Although comparative and regional studies remain important, Mariana Candido has recently remarked that the surge in Atlantic studies in the last decades has gone “beyond imperial histories and state boundaries” to analyse transatlantic slavery in the context of Atlantic history.⁵⁵ There are some drawbacks to this kind of analysis, but it is useful because it offers a conceptual framework for the study of the courts and the liberated Africans as actors within a broad space of non-static cultural interaction and formation.⁵⁶ This study contributes to scholarship in this area by drawing on court records which offer insight into the “hidden African Atlantic of slave trade, transculturation and Atlantic creoles” identified by Michael Zeuske as an

⁵² Eugene Konntotovich, “The Constitutionality of International Courts: The Forgotten Precedent of Slave-Trade Tribunals.” *University of Pennsylvania Law Review* 158, no.1 (2009):39-115. Jenny S. Martinez, “International Courts and the U.S. Constitution: Re-examining the History” *University of Pennsylvania Law Review* 159 (2011): 1069-1140.

⁵³ Midlo-Hall, *Social Control*, 3.

⁵⁴ Midlo-Hall, *Social Control*, 5.

⁵⁵ Mariana Candido, “South Atlantic Exchanges: The Role of Brazilian Born Agents in Benguela, 1650-1850” (paper presented at The 12th Annual Gilder Lehrman Center International Conference at Yale University, New Haven, Connecticut, October 29-30, 2010).

⁵⁶ Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (London: Verso, 1993).

important area of unexplored research.⁵⁷ The court records are a window into slave-trading and antislavery networks in action.

By utilising Atlantic history, this study aims to clarify what went on inside and outside the courts, and how they affected the societies in which they functioned. As a direct consequence of the existence of the courts, the liberated Africans are studied with a view to understanding their lives and what influence their African origins had on their insertion into society. The exchange of people and goods between the African continent and Cuba and Brazil during the long history of the transatlantic slave trade had a profound effect on the societies in question, not least in the early nineteenth century when the numbers of African slaves imported into Cuba and Brazil reached unprecedented levels.⁵⁸ In response to a need to explore the consequences of such mass migration, Paul Lovejoy and John Thornton have led a new way of looking at diaspora studies from an “Africanist” perspective.⁵⁹

James Sweet, another subscriber to this viewpoint, warns that “the African diaspora has often been uncritically superimposed on the Atlantic World”.⁶⁰ His

⁵⁷ Zeuske, “Slave Systems”, 179.

⁵⁸ See Bethell, *Abolition of the Brazilian Slave Trade*, 5. For Cuba see David R. Murray, *Odious Commerce: Britain, Spain and the Abolition of the Cuban Slave Trade* (Cambridge, Cambridge University Press, 1980), 19.

⁵⁹ Paul Lovejoy, *Transformations in Slavery: A History of Slavery in Africa* (Cambridge: Cambridge University Press, 1983.) John K. Thornton, *Africa and Africans in the making of the Atlantic world, 1400-1800*, 2nd ed. (Cambridge; New York: Cambridge University Press, 1998).

⁶⁰ James Sweet, *Recreating Africa: Culture, Kinship and Religion in the African-Portuguese World, 1441-1770* (Chapel Hill: University of North Carolina Press, 2003), 1.

intention is to propose that a study of African slaves should involve attention to their cultural and social origins, and the focus of study should not be derived from tracing the evidence of “creolisation”.⁶¹ Recent studies which exemplify this approach include Manuel Barcia’s examination of African-led rebellions in Cuba and Brazil.⁶² With reference to the liberated Africans and the study of identity formation and adaption, it is important to remember that many Diasporas existed with “terrestrial components on each side of the Atlantic.”⁶³

Sidney Mintz and Richard Price promulgated the idea that slaves were so traumatised by the Middle Passage and came from such disparate origins that the societies which they formed in the Americas were completely new.⁶⁴ However, as several historians have pointed out, it does seem as though this argument has now

⁶¹ Sweet, *Recreating Africa*, 1.

⁶² See Manuel Barcia, *West African Warfare*. See also Toyin Falola and Matt D. Childs, eds., *The Yoruba Diaspora in the Atlantic World* (Bloomington: Indiana University Press, 2004).

⁶³ A.J.R. Russell-Wood, “Atlantic Bridge and Atlantic Divide: Africans and Creoles in Late Colonial Brazil,” in *Creole Societies in the Portuguese Colonial Empire*, ed. Phillip Havik and Malyn Newitt (Bristol: University of Bristol, 2007).

⁶⁴ Sidney Mintz and Richard Price, *The Birth of African-American Culture: An Anthropological Perspective* (Boston: Beacon Press books, 1992), 43.

been sufficiently dispelled and is no longer useful.⁶⁵ For example, in the case study of the slave ship *Emilia*, which was tried by the Rio de Janeiro Mixed Commission, Walter Hawthorne describes the formation of shipmate bonds which although new in themselves, produced a community which was “conceptualised in a way which was not new at all.”⁶⁶ This study attempts to trace similar examples of communities formed in the Atlantic and to analyse how liberated Africans contested their situation using all the available means, including their legal condition. There is a strong tradition of studying slave resistance which often inevitably focuses on a male slave demographic including the physically demanding feats of running away and revolt. This study will try to look deeper to observe how resistance and adaption were part of everyday life and not just obvious at times when the balance of power was momentarily overturned.

The liberated Africans have been mentioned briefly in much of the literature which discusses abolition and coerced labour systems in Brazil and Cuba. As David Murray demonstrated in writing about liberated Africans in his book on the abolition of the slave trade to Cuba, “the history of these liberated Africans reveals much

⁶⁵ Joseph C. Miller, “Retention, Reinvention, and Remembering: Restoring Identities through Enslavement in Africa and under Slavery in Brazil,” in *Enslaving Connections: Changing Cultures of Africa and Brazil during the Era of Slavery*, ed. Paul E. Lovejoy and Jose C. Curto (New York: Humanity Books, 2004), 87. Kristin Mann, “Shifting Paradigms in the Study of African Diaspora and of Atlantic History and Culture,” in *Rethinking the African Diaspora: The Making of a Black Atlantic World in the Bight of Benin and Brazil*, ed. Kristin Mann and Edna G. Bay (London: Frank Cass Publishers, 2001), 10. Manuel Barcia, *The Great African Slave Revolt of 1825* (Baton Rouge: Louisiana State University Press, 2012). Barcia, *West African Warfare*.

about Cuban slavery in the nineteenth century.”⁶⁷ Robert Conrad in his analysis of Brazilian liberated Africans goes further in saying that their study can be useful in “providing insights into the ways in which Brazilian society viewed black men and suggesting the dangers and disadvantages inherent in blackness and African origin in that society, for free persons as well as slaves.”⁶⁸ Conrad’s study was an attempt to disprove the assumptions regarding the more benign institution of slavery in the South Atlantic represented by Frank Tannenbaum and Gilberto Freyre and was therefore heavily focused on the limitations of the liberated Africans’ condition, considering that they were supposed to have legal protection from enslavement.⁶⁹ What remains pertinent from Tannenbaum’s study, however, is the “potential for slave-claims making” that existed within the law in Iberian slave regimes.⁷⁰

⁶⁶ Walter Hawthorne, “‘Being now, as it were, one family,’ Shipmate bonding on the slave vessel Emilia, in Rio de Janeiro, and throughout the Atlantic World,” *Luso-Brazilian Review* 45,no.1 (2008): 55.

⁶⁷ Murray, *Odious Commerce*, xi.

⁶⁸ Robert Conrad, “Neither Slave nor Free: The Emancipados of Brazil, 1818-1868,” *Hispanic American Historical Review*, 53.1 (1973): 51.

⁶⁹ Frank Tannenbaum, *Slave and Citizen: The Negro in the Americas* (New York: Random House, 1946). Gilberto Freyre, *Casa Grande e Senzala: Formação da família brasileira sob o regime da economia patriarcal* (Rio de Janeiro: Maia and Schmidt, 1933).

⁷⁰ Alejandro de la Fuente, “Slave Law and Claims-Making in Cuba: The Tannenbaum Debate Revisited” *Law and History Review* 22, no.2 (2004): 339-369.

Liberated Africans have more recently become the subject of closer analysis as a separate entity to slaves and within a wider Atlantic context.⁷¹ Particularly worthy of mention is the work of Beatriz Mamigonian which analyses the relevance of culture and origins to the liberated Africans as well as micro historical details of their lives in Rio de Janeiro.⁷² They were known in Cuba as *emancipados* and in Brazil they went by the name of *africanos livres*. For the purposes of comprehension I have generally referred to both *emancipados* and *africanos livres* as liberated Africans throughout this thesis.

Due to the extensive source materials which cover this group, from court's documents, to diplomatic correspondence, the study of liberated Africans can be approached from a variety of perspectives. The ships records available concerning liberated Africans are sometimes indicative of origins which help to establish a more faithful map of where slaves came from at certain times in the trade. These records have been utilised by David Eltis and G. Ugo Nwokeji who explain the ways of engaging with such rich resources and in doing so have contributed to the slave

⁷¹ Ines Roldan de Montaud, "In the blurred boundaries of Freedom: The Case of Liberated Africans in Cuba, 1817-1870," *Revista de Indias* LXXI.251 (2011): 159-192. Sofela, Babatunde. *Emancipados: Slave Societies in Brazil and Cuba* (Trenton: Africa World Press, 2011).

⁷² Beatriz G. Mamigonian, "Conflicts over the Meanings of Freedom: The Liberated Africans' Struggle for Emancipation in Brazil, 1840s -1860s," in *Paths to Freedom: Manumission in the Atlantic World*, ed. Rosemary Brana-Shute and Randy J. Sparks (Columbia: University of South Carolina Press, 2009), 235-290. Beatriz G. Mamigonian, "Do que 'o preto mina' é capaz: etnia e resistência entre africanos livres," *Afro-Ásia* 24 (2000): 71-95.

voyages names database.⁷³ In terms of this study such information can help to explain the process of adaption of the liberated Africans and where they might have formed relationships and fitted into society. The origins of the liberated Africans in Cuba and Brazil are also divergent which makes this area of study a key point of departure for the comparative study of the two. These documents are important tools for the study of slavery at the forefront of new developments which place Africans and their histories at the centre of analysis.

From a theoretical point of view this study uses a subaltern studies approach as well as James Scott's theory of the "hidden transcript" to discuss what made liberated Africans different from slaves and how these differences were manifested in society.⁷⁴ The concept of the subaltern as agent of change is utilised. Despite the difficulty in such an approach, and the impossibility of recuperating the thoughts and actions of the liberated Africans without interpreting them from a western perspective, such an analysis gives the opportunity to rediscover history as close as we can get to the experience of the socially excluded.⁷⁵ It is also a chance to use a

⁷³ G. Ugo Nwokeji and David Eltis, 'The Roots of the African Diaspora: Methodological Considerations in the Analysis of Names in the Liberated African Registers of Sierra Leone and Havana, *History in Africa* 29 (2002): 365-379. Henry Lovejoy, "The Registers of Liberated Africans of the Havana Slave Trade Commission: Transcription, Methodology and Statistical Analysis," *African Economic History* 38 (2010): 107-135.

⁷⁴ Michel Foucault, *Discipline and Punish: the Birth of the Prison*, trans. Alan Sheridan, (London: Allen Lane, 1977). James C. Scott, *Domination and Resistance: Hidden transcripts* (New Haven; London: Yale University Press, 1990).

⁷⁵ Florencia E. Mallon, "The Promise and Dilemma of Subaltern Studies: Perspectives from Latin American History," *The American Historical Review* 99, no.5 (1994):1494. Spivak, "Can the Subaltern Speak?," 271.

more widely encompassing category than class, which does not side-line the importance of ethnicity and gender and which can be applied more easily to pre-industrial societies.⁷⁶

If, as Matt Childs reminds us “slavery, above all, rested on actual or threatened force,” the position of the liberated Africans within this framework provokes many questions.⁷⁷ To avoid the possibility of the spread of ideas concerning their rights to freedom, the treatment of the liberated Africans as similar or the same as slaves is easily explained. As a group, the liberated Africans had less reason to comply with the public transcript of social relations. However the sign systems surrounding the liberated Africans were clearly aimed at their subjugation and indeed led to their adoption of subservient attitudes and the observation of social norms.

Methodology and Sources

Documentary evidence is widely available concerning the liberated Africans because of British involvement in trying to determine their whereabouts. However, this includes the drawback that information went purposefully missing, and many of them had their deaths fabricated in order for them to be re-enslaved. The documentation was largely written from the perspective of the authorities and not from the slaves themselves, meaning that to gain a different perspective, it is

⁷⁶ Ileana Rodriquez, “Reading Subalterns Across Texts, Disciplines and Theories: From Representation to Recognition,” in *The Latin American Subaltern Studies Reader*, ed. Ileana Rodriquez (Durham: Duke University Press, 2001), 5.

⁷⁷ Matt D. Childs, *The 1812 Aponte Rebellion*, 59.

necessary to read the sources looking for gaps and indications which may not be apparent or obvious in the text. There is scope for a study of the Mixed Commissions analysing social relationships and African origin, although the limitations of such a study include the drawback that many records remain unobtainable. My findings are supported by cross referencing and comparing with other research in the same area to demonstrate the importance of the courts and the Africans on-board the intercepted ships.

Other historians have taken on board such an approach, particularly when analysing slave revolts, including João Jose Reis in his analysis of the malê rebellion of 1835 who writes: “the history of the dominated comes to the surface via the pen of the police scribes.”⁷⁸ In a similar sense, despite the problems associated with attempting to unearth their history in this way, the plight of the liberated Africans is visible in the documents. It is often highlighted by a long and convoluted series of correspondence between Britain and the respective government which betrays key conceptions and ideas held by the elites at the time. One example would be the projection of new ideas of scientific racism to explain away underlying reasons which made the presence of the freed Africans a danger to society.

⁷⁸ João Jose Reis, *Rebelião escrava no Brasil: A história do levante dos malês em 1835* (Sao Paulo: Companhia das Letras, 2003), 10. See also Manuel Barcia, *Seeds of Insurrection: Domination and Slave Resistance on Western Cuban Plantations, 1808-1848* (Baton Rouge: Louisiana State University Press, 2008). Emilia Viotti da Costa, *Crowns of Glory, Tears of Blood: The Demerara Slave Rebellion of 1823* (New York: Oxford University Press, 1997). Jordan D. Winthrop, *Tumult and Silence at Second Creek: an Inquiry into a Civil War Slave Conspiracy* (Baton Rouge; London: Louisiana State University Press, 1993).

Research for this thesis was carried out in National Archives in Rio de Janeiro and Havana, but I also use other resources and archives such as the National Archives in London and Madrid, and the British parliamentary papers online. Working with primary sources; documents from public records, newspapers and diplomatic materials, I concentrate on the experience of the Africans themselves and interpret the sources from the standpoint of what they can tell us about resistance and contemporary society. The study of letters, diaries, protests and court cases, uncovered details of the lives of individuals who were involved with the courts including sailors, slaves, commissioners and slave traders as well as revealing how diverse geographical areas were linked by the slave trade.

The process in the courts at Havana and Rio de Janeiro was slightly different in terms of the treatment of the *emancipados* and the norms which were followed. For example it is clear that in Havana an interpreter, preferably of the same or similar origin to the ship's cargo of slaves, was on hand to compile the testimony and records of the *emancipados*. The African names of the liberated Africans were therefore recorded despite incongruence in the spellings.⁷⁹ Liberated Africans carried proof of their status around their necks. However these plaques did not necessarily guarantee the recognition of liberated Africans because they could be lost or

⁷⁹ Dale T. Graden, "Interpreters, Translators, and the Spoken Word in the Nineteenth-Century Transatlantic Slave Trade to Brazil and Cuba." *Ethnohistory* 58, no.3 (2011): 401-3.

removed from the wearer and they would thereby have to prove their status by alternative means.⁸⁰

Whilst avoiding simply listing the differences in the two locations, the use of a comparative study makes it possible for the liberated Africans to be studied as a social group which transcended national boundaries and with distinct characteristics. The liberated Africans can be compared with other labour systems such as *coartados* whose value had been agreed and fixed with their masters and *escravos de ganho*, slaves who were often skilled labourers and were rented out by the masters. The liberated Africans were also often employed in similar or the same circumstances and places as slaves with whom they socialised and identified. However, there are some elements that made them unique. These must be highlighted in any study which approaches the subject. It is also necessary to draw attention to the innate differences between their treatment in two distinct societies with aims and policies which varied over time.

Chapter Outline

Chapter one gives an explanation of the workings of the courts of Mixed Commission and the negotiations which led to their existence. It incorporates information regarding the circumstances which favoured the establishment of the courts, and the laws which enabled the Mixed Commissions to function. As a result complications which occurred concerning the application of international law,

⁸⁰ Enidelce Bertin, "Reivindicações e resistencia: O não dos africanos livres (São Paulo, Sec.XIX)," *Afro-Ásia* 40 (2009): 108.

ambiguities as well as disagreements come under scrutiny. The first chapter aims to address the changing role of the Mixed Commissions over time, and investigate how local societies, in Rio de Janeiro and Havana, were affected by their presence.

There were periods during which the courts were barely in use, while at other times they were highly active and their activities led to confrontations and public opprobrium. The ability of the courts to affect local politics and the slave trade itself also depended on who was in charge, and how actively they pursued the cause of abolitionism, with regard to both the British members of the courts and their Portuguese, Brazilian or Spanish counterparts. There were accusations of foul practice and the acceptance of bribes at different times during the courts' histories. The chapter highlights how personalities and cultural assumptions influenced the effectiveness of the courts, as well as wider political considerations.

The second chapter situates the slaves freed by the Mixed Commission within their historical context, building a picture of the liberated Africans, and how they lived their lives in diaspora by analysing data from the Mixed Commissions. Evidence to suggest that strong relationships were formed amongst liberated Africans has already come to light. In Rio de Janeiro, for example, the British Consul, Robert Hesketh, wanting to investigate the lives and conditions of all liberated Africans in the city in 1850 suggested "notifying the Africans, through their comrades, to present themselves at this consulate".⁸¹ It would make sense to assume that Africans belonging to similar backgrounds were those who tended to establish supportive relationships within Brazil and Cuba. The 'nations' of the liberated

Africans which are listed in the records from the ships they travelled on offer some clues in this respect. As Matthias Röhrig Assunção asserts, “It seems that it was primarily within these reconstituted ‘nations’ that African slaves sought to perpetuate their culture and to constitute new forms of solidarity and kinship”.⁸² The chapter demonstrates the extent to which the process of manumission was similar in Cuba and Brazil; it was adapted to consolidate rather than challenge the institution of slavery. The liberated Africans were incorporated into slave society whilst repeatedly testing the legitimacy of this premise.

Chapter three investigates the practical issue which the courts of Mixed Commission were to face of what to do with captive Africans whose ships were brought to trial in Havana and Rio de Janeiro. The captives were often very ill with infectious diseases, and might easily be kidnapped and enslaved. The chapter presents comparative case studies of the *HMS Romney* and the *HMS Crescent*, the British naval ships stationed in Havana and Rio de Janeiro ostensibly to carry out the function of housing Africans awaiting the verdict of the trials, but with further unintended utility. It highlights the controversies and discussions which were generated by the presence of the ships and how objections to the ship were more keenly felt in Cuba where black soldiers from the British West India Regiment were employed on the *HMS Romney*.

⁸¹ William Dougal Christie, *Notes on Brazilian Questions*. (London: Forgotten Books, 2013) Original work published 1865, 36-7.

⁸² Matthias Röhrig Assunção, *Capoeira: The History of an Afro-Brazilian Martial Art* (London; New York: Routledge, 2005), 38.

Leading on from this chapter the final chapters engage with the wider Atlantic context and with global pro-slavery and anti-slavery networks. Chapter four highlights the way in which slave trading outfits supported one another and shared information on how to accomplish a successful voyage. The chapter draws attention to the complicity of Spanish and Brazilian authorities in a deeply embedded system of contraband trade and bribery. On the other hand the chapter explores the ways that British diplomacy was reinforced by coercion and intelligence catered to each location. For example, in the defence of liberated African freedom, British representatives gained access to plantations in the interior of Cuba. The issue of trust was paramount and extra-legal activities were sometimes counterproductive if they relied on information from people working as double agents. They also contributed to the spread of rumours and antagonism towards the British in general.

The final chapter looks at British efforts but ultimate inability to protect the liberated Africans. This failure is attributed, in part, to British attitudes to race and attempts to incorporate liberated Africans into projects which would be beneficial to planter interests in the West Indies. The final chapter engages with the question of liberated African return voyages to the African continent and assesses the meaning of such voyages for all of the actors involved. Repatriation schemes were part of the immediate reaction in Cuba and Brazil to the possibility of the group of liberated Africans at first. Throughout each chapter the thesis addresses the courts subtle influence within society. With a focus on the African protagonists this chapter will offer conclusions about the courts and the thousands of people whose lives were directly affected by the decisions which were made by them.

Chapter one. The Function of the Mixed Commission Courts

A combination of various factors including: British antislavery and abolitionism, slave resistance and revolt, and regional and national political motivations led to the demise of the Trans-Atlantic slave trade. The unique interplay between those factors and pro-slavery discourses was determined by the circumstances in specific localities over time. The acceptance of the treaties by Spain, Portugal and Brazil, which established Mixed Commission courts, was a point of no return in the opinion of Jenny Martinez, who believes that this was a collective statement of agreement on the immorality of slaving. “The slave trade was contrary to the laws of nature and nations,” which signified that it could not be justified any longer, however long its final abolition would take from that point onwards.⁸³

Whilst recognising the potential of the Mixed Commissions, historians including Leslie Bethell and Jenny Martinez have explained the use of false flags and papers and other systematic attempts to circumvent the law, which prevented or hindered the successful prosecution of slave ships for long periods of time.⁸⁴ The courts’ main function was to assess the legality of a ship’s capture, creating a perfect means of exploiting the loopholes in the legislation. The proceedings of the courts of Mixed Commission were mired not only by the aggressions of powerful slave trading interests facing a significant challenge to their positions and property, but by

⁸³ Martinez, *Slave Trade*, 37.

attempts to protect national sovereignty in Brazil and by, “inter-imperial rivalries,” being played out in Cuba.⁸⁵ Not to mention collusion between the local authorities and slave trading interests because of the vast profits to be made through the trade.

This chapter explores how, despite such challenges, the Mixed Commissions in these two cities had an important role to play as part of an Atlantic network dedicated to abolitionism in the context of the second slavery. It also highlights, in contrast, the local conditions and the actions and beliefs of the British commissioners which set these courts apart from one another and from other similar courts. In particular it builds on the observations of Bethell and Martinez about the public responses and threats which the commissioners in Rio de Janeiro and Havana had to contend with compared with their compatriots in Sierra Leone, and what they suggest about the courts’ significance culturally and diplomatically.

Amongst many hindrances to the effectiveness of the courts of Mixed Commission was the lack of mutual right of search treaties existing between Britain and two important slave trading nations, the United States and France.⁸⁶ Particularly in the instance of Cuba it seems that a treaty in 1862 which finally established a court of Mixed Commission in New York was a resounding blow to the Cuban slave trade.⁸⁷ The flags of these nations were often used as a means of avoiding capture,

⁸⁴ Martinez, “Anti-Slavery Courts”. See also Leslie Bethell, “Mixed Commissions,” 79-93.

⁸⁵ Martinez-Fernandez, “Anglo-Spanish Mixed Commission,” 205.

⁸⁶ Martinez, *Slave Trade*, 86.

⁸⁷ Martinez, *Slave Trade*, 90.

although seemingly less so after 1830 when no flag at all was the default method employed.⁸⁸ The Portuguese flag also provided protection for slave traders because the treaty agreements with Portugal continued to allow slave trading south of the equator.

Another significant detail of the Portuguese treaty was that it contained no equipment clause to allow for the seizure of vessels fitted out for the slave trade but not carrying slaves. After the ratification of the Spanish treaty of 1835, that did contain an equipment clause, this loophole led to a significant rise in the use of the Portuguese flag by slave traders.⁸⁹ The problem of the widespread adoption of the Portuguese flag was only resolved by the decision to seize Portuguese ships and try them in British Vice-Admiralty courts as part of the Palmerston Act of 1839. Such an unpopular move eventually resulted in a more comprehensive Portuguese treaty in 1842. Brazil also refused to negotiate an equipment clause, although the “creative reinterpretation” of the treaties by the British meant that some ships were successfully condemned without slaves.⁹⁰ As proof of the difficulty of condemning slave ships in this way, the trials for such cases included the compiling of much more evidence than was generally seen for ships carrying slaves. Resistance to the introduction of equipment clauses and comprehensive right of mutual search was

⁸⁸ Martinez, *Slave Trade*, 89.

⁸⁹ Martinez, *Slave Trade*, 92.

⁹⁰ Martinez, *Slave Trade*, 92.

partly motivated by the fear of the abuse of such rights.⁹¹

Just as in the United States, where it was originally argued that such a court would be unconstitutional; there was significant opposition to the courts in Brazil and Cuba in principle and perhaps more so in Cuba.⁹² Francisco de Arango y Parreño, once a staunch supporter of slavery, but who latterly became convinced of the need to suppress the trade, opposed the court in Cuba and actually offered a large sum of money to the king of Spain as a counter-offer against the British financial incentive to sign the anti-slave trade treaty of 1817.⁹³

Indeed, even after they began to function and the limitations of the courts became clear, threats were still made to remove the Mixed Commissions altogether. It was even suggested that the court in Cuba should be relocated to Puerto Rico. In Brazil, the treaty of 1817 which Brazil had reluctantly inherited from Portugal expired in 1844, allowing for the opportunity to reassess the treaty and to abolish the court. No agreement was reached on the renewal of the treaty and so the court in Rio de Janeiro was consigned to history in 1845. This decision was seen as taking an important stance, not in terms of halting the abolition process, but of allowing it to be dictated by Brazilian law. If by mid-century, as Lauren Benton argues, “the mixed commissions functioned more like arms of British Imperial authority,” the

⁹¹ Bethell, *Abolition of the Brazilian Slave Trade*, 251.

⁹² Eugene Kontorovich, “The Constitutionality of International Courts: The Forgotten Precedent of Slave-Trade Tribunals,” *University of Pennsylvania Law Review* 158, no.1 (2009): 39-115.

⁹³ Julia Moreno Garcia, “España y Gran Bretaña Durante el Siglo XIX: La Abolición de la Trata y la Esclavitud” (PhD diss., Universidad Complutense de Madrid, 1984), 872.

commissions in Brazil and Cuba were exceptions to the rule.⁹⁴

To increase its authority Britain had already taken the liberty of carrying out the de facto replacement of the Mixed Commission in Rio de Janeiro in late 1839 through the aforementioned Palmerston Act, which controversially allowed the trial of Portuguese ships by British Vice-Admiralty courts. In response to the expiration of the treaty with Brazil, under existing agreements, it was decided that Britain had the right to treat Brazilian slave trading as piracy. Thus the Aberdeen Act was introduced in 1845, which extended the powers of the Vice-Admiralty courts to allow for the trials of Brazilian slave ships as well. Understandably, this measure was considered a contravention of Brazilian law by members of the Brazilian parliament, including Antônio Paulino Limpo de Abreu, a minister with abolitionist sympathies.⁹⁵

Provisions were made for the Anglo-Brazilian courts of Mixed Commission in Rio de Janeiro and Freetown to continue to function for another six months to adjudicate cases which had arisen during March of that year.⁹⁶ The Liberated Africans freed by the Mixed Commission and by national courts would continue to be a major source of diplomatic tension in Brazil until the 1860s and in Cuba right up until the eve of the abolition of slavery.

The suppression of the slave trade was pursued vigorously by the British in

⁹⁴ Lauren Benton, "Abolition and Imperial Law, 1790-1820," *The Journal of Imperial and Commonwealth History* 39, no.3 (2011): 369.

⁹⁵ Bethell, *Abolition of the Brazilian Slave trade*, 270.

⁹⁶ Bethell, *Abolition of the Brazilian Slave Trade*, 248.

Cuba and Brazil, both by legal and sometimes extra-legal methods. It was motivated by a sense of moral and religious obligation and it was, to a large extent, supported by the British public.⁹⁷ Even so, by no means was anti-slavery a universal British sentiment and there was no consensus about how Britain should fulfil its self-appointed role as an “Anti-Slavery state.”⁹⁸ The Mixed Commissions were one result of an experimental and somewhat disjunctive policy.

Motivation for British efforts to stamp out the slave trade included protecting British agricultural assets in the Caribbean, as well as in the case of Cuba, discouraging US intervention.⁹⁹ After abolishing the slave trade to Britain’s own colonies, its economy would be left at a distinct disadvantage if slave labour continued to dominate production in the vicinity, a point which was seized upon by sceptics and pro-slavery advocates. The extent of Britain’s continued commercial involvement in the slave trade was another factor “straining credibility in Britain’s official abolitionism.”¹⁰⁰ In 1840 foreign minister, Caetano Maria Lopez Gama, wrote a letter to the Emperor of Brazil enquiring about the possibility of simply prohibiting the introduction of goods produced in Britain and the rest of Europe

⁹⁷ Martinez Fernandez, “Anglo-Spanish Mixed Commission,” 205.

⁹⁸ Huzzey, *Freedom Burning: Anti-Slavery and Empire in Victorian Britain* (Ithaca: Cornell University Press, 2012), 41.

⁹⁹ Martinez-Fernandez, “Anglo-Spanish Mixed Commission,” 205.

¹⁰⁰ Blackburn, *The Overthrow of Colonial Slavery*, 414. See also Louise H. Guenther, *British merchants in nineteenth-century Brazil: Business, Culture and Identity in Bahia, 1808-50* (Oxford: University of Oxford Centre for Brazilian Studies, 2004).

manufactured specifically for slave trading.¹⁰¹ The involvement of British manufactured goods and British capital in slaving were factors which undermined the nation's anti-slavery credentials even with a politician such as Lopez Gama who was in receipt of bribes from the British Secret Services, at the time of his letter, and sympathetic to the cause.

Seats of the Courts: the Cities of Rio de Janeiro and Havana

In Mary Karasch's analysis of slave life in Rio she uses the accounts of early nineteenth century foreign visitors to the city to emphasise its African character.

“From the time the visitors were rowed ashore until they settled in a private home or hotel, they were surrounded by black slaves with cicatrised faces, filed teeth, and African styles of dress.”¹⁰² Neglecting other cities in Brazil such as Recife and Salvador, Karasch suggests that it was unique to have such a large African slave population. In fact, Havana was not so different from Rio either, because unlike the slave population of the United States, the African populations of Brazil and Cuba were constantly replenished by the slave trade. The slaves who were transported to Rio de Janeiro were largely West Central Africans. Established trade routes meant that slaves who were transported to Cuba came from similar but slightly more diverse origins.

¹⁰¹ Caetano Lopez Gama to V.M.I. Rio de Janeiro, 11 February 1840. Arquivo Histórico do Itamaraty (hereafter AHI), Rio de Janeiro, Lata 53, maço 3.

¹⁰² Mary Karasch, *Slave Life in Rio de Janeiro, 1808-1850* (Princeton: Princeton University Press, 1987), xv.

Both cities also had large free black populations, which were a cause of concern to the local authorities. In 1849 the population of slaves in Rio de Janeiro, both African and Brazilian born was 78,855, the free population of colour was 10,732 and the total population of the city was 205,906.¹⁰³ In comparison, the population of Havana was much smaller. In 1846, the year for which similar data is available, the city had 106,968 residents. But the percentage of the population, who were slaves or free coloured: 28,422 and 21,988 respectively, was close to half.¹⁰⁴

The decision to make Rio de Janeiro and Havana the seats of Mixed Commission courts in Spanish and Portuguese territories was a result of the exponential growth of the slave trade in these two locations. Rio de Janeiro and Havana became the two of the largest slave cities in the Americas during the nineteenth century. Slaveholding was an integral part of these societies and something which all sectors of society, including freed slaves, might aspire to as a means of social ascension.¹⁰⁵ The economy of both cities depended on slavery and slaves were fundamental to the development and modernisation of the cities, including their employment in the construction of public works. Unexpectedly, the liberated Africans had an important role to play in this respect. The liberated Africans employed by the Brazilian state became indispensable as a means of labour

¹⁰³ Karasch, *Slave Life in Rio de Janeiro*, 66.

¹⁰⁴ Michael Zeuske, "Comparing or Interlinking? Economic comparisons of early nineteenth-century slave systems in the Americas in historical perspective," in *Slave Systems: Ancient and Modern*, edited by Enrico dal Lago and Constantina Katsari. (Cambridge, Cambridge University Press, 2008), 182.

¹⁰⁵ Zephyr L. Frank, *Dutra's World: Wealth and Family in Nineteenth-Century Rio de Janeiro* (Albuquerque: University of New Mexico Press, 2004), 3.

they were much less likely to gain their freedom than those employed by private hirers.¹⁰⁶ In Cuba the labour of *emancipados* was instrumental to the programs of urban and architectural innovations which began under Captain General Miguel Tacón in Havana.

There is still ongoing debate about whether conditions for slaves were worse in urban or rural environments in Cuba and Brazil, but it would seem that slaves in the cities had more opportunities to earn money and improve their position in material terms.¹⁰⁷ This included the practice of slaves being hired out to third parties and expected to return a predetermined payment to their slave-owners. The types of work that an “*escravo de ganho*,” who worked in this way could carry out included working as a street hawker, but might extend to occupations as diverse as fishermen, dock-workers, barbers, and sailors.¹⁰⁸ According to the available sources, urban slaves in Cuba were more likely than their rural counterparts to use the legal apparatus available to slaves to ask for “*papel*” and change masters if they had been severely treated.¹⁰⁹ However, life in the cities was not necessarily easier, especially

¹⁰⁶ See Mamigonian, “To be a Liberated African.”

¹⁰⁷ Ynaê Lopes dos Santos, “Irmãs do Atlântico: Escravidão e espaço urbano no Rio de Janeiro e Havana (1763-1844)” PhD diss., Universidade de São Paulo, 2012.

¹⁰⁸ Luiz Carlos Soares, “O ‘Povo de Cam’ na Capital do Brasil: A Escravidão Urbana no Rio de Janeiro do Século XIX (Rio de Janeiro: Faperj; 7letras, 2007), 123.

¹⁰⁹ Alejandro de la Fuente, “Slaves and the Creation of Legal Rights in Cuba: *Coartación* and *Papel*,” in *Slavery and Antislavery in Spain’s Atlantic Empire*, ed. Josep M. Fadera and Christopher Schmidt-Nowara (New York; Oxford: Berghahn Books, 2013), 112.

under increased vigilance from the authorities. The two cities also suffered plagues of tropical diseases and poor sanitation.

As the populations of free blacks and slaves grew they were faced with greater degrees of repression and control. This was necessitated by the prevalence of social unrest and slave rebellions, especially in and around Havana, such as the Aponte rebellion of 1812.¹¹⁰ Slaves who were brought to Cuba from British colonies and those imported from Saint Domingue were long believed to be responsible for fomenting slave unrest.¹¹¹ In both Havana and Rio de Janeiro during the nineteenth-century the authorities became increasingly preoccupied with the suburbs of the cities where the free black populations resided. In the case of Havana this was the area outside the city walls. This preoccupation resulted in significant changes to racial relations during the 1840s in Havana when Spain began to reassert colonial control and strip the urban free blacks of the upwardly mobile place they held in society, including the possibility of participation in black and *mulato* military regiments.

When the courts were first established the two cities were remarkably similar in many respects. Michael Zeuske even proposes that they were “like two Atlantic sisters.”¹¹² Subsequently, the lives of the two cities began to take different courses. Brazil gained independence from Portugal in 1822 and even before that, the

¹¹⁰ See Childs, *The 1812 Aponte Rebellion*. Finch, *Rethinking Slave Rebellion in Cuba*.

¹¹¹ Ferrer, “Cuban Slavery and Atlantic Antislavery”, 152.

¹¹² Zeuske, “Economic Comparisons,” 182.

transportation by the British Royal Navy of the Portuguese Royal Court to Rio de Janeiro in 1808 had transformed the city into the capital of the Portuguese Empire with increased political and commercial importance. This development reinforced a close relationship of dependency between Portugal and Britain and paved the way for the anti-slave trade treaty agreements. When Brazil gained independence in 1822, recognition of independence came at a price in the form of British informal economic colonialism. Cuba remained a Spanish colony throughout the lifetime of the Mixed Commission court, meaning British intervention was more limited.

The Courts in Action

The first ships to be captured according to the treaties and tried by the courts of Mixed Commission in Havana and Rio de Janeiro were: the *Emilia* in 1821 in Brazil, which was condemned, and the *Maria da Glória* in 1824 in Cuba, which was acquitted.¹¹³ The first ship to be condemned in Havana was the *Relampago* later in 1824.¹¹⁴ Long delays preceded the first condemnation of a slave ship by Mixed Commission in Havana, partly because the British patrol of the Caribbean failed to capture any slave vessels between 1820 and 1823.¹¹⁵ Henry Theo Kilbee communicated to the British authorities that many ships continued to trade quite

¹¹³ Voyages database ID numbers: *Emilia*: 265 and *Maria da Gloria*: 2357. For a discussion of the voyage of the *Emilia* see Walter Hawthorne, “‘Being now, as it were, one family’ Shipmate bonding on the slave vessel *Emilia*, in Rio de Janeiro, and throughout the Atlantic World,” *Luso-Brazilian Review* 45, no.1 (2008): 53-77.

¹¹⁴ Voyages database ID: 2358.

openly in slaves despite his own reports indicating which ships were involved in the trade. His reports were clearly being ignored by the Spanish authorities in Cuba, setting a precedent which was repeated throughout the court's existence.

Again, in 1829, Commissioner William Sharp Macleay wrote a scathing report of the continued escalation of the slave trade to Cuba in spite of the establishment of the Mixed Commission in the island's capital. He was able to give an insider's account of the large profits from slave trading to be made in Cuba thanks to the detailed invoice from a recently arrived slave ship, the *Firme*, tried by the Mixed Commission court.¹¹⁶ He calculated that only one in three ships had to arrive safely to avoid a loss of investment.¹¹⁷ Macleay described how, in such a climate the Mixed Commission and its British representatives had become convenient scapegoats:

It is however easily seen, that, while it would be difficult for the Local Government to avoid carrying the Decrees of the Mixed Commission into effect, they need have no reluctance in executing them, since by letting the Spanish Laws relating to the prohibited traffick remain a complete nullity, they make the Slave traders believe that, with respect to the Mixed Commissions, Spain is only yielding to circumstances it cannot control; and

¹¹⁵ Blackburn, *The Overthrow of Colonial Slavery*, 414.

¹¹⁶ Voyages database ID: 756.

¹¹⁷ W.S Macleay Esq. to Earl of Aberdeen, Havana, 1 January 1829. HCPP, 1830 (014) XXXIII.23: 116.

thus contrive to throw all the popular odium on the British Government and its Agents.¹¹⁸

Reporting to Canning on the condemnation of the *Relampago* in 1824, Kilbee stated that the emancipation of slaves from the ship had “excited considerable sensation” amongst the population and that the Ayuntamiento (City Council) had suggested to the Captain General and highest authority in Cuba that he should suspend the execution of the sentence.¹¹⁹ The court was unable to pass sentence on slave traders, which was a severe blow to its powers of suppression. The excitement instead seems to have stemmed from the fear instilled by the presence of the court in Havana that its visibility, and power to liberate Africans found aboard slave vessels, would destabilise slavery. This view endured even though liberated Africans were subject to an apprenticeship scheme, which in essence and as a result of such fears was on a par with enslavement. The government was content for the public to associate the suppression efforts with British intervention even using it as an excuse to allow him to wash his hands of the petition to suspend the sentence of the *Relampago*. Captain General Francisco Dionisio Vives, a staunch defender of the continuation of the

¹¹⁸ W.S Macleay Esq. to Earl of Aberdeen, Havana, 1 January 1829. HCPP, 1830 (014) XXXIII.23: 116.

¹¹⁹ H.T. Kilbee to Secretary Canning, Havana, 30 December 1824. HCPP, 1825 (011) XXVII.281: 140.

slave trade, replied that “if it had been a Spanish Law alone, he might have felt inclined to attend to it.”¹²⁰

According to Robin Blackburn colonial officials became more dependent on financial backing from within Cuba after 1824, which might help to explain the acquiescence of successive captain generals.¹²¹ In the 1850s Captain General Juan de la Pezuela seemed to have been sympathetic to the fate of the *emancipados*, and had implemented decrees against the slave trade. As a result he was ostracised by the Cuban elite and humiliated upon his departure.¹²² Great pomp and circumstance welcomed Jose Gutierrez de la Concha, the official to take his place who was much more sympathetic to slave trading.¹²³ Another Captain-general named Jerónimo Valdés also faced the wrath of the slave traders who paid for a petition to remove him in 1842. It was unclear to the British whether he was genuinely against the slave trade, or willing to make concessions through anti-slave trade activity to protect against British intervention viewed as overzealous.¹²⁴

The Cuban and Spanish employees of the Mixed Commission reflected the strength and influence in Cuba of the creole planter elite who were sympathetic towards the slave trade, although wary of the possible consequences of a majority

¹²⁰ H.T. Kilbee to Secretary Canning, Havana, 30 December 1824. HCPP, 1825 (011) XXVII.281: 140.

¹²¹ Robin Blackburn, *The Overthrow of Colonial Slavery 1776-1848* (London: Verso, 1988), 412.

¹²² Martinez-Fernandez, *Fighting Slavery in the Caribbean*, 55.

¹²³ Martinez Fernandez, *Fighting Slavery in the Caribbean*, 55.

¹²⁴ David Murray, *Odious Commerce*, 184-186.

population of slaves. The first Spanish employees of the Mixed Commission in Havana were Alejandro Ramirez y Blanco as judge, and the person perhaps responsible for the extent of Cuba's dependence upon the slave trade: Francisco de Arango y Parreño, as arbitrator. In any event, Arango y Parreño was never required to act at the court because no cases were brought whilst he and Ramirez presided over it alongside the British commissioners Henry T. Kilbee and Robert Jameson. That responsibility was passed to his close associate and someone perhaps even more amenable to the slave traders, Claudio Martinez de Pinillos, who after 1829 was known as the Count of Villanueva. The slave holding notoriety of the next two judges seems not to have caused consternation except privately amongst the British. Both Jose Maria Herrera y Herrera the Count of Fernandina and Jose Buenaventura Esteva, Marquis de las Delicias, were part of the emergent Cuban nobility that had made their fortunes thanks to the sugar produced by Cuban slaves.

The courts employed a secretary, porters and translators, a medical doctor, a registrar and two commissioners (a judge and an arbitrator) to represent each nation. African interpreters were also employed depending on requirement in Havana. The role of the commissioner of arbitration was to vote if the two judges were unable to come to a mutual decision, and only one of the two arbitrators would be chosen at random in this case.¹²⁵ Amongst other Creole members of the court in Havana was

¹²⁵ Martinez, *Slave Trade*, 69.

Juan Francisco Cascales, who Henry Lovejoy suggests was looking for a means of social leverage through his appointment as secretary of the court.¹²⁶

Amongst the first commissioners of the Rio de Janeiro court were José Silvestre Rebello who acted as the Portuguese judge, and João Carneiro de Campos who took over his role and became the Brazilian judge. As might be expected, there was a smooth transition between the courts function as a Portuguese institution and as a Brazilian one. This included the continued employment of Braz Martins Costa Passos as the court Secretary. The employment of such illustrious figures was possible because of the intermittent nature of the court's duties. In fact there was often difficulty in employing other members of the court because of the problems of payment and ensuring their commitment for such inconsistent work.

The aim was for trials to last no longer than twenty days. Repeatedly these guidelines were not accomplished, especially in Mixed Commissions outside of Freetown.¹²⁷ For example, at the Rio de Janeiro Mixed Commission, between November 1833 and April 1838 it took an average of 135 days from the opening of proceedings of the court until the slaves were freed.¹²⁸ After a slave ship capture an announcement in the local newspaper called for witnesses to attend the court. The crew of the slave ships in question sometimes arrived in a poor state of health and

¹²⁶ Henry Lovejoy, "Juan Francisco Cascales: An Examination of Clerks from the Havana Slave Trade Commission, 1827-1836." (Paper presented at the American Historical Association annual conference, New York, January 2-5, 2015.)

¹²⁷ Bethell, *Abolition of the Brazilian Slave Trade*, 131.

¹²⁸ Bethell, *Abolition of the Brazilian Slave Trade*, 143.

could delay the proceedings. For example, in the case of the slave ship *Brilhante* in 1838, members of the crew were taken to the hospital on arrival, from where they affected their escape.¹²⁹ Other delays and problems were caused by frequent public holidays and by disagreements between the commissioners or by the absence of court representatives.¹³⁰ The secretary of the court was responsible for the time consuming task of compiling the lists of liberated Africans, which have become an important means of analysing the origins of liberated Africans and of slaves more generally at this time. The lists took three or four days to draw up because in Havana they involved the work of African translators as well.

During the trials the crew of the patrol ship who had been involved in the capture of a given slave ship or “prize” was required to remain in charge of the health and safety of the Africans on board. There was no way of bringing them on shore as the threat of kidnap was ever present, even whilst at sea.¹³¹ If more than one ship had been captured there was an extended trial period and this of course meant the continued upkeep of the offending slave ship. Outbreaks of disease on board were not uncommon, including smallpox, and the lengthy on-board confinement contributed to liberated African mortality. The *Flor de Loanda*, captured in 1838, offers a clear example of the devastating effects of the long trial period. Lieutenant Graham E. Hammond, in charge of the vessel in port at Rio de Janeiro, made a list of

¹²⁹ TNA, Rio de Janeiro Mixed Commission, FO 84/242, f.280.

¹³⁰ Bethell, *Abolition of the Brazilian Slave Trade*, 143. Martinez Fernandez, “Anglo-Spanish Mixed Commission,” 208.

¹³¹ Bethell, *Abolition of the Brazilian Slave Trade*, 143.

rising mortality which reached 47 in a total of five weeks.¹³² As they had arrived, “apparently healthy,” enduring incarceration on the vessels is a plausible reason for the continued deaths of the Africans on-board.¹³³

As a solution to this, it was suggested that a ship be stationed in port for the express purpose of housing the emancipated slaves before the outcome of the trial was known. Eventually by 1840 an old sloop named the *Crescent*, became simultaneously prison and hospital in the harbour at Rio de Janeiro, and the *Romney* was the equivalent ship at Havana from 1837.¹³⁴ These changes made it easier for the Africans to be looked after. There were different levels of British responsibility for the *emancipados* over time which will be discussed further in chapter three. In 1835 a new treaty with the Spanish gave shared responsibility for the *emancipados* to Britain and Spain meaning that several were sent to British colonies.¹³⁵

In terms of the court proceedings, it is noteworthy that rarely were African captives asked to give testimony, and if they were it generally took place outside of the court itself.¹³⁶ The Africans were not considered worthy and reliable witnesses.

¹³² “Enclosure in no.124: Extract from the log of Lieutenant Graham E. Hammond, of her Majesty’s ship ‘Rover’ in charge of the captured slave schooner ‘Flor de Luanda,’ ” 11 April to 16 May 1838. HCPP, 1839 (180) XLVIII.1: 182.

¹³³ “Second enclosure in no.100: Charles Eden, Captor’s Declaration,” 11 April 1838. HCPP, 1839 (180) XLVIII.1: 140.

¹³⁴ Bethell, *Abolition of the Brazilian Slave Trade*, 144.

¹³⁵ Samuel Coghe, “The Problem of Freedom in a Mid Nineteenth-Century Atlantic Slave Society: The Liberated Africans of the Anglo-Portuguese Mixed Commission in Luanda (1844–1870),” *Slavery and Abolition* 33, no.3 (2012): 7.

¹³⁶ Martinez, *Slave Trade*, 73.

In the case of the *Jesus Maria* several of the Africans were witnesses, but they were not allowed to give evidence concerning rape they had endured during the Middle Passage. Rather than give evidence in Havana, instead testimonies were taken from them in the Bahamas.¹³⁷ Generally it was the ship's crew that testified and they could in this respect include Africans as well as slaves. For example, one such witness was Jose "de Nação Gege," a free black man who had worked on board the *Emilia* in 1821 as the ship's "sangrador."¹³⁸ This was a type of surgeon to all intents and purposes, but without any medical training. In the court proceedings of the 14 July it is also mentioned that a black slave testified.¹³⁹

There was some confusion as to how the proceedings should take place and according to which system of law.¹⁴⁰ Different ideas came into direct conflict, which engendered problems in the proceedings that required further legislation over time. Arguments for the right to appeal according to a local law of "embargoes" never gained credence and were swiftly rejected by the British commissioners.¹⁴¹ Likewise

¹³⁷ Joseph C. Dorsey. "Patriarchy, Rape Culture, and the Slave Body-Semiotic." In *The Culture of Gender and Sexuality in the Caribbean*, ed. Linden Lewis (Gainesville: University Press of Florida, 2003), 299.

¹³⁸ "Mixed Commission Rio de Janeiro Sessão de 13 de Julho 1821." *Arquivo Nacional do Rio de Janeiro* (hereafter ANRJ) Junta do Comércio, 1819-40, Códice 184, vol. 2.

¹³⁹ "Mixed Commission Rio de Janeiro Sessão de 13 de Julho 1821." ANRJ, Junta do Comércio, 1819-40, Códice 184, vol. 2.

¹⁴⁰ Martinez, *Slave Trade*, 68.

¹⁴¹ Martinez, *Slave Trade*, 202.

carefully worded treaties did not always cover the eventualities that could lead to contention and disputed cases.

The slave traders themselves were well acquainted with the idiosyncrasies of the laws which were drawn up leading to exasperating circumstances as described by Jenny Martinez where, for example, slave traders returned slaves to the shore from whence they had been embarked and cajoled them into dancing to taunt the officers of the anti-slave trade patrol.¹⁴² Although this happened off the coast of Africa, there were similar accounts of slave ships hastily dumping slave cargoes into the sea or on land in Cuba and Brazil where the long arm of British mutual search treaties was no longer able to reach. Leslie Bethell contributes to this idea that the slave traders were knowledgeable about recent changes to the law by describing their fear of facing the death penalty for piracy after the law of 1831 came into effect. Such concern was quickly assuaged when no such interpretation of article one of the treaty of 1826 was produced.¹⁴³

In Sierra Leone the frequent absence of commissioners from the nations of the defending ships meant that on many occasions the British judge was left to make the decision alone, which often, although not necessarily always, translated to condemnation of a ship.¹⁴⁴ This was not an option in the hotly contested cases in both Havana and Rio de Janeiro, where decisions were sometimes literally made on the toss of a coin. This was especially the case after the controversial reinterpretation

¹⁴² Martinez, *Slave Trade*, 67.

¹⁴³ Bethell, *Abolition of the Brazilian Slave Trade*, 90.

¹⁴⁴ Bethell, *Abolition of the Brazilian Slave Trade*, 131.

of the treaty of 1817, which meant that condemnations were made of ships equipped for slave trading but not carrying slaves in Rio de Janeiro, even though an explicit clause to this end had been rejected.¹⁴⁵ It is not difficult to see why slave patrols were confident on the issue of equipment for the slave trade such as shackles and sufficient water, and indeed were easily able to identify ships which had recently carried slaves. “Naval opinion was unanimous on two points – that all slavers stank, and that all their tracks were marked by the numbers of sharks encountered”.¹⁴⁶

The activities of the courts were largely dependent on British captures of slave ships which were restricted by the treaties and therefore irregular. To highlight the point, the amount of free time which the British commissioners had in Havana, was sufficient to allow for James Kennedy to pursue research in archeology in Yucatan, Mexico.¹⁴⁷ George Backhouse the judge of the Havana Mixed Commission in the early 1850s enjoyed a leisurely timetable where he was able to spend his afternoons partaking in family pursuits and social activities which ultimately led to his wife’s return to England to save the enormous expense of keeping up a British diplomatic lifestyle.¹⁴⁸ There were years in which the court at Rio had long periods

¹⁴⁵ Martinez, *Slave Trade*, 92.

¹⁴⁶ Christopher Lloyd, *The Navy and the Slave Trade: The Suppression of the African Slave Trade in the 19th Century* (London: Frank Cass, 1949), 32.

¹⁴⁷ Martinez-Fernandez, “Anglo-Spanish Mixed Commission”, 208.

¹⁴⁸ Martinez Fernandez, *Fighting Slavery in the Caribbean*, 140.

of relative inactivity and it was hardly ever required to try more than five cases per year.¹⁴⁹

At the height of its activity in the late 1830s the Mixed Commission court in Rio de Janeiro tried several slave ships in succession. After years of sporadic and drawn-out trials it undertook 5 trials in 6 months after 5 ships were captured between the months of December 1838 and April 1839.¹⁵⁰ It then faced the full force of the slave traders' ire, who had threatened in the past to violently oppose the court.¹⁵¹ A letter written in April 1839 hints that the employees of the Mixed Commission had been subject to mild forms of verbal aggression since its inception, but starting on 20 April 1839, and during the trial of the *Ganges* slave ship over the following days, events took a more violent turn.

The growth of animosity during this period ignited the actions of a mob that facilitated the escape of the *Ganges* ship's captain. On the way back from his interrogation at the Mixed Commission court to the ship where he was being held prisoner, he tried unsuccessfully to escape. But once aboard a boat which would transport him back to the ship, he was encouraged to jump into the sea by the crowd at the beach who proceeded to shower the boat with stones to stop the marshals from recapturing him.¹⁵² According to the commissioners' knowledge of events he leapt

¹⁴⁹ Bethell, *Abolition of the Brazilian Slave Trade*, 149.

¹⁵⁰ Bethell, *Abolition of the Brazilian Slave Trade*, 149.

¹⁵¹ G. Jackson and F. Grigg to Lord Palmerston, Rio de Janeiro, 24 April 1839. The National archives (hereafter TNA), London, Foreign Office, 84/275.

¹⁵² "Extract from the Jornal do Commercio." Rio de Janeiro, 23 April 1839. TNA, FO 84/275.

into a waiting carriage afterwards, leading them to suspect that the escape had been planned.¹⁵³

The following Monday another two crew members nearly managed to escape during their transportation to and from the ship to the court in the Rua da Guarda Velha. The police and the National Guard required further reinforcements to escort the prisoners and eventually the presence of the chief of police, Eusebio de Quieroz, to pacify the crowd.¹⁵⁴ The courthouse was surrounded by an angry mob, which, in the Commissioners' account, grew to the size of several hundred and interrupted the trial of the *Ganges*.¹⁵⁵ These events forced the temporary suspension of the court's activities and the relocation of the interrogations of witnesses. Instead of taking place at the courthouse as per usual, interrogations of the crew from the slave ship *Leal* took place at the Marine Arsenal (Arsenal da Marinha) because of its accessibility from the sea.¹⁵⁶ British Commissioners, George Jackson and Frederick Grigg, were so shaken by the actions of the mob, that they announced that it was

¹⁵³ Jackson and Grigg to Palmerston. Rio de Janeiro, 24 April 1839, TNA, FO 84/275.

¹⁵⁴ Jackson and Grigg to Palmerston Rio de Janeiro, 24 April 1839, TNA, FO 84/275.

¹⁵⁵ Jackson and Grigg to Palmerston. Rio de Janeiro, 24 April 1839, TNA, FO 84/275.

¹⁵⁶ Jackson and Grigg to Palmerston. Rio de Janeiro, 24 April 1839, TNA, FO 84/275.

unsafe for them to appear in public even if they were escorted.¹⁵⁷ The vitriol of the mob had even extended to attacks on anyone British who was at the scene.¹⁵⁸

The Commissioners appealed to Palmerston that the situation was now untenable and that a liberal reinterpretation of the treaty was necessary. They believed that the tension surrounding the court would only be ameliorated by avoiding bringing slave ships to trial by Mixed Commission and trying them for piracy elsewhere. Their recommendations highlighted how important the Commissioners were for guiding policy on the suppression of the slave trade. Their suggestion indicated support for the controversial Palmerston Act of 1839. The commissioners found ways of creatively adapting the anti-slave trade treaties to suit the evolving situation including sending Portuguese crews from the *Diligente* to Portugal for trial.

On further investigation a picture of the problematic nature of British abolitionism appears. In one of their letters the commissioners hinted at some of the reasons behind the sudden escalation of anti-British sentiment during the trial of the *Ganges*. Amongst them they cited disbelief in British integrity. It was also insinuated that the everyday challenges of policing and guarding the ships during the trials had caused a fatal incident. A shooting had occurred involving a “Brazilian gentleman,” later named as João Soares de Bulhões, who was shot by a British guard on-board

¹⁵⁷ Jackson and Grigg to Palmerston. Rio de Janeiro, 24 April 1839, TNA, FO 84/275.

¹⁵⁸ Jackson and Grigg to Palmerston. Rio de Janeiro, 24 April 1839, TNA, FO 84/275.

the *Ganges*.¹⁵⁹ The Brazilian had been returning by steamer from a trip to Paquetá Island and was not involved in slave trading nor was he part of one of the regular groups to try to steal liberated Africans from ships awaiting trials in port. Although the commissioners tried to downplay the importance of the incident as an accident that had been conveniently appropriated by the slave traders, it was clearly a catalyst for popular opposition to the Mixed Commission court. The effect was even felt in the Brazilian government where the episode was used as evidence of a generalised British contempt towards Brazilians.¹⁶⁰ They also explained that a British slave trader had managed to escape from the *Flor de Luanda* sparking distrust and that the sale of some slaves had taken place aboard two ships captured by the British earlier in the year.

Luis Martinez Fernandez developed a vivid analysis of the frustrations encountered by officials of the court, and daily life in Cuba, using diaries from George Backhouse, one of the British Commissioners there.¹⁶¹ By bringing the city and the concerns and triumphs of the Commissioner and his wife to life, he reminds us that the British functionaries in Cuba were subject to a variety of social, personal and political challenges, including cultural adaptation, and were not simply serving the will of the British government. Employees of the Slave Trade department were at a disadvantage when it came to salary and opportunities for progression when

¹⁵⁹ Jackson and Grigg to Palmerston. Rio de Janeiro, 24 April 1839, TNA, FO 84/275.

¹⁶⁰ Rodrigues, *O infame comércio*, 111.

¹⁶¹ Martinez Fernandez, *Fighting Slavery in the Caribbean*.

compared with other Foreign Office clerks.¹⁶² This led to dissatisfaction, absenteeism and even attempts to swindle money.¹⁶³ Those who were sent abroad were given the benefits of early retirement but the cost of such adventures was great and many lives were lost through disease and even murder in the case of Backhouse.¹⁶⁴ British consuls and commissioners were not always fervent abolitionists and were even on occasions accused of close associations with traffickers, owning slaves and even hiring liberated Africans freed by the court. Slave owning commissioners included Campbell J. Dalrymple, R.B. Jackson, and James Kennedy.¹⁶⁵ In Rio commissioner George Jackson hired *africanos livres* and was also suspected of accepting bribes.¹⁶⁶ It was almost impossible not to be influenced by the norms of slaveholding societies as well as attempting to influence them.

¹⁶² Keith Hamilton, “Zealots and Helots: The Slave Trade Department of the Nineteenth Century Foreign Office,” in *Slavery, Diplomacy and Empire: Britain and the Suppression of the Slave Trade, 1807-197*, ed. Keith Hamilton and Patrick Salmon (Brighton: Sussex Academic Press, 2009), 21.

¹⁶³ Hamilton, “Zealots and Helots”, 29.

¹⁶⁴ Sierra Leone “was a notorious white man’s grave” See Bethell, “Mixed Commissions,” 81. George Backhouse, after serving just a few years as Commissioner in Cuba, was murdered in unexplained circumstances. Martinez-Fernandez, *Fighting Slavery in the Caribbean*, 143.

¹⁶⁵ Martinez Fernandez, “Anglo-Spanish Mixed Commission”, 208.

¹⁶⁶ Turnbull, *Travels in the West*, 74. Luciano Raposo, *Marcas de escravos: listas de escravos emancipados vindos a bordo de navios negreiros, 1839-1841*(Rio de Janeiro, Brasil: Arquivo Nacional/Ministério da Justiça em co-edição com o CNPq (Conselho Nacional de Desenvolvimento Científico e Tecnológico, 1989), 17.

According to a newspaper report from the *Jornal do Commercio* it seems that the court of Mixed Commission in Rio de Janeiro was located on the Rua da Guarda Velha (the road of the old guard), so named because a large fountain existed in the adjoining Largo da Carioca which required a police guard for the maintenance of order. This central location would have made the activities of the court visible and the arrival and departure of witnesses quite public. The fountain served as a significant supply of water to slaves who carried out daily activities such as washing clothes there. Especially in times of draught the area was to be overseen by a police guard. The Rua da Guarda Velha is the modern day 13 de Maio, so named in 1888 after the signing of the lei Aurea. In the vicinity were several other buildings of great importance.

The commissioners would have passed by this scene, a hive of activity, on their way to work. Although they worked in the defence of Africans it is clear that they struggled to uphold abolitionist ideals. So interwoven was slavery within the fabric of society that several commissioners were chided for employing *emancipados*.¹⁶⁷ Although many of them were abolitionists, this was not a prerequisite of a position with the Mixed Commission. Views about racial superiority were firmly entrenched within the mind-sets of even the most fervent of the abolitionists including David Turnbull who refers to newly arrived Africans unflinchingly as “savages.”¹⁶⁸

¹⁶⁷ Turnbull, *Travels in the West*, 74.

¹⁶⁸ Turnbull, *Travels in the West*, 395.

Conclusion

Although there were fundamental differences between the Cuban and Brazilian Mixed Commissions it is clear that on many levels they offer a strong basis for comparison. Even so it must be born in mind that almost twice as many slave ships were condemned in Havana, and the time scale of the courts' function is also relevant because the court in Havana continued to function for many years after the Rio de Janeiro court had closed. In Havana 48 ships were condemned and 7 released, and in Rio de Janeiro 25 were condemned and 14 released.¹⁶⁹ There is some debate about the numbers of liberated Africans who were freed because of the differences in the records. They were influenced, for example, by high mortality rates between the capture and adjudication of vessels. Uncertainty also surrounds the total freed by national courts. Inés Roldán de Montaud calculated a figure of 26,026 *emancipados* who were freed between 1824 and 1866 in Cuba. From the register of liberated Africans, which were compiled in the 1860s, the number of liberated Africans to have been freed in Brazil was calculated as 11,008, accounting for those who had since died or were missing.¹⁷⁰

Scholars remain divided over the dominant motives behind British efforts to suppress the slave trade in foreign territories. British pressure ebbed and flowed depending on the personalities and convictions of those in the front line, and abolitionism could be used as a convenient cloak for furthering a particular

¹⁶⁹ Martinez, *Slave Trade*, 76.

¹⁷⁰ Mamigonian, "Conflicts over the Meanings of Freedom", 254.

economic or political agenda. However, the British campaign against the slave trade in Cuba and Brazil had a deep and enduring legacy which was shaped by such experiments with bilateral treaties and the freeing of liberated Africans. At some junctures the Mixed Commissions were the only significant threat to slave traders' property when national anti-slave trade patrols were temporarily suspended or intermittent. A snapshot of a particularly tense moment in the Mixed Commissions' history portrays how powerful slave trading interests were hostile towards the courts, openly opposed the actions of the courts and tried able to mobilise public opinion against the British. They were clearly affected by the courts actions and thus tried to use tactics of intimidation and sabotage to inhibit its effective function. Despite the many impediments to their successful function and the inconsistent nature of British suppression, the Mixed Commission trials were strategically important for amassing information about how the slave trade was being carried out during the illegal phase, leading to more effective tactics over time.

Conversely, the pressure and belief that the slave trade would be abolished meant that after the slave trade became illegal, slave imports actually increased. It became increasingly clear with the resurgence of the trade that huge profits could still be made, even with the loss of four out of five ships in Brazil, with only slightly lower profits in Cuba because of the longer journey.¹⁷¹ In this respect we can argue that the Mixed Commissions courts had little or no impact on reducing the trade, although some of the advocates of the British blockades would argue that they did serve as a deterrent especially as in this environment they were at the very least a

¹⁷¹ Henry James Matson, R.N. "Remarks on the Slave Trade and African Squadron", *Knowsley Pamphlet Collection* (London: James Ridgway, Piccadilly, 1848), 15.

hazard and impediment to the smooth running of slave trading activity. Considering the hundreds of captured ships and the many thousands of slaves they freed, and combined with the work of the Royal Navy, they were a significant force to be reckoned with. The Royal Navy, for example, carried out various attacks destroying slave factories and barracoons on the African coast, from the Upper Guinea coast down to Angola, and eventually also in Mozambique and Quilimane. David Turnbull is one such advocate who considered the British to have had an important role in reducing the trade. In the same way the court of Mixed Commission was to make an impact on slave imports locally. As news of condemnations such as that of the *Brilhante*, carrying a Portuguese flag but condemned as Brazilian, spread in 1838 there was a significant hiatus in the importation of slaves while slave traders gauged their next move as the rumour of a strengthened British force in the pipeline was spread.¹⁷²

Berbel, Marquese and Parron make the point that no serious challenge to the question of slavery appeared before the 1860s.¹⁷³ Debates over slavery itself were contained up to this point unanimously in Cuba and Brazil. In such a way the importance of the slave order was sustained for a substantial amount of time. Suppression followed the same trajectory that had proved successful in Britain, emphasising the slave trade as a primary target rather than slavery itself, partly on

¹⁷² Bethell, *Abolition of the Brazilian Slave Trade*, 144.

¹⁷³ Berbel, Marquese and Parron, *Escravidão e Política*, 15.

account of the fear of slave revolts.¹⁷⁴ Lauren Benton equates the courts with imperial legal authority and argues that their short-comings were the result of the reluctance of local colonial governments to carry out the necessary prosecution of slave traders and that this in turn was related to the laws on slaveholders' rights over their slaves.¹⁷⁵ Her arguments highlight the paradox of attempting to suppress the slave trade whilst leaving slavery itself unchallenged. This was why the liberated Africans became such a defining feature of the courts and their most powerful weapon.

¹⁷⁴ David Eltis and Stanley Engerman, "Shipboard Slave Revolts and Abolition," in *Who Abolished Slavery? Slave Revolts and Abolitionism: A Debate with Joao Pedro Marques*, ed. Seymour Drescher and Pieter C. Emmer (New York; Oxford: Berghahn Books, 2010), 152.

¹⁷⁵ Benton, "Abolition and Imperial Law", 368.

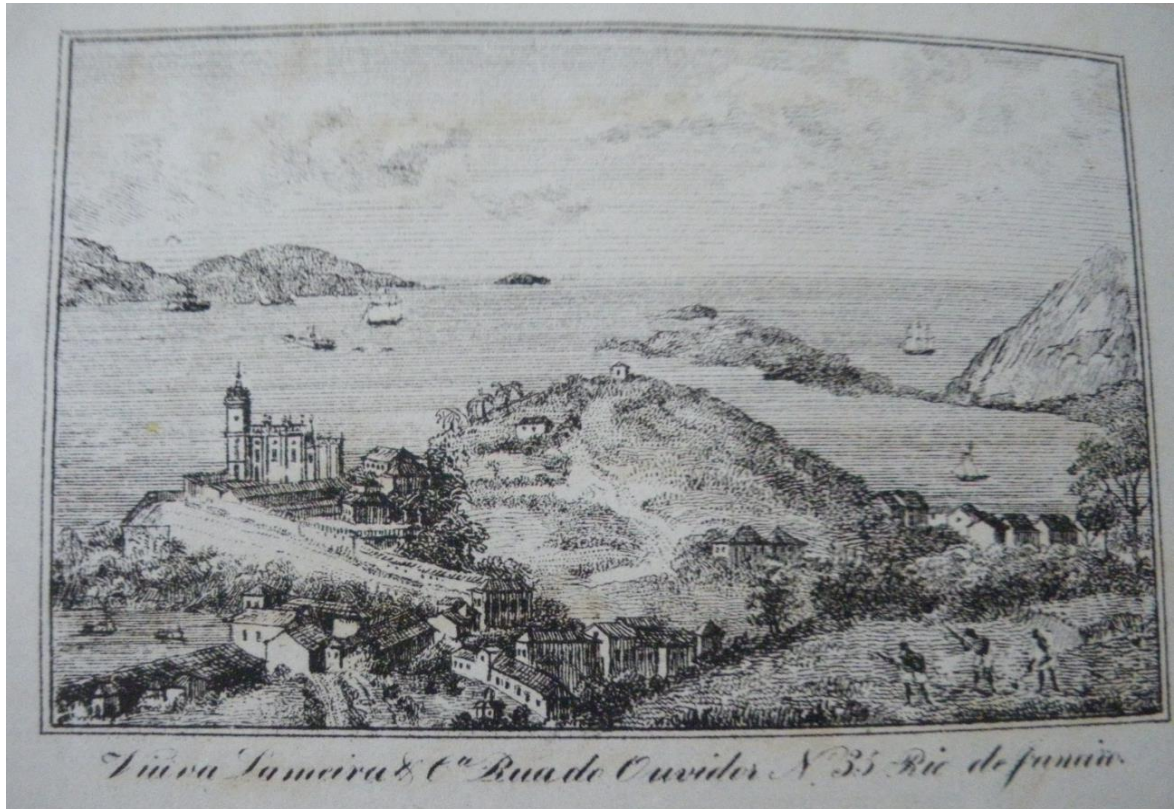


Figure 1.1: Image of Rio from a bill for ships supplies for the Dois Amigos c. 1843, (AHI, Lata 11, maço 1, Pasta 1, Embarcação *Dois Amigos*).

Chapter two. Identity Formation and the Impact of the Liberated Africans in Rio de Janeiro and Havana

The presence of liberated Africans should be seen as a key element of the British campaign against the slave trade in the two major Atlantic port cities and seats of Mixed Commission courts that are at the core of this study. Although the anti-slave trade treaties did not affect or challenge the status of slaves in either territory, they were a threat to slave-traffickers and slave-owners because they rested on the idea that if they continued to trade and buy slaves from Africa, those slaves could potentially be freed, rendering their investments null.¹⁷⁶ It was on this point that the British were able to exert pressure; the declared illegality of the trade.¹⁷⁷ Fear is a strong political weapon and the presence of the liberated Africans certainly played on this sentiment. Beatriz Mamigonian has demonstrated that the British extended the meaning of the term liberated African in Brazil to those they believed eligible in

¹⁷⁶ Becoming an *Africano livre* or *emancipado* (Liberated African) was a right which should have belonged to all Africans who had arrived in Brazil after the Lei Feijó came into force in 1830. The law became better known by its moniker as “the law for the English to see” because it was rarely enforced, meaning that liberated Africans were a small number amongst thousands of illegally imported slaves. Likewise, in Cuba the *emancipados* were an anomaly. There, *emancipado* should have meant all Africans introduced since the earlier date of 1820. ¹⁷⁶ Roldan de Montaud, “Blurred Boundaries,” 159-192

¹⁷⁷ According to Beatriz Mamigonian: “a categoria dos africanos livres simbolizava o direito à liberdade, que devia ser estendido a todos os africanos importados desde a proibição do tráfico; e a pressão britânica servia de reforço a esse princípio, que ameaçava a escravidão na sua base, a legalidade.” Beatriz Mamigonian, “José Majojo e Francisco Moçambique, marinheiros das rotas atlânticas: notas sobre a reconstituição de trajetórias da era da abolição,” *Topoi* 11, no.20 (2010): 78.

later years.¹⁷⁸ This was exactly the concern of slave owners who were worried about the spread of abolitionist ideas amongst slaves who they held, to all intents and purposes, illegally in bondage.

This chapter does not suggest that being a liberated African was a desirable status or renounce the well-established discourse on the hardship and purgatory of being “neither slave nor free”.¹⁷⁹ Instead it aims to advance the discussion of the threat which they embodied in both societies and ascertain to what extent they were able to influence those societies, positing the argument that this was a dual process of influence where society was also crucial to the construction of liberated African identity. Precisely because of concerns about the precariousness of the institution of slavery, as well as ultimately hegemony and white rule, the liberated Africans were subjected to particularly oppressive labour and living conditions. Despite the many abuses of the system which was notionally created to ensure their welfare and eventual freedom, their subordination was believed to be necessary for the stability of the social order.¹⁸⁰ This chapter investigates the possibility that liberated Africans from captured slave ships created close bonds based on shipmate and ethnic associations. They were inserted into slave-based societies clearly segregated by race, and in which they were further discriminated against because of their African

¹⁷⁸ Beatriz Mamigonian, “Em nome da liberdade: abolição do tráfico de escravos, o direito e o ramo brasileiro do recrutamento de africanos (Brasil – Caribe britânico, 1830-1850),” *Revista Mundos do Trabalho* 3, no.6 (2011): 88.

¹⁷⁹ See Conrad, “Neither Slave nor Free”.

¹⁸⁰ Roldán de Montaud, “Borrosos Confines”, 160.

origins. Such bonds helped them to survive, and even to negotiate ameliorations to their circumstances.

However, Beatriz Mamigonian and Karen Racine remind us, regarding identity formation in the black Atlantic, that, “neither legal condition nor African origin favoured instant association.”¹⁸¹ In the context of addressing identity formation amongst the liberated Africans with their unique legal status, there is no indication that the captives saw themselves as African or identified immediately as *africanos livres* upon arrival in Brazil, but rather began to re-establish close inter-personal relationships as soon as they could.

There was no standard or inevitability for any such eventual outcome and the case of the previously mentioned slave mariner named Gorge from the slave ship *Emilia* is useful because it shows that liberated Africans’ behaviour and associations did not conveniently follow a particular pattern. Liberated Africans constructed a range of different types of relationships, even defining themselves in opposition to their African past, especially considering that the dominant ideology was to equate Africanness with the qualities of otherness and inferiority. In order to gain freedom the liberated Africans were encouraged to prove that they had taken on the “customs and habits” of their New World location.

Gorge was a recaptive who was twice offered freedom by Mixed Commissions courts, once in Sierra Leone and again in Rio de Janeiro, and his case

¹⁸¹ Beatriz Mamigonian and Karen Racine, “Introduction: People in the Making of the Black Atlantic,” in *The Human Tradition in The Black Atlantic, 1700-2000*, ed. Beatriz Mamigonian and Karen Racine (Lanham: Rowman and Littlefield, 2010), 4.

brings into question the value of liberated African status to liberated Africans themselves.¹⁸² His open rejection of becoming a liberated African illustrates that the “freedom” of this group of men and women was not necessarily prized by them.¹⁸³ It demonstrates that the concepts of freedom and slavery were malleable, and that Gorge seems to have preferred the relative freedom of working as a slave mariner to the possibility of his rental as an *africano livre* in Rio de Janeiro. Daniel Domingues da Silva et al. point to negative “recaptive responses” to their apprenticeship in various parts of the world and show that as early as 1812, several free Africans from the *S Miguel Triunfante* refused to be listed in the court records at the Vice-Admiralty court in Sierra Leone.¹⁸⁴

On Walter Hawthorne’s close inspection of Gorge’s case, it is clear that in these particular circumstances it was almost certainly more personally advantageous to remain a slave. This is because of the possibilities which being hired as a slave mariner afforded in terms of personal freedom and of the ship as a “heterotopia”, a place which offered a unique balance of camaraderie and non-rationally defined status amongst the crew.¹⁸⁵ This perception is reinforced by Gorge’s identification as a

¹⁸² ‘Recaptive’ was the term used to describe liberated Africans freed by the Sierra Leone Mixed Commission Courts.

¹⁸³ Walter Hawthorne, “Gorge: An African Seaman and his Flights from ‘Freedom’ back to ‘Slavery’ in the Early Nineteenth Century”, *Slavery and Abolition* 31, no.3 (2010): 411-428.

¹⁸⁴ See Daniel Domingues da Silva et al. “The Diaspora of Africans Liberated from Slave Ships in the Nineteenth Century,” *The Journal of African History* 55, no.3 (2014): 357.

¹⁸⁵ Hawthorne, “An African Seaman”, 416-420.

“mariner” only, and not as a slave mariner.¹⁸⁶ Gorge seems to fit well within the terms of Ira Berlin’s “Atlantic Creoles” who were people of African descent who had “linguistic dexterity, cultural plasticity and social agility.”¹⁸⁷ Even though he was a slave and had not “negotiated his freedom,” he negotiated a kind of freedom for himself which involved being able to independently cross the Atlantic and work in a space which was not determined by his slave owner and became adept at securing his independence through his knowledge of Portuguese and British regulations on the slave trade.

Gorge was the property of Joaquim Carneiro de Campos who held the title of Marques de Caravelas, and was an important political figure in Salvador at the time of the ship’s capture in 1821. He later became one of the regents of Pedro II for the first few months of the provisional regency.¹⁸⁸ Incidentally, Joaquim’s brother, João Carneiro de Campos, was one of the Brazilian Commissioners at the court of Mixed Commission in Rio de Janeiro from 1826, where he encountered similar cases of slave crew members being claimed by their owners in Rio and who were not returned.¹⁸⁹ Joaquim Carneiro de Campos had no direct involvement in the transaction of the slave ship *Emilia*, on which Gorge had worked. Therefore, to

¹⁸⁶ Hawthorne, “An African Seaman”, 416-420.

¹⁸⁷ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998), 24. See also Jane G. Landers, *Atlantic Creoles in the Age of Revolutions* (Cambridge: Harvard University Press, 2010).

¹⁸⁸ Bethell, *Abolition of the Brazilian Slave Trade*, 68.

¹⁸⁹ Mamigonian, “In the Name of Freedom”, 48.

appeal for Gorge's freedom, the British commissioners referred to the period in which Gorge had been freed in Sierra Leone by the Mixed Commission court there, in order to free him on the grounds that he was a subject of the King of England.

Upon giving testimony, Gorge described this period of his life, as a recaptive in Sierra Leone, as an imprisonment, and stated that he was a Portuguese subject. His claim meant that he was still a slave, according to Portuguese law, and consequently he was soon returned to his master Joaquim Carneiro de Campos. Although the possibility exists that he did not fully understand the relevance of his statement, it is also important to acknowledge that several other slave mariners jumped ship at Bahia where the ship stopped for supplies on its way to the court in Rio de Janeiro.¹⁹⁰ Unlike Gorge they would have been guaranteed liberated African status because their master had a share in the slaving activities and slave cargo of the ship. Yet again, however, these mariners knew that they occupied a space of relative freedom and were important to the trade because they were often able to communicate with the slaves, bridging the chasm between the world of largely white European slave crews and slave captives.

Gorge did not have any strong allegiances it seems, particularly to the other crew members, and he did not make any attempt to lie about the purchase destination in Africa when the ship was first detained.¹⁹¹ It is fairly common for crew members to have habitually lied in their testimonies at the Mixed Commission court to reduce the likelihood of a sound conviction. He simply saw that remaining a slave was a

¹⁹⁰ Hawthorne, "An African Seaman," 422.

way of maintaining what was, relatively speaking an “enviable” life.¹⁹² The anomaly in the case is that the British commissioners, as Hawthorne outlines, would surely not have asked him to give testimony if they were not convinced of the positive outcome beforehand. Perhaps Campos’s representative in Rio was also able to appeal to Gorge about the relative benefits of his condition? Even if such an encounter also took place, it seems clear that Gorge chose to follow what was in his best interests and decided to remain enslaved.

Gorge’s knowledge of the limitations of liberated African status and his savvy as an Atlantic Creole meant that he was in a position of advantage in terms of evaluating his life against becoming a liberated African. It is not hard to see why Gorge would have rejected becoming a liberated African for the second time, although his first escape from Sierra Leone is perhaps more straight-forward to explain.¹⁹³ His decision almost certainly guaranteed him a higher degree of freedom. Despite the widely repeated phrase that potential hirers aimed to treat the liberated Africans according to the regulations regarding their care or considered themselves, in letters requesting liberated Africans for hire, to be, “subject to all the obligations of those distributions.”¹⁹⁴ The reality was somewhat different. It is understood, and

¹⁹¹ Hawthorne, “An African Seaman,” 422.

¹⁹² Hawthorne, “An African Seaman,” 413.

¹⁹³ It could be attributed to differences in language (English rather than the Portuguese) and African identities and cultures with which he did not identify. See Hawthorne, “An African Seaman,” 420.

¹⁹⁴ “Dr Jose Francisco Ferreira Baptista pedido de Africanos”, Rio de Janeiro, 1838. ANRJ, GIF1 6D-13. “Sujeito a todas as obrigações de tais distribuições.”

widely disseminated in the literature, that liberated Africans were taken on by private hirers in much the same spirit as they kept slaves, and that in some circumstances they could receive even worse care.¹⁹⁵ Although there were certainly exceptions, a satirical column entitled *Curiosities of Rio* in an 1853 Rio newspaper externalises a sentiment that was humorous because it would have been part of the public consciousness. “The most captive thing: the liberated African.” The column continues in the same vein: “The darkest thing: the public lighting.”¹⁹⁶ Perhaps it is no coincidence that records show liberated Africans worked in public lighting in certain areas of the city.

The term “*emancipado*” has been appropriately described as a euphemism by Gwendolyn Midlo Hall because it equated in most cases to something similar to slavery.¹⁹⁷ Although in Cuba, the terms of apprenticeship were shorter, only five years for men and seven for women and children, this could also be extended to eight, and contracts were simply renegotiated without the liberated Africans’ consultation upon expiration. Corruption was also rife meaning that many were falsely enslaved under the pretext that the liberated African had died. Hence the

¹⁹⁵ See for example: Robert Conrad, ‘Neither Slave nor Free.’ Roldán de Montaud, “Blurred Boundaries”.

¹⁹⁶ *Marmota Fluminense*, no. 430, 27 December 1853, cited in Patrícia Melo Sampaio, “Educação, trabalho e diversidade étnica: Educandos Artífices e Africanos livres na Amazônia, século XIX,” in *Trajetórias da diversidade na Educação: formação, patrimônio e identidade*. (São Paulo: Editora Livraria da Física, 2012), 19-50. “A coisa mais cativa: O africano livre, a coisa mais escura: A iluminação publica.”

¹⁹⁷ Gwendolyn Midlo-Hall, *Slavery and African Ethnicity in the Americas: Restoring the Links* (Chapel Hill: University of North Carolina Press, 2005), xiv.

importance of Africans from the same slave ship who knew each other, and could verify that they had travelled together and later become liberated Africans.

An important contemporary observer of their condition in Rio was one of the curators of the liberated Africans, Agostinho Marques Perdigão Malheiro. A slave owner himself, he gave the following account of the plight of liberated Africans in Brazil: “Of the black race like the others, they were equal in terms of colour; however, not being slaves, they were less well treated, or at the very most were treated in the same way.”¹⁹⁸ The similar failure to achieve the protection of a large number of the liberated Africans in Cuba was originally attributed by David Turnbull to the rental scheme which had the unfortunate effect of making them appear a cheaper more disposable form of labour than slaves because they were secured for seven years, after which the slave owners would have no reason to care about their long-term health.¹⁹⁹ Ines Roldan de Montaud suggests that the situation became worse with the passage of time, especially after Captain General Miguel Tacón (1834-1838) began to charge 6 to 9 ounces of gold for each *emancipado*. Hirers became intent on working the *emancipados* harder, looking for a return on their investment because the price of hire was so high.²⁰⁰

¹⁹⁸ Agostinho Marques Perdigão Malheiro, *A Escravidão no Brasil: Ensaio histórico, jurídico, social* (Petropolis: Vozes, 1ª edição 1867), 61. “De raça negra como os outros, eram igualados em razão de cor; porém, não sendo escravos, eram menos bem tratados do que estes, ou quando muito do mesmo modo.”

¹⁹⁹ David Turnbull, *Travels in the West*, 75.

²⁰⁰ Roldán de Montaud, “Blurred Boundaries”, 170. In comparison a slave would have cost around 20-23 ounces of gold.

It must be highlighted that an important reason for such a discrepancy between the theory and practice of the legislation on liberated Africans was rooted in the conscious desire to perpetuate a system of labour relations which included the practice of slave ownership. Repeatedly the fate of the liberated Africans was directly tied to the fate of slavery and slaves. Even in the mid to late eighteenth century slave-owners remained fearful about reports pertaining to *emancipados*' freedom. Consider the reassignment of Cuban liberated Africans to the sugar harvest on the cusp of a royal decree which was meant to free them indefinitely in 1865.²⁰¹ By this date, Captain General Domingo Dulce had already assigned *emancipados* to Cuban planters and so overrode instructions from Spain, which actually withdrew his power to assign *emancipados* at all.²⁰²

To better comprehend the way that the liberated Africans were first received, and slowly inserted into a slave regime, it is useful to look at performance and to observe how their care was determined by, and embedded in societal roles and expectations. In spite of their conditions, or as a result, the liberated Africans were active pursuers of their own freedom.²⁰³ They also undermined paternalistic notions of the slave-master relationship, for example, in the case of a liberated African named Maria in Brazil who arrived in 1835, by negating the element of gratitude

²⁰¹ Murray, *Odious Commerce*, 296.

²⁰² Murray, *Odious Commerce*, 296.

²⁰³ Enidelce Bertin, "Reivindicações e resistência," 105-143.

which she was expected to hold towards her benefactor, much to his offence. He was a slave owner and she defied his expectations of a subservient and meek slave.²⁰⁴

The option to invest heavily in both slavery and the slave trade taken in Cuba and Brazil during the early nineteenth century not only supplied labour in the countryside, but simultaneously contributed to the development of the cities of Havana and Rio de Janeiro. They became dependent on slavery to the point where they could be described as slave cities or even African cities according to some contemporary travellers.²⁰⁵ As Keila Grinberg explains in her analysis of freed blacks in nineteenth-century Rio de Janeiro, it was automatically assumed that anyone who looked like they could be a slave was one.²⁰⁶ In other words blackness was equated with inferior or enslaved status.

In a similar way, while his intention seems have been to prove that slavery had a negative impact on Cuba, and legitimise the British anti-slavery campaign on ideological grounds, there is still much to be garnered from the astute observations of British Commissioner Robert Jameson in Havana, who commented in the early 1820s that: “the great obstacle to *white* exertion is the *slavery of the blacks*, which

²⁰⁴ Bertin, “Reivindicações e resistência,” 114.

²⁰⁵ Lopes dos Santos, “Irmãos do Atlântico.”

²⁰⁶ Keila Grinburg, “Senhores sem escravos: a propósito das ações de escravidão no Brasil Imperial,” *Almanack Braziliense*, 6 (2007): 6. “Qualquer pessoa que pudesse parecer escravo tinha, contra si, a presunção da escravidão.”

gives a debased character to manual exertion.”²⁰⁷ Letters of request for the attainment of liberated Africans from the slave ship *Brilhante* captured and tried by the Anglo-Brazilian Mixed Commission in 1838 demonstrate this concept in Brazil, highlighting the urgency for “braços”, which clearly meant black labourers.²⁰⁸ One of the letters which is written on behalf of Maria de Souza describes, in order to legitimise her claim, that she, “does not have a single slave to help her” on her farm.²⁰⁹ Neither did she have enough money to buy one. So, she reasoned, she needed liberated Africans to fulfil her labour requirements. Another letter request uses the phrases *africanos livres* and slaves interchangeably, demonstrating that the hirers saw little distinction in the legal category.²¹⁰

Taking another aspect of the slave question and the freedom continuum, the necessity of impressing the idea of earned freedom was one which influenced the readiness of slave owners to grant freedom to their slaves. Despite the prevalence of free blacks in both Rio de Janeiro and Havana, freedom tended to be granted as a result of a type of exchange for many years of faithful service. “The good treatment”

²⁰⁷ Robert Francis Jameson, *Letters from the Havana: During the year 1820: Containing an Account of the Present State of the Island of Cuba, and Observations on the Slave Trade* (London: Printed for John Miller, 69 Fleet Street, 1821), 134-135. (Italics in text are his).

²⁰⁸ Petition of Dona Rosa Maria da Sousa to V.M.I. Rio de Janeiro, no date, 1838, ANRJ, GIF1 6D-13.

²⁰⁹ Petition of Dona Rosa Maria da Sousa to V.M.I. Rio de Janeiro, no date 1838. ANRJ, GIF1 6D-13. “Não tem escravo algum para ajudarla.”

²¹⁰ Petition of Jose Francisco do Amaral to V.M.I. Rio de Janeiro, Rio de Janeiro, no date 1838. ANRJ, GIF1 6D-13. “Tem por noticia que se vão dar por arrematação alguns Africano livres, por isso o supplicante implora de V.Exa a graça de lhe conceder tres casais dos referidos Escravos.”

in Cuba was one way of improving the conditions of slaves, as a way of trying to maintain the institution while attempting to placate slaves and improve reproduction.²¹¹ An African who was not a slave was an unwelcome addition. Hence attempts to incorporate the liberated Africans into pre-established styles of social and labour relationships in order for institutions or individuals who they were assigned to, to exert power over them. There is no need to look much further than the monthly “maps” of liberated African deaths, to reveal the truth behind anecdotes of the poor health of the Africans.

To adopt the explanation that Beatriz Mamigonian gave in her dissertation, which focuses on the limitations associated with the freedom of liberated Africans in Brazil, they can be compared both with the body of liberated slaves who fought for citizenship rights throughout the Americas, but also because of the enforced period of apprenticeship they can be compared with coerced and free labourers after the decline and abolition of slavery.²¹² As a precursor of what was to come, the liberated Africans became one of the first experiments in post-emancipation labour arrangements.²¹³ The experimental nature of the situation is exemplified in the instructions for the distribution of *emancipados*, written by Henry T. Kilbee, the first British Commissioner of the Mixed Commission court in Havana, although they did have a basis in similar conditions of freedom for liberated Africans in British

²¹¹ Manuel Moreno Fraginales, *El ingenio: Complejo económico social cubano del azúcar*, vol. 2 (Havana: Editorial de Ciencias Sociales, 1978), 90.

²¹² Beatriz G. Mamigonian, “To be a Liberated African in Brazil: Labour and Citizenship in the Nineteenth Century” (PhD diss., University of Waterloo, 2002), 4.

colonies.²¹⁴ To draw some inference from comparing the liberated Africans with liberated slaves, one can look at the ways in which the negotiation of freedom was often unjustly waived towards favouring a continued relationship of dependency. One of the ways in which slave owners were able to maintain a degree of control over the lives of those who were freed in Brazil was the seldom used ability to re-enslave them for a variety of reasons.²¹⁵

Fernanda Domingos Pinheiro proposes a challenge to the idea that the threat of re-enslavement was considered enough to maintain freed slaves in a position of continued dependency and subordination to their old slave owners by analysing 55 cases in Mariana in the province of Minas Gerais, Brazil.²¹⁶ She points to studies by Keila Grinberg and Sidney Chaloub to illustrate her argument. In revisions of their work, both have demonstrated that some of the law suits which they earlier described as law suits of freedom have recently been redefined as enslavement law suits for the purposes of re-enslavement during what could be known as the crisis of

²¹³ Mamigonian, “Em nome da Liberdade,” 69.

²¹⁴ Roldan de Montaud, “Blurred Boundaries,” 163.

²¹⁵ Sidney Chaloub, *Visões da liberdade: Uma história das últimas décadas da escravidão na corte* (São Paulo: Companhia das letras, 1990), 137.

²¹⁶ Fernanda Domingos Pinheiro, “O Retorno ao cativo: Práticas de reescravização num tribunal de antigo regime (Mariana 1720-1819)” (paper presented at the VI Encontro escravidão e liberdade no Brasil Meridional, *Universidade Federal de Santa Catarina, Florianópolis, Santa Catarina, May 15-18, 2013*), 3.

slavery.²¹⁷ In the list of circumstances which preceded such law suits was re-enslavement for “ingratitude”.²¹⁸ In other words performance played a key role in the acceptance of free status.

This knowledge can be applied to the case of the liberated Africans, and expectations for their deployment in the labour market. We can see that the types of work which they were assigned to carry out encouraged relationships of dependency fashioned through the practice of slavery, restyled in name but not in nature. The low status of Africans in Cuba and Brazil based on racial hierarchy is reflected in the ways they were described. We can consider the objection of General Domingo Dulce in Cuba to the short terms of the apprenticeships of liberated Africans. “By his very nature the African is indolent and lazy, and to give him liberty, something which he has not known even in his own country, will make him into a vagabond.”²¹⁹ Dulce was actually a relatively progressive politician who took measures to end the slave trade, but it was this type of emerging scientific racism which was used to justify a paternalistic stance towards the *emancipados*, treating them to as if they were wards of the state.

New generations of liberated Africans were subject to slightly different conventions and regulations depending on the inclinations of the current Governor General of Cuba as well as the pressures exerted by the British crown. During a short

²¹⁷ Sidney Chaloub, *A Força da Escravidão. Ilegalidade e costume no Brasil oitocentista* (São Paulo: Companhia das Letras, 2012). Grinberg, “Senhores sem escravos,” 4-13.

²¹⁸ Domingos Pinheiro, “Retorno ao cativo,” 5.

²¹⁹ Murray, *Odious Commerce*, 295.

period of time, they were even transferred almost immediately to the British colony of Trinidad until the governor Miguel Tacón realised the economic potential in renting out liberated Africans.²²⁰ A cholera epidemic in 1833 hastened the departure of the first group of *emancipados* to Trinidad.²²¹ In at least some respects they were even worse off than slaves because they had no recourse to many of the routes to alleviated conditions available to slaves. They could not appeal to change their proprietors nor could they be liberated by those who had rented them. They were unable to become *coartados*; slaves who were able to slowly pay for their freedom by settling a price with the slave owner.

Alinnie Moreira differentiates at least two distinct groups of liberated Africans in Brazil: those who arrived after 1850, and could be considered to benefit from changes to the law, and those who arrived during the early period of illegal slave trading which was predominantly policed by the British.²²² The group of liberated Africans who arrived between 1831 and 1850, were perhaps less able to create the conditions which would bring about their freedom because they did not have the knowledge nor the structural support. For example during the 1840s the conservative government in Brazil restricted the ability of liberated Africans to achieve freedom and many were re-assigned rather than freed.

²²⁰ Murray, *Odious Commerce*, 281.

²²¹ Roldán de Montaud, “Blurred Boundaries”, 165.

²²² Alinnie Silvestre Moreira, “Liberdade tutelada: Os africanos livres e as relações de trabalho na Fábrica de Pólvora da Estrela, Serrada Estrela/RJ (c. 1831-c.1870)” (Masters diss., Universidade Estadual de Campinas, 2005), 34.

However, the fact that liberated Africans were able to discover and disseminate information about themselves as a group, and to appropriate a constructed identity, led them to transcend in many circumstances the limitations placed upon them by their blackness in racially divided slave societies. As Alejandro de la Fuente and others argue, theoretically slaves had more access to the legal system in Brazil and Cuba than in other New-World locations.²²³ This should have been even more relevant for liberated Africans. Although Roldan de Montaud argues that *emancipados* in Cuba were not able to be officially represented by *síndicos* until 1856, Lorenzo Clarke, an *emancipado* who travelled from Cuba to Lagos in 1854 was represented by a “Syndic” and through him was able to receive his freedom papers.²²⁴

Alongside concerted efforts to extinguish the trade by the British, the liberated Africans themselves became aware of the terms of their condition over time. They made demands which were managed in different ways according to internal currents in the debates over slavery and abolition. In his PhD thesis Jorge Prata da Sousa highlights the key differences which mean that liberated Africans belonged to a different social group to slaves. He remarks that female liberated Africans in Rio de Janeiro obtained their freedom often before the fourteen-year

²²³ Alejandro de la Fuente, “Slave Law and Claims-Making in Cuba.” Cowling, *Conceiving Freedom*. See also Manuel Barcia, “Fighting with the Enemy’s Weapons. The Usage of the Colonial Legal Framework by Nineteenth Century Cuban Slaves,” *Atlantic Studies* 2,no.3 (2006): 159-181. Camillia Cowling, *Conceiving Freedom: Women of Color, Gender and the Abolition of Slavery in Rio de Janeiro and Havana* (Chapel Hill: University of North Carolina Press, 2013).

²²⁴ “Deposition of the Cuban Slave: Lorenzo Clarke,” *Anti-Slavery Reporter*, 3rd Series, 2 (1854): 234–35.

apprenticeship was completed, and on a scale which was much greater than for female domestic slaves. This was especially true if they could claim maternity.²²⁵

The statistic is probably due to the fact that liberated African status was not hereditary although it was not always clear what the status of the children of liberated Africans should be. This “ambivalence” is particularly clear in two examples from Cuba. An *emancipada* named Matilda went as far as to hide her daughter so that she could not be enslaved in 1841. She managed to entrust her to two white men, one a Cuban creole with whom she was in a relationship, and the other a Canary islander.²²⁶ They in turn were anxious to place her in the custody of her godmother who had been a slave of Charles David Tolme, British consul in Havana in the 1830s, and came to visit David Turnbull to try to arrange for this to take place.²²⁷ After a considerable amount of confusion and the arrest of the people who had concealed the girl, the situation was resolved with the issuing of certificates of freedom for both mother and daughter.

Liberated African women were faced with a difficult situation in that, any children they had could not be enslaved in accordance with the treaty, but the alternatives could also leave them destitute. Another of Turnbull’s visitors was an *emancipada* called Julia de la Roca who had been hired out for over two years as a wet nurse after the birth of her first child. The child was left to be fed with cow’s

²²⁵ Jorge Prata da Sousa, “Africano livre ficando livre: trabalho, cotidiano e luta” (PhD diss., Universidade de São Paulo, 1999), 6.

²²⁶ David Turnbull to Earl of Aberdeen, Havana, 14 December 1841. HCPP, 1843 (483) LVIII.347: 52-55.

milk and be taken care of by slaves. A few years later, by the time she had three children she was thrown out of the household with the excuse that her children were “troublesome.”²²⁸ The status of *emancipada* women in this case was therefore a hired commodity, even more expendable than a slave. As a wet nurse her maternity was a source of increased income for her hirers, but the fact that her children could not be enslaved meant that she was forced to fend for them by herself while still under contractual agreement with the household to whom she continued to pay a wage.²²⁹

Whilst, as I will explain, the term liberated African could be adopted by slaves under advantageous circumstances, the aforementioned case of Gorge shows that equally, when it offered no benefit, and it was possible to do so, it could also be wholeheartedly rejected. As highlighted previously, there was a wide divergence in the treatment of liberated Africans and although generalisations cannot be made about the collective experience, the fact that some slaves came forward to demand recognition of liberated African status would suggest that they saw some value in being a liberated African. This especially may have been the case if they had been on the island of Cuba or in Brazil for the long term, and saw several of their companions freed.

²²⁷ Turnbull to Aberdeen, Havana, 14 December 1841. HCPP, 1843 (483) LVIII.347: 52-5.

²²⁸ “Declaration of Julia de la Roca.” 30 October 1841, Enclosed in Turnbull to Aberdeen, Havana, 24 December 1841. HCPP, 1843 (483) LVIII.347: 87.

²²⁹ “Declaration of Julia de la Roca.” 30 October 1841, Enclosed in Turnbull to Aberdeen, Havana, 24 December 1841. HCPP, 1843 (483) LVIII.347: 87.

Indeed, in 1835 two men named Miguel and Agustín came forward in Havana. They claimed that they were not slaves but that in fact they were *emancipados* and that they had arrived in Cuba twelve years previously after a shipwreck. Most importantly, they also remarked that upon arriving in the city they discovered that they were liberated Africans because they were informed of it by their companions.²³⁰ Unfortunately, no evidence was found to support the basis of their claim, and they were not granted the special status they demanded. The suggested dates of arrival did not match up, added to the fact that several witnesses were prepared to vouch for the fact that Miguel and Agustín were both slaves and not liberated Africans. If in fact they were not *emancipados* at all, their petition is all the more significant because it demonstrates that the authorities were right to be fearful that slaves might question the legitimacy of their enslavement after the introduction of *emancipados*.

Liberated African Agency and Social Relations

In opposition to the image of the liberated African as a repressed and dominated subject, it can be suggested that the liberated Africans in Brazil were a group who were difficult to manage and employ productively. They were often considered given to vices, for example, such as the group of sixty liberated Africans from the slave

²³⁰ “Expediente en que D. Miguel Estrach solicita se le certifique haberse declarado no ser emancipados Agustín y Miguel que se presentaron como tales”, Havana, 7 November 1839. ANC, Gobierno Superior Civil, legajo 997, número 99062. “Querían se les declarase como tales emancipados fundándose para ello en que a su llegada a esta ciudad habían visto varios de sus compañeros que les dijeron que estaban tenidos en aquel concepto.”

ship *Relampago* who were sent to the Amazon to work on public works in 1851.²³¹ They are described in the documents in 1864 in the following terms: “In general they are all obstreperous and given to the vice of inebriation.”²³² While the authorities may have been inclined to exaggerate the issue, their frustration and inability to exploit the Africans’ labour as much as they would have wished is palpable.

Meanwhile in the Casa da Correção in São Paulo the director believed, whether legitimately or not, that the regular escape of liberated Africans from the institution was part of a plan and that further escapes would undoubtedly occur.²³³ The concentration of liberated Africans in cities contributed directly to the spread of information amongst them and other free black and slaves and their access to freedom. This can be verified by the excuse made about sending liberated Africans to work on plantations during General Miguel Tacón’s governorship in Cuba as a matter of security, and a precaution against their integration with “suspicious” blacks.²³⁴ When analysing police documents concerning the repression of uprisings, Jorge Prata da Sousa emphasises the differential treatment of liberated Africans. “The zeal, with which the authorities distinguish free Africans as elements able to

²³¹ Voyages database, ID: 4786 The ship was detained by Brazilian authorities about 20 miles from Salvador in October 1851. See Bethell, *Abolition of the Brazilian Slave Trade*, 359.

²³² ANRJ, Série Justiça, IJ6-469. “Em geral são todos torbulentos e dados ao vício de embriaguez.”

²³³ Fernando Salla, *As prisoes em São Paulo:1822-1940* (São Paulo: Annablume, 1999), 83.

²³⁴ Murray, *Odious Commerce*, 284.

articulate revolts and rebellions, forms the basis for the argument that free Africans cannot be mistaken for compulsory workers identical to slaves.”²³⁵

Having arrived without knowledge of the language after a long and disorientating journey, not to mention the time they were kept on the ship awaiting trial, it is likely that the liberated Africans would not have had a clear understanding of what it meant to have been freed by the court of Mixed Commission. They were not party to the proceedings of the court, and if they were called on as witnesses at all, their testimony was generally taken out of court.²³⁶ Regulations regarding the obligation to interrogate Africans from slave ships tried by the Auditoria Geral da Marinha were introduced in Brazil and later included the requirement for individual interrogations, but even then the observance of the custom was lax.²³⁷ It may be argued, however, that unless they were deliberately isolated, consciousness of their condition was something which was fast acquired.

Liberated Africans also took the initiative of appealing to the British and local authorities in order to correct wrongs that they knew had been committed against them. A young woman named Seraphina returned to the court of Mixed Commission in Rio de Janeiro, perhaps an unusual occurrence as this was the only

²³⁵ Prata da Sousa, “Africano livre ficando livre,” 2. “O zelo com que as autoridades distinguem os africanos livres como elementos capazes de articularem revoltas, rebeliões, alicerça o argumento de que os africanos livres não podem ser confundidos como um trabalhador compulsório idêntico aos escravos.”

²³⁶ ANC, Gobierno Superior Civil, legajo 941, número 33176. For example, in the case of the *Jesus Maria* where a number of rapes and serious crimes had occurred the Africans were interviewed at Nassau from whence evidence was to be sent on.

²³⁷ Rodrigues, *Infame comércio*, 186.

documented case of such an event that I found and which had been placed amongst the trial papers of the ship that she was liberated from, the *Leal*.²³⁸ She was only sixteen but her appeal was certainly addressed by the court and her awareness and indignation stands out. She reported that she had been sold to a woman who beat her and used a wrought iron collar around her neck, of which the bruises were clearly evident.²³⁹ It was recommended that she should be removed from her current “owner” and reissued a letter of emancipation from the Mixed Commission court.²⁴⁰

Despite the insistence on records, there was no guarantee that the authorities would be able to find and recognise liberated Africans; they often went through several owners and name changes. The liberated Africans received a Tin-ticket around their necks which identified them as belonging to that class, but it was easily lost or removed. Knowing about their status did not necessarily protect them from being falsely enslaved. There are countless examples of liberated Africans being sold. Recognising oneself as a liberated African and appealing to the authorities for overdue freedom could also be detrimental to a liberated African’s welfare. During the 1840s particularly, in both Cuba and Brazil, liberated Africans were hardly ever granted their freedom and more often they were reassigned to different benefactors.

An *emancipado* called Felix Lucumi came forward in 1842 to demand recognition of his status. He was sent to the deposit of liberated Africans in Havana under instructions not to be hired to anyone because his status was still unclear,

²³⁸ Voyages database identification no: 1873 Captured in 1839.

²³⁹ AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 62, maço 1.

²⁴⁰ AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 62, maço 1.

showing that the authorities did not wish to set a dangerous precedent by freeing him and instead waited for further proof.²⁴¹ Appeals by liberated Africans were sometimes met with intimidation, especially in Cuba. Through appealing for their freedom they risked being sent to plantations or even banished from Cuba.²⁴² The threat of facing exile would have discouraged liberated Africans from making an appeal for freedom. “Having acquired the language, usage and customs of the Spaniards” they had made their lives in Cuba and many had families and other ties to the island.²⁴³

There are of course cases of liberated Africans who achieved their final freedom. In some instances they themselves asked for a ship to take them back to Africa and many succeeded in returning. Despite the British intervention and willingness to take liberated Africans to Jamaica and other British territories, the expenses of repatriation to Africa were later considered by the British to be too high. One of the greatest advantages in being a liberated African was the protection of the British crown and the involvement of the British consul and protector of liberated Africans who often intervened personally to help liberated Africans who had been unjustly maintained in servitude. The work places of liberated Africans were also inspected by the protector of liberated Africans. In Cuba the role of Superintendent of liberated Africans offered some possibilities of appeal, particularly because of the 1835 treaty agreements.

²⁴¹ ANC, Gobierno superior civil, legajo 940, numero, 33156.

²⁴² Martinez Fernandez, “Anglo-Spanish Mixed Commission,” 215.

One of the most important social relationships which they were to develop was with other liberated Africans and particularly their shipmates. Shipmate bonds forged during the Middle Passage were one of the most significant aspects of the social lives and organisation of millions of slaves transported across the Atlantic to be enslaved in the New World. Through such bonds slaves were able to support one another, impart information and piece together what might be happening, as well as coordinate resistance and revolts on slave ships. These bonds would have been further consolidated by time spent together awaiting sale in warehouses during what was known as the “seasoning” process. Equally, for recaptives or liberated Africans, those Africans who were freed through bilateral treaties against the slave trade during the nineteenth century, there was an extended period of collective confinement, sometimes on-board the very slave ship in which they had travelled.

To illustrate the value of such relationships, we can consider the case of Mateo who travelled on the slave ship *Aguila*.²⁴⁴ Mateo’s African name was Maba and he was nineteen when he traversed the Atlantic. In June 1832 the *Aguila* attempted to out-run the British warship *Speedwell*, and was chased until it was wrecked upon the shore.²⁴⁵ When he arrived in Cuba Maba was renamed, Pedro Alejandrino, as was customary for the liberated Africans and was consigned to work on the city’s aqueduct. Pedro’s name soon appeared in the list of those who had died

²⁴³ Secretary to the Captain-General of Cuba to Consul General Crawford, Enclosure 2 in no.453, 3 March 1854. HCPP, 1854-55 (0.4) LVI.179: 470.

²⁴⁴ Voyages database ID: 1249

²⁴⁵ Mr Turnbull to Viscount Palmerston, Havana , 23-26 June 1841. HCPP, 1842 (403) XLIII.1: 302.

working at the aqueduct and he was secretly sold on to a Coronel Mariano Romay and renamed for the second time as Mateo. An inquiry was carried out in 1843 when Mateo re-appeared asking for emancipation. Three other Africans from the *Aguila* were able to recognize him as a “companion and fellow countryman” who had travelled with them from Africa on the same ship.²⁴⁶

On request a fake letter of sale was produced claiming that Mateo was a slave who had been sold in 1830 when he was around 8 years old. But the initial letter of emancipation from 1832, as well as the shipmate evidence supported the fact that to the contrary he was in the list of liberated Africans from the *Aguila*. In the aforementioned initial letter of emancipation, which all liberated Africans were assigned, he was described as Congo Mondongo and the small physical description including a scar on his head were easily conferred.²⁴⁷ Pedro Alejandrino and his three companions seem to have been some of the luckier ones. Instructions were given for Pedro to receive his full freedom so that he could govern himself, and all three of the others who identified him were also “enjoying complete liberty.”²⁴⁸ Not only were they described as shipmates, but also *paisanos* or countrymen, giving strength to the idea that such relationships were built on existing kinship structures from Africa, or at least from the Middle Passage. Shipmate bonds could be wide reaching in their inclusion. In Russell Lohse’s analysis of Yoruba in Costa Rica he

²⁴⁶ ANC, Asuntos Políticos, legajo 41, numero 58. See also an account of the case in: Martinez Fernandez, “Anglo-Spanish Mixed Commission,” 213.

²⁴⁷ ANC, Asuntos Políticos, legajo 41, numero 58.

²⁴⁸ ANC, Asuntos Políticos, legajo 41, numero 58.

describes shipmate bonds as those, “implying broader webs of relationships than either ethnicity or state could provide.”²⁴⁹ Shipmate bonds were one of the tools which liberated Africans could use to protect themselves from false enslavement. The enslavement of *emancipados* was such a common occurrence that Francisco Dionisio Vives introduced 500 peso fines for the practice in Cuba.²⁵⁰

All of the 595 Africans from the *Aguila* are described as Congo in the registers, but they are also further defined as Mondongo, Mullombe, Luango or Musundi. The Congo basin was extremely diverse, comprising a wide range of dialects, traditions and ethnic groups. These differences were reflected in the Congo brotherhoods or *cabildos de nación*. Having all been boarded at the port of Loango, the Africans on board the *Aguila* would have spent some time traversing territory belonging to other ethnicities before they reached the coast which would have seemed alien to them. Although they would all have had a similar Bantu heritage, scholarship has yet to reveal how far the unique circumstances of the journey would have forced the Africans from the *Aguila* to overcome the differences between them. They may not all of course have been complete strangers.

Information about the individuals on slave ships: where they came from, who they were and perhaps most importantly why they came to be there is starting to be

²⁴⁹ Russell Lohse, “Africans in a colony of creoles: the Yoruba in colonial Costa Rica,” in *The Yoruba Diaspora in the Atlantic World*, ed. Toyin Falola and Matt D. Childs (Bloomington: Indiana University Press, 2004), 130. “The shipmate bond implying broader webs of relationships than either ethnicity or state could provide in Costa Rica, became a key point of reference for enslaved Yoruba and other Africans.”

²⁵⁰ Martinez Fernandez, “Anglo-Spanish Mixed Commission,” 213.

uncovered in greater detail, particularly with the aid of documents from the courts of Mixed Commission. The liberated Africans had to be accounted for, and this means that they are one of the richest documented social groups of the period. For example, the slave ship *Emilia*, the one on which the slave mariner Gorge worked, was the first ship, under treaty with Portugal, to be tried by the Rio de Janeiro Mixed Commission in 1821. The ship carried a high percentage of Africans of Yoruba and Hausa origins as well as Nupe and Gbe. Around sixty of the original shipmates eventually returned to Lagos together, with a larger group of Africans, after saving up resources to charter a ship.²⁵¹ Such eventualities, involving relationships which endured over long periods of time, were not isolated events. In fact they were common occurrences, which had an important effect on the well-being and survival of the liberated Africans and will be explained further in chapter five.

The liberated Africans as a group were a diverse cross-section of Africans imported to Cuba and Brazil over nearly half a century. Although there were also liberated Africans freed by local authorities in both locations, more detailed information is available concerning those captured by British warships. To continue to use the *Aguila* as an example, there are many revealing conclusions which can be drawn by analysing the data. Although the majority were children and young adolescents, amongst the Africans on the *Aguila*, 94 or around 16% were between the ages of 25 and 50. This group would have lived a significant part of their adult lives in Africa meaning that we can assume they would have carried with them strong traditions and ways of life which were common to them in Africa.

²⁵¹ See Hawthorne, ““Being now, as it were, one family.””

During their journey and subsequent confinement on the ships, captives were cramped together in small and unpleasant living spaces. Although no two journeys were the same, from the wide variety of examples of this phenomenon, there is no doubt that their shared traumatic experiences created shipboard bonds among slaves. Bonds such as this have been seen as a way of replacing kinship bonds by historians including Walter Hawthorne who argues that they were a means of maintaining contact with “a real and mythical past” and continued to have relevance in slaves’ lives in the Americas.²⁵²

Hawthorne believes that “for those able to maintain contact with shipmates, these bonds became the most important and most enduring of any that the African Diaspora would create.”²⁵³ In order to demonstrate his findings Hawthorne uses a case study of the slave ship *Emilia*. Because of the trial of the ship by the Rio de Janeiro Mixed Commission court, there is a wide range of accessible information concerning the voyage. But it is still difficult to characterise exactly what type of bonds were formed and between whom.

Walter Hawthorne’s study of the *Emilia* contributes to a larger debate, which has predominantly focused on the North Atlantic. The discovery of enduring relationships formed during the Middle Passage has led to two main currents of thought: one which focuses on an “Africanist” perspective suggesting that shipmate bonds were built upon existing cultural and social similarities and the other represented by authors such as Sidney Mintz and Richard Price who suggest that these bonds, “announced the birth of new societies based on new kinds of

²⁵² Hawthorne, “‘Being now, as it were, one family’,” 55.

principles.”²⁵⁴ They saw such bonds as the advent of “creolisation” and the formation of new identities which would be developed in the Americas. The Middle Passage was an extreme and dramatic separation from the lives that slaves had known in Africa, which has even been described as a “social death.”²⁵⁵

However, as Paul Lovejoy reminds us, “people unlike goods have memories, habits and expectations.”²⁵⁶ During this period of Cuban and Brazilian history large numbers of first-generation Africans with similar ethnic and cultural backgrounds were continually arriving. The journey across the Atlantic would have taken around one month and is unlikely to have erased or completely altered the identities of those who traversed it, especially because, as Lovejoy points out, shipmate bonding was a phenomenon based on ethnic bonds and “communicated through a common language.”²⁵⁷ His assertions suggest, therefore, that the strength of such bonds would have depended on how well the captives could communicate, who was on the ship, and when and from where it set out. On the slave ship *Brilhante*, tried by Mixed Commission in 1838, which traded at the port of Ambriz, Angola, it seems that just over forty percent of the captives had Kimbundu names, whilst the rest

²⁵³ Hawthorne, “‘Being now, as it were, one family’,” 72.

²⁵⁴ Mintz and Price, *The Birth of African-American Culture*, 43.

²⁵⁵ Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1982).

²⁵⁶ Paul Lovejoy, *Transformations in Slavery: A History of Slavery in Africa* (Cambridge: Cambridge University Press, 1983), 4.

²⁵⁷ Lovejoy, *Transformations in Slavery*, 9.

spoke other Bantu languages such as Teke and Kikongo.²⁵⁸ They had similar origins and there is a high probability that they would have been able to converse.

Through the analysis of shipping patterns, it has been demonstrated that Africans on slave ships often came from similar backgrounds.²⁵⁹ The registers from the Mixed Commission reveal that in some cases actual family members were travelling on the same ships. They describe some familial relationships extending to siblings, mother and child and even some mention of other extended family such as aunt and niece on the same ship.²⁶⁰ Manuel Barcia also attests to the fact that families of slaves who arrived on the same slave vessels were certainly employed on a plantation in Cuba in 1825.²⁶¹ Such revelations support the concept that many of those on-board slave ships could even be from the same communities and may have known each other even before the journey began. They also provide evidence contrary to the conception of the Middle Passage as a social death.

It now seems fairly clear that looking at the problem as a dichotomy is unhelpful. There has certainly been a swathe of scholarship which undermines their original premise, but there are observations which remain pertinent from Mintz and Price's analysis, including the extraordinary circumstances which helped to forge the relationships between shipmates. Their comparison with the types of bonds formed

²⁵⁸ Domingues da Silva, "The Kimbundu diaspora to Brazil", 13.

²⁵⁹ Thornton, *Africa and Africans*, 324.

²⁶⁰ Archives of the Havana Slave Trade Commission, Registers of Slaves, 1824-1841. TNA, FO 313/56-62.

as a result of boot camp or prison is one which supports the important place of the effects of trauma itself in forming these relationships and how they developed over time.²⁶² As Alex Borucki argues, relationships to other shipmates or “brothers in suffering” were developed and re-shaped during the journey and afterwards in the Americas to overcome differences between people which would have been evident and have seemed insurmountable in Angola, for example.²⁶³

Whilst debate continues concerning whether shipmate bonds represented the beginnings of a new society or evidence of African “survivals,” what remains undisputed is the existence and continued importance of such relationships, as Walter Hawthorne has emphasised.²⁶⁴ They have been equated with survival and were of considerable significance even for consequent generations. The authorities were clearly aware of such bonds and their role in the welfare of the liberated Africans. When the British Commissary judge, Joseph T. Crawford, tried to intervene in the case of an *emancipada* named Trinidad who had carried out 21 years of apprenticeship, as well as being told that she had not been in Cuba for long enough, he received the following reply:

²⁶¹ Manuel Barcia, *The Great African Slave Revolt of 1825* (Baton Rouge: Louisiana State University Press, 2012), 100.

²⁶² Mintz and Price, *Birth of African-American Culture*, 44.

²⁶³ Alex Borucki, “The ‘African Colonists’ of Montevideo. New Light on the Illegal Slave Trade to Rio de Janeiro and the Río de la Plata (1830-1842),” *Slavery and Abolition* 30, no.3 (2009): 427-444. See also Robert W. Slenes, “‘Malungo, Ngoma vem’: África coberta e descoberta no Brasil,” *Revista USP* 12 (1991/92): 48-67.

²⁶⁴ Hawthorne, “‘Being now, as it were, one family.’”

If what she asks was conceded to her, it would give room for this Government to be continually molested with similar pretensions by all those who were companions in the same expedition, and with more reason by those negroes of her class who are several years older than the *emancipada* now in question, as regards their residence in the island.²⁶⁵

He hereby implies that both her shipmates and other liberated Africans who had spent longer on the island arriving on ships before 1836 would have been able to find out directly or indirectly about the free status of one of their “class” of liberated Africans and would have come to petition for their own freedom. This would suggest that being a liberated African also become a type of bond. It also pertains to the carefully contained threat which was posed by the liberated Africans, and the consciousness that denying liberty was essential to order.

Policies of Control and Integration

There is some suggestion that the authorities wanted to limit liberated African interaction with free blacks and slaves.²⁶⁶ They were successful at isolating the liberated Africans from these groups at least to a certain extent in Cuba. In several British communications concerning liberated Africans there are references to derision from slaves. In 1832 the British commissioners reported to Viscount

²⁶⁵ The Captain General of Cuba to Her Majesty’s Commissary Judge, Enclosure 2 in no.37, Havana, 18 May 1857. HCPP, 1857-58 (2443) LXI.1: 35-6.

²⁶⁶ Murray, *Odious commerce*, 277.

Palmerston that “the emancipated negroes are detested by the negro population, whether slave or free; and the name of *Emancipado* or *Ingles*, is amongst the negroes of the Havana a term of opprobrium and derision.”²⁶⁷ This was reaffirmed in 1840 and attributed to the kinds of work they carried out which on public works was often the type of degrading labour reserved for prisoners.²⁶⁸ These circumstances made the possibilities of bonds between liberated Africans even more valuable. In Brazil it seems that the liberated Africans were not restricted to the same extent in their networks of social relations and in both locations there are records of marriages between slaves and liberated Africans and also between libertos and liberated Africans.

The way that liberated Africans were tightly controlled and subjugated in similar patterns in two distinct locations would attest to the threat that they offered to a system of production based on slavery. Whilst many similarities can be drawn between liberated Africans in the two cities, it is also through the similarity of the British diplomatic policies that they can be drawn together despite several fundamental differences in the way in which the “problem” of liberated Africans was imagined and resolved in both cities.

²⁶⁷ His Majesty’s Commissioners to Viscount Palmerston, no.54, 29 March 1832. HCPP 1833 (007) XLIII.1: 53-4.

²⁶⁸ Her Majesty’s Commissioners to Viscount Palmerston, no.108, Havana 30 September 1839. HCPP, 1840 (265) XLVI.9: 142. Luis Martinez Fernandez claims that *emancipados* were ‘alienated’ from slaves and this could account for the low numbers of escapees amongst them. Luis Martinez Fernandez, “Anglo-Spanish Mixed Commission,” 215.

The treatment of the liberated Africans from the slave ship *Flor de Luanda* offers a stark contrast to other liberated Africans in Brazil, even though they were subject to the same laws. They formed a small group of liberated Africans in Brazil who came under the principal protection of the British. Although the ship could not be tried by the Mixed Commission court in Rio because it was Portuguese, over the course of the trial the Africans became too sick to travel to a further destination. The British in charge of liberated Africans used this opportunity to try to make a point about the liberated Africans' care. They made sure they were accounted for, and even had a ceremony where letters of emancipation were distributed at the Santa Casa da Misericórdia hospital where many of the liberated Africans from the ship had been employed. Those liberated Africans were freed immediately at the end of their apprenticeship and received payment for the years of service they had provided; they were also invited to travel to British colonies as free labourers after their apprenticeship.²⁶⁹

Even so, the British faced their own difficulties in securing better conditions and guaranteeing the freedom of the liberated Africans sent to their own colonies.²⁷⁰ It is important to note the limitations of the involvement of British envoys. Some of the commissioners and officials were more enthusiastic than others, and they were not immune to corrupt practices.²⁷¹ The liberated Africans were often the unfortunate

²⁶⁹ Mamigonian, "Em nome da Liberdade,"79.

²⁷⁰ Adderley, "'A Most Useful and Valuable People?'"77.

²⁷¹ See Curry-Machado, "How Cuba burned."

victims of the tense relationships which developed around the sensitive subject of abolition.

There are several sources which suggest that information travelled quickly amongst liberated Africans. For example, many liberated Africans knew which British officials they could appeal to for assistance and consequently who they could not.²⁷² In circumstances where liberated Africans appropriated the category to which they belonged, they developed strength in numbers and were supported by rights inscribed in law. When combined with knowledge which was accrued about their status, liberated Africans learnt to rely on others who shared their social condition. In order to demonstrate such findings this chapter has addressed details of the labour arrangement and developments which dictated how liberated Africans were distributed and absorbed into the work force and some of the reasons behind it, but also the reactions to such treatment which suggest that it was not completely effective at rendering them innocuous participants in the slave system. Liberated Africans began to define themselves as a group and use such an identity to their advantage both in terms of petitioning the British to come to their aid and through the law. This was where the boundaries of change and empowerment ultimately developed.

Vessels such as those tried by Mixed Commission and captured during the Middle Passage offer a rich source of data about the illegal trade in slaves. Such information gathering eventually meant that the slave trade was able to be more effectively suppressed. It also allows historians to better understand the complex

²⁷² Martinez Fernandez, "Anglo-Spanish Mixed Commission," 217.

nature of human relationships which were formed during the crossing. The details of journeys which were documented through court records can be used to illustrate the extraordinary circumstances which fostered a strong sense of unity and social identity amongst the captives. As Walter Hawthorne has argued, despite the recognition of the importance of the Atlantic, studies of communities which developed in this environment are still few and far between.²⁷³

²⁷³ Hawthorne, “‘Being now, as it were, one family’,” 55.

Chapter three. The Holding Ships for Liberated Africans: HMS Romney and HMS Crescent

For two months in 1842, the British abolitionist and Superintendent of Liberated Africans, David Turnbull, found himself sharing close quarters with a group of freed African soldiers who lived and worked on a British ship at Havana, the HMS *Romney*, as well as their wives and children.²⁷⁴ Both Turnbull and the black soldiers were practically imprisoned on the ship. In Turnbull's case he had voluntarily confined himself to the ship fearing for his life because of his abolitionist views and militancy.²⁷⁵ The black soldiers were also considered a threat to the security of the "ever faithful Isle" and venturing onto land tended to lead to clashes with the Spanish authorities.²⁷⁶ The extraordinary and unwelcome presence of the ship and its inhabitants in Cuba can be attributed to British efforts to suppress the slave trade through the bilateral courts of Mixed Commission.

In the context of addressing how the presence of the Mixed Commissions influenced, affected and antagonised slave traders and other beneficiaries of the slave trade in Havana and Rio de Janeiro, a key element for discussion is the

²⁷⁴ David Turnbull to Lord Stanley, *Romney*, 13 June 1842, TNA, CO 318/157.

²⁷⁵ Turnbull to Lord Stanley, *Romney*, 14 June 1842, TNA, CO 318/157.

²⁷⁶ Her Majesty's Commissioners to Viscount Palmerston, Havana, 7 November 1840. HCPP, 1841 session 1 (330), XXX.1: 286. For details of a commotion caused after four soldiers left to take *emancipados* to Grenada and were detained on their return see also H.M's Commissioners to Viscount Palmerston, Havana, 20 September 1839. HCPP, 1840 (265) XLVI.9: 139.

stationing of the two receiving ships: the *Romney* at Havana in 1837, and the *Crescent* at Rio de Janeiro in 1840. During a period of eight and fourteen years respectively, both ships were to house liberated Africans from detained slave ships which had been condemned by the courts of Mixed Commission. Whilst the Mixed Commissions have received some attention, the holding ships have rarely been a direct subject of scrutiny, and their connections to wider political struggles have only been tenuously sketched. The *Romney*, in particular, has been viewed as part of a suppression policy which was seriously failing to take effect against the slave trade in Cuba during the 1830s and 1840s.

The establishment of the courts of Mixed Commission was accompanied by other coercive measures imposed by Britain, including the stationing of these ships at a time when the threat of intervention by foreign powers was a constant. According to James Kennedy, the British judge from the Mixed Commission court between 1837 and 1851, the presence of the *Romney* was said to have contributed to anti-British sentiment in Cuba.²⁷⁷ The *Crescent*, although unwelcome, will be contrasted with its sister ship to reveal that it was a particular and unique combination of events and rising tensions which led to the *Romney* becoming an object of even greater resentment and political discord, to the point of being sold on to the Spanish authorities in 1845.

The *Crescent*, on the other hand, remained in Rio until 1854. Even after the closure of the Mixed Commission court it continued to house liberated Africans and to offer sanctuary and the prospect of onward transportation to British West Indian colonies to liberated Africans who were considered to have been illegally enslaved

under the controversial British interpretation of the law of 1831.²⁷⁸ The *Crescent* was therefore a more successful and useful project in terms of the outcomes for the British legation. After its utility as a holding ship for liberated Africans became secondary and finally no longer necessary in 1853, it was employed for storage, as a prison and as a hospital for the British squadron, including during the Yellow fever outbreak in Rio in 1850.²⁷⁹

Although the receiving ships were only bare “hulks” and were not in a position of being galvanised to carry out any sort of military attack, they had a symbolic relevance which seemed to go beyond the physical threat which they encapsulated; regulated and controlled by diplomatic procedure. They were old naval ships, armed with a permanent presence at both ports, which included contingents of free black guards. This chapter aims to show how and why the presence of the *Romney* was powerful enough to contribute to the atmosphere of tension surrounding the African slave uprisings of 1843, and the conspiracy of 1844, as well as the

²⁷⁷ Murray, *Odious Commerce*, 126.

²⁷⁸ Mamigonian, “In the Name of Freedom”, 57.

²⁷⁹ William M’Kinley M.D, “Remarks on the Yellow Fever which appeared of late years on the Coast of Brazil” *The Monthly Journal of Medical Science* 6 (1852): 335.

general air of distrust of foreign influence in Cuba.²⁸⁰ For example, an officer from the *Romney* was even arrested for urinating on the city walls in early 1842.²⁸¹

This “immoral act” which occurred in the evening on 25 March 1842 eventually attracted the attention of a number of curious onlookers.²⁸² Augustus Junior Burton, a lieutenant from the *Romney* and two other British men were accused of having gestured towards the fortifications of the Plaza next to the Puerta de Monserrate, believed to be the object of their conversation, before Augustus urinated on the city wall. In Augustus’ account, no such examination took place, after his toilet break he was simply accosted by a Spanish official who was quickly joined by other soldiers who he could not understand and who beat him and led him away by the point of their rifles.²⁸³ The ominous interpretation of events by the officials captures the volatility of the relationship between the British soldiers from the *Romney* and the authorities, and British subjects in general stationed in Havana at the time.

The sentinels were guardians of the Puerta de Monserrate, the main entrance to the part of the city which was walled, heavily fortified, and which was closed at

²⁸⁰ See Robert L. Paquette, *Sugar is made with Blood: The Conspiracy of La Escalera and the Conflict between Empires over Slavery in Cuba* (Middletown, Connecticut: Wesleyan University Press, 1988).

²⁸¹ Jonathan Curry-Machado, *Cuban Sugar Industry: Transnational Networks and Engineering Migrants in Mid-Nineteenth Century Cuba* (New York: Palgrave Macmillan, 2011), 131.

²⁸² Augustus J’n Burton to Eduardo Barnett, *HMS Romney*, Havana, 25 March 1842, ANC, Asuntos Políticos, Legajo 137, No.14. Reference and source kindly provided by Jonathan Curry-Machado.

night at around the hour that the Englishmen appeared. Whether the argument that the three British men seemed to be assessing the cities fortifications was offered to justify what occurred after the event or not, it is clear that the sentinels found Augustus' actions offensive. The episode demonstrates that British subjects, particularly those directly involved in slave trade suppression, were a source of antagonism and that it took little to ignite underlying resentments. As demonstrated by Jonathan Curry-Machado, foreign residents in Cuba during this turbulent period were not able to lead ordinary lives and were never free of suspicion as potentially dangerous "others."²⁸⁴

The placement of the *Romney* as well as that of the *Crescent* was designed as a practical solution to the problem of what to do with the hundreds of Africans from condemned slave ships that were in danger of becoming absorbed by the large "bozal" slave community. Although they had different effects and roles, both ships were ways of establishing a British presence in the ports, and demonstrating the strength of British naval enterprise as well as the "moral capital" involved in the costly endeavour of taking care of the newly arrived Africans who required alimention, as well as security, board and medical care. The ships were primarily introduced for practical reasons, but came to represent much more, particularly within the context in which they functioned.

²⁸³ Augustus J'n Burton to Eduardo Barnett, *HMS Romney*, Havana, 25 March 1842. ANC, Asuntos Políticos, Legajo 137, No.14.

²⁸⁴ Curry-Machado, *Cuban Sugar Industry*, 130.

The Introduction of the Receiving Ships for the Protection of Liberated Africans.

From 1808 the Royal Navy West Africa squadron was responsible for detaining suspected slave ships from nations which had signed treaty agreements with Britain on the coast of West Africa. In a similar fashion West Indies and Brazil's squadrons, composed of ships of the British navy, patrolled their respective coastlines and captured vessels which were involved in slave trading. They lay in wait and pursued slave ships attempting to land their cargoes. Slave traders found diverse and inventive means to avoid such a fate, from landing at night to placing pilots along the coast.²⁸⁵ Even so, a small number of slave ships were captured by the British squadrons. Attempts to detain slavers often involved dangerous skirmishes between British ships of war and slave ships carrying considerable armament to protect them in the case of just such an eventuality. Detained ships were brought to trial before a Mixed Commission court unless the capture was carried out by local anti-slave trade patrols. If the ships were carrying slaves, those slaves were then registered as liberated Africans.

One of the issues which plagued the Mixed Commissions prize crews was the problem of what to do with the African slaves during the interim period both before they had been apprenticed, and during the trials of prize ships at the Mixed Commission court. The profitability of selling slaves meant that the Africans could

²⁸⁵ Barcia, *West African Warfare*, 73.

easily become victims of kidnap and never seen again. They were also in a precarious state of health and needed somewhere where they could recuperate. Although before 1835 they were quickly transferred to specially-built barracks near the fort of La Punta where they would be kept isolated from the rest of the Havana's population, during the trials the Africans generally remained on-board the ship in which they had arrived unless the ship was not in a fit state, having been wrecked or destroyed by firepower when trying to escape the British patrol. One advantage of this arrangement was that it safeguarded them from being stolen, although attacks on ships for this purpose were quite frequent in Rio de Janeiro, but it also meant that they were exposed to health hazards inherent in their confinement on ships which were inadequate for the purpose.²⁸⁶ In fact, they were frequently quarantined because of fears of contamination of smallpox, cholera or other diseases.

The senior assistant surgeon on the *Crescent* maintained that the extreme conditions of a newly arrived slave ship never ceased to shock him. "Although somewhat prepared by the previous inspection of two full slavers to encounter a scene of disease and wretchedness, still my experience, aided by my imagination, fell short of the loathsome spectacle which met my eyes on stepping over the

²⁸⁶ Amongst other occasions, two Africans were successfully stolen at night from the slave ship *Cezar* in Rio de Janeiro with the help of the imprisoned slave crew who watched out for the sentry. "Mr Armitage mate in charge of the "*Cezar*" to Lieutenant Bower," Rio de Janeiro, 21 June 1838. TNA, FO 129/7. See also Ouseley to Viscount Palmerston, Rio de Janeiro, 26 Sept 1838. HCPP online, 1839 (181) XLVII.213: 411-12.

side.”²⁸⁷ The rising stench from the hold of one slave ship was enough to halt his intended inspection of the slaves.²⁸⁸ Decimation by various types of fevers, small pox and dysentery were common, as well as the spread of other disease such as Ophthalmia, an infection of the eye, which caused blindness and was highly contagious.

The health of the Africans on board these ships tended to decline substantially whilst they remained in these conditions. However, Captain General Miguel Tacón, who governed Cuba from 1834 to 1838, refused to accept the possibility of a depot for *emancipados* in Havana whilst the ships were sanitised for the Africans’ removal from Cuba. When Richard Madden, the first Superintendent of Liberated Africans tried to insist, Tacón made out that the issue was health related whilst simultaneously reporting to Spain that the reason for his refusal was his concern about Madden’s dedication to the cause of abolitionism.²⁸⁹

Another solution therefore, was to take them on-board ships such as the *Romney* and *Crescent* with a marine guard. This could certainly be considered a necessary precaution with the audacity of night time raids on slave ships in ports. There they could be properly attended to by medical assistants and the British crews could observe them so there was no confusion over the numbers of deaths and the

²⁸⁷ Thomas Nelson, *Remarks on the Slavery and Slave Trade of the Brazils* (London: J. Halchard and Son, 1846), 44.

²⁸⁸ Nelson, *Slavery and Slave Trade*, 53.

²⁸⁹ Murray, *Odious Commerce*, 122. A change to Article VII of the 1817 treaty obligations in the treaty of 1835 transferred responsibility for the *emancipados* to the nation whose ship had captured the slaver. Roldán de Montaud, “Blurred Boundaries”165.

distinguishing marks which helped identify individual slaves. The receiving ships provided a healthier environment for the recuperation of Africans after the Middle Passage, although it was still often necessary that some of them be treated for sickness they had contracted during the duration of the Middle Passage in hospital.

One of the disadvantages of such a contingency was the manpower which would be required to sustain such a ship and its inhabitants. Several problems occurred relating to the placement of personnel in the service of the ships including health related complaints. For example, Lieutenant O'Brien, who was in charge of the black soldiers on the *Romney*, became ill and subsequently died during his passage home in 1839.²⁹⁰ The ship's carpenter on board the *Romney*, William McDonald, had "problems of constitution from five years servitude in this debilitating and pernicious climate," and in Rio, the Senior Medical Officer, Dr William Gunn on the *Crescent*, contracted a "chronic ailment" in 1846 as a result of both the climate and his close contact with sick Africans.²⁹¹

Another problem concerning the crew of the *Romney* in Cuba surfaced when the Captain General refused permission for particular members to go on land. Initially Tacón welcomed the idea of the establishment of a holding ship which would quarantine the recently arrived Africans and thus reduce the spread of infectious diseases, as nobody was in any doubt that sickness was being introduced

²⁹⁰ H.M.'s Commissioners to the Hon. W.F. Strangways, Havana, 29 April 1840. HCPP online, 1841 (330) XXX.1: 268.

²⁹¹ William McDonald's certificate of service for 3 August 1842 to 13 December 1842, courtesy of the private collection of Diana and Tony Bale. Regarding the case of Dr William Gunn see Hamilton to the Earl of Aberdeen, Rio de Janeiro, 7 January 1846. HCPP, 1847 (855) LXVI.1: 136.

to Cuba from slave ships.²⁹² His attitude was soon reversed when he realised that black, armed and uniformed soldiers would be employed on the ship. In his view, the involvement of free black foreign subjects flew in the face of strict prohibitions which had been put in place concerning the introduction of free blacks to Cuba under any guise.²⁹³

In early 1837 a host of correspondence was exchanged on the subject of the impending arrival of the *Romney* in Havana, where it should be located, and other relevant issues. One point of contention which surprised the British was the demand that the black soldiers on the ship were at first to be confined to their posts on the ship.²⁹⁴ Soldiers from the 2nd West Indian Regiment in Nassau were not to be allowed to land in Cuba as a matter of security and their return to Nassau was considered a prerequisite of the establishment of the ship in port.²⁹⁵ The British refused to back-down on this point, arguing that the black soldiers would be better suited to the climate, and to communicating with the *emancipados*.²⁹⁶ This certainly

²⁹² Dale T. Graden, *Disease Resistance and Lies*, 49. The fear surrounding the introduction of life threatening diseases from slave ships is clearly outlined in Graden's book and implicated as an important consideration in the demise of the slave trade.

²⁹³ Graden, *Disease Resistance and Lies*, 59.

²⁹⁴ H.M.'s Commissioners to Viscount Palmerston, Havana, 23 September 1837. HCPP online, 1837-1838 (124) L.1: 135-6.

²⁹⁵ H.M.'s Commissioners to Viscount Palmerston, Havana, 23 September 1837. HCPP online, 1837-1838 (124) L.1: 135-6.

²⁹⁶ Dr Madden to Mr Schenley, Havana, 30 August 1837. HCPP, 1837-38 (124) L.1: 137-8.

proved to be the case, as they were employed on many occasions as interpreters.²⁹⁷

But as a compromise they agreed that the soldiers would not be permitted ashore for the time being. This was a significant concession bearing in mind that there were 15 of them, with an equal number expected to arrive later, and the ship was not of a great size, being a fourth-rate ship of the line.²⁹⁸

Such prohibitions were not unique to the black soldiers from the *Romney*. Restrictions on the disembarkation of free black sailors and other black travellers arriving in Cuba began in the 1830s and targeted those arriving from Jamaica because of concerns about the spread of abolition amongst slaves.²⁹⁹ Restrictions were again tightened in the 1840s. In correspondence on the matter between David Turnbull and Viscount Palmerston, Turnbull drew attention to the “hardships endured by British seamen brought to this island in merchant vessels.”³⁰⁰ In particular, he outlined the case of a Jamaican sailor called James Buchanan who had been thrown in prison, where he languished for five months, after travelling to Havana as a sailor on a merchant vessel.³⁰¹ In 1843 a free black woman, returning to her family in Cuba via Jamaica after eight years caring for a sick relative in Curaçao

²⁹⁷ Graden, *Disease Resistance and Lies*, 159.

²⁹⁸ Count Ofalia to Sir George Villiers, Madrid, 29 December 1837. HCPP, 1837-38 (133) L.439: 2.

²⁹⁹ Reid Vasquez, *The Year of the Lash*, 72.

³⁰⁰ Mr Turnbull to Viscount Palmerston, Havana, 17 May 1841. HCPP, 1842 (403) XLIII.1: 277.

³⁰¹ Mr Turnbull to Viscount Palmerston, Havana, 17 May 1841. HCPP, 1842 (403) XLIII.1: 277.

required a letter from a Spanish consulate official attesting to her character before she was permitted to return.³⁰²

The prohibition regarding the soldiers from the *Romney* was eventually lifted by royal order from Madrid in 1839, after a first royal order curiously was never sent.³⁰³ Restrictions required that the soldiers could only leave on certain days and between certain times, and were not permitted to exceed ½ a mile from the ship because of concerns about the effect of the spread of information between them and the enslaved population.³⁰⁴ Indeed, it seems that it was not possible to avoid such encounters, and the account of one outing whereby six of the soldiers went ashore is interesting in what it reveals both about preconceived ideas about free and enslaved blacks, and the assumed white authority over them, and also what occurred after British intervention. It involved the defence of a slave by a black British soldier, considered so offensive that the response towards him was a violent physical reprisal.³⁰⁵

On the morning of 12 October 1840, six of the said soldiers left the ship along with the sergeant- major of the regiment who none the less allowed them to disperse and did not remain with them at all times. One of the soldiers, Francis Graham, was later found in the company of a black woman about whom not much is

³⁰² Reid Vasquez, *The Year of the Lash*, 75.

³⁰³ Murray, *Odious Commerce*, 126.

³⁰⁴ Count Ofalia to Sir George Villiers, Madrid, 29 December 1837. HCPP online, 1837-38 (133) L.439: 2.

³⁰⁵ The same event is also discussed in Graden, *Disease Resistance and Lies*, 60.

written, but it seems clear from the existing documents that she was a slave. A white slave manager or *mayoral* who found them ordered the woman away and began striking her with a whip, the sound of which was audible from the *Romney*.³⁰⁶ The soldier then tried to intervene, at which point the slave manager turned the butt end of the whip onto Francis Graham and struck his head, “laying it open and covering him with his blood.”³⁰⁷ This would suggest that the soldier did nothing to defend himself, but rather his principal concern was the safety of the woman in his company.

The event caused a furore and the three of them were soon surrounded by a crowd of “about 50 men.”³⁰⁸ The captain of the district decided that all the soldiers should be taken prisoner for disorder, but the commotion attracted the attention of the British officials on the *Romney* who came to the rescue. After a tense exchange which involved a guard of soldiers from the wharf stopping the black soldiers from returning to the *Romney* at musket point, the British official, Lieutenant Fitzgerald, apparently threw down his sword and declared himself prisoner as well. This proved

³⁰⁶ H.M.’s Commissioners to Viscount Palmerston, no.154, Havana, 7 November 1840. HCPP, 1841 session 1 (330) XXX.1: 286.

³⁰⁷ H.M.’s Commissioners to Viscount Palmerston, no.154, Havana, 7 November 1840. HCPP, 1841 session 1 (330) XXX.1: 286.

³⁰⁸ H.M.’s Commissioners to Viscount Palmerston, no.154, Havana, 7 November 1840. HCPP, 1841 session 1 (330) XXX.1: 286.

an effective way of diffusing the situation and he was allowed to take the soldiers back with the exception of the wounded soldier.³⁰⁹

The events were described rather differently in the Spanish communications, which detail that the soldier took a slight injury to the head, after a stick had been used to restrain him.³¹⁰ Francis Graham had apparently refused to leave the woman he was with. It was argued that the soldiers had strayed outside of the boundaries of their remit, and prior to the incident were causing a “scandalous disorder” in the company of eight black women.³¹¹ Amongst other points of dispute which arose was the idea that the soldiers had forced their way into a farmhouse and that the British commander had drawn his sword.³¹² The offensive which was taken up by the officials in Cuba on the matter is illustrative of the types of tensions which the presence of the ship evoked.

The way the report of the events was written from the Cuban side was to completely downplay the gravity of the incident on the side of the aggressors, and to try to prove that the black soldiers had taken liberties which were out of line and

³⁰⁹ H.M.’s Commissioners to Viscount Palmerston, no.154, Havana, 7 November 1840. HCPP, 1841 session 1 (330) XXX.1: 286.

³¹⁰ The Prince of Anglona to M. Ferrer, Political and Military Government of the Havana (Translation), 31 October 1840. HCPP, 1842 (403) XLIII.1: 31-2.

³¹¹ The Prince of Anglona to M. Ferrer, Political and Military Government of the Havana (Translation), 31 October 1840. HCPP,1842 (403) XLIII.1: 31-2.

³¹² “Enclosure in Captain General’s note of 29 Oct 1840” (Translation), enclosed in H.M.’s Commissioners to Viscount Palmerston, Havana, 7 November 1840. HCPP, 1841 session 1 (330) XXX.1: 288-9.

indeed deserved punishment.³¹³ This aggravated the British who demanded an apology and disciplining of the main aggressor, they also suggested that the whole situation had been premeditated. It seems quite possible that there were some deliberate attempts to lure the soldiers to houses with drink.³¹⁴ The episode gives a sense that the black soldiers were forced into behaving in ways which could be deemed to reinforce stereotypes and by which means the Spanish officials sought to undermine the effectiveness of the British strategy.

If the Spanish officials deliberately tried to obfuscate and undermine the investigations to compel the British to remove the soldiers they did so as a result of the threat represented by the black soldiers. The event suggests that Cuban concerns about the socialisation of the free black soldiers were quite well founded. They were in the position of earning a wage and as free men were allowed to go on land, on this occasion alone, and attract attention. Some of them were also single men, and naturally sought the company of women after their long confinement on the ship. Both the meeting of the sentinel with Augustus Jnr Burton and the soldiers leaving the ship were moments which reveal the precariousness of peaceful negotiations regarding the British presence in Cuba, and insight into the link between the authorities in Cuba and slave trading interests. Such provocations were also a means of maintaining strict regulations regarding the crew of the ship. Even if they did not agree with the Spanish interpretation of events, these violent encounters changed the

³¹³ “Enclosure in Captain General’s note of 29 Oct 1840” (Translation), Enclosed with H.M.’s Commissioners to Viscount Palmerston, Havana, 7 November 1840. HCPP online, 1841 session 1 (330) XXX.1: 288-9.

³¹⁴ Murray, *Odious Commerce*, 127.

way that the British decided to function because they did not wish to endanger the lives of British subjects. For example, in order to avoid a similar occurrence with the soldiers, the second regiment which went aboard the *Romney* were mostly married men.³¹⁵ Later, fourteen white marines went on-board to replace black soldiers on 13 December 1842.³¹⁶

During the time in which he lived aboard the *Romney* David Turnbull made some observations about the West Indies Regiment soldiers in order to argue that they should be educated on board and that there should be a school for the children.³¹⁷ In Turnbull's comments certain condescension is palpable, he lamented that they tended to hoard rations of alcohol and to save their wages only to spend them rashly and gamble amongst themselves. This was a means, perhaps, of maintaining their sanity whilst marooned aboard the ship. He also found, that they had an imperfect grasp of English and tended to communicate with one another in African languages. "Although they belong to various nations, speaking dialects which are not very intelligible to each other, they find it easier to conduct their intercourse by means of a conventional idiom of their own, than to attempt a conversation in English."³¹⁸ They were certainly in a position then, to communicate with African-born slaves in Cuba despite not speaking Spanish.

³¹⁵ Turnbull to Lord Stanley, *Romney*, 29 June 1842. TNA, CO 318/157.

³¹⁶ H.M.'s Commissioners to the Earl of Aberdeen, Havana, 19 Dec 1842. HCPP, 1844 (573) XLVIII.1: .93-4.

³¹⁷ Turnbull to Lord Stanley, *Romney*, 29 June 1842. TNA, CO 318/157.

³¹⁸ Turnbull to Lord Stanley, *Romney*, 29 June 1842. TNA, CO 318/157.

British envoys addressing the rising tensions believed that the threat to Cuba from the West Indies Regiment on the *Romney* was being disproportionately exaggerated by the authorities, noting the presence of black troops in Cuba itself.³¹⁹ Yet the events surrounding La Escalera conspiracy speak volumes concerning the threat which was believed to be represented by free blacks and particularly those entitled to bear arms.³²⁰ However, there were certainly exceptions to the banning of free blacks from landing in Cuba, or returning to Cuba when they had been exiled. The soldiers of the West Indies Regiment from the *Romney* were examples of such exceptions. Free black soldiers from a ship carrying a clear anti-slavery message were able to land on the island, but such outings became highly charged moments imbued with political and racial significance.

The Symbolism Attached to the *Romney* in the Midst of Conspiracy in Cuba.

While David Murray described *HMS Romney* in his study of Cuban slavery as “a vivid symbol of the futility of British efforts to stop the slave trade to Cuba,” it is argued here that its symbolic significance loomed larger in the collective imagination.³²¹ On the contrary the ship represented a stoic determination to succeed in spite of the challenges of slave trade suppression in Cuba and a real thorn in the

³¹⁹ Mr Jerningham to M Perez de Castro, enclosure in no.1, Madrid, 23 December 1839. HCPP, 1840 (271) XLVII.1: 1.

³²⁰ The disbanding of the black and pardo militias is a good example in 1844.

³²¹ Murray, *Odious Commerce*, 127.

side of the slave traders and complicit Spanish authorities. Indeed, Murray concedes to the fact that its symbolism varied depending on the eye of the beholder.³²² After a hurricane swept the island in 1845, the Irish newspaper the *Nation* mentioned that although many ships in the harbour were destroyed, the *Romney* remained unscathed.³²³ This was significant because in the popular imagination the hurricane was seen as an act of God which punished the brutal repression of *La Escalera*.³²⁴ The American pro-slavery consul, Nicholas Trist, indicated provocatively that the ship was a “fortification” with the same significance as if it were an enclave of territory handed to the British on-land for an indeterminate time.³²⁵ It would certainly have had the air of a permanent feature compared with other ships in port. The *Romney* was capable of carrying 58 guns and like the *Crescent* the masts were taken down and there would have been a small roof covering.

Amongst those who particularly objected to its presence were Cuban slave-trading and planter interests. In a Memorial of the Junta de Fomento, which was sent to the provisional Regency of Spain in 1841, concerns were raised about “constant communication” between slaves and *emancipados* as a result of the presence of the

³²² Murray, *Odious Commerce*, 127.

³²³ Margaret Brehony, “Irish Free Labor and the Abolition of Slavery in Cuba, 1835–1844”, *Éire-Ireland*, 47, no.1 (2012): 71.

³²⁴ Paquette, *Sugar is made with Blood*, 232

³²⁵ Trist to Webster, Havana, June 12 1841. USNA, RG 59, Consular Dispatches from Cuba, T-20:16, cited in Graden, *Disease, Resistance and Lies*, 48.

Romney.³²⁶ A proposal to augment the powers of the Mixed Commission in 1840, rejected by Spanish officials and key corporations in Cuba alike, led to further denunciations against the ship such as that of Intendente Don Wenceslao de Villa-Urrutia. “Let the ‘Pontoon Romney’ leave our shores; because its presence is disgraceful to us; and let it carry with it the English Commissioners, and the Consul, Turnbull, to some place where they can serve the cause of humanity, without distracting from our prosperity, without endangering our existence, and without tarnishing the glory of the National flag.”³²⁷ The ship and the British representatives are here revealed to have three key qualities for the anti-slavery cause. Here “prosperity” is almost certainly a euphemism for slave trading, in “endangering our existence” bringing liberated Africans into close proximity with slaves, and as a foreign power enforcing slave trade law; they were undermining sovereignty and the “glory” of the nation.

The ship ultimately had a powerful resonance considering the British navy’s dominance in the Atlantic Ocean at the time. One of the suspected prime movers behind the “series of overlapping plots” which became known as the La Escalera conspiracy, it seems was to gain strength from the appearance in port of a British warship.³²⁸ In the testimony of a man called Valentin Espinosa he described how

³²⁶ “Memorial addressed by the Junta de Fomento to the Provisional Regency of Spain on the Abolition of Slavery and the Slave Trade” (Translation), Havana, 27 February 1841. HCPP, 1842 (403) XLIII.1: 286.

³²⁷ “Report of Don Wenceslao de Villa Urrutia on the Draft of the Treaty proposed to Spain by Great Britain” (Translation), Havana, 21 October 1841. HCPP, 1842 (403) XLIII.1: 400.

³²⁸ Paquette, *Sugar is made with Blood*, 255.

Miguel Flores, one of the ringleaders, “saw the arrival of a British warship in Cuba as a sign that Britain was looking into the condition of the people of color and that it soon would help them to take possession of ‘their legitimate rights.’”³²⁹ He was not in fact referring to the *Romney* on this occasion, but another British ship. The presence of a British warship carried a powerful symbolic resonance that encouraged him to believe in the possible support and favourable intentions of the British.

Whilst the existence of an actual conspiracy has come under scrutiny, the repression itself which took place in 1844, and was known as “the year of the lash” or “La Escalera,” and its long repercussions were very real. Serious threats to Spain’s control of Cuba certainly abounded from United States annexationists to internal unrest, as demonstrated by more than 40 African-led insurrections that plagued the western part of the island starting in 1825. It is likely, according to Robert Paquette that “the Conspiracy of La Escalera existed not as one conspiracy but as several distinct yet overlapping conspiracies, central elements of which were revolutionary in their aspirations.”³³⁰ As Robert Paquette and Michele Reid Vasquez have pointed out, the free coloured population were disproportionately targeted during the repression, suggesting their centrality to concerns about the stability of Cuba and the maintenance of a strict racial hierarchy.³³¹ British subjects were also implicated in the plot including those with important diplomatic positions, as well as skilled labourers and free blacks. Several British workers, with dubious links to any

³²⁹ “Declaration de Valentin Espinosa,” Estado, AHN, Estado, leg.8057, exp. I., in Paquette, *Sugar is made with Blood*, 255.

³³⁰ Paquette, *Sugar is made with Blood*, vii.

³³¹ Paquette, *Sugar is made with Blood*. Reid Vasquez, *The Year of the Lash*, 33.

involvement in the conspiracy, served as scapegoats during the repression and were thrown into jail and kept in appalling conditions.³³²

The interrogations carried out by the Military Commission as part of the suppression of La Escalera routinely involved the use of torture to provoke “involuntary confession” which has inevitably led to questions about the authenticity of statements such as that of Valentin Espinosa.³³³ The name La Escalera (the ladder), commonly associated with the repression and referencing the implements used for torture, attests to the strategic place of corporal punishment to the process. The statement, even considering the dubious means by which it may have been extracted, would seem to support the idea that the presence of British ships in port had garnered attention of a different kind than that of a show of futile attempts to suppress the slave trade.

It does not seem far-fetched to suggest that some free blacks believed that there was support from the British for a rebellion in Cuba. As part of a movement composed of free blacks, slaves and some Creoles, David Turnbull the British Consul himself was accused of conspiring to overthrow Spanish dominion of the island of Cuba, and there was some evidence to suggest that he had promised to provide weapons to conspirators in 1843 alongside his associate Francis Ross Cocking.³³⁴ No conclusive evidence was found other than that which proved he was

³³² Manuel Barcia, “Entre Amenazas y quejas: un acercamiento al papel jugado por los diplomáticos ingleses en Cuba durante la conspiración de La Escalera, 1844” *Colonial Latin American Historical Review*, 10.1 (2001): 2.

³³³ Reid Vasquez, *The Year of the Lash*, 56.

³³⁴ Rodolfo Sarracino, *Inglaterra: sus dos caras en la lucha cubana por la abolición* (Havana: Letras Cubanas, 1989). Reid Vasquez, *The Year of the Lash*, 47.

dedicated to the cause of suppressing the slave trade. By the time the conspiracy was uncovered Turnbull had left Cuba and was living in Jamaica. Even before his association with the conspiracy, Turnbull's actions had made him a target of supporters of the slave trade and he took refuge on board the *Romney* in 1842. This was a means of protecting himself from threats to his life which he believed were imminent if he remained living in Havana.

Such action is testament to the concept of the *Romney* as a small extension of British territory and the interwoven histories of the ship and protagonists of La Escalera conspiracy. The placing of the blame on external forces such as British, American and French citizens also directed attention away from internal discord, and facilitated a brutal repression which included the deportation of undesirable elements in society.³³⁵ Anti-British sentiment reached its pinnacle with the unleashing of the repressive measure to counteract the suspected rebellion which began with a wave of successive slave uprisings.³³⁶ Three other groups of British citizens, who have not been widely discussed, also came under suspicion and could be considered as “catalysts” in the development of the conspiracy: British skilled workers; illegally enslaved British blacks, and free British blacks because, as Jonathan Curry-Machado

³³⁵ Barcia, “Entre Amenazas y quejas”, 2.

³³⁶ Paquette, *Sugar is made with Blood*, 84.

argues, their daily labours often involved close interaction between enslaved men and other sectors of society.³³⁷

The antagonistic relationship and the accusations against British consuls continued during Joseph T. Crawford's tenure as Consul beginning in 1842. Although he tended to use more conciliatory and less abrasive methods than Turnbull, in 1844 he was driven to threaten Captain General Leopoldo O'Donnell, who governed the island between 1843 and 1848, with the prospect of offering British subjects banished from Cuba safety on board the *Romney*.³³⁸ The ship on this occasion was a clear physical threat to O'Donnell, without invoking the last resorts of engaging the powers of the British government, which could have had more serious consequences. If the *Romney* became a safe house for those escaping the repression of a widespread conspiracy, the repression itself could be undermined.

On the occasion of its removal from service which had been requested by the Spanish government, the offensiveness of the vessel was given full-throttle by the Duke of Sotomayor, Spanish ambassador in London at the time, who reiterated to Lord Aberdeen the reasons for which the *Romney* should be removed including the idea that it even represents a "colony, so to express it, of liberated Africans."³³⁹ In this case he may have been referring to the fact that even without the presence of

³³⁷ Jonathan Curry-Machado, "Catalysts in the Crucible: Kidnapped Caribbeans, Free Black British Subjects and Migrant British Machinists in the Failed Cuban Revolution of 1843," in *Blacks, Coloureds and National Identity in Nineteenth-Century Latin America*, ed. Nancy Priscilla Naro (London: Institute of Latin American Studies, 2003), 142.

³³⁸ Barcia, "Entre Amenazas y quejas," 13.

³³⁹ Duke of Sotomayor to Earl of Aberdeen, London, 5 February 1845 (Translation). HCPP, 1846 (724) LI.1: 10-11.

emancipados the *Romney* was home to the regiments of black soldiers and their wives and children who themselves were Africans who had traversed the Atlantic in slave ships.

Despite the restrictions on the soldiers, the women from the ship regularly went to the island until late 1841. The fact that this would have led to opportunities to mix with the local population is beyond any doubt. They travelled to buy supplies from the market leaving early in the morning from the ship and encountering domestic slaves and servants carrying out the same activities for their households in Havana.³⁴⁰ After becoming alerted to this commonplace activity, the Captain General at that time, Jeronimo Valdes, forbade such outings outright. He complained that these visits to Havana constituted contact between the local populace and black inhabitants from the *Romney*.³⁴¹ “Ingeniously,” according to Turnbull, reports to the Captain General had depicted the women, as “an apostolate of freedom.”³⁴² The inconvenience of no longer allowing the women onshore must have been great for the crew of the *Romney*, but Aberdeen responded to Valdes’ threat that the women would be prevented from returning if they left the *Romney* again by conceding to the request on this occasion.

³⁴⁰ Turnbull to Earl of Aberdeen, Havana, 26 December 1841. HCPP, 1843 (483) LVIII.347: 101.

³⁴¹ ‘The Captain General to the Commander of the “Romney”’, Havana, 22 October 1841. HCPP, 1843 (483) LVIII.347: 102.

³⁴² Turnbull to Earl of Aberdeen, Havana, 26 December 1841. HCPP, 1843 (483) LVIII.347: 101.

Between the years 1837 and 1840 the number of *emancipados* held on the *Romney* at any one time was in fact quite minimal. She received 254 Africans from the *Matilde* on 19 December 1837, who remained for 12 days, and 173 from the *Sierra del Pilar* on 13 June 1839 for just 17 days.³⁴³ She also received Africans from the *Segunda Rosario* in February 1841, and from the *Jesus Maria*, also in late December 1841.³⁴⁴ The *Jesus Maria* is well known because of the extreme nature of the atrocities which were carried out during the ship's transatlantic passage, including rape and murder.³⁴⁵ Of the Africans on-board 248 out of 252 were children and because of their emaciated condition they were transferred to the *Romney* before the *Jesus Maria* had even been condemned.³⁴⁶ There were also cases of individuals from British colonies, like James Thompson wrongfully enslaved in Cuba, who were transferred to the *Romney* after their release had been secured by the authorities. Thompson was kidnapped and enslaved in Cuba as a boy, but managed to prove his case with the help of David Turnbull and worked as the Captain's cook for ten months on the *Romney* until he could be returned to Nassau.³⁴⁷

³⁴³ H.M.'s Commissioners to the Hon. W.F. Strangways, Havana, 29 April 1840. HCPP, 1841 (330) XXX.1: 268.

³⁴⁴ For the *Jesus Maria* see H.M.'s Commissioners to Viscount Palmerston, Havana, 20 January 1841, HCPP online, 1842(402) XLII.1: 175. For the *Segunda Rosario* see, Eighth Enclosure in No.138, Mr Turnbull to her Majesty's Commissioners, Havana, 18 February 1841. HCPP, 1842 (403) XLIII.1: 243.

³⁴⁵ See Dorsey, "Patriarchy, Rape Culture."

³⁴⁶ H.M.'s Commissioners to Viscount Palmerston, Havana, 20 January 1841. HCPP online, 1842(402) XLII.1:175.

³⁴⁷ Rodolfo Sarracino, *Los Que Volvieron a África* (La Habana: Editorial de Ciencias Sociales, 1988), 91.

In comparison the *Crescent* received a total of around 3000 Africans, from the cargoes of 8 slave ships, tried by the Mixed Commission court in Rio, between April 1840 and 1845.³⁴⁸ “Crisis” in the British and Brazilian diplomatic relations over the slave trade came in Brazil in 1851, in the form of a seaborne threat to sovereignty.³⁴⁹ But the *Crescent*, even though it was not welcomed, does not seem to have produced the same vitriol as the *Romney*, perhaps because it was a way of keeping the liberated Africans, who were a problem group, at a distance and putting them at the disposal of the British government. The contrast between the sizes of each harbour could also have influenced local tolerance towards the ships, Havana being much smaller and the ship therefore much closer to the city of Havana than the *Crescent* in Guanabara Bay, Rio de Janeiro, shown in figure. 2.1

³⁴⁸ Nelson, *Slavery and Slave Trade*, 34.

³⁴⁹ Bethell, *Abolition of the Brazilian Slave Trade*, 331.



Figure 2.1: Panorama von Rio de Janeiro by Eduard Hildebrant, c.1844. Ian Sargen, *Our Men in Brazil: the Hesketh brothers abroad* (Lancaster: Scotforth, 2009), 215.

The transfer of the Portuguese royal court to Rio de Janeiro and the trade treaty of 1810 allowed British traders and vessels free access to the use of Brazilian ports, a possibility which they made great use of and one which continued after independence. For example, the British flagship, the *HMS Ganges*, was used to cement ties with the Brazilian Emperor through ceremony, firing a 21-gun salute on the news of the birth of the Brazilian prince, and employment in regular port duties during the late 1820s when it was based at the South American station.³⁵⁰ She was also later employed to quell a mutiny, perhaps underlining how the presence of yet another British ship such as the *Crescent* was less perturbing than in Cuba, although still considered an uneasy alliance.

The movements of British warships, however, certainly caused controversy in Rio. In 1840, William Ouseley decried the lack of British naval presence at the port in Rio. He suggested the dispatch of British vessels forthwith to avoid the “disrespect of her Majesty’s flag.”³⁵¹ In other words a critical situation was at hand, as a consequence of the fact that two recent slave ship detentions had been viewed as taking place “within gun-shot” of the Brazilian coast in contravention of the treaty agreements.³⁵² He feared that British anti-slave trade cruisers might be about to come under attack from Brazilian forces protecting ships, including slave ships, from intervention. According to Ouseley, the commander of the fortress of Santa Cruz and two Captains of Brazilian men-of-war had been dismissed for “not having fired at her Majesty’s vessels.”³⁵³

The *Romney* was based at Marimelena Cove, away from the main docks, and close to where ships were fitted out for the slave trade.³⁵⁴ This gave her a quiet and ideal point from which to observe events unfolding. One can fairly imagine that other activities of the British government might easily have taken place there which

³⁵⁰ Logbook of *HMS Ganges*, October 1826-July 1827, South America, GNS/1, National Maritime Museum, Greenwich.

³⁵¹ Mr Ouseley to Commodore *Sullivan*, 2nd Enclosure in no.103, Rio de Janeiro, 3 February 1840. HCPP, 1840 (271) XLVII.1: 117-18.

³⁵² Mr Ouseley to Commodore *Sullivan*, 2nd Enclosure in no.103, Rio de Janeiro, 3 February 1840. HCPP, 1840 (271) XLVII.1: 117-18.

³⁵³ Mr Ouseley to Commodore *Sullivan*, 2nd Enclosure in no.103, Rio de Janeiro, 3 February 1840. HCPP, 1840 (271) XLVII.1: 117-18.

³⁵⁴ David Eltis, *Economic Growth and the Ending of the Transatlantic Slave Trade* (Oxford: Oxford University Press, 1987), 198.

did not solely have to do with the care of *emancipados* from the Mixed Commission. It may be assumed that the ships were useful in diverse ways which went beyond their initial function. As noted by William Gore Ouseley, the British *chargé d'affaires* in Brazil, when evaluating the positioning of the *Crescent* in port at Rio “found of great use to her Majesty’s service, in many points not expressly foreseen or specified.”³⁵⁵ The *Romney* was certainly used to avoid taking goods through customs and paying tax.³⁵⁶

In political terms both the *Crescent* and the *Romney* became a means of agitating against the slave trade. The American envoy to Havana in the early 1840s, Alexander Hill Everett, was taken on a tour of the ship *Romney* after the arrival of a group of liberated Africans by the British Consul David Turnbull even though, it would seem, he was already convinced of the evils of the slave trade.³⁵⁷ The Senior Assistant Surgeon of the *Crescent* Thomas Nelson had a booklet published condemning the slave trade to Brazil, and was able to use vivid accounts of what he saw on the *Crescent* to illustrate his case. One of the particularly unpleasant passages describes the ravages of disease on newly arrived slaves.³⁵⁸ Thomas Nelson

³⁵⁵ Mr Ouseley to Viscount Palmerston, Rio de Janeiro, 24 September 1840. HCPP online, 1841 (331) XXX.373: 188.

³⁵⁶ Fernando Amario Sanchez, “Esclavitud y Abolicionismo en Cuba durante la regencia de Espartero,” in *Esclavitud y derechos humanos: la lucha por la libertad del negro en el siglo XIX*, ed. Francisco de Solano and Augustin Guimerá Ravina (Madrid: Consejo Superior de Investigaciones científicas, 1990), 403.

³⁵⁷ Paquette, *Sugar is made with Blood*, 191.

³⁵⁸ Nelson, *Slavery and Slave Trade*, 44.

conceded that he had little compassion for the slave traders themselves suffering similar ailments from their long journey who were also placed on the *Crescent*.³⁵⁹

The *Crescent* had a second role, which was to serve as a place to safely detain the perpetrators of slaving crimes.³⁶⁰ The *Crescent* was not the first ship to act as a holding ship and as a prison in Rio, but was compared favourably to its predecessor, a ship which was hired for the purpose and as a hospital ship for sick slaves named *Nova Piedade*. The Brazilian government did not provide detention for crews or for the safe holding of captured Africans on-land or at sea.³⁶¹ The *Nova Piedade* was used provisionally but found to be unsuitable because of the threats from sympathisers of the slave trade crews held prisoner on-board, even so it was still described by Ouseley as “far more secure than any Brazilian prison.”³⁶² Ouseley was notifying Palmerston of the arrival of the *Crescent* in Rio and appealing for the ship to be used to detain slave crews in the same way that the *Nova Piedade* had been because it had only been authorised as a holding ship for the liberated Africans at this point in time. The slaver prisoners certainly had plenty of support on land and

³⁵⁹ Nelson, *Slavery and Slave Trade*, 45.

³⁶⁰ Mr Ouseley to Viscount Palmerston, no.139, Rio de Janeiro, 14 April 1840. HCPP, 1841 (331) XXX.373: 167.

³⁶¹ Bethell, *The Abolition of the Brazilian Slave Trade*, 143.

³⁶² Mr Ouseley to Viscount Palmerston, no.139, Rio de Janeiro, 14 April 1840. HCPP, 1841 (331) XXX.373: 167.

a night-time attack was purported to have been planned by Portuguese slave traders to free prisoners from the *Nova Piedade*.³⁶³

The ships were therefore hubs and spaces of multiple functions. For political and social gains they worked well as extensions of British territory, with letters appearing bearing “*Crescent*” and “*Romney*” as place names rather than Rio or Havana. The authority of which seems to come across in some of the correspondence regarding removals from the *Crescent* to Demerara for example and the safeguarding of wrongly enslaved British subjects including John Eden.³⁶⁴ They were also able to take in large number of liberated Africans and the *Crescent* act as a prison for slave crews. Detaining the crew as well as the Africans was a practice employed in Brazil to stop the crew from escaping as they might easily have done from a Brazilian prison. The extraterritoriality of the ships was a source of strength to the British squadron and of suspicion in both Havana and Rio de Janeiro.

There were, of course, many limits to ensure good diplomatic relations, and the British were not able to take too many liberties. For example enslaved Africans escaping to the *Romney* were not treated the same as those arriving in British territories, who after having once set foot there, by law, could not be re-enslaved. In one notable incident in 1837, indicative of the incentive which the ship represented to the enslaved population, a slave managed to hide on-board the *Romney* after a visit from another ship to the deposit. He was in fear of punishment from his

³⁶³Mr Ouseley to Commodore Sullivan, 2nd Enclosure in no.103, Rio de Janeiro, 3 February 1840. HCPP, 1840 (271) XLVII.1: 117-18.

mistress and in this circumstance there was little that Britain could do to protect him from enslavement.³⁶⁵ Correspondence was exchanged on the satisfactory way in which the situation had been resolved with the slave having been quickly returned to the Spanish authorities upon his discovery. There were also concerns that he had been a plant.³⁶⁶ This suspicion, even if unwarranted, suggests that the British were well aware of the duplicitous means by which Spanish officials were attempting to undermine the British project and the presence of the *Romney*. As with events relating to the black soldiers on occasions where they came into contact with officials in Cuba, the British reaction was conciliatory overall, with a concern for maintaining diplomatic relations.

In stark contrast, the British were much bolder in Brazil. After the detainment of slave ships, appeals were sometimes made for the return of slaves who were part of the crew. On several occasions slaves were taken from under the noses of their patrons with the argument that, having been removed to a British ship in the harbour, they were no longer under jurisdiction of Brazilian territory.³⁶⁷ This argument was not universally accepted, even amongst representatives of the British crown and slave owners were given compensation for the loss of their slaves in some

³⁶⁴ Robert E. Conrad, *Children of God's Fire: A documentary History of Black Slavery in Brazil* (University Park, Pa.: Pennsylvania State University Press, 1994), 331.

³⁶⁵ 'First Enclosure in no.102' Lieutenant Jenkin to her Majesty's Commissioners, Havana, 5 Oct 1837, HCPP online, 1837-38 (124) L.1, Class A, p.141.

³⁶⁶ 'First Enclosure in no.102' Lieutenant Jenkin to her Majesty's Commissioners, Havana, 5 Oct 1837, HCPP online, 1837-38 (124) L.1, Class A, p.141.

³⁶⁷ Mamigonian, "In the Name of Freedom", 48.

cases. These contradictory stances emphasise the fragmentary and experimental nature of British policy in both locations aiming for compromise in the name of diplomacy and at other times stepping outside of the diplomatic framework.

Whether “consciously or not,” as Robert Paquette has pointed out, the campaign against the slave trade and the mutual right of search was a tool for extending British Imperial control over territories of which it did not have sovereignty, for Britain to “continue its expansion of power.”³⁶⁸ Britain used a variety of methods to achieve its ends and they were not always legal. Establishing a ship which was admittedly a retired and aging war-ship at the port in Havana may have seemed a minimal issue, but the ship was seen as intrusive and the British eventually conceded to the sale of the *Romney* to Spain in 1845, and the establishment of a depot on land for the *emancipados*.³⁶⁹

The *Romney* and the *Crescent* could be said to represent microcosms of the racial and political tensions considered the greatest challenges to Spanish control of Cuba and to the newly minted Brazilian Empire. The legacy of the Haitian revolution was certainly influential in creating the symbolism associated with the *Romney*. It was argued that “serious disturbances” had ensued when those on board the *Romney* had disembarked and because black soldiers were in the service of the

³⁶⁸ Paquette, *Sugar is made with Blood*, 84. Inscribed in bilateral slave trade treaties with Spain, Portugal, the Netherlands and Brazil with Britain was the principle of a mutual right of search. Leslie Bethell points out that this reciprocity was in fact a dead letter, not only did British ships no longer take part in slave trading, but at first only the British navy had ships for the purpose of capturing slave traders. Bethell, “Mixed Commissions,” 80.

³⁶⁹ Leopoldo O’Donell to the Presidente y Juez del Tribunal Mixto de Justicia, Havana, 13 June 1845. TNA, FO 313/67.

ship the sight of them, and example they had given risked inciting insubordination amongst the slaves of the island.³⁷⁰ The *Crescent* became a recruitment tool for indentured labourers to the West Indies through which the British attempted to undermine slavery in Brazil by broadening the very definition of what it meant to be a liberated African.³⁷¹

The *Romney* represented attempts to test the boundaries, and even to provoke through the placement of the black soldiers on board. When compared with the relative passivity concerning the acceptance of the *Crescent* at Rio de Janeiro, it is clear that the political environment and the threats to the stability of Cuba, especially during the latter period of the ship's function under the British, were instrumental to how it was perceived. The ship contributed to both real and imagined threats to Spanish power. The *Romney* was a place which harboured British citizens who were at risk of persecution during a period of intense upheaval and its presence could therefore not be tolerated, leading to some attempts to sabotage the British project. It offered a further challenge to accepted racial hierarchies, which in Cuba itself were already under threat from the growing prosperity of free black labourers and the detrimental poverty of poor white vagrants who refused to carry out similar economic activities.³⁷² Finally, it acted as a vivid symbol of the abolition of slavery, and one which could be adopted by different sectors of the slave and free black

³⁷⁰ "Copy and translation of communication between Aberdeen and the Duque de Sotomayor," Havana, 13 June 1845. TNA, FO 313/67.

³⁷¹ Mamigonian, "In the Name of Freedom" 59.

³⁷² Reid Vasquez, *The Year of the Lash*, 31-33.

population to embolden and empower with the prospect of British support for possible rebellion in Cuba.

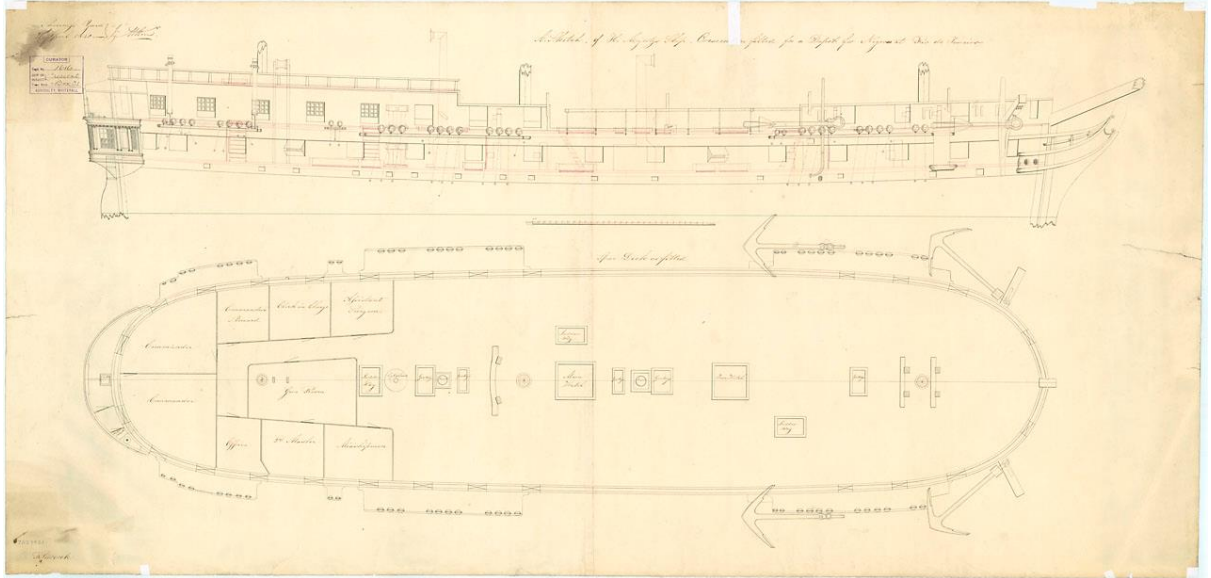


Figure 2.2: Plan of the *HMS Crescent* as fitted out as a holding ship for Liberated Africans. *Crescent* (1810) 21 April 1840. National Maritime Museum, Greenwich, London, Admiralty Collection, ZAZ1961.

Chapter four. Informants, Spies and the “Global Anti-Slavery Network”

In 1830, a ship called the *Destemida*, made a voyage to Whydah.³⁷³ She was apparently owned by Manoel Alfonso Vicente da Conceição, a Portuguese subject from the island of Príncipe and most likely an associate of the renowned slave trader Francisco Felix de Souza. The ship, captured by HMS *Druid* on its return journey towards Bahia, carrying 55 slaves, would be one of the first to be tried in 1831 by the newly established Anglo-Brazilian Mixed Commission in Rio de Janeiro, which replaced the Anglo-Portuguese court.³⁷⁴ Enclosed amongst the ship’s trial papers are several letters and some instructions about the carrying out of the trade written in Spanish, demonstrating how information was being shared between slave-ship captains for their mutual benefit.³⁷⁵ A *memoria* advised that amongst other payments, for example: “it has been customary to always pay each canoe that takes the cargo ten hens for cooking and a bottle of aguardiente.”³⁷⁶ As a means of

³⁷³ Voyages database ID: 1226.

³⁷⁴ AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 10, maco 2, pasta 1, Embarcação: *Destemida*.

³⁷⁵ Graden, “Interpreters, Translators and the Spoken Word”, 393. See also Marcus Rediker, *The Slave Ship: A Human History* (New York, Viking: 2007).

³⁷⁶ “Memoria,” without date, AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 10, maco 2, pasta 1 embarcação: *Destemida* “ha sido costumbre siempre pagar a cada canoa que conduzca el cargamento 10 gallinas de guiso y un frasco de aguardiente.”

avoiding detection, it was common at this time for ships to leave African ports in ballast and receive the slaves later from more secluded barracoons via canoes.

Further letters, again in Spanish, are written by a man who signs his letters Fernandez to the Portuguese Captain of the ship, Raimundo de Arribas. A rough note, which was written seemingly by Fernandez to Francisco Felix de Souza, wishes de Souza and his wife good health and the same to “the King of Dahomey the brave, good politician and friend of the whites.”³⁷⁷ In the letter he was referring to King Ghezo, who had given an important political and commercial position to de Souza, a Brazilian, and other European merchants in Dahomey, and who was closely involved in facilitating and supplying the slave trade from the Bight of Benin.

The letters reveal the truly global scale of the slave trade and highlight the tight-knit relationships between slave-trading outfits. According to Robin Law, other slave traders based in Whydah, including Juan José Zangronis, who supplied slaves to Cuba, “clearly traded in association rather than in rivalry with de Souza.”³⁷⁸ The letters also hint at the political changes and currents which governed the slave trade. In 1831, for example, Louis Philippe of France, the new King of France, made slave trading a crime.³⁷⁹ The letter writer, writing during a period of political turmoil prior

³⁷⁷ AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 10, maco 2, pasta 1 embarcação: *Destemida* “Al Rey Dahomey el bravo, buen político y amigo de los blancos.”

³⁷⁸ Robin Law, *Ouidah: The Social History of a West African Slaving ‘port’, 1727-1892* (Ohio: Ohio University Press, 2004), 173.

³⁷⁹ Lloyd, *The Navy and the Slave Trade*, 49.

to this, hoped that France would become a republic and defeat England.³⁸⁰ The slave trade had to adapt and prove versatile in the face of constant change. The challenge for the British anti-slave trade patrol was how to deal with this sophisticated arrangement, by which they did not always have the support of the local African leaders at the point of supply of the trade. As testament to their success, at least 22 ships belonging to Francisco Felix de Sousa were confiscated by British anti-slave trade cruisers.³⁸¹ The *Destemida*, on the other hand, having sufficiently proved Portuguese nationality, was returned to its Captain, Raimundo de Arribas, but without the African slaves.

The Mixed Commissions courts should be viewed within the context of the part they played in belonging to a “global anti-slavery network.”³⁸² This encompassed an array of actors; from commissioners, to sailors of the West African, West Indies and Brazil’s squadrons, to informants working directly or at least in some capacity, to feed into the vast information network. The British West African squadron and the patrols off Cuba and Brazil, often acted on information which was elaborated on, if not provided in the first place, by Commissioners and Consuls who in turn received information from informants.³⁸³ The role of informants was also

³⁸⁰ AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 10, maco 2, pasta 1, Embarcação: *Destemida*.

³⁸¹ Ana Lucia Araujo, “Forgetting and Remembering the Atlantic Slave Trade: The Legacy of Brazilian Slave Merchant Francisco Felix de Souza,” in *Crossing Memories: Slavery and African Diaspora*, Ana Lucia Araujo, ed. Ana Lucia Araujo et al. (Trenton, NJ: Africa World Press, 2011), 89.

³⁸² Huzzey, *Freedom Burning*, 49.

³⁸³ Huzzey, *Freedom Burning*, 50.

written into the acts of the Mixed Commissions courts, which provided compensation for potential informants. The use of informants is therefore a key to building a better understanding of the impact of the Mixed Commissions on local societies.

In this chapter some of the identities of these informants will be revealed, including their associated motivations. I will also discuss the benefits and drawbacks of relying on informants and in what ways this helped or indeed jeopardised British attempts to suppress the slave trade to Brazil and Cuba: the information they provided could in some instances be misleading or derived from counter-intelligence, and thus could on occasion have a negative effect. Amongst them was the Customs House informant in Rio de Janeiro, Antonio José Mesquita, who it was revealed, gave instructions about how to poison the British anti-slave trade crews by putting arsenic in the wine or brandy that they were accustomed to drinking after a successful slave ship capture.³⁸⁴

The importance of the Mixed Commissions and their informants as a source of information regarding the illegal slave trade cannot be underestimated. The figures on the illegal slave trade which were provided by Mixed Commission employees in Cuba, particularly before a Consul was put in place in 1833, still offer some of our best estimates today on the slave trade during the period from 1820-

³⁸⁴ Dale T. Graden, "Interpreters, Translators, and the Spoken Word in the Nineteenth-Century Transatlantic Slave Trade to Brazil and Cuba," *Ethnohistory* 58, no.3 (2011): 394.

1867.³⁸⁵ Even so, the Commissioners realised that as far as their information networks could reach, they were not able to accurately report on the arrival of every single slave ship and so generally added a third to all of their figures.³⁸⁶ These calculations began even before the laws against the slave trade.

The clandestine importation of slaves was a common practice in both Cuba and Brazil well before the laws of 1820 and 1831 respectively. Slave traders sought maximum profits from the trade and aimed to circumvent restrictions on slave importation. Although the introduction of new anti-slave trade laws generally produced a hiatus, slave traders old and new, quickly resumed their activities after calculating the loopholes in every new piece of legislation. However, the illegal traffic pushed the slave-trading venture further into the hands of a specialised or enterprising few because the risks became greater, more capital was needed and it involved commitment to circumventing international treaties and local law impediments.³⁸⁷ Regulations which sought to control the numbers of slaves being transported were bypassed, increasing the suffering of African captives during the illegal trade. David Eltis argues that, as a result of abolition and British suppression activities, conditions notably deteriorated in the 1830s.³⁸⁸

³⁸⁵ David Murray, "Statistics of the Slave Trade to Cuba, 1790-1867," *Journal of Latin American Studies* 3, no.2 (1971): 131-149.

³⁸⁶ Murray, "Statistics of the Slave Trade," 145.

³⁸⁷ Eltis, *Economic Growth*, 162.

³⁸⁸ Eltis, "Impact of Abolition," 171.

The principal slave traders during this time were often men of Portuguese or Spanish origin such as Pedro Blanco who had not previously been involved, or had minimal participation before the abolition of the slave trade was enforced after 1820. Clear examples were the Souza Breves brothers in Rio de Janeiro who only began to trade in slaves directly in the 1830s. Hence despite their ineffectualness, the laws against the slave trade were influential in shaping the trade and how it was carried out. During the illegal phase the trade changed on both sides of the Atlantic and the Mixed Commissions were instrumental to uncovering these new practices.³⁸⁹ For instance, the means by which slave traders chose to hide their ventures followed “predictable patterns” which became revelatory of their real intentions.³⁹⁰ In the case of the *Destemida*, for example, “elephant teeth” was used as a euphemism for the 50 slaves the ship carried, and the island of Príncipe for the obtainment of a passport from the Portuguese authorities.³⁹¹

The need to resort to extra-legal means to combat slave trafficking then was one necessitated by the equally subversive activities of slave traders. Anti-slave trade activity involved tackling a complex transnational commercial venture which was

³⁸⁹ Thiago Campos Pessoa, “O Comércio Negreiro na Clandestinidade: As Fazendas de Recepção de Africanos da família Souza Breves e seus cativos” *Afro-Ásia* 47 (2013): 46.

³⁹⁰ Dinizulu Gene Tinnie, “The Slaving Brig *Henriqueta* and Her Evil Sisters: A Case Study in the 19th-Century Illegal Slave Trade to Brazil,” *Journal of African American History* 93, no. 4 (2008): 509-531.

³⁹¹ AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 10, maco 2, pasta 1, Embarcação: *Destemida*. Cicelli Pires, Ana Flávia, “O Caso da Escuna *Destemida*: Repressão ao Tráfico na rota da costa da Mina-1830-1831,” in *Rotas atlânticas da diáspora africana: Entre a Baía do Benim e o Rio de Janeiro*, ed. Mariza de Carvalho Soares (Niterói: EdUFF, 2007).

re-directed from one route to another, particularly alternating between Cuba and Brazil during the “second slavery” of the nineteenth century.³⁹² The Mixed Commissions themselves were rather ineffective at controlling this trade. With fewer slave traders’ involvement, the likelihood of repeatedly finding their ships captured by the British was higher, although the profits were so large, that slave traders only needed a small number of ships to successfully make the crossing to make a profit. Even so, slave traders employed several tactics to minimise their losses such as ships carrying the merchandise of several traders, taking smaller loads occasionally and investing in faster ships.

The range of developments included new areas of disembarkation with barracoons near Ilha Grande and Angra do Reis, for example, several days travel from Rio de Janeiro.³⁹³ It was also common to use the argument that the slaves were not newly imported, teaching them rudimentary Portuguese or Spanish and claiming that it was cabotage, or indeed that they were brought across the Atlantic as free labourers, as in the case of the *Destemida*.³⁹⁴ Tracking ships leaving the coast

³⁹² Dale W Tomich, "The 'Second Slavery': Bonded Labor and the Transformation of the Nineteenth-Century World Economy," in *Rethinking the Nineteenth Century*, ed. Francisco O. Ramirez (New York: Greenwood Press, 1988). See also Rodrigues, *O Infame Comércio*, 137.

³⁹³ See Campos Pessoa, “O Comércio Negreiro na Clandestinidade.” Nilma Teixeira Accioli, *José Gonçalves da Silva à Nação Brasileira: O tráfico ilegal de escravos no antigo Cabo Frio* (Rio de Janeiro: Fundação Biblioteca Nacional, Ministério da Cultura, 2010). Ada Ferrer, “Cuban Slavery and Atlantic Slavery,” in *Slavery and Antislavery in Spain’s Atlantic Empire*, ed. Josep M. Fadera and Christopher Schmidt-Nowara (New York; Oxford: Berghahn Books, 2013), 150.

³⁹⁴ AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 10, maco 2, pasta 1, Embarcação: *Destemida*.

equipped for slaving was one way of anticipating the return voyage of a slave ship. However, to combat this strategy, ships were frequently renamed so that their outward journeys in announcements made in the local newspapers had a different name and would not be so easily discovered upon the ship's return. The *Brilhante* slave ship was called the *Veloz* in a newspaper announcement on its outward journey to Africa in 1838, for example.³⁹⁵ As well as keeping and protecting informers the British had to be wary of encroaching on or appearing to encroach upon national sovereignty.

Alongside the activities which they carried out as participants in the trials of the Mixed Commission courts, the functionaries of the courts were also involved in informal investigation such as interviewing and receiving the complaints of *emancipados* and following suspected newly arrived slaves.³⁹⁶ These activities ran parallel to the trials which took place at the courts. The degree of involvement in such activity was dependent on the commissioners' abolitionist convictions and, more cynically, their desire for promotion.³⁹⁷ David Murray even considers that part of the reason for the antagonism between David Turnbull and the British commissioners in Havana was a result of the commissioners perceiving their roles as

³⁹⁵ *Jornal do Commercio*, January 30, 1838. AHI, III, Coleções Especiais, 33
Comissões mistas, Lata 4, maço 3, pasta 1, Embarcação: *Brilhante*.

³⁹⁶ Richard Huzzey recounts a day when commissary judge at Havana, James Kennedy, followed some Africans who he believed to be recently imported, but soon realised that their children spoke Spanish. Huzzey, *Freedom Burning*, 49. See also Fernandez Martinez, "Anglo-Spanish Mixed Commission," 217.

³⁹⁷ Huzzey, *Freedom Burning*, 51. Anti-slavery activism was keenly linked to career progression and "glory".

British representatives and as members of the court as separate.³⁹⁸ Hence his presence and campaigning possibly usurped and interfered with this role in their minds.

The interrogations of slave-ship crews by the Mixed Commission courts and the interviewing of liberated Africans were important sources of information on the trade. Interviews were carried out of locals at the sites of slave ship disembarkation as to the details of the importation as well as interviews of any slaves or crew members who could be found. The collection of specialised and detailed information on the slave trade was useful to slave trade patrols targeting a diminishing number of slaving outfits, but the slave traders often managed to stay one step ahead. If the traders at this time, despite being in competition, were sharing information and the use of informants and bribes characterised their trade then those attempting to suppress the trade also required sophisticated information gathering.

As Graden points out some translators and interpreters worked to suppress the slave trade, whilst others helped traffickers.³⁹⁹ Amongst the informants, however, this distinction was not always clear cut, which created a moral and diplomatic dilemma in certain instances. When, for example, should a slave trader turned informant be recompensed? Could slave traders have deliberately tried to misinform the British to take them off the trail of slave ships? The interconnectedness of the activities off the African coast and what was going on in Cuba and Brazil is exemplified in papers found amongst the Mixed Commission

³⁹⁸ Murray, *Odious Commerce*, 141.

³⁹⁹ Graden, "Interpreters, Translators and the Spoken Word", 393.

documents at Rio relating to the *John A. Robb*.⁴⁰⁰ In order to resolve what to do in the case of this ship, British representatives used their extensive knowledge about the tactics and practices of slave traders to guide their decisions.

Fonseca vs. Foote: Competing Information Networks

An episode, which further illustrates the integration of Atlantic-wide networks, both of slave trading activity and of its combatants, took place in 1842. Amongst the papers associated with the Mixed Commission court in Rio de Janeiro at the Palácio de Itamaraty archive there are documents relating to the American ship the *John A. Robb*. These documents, rather unusually, deal not with a ship's trial itself, but with an appeal for compensation for the activities of the West African squadron.⁴⁰¹ As previously noted, one of the key strategies that slave traders employed to evade being caught by slave trade patrol, was to engage in the trade under the flags of other nations. Many American ships were sold into the Brazilian and Cuban trade after 1830 becoming invaluable and sought after.⁴⁰²

⁴⁰⁰ AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 19, maço 1, pasta 1, Embarcação: *John A. Robb*.

⁴⁰¹ AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 19, maço 1, pasta 1, Embarcação: *John A. Robb*.

⁴⁰² Leonardo Marquez, "Os Estados Unidos no Tráfico ilegal de escravos para o Brasil" (paper presented at the VI Encontro Escravidão e Liberdade no Brasil Meridional, Florianópolis, Santa Catarina, May 15-18, 2013).

The success of American-built ships was not just down to their speed and quality, but also due to the possible use of the American flag because of the absence of mutual search treaties between Britain and the United States. These ships could remain under an American name and papers through American intermediaries and therefore legitimately fly an American flag and avoid being searched, even if the subsequent owners and the crew were Portuguese.⁴⁰³ Although they could technically fly any flag, the case of the *John A. Robb* demonstrates that on occasions the flag or papers were not enough to ensure safety from the British. But if the case reached court, then factors which made it difficult to ascertain the nationality of the venture could even lead to an acquittal. Because of the use of the American flag in this way, there have been miscalculations about direct American involvement in slave trading during the nineteenth century.⁴⁰⁴

Although Americans were involved in the trade, it was in fact Portuguese, Spanish, Cuban and Brazilian slave traders who continued to dominate and to utilise American ships and flags to disguise their operations.⁴⁰⁵ Whilst often effective, in one notable instance in 1842, which was part of a trend of increasingly audacious searches, the *John A. Robb* was boarded off the coast of Cabinda by British sailors from the HMS *Waterwitch*. The event led to a diplomatic exchange involving the American ambassador Edward Everett who objected to the ship having been boarded

⁴⁰³ Marquez, “Estados Unidos no Tráfico ilegal,” 6.

⁴⁰⁴ Marquez, “Estados Unidos no Tráfico ilegal.”

⁴⁰⁵ Marquez, “Estados Unidos no Tráfico ilegal,” 2.

twice by British naval officers and the removal of a sailor from the ship.⁴⁰⁶ But tellingly the ship's crew were largely not native English speakers, the ships papers were suspicious, and a certain Manoel Pinto da Fonseca was the owner of the ship's cargo.⁴⁰⁷ The ship had been transferred to the hands of Portuguese traders but had not been paid for, which meant, in essence, that it was still American.

Although they were unable to search for evidence to incriminate the *John A. Robb*, later in the same year two commanders of British anti-slave trade ships the *Waterwitch* and the *Madagascar* were involved in destroying barracoons near Cabinda and Ambriz, belonging to Fonseca and other slave traders, and transported several thousand slaves to St. Helena.⁴⁰⁸ Their actions mirrored the earlier case of Captain James Denman, who destroyed barracoons at Gallinas and was influential in promoting this type of action.⁴⁰⁹ Manoel Pinto da Fonseca later made a claim for the goods which the *John A. Robb* was carrying for him, almost certainly already exchanged for slaves, on the grounds that he was trading in "orchel weed, ivory and

⁴⁰⁶ Everett to the Earl of Aberdeen, no.20, 19 September 1849. HCPP, 1844 (576) XLVIII.497: 19. See also Everett to the Earl of Aberdeen, no.41, 31 August 1843. HCPP, 1844 (576) XLVIII.497: 102.

⁴⁰⁷ Commander Matson to rear Admiral Percy, Enclosure 1 in no.74, "Waterwitch", Simon's Bay, 2 February 1843. HCPP, 1847 (857) LXVI.425: 115.

⁴⁰⁸ Trelawney to the Secretary of State for the Colonies, St. Helena, 11 June 1842. TNA, CO 247/57. See also Rodrigues, *De Costa a Costa*, 70.

⁴⁰⁹ Robin Law, "Abolition and Imperialism: International Law and the British Suppression of the Slave Trade," in *Abolitionism and Imperialism in Britain, Africa and the Atlantic*, ed. Derek R. Peterson (Athens: Ohio University Press, 2010). See also Huzzey, *Freedom Burning*, 115.

other lawful products of Africa.”⁴¹⁰ He argued that they had been destroyed by the British officers who attacked the barracoons at Cabinda.⁴¹¹

The ambitious attempt by Fonseca to gain compensation from the British suggests that he was fairly confident about his immunity from prosecution and his powerful position within Brazilian society.⁴¹² Fonseca would later threaten an informant working at Rio’s customs house that he would drive him out of his position.⁴¹³ The losses were so extensive that both he and at least one other trafficker came forward to claim compensation for the destruction of their property.⁴¹⁴ Knowing that Manoel Pinto da Fonseca was an active slave trader, Robert Hesketh, the British Consul in Rio de Janeiro, refused to sign an attestation that would help Fonseca to open a case against the sailors.⁴¹⁵ To illustrate the extent of the parallel networks of informants, the West African squadron were alerted to two other slave ships arriving at Cabinda shortly after the *John A. Robb*. The two ships, according to

⁴¹⁰ Hesketh to the Earl of Aberdeen, no.242, Rio de Janeiro, 27 July 1844. HCPP, 1845 (633) L.1: 362.

⁴¹¹ AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 19, maço 1, pasta 1, Embarcação: *John A. Robb*.

⁴¹² Several contemporary sources support this idea with evidence that Manoel Pinto da Fonseca was often seen amongst political circles. See for example, Jaime Rodrigues, *O infame comercio*, 134.

⁴¹³ Hudson to Palmerston, Rio de Janeiro, 10 July 1849. Broadlands Archive, University of Southampton (hereafter Broadlands MSS), GC/HU/14.

⁴¹⁴ Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade: 1440 - 1870* (New York: Simon and Schuster, 1999), 670.

⁴¹⁵ Hesketh to Hamilton, Second Enclosure in no.189, Rio de Janeiro, 21 October 1844. HCPP, 1845 (633) L.1: 218.

Captain John Matson, however, had already been warned of the presence of the *Waterwitch* as they approached.⁴¹⁶

The case reveals the extent of both global information networks, the international character of the trade and the vagaries of the law. Although Matson and Commodore John Foote, the Captain of the *Madagascar*, had questionable legal authority to destroy barracoons, British diplomats considered that they had a moral authority to refuse to grant Fonseca's request on the grounds that he was a slave trader and the papers he had procured in Africa were fraudulent. The destruction of barracoons, as well as being questionable in terms of property rights, also involved "a systematic encroachment on the sovereignty of States in Africa."⁴¹⁷ Such activity certainly had consequences for those observing British repression activities on the demand side of the trade.

As well as different flags, traffickers often tried to carry crews of mixed nationality to obfuscate the nationality of the venture.⁴¹⁸ The *John A. Robb* had British sailors on-board as part of its international crew. The narrative of three British sailors who were found on-board the vessel and wrote a letter to Matson asking to be removed is worthy of attention.⁴¹⁹ They stated that they had boarded at Rio de Janeiro and had not known that the ship would sail to Africa, probably to

⁴¹⁶ Commander Matson to rear Admiral Percy, Enclosure 1 in no.74, "Waterwitch", Simon's Bay, 2 February 1843. HCPP, 1847 (857) LXVI.425: 115.

⁴¹⁷ Law, "Abolition and Imperialism," 151.

⁴¹⁸ Rodrigues, *O Infame Comércio*, 137.

appease the British patrol, but the fact was that after the visit from the *Waterwitch*, for disputed reasons, the English sailors were beaten up by the crew. One of them, according to Matson “because he asked the contents of one of the cases, had been struck by the mate with a handspike.”⁴²⁰ Undoubtedly this was because the crew were under the impression that they had acted as informants regarding the activities of the ship. Matson was unable to help two of the sailors because their papers were all in order, but one left after negotiating receiving his clothes although not his payment.⁴²¹ The episode suggests that being British in itself became a cause for suspicion because of the reach of the British information network.

The Informant Community

As well as direct physical attacks on the British navy in places such as Bahia, British individuals, especially in Cuba in the 1840s came under suspicion as possible spies. This included a Methodist who went to Cuba to deliver bibles and ended up accused of being a British spy and abolitionist.⁴²² The resultant level of paranoia or fear surrounding the reach of British spies makes it understandable why informants were not often clearly identified in general, irrespective of their nationality. In July

⁴¹⁹ Commander Matson to rear Admiral Percy, Enclosure 1 in no.74, “Waterwitch”, Simon’s Bay, 2 February 1843. HCPP, 1847 (857) LXVI.425: 117.

⁴²⁰ Commander Matson to rear Admiral Percy, Enclosure 1 in no.74, “Waterwitch”, Simon’s Bay, 2 February 1843. HCPP, 1847 (857) LXVI.425: 117.

⁴²¹ Commander Matson to rear Admiral Percy, Enclosure 1 in no.74, “Waterwitch”, Simon’s Bay, 2 February 1843. HCPP, 1847 (857) LXVI.425: 118.

⁴²² Rodolfo Sarracino, *Los Que Volvieron*, 69.

1859, as he had done many times before over the course of his tenure as Consul, Joseph T. Crawford stated that he was aware of a landing of slaves near Sagua, Cuba, “it having been reported (to him) from a trustworthy source.”⁴²³ The reference to the reliability of the source indicates that the British depended on particular informants who would have reported more than once and proved themselves to be “trustworthy”. In this particular case which Crawford was highlighting, British Railroad workers were accused of involvement in smuggling the slaves onto trains and away from the disembarkation point as quickly as possible. Only seventy or so slaves were recovered.

The Captain General determinedly refuted a similar claim in 1865 which was defended by consul Robert Bunch on the grounds that he had “heard of it from many sources, each independent of the other.” The disembarkation of large numbers of slaves, even when undertaken in a discreet and careful manner was hardly likely to go unnoticed and he argued that the arrival of a slave ship was “assured as certain by public report.”⁴²⁴ It was common for investigations by local authorities of sightings of slave ships to confirm that no such outing had taken place.⁴²⁵ In some cases the information was either miss-leading or the ships were too quick or carefully hid their

⁴²³ Crawford to Captain General, Havana, 12 July 1859. ANC, Miscelánea de expediente, Legajo 3677 # ALL. He also requested information about the arrest of a number of railroad employees in conjunction with the report. It would seem that in this case railroad workers were implicated in conveying the slaves quickly from the coast to the interior to avoid their detection.

⁴²⁴ Bunch to Captain General, Havana, 1 November 1865. ANC, Miscelánea de expediente, Legajo 505 # Ñ.

⁴²⁵ Robert Conrad, “The Contraband Slave Trade to Brazil 1831-1845,” *Hispanic Historical American Review* 49, no.4 (1969): 630.

disembarkation of slaves, but there was also collaboration between slave traders and local authorities. This often warranted an exchange of correspondence between British and Spanish officials. Spanish officials were wary of giving the British unprecedented access to information. One example was their hesitation in passing on customs house shipping information in 1836.⁴²⁶

As one of several similar reports of this nature regarding the arrival of possible slave vessels, such anecdotes help us to construct a picture of the scale of Britain's use of informants in Brazil and Cuba. Despite scant information on the identities of informants because of the very nature of this type of activity, there is a paper trail. For example, there are letters relating to payments to Brazilian informants by the Secret Service.⁴²⁷ British agents were involved in a large amount of information gathering, but local residents were also encouraged to become informants. Official documents relating to the slave trade treaties mention the role of "informers," in Portuguese and Brazilian cases, discussing profits from the bounty of a captured slave ship which could be expected to be gained. However, little is explained about who such informers might be. With the risks of retaliation from slave traders it would seem that informants' motives would have been stronger than a will to benefit financially. Information was often solicited from the crews and the African slaves on-board ships captured by the Mixed Commission courts.

⁴²⁶ Miguel Tacón to the Count of Villanueva, Havana, 11 June 1836. ANC, Intendencia General de hacienda, Legajo 1051 no. 12. "Expediente formado para determinar si han de darse o no al Sñr. Comisario Británico de S.M.B. las copias que pide de los registros que saquen de este aduana los buques españoles y extranjeros que salen para las islas de Cabo Verde, por sospecho que van al comercio de negros."

Informers were subject to great risk when they came forward to denounce a system which was so deeply rooted in society and was firmly entrenched within political circles. Cuban officials could expect to earn rich rewards from the bribes and pay-offs made by slave traders. Numerous fortunes were made by captain-generals and Colonial officers and those marked exemptions to the rule were ousted by popular demand. By taking information directly to the British, informers put themselves in danger. This is reflected in British reluctance to name the informers and in revealing instances where informers were taken into Spanish custody. Jaime Rodrigues suggests that slave traders had their own defensive systems and small militias who could be called upon to protect recent landings of slaves and sometimes ended up in clashes with British naval forces in Brazil.⁴²⁸ He argues that to understand popular support for slave trading amongst the general population is a difficult undertaking.

It is clear that Britain tried to influence public opinion through stipends to influential newspapers in Rio, as well as to government ministers and also relied on bribing informants. Palmerston claimed, however, that all such measures in the 1840s in Brazil had been unsuccessful.⁴²⁹ One element which disrupted their efforts was the slave traders' own reliance on bribes. James Hudson recognised that times were changing in 1850 when he was able to finally buy the support of the editor of

⁴²⁷ Eltis, *Economic Growth*, 115-116.

⁴²⁸ Rodrigues, *Infame Comércio*, 178-9.

the *Correio da Tarde* when previously he could not compete with the slave traders' bribes.⁴³⁰ The *Correio da Tarde* was an influential Rio de Janeiro newspaper which was decidedly "anti-British" and "pro-slave trade."⁴³¹

Several references to "witnesses" prove that not everyone was too afraid to come forward with information about the slave trade. The trial papers from the case of the *Nova Aurora* show that the crew had been seen throwing papers and irons into the sea.⁴³² Dispatching of evidence in this way was often hurriedly carried out before the capture of a slave ship. After the detainment of the vessel the *Dois Amigos*, a whole iron fireplace was thrown overboard, one of the tell-tale signs that a ship was carrying equipment for the slave trade.⁴³³ The fireplace was found in the harbour after the area around the ship was ordered to be dragged.⁴³⁴

⁴²⁹ Thomas C. Walker, "A Shadow Cast from Afar: The Royal Navy in South America 1850-1900," in *Presence, Prevention, and Persuasion: A Historical Analysis of Military Force and Political Persuasion*, ed. Edward Rhodes et al. (Lanham: Lexington Books, 2004), 134.

⁴³⁰ Hudson to Palmerston, Rio de Janeiro, 3 August 1850. Broadlands MSS, GC/HU/20-28.

⁴³¹ Bethell, *Abolition of the Brazilian Slave Trade*, 318.

⁴³² Voyages database ID: 3118. AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 22 Maço 2, Embarcação *Nova Aurora*.

⁴³³ Voyages database ID: 2904. John Foote to the Commissary Judges, Rio de Janeiro "Curfew", 22 June 1843. AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 11 Maço 1, Embarcação: *Dois Amigos*.

⁴³⁴ John Foote to the Commissary Judges, Rio de Janeiro "Curfew", 22 June 1843. AHI, III, Coleções Especiais, 33 Comissões mistas, Lata 11 Maço 1, Embarcação: *Dois Amigos*.

Informants were people of varying backgrounds willing to offer information at some personal risk. Amongst them, Dale Graden identifies Atlantic creoles who saw opportunities in Britain's commitment to end the slave trade.⁴³⁵ The Captain of the port of Rio de Janeiro, Leopoldo de Câmara, Journalists and Brazilian members of parliament such as Caetano Lopez da Gama were also paid by the British Secret Service.⁴³⁶ Other less salient but important informers were never named, and discreetly recompensed. As part of the slave trade treaties a stipulation was made about the role of informants. In Brazil they were expressly to be rewarded financially for their contribution to apprehending slave imports.⁴³⁷ The Spanish Royal order of 1826 did not stipulate financial reward for informants, but it did state that if the informant was a slave then they should immediately become free.⁴³⁸ Lack of compensation was considered a drawback to the successful suppression in Cuba.⁴³⁹

This network relied on informants who could accurately convey details regarding arrivals and decking out of slave ships but also predict the likely destinations of slave ships. Most notoriously amongst them in Brazil was "Alcoforado" who wrote a report on slave trading activities which was used to gain

⁴³⁵ Graden, "Interpreters, Translators and the Spoken Word," 395.

⁴³⁶ Eltis, *Economic Growth*, 115.

⁴³⁷ In Brazil, "A small reward of 30 *milreis* in respect to each slave apprehended was offered to informers." Bethell, *Abolition of the Brazilian Slave Trade*, 69.

⁴³⁸ His Majesty's Commissioners to Mr Secretary Canning, no.69, Havana, 16 April 1826. HCPP, 1826-27 (010) XXVI.127: 110.

⁴³⁹ Kilbee and Jameson to the Marquess of Londonderry, no.49, Havana, 22 July 1822. HCPP, 1823 (008) XIX.313: 99.

invaluable details about how the slave trade was carried out and by whom.⁴⁴⁰ As a reformed slave trader, he was well acquainted with the business and in a somewhat ironic turn of events was able to earn a handsome sum for his role as informant. He almost certainly served as an informant to the British during the 1840s as there are records relating to his twenty year of service in the 1860s.⁴⁴¹ He in turn also relied on his own informants in all the principal slaving ports of Brazil.⁴⁴²

The identity of Alcoforado was revealed to the Brazilian authorities in 1851, so that they could carry out their own investigations with his help. The move was criticised by Palmerston, but fears that such a move was misguided because the cabinet was still divided over the slave trade question seemed to have proved unfounded.⁴⁴³ This situation is a marked contrast with Cuba in 1848 when the supernumerary mate, Juan Manuel Besamillas, of a slave trading outfit denounced his own activities under the promises of a pardon.⁴⁴⁴ Whilst this was not upheld, he was arrested and a petition to the British later reveals that he was destined for the chain-gang and pleaded for their intervention. This was duly carried out with many petitions to Captain General Geronimo Valdes on his behalf and exchange of letters asking for Valdes to request that the Queen of Spain should give him a royal pardon.

⁴⁴⁰ “Relatório do *Alcoforado*”, ANRJ, Ministério da Justiça, I J6–525.

⁴⁴¹ Thomas, *The Slave Trade*, 858.

⁴⁴² See Bethell, *Abolition of the Brazilian Slave Trade*, 352.

⁴⁴³ Bethell, *Abolition of the Brazilian Slave Trade*, 352.

⁴⁴⁴ Viscount Palmerston to M. de Isturiz, no.449, Foreign Office, 31 August 1850. HCPP, 1851 (1421-II) LVI Pt.II.1: 711.

British intermediaries also tried to show that Besamillas was Portuguese and not Spanish but to no avail.⁴⁴⁵ It was argued that he had denounced the ship because he had not been given a good enough cut of the proceeds. Besamillas was also able to report upon another ship's arrival and one which was setting off equipped for the slave trade.⁴⁴⁶

Palmerston accused the Spanish authorities of wishing to "exact vengeance" on informants such as Besamillas, who had at the time of his letter been in prison for three years. To substantiate his suspicion he showed the Spanish disinterest in thoroughly following-up several leads which had been passed on and claimed that they were more interested in finding out who had been the supplicant of the information.⁴⁴⁷ In a letter in which he applauded the reluctance of Consul Forbes to offer up the names of informants to the enquiring party, regarding a recent landing of slaves, Palmerston again expressed concern about the reliability of the Spanish forces.⁴⁴⁸

The Captain of the vessels on which Besamillas had worked escaped to New York with the help of M. Zulueta it would seem being the owner of the *Colombia*

⁴⁴⁵ L. Arturo Arnalte Barrera, "El tribunal mixto anglo-español de Sierra Leona (1819-1874)" (PhD diss., Universidad Complutense de Madrid, 1992), 387.

⁴⁴⁶ Viscount Palmerston to M. de Isturiz, no.449, Foreign Office, 31 August 1850. HCPP, 1851 (1421-II) LVI Pt.II.1: 711.

⁴⁴⁷ Viscount Palmerston to Lord Howden, no.449, Foreign Office, 21 February 1851. HCPP, 1851 (1421-II) LVI Pt.II.1: 734. See also Palmerston to Consul Forbes, no.514, Foreign Office, 21 February 1851. HCPP 1851 (1421-II) LVI Pt.II.1:796.

previously the *Relampago*. Besamillas argued that it was the first time he had been involved in slave trading and that he had been cheated of his wages. The ship was caught whilst attempting to disembark slaves by the Governor of Mariel and one-hundred and thirty slaves were removed. Only twenty of the original 155 (5 having died on route) were sold into slavery.⁴⁴⁹

The story of Juan Besamillas highlights some of the complexities of the relationship between those who were reporting on the slave trade and the relationship between the Spanish and British authorities regarding the use of informants. Because of the tense nature of the relationship with Britain over the issue of slave trade suppression, a vague Spanish response to the reluctance to follow up reported possibilities of slave imports was that they could have been ghost sightings and it was no use following up such developments if they could not be sure if they were real sightings. It was also argued that it was easier to regard those involved as having a stake in the slave trading venture itself and therefore as part of the guilty party. In the case of Besamillas, the Spanish authorities could easily make the argument that they did not want to reward slave traders twice; first for successfully landing slaves and then being guaranteed anonymity to denounce the trade they had had a hand in.

⁴⁴⁸ Palmerston to Consul Forbes, no.514, Foreign Office, 21 February 1851. HCPP 1851 (1421-II) LVI Pt.II.1:796.

⁴⁴⁹ Viscount Palmerston to M. de Isturiz, no.449, Foreign Office, 31 August 1850. HCPP, 1851 (1421-II) LVI Pt.II.1: 711.

Forces of Change: Adapting and Improving

The establishment of the Mixed Commissions also meant that Britain was able to legitimately send envoys to the Cuban countryside where they would assess the condition of *emancipados*. In this way they gained access to places which they would have had no means of visiting without the authority of the treaty stipulations. These types of visits were a source of tension which was already rising as a result of the activities of Richard Madden, David Turnbull and others. Any ventures where they would come into contact with slaves could offer an opportunity to imbibe them with ideas of freedom were considered potentially incendiary. It was much more unsettling to believe of course that resistance to the enslaved condition was a product of slavery itself. Authorities were advised to closely observe Turnbull and Lord Morpeth on one such visit and avoid their communication with slaves as much as possible.⁴⁵⁰

Turnbull chose to live outside the city walls closer to the neighbourhood where many black and free coloured residents of Havana resided in the Calzada de Jesus Gonzaga, nowadays the Reina Avenue. Evidence from the repression of La Escalera indicates that Turnbull and Francis Ross Cocking's informants had aliases. Amongst them were members of many sectors of society including Domingo Del Monte, Miguel Flores and several others. It would seem that Turnbull, at least, maintained contact with them after his banishment from Cuba.

⁴⁵⁰ "Circular" Havana, 18 March 1842. ANC, Assuntos Políticos, Legajo 41 #34.

Although Turnbull was not a member of the Mixed Commission court until he took on a role at the court in Jamaica, he was closely involved in the welfare of the *emancipados*. When discussing the impact of the Mixed Commissions, this side of the courts' activities is particularly important. The Mixed Commissions allowed for the presence of a British contingent which made up a network across the Atlantic and enabled information to pass not only between Britain and the slave-trading destinations, but also between the African coast and England, between Cuba and Jamaica and so on. As highlighted in the previous chapter, the Mixed Commissions and the receiving ships allowed the British to maintain a physical abolitionist presence through which to exert pressure and legitimise intervention in both localities. But commissioners were required to negotiate a balance between forwarding abolitionist aims and intervention which might provoke a reaction against such an essentially imperialist project. In this respect the actions of commissioners including Henry T. Kilbee, James Kennedy and George Backhouse were more conciliatory than Turnbull's, yet effective at providing continuous resistance and challenge to connivance at the slave trade.

Officially, although often contested, the activities of the courts had to remain within certain boundaries. Subversive activities including the collection of information through spying and the use of force were considered necessary but unprecedented methods, in this realm of foreign office activity, essentially imposing an ideology.⁴⁵¹ Ambitious plans to augment the powers of the Mixed Commissions to enable the trials of illegally imported slaves were thwarted. In Cuba especially, the

⁴⁵¹ See Eltis, *Economic Growth*, 104.

activities of the court and of British agents were restricted by the ever-present concern that British activities would cause Cuba to be annexed to the United States. Even though the Monroe doctrine of 1823 was supposed to protect the whole American continent from European intervention, the proximity of Cuba was far more likely to instigate United States' involvement.⁴⁵² British activities in Brazil could afford to be more audacious.

In practice, activities which strayed from the path of legality tended to exacerbate vitriol which was directed towards British efforts to suppress the slave trade. Although not strictly the case, the Mixed Commissions in Brazil and Cuba were seen and encouraged to be seen as an imposition which was not altogether endorsed by Spain or Brazil's government. British diplomats were scathing of the Spanish authorities' commitment to ending the slave trade and in the case of the Mixed Commissions their criticism was certainly well-founded, with successive captain generals earning a handsome profit in bribes. In reality, of course, there were strong abolitionist elements within both Cuba and Brazil. The Brazilian slave trade was carried out, for example, over a very wide area with differing local and national allegiances. Although there was collusion between slave traders and the authorities there were also areas in which a political stance was taken to put down the slave trade.⁴⁵³

⁴⁵² Eltis, *Economic Growth*, 116-117.

⁴⁵³ Marcus J. M. de Carvalho, "A repressão do tráfico atlântico de escravos e a disputa partidária nas províncias: os ataques aos desembarques em Pernambuco durante o governo praieiro, 1845-1848," *Tempo* 14, no.27 (2009).

The alarming prospect of increased slave agitation was often attributed to the British in Brazil as a convenient “other.”⁴⁵⁴ Whilst this could inflate nationalist and anti-British sentiment, rumour itself was a powerful anti-slavery tool, feeding into the fears of an already tentative population of slave-holders. This helps to explain why British representatives on the ground were given some freedom within a range of possible or likely expected actions but paying attention ideally both to British economic and diplomatic relations and local circumstance.⁴⁵⁵ Hence the importance too of the Mixed Commissions and the information they were able to provide.

The threat from Britain, whether real or not, was a significant factor in the implementation of change. For example, Robert Slenes believes the implications were strong enough in Brazil to ensure the final nails in the coffin for the slave trade.⁴⁵⁶ It can also be suggested that the change in attitudes, which resulted in the law of 1851, was directly integrated in the project of nationhood and to the reaction against Africanization in a different way. The threat of military intervention and blockades were one step too far in the approximation of Africa and Brazil and required that Brazil take a significant step to distance itself and regain a relationship of ‘semi-civilized’ with Britain in the theatre of international relations; hence the importance of rumour and the power of the symbolic.

The use of force is one area in which the histories of British intervention over the slave trade in Cuba and Brazil diverge. Using force could actually hinder the

⁴⁵⁴ Rodrigues, *O Infame Comercio*, 143.

⁴⁵⁵ Huzzey, *Freedom Burning*, 50-51.

⁴⁵⁶ See Slenes, “‘Malungo, Ngoma vem.’”

cause especially if it was ideological.⁴⁵⁷ In the 1850s in Brazil, the threat of force became more effectual because it coincided with growing anti-slave trader and anti-Portuguese sentiment by 1850. Palmerston suggested that a gentle warning should be made on behalf of the British government about the possibilities of the use of force. The threat was posited in such a way as to imply that the superior strength of the British navy would make this a simple task rather than amount to the possibility of war. “You will do well to hint to the govt. in a friendly and unofficial manner...Our navy wants exercise and practice in times of peace.”⁴⁵⁸ These types of warnings would have been considered offensive in whatever manner they were put, because it suggested that Britain was treating Brazil as a wayward child who needed to be coerced.

The Aberdeen Act of 1845 went as far as to circumvent Brazilian law. In Cuba there were impediments to following a similar line largely due to the implications of Cuba still remaining a Spanish colony. In terms of influencing the social sphere there was almost no free press to be infiltrated, especially between 1823 and 1838.⁴⁵⁹ The plea from Palmerston to Hudson to gently suggest that a military campaign against Brazil was not out of the question also reiterated a challenge to the official line of diplomatic preferential treatment and insinuates something which would have been perceived as a great insult. Brazil was being considered along the same lines as those African countries which elements of

⁴⁵⁷ Eltis, *Economic Growth*, 114.

⁴⁵⁸ Palmerston to Hudson, Broadlands, 5 January 1847. Broadlands MSS, GC/HU/43.

Brazilian society were so fearful of becoming. There was also the added concern that Britain could ally itself with slaves and produce a challenge to Brazilian authority, one which was certainly contemplated if not openly relayed.

In reply to Palmerton's enquiry as to the effectiveness of a possible blockade of Rio de Janeiro and Bahia in 1847, James Hudson gave a positive response:

Bahia is peopled in great measure by negroes from Minas, most of whom are mahomedans: they profess great intelligence: have formed benefit societies and savings banks, and have attempted on more than one occasion to throw off their yoke and establish themselves in freedom in Bahia.⁴⁶⁰

His response displayed an opinion influenced by the pervading stereotypes of the time, but it also suggests how far Britain was willing to act outside the law in desperation to suppress the slave trade. The fact that it never happened is a hallmark of how the political and social climate changed in respect to slave trading at this time, as Jaime Rodrigues points out, but it also confirms that the British were more reticent of use of force than they were on the African coast.⁴⁶¹

⁴⁵⁹ Eltis, *Economic Growth*, 116.

⁴⁶⁰ Hudson to Palmerston, Rio de Janeiro, 10 October, 1848. Broadlands MSS, GC/HU/6.

⁴⁶¹ Rodrigues, *Infame Comércio*, 116. See also Law, *West African Slaving 'port'*, 157.

By the 1850s they had found willing informants at the Customs House at Rio de Janeiro, who they believed they could trust. The majority of the workers there were against the slave trade. They held strong anti-Portuguese sentiments and were a largely *mulato* work force. However, it would take more to convince wider society to turn against the slave traders. Foreign governments were acutely aware of the role being played by Britain and suspicious that suppression was a means by which they inhibited other nations from benefiting economically from the slave trade. Indeed economic concerns were always responsible for dictating the methods of suppression which Britain employed. Despite the effectiveness which Hudson's suggestion of fomenting slave revolt in Bahia would have had, securing the market for British goods ultimately led to alternative solutions.⁴⁶² The use of informants was a double edged sword and one which was ultimately much more effective in Brazil, where Britain had more room to manoeuvre than in Cuba.

⁴⁶² Dale T. Graden, *From Slavery to Freedom in Brazil: Bahia 1835-1900* (Albuquerque: University of New Mexico Press, 2006), 6.

Chapter five. The Repatriation and Relocation of Liberated Africans and *Emancipados*: 1835-1870.

In 1854 the Anti-Slavery Reporter interviewed 23 “self-emancipated slaves” travelling to Lagos via Southampton. They had left Havana in early June aboard a British ship, a West India Mail steamer called the *Avon*.⁴⁶³ Despite the substantial sums of money which they paid for the voyage they were forced to sleep on the deck, did not have enough food, and the sick amongst them who lay on the deck were doused in water by the crew. Most of them had been born in Africa but had been enslaved as children or young adults and were now undertaking a return voyage as older men and women in their 40s or even their 60s to return to their community or place of birth alongside their partners and children.

The conditions of the first leg of their return voyage to Southampton were unexpectedly poor, considering they had paid for accommodation in steerage. Even so, now that they were free, what motivated them to undertake such a voyage when the last time they had crossed the Atlantic they had endured a Middle Passage which involved, as they recounted in their interviews, varying degrees of sickness and death amongst their fellow captives?⁴⁶⁴ One of them was only eight years old when she left Lagos and all of them had now lived a large part of their lives in Cuba. They

⁴⁶³ “Cuban Slaves in England,” *Anti-Slavery Reporter*, 3rd Series, 2 (1854): 234–239.

⁴⁶⁴ “Cuban Slaves in England,” *Anti-Slavery Reporter*, 3rd Series, 2 (1854): 234–239.

were employed as free labourers in Havana and also clearly had some financial security, having paid for manumission as well as their passages to Lagos.

Amongst their number were four *emancipados*. Occasionally repatriations such as this occurred when liberated Africans emigrated, having saved the money to charter a ship or requested the passage from the British in order to return to Africa. Such voyages were usually undertaken alongside liberated slaves from similar backgrounds, as in the case of the four *emancipados* who travelled to Lagos via Southampton. Relocations are revealing moments in the acceptance and impact of the *emancipados* as well as insight into their experiences. Return journeys offer a further glimpse into the networks and shipmate bonds which developed amongst them, and also indicate the limitations of freedom for liberated Africans. It is revealing that those who chose to return, and those for whom it was possible at all, were the liberated Africans who had achieved their final freedom and were usually well-established in urban occupations.

This chapter addresses the removal of liberated Africans to secondary destinations, especially repatriation, but also specifically: travel to British colonies in the Caribbean and Africa. It analyses the African agency in these relocations, as well as the political and social motivations of the host nation and the British, seeking to address the significance behind such journeys. It highlights how British attitudes towards Africa and Africans developed in the nineteenth-century, and influenced policy in relation to liberated Africans in Brazil and Cuba. British criticism of Cuban and Brazilian handling of liberated Africans ignored the fact that the liberated Africans own agency was of limited consideration in British decision making on their behalf.

Africanos livres and *emancipados* in both Cuba and Brazil were relocated in significant numbers, as a result of renewed directives from the British which aimed to combat the abuse of the provisions for *emancipados* in the bilateral treaties and to provide labour for British colonies in the West Indies. In the first few years after the initial ratification of the treaties and for some time afterwards when the recaptive Africans were an unknown entity, relocation, repatriation and even transfer to British custody were carefully considered. The reason for this was because of local security concerns regarding the possibility of slave insurrection, the destabilisation of the slave system and of fear of contagion from disease in Havana and Rio de Janeiro.

In the case of Africans liberated by international treaties, their returns to Africa can tell us about how they were received and about their own adaption and willingness to live in Latin America. Rosanne Adderley and Walter Hawthorne see similar return voyages as a deep-seated rejection of Western society or of the Western values in which liberated Africans had been inculcated.⁴⁶⁵ Yet, at the same time, Adderley highlights the paradox that the development of an “exile mentality” and the means of return to Africa depended on “new cultural formation in the African Diaspora”.⁴⁶⁶

In other words, successful return required collaboration with Western governments or organisations and the mobilisation of people for the journey on the basis of African identities which had come about through a shared experience of

⁴⁶⁵ Hawthorne, ““Being now, as it were, one family””, 67 and Rosanne Marion Adderley, *“New Negroes from Africa”*: *Slave Trade Abolition and Free African Settlement in the Nineteenth-Century Caribbean* (Bloomington: Indiana University Press, 2006), 235.

forced migration, including shipmate bonds, for example. For the *emancipados* who travelled on the *Avon*, it is important to note that this was clearly the case. Two were shipmates from the *Negrato* slave ship, condemned by the Havana Mixed Commission in November 1832.⁴⁶⁷ They were also a married couple and returned along with their three children. *Emancipados* from the *Negrato* have been identified in other sources which suggest that several of them had stayed in close contact with one another and were members of a cabildo in Havana. They were also involved in a disturbance in 1835 which was hastily crushed, leading to a trial where some of them were put to death.⁴⁶⁸

The decision to settle in a place such as Lagos which had an established population of Agudas or returnee slaves from both Cuba and Brazil is indicative of the development of broad-based identities in diaspora which went beyond very specific ethnic identities and produced a sense of belonging to a particular region or culture. It also suggests the will to remain close to others who shared a lived experience in the Americas and the existence of continued connections with Africa.⁴⁶⁹ This chapter aims to address not only the reasons behind such voyages, but

⁴⁶⁶ Adderley, “*New Negroes from Africa*,” 236.

⁴⁶⁷ Voyages database: ID 1266.

⁴⁶⁸ Henry Lovejoy, “Old Oyo Influences on the Transformation of Lucumí Identity in Colonial Cuba” (PhD diss., University of California, 2012), 199.

⁴⁶⁹ A key study of the way in which the slave-trade between particular ports facilitated commercial and social interaction between Africa and Brazil is: Pierre Verger, *Fluxo e Refluxo do Tráfico de Escravos entre o Golfo do Benin e a Bahia de Todos os Santos: Dos séculos XVII a XIX* (São Paulo: Editora Corrupio, 1987).

also what determined the outcome of such return attempts: whether they remained at the petition or planning stage or whether the voyage itself was ever attempted.

By the time that the liberated Africans had achieved their final freedom and had the means to return to Africa, they had usually spent a significant period of their lives in Cuba and Brazil which shaped their understanding of the World. Solimar Otero has used the same case study of the twenty three “Havana Lagosians” to emphasise the complex nature of returnee communities in Lagos.⁴⁷⁰ During the late 1830s until around the 1890s there was a considerable repatriation movement of freed slaves from Brazil to Africa and also to a lesser extent from Cuba to Africa. The main areas of resettlement were current-day Togo, Benin and Nigeria.⁴⁷¹ Returnees became known as Aguda or Amaro in the coastal towns where they tended to stay and maintained a distinct Afrolatino identity, including keeping their names, language and traditions alive and many practising Catholic religion.⁴⁷² Because many of them were unable to return to where they had originally come from

⁴⁷⁰ Solimar Otero, *Afro-Cuban Diasporas in the Atlantic World* (Rochester: University of Rochester Press, 2010), 39.

⁴⁷¹ Robin Law, “Yoruba Liberated Africans Who Returned to West Africa,” in *The Yoruba Diaspora in the Atlantic World*, ed. Toyin Falola and Matt D. Childs (Bloomington: Indiana University Press, 2004).

⁴⁷² Otero, *Afro-Cuban Diasporas*. See also Lisa A. Lindsay, “To Return to the Bosom of their Fatherland”: Brazilian Immigrants in Nineteenth-Century Lagos,” *Slavery and Abolition* 15, no.4 (1994): 22.

and because of their long experience of living in exile, adapting to life as a returnee involved a new process of identity formation.⁴⁷³

The majority of these returnees were of Yoruba origin because of the prevalence of slaves coming from Yorubaland as a result of inter-yoruba wars in this particular region of Africa in the nineteenth century.⁴⁷⁴ The region to which they returned continued to be an important source of slaves for the trans-Atlantic slave trade to Brazil and Cuba despite changes to the trade during the nineteenth-century and variations in the preferred ports of embarkation.⁴⁷⁵ They were known as Nagô in Brazil and Lucumí in Cuba. These are terms which were created by the slave trade and Africans described under this umbrella term would have self-identified according to more specific sub-groups.⁴⁷⁶ Lucumí and Nagô made up a large percentage of the total slaves imported to Cuba and Brazil in the nineteenth century which helped to strengthen their presence as a “distinct cultural and linguistic group”.⁴⁷⁷ The returnees who sailed to Lagos via Southampton in 1854, therefore, belonged to a well-established Diaspora community and were thus informed of and

⁴⁷³ See Elisée Soumonni, “Afro-Brazilian Communities of the Bight of Benin in the Nineteenth Century,” in *Trans-Atlantic Dimension of Ethnicity in the African Diaspora*, ed. Paul E. Lovejoy and David V. Trotman (London: Continuum, 2003), 182.

⁴⁷⁴ Law, “Yoruba Liberated Africans,” 349.

⁴⁷⁵ See Elisée Soumonni, “Afro-Brazilian Communities.”

⁴⁷⁶ Elisée Soumonni, “Some Reflections on the Brazilian Legacy in Dahomey,” *Slavery and Abolition* 22, no.1 (2008): 64.

⁴⁷⁷ Law, “Yoruba Liberated Africans,” 349.

connected to their homelands despite having left many years before. They described receiving news of relatives in Lagos through newly arrived slaves.⁴⁷⁸

As Adderley points out, it is impossible to “claim a full understanding of the consciousness of liberated Africans.”⁴⁷⁹ But awareness of the pull of the idea of returning as well as the specific nature of their status can help us to at least pick up important clues as to why they contemplated such voyages. The definition of the term *emancipado* or liberated African itself was problematic. As well as being subject to different regulations over time; details of the status of slaves rescued from slave ships in the disorientating days after arrival were often obfuscated. Difficulties regarding the claims of legitimate *emancipado* status were already predicted early on and to try to address this, at least in theory, the recaptives were to have the knowledge of their freedom impressed upon them. The newly arrived Africans were told to observe their interpreters and asked if they had any family members accompanying them. The procedure was described thus by the British judge of the Mixed Commission in Havana, Henry T. Kilbee in 1824:

After the description of each negro had been taken and a name given to him, a piece of tin, with his number engraved on it, was fixed around his neck; and it was explained to him that he was a free person; but that he must, for a certain time be placed under the care and authority of others, in order that he might

⁴⁷⁸ “Deposition of the Cuban Slave: Lorenzo Clarke,” *Anti-Slavery Reporter*, 3rd Series, 2 (1854): 234–35.

⁴⁷⁹ Adderley, “*New Negroes from Africa*”, 235.

learn the language and customs of the Country and a mode of earning his own livelihood:- that the length of this time depended in great measure upon his own conduct: he was asked whether he had any relatives with him; and he was directed particularly to observe his interpreters; that he might recollect them again if necessary; and to take special care of his number.”⁴⁸⁰

The emphasis on learning “language” and “customs”, in particular, is a telling indication of European perceptions of Africa during this period as culturally inferior. In Kilbee’s correspondence he added that perhaps branding could be used to mark the bodies of the liberated Africans with their freedom rather than as a sign of ownership, as indeed became habitual at the Mixed Commission court in Luanda with a symbol of a bird and the word “liberto”.⁴⁸¹ Although this possibility which was reminiscent of part of the dehumanising rituals of slavery itself was not carried out, carrying a physical marker of their difference in the form of a tin ticket was bound to stigmatise them.

⁴⁸⁰ H.T. Kilbee to Canning, Havana, 29 December 1824. HCPP online, 1825 (011) XXVII.281:131. Regarding the use of branding in Luanda see Coghe, “The Problem of Freedom.”

⁴⁸¹ Coghe, “The Problem of Freedom.”

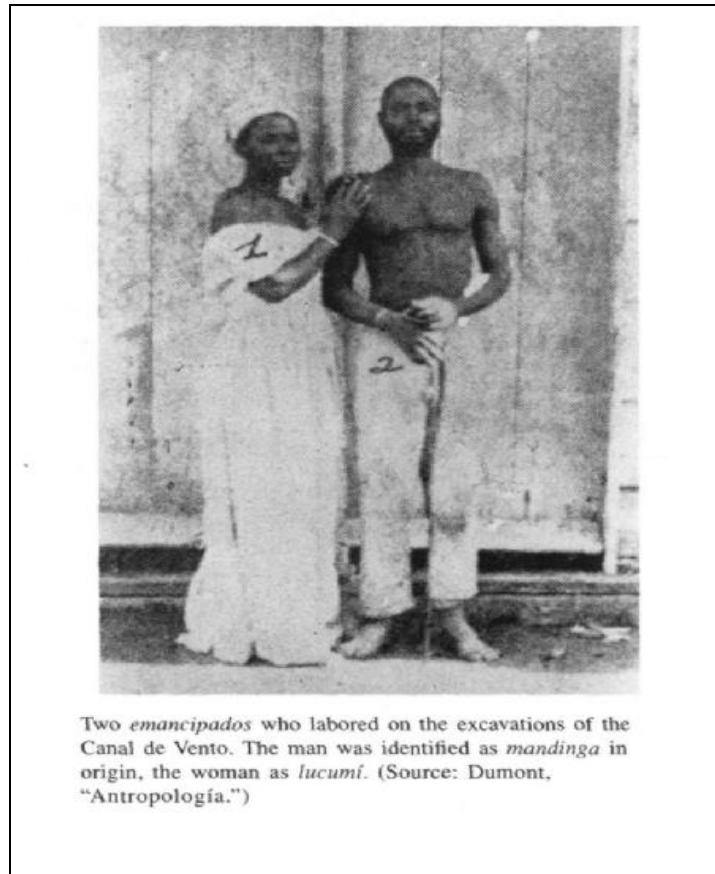


Figure 3.1: Two *emancipados* who laboured on the excavations of the Canal de Vento. Henri Dumont, *Antropología y patología de los negros esclavos* (Havana: Colección Cubana: 1822) image reprinted in Rebecca Scott, *Slave Emancipation in Cuba: The Transition to Free Labor 1860-1899* (Pittsburgh: University of Pittsburgh Press, 1985), 110.

The photo in figure 3.1 belies the fact that the *emancipados*, as well as being required to carry tin-tickets, were not free from other stigmas associated with slavery. Slaves were usually barefoot, and it appears that the man was blind, perhaps as a result of Ophthalmia, an indelible legacy from the Atlantic crossing. The image is part of a collection taken by the French doctor Henri Dumont in July 1866, including *emancipados* who were working on the Canal de Vento and the *emancipado* in

figure 3.1 is described as the interpreter.⁴⁸² As part of a paternalistic stance towards their care it was not considered advisable for the *emancipados* to be given their own papers of freedom, which it seems were held by the Captain General of the island.⁴⁸³

Repeatedly, even those who had clearly been rescued by British naval forces struggled to prove that they were *emancipados* at later stages in their lives. The group who returned from Cuba to Lagos in 1854 were described as *emancipados* but in actual fact included many who had been brought to Cuba as slaves and some *emancipados* who erroneously had had to pay for the privilege of their own freedom despite having carried out more than the recommended period of labour.⁴⁸⁴ Their recollections in the *Anti-Slavery Reporter* of what happened on arrival in Cuba show that the series of events which Kilbee had outlined was open to interpretation when it came not only to defining the period of acceptable apprenticeship, but also the concept of his or her freedom which was transmitted to each *emancipado*.⁴⁸⁵ The returnees in 1854 were keen to show that others were willing to follow in their footsteps and mentioned that many others were already contemplating the voyage.⁴⁸⁶

⁴⁸² Gabino La Rosa Corzo, "Henri Dumont y la imagen antropológica del esclavo africano," in *Historia y memoria : sociedad, cultura y vida cotidiana en Cuba, 1878-1917*, ed. José Amador and Fernando Coronil (Havana: Centro de Investigación y Desarrollo de la Cultura Cubana Juan Marinello, 2003).

⁴⁸³ Sarracino, *Los Que Volvieron*, 221.

⁴⁸⁴ Otero, *Afro-Cuban Diasporas*, 42-48.

⁴⁸⁵ Otero, *Afro-Cuban Diasporas*, 45.

⁴⁸⁶ *Anti-Slavery Reporter*, London, 3rd Series, 2 (1854)

In due course, in June 1855, several Lucumis travelled to Lagos via Plymouth.⁴⁸⁷

Again, it appears that *emancipados* were amongst their number.⁴⁸⁸

Whilst it is generally perceived that liberated Africans did not have recourse to *coartación*, the possibility of purchasing oneself over time and including the right to change slave-owners, reports of the *emancipados* who travelled to Lagos in 1855 state that “they purchased their own freedom by the law of the Coartado.”⁴⁸⁹ Such a revelation, even if there was a misunderstanding about the way in which they had bought their freedom, confirms that the blurring of the lines between slave status and *emancipado* status was ubiquitous and that this greatly benefitted the hirers of *emancipados*. At the same time both the reports of how the *emancipado* returnees achieved their freedom in the Church Missionary Intelligencer and the Anti-Slavery Reporter make reference to the Syndico protector (síndico procurador), showing that *emancipados* had turned the ambivalence about their status into a chance to seek legal recourse.⁴⁹⁰ Access to syndics is generally believed not to have been available to *emancipados*, making clear that the laws which bound the treatment of

⁴⁸⁷ Olatunji Ojo, “Amazing struggle: Dasalu, global Yoruba networks, and the fight against slavery, 1851-1856,” *Atlantic Studies: Global Currents* 12, no.1 (2015): 13.

⁴⁸⁸ Eugene Stock, *History of the Church Missionary Society Vol. II: Its Environments, its Men and its Work* (London: Church Missionary Society, 1899), 119.

⁴⁸⁹ “The Emancipados and their Fatherland,” *Church Missionary Intelligencer* 6 (1855): 267.

⁴⁹⁰ “The Emancipados and their Fatherland,” *CMI* 6 (1855): 267. “Deposition of the Cuban Slave: Lorenzo Clarke,” *Anti-Slavery Reporter*, 3rd Series, 2 (1854): 234–35.

emancipados were open to interpretation. The same is evident in the treatment of the children of the *emancipados*, in some cases considered to have been born free, but in others included in the price of their mother's freedom.⁴⁹¹

“Recaptive Africans” like the *emancipados* and *Africanos livres* existed in diverse locations throughout the nineteenth century Atlantic World. Daniel Domingues et al. examine the experience of the larger group of 180,969 liberated Africans, including those freed by Mixed Commissions and other courts involved in slave trade suppression, by the Haitian navy and by shipwreck in British colonies on the way to Cuba. They distinguish between those who were able to more actively shape their diaspora experiences and those in the Americas for whom life was significantly harder.⁴⁹² Whilst perhaps exaggerating the extent to which the lives of liberated Africans in the Americas “paralleled those who were enslaved,” Domingues da Silva asserts that “There must have been many more ‘shipmate’ connections established and maintained amongst captives on both sides of the Atlantic than among those not recaptured.”⁴⁹³ *Africanos livres* in Brazil and Cuba, in particular, would use such connections as well as awareness of their unique status to shape their experiences.

Notably many “recaptives” who were freed by the Mixed Commission courts in Sierra Leone returned to where they had come from, especially if they came from

⁴⁹¹ “The Emancipados and their Fatherland,” *CMI*, 6 (1855): 267.

⁴⁹² Domingues da Silva et al. “Diaspora of Africans Liberated from Slave Ships,” 347.

⁴⁹³ Domingues da Silva et al. “Diaspora of Africans Liberated from Slave Ships.” 361.

surrounding areas which meant they were already close to home.⁴⁹⁴ Liberated Africans from Sierra Leone formed a second immigrant community in the Bight of Benin which differed in several respects from the Aguda. For example, the ships they travelled on had been intercepted on the African coast, so they had never been enslaved in the Americas and because of their experience with British evangelisation in Sierra Leone, many converted to Christianity.⁴⁹⁵ Although emigration of recaptives was initially discouraged by the British, Christian missionaries soon saw an opportunity to advance their hold and set up missions with the help of Sierra Leonean liberated Africans acting as intermediaries in their homelands.⁴⁹⁶ In Yoruba they were known as Saros in the places where they resettled.

Initially the idea that liberated Africans from Sierra Leone should leave the Christian colony was viewed negatively by missionaries in Sierra Leone, but was later understood more strategically, especially after the development of ideas promulgated by Thomas Foxwell Buxton.⁴⁹⁷ Similarly, Cuban and Brazilian returnees to modern Nigeria were given preferential treatment in the hope that they might offer a means to strengthen British influence there. Thus, the means of return were closely tied to British ambitions in Africa and dependent upon meeting the conditions of those ideas.

⁴⁹⁴ Domingues da Silva et. al. "Diaspora of Africans," 348.

⁴⁹⁵ Soumonni, "Afro-Brazilian Communities," 183.

⁴⁹⁶ J. F. Ade Ajayi, *Christian Missions in Nigeria, 1841-1891: the Making of a New Elite* (London: Longmans, 1965), 22.

Responses to the Liberated Africans within Cuba and Brazil

In the early nineteenth-century significant populations of free blacks existed in both Cuba and Brazil. There was some support for repatriation schemes because of the fear of Africanisation that this provoked; such fears also led to the encouragement of white European immigration. The expense of repatriation schemes was prohibitive, but there was a steady flow of migrants from Bahia to Lagos, especially after 1835. In general these return voyages were voluntary, but there was some forced exile especially after two important events: the Malê revolt in Bahia in 1835, and the Escalera Conspiracy in Cuba in 1841. In the aftermath of the Escalera conspiracy free blacks were targeted for exile, although not specifically to Africa.⁴⁹⁸

These events had an impact on the lives of *emancipados* and Africanos livres because they had wide repercussions for the acceptance and perception of free blacks in society resulting in high levels of distrust and persecution. Even though the Malê revolt took place hundreds of miles from Rio de Janeiro, for example, it had an immediate and direct impact there.⁴⁹⁹ In the Cuban case tensions surrounding free blacks in society reached a peak in the late 1830s and 1840s after emancipation came into effect in the British West Indies and can be seen at work in the repression of the Escalera conspiracy. Several studies have drawn attention to Gabino, a liberated

⁴⁹⁷ Ajayi, *Christian Missions in Nigeria*, 27-29. Thomas Foxwell Buxton, *The African Slave Trade and its Remedy* (London: John Murray, 1840).

⁴⁹⁸ Reid Vasquez, *The Year of the Lash*, 163.

⁴⁹⁹ Reis, *Rebelião Escrava no Brasil*, 511.

African from the slave ship Fingal.⁵⁰⁰ Gabino became an *emancipado* in 1824 but was still being hired out sixteen years later. The case of Gabino was used to demonstrate Spain's failure to meet its treaty obligations in contemporary abolitionist publications.⁵⁰¹ The British Consul Turnbull intervened in his case in order to pressurise the Spanish government to release him, and he was successfully freed in 1841. But such efforts eventually backfired as Gabino was accused of involvement with the conspiracy of La Escalera and banished to prison in Ceuta where not long after arrival he died.⁵⁰²

The threat to stability represented by *emancipados* was initially perceived to be quite grave. Many plans for their disposal in either Africa or Spain and its European colonies were put forward, even resulting in the dispatch of a royal order to the effect of the latter.⁵⁰³ However, none of these plans for the large scale relocation of *emancipados* came to fruition, apart from their transportation to British West Indian colonies. Removals were deemed unnecessarily costly and the revenue which could be gained from hiring out *emancipados* put such fears to rest somewhat. Continuing a historical tradition whereby Spanish officials made their fortunes in the colonies, successive Captain Generals enriched themselves by asking for gold in

⁵⁰⁰ Amongst others: Sarracino, *Los Que Volvieron*, 75; and Martinez-Fernandez, "Anglo-Spanish Mixed Commission," 212. Oscar Grandio Moraguez, Dobo: A Liberated African in Nineteenth Century Havana. *Voyages: The Trans-Atlantic Slave Trade Voyages Database*.

<http://www.slavevoyages.org/tast/assessment/essays-grandio.faces>.

⁵⁰¹ "The Emancipados and their Fatherland," *CMI* 6 (1855): 272.

⁵⁰² Roldán de Montaud, "Blurred Boundaries," 169.

⁵⁰³ Murray, *Odious Commerce*, 276.

exchange for *emancipado* hire. Leopoldo O'Donnell benefitted by hiring out 370 to his own wife.⁵⁰⁴ He also reduced the already scant awarding of certificates of final freedom to *emancipados* in the wake of the Escalera conspiracy.⁵⁰⁵

Under Captain General Geronimo Valdes his predecessor, who ruled in Cuba between 1841 and 1843, some 1215 *emancipados* were issued their final letters of emancipation, which was quite substantial in comparison to the 1367 freed in the preceding 15 years.⁵⁰⁶ Continuing the employment of the power of symbolism it was noted by the Junta de Fomento in Cuba in 1841 that the large numbers of *emancipados* and the element of occasion produced by releasing hundreds of people at the Mixed Commission court at one time must have sent out messages to the populous in Cuba which could be potentially explosive.⁵⁰⁷ Such an argument was used repeatedly over the years as an excuse as to why *emancipados* could not simply be granted their long-overdue freedom at once.⁵⁰⁸

In Brazil, in contrast to the Cuban case, British officials actively blocked and discouraged attempts to organise for liberated Africans to be repatriated as soon as possible after capture because the treaties negotiated in 1817 with the Portuguese

⁵⁰⁴ Murray, *Odious Commerce*, 289.

⁵⁰⁵ Murray, *Odious Commerce*, 289.

⁵⁰⁶ Sarracino, *Los Que Volvieron*, 100.

⁵⁰⁷ “Memorial addressed by the Junta de Fomento to the Provisional Regency of Spain on the Abolition of Slavery and the Slave Trade” (Translation), Havana, 27 Feb 27 1841, enclosed in Turnbull to Viscount Palmerston, Havana, 25 May 1841, HCPP, 1842 (403) XLIII.1: 286.

⁵⁰⁸ Murray, *Odious Commerce*, see chapter 13: “A new class of slaves”.

and in 1826 were required to provide emancipation in Brazil and the dangers of a return voyage were considered too great.⁵⁰⁹ Although the practice of removing liberated Africans to Africa never occurred on the scale which was stipulated in the law of 1831, there are records which pertain to the fact that at least 315 liberated Africans were repatriated, and that over half were sent to the Cape of Good Hope between 1828 and 1854.⁵¹⁰ The choice of a British colony would imply that the voyages were supported by the British government and that the British wanted to control repatriation, ostensibly so that it did not become an exercise in re-enslavement, but also with the added benefit of the supply of labourers to the Cape colony.

Despite the frustration of attempts to officially repatriate liberated Africans as soon as possible after their arrival, the relocation of *africanos livres* to places outside of Rio was not uncommon. Amongst the placements were institutions which required rigorous attention to protocol and order including the Arsenal da Marinha and the Itapura military base, which was a source of contention with the British during the 1860s.⁵¹¹ Other notable relocations included sending some *africanos livres* to the Amazon and to Bahia and others to work in São Paulo at the Ipanema

⁵⁰⁹ Alan Manchester, *British Preeminence in Brazil, it's Rise and Decline: A Study in European Expansion* (Chapel Hill: University of North Carolina Press, 1933), 232.

⁵¹⁰ "Saídas de Navios com Relação de Passageiros Brasileiros e Estrangeiros," ANRJ, Polícia da Corte, Códice 417, vol.1-8. Cited in Monica Lima e Sousa, "Entre Margens: O Retorno à África de libertos no Brasil 1830-1870," (PhD diss., Universidade Federal Fluminense, 2008), 147.

⁵¹¹ Correspondence Respecting Liberated Slaves in Brazil, HCPP, 1863 (3189) LXXIII.365

ironworks where several acts of resistance were recorded.⁵¹² These removals were comparable to sending *emancipados* to work on sugar plantations or down mines in Cuba; dispersing them to places where they were not within easy reach of means of contesting their situation, but not necessarily affecting the potency of their beliefs and knowledge of their situation. A petition for freedom from one of the *africanos livres* who had worked at the Ipanema ironworks and was involved in the collective resistance there, stated his intention to return to Africa, with the idea, it would seem, of strengthening his case for freedom as the authorities would be relieved of his troublesome petitions.⁵¹³

Initially the presence of liberated Africans was unwelcome, and their return to Africa or transfer to British colonies was a stated aim when drawing up legislation regarding liberated Africans in both locations. The responsibility for the care of all *emancipados* captured by British ships by Britain was enshrined in the slave trade treaty between Britain and Spain in 1835 and meant the transportation of liberated Africans to British colonies such as Trinidad and Jamaica where they were to be employed as labourers.⁵¹⁴ However in Brazil initiatives of this kind were not well received because, although they were unwelcome, the liberated Africans were also considered an important source of labour and one that should not be easily ceded to

⁵¹² Mamigonian, “Do Que ‘O Preto Mina’ É Capaz.”

⁵¹³ Félix Mina, Petição de emancipação 20/03/1857, GIF1 6D-136, Arquivo Nacional do Rio de Janeiro cited in Beatriz Mamigonian, ‘Do Que ‘O Preto Mina’ É Capaz: Etnia E Resistência Entre Africanos Livres’ *Afro-Asia* (2000) 24: 74.

⁵¹⁴ Adderley, “‘A Most Useful and Valuable People?’”

the British.⁵¹⁵ This concept also gained precedence in Cuba where an ideological argument that the inspection and removal by a foreign authority of *emancipados* was detrimental for the image and reputation of the Cuban authorities was posited in 1841. The Captain General Gerónimo Valdés was concerned that such a spectacle could undermine Spanish authority.

The presentation of the *emancipados* before the mixed commission and their examination by the Court in order to send them to the colonies is unwise because this would establish a foreign authority which would examine the condition of the freedmen, attempt to seduce them and give the whole island a spectacle that would at once diminish the moral strength of this government in the eyes of the African race, and attribute prestige and consideration to the British commissioners.⁵¹⁶

With the impending abolition of the slave trade the liberated Africans at the same time as representing a risk were an important addition to the workforce. Even so, in the same year, as a direct result of concerns about David Turnbull the idea of relocating the court of Mixed Commission and the HMS *Romney* to Puerto Rico was

⁵¹⁵ Mamigonian, “Em nome da Liberdade,” 82.

posited by Spain, “to neutralise the efforts (of Turnbull) in favour of the emancipation of slavery.”⁵¹⁷

In 1851 in communications between the British and Brazilians the suggestion was put forward that *Africanos livres* who requested it should be allowed to travel to British West Indian colonies or to Liberia. Through arrangements between the American Colonization Society and the governments of the United States and Liberia, it was agreed that Liberia would be the destination of recaptured Africans from slave ships captured by the US navy starting in 1842.⁵¹⁸ Without regard for the wishes of the Africans themselves, repatriation was seen as an effective solution to the problem of what to do with the liberated Africans who, like in Cuba and Brazil, were considered a threat to slavery amongst slave-holders in the United States. At the same time, sending them to Liberia would appease anti-slavery supporters and assure that they would not be returned to slavery in Africa.⁵¹⁹

⁵¹⁶ “Copia de la comunicación dirigida por el Capitán General de la Isla al Ministerio de Estado de España,” 31 May 1841. ANC, Asuntos Políticos, legajo 41, no.6. “Es impolítica la presentación de los emancipados ante la comisión mixta y el examen de ellos para su traslación a las colonias, porque de este modo se establecería una autoridad extranjera que examinase la condición de los libertos, tratarse de seducirlos, y diese a la isla entera un espectáculo que al paso que disminuyese la fuerza moral de este gobierno a los ojos de la raza Africana, atribuyese prestigio y consideraciones a los comisarios Británicos.”

⁵¹⁷ Real Orden, Madrid July 1841, ANC, Asuntos Políticos, legajo 41, numero 11. “Para neutralizar los esfuerzos de este en favor de la emancipación de la esclavitud.”

⁵¹⁸ Karen Fisher Young, “Liberia and the Last Slave Ships,” *Civil War History* 54, no.4 (2008).

⁵¹⁹ Young, “Last Slave Ships,” 427.

In the case of sending Brazilian liberated Africans to Liberia, it would have been necessary for the two governments to reach an agreement on that subject. It may be thus assumed that the British intention in this suggestion was to avoid having to contribute ships or financial support to any repatriation of liberated Africans, and the preference at this stage was for sending them to the Caribbean. In Cuba the option of returning to Africa was open to any free black who should wish to take it and could find the means to cover the cost of the trip.⁵²⁰ The possibility therefore applied to *emancipados* who had reached the full terms of their apprenticeship and had sufficient resources to cover the voyage. The voyage itself was a prohibitive element and the financial requisite too. It would seem that around the 1850s the British showed reluctance towards financial backing for Cuban *emancipado* returnees as well.⁵²¹

As highlighted here and in other sources on the subject the suppression of the *emancipados* was evidence of the fear that they invoked. Their quasi-enslavement, reluctance to allow them their freedom and many laws and regulations as well as attempts to have them removed under the wings of the British or contemplate their return to Africa or Spain were all signs of the struggle to adapt to their presence in society and the sense that they were a challenge to the status quo. Exile and the threat of exile were used as a control mechanism in Cuba to avoid the granting of

⁵²⁰ Sarracino, *Los Que Volvieron*, 200.

⁵²¹ Martinez Fernandez, “Anglo-Spanish Mixed Commission”, 215.

emancipados full freedom and discourage appeals for freedom after the fulfilment of their apprenticeships.⁵²²

In spite of the difficulties they faced, many of the liberated Africans were able to create what the Secretary to the Captain General of Cuba perhaps rather opportunistically referred to as “that which they look upon as their true home”.⁵²³ Whilst his assumption served a political purpose intended to discourage the now unpopular idea of the removal of *emancipados* to British colonies, it also bore an element of truth reflected in the reluctance of many liberated Africans to emigrate voluntarily.⁵²⁴ Those who decided to leave of their own accord did so in groups including husbands, wives, children and friends relying on a significant support network which often included shipmates and others bonded by ethnic and familial ties. As well as the powerful connection to a real and imagined Africa, it is clear that featured amongst the reasons for the return of ex-slaves to Africa, liberated Africans and creoles was the increasing difficulties and pressures exerted on free-blacks, especially in the aftermath of widespread slave revolts.

Returns and the Possibility of African Agency

In 1841, David Turnbull, the British Consul in Havana and superintendent of liberated Africans decided to share the declarations of a selection of *emancipados*

⁵²² Martinez Fernandez, “Anglo-Spanish Mixed Commission,” 216.

⁵²³ Jose Estevan to Crawford, enclosure no.2 in no.453, 3 March 1854. HCPP, 1854-55 (0.4) LVI.179:470.

⁵²⁴ Martinez-Fernandez, “Anglo-Spanish Mixed Commission,” 215.

who had visited him and were at that time employed within the city with the Earl of Aberdeen. It was common for *emancipados* to visit British officials in Cuba with the aim of gaining their support for emancipation.⁵²⁵ While three of those who came to visit Turnbull were family members; brothers who had arrived on different ships and found each other in Havana, according to Turnbull another named Tranquilino stated “that he is acquainted with a great number of *emancipados*, and has frequently conversed with them on their common interests and condition.”⁵²⁶ Tranquilino’s declaration suggests the existence of a broad-based identity amongst *emancipados* in Cuba. Rosanne Adderley has clearly identified this possibility in the British Caribbean where liberated Africans were a particularly unique entity, making up the majority of newly arrived Africans after 1807.⁵²⁷

Tranquilino further stated that amongst those he knew many were keen on the idea of travelling to British colonies to work.⁵²⁸ This idea may have been posited after conversing with Turnbull and as a means of pleasing the expectations of the British Consul, but at the same time the recurring theme of the depositions is that the

⁵²⁵ Many *emancipados* visited British officials to ask them to address their circumstances, but some officials regarded these visits with more sensitivity than others, sometimes actively discouraging them. See Martinez Fernandez, “Anglo-Spanish Mixed Commission,” 217.

⁵²⁶ “Declaration of Tranquilino Rosas,” Havana, 9 November 1841, 3rd enclosure in Turnbull to Aberdeen, no.44, Havana, 24 December 1841, HCPP online, 1843 (483) LVIII.347: 88.

⁵²⁷ Adderley, “*New Negroes from Africa*”, 208.

⁵²⁸ “Declaration of Tranquilino Rosas,” Havana, 9 November 1841, 3rd enclosure in Turnbull to Aberdeen, no.44, Havana, 24 December 1841. HCPP online, 1843 (483) LVIII.347: 88.

twelve (whose testimonies were collected on different days) were aware of their condition, but had been frustrated every time they had tried to demand access to their freedom. To leave Cuba altogether, despite the memorable traumas of the Middle Passage, showed a courageous belief in a community in the liberated African diaspora. Ultimately it was to trust that little could be worse than their current predicament.

Rosanne Adderley believes that, the Liberated Africans “had the opportunity to consider and engage their status and identity as migrants” rather than as slaves.⁵²⁹ This was true for those who were transported to British colonies although not to the same extent for those in Cuba and Brazil. She argues that one way of recognising this was on the rare occurrence that the possibility of repatriation was posited to liberated Africans sometimes subsidised by the British government.⁵³⁰ However, the terms of repatriation were generally dictated by the British. A clear example of this in Brazil was the case of a ship found near São João da Barra, Rio de Janeiro in 1850. A group of escaped slaves were found by the British on board the *Americana*, a ship which they had stolen in order to return to Africa.⁵³¹ According to the more radical interpretation of the treaty of 1826, it was decided that they were liberated Africans because they had been brought to Brazil illegally. However, they were subsequently taken aboard the *Crescent* in preparation for transportation to a British

⁵²⁹ Adderley, “*New Negroes from Africa*,” 208.

⁵³⁰ Adderley, “*New Negroes from Africa*,” 208.

⁵³¹ AHI, Parte III, Coleções Especiais, 33 Comissões mistas, Lata 1, maço 5, pasta 1, Embarcação *Americana*.

colony. Their own wishes and freedom they had achieved by escaping “were not recognised as legitimate”.⁵³²

The aims of British abolitionists involved in repatriation schemes were inextricably intertwined with extending trade and influence and with religious conversion. The possibility of commerce with Africa was a prominent consideration and coincided in 1851 with involvement in trying to force leaders in Lagos to abandon selling slaves into the slave trade. The British deposed the King by military intervention in no way sanctioned by international law in the process.⁵³³ The sense of a civilising mission influenced the choice of possible return destinations to places such as Abeokuta where other Africans had settled from Sierra Leone and were somewhat protected from slave traders as well as the perceived advantages of a Christian mission there.

The remarkable story of the return of an Egba Lucumi *emancipado* called Dasalu is representative of the kinds of people who might be integral to just such a civilising mission.⁵³⁴ The Reverend Samuel L. Crowther personally intervened on hearing about his carriage to Cuba and the fact that he had become an *emancipado* in Cuba to ask for his return to Africa as one of his first converts in Abeokuta.⁵³⁵ When he had been traced, Consul Joseph T. Crawford described his rediscovery as having

⁵³² Mamigonian, “In the name of Freedom,” 55.

⁵³³ Robin Law, “International Law,” 169-170.

⁵³⁴ See Martinez Fernandez, “Anglo-Spanish Mixed Commission”, 219 and Ojo, “Amazing Struggle.”

⁵³⁵ Martinez Fernandez, “Anglo-Spanish Mixed Commission.” 219.

found the “needle in the bundle of straw.”⁵³⁶ It would seem that freedom for some was valued more highly by the British authorities. Although many of the *emancipados* became difficult to trace it was also clear that the possibility of tracing people existed and that particularly influential figures were in a superior position in terms both of appealing for help from Britain and in this case the remote possibility of contacting relatives or colleagues in Africa. It was the same group of *emancipados* from Cuba who returned to Lagos via Plymouth who were consulted on the whereabouts of Dasalu and able to inform Crowther that he had been on a ship captured for trading in slaves and tried by Mixed Commission and that contacting the Spanish authorities and explaining the case was likely to result in his release.⁵³⁷ They knew him in Cuba and were even influenced by him in their plans for return. On the basis of the information they provided, the Church Missionary Intelligencer appealed to readers for help and prayers for the return of Dasalu.

John Dasalu is in Cuba an Emancipado; the ship in which he was carried across the Atlantic having been captured by a Spanish cruiser, and taken into the Havanna. The Emancipados had seen him, and held much intercourse with

⁵³⁶ Crawford to Lord Clarendon, Havana, 28 June 1856; 10 July 1856. TNA, FO 84/988.

⁵³⁷ “Statement Respecting a Liberated African or Emancipado now in the Havana,” Church Missionary House, 21 December 1855. HCPP 1856 (0.2) LXII.167: 421.

him. To him they were indebted for much information respecting the state of the Yoruba country.⁵³⁸

The information he imparted was vital for the inception of the return voyage of the *emancipados* because he was able to assure them that it was safe to return and to supply them with contacts. It was also noted that Dasalu had told them about the mission at Abeokuta. Whilst the *emancipados* were in Plymouth they met Henry Townsend, a British missionary in Abeokuta who was visiting England at the time. The group was encouraged to continue their instruction in the Christian faith, which they seemed to show some enthusiasm for, having learned the basic rudiments of Catholicism. Religious fervour is unlikely to have been the main motivational factor in their journey, as an observation by Townsend demonstrates, many amongst the *emancipados* were followers of African religions. “When the Rev. H. Townsend came amongst them, he recognised at once upon some of them the signs of idol worship, which he pointed out to them, especially on the person of one of the women, a worshiper of two idols, Shango and Obbatala.”⁵³⁹ It is likely that they did not see their belief systems as mutually exclusive. Missionaries in Lagos were often frustrated by the religious syncretism practiced by Brazilian returnees.⁵⁴⁰ The *emancipados* who returned in 1855 had spent between 2 and 28 years in Cuba. Most of them had arrived as children or adolescents and were returning with their partners

⁵³⁸ “The Emancipados and their Fatherland”, *CMI*, 6 (1855).

⁵³⁹ “The Emancipados and their Fatherland”, *CMI*, 6 (1855): 273.

⁵⁴⁰ Lindsay, “Return to the Bosom”, 32.

and children. Although very few of them could have been shipmates, all except one were speakers of the same “Aku language, from Lucome land, behind Lagos, Bight of Benin.”⁵⁴¹

The return of *emancipados* to Africa is an insight into the communities which developed amongst shipmates, as Walter Hawthorne argues regarding the aforementioned slave ship *Emilia*, which arrived in Rio in 1821 and was condemned by Mixed Commission there. Fourteen years later, some of the group of Africans who had travelled aboard her chartered a British ship back to Lagos. It was recognized that one particular man had been influential in encouraging others to join him on a voyage back to Africa and he also had the resources to be able to help finance the voyage.⁵⁴² He was a slave owner himself, a marker of status even amongst freed slaves. The identification of someone influential who maintained contacts and perhaps was instrumental to the planning of the voyage correlates closely with the Cuban case of Miguel Marino amongst the Yoruba who returned to Lagos in 1854 who claimed to have known all of the twenty-three returnees for a number of years.⁵⁴³

The early example of a return voyage to Africa from Brazil is consistent with Beatriz Mamigonian’s view that the first Africans to be freed by Mixed Commission in Rio de Janeiro were made much more aware than subsequent recaptives of their

⁵⁴¹ “The Emancipados and their Fatherland”, *CMI* 6 (1855): 273.

⁵⁴² Hawthorne, “‘Being now as it were one family’,” 67.

⁵⁴³ Otero, *Afro-Cuban Diasporas*, 43.

special status.⁵⁴⁴ This may have produced a stronger reaction against integration in Brazil. As Hawthorne writes, their homecoming may not have been celebrated; they could have been diverted to Whydah and were unlikely to have gone back to the places where they were born because of war.⁵⁴⁵ About one quarter of the repatriates were shipmates from the *Emilia* and surprisingly amongst the group were Africans who described themselves as Angola amongst others who had never been to Lagos. The British concerned themselves with ensuring that the group were leaving voluntarily and had not been forced into exile.

Return to Africa was a dangerous venture considering the perils of the sea and issues of running out of water or supplies that plagued merchant and passenger ships at the time. Those who returned to Lagos from Cuba via Southampton were quite legitimately afraid of being re-enslaved.⁵⁴⁶ Some Africans from Brazil who had bought their freedom and tried to return to the Bight of Benin were apparently “murdered for the little wealth they had remaining” and taken to Warree rather than Benin.⁵⁴⁷ On another occasion, thanks to the strength of the global anti-slavery network, the British were able to intervene in the case of the *San Antonio*, a ship owned by Pedro Blanco, who had seen the opportunity represented by carrying a

⁵⁴⁴ Beatriz Mamigonian, “Illegal Slave Trade, Individual Identification, and Rights in Nineteenth-Century Brazil” (paper presented at the 129th Annual American Historical Association Conference, New York, January 2-5, 2015).

⁵⁴⁵ Hawthorne, “‘Being now as it were one family’,”70.

⁵⁴⁶ “Cuban Slaves in England,” *Anti-Slavery Reporter*, 3rd Series, 2 (1854): 234–239.

⁵⁴⁷ Consul Beecroft to Viscount Palmerston, Clarence, Fernando Po, 2 June 1851. HCPP, 1852-53 (0.3) CIII Pt.II.1: 37.

ship of African returnees from Cuba to Sierra Leone, taking all of their hard earned savings and then returning possibly with the same group in chains as well as new slave imports.⁵⁴⁸ This was not the only occasion of its kind. Therefore it was important to decide on a suitable area to which to return (and to trust the ship to take you there safely) as there was the real possibility of falling victim to slavery again. These factors limited the possibility of ever being returned to one's place of origin.

It is important to consider that the majority of the liberated Africans or *emancipados* who successfully returned were of Yoruba origin. They were aided in some respects by the constant arrival of information and news of their homelands as new slaves arrived. They were also fortunate that the places to which they aimed to return were considered prime missionary and colonising territories by the British who saw them like the Sierra Leone liberated Africans as well placed to act as intermediaries between the British and the local population. Repatriation was quite a rare undertaking amongst the *emancipados* as a whole. The typical age of a returnee reflected the difficulty of saving the correct funds to enable such a journey, as this generally involved returning alongside family members as well. Returnees often sought support for their return journeys from the British through the supply of ships and passports for the journey which meant that they were reliant on an agreement about the practicability of the journey from the British. In some cases this support never came.

⁵⁴⁸ Sarracino, *Los Que Volvieron*, 113.

British Alternatives to Life in Cuba and Brazil

As time progressed, it became increasingly clear that freedom for the Liberated Africans could not be guaranteed in either Cuba or Brazil. This observation coincided with a push to increase African immigration to West Indian colonies to supply labour demands.⁵⁴⁹ British officials were optimistic that the two could be successfully combined. Beatriz Mamigonian highlights a change in British attitudes in the 1840s from protectors of the liberated Africans to the idea that they should earn their freedom “by contributing to the post-emancipation cause with their labour”.⁵⁵⁰ This was a wide-reaching process that included waves of recaptive Africans who were voluntarily transported from the colony of Sierra Leone to the West Indies starting in the 1840s.⁵⁵¹ However, even with a guaranteed return passage after five years, the numbers of Africans taking up this offer rapidly dwindled and some forced migration occurred.

Perhaps the most vocal defendant of the *emancipados* and also a supporter of their removal to British West Indian colonies in Cuba was David Turnbull. Turnbull stated that the *emancipados*' declarations that he passed to the Earl of Aberdeen were not extraordinary cases, and he had chosen them precisely because they

⁵⁴⁹ Mamigonian, “In the Name of Freedom”, 46.

⁵⁵⁰ Mamigonian, “In the Name of Freedom”, 44.

⁵⁵¹ Monica Schuler, “*Alas, Alas Kongo*”: *A Social History of Indentured African Immigration into Jamaica, 1841-1865* (Baltimore and London, The Johns Hopkins University Press, 1980).

represented the average condition of many of this group who lived in Havana.⁵⁵² He reported emotively that their “suffering” was comparable to that of domestic slaves within the city, but still considered better than the fate of slaves on sugar plantations.⁵⁵³ He added the knowledge, however, that the *emancipados* were not exempt from being rented out to toil on sugar plantations complaining that they were “periodically sold out, for terms of years, not only to the proprietors of sugar plantations, but even to the great mining companies of the island”.⁵⁵⁴

The declaration of Tranquilino Rosas (and others within the group) reasserts the idea that *emancipados* in fact suffered a worse fate than the enslaved. Turnbull, like Perdigão Magalheiro in Brazil and some *emancipados* themselves, shared the commonly disseminated belief that overworking was a direct result of the lack of investment required on the part of employers of the *emancipados* in comparison with the large initial outlay for any slaves they bought. Tranquilino even mentioned in his declaration that the only *emancipados* he knew living in freedom were those who were too debilitated to work and were abandoned and left to beg for their living on the streets of Havana.⁵⁵⁵ Turnbull wished to emphasise the poor outlook of even this

⁵⁵² Turnbull to Aberdeen, Havana, 24 December 1841. HCPP,1843 (483) LVIII.347: 85.

⁵⁵³ Turnbull to Aberdeen, Havana, 24 December 1841. HCPP,1843 (483) LVIII.347: 85

⁵⁵⁴ Turnbull to Aberdeen, Havana, 24 December 1841. HCPP,1843 (483) LVIII.347: 85.

⁵⁵⁵ “Declaration of Tranquilino Rosas,” Havana, 9 November 1841, 3rd enclosure in Turnbull to Aberdeen, no.44, Havana, 24 December 1841. HCPP,1843 (483) LVIII.347: 88.

group whose lives were on a par with domestic slaves, to argue that as a whole *emancipados* often received inferior treatment.

Turnbull envisaged that the *emancipados* would be better supported if they were removed to British colonies and such letters and declarations were a good opportunity to forward the case for such an eventuality. He had recently entered into discussions in that respect with the British Commissioners of the Mixed Commission court about transferring all *emancipados* to British colonies and not only those captured by the British squadron as stipulated by the treaty of 1835.⁵⁵⁶ It was a commonly held assumption that freedom would be more secure in a country where slavery was no longer carried out.⁵⁵⁷ In the same way that supporters of colonisation projects in the United States tended to emphasise the victimisation of Africans and African-descendants in America to support their arguments, in Turnbull's case the declarations certainly support a vision of the *emancipados* as long-suffering victims of Spanish cruelty. Tranquilino highlights this when he specifies that he had even heard the Spanish discussing the injustice of the *emancipados* condition.⁵⁵⁸

Emancipados who were transported to British colonies were sent to Jamaica, Barbados, Trinidad, Grenada and British Honduras. The dispersal was a result of

⁵⁵⁶ Turnbull to the Captain General, Havana, 26 June 1841. HCPP, 1843 (483) LVIII.347: 82.

⁵⁵⁷ Coghe, "The Problem of Freedom," 491.

⁵⁵⁸ "Declaration of Tranquilino Rosas," Havana, 9 November 1841, 3rd enclosure in Turnbull to Aberdeen, no. 44, Havana, 24 December 1841. HCPP, 1843 (483) LVIII.347: 88.

competing claims for labourers from the Governors of these islands.⁵⁵⁹ Right from the initial stages of African migration to the West Indian British officials were preoccupied with the perceived negative influence that new Africans could have on the ladino population and this also influenced the practice of sending small groups to different West Indian colonies.⁵⁶⁰ They required that the journey would be at the cost of the Spanish authorities and it was also considered important that equal numbers of men and women should be sent, especially to Trinidad. This request was not well received because it would leave already disproportionate numbers of men behind.

Most of the *emancipados* who were transported were taken directly after the ships had been tried and they had served a period of quarantine but some were sent after some time living in Cuba. Of their number Turnbull, who was working as a Commissioner of the Mixed Commission in Jamaica, complained in 1846 that Leopoldo O'Donnell had pulled the wool over the eyes of British functionaries by sending 'supuestos *emancipados*' to Jamaica who were not *emancipados* at all but *libertos* (freed slaves) who were no longer a welcome presence in Cuba and even carried their own freedom papers.⁵⁶¹ Rodolfo Sarracino believes that their numbers may have added to Cuban returnees to Africa amongst the records.⁵⁶² Indeed, Cuban

⁵⁵⁹ Adderley, "New Negroes from Africa," 47.

⁵⁶⁰ Adderley, "New Negroes from Africa," 12.

⁵⁶¹ Sarracino, *Los Que Volvieron*, 220.

⁵⁶² Sarracino, *Los Que Volvieron*, 221

emancipados who were sent to Jamaica also appear to have immigrated to Sierra Leone, whether they belonged to either *emancipado* or free liberto status.⁵⁶³

In Brazil negotiations for a similar treaty which would allow Britain to transfer all *africanos livres* to the West Indies were unsuccessful. However, around 2500 Africans destined for Rio from captured slave ships were transported to the West Indies between the mid-1830s and late 1850s.⁵⁶⁴ This group were largely from ships which had not been tried by Mixed Commission, but freed by other types of court such as the British Vice-Admiralty courts. The movement of Liberated Africans in these circumstances was considered to equate to their best interests, but the Africans were rarely consulted. At least in some cases, involvement in the emigration schemes was voluntary. For example, Africans from the *Flor de Luanda* were given the ability to choose if they preferred to remain in Brazil or to travel to the West Indies.⁵⁶⁵

Despite the regulations and treaties which were meant to dictate their treatment, there were several competing influences acting on the reception and fate of the group as a whole in both Cuba and Brazil. As Samuel Coghe has emphasised with regard to the Mixed Commission court and liberated Africans in Luanda, “visions of freedom were endorsed, contested and redefined by various actors in

⁵⁶³ Schuler, *Alas, Alas, Kongo*, 89.

⁵⁶⁴ Mamigonian, “In the Name of Freedom,” 45.

⁵⁶⁵ Mamigonian, “In the Name of Freedom,” 50.

Luanda, not least the liberated Africans themselves.”⁵⁶⁶ Similarly in both Cuba and Brazil the outcomes were often very different from the designs of the two governments in question. Coghe suggests that the problems inherent in the arrangement are reflected in the shaping of the bodies of the Africans and in “attempts of both colonial officials and liberated Africans to end the apprenticeship experiment in Luanda.”⁵⁶⁷ Willingness to end the project is demonstrated no more clearly than by the redistribution of the Liberated Africans to other destinations.

Some *Emancipados* and *africanos livres* went to extraordinary lengths to save money for return voyages to the African continent even after years of life in the Americas. It may be tempting to assume that this desire was based on the extraordinary strength and mobility of the Yoruba community in diaspora, but attention to other petitions shows that Africans from other regions also sought to return. The possibility of returning to family and kin maintained a powerful resonance compared with the alternative of staying in the Spanish colony or in Brazil as a free black labourer. However, the final outcome of a petition to return to Africa was often dependent on the British will to help repatriates to return.

Tracing those amongst the returnees who belonged to the group of *emancipados* as they were known in Cuba or *africanos livres* in Brazil is not an easy task. Apart from anything else *emancipado* in the sources could simply mean emancipated and not refer to someone who was freed by Mixed Commission court or through anti-slave trade treaty agreements. *Emancipados* were also prone to take

⁵⁶⁶ Coghe, “The Problem of Freedom,”481.

⁵⁶⁷ Coghe, “The Problem of Freedom,”.3.

on the names of the people who they were hired to during their apprenticeship period and this might include changing names several times. However, the unusual high number of documents referring to recaptives in general makes it easier to trace individuals and try to follow them across the Atlantic, throwing light on the strength of shipmate bonds and on the interconnectedness of communities on both sides of the Atlantic.

The attempts and return voyages undertaken by recaptives in Brazil and Cuba, despite the difficulties inherent in such voyages, reflected the strength of the shipmate communities established during their initial passage across the Atlantic, the maintenance of ethnic and social ties and the continued frustration of their expectations of freedom. In these voyages they saw a chance to spend at least the last years of their lives on “African” soil. Even if this was a loose concept and there was no way of returning to actual home because of the devastation wreaked by the slave trade. In many ways their choices were limited by their compatibility with British Imperial and militant anti-slavery projects. For example, in some cases involuntary relocations occurred aimed at satisfying labour shortages and Liberated Africans had no recourse to publicly go to the Mixed Commission court and state their preferences. As part of the British anti-slavery campaign the removals or relocations were specifically intended to undermine slavery and negotiated according to terms which aimed to limit the possibility of repatriation schemes which benefited the state at the expense of the unfortunate returnees who might never make it back to Africa.

Conclusion

This thesis has set out to understand the impact of the courts of Mixed Commission on the suppression of the slave trade in two diverse yet interconnected locations throughout a period of intensive illegal slave-trading activity. In so doing it has revealed the antagonistic role played by the Mixed Commissions in each society. Responses to the courts such as public disturbances, the oppression of the liberated Africans and privation of their freedom, and opposition to the court from elite sectors of society all demonstrate their cultural and diplomatic significance. Despite their limitations, and a nominal ability to undermine slave traders' livelihoods, the courts represented an alternative abolitionist voice, which was considered potentially subversive. This was because their most enduring legacy was the formation of a group of liberated Africans whose existence was a threat to the established system of social relations.

The study supports the premise that a Pan-African identity was more likely to develop amongst groups of Africans who had shared the Middle Passage and continued to live in close geographical proximity. It takes as a starting point the idea that liberated Africans were a distinctive group which differed from slaves in Cuba and Brazil, but that they were largely deprived of the rights that they were granted under the laws against the slave trade. It further suggests that the incongruence between their expectations for freedom and the reality for Africans freed by the courts facilitated the development of a collective sense of identity amongst liberated Africans moulded by the limitations of belonging to this group. Liberated Africans actively fought for their full-emancipation. They took their claims to British

officials, and even to authorities who have so far been considered outside of their recourse like the *síndico procurador* in Cuba and appealed on the basis of law. Following on from Beatriz Mamigonian's work that brought the liberated Africans' relationship to the abolitionist campaign back into focus, this study looks at the group from this angle as an integral part of the Mixed Commissions' sphere of influence, expanding our understanding of the issues related to them, and including an Atlantic perspective that contrasts the Cuban and Brazilian cases.⁵⁶⁸

Despite the concerns about the threat they posed to race relations and slavery, as economic conditions changed and labour demands increased, liberated Africans came to be relied upon as an important source of labour and revenue not only in Brazil, as Mamigonian has outlined, but also in Cuba. For example, they were not readily conceded to the British for employment in British colonies in later years. For this reason it was imperative to control liberated Africans knowledge regarding their condition and their ability to access freedom through any channels. A feat that, as this study has confirmed was remarkably successful.

Comparative analysis allows us to shed further light on trends and patterns in the Atlantic context, to be able to compare and assess how perceptions of race and ethnicity and attitudes towards the African continent changed over time. Within the British context it is notable that the treatment of liberated Africans emancipated in Brazil and Cuba was seen as a cause for consternation, whilst at the same time, apprenticeship schemes were often unsuccessful, and Britain struggled to manage "recaptives" in its own colonies. Camillia Cowling and Christopher Schmidt-Nowara ascribe to the view that "the tension between slavery and freedom was

⁵⁶⁸ Mamigonian, "To be a Liberated African," 4.

perhaps greater in the Spanish Antilles than it was in Brazil.”⁵⁶⁹ The theory certainly seems applicable in the case of the liberated Africans. Contrasting the two groups also demonstrates how the unique circumstances in each city diversified reactions to the courts.

In Cuba tensions were more pronounced than in Brazil as the intolerance of the holding ship the *HMS Romney* exposes, and the concession by Britain of the sale of the ship. Additionally, Britain was more able to freely exercise its abolitionist will in Brazil and mount a physical threat which would not have been possible in Cuba because of the implications for Britain’s relationship with Spain, other European colonial powers and with the United States. Attention to individual actors suggests that whilst resenting external intervention and maintaining a commitment to gradual abolition, the Mixed Commissions were a mixed blessing to more liberal or antislavery elements of society offering them a semblance of controlling the slave trade whilst at the same time making the British the scapegoats and recipients of the full force of the slave traders vitriol. Captain General Valdes once admitted in 1849 that he knew of more slave ship arrivals than Kennedy was aware of, but that he had too many other priorities to attend to.⁵⁷⁰

The courts cannot be disassociated from the other measures of suppression which the British endorsed and spear-headed such as the naval patrols against the

⁵⁶⁹ See Cowling, *Conceiving Freedom*, 34 and Christopher Schmidt-Nowara, *Slavery, Freedom, and Abolition in Latin America and the Atlantic World* (Albuquerque: University of New Mexico, 2011), 143. See also Midlo-Hall, *Social Control*, 134.

⁵⁷⁰ Kennedy to Viscount Palmerston, no. 9, Havana, 6 March 1849. HCPP, 1850 (1290) LV.111: 17.

slave trade and the establishment of holding ships for liberated Africans. Attempts by slave-trading interests were made at every possible juncture to lessen their power, obstruct and direct the actions of the courts. The collective effects on slave traders are most clearly demonstrated by the campaign to vilify the British which was waged by pro-slavery interests in Cuba and Brazil and led to the closer association of British nationality with anti-slavery despite the fact that British subjects and British capital were still heavily invested in the slave trade. In diverse contexts British subjects faced hostility, but especially if they were associated with the Royal Navy or maritime activity.

The Mixed Commissions gave the British a significant legal foothold in Brazil and Cuba and were a powerful symbolic presence as well. Its British employees navigated cultural expectations and adaption to a new environment and displayed varied degrees of abolitionism. Their own conduct and belief systems sometimes gave ammunition to a local anti-British stance. The irregular nature of their roles and of the Mixed Commissions courts epitomises the inconsistencies in British policy as they sought to reconcile diplomatic, economic and other priorities with abolitionist ambitions for foreign policy. It must be remembered, however, that there was no predetermined outcome or inevitability about the ending of the slave trade. The Mixed Commissions laid the groundwork for a detailed accumulation of knowledge about the slave trade and for the fraught negotiation of mutually satisfactory solutions. In the face of the persistent of slave trading, an unintended consequence was that the liberated Africans became a means of lobbying with the potential to erode slavery from the inside.

Although it does engage with these questions to some extent, this thesis has not set out to explain the principal reason for British antislavery nor debate exactly

how the slave trade was extinguished in Brazil and Cuba. Instead it has developed Martinez-Fernandez's assertion that the Mixed Commission in Cuba was a product of and "played a vital role" in inter-imperial struggles shaped by the need for political and social stability and the slavery question.⁵⁷¹ The study of the Mixed Commissions offers a chance to investigate British informal imperial influence and how it was negotiated in nineteenth century Latin America.

The records from the Mixed Commissions are widely recognised as a revealing window into the slave trade for empirical analysis, including information about the origins of slaves, their ages and sex. As part of the Spatial History project at Stanford University, digital projects like: "The Broken Paths of Freedom: Free Africans in Nineteenth-Century Brazilian Slave Society," will give us a much more detailed picture of the distribution of the liberated Africans in Brazil.⁵⁷² From mapping out their locations and hirers, to visual online tools including other data like age range, deaths and occupations, information will be made much more accessible.

A similar tool for Cuba would be equally welcome and help further deduce the exact nature of networks amongst liberated Africans. For example, the networks amongst liberated Africans of Yoruba origin are most clearly visible in the available sources with examples of cabildo participation, maintaining contact in Cuba amongst themselves and a wider Yoruba community and successful attempts to

⁵⁷¹ Fernandez-Martinez, "The Havana Anglo-Spanish Mixed Commission," 205.

⁵⁷² "The Broken Paths of Freedom: Spatial Histories Project," Stanford University, accessed May 24, 2015, <http://web.stanford.edu/group/spatialhistory/cgi-bin/site/project.php?id=1069>.

return to Africa. The liberated Africans and their lives are the central focus of this thesis. Their freedom was restricted, but in both Cuba and Brazil, where the legal possibilities for slaves were more open, they found ways to defy their oppressors and means of accessing freedom beyond the notion of it which was represented by the international treaties.

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Appendix A

Ships Tried by Mixed Commission in Havana 1824-1854

ID	Ship Name	Year Arrived	Principal Place Of Slave Purchase	Fate	Slaves Embarked	Slaves Disembarked
2357	María da Glória	1824	Bight of Benin	Restored		400
2358	Relâmpago	1824	Windward Coast	Condemned	162	151
2366	Isabel	1825	Sierra Leone	Condemned	50	49
561	Nuevo Campeador	1826	Bight of Biafra and Gulf of Guinea Islands	Condemned	303	263
558	Fingal	1826	Windward Coast	Condemned	61	58
2374	Mágico	1826	Bight of Benin	Condemned		379
557	Orestes	1826	Bight of Benin	Condemned	285	212
664	Xerxes	1828	Bight of Biafra and Gulf of Guinea Islands	Condemned	429	403
668	Intrepido	1828	Bight of Biafra and Gulf of Guinea Islands	Condemned	343	135
756	Firme	1828	Bight of Benin	Condemned	492	485
777	Midas	1829	Bight of Biafra and Gulf of Guinea Islands	Condemned	562	400
941	Gallito	1829	Sierra Leone	Condemned	144	135
770	Josefa (a) Fortuna	1829	Sierra Leone	Condemned	235	206
766	Golondrina	1829	Windward Coast	Condemned		78
776	Voladora (a) Mulata	1829	Bight of Benin	Condemned	367	335
963	Emilio (a) Caesar	1830	Bight of Biafra and Gulf of Guinea Islands	Condemned	210	190
960	Santiago	1830	Bight of Biafra and Gulf of Guinea Islands	Condemned	144	105
1266	Negríto	1832	Bight of Benin	Condemned	534	488
1245	Planeta	1832	Bight of Biafra and Gulf of Guinea Islands	Condemned	241	238
1249	Aguila	1832	West Central Africa and St. Helena	Condemned	659	604
1250	Indagadora	1832	Bight of Benin	Condemned	138	134
1280	Negríta	1833	Bight of Biafra and Gulf of Guinea Islands	Condemned	201	195
1295	Joaquina	1833	Bight of Biafra and Gulf of Guinea Islands	Condemned	348	323
1298	Manuelita	1833	Bight of Benin	Condemned	523	487
1307	Rosa	1834	Bight of Benin	Condemned	293	291
1338	Carlota	1834	Sierra Leone	Condemned	360	271
1367	Joven Reina	1835	West Central Africa and St. Helena	Condemned	262	255
1372	Marte	1835	West Central Africa and St. Helena	Condemned	600	403
1368	Chubasco	1835	Sierra Leone	Condemned	275	253
1355	María	1835	Bight of Biafra and Gulf of Guinea Islands	Condemned	368	341

ID	Ship Name	Year Arrived	Principal Place Of Slave Purchase	Fate	Slaves Embarked	Slaves Disembarked
1361	Julita	1835	Bight of Benin	Condemned	353	340
1396	Amália	1835	West Central Africa and St. Helena	Condemned	207	200
1403	Diligência	1835	West Central Africa and St. Helena	Condemned	210	120
2485	General Laborde	1835		Restored		300
1383	Tita	1835	Bight of Benin	Condemned	402	393
1446	Ninfa (a) Matanzera	1836	Bight of Biafra and Gulf of Guinea Islands	Condemned	518	433
1467	Clarita	1836	Bight of Benin	Condemned	381	300
1479	Preciosa	1836	Sierra Leone	Condemned	295	287
1482	Empresa	1836	West Central Africa and St. Helena	Condemned	450	434
1469	Empresa	1836	West Central Africa and St. Helena	Condemned	450	412
1494	General Laborde	1836		Restored		300
1462	Zafiro (a) Ricomar	1836	Bight of Benin	Condemned	381	369
1624	Vencedora	1837	West Central Africa and St. Helena	Restored		26
1631	Matilde	1837	West Central Africa and St. Helena	Condemned	272	259
1569	Antonica	1837	West Central Africa and St. Helena	Condemned		185
1860	Caridad Cubana	1839	Senegambia and offshore Atlantic	Condemned	175	174
1856	Serra do Pilar	1839	Bight of Benin	Condemned	255	198
2071	Jesús María	1840	Sierra Leone	Condemned	278	246
2655	Mercedita	1840		Condemned		
2078	Segunda Rosália	1841	Sierra Leone	Condemned		292
3504	Florentina	1845		Condemned		449
4763	Norma	1846		Restored		
4938	Venus	1852		Condemned		
4941	Arrogante Emilio	1852		Restored		
4190	Grey Eagle	1854	Bight of Benin	Restored	600	584
Total records: 55					13816	14568

Voyages database. 2009. *Voyages: The Trans-Atlantic Slave Trade Database*, <http://www.slavevoyages.org/tast/index.faces>.

Appendix B

Ships Tried by Mixed Commission in Rio de Janeiro 1821-44

ID	Ship Name	Year Arrived	Principal Place of Slave Purchase	Fate	Slaves Embarked	Slaves Disembarked
265	Emília	1821	Cameroons River	Condemned	415	354
1226	Destemida	1830	Whydah	Condemned	61	55
1227	Africano Oriental	1830	Mozambique	Condemned	377	261
1228	Elisa	1830	Lourenço Marques	Restored	519	428
1229	D Estevão de Ataíde	1830	Mozambique	Restored	386	376
1326	Paquete do Sul	1833	Ambriz	Condemned	490	444
1327	Maria da Glória	1833	Windward + Ivory + Gold + Benin	Restored	432	224
1328	Duquesa de Bragança	1834	Luanda	Condemned	306	275
1329	Dois de Março	1834	Luanda	Restored	118	105
1330	S Antônio	1834	Gabon	Condemned	160	91
1420	Rio de la Plata	1834	West Central Africa and St. Helena	Condemned	550	450
1421	Amizade Feliz	1835	Ambriz	Restored	372	340
1422	Angélica	1835	Ambriz	Restored	352	317
1423	Continente	1835		Condemned	69	62
1424	Aventura	1835	Luanda	Condemned	66	60
1425	Novo Destino	1835		Restored	281	257
1426	Órion	1835	Luanda	Condemned	261	245
1495	Vencedora	1836	Congo River	Restored	257	242
1652	Diligente	1837	Benguela	Condemned	338	304
1722	Flor de Luanda	1838	Cabinda	Restored	321	289
1723	César	1838	Ambriz	Condemned	260	207
1724	Brilhante	1838	Ambriz	Condemned	250	250
1801	Diligente	1838	Benguela	Condemned	302	302
1802	Feliz	1838	Benguela	Condemned	242	235
1870	Especulador	1839	Benguela	Condemned	311	278
1871	Ganges	1839	Quilimane	Condemned	462	419
1872	Carolina	1839	Ambriz	Condemned	238	214
1873	Leal	1839	Ambriz	Condemned	402	364
1948	D João de Castro	1839	Mozambique	Condemned	497	450
2097	Paquete de Benguela (a) Idália	1840	Benguela	Condemned	306	289
2099	Asseiceira	1840	Quilimane	Condemned	332	332
2169	Aracati	1842	West Central Africa and St. Helena	Condemned	412	385
2904	Dois Amigos	1843		Restored		

ID	Ship Name	Year Arrived	Principal Place of Slave Purchase	Fate	Slaves Embarked	Slaves Disembarked
3056	Convenção	1841		Restored		
3085	Maria Carlota	1839		Condemned		
3086	Recuperador	1839	Luanda	Restored		
3087	Pompeo	1839		Restored		
3118	Nova Aurora	1841		Restored		
3871	Bom Destino	1844	Lagos, Onim	Condemned	447	400
Total records: 39					10592	9304

Voyages database. 2009. *Voyages: The Trans-Atlantic Slave Trade Database*, <http://www.slavevoyages.org/tast/index.faces>.