

Illegal Under the Laws of All Nations? The Courts of Haiti and the Suppression of the Atlantic Trade in African Captives

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In September 1816, the mostly-American crew of a Cuban slaving brig staged a mutiny against their captain Serafin de Cobo y Landeras off of Cape Verde. Captain Cobo had called this brig *San Francisco de Paula* or the *Africano*, but the mutineers referred to it by an earlier name: the *Firefly*. Rather than continuing to the African continent, where Cobo had intended to acquire captives, the new masters of the vessel sailed instead to Port-au-Prince in the postrevolutionary Republic of Haiti, a nation founded on the pillars of antislavery, anticolonialism, and racial equality among citizens. There, they turned the ship over to Haitian authorities under President Alexandre Pétion and declared that their mutiny had prevented Cobo from participating in the “diabolical” Atlantic slave trade, which they insisted was illegal under the “laws of nations.”

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The arrival of the *Firefly* in the harbor of Port-au-Prince presented a major test for the radical antislavery mission of early national Haitian leaders.¹ The newly constituted Haitian admiralty court at Port-au-Prince took jurisdiction and opened an investigation to determine the fate of the ship and its cargo. Echoing the crew members themselves, the Haitian state prosecutor in the case issued a spirited denunciation of the slave trade on the basis of the laws of nations. It fell to Louis Germain Linard and the other members of the admiralty court to find a legal basis for such sweeping claims. In their final ruling, these jurists deployed a narrow reading of seventeenth-century French admiralty law in order to support a much larger project: the active suppression the Atlantic slave trade.

The admiralty court's condemnation of the *Firefly* highlights a key dimension of independent Haitian law- and state-making in a moment of intense uncertainty over the future of slavery and colonial rule in the Americas. As the Napoleonic wars came to an end, several major powers of the Atlantic world began to consent, reluctantly and unevenly, to illegalize the international trade in African captives. At the Congress of Vienna, a series of meetings that took place alongside the peace agreements of 1814 and 1815, the representatives of most European states signed a joint declaration in which they denounced the slave trade but did not specify when or how individual nations would definitively abolish it. Whereas some European leaders were content to continue profiting legally from the trade, Great Britain moved to expand its authority across the globe by deploying naval force to suppress slaving traffic, which it had illegalized in its own empire in 1807.² On the other side of the Atlantic, the United States had issued a series of federal laws that had culminated in a formal ban on the importation of foreign captives. These statutes also outlawed United States citizens from enlisting in foreign slaving expeditions, a prohibition that the *Firefly's* crew openly flouted. In 1817, a year after the mutiny on board the *Firefly*, Spain signed a formal agreement with Great Britain in which it pledged to end its own trade in African captives by 1820. This uneven assortment of laws, treaties, and promises did not prevent the spread of a massive illegal trade in African captives, nor did it overturn dominant legal practices in most

1. For the sake of clarity, I will use the name *Firefly* to refer to the vessel after its arrival in Port-au-Prince, while I will use the names *San Francisco de Paula* and *Africano* for earlier instances in which historical actors referred to it by those names.

2. Lauren Benton, "Abolition and Imperial Law, 1790–1820," *The Journal of Imperial and Commonwealth History* 39 (2011): 355–74; Seymour Drescher, "Emperors of the World: British Abolitionism and Imperialism," in *Abolitionism and Imperialism in Britain, Africa, and the Atlantic*, ed. Derek R. Peterson (Athens: Ohio University Press, 2010), 129–50; and Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006).

slaveholding states, where authorities widely presumed people of African descent to be enslaved or “enslaveable” until proven otherwise.³

In this context, Haiti’s emergence as a forcefully antislavery polity dramatically altered the legal, ideological, and political landscape of the Atlantic world, despite the general reluctance of neighboring powers to acknowledge its legitimacy.⁴ Scholars of early national Haiti have emphasized that its leaders were simultaneously strategic and “defiant,” campaigning relentlessly for foreign recognition even as they sought to take advantage of some opportunities that nonrecognition offered to uphold their radical antislavery policies.⁵ Haitian leaders repeatedly invoked the constitutional principle of official neutrality in foreign affairs and pledged that they would not export armed antislavery revolution. Meanwhile, they often forged lucrative commercial ties with Atlantic slaveholding powers. The promise of profit from Haitian products was enough to convince some Atlantic powers, especially Great Britain, to extend “degrees” of recognition by issuing exceptional licenses for visiting Haitian ports and by refraining from condemning merchant vessels bound for Haiti in admiralty courts. As historian Julia Gaffield has shown, the pursuit of shared economic interests had profound political implications, enabling Haitian authorities to proclaim and protect their independence even without establishing full diplomatic relations with any of their commercial partners.⁶

3. Rebecca J. Scott, “Social Facts, Legal Fictions, and the Attribution of Slave Status: The Puzzle of Prescription,” *Law and History Review* 35 (2017): 9–30; Keila Grinberg, “Re-enslavement, Rights, and Justice in Nineteenth-Century Brazil,” trans. Mark Lambert, *Translating the Americas* 1 (2013), <http://dx.doi.org/10.3998/lacs.12338892.0001.006> (accessed May 5, 2018); and Ariela Gross, “Introduction: ‘A Crime Against Humanity’: Slavery and the Boundaries of Legality, Past and Present,” *Law and History Review* 35 (2017): 1–8.

4. New generations of scholars have demonstrated that the Haitian Revolution and its aftermath reshaped the realm of possibilities for those individuals held as slaves throughout the Americas, for those whose legal status was put into question, and for those who crisscrossed empires and national borders to escape the surveillance of authorities. On this point, see especially Julius Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution* (London and New York: Verso Press, 2018). Ada Ferrer and Johnhenry Gonzalez have shown that runaways from neighboring territories set out for Haiti in order to achieve legal freedom from enslavement and to distance themselves from institutionalized racial hierarchies. Ada Ferrer, “Haiti, Free Soil, and Antislavery in the Revolutionary Atlantic,” *The American Historical Review* 117 (2012): 40–66; Johnhenry Gonzalez, “Defiant Haiti: Free-Soil Runaways, Ship Seizures and the Politics of Diplomatic Non-Recognition in the Early Nineteenth Century,” *Slavery & Abolition* 36 (2015): 124–35; and Ada Ferrer, *Freedom’s Mirror: Cuba and Haiti in the Age of Revolution* (New York and Cambridge: Cambridge University Press, 2014), esp. 329–46.

5. Gonzalez, “Defiant Haiti,” 124–35.

6. Julia Gaffield, *Haitian Connections in the Atlantic World: Recognition after Revolution* (Chapel Hill and London: University of North Carolina Press, 2015); and Julia Gaffield,

Yet scholars have only begun to recognize how Haitian leaders promoted their antislavery projects beyond the island of Hispaniola. Historians long debated the overseas impact of the Haitian Revolution by focusing on how Atlantic powers weighed the implementation of antislavery measures or doubled down on their commitment to slavery in response to the events that culminated in Haitian independence.⁷ Most recently, historian Ada Ferrer has demonstrated that Haitian leaders crafted a powerful intervention into global antislavery by instituting a “free soil principle” that promised freedom and citizenship to all people of color from the surrounding region who reached Haitian territory.⁸

The case of the *Firefly* reveals that Haitian officials not only projected their own laws in ways that encroached on surrounding slaveholding jurisdictions, but they also fought to expand the scope of their antislavery mission by claiming an equal position for Haiti within an international legal order.⁹ Haitian authorities argued that their radical policies dovetailed

“‘Outrages on the Laws of Nations’: American Merchants and Diplomacy after the Haitian Declaration of Independence,” in *The Haitian Declaration of Independence: Creation, Context, and Legacy*, ed. Julia Gaffield (Charlottesville and London: University of Virginia Press, 2016), 161–80; Malick W. Ghachem, “Law, Atlantic Revolutionary Exceptionalism, and the Haitian Declaration of Independence,” in *ibid.*, 96–114; and Marlene Daut, “From Revolution to Sovereignty on the Island of *Kiskeya*,” *Reviews in American History* 46 (2018): 375–84.

7. Seymour Drescher, “The Limits of Example,” in *The Impact of the Haitian Revolution in the Atlantic World*, ed. David Geggus (Columbia: University of South Carolina Press, 2001), 10–14; Robin Blackburn, “The Force of Example,” in *ibid.*, 15–20; and Philippe Girard, “Did Dessalines Plan to Export the Haitian Revolution?” in *The Haitian Declaration of Independence*, 136–57.

Historians have cited Haitian President Alexandre Pétion’s famous offer of support for Simón Bolívar’s expeditions as evidence of one verifiable contribution to abolition elsewhere. See Sibylle Fischer, “Bolívar in Haiti: Republicanism in the Revolutionary Atlantic,” in *Haiti in the Americas*, ed. Carla Calargé, Raphael Dalleo, Luis Duno-Gottberg, and Cleavis Headley (Jackson: University Press of Mississippi, 2013), 25–53; and Ernesto Bassi, *An Aqueous Territory: Sailor Geographies and New Granada’s Transimperial Greater Caribbean World* (Durham and London: Duke University Press, 2016), 158–71. Several recent works have sketched out a fuller picture of the international impact of Haitian antislavery. See especially Ferrer, *Freedom’s Mirror*, ch. 6 and epilogue; Ferrer, “Haiti, Free Soil, and Antislavery in the Revolutionary Atlantic”; Délide Joseph, “L’engagement des intellectuels haïtiens dans la lutte contre la traite et l’esclavage: 1804–1843,” *Revue du Philanthrope* 4 (2013): 75–85; and Marlene Daut, *Baron de Vastey and the Origins of Black Atlantic Humanism* (New York: Palgrave MacMillan, 2017).

8. Ferrer, “Haiti, Free Soil, and Antislavery in the Revolutionary Atlantic.”

9. These contributions were obscured by the voices of hostile slaveholders and proslavery authorities in surrounding jurisdictions, many of whom depicted Haiti as a lawless haven for pirates, runaways, insurgents, and other “fugitives” from justice. See Anne Eller, “Rumors of

with the measures taken by Great Britain and other Atlantic powers to ban the slave trade, and suggested that these laws offered a model for the larger community of nations to follow on the path toward general abolition.¹⁰ In this way, they hoped to achieve two central objectives that at times appeared incompatible: to bolster the independent state's claims to sovereignty and to agitate for further legal action against slavery on a global scale.¹¹

The jurists on the Haitian admiralty court played a critical role in reconciling the state's antislavery activism with its larger struggle for political survival in a hostile Atlantic. In the course of this fragile balancing act, the court confronted a larger dilemma whose stakes went far beyond the shores of Haiti and the fate of the *Firefly* and its crew. What were the sources of authority that enabled those individual states that had formally outlawed the Atlantic trade in African captives to disrupt foreign slaving expeditions? How would their courts rule on the legality of these expeditions, which by their very nature traversed national borders and jurisdictional lines?¹²

Slavery: Defending Emancipation in a Hostile Caribbean," *American Historical Review* 122 (2017): 674; and Bassi, *An Aqueous Territory*, 161.

10. In 1815, the official state gazette *Le Télégraphe* exhorted Great Britain not only to suppress the trade in captives, but to abolish slavery itself. The editors predicted that before long, the continent of Africa would "no longer see its unfortunate children snatched from its womb," nor would it be subjected to the "renewed outbreak of bloody and depopulating wars." See *Le Télégraphe*, May 14, 1815, 3. Haitian commentators in the state press thus argued that the tide was turning against legal slavery across the world. This argument enabled them to mobilize against the trade in captives and practices of enslavement abroad without violating their promises of nonintervention. As historian Délide Joseph has shown, Haitian authorities and intellectuals continued to deploy such arguments as they organized in favor of international abolition over the ensuing decades, forming transnational philanthropic societies and calling on Haitian citizens to display solidarity with armed struggles against slavery and colonialism. Joseph, "L'engagement des intellectuels haïtiens," 82–83.

11. Even as the future of the Haitian republic remained uncertain, its leaders situated themselves at once within the mainstream and at the forefront of the "civilized" community of nations whose policies were bound by law. Erin Zavitz has argued that early Haitian writers and national historians explicitly framed their antislavery (and anticolonial) polemic in Eurocentric and civilizationist terms, thereby making their struggle palatable and relatable to international observers. See Erin Zavitz, "Revolutionary Narrations: Early Haitian Historiography and the Challenge of Writing Counter-History," *Atlantic Studies* 14 (2017): 336–53.

12. Jenny S. Martinez and Lauren Benton show that British abolitionists, lawmakers, and jurists grappled with these same questions in the wake of the 1807 Abolition Act. Jenny Martinez argues that antislavery advocates and lawyers alike invoked incipient ideas of "human rights" and drew frequent analogies between slave trading and piracy, thereby hoping to claim universal jurisdiction for the abolition of the trade. Martinez furthermore traces the origins of modern forms of international law to the nineteenth-century courts of mixed

The Haitian admiralty court compiled an extensive file as it weighed such questions in the case of the *Firefly*. This file consisted of the motion to introduce proceedings, the sentence, the statements of the crew, the inventory of the ship, and much of the evidence collected on board. Remarkably, the entire case file has survived, making it the first—and so far only—case file produced by the postrevolutionary Haitian admiralty court to be uncovered and subjected to scholarly analysis.¹³ It was forwarded by Pétion's successor, Jean-Pierre Boyer, to the captain general of Santo Domingo in 1819, and eventually made its way into the Spanish Archivo de Indias in Seville.

These records allow us to reconstruct the *Firefly's* itinerary through shifting worlds of slavery and freedom, from the United States to Cuba, Spanish Florida, Cape Verde, and finally Haiti. The first steps of the voyage highlight the overlapping waves of illicit profit and investment that flowed from the still-legal trade in captives to Cuba, as well as the channels

commission, which had been established by Great Britain to enforce a series of bilateral and multilateral antislavery treaties. See Jenny S. Martinez, *The Slave Trade and the Origins of International Human Rights Law* (Oxford: Oxford University Press, 2012), esp. ch. 2, 4, 6, and 9. In contrast, Lauren Benton contends that municipal law remained the principal source of authority for the British navy to seize and condemn slaving vessels. In the decades after the passage of the act, Benton continues, British courts largely rejected the argument that the trade in captives was subject to a universal ban on the basis of the laws of nations. Lauren Benton, "Toward a New Legal History of Piracy," *International Journal of Maritime History* 23 (2011): 233–35. Other scholars have emphasized how Britain's mounting naval campaign to curtail slaving traffic itself repeatedly risked violating the general principles of the "law of nations." Robin Law, "Abolition and Imperialism: International Law and the British Suppression of the Atlantic Slave Trade," in *Abolitionism and Imperialism in Britain*, 150–74.

13. Given the gaps in documentation, it is unclear how many similar cases were heard by the Haitian courts. At least three other manuscript extracts of admiralty records from early national Haiti have survived. In 1817, the admiralty court condemned a United States schooner that had been captured by a corsair from Buenos Aires off of the Samaná peninsula. See Jugement rendu par extraordinaire à l'Amirauté, April 10, 1817, in United States National Archives and Records Administration (hereafter NARA), Record Group 76, Entry 239, International Claims: Haiti, Miscellaneous, ca. 1744–1844, Envelope 2, Folder 12: Schooner Mary. In January 1822, during the government of Jean-Pierre Boyer, the court ordered the confiscation of a formerly British schooner named the *Elizabeth*, which had been naturalized as a Haitian vessel on the basis of falsified documents. See Copie du jugement rendu par le Tribunal Civil du Port-au-Prince, ayant les attributions de la Cour d'Amirauté, January 19, 1822, in the National Archives, Kew, United Kingdom (hereafter TNA), Admiralty, 1/274. The next year, the court condemned a United States vessel that had sailed from Cuba to Fort-Liberté for violating a new ban on commercial intercourse with surrounding islands. See Copie du jugement, Extraits des registres du Greffe du Tribunal Civil du Port-au-Prince, ayant attribution de celui d'Amirauté, Undated [September 1823], NARA, Record Group 76, Entry 239, International Claims: Haiti, Miscellaneous, ca. 1744–1844, Envelope 2, Folder 11: Schooner Maria Josephine.

through which United States citizens enlisted directly in such expeditions after the series of federal laws that banned the Atlantic trade in African captives to the United States. The statements of the mutinous crewmembers who brought the brig to Haiti begin to reveal the particular circumstances in which these networks and alliances broke down, and in which the risks of legal penalties came to outweigh the possible gains from further participation in the trade. Most importantly, the internal proceedings of the case in Port-au-Prince show how local Haitian courts laid the legal foundations for an escalating campaign to curb human trafficking across the Atlantic.

Harmony's Commerce: Slave Ships and Capital between Havana and New York

On 20 June 1816, Serafín de Cobo y Landeras appeared before the notary José Miguel Izquierdo in Havana to declare the sale of a “Spanish commercial brig” in his possession, the *San Francisco de Paula*, otherwise known as the *Africano*. The buyer was the local merchant José Matías de Acebal, and the price was 1300 silver pesos. According to Cobo, the brig was measured at 250 metric tons burthen and was equipped with enough supplies to set sail immediately. Most importantly, the bill of sale, signed by Cobo, Acebal, and notary Izquierdo, disclosed the provenance of the ship: Cobo had recently purchased it from “the citizen of the United States Pedro Armony.”¹⁴ A month later, the *San Francisco de Paula* left Havana on an expedition “to the coast of Africa and the slave trade,” according to the records of Acebal.¹⁵

This “Pedro Armony,” otherwise known as Peter Harmony, was the owner of a lucrative New York commercial house that eventually came to control an important stake in the commercial shipping between Cuba and the United States. The meteoric rise of Harmony’s company over the first half of the nineteenth century coincided with his ever-multiplying connections to the Atlantic trade in captives, especially in the wake of its formal illegalization by Great Britain, the United States, and Spain. During this period, the United States federal government also incrementally expanded the penalties facing United States citizens who participated in the trade by enlisting in slaving expeditions or by outfitting ships for

14. Venta de bergantín español por D. Serafín de Cobo y Landeras vecino de esta Ciudad a D. José Matías de Acebal, 20 June 1816, in Archivo General de Indias, Seville, Spain (hereafter AGI), Papeles de Cuba, leg. 1951.

15. José Matías de Acebal, Inventario de documentos que se acompañan y otros que acreditan la propiedad, 9 March 1819, in AGI, Papeles de Cuba, leg. 1951.

such expeditions.¹⁶ At the height of the combined United States and British efforts to curb the trade, Harmony gained notoriety as a creditor for the slave trader Pedro Blanco, who operated the Lomboko prison depôt on the Gallinas coast of today's Sierra Leone. He also maintained a professional correspondence with José Ruiz, one of the masters of the *Amistad* in 1839 who claimed to own the captives in that famous case.¹⁷ The dealings of Peter Harmony's company ultimately drew the ire of James Buchanan, the British consul in New York, who complained to his superiors in 1841 that this "Spanish house" was made up of "known agents for the slave dealers."¹⁸

Born in Spain, Harmony had achieved prominence as a major importer of goods from Spanish territories following his naturalization as a United States citizen in 1805.¹⁹ That same year, his commercial house began to publicize shipments of Cuban sugar, molasses, salted hides, coffee, and indigo in United States newspapers.²⁰ In addition to Cuba, Harmony's company imported products from the Iberian Peninsula, New Spain/Mexico, and even Santo Domingo following the latter's return to (nominally) metropolitan Spanish authority in 1809.²¹ Before long, Harmony advertised transport for cargo and passengers back to Cuba on ships flying the Spanish flag as well.²² During the summer of 1810, the *New-York Gazette*, the *Mercantile Advertiser*, and the *Columbian* all printed notices that Harmony was offering to carry 40 tons of freight cargo to Havana on

16. These legislative efforts culminated in a sweeping 1820 statute that declared slave trading to be a crime punishable by death. See *An Act: To continue in force "An act to protect the commerce of the United States, and punish the crime of piracy," and also to make further provision for punishing the crime of piracy*, 3 Stat. 600 (1820).

17. See, for example, the *Daily Herald's* reprinting of an article published by the *New London Gazette* in August 1839. "The Suspicious Schooner Captured and Brought into this Port," *Daily Herald*, August 30, 1839, 2.

18. James Buchanan to Viscount Palmerston, March 24, 1842, in *Correspondence on the Subject of Vessels Flying under the Flag of the United States Which Have Been Visited or Detained by British Citizens on Account of Being Suspected of Being Engaged in Slave Trade* (London: s.n., 1841), 221.

19. Naturalization of Peter Harmony, April 18, 1805, NARA, Index of Naturalization Petitions Filed in Federal, State, and Local Court in New York, Roll 199, H655.

20. See, for example, *New-York Price-Current*, August 17, 1805, 3; *New-York Price-Current*, October 8, 1808, 1; *New-York Price-Current*, November 19, 1808, 5; *New-York Gazette and General Advertiser*, August 23, 1809, 1; and *New-York Gazette and General Advertiser*, July 19, 1810, 2.

21. In May 1816, for example, the *Commercial Advertiser* of New York announced that the schooner *Minerva* was 35 days out of Cádiz with wine and salt for Harmony. *Commercial Advertiser*, May 28, 1816, 3. See also *Mercantile Advertiser*, July 23, 1818, 3; *Mercantile Advertiser*, July 17, 1818, 3; and *New-York Gazette*, December 6, 1819, 2.

22. *Mercantile Advertiser*, March 9, 1810, 3; *New-York Gazette and General Advertiser*, March 12, 1810, 1; and *New-York Gazette and General Advertiser*, August 28, 1815, 1.

one particular ship that had recently arrived in New York with Campeche logwood: the *St. Francisco de Paula*.²³ The name and itinerary of the boat, as well as the fact that Harmony's company outfitted it, seem to indicate that this was the same brig that Cobo purchased from him 6 years later.

The subsequent accounts of crew members nonetheless point to an alternative, more intricate backstory to the 1816 sale. According to a November petition presented by the sailors on the vessel to Haitian president Pétion, as well as the reports of Cobo himself in United States newspapers, both *San Francisco de Paula* and the *Africano* were in fact new names for what had once been the United States "warship" known as the *Firefly*.²⁴ This was a relatively common ship name in the early nineteenth century, and by 1816, several different vessels called *Firefly* (or *Fire-fly*) regularly navigated the Hudson River and coastal routes among eastern United States port cities.²⁵ There was only one United States Navy warship with that name, however: an approximately 300-ton brig that had sailed to Algiers in 1815 during the Second Barbary War. Damaged in that conflict, the *Firefly* returned to the United States for repairs before being sold at a public auction in New York in April 1816.²⁶ The timing of this public auction and the similarities between the descriptions of the ships strongly suggest that the U.S.S. *Firefly* was the same vessel that would later be outfitted as the *San Francisco de Paula*. It is possible that Peter Harmony or one of his associates purchased the brig directly from the Navy Yard in April, or at a resale auction over the

23. *New-York Gazette*, July 10, 1810, 1; *Mercantile Advertiser*, July 27, 1810, 3; and *Columbian*, June 4, 1810, 3. *The Mercantile Advertiser* printed the ship's name as "St. Francisco de Paulo," but the notice is otherwise identical to the examples from the *Columbian* and the *New-York Gazette*.

24. Pétition de l'équipage du brick le *Firefly* à Son Excellence le Président d'Haïti, 25 November 1816, in AGI, Papeles de Cuba, leg. 1951. For Cobo's account, see *Albany Advertiser*, December 4, 1816, 2.

25. The steamboat *Fire-fly*, for example, made several trips between New York City and Poughkeepsie each week. See *National Advocate*, May 6, 1816, 1; *ibid.*, May 13, 1816, 1; and *Commercial Advertiser*, March 11, 1816, 3.

26. It is not clear who bought the brig at this auction. A May 1816 issue of the *Baltimore American and Commercial Daily Advertiser*, for example, noted only that the ship was sold in New York. *Baltimore American and Commercial Daily Advertiser*, May 23, 1816, 2. For the initial announcement of the April 1816 sale of the brig by a United States agent, see *Columbian*, March 30, 1816, 3. Confusingly, the U.S.S. *Firefly* was itself a new name for the brig *Volant*, sold by Francis H. Nicholl and Company to the United States Navy in December of 1814. For the earlier sale, see *Mercantile Advertiser*, December 1, 1814, 1. For the operations of the *Firefly* during the Second Barbary War, see the *Sentinel of Freedom*, April 25, 1815, 3; *Rhode-Island Republican*, June 14, 1815, 3; *Enquirer*, July 26, 1815, 2; *Columbian Patriot*, August 2, 1815, 3; and *American Watchman*, September 23, 1815, 3. See also Karl Jack Bauer and Stephen Roberts, *Register of Ships in the U.S. Navy, 1775–1990: Major Combatants* (Westport, CT: Greenwood, 1991), 35.

following months, with the specific purpose of moving it into the Cuban market.²⁷

Cobo's initial testimony in the 1816 bill of sale indicates that Peter Harmony had already cultivated ties to the Atlantic trade in captives, especially the trade to Cuba, by the time of Spain's official agreement with Great Britain in 1817 to end the trade by 1820. His company's diversified investments in Cuban commerce as well as his role in financing maritime traffic between New York and Havana would have made it easy for Harmony to provide ships and other capital for slaving expeditions to and from the island. Even in the unlikely event that Harmony was unaware of what lay in store for the *San Francisco de Paula*, his sale of the brig, and his deep involvement in promoting trade between Cuba and the United States more generally, illustrate how he profited from such expeditions. His decision to relinquish his property claim to the brig was probably a strategic move to cover his tracks, because several statutes, including the 1807 law banning the Atlantic trade in captives to the United States, had instituted heavy penalties against United States citizens who financed slaving expeditions directly or indirectly.²⁸

The United States origins of the *San Francisco de Paula* offer insight not only into Cobo's projects and the internal operations of Harmony's company, but into the particular modes of interimperial commerce through which United States merchants gained a stake in the trade in captives that fueled Cuba's expanding plantation economy. As historian Michael Zeuske has demonstrated, the period between 1807 and 1820, in which both the United States and Spain committed to instituting bans against the trade, coincided with the growth of a "hidden Atlantic" of surreptitious patterns of circulation of credit and capital among merchants, slave traders, and slave owners in both societies. Even as the legal prohibitions became more explicit and public opposition to the trade escalated in the United States, the trade expanded even further in the later decades of the nineteenth century.²⁹ The different branches of these networks facilitated

27. A notice in the June 3 *New York Evening Post* mentioned that a brig named *Firefly* was sold again by a certain "Farchild," but provides no further details to confirm whether or not this was the same ship as the damaged brig of war. *New York Evening Post*, June 3, 1816, 2.

28. If Harmony were accused of outfitting the *San Francisco de Paula* for the slave trade, his innocence would hinge on his professed ignorance of Cobo's eventual designs for the brig. See *An Act in addition to the act intituled 'An act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country,'* 2 Stat. 70 (1800), and *An Act to Prohibit the Importation of Slaves into Any Port or Place within the Jurisdiction of the United States*, 2 Stat. 426 (1807).

29. Craig B. Hollander, "Against a Sea of Troubles: Slave Trade Suppressionism during the Early Republic" (PhD diss., Johns Hopkins University, 2013); and Michael Zeuske,

the illegal importation of new captives into the United States via Cuba and the recruitment of United States ships and crews in slave trading expeditions. Yet beyond these forms of direct participation in human trafficking were the subtler avenues of exchange—which included ship dealing and regular trade—that ultimately heightened and perpetuated United States and Cuban merchants' joint interests in the trade in captives.³⁰ Historian Randy Sparks has further shown how United States citizens shaped and exploited the non-enforcement of the United States laws as they continued to participate in and to profit from the trade to Cuba and Brazil.³¹

That the *San Francisco de Paula* ended up in Havana because of the efforts of a man who later became notorious for his indirect investments in slaving reflects the burgeoning commercial relationship between these two slave societies in transition. Whether Harmony realized it or not, his sale of the brig opened up new space for the illegal participation of United States sailors in the Atlantic trade in African captives. Well aware of the legal struggles to outlaw the traffic across municipal and imperial spheres, one group of sailors enlisted in the voyage of the *San Francisco de Paula* with both the promise of profit and the growing threat of prosecution on their minds.

Amistad: A Hidden Network of Slavers and Merchants (Princeton, NJ: Markus Wiener Publishers, 2015).

30. Leonardo Marques, examining the United States role in the contraband slave trade to Cuba and Brazil during the period stretching from the 1830s to the 1850s, argues that the latter modes far outstripped the former. Although American-based merchants sold numerous vessels into the trade to Brazil, they rarely directly financed or chartered voyages themselves because of the United States antipiracy law of 1820, which authorized the prosecution of slave traders as pirates in United States courts and threatened them with the death penalty. See Leonardo Marques, *The United States and the Transatlantic Slave Trade to the Americas, 1776–1867* (New Haven and London: Yale University Press, 2016), ch. 3 and 4; and Leonardo Marques, “The Contraband Slave Trade to Brazil and the Dynamics of U.S. Participation,” *Journal of Latin American Studies* 47 (2015): 659–84.

31. Sparks argues that “the line between ‘legal’ and ‘illegal’ trading held much less force for American slavers than was once thought.” Randy J. Sparks, “Blind Justice: The United States’ Failure to Curb the Illegal Slave Trade,” *Law and History Review* 35 (2017): 54. See also Calvin Schermerhorn, *The Business of Slavery and the Rise of American Capitalism, 1815–1860* (New Haven and London: Yale University Press, 2015), esp. ch. 3. Craig Hollander and Leonardo Marques, in contrast to Sparks, contend that the early decades of the nineteenth century saw a series of concrete legal victories against the international trade, belying previous scholars’ depictions of deliberate non-enforcement of or apathetic resignation about the ongoing obstacles to eradicating the trade, whether on the part of United States leaders or the public at large. For his part, Hollander argues that as the nineteenth century progressed, United States slaveholders turned away from the movement to suppress the international trade because they increasingly saw it as a threat to the institution of slavery more generally. See Hollander, “Against a Sea of Troubles,” and Marques, *The United States and the Transatlantic Slave Trade*.

Insatiable Vices: Slaving, Mutiny, and Piracy at the Edges of Empire

In November 1816, the brig formerly known as the *San Francisco de Paula* arrived in the harbor of Port-au-Prince, the capital of the southern Republic of Haiti. The crew members on board the ship, which they now called the *Firefly*, made a declaration before the *tribunal de paix* (local civil court) of the city. Next, they submitted a French-language petition to President Alexandre Pétion in which they explained their voyage to Haiti in the following terms: “The petitioners, having learned in foreign lands of the high esteem in which Your Excellency is held, as the *premier chef* of the Republic of Haiti, a man animated by a love of liberty for his fellows (*son semblable*), impassioned by the cause for which Haitians took up arms, such is the reason why the petitioners, after deliberations and by unanimous consent, made directly for this port, as confirmed by their declaration before the *tribunal de paix* of this city on the 9th instant.”³²

At first glance, this petition seems to reflect the priorities and aspirations of the waves of migrants who traveled to independent Haiti in the aftermath of its revolution to take advantage of the nascent state’s radical antislavery policies. In their own words (mediated by the Haitian interpreter Chanlatte), the crew members of the *Firefly* extolled the commitment of Pétion’s government to the revolutionary “cause”: “liberty for his fellows.” This turn of phrase followed the southern republic’s convention of avoiding explicit references to colonial socioracial categories in official correspondence. Indeed, it could have resonated as an allusion to Haitian freedom from enslavement, freedom from institutionalized discrimination against people of African descent, or freedom from colonial rule. As if to confirm their antislavery credentials, the petitioners asserted that they brought the brig to Haiti because it was the “first port of a civilized nation that ha[d] abolished the inhuman and diabolical commerce of the coast of Africa, which the implacable enemy of men seeks to maintain illegally by insatiable vices, against the laws and measures of the flag under which he navigates.”³³

At the same time, the rhetorical zeal of this condemnation of the “diabolical commerce” obscured a series of events that might have earned them a less than favorable hearing by Haitian authorities. For these petitioners had also made up the principal portion of the brig’s crew when

32. Pétition de l’équipage du brick le *Firefly* à Son Excellence le Président d’Haïti, 25 November 1816, in AGI, Papeles de Cuba, leg. 1951.

33. *Ibid.* Such condemnations of the trade bore close resemblance to the rhetoric of sailors who were tried in the United States on charges of participating in the international trade during the same period. See Hollander, “Against a Sea of Troubles,” ch. 3 and 4.

Cobo outfitted it as a slaving vessel, had instigated at least two mutinies (against Cobo himself and against his successor Daniel McKinnen), and had seized several United States and British ships off of Cape Verde without a privateering commission. According to the implications of their petition, the crew had never agreed to participate in a slave trading expedition, and had mutinied specifically to prevent their further involvement in slaving and piracy. It is uncertain whether any of the authors of the text might be described with the historian's terms "masterless" migrants, "maritime maroons," or "Atlantic creoles."³⁴ The crew included men of color, some of whom may have been held as slaves. Although few in number, these men could have played an outsized role in convincing the rest of the crew to sail to Haiti, a "beacon republic" that promised legal freedom and unqualified citizenship to people of color from across the hemisphere.³⁵ The majority of the crewmembers, however, were white United States-based sailors whose precise individual origins and political sympathies were ambiguous.³⁶

34. The famous conception of the "masterless Caribbean," comes from Julius Scott's seminal work on the "Common Wind," the second term appears in Neville Hall's classic work on *grand marronage* in the Danish West Indies, and the third has been used by Ira Berlin and Jane Landers to signify multilingual, socially mobile people of African descent who traversed imperial boundaries. There are important distinctions among these terms, but together they stress the significance of Atlantic maritime circuits for the enslaved and their descendants. In broad terms, these scholars demonstrate how taking to the sea engendered greater possibilities for communication across slave societies/societies with slaves, greater autonomy from slave owners and racial categorization, and in some cases direct forms of collective mobilization in opposition to enslavement. See Scott, *The Common Wind*; Neville A.T. Hall, "Maritime Maroons: *Grand Marronage* from the Danish West Indies," in *Origins of the Black Atlantic*, ed. Laurent Dubois and Julius S. Scott (New York: Routledge, 2010), 476–98; Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: The Belknap Press of Harvard University Press, 2000); Jane G. Landers, *Atlantic Creoles in the Age of Revolutions* (Cambridge, MA: Harvard University Press, 2010); and Edgardo Pérez Morales, *No Limits to Their Sway: Cartagena's Privateers and the Masterless Caribbean in the Age of Revolutions* (Nashville, TN: Vanderbilt University Press, 2018).

35. Historian Edgardo Pérez Morales uses the term "beacon republic" to describe the place of independent Haiti in the maritime circuits of the Greater Caribbean during the Age of Revolutions. See Pérez Morales, *No Limits to Their Sway*, 109–18.

36. As part of their coverage of the later mutiny, the *National Advocate*, the *Commercial Advertiser*, and the *Albany Daily Advertiser* ran a story affirming that at least "part of her crew was recruited at Charleston, and joined her at Amelia." The papers also printed a full list, provided by the second mate, of the crew members, whose names were almost all of Anglophone origin with a few prominent exceptions. One story identified three "colored" men, John Key del Mais, Francis Rose, and William Elbey, and one "boy," Richard Drew, but made no reference to the color, age, or status of the remaining forty-eight sailors, implying that they were all white men. Crucially, the names of the crewmembers who signed the November petition to President Pétion also appear on the list in the United States

Sometime during the summer of 1816, at least twenty sailors had assembled in Charleston and traveled together to the city of Fernandina, on Amelia Island in Spanish Florida.³⁷ There, they joined the crew of the *San Francisco de Paula*, which had arrived from Havana on or before August 16, 1816, and stocked the brig with “8 pieces of canon, about 300 kegs of powder with muskets and cutlasses for trade.”³⁸ If the crew members had undertaken this journey intentionally, they had explicitly broken the law. A federal statute passed in 1800 had declared that “if any citizen of the United States shall voluntarily serve on board of any foreign ship or vessel, which shall hereafter be employed in the slave trade, he shall, on conviction thereof, be liable to and suffer the like forfeitures,

newspapers, providing independent confirmation of the relative accuracy of the second mate’s recollection of the crew’s composition. *Commercial Advertiser*, November 28, 1816, 2; *New York National Advocate*, November 30, 1816, 2; *Albany Daily Advertiser*, December 3, 1816, 2; and Pétition de l’équipage du brick le Firefly à Son Excellence le Président d’Haïti, 25 November 1816, in AGI, Papeles de Cuba, leg. 1951.

37. These details were given by one of the original crew members who was later brought to trial for piracy by a British court in Demerara. See Interrogation for the Examination of James Alexander, Sailor confined in the Jail of Demerary on a charge of Piracy, 25 January 1817, TNA, Colonial Office, 111/23, Folios 129–38. José Matías de Acebal maintained a correspondence with the prominent Charleston merchant Charles Edmonston, and it is possible (though still speculation) that the latter played a role in the recruitment of the sailors from that city. See, for instance, Charles Edmonston to José Matías de Acebal, 22 November 1816, Consulado 3876, Año 1816: Dn José Matías de Acebal con la Compañía de seguros de esta plaza, sobre el que practicaron en el bergn español San Franco de Paula, (a) el Africano su Capitán Dn Serafin de Covo y Landeras, in Archivo Nacional de Cuba, La Habana (hereafter ANC), Tribunal de Comercio, leg. 4, no. 5.

38. The most complete chronology of the ship’s trajectory comes from the December 1816 ruling of the Haitian admiralty court. Among the specific pieces of evidence that informed the court’s condemnation of the vessel was a letter written by the *grand juge* summarizing the events that precipitated the proceedings in the following terms: “The arrival in this port of the Brig *Africano*, which appears to have been dispatched from Amelia Island with an American crew under the Spanish flag in order to participate in the African traffic.” Jugement Rendu par Extraordinaire à l’amirauté en l’Hôtel, 4 December 1816, in AGI, Papeles de Cuba, leg. 1951. In a register of departing vessels, the Spanish military commander at Fernandina stated that the *San Francisco de Paula* had been loaded with cargo on August 16, 1816. Rex.^{tro} del Bergantín Español *San Francisco de Paula* alias *el Africano*, que desde este Puerto hace viage a la Costa de Africa, su Cap.ⁿ Serafin de Covo y Landeras, 14 August 1816, in Library of Congress, Washington, DC (hereafter LOC), MS Records of East Florida, Register of Departures of Vessels, 1815–1816.

The specifications of the weapons brought on board at Amelia Island were given by the sailor Richard Brown, also brought to trial in Demerara. Brown acknowledged that “the small arms were for trade [likely the trade in African captives], while the great guns were to protect them against Carthaginians.” See Interrogation for the Examination of Richard Brown, Sailor confined in the Jail of Demerary on a charge of Piracy, 25 January 1817, TNA, Colonial Office, 111/23, Folios 139–42.

pains, disabilities and penalties as he would have incurred, had such ship or vessel been owned or employed, in whole or in part, by any person or persons residing within the United States.”³⁹ The subsequent 1807 law had reinforced this prohibition and had exponentially increased the maximum penalties facing United States citizens who intentionally enlisted in slaving voyages.⁴⁰

The Amelia Island leg of the voyage thus illustrates how the technically legal Cuban slaving expedition of the *San Francisco de Paula* took on illicit dimensions. Situated at the northern tip of Spanish Florida, Amelia Island had become a center for the introduction of African captives into North America, especially after the 1807 act that banned this importation to the United States. As Jane Landers has shown, the island’s port city of Fernandina experienced an economic boom in the 1810s in part because of the expansion of slaving traffic, which depended on close collaboration between Spanish subjects and United States-based planters, ship owners, and sailors.⁴¹ Revealingly, the Havana-based owner of the *San Francisco de Paula*, José Acebal, made no mention of any such stint at Amelia Island in his own reports to Spanish authorities about the voyage. Nor did he acknowledge that any foreign sailors had enlisted in the voyage. These omissions suggest that Acebal was well aware that the outfitting of the ship and the recruitment of the crew had potentially violated United States federal law.⁴²

39. *An Act in addition to the act intituled ‘An act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country,’* 2 Stat. 70 (1800).

40. *An Act to Prohibit the Importation of Slaves into Any Port or Place within the Jurisdiction of the United States,* 2 Stat. 426 (1807).

41. The prospect of continued legal importation of captives to Spanish Florida attracted several prominent traders from Charleston, including Zephaniah Kingsley and James Fraser, both of whom also established plantations near St. Augustine. In 1810, for example, Fraser converted his ship the *Eagle of Charleston* into the *Águila de San Agustín*, dispatched it to the Rio Pongo in today’s Guinea, and brought 126 captives back to Florida. See Jane Landers, *Black Society in Spanish Florida* (Urbana and Chicago: University of Illinois Press, 1999), 174–79; and Jane Landers, *Atlantic Creoles in the Age of Revolutions* (Cambridge: MA, Harvard University Press, 2010), 128–30.

42. According to Acebal, “towards the end of 1816,” the *San Francisco de Paula* had left Havana for a “commercial expedition” on the coast of Africa under the command of Serafín de Cobo y Landeras (the former owner of the ship who had sold it to Acebal in June 1816). No incident of note took place until the crew was within sight of “West Africa” at “the beginning of 1817,” at which moment they rose up “treacherously,” arrested Cobo and several of his subalterns, and placed them in a lifeboat. “The rebels thus made themselves masters of the said ship,” wrote Acebal, “and rushing from crime to crime they dedicated themselves to piracy... until they arrived by chance on the island of Santo Domingo.” José Matías de Acebal to Antonio Martínez Arcos, 16 April 1818, in AGI, Papeles de Cuba, leg. 1951. Acebal’s narrative contained several crucial inaccuracies, distortions, and

The *San Francisco de Paula*'s stint in Amelia Island provides another clue for interpreting the crew's avowed ideological commitment to anti-slavery, as later asserted before the Haitian president and admiralty court. Frequented by privateers and smugglers from Mexico, New Granada, and the Caribbean, Fernandina occupied a key position within the circuits of revolutionary ferment that sustained autonomist and independence movements throughout the Spanish empire. On the docks and in the taverns of Fernandina, the crew members could have learned about privateer Louis Michel Aury's service for the Cartagena state before the Spanish reconquest in 1815, for example, or Simón Bolívar's recent expedition to Venezuela from the Haitian city of Les Cayes.⁴³ It is possible that the sailors gained a deeper knowledge of the intertwined, but often diverging, processes of anticolonial revolution and slave emancipation that were at that moment reshaping the geopolitical landscape of the Greater Caribbean.⁴⁴ Or, like Bolívar and so many other Atlantic revolutionaries, the sailors could have developed an understanding or appreciation for certain elements of the language of liberalism, with its emphasis on rights and autonomy from colonial economic restrictions, for example, or even a philosophical opposition to slavery *in principle* that did not conflict with their own individual participation in the slaving economy. Yet their petition's silence about the circumstances leading up to their recruitment into a slave trading operation, especially next to their resounding praise for Haitian antislavery, suggests that the crew tailored their story

gaps. To begin, his chronology conflicted with the crew members' statements as well as his own full records of the events. A later report signed by Acebal, for example, acknowledged that the expedition had left Havana for the African coast on July 23, 1816, not at the end of 1816. Furthermore, as has already been mentioned, the crew submitted their petition to Pétion in November 1816, meaning the brig could not have been approaching West Africa at the beginning of 1817. There is no indication that the crew members denounced one another upon disembarking in Port-au-Prince. Instead, their petition reflected their collective testimony and criticized only the deposed captains who were no longer on the vessel. Finally, Acebal's version of events did not describe any stops during the voyage between Cuba and Africa, implying that the crew and its cargo had all come on board in Havana. José Matías de Acebal, *Inventario de documentos que se acompañan y otros que acreditan la propiedad*, 9 March 1819, in AGI, Papeles de Cuba, leg. 1951.

43. Jonathan Bryant, *Dark Places of the Earth: The Voyage of the Slave Ship Antelope* (New York and London: Liveright Publishing, 2015), 65–69; Hollander, "Against a Sea of Troubles," ch 1; Landers, *Black Society in Spanish Florida*, 244–46; Jennifer L. Heckard, "The Crossroads of Empire: The 1817 Liberation and Occupation of Amelia Island, East Florida" (PhD diss., University of Connecticut, 2006), 86–87; and Morales, *No Limits to Their Sway*.

44. For an in-depth exploration of the relationship between these two processes, see especially Morales, *No Limits to Their Sway*.

based on what they thought would most appeal to the authorities in Port-au-Prince.

After leaving Amelia Island, the brig's voyage had taken an unexpected turn. On October 1, 1816, as they neared Cape Verde, the crew mutinied against their commanding officers. The inconsistencies among later accounts make it difficult to establish the precise sequence of events that led to the mutiny. According to the testimonies of a portion of the crew who ended up in Demerara, the officers had made the unpopular decision to curtail liquor rations, provoking general discontent among the crew members that snowballed into a mutiny. The crew members who provided these details had left the ship before it ever reached Haiti, and their narrative directly contradicted that of their fellow shipmates who claimed moral indignation at the "diabolical" slave trade before Haitian authorities.⁴⁵

Other witnesses disagreed, arguing that the sailors mutinied so that they could turn to a more profitable endeavor: piracy. Over the following months, United States newspapers ran competing stories based on the statements of the original captain Cobo, who was expelled from the ship, and the second mate Daniel McKinnen, who participated in the mutiny and assumed duties as the next captain of the ship. In Cobo's telling, he and the other officers had just sat down to tea that evening when McKinnen and "the rest of the crew...armed with boarding pikes and salamanders" surrounded them and forced them into the forecabin. Having taken everything of value belonging to the officers, the mutineers ordered them into a small cutter. "The captain, supercargo, chief mate, doctor, purser, boatswain, and seven more, with a bag of bread and fifteen gallons bad water for our provisions," sailed away. "Fortunately," Cobo reported, they landed at Santo Antão, one of the Cape Verde islands. In Cobo's estimation, the mutineers had decided to take control of the *San Francisco de Paula* in order to "rob every vessel" in the vicinity, "and then make for some port of St. Domingo, and there sell out, or join the Patriots."⁴⁶

45. Questioned by a British court in Demerara about the origins of the mutiny, the sailor James Alexander asserted that "we were engaged for three bottles of liquor per Mess for seven men per day, 35 dollars per month, and one ounce of Gold on the return of the Brig" and that "on the passage from the Amelia, the Captain took away from them 2 Bottles of Liquor which gave them dissatisfaction." Interrogation for the Examination of James Alexander, Sailor confined in the Jail of Demerary on a charge of Piracy, 25 January 1817, TNA, Colonial Office, 111/23, Folios 130.

46. "Piracy," *Evening Post*, November 28, 1816, 2; and "Piracy," *Albany Advertiser*, December 4, 1816, 2. Cobo had first presented a short summary of the events in a letter to Acebal, which he had sent from Santo Antão on 8 October 1816. Serafín de Covo y Landeras to José Matías de Acebal, 8 October 1816, in Consulado 3876, Año 1816: Dn José Matías de Acebal con la Compañía de seguros de esta plaza, sobre el que practicaron

McKinnen, by contrast, claimed that Cobo and his subordinates had unlawfully boarded several ships before October. McKinnen reported that he had helped to instigate the mutiny in order to put an end to such illegal seizures. On September 26, for example, the brig had encountered the *Mercator*, captained by S. D. Graves, bound from Salem. On this occasion, McKinnen maintained, Cobo sent out a boarding party to steal “a jolly-boat, oars, etc., and a barrel of fish, a barrel of potatoes, and two bolts of duck cloth.” The very next day, the crew came across a ship from Providence and boarded it as well. In addition to United States ships, Cobo and the other officers had allegedly threatened to seize the cargo of any British merchant vessel they might come across. “[A]ll of which,” McKinnen asserted, “I considered Piracy, and determined, if possible, to take command of the brig.”⁴⁷ He did so, according to his account, with the support of the majority of the crew, who thereafter came to the collective decision to take the vessel to Cape Verde.

Although the two officers disagreed about the origins of the mutiny, they put forth parallel justifications for their own conduct, thereby highlighting their shared awareness of the potential legal repercussions of the brig’s voyage. Cobo had subsequently made his way from Santo Antão to Savannah on a series of Portuguese and British brigs.⁴⁸ McKinnen, having been ousted less than a week after the initial mutiny, traveled to Demarara on board the Glasgow-based barque *Glenbervie*.⁴⁹ Authorities in these

en el bergn español San Franco de Paula, (a) el Africano su Capitán Dn Serafin de Covo y Landeras, in ANC, Tribunal de Comercio, leg. 4, no. 5.

Before leaving Santo Antão, Cobo had also filed a maritime protest before the local notary Pedro Antonio da Costa. Certidão de protesto por parte de Serafin Covo y Landeras da Cidade do Reino de Granada, capitão do Bergantim Espanhol invocado San Francisco de Paula, 5 October 1816, in Consulado 3876, Año 1816: Dn José Matías de Acebal con la Compañía de seguros de esta plaza, sobre el que practicaron en el bergn español San Franco de Paula, (a) el Africano su Capitán Dn Serafin de Covo y Landeras, in ANC, Tribunal de Comercio, leg. 4, no. 5.

47. For the full account, see Narrative of Daniel McKinnen, late 2nd Officer of the Brig Africano on a Voyage from Amelia Island to Africa, TNA, Colonial Office, 111/23, Folios 110–12. Daniel McKinnen relayed details of the voyage in a letter to his parents, written from Demerara. See Letter of Daniel McKinnen to his Parents, Undated [1816], TNA, Colonial Office, 111/23, 117–20. Following his instructions, McKinnen’s parents sent extracts of the letter to be republished in newspapers in the United States and beyond. See, for example, *Boston Daily Advertiser*, December 14, 1816, 2.

48. For more on this itinerary, see Balthazar Burk to José Matías de Acebal, 23 November 1816, Consulado 3876, Año 1816: Dn José Matías de Acebal con la Compañía de seguros de esta plaza, sobre el que practicaron en el bergn español San Franco de Paula, (a) el Africano su Capitán Dn Serafin de Covo y Landeras, in ANC, Tribunal de Comercio, leg. 4, no. 5.

49. *Albany Advertiser*, December 4, 1816, 2; and *Repertory*, December 14, 1816, 2.

ports apparently believed their respective stories. Cobo was not brought to trial in the United States, and McKinnen was acquitted on all charges of piracy by a British court in Demerara. Neither Cobo nor McKinnen made any reference to the trade in captives in their respective testimonies before authorities in Savannah and Demerara, hinting that they were aware that their voyage had potentially violated United States and British laws. The officers insisted that the brig was simply a Cuban merchant ship “bound for Africa.” Similarly, they each emphasized that the brig had abandoned its initial course and had begun to engage in “piracy,” although each blamed the other for instigating the attacks on nearby vessels.⁵⁰ Even as United States and British officials declined to prosecute Cobo and McKinnen, the officers’ accounts were called into question when the ship reached Haiti and the crew members themselves began to speak.

The Laws of Nations and the Haitian Admiralty Court

On November 11, 1816, Louis Germain Linard, the judge of the Haitian admiralty court at Port-au-Prince, boarded the ship that the mutinous crew members called the *Firefly* (but which Linard himself called the *Royal Africain*). There, he compiled an inventory of “all objects, merchandise, and weapons that made up its cargo.”⁵¹ In addition to the government prosecutor Louis-Gabriel Audigé and the official scribe (*greffier*) of the court Jacques Regnier, Linard was accompanied by the provisional commander of the naval fleet Chéry Moison and Lieutenant Joseph Goimbert of the Haitian Coast Guard, two officers who had taken charge of the brig after its arrival in the port. On board, the authorities found extensive evidence that the brig had been outfitted with supplies for human trafficking. In particular, Linard took note of the cuffs, fetters, shackles, and other iron chains that they found in the hold. Furthermore, the inventory included various goods and weapons that slave traders conventionally exchanged for captives along the West African coast: hundreds of rifles and pistols, barrels of gunpowder, cartridges, and more than 1,400 individual “*pièces d’Inde*,” the bolts of fabric that served as the basic units of measurement for calculating the value of new captives.⁵² Finally, as if they needed any further proof, the group located an original receipt for the items on

50. “Boston, August 21,” *Baltimore Patriot & Mercantile Advertiser*, August 26, 1818, 2. For more on the court proceedings in Demerara, see TNA, Colonial Office, 111/23.

51. Inventaire du Brig l’Africain, fait par les Officiers du Tribunal d’Amirauté Séant au Port-au-Prince, 11 November 1816, in AGI, Papeles de Cuba, leg. 1951.

52. *Ibid.*

board, which provided confirmation that José Matías de Acebal (who was in Havana at the time of the suit) had initially stocked the ship for the trade in captives.

The Haitian officials may have been surprised to learn that the crew members agreed with their conclusion. Upon their arrival in Port-au-Prince, the crew members made no effort to hide the ship's origins or the designs of its initial captain and former owner. On the contrary, they called attention to the very same objects that Linard, Moison, and Goimbert registered in the official court inventory. "According to the incontestable evidence that has been highlighted by the judiciary of this city," the crewmembers wrote in their November 25 petition, "they have found in the hold of the ship iron bars and barrels constructed in the shape of those in which salted meat is stored, so as to be transported abroad, containing chains, shackles, and irons...as well as the kind of merchandise for purchase generally used in such a traffic."⁵³ By way of a conclusion, the crew members asserted that the "dispositions of the laws of nations" had abolished the "shameful commerce" in African captives altogether, making it necessary for Haitian authorities to condemn the vessel swiftly.⁵⁴

By emphasizing that their brig had been outfitted as a slaving vessel, the authors of the petition sought to fulfill three related objectives. First, they positioned themselves as the denouncers (*dénonciateurs*) of the "unlawful" voyage of the ship, hoping to claim a share of the loot from the anticipated condemnation of the brig by the admiralty court. Indeed, in a brief addition scrawled at the top of their petition, the scribe Regnier noted tersely that the crew had requested half of the profits from the sale of the cargo. Next, they attempted to portray themselves as zealous adherents of what they described as the "laws of nations," thereby distancing themselves from their own acts of aggression that had already been widely documented in the international press. If the Havana-based José Matías de Acebal and Serafin de Cobo were responsible for outfitting the brig for the Atlantic trade in African captives, they argued, Daniel McKinnen alone was to blame for the subsequent "illegal projects" and the "piracy" that those on board the brig had committed after the mutiny. Finally, the

53. Pétition de l'équipage du brick le Firefly à Son Excellence le Président d'Haïti, 25 November 1816, in AGI, Papeles de Cuba, leg. 1951.

54. Ibid. Although it is possible that Haitian officials guided the crew members through the legal process and helped them to shape their arguments, it is most likely that the crewmembers' rhetorical strategies reflected a composite of vernacular understandings of admiralty law, the laws of nations, and various municipal antislavery laws. Sailors circulated major news about the legal suppression of the trade, while accused slave traders deployed similar rhetorical strategies when brought to trial in the United States during the same period. Scott, *The Common Wind*, ch. 3, and Hollander, "Against a Sea of Troubles," ch. 4.

petitioners hoped that their public statement about the brig's relationship to the trade would expedite the proceedings of the admiralty court, allowing them to avoid further daily expenses while they resided in the southern Haitian capital.

Although the crew members addressed President Pétion directly, their petition was eventually submitted as evidence to the admiralty court as part of the Haitian government's ongoing case against the absent "captain or pilot" of the brig. This court had recently been re-established in the southern Republic of Haiti as a hybrid between the *tribunaux de première instance*, the courts with original jurisdiction in most civil and criminal cases, and the *tribunaux de commerce*, which had performed the functions of admiralty courts during the 1804–6 administration of Jean-Jacques Dessalines.⁵⁵ After a political schism divided Haiti between the northern kingdom of Henry Christophe and the southern republic of Alexandre Pétion, each government gradually established its own system of admiralty tribunals. As late as 1809, the southern republic continued to rely primarily upon customhouse officials, which compiled the testimony of ships' captains, and the *tribunaux de première instance*, which heard maritime disputes and acted as prize courts if necessary.⁵⁶ By September 1813, however, administrators in Pétion's government set up new admiralty courts, which were theoretically independent from the *tribunaux de première instance* even if they were presided over by the same officials. These courts registered the arrival of ships, produced inventories of their cargo, collected the testimony of crew members, and issued "extraordinary sentences" condemning vessels.⁵⁷

The admiralty court at Port-au-Prince followed this general model. It was composed of Judge Louis Germain Linard, Lieutenant Judge Joseph Dieudonné, legal advisor (*assesseur*) Lémérand, and the scribe Jacques Regnier, all four of whom also served on the *tribunal de première instance* for the capital region. For his part, Linard had previously worked as a government finance minister and later served on the tribunal de cassation, the

55. On the *tribunaux de commerce* under Dessalines, see articles 17–19 of No. 38: Décret sur le cabotage, les pêcheries, les salines, le mouvement des ports, 1 February 1806, in Linstant Pradine, *Recueil général des lois et actes du gouvernement d'Haïti depuis la proclamation de son indépendance jusqu'à nos jours*, Tome 1 (Paris: Auguste Durand, 1860), 128–33.

56. No. 227: Dépêche du Secrétaire d'Etat au juge du tribunal de 1^{re} instance de Jérémie, relative aux attributions des tribunaux de 1^{re} instance, 4 June 1809, in Pradine, *Recueil*, Tome 2, 16.

57. See articles 34–46 of ch. 2 of No. 358: Loi qui fixe provisoirement les émoluments des juges des tribunaux d'appel, et portant tarif pour les tribunaux de la République, 15 September 1813, in Pradine, *Recueil*, Tome 2, 187–8.

highest court in the republic, after Pétion's promulgation of the constitutional revision of 1816.⁵⁸ As the judge of the admiralty court, Linard's principal task was to rule on the status of ships and cargo in cases of suspected smuggling, piracy, and falsification of documents. Between 1813 and 1815, according to historian Beaubrun Ardouin, the Pétion administration instituted strict penalties against Haitian citizens who enlisted on foreign privateering vessels. These measures were designed to preserve official Haitian neutrality in the ongoing conflicts in the region (including the war between the United States and Great Britain and the Spanish reconquest of New Granada) as well as to combat widespread reports in the international press that portrayed southern Haiti as a place of refuge for privateers and pirates alike. During this same period, the court issued numerous sentences condemning "corsairs" who presented falsified commissions to Haitian port officials. As Ardouin writes, the admiralty officials based these judgments on a circular issued by Pétion in March 1813, which authorized the confiscation of all unauthorized privateering vessels along with any hidden cargo that they had introduced into southern Haitian territory.⁵⁹

The precise jurisdictional boundaries between the admiralty courts, the *tribunaux de première instance*, and the customhouses were sometimes unclear, and the adjudication process in prize cases could involve any or all of the three institutions. In general, it appears that the admiralty court relied on the evidence collected by customhouse officials, and held appellate jurisdiction over the prize cases first heard by the *tribunal de première instance*. In November 1816, the same month that Linard, Dieudonné, Lémérand, and Regnier began the proceedings in the case against the *Firefly*, the customs director François Lavaud conducted an inventory of another Spanish brig with a United States crew, the *San Antonio*, as part of a different case. The brig was first condemned by the *tribunal de première instance* on 6 November 1816 for having presented false papers upon its arrival.⁶⁰ The very same day, Lavaud collected testimony from the United States captain of the *Esperanza* (another seized Spanish vessel),

58. No 294: Acte du Sénat portant nomination de commissaires pour la vérification des comptes des finances, 27 May 1811, in Pradine, *Recueil*, Tome 2, 91; and No. 501: Procès-verbal de l'installation du tribunal de cassation, 23 October 1817, in Pradine, *Recueil*, Tome 2, 567.

59. Beaubrun Ardouin, *Études sur l'histoire d'Haïti suivies de la vie du Général J. M. Borgella*, Tome 8 (Paris: Chez l'Auteur, 1858), 36–37.

60. The official gazette of the southern Haitian Republic published Lavaud's report alongside the sentence of the *tribunal de première instance* in its December 1, 1816 issue. See the articles entitled "Douane du Port-au-Prince" and "Jugement rendu par la sentence du Tribunal de Première Instance de cette ville," in *Le Télégraphe*, December 1, 1816, 1–3.

recommended that the ship be condemned for arriving without papers, and submitted a report to the admiralty court for further investigation.⁶¹

In the case of the *Firefly*, the admiralty court first heard the arguments of the Haitian state prosecutor who sought the confiscation of the ship, before weighing the petition and collecting additional testimony from the crew members themselves. The major point of contention between the two sides hinged on the question of the cargo on board the vessel. Where the crew members sought half of the prize money from the sale of this cargo, the government prosecutor argued that the ship and everything on board belonged to state. To this end, he asked the court to dismiss the crew members' request for any compensation from the state for turning over the vessel.⁶²

Although they represented opposing sides in the case, the prosecutor and the crew members agreed on one central point: that the laws of nations had abolished the slave trade. Both sides invoked foreign and interimperial antislavery agreements, specifically the 1807 British prohibition and the promises to restrict the trade made by the signatory nations at the 1815 Congress of Vienna. At the beginning of the case, the state prosecutor Audigé presented Linard with a motion to open proceedings (*requête introductive d'instance*). The prosecutor's initial motion did more than claim that the brig had violated Haitian antislavery (or antipiracy) law. It stated that the brig was "in contravention of the laws of all nations, notably the peace treaty concluded by the will of the sovereigns of Europe, which outlaws and institutes the strictest punishments for the shameful traffic of the trade," and that it was "proven that the aforementioned ship was entirely directed towards this object."⁶³

In this motion, the prosecutor put forth a rather optimistic reading of the declaration of the plenipotentiaries of the signatory nations at the Congress of Vienna, which had condemned the trade, promised that Britain and France would "unite their efforts" to "proclaim [its] universal and definitive abolition," and continued that this abolition was "worthy of attention" and conformed to the "generous principles" of the sovereigns of Europe.⁶⁴ Nowhere in the text of the declaration on the trade did the plenipotentiaries agree that their respective nations had or would legally outlaw it, let alone

61. See the article entitled "Procès-verbal," in *Le Télégraphe*, December 1, 1816, 3.

62. For more on admiralty jurisdiction in the early nineteenth-century Atlantic, see Bryant, *Dark Places of the Earth*, 125.

63. Jugement rendu par Extraordinaire à l'amirauté en l'Hôtel, 4 December 1816, in AGI, Papeles de Cuba, leg. 1951.

64. Déclaration des puissances sur l'abolition de la traite des nègres du 8 février 1815, in *Recueil d'actes et traités politiques intéressant les provinces qui ont fait partie du Royaume des Pays-Bas*, Tome 2 (Liège: Chez J. Desoer, 1830), 412–14.

draw up new penalties against those convicted of trading in captives. In fact, the act had acknowledged that the plenipotentiaries could not “pre-judge the period that each particular Power may consider as most advisable for the definitive Abolition of the Slave trade,” and highlighted the necessity of further bilateral or multilateral negotiations among specific states in order to determine a final expiration date for the trade.⁶⁵

In the motion to bring the case before the admiralty court, by contrast, Haitian officials interpreted these general guidelines for future abolition as absolute prohibitions that would henceforth be enforceable in admiralty courts. In this way, they aspired to grant concrete force to the otherwise-hesitant antislavery declaration signed at the Congress of Vienna, a remarkable legal innovation that outstripped the promises of the signatory nations themselves. That this language paralleled that of the crew members themselves further implies that that the latter based their petition on elements of the rhetoric of Haitian officials.⁶⁶ Most importantly, the language of the motion hints at the stakes of the sweeping claims with which the officials on the admiralty court had to contend, which transcended questions of Haitian sovereignty and jurisdiction and extended to the very nature of the “laws of nations” and the role of individual municipal courts in their interpretation.⁶⁷

Before their final ruling, members of the admiralty court also examined a letter written by the recently appointed *grand juge* of southern Haiti, André Dominique Sabourin, to prosecutor Audigé, in which Sabourin established the chronology of the brig’s voyage based on twelve different documents, including the different voyage logs located on board.⁶⁸ This letter noted that although the brig was sailing under the Spanish flag, it had traveled from Amelia Island with a United States crew with the sole purpose of sailing to the African coast to acquire captives. If the motion served to instigate proceedings, the letter from the *grand juge* provided the legal grounds for condemning and confiscating it. Even if the crew members

65. Ibid, 414. These discussions were reprinted and hotly debated in the official southern republican gazette *Le Télégraphe* in Port-au-Prince over the course of 1814 and 1815. See, for example, *Le Télégraphe*, May 14, 1815, 3.

66. Pétition de l’équipage du brick le Firefly à Son Excellence le Président d’Haïti, 25 November 1816, in AGI, Papeles de Cuba, leg. 1951.

67. The prosecutors never asked whether the United States citizens had violated any of their own domestic laws by participating in the trade.

68. A position created by the constitutional revision of 1816, the *grand juge* was charged with presiding over the tribunal de cassation and overseeing “the administration of justice” more generally. Sabourin was the first to hold this position, and was appointed by President Pétion on October 12, 1816, several weeks before the *San Francisco de Paula* arrived in Port-au-Prince. See the Constitution d’Haïti révisée au Grand-Goave, in Pradine, *Recueil*, Tome 2, 384.

had not voluntarily sailed to southern Haiti and presented the brig to officials there, the letter suggested, Haitian naval forces under Captain Moison could have claimed the authority to pursue and capture it based on the “ordinances in force in the Republic.”⁶⁹

This bundle of documents—the inventory conducted by admiralty and naval authorities, the declaration and petition of the crew members, the government’s motion for the case, and the letter from the *grand juge*—called attention to the “illegal” slave trading expedition as the principal justification for the capture and the anticipated condemnation of the brig before the Haitian admiralty court.⁷⁰ Yet in the end, Linard, Dieudonné, Lémérand, and Regnier condemned the ship for a comparatively minor infraction: the recruitment of its crew. In particular, they portrayed the brig as being “in contravention of the laws and ordinances of navigation (*lois et ordonnances de la Marine*) concerning the crew’s formation.”⁷¹ The jurists did not immediately specify to which particular “laws and ordinances” they were referring. In fact, although the southern Haitian legislature had promulgated several laws regulating the conduct of sailors on foreign ships in Haitian ports (and prohibiting them from making false declarations to customs officials), there was no specific statute introduced under the Pétion administration that stipulated the necessary conditions for the composition and recruitment of crews on foreign vessels.⁷²

Here, the simultaneous case of the Spanish brig *Esperanza*, brought into the capital of Port-au-Prince by United States privateers in November 1816, is instructive. During the proceedings against that ship, Customs

69. Lettre adressée par le Grand-Juge au Commissaire du Gouvernement près les Tribunaux de l’Ouest, 16 November 1816, in Jugement rendu par Extraordinaire à l’amirauté en l’Hôtel, 4 December 1816, in AGI, Papeles de Cuba, leg. 1951.

70. In this way, the evidence appeared destined to produce a ruling that would clarify the Haitian state’s vision of shifting international norms and agreements to limit the Atlantic trade in African captives, or which would at the very least invoke domestic antislavery laws or the constitutional articles that canceled all debt contracted for the acquisition of captives. The argument for condemning the brig based on the allegations that either Cobo or McKinnen had ordered the crew to commit piracy appeared secondary, both because these two men were not physically present in southern Haiti (and therefore could not be examined by the court) and because the government prosecutors who brought the case had focused their energy on demonstrating that the brig had been outfitted as a slave ship.

71. Jugement rendu par Extraordinaire à l’amirauté en l’Hôtel, 4 December 1816, in AGI, Papeles de Cuba, leg. 1951.

72. No. 162: Loi sur la police des ports et rades de la République, 4 April 1808, in Pradine, *Recueil*, Tome 1, 428–30; No. 366: Loi additionnelle à celle des douanes de la République, 27 November 1813, in Pradine, *Recueil*, Tome 2, 219–20; and No. 415: Loi qui définit la piraterie et porte différentes peines contre les pirates, 8 April 1815, in Pradine, *Recueil*, Tome 2, 324–30.

Director Lavaud noted that its United States captain had neither taken any prisoners nor presented legitimate papers or letters of marque, both of which were necessary to declare the brig a good prize according to the “Marine Ordinance of 1681.”⁷³ Lavaud emphasized that this ordinance, which had first been implemented by the French Minister of State Jean-Baptiste Colbert during the reign of Louis XIV, was in force across southern Haiti, providing the core of the republic’s body of admiralty law wherever it did not contradict post-independence statutes and the constitutional revision of 1816.⁷⁴ The first section of the ordinance sketched out the legal authority and jurisdiction of admiralty judges, empowering them to enforce maritime contracts such as the “engagement” of sailors as part of their adjudication of prize cases.⁷⁵ Judges could condemn vessels for having failed to fulfill the requirements for enlisting crew members enumerated in section four of the ordinance, which mandated that ships’ masters draw up a written agreement (*convention*) with the crew members including all conditions for their employment.⁷⁶ Because there was no subsequent Haitian statute clarifying the functions of admiralty judges or outlining a procedure for discerning the legitimate recruitment of crews on foreign ships, Linard was almost certainly referring to this provision of the 1681 ordinance in the final sentence condemning the *Firefly*. Although the particular violation of maritime contract law remains unclear from the text of the sentence, the jurists’ emphasis on crew recruitment and likely recourse to the 1681 ordinance indicate that the decision to condemn the ship did not hinge on its origins as a slaving vessel. Almost as an afterthought, the sentence concluded by citing the “several acts of piracy at sea committed by the captain who commanded it,” which had been verified by the crew members’ declaration.⁷⁷ The jurists avoided any suggestion that the “laws of nations” had already abolished the trade in captives, or that these laws justified the pre-emptive seizure of suspected slaving vessels.

After the sentence, the admiralty court coordinated the sale of the most valuable items on board the ship, including the various *pièces d’Inde*, at a

73. “Procès-verbal,” November 6, 1816, in *Le Télégraphe*, December 1, 1816, 3.

74. *Le Télégraphe*, December 1, 1816, 3.

75. This power was granted by article II of this section of the 1681 ordinance. *Ordonnance de la Marine du mois d’Aoust 1681, Commentée et Conferée sur les anciennes Ordonnances, le Droit Romain, & les nouveaux Reglemens* (Paris: Chez Charles Osmont, 1714), 17.

76. *Ordonnance de la Marine*, 216–17. This article was initially intended to benefit the masters of ships rather than the crews themselves. According to a 1714 commentary on the 1681 ordinance, the written contracts would prevent sailors from deceiving masters and force them to remain faithful to their word.

77. Jugement rendu par Extraordinaire à l’amirauté en l’Hôtel, 4 December 1816, in AGI, Papeles de Cuba, leg. 1951.

public auction in March 1817, generating a moderate sum of 3,000 gourdes in net revenue for the state.⁷⁸ The stockpile of arms and ammunition, meanwhile, went to the national arsenal. In this way, the leaders of the southern republic used the outcome of the case to pursue another pressing objective: the acquisition of matériel for the ongoing armed conflict with the northern kingdom of Henry Christophe. Since late 1806, the northern and southern states had been locked in a struggle for control of much of Haitian territory. According to the reports of contemporary observers, the size of the southern republic's navy in particular lagged behind that of the northern kingdom.⁷⁹ Although the war had reached a stalemate by 1817, President Pétion and his subordinates continually sought to strengthen their military forces in anticipation of a renewed outbreak of hostilities.⁸⁰ Southern Haitian officials understood that the struggle for national sovereignty and the struggle against Atlantic slavery were fundamentally intertwined, and they therefore had overlapping strategic and ideological motivations for condemning vessels like the *Firefly*.

A month after the state auction, a Havana-based lawyer named Pablo Arnaud arrived in Port-au-Prince, displayed a power of attorney from José Matías de Acebal, and presented a formal request that the Haitian government return the brig and its cargo to Cuba.⁸¹ Arnaud argued that the “revolt” carried out by the crew members had not invalidated Acebal's

78. État sommaire des objets provenant du Bric l'Africain, vendu par les officiers du Tribunal d'Amirauté du Port-au-Prince, 14 March 1817, in AGI, Papeles de Cuba, leg. 1951. In 1817, 3,000 gourdes was roughly twice the amount of the annual salary of a judge on the tribunal de cassation. See No. 492: Loi relative aux appointments des fonctionnaires publics, employés ou salaires de l'Etat, des officiers, soldats des troupes de terre et de mer de la République, 14 August 1817, in Pradine, *Recueil*, Tome 2, 550.

79. In 1811, a British newspaper reported that the northern Haitian navy consisted of at least one frigate, nine sloops of war, five brigs, and a “number of schooners.” Although at least two brigs were destroyed by the fighting in 1812, the size of Christophe's fleet still surpassed that of Pétion's, which hovered at approximately four ships. See *The Morning Chronicle*, May 4, 1811, 2; and *Poulson's American Daily Advertiser*, May 22, 1812, 3.

80. For more on the conflict between Pétion's southern republic and Christophe's northern kingdom, see Gaffield, *Haitian Connections*, 153–81; Nathalie Pierre, “Liberal Trade in the Postcolonial Americas: Haitian Leaders and British Agents, 1806–1813,” *The Journal of Haitian Studies* 21 (2015): 68–99; and Chelsea Stieber, “Beyond Race: Civil War, Regionalism, and Ideology in Early Post-Independence Haiti,” *Age of Revolutions*, <https://ageofrevolutions.com/2018/04/16/beyond-race-civil-war-regionalism-and-ideology-in-early-post-independence-haiti/> (accessed January 18, 2019).

81. Acebal had received details about the mutiny from his contact in Charleston, Charles Edmonston. Charles Edmonston to José Matías de Acebal, 22 November 1816, Consulado 3876, Año 1816: Dn José Matías de Acebal con la Compañía de seguros de esta plaza, sobre el que practicaron en el bergn español San Franco de Paula, (a) el Africano su Capitán Dn Serafin de Covo y Landeras, in ANC, Tribunal de Comercio, leg. 4, no. 5.

outstanding property claim to the brig. In response to his demand, Arnaud received a letter from Alexandre Pétion himself, in which the president summarized the admiralty court's ruling the previous December. "This condemnation being based on the piracy committed on the high seas by the said ship and the trade that it carried out in unfortunate Africans, a shameful commerce condemned by civilized nations," Pétion wrote, "it is not up to me to intervene in the judgment that has been given."⁸²

The second part of Pétion's claim—that the brig had traded in captives and that this commerce had influenced the court's decision—bore close resemblance to the arguments presented by the government prosecutor. When Arnaud's complaint escalated into a formal dispute between the southern Haitian government and the captains general of Cuba and Santo Domingo, Pétion's successor Jean-Pierre Boyer reiterated this argument and forwarded extracts from the admiralty court records as evidence.⁸³ The solid legal foundations of the ruling thus gave presidents Pétion and Boyer considerable room to position Haiti as a leading voice for the opposition to slavery and the trade in African captives, while asserting a role as a legitimate arbiter of maritime disputes. Confronted with protests and requests for extradition, these leaders insisted that their government had adhered to existing international norms, all while arguing that the global pressure against the slave trade was mounting.

In this way, by basing their verdicts on narrow interpretations of prize law, the officials of the admiralty court had helped to produce and to legitimate concrete antislavery action on the part of the state. As Ada Ferrer has noted, the measures taken by successive Haitian leaders to seize slave ships and to liberate the captives on board (in those cases in which captives were present), were never expressly authorized by a particular statute.⁸⁴ In this context, the admiralty court followed the normal principles of adjudication to establish the minimum legal basis necessary in order to condemn the *Firefly*. For their part, Pétion and Boyer then repackaged the ruling into a triumph of antislavery, one that reflected the confluence of Haiti's foundational principles and foreign agreements to limit the trade in captives, as

82. This translation is based in part on that of historian Ada Ferrer, who cites the passage in the epilogue of her book *Freedom's Mirror*. See Ferrer, *Freedom's Mirror*, 332. Here is the original text of the letter: "Cette condamnation ayant eu pour base la piraterie exercée sur les hautes mers par le d.¹ bâtiment et la traite qu'il faisait des malheureux africains, commerce honteux, reprouvé par les nations civilisées; il ne m'appartient pas d'intervenir dans le jugement qui a été porté." Alexandre Pétion to Pablo Arnaud, 8 April 1817, in AGI, Papeles de Cuba, leg. 1951.

83. Jean-Pierre Boyer to Sebastián Kindelán, September 19, 1819, in AGI, Papeles de Cuba, leg. 1951.

84. Ferrer, *Freedom's Mirror*, 332.

a final bulwark against any attempts to negotiate the return of the vessel or its cargo, and as a clear rebuke to Spanish authorities who had failed or refused to curtail the trade.

The existing records provide no further details about the crew members of the *Firefly* after their initial petition to President Pétion. Although José Matías de Acebal and the captain general of Cuba Juan Manuel de Cagigal demanded the extradition of the crew, then-president Boyer made no mention of their fate when he rejected this request through the intermediary of the captain general of Santo Domingo Sebastián Kindelán. The selection of documents that Boyer sent in response was limited to the admiralty proceedings that authorized the condemnation of the brig. The crew members themselves had apparently never been brought to trial for mutiny, or for slave trading. It is possible that they benefited from a provision of an 1815 Haitian law that promised amnesty to anyone who had been “forced” into service on pirate vessels against their will, as long as they explained these circumstances and denounced the ship to Haitian authorities.⁸⁵ In the end, although Linard and the other admiralty officials relied heavily on the crew’s testimony to condemn the brig, it is hard to tell whether or not the judge ever believed their story of a morally motivated mutiny.

Yet the story of the *Firefly* did not come to an end with the crew members’ disappearance from the public record. On the contrary, the admiralty court’s condemnation of the brig itself had an immediate material impact on the southern republic’s campaign to police further slave ships that passed its shores. In June 1817, a United States sailor who had visited Port-au-Prince on a merchant vessel reported to the *Columbian Register* of New York that the naval forces of the Republic of Haiti consisted predominantly of four vessels: the *Abolition de la Traite* (the *Abolition of the Slave Trade*), the *Wilberforce*, the *Conquérant* (the *Conqueror*), and the most recent addition, the *Firefly*, a brig with eighteen guns.⁸⁶ Rechristened with her original name, the *Firefly*, the ship formerly known as the *San Francisco de Paula* and the *Africano*, thus became part of a fleet that played a more explicitly interventionist role in the surrounding waters. Together, the very names of these ships told their own history of Haitian antislavery. The *Conquérant* and the *Abolition de la Traite* signaled Haitian leaders’ willingness to use force in the pursuit of black liberation. The *Wilberforce* situated the operations of the Haitian fleet within a global abolitionist movement. Even the name *Firefly* may

85. This provision might explain why the crew members immediately positioned themselves as the “denouncers” of the brig in November 1816. No. 415: Loi qui définit la piraterie, 8 April 1815, in Pradine, *Recueil*, Tome 2, 328.

86. *Columbian Register*, June 17, 1817, 2.

have held multiple meanings, hinting at Haiti's role as a "beacon" to enslaved people throughout the Americas.

Scholars of early national Haiti have uncovered evidence of a spike in seizures of slaving vessels in northern and southern Haiti near 1817. In the midst of the conflict between the two states, both Christophe's kingdom and Pétion's republic sought to suppress slaving traffic on a larger scale than previously recognized.⁸⁷ In one well-documented case, the *Wilberforce* provoked another dispute with colonial authorities in Cuba in 1818, when its captain carried out an attack on the Spanish slave ship the *Dos Unidos* and brought the 171 captives on board to Port-au-Prince to be liberated.⁸⁸ Further research may reveal whether or not the *Firefly* ever joined the *Wilberforce* and other Haitian vessels in disrupting slaving expeditions directly.

In the wake of the *Wilberforce*'s 1818 seizure of the *Dos Unidos*, President Boyer and the members of his administration exchanged a series of heated arguments with Spanish officials in Cuba over the legality of the action. This time, however, it was the captain of the slaving vessel who invoked the laws of nations, arguing that Haiti possessed no right to conduct a peacetime search and seizure of a slaving vessel that was operating with the full authorization of the Spanish metropolitan government.⁸⁹ In retort, the members of the Boyer administration defended their decision to order to seizure of the *Dos Unidos* on the basis of the Haitian constitution of 1816, which promised free soil and asylum and forever cancelled all

87. In October 1817, the official gazette of Christophe's northern kingdom published a story about the recent condemnation of a Portuguese slaving vessel and the liberation of the 145 captives on board. See Ardouin, *Études*, Tome 8, 296. Scholars Marlene Daut and Julia Gaffield have recently located, digitized, transcribed, and analyzed the original issue of the royal gazette in which this story is featured. See *Gazette Royale d'Hayti*, October 10, 1817, 2, Available via *La Gazette Royale d'Hayti*, <http://lagazetteroyale.com/1817/10/10-octobre-1817/> (accessed September 20, 2018).

88. For more on this incident, see Ferrer, *Freedom's Mirror*, 329–38, and José Luciano Franco, *Comercio clandestino de esclavos* (Havana: Editorial de Ciencias Sociales, 1985), 154–56.

As the commander of the armed forces of southern Haiti, President Pétion personally supervised the operations of some of these ships. In February 1816, for example, he gave orders for resupplying the *Wilberforce*, clarifying the purpose of each item to be brought on board. See Alexandre Pétion, Invitation au garde-magasin général à délivrer, pour la corvette le *Wilberforce*, les objets suivants, 29 February 1816, in Archives Nationales d'Haïti, Section historique, Port-au-Prince, Haiti (Site Poste-Marchand), Présidence, Liasse Alexandre Pétion, No Folio Number.

89. Testimonio de las diligencias proveídas por D. Juan Manuel de María, Capitán Español del bergantín mercante Español nombrado los Dos Unidos, 30 March 1819, Archivo General de la Marina Álvaro de Bazán, Viso del Marqués, Spain, Corso y Presas, leg. 5240L; See also Ferrer, *Freedom's Mirror*, 330.

debt contracted for the acquisition of captives.⁹⁰ Haitian officials thus couched their aspirational vision of international antislavery within a cautious jurisprudence and a sturdy underpinning of municipal law. This approach ultimately provided the legal opening for the Haitian state to begin actively to suppress slaving traffic beyond the shores of Haiti itself.

90. Ferrer, *Freedom's Mirror*, 330.