



Fort Mose : the free African community and militia of Spanish St. Augustine
by Shane Alan Runyon

A thesis submitted in partial fulfillment Of the requirements for the degree of Master of Arts in History
Montana State University

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Abstract:

As early as 1687, the Spanish government in St. Augustine, Florida provided an asylum for African slaves who successfully escaped British plantations in South Carolina. The Florida government offered these slaves freedom not as a humanitarian gesture, but with the hope that this policy could both protect their own colony and unsettle the British government of the Carolinas. By 1740, the former British slaves moved into a military fortification called Fort Mose and became soldiers in the Spanish army. This fort thus became the first free black community in what is now the United States. However, while home to a free black militia, St. Augustine was also home to many slaves.

Although some historians have recently examined Florida's free African community, it remains in partial obscurity. When the history of the black community is told, however, the seemingly obvious contradictions are often ignored and the focus is centered on the free militia only. This thesis examines the creation of Mose and St. Augustine's inherent paradox in hosting both a slave and free African community. This study covers the history of slaves and free Africans in St. Augustine between the late sixteenth and early nineteenth centuries. Much of the study centers on the early slave population in St. Augustine, the nature of their bondage, and how the city created an environment that allowed a free African population to exist. The principle focus of the study is race relations in the nation's oldest community, how white residents, free Africans, and enslaved Africans interacted, and how the Spanish government used a policy of racial antagonism in an attempt to unsettle British colonies in the Southeast.

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MONTANA STATE UNIVERSITY-BOZEMAN
Bozeman, Montana

May 1999

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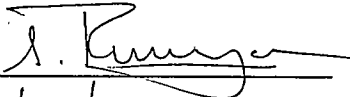
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TABLE OF CONTENTS

	Page
LIST OF TABLES.....	vi
LIST OF FIGURES.....	vii
GLOSSARY.....	viii
THESIS ABSTRACT.....	ix
1. INTRODUCTION.....	1
2. SLAVE LAW AND THE LIVES OF SLAVES.....	13
Spanish and British Slave Law.....	14
The First Slaves.....	21
The Labor of the Slaves.....	24
The Private Lives of Slaves.....	29
Florida's Economy and the Unlikely Freedom of British Slaves.....	34
3. FLORIDA'S FUGITIVE SLAVE POLICY AND FORT MOSE.....	36
The First Fugitives.....	38
Britain Attacks.....	41
The Rise of Racial Instability.....	48
The Slaves of St. Augustine.....	55
The Creation of Fort Mose.....	59
Jenkins' Ear.....	64
4. THE STONO REBELLION AND THE WAR OF JENKINS' EAR.....	69
South Carolina Prepares for War.....	71
5. THE CASE OF FRANCISCO MENENDEZ MARQUES.....	85

TABLE OF CONTENTS—Continued

	Page
6. THE END OF MOSE, THE END OF SPANISH FLORIDA.....	100
Spanish Recovery.....	102
The Grinan Report.....	105
The Former Residents of Mose.....	110
The End of Spanish Rule in Florida.....	114
7. THE SECOND SPANISH PERIOD.....	120
Florida as a Territory of the United States.....	131
8. CONCLUSION.....	135
BIBLIOGRAPHY.....	147

LIST OF TABLES

Table	Page
1. Nonwhite Deaths, 1736.....	58

LIST OF FIGURES

Figure	Page
1. The Changing borders of South Carolina in the Seventeenth Century.....	42
2. St. Augustine and Fort Mose as Drawn in 1762.....	81

GLOSSARY

Asiento—An agreement or contract.

Mestizo—A person of Spanish and Indian heritage.

Moreno—A dark skinned individual. The term generally denotes a person of intermediate African ancestry.

Mulatto—A person of mixed blood, usually of Caucasian and African descent.

Pardo—A term used usually to describe a mulatto or anyone with some African ancestry. It often carries the same meaning as mulatto.

THESIS ABSTRACT

As early as 1687, the Spanish government in St. Augustine, Florida provided an asylum for African slaves who successfully escaped British plantations in South Carolina. The Florida government offered these slaves freedom not as a humanitarian gesture, but with the hope that this policy could both protect their own colony and unsettle the British government of the Carolinas. By 1740, the former British slaves moved into a military fortification called Fort Mose and became soldiers in the Spanish army. This fort thus became the first free black community in what is now the United States. However, while home to a free black militia, St. Augustine was also home to many slaves.

Although some historians have recently examined Florida's free African community, it remains in partial obscurity. When the history of the black community is told, however, the seemingly obvious contradictions are often ignored and the focus is centered on the free militia only. This thesis examines the creation of Mose and St. Augustine's inherent paradox in hosting both a slave and free African community. This study covers the history of slaves and free Africans in St. Augustine between the late sixteenth and early nineteenth centuries. Much of the study centers on the early slave population in St. Augustine, the nature of their bondage, and how the city created an environment that allowed a free African population to exist. The principle focus of the study is race relations in the nation's oldest community, how white residents, free Africans, and enslaved Africans interacted, and how the Spanish government used a policy of racial antagonism in an attempt to unsettle British colonies in the Southeast.

CHAPTER 1

INTRODUCTION

More than 80 years before the Declaration of Independence was signed, some African slaves found liberty and the freedom of religious participation in North America. Their freedom was not guaranteed by a benevolent governor or slave owner within the British colonies, but came from the Spanish in St. Augustine, Florida. Before the terms liberty, virtue, and independence entered the American vernacular, former slaves sought and found asylum in Florida by way of a southern underground railroad. Once officially freed, the refugees were armed and allowed to join a militia. Southerners from the British colonies constantly feared rebellion and retribution from those they held in bondage. A fort built specifically for a military unit of former slaves guaranteed to instill fear in the minds of Carolinian slave owners. Such a tale of armed ex-slaves in colonial North America is a remarkable story; however, because this happened on Spanish soil, most historians have ignored this episode of free Africans in colonial Florida.

When the history of the United States is told, Spanish contributions are often ignored. Frequently, an authoritative historical survey of United States will neglect to mention that St. Augustine, Florida was the first permanent European settlement in what is now the United States. More often than not, the British settlement at Jamestown is credited for being the nation's point of origin for European settlement. Spanish contributions to the history of North America, both positive and negative, are often disregarded for differences of culture, language, and religion. Because English colonies grew exponentially in the eighteenth century while the Spanish borderland populations remained static, historians are quick to dismiss the influence of these non-English communities. Although Spanish Americans were fewer in number, they occupied the land before the British settlements and thus played an important role in the founding of North America.

Approximately seventy miles South of the present-day Georgia and Florida border lies St. Augustine. Founded in 1565, the town is more than just the home of the first continuously occupied European settlement; St. Augustine was also home to the first settlement of free and enslaved Africans. More than fifty years before the founding of Jamestown, St. Augustine's founder arrived with human chattel and a contract that allowed for the importation of even more African slaves.

While many Spaniards probably sighted Florida between the late fifteenth and early sixteenth centuries, Juan Ponce de Leon is usually credited with the European "discovery" of the peninsula in 1513. Throughout the years, Spain made numerous attempts to settle the land, but prior to 1565 all endeavors failed. Hostile Natives, shipwrecks, and weather played roles in the ruin of these plans. Interest in establishing a Florida colony waned as further exploration proved there was little in the way of precious minerals or other available wealth. In 1562, under the leadership of Jean Ribault, a group of French Huguenots built a colony near present day Jacksonville.¹ The Spanish viewed the French settlement in Florida as an illegal incursion onto lands claimed by Spain. The Spaniards countered the French by settling St. Augustine and, in the fall of 1565, killed Ribault and his settlers.

Spaniards believed a Florida settlement would mark land claimed in eastern North America and provide protection for the vulnerable Spanish Main. The prodigious quantities of gold extracted from the Spanish New World prompted the English and French to begin a prolonged campaign of terror on the high seas in the form of piracy. Before the establishment of successful British and French colonies, an envious Europe did everything possible to stake a claim

¹ Eugene Lyon, *The Enterprise of Florida: Pedro Menendez de Aviles and the Spanish Conquest of 1565-1568* (Gainesville: The University Presses of Florida), 22.

to the New World's fortune. From the sixteenth to the late eighteenth century, they accomplished this through privateering. Treasure laden ships leaving Spanish colonies normally traveled through the Florida Straits to catch the Gulf Stream which propelled these ships home to the crown's coffers in Spain. The Spaniards' route was predictable and thus pirates, acting as agents for their respective governments, could easily find the Spanish fleet. Due to its coastal location and proximity to primary shipping routes, St. Augustine was of strategic importance. With a colony in Eastern Florida, ships threatened by marauding pirates could expect military reinforcements when necessary.

The first settlers to arrive in St. Augustine were not all white, Catholic, and Spanish. From the beginning, it was understood that slaves would be included in this colonial venture. In all, nearly one thousand soldiers, sailors, slaves, and settlers comprised the initial Florida settlement. Led by Don Pedro Menendez de Aviles, the first residents faced immeasurable dangers. Officially, Menendez's *asiento* declared the purpose of a Florida settlement to be the "conversion of Indians to the holy Faith; conquest, exploration, and population."² Baptized in battle, St. Augustine was clearly a land for conquest. Along with the typical elements necessary to settle a new land, Menendez came

² Lyon, *The Enterprise of Florida*, Appendix 2.

armed with a contract that allowed the importation of up to 500 slaves. This marks the first official allowance for the use of African slaves in North America.

A Dutch trader then, did not bring the first African slaves in America to Jamestown in 1619, as textbooks about America often report. Instead, this peculiar institution had its origins in sixteenth-century Florida. A fractured historical record makes it difficult to pinpoint who the first slave was and when he or she arrived, but Menendez's contract marks the official beginning of state-sanctioned African slavery in North America.³

Typically, the Spanish, like their British counterparts, were overtly concerned with matters of race. All too often, the color of one's skin determined their lot in life. A light-skinned male could increase his social standing, whereas an *indio*, *moreno*, *pardo*, *mulatto* or anyone else falling into the many categories of racial classification faced discrimination often sanctioned by the governing body. The Florida "exception" to this rule is by no means complete and total. Officials, officers, and other people of importance were typically members of the highest racial caste. However, as will be argued below, slaves, former slaves, and biracial individuals managed to avoid these laws and customs.

³ Hereafter North America is defined as all land that is today the United States and Canada.

Students of history are often told the story of Spanish conquest in terms of the "Black Legend." Here, Spaniards are portrayed as a depraved group of people. Their viciousness towards Indians and other "inferior races" is often greatly exaggerated. While *la leyenda negra* is not entirely incorrect in placing blame for past injustices, it is by no means an absolute. The Spanish philosophy regarding race is contradictory at best. Traders brought thousands of slaves to the numerous sugar islands in the Caribbean and as many Indians were kidnapped and forced to labor throughout the Western empire. Yet, Spain's history and religion provided a philosophical and legal basis for a more humane treatment of the unfree. While the Catholic Church and government owned slaves, laws and customs often provided African slaves more rights than given by the British.

Florida's lenient policies regarding slavery reflects a history fundamentally different from their British counterparts. In St. Augustine, these policies were often necessary for the survival of the community. Life in colonial St. Augustine was not pleasant. Like most early colonies in the Western Hemisphere, disease, starvation, and attacks from natives were common characteristics of their daily existence. The Spaniards understood that for a young colony, racial exclusion was often counterproductive, when survival was a more pressing issue. While similar circumstances sometimes created different results in the British colonies,

the military nature of St. Augustine and its lack of self-sufficiency through agriculture necessitated the striking differences regarding race relations.

The few slaves taken to St. Augustine came for a variety of reasons. Africans were brought to the colony as slaves to labor at military fortifications and serve as personal servants to a few of the wealthy citizenry. However, in accordance to Spanish law, these slaves could marry and join the Catholic Church. Furthermore, when the task at hand was completed, many slaves were allowed to raise and keep money obtained through outside labor. It was not uncommon for a slave to purchase his or her freedom with wages earned on the side. However, once free inside the presidio, there were few places to go. Although a freedman's movement was limited inside St. Augustine, the real possibility of freedom attracted many to this tiny outpost on the Spanish frontier.

As British encroachment on Spanish territory increased throughout the mid-seventeenth century, St. Augustine allowed for radical changes in its policies regarding slaves. As a response to British threats, officials decided that fugitive slaves fleeing British owners would be granted their freedom if the refugee swore an oath of allegiance to Spain and converted to Catholicism. The first documented fugitive slave came to Florida in 1687 in search of baptism in the "true faith." Six years later, King Charles II issued Spain's first official position on runaway slaves entering Florida. Charles ordered all runaway slaves from

British colonies freed in hopes that it would hasten massive slave insurrections in British Carolina. From this point on, Florida officially encouraged British owned slaves to leave their masters in exchange for freedom on the Spanish frontier. Spain understood that Carolinian planters lived in fear of a violent uprising by their slaves and hoped the promise of freedom would foment rebellion and insurrection throughout the British controlled south.

Following the first proclamations that freed runaway slaves, St. Augustine allowed for the construction of a military fort to be occupied and controlled by former British slaves. This fort, located two miles north of the city gates, called *Gracia Real de Santa Teresa de Mose*, was constructed in 1738, at the order of Florida Governor Manuel de Montiano.⁴ Allowing fugitive slaves to become soldiers in a militia not only created more tension between the Spanish and British governments, but also brought extra defensive protection for the people living inside the presidio. Mose's role as a defensive outpost, however, was short lived. Destroyed during a British attack in 1740, Mose's residents were relocated inside the city. The fort was eventually rebuilt and the original occupants returned, yet its significance greatly diminished following the initial destruction.

⁴Jane Landers. "The Historical Development of Gracia Real de Santa Teresa de Mose,"(Unpublished report, 3) St. Augustine Historical Society Research Library.

When control of Florida was handed to the British in 1763, the story of Mose had nearly disappeared from the city's collective consciousness.

Throughout the years, historians and cartographers made mention of a "Negro Fort." Mention of Mose, however, was made in terms of military significance and not of the fort's radical social aspects. The social side to Mose and its occupants was, for the most part, ignored until just recently.

Within the last ten years, historians and archaeologists have rediscovered the unusual story of slaves and freedmen in St. Augustine. It is true that Mose was an anomaly, but it marks an important historical footnote. The trials, tribulations, successes, and failures of Mose paint a picture rarely seen on the pages of previous Florida histories. Recent historical examinations have focused on the role Africans played in the military outpost and have shed much light upon a subject that has been neglected for too long. By examining the official correspondence between the Florida government and the Council of the Indies, historians have been able to show that the residents of Mose were independent, brave, and noble soldiers. For obvious reasons, these findings have brought much excitement. From state legislators delivering speeches at the site of the fort in observance of Black History Month, to museum exhibits celebrating its residents, Mose has become a popular historical attraction throughout the state.

Unfortunately, the stories that are told often ignore the reasons behind the creation of the fort. Exhibits, articles and speeches proudly display evidence for a free black settlement, but neglect those that were held in bondage two miles to the South in the parent town of St. Augustine. By allowing Mose to remain the historical centerpiece concerning colonial St. Augustine's system of slavery, the entire story of race relations on the Florida frontier cannot be understood.⁵

The excitement regarding Mose often ignores that, inside the presidio, there were slaves. Those not associated with the free community were treated much differently than one might expect. A more benign form of slavery existed inside the city and the nature of this slave system is frequently left out of writings dealing with Mose. That Mose was built to serve as an early warning system for the town suggests that blacks may have been chosen to live there because of their expendability. Were the British to attack by land, then the residents of Mose may have served the function of cannon fodder. Furthermore, Mose was created to agitate the British, whom the Spanish saw as illegal trespassers on claimed land. This fact alone diminishes the more humane system of African slavery found on the Spanish frontier. The Spanish offered asylum only when its result promised to benefit the government's desire for weakened British settlements.

⁵ An exception to this is Jane Landers's article "Gracia Real de Santa Teresa de Mose: A Free Black Town in Spanish Colonial Florida." The article, which appeared in Vol. 95 No.1, of the *American*

Examining St. Augustine's slave and free populations as a whole provides a better, more complete picture of race relations in this frontier outpost. Slavery in the Spanish colonies was comparably different from the form of bondage found in British territories. Herein lies one of many explanations for the uniqueness of Florida. Although Mose, the military outpost lasted for only a few decades, the ideas and politics that created the fort have an equally rich and compelling history. Border politics on North America's southern frontier are yet another element that played a significant role in formulating the radical and relaxed attitudes on slavery.

Eventually, as the economy of the colony improved, plantation-based agriculture and its use of slave labor emerged. While an agricultural economy centered on slave labor signaled the beginning of the end for a more benign form of slavery, much of Florida managed to escape the vicious nature of slavery as found in the Carolinas and Georgia. For the citizens of Mose, plantation agriculture was not a concern. The free blacks of St. Augustine were evacuated to Cuba when Spain relinquished control of Florida to the British in 1763. Once in Cuba, the former members of St. Augustine's black militia continued to persevere as poor, but free farmers and laborers.

Historical Review 9-24, offers much background information regarding the nature of slavery in St. Augustine before the construction of Mose.

To understand fully why St. Augustine allowed escaped slaves to become soldiers requires a consideration of the religion and culture of those who determined certain slaves should be made free. The politics of the town, the region, and the world must be taken into account in order to understand why a small colony would risk so much in breaking from the established norm of African slavery. It is also necessary to examine the dichotomy and contradictions found within the town of St. Augustine as displayed by the citizenry and the government. Why, for instance, were there free blacks with weapons in a separate but free community while at the same time slaves were also imported from around the world? What were the differences between the free and the enslaved? To answer these and other questions, and to obtain a more complete and thorough picture of the town's racial diversity, it is helpful to reexamine the nature of slavery in Spanish culture and how the slave fared in Spain's laws and religion as compared to the British model of slavery.

CHAPTER 2

SLAVE LAW AND THE LIVES OF SLAVES

The contrasting histories of the British and Spanish empires assured, from the beginning of North American colonization, that the issue of slavery would be decided by each on much different terms. From the outset, there was little question that slave labor would be used throughout Florida, but the form this slavery took was the question to be answered. Initially, the British experimented with the idea of Indian enslavement and the indenture of white laborers, only later did the use of African slaves become the standard form of labor for plantation-based economies in their colonies. The Spanish also took African slaves as a source of labor, but in Florida they were not the dominant component of the overall work force. In time, these differences became so distinct that the two empires resorted to armed conflict over the differing opinions. For many Carolinians, the dependence on slave labor, and the system in which it existed, allowed for the survival of the colony and the individual planter.

Numerous factors contributed to tensions between the British and Spanish governments and the differences in philosophy regarding the use of an enslaved labor force. The Spanish brought with them to the New World first hand knowledge of the nature of slavery. The British, on the other hand, devised a slave system based on trial and error from within the New World. These differences stood in stark contrast as British efforts at Empire stretched to territory claimed by Spain. By the eighteenth century, Spain lacked the necessary power to remove the British from their territory in North America. The perceived threat to Florida was a frequent cause for intermittent skirmishes throughout the Southeast borderlands. While the Spanish lacked military force, they managed to maintain a North American sphere of influence through engaging the British with warfare waged in threats and fear. Understanding the dependence on slave labor in the Carolinas, the Spanish offered refuge to runaway British slaves in Florida. The ultimate goal of this unusual offer was widespread slave rebellion throughout the North American Southeast.

Spanish and British Slave Law

Spanish legal precedent regarding slavery was varied and sometimes contradictory, but served as a basis for Spanish actions in the New World. Centuries before the conquest of the New World, however, the Spanish adopted

numerous laws concerning the rights of the individual slave. Some of the first laws to deal with slaves appear in the *siete partidas* (Seven Divisions of Law), a body of laws created in the thirteenth century by the Castilian monarch, Alfonso the Wise. Adopted as the fundamental legal precedent for the formulation of laws pertaining to African slaves in the New World, the *siete partidas* guaranteed numerous legal rights and privileges of the enslaved.¹ For example, a slave who wed a free individual legally gained his or her freedom through the union of marriage.² From the *siete partidas*, came other laws that gave the enslaved an element of legal enfranchisement. As early as the 1520s, the Church guaranteed African slaves the right to marry. In 1526, Emperor Carlos V signed the "*Real Provision para que se casen los negros*" (Royal provision to have blacks marry). The King signed this edict, created specifically for New World colonies, in hopes that "the love they would have for their women and children ... would be the cause of greater tranquillity among them."³ This may be the first specific edict created to appease African slaves in an attempt to avoid rebellion. In 1544 and 1648 Spain issued decrees that prohibited masters from working slaves on Sundays and holidays.⁴ A vague general edict in 1545 ordered slave owners to treat their property well. Just before the

¹ Rolando Mellafe, *Negro Slavery in Latin America* (Berkeley, University of California Press, 1975), 10.

² Leslie Rout, *The African Experience in Spanish Florida, 1502 to the Present Day* (London: Oxford University Press, 1976), 80.

³ Luis N. Rivera, *A Violent Evangelism: The Political and Religious Conquest of the Americas* (Louisville: Westminster/John Knox Press, 1992), 16-17.

establishment of Fort Mose, King Charles II issued an edict in 1683 requiring all slave owners to provide religious instruction for their slaves. Charles also ordered that any owner found repeatedly mistreating a slave could be forced to sell the abused.

A quick review of the history of Spain offers insight as to why the Spanish appear more liberal in legal terms with the administration of African slaves. The Spanish were themselves slaves for hundreds of years under the occupations of Carthage (500 BCE) and Rome (205 BCE). Spaniards had no doubt about the talents and skills of Africans, due to a 780 year occupation by the Moors. Their history in dealing with Africans no doubt helped in the formulation of many of these laws. If Spaniards were once the slaves of Africans, then it is understandable why they would be more compassionate toward their slaves than were other European colonial powers. Laws that prohibited Moors and Levantine slaves from entering the colonies suggest Spaniards still feared their former adversaries.⁵ This does not suggest, however, that the Spaniards were universally friendly to their African slaves, yet a legal precedent allowing for certain rights is important.

Spanish laws regarding the administration of slaves continually changed to suit the needs of whites from area to area. While blacks served in the military of

⁴ *Ibid.*, 81. It should be noted that there was no penalty assigned for masters who ignored this law.

⁵ Bennie Wilton Howe, "The Fugitive Slave Problem in South Carolina and Florida 1670-1763: A Contrast in Attitudes," M.A. Thesis, Ohio State University, 1961, 15.

many Spanish colonies, in Cartagena, Colombia, anyone of African descent was barred from bearing arms.⁶ It was also common for custom and not law to dictate the management of slaves. Custom allowed slaves to purchase their freedom, testify in court, and join in legally recognized marriages.⁷ For slaves, membership in the Catholic Church was not only supported, but often required. Often, legal precedent came from religious leaders who argued for certain rights for slaves. St. Augustine, Bishop of Hippo, said slavery came from sin, and as a result, forced servitude acted as a punishment for sin, but if used properly, could be a remedy for one's transgression. For St. Augustine, as long as a moral evil existed there would be slavery.⁸

When the British initially used African slaves in the New World, many of their positions on a slave's legal rights were based upon experimentation as the oppressor and not the oppressed. While many scholars have argued that British slave law in North America paralleled the Roman slave code, this does not

⁶ *Ibid.*

⁷ The allowance of slave marriages may have its roots in pre-Reconquista Spain, but in the New World, the *Real Provisión para que se casem los negros* (Royal Provision to have blacks Marry) was drafted by emperor Carlos V to avoid black rebellion in the New World. It was believed that if slaves were allowed to marry, a preoccupation with love, affection, and familial responsibility would create an amount of gratification among the slave population. The legal basis for self-purchase was also created in the New World as an attempt to avoid rebellion. In a letter to the governor of Cuba dated November 9, 1526 the emperor wrote "I have been informed that to ensure that blacks going to those islands settle down and do not rebel or flee and be inspired to work and serve their masters more willingly, *besides having them marry it would be a good idea that after serving for a certain period and paying their masters at least 20 golden marcs, they be set free.*" (Italics added). For more information see Luis N. Rivera's *A Violent Evangelism: The Political and Religious Conquest of the Americas*.

⁸ Rivera, 92.

necessarily mean an *influence*, but simply a resemblance between the two.⁹ Unlike their Spanish counterparts, the English formed their slave codes in the colonies. The laws of North America began shortly after John Rolfe noted in 1619 that “About the last of August came in a Dutch man of warre that soild us 20 Negars.”¹⁰ Gradually, slaveholders developed and revised a slave code based on personal experience. It is likely that before the importation of the first twenty slaves to Virginia, there was no “previous conception of slavery as a legal status.”¹¹

Because the British colonies made laws as circumstances demanded, slave legislation varied from colony to colony and from generation to generation. These legal mandates changed according to custom, the result of an occasional rebellion, or other events in which the slaveholder felt his or her power threatened. The constantly changing laws crafted by the British did not become a coherent body of legislative demands until the seventeenth century. While the Spanish government also changed its slave codes frequently, the changes were never as drastic as those made by the English. South Carolina, for example, wrote its first code in 1690, overhauled it six years later, wrote a more comprehensive piece of legislation in 1712, and *drastically* revised the slave code following the 1740 Stono Rebellion.¹²

⁹ Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill: The University of North Carolina Press, 1996), 37.

¹⁰ Quoted in Lyon Gardiner Tyler, ed. *Narratives of Early Virginia, 1606-1625* (New York: Barnes and Noble, 1907), 337.

¹¹ Morris, 39.

¹² Peter Kolchin, *American Slavery 1619-1877* (New York: Hill and Wang, 1993), 17.

Along with these laws came a state ordained racism that permeated all of British North America.

As the plantation economy and number of slaves increased, the planting class often found it necessary to delete such rights from the colony's legal code. Originally, the British slave codes provided the slave or servant with some basic rights. A Virginia decree in 1662 stated "all children borne in this country shalbe held bond or free only according to the condition of the mother."¹³ Here, legal privilege came at birth, but was guaranteed for those born to a free mother. In the early eighteenth century, some slaves could testify in court, but only against another black or Indian. The first slaves to enter South Carolina in the late seventeenth century were allowed to practice religion with the understanding that conversion to Christianity did not change the slave's status.¹⁴ Also in the infancy of South Carolina, African slaves contributed to a military force used to defend the colony against the Yamasee Indians.¹⁵ Following the Yamasee War of 1715, the South Carolina assembly removed the slaves' privilege to bear arms. In South Carolina, slaves had limited freedom as deemed necessary by the shrinking white majority. There may have been a perceived threat of slave insurrection in the past, but with a black majority in the colony the threat became a tangible reality. By

¹³ Morris, 43.

¹⁴ Peter Wood, *Black Majority* (New York: W. W. Norton & Company, 1974), 18-19. This document also stated that "Every Freeman of Carolina, shall have absolute power and authority over Negro Slaves, of what opinion or Religion soever."

removing these rights, the white minority could control the black majority more effectively.

The essence of the increased control over slaves in South Carolina was a codified system of laws that all but eliminated liberties in the private and public spheres. By the time whites became a minority in South Carolina, slaves lost the right to join a church, attain literacy, and own or sell property. Following the Yamasee War in 1715, slaves participated in the colonial militias as drummers and military messengers only.¹⁶ With these restrictions, owners attempted to create dependence. By denying slaves the right to sell liquor, livestock, and other goods, slaveholders tried to shatter the economic viability of the entire black community, slave and free. On the other hand, legal hindrances only led to slave domination of a black market. These restrictions, constantly revised, were the most visible manifestations of white paranoia regarding slave insurrection.

When compared to British slave codes, Spanish laws that favored the slave are surprising. While Spanish policy also changed to fit the needs of the Empire's different colonies, its legal basis from previous experience allowed for a more stable legal system for the slave and slaveholder. Restrictions on religion, for instance, are likely to be found in various parts of the Spanish Empire, but because the standard legal code allowed the practice of religion by slaves, restrictions were rare. In

¹⁵ *Ibid.*, 127-130.

Florida, for example, a relaxed legal system provided slaves with the opportunity to purchase their freedom, work as skilled laborers, and participate in military activities. Laws allowing the movement of slaves changed throughout the history of the colony, but the basic tenants of Spain's legal and religious code remained in tact.

The First Slaves

St. Augustine, not Jamestown, was the home to the first African slaves in what became the United States. While many historians mute the contributions of the Spanish, their role in the North American slave trade is almost universally absent from scholarly works by American historians. It is ironic that the "black legend" of histories past has been replaced with outright historical neglect. Slaves sailed on the exploratory voyages of Hernando De Soto in 1539 and were part of the doomed Narvaez expedition in 1528. They also came as part of the first settlement expeditions of Menendez. These first slaves were the personal property of many explorers, laborers, sailors, and would-be colonists. Early on, the Spanish understood the risk and perpetual problems in maintaining an enslaved population

¹⁶ *Ibid.*, 125.

of Native Americans, and instead sought the more “controllable” African slave to fill the colony’s labor needs.

In St. Augustine, not all of the first slaves came as the property of the founder, Menendez. Juan Cevadilla, an official of the crown, listed in 1591 his ownership of five slaves, including Luis, a male, three females (no names offered), one of which was pregnant, and another boy.¹⁷ The first women of the colony were also slave owners. Dona Mayor de Arango, wife of Pedro Menendez II, listed “a small negro without a right hand and a negro woman aged 19 years” in her personal property.¹⁸ While these examples show the ownership of slaves in the early years, their numbers were small and the use of slave labor was relatively rare in the beginning of St. Augustine.

Prior to Spanish settlement, local native tribes occupied northeast coastal Florida. While Indians were often a logical choice for slave labor in many Spanish colonies, the crown prohibited the use of Indians as slaves from the beginning of Florida’s establishment. As early as 1600, the governor received regular orders from royal overseers not to make slaves out of the Indian captives.¹⁹ This position contradicts earlier plans not carried out, but discussed at the official level. A letter

¹⁷ Eugene Lyon, *Richer Than We Thought: The Material Culture of Sixteenth-Century St. Augustine* (St. Augustine: St. Augustine Historical Society, 1992), 97.

¹⁸ *Ibid.*, 75-76.

¹⁹ *Archivo General de Indias*, 86-5-19/2528 (Royal Cedula to Governor Gonzalo Mendez de Canzo, November 14, 1600). Hereafter all documents taken from this collection will be abbreviated as AGI and followed with the document’s number.

dated from Havana in July 1578 by Juan Baptista Roman, Rubric to the King, suggests laws against Indian slavery were to be ignored when not economically viable. In his letter, Baptista argues that because Cuba's Indians had died, the "rebellious and troublesome Indians of Florida" could be moved to Cuba in order to work the mines and in the "galleys of the guard of Tierra Firme."²⁰ Beyond the economic advantage of using Florida Indians in Cuba, Baptista suggested their removal would improve Florida spiritually since the "idolatry" of the Indians would be removed. The Church, if asked, would likely differ on Baptista's supposition.

Fray Juan Gomes, in a letter to Father Francisco Martines of Havana, complained of the Spaniards' cruelty against the Indians. Gomes wrote, "They said they were not slaves, that they had become Christians to obey the Holy Gospel and the Catholic Church and that they had been conquered only by the Word of God and the things the fathers had taught them."²¹ Protection from the church came only when the Indians followed the demands of the missionaries. Following the Apalachee Rebellion in the late seventeenth-century, Indians who did not defend Spaniards from fellow rebellious Indians were castigated by the governor. According to Governor Rebolledo, only "godless" Indians were capable of refusing to defend their Spanish patrons. "They took advantage of the occasion and

²⁰ Connor, *Colonial Records*, Vol. 2, 339.

departed from the Catholic religion and from the King. They rebelled, killing the soldiers who were in that province and intending to do the same with the religious if they had not reached safety," wrote the governor.²²

The Labor of the Slaves

While no official census of slaves in the colony's early years exist, the contributions of the first North American slaves taken from Africa are amply documented.²³ St. Augustine founder, Pedro Menéndez de Avilles, came to the colony with slaves and a legal allowance to import up to 500 more for purposes of colonization. The nature of the colony, however, prevented many potential slaveholders from making large purchases of human property. As a colony primarily used for military defense, slaves were necessary in building the requisite defenses. As early as 1582, treasury officials inside the presidio asked for funding to maintain 30 slaves for the construction of military defenses.²⁴ The official correspondence recommended using them to make bricks for the new

²¹ AGI 5-5-10/74 (Fray Juan Gomes to Father Francisco Martines [Havana], April 4, 1667)

²² AGI 54-5-10/70 (Letter from Governor, May 25, 1658).

²³ Royal officials claimed there were 100 slaves in St. Augustine in 1606. Of these 100 there were 40 slaves owned by the crown living and working within the city limits. The accuracy of this census, however, is debatable. For more information, see Bushnell, 22.

²⁴ Bushnell, 82.

fortifications.²⁵ Although the slaves were brought specifically for the construction of military fortifications, the treasurer was accused of using the slaves for his personal use. Whether or not the accusations were true, the slaves performed numerous tasks, such as logging, blacksmithing (used for the formation of nails and hardware), lime creation, and quarried coquina, a stone-like material composed of crushed shell and sand. When not performing defense related duties, the slaves were hired out and their earnings were used to pay for their daily upkeep.²⁶

The slaves from Cuba came to St. Augustine to perform acts of menial and skilled labor. That they quarried coquina and were sawyers suggests that many of the first slaves in the colony were skilled laborers. The use of skilled slaves in a colony's early years is also evident in the formulation of South Carolina's plantation economy.²⁷ Not only were skilled slaves less expensive than skilled free whites, but they were also more readily available. Although African slaves were more obtainable than willing white settlers, the government demanded that the slaves be treated well. This admonition came out of concern for needless costs should the slaves be worked to death or hobbled by a cruel master, and not out of concern for their wellbeing. These skilled slaves were also attractive to the local citizenry.

²⁵ AGI 54-4-16/28 (Cazaro Saenz de Mercado to the Crown, July 17, 1582).

²⁶ Bushnell, 82.

²⁷ See Peter Wood's *Black Majority*. Wood argues that the first slaves in South Carolina were skilled laborers. Without the use of skilled slaves, it is likely that the lucrative rice trade would not have been possible in South Carolina.

When there were not enough "state slaves" to complete a project, the government rented privately owned slaves. Although four *reales* a day was the standard fee, it is not clear whether the slave was allowed to retain any of this money for his or her services. In October 1574, Diego de Soto received 48 *reales* for the rental of one of his slaves for 12 days of labor.²⁸ An anonymous owner received 32 *reales* after four of his slaves took two days to stow shipping cargo in 1586. At the same time, and possibly by the same slaves, 36 *reales* were paid for "negroes working to warehouse and return to the ship tackle salvaged from the earlier."²⁹ They, like others, performed many of the same duties as whites. When white settlers were not available to perform the necessary tasks for survival of the community, the city sought the use of slave labor. In St. Augustine, it was more common for slaves to fill labor shortages than to perform tasks "unfit" for white laborers. It is also possible that, like the first twenty slaves in Virginia, the legal status of some Africans was not clearly defined.

While whites considered most blacks in the colony to be slaves simply because of their race, some masters believed black laborers may be freed following the completion of a work assignment. Francisco Carreño questioned the legal status of workers in a letter in 1578, asking what to do with a group of slaves

²⁸ AGI CD 944 (Tabteo de Pedro Menendez de Aviles. October 24, 1574).

²⁹ AGI: CD 942-86-79 (September 15, 1586). For monetary conversions, one *ducado* equaled 11 *reales* whereas 34 *maravedis* made a *real*.

working on the wooden fort. He apparently thought the workers might be given their freedom following the completion of their task.³⁰ It is possible that Carreño saw these workers as part of the *encomienda*, the infamous labor system for natives and other subaltern groups in the New World. Regardless, the laborers probably remained slaves.

Slaves also served as soldiers. As a defensive outpost, the bulk of St. Augustine's male population played some role in the military. The settlement's military personnel also occasionally included slaves. In June 1580 Gutierre de Miranda led 44 soldiers to Florida. Included on the official payroll was a slave of Miranda named Sebastian de Miranda. Whether the slave came as an official servant of his master is not clear, but this slave was paid 15 *reales* in advance for his services.³¹ The use of the slave soldier was rare but not unheard of in other European colonies. A Spanish account of an attack by French forces at San Mateo in 1580 notes the French had two black males with them, "one of whom fought very well."³² Although designated as a military outpost, St. Augustine rarely provided sufficient defenses.

St. Augustine came close to an abrupt end in the spring of 1586 when English privateer, Francis Drake, paid the city a visit. Concerned that the infamous

³⁰ Connor, *Colonial Records Vol.2*, 67.

³¹ AGI: CD 323/3-11 (Payroll list of 44 soldiers , June 21, 1580).

³² Jeannette Thurder Connor, ed. & trans., *Colonial Records of Spanish Florida Volume II, 1577-1580* (Deland: Florida State Historical Society, 1941), 323.

pirate would find his way along the Florida coast, the city constructed a watchtower on nearby Anastasia Island, which, most believed, would serve as an early warning system for the town's defense. Ironically, the watchtower signaled the presence of the town to the invader. On May 27, 1586, while sailing to England's new colony on Roanoke Island, Drake spotted the watchtower, realized he had come to the Spanish town and proceeded to sack and burn Florida's principle outpost.³³ At the time of the raid, St. Augustine's principle defensive fortification was a wooden fort. While Drake and his crew prepared an attack, the Spaniards fled, allowing the British privateer to burn and loot the city. Drake was lucky. Governor Pedro Menendez Marques fled in such a rush, he left behind a strong box that contained up to £ 2,000 of money, sent by a neighboring community for safe keeping in the fort.³⁴ On July 4, 1586, royal officials in St. Augustine reported to the crown that Drake took with him all slaves and ships belonging to the colony.³⁵

This attack was not the first, nor would it be the last from outside forces. Drake's raid, however, was the first significant assault by the British. Already nervous that other European nations might challenge Spain's authority in North America, the destruction by Drake precipitated a defensive overhaul of the

³³ At the time of Drake's raid, St. Augustine's principle defensive fortification was a wooden fort.

³⁴ John Sugden, *Sir Francis Drake* (New York: Henry Holt and Company, 1990) 198.

³⁵ AGI 54-1-34/15 (July 4, 1586).

presidio. The local government purchased slaves to perform many of the duties necessary for the construction of an improved stone fort.

The Private Lives of Slaves

By the end of the seventeenth-century, Spaniards took notice of the differences between themselves and the British in regards to slave laws and customs. Whether owned by the crown or by a private citizen, the slaves of St. Augustine enjoyed rights most slaves in British North America were denied. Spanish leniency towards the slaves was both a defensive measure and a weapon against the British. Where their military failed to secure or maintain lands claimed by the Spanish crown, an ideological warfare centered on the issue of slavery proved successful.

Slaves in Florida enjoyed access to religious participation usually denied in British slaveholding colonies. In Florida, the Catholic Church supervised the spiritual lives of slaves from birth to death. At birth they received a Catholic baptism, had their relationships solidified through a Catholic wedding, and their souls preserved at Catholic funerals. St. Augustine's Cathedral Parish records reveal much about race relations in North America's first European settlement.

Famous for meticulous record keeping, the Catholic Church made ample notations on each marriage, baptism, and interment for the settlement. The Parish

records are also useful in understanding who owned slaves, what type of work slaves and free blacks did, and what positions these men and women held in the town's society.

Existing marriage records from the St. Augustine Cathedral Parish begin in 1594, and it is here that the first mention of a marriage between two Africans appears.³⁶ Maria and Simon, listed simply as "negro," were married on October 8, 1594. Although neither are mentioned as slaves, this first recorded marriage apparently occurred between slaves. In 1604, Pedro, a slave of the hospital, and Maria, a slave owned by Ana Mayor, married. Serving as sponsors to the marriage were Augustin and Francisca, a married couple who were also slaves. Out of the four marriages listed in 1605, two involved the union of slaves. Not infrequently, the sponsors of these marriages were the owners of the bride or groom. Records also indicate that different families owned those married. That slaves with different owners could marry offers many possibilities. First, this is indicative of the small numbers of slaves held throughout St. Augustine. These "split marriages" also suggest that slaves of Florida were allowed freedoms of movement and fraternization not usually seen in British North America. Marriages of slaves from different owners were not limited to private citizens since many ceremonies included Royal slaves married to slaves owned by private citizens. Marriage

records offer a plethora of information regarding the social status of Florida's first Africans.

By allowing slaves to choose a spouse and marry without fear of the union being broken through a sale, Spanish slaveholders preempted a major flash-point of white/slave relations as seen later in South Carolina. Marriages in St. Augustine also encompassed the free and the enslaved. The first recorded marriage between a slave and freed person occurred in April, 1644. Juan de Pres, a mulatto slave of the governor married Geronima de Mendiola a free mulatto female. The living arrangements and the future of Juan's freedom are not known. Possibly, Juan remained a slave until he was able to purchase his freedom and his wife, Geronima, would not have lost her freedom because of a marriage to a slave.

Other unions of interest include marriages that involved slaves owned by the Catholic Church. In January 1654, Antonio de Fuentes, a slave of the local Convent of San Francisco, was married to Maria, a slave of Madelena de Urisa. This marriage, like others, raises many questions. First, what was the nature of these marriages? If the union was between slaves with different owners, would physical contact be possible? Because the couple was the legal property of others, was cohabitation out of the question, or were periodic visits possible? The small size of the colony suggests frequent contact was a distinct possibility. Answers to

³⁶ The following information regarding slave baptisms, marriages, and funerals was taken from the

these and other questions concerning slave relationships are, however, often difficult or impossible to find. Obviously physical contact between couples was not prevented. Following these marriages, many couples had children baptized through the church.

Baptismal records, while not as complete as the marriage records, also offer a wealth of information on the social aspects of slave life in Spanish Florida. Like marriage records, baptisms noted the recipient's race, legal status (free or slave), parents, and sponsors of the event. For baptisms, the sponsor or sponsors served the role of godparent to the child. From these records a frequent rate of illegitimacy surfaces. When the child baptized was illegitimate, the priest never made moralizing statements in the official record and there appears to have been no social stigma placed on the child or unwed mother.

Again, while baptismal records offer a glimpse into slave relations, many questions are left unanswered. Records for the baptism performed on January 11, 1609, for example, shows Antonio, son of Pedro, slave of the king and mother Lucia, a slave of Francisca de Vargas. That both parents were slaves suggests Antonio would also be a slave but where Antonio would live is not clear. Tradition called for Antonio to live with his mother, but the children may have gone to the owner of the father. If the mother was free, then the child was free,

but if the father was free and the mother a slave, it is possible that the child would be born a slave. Although the Parish records offer an abundance of information, in the case of baptismal records, it is often impossible to ascertain what the fate of these children were. One baptism in August 1635 suggests the father was free and the mother a slave but there is no mention of the child's legal status. At death, the Church took responsibility for the slave's soul at a funeral, but the owner was expected to pay the funeral expenses.

Although not universal, many owners were compelled, either through the church or custom, to pay for a proper burial. Juan Cevadilla, a one-time treasurer of the colony was billed, and presumably paid, six pesos for the burial and mass of his "Negro" sometime before August 1591.³⁷ If an owner showed concern over his slave's soul, it is possible that the slave was treated well while alive. Not all slaves felt this way. In 1603, seven African slaves fled the presidio to a nearby Indian settlement. Five of the seven were recaptured and returned, while the other two remained and married Indian women.³⁸ In general, though, the system of slavery in Florida stood in stark contrast to the institutions found in the British colonies. While religion mandated these slaves be allowed certain rights, the

³⁷ Lyon. *Richer Than we Thought*, 97.

³⁸ Verne E. Chatelain, *The Defenses of Spanish Florida, 1565 to 1763*, (Washington D. C.: Carnegie Institution of Washington, 1941), 128. Runaway slaves were not the only group to marry Indians. Parish records suggest many Spanish soldiers took Indians as brides beginning in the late sixteenth century.

economy of the Florida outpost did even more to ensure the form of slavery would be much different and more humane than that found to the north.

Florida's Economy and the Unlikely Freedom of British Slaves

St. Augustine was a military town. Florida was devoid of minerals and the soil in the immediate area was unproductive, thus most support came in the form of a royal subsidy of money and supplies. African slaves were therefore not necessary to work and maintain large plantations. There were, however, certain agricultural enterprises in and around the immediate area of St. Augustine that used slaves but never to the extent seen in South Carolina. Furthermore, because the economy centered on periodic infusions of cash and supplies from the Royal coffers in Havana, few could afford the luxury of an African slave.

This poverty in land and cash is evident through a listing of Governor Benito Ruiz Salazar's property at the time of his death.

There was a farm and cultivation of wheat and maize that was near the town...it has brought many days in crying out in order to see if there is whomsoever to buy it...this being very poor land and all the Spaniards that inhabit it are soldiers and they have no wealth nor personal means to buying it and to be able afterwards to sustain it and benefit from it.³⁹

³⁹ AGI 54-5-18 (September 5, 1651).

In addition, slaves Francisco Galindo and a 30-year-old male from an English colony named Ambrosio were sold. Galindo sold for 600 pesos and Ambrosio went for 500.⁴⁰ For the most part, slaves came to Florida at the request of the governor to help with public construction projects and not to serve as personal servants for the citizenry.

As Carolina grew, however, slaves owned by British citizens, became useful servants to the people of St. Augustine in a very different way. At the beginning of the eighteenth-century, the Spanish manipulated Carolina's slave population in such a way that all Africans residing near the Spanish border became an asset to the people of St. Augustine. In a series of laws, edicts, and proclamations, the government of Florida turned these slaves into an efficient weapon that was used against their formidable enemy to the north.

⁴⁰ *Ibid.* To compare prices, all horses and mares belonging to the Salazar estate were sold for 100 pesos each, hogs went for four pesos, and an "oxen of labor" sold for 40 pesos.

CHAPTER 3

FLORIDA'S FUGITIVE SLAVE POLICY AND FORT MOSE

By the middle of the seventeenth century, British slaves learned of the various liberties extended to slaves in Spanish Florida. Through a network of communications, they learned of the allowances for religion, legal protection for families, and other rights only dreamed of in British colonies. The government of St. Augustine also recognized the appeal to British slaves, and by the 1680s, openly called for the illicit immigration of slaves from Carolina to Florida. Since the establishment of the colony at Jamestown, the Spanish government felt threatened by British encroachment on land claimed by Spain. On the other hand, the British viewed Florida as a grave Catholic threat to their attempts at Empire in North America. Spain understood the fears of British slaveholding planters in South Carolina and played on their concern of black rebellion.

Partly in response to the Spanish threat, the British founded Georgia as a buffer zone between Florida and South Carolina. Likewise, St. Augustine created

an all black militia and built a separate fort to house the former slaves. In both instances, the government used an "undesirable" element of society to create a buffer zone between the two empires. How the St. Augustine government created a sense of fear amongst planters in South Carolina played a significant role in the development of the American Southeast.

The decision to offer asylum to fugitive slaves was not a humanitarian gesture. As British slaves found freedom in Florida, slaves already living in the *presidio* did not have access to the same legal privilege. The decision to free British slaves was political in its entirety. The issue of territorial boundaries came to a head by the beginning of the eighteenth century.

In light of eighteenth century attitudes regarding race and slavery, this decision to allow fugitive slaves freedom was a radical break from the status quo. The very idea of British slaves fleeing to Catholic Florida sent immediate shockwaves throughout the British South. Although the first fugitives were few in number, and the numbers running to Florida remained small, the threat of an available sanctuary for runaway slaves caused drastic changes in the slave policies of South Carolina. These changes reflected a general paranoia concerning the threat of a massive slave rebellion throughout Carolina. Since 1708, the British colony

was home to a black majority.¹ Carolinian planters were well aware of this, and created numerous barriers to segregate the minority owners from the black majority.

After the first group of slaves that sought asylum in 1688, there were several more instances of British slaves entering Florida in search of freedom. As British slaves entered St. Augustine, however, most South Carolinians did not find the city to be a military threat. A speaker to the South Carolina Assembly in 1719 described St. Augustine's military as "a Garrison containing 300 sorry Soldiers being mostly Banditti and undisciplined [men]."² Regardless of Florida's unimpressive military presence, their diplomatic decisions fueled British fears. By using slaves in Carolina as a weapon against their owners, even a weak outpost on the frontier stood as a significant threat to British expansion.

The First Fugitives

One of the first groups of British slaves that sought asylum in Florida entered the territory in 1687. Eight men, two women and a three year-old child entered

¹ This majority was slim in 1708, as there were 4,100 blacks and 4,080 whites. These numbers, however, marked a significant change since in 1703 there were 4,220 whites and 3,250 blacks. South Carolina's black majority became significant by 1715 when the populations were 10,500 and 6,250, respectively.

the presidio in search of freedom. Officially, the first group of fugitives came in search of "the true faith." Not sure what to do, the governor put six of the men to work building the Castillo, the other males were sent to work with the blacksmith, and the women became domestic servants in the governor's house.³ Records suggest all ten received pay for their labor. Governor Diego de Quiroga's decision to allow a religious conversion and offer legal protection for these slaves promised to send shock waves through the slave holding south. Immediately, the British government protested the Spanish decision to allow the escapees asylum.

The decision to maintain the ten runaways was made by both the local and royal branches of government. A royal *cedula* ordered the governor to deliver "sixteen hundred dollars to the English governor at Charleston" as payment for the missing property. The *cedula* wrote in part:

The Royal officers of the City have given me an account in different letters of their having arrived at the Garrison ten...negroes...from St. George (Charleston). That they asked for the waters of baptism, it was given them, after which a sergeant-Major from St. George came to claim them. Not appearing to be the proper thing to return them after becoming Christians, it was agreed upon with the Sergeant-Major to buy them with the money from the Royal exchequer for the sum of sixteen hundred dollars, granting a writing for that purpose, to pay said sum at a stated time specified. To satisfy this I sent to the city of Vera Cruz for this sum of money, which was brought and deposited in my Royal coffers of that city, advising the Governor of St. Augustine and notifying the Governor of St. George to send for it.⁴

² Wood, 113.

³ AGI-54-5-12 (February 24, 1688).

⁴ Chatelain, 161.

For the British, this amounted to treason. And, as some British officials would complain, the Spanish decision to offer money in exchange for the individual slaves was no different than theft. Monetary restitution simply did not help cultivate cash crops in South Carolina. The Spanish saw this as an excellent opportunity to challenge British rule. If enough British slaves could be coaxed to leave the colony, as many Spaniards hoped, then it was possible to overthrow upstart colonies in the north. The Spanish correctly identified slavery as having the potential for the ultimate defeat of the British colonies.

Two years before the group of ten entered St. Augustine, Spanish scouts raided the plantation of Landgrove Morton, a British planter. They took with them thirteen slaves. The theft of slaves clearly hurt the planter economically and brought economic gain to the scouts. These thirteen slaves were not freed, and this shows the Spanish were not out to set all British slaves free. When convenient for the Spaniards, the fugitives were offered asylum, yet when *captured*, slaves were considered booty.

The ten fugitives in St. Augustine were not freed immediately. The Spanish paid the British planter for his losses but kept these men and women as paid "quasi-free" servants. Nevertheless, the arrival of these ten individuals precipitated a flurry

