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Privateering, Slavery, and Resistance: Afro-Spaniards from the Greater Caribbean in Colonial North America

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Abstract: Drawing on eighteenth-century newspaper records from New York, Boston and Philadelphia, in addition to archival sources from New York, Massachusetts and Rhode Island, this study interrelates Spanish and English privateering in the Greater Caribbean and along North America's Atlantic Coast with the unfortunate phenomenon of the enslavement of African-descendant and Indigenous sailors from the Spanish territories in the British colonies. It focuses on group escape attempts as one strategy employed by Spanish-speaking enslaved people to achieve freedom.

Keywords: privateering, Afro-Spaniards (Spanish Negroes), Prize negroes, slavery, the War of Jenkins' Ear, eighteenth century

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“[...] for, to break peace where there is no peace it cannot be.”¹

Sir Walter Raleigh

1. Introduction

On the night of September 29, 1741,² a Tuesday, six Spanish-Caribbean men enslaved in Boston escaped from their owners and stole a longboat from a ship anchored in the harbor. It was believed that the group, after rowing out into the bay, also appropriated a schooner that had arrived from Cape-Ann a day earlier, which had disappeared the same night as the escape. The next day, under the command of Captain Tyng, the *Province Snow*³ sailed after the fugitives and was joined by “the Light-House Boat with several others,” as well as Captain Rouse’s prize sloop, a sailboat “well man’d, mounting six Swivel Guns, with small Arms and warlike Stores sufficient.” Despite the fact that, by the time of publication, two days had passed since the escape, the *Boston Weekly News-Letter* predicted that the fugitives would be located and brought back (*Boston Weekly News-Letter*, Thursday, from September 24 to Thursday, October 1, 1741, p. 2).

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The assumption was that the six fugitives intended to head toward St. Augustine, in Spanish Florida, or to some other port in the Hispanic Caribbean. Observers at the time noted, however, that the group was “poorly equipt for such a Voyage,” having stolen a boat from a dock owned by a certain Clark, which had “neither Sails nor Rudder, but little Provisions and no Arms, and only a Ships Sail” (*American*

¹ Walter Raleigh, *Sir Walter Rawleigh, His Apologie for his voyage to Guiana*, London, Printed by T. W. for H U M: Moseley and are to be sold at the Princes Armes in St. Pauls Church-Yard, 1650, p. 61.

² In this article, dates and days of the week correspond to the Julian calendar, which was used in England and its colonies in America until September 1752. See more information in note 38 of this study.

³ The *Province Snow* was apparently owned by the provincial government and was tasked with patrolling Massachusetts Bay. On May 31, Captain Edward Tyng steered the vessel back to Boston after taking it out on patrol, and the next day, June 1, Tyng again captained the ship as it sailed in pursuit of a group of Spanish privateers sighted off the southern coast of Massachusetts (*Boston Weekly News-Letter*, Thursday, May 28 to Thursday, June 4, 1741, p. 2; *Boston Evening-Post*, Monday, June 1, 1741, p. 4).

Weekly Mercury, Thursday, October 8 to Thursday, October 15, 1741, p. 3). As expected, the escapees were eventually recaptured, though not by the fleet of gunboats that had set out after them. On Friday, October 2, a fishing vessel spotted the longboat in Barnstable Bay, Massachusetts. The fishermen judged the men to be a group of rogues. They approached the dinghy and asked the men where they were going. The group of Afro-Spaniards replied that they were on their way to Plymouth to buy some hay. Unsatisfied with the answer, the fishermen pointed a gun at the fugitives and forced them to board the fishing boat, one by one, tying them up as they boarded. Anticipating a hefty reward, the fishermen took the fugitives to Plymouth Gaol (*American Weekly Mercury*, Thursday, October 8 to Thursday, October 15, 1741, p. 3).

Fortune did not favor the fugitives, who, by the time they encountered the fishermen, must have been weak, exhausted and demoralized by hunger and misery. The open boat lacked any shelter, and the rigging was practically useless. For three days, the cold, rain and headwinds lashed at the men⁴ in advance of the punishments that awaited them in Boston.⁵ The lapping of the waves rocked the boat, allowing the men to advance only so far south as to trap them in Barnstable Bay. It was as though

⁴ “Last Tuesday Night, five Negro or Mulatto Slaves, taken by Capt. Rouse in a Spanish Privateer on the Coast of *South-Carolina*, and bro’t in and sold to several Persons in this Town, with an old Negro Fellow who has been a Slave here for many Years, took a Ship’s Long Boat and stood out of the Harbour, with Intent to go to St. *Augustine* or some other *Spanish Port*; but after two or three Days tossing about in our Bay, in which they suffered much Hardship by Reason of contrary Winds, and cold and rainy Weather, in an open and ill rigged Boat, they were met and taken up by a fishing Schooner, and committed to *Plymouth Goal*” (*Boston Evening-Post*, Monday, October 5, 1741, p. 2).

⁵ *An Act to Prevent Disorders in the Night*, enacted in Boston on October 27, 1703, describes what should be done to slaves found outside of the custody of their masters without permission: “And all justices of the peace, constables, tythingmen, watchmen, and other majesty’s good subjects, being householders within the same town, are hereby respectively impowered to take up and apprehend, or cause to be apprehended, any Indian, negro or molatto servant or slave that shall be found abroad after nine a clock at night, and shall not give a good and satisfactory account of their business, make any disturbance, or otherwise misbehave themselves, and forthwith convey them before the next justice of the peace (if it be not over-late in the night), or to restrain them in the common prison, watch-house or constable’s house, until the morning, and then cause them to appear before a justice of the peace, who shall order them to the house of correction, to receive the discipline of the house and then be dismiss’d, unless they be charged with any other offence than absence from the families whereto they respectively belong, without leave from their respective masters or owners; and in such towns where there is no house of correction, to be openly whip’d by the constable, not exceeding ten stripes” (*The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, 1869, pp. 535-536).

nature, together with that strong arm that embraces Cape Cod Bay, were working in cahoots with “the owners” of the six men, trapping them in the coastal waters of New England’s Massachusetts Bay Colony (Figure 1).

Initial reports implied that the group of escapees was quite large. The newspapers identified the Afro-Spaniards as the ringleaders, and the *Boston Weekly News-Letter*, which broke the news, reported that this group had been joined by more fugitives and had been aided by “several other Black Servants” (Thursday, September 24 to Thursday, October 1, 1741, p. 2; Figure 2). The *Boston Evening-Post*, having spent comparatively more time investigating the news before publishing it, specified that the fugitives were “five Negro or Mulatto Slaves” (Monday, October 5, 1741, p. 2); and the *American Weekly Mercury* identified them as “five Spanish Negroes,” who had been joined by another “Spanish Negro,” owned by a Mr. Salmon (Thursday, October 8 to Thursday, October 15, 1741, p. 3).



Figure 1. Route of a thwarted escape (1741). Map by Pablo García Loeza. ©Beatriz Carolina Peña.

B O S T O N

Last Tuesday Night several Black Slaves, which were lately taken by Capt. Rouse in the Spanish Prize and brought in here, and who have been disposed of to several Persons in Town, being join'd and assisted by several other Black Servants, made their escape out of the Harbour in a Long-Boat which they stole from a Ship at the Long-Wharff, and, as we hear, are not yet discover'd. Our Province Snow, Capt. Tyng, and the Prize Sloop, Capt. Rouse well man'd, mounting six Swivel Guns, with small Arms and warlike Stores sufficient, as also the Light-House Boat with several others are out in quest of them, so that 'tis not doubted but they will soon be discover'd and brought back. 'Tis tho't they have taken a Scooner in the Bay, one being missing that was spoke with the Day before bound in from Cape-Ann.

Figure 2: The first news report about the escape: "BOSTON. Last Tuesday Night several Black Slaves, which were lately taken by Capt. Rouse in the Spanish Prize and brought in here, and who have been disposed of to several Persons in Town, being join'd and assisted by several other Black Servants, made their escape out of the Harbour in a Long-Boat which they stole from a Ship at the Long-Wharff, and, as we hear, are not yet discover'd. Our Province Snow, Capt. Tyng, and the Prize Sloop, Capt. Rouse well man'd, mounting six Swivel Guns, with small Arms and warlike Stores sufficient, as also the Light-House Boat with several others are out in quest of them, so that 'tis not doubted but they will soon be discover'd and brought back. 'Tis tho't they have taken a Scooner in the Bay, one being missing that was spoke with the Day before bound in from Cape-Ann" (*Boston Weekly News-Letter*, Thursday, September 24 to Thursday, October 1, 1741, p. 2).

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Who were these men who fled Boston in the early fall, executing a near-suicidal plan? Five of them had come from a group of ten Afro-descendant sailors whom Captain John Rouse, the commander of the sloop *Speedwell*, had captured from a Spanish privateer ship earlier that summer, some two months prior (*Boston Evening-Post*, August 31, 1741, p. 1; *American Weekly Mercury*, September 17, 1741, p. 3; *Boston Evening-Post*, October 5, 1741, p. 2). *The Boston Evening-Post* described the sixth fugitive as "an old Negro Fellow who has been a Slave here for many Years." The story in the *American Weekly Mercury*, which likewise described him as a "Spanish Negro," also revealed that the man was a Spanish-Antillean and had been caught at sea much earlier and sold in Boston, perhaps sometime during Queen Anne's War of

1702-1713.⁶ Despite his age—though he was probably not that old—he had attempted to escape.⁷ This man was most likely the one who was able to respond in English to the fishermen when they asked the fugitives where they were going.

During the eighteenth century, in times of peace, and even more in times of war, English and Spanish privateers would attack each other throughout the Greater Caribbean region, and along North America’s coasts, in an attempt to impede the trade and privateering ventures of the enemy king. Both sides intercepted vessels loaded with material goods, seizing ships, merchandise and men alike. Then, they would steer the ships to their port of departure or to some other friendly territory to register their captives as lawful prizes before the competent authorities. English privateers, for their part, would take prisoners to a vice-admiralty court where the African, Afro-descendant and Indigenous crew members, with no written evidence to prove their free status, would be adjudicated as slaves by virtue of their skin color and declared assets of the vessel in question; that is, they would be added to the list of the ship’s seized merchandise (Foy, 2006, pp. 8-9; Foy, 2010, pp. 2-6; Peña, 2020; Peña Núñez, 2021; Clapham, 2021, p. 388). Judges almost always ruled in favor of the English privateers, even when prisoners protested and asserted their status as free subjects of the King of Spain. These men would then be sold as slaves at auctions or to private buyers. Hundreds of Spanish-Caribbeans were enslaved this way, and they rarely had the opportunity to recover their status as free men or return to their homelands (Peña, 2020; Peña Núñez, 2021).

Based on a review of eighteenth-century North American newspapers, and with the help of archival documents from New York, Massachusetts and Rhode Island, this paper focuses on group escape attempts as one of several strategies employed by enslaved “Spanish Negroes” or Spanish-Caribbeans in their attempts to regain

⁶ Peña studies cases from this period in *Manuel Jala: un afrocampechano ataca la esclavitud en la Boston colonial* (Peña, 2024).

⁷ News reports indicate that most of the slaves attempting to escape ranged in age from eighteen to twenty-five. Escape required the physical agility and strength to endure hardships that an older person with an exhausted body would rarely be able to survive (Greene, 1944, p. 131).

freedom. At the same time, the study aims to wrest these subjects from oblivion and give them a place in history. The issue of Afro-descendant sailors adjudicated as slaves is also connected to the phenomenon of “prize negroes,” a subject that, as others have pointed out, deserves much greater attention (Peña, 2020, p. 49; Peña Núñez, 2021, pp. 15 and 296; Marinaro, 2022, p. 4).⁸

2. A Privateer Among Many

Boston was the home port of Captain John Rouse,⁹ and it was there that Governor Jonathan Belcher of New England’s Massachusetts Bay Province granted him a license to engage in privateering (*Boston Evening-Post*, Monday, August 31, 1741, p. 2). The head-on clash between the English and Spanish Crowns officially erupted on October 19, 1739, sparked by an ongoing conflict over the abuse of Spanish visiting rights to English merchant ships in the Caribbean (Peña Núñez, 2021, pp. 95-102; Gaudi, 2021, pp. 1-11 and 60-115). A year and a half later, the conflict had spread to the English colonies in North America. On Monday, April 20, 1741, “His Majesty’s Declaration of War with *Spain*,” proclaimed by King George II, was announced in Boston from “the Balcony of the Council Chamber.” Members of the highest levels of government were present for the solemn ceremony, as the press described it, accompanied by “A vast Number of Spectators.” A military guard and armed regiment fired three cannon volleys and shouted three cheers; Fort William fired twenty-one shots, and the city’s two artilleries answered with forty more (*Boston Weekly News-Letter*, Thursday, April 17 to Thursday, April 24, 1740, p. 1).

⁸ On this topic, I should acknowledge the debt owed to the seminal works of Richard Bond (2003, 2004), Charles Foy’s two essays (2006, 2010), and Serena R. Zabin’s chapter, “Black Cargo or Crew” (2009).

⁹ John Rouse (Rows, Rowse), by all indications, was born on May 21, 1702, in Charlestown, Suffolk (*Massachusetts, Town Clerk, Vital and Town Records, 1626-2001*, Vol. 3, pp. 125-126).

Tensions had been simmering long before war was declared. In August 1739, several volunteers had enlisted with three privateers that left Newport to conduct reprisal raids against Spanish vessels (*Boston Weekly News-Letter*, Thursday, August 16 to Thursday, August 23, 1739, p. 2).¹⁰ On March 6, 1740, the press announced that ships loaded with sugar in Jamaica could not set sail to Europe because the English sailors had abandoned their posts on the merchant vessels to join the naval campaign against the Spanish. “Such a Spirit amongst them” prevailed that the sailors had declared they would refuse to go to England even if offered twenty pounds for the voyage (*Boston Weekly News-Letter*, Thursday, February 28 to Thursday, March 6, 1740, p. 2). It was not only the patriotic mood that nourished their zeal to embark with the privateers, but also the expectation of greater profits. Propaganda promoting the “great Advantages from Privateering” came even from rival nations such as France (*Boston Weekly News-Letter*, Thursday, August 6 to Thursday, August 13, 1741, p. 1), and the Flemish were said to “wish for nothing more than a War in order to go a Privateering” (*Boston Weekly News-Letter*, Thursday, October 15 to Thursday, October 22, 1741, p. 3).

Captain John Rouse must have left Boston on the *Speedwell* sometime in early June 1741, perhaps serving as an escort for merchant ships commanded by Captains Park and Allen, which custom authorized to leave for South Carolina (*Boston Evening-Post*, Monday, June 1, 1741, p. 4). Because of the intense privateering activity in the Carolinas by Spaniards from St. Augustine and Havana, Rouse had apparently planned to patrol that coast, but he did not have enough crew. He must have had powerful contacts in Charlestown, because he was soon granted permission to recruit more men and was given a profitable and extraordinary assignment. A correspondent sent a dispatch to Boston dated July 6, 1741, reporting that:

¹⁰ This same issue of the paper also announced the departures of His Majesty’s ships (i.e., naval forces) the *Squirrel*, from South Carolina, and the *Tartar*, from Nantasket, Massachusetts.

[...] the Gentlemen in Trade here have also engaged Capt. *Rouse* in a *Boston* Privateer Sloop, to cruize [sic] also on this Coast; he is gone out this Day; the Merchants have furnished him with Provisions, and the Government have given him a Warrant to press Hands, which he was in want of; have furnished him with some Powder, and as a farther Encouragement have engaged *Five Pounds Sterling* per Head for every *Spaniard* taken on board a Privateer, from Cape *Hatteras* to Cape *Florida*, within 50 Leagues of the Shore. (*Boston Evening-Post*, Monday, August 3, 1741, p. 2)¹¹

Rouse's arrival came at an opportune moment, because the merchant shipowners were suffering heavy losses and faced constant threats of further damage. In June, Charlestown received news sent from Frederica, Georgia, of the arrival in St. Augustine of 600 regular troops and 200 sailors from Havana. Several Englishmen captured after managing to escape from St. Augustine reported that, from the South Carolina coast alone, the Spaniards had seized thirty-two vessels, which they took to Florida and Havana. The Charlestown correspondent sneered: "Surely our Coast will be sufficiently guarded by *Spanish Privateers*!" (*Boston Evening-Post*, Monday, August 31, 1741, p. 1). The losses and anxiety suffered by the Carolinian merchants explained their offer to pay Rouse for as many prisoners of war as he could capture.

Rouse set sail on July 6, and on June 20, after just two weeks at sea, he returned to Charlestown with a "well armed" Spanish privateer sloop "which he had the good Fortune to take three Days after she came out of *Augustine*." The correspondent, while ironically criticizing the inefficiency of His Majesty's Ship *Phoenix*, commanded by Captain Charles Fanshaw, praised the performance of the captain from Boston, whose name he reiterated throughout the chronological account of the June and July events:

WE now begin to hope that Capt. *Rouse's* Vigilance and Courage will spoil the *Spaniards* future Gleanings, they have made but too good a Harvest already; which Hopes would be greatly enlarged, should either the Country or the Merchants fit out 2 or 3 Privateers - Commanders more of captain *Rouse's* Spirit and Activity. (*Boston Evening-Post*, Monday, August 31, 1741, p. 1)¹²

¹¹ See also: *Boston Evening-Post*, Monday, August 31, 1741, p. 1.

¹² See another sardonic rebuke of Fanshaw in this same issue (p. 2).

The small crew captured from the foreign sloop consisted of nineteen men, classified according to skin pigmentation as nine Spaniards (the demonym used as a synonym for white) and ten “Negroes and Mullattoes” [sic] (*American Weekly Mercury*, September 17, 1741, p. 3).¹³ Given the bounty he was offered in Charleston—five pounds for each foreigner captured—Rouse would have received forty-five pounds for the nine white prisoners. As soon as he secured payment, he boarded the *Speedwell* again. Always fickle, “Capt. Rouse’s Vigilance and Courage” had shifted focus. On August 31, his arrival to New York was announced in Boston. His abandonment of the southern coasts was so rapid that the first page of the Boston weekly praised Rouse’s brio and commitment to the protection of the Carolina coasts, while on its second page, the paper reported the captain’s arrival on Manhattan Island in late August: “Capt. Rouse, Commander of one of our Privateers, is arrived at *New York* from *S. Carolina*, and is daily expected here with his Prize” (*Boston Evening-Post*, August 31, 1741, p. 2).

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3. Ten “stout Negroes and Mullattoes”

Rouse’s haste in reaching New York was likely connected to the ten “stout Negroes and Mullattoes” whom he had neglected to surrender as prisoners of war in Charlestown. His objective would have been to present the Spanish ship and its cargo, including the ten sailors, before Lewis Morris, the judge of the New York Vice-Admiralty Court of 1739-1762 (Figure 3), whose maritime rulings on cases involving captives were notorious for accommodating, encouraging, and, above all, financially benefiting the privateers. These would include the captains and crews, who risked their lives and safety; the ship owners, who exposed their expensive machinery to risk; and the

¹³ We see the same categories of differentiation used, for example, in a news article about a prize seized in the area of Cuba by Captain Benjamin Norton, from Rhode Island, who writes that among the prisoners he keeps on board are “7 Negroes and 3 Spaniards” (*Boston Evening-Post*, Monday, November 30, 1741, p. 1). In this regard, Foy notes that Norton probably let the white prisoners go while retaining the non-white men for their value. (Foy, 2010, pp. 381-382).

investors who provided the capital for the privateering enterprise. Judge Morris's bench drew in more privateers than any other vice-admiralty court in British North America. And with these cases came the associated fees, commercial trade, and income for the institution, as well as the judge and the city. Multiple actors from disparate sectors of the economy benefited from privateering. Captains from various ports set sail for Morris's courtroom knowing they would not regret having traveled all the way to New York to request the adjudication of their prizes (Watson, 1997).

Rouse's basic plan was to secure judicial authorization of the material and human cargo—the prize—that he had transported from South Carolina. He must have known, as then-Attorney General of New York William Kempe argued in 1756, that according to the law of nations, or *ius gentium*, slave status could only be assigned to a subject who, captured during war, had suffered this same condition in his place of origin.¹⁴ Therefore, skin color could not be the legal basis for determining an individual's slave status. Nevertheless, by racist presumption and in violation of international conventions, this was the basis on which, in most cases, North America's vice-admiralty courts determined sentences of enslavement for non-white men.¹⁵ For his part, during the hearing, Judge Lewis Morris demanded that the dark-complected

¹⁴ New-York Historical Society, John Tabor Kempe Papers, Court Case Records, SCJ, Civil, Box 5, Folder 12, M; Peña Núñez, 2021, pp. 231-232. In fact, the leading English treaty on maritime matters, *De Jure Maritimo et Navali: Or, a Treatise of Affairs Maritime, and of Commerce* (1676), by Charles Molloy, established that "Prisoners taken in War do not become perfect slaves, as of old, but only remain in the custody of the Captor, till *Ransoms are paid*" (p. 354). Fifty years earlier, Hugo Grotius had indicated that, among Christians, and out of a sense of Christian charity, prisoners of war were not to be made slaves to be sold or subjected to forced labor or to the kind of miseries commonly imposed on slaves. Moreover, prisoners were to be kept safe until a ransom was paid for them (1715 [1625], Vol. 3, pp. 137-138). Of course, the physiognomy of the subject is not among the considerations of either Grotius or Molloy. See also: Zabin, 2009, pp. 115-116.

¹⁵ On the Spanish side we have the case, for example, of the "three prize Negroes" who escaped, one from a privateer ship in Santo Domingo and two from a Dutch sloop, after their respective ships were beached in Morón (a port in what is now the state of Falcón, in Venezuela). The extensive documentation of the case shows that Manuel Moscoso, a resident of Santo Domingo, in Hispaniola, who was the owner of the ship and financed the voyage, claimed Antonio Congo, one of the fugitives, as his own through an agent. He asserted that he had him as a cook on his ship. But he also claimed Pedro Loango and Pascual Chara, the two Africans on the Dutch sloop, as legitimate prizes. The same position was taken by the officials of several instances of the Kingdom of New Granada, who also claimed the three men, considering them to be "smuggled negroes". One of the documents states that Loango and Chara asserted that they were free. However, none of the claimants questioned their right to own and sell the three men (Archivo General de la Nación de Colombia, NEGROS-ESCLAV-VEN:sc.43.1). I am grateful to researcher María Teresa (Maite) Pascual Bonis for providing me with her transcription of this court file.

Spanish-Caribbeans supply documentation proving their status. Statements by the men themselves or others assuring their status as free subjects of the King of Spain would not be considered.



Figure 3. Judge Lewis Morris (1698-1762), presiding over the New York Vice-Admiralty Court (1738-1762). Oil painting by unknown artist (c. 1750). Courtesy the New-York Historical Society.

Moreover, in the rare case that Morris was presented with evidence of the free status of men sold into bondage, the judge would safeguard the interests, not of the privateers, who at that point would have received their corresponding percentage of profits, but of the owners of the prisoners held in slavery. In a trial involving three sailors enslaved in 1745, during which Joseph Espinosa, an official sent from Havana to New York, presented evidence that he claimed proved the men's freedom, on September 29, 1746, Morris ruled that the men in question should be set free as soon as their masters were reimbursed for their value. Showing generosity toward "the

owners” and severity toward the enslaved, the judge pronounced: “it would be extremely [sic] hard for the several Purchasers to lose their Purchase Money” (Hough, 1925, pp. 29-31, Kimball, 1969, Vol. 1, pp. 425-428; Peña Núñez, 2021, pp. 61-62). Cases like that of Manuel, a crewman on the French ship *St. Jacques* who, thanks to a verbal statement provided by a witness,¹⁶ was declared free on July 4, 1746 by Judge William Strengthfield of the Rhode Island Vice-Admiralty Court, were quite rare in New York: “Therefore Condemn the said Ship together with all her Cargo & save only the aforesaid Negro Manuel who appears to be free, as good & lawful Prizes” (Figure 4).¹⁷ Nor did Morris postpone the conviction and seizure of a ship and its non-white crew for one day to ascertain whether a group of some eight to ten “Indians, Mulattoes, and Negroes” from a Santo Domingo privateer were “Free or Slaves,” as did Thomas Nelson, Jr., judge for the Vice-Admiralty Court of Virginia in “York Town” [sic] (*American Weekly Mercury*, August 18 to 25 1743, p. 3).¹⁸

14 In New York, Rouse would ultimately secure the adjudication of the ship as a legal prize of war, along with the ten captured men, who were all sentenced to slavery. It is possible that Rouse attempted to sell some of the men in Manhattan, but the terrible events of the New York Conspiracy, also known as the Great Negro Plot, which involved the participation of several enslaved “Spanish Negroes” in the city, may have discouraged potential buyers.¹⁹ In fact, Juan de la Silva, one of the six most prominent

¹⁶ See the judge’s questioning of witnesses in Towle, 1936, pp. 377-380.

¹⁷ Mss 231 SG 3 Series 5: Courts, Box 6, Folder 6: Vice-Admiralty Court, Rhode Island State Records Collection, Decree, 4 Jul 1746, Rhode Island Historical Society. On the other hand, the judge also determined that “the Negroe taken on board the s[ai]d ship Named Peter was the Property of the afores[aid] La Motte.”

¹⁸ The ship was *Nuestra Señora del Rosario / San Antonio de las Ánimas*, captained by Alejo Gallardo, of Santo Domingo, and captured by the British warship *Hastings* (*American Weekly Mercury*, August 18-25, 1743, p. 3).

¹⁹ The so-called New York Conspiracy began with a series of fires in Manhattan between March and April 1741. Suspicions about the cause of the menacing fires were directed toward people of African descent enslaved in the city; among those prosecuted by the justice system was a group of Afro-Spaniards. At the end of the investigations and trials, relying on numerous confusing and contradictory testimonies, many extracted under duress, officials concluded that the slaves had plotted to assassinate white residents and take over New York. The guilty verdicts and punishments inflicted were numerous and unrelenting. The primary source relevant to the study of this event is the book *A Journal of the Proceedings in The Detection of the Conspiracy Formed by Some White People, in Conjunction with Negro and other Slaves, for Burning the City of New-York in America, and Murdering the Inhabitants*, by Judge Daniel Horsmanden, published in 1744.

Afro-Spaniards involved in the events and trials, had just been hanged on Saturday, August 15, 1741 (*New-York Weekly Journal*, August 17, 1741, p. 4; Horsmanden, 1744, p. 173), a fact that was also known in Massachusetts (*Boston Evening-Post*, August 24, 1741, p. 4; Figure 5).

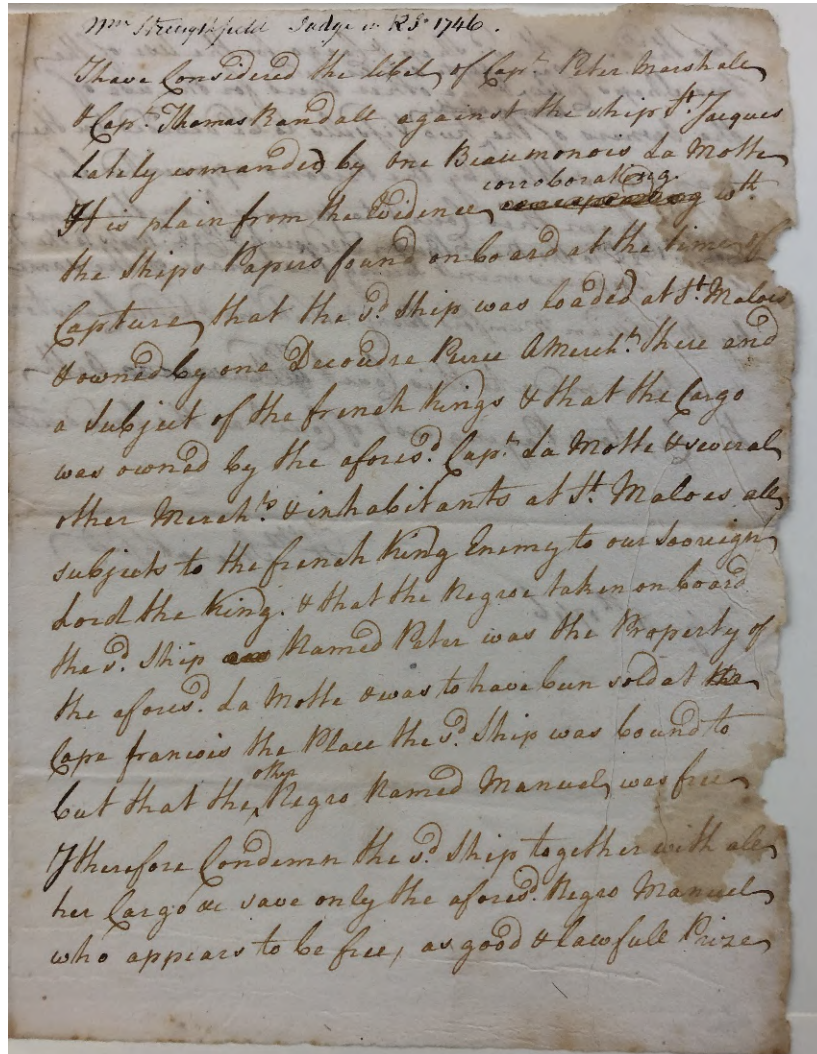


Figure 4. Decision of Judge William Strengthfield of the Rhode Island Vice-Admiralty Court. At the end of the second-to-last line are the words "Negro Manuel" and, on the last line, the judge's ruling on his case. (Photograph by the author).

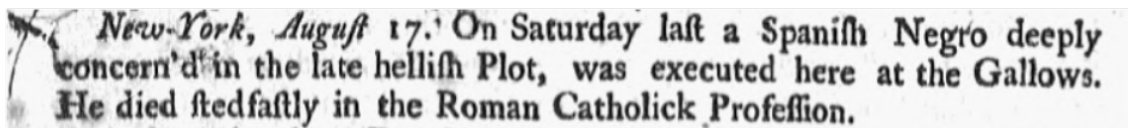


Figure 5. News of the hanging of Juan de la Silva, who is depersonalized and only identified by origin: “New York, August 17. On Saturday last a Spanish Negro deeply concern[e]d in the late hellish Plot, was executed here at the Gallows. He died stedfastly in the Roman Catholick Profession” (*Boston Evening Post*, August 24, 1741, p. 4).

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Finally, on Thursday, September 10, 1741, the ten “stout Negroes and Mullattoes” arrived in Boston (*American Weekly Mercury*, September 17, 1741, p. 3). The Spanish vessel, described as “a poor despicable Thing, not bigger than some of our fishing Boats,” was captained by a member of Rouse’s crew. Commander John Rouse arrived to port the next day on the *Speedwell*. If, on the one hand, the newspaper article reported that the “little wretched Bundle of Boards” had “taken a great many English Sloops and Briggs,” on the other hand, it portrayed the Spanish enemies who commanded the vessel as drunks and cowards. The report claimed that, when Rouse and his men boarded the ship, the “Dons”—a sardonic allusion to the Spanish use of the prefix “don”—ran to hide in the hold (Figure 6). Given that a little more than half of the ship’s small crew were not white, it is possible that many on board made a desperate and futile attempt to escape the fate they knew awaited them in the hands of their imminent captors.

The ten “stout Negroes and Mullattoes” were sold at auction or by private slave traders, such as John Alford and Jonathan Tyng,²⁰ the latter being a relative of Captain Edward Tyng, one of the Bostonians who would pursue the escapees some three weeks later. News reports of the escape suggest that at least five of the sailors were sold to residents of Boston. As for the other five, several scenarios are possible: a) they did not dare to attempt an escape; b) they were sold to stricter captors who forbade them

²⁰ It is highly probable that among the “sundry likely Negroes” recently imported from the Caribbean, whose sale Tyng and Alford announced in November 1741, were several non-white Spanish sailors (*Boston Weekly News-Letter*, Thursday, November 5 to Friday November 13, 1741, p. 2).

from communicating with others; c) the owners and slaves lived on the outskirts of the city; or d) after purchasing the men, they were moved to isolated towns and farms in the Province of Massachusetts.

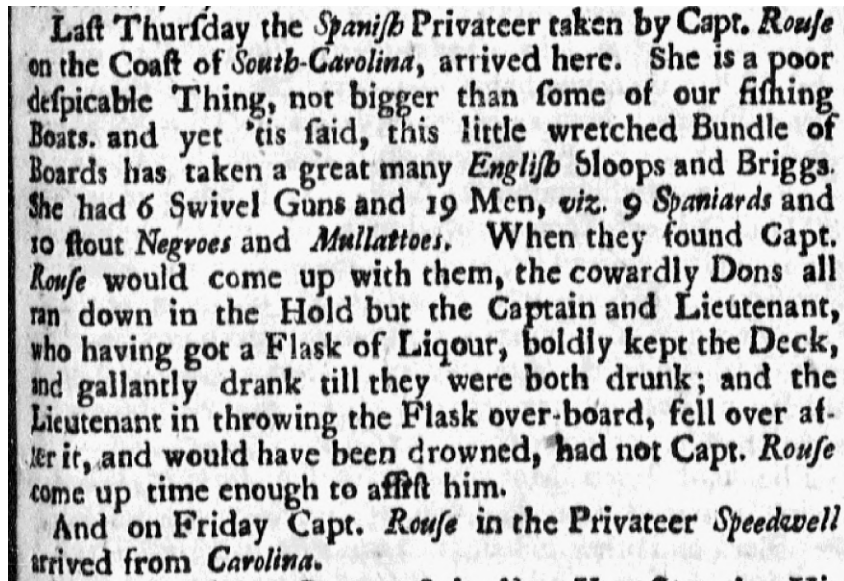


Figure 6. Notice announcing Captain Rouse's arrival in Boston along with the Spanish ship and ten human prizes. "Last Thursday the *Spanish Privateer* taken by Capt. *Rouse* on the Coast of *South-Carolina*, arrived here. She is a poor despicable Thing, not bigger than some of our fishing Boats and yet 'tis said, this little wretched Bundle of Boards has taken a great many *English Sloops* and *Briggs*. She had 6 Swivel Guns and 19 Men, viz. 9 *Spaniards* and 10 stout *Negroes* and *Mullattoes*. When they found Capt. *Rouse* would come up with them, the cowardly *Dons* all ran down in the Hold but the Captain and Lieutenant, who having got a *Flask of Liqour*, boldly kept the Deck, and gallantly drank till they were both drunk; and the Lieutenant in throwing the *Flask* over-board, fell over after it, and would have been drowned, had not Capt. *Rouse* come up time enough to assist him. / And on Friday Capt. *Rouse* in the *Privateer Speedwell* arrived from *Carolina*" (*American Weekly Mercury*, September 17, 1741, p. 3).

Being young and strong, each sailor must have netted the privateers at least forty to fifty pounds sterling.²¹ The value of currency and the price of slaves varied in the English colonies. But the case of "A Certain Negro Man Slave," identified as Santiago ("S[ain]t Augua"),²² whom the sailor Nicholas Carmer, of New York City, sold

²¹ At the start of the century, the price of a slave ranged from forty to fifty pounds (*Boston News-Letter*, Monday, June 3 to Monday, June 10, 1706, p. 4). In 1708, according to Governor Joseph Dudley, a Black man transported from the West Indies to Massachusetts (that is, who had been "seasoned" to slavery), cost between fifteen and twenty-five pounds (Headlam, 1922, p. 110). Value varied depending on age, strength, sex and training, among other characteristics. "The average price of a slave" in the eighteenth century ranged from forty to fifty pounds sterling (Greene, 1942, p. 44-45).

²² In the document, the name appears as "St. Augua" (i.e., Saint Augua) because the amanuensis recorded the name as his English-speaking ears heard it. This detail was later discovered by an archivist reviewing the document.

for 125 pounds on August 3, 1744 to the merchant Samuel Freebody of Newport, Rhode Island, suffices to demonstrate that the Afro-Spanish slave trade was an extremely lucrative business (Figure 7). Moreover, several owners could simultaneously own and profit from the labor of the same slaves. Two notes written on the back of the sale contract signed by Carmer and Freebody suggest that three days after the transaction, while the new owner retained half of Santiago, he sold the other half to Captains William Read and Solomon Townsend. Thus, each came to own a quarter of Santiago for which, individually, they paid 32 pounds and 13 cents (Figure 8).²³ The profit from Santiago's labor would thus be distributed among the three owners, in proportion to their fraction of ownership.

Nineteen days after arriving in Boston, a handful of the “stout *Negroes* and *Mullattoes*” executed an escape—the only strategy available to them for resisting total and permanent subjugation. Newspaper accounts of the event reveal presumptions of distrust and hostility toward the Afro-Spaniards, implying, for example, that the group had stolen the Cape-Ann schooner later reported missing (*Boston Weekly News-Letter*, Thursday, September 24 to Thursday, October 1, 1741, p. 2). But the fact that the ship was never mentioned again suggests that the alleged theft was no more than an initial false alarm. There was no need to clarify the matter, because it would have never occurred to anyone that the slaves should enjoy any reputation other than that of knaves, as the fishermen who recaptured them likewise assumed. Moreover, at this point, the runaways were considered criminals, because they had had the insolence to steal themselves from their owners. There was also an implicit accusation of cowardice directed at the six escapees, who surrendered in Barnstable Bay under threat of gunpoint, and in turn, of the heroism of their captors: the *American Weekly Mercury* noted that the boat that recaptured them carried just four men (Thursday, October 8 to Thursday, October 15, p. 3). With respect to the “little wretched Bundle of Boards,”

²³ Samuel Freebody was a sugar trader. According to records dated June 30, 1748, he was indebted 2000 pounds to the King. To settle the case, Judge Strengthfield allowed Freebody to pay customs at the port of Newport five shillings sterling for every one hundred pounds of sugar imported into Rhode Island, provided it was consumed in the colony (Towle, 1936, 144-145).

the description appears as contemptuous hyperbole. Were it not, the label would seem a contradiction given that this was also the vessel chosen by Captain Rouse to sail in pursuit of the escapees (*Boston Weekly News-Letter*, Thursday, September 24 to Thursday, October 1, 1741, p. 2). How much, one wonders, did the sale of that “poor despicable Thing” profit the captain?

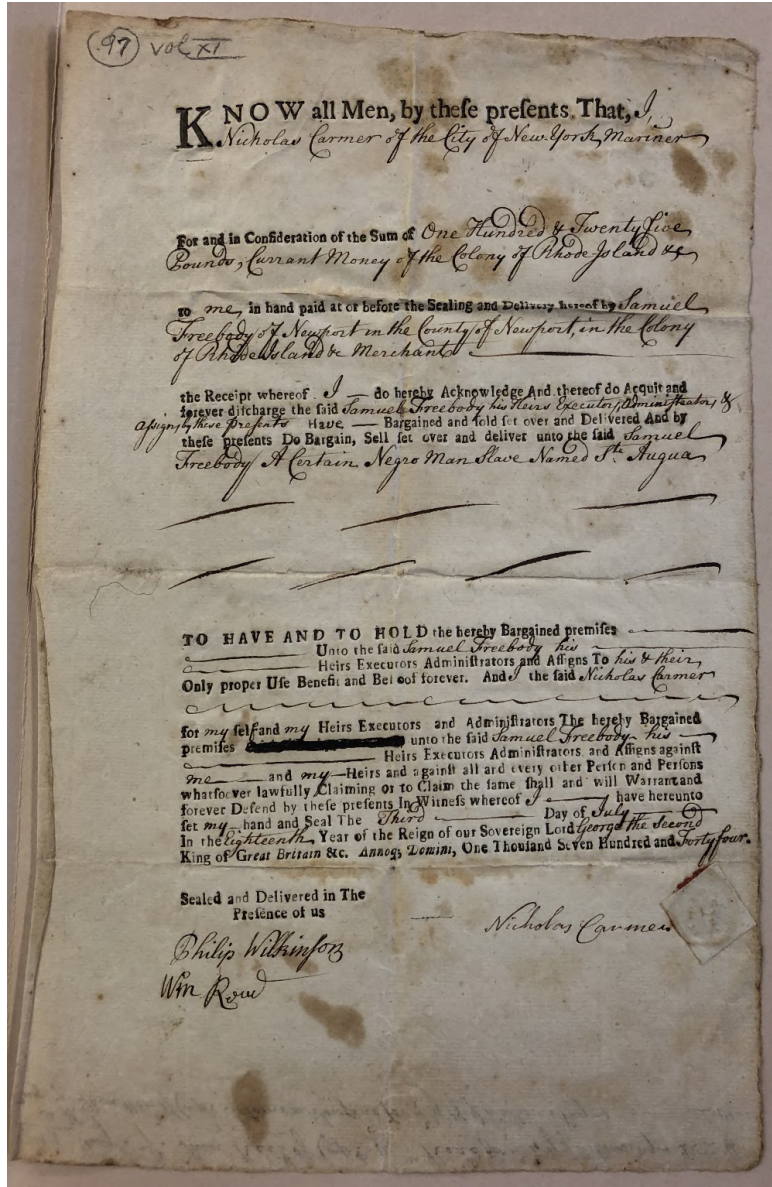


Figure 7. Deed of Sale for Santiago (Mss 9003 Vol. 11, p. 97, Deed of Sale, 3 July 1744, Newport, Rhode Island Historical Society Manuscripts). (Photograph by the author).

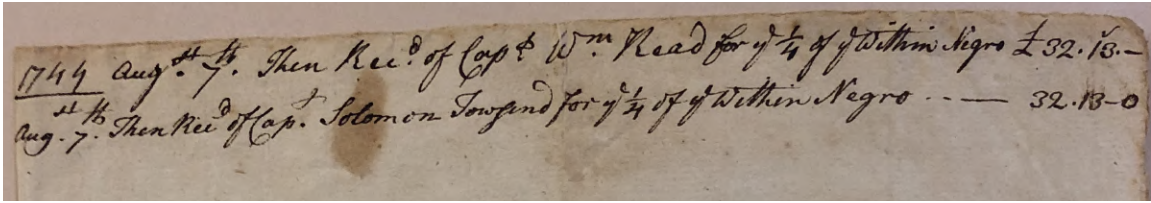


Figure 8. Receipt for the sale of two quarters of Santiago. “1744 Aug[u]st 7th. Then Rec[eive]d of Capt W[illia]m Read for the ¼ of the Within Negro £32.13 / Aug[u]st 7th. Then Rec[eive]d of Capt. Solomon Townsend for the ¼ of the Within Negro £32.13-0” (Mss 9003 Vol. 11, p. 97, Deed of Sale, 3 July 1744, Newport, Rhode Island Historical Society Manuscripts). (Photograph by the author).

4. The Cycle of Privateering

Captain Rouse’s winnings enabled him to take a break from life at sea while preparing for his next voyage. As often happened with privateers, the notoriety of recent success and profits ensured him easy access to business partners, a ship, and crew, and the captain no longer needed to travel to South Carolina to procure them. Two and a half months after his previous voyage, on November 30, 1741, Rouse announced that he would depart Boston in ten days in command of the *Young Eagle Corsair Bilander*²⁴ with a crew of ninety men. Invoking the combined allure of patriotism and potential profits—a common practice during those nine years of war (Zabin, 2009, p. 108)—the announcement invited interested parties to join in the pursuit of Spanish privateers for a period of nine months (Figure 9). The prospects: capturing ships, merchandise, and more “stout Negroes and Mullattoes” to sell as slaves.

Meanwhile, the frenzy of privateering in North America and the territories of the Spanish Crown continued. Faced with the need for more bodies for the war, Spain’s colonies in the Caribbean Basin began conscripting Indigenous, African and Afro-descendant youth and loading them by force onto ships. If the conscripts refused, they

²⁴ A billender (also “billinder” or “bilander”) was a type of two-masted ship distinguished by the trapezoidal shape of its mainsail (Kimball, 1912, pp. 262-263).

went to the dungeons (Hammon, 1760, p. 8). There was no other way they could have assembled the nearly 3500 men who, joined in Havana by 600 soldiers and 100 Indigenous fighters, mustered in St. Augustin to attack Georgia by sea on July 6, 1742.²⁵ If force was insufficient to compel the recruits to board the forty-two ships, promises of wages and gleanings, and freedom for the enslaved, sealed the deal (Peña Núñez, 2021, pp. 24-32). But if conscription was “colorblind”—as Bolster claimed (1997, p. 30), referring to the fact that it implicated Blacks and whites alike—recognizing and recounting the wartime work of dark-skinned men has not been. The participation of these marginalized groups, and the lives lost as a result of death and enslavement, have been overshadowed by history.

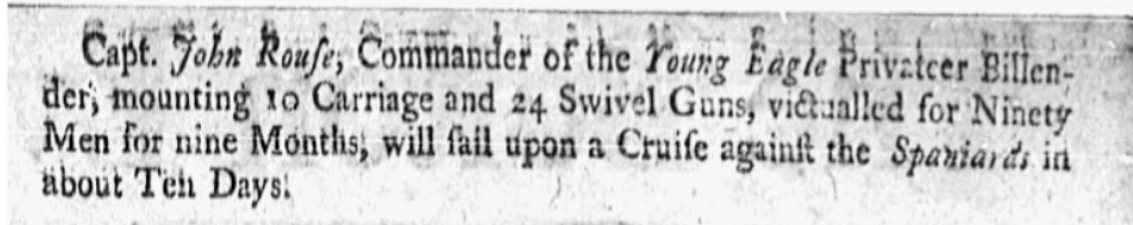


Figure 9. Privateering announcement. “Capt. John Rouse, Commander of the *Young Eagle* Privateer Bilander, mounting 10 Carriage and 24 Swivel Guns, victualled for Ninety Men for nine Months, will sail upon a Cruise against the *Spaniards* in about Ten Days” (*Boston Evening-Post*, November 30, 1741, p. 2).

Having completed his other nine-month campaign on Sunday, September 5, 1742, Captain Rouse sailed the *Young Eagle* to Newport, with three Spanish ships captured in the Florida waters, in convoy with Captains Robert Flowers of the sloop *Bonetta* and William Wilkinson of the *Mary*. In their maritime expedition, Rouse and Flowers had also run aground five other Spanish ships. In addition, they had intercepted two Dutch ships from Curaçao, which they accused of selling arms and ammunition to the Spanish enemy at Río de la Hacha (in modern-day in Colombia). They rescued the ship *Alexander*, which was loaded with 300 tons of sugar from Savanna la Mar, Jamaica, and bound for London. When they encountered the ship, it

²⁵ These figures are from the testimonies of Joseph Armente, Juan Lorenzo de Uriarte, Francisco de Palafox Hurtado de Mendoza and Pedro José de la Madriz before the Vice-Admiralty Court of Rhode Island (Towle, 1936, 170-175).

was taking on water and the alarmed crew, with the exception of Captain William Richardson and a few other officers, had looted and abandoned it (Towle, 1936, pp. 161-166; *Boston Weekly News-Letter*, Thursday, September 2 to Thursday, September 9, 1742, p. 2).²⁶ Rouse, Flowers and Wilkinson requested legal condemnation of their prizes in the Curia Admiraltatis of the Colony of Rhode Island, as the court of maritime affairs there was called.



Figure 10. "British bilander showing sails and rigging and separate view of the stern" (c. 1780). Drawing by Edward Gwyn, © National Maritime Museum, Greenwich, London.

The three Spanish ships seized were the *De la Clara*, *Divina Pastora* and *Nuestra Señora de los Dolores y las Ánimas*. These, along with the ships that Rouse and his associates had run aground south of Florida, were returning from the attack on Georgia in early July 1742 when they were intercepted. Among the five beached vessels was one carrying at least seventy sailors and soldiers. The latter were "mulatto" members of the Havana Militias, who managed to evade capture by fleeing the ship as

²⁶ The *Boston Weekly News-Letter* misreported some of these events.

soon as it was run aground on Matecumbe Key (modern-day Isla Morada, Florida). The English could not abandon their ships to pursue them, nor were they inclined to, having insufficient water and supplies to ferry that many prisoners to Rhode Island. They also decided to return another imprisoned vessel, the sloop *Rosa*, to the Spaniards, so that the crew of the *De la Clara*, *Divina Pastora* and *Nuestra Señora de los Dolores y las Ánimas* might complete their voyage to Havana. Exceptions were made for certain Spanish officers required to appear in Rhode Island as witnesses before the Curia Admiraltatis for the legal adjudication of the three prizes. Once in court, two of Judge Samuel Pemberton's questions to Francisco de Palafox Hurtado de Mendoza, of the ship *Rosa*, involved requests regarding the status of one "mulatto" and two Black men who had arrived in Newport with the group of Spaniards. The witness replied, through the court interpreter, that the mixed-race man was a free individual and a paid employee in the service of the King of Spain, while the two Black men were slaves owned by Pedro Joseph de la Madriz, the captain of the sloop *Rosa*. La Madriz later confirmed these particulars in his deposition (Towle, 1936, pp. 173-174).

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The two Spanish-speaking slaves were not the only men adjudicated as the property of Rouse, Flowers and Wilkinson. In the trial of the *Three Brothers*—one of the two Dutch ships owned by Benjamin Moter, a Jewish man from Curaçao, and his three sons, Abraham, Aaron and Moses, which was seized for selling materiel in various dominions of the King of Spain—the judge awarded the three New England captains the ship, along with its accessories, weapons, merchandise, and "Cargo negroes." However, none of the witnesses from Curaçao mentioned in their testimonies that the ship's cargo had included slaves (Towle, 1936, pp. 188-192). When Judge Pemberton asked the Dutch captain Jan Mulder²⁷ if he recognized that "the Sloop and Cargo with the Slaves is a lawful Prize to the Captors," it is true that Mulder did not deny that he was transporting slaves (Towle, 1936, p. 188). His failure to disclose this detail may have been due to the pressures of the moment, or more likely still, to his eagerness to retain the ships and their entire contents. Though perhaps the most logical deduction

²⁷ The surname in the declarations appears as "Mulden," but the signature is written as "Mu'lley."

of all is the following: that among the indeterminate number of boys and men aboard the *Three Brothers* were unfree individuals working as crewmen. In any event, at no point does Mulder advocate for the freedom of any of the “Negroes” on board.²⁸

The above case illustrates the tendency, especially among captains, to identify non-white crewmen as “Cargo negroes,” that is, humans shipped as trafficked commodities. This technicality was used, cunningly and a priori, to label certain men as slaves whether they were free or not. The British let Abraham and Aaron Moter return to the Caribbean, along with other members of the *Three Brothers*’ crew, but retained the non-white men, claiming them as “Cargo negroes” in their appeal to the court for condemnation of their prize.

This same kind of prejudice and artifice, endorsed and legitimized by the press, is exemplified in a news report from New York: “Last Saturday arrived here the Privateer Clinton, Capt. Thomas Beven from a Cruize of about eight Months; but brought in no Prize with them, only the Effects of some small Craft they took along Shore in the West Indies, to the Value of about 9000 Pieces of Eight, according to [the custom’s] Invoice; besides [transporting] 15 Negroes.” (*New-York Evening Post*, July 7, 1746, p. 3). The text thus transforms a group of sailors into a shipment of Black slaves; in addition, it mentions them only at the end of the dispatch, as an afterthought. In this context, in which the transatlantic slave trade was normalized, such devices diffused any lingering qualms about whether or not the captured men deserved the sentence of slavery they would receive from the court. We can infer, reading between the lines, that Captain Thomas Beven had trapped an enemy vessel in the Caribbean, stripped it of its effects, which were valued at nine thousand *pieces of eight*,²⁹ seized fifteen dark-skinned crewmembers—“15 Negroes,” worth much more than the cargo—and let

²⁸ The presence of slaves is mentioned only indirectly. There is a brief indication at another point during trial, when John Mulder responds in an appeal, introduced by his attorney, that the vessel, money, merchandise and “Negroes” belong to the Moters (father and son). (Towle, 1936, pp. 191-192).

²⁹ The piece of eight (*real de a ocho*) was a Spanish silver coin worth eight Spanish *reales*. Because of its use as an international currency, it functioned like today’s dollar.

the ship and its white crew sail away (Figure 11). Not seizing the ship was another ruse, as it exempted Captain Beven from bringing in Spanish witnesses who might challenge the status of the captured men. Upon presenting the fifteen subjects before the New York Vice-Admiralty Court, Judge Lewis Morris, without hesitation, must surely have condemned them as “Prize Negroes” captured from a hostile ship.

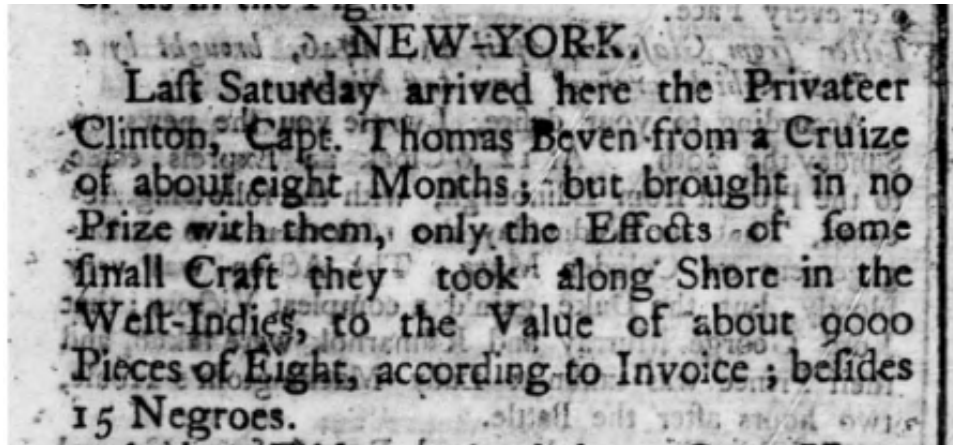


Figure 11. Fifteen men, referred to as “Negroes,” arrive in New York City. “Last Saturday arrived here the Privateer Clinton, Capt. Thomas Beven from a Cruize of about eight Months; but brought in no Prize with them, only the Effects of some small Craft they took along Shore in the West Indies, to the Value of about 9000 Pieces of Eight, according to Invoice; besides 15 Negroes.” (*New-York Evening Post*, July 7, 1746, p. 3).

In Rhode Island, after considering the testimonies of two Spanish officials, Judge Pemberton of New York, who was less rigid than Morris, decided not to condemn the Afro-Spaniard from the ship *La Rosa*. As was customary, however, he did transfer ownership of two Spanish-speaking slaves from Havana to the English privateer. Yet, in the case of the individuals from Curaçao, who likely formed a quite sizeable group,³⁰ the judge made a generalization. In the records of the case, there are no questions directed at the African and Afro-descendant sailors, and the only individuals mentioned are the ship’s white officers, who offered no words in defense of the others. Pemberton, reassured by his own prejudices, trapped the blacks at Newport along with the privateer goods awarded to Rouse, Flowers and Wilkinson. The judge served on behalf

³⁰ Captain Jan Mulder states that, at one time, there were forty boys and men under his command as captain of the *Three Brothers* (Towle, 1936, pp. 170-175).

of a colony where, since the early eighteenth century, most slaves were of African origin or descent, and where a system of slavery based on skin color, instituted first by custom, and later by law, prevailed. (Clark-Pujara, 2016, p. 34).

After the court ruling, the owners of the *Young Eagle*, *Bonetta* and *Mary* received one-third of the value “of all the Prizes”: the ships, the guns, the sugar, the enslaved, etc. The other two-thirds were divided among Commanders Rouse, Flowers and Wilkinson, and the respective crews of their three ships (Towle, 1936, pp. 166-167). The press estimated the proceeds of Rouse’s voyage at between seventy thousand and eighty thousand pieces of eight (*Boston Weekly News-Letter*, Thursday, October 14 to Thursday, October 21, 1742, p. 2). The numbers shimmered on the page despite the black ink, serving as propaganda to attract men to join Rouse’s next venture.³¹ Thus the cycle of privateering continued, generating slavery on the one hand and, on the other, the dreams of freedom and strategies of resistance of the many men subjected to that regrettable institution.

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5. Other Group Escape Attempts

Group escape attempt by Spanish-Caribbeans were very rare, because they required, at minimum, two conditions: the enslaved had to be in a city, where they could communicate amongst each other, and that city had to be a port. For these reasons, there are very few documented cases of group escapes, and they were almost all unsuccessful. The earliest recorded attempt dates from January 29, 1721, and took place in Sandy Hook, then in the Province of New York, now New Jersey (Figure 12).

³¹ During an attempt to capture another ship bound for Cartagena de Indias, valued at 8,000 pounds sterling, Rouse lost about fifty men. He sent the costly prize to be adjudicated by the Vice-Admiralty Court of Jamaica (*Boston Gazette*, Tuesday, August 24, 1742, p. 2; *Pennsylvania Gazette*, September 2, 1742, p. 7).

Eight “Spanish Indians”³² and three Black men, taking advantage of their proximity to the Atlantic Ocean and the Sunday break from oystering work, escaped that morning in a sloop, with a new deck, and owned by John Cannon and William Dobbs.³³ Another vessel set out in vain pursuit of them. It was assumed that the fugitives were headed to St. Augustine, but as the ship lacked potable water and adequate sailing equipment, Cannon and Dobbs surmised that the group would have to stop at another port to resupply.

Cannon and Dobbs published an advertisement with the above details and the promise of a handsome reward to anyone who could apprehend the fugitives. The outcome of the incident is unknown. The notice was published twice (*American Weekly Mercury*, Tuesday, January 31 to Tuesday, February 7, 1721, p. 2; *American Weekly Mercury*, Tuesday, February 7 to February 14, 1721, p. 2). The publication of a second advertisement two weeks after the first did not necessarily suggest good fortunes for the fugitives, however. Given the ship’s deficiencies, an accident in open water or a shipwreck in another hostile territory was entirely plausible. Moreover, an English privateer might have detained them in some southern province. In the best of cases, a Spanish ship could have happened upon the eleven men at sea.

³² In the late seventeenth century and first third of the eighteenth century, people from Spanish territories enslaved in North America were mostly Indigenous (Peña Núñez, 2021, p. 159). Many came from Campeche or other areas of the Yucatan Peninsula. The Amerindians were drawn to the region as a result of English logging operations exploiting the logwood in the area of Tris Island, in Laguna de Términos. In 1687, groups of Indigenous people from Campeche and Veracruz had requested their freedom before the governor and the New York Provincial Council. They were granted their request on October 8 and 11. On July 30, 1688, the constable was ordered to remove five of the captives from the custody of their owners, who may have resisted returning the men to their prior state of freedom. The group was ordered to appear before the governor’s Council to recite the Lord’s Prayer and thus prove their status as Christians (Fernow, 1987, pp. 55, 61, and 89).

³³ New York Harbor and much of the Hudson River estuary once contained 350 square miles of oyster beds. As late as 1839, the area yielded more than a million and a half bushels of oysters a year (Boyle, 1969, p. 38). Slaves were employed in their harvest. In 1732, not far from the harbor, a boat struck an approaching canoe loaded with oysters. The only white man in the canoe drowned. Of the three Black men accompanying him, one also drowned (*American Weekly Mercury*, October 12, 1732, p. 4). Foy draws attention to the fact that John Cannon served as commander of the New York City oyster-harvesting fleet (2006, p. 55).



Figure 12. Sandy Hook. Opposite the end of the hook-shaped peninsula are the two modern-day New York City boroughs of Staten Island and Brooklyn. Image from the NASA Earth Observatory: <https://earthobservatory.nasa.gov/images/90451/sandy-hook>

Twenty-two years later, and barely five months after the Rhode Island prize-adjudication ruling in favor of Captain Rouse and his associates, the escape of “a great Number of Spanish and other Prize Negroes” in Newport would have been successful had one member of the rebel group not betrayed the rest. “Their Design might have easily been effected,” the news report commented in alarm, because there were only four English sailors sleeping on the sloop selected for the escape and anchored in the harbor. The escape was planned for January 30, 1743, or as the paper described it, the “Lord’s Day.” The group chose Sunday because there would be less surveillance and, since it was a day of rest, the enslaved could meet without attracting too much attention. The press was pleased to report that the man who betrayed his companions was grateful to his owner, and, having decided to stay in his custody, did not allow himself to be persuaded.

The news report described the men who hatched the plan as “Prize Negroes,” but not all were Spanish speakers. Perhaps this heterogeneity contributed to the breakdown in communication (Figure 13). In an effort to alert English colonists up and

down the coast, news of the escape was dispatched to other provinces such as Massachusetts and Pennsylvania (*Boston Gazette or Weekly Journal*, Tuesday, February 8, 1743, p. 3; *Boston Weekly News-Letter*, Thursday, February 10, 1743, p. 2; *Pennsylvania Gazette*, March 3, 1743, 2; *American Weekly Mercury*, March 1, 1743, p. 2).³⁴ The element of conspiracy implicit in the scheme would ultimately aggravate the situation and the punishments. The Province of Rhode Island punished slave conspiracies, even in cases where the rebellious act had not been carried out, with fifteen lashes. Before this, however, the accused would have to be tried. Then, when the time came for their public whipping, the punisher would have the power to administer additional lashes if he deemed the condemned's "incurable behavior" deserving (Greene, 1942, pp. 132-133).

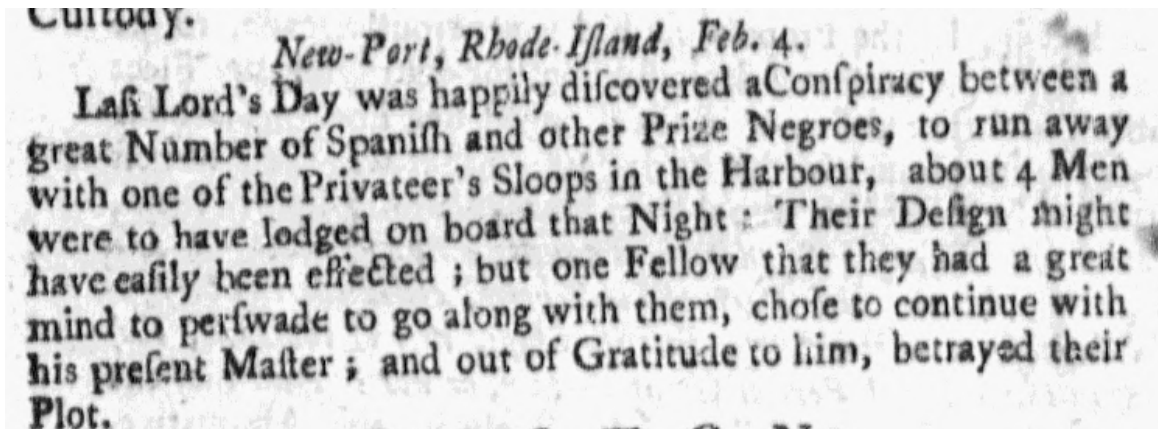


Figure 13. A conspiracy betrayed. "New-Port, Rhode Island, Feb. 4. / Last Lord's Day was happily discovered a Conspiracy between a great Number of Spanish and other Prize Negroes, to run away with one of the Privateer's Sloops in the Harbour, about 4 Men were to have lodged on board that Night: Their Design might have easily been effected; but one Fellow that they had a great mind to persuade to go along with them, chose to continue with his present Master; and out of Gratitude to him, betrayed their Plot" (*Boston Weekly News-Letter*, jueves 10 de febrero, 1743, p. 2).

³⁴ In the *Pennsylvania Gazette* and the *American Weekly Mercury*, this news report was immediately followed by another about a group of five enslaved young men who, also in Newport and on the afternoon of that same Sunday, January 30, 1743, were playing in their owner's storehouse, which contained stores of gunpowder. According to reports, the young men had accidentally set fire to the gunpowder. The roof of the place was blown off in the explosion. Had someone not managed to extinguish the blaze, the adjacent section of town might have caught fire as well. One of the young men died, and the other four were left in very poor condition (*Pennsylvania Gazette*, March 3, 1743, p. 2; *American Weekly Mercury*, March 1, 1743, p. 2). Was the incident really an accident? Or was it a radical act of resistance with some unforeseen end?

Six years later, there was another group escape attempt in New York. On the night of Saturday, April 1, 1749, an Afro-Spaniard man was attempting to slip unnoticed through the dark city streets. He was carrying four edged weapons concealed under his clothing, which he was to deliver to his companions who, perhaps in the early hours of Sunday morning, would then use the blades to dislodge, together and by force, whoever would be guarding the boat they had chosen for their escape. But stealth was insufficient to prevent one or more persons from noticing the young man and impeding his suspicious walk.³⁵ Stopping him and sensing his nervousness, they searched him. Discovering the hidden weapons, the man's arrest and interrogation were sudden and no doubt violent acts.³⁶ The prisoner was thus compelled to inform on three other "Spanish negroes"; together, they abandoned their hopes of freedom in the dungeons. Despite the fact that the number of weapons coincided with the number of prisoners, the authorities were not convinced they had imprisoned all the individuals involved (*New-York Gazette or Weekly Post Boy*, April 3, 1749, p. 3; Peña Núñez, 2021, pp. 155 and 417). The news was also published in the city of Philadelphia (*Pennsylvania Gazette*, April 13, 1749, p. 2; Figure 14).

Charged with conspiracy, robbery and possessing weapons, the four Afro-Spaniards would be presented before a court. According to a slave control law issued in New York on April 22, 1731, for the crime of being on the street at night without permission, absent the company of their master, and without carrying a lighted lantern or candle, penalties would consist of a fine of ten shillings, to be paid by the owner; imprisonment for the slave until this fine was paid; and, if the master consented, the accused would also be whipped in a public place designated for flagellation (Figure 15).³⁷ Given the seriousness of the charges in this case, the punishments must have

³⁵ Acts of repression and control were expected, not only of guards, but of any of "His Majesty's Subjects" present in the city (*City of New York, n.d., A law for Regulating Negroes and Slaves in the Night Time*, New York Public Library, Rare Book Division, *KVB (1731, Apr.22) (New York). Law for regulating Negroes and slaves in the night time).

³⁶ In cases where insurrection was suspected, captured rebels were tortured to obtain the identity of other insurgents (Hoffer, 2003, p. 28).

³⁷ *City of New York, n.d., A law for Regulating Negroes and Slaves in the Night Time*, New York Public Library, Rare Book Division, *KVB (1731, Apr.22) (New York). Law for regulating Negroes and slaves in the night time.

been merciless. The four men's conversations about the escape, and about assaulting anyone who got in their way, would have been deemed a detestable case of criminal conspiracy. Carrying stolen weapons would have been considered murderous premeditation, and an act in furtherance of the plot. Indeed, merely having talked about committing a serious crime, even when no act had been committed, was enough for a slave to be executed (Hoffer, 2003, pp. viii, 23-25).

Late on Saturday night last, four Spanish negroes were taken up and committed to our jail, for designing to cut a vessel out of the harbour to run away with: The plot was discovered by one of them, who was taken up first for being so late out without a lanthorn, when four cutlasses were found under his cloak: We hear some others are concerned, who are not yet apprehended.

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Figure 14. Four Afro-Spaniards in New York. "Late on Saturday night last, four Spanish negroes were taken up and committed to our jail, for designing to cut a vessel out of the harbour to run away with: The plot was discovered by one of them, who was taken up first for being so late out without a lanthorn, when four cutlasses were found under his cloak: We hear some others are concerned, who are not yet apprehended" (*Pennsylvania Gazette*, April 13, 1749, p. 2).

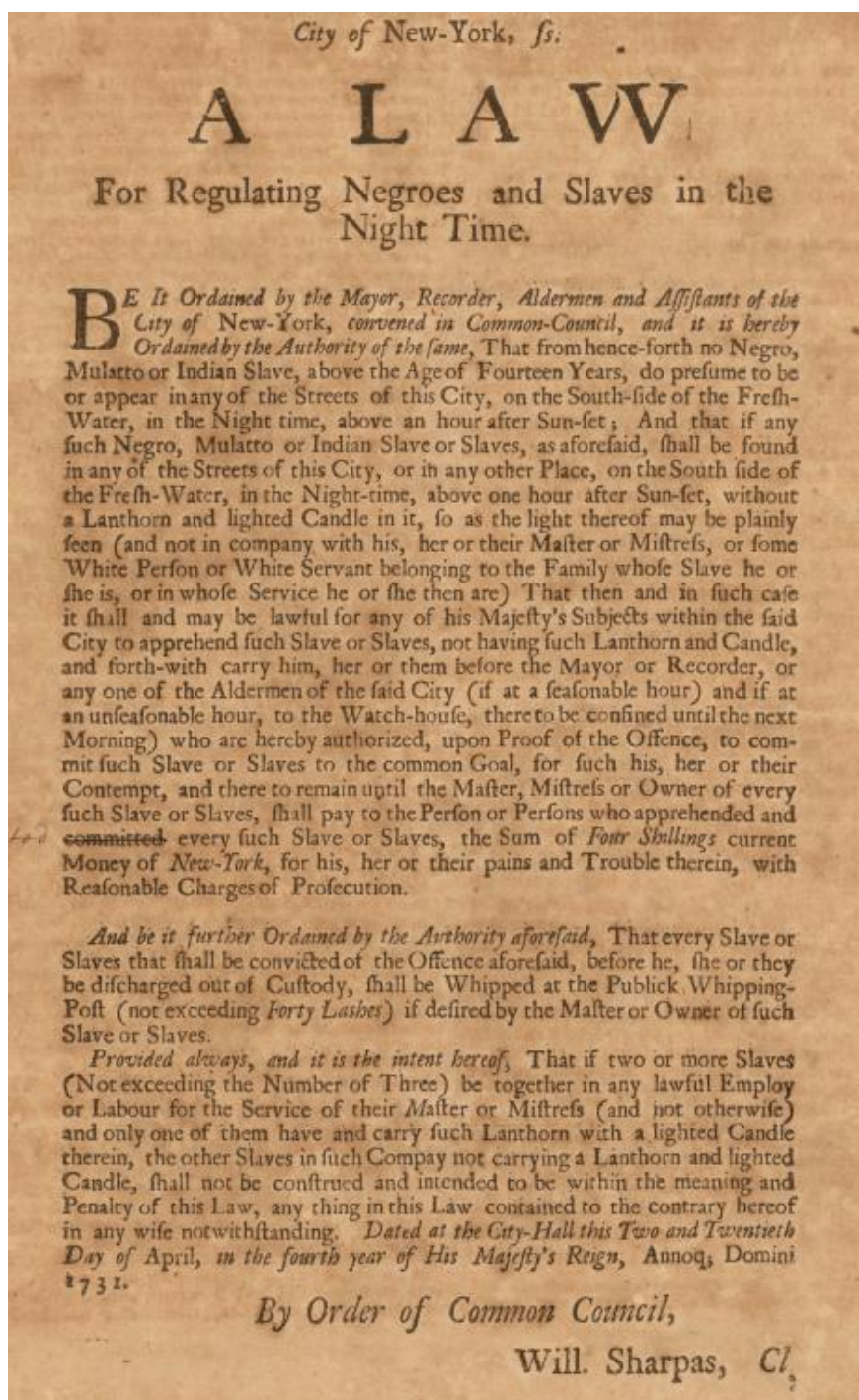


Figure 15. City of New York, n.d. A Law For Regulating Negroes and Slaves in the Night Time, issued "By Order of Common Council" on April 22, 1731. Signed, Will[iam] Sharpas, Municipal Clerk. New York Public Library, Rare Book Division, *KVB (1731, Apr. 22) (New York). Law for regulating Negroes and slaves in the night time.

6. Rebellion on the High Seas

The only escape that we can be sure was successful, in the sense that it secured freedom for those involved, occurred some three months prior to the aforementioned attempt. It happened not at a port in the English colonies, but in the open ocean, requiring uncompromising conduct on the part of the mutineers toward their captors. The violent rebellion was carried out by a group of Afro-Spaniards who, on October 30, 1748, had set sail from New York on the sloop *Polly*, along with five residents of that city, destined for Jamaica. One of the newspaper articles that referenced the voyage stated that one of the objectives of Captains William Johnson and John Nelson, who were joined by a merchant with the last name Hall and two others, was to return the “Spanish Mulattoes” to ports under Spanish dominion, but that the bloodthirsty group of mutineers had paid for the good intentions of the New Yorkers with murder. The narrative portrayed the five white crewmen as magnanimous, while emphasizing the malice and savagery of the rebels (*New-York Weekly Journal*, January 23, 1748/1749,³⁸ p. 3; Peña Núñez, 2021, p. 413).

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In all likelihood, however, the merchant Hall, as part owner of the *Polly* and master of one of the Afro-Spaniards, was sailing to Jamaica with his associates to sell the ship’s cargo along with the four enslaved men. Another news article hints at this motive as well, tenuously suggesting that the purpose of taking the “Spanish Negroes” to the Caribbean was to ransom them (*New-York Gazette, revived in the Weekly Post Boy*, January 23, 1748/1749, p. 3; Peña Núñez, 2021, pp. 151-159 and 414). With war’s end fast approaching, on the heels of the recent signing of the Treaty of Aix-la-Chapelle, or Treaty of Aachen, on October 18, 1748, the owners may have begun to doubt whether changes in international policy and concerning the claiming of prisoners

³⁸ As indicated in note 2, the Julian calendar was used in England and its American colonies until September 1752. According to the calendar, March 25 was the first legal and ecclesiastical day of the year. Thus, from January 1 to March 24, documents and newspapers tended to record the number of the year that had just elapsed. To avoid inaccuracies, a system of double registration was sometimes used, in which both the official and the historical year were separated by a slash.

of war might create occasion for them to lose the money they had invested in the four men. Or perhaps their motive for selling the men was simpler, and was based merely on their owners' distrust of them.

Records from other New York cases indicate that if an English settler was presented with any kind of troubling situation involving an enslaved Afro-Spaniard, especially when faced with the possibility of losing him, his preferred exit was to sell the slave in some rural area.³⁹ The most common destinations of sale were English provinces with plantations, such as South Carolina, Virginia and Jamaica, where slavery was even more dehumanizing than it was in urban areas and enslaved individuals merged into a multitude of other pulverized bodies.⁴⁰ Take, for example, the case of Cornelius Tiebout, who owned the Afro-Cuban Hilario Antonio Rodriguez and was faced with the possibility of losing him. William Kempe submitted an appeal for Rodriguez's freedom before the governor and his council, presenting evidence of the man's free status. Tiebout responded by attempting to get the young man out of New York City (though not necessarily out of the larger province of New York). Indeed, during the government session convened on Friday, September 21, 1756, a petition was submitted beseeching Governor Sir Charles Hardy to prevent Rodriguez's departure from the city, either by holding the young man in the custody of the sheriff, or by imposing a deterrent bond of one hundred pounds on Tiebout until the case was resolved (New York State Archives, New York Colonial Council Minutes, A1895-78, Vol. 25, fol. 144; Peña, 2020, 62-64; Figure 16).

Unhindered by legal obstacles, the five New Yorkers' goal in travelling to Jamaica was to extract the Afro-Spaniards, not from conditions of slavery, but from the province. They were not sailing under a flag of truce, which would have allowed them

³⁹ See the cases of Juan Miranda (Peña Núñez, 2021, pp. 226-227 y 277), Manuel Cumaná (Peña Núñez, 2021, pp. 285-286 y 292) and Manuel Jala (Peña, 2024).

⁴⁰ In 1727, Robert "King" Carter, from Virginia, in a letter to his overseer Robert Jones, acknowledged not only the harsh conditions of plantation work, but its use as a strategy of domestication: "Now that my negro woman has tasted the hardships of the woods she'll stay nearer to home where she can have her belly full." (Mullin, 1972, pp. vii, 166).

to dock in hostile ports. Their objective was to sell the enslaved men in Jamaica, and the men knew it. The fact that the enslaved sailors were not immobilized during the journey, but were working on the ship; that they spoke a common language, which was undecipherable to the others; and that they were accompanied by a very small number of white crewmen, combined to allow the four insurrectionists to plan their attack, acquire weapons and kill their opponents. That the four-man crew of mutineers had prior maritime experience is evident, given that they were able to master the rudder, adjust the sails, divert course and reach the city of Santo Domingo sometime between the second and third week of November 1748 (Peña Núñez, 2021, p. 152).

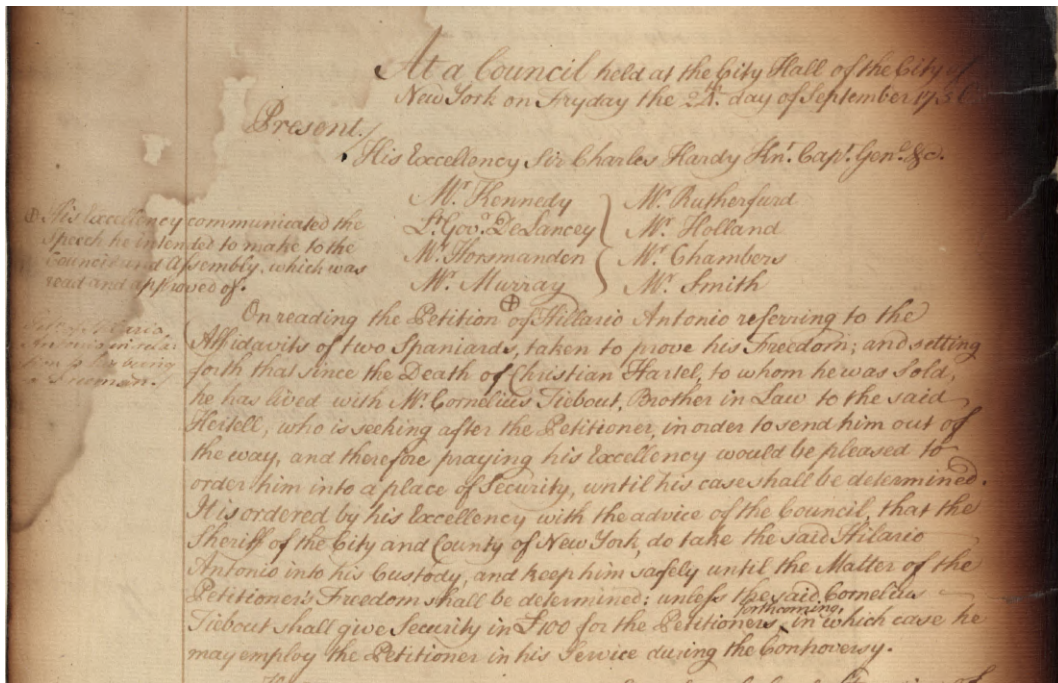


Figure 16. Meeting between the Governor Sir Charles Hardy and the New York Provincial Council, held on Friday, September 21, 1756. This central fragment of the folio describes the situation involving Hilario Antonio Rodríguez: "On reading the Petition of Hilario Antonio referring to the Affidavits of two Spaniards taken to prove his Freedom; and setting forth that since the Death of Christian Hartel to whom he was Sold, he has lived with Mr. Cornelius Tiebout, Brother in Law to the said Hartell, who is seeking after the Petitioner, in order to send him out of the way, and therefore praying his Excellency would be pleased to order him into a place of Security, until his case shall be determined. It is ordered by his Excellency with the advice of the Council, that the Sheriff of the City and County of New York, do take the said Hilario Antonio into his Custody, and keep him safely until the Matter of the Petitioner's Freedom shall be determined; unless the said Cornelius Tiebout shall give Security in £100 for the Petitioner, in which case he may employ the Petitioner in his Service during the Controversy" (New York State Archives, New York Colonial Council Minutes, A1895-78, Vol. 25, fol. 144). (Photograph by the author).

News of the rebellion was published in New York and Boston (*Boston Evening-Post*, Monday, February 6, 1749, p. 2.), though not at the time of the event, whose occurrence was still unknown, but in a letter from Curaçao that arrived to the city in the hands of Captain Witter of the sloop *Deborah* in mid-January 1749. The event related in the missive prompted Governor George Clinton to send Captain Thomas Hammond to Hispaniola some two weeks later. Hammond left in February 1749, flying a flag of truce and with official credentials, to seek justice for the deaths of the New Yorkers and to recover the *Polly* and her cargo. The captain succeeded in meeting with the island's governor (which at the time would have been Pedro Zorrilla y de San Martin),⁴¹ who promised Hammond that, as requested, he would deliver Hall's former slave, hang the other three men, and cede to him the amount of the proceeds from the sale of the *Polly* and its effects, held in the king's coffers.

7. The End of the Cycle

To a certain extent, the story of these four enslaved men marks the end of the cycle of privateering. After arriving in Santo Domingo and giving an account of their enslavement in New York and subsequent self-liberation in the Caribbean, the men requested that they be granted the *Polly* and its contents as lawful prizes of war, arguing that, in seeking to regain their freedom, they had been left with no alternative but to kill the ship's crew and passengers. The governor of Hispaniola communicated these claims to the envoy from New York, who arrived, the governor said, within the window of reasonable time that he had elected to wait before granting the four individuals the value of the prize.

⁴¹ Archivo General de Indias, ES.41091.AGI//CONTRATACION, 5484, N.1, R.61.

In the span of only a few years, the quartet had experienced a dizzying life trajectory: from sailors to slaves, from slaves to insurrectionists, and from insurrectionists to privateers, or, at least, to aspiring privateers. There are no records of the group's ultimate fate, but the fragility and subalternity of their situation is evident in the fact that, although Pedro Zorrilla y de San Martín did not deliver the men to Hammond, he did have them arrested and chained to satisfy the captain. Nor does it appear that the governor genuinely intended to award the four the profits from the *Polly's* sale. That Hammond had to wait eight weeks to receive the money suggests that, by the time he arrived, the amount had already disappeared from the king's coffers. Notably, however, by not turning over the merchant Hall's former slave, Zorrilla spared the man from certain gruesome death at the stake in New York. Along with quartering and torture, burning at the stake was a form of exemplary punishment meant to deter slaves from making attempts on their masters' lives and from participating in conspiracies and rebellions (Hoffer, 2003, p. 22).⁴² But did the governor release the four men after the New York captain's departure from Santo Domingo?

In the world of privateering sponsored and authorized by the European powers during times of war, the private owners of ships, among other actors, found incentive in the prospect of capturing prizes; that is, seizing the property of foreigners deemed enemies of the Crown, under whose flag the corsairs sailed. Thus, a primary purpose of the privateer was to make money. It was an enterprise in which shipowners, capitalist investors and crewmen aimed to profit from the capture and legal condemnation of foreign property (Starkey, 2011, pp. 129-132; Clapham, 2021, pp. 339-340). At the same time, the privateers indiscriminately exploited the

⁴² For example, a few lines above the news of the rebellion of the four "Spanish Negroes" on the high seas, the *Boston Evening-Post* published a report about "Three Negroes, named Jemmy, Quako and Tony" who, in a trial presided by three judges, were found guilty of poisoning two white men—sugar refiners who worked for their owner—on the island of Antigua. The sentence the men had received the previous October was death by burning at the stake (*Boston Evening-Post*, Monday, February 6, 1749, p. 2).

entrenched association between dark skin color and enslaved status, in an effort to maximize their profits.⁴³

In this context, privateers in the eighteenth century relied on two premises: a) the ship and its cargo constitute the prize; and b) non-white men are a type of cargo. Thus, the conclusion was: non-white men on the ship are part of the prize; that is, they are “Prize Negroes.” Even in the context of the slave trade, the second premise was invalid and led to a false conclusion, but one that was nonetheless advantageous to the business of privateering. Unfortunately, non-white men on a ship *could be*—but were *not always*—a type of cargo. Indeed, it was well known in the English colonies that not all non-white people aboard Spanish ships were slaves. Most, in fact, were free men and members of the crew. In 1746, Joseph Espinoza appeared in New York to assert the free status of seventeen of the “Twenty Indians Mulattoes & Negros” that captains Thomas Greenell and John Dennis had captured in April 1745 from “a Gally belonging to the King of Spain.” Nine of the sailors were taken to New York for adjudication as slaves. The rest were taken to Rhode Island, the home province of the privateers (Hough, 1925, pp. 29-31; Chapin, 1926, pp. 152-153; Kimball, 1969, Vol. 1, pp. 425-428; Peña Núñez, 2021, pp. 61-62). Dividing the men into two groups may have been a strategy to prevent the large number of detainees from dissuading a single judge in a single vice-admiralty court from declaring them part of the prize.

Apart from sporadic claims, such as the above, that exposed the fallacy and injustice of the phenomenon, newspapers reported numerous groups of Spanish-speaking Indigenous people, “mulattos” and Black men serving as crew on pirate ships (*Pennsylvania Gazette*, Tuesday, January 13-20, 1730, p. 2) and on privateers (*Pennsylvania Gazette*, June 2, 1748, p. 3), and, as we have seen, who were part of

⁴³ On the Spanish side, we have the account from New York of a privateer from Santo Domingo who seized a French ship and killed all the crew aboard, sparing only the Black sailors (*New-York Weekly Journal*, Monday, May 26, 1740, p. 2). In another case, a Spanish privateer intercepting Captain Harvey’s sloop en route from Philadelphia to Jamaica ditched the crew on Tortuga Island, with the exception of one Black sailor (*New-York Weekly Journal*, Monday, December 1, 1740, p. 3).

military regiments transported by ship to and from Havana and St. Augustine (*American Weekly Mercury*, March 24-30, 1743, p. 3;⁴⁴ *Pennsylvania Gazette*, June 2, 1762, p. 3). Even when it was obvious that non-white Spanish-Caribbeans were members of a military contingent, economic interests prevailed in their fate. For example, on Sunday, September 4, 1748, at about three o'clock in the afternoon, several Spanish privateers attacked, invaded and plundered Brunswick, a town on Cape Fear, then in South Carolina. After several days of siege, some sixty locals prevailed by force of arms and managed to capture “30 Prisoners, besides 12 Negroes” from the enemy.⁴⁵ During negotiations prior to their departure, the Spaniards requested an exchange of prisoners. An officer at Bald Head Fort agreed to return the white captives to the Spanish because, he decreed, it would be too great an expense to keep them, but he retained “the Negroes in *Salva Custodia*” (*Boston Evening-Post*, Monday, October 17, 1748, p. 1).⁴⁶ Profits from the sale of these men into slavery would go to fund the recovery of losses, which were initially estimated at over a thousand pounds sterling.

In contrast, in early December 1742, a Spanish ship that had traveled to Providence, Rhode Island, under a flag of truce, was preparing to depart on its return journey to Cuba. On board were Spanish prisoners of war who had been detained there and were now free. The ship was to leave in a convoy along with several British vessels, also sailing under flags of truce, which were to retrieve 280 prisoners languishing in

⁴⁴ This edition of the paper includes a list of Spanish forces, among which are recorded: “One Battalion of Mulattos (with a Company of Granadiers) of 7 Companies” with 840 members, and one battalion “of Negros, From St. Augustine” with 400 men (*American Weekly Mercury*, March 24-30, 1743, p. 3).

⁴⁵ A review of the letter sent by the gentleman from Cape Fear to his friend in Boston, which was used as the source of the news report, reveals the prejudices of the era. The men in Brunswick had no way to defend themselves other than to arm their own slaves. Thus, roughly twenty enslaved men formed part of the larger contingent of sixty or so fighters. The actions of the enslaved during the fighting proved decisive in the victory. Indeed, their bravery in attacking and fending off the Spanish appears to have saved the town. Nevertheless, the letter’s references to the group are impersonal and portray the enslaved men in an unfavorable light. On the one hand, while members of the powerful Moore family, among others, are identified by name, the slaves are only mentioned as “the Negroes” or “our Negroes,” and are even explicitly separated from the category of human: “five young Men and the Negroes, in all under twenty [combatants].” On the other hand, when alluding to their ruthless performance in battle, the enslaved are described as “mad Devils” (*Boston Evening-Post*, Monday, October 17, 1748, p. 1).

⁴⁶ One can almost hear the irony in the Latin phrase *salva custodia*, derived from the longer *arcta et salva custodia*, used in English law to describe a situation in which a defendant is held in strict and secure custody until a claim is resolved (Black, 1968 [1891], pp. 136 and 892).

Havana and return them to British territory. Negotiations between governors on both sides had been complicated. Ultimately, an official envoy from Cuba, a certain Don Pedro, travelled to Providence to receive the ninety thousand pieces of eight promised in exchange for the return of a ship and its cargo, which the Spanish Crown had claimed from the Province of Rhode Island. Both parties also agreed to release the prisoners of war. A mere four hours before Don Pedro's departure, almost by providence, the English ship *The Rose*, commanded by Captain Thomas Frankland, docked with "14 Spanish Slaves, which had been legally condemned at Carolina." Being in port and on the verge of departure, Don Pedro, or more likely his men, must have noticed the presence of the fourteen ill-fated prisoners and, as a result, compelled the officer to request their return. Be that as it may, the postscript to the published letter recounting part of the event stated that Frankland made the generous gift of the fourteen slaves to Don Pedro "on behalf of the English Prisoners at the Havana, that they may be kindly used, and furnished with what was necessary at their coming away" (*Pennsylvania Gazette*, January 4, 1743, p. 3). In a matter of hours, as a result of the various pressures at play, the Afro-descendant men converted to slaves were implicitly categorized as they should have been since their capture at sea: as prisoners of war.

For private slave buyers, the business generated by privateering represented an opportunity to acquire laborers from other suppliers, not just from the merchant ships that, during the war, would travel with their cargo to the Caribbean and then load Black captives "seasoned" into slavery for the return journey, along with other valuable merchandise. But perhaps precisely because most of the captured Spanish-Caribbeans did not come from, and were not accustomed to, the crushing regime of the plantation, the fire of resistance burned more brightly and fiercely inside them.

Afro-Spaniards and Indigenous people from the Spanish Caribbean resisted using illegal and punishable means, including individual and group escapes⁴⁷ and, in exceptional cases and only under special conditions, with legal petitions submitted to the governors of the jurisdictions where they were located.⁴⁸ Some of these men resorted to multiple strategies in their attempts to gain freedom. “Andrew,” for example—who, according to his owner, insisted on being called Andrés—escaped from John Salmon and Company in Boston on October 15, 1749 (*Boston Weekly Post-Boy*, Monday, October 16, 1749, p. 2). This was undoubtedly the same “Mr. Salmon” who, in the fall of 1741, had reported that “an old Negro Fellow who has been a Slave here for many Years” had run away from him. All indications suggest that Andrés was one of the ten “Spanish Negroes” who arrived in Boston in 1741 in the custody of Captain John Rouse and who, having been subsequently acquired by Salmon, came into his possession. It was there that the young man met the older “Spanish Negro” with knowledge of the local geography and language; then, together with others, they hatched their unsuccessful plan of escape that would ultimately end in Barnstable Bay. Both were ultimately forced to return to Salmon’s estate. Eight years later, Andrés would try again; this time, alone. At that point he was between thirty and forty years old and spoke some broken English, according to Salmon’s announcement of the escape. Salmon most likely recaptured the Afro-Antillean once again, given that the announcement was only published once and slave hunters would have gone to great lengths to secure the ten-pound high reward that was offered for his capture, on top of reimbursements for other necessary expenses incurred. Unfortunately, the Afro-Spaniard was forced to return to the property of John Salmon and Company. But there, amid the daily toil, when a voice would call “Andrew,” another would reply, “¡Andrés!”

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⁴⁷ Peña Núñez, 2021, pp. 182-188.

⁴⁸ For more on these petitions, see: Bond, 2003, pp. 14-15; Bond, 2004, pp. 203-221; Peña, 2020, 2024; Peña Núñez, 2021; Zabin, 2009, pp. 107-131.

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