

Strains of Unity:
Emancipation, Property, and the Post-Revolutionary State in Haitian Santo Domingo, 1822-1844

by

Andrew J. Walker

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
(History)
in the University of Michigan
2018

Doctoral Committee:

Professor Rebecca J. Scott, Chair
Professor Marlyse Baptista
Professor Jean M. Hébrard, École des Hautes Études en Sciences Sociales
Associate Professor Jesse E. Hoffnung-Garskof
Associate Professor Richard L. Turits, College of William & Mary

Andrew J. Walker

ajwalk@umich.edu

ORCID iD: 0000-0003-0868-9060

© Andrew J. Walker 2018

Dedication

For Mary Ann Bartrug

Acknowledgments

At the University of Michigan, I have had the pleasure of learning from a deeply supportive set of mentors, colleagues, and friends. First and foremost, I would like to thank Rebecca Scott for years of guidance and close reading of works in progress. I have been inspired by her approach to crafting compelling narratives based in meticulous archival research, by her support for the ongoing projects of students and colleagues, and by her efforts to forge dialogues and collaborations across institutional boundaries and borders. Richard Turits taught a graduate seminar on Caribbean history during my first semester at Michigan that introduced me to some of the most exciting questions in the field, and he has since pushed me in turn to think harder about the larger questions that this dissertation poses. I am very grateful to Jean Hébrard and Marlyse Baptista, who not only read and commented on chapter drafts but also taught me how to carry out collaborative work at the intersection of disciplines during our research project on the origins of creole languages. I would like to thank Jesse Hoffnung-Garskof for helping me to consider how the unification of Hispaniola fits into a larger story about nation-building and the formation of myths of racial harmony across Latin America. I began to assemble the first blueprints for this project over the course of an independent study and a prelims field led by Julius Scott, whose careful attention to the transformative political power of material and intellectual interconnections has continually reframed how scholars understand the Haitian Revolution and the Atlantic World. I would also like to thank Paulina Alberto, Lawrence La Fountain-Stokes, and Ryan Szpiech for leading readings courses and research seminars that directly influenced this dissertation.

Special thanks to the following institutions for funding this project during the successive stages of research and writing: the Fulbright Association, the University of Michigan, the Rackham Graduate School, and the Eisenberg Institute for Historical Studies. I am very grateful to the Afro-Latin American Research Institute at the Hutchins Center at Harvard University for providing support to attend the 2017 Mark Claster Mamolen Workshop. Many thanks as well to the organizers, sponsors, and graduate fellows of the Race, Law, and History program at the University of Michigan Law School. I would like to thank all of the students, staff, and faculty at the following institutions for welcoming me and for providing invaluable feedback on this project: the Université d'État d'Haïti, the Universidad de Puerto Rico- Recinto de Río Piedras, and the École des Hautes Études en Sciences Sociales.

This dissertation was made possible by the work and support of archivists and scholars in the Dominican Republic, Haiti, Spain, France, and the United States. I am very grateful to Ingrid Suriel and to the entire archival staff of the Archivo General de la Nación in Santo Domingo for their help locating and consulting documents. I thank Quisqueya Lora Hugi for her pioneering scholarship on the unification era and for her encouragement to work closely with the notarial records at the AGN-RD. I also want to thank Roberto Cassá, María Filomena González Canalda, and Raymundo González, among many others, for their efforts to restore, catalog, and digitize portions of the AGN's holdings. Many thanks to Antoine Césaire and the rest of the team at the Archives Nationales d'Haïti for all of their guidance, assistance, and patience. I am also grateful to the staff of the Archivo General de Puerto Rico in San Juan, the Archivo Histórico Nacional in Madrid, the Archivo General de Indias in Sevilla, the Archivo General de la Marina Álvaro de Bazán in Viso del Marqués, the Bibliothèque Nationale de France in Paris, the Archives Diplomatiques in La Courneuve and Nantes, the National Archives and Records Administration

in College Park, and the William Clements Library in Ann Arbor. Thanks to Guillaume Baudin, Altina Hoti, Chloe Ireton, Adrian Masters, Andrés Pletch, Jesús Ruiz, Guillermo Ruiz Stovel, Ana María Silva, Fidel Tavárez, Veronica Valentin, and the rest of the community of researchers, grad students, and instructors in Spain.

Anne Eller provided comments on several presentations, called my attention to documents and secondary sources at key stages of the research and writing process, and served as a crucial interlocutor during our overlapping visits to the Dominican archives. Above all, I would like to thank her for her infectious enthusiasm and for her commitment to writing Dominican and Haitian history as one story. María Cecilia Ulrickson introduced me to the Dominican national archives and offered invaluable advice about working there before I ever set foot in Santo Domingo. Special thanks as well to Antony Keane-Dawes, Christienna Fryar, Winter Schneider, and Charlton Yingling, who helped to organize panels on the unification and postslavery lives around the Caribbean at successive annual meetings of the American Historical Association. I am very grateful to Julia Gaffield for sharing a rare issue of the bilingual gazette *L'Étoile Haïtienne* that she located at the British National Archives. Other scholars who have played a central role in shaping this dissertation with their comments, questions, and conversation include George Reid Andrews, Ernesto Bassi, Michael Becker, Fernanda Bretones, Vincent Brown, Jean Casimir, Adriana Chira, Marvin Chochotte, Christina Davidson, Evelyn Dean-Olmstead, Robin Lauren Derby, Rachele Doucet, Alain El Youssef, Céline Flory, Ada Ferrer, Alejandro de la Fuente, Marial Iglesias Utset, Chloe Ireton, Quisqueya Lora Hugi, Graham Nessler, Edgardo Pérez Morales, David Sartorius, Fidel Tavárez, and Alessandro Tuccillo. I would like to thank Laurent Dubois, Deborah Jenson, Jocelyn Olcott, and Jacques

Pierre for teaching me so much about Haiti, the U.S., and Latin America, and for encouraging me to embark on my own research.

In October 2017, the Centre Challenges and the Université d'État d'Haïti sponsored a conference in Port-au-Prince to mark the occasion of the 80th anniversary of the 1937 massacre of Haitians in the Dominican Republic. My understanding of Haitian-Dominican relations has been profoundly shaped by the groundbreaking work of the conference attendees. Many thanks to Watson Denis for extending a generous invitation to attend the conference and for helping me to get situated in Port-au-Prince. I would also like to thank Jean Casimir, Lewis Clorméus, Rachelle Doucet, Widdy Emmanuel, Jean Eddy Lacoste, Ethson Otilien, Jean-Alix René, and Hervé Rosan for their insights, questions, and suggestions for further leads for research.

Over the past year, I've had the opportunity to get to know an extraordinarily welcoming community of musicians based in Michigan and beyond. Playing music with Doug Carpenter, Andy Eggleston, Sam Haapaniemi, Scott Lamparski, Hannah Lewis, Lauren Marquardt, Rachel Sexton, Micah Spence, Amalia Tonsor, and Greta Van Doren has been a continual source of joy and inspiration. Special thanks to Cheryl Wong, Evan Lebow-Wolf, and Kyle Rhodes, who have welcomed me into their homes more times than I can count, sharing brunches, potlucks, stews, duck eggs, and plenty of fiddle tunes.

In Ann Arbor, I've been very grateful to share the time and friendship of Noah Blan, Pedro Cantisano, Johanna Folland, Hakeem Jefferson, Adam Fulton Johnson, Sara Katz, Hiroaki Matsusaka, Emma Park, Ángela Pérez-Villa, Andrés Pletch, Marcela Reales, Andrew Rutledge, Ana María Silva, Diana Carolina Sierra Becerra, David Spreen, Alexander Stephens, and Kevin Young. Thanks to Kelsey Gamza and Dustin Gamza for their friendship and support throughout grad school, for inviting me on summer trips to Lake Huron, and for giving me the opportunity

to officiate their wedding ceremony. Thanks as well to Ben Bergmann, Joe Catapano, Ignacio Leonhardt, Will Passo, Monica Hogan Thysell, and Mark Thysell for their friendship over time and distance.

Finally, I would like to thank my family for all of their help during this long process. Kevin Black and Carlen Ruschoff brought a sense of humor and perspective whenever I shared tales of the ups and downs of graduate school. Chris Burr expressed interest and excitement in my research in different countries and archives, helping to remind me of how rewarding and unique this job can be. My mother Cynthia Walker and my sister Elizabeth Burr have repeatedly volunteered their space, time, and labor. They have provided indispensable feedback on chapter drafts and presentations and graciously agreed to host me during summers, holidays, and an interim of several months between archival trips overseas. By their example, they have taught me, probably more than they realize, about how to face professional and personal challenges with creativity and courage. Thanks to all of you for the years of support and encouragement.

Table of Contents

Dedication.....	ii
Acknowledgments.....	iii
List of Figures	x
Abstract	xi
Introduction	1
The Haitian Revolution and the Trajectory of Emancipation in Santo Domingo.....	8
“African Blood” and Haitian Soil: Slavery, Race, and Nation at the Moment of Unification.....	22
From Domination to Unification.....	31
Chapter 1: The Petty Commerce of Political Unification	34
“Something that our neighbors lacked”: The Livestock Borderlands in the Era of the Haitian Revolution.....	37
Moveable Assets, Unified Markets: Selling to the Haitian Army.....	54
Chapter 2: The Beams and Bricks of the Palacio de Borgella	74
“In harmony with the interests of the state”: Reforming Eastern Land Tenure Extinguished Convents and Outstanding Credit.....	77
Layers of Ownership: Expropriated Lands, State Soil, and their Residents.....	88
The Aftermath of “Reform” and the Rise of a Unified Propertyholding Class.....	99

Chapter 3: There Must Be Limits	109
Plantation Agriculture in the Southeast from the Unification to the Code Rural.....	112
Shifting State Blueprints for Dons Nationaux.....	124
Surveys, Partitions, and Sales of Eastern Concessions.....	132
Chapter 4: The Perfect Union of Neighbors	148
“Every man must do the same, lest he be accused”: Legal Languages of Anti-Vagrancy.....	153
“A bundle of difficulties and contradictions”: Competing Claims to Terrenos Comuneros.....	172
Chapter 5: All Spirits Are Roused	193
Sailors, Smugglers, and State-making across the Mona Passage.....	194
A Free Country on the Island of Haiti.....	205
The Stakes of Unity.....	225
Epilogue	232
“Death to the partisans of slavery”.....	232
The Laws of Haiti.....	237
Sources and Bibliography.....	242

List of Figures

Figure 1: Palacio de Borgella, the Palma de la Libertad, and the Cárcel Vieja	71
Figure 2: Map of the city of Santo Domingo and its environs	106
Figure 3: Jean Pierre Boyer, Don National to Citizen Moulia	130
Figure 4: Undated photo of the Ingenio Engombe	132
Figure 5: Jonathas Granville, Survey of 11 carreaux belonging to Jean Morel	143

Abstract

Between 1822 and 1844, the former Spanish colony of Santo Domingo, today the Dominican Republic, was unified with the post-revolutionary Republic of Haiti, bringing the end of legal slavery across the entire island. This dissertation argues that the reforms proclaimed by Haitian leaders provoked adaptation, strategic alliances, and local political contests rather than any crystallization of nationalized or racialized divisions among the Spanish and Kreyòl-speaking populations of Haiti and Santo Domingo. The notarial records, judicial documents, and administrative correspondence produced on both sides of the island show that Santo Domingo's Afro-descended majority took advantage of emancipation and the elimination of colonial-era terminology of socioracial classification to make claims to land and movable property after 1822. Together, formerly enslaved people, rural inhabitants, and local administrators in Santo Domingo mediated the application of Haitian law rather than simply accepting or rejecting it. Indeed, their loyalties and identities transcended the narrow categories of "Dominican" and "Haitian."

The structure of the dissertation follows the projection and negotiation of Haitian sovereignty in eastern Hispaniola after 1822, both chronologically and geographically. The first chapter follows the regiments of Haitian troops through the "livestock borderlands" of the center island region and into the capital city of Santo Domingo. The next three chapters follow the application of Haitian property law from the walled city of Santo Domingo to the larger estates of the southeastern riverine regions, and eventually into the more remote *montes* of the rural communes. The final chapter turns outward to the Pan-Caribbean dimensions of the annexation of eastern Hispaniola, focusing in particular on the participation of maritime maroons from

surrounding islands in the ongoing juridical unification of the island. The end results of these negotiations were in the short term, the formation of a Haitian state whose authority was limited by local practices of law and longstanding struggles over resources, and in the long term, the political mobilization of the sparse, overwhelmingly rural population of eastern Haiti around a shared commitment to the permanent and universal abolition of slavery.

Introduction

Before dawn on 9 February 1822, a crowd of curious onlookers began to assemble around the Puerta del Conde, the principal gateway to the walled city of Santo Domingo, the capital of the former Spanish colony of the same name. Above street level, other townspeople peered out from the balconies of the two- and three-story houses that dotted the Calles del Conde and de la Merced, festooned with colorful banners to mark the occasion. At the gate, the members of the municipal council awaited the arrival of Haitian president Jean-Pierre Boyer, who came to declare the formal annexation of the territory of Santo Domingo by the neighboring Republic of Haiti and, even more dramatically, the immediate emancipation of all who continued to be held as slaves in Hispaniola. Santo Domingo had been the site of the first European colony, the setting for the first sugar plantations, and one of the first destinations for African captives in the Americas. For the next twenty two years, it would be governed by the most radical independent state in the hemisphere, one founded by formerly enslaved people and their descendants on the pillars of antislavery, anticolonialism, and racial equality.

At six-thirty in the morning, Haitian troops began to cross the threshold of the gate. The first local official they encountered on the other side was the porter of the municipal council, dressed in full ceremonial robes. In what may have been a sign of defiance, the porter had complemented his formal outfit with a tall red folding cap and a silver chest plaque that bore the coat of arms of the city: a crown, a key, and two lions, evoking the standard of Castile and León. One Haitian soldier who entered the gate that day attested that he and the other troops, having passed through only rural villages and small towns during their weeks on the road, were taken

aback upon meeting a porter in such an ostentatious outfit. Some assumed, quite reasonably, that this man was none other than the archbishop of Santo Domingo. A few broke with protocol, fumbling to put away their swords in order to make the sign of the cross on themselves.

The soldiers' displays of respect before the man whom they took for the highest ecclesiastical authority on the island drew chortles from another local official who stood at the ready to welcome the Haitian president. This was José Núñez de Cáceres, a former colonial administrator who had declared Santo Domingo's independence from Spain a mere two months earlier, and who had founded in its place the Independent State of Spanish Haiti (*Estado Independiente de Haytí Español*). It was Núñez de Cáceres' move to break with metropolitan rule, and above all his unpopular decision to maintain the institution of slavery even in the face of widespread popular mobilization against it, that had persuaded local municipal authorities across eastern Hispaniola to appeal directly to Haitian authorities in order to seek the formal unification of the island.¹

Now, as president Boyer himself crossed the Puerta del Conde to the sound of three canon blasts, Núñez de Cáceres had no choice but to acknowledge the authority of the post-revolutionary western Haitian state. The officials marched east down the Calle del Conde to the chambers of the municipal council in the central square, where Núñez de Cáceres presented Boyer with the keys to the city on a silver plate. This gesture was meant to symbolize the transfer of sovereignty from the Independent State of Spanish Haiti to the western Republic of Haiti. According to the admiring reports in the state press on both sides of the island, Boyer refused the

¹ Notes extraites du carnet d'un Soldat, published in *L'Union*, 14 June 1838, 2-3; Joseph-Balthazar Inginac, Secrétaire-Général près Son Excellence le Président d'Haïti to Colombel, Secrétaire-Particulier de Son Excellence le Président d'Haïti, 13 February 1822, published in *Le Télégraphe*, 10 March 1822, 2-3.

offering of the keys, claiming that it was “incompatible with the true objective of his entrance in the city,” since he had not come as a “conqueror,” but as “a father, a brother, and a friend.”²

After the presentation of the keys, Núñez de Cáceres delivered a Spanish-language speech to the assembled crowd in which he introduced the townspeople of Santo Domingo to their new head of state. Notwithstanding his superficial deference to Boyer, Núñez de Cáceres’s speech barely masked his bruised ego and his simmering resentment towards the Haitian authorities. Núñez de Cáceres quickly digressed from the principal theme of his speech in order to proffer his perceptions of the cultural and linguistic divisions between Haitians of the west and their new fellow citizens of the east. He concluded that “if one cannot understand the other by means of the vocal organ, there can be no such thing as communication.”³ He also drew a not-so-

² “le citoyen Joseph Nuñez de Cacerez, qui jusqu’alors avait été à la tête de la municipalité informa S.E. de la cérémonie usitée en pareil cas de faire la remise des clefs en signe de possession de la ville et du territoire &c., son excellence le Président tenant à cœur les principes héroïques de sa vertueuse modestie ne voulut pas s’assujettir à une pareille cérémonie, manifestant que cela était incompatible avec le véritable objet de son entrée, laquelle n’était pas en qualité de conquérant, ni même la place se rendait à lui par force des armes, mais proprement comme une visite de père, de frère, et d’ami, dans un lieu incorporé et réuni à la République d’Hayti, ne venant pas animé d’autres sentimens que ceux de rendre heureux et embrasser avec tout l’épanchement de son âme ses nouveaux concitoyens.” *L’Étoile Haytienne*, 10 March 1822, 1-2. See also Miguel de Lavastida, Acte de la réception de Son Excellence le Président d’Haïti, 9 February 1822, published in *Le Télégraphe*, 17 March 1822, 5.

³ The text of this speech was translated into French and reprinted in the official state gazette *Le Télégraphe* the following month in Port-au-Prince. “Ils ont pu d’autant plus se tromper que les politiques, lorsqu’il s’est agi de la transmutation de différents peuples en un seul et de la Constitution qui doit les régir, ont balancé les avantages que présentent la proximité du territoire et la contiguïté des frontières, avec les difficultés qui naissent de la diversité du langage, de la routine d’une ancienne législation, du pouvoir des habitudes contractées dans l’enfance, de la dissimilitude des mœurs et mêmes de la différence de la nourriture et du vêtement. La parole étant l’instrument naturel de communication parmi les hommes, si l’on ne s’entend pas par le moyen de l’organe vocal, il ne peut y avoir de communication, et sans de grands intérêts communs à défendre, cet obstacle serait presque aussi insurmontable que le déplacement matériel des Alpes et des Pyrenées.” Discours prononcé par le citoyen Joseph Nunez de Caceres à la Municipalité de Santo-Domingo, le 9 Février 1822, an 19 de l’Indépendance, au moment de

subtle analogy between himself and Christopher Columbus. In Núñez de Cáceres' telling, Columbus had "discovered an unknown world" but had been robbed of the recognition of his achievement for posterity by the upstart "adventurer" Amerigo Vespucci, whose modest "incursions came after his own."⁴

In a French-language response, Boyer argued that the Haitian annexation of Santo Domingo had prevented the bloodshed that would have followed inexorably from Núñez de Cáceres' declaration of independence, even as he claimed that he did not understand Spanish well enough to respond to all of the points raised by Núñez de Cáceres' speech. The president pledged that he would do all in his power to protect the interests of the eastern residents who had joined "the Haitian family," so that they should never "regret the move that they had just made."⁵

se démettre, en faveur de S. Ex le Président Boyer, de sa dignité de Chef politique, published in *Le Télégraphe*, 17 March 1822, 3-4.

⁴ "Le 1^{er} Décembre 1821, le pavillon Espagnol cessa de flotter sur les tours de cette ville; il fut remplacé par celui de l'Indépendance Colombienne. J'observerai en passant, que ni cette bannière, ni cette dénomination, n'indiquait une adhésion particulière à aucun des États qui, dans ce moment, luttent pour consolider l'œuvre de leur Indépendance de la Métropole, ni encore moins aucune espèce d'incorporation avec eux ; mais bien une dénomination général de l'Indépendance de l'Amérique Espagnole, en mémoire du grand homme qui découvrit un monde ignoré des anciens, d'un homme qui put compter au nombre des déboires dont il fut abreuvé, l'injustice de voir un aventurier (Americo Vespuce) dont les incursions maritimes furent postérieures aux siennes, imprimer son nom, d'une manière si indélébile aux vastes régions, aux immenses Continents de notre hémisphère, qu'on ne saurait l'en effacer, à moins d'en faire périr tout d'un coup, et pour toujours, l'histoire. Le 21 Janvier suivant, ce même pavillon de Colombie (dénomination qui doit toujours être prise dans le sens que nous venons de lui donner) a fait place à celui de la République d'Haïti, sans qu'on ait éprouvé, dans ces deux passages critiques, aucune des convulsions qui, d'ordinaire, accompagnent les changemens de cette nature." Discours prononcé par le citoyen Joseph Nunez de Caceres à la Municipalité de Santo-Domingo, le 9 Février 1822, an 19 de l'Indépendance, au moment de se démettre, en faveur de S. Ex le Président Boyer, de sa dignité de Chef politique, published in *Le Télégraphe*, 17 March 1822, 3-4.

⁵ "Je regrette beaucoup de n'avoir pu comprendre parfaitement toutes les parties du discours qui vient de prononcer le citoyen Nunez, afin de pouvoir y répondre de point en point. Cependant je dois vous répéter ici, qu'aucune ambition particulière ne me domine ; que mon devoir seul a

In spite of their palpable disagreements, Boyer and Núñez de Cáceres joined their subalterns and the remaining members of the municipal council at the Cathedral across the street, where they together sang a Te Deum as part of a liturgy presided over by the actual archbishop, Pedro Valera y Jiménez.⁶

In stark contrast to Núñez de Cáceres, many inhabitants of the former colony of Santo Domingo greeted the Haitian unification with varying degrees of hope, ranging from cautious optimism to utter jubilation. Article 6 of the Haitian constitution of 1816, now in force across the island, promised to extend the universal rights of “liberty, equality, security, and property.” These categories of rights were so broadly defined that the new citizens of the east could attach distinct, even conflicting, aspirations to them. The crowd who witnessed the spectacle on February 9th would have included members of the enslaved population of the city whose immediate juridical freedom was confirmed by Boyer’s proclamation, perhaps even the women, men, and children who had once been held as slaves by Núñez de Cáceres himself.⁷

guidé mes pas dans cette partie intégrante de la République où le sang eût coulé, si je ne m’étais empressé de m’y rendre. Quoique la révolution du 1^{er} Décembre n’aît été suivie d’aucun malheur de ce genre, les documens officiels que j’ai reçus de cette ville, ainsi que de St-Yague et de St-Jean, prouvent d’une manière incontestable, qu’elle l’aurait été. Je reçois avec satisfaction les protestations que vous me faites de la soumission et de la fidélité que vous jurez à la République.... En conséquence je déclare, comme chef de l’Etat, que je ferai tous mes efforts pour ceux qui augmentent aujourd’hui la famille haïtienne, ne soient jamais dans le cas d’éprouver aucun regret de la démarche qu’ils viennent de faire.” Discours prononcé par S. Ex le Président Boyer, 9 February 1822, published in *Le Télégraphe*, 10 March 1822, 2-3.

⁶ *L’Étoile Haytienne*, 10 March 1822, 2; Miguel de Lavastida, Acte de la réception de Son Excellence le Président d’Haïti, 9 February 1822, published in *Le Télégraphe*, 17 March 1822, 5.

⁷ Over the course of the previous year, as he served as Auditor de Guerra for the Spanish administration, Núñez de Cáceres had continued to buy and sell enslaved people in the capital. See, for instance, Venta del negro esclavo nombrado Rufino de Roxas, criollo de edad de cincuenta años, por el Señor D. José Núñez de Cáceres, Auditor de Guerra de esta Capital, a D. Francisco Abreu de este vecindario, 10 April 1821, in Archivo General de la Nación, Santo Domingo, Republica Dominicana (hereafter AGN-RD), Fondo Protocolos Notariales, Signatura

In tandem with the abolition of slavery, the Haitian state declared official legal equality among male citizens and prohibited discrimination on the basis of color. This put a formal end to the race-based exclusions enshrined in Spanish colonial legislation such as the constitution of Cádiz (promulgated in 1812, abrogated in 1813, and then re-implemented across the empire in 1820) and the constitution of the Independent State of Spanish Haiti, which had effectively mandated free status as a prerequisite for full citizenship.⁸ In Santo Domingo, free people of full or partial African descent constituted the overwhelming majority of the population. Their ancestors had helped to undermine Santo Domingo's early sugar plantations through wide-scale flight from slavery, and had founded a semi-autonomous rural society in explicit defiance of the racial hierarchies articulated by local and metropolitan administrators. Spanish authorities' renewed efforts at racial subjugation during the twilight of colonial rule, followed by the decision taken by creole patriot leaders to preserve slavery, had provoked widespread discontent. Many would throw their support behind the prospect of unification with their western neighbors, hoping to chart alternative path for the future of the island.

Others who had not been subjected to recent enslavement or to legal discrimination may have found much to admire in the new political order as well. Many residents feared that Spain would attempt to recuperate the former colony of Santo Domingo once the campaigns to subdue revolutionary movements in mainland Latin America had ceased. The legions of troops arriving from western Haiti, which far outnumbered the local garrison, provided a new bulwark against

703695, Comprobante de Protocolo de Mariano Montolío y Ríos, Miguel Joaquín Alfau, y Bernardo de Jesús González, 1821-1896, Folio 196.

⁸ Acta constitutiva del gobierno provisional del estado independiente de la parte española de Haití, as transcribed in Charles Mackenzie, *Notes Made on Haiti during a Residence in that Republic*, vol. 2 (London: Henry Colburn and Richard Bentley, 1830), 227-228.

such an invasion. Local residents with investments in the sizeable ranching and woodcutting industries of Santo Domingo's interior saw potential commercial gains in Boyer's promises of free trade across the former political border. Finally, eastern citizens of all backgrounds sought to take advantage of the Haitian constitutional protections for property rights, defined in the most fundamental sense as the full right to property in one's own person and to "enjoy and dispose of one's revenues, of one's goods, of the fruit of one's work, and of one's industry."⁹ It would quickly become clear to local and national Haitian authorities, however, that citizens held diverging views of what these rights should entail, and what should be the role of the state in their protection.

On the evening of February 9th, after the official ceremonies had ended, residents of the capital and the Haitian troops stationed in the city together launched informal celebrations that lasted until the early hours of the morning. Inspired by the presence of a young woman with a flower in her hair, some men brought out guitars and launched into sentimental serenades, "hoping to make a sweeter conquest than that of the president," as a witness later reported. Others shared their interpretations of the critical historical stakes of the moment. One soldier from the west seized the opportunity to regale the crowds with songs about the making of independent Haiti, set to the music of a hollowed-gourd banjo known as a *banza*. The chronicler who had passed through the Puerta del Conde that morning described this musician as a "national bard," who had "preciously conserved" his instrument during the eastward march.

⁹ Ada Ferrer, "Haiti, Free Soil, and Antislavery in the Revolutionary Atlantic," *American Historical Review* 117, no. 1 (2012): 52. The relevant text of Article 10, Section 1 of the Haitian Constitution of 1816 reads "La Propriété est le droit de jouir et de disposer de ses revenus, de ses biens, du fruit de son travail, et de son industrie." *Revision de la Constitution haïtienne de 1806* (Port-au-Prince: Imprimerie du Gouvernement, 1816), 2.

Above the deep hum that resonated from the banza, the musician began “to sing of the feats of our leaders and the nearly fantastic events with which our history abounds.”¹⁰

The Haitian Revolution and the Trajectory of Emancipation in Santo Domingo

No transcript has survived of the music or the lyrics performed by the soldier-musician that night, but it is not difficult to imagine where his narration of these “fantastic events” might have begun. The troops who reached Santo Domingo in February 1822, as well as the local regiments who met them there, included numerous veterans of the revolutionary struggles of the previous decades, during which the inhabitants of the two sides of the island had shaped one another’s destinies. In 1790 and 1791, a campaign for racial equality led by free people of color in French Saint-Domingue (the colony that would become Haiti) had been followed by a massive insurrection led by enslaved people seeking to overturn the conditions of their bondage. Internal turmoil opened into an inter-imperial war among France, Spain, and Britain for sovereignty over

¹⁰ “Dans la soirée, quelques amusements furent improvisés ; là, c’était une jeune fille, la tête ornée de l’indispensable *clavela* (œillet), au milieu d’une *tertulia* (cercle) composée de quelques anciennes amies et de jeunes officiers de l’armée, qui essayaient, la guitare à la main, une conquête plus douce que celle du Président; ailleurs, c’était un de nos bardes nationaux qui avait conservé précieusement son *banza*, et qui, au milieu d’un groupe nombreux, chantait les prouesses de nos chefs et les événemens presque fantastiques dont nos annales fourmillent.” Notes extraites du carnet d’un Soldat, published in *L’Union*, 14 June 1838, 3.

Historian Laurent Dubois has emphasized the political and spiritual significance of the Haitian *banza*, which was already recognized by the time of the founding of the independent nation in 1804. Runaway slave ads in the colonial-era newspapers of Saint-Domingue abounded with references to banza-playing maroons, and foreign visitors to the colony frequently reported about the instrument’s importance among the enslaved population as a store of knowledge and, most importantly, a tool for community formation and belonging in a situation of intense displacement and uprootedness. That a soldier used the instrument to sing about Haitian history at the moment of emancipation in Santo Domingo confirms Dubois’ portrait of the banjo as a crucial site of memory, and possibly even a mechanism for disseminating a popular political consciousness. Laurent Dubois, *The Banjo: America’s African Instrument* (Cambridge, MA and London: Belknap Press of Harvard University Press, 2016), especially 93-138.

the entire island of Hispaniola. The insurgent “forces of black self-liberation”¹¹ who dismantled the sugar economy across the plantation zones of northern Saint-Domingue and along its border with Santo Domingo received material support from the Spanish Crown and some, including one leader who began calling himself Toussaint Louverture, became decorated officers in the Spanish army.¹² In 1793, the rebels’ actions forced beleaguered French commissioners to undertake an unprecedented step by abolishing slavery in Saint-Domingue. The following year, the legal emancipation would be ratified and extended by the action of the National Convention throughout the French empire.¹³ Louverture defected to the French side, eventually ascending to become the most powerful military leader and the highest representative of the French republic in Saint-Domingue.¹⁴ Most importantly, Louverture and his forces emerged as staunch defenders of the cause of revolutionary emancipation in the face of ongoing conflicts with their former

¹¹ This term is used by David Geggus to describe the insurgent forces during the early stages of the Haitian Revolution. See David Patrick Geggus, *Haitian Revolutionary Studies* (Bloomington: Indiana University Press, 2002), 18.

¹² The rebel ranks also included colonel Pablo Alí, a formerly-enslaved officer from northern Saint Domingue who served under insurgent general Georges Biassou and traveled with him to Spanish Florida after the cession of Santo Domingo to France. Upon his return to Santo Domingo, Alí was promoted to commander of the *batallón de morenos*, the colonial-era company of free soldiers of color stationed in the city, and it was in this capacity that he helped to negotiate the Haitian annexation of the eastern territory in the winter of 1822. See Anne Eller, “‘All would be equal in the effort’: Santo Domingo’s ‘Italian Revolution,’ Independence, and Haiti, 1809-1822,” *Journal of Early American History* 1, vol. 2 (2011): 121; and Edecán del Presidente de Hayti Teniente Coronel Ysnardi al Teniente Coronel de Morenos Pablo Alí, 9 November 1820, in *Archivo General de Indias* (hereafter AGI), Audiencia de Santo Domingo, leg. 970, Gobiernos Políticos, 1820-1822.

¹³ Graham T. Nessler, *An Islandwide Struggle for Freedom: Revolution, Emancipation, and Reenslavement in Hispaniola, 1789-1809* (Chapel Hill: UNC Press, 2016), chapters 1-4; Ada Ferrer, *Freedom’s Mirror: Cuba and Haiti in the Age of Revolution* (Cambridge: Cambridge University Press, 2014), 83-145.

¹⁴ Geggus, *Haitian Revolutionary Studies*, chapter 8.

Spanish allies in the north and east, on the one hand, and British forces in the south and west, on the other.

The war between France and Spain came to an end in the European theater in 1795, and the plenipotentiaries of the Spanish Crown agreed to cede Santo Domingo to France as part of the peace agreements signed in Basel. Although this treaty appeared to extend the force of abolition to the eastern side of the island, local authorities managed to circumvent the full application of the decree for several years after the cession, and the legal status of those formerly held as slaves in the east remained highly ambiguous.¹⁵ It was not until the withdrawal of remaining British forces and the cession of a bitter civil war in the south of the colony that Louverture was able to turn his attention to the question of Santo Domingo. His troops entered the capital in January 1801, nominally enacting the first abolition of slavery in Santo Domingo.¹⁶ Together with Louverture's promulgation of a constitution for Saint-Domingue that same year, the move to bring emancipation to Santo Domingo likely cemented Napoleon Bonaparte's

¹⁵ Historian Graham Nessler finds evidence that eastern slaveholders continued to assert property claims in persons and that authorities themselves continued to describe women, men, and children as "slaves" in official documents after 1795. See Nessler, *An Islandwide Struggle*, especially 82-84.

¹⁶ Historian María Cecilia Ulrickson demonstrates that Louverture's brief period of rule failed to put an end to slaveholding in Santo Domingo. Although Louverture's arrival in the east led to an apparent decline in both open slave trading and in official descriptions of individuals as "slaves," notaries manipulated the new post-emancipation terminology of "cultivators" and "domestics" to mask new and ongoing forms of bound labor and even claims of property in persons. Notaries enabled the transfer of property rights in persons through the sales of plantations that included laborers who were "attached" to the properties. In some cases, moreover, parish priests (including the clergy of the cathedral in the capital city) also acknowledged the property rights of putative owners over those whom they claimed as their "slaves." Maria Cecilia Ulrickson, "'Esclavos que fueron' in Santo Domingo, 1768-1844," (PhD diss: University of Notre Dame, 2018), chapter 2.

resolve to assert direct metropolitan French control over the colony by means of an armed invasion to depose Louverture.¹⁷

In January 1802, an expeditionary force under the command of Charles Victor Emmanuel Leclerc landed on the Samaná peninsula, located at the northeastern tip of the former Spanish colony, and proceeded westward to Saint-Domingue. The ensuing conflict between metropolitan forces and the local troops under Louverture's command, during which Louverture himself was captured and deported to France, escalated into a war of extermination waged by the expeditionary forces against all people of color who would not submit to their authority.¹⁸ An "indigenous army" of the formerly-enslaved general Jean-Jacques Dessalines secured the defeat of the expeditionary forces at the Battle of Vertières in late 1803, having mobilized around opposition to a threatened mass reenslavement of Saint-Domingue's population. In January 1804, Dessalines declared the independence of the nation of Haiti and reiterated the permanent abolition of slavery throughout its territory, defined as the entire island of Hispaniola.

Early Haitian leaders' efforts to consolidate emancipation on both sides of the island were thwarted by the retreat of the remaining French expeditionary forces to Santo Domingo. There, a French general named Jean-Louis Ferrand founded a fragile proslavery regime that was nominally affiliated with Napoleonic France, but which operated mostly independently from

¹⁷ Emilio Cordero Michel, *La Revolución haitiana y Santo Domingo* (Santo Domingo: Editora Nacional, 1968), 55-62; Franklin J. Franco, *Los negros, los mulatos, y la nación dominicana*, 7^a edición (Santo Domingo: Editora Alfa & Omega, 1984), 87-114; Nessler, *An Islandwide Struggle*, 110.

¹⁸ Both Leclerc and his successor Donatien Rochambeau saw the conflict as a war of extermination, and defended it as such to their subalterns and their superiors in metropolitan France. See David Geggus, "Haiti's Declaration of Independence," in *The Haitian Declaration of Independence*, edited by Julia Gaffield (Charlottesville and London: University of Virginia Press, 2016), 32; and Nessler, *An Islandwide Struggle*, 142.

metropolitan oversight. From the earliest days of his tenure, Ferrand authorized the systematic reenslavement in practice, if not at first in law, of those members of the eastern population who had received legal freedom in 1801. Over the ensuing five years, Ferrand pursued a “campaign of vengeance” against the nascent Haitian state. In addition to sponsoring privateering attacks on ships that traded with Haiti, he promulgated decrees that called for the capture and enslavement of Haitian children under 12, and for the murder of all Haitian men and boys over 14.¹⁹ This state-sponsored human trafficking across the border, which resulted in the sale of Haitian citizens in Santo Domingo, played a major role in persuading Dessalines to order an all-out assault on the Ferrand regime in 1805.²⁰ Dessalines’ army of approximately 20,000 soldiers reached the walls of the capital city in the early spring. French naval reinforcements and the refusal of nearby British forces to support the Haitian advance nonetheless blocked him from his goal.²¹

¹⁹ Julia Gaffield, *Haitian Connections in the Atlantic World: Recognition after Revolution* (Chapel Hill: UNC Press, 2015), chapter 1; Nessler, *An Islandwide Struggle*, chapter 5; Fernando Picó, *One Frenchman, Four Revolutions: General Ferrand and the Peoples of the Caribbean* (Princeton: Marcus Wiener Publishers, 2012), chapters 3-6; Anne Eller, “Rumors of Slavery: Defending Emancipation in a Hostile Caribbean,” *American Historical Review* 122, no. 3 (June 2017): 661; Carlos Esteban Deive, *La esclavitud del negro en Santo Domingo, 1492-1844*, Tomo I (Santo Domingo: Museo del Hombre Dominicano, 1980), 225-226.

²⁰ Cordero Michel, *La Revolución haitiana y Santo Domingo*, 84-91.

²¹ Historians have long fixated their attention on the alleged violence of Dessalines’ retreat from Santo Domingo, which resulted in the destruction of several towns in the center island region and along the northern coast. Historian Maria Cecilia Ulrickson argues that Dessalines targeted these regions in order to prevent the French from consolidating their authority throughout the east and, by extension, from transforming Santo Domingo into a profitable colony in the model of Saint-Domingue. See Maria Cecilia Ulrickson, “‘Esclavos que fueron’ in Santo Domingo,” chapter 3. See also Antonio Jesús Pinto Tortosa, “Una colonia en la encrucijada: Santo Domingo entre la revolución haitiana y la reconquista española, 1791-1809,” (Ph.D. diss.: Universidad Complutense de Madrid, 2012), 246-259; and Nessler, *An Islandwide Struggle*, 159-161.

In 1806, smallholding proprietors in the southwest of the island began to organize in opposition to Dessalines' draconian agrarian policies. Inspired in part by these protests, a group of Haitian military officers assassinated Dessalines and overturned his government in October of the same year.²² After Dessalines' death, Haitian territory was divided into two rival governments. In Port-au-Prince, Alexandre Pétion established the Republic of Haiti, which ruled the south and west of the country. In the north, Henri Christophe became president of the State of Haiti, whose territory stretched from the former sugar plantation zones outside of Cap Haïtien, across the mountain ranges of the Massif du Nord, and into the central Artibonite valley.²³ On the other side of the island, in response to news of Napoleon's invasion of the Iberian peninsula, Spanish loyalist insurgents led by General Juan Sánchez Ramírez launched an invasion from Puerto Rico that would become known as the Spanish "reconquest" of Santo Domingo. The loyalist forces were aided in their victory by the British navy, who instituted a blockade of the capital city that lasted for over eight months. Leaders of western Haiti, seeing a chance to expel

²² For more on Dessalines' land policies and the revolt against his government, see especially Jean Alix René, "Le Culte de l'égalité: Une exploration du processus de formation de l'État et de la politique populaire en Haïti au cours de la première moitié du dix-neuvième siècle," (Ph.D. diss.: Concordia University, 2014), chapters 1 and 2.

²³ Christophe would eventually crown himself king of a new monarchy in 1811. On the political repercussions in neighboring Cuba of Christophe's coronation, see especially Ferrer, *Freedom's Mirror*, chapter 7.

the hated Ferrand, provided the insurgents with arms and munitions.²⁴ In 1809, they toppled the Ferrand regime once and for all.²⁵

Between 1809 and 1820, commonly referred to in Dominican historiography as the period of “España Boba,” or “Foolish Spain,” a restored Spanish colonial administration in the east maintained an uneasy détente with the western states led by Pétion and Christophe. For both Spanish and Haitian leaders, official neutrality served both commercial and diplomatic purposes, enabling them to benefit from a livestock trade across the border, while ensuring the preservation of both Haitian states and the Spanish presence on the island.²⁶ Yet this strategy of reciprocal toleration only went so far. One captain general of Santo Domingo, Carlos de Urrutia, pointed repeatedly to the harmonious and even “friendly” relations that he pursued with Pétion’s republic, and attempted to reach out to Christophe’s kingdom based on their ties of “mutual interest,” even going so far as to extradite accused lawbreakers who had fled from northern Haiti

²⁴ As early as 1807, Christophe had instructed a special envoy to Great Britain to propose a joint British-Haitian invasion of the east in order to “chase the French from Santo Domingo.” Henry Christophe, Instructions pour Mr. Richardson, envoyé auprès du Cabinet Britannique, 13 July 1807, in The National Archives, Kew, UK (hereafter TNA), War Office, 1/79, Folio 107. During the final months of the struggle against the Ferrand regime, the official printing press of the northern State of Haiti published the correspondence between Christophe and Sánchez Ramírez. In one letter, dated 23 December 1808, Sánchez Ramírez thanked Christophe for his shipments of arms and munitions. Sánchez Ramírez thanked Christophe profusely for the “charitable character that Your Highness displays towards the native Spaniards who had suffered under the yoke of tyranny, and who desire nothing else but to throw themselves into the arms of those who are able to procure tranquility for them.” État d’Hayti, Ordre du jour de l’Armée, 16 January 1809 (Au Cap: Chez P. Roux, Imprimeur de l’État), in TNA, War Office, 1/79, Folios 393-396.

²⁵ Anne Eller, “‘All would be equal in the effort’: Santo Domingo’s ‘Italian Revolution,’ Independence, and Haiti, 1809-1822,” *Journal of Early American History* 1, vol. 2 (2011): 113-114; Frank Moya Pons, *Manual de Historia Dominicana*, 9ª Edición (Santo Domingo: Caribbean Publishers, 1992), 204-209.

²⁶ Eller, “All would be equal in the effort,” 113-116; 138-141.

to Spanish territory.²⁷ Yet once the Napoleonic wars came to an end in Europe, Urrutia beseeched his subalterns and superiors alike to support France in a potential re-invasion of Haiti and re-enslavement of its population.²⁸ Meanwhile, Haitian leaders' official diplomatic stances towards the Spanish state on the island did not prevent Pétion from providing extensive military and financial support to separatist insurgents seeking to expel Spanish authorities from mainland Latin America, nor did they dissuade both Pétion and Christophe from seizing and condemning slaving vessels that passed through Haitian waters on their way to and from Cuba.²⁹

²⁷ “Petion vive con nosotros en la buena correspondencia y amistad de vecinos inmediatos, y al encargo que me hace de manifestar á V.S. estas circunstancias, he contestado que desde luego lo hacia con ingenuidad y gusto, por que es verdad.” Carlos de Urrutia to Eusevio Escudero, 6 May 1816, in José Luciano Franco, *Documentos para la historia de Haití en el Archivo Nacional* (La Habana: Archivo Nacional de Cuba, 1954), 177. “...convenia en que del reciproco interes de ambos gobiernos coadyubar y darse mutuo auxilio para la persecucion y exterminio de los malhechores.” Carlos de Urrutia to Ministerio de Estado, 30 March 1816, Archivo General de Indias (hereafter AGI), Estado, Legajo 12, Expediente 53. Urrutia had previously expressed uncertainty to the authorities in the war ministry in Spain over what should be his proper conduct with inhabitants of northern and southern Haiti. See Carlos de Urrutia to Secretario del Despacho de la Guerra, 17 October 1815, in Capitán General Santo Domingo sobre conducta con los negros, 24 February 1817, AGI, Estado, leg. 17, exp. 46.

²⁸ Carlos de Urrutia to Alcalde ordinario de segunda elección de la Ciudad de Santiago, 27 September 1814, Archivo Histórico Nacional, Madrid (hereafter AHN), Estado, leg. 130, exp. 6 A, Documentos relativos a la isla de Santo Domingo.

²⁹ See Ernesto Bassi, *An Aqueous Territory: Sailor Geographies and New Granada's Transimperial Greater Caribbean World* (Durham and London: Duke University Press, 2016), 158-166; and Ferrer, *Freedom's Mirror*, chapter 6 and epilogue. For examples of such expressions of harmony from the Haitian sides, see Alexandre Pétion to Carlos de Urrutia, 16 January 1816, AGI, Papeles de Cuba, leg. 1787, No expediente number.

Although Pétion gave material support to patriot insurgents like Simón Bolívar, his government occasionally condemned insurgent privateering vessels that had sought to introduce captured Spanish vessels into the ports of the republic as good prizes. See, for instance, the case of the Spanish schooner *Concepción*, which was seized in 1816 by a vessel aligning itself with Simón Bolívar's expeditionary fleet. According to the testimony of captain Pedro Cobo, the *Concepción* set sail from Riohacha in New Granada carrying brazilwood bound for “Spanish Santo Domingo,” but after passing the islands of Alto Velo and Beata it crossed paths with the corsair *Petit Félix* under the command of a “French brigand” named M. Luminé. After forcefully

In the midst of this uncertainty over the future of the island, officials in Santo Domingo uncovered a series of conspiracies that appeared poised to overturn the Spanish state once more. Between 1810 and 1816 alone, officials launched investigations into over five different plots, whose suspected ringleaders had allegedly sought to sever ties with the metropole, to declare allegiance to the southern republic of Haiti, and to reinstitute emancipation.³⁰ Núñez de Cáceres, in his role as Teniente de Guerra for the Spanish administration, himself participated in the violent suppression of one such conspiracy led by a group of free people of color, who were accused of attempting to recruit enslaved followers in the sugar-growing regions outside of the capital by claiming that the abolition of slavery had been proclaimed in Cádiz by the framers of the new Spanish constitution.³¹

As the Haitian “bard” would emphasize in the final piece of his performance on the night of Boyer’s arrival in Santo Domingo, the period between 1820 and 1822 coincided with the

disembarking Cobo and his crew on the mainland of Hispaniola and seizing the *Concepción*’s merchandise along with the ship itself, Luminé and the other sailors of the *Petit Félix* were themselves captured by a Haitian coast guard frigate commanded by captain Cheri Moison. Upon learning of the incident, Pétion ordered Moison to restore the *Concepción* and its cargo to the Spanish crew. Cobo interpreted this measure as further evidence of Pétion’s “friendly” neutrality. “It is public knowledge that president Pétion states that he does not wish to have war with the Spanish,” Cobo affirmed, “but rather peace and good harmony because they have always been his friends, and this friendship shall not be infringed on his part.” See Declaración tomada al Capitán de la Goleta Española la Concepción, 22 June 1816, Archivo General de la Marina Álvaro de Bazán (hereafter AGMAB), Corso y Presas, leg. 5238.

³⁰ Quisqueya Lora Hugi, “El sonido de la libertad: 30 años de agitaciones y conspiraciones en Santo Domingo, 1791-1821,” *CLIO* 182 (2011): 119-133; and Eller, “All would be equal in the effort.”

³¹ Franco, *Los negros, los mulatos, y la nación dominicana*, 118-120; Lora Hugi, “El sonido de la libertad,” 127-128.

unification of the entire island under the authority of the southern Republic of Haiti.³² After the fall of Henri Christophe's kingdom in October 1820, the provisional leaders of northern Haiti who had conspired against him wrote to the captain general of Santo Domingo proposing a closer commercial alliance and requesting that of eastern residents of "Haitian" origin be allowed to travel home.³³ The provisional leaders of the north soon negotiated the annexation of the former kingdom by the southern republic, now led by Pétion's successor Jean-Pierre Boyer, thereby restoring the territorial boundaries of the independent Haitian state to those that had existed before the assassination of Dessalines in 1806.³⁴ Meanwhile, Spanish colonial authorities who were dispersed along the frontier with southern Haiti began to send alarming reports to Santo Domingo about the activities of suspected Haitian agents, including a certain Désir Dalmassy who purported to be a lieutenant coronel in the western army. According to their reports, Dalmassy carried a passport from Boyer himself and had allegedly proposed to the residents of Azua, Las Matas de Farfán, San Juan de la Maguana, and other center-island towns that they declare their allegiance to the Haitian republic.³⁵ It remains unclear, however, if Boyer

³² The account of the performance noted that the musician paid particular attention to the period that had unfolded between October 1820, the month that marked the fall of Christophe's kingdom, and February 1822, the month of the annexation of Santo Domingo. See Notes extraites du carnet d'un Soldat, published in *L'Union*, 14 June 1838, 3.

³³ Oficio de los generales organos del ejercito y pueblo haitiano a la capitania general de Santo Domingo, 12 October 1820, in AGI, Audiencia de Santo Domingo, leg. 970, Gobiernos Políticos, 1820-1822

³⁴ Thomas Madiou, *Histoire d'Haïti*, Tome 6, reprint (Port-au-Prince: Éditions Henri Deschamps, 1988), 137-140; Frank Moya Pons, *La dominación haitiana*, 4^a edición (Santo Domingo: Librería la Trinitaria, 2013), 17.

³⁵ See, for instance, No. 11: Oficio del comandante general de la frontera del sur a la capitania general, 9 December 1820, in AGI, Audiencia de Santo Domingo, leg. 970, Gobiernos Políticos, 1820-1822. According to historian Beaubrun Ardouin, Dalmassy had secured the confidence of local administrators and ranchers due to his role in the lucrative border trade in livestock, which

and the members of his government actually hoped to extend Haitian sovereignty over the entire territory of the colony of Santo Domingo in the wake of the reunification with Christophe's former kingdom, or if they merely sought to gauge the levels of popular support for the Haitian government in the center island region. In June 1821, Boyer confided to the captain of a British naval vessel at Port-au-Prince that he was reluctant to seek the unification of the island because it risked violating foundational promises of official neutrality enshrined in the Haitian Constitution of 1816, and because the eastern side of the island contained "many thousand miles more territory than people to cultivate it." Boyer apparently pledged to the captain that he would refrain from "taking possession" of Santo Domingo unless he received assurances that the "whole country desire[d] to become a part of the Republic."³⁶

By late 1821, news reached Santo Domingo that a group of military officers had forced the king of Spain to re-implement the 1812 liberal constitution of Cádiz. This announcement set off two competing movements that sought to achieve Santo Domingo's independence from Spain. In November 1821, Núñez de Cáceres and a coterie of wealthy landowners and administrators in the capital declared the foundation of the Independent State of Spanish Haiti, hoping to align themselves with the republic of Gran Colombia under Simón Bolívar and to maintain slavery for the foreseeable future. Yet by the time of the declaration of independence of this new state, local authorities in the interior and border towns of Beler, Monte Cristi, and

enabled him to discuss "the convenience, even the necessity of their unification with the Republic, in order to prevent the establishment of any other state in the eastern part [i.e., Santo Domingo]." Beaubrun Ardouin, *Études sur l'histoire d'Haïti suivies de la vie du général J. M. Borgella* (Paris: Dézobry, Magdeleine, et C^e, 1860), Tome 9, 10.

³⁶ Captain W. S. Wiseman to Rear Admiral C. Rowley, undated, in TNA, Admiralty, 1/271, No folio number. This letter almost certainly describes events from June 1821, since it was forwarded to Rear Admiral Rowley alongside a set of letters from Boyer dated between the 14th and the 21st of June.

Dajabón had already begun to raise the flag of the western Republic of Haiti. The promulgation of the constitution for the Independent State of Spanish Haiti in December 1821 lent even further steam to the movement for unification with Haiti. The members of the municipal council of Santiago de los Caballeros wrote a letter to president Boyer in which they upbraided Núñez de Cáceres and his followers for “maintain[ing] slavery in defiance of the fundamental tenets of any political society.” They concluded by demanding the implementation of the Haitian constitution and “general liberty for the slaves.”³⁷ Such entreaties apparently sufficed to convince Boyer to deploy troops to the eastern side of the island. Upon learning of these developments, Núñez de Cáceres bent to geopolitical realities in January 1822, raising the Haitian flag on the Plaza de la Catedral in the center of the capital.³⁸

³⁷ “Cette constitution imprudente établit des distinctions entre le paysan et le militaire, entre le pauvre et le riche, entre les différens districts de cette partie, et maintient l’esclavage au mépris des bases fondamentales de toute société politique... que la Constitution de la République d’Haïti nous régisse désormais ! Nous la désirons avec la liberté générale des esclaves : nous demandons à vivre tous dans l’union et la fraternité.” Junta central provisional de Santiago de los Caballeros to Jean-Pierre Boyer, 29 December 1821, as published in *Le Télégraphe*, 16 January 1822, 2-3, and *Réunion de la partie de l’Est à la République* (Port-au-Prince: Imprimerie du Gouvernement, 1830), 12-13. Scholars have long debated the authenticity of these pro-unification proclamations, or *llamamientos*, issued across eastern towns beginning in 1821. Historian Quisqueya Lora Hugi has provided the most thorough investigation of the origins and subsequent interpretations of the proclamations. In particular, she shows how these documents were reprinted and publicized by officials in the Boyer administration as evidence of the “spontaneous” and “voluntary” adhesion of the eastern population, then dismissed by successive generations of nationalist historians in the Dominican Republic as mere fabrication. Lora Hugi concludes that the proclamations represent the fruit of both popular antislavery mobilization and local officials’ ongoing negotiations with the Boyer administration, highlighting above all the existence of numerous “sectors that favored a union with Haiti in 1822.” See Quisqueya Lora Hugi, “Llamamientos o invasión? El debate en torno a los llamamientos de 1821 y 1822,” *CLIO* 192 (2016): 98-151.

³⁸ José Núñez de Cáceres to Jean-Pierre Boyer, 19 January 1822, published in *Le Télégraphe*, 27 January 1822, 6; Moya Pons, *La dominación haitiana*, 30-31; Emilio Cordero Michel, *Obras escogidas: Cátedras de historia social, económica, y política dominicana* (Santo Domingo: Archivo General de la Nación, 2015), 333-342.

The Haitian soldiers who set out on the eastward march the following month were well aware of the weight of these decades-long struggles to bring an end to slavery and colonial rule in Santo Domingo. One soldier who chronicled the moment of unification recalled that he and the other members of the regiments discussed the objectives of their deployment with excitement. Some of the older officers had participated in Dessalines' 1805 campaign, while others had even been present for Louverture's arrival in the city in 1801. Together, these veterans relayed to the younger recruits "the most salient details from these two eras."³⁹ As they reached the sugar plantation zone of Los Ingenios, they found a prominent landowner whose notoriety they attributed "as much to his great wealth as to his excessive severity towards the unfortunate men and women that had been rendered his property by the wrongful law." This encounter sharpened their sense of the stakes of the campaign. Crossing one plantation named Puerto Rico, the soldiers of Regiment 15 from the southern town of Aquin began to play a "word game," fantasizing that since they had reached Puerto Rico, their army would soon lead a "promenade through the islands of this archipelago" in order to liberate all those who continued to

³⁹ These included "Bédouet's catastrophe at the San Gil fortress; the death of Damestoy on 8 March 1805, accompanied by Gabart's sincere tears; the beautiful defense staged by Magny at the church of San Carlos on 9 March;" and above all, "the raw spirit of Dessalines, who responded to sudden bouts of inspiration and who recognized bravery so well." "Ceux qui avaient été de la garnison de Sto. Domingo, sous Paul Louverture, ou qui avaient fait la campagne de 1805, trouvaient l'occasion de citer les faits les plus saillants de ces deux époques : la catastrophe de Bédouet au fort St. Gilles ; la mort de Damestoy (8 mars 1805), qu'accompagnèrent les larmes sincères de Gabart ; la belle défense de Magny (9 mars) dans l'Eglise de St. Carlos ;... l'esprit brut de Dessalines , mais fécond en inspirations soudaines et qui savait si bien apprécier le courage...." Notes extraites du carnet d'un Soldat, published in *L'Union*, 14 June 1838.

be held as slaves in the region. As the author of the text concluded, the imaginary game reflected a shared “wish that really may have existed in the depths of their hearts.”⁴⁰

Yet such expressions of hope for a Pan-Caribbean emancipation were tempered by the lingering possibility of foreign invasion in Hispaniola. In 1822, the republic of Haiti remained formally unrecognized not only by its former metropole but also by every other major Atlantic power. For the Boyer administration, the annexation of Santo Domingo would reinforce the security of the island in the event of a future French expedition, but it also risked provoking further aggression from the surrounding imperial powers who worried about Haiti’s potential to export its revolution. Upon receiving word of the unification, a number of planters in the northeastern Samaná peninsula, where the enslaved made up nearly a third of the population as recently as 1818, beseeched the captain of a nearby French vessel to protect their lives and their “property.”⁴¹ Their pleas resulted in the deployment of a small fleet to the peninsula from Martinique. French forces remained for forty days and sent out infantry who attacked and even killed Haitian troops dispatched from Santo Domingo. In the end, the fleet aided a number of residents to flee the island, embarking along with them an unknown number of women, men, and children whom they claimed as their “slaves”— in direct violation of the February 1822 abolition

⁴⁰ Notes extraites du carnet d’un Soldat, published in *L’Union*, 14 June 1838, 1-2. This document was located by scholar Sara Johnson. See Sara E. Johnson, *The Fear of French Negroes: Transcolonial Collaboration in the Revolutionary Americas* (Berkeley, Los Angeles, and London: University of California Press, 2012), 213 n. 32.

⁴¹ According to an 1818 census of Samaná, the peninsula was home to 678 residents, of whom 215 were enslaved and 228 were free people described as “*morenos*” and “*pardos*.” See Francisco Vásquez, Padrón del número de personas de que se compone la población de la península de Samaná, 2 December 1818, in AHN, Estado, leg. 130, exp. 6: Expeiente relative a Santo Domingo, No folio number.

decree.⁴² Public outcry followed on both sides of the island as the Haitian press spread news of the “piratical expedition” that had resulted in the illegal enslavement of Haitian citizens. “The hour of vengeance is coming,” the editors of the national gazette *Le Télégraphe* warned in a direct address to the governor of Martinique who had authorized the operation. “All of those who are complicit in governments that persist in conserving slavery in their domains should live in dread of the day, perhaps not too distant, when a portion of the human race will raise their heads in the air and heroically break their chains on the heads of the traffickers of human flesh.”⁴³

“African Blood” and Haitian Soil: Slavery, Race, and Nation at the Moment of Unification

As recent scholars have emphasized, much of Santo Domingo’s population initially embraced the unification project in order to secure general emancipation and legal equality, to ensure political stability after a series of regime changes and inter-imperial wars, and to enjoy the potential economic advantages of an islandwide union. To what extent, however, did the new

⁴² See Grégory Pierrot, “The Samaná Affair,” *Haiti and the Atlantic World Blog*, 9 October 2013, <https://haitidoi.com/2013/10/09/the-samana-affair-2/> (Accessed June 20, 2018); and Ardouin, *Études*, Tome 9, 136-138. In March 1822, a French sailor who served in the expedition to Samaná wrote a letter to his father in which he attested that the forces sent out “infantrymen” to “kill blacks” (“Nous fesos débarquer quelques voltigeurs qui tuent des nègres”). See Joseph Henri Gabriel de Saint-Laurent to Jean de Thomas de Saint-Laurent, 4 March 1822, in New York Public Library, Schomburg Center for Research in Black Culture, Kurt Fisher Collection, Personal Correspondence, Box 1A, Reel 1, Folder 4.

⁴³ “l’heure de la vengeance arrive et ils paieront le prix dû à leur exécration. D’après les événements qui sont survenus dernièrement à Samana, il paraît que cette expédition piratique a été plutôt entreprise dans les vues d’enlever les ci-devant esclaves et les bestiaux de cette presque île, que dans l’idée chimérique de pouvoir la conserver par la force des armes. ... Que Mr. Dongelot, ainsi que tous ceux qui sont les fauteurs des gouvernements qui persistent jusqu’à ce jour à conserver l’esclavage dans leur domaines, redoutent cette époque, peut être peu éloignée, où une partie du genre humain levera une tête altière et brisera héroïquement ses chaînes sur les têtes des trafiquants de chair humaine.” *Le Télégraphe*, 1 September 1822, 4.

citizens of the east see themselves as part of the “Haitian family” as it was understood by Boyer and other national leaders? In particular, how did the residents of Santo Domingo reshape and respond to these leaders’ efforts to build a national community based on shared African descent?

Beginning in the sixteenth century, the collapse of Santo Domingo’s sugar economy had enabled the formation of a remarkable post-plantation society in which the majority of rural inhabitants maintained wide access to land and lived in relative autonomy from state authority and colonial racial hierarchies. The bust that followed this first sugar boom, together with the relative lack of legal barriers to manumission and high rates of marronage, facilitated the growth of the population of free people of African descent, which constituted a significant majority as early as the seventeenth century.⁴⁴ Less intensive forms of production replaced sugar over the following centuries. In the interior regions of the eastern side of the island, men referred to as *monteros* engaged in a combination of slash-and-burn agriculture, hunting of free-range cattle and pigs, and woodcutting, while other rural residents opted for more sedentary activities such as provision farming, tobacco cultivation, and ranching. The cattle trade would eventually come to dominate much of Santo Domingo’s economy, and provided the key commercial tie to French Saint-Domingue.

Over the course of the sixteenth and seventeenth centuries, large tracts of rural lands were subdivided into so-called *terrenos comuneros*, in which multiple co-owners held fractional shares of rights to use the same lands. Alongside this form of fractional ownership, property-less inhabitants, including significant numbers of people who had escaped slavery, began to claim portions of uncleared *terrenos comuneros* as open-access lands. The spread of such alternative

⁴⁴ Richard Lee Turits, “Raza, esclavitud, y libertad en Santo Domingo,” *Debate y Perspectivas* 2 (2002): 77.

practices of land tenure was possible due to a combination of co-owners' tolerance and their inability to enforce exclusive claims to vast tracts of collectively-held lands. By the first half of the eighteenth century, this particular division of land and labor, which stood in contrast to nascent plantation societies like French Saint-Domingue, had given rise to local identities and understandings of the social significance of color that diverged dramatically from the socioracial hierarchies that were written into colonial law by authorities in the metropole and the capital city of Santo Domingo.⁴⁵

During the Ferrand regime and the *España Boba* period, however, officials in Santo Domingo placed a renewed emphasis on perceived categories of racial difference as a means toward the wide-scale re-enslavement of the population. In the end, French officials and their successors in the Spanish colonial administration managed to force thousands of people into the status of slave.⁴⁶ Historians disagree about the population estimates for late-colonial Santo Domingo, but the bulk of census data and administrative correspondence suggest that by the end of the *España Boba* period, at least 12,000 people were held as slaves, comprising approximately

⁴⁵ Raymundo González, *De esclavos a campesinos: Vida rural en Santo Domingo colonial* (Santo Domingo: Archivo General de la Nación, 2011), 15-40; Quisqueya Lora H., *Transición de la esclavitud al trabajo libre en Santo Domingo: El caso de Higüey, 1822-1827* (Santo Domingo: Academia Dominicana de la Historia, 2012), chapter 1; Richard Lee Turits, *Foundations of Despotism: Peasants, the Trujillo Regime, and Modernity in Dominican History* (Stanford: Stanford University Press, 2003), chapter 1; Turits, "Raza, esclavitud, y libertad en Santo Domingo;" Nessler, *An Islandwide Struggle*, 8-16.

⁴⁶ As historian Graham Nessler has shown, Ferrand's administration engaged in a renewed "effort to re-inscribe racial categories into the law and to map them onto the island's political geography." Graham Nessler, "'The Shame of the Nation': The Force of Re-enslavement and the Law of 'Slavery' under the Regime of Jean-Louis Ferrand in Santo Domingo, 1804-1809," *New West Indian Guide* 86, nos. 1-2 (2012): 12.

one-fifth of the colony's population of just over 62,000.⁴⁷ The immediate threat of enslavement and re-enslavement continued to loom over a much larger number, some of whom would find themselves claimed as property by putative owners. In 1806, for instance, residents of Higüey and Santiago de los Caballeros testified against a man named José de Vargas, who had attempted to sell two orphaned children who had been born free. One of the children, a ten-year-old boy named Carlos, had been abandoned first by his father (who had followed the retreating troops of Dessalines and fled to Haiti in 1805), then by his guardian, who had moved to the Samaná peninsula without him. After taking in the boy on the pretext that he would take care of him, Vargas had begun "treating him as if he was his slave," in part by demanding that the boy address strangers with the honorific "*su merced*."⁴⁸ Given that an ever wider portion of the population was now potentially subject to enslavement, Haitian antislavery law attracted both enslaved and free people of color. These groups had perhaps not forged a durable collective identity based on shared African descent during earlier years, but they clearly needed each other now.⁴⁹

At the same time, some of the spokespeople of the Haitian state defended the unification project in official circulars and the national press by downplaying the scope, force, and threat of enslavement in Santo Domingo. These commentators sought to buttress one of the Boyer

⁴⁷ Cordero Michel, *Cátedras de historia*, 298-301. In 1821, outgoing captain general of Santo Domingo Sebastián Kindelán estimated the population at 62,092. Sebastián Kindelán to Secretario de Estado y del Despacho de la Gobernación de Ultramar, 17 May 1821, in AGI, Audiencia de Santo Domingo, leg. 970, Gobiernos Políticos, 1820-1822.

⁴⁸ Demanda por esclavización, 23 June 1806, in AGN-RD, Archivo Real de Higüey, Signatura 1700130, leg. 24 Rojo (24R), exp. 71, Folios 1-3.

⁴⁹ Richard Lee Turits, "Par-delà les plantations: Question raciale et identités collectives à Santo Domingo," *Genèses* 66 (2007): 51-68.

administration's key arguments: that the annexation of the east had not disrupted the eastern economy, nor had it interfered with the legitimate property claims of its new citizens. Slavery *had* been different in the east, they argued, and this "sweeter," more benign version of the institution had prevented Santo Domingo's Afro-descended majority from experiencing the full brunt of colonial racism that had carved such bitter divisions into the social fabric of Saint-Domingue. The editors of the new gazette the *Propagateur Haïtien*, whose first volumes appeared in the summer of 1822 and were devoted almost entirely to establishing the intellectual and legal foundations for the Haitian annexation of eastern territory, argued that the long history of commerce between the two sides of the island had highlighted for those who suffered enslavement in Saint-Domingue the fundamentally distinct character of slaveholding in Santo Domingo.

Sometimes the slave would travel on his own to our cities in order to sell the cattle and cotton with which he had been charged by his master; sometimes the master and the slave would come together, and in these cases we would find them sitting at the same table or sleeping on the same mattress, and it would be hardly possible to distinguish the master from the slave based on the slight differences in their dress.⁵⁰

After the declaration of Haitian independence, Santo Domingo had been spared from following "the example of Cuba." There, the authors argued, exiled planters from Saint-Domingue had played a crucial role in accelerating the growth of the plantation economy that had just been destroyed in their former home, eventually transforming Cuba into the "most well-

⁵⁰ "Quelque fois l'esclave venait seul dans nos villes vendre les bœufs et le coton que son maître lui avait confiés ; quelque fois le maître et l'esclave venaient ensemble, et alors nous les voyions assis à la même table ou couchés sur la même matre ; à peine si une différence légère permettait de distinguer à l'habillement le serviteur et le maître." See the article entitled "De la Réunion de la ci-devant Partie Espagnole à la République d'Haïti," in *Le Propagateur Haïtien*, 1 June 1822, 21.

stocked market of human flesh in the universe.” They juxtaposed the fate of Cuba with that of Santo Domingo, where “for several years the vessels loaded with blacks no longer headed for the eastern beaches..., and the families of the unfree identified so strongly with those of the property-holders that the sales of human victims, elsewhere so common, had become mostly unheard of among our neighbors.”⁵¹

Such arguments vastly underestimated the significance of slavery in Santo Domingo, but the editors of the *Propagateur Haïtien* found that they were expedient to the delicate project of building the Haitian nation. By downplaying the theme of oppression by white slaveowners, Haitian authorities could argue that all natives of Hispaniola were worthy of Haitian citizenship. Indeed, from the moment of unification in 1822, the Boyer administration extended the offer of Haitian citizenship to all existing residents of the former Spanish colony, regardless of whether they had claimed others as their property or whether they had been held as property themselves. At first, the presence of a small, but economically and politically powerful group of white-identified residents (many of whom had been born in Europe) appeared to pose a major dilemma for Haitian officials, since the 1816 constitution had technically prohibited most whites and white foreigners from taking Haitian citizenship and, by extension, from holding landed property within the territory of the republic. According to the nineteenth-century Haitian historian Beaubrun Ardouin, himself a former senator and civil servant in the Boyer administration, the promulgation of the Haitian constitution in Santo Domingo raised “a political question of great importance.” As Ardouin wrote, “this fundamental pact repelled all men of the white race from

⁵¹ “Ainsi, depuis plusieurs années les navires chargés de noirs ne s’étant point dirigés vers les plages orientales de cette île, les familles des non-libres s’étaient tellement identifiées avec celles des propriétaires que les achats et ventes de victimes humaines, ailleurs si communs, étaient chez nos voisins à-peu-près ignorés.” *Ibid.*

the midst of Haitian society, yet this territory [of Santo Domingo] was home to a fairly large number of them. These were Europeans or, in truth, the pure-blood descendants of Europeans, or those who had always been considered as such... Was it necessary to exclude them from the privileges of equal rights, after proclaiming the liberty of the slaves?"⁵²

Hoping to clarify the meaning of the constitutional exclusions and to prevent the exodus of portions of the population of Santo Domingo, Boyer mandated that all property-holding whites who resided in Santo Domingo at the moment of unification and who wished to take Haitian citizenship should be allowed to do so, on the condition that they (1) take an oath of allegiance to the republic, and (2) formally renounce any foreign nationality that they formerly held.⁵³ In practice, local eastern administrators carved out even further exceptions to the constitutional exclusions. In some cases, white foreigners who had arrived in Santo Domingo after the date of unification and who had not yet taken any oath of allegiance began to acquire property as if they were Haitian citizens, and some even attempted to take up positions as civil administrators.⁵⁴

⁵² "Une question politique de haute importance surgissait de la publication de la constitution de la République dans cette partie de l'Est. Ce pacte fondamental repoussait du sein de la société haïtienne tous les hommes de la race blanche, et cependant il s'en trouvait un assez grand nombre sur ce territoire, qui étaient Européens ou réellement des descendants pur sang d'Européens, ou enfin qui y avaient toujours été considérés comme tels.... [M]êlés aux indigènes de race africaine, descendants des Espagnols, avaient accepté la République d'Haïti et ses lois comme ces derniers. Fallait-il *les exclure* des avantages de l'égalité des droits, après avoir proclamé la liberté des esclaves?" Ardouin, *Études*, Tome 9, 132-133.

⁵³ Jean-Pierre Boyer au Conseil de Notables de Santo Domingo, 7 February 1823, published in Linstant Pradine, *Recueil général des lois et des actes du gouvernement d'Haïti depuis la proclamation de son indépendance jusqu'à nos jours*, Tome 3: 1818-1823 (Paris: Auguste Durand, 1860), 591-592; Ardouin, *Études*, Tome 9, 132-133; Lora Hugí, *Transición de la esclavitud al trabajo libre*, p. 50.

⁵⁴ In September 1826, for instance, a government commissioner in Santiago de los Caballeros wrote to the grand juge in Port-au-Prince informing him about a candidate who had just been

Alongside these legal changes, commentators in the press crafted a new argument about race and nation aimed at bolstering the political project of unification. According to this view, Santo Domingo's population belonged to an islandwide national community bound together by shared African descent. For the editors of the *Propagateur Haïtien*, for instance, "the origins of the people that inhabit [Santo Domingo] are no doubt different from those of the Haitian people," but these superficial differences could not hide deeper affinities and resemblances in religion, language, and customs. Furthermore, the editors implied, centuries of Muslim rule and African presence in the Iberian peninsula had engendered a form of racial mixture, imparting a degree of African ancestry to all those of European Spanish descent. "In Europe, as in America, African blood has mixed with Spanish blood, and this mixture has always struggled victoriously against colonial prejudices."⁵⁵

During moments of crisis, the Boyer administration would circulate variations of this same argument in order to call for national unity in the face of foreign incursions, natural disasters, and insurrections against the state. Faced with the possibility of war with Spain in 1830, for instance, Boyer promulgated a Spanish-language proclamation in which he maintained the "blood" of the eastern population tied them irrevocably to their western neighbors. "Like all

recommended for nomination to the post of *greffier* (scribe) for the local civil court in nearby Moca. The commissioner acknowledged that the candidate was "reputed to be a foreigner," but that he was married to a Haitian citizen, "possess[ed] both languages," and that he could therefore "fill this post with aptitude." Manuel de Aybar, commissaire du gouvernement près le tribunal civil de Santiago, au Grand Juge de la République d'Haïti, 4 September 1826, in Archives Nationales d'Haïti, Section historique, Site Post-Marchand (hereafter ANH), Ministère de la Justice, Liasse 10871, No folio number.

⁵⁵ "en Europe comme en Amérique le sang Africain est mêlé au sang Espagnol, et ce mélange a toujours lutté victorieusement contre les préjugés coloniaux." See the preface to the first issue of the newspaper entitled "Prospectus d'une nouvelle feuille publique, à Haïti," *Le Propagateur Haïtien*, 1 June 1822, 8.

children of Haiti,” he declared, “your origins will forever remind you that African blood runs through your veins!”⁵⁶

While commentators in the national government and in the press issued rhetorical declarations that the community of Haitians was united by shared African “blood,” local authorities, court scribes, and notaries on both sides of the island were expected to adhere to an administrative custom that prohibited any explicit categorization of citizens according to perceptions of color differences. If invoking collective African descent served as a strategic tool for nation-building, ascribing individual impressions of color risked re-inscribing the institutionalized racial hierarchies of colonial rule, thereby jeopardizing the foundational principle of legal racial equality among all citizens.⁵⁷

⁵⁶ “Haitianos! El Rey de España ha reclamado del Gobierno de la Republica la entrega de la parte del Este de Hayti... Vosotros sereis fieles al voto que habeis pronunciado; y, como todos los hijos de Hayti, vuestro origen os recordará siempre que la sangre africana circula en vuestras venas !” For an original version of this proclamation, see Jean-Pierre Boyer, Proclama, 16 February 1830, in AHN, Estado, leg. 3395, exp. 4. By the 1820s, the official state gazette often described the obstacles facing the country in terms of struggles between the progressive forces of the “African race” in Haiti and the ongoing and mounting violence of foreign “colonists.” See, for example, the article entitled “Extérieur” in *Le Télégraphe*, 1 September 1822, 2-4.

⁵⁷ The growing scholarship on race in early independence-era Haiti has emphasized the state’s deployment of a national discourse of belonging based on African descent while simultaneously barring any explicit invocation of impressions of color distinctions. Jean Alix René’s 2014 dissertation “Le Culte de l’Égalité” explores how post-revolutionary Haitian citizens participated in the construction of a “collective identity project” informed by shared experiences of “suffering generated by the brutality and humiliation of racial domination and enslavement.” He argues that the ongoing struggles and compromises between the state and the peasantry in the half century after independence helped to engender a form of “contractual citizenship” in which the former assumed the role of the protector of the population of “Blacks as a race in danger”- thus uniting Haitian citizens into an inclusive ethno-national community on the basis of African descent. Yet this “contractual citizenship” coexisted with (and indeed helped to consolidate) concurrent ideologies of “racial harmony,” which in René’s view limited the ability of everyday citizens to combat new and lingering assumptions that tied blackness to cultural inferiority. René, “Le Culte de l’égalité,” iii, 375-376.

From Domination to Unification

Recent scholarship has categorically refuted the once-pervasive characterization of the unification as a “domination” or “occupation” of Santo Domingo by Haiti, a depiction which had been loudly proclaimed during the 1930-1961 dictatorship of Rafael Trujillo and in its aftermath. Writing under the Trujillo regime, historians such as Emilio Rodríguez Demorizi and Manuel de Jesús Troncoso de la Concha had located the 1822-1844 unification within an unending sequence of “occidental invasions” stretching from Toussaint Louverture’s 1801 campaign to the border wars of the mid-nineteenth century. They emphasized the Haitian state’s putative determination to subjugate and to assimilate the eastern population, even as they struggled to explain the conspicuous absence of any significant popular resistance to Haitian rule across the more than two decades of unification. By arguing that the Dominican and Haitian populations were locked in timeless conflict, these scholars helped to establish the intellectual scaffolding for the Trujillo regime’s campaign to impose a monoethnic Dominican identity even in the porous border zones and bicultural frontier lands.⁵⁸

Writing in the 1950s, Haitian historian and anthropologist Jean Price-Mars, and later Dominican historians Franklin J. Franco and Emilio Cordero Michel, highlighted the widespread

⁵⁸ See, for instance, Emilio Rodríguez Demorizi, *Invasiones haitianas de 1801, 1805 y 1822* (Ciudad Trujillo: Editora del Caribe, 1955), and Manuel de Jesús Troncoso de la Concha, *La ocupación de Santo Domingo por Haití* (Ciudad Trujillo: La Nación, 1942). For more on the Trujillo regime’s campaign to impose a Dominican national identity, which culminated in the 1937 massacre by the regime’s military forces of thousands of Haitians and Haitian-identified Dominicans in the center-island region, see Edward Paulino, *Dividing Hispaniola: The Dominican Republic’s Border Campaign Against Haiti, 1930-1961* (Pittsburgh: University of Pittsburgh Press, 2016), and Richard Lee Turits, “A World Destroyed, A Nation Imposed: The 1937 Haitian Massacre in the Dominican Republic,” *Hispanic American Historical Review* 82, No. 3 (August 2002): 589-635.

popular support for unification before 1822 in order to challenge the nationalist narrative of a “Haitian domination.”⁵⁹ Building on these foundational works and the proliferation of international scholarship on the Haitian Revolution, new generations of scholars have foregrounded the popular struggles for emancipation that preceded the unification, the experiences of formerly enslaved people during the period of Haitian rule, and the islandwide political movements over the course of the nineteenth and twentieth centuries.⁶⁰ They have turned a critical eye to the assumptions and arguments of the previous historiography, showing how nineteenth-century Dominican national historians and Trujillo-era scholars downplayed records of popular solidarities and exaggerated the scope of anti-Haitian sentiment during and

⁵⁹ Jean Price-Mars, *La République d’Haïti et la République dominicaine: les aspects divers d’un problème d’histoire, de géographie, et d’ethnologie*, 2 vols. (Port au Prince: 1953); Franco, *Los negros, los mulatos, y la nación dominicana*; Cordero Michel, *La Revolución haitiana y Santo Domingo*. Such findings informed Frank Moya Pons’ 1972 study *La dominación haitiana*, the first monograph fully devoted to the unification era. This work paid close attention to the significance of the 1822 emancipation, while arguing that the unification provoked widespread popular opposition that culminated in Dominican separation in 1844. See Moya Pons, *La dominación haitiana*.

⁶⁰ See Lora Hugí, *Transición de la esclavitud el trabajo libre en Santo Domingo*, and “El sonido de la libertad;” Anne Eller, *We Dream Together: Dominican Independence, Haiti, and the Fight for Caribbean Freedom* (Durham and London: Duke University Press, 2016), “Rumors of Slavery,” and “All would be equal in the effort;” Maria Filomena González Canalda, *Libertad Igualdad: Protocolos Notariales de José Troncoso y Antonio Abad Solano, 1822-1840* (Santo Domingo: Archivo General de la Nación, 2013); Lorgia García-Peña, *The Borders of Dominicanidad: Race, Nation, and the Archives of Contradiction* (Durham and London: Duke University Press, 2016), chapter 1; Nessler, *An Islandwide Struggle*; Sara E. Johnson, *The Fear of French Negroes: Transcolonial Collaboration in the Revolutionary Americas* (Berkeley, Los Angeles, and London: University of California Press, 2012), chapter 2; Turits, *Foundations of Despotism*, chapter 1; Charles R. Venator Santiago, “Race, Nation-Building and Legal Transculturation during the Haitian Unification Period (1822-1844): Towards a Haitian Perspective,” *Florida Journal of International Law* 667 (September 2004): 667-676; Sibylle Fischer, *Modernity Disavowed: Haiti and the Cultures of Slavery during the Age of Revolution* (Durham and London: Duke University Press, 2004); Charlton Yingling, “The Maroons of Santo Domingo in the Age of Revolutions: Adaptation and Evasion, 1783-1800,” *History Workshop Journal* 79 (Spring 2015): 25-51.

after the unification.⁶¹ In this way, recent scholars have propelled a larger shift towards histories of connections and collaboration among the populations of the two sides of Hispaniola.⁶²

The chapters that follow take this growing scholarly consensus as a point of departure. The Haitian unification of Hispaniola was not an external imposition by national leaders in Port-au-Prince, nor was it achieved through the brute force of a prolonged military occupation. Instead, the unification-era archive of property concessions, exchanges, and disputes reveals a much more subtle and sustained process of legal adaptation, albeit in the presence of armed forces from across what had at times been a border. By invoking the protections of Haitian law to make claims to land and movable property, this dissertation argues, the new eastern citizens of the republic participated at every stage of the unification project, influencing the outcomes of national leaders' reforms and reshaping both popular and elite identities in ways that transcended the narrow categories of "Dominican" and "Haitian." In the short term, such negotiations shaped the formation of a Haitian state whose authority was limited by local practices of law and longstanding struggles over resources. In the long term, they gave rise to the political mobilization of the sparse, overwhelmingly rural population of eastern Haiti around a shared commitment to the permanent and universal abolition of slavery.

⁶¹ See especially Anne Eller, "'Awful Pirates' and 'Hordes of Jackals': Santo Domingo/The Dominican Republic in Nineteenth-Century Historiography," *Small Axe* 44 (July 2014): 80-94; and Lora Hugi, "Llamamientos o invasión?"

⁶² On this theme, see especially the forthcoming volume: April J. Mayes and Kiran C. Jarayam, *Transnational Hispaniola: New Directions in Haitian and Dominican Studies* (Gainesville: University Press of Florida, 2018).

Chapter 1 The Petty Commerce of Political Unification

In January 1822, Felipe Fernández de Castro, a former accountant and municipal official of Spanish Santo Domingo, visited the notary Martín de Mueses to sell two enslaved children. The previous November, the founders of the Independent State of Spanish Haiti, led by José Núñez de Cáceres, had declared an end to metropolitan Spanish rule in Santo Domingo, but had taken care to protect the institution of slavery. Like many other high-ranking officials in the colonial administration, Fernández de Castro had remained in Santo Domingo after the declaration of independence. He now rushed to rid himself of Carlos and Gregoria, whom he described as a “creole *mulatico*” and a twelve-year-old “*negrita*” respectively, finding an eager buyer in a schoolteacher at the Cathedral. Perhaps predicting an impending change in Santo Domingo’s government, Fernández de Castro soon departed from the city altogether, sailing for Cuba along with his wife and children and leaving behind two sisters and the majority of his inheritance in the process. His visit marked the very last time that Mueses was called upon to serve as a notary under the authority of the state of Spanish Haiti.¹

A month later, after the arrival of Jean-Pierre Boyer in Santo Domingo had legally ended the enslavement of Carlos and Gregoria, a soldier of the Republic of Haiti entered Mueses’ office

¹ For the sale of the “*mulatico*” named Carlos, dated 15 January 1822, see AGN-RD, Fondo Protocolos Notariales, Signatura 709302, leg. 1/2627, Protocolo Notarial de Martín de Mueses, Documento 4 BIS, Folio 70. For the sale of the “*negrita*” named Gregoria, also dated 15 January 1822, see AGN-RD, Fondo Protocolos Notariales, Signatura 709302, leg. 1/2627, Protocolo Notarial de Martín de Mueses, Documento 4 BIS BIS, Folio 71.

and requested a notarized act of sale of a very different kind: an auburn-colored mare. This soldier was Juan Pablo (or Jean Paul), a native of Port-au-Prince and a member of the eleventh company of infantry that had accompanied President Boyer to Santo Domingo. With the aid of a Kreyòl- or French-language interpreter named Margarita Medrano, Juan Pablo explained that he had paid 20 pesos for the mare and that he had bought it from Juan Pedro, a resident of the district of Camba who was also originally from Port-au-Prince.²

The resulting document, which Muses drew up on the spot, bore all of the traces of an ongoing political transformation. The notary began by inscribing the year according to the Haitian revolutionary calendar- year 19, counted from the end of the military campaign against French expeditionary forces in 1803. Yet the stamped paper in his own record book still bore the seal of the previous government: a bow and arrow with three quills, encircled by the words “Estado Independiente de Hayti Español.” Furthermore, Muses labeled Port-au-Prince as a “French” rather than a “Haitian” city, despite the fact that it was now the capital of the republic

² The district (*partido*) of “Camba” probably refers to Santa Lucía de Camba, beyond the western limits of the city of Santo Domingo, under the jurisdiction of the town of San Cristóbal.

“En la Ciudad de S.^{to} Domingo a diez y ocho de Febrero de mil ocho.^{tos} veinte y dos años y diez y nueve de la Repub.^a de Hayti comparecieron en el oficio dos hombres ambos color moreno expresandose por medio de Marg.^{ta} Medrano Ciud.^{na} parda vecina de d.^{ha} Ciudad y p.^r su med.^o dijo en el Dialecto español q.^e Juan Pedro vecino del Partido de Camba vendió una yegua bermeja de edad de tres años con la marca al lado de montar S. N. de Cuerpo regular en veinte pesos \$ a Juan Pablo soldado de la undécima Compañía ... que guarnece esta Plaza, y los q.^e tenía recibidos a su voluntad seg.ⁿ su convenio Y q.^e por tanto se desapoderaba , desistia y apartaba del d.^{to} de propiedad q.^e a la Citada yegua tenía y lo cedía y traspasaba en el Com.^r Juan Pablo ambos n.^{rales} de la Ciud.^d de P.^{to} Principe frances p.^a q.^e le sirviese de titulo en forma esta escrit.^a a cuya evicion y saneam.to se obliga con todos sus bienes dando p.^r muerta la claus.^a guarentig.^a sin otra formalidad p.^r la precis.on de retirarse a sus labores el vend.^{or} de cuya vista personal como la del Comp.^{or} doy fe y enterados no firm.^{on} sino amb.^s de los t.^{gos} presentes y vecinos los Ciudadanos Antonios Solano y José Troncoso,” Venta de yegua bermeja, 18 February 1822, AGN-RD, Signatura 709302, leg. 1/2627, Protocolo Notarial de Martín de Muses, Documento 6 BIS, Folio 73.

governing the entire island. Nor did he conform to Haitian administrative or notarial custom, which discouraged the use of colonial socio-racial categories or color classifications to indicate perceived degrees of African descent. Mueses described Juan Pablo and Juan Pedro as black (“*ambos color moreno*”), and he introduced Margarita Medrano as a “*parda* citizen.”³

These two sets of records, separated by a single power of attorney in the surviving book of Martín de Mueses’s *protocolos* from 1822, capture two different reactions to the initial moment of unification with Haiti: the panic of some slaveholders like Fernández de Castro who scrambled to divest themselves of property in persons, and the hesitation, even confusion, of notaries who had lent legal weight to property claims through successive governments. At the same time, the notarial records point to the dramatic expansion of the commercial exchange in transport animals that opened up due to the confluence of emancipation, regime change, and the circulation of thousands of western Haitian soldiers across the former border into Santo Domingo. Indeed, though they quickly learned to omit references to the distinctions of color among their clients, notaries across the city would over the ensuing months and years repeat the action that Mueses performed for Juan Pablo and Juan Pedro, as Haitian officers and rank-and-file soldiers alike requested notarized acts of sale for mules, donkeys, mares, and horses that they had purchased in Santo Domingo.

Facilitated by the sudden elimination of border tariffs and the ongoing integration of currency systems, the unification-era animal sales illuminate the opportunities for trade and profit that cut across Spanish, Kreyòl, and French-speaking communities. Following the formal abolition of slavery, residents of Santo Domingo and their western neighbors worked to forge

³ Venta de yegua bermeja, 18 February 1822, AGN-RD, Signatura 709302, leg. 1/2627, Protocolo Notarial de Martín de Mueses, Documento 6 BIS, Folio 73.

what one prominent newspaper called a “community of interests,” weaving webs of commercial relationships among ranchers, merchants, soldiers, and other intermediaries, including property-holding women. As participants in the trade drew on the formal legal equality conferred by Haitian citizenship to purchase and sell movable property, they laid the foundations for new networks of patronage, political allegiances, and even popular identities that would emerge over the ensuing decades of unification.

“Something that our neighbors lacked”: The Livestock Borderlands in the Era of the Haitian Revolution

The exchange in transport animals between western and eastern Haitian citizens during the unification had precedents in older networks of commerce and contraband along the frontier. As historians of eighteenth-century Hispaniola have long emphasized, the influx of livestock from the *hatos* (ranches) of Spanish Santo Domingo facilitated the expansion of the sugar industry in French Saint-Domingue. What began as an illicit trade in animals across imperial lines eventually became the most important form of sanctioned commerce between the two colonies, which eastern officials accepted as a necessary measure to preserve the Spanish presence on the island.⁴ After Haitian independence in 1804, the ongoing profitability of the

⁴ As Roberto Cassá and Graham Nessler suggest, the trade not only promoted the sugar revolution in Saint-Domingue, but helped to protect Spanish sovereignty in the face of French incursions. See, for instance, Roberto Cassá, *Historia Social y Económica de la República Dominicana*, Tomo I (Santo Domingo: Editora Buho, 1987), esp. 129-133, and Graham T. Nessler, *An Islandwide Struggle for Freedom: Revolution, Emancipation, and Reenslavement in Hispaniola, 1789-1809* (Chapel Hill: UNC Press, 2016), 13-14. On the treaties permitting and regulating this commerce, as well as the eventual shift from monopoly arrangements to a free trade in livestock, see Frank Moya Pons, *Manual de Historia Dominicana*, 9.^a Edición (Santo Domingo: Caribbean Publishers, 1992), 143-157. See also María Rosario Sevilla Soler, *Santo Domingo: Tierra de Frontera, 1750-1800* (Sevilla: Escuela de Estudios Hispano-Americanos, 1980), 209- 219, and Antonio Gutiérrez Escudero, *Santo Domingo colonial: Estudios históricos, Siglos XVI al XVIII* (Santo Domingo: Academia Dominicana de la Historia, 2007), 113-134.

trade motivated colonial authorities in Santo Domingo to remain in constant contact with leaders of the nascent state- even as they corresponded with their superiors about the supposed threats that Haiti posed to their territory. Finally, the livestock commerce in turn conditioned the transition to unification between 1809 and 1822, integrating eastern inhabitants into wider social and economic networks with Haiti and generating mounting support for a unified market.

In 1785, the priest Antonio Sánchez Valverde, born on the island in the interior town of Bayaguana, published an extended analysis of the economy, geography, and history of Santo Domingo in which he hoped to illuminate its “value” for the Spanish Crown. Following the example of economic reformers throughout the empire, Sánchez Valverde called for a regeneration of commercial agriculture and an expansion of the trade in African captives to the colony. At the same time, he argued that these objectives could be achieved without threatening the livestock industry. Sánchez Valverde suggested that the continuous introduction of enslaved people, combined with stricter regulations on the size of pastures and *hatos*, would offer new advantages to ranchers by providing a steady source of labor and preventing loss or theft of livestock.

Throughout his text, Sánchez Valverde emphasized how livestock, specifically cattle and transport animals like horses, had acquired value through the constant interactions between the seemingly divergent political economies of Hispaniola’s two colonies. “What we had in excess on the Island was livestock and *caballerías* of land that were of no use to us without labor,” he wrote, discussing the origins of the frontier economy. “There was neither trade to cultivate the latter nor settlers to consume the former. As a result, a very useful door opened to us, allowing us

to take what we had in excess and turn it into something that our neighbors lacked.”⁵ The cattle trade with Saint-Domingue provided Santo Domingo’s economy a dependable source of new slaves, which in his estimation had been “sorely needed” since the collapse of the eastern plantation economy in the sixteenth century.⁶ As historian Lauren Derby has argued, cattle grew to become the “mirror” commodity in Santo Domingo to slaves in Saint-Domingue, eventually serving as a “virtual currency” alongside specie.⁷

While cattle exports fueled the growth of the so-called *frontera ganadera*, or livestock borderlands, the northern Cibao region of Santo Domingo also provided mules to power sugar mills and to carry goods throughout Saint-Domingue’s northern plain.⁸ These exports of mules

⁵ For an alternative English translation of this passage, see Antonio Sánchez Valverde, “The Idea of Value on Hispaniola,” translated by Lauren Derby, in *The Dominican Republic Reader: History, Culture, Politics*, ed. Eric Paul Roorda, Lauren Derby, and Raymundo González (Durham and London: Duke University Press, 2014), 88-89.

Here is the original text: “Lo que nos sobraba en la Isla eran ganados y caballerías que de nada nos servían sin labores, ni comercio en que exercitar los unos y sin pobladores que consumiesen los otros. Por consiguiente, se nos abrió una puerta utilísima, por donde sacar lo que sobraba y traer tanto como faltaba a los Vecinos.” Antonio Sánchez Valverde, *Idea del Valor de la Isla Española, Edición anotada* (Ciudad Trujillo: Editora Montalvo, 1948), 141.

⁶ “Una de las especias que tomaban los nuestros por precio de sus animales, eran las herramientas y utensilios de que carecían y *Negros* que hacían tanta falta.” Discussing the legalization of the contraband economy in the second half of the eighteenth century, Sánchez Valverde praised the efforts of Captain General José Solano (1771-79) to secure steady imports of enslaved people from Saint-Domingue in exchange for cattle as necessary to the promotion of commercial agriculture in Santo Domingo. Antonio Sánchez Valverde, *Idea del Valor de la Isla Española, Edición anotada* (Ciudad Trujillo: Editora Montalvo, 1948), 141-145.

⁷ Lauren Derby, “Race, National Identity and the Idea of Value on the Island of Hispaniola,” in *Blacks, Coloureds and National Identity in Nineteenth-Century Latin America*, ed. Nancy Priscilla Naro (London: Institute of Latin American Studies, 2003), 27-28.

⁸ The concept of the *frontera ganadera* appears in Raymundo González, *De esclavos a campesinos: Vida rural en Santo Domingo colonial* (Santo Domingo: Archivo General de la Nación, 2011), 18-19. On the mule trade, see especially Juan Giusti-Cordero, “Sugar and livestock: Contraband Networks in Hispaniola and the Continental Caribbean in the Eighteenth

and other transport animals from Santo Domingo dwindled somewhat during the second half of the eighteenth century as Saint-Domingue's planters came to rely increasingly on contraband alternatives from New Spain and Venezuela.⁹ By the early nineteenth century, moreover, the successive waves of warfare that reached the interior of Santo Domingo- including the frequent border skirmishes between Spanish-allied insurgents and French forces during the early stages of the Haitian Revolution, Jean-Jacques Dessalines' unsuccessful campaign to expel the Ferrand regime from Santo Domingo, and the Spanish "reconquest" of the eastern portion of the island in 1809- had dealt a blow to the cross-border trade (and to Santo Domingo's livestock industry more generally).¹⁰

After Haitian independence, the circulation of both cattle and transport animals continued on a smaller scale through different channels between the two sides of the island. Crucially, the permanent abolition of slavery in Haitian territory meant that ranchers and traders from Santo Domingo could no longer exchange livestock for enslaved people from the west. In the pre-1822 years, the livestock trade offered eastern officials a mechanism to engage with the leaders of independent Haiti in the absence of official diplomatic recognition. Alexandre Pétion and Henri Christophe, each the head of state of a portion of Haitian territory, provided material assistance

Century," *Revista Brasileira do Caribe* 15, no. 29, (July-December 2014): 25-31. Buyers in Saint-Domingue apparently favored mules over other transport animals. For his part, Moreau de Saint-Méry extolled the "beautiful race of horses" that abounded throughout the Spanish colony but lamented that there were "so few of them" in the French part of the island, and that "those fit for the sale hardly come [to this side] except as contraband." Médéric Louis Elie Moreau de Saint-Méry, *Description topographique et politique de la partie espagnole de l'isle Saint-Domingue*, vol 1. (Philadelphia, 1796), 273.

⁹ Giusti-Cordero, "Sugar and livestock," 25-31.

¹⁰ Moya Pons, *Manual de Historia Dominicana*, 184-209.

such as arms and munitions to pro-Spanish conspirators against the French-backed Ferrand regime in 1808 and 1809; in return, Pétion's government received compensation in the form of cattle.¹¹ In the ensuing period of restored Spanish rule, Santo Domingo's colonial authorities repeatedly affirmed that they maintained "friendly" and "harmonious" relations with the Haitian governments, although these expressions of diplomatic neutrality never translated into formal commercial agreements between the states.¹²

¹¹ For more on the pro-slavery government of French general Jean-Louis Ferrand in Santo Domingo (1803-1809), as well as the Spanish, British, and Haitian struggles to overturn it, see Fernando Picó, *One Frenchman, Four Revolutions: General Ferrand and the Peoples of the Caribbean* (Princeton: Markus Wiener Publishers, 2012); Nessler, *An Islandwide Struggle for Freedom*, chapters 5 and 6; Graham T. Nessler, "A Failed Emancipation? The Struggle for Freedom in Hispaniola during the Haitian Revolution, 1789-1809" (Ph.D. diss., University of Michigan, 2011); Anne Eller, "'All would be equal in the effort': Santo Domingo's 'Italian Revolution,' Independence, and Haiti, 1809-1822," *Journal of Early American History* 1, vol. 2 (2011): 126-129; and Ada Ferrer, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution* (New York: Cambridge University Press, 2016), 257.

Transport animals in particular formed part of the spoils of war in the conflict against the Ferrand regime. One animal sale from El Seibo hints at the ways in which animals seized from French forces may have made their way into Haiti through intermediaries in rural Santo Domingo. In December 1809, Juan de Mata sold a reddish mule with "French brands" to a certain José Erdu from the western side of the island. As a local judge certified, de Mata had obtained the mule through "*buen pillaje al enemigo francés*" during the battle of Palo Hincado, which marked the inception of the Spanish campaign to retake the capital of Santo Domingo. See *Venta de Animales*, 28 December 1809, in AGN-RD, Fondo Archivo Real de El Seibo, Signatura 1700063, leg. 21, exp. 217.

¹² Reflecting on the "España Boba" period after fleeing the island during the unification, Felipe Fernández de Castro held up the example of the "reciprocal and continual border commerce" between Santo Domingo and the governments of Henri Christophe and Alexandre Pétion, precisely in order to contrast the earlier Haitian leaders' policies towards the Spanish colony with Boyer's later "incursions." According to Fernández de Castro's 1822 memorial, "La parte antigua Francesa dominada por dos Caudillos y Gobiernos separados, Cristoval con el titulo de Rey, y Petion con el de presidente de Republica, se condujeron durante los doce años del Gobierno Español en su antigua posesión, con la mayor armonía e inteligencia respetando los limites del territorio, y propiedades de los Españoles, prodigándoles toda deferencia en la mansión y negociaciones que en sus dominios hacían, quando pasaban por el reciproco y continuo comercio fronterizo de ambas partes." See D.ⁿ Felipe Fernández de Castro presenta una memoria sobre el estado de la Ysla de Santo Domingo, 3 October 1822, in Archivo General de

Cash-strapped Spanish colonial administrators initially allowed certain trade routes into Haitian territories in an attempt to collect revenue for the Real Hacienda, which reeled in the absence of regular payments from New Spain.¹³ In April 1816, the alcalde of Bayaguana José de Urquerque issued a decree informing ranchers and animal traders to apply for signed permits from Captain General Carlos de Urrutia in order to be able to transport livestock to what he referred to anachronistically as the “neighboring French colony.”¹⁴ Urquerque specified that residents of Santo Domingo would be required to pay a sales tax and leave their permits with royal officials stationed along the border when they crossed into Haiti, documents without which they presumably could not re-enter Santo Domingo. Meanwhile, these same officials promulgated a series of directives aimed at curbing the flow of Haitian citizens who sought to

Indias, Sevilla (hereafter AGI), Audiencia de Santo Domingo, leg. 970, Gobiernos Políticos, 1820-1822.

¹³ On the payments (*situados*) and economic decline during España Boba, see Anne Eller, “All would be equal in the effort,” 114-116.

¹⁴ Urquerque did not distinguish between northern and southern Haiti, preferring to lump them together as the “neighboring French colony,” implicitly refusing to recognize Haitian sovereignty. “En la ciudad de San Juan Bautista de Bayaguana, en tres días del Mes de Abril de mil ochocientos diez y seis años, el S.^{or} Regidor Alcalde Ordinario de segundo voto Don José Uquerque dixo: Que en vista del oficio del Superior Gobierno e Yntendencia de veinte y dos de Febrero, próximo pasado, y el de seis de Marzo últimos relativos a las licencias para extracción de ganados a la colonia francesa vecina, debía mandar y manda en conformidad de lo proveido anteriormente por el Señor Regidor Alcalde Ordinario de primer voto, y con presencia del auto proveido por este Tribunal en trece de Enero del presente año, lo siguiente: 1. Que el público quede entendido que Su Sria el S.^{or} Gob.^{or} Yntendente y Capitan General ha dirigido a la Justicia Ordinaria de esta ciudad licencias firmadas por el mismo S.^{or} Yntendente y refrendados por el respectivo Secretario, para que los vecinos puedan llevar ganados a la colonia vecina, pagando los reales derechos en la Administracion limítrofe, o de al frontera, en donde deberán dexar dichas licencias, para que se de cuenta a la Yntendencia.” Auto del alcalde José de Urquerque para que se pueda llevar ganado a la colonia francesa, 3 April 1816, AGN-RD, Fondo Archivo Real de El Seibo, Signatura 1700051, leg. 25, exp. 13 A.

trade or settle in Spanish territory.¹⁵ In one decree, José Núñez de Cáceres, then a legal adviser in the military, complained that some Haitian citizens had traveled to Santo Domingo to carry out “extractions” of enslaved people, helping them to reach Haitian soil where they would no longer be subjected to property claims in their persons.¹⁶ If Spanish subjects could request exceptional permission from the colonial government to cross the border into Haiti, Haitians could not officially do the reverse.

The trade arrangement failed to produce the desired effect, however, since livestock traffickers frequently managed to circumvent colonial officials in order to avoid paying fees. Concerns over the frequency of informal exchanges reached an apogee in late 1817, when Captain General Urrutia ordered local agents of the Real Hacienda in Bayaguana, Monte Plata, El Seibo, and Higüey to confiscate “all livestock in cattle and the rest” destined for “Haitian regions.” Citing recent reports from administrators in Santiago de los Caballeros, Urrutia claimed that wide-scale contraband networks stretched from Haiti to the capital of Santo Domingo, and that as a result, the Real Hacienda had not collected any revenue from the livestock trade.¹⁷

¹⁵ See, for instance, Decreto de Don José Núñez de Cáceres sobre inmigración y emigración de negros, 16 November 1811, and Decreto de José Núñez de Cáceres prohibiendo el tránsito de negros franceses por el territorio dominicano, 15 February 1813, both in AGN-RD, Fondo Alcaldía de Monte Plata, Signatura 1700097, 1811-1918.

¹⁶ Decreto de Don José Núñez de Cáceres sobre inmigración y emigración de negros, 16 November 1811, AGN-RD, Fondo Alcaldía de Monte Plata, Signatura 1700097, 1811-1918.

¹⁷ “A los Subdelegados de Real Hacienda de las ciudades, villas y lugares de la banda del Este, que al margen se expresan (Bayaguana, Monte de Plata, y Boyá, Ceybo é Higüey) hago saber: que habiéndoseme representado por la Administracion de Santiago los perjuicios que se siguen a la Real Hacienda con los contrabandos que se hacían por aquella frontera, tuve a bien oír el informe de la Real Contaduría, la que expuso que para precaver el contrabando sin pension alguna de la Real Hacienda se estableciese por punto general: que se aplicase el contrabando al aprehensor con solo la deducción de los derechos dobles, con cuyo informe y dictamen del Señor Auditor de Guerra me conformé, y estando entendido que estos fraudes se cometen igualmente en esta capital y demas partes de las fronteras,.... Entendiendose igualmente la aprehensión de

As Santo Domingo's captains general collected information about cases of unauthorized border crossings, they learned that some local officials in frontier towns continued to permit Haitian citizens to exchange livestock in the districts under their command. Amidst widespread rumors of an impending Haitian incursion in December 1820, the members of the Ayuntamiento Constitucional of San Juan de la Maguana confirmed to Captain General Sebastián Kindelán (formerly the governor of Santiago de Cuba) that the elusive Lieutenant Colonel Désir Dalmassy, an aide-de-camp of President Boyer, had traveled from Cap Haïtien to the border regions of Santo Domingo exhorting the population to align themselves with Haiti. According to their report, Dalmassy had himself resided on the Spanish side, where he possessed his own cattle-breeding grounds (*crianza de ganado vacuno*), and for this reason his appearance did not immediately raise suspicions or alarm.¹⁸ "On various occasions he has carried out exports of this

todo ganado vacuno y demas que fraudulentamente se dirigen con perjuicio de los Reales derechos a países extranjeros, o partes haitianas." Decreto de Don Carlos de Urrutia dando noticias sobre el contrabando, 12 August 1817, AGN-RD, Fondo Alcaldía de Monte Plata, Signatura 1700097, 1811-1918.

In his correspondence with superiors in Spain, Urrutia distinguished himself from his predecessor, Juan Sánchez Ramirez, whom he felt had made excessive overtures to the Haitian governments of Pétion and Christophe. See, for instance, Captain General Carlos de Urrutia to Secretario de Estado y del Despacho de la Guerra, 5 June 1813, in AGI, Audiencia de Santo Domingo, leg. 1064, Expedientes de Real Hacienda e instancias de partes, 1819-1825.

¹⁸ Several inhabitants of Santo Domingo with ties to the southern Haitian government owned cattle ranches in the San Juan region during the España Boba era. The former Secretary-General of Haiti Bruno Blanchet, a native of Fort-Dauphin/Bayajá who had assisted president Alexandre Pétion in preparing the 1816 constitutional revision but later migrated to Santo Domingo, noted in his 1822 will that he owned an "*hato*" in the village of La Seyba outside of San Juan. His estate spanned 50 pesos of grazing land and included 200 head of cattle, eight horses, and one mule. See Testamento de Bruno Blanchet, 6 April 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709298, leg. 1/2623, Folio 159, Document 60. According to historian Beaubrun Ardouin, Blanchet had established himself in La Seyba as early as 1818, maintaining a correspondence with Boyer and traveling back and forth across the border several times before moving to the city of Santo Domingo in 1821. Beaubrun Ardouin, *Études sur l'histoire d'Haïti*,

kind towards the colony of Haiti,” they noted, “and although he brought papers they were not addressed to the Spanish [officials].”¹⁹ Justifying their lack of vigilance against Dalmassy by citing his previous reputation as a livestock trader, the members of the Ayuntamiento (perhaps inadvertently) revealed the limits of state efforts to enforce prohibitions on “contraband” in rural regions like San Juan.²⁰

The case of a family dispute in Haiti over the ownership of livestock, which eventually reached the desk of the Grand Juge in Port-au-Prince, offers further insight into the animal trade across the border in the interim between Haitian independence and unification. In 1813, a laborer named Jacques Thomas traveled from the district of Léogâne in Haiti to the Spanish side of the island in order to procure “horned beasts” such as cows, oxen, or goats for his employer, a planter named Murette fils. At the time, Thomas lived together with his partner Marie Ignace, a “*cultivatrice*” on Murette’s property, who entrusted him with two of her own transport animals, a mare and a horse, to trade for livestock in Santo Domingo. According to Murette, Thomas

suivies de la vie du général J. M. Borgella, Tome 8 (Paris: Dézobry, Magdeleine, et C.^e, 1860), 387-388.

¹⁹ “Primero, que la causa de que el Ayuntam.¹⁰ no dió parte al Gobierno el día 7 del presente en que llegó a esta población el teniente coronel Dezir Dalmasi que venia desde el Guarico en derecha a este lugar, es porque todo el mas del tiempo habita este individuo en esta parte española en donde tiene crianza de ganado vacuno, y en varias ocaciones ha hecho estracciones de esta especie a la colonia de Hayti, y que aunq.^e condujo algunos papeles no eran dirigidos a los españoles...” Oficio del Ayuntamiento Constitucional de San Juan al Capitán General Sebastián Kindelán, 31 December 1820, in AGI, Audiencia de Santo Domingo, leg. 970, Gobiernos Políticos, 1820-1822.

²⁰ In contrast to the members of the Ayuntamiento, historian Beaubrun Ardouin portrayed Dalmassy as an intermediary in the cattle trade rather than a rancher himself. According to Ardouin, Dalmassy was equipped with a passport from President Boyer that allowed him to bring cash and merchandise from the Haitian capital to the San Juan region, where he acquired “horned beasts” such as cattle. See Ardouin, *Études*, Tome 9, 10.

returned with calves for Marie Ignace, and the products and offspring of these animals “gave them what little means that they had” over the ensuing years.²¹

After Thomas died, his parents went before the authorities of the district and argued that Marie Ignace had no legal claim to the livestock left in her possession. Given that these animals grazed regularly on the plains of his plantation, Marette saw his own role as that of a mediator in their dispute. He claimed to have brought them to a compromise in which Thomas’ parents would receive four animals, while Marie Ignace would receive two. In a letter to the judge summarizing the case, Marette noted that Marie Ignace later left the plantation grounds, perhaps with her two remaining animals, to reside in “the mountains.”²²

Notwithstanding colonial officials’ efforts to regulate intra-island commerce and limit trafficking to Spanish subjects, therefore, Haitians continued to travel to Santo Domingo to acquire and sell animals. On the one hand, Marie Ignace’s eagerness to participate in the expedition financed by Marette highlights the considerable value that transport animals carried

²¹ The letter specified that Jacques Thomas had returned with four young “*gazelles*” and one “*bouvard*,” both of which terms referred to young calves that had not yet given birth. In early nineteenth-century Haiti, “*gazelle*” was synonymous for “*génisse*,” a young female cow or heifer. “*Bouvard*” on the other hand referred to a young male cow or bull calf. Marette fils to Grand Juge de la République, Undated, Archives Nationales d’Haïti, Section historique, Site Poste Marchand, Port-au-Prince (ANH), Ministère de Justice, Liasse 10881, No folio number. For the meaning of “*gazelle*,” see Loi qui établit la perception d’un droit d’entrée sur les bêtes à cornes introduites dans la République, in L’Instant Pradine, *Recueil general des lois et actes du Gouvernement d’Haïti, depuis la proclamation de son indépendance*, Tome 3, 1818-1823 (Paris: Auguste Durand, 1860), 49-50.

²² “Je vous expose, citoyen grand juge, que depuis en 1812, un nommé Jacques Thomas qui était attaché à mes guides et qui est mort dernièrement par la Petite Vérole avait vécu avec une ancienne cultivatrice de mon habitation aujourd’hui habitante dans la montagne, nommée Marie-Ygnace, et depuis cette époque Ils ont toujours travaillé Ensemble, et En 1813 J’ai Envoyé le dit Jacques Thomas dans la Partie de l’Est de L’île, pour me traité de Bette à Cornes...” Marette fils to Grand Juge de la République, Undated, ANH, Ministère de Justice, Liasse 10881, No folio number.

for Haitian cultivators in the decades after emancipation. By agreeing to exchange her mare and her horse, Marie Ignace gained access to productive ruminants such as cattle, thereby securing a potential future source of income beyond her labor for Murette. That Jacques Thomas managed to complete multiple exchanges for his employer and his partner during a single voyage, moreover, points to alternative networks of animal exchange between the two sides of the island that grew alongside the commerce between *hateros* in Santo Domingo and wealthy property-holders in Haiti. Murette and Marie Ignace both invested in the trade in the hopes of eventual profit, though the stakes of this investment were far higher for the *cultivatrice*.

The same case from Léogâne reveals the tenuousness of Marie Ignace's property rights in the animals from Santo Domingo. Without a notarized bill of sale or other documents attesting to her ownership of the animals, Marie Ignace could not summon sufficient evidence to dismiss the Thomas family's suit. In these circumstances, Murette asserted the authority to judge Marie Ignace's ownership based on his intimate knowledge of "her affairs," suggesting that he possessed some degree of interest in the animals that lived on his land.²³ In this instance, the shared participation of cultivators and property-holders in livestock trading networks with Santo Domingo engendered further struggles over the precise meanings of property claims in animals imported to Haiti. Ultimately, the lingering ambiguities over the relationship between landowners' authority and the practices of property ownership among cultivators led Murette to call upon agents of the republican state to defend his claims.

Murette's letter to the Grand-Juge glossed over the question of whether or not Jacques Thomas had paid any duties to the state when he crossed back into southern Haiti with the calves

²³ It is revealing, in this context, that Marie Ignace eventually decided to leave Murette's property altogether, opting for a perhaps more uncertain future beyond the reach of his purported authority.

in 1813. Although there is no trace of an official response to the letter, Murette's silence on this matter may have raised authorities' suspicions that he had financed illicit trade across the border. Like their counterparts in Spanish Santo Domingo, southern Haitian authorities in the pre-unification era increasingly attempted to collect revenue from the livestock traffic. These efforts culminated in June 1818, three months after Pétion's death and Jean-Pierre Boyer's inauguration as the new president of southern Haiti. The House of Representatives of Communes in Port-au-Prince approved a new import duty of one gourde on each ox, cow, or calf introduced into the territory of the republic. In an address to the representatives, Boyer argued that the law would finally impose fixed standards on the frontier commerce with Santo Domingo. Boyer acknowledged that his predecessor's government had also sought to implement an entry duty on Spanish livestock, but that "this duty ha[d] only been paid irregularly," and that it had never been authorized by the legislature.²⁴ The statute, which was approved by the southern Haitian Senate on June 16, mandated that local military officials in the towns along the trade routes maintain a log of entering livestock, to be forwarded to the Secretary General alongside the names of the citizens who had imported the animals. Anyone found to have evaded the officials would be fined an additional eight gourdes for each animal that they transported.²⁵

²⁴ "Les bestiaux comme les marchandises qui sont introduites dans la République et qui entrent dans les ports ouverts, sont assujettis aux droits des douanes. Les bêtes à cornes qui viennent principalement de la partie espagnole par la frontière n'ont payé jusqu'ici qu'un droit d'entrée qu'aucune loi n'autorise et que j'ai moi-même, lorsque j'eus l'honneur de commander l'arrondissement du Port-au-Prince, d'après les ordres de mon prédécesseur, fait réunir à la caisse de l'Etat ; mais comme ce droit ne se paye que d'une manière irrégulière, j'ai pensé qu'il était nécessaire qu'une loi de la législature le consacrat." Jean-Pierre Boyer to Chambre des Représentants des communes, 1 May 1818, in Pradine, *Recueil*, Tome 3, 49.

²⁵ "Les commandants des postes par où aboutissent les chemins des la partie espagnole feront conduire au préposé d'administration de la Croix-des Bouquets les bêtes à cornes qui entreront par leur poste respectif. Ces commandants prendront note des bêtes ainsi envoyées, et à la fin de chaque mois, chacun d'eux enverra au Secrétaire général un état énonçant la quantité de bêtes à

The following year, Boyer's government extended the requirements for transporting livestock to pack and transport animals as well. Article nine of this new law prohibited citizens from traveling through the "interior of the Republic" with "horned animals, horses, mules, and donkeys" without a written permit from a local military commander upon departure. Permits were to include a short description of each animal along with any brands or marks that might distinguish it, which would be copied and preserved by the military commander. If any citizens were apprehended without a permit, they would be detained until they could "prove their rights over the animals" before the *juge de paix* (magistrate of a town council) of the closest commune. Although the law did not specifically invoke the border trade in transport animals, it applied both to individuals who undertook trips for their own purposes and traders who introduced quadrupeds from the Spanish side of the island. In this way, the legislation demanded that Haitian citizens procure and display evidence of property ownership in animals as a pre-requisite for mobility within the country.²⁶

cornes qui auront passé par leur poste, et le nom de celui qui les aura introduites, lequel état servira à faire vérifier si les droits d'entrée ont été acquittés.... Toute personne convaincue d'avoir soustrait les droits de l'État, en contrevenant aux dispositions de la présente loi, sera condamnée, indépendamment du droit, à une amende de huit gourdes par tête de bêtes trouvées en contravention..." No. 546: Loi qui établit la perception d'un droit d'entrée sur les bêtes à cornes introduites dans la République, in Pradine, *Recueil*, Tome 3, 49-50.

²⁶ "Il est défendu de voyager dans l'intérieur de la République avec des bêtes à cornes, chevaux, mulets et ânes, sans un permis du commandant de place du point de départ, portant le signalement et les étampes de l'animal sur lequel on est monté et ceux que l'on conduit, lequel permis sera enregistré par celui qui l'aura délivré, et visé par les commandants des lieux par où passeront les voyageurs.... Les personnes qui seront rencontrées sans les voies publiques avec des animaux, sans permis, pourront être menées par-devant le juge de paix de la commune la plus voisine, auquel elles seront tenues de prouver leurs droits sur les animaux, et à défaut de quoi, elles seront dans le cas d'être détenues ainsi que les animaux jusqu'à ce qu'elles aient fourni ces preuves." No. 615 : Loi sur les animaux qui ravagent les champs cultivés, et sur ceux que l'on fait voyager dans l'intérieur de la République, in Pradine, *Recueil*, Tome 3, 197-199.

In summary, the animal trade consisted of both state-sanctioned and clandestine patterns of contact across the shifting political boundaries in Hispaniola in the decades before unification. The commerce in cattle and other livestock depended on the simultaneous circulation of transport animals in all directions, which not only facilitated travel but also allowed Haitian citizens with limited access to hard currency to participate in the exchange economy.²⁷ The various authorities of the restored Spanish colonial administration, the southern republic of Haiti, and the northern kingdom of Haiti all preferred to make the most of this trade rather than eradicate it altogether, hoping to generate revenue through taxes and preserve a shaky neutrality between their respective states.²⁸ In this way, Captain General Urrutia's eventual decision to prohibit eastern subjects of the Spanish Crown from selling to Haitian buyers departed significantly from previous practices in the colony, reflecting officials' frustrations at their inability to collect taxes on livestock rather than a coordinated campaign to close the border traffic for security reasons.

If the Haitian states and the Spanish colonial administration had sustained the balance of power on the island in part by tolerating and regulating the livestock trade, then the mounting obstacles to the border commerce in the late 1810s pushed *hateros* and other residents involved

²⁷ As the case of Marie Ignace indicates, Haitians occasionally traded transport animals for eastern cattle. One potential clue for assessing the scope of westward circulation of transport animals during this period can be found in the regular listings of "*animaux épaves*," or stray animals that had been found by authorities, in the official Haitian state gazette *Le Télégraphe*. An issue from July 1821, for instance, noted that several male donkeys had been collected, and that they could be identified by their "Spanish marks." See "Épaves," *Le Télégraphe*, 10 July 1821, 4.

²⁸ This view of the livestock exchanges between Haitian and Spanish territories in Hispaniola is consistent with historian Julia Gaffield's central argument about the commercial relationships that Haitian leaders negotiated with foreign states and merchants during the early independence period. Julia Gaffield, *Haitian Connections in the Atlantic World: Recognition after Revolution* (Chapel Hill: The University of North Carolina Press, 2015), 182.

in the trade to favor unification. In their surreptitious correspondence with local civil and military officials in Santo Domingo, members of Boyer's government extended the promise of a free trade across the border as one of the principal advantages of declaring allegiance to Haiti. In November 1820, Désir Dalmassy, writing under the pseudonym of Isnardy, penned a missive to Lieutenant Colonel Pablo Alí, the formerly enslaved veteran of the Haitian Revolution whose decades of service for the Spanish Crown had secured him a position as the leader of the battalion of free people of color (*batallón de morenos*) in the capital of Santo Domingo.²⁹ Although Dalmassy began by acknowledging Alí's "Haitian" descent, his main pitch to the colonel emphasized economic incentives rather than shared origins, affective ties, or even common political sympathies. Claiming that the interior towns of Las Matas de Farfán, San Juan, and Neyba had already joined Haiti, Dalmassy wrote that the "livestock traffic is exempt from all tariffs" and that the municipalities had already begun to benefit from their ties to Haitian commerce, "which is free throughout the republic."³⁰

²⁹ For more biographical detail about Pablo Alí, who was born in northern Saint-Domingue, see Anne Eller, "All would be equal in the effort," 121.

³⁰ "Tengo el honor de prevenir á V. la resolución y disposición del Gobierno de la republica de Hayti, esta es ya una cosa hecha. . . El gefe del gobierno no querría tener esta pena ni la de perturbar a los habitantes y sus familias. Por lo que a V. toca, ya se sabe que es V. haitiano, y q.^e ha comenzado su carrera militar en la republica : si os sometéis todo ira tranquilo . . . las Matas, S. Juan y Neiba están ya sometidos al gobierno de la republica de Hayti, gozan del comercio, que es libre en toda la republica, y los puertos de la parte española quedan abiertos: el trafico de ganado está esento de todos d.^{ros}." Edecán del Presidente de Hayti Teniente Coronel Ysnardi al Teniente Coronel de Morenos Pablo Alí, 9 November 1820, in AGI, Audiencia de Santo Domingo, leg. 970, Gobiernos Políticos, 1820-1822.

Historians Thomas Madiou and Beaubrun Ardouin agree that Isnardy/Ysnardi was the alias of Désir Dalmassy, the colonel who had been suspected of traveling throughout the borderlands to promote unification with Haiti. See Thomas Madiou, *Histoire d'Haïti*, Tome 6: 1819-1826 (Port-au-Prince: Editions Henri Deschamps, 1988), 163-164, and Ardouin, *Études*, Tome 9, 10.

Haitian authorities invoked similar arguments on both sides of the border. The following year, when José Núñez de Cáceres announced that Santo Domingo would sever ties with the Spanish metropole, the porte-paroles of the Boyer administration cited the mutual benefits of free commerce in order to promote western support for an islandwide confederation. In its first response to the news of the declaration of independence of Spanish Haiti, the official gazette *La Concorde* of Cap Haïtien criticized Núñez de Cáceres for his decision to seek such a confederation with Gran Colombia rather than with the neighboring Republic of Haiti. According to the editors of the paper, the Haitian state would not only provide quicker support in the event of a Spanish invasion, but it would expand commercial relations across the island- a goal that the leaders of the new eastern state had already articulated by proposing a treaty of friendship with Boyer. “The only legitimate confederation prepared by nature, the local circumstances, the same needs, and the community of interests bind us together with our Spanish neighbors,” they concluded. “Why look elsewhere for a confederation?”³¹

When President Boyer entered Santo Domingo in February 1822, eastern citizens quickly held the members of the administration to their word. During one of the first sessions following unification, the Haitian legislature overturned the June 1818 import duty on livestock. This measure came at the behest of representatives from the new administrative communes in the former colony of Santo Domingo, who seized on the regime change to secure the free circulation of livestock throughout the republic.³² “Considering that the eastern part of the island has joined

³¹ “Intérieur: Indépendance de la Partie Espagnole d’Hayti,” *La Concorde: Journal historique, politique, et littéraire*, 23 December 1821, 130-131.

³² On this subject, historian Quisqueya Lora Hugi calls attention to the instructions given by the Cabildo Municipal of Higüey to Francisco Travieso, their representative-elect to the Haitian House of Communes, in March 1822. Quisqueya Lora H., *Transición de la esclavitud al trabajo*

the Republic,” the text of the resulting law began, “the causes that made this tax necessary no longer exist.”³³ Henceforth, local authorities were to permit citizens to bring animals from one end of the island to the other without paying duties to the state.³⁴ Yet Haitian law still permitted military commanders to confiscate the animals from travelers if the latter failed to produce documentation of ownership. The liberalization of the livestock trade at the dawn of unification thus set the stage for increased exchange between Haitians of the west and the new citizens of the east, all while encouraging both groups to certify their property transactions and acquisitions before state notaries.³⁵

libre en Santo Domingo: El caso de Higüey, 1822-1827 (Santo Domingo: Academia Dominicana de la Historia, 2012), 53.

In these instructions, the members of the Cabildo Municipal specified that eliminating duties (*derechos*) on animals transported from “this commune to another” should be the first item on Travieso’s agenda, since it would benefit the “inhabitants of this country.” Such language implies that the Cabildo members saw the unification as an important opportunity to protect their interests. Método de las Instrucciones que este Cabildo Municipal debe dar al Ciudadano Francisco Travieso como Diputado por esta Común en la Sala de Representantes de la Capital del Estado de la Republica de Haití, 29 June 1822, in AGN-RD, Archivo Real de Higüey, Signatura 1700101, leg. 5 Azul, exp. 78: Libro de Cabildo, Documento 9.

³³ “Considérant que par la réunion à la République, de la partie de l’Est de l’île, les causes qui avaient nécessité cet impôt n’existent plus....” No. 805: Loi qui rapporte celle promulguée le 17 juin 1818, an XV, relative aux droits d’entrée sur les bêtes à cornes, introduites dans la République, et venant de la partie de l’Est de l’île, in Pradine, *Recueil*, Tome 3, 525-526.

³⁴ With the exception of those who took ferries or certain national roads that charged fixed tolls.

³⁵ Authorities had in fact ceased to exact duties on livestock imports from the earliest months of the unification, well in advance of any action on the part of the Haitian legislature. In June 1822, Haitian Secretary of State Jean-Christophe Imbert penned a circular in which he noted that the proclamation of unification had led to a massive increase in the circulation of livestock throughout the republic. Due to this sudden transformation, Imbert noted, the prices of livestock had plummeted. See J.-M. Imbert, No. 790: Circulaire du Secrétaire d’Etat, aux conseils des notables, pour la fixation de la taxe à percevoir sur les boucheries, 20 June 1822, in Pradine, *Recueil*, Tome 3, 575-576.

Moveable Assets, Unified Markets: Selling to the Haitian Army

Although the twenty-two year period of Haitian rule in Santo Domingo was a political unification with popular foundations rather than an “invasion” by Boyer’s government, an initial military occupation did take place during the early months of 1822. Over the period from 1822 to 1824, an estimated 12,000 to 14,000 soldiers spread out across eastern towns to oversee the transfer of power and the installment of new republican institutions.³⁶ How did the inhabitants of the former Estado Independiente de Haití Español respond to the arrival of an army larger than the population of the city of Santo Domingo itself?³⁷

The notarial archives offer a possibility for gauging the ways in which western soldiers interacted with eastern citizens during this early stage of the unification. Between the arrival of the Haitian army in 1822 and the withdrawal of the majority of military forces in 1824, soldiers and citizens frequently engaged in commercial exchange through the sale of transport animals. In fact, as historian María Filomena González Canalda points out in her publications on the process of cataloging of the *protocolos notariales* at the Archivo General de la Nación in Santo Domingo, transport animal sales represented the single most common type of notarized

³⁶ Quisqueya Lora makes this point directly in her chapter on the declaration of the unification in Higüey. Lora H., *Transición de la esclavitud*, 47.

These estimates of the size of the military force are taken from Jean-Pierre Boyer, No. 700: *Ordre général de l’armée en campagne pour l’Est*, 15 January 1822, in Pradine, *Recueil*, Tome 3, 438-439; Ardouin, *Études*, Tome 9, 124; and Frank Moya Pons, *La dominación haitiana, 1822-1844, Cuarta edición* (Santo Domingo: Librería La Trinitaria, 2013), 31

³⁷ The population of the city of Santo Domingo was approximately 11,205 in 1824. See Censo de la población de la parte española de la isla, in Roberto Marte, *Estadísticas y documentos históricos sobre Santo Domingo, 1805-1890* (Santo Domingo: Ediciones Museo Nacional de Historia y Geografía, 1984), 53. See also Moya Pons, *La dominación haitiana*, 59.

document produced by the office of José Troncoso and Antonio Abad Solano, two of the leading Spanish-language public notaries in the eastern capital.³⁸

The acts of sale tended to follow a fixed pattern, as Haitian soldiers and officers acquired transport animals from local vendors from Santo Domingo or sought authorization for purchases they had already made in smaller towns during the voyage eastward. In return, the soldiers compensated the former owners of the animals in cash, and to a lesser extent, credit. Although these transactions were usually carried out in “national currency,” or Haitian *gourdes* and *centimes*, notaries calculated and recorded the value of the animals in *pesos*, the currency of the previous regimes, illustrating the ongoing efforts to reconcile multiple currency systems. Above all, these notarized sales reveal the day-to-day commercial dimensions of the unification, suggesting that both Haitian soldiers and local citizens took advantage of the new political circumstances to protect their interests and to improve their economic standing.³⁹ At the same time, they suggest that prominent civil authorities in the eastern capital and the surrounding

³⁸ González Canalda, *Libertad Igualdad*, 44-53. The third was Martín de Mueses.

³⁹ My analysis in this section is based on a set of 336 animal sales notarized in Santo Domingo and Higüey between 1822 and 1824, representing the totality of such documents that I examined. The sales are drawn from the following *legajos* housed at the Archivo General de la Nación in Santo Domingo: AGN-RD, Fondo Protocolos Notariales, Signatura 709298, leg. 1/2623, Protocolo Notarial de José Troncoso, 1815-1822; Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, 1822; Signatura 709300, leg. 1/2625, Protocolo Notarial de José Troncoso, 1822; Signatura 709301, leg. 1/2626, Protocolo Notarial de José Troncoso, 1823; Signatura 709302, leg. 1/2627, Protocolo Notarial de Martín de Mueses, 1822-1823; Signatura 709303, leg. 1/2628, Protocolo Notarial de José Troncoso, 1823; Signatura 709304, leg. 1/2629, Comprobante de Protocolos de José Troncoso y Antonio Abad Solano, 1824; Signatura 709305, leg. 1/2630, Protocolo Notarial de José Troncoso, 1824; Signatura 704329, leg. 1/2631, Protocolo Notarial de José Troncoso y Antonio Abad Solano, 1824; AGN-RD, Fondo Archivo Real de Higüey, Signatura 1700102, leg. 6 Azul (6A); Signatura 1700117, leg. 14 Azul (14A); and Signatura 1700133, leg. 30 Rojo (30R), 1823.

towns also benefited from the trade in transport animals, even as they sometimes sought to circumscribe the mobility of rank-and-file soldiers and rural merchants who sustained it.

From the outset of the unification, national Haitian leaders and local officials in Santo Domingo recognized the potential gains that eastern merchants could reap from the sudden influx of significant numbers of salaried members of the Haitian military.⁴⁰ Based on their correspondence with President Boyer, the Ayuntamiento Municipal of Higüey published a directive in March 1822 instructing residents to accept the “provincial currency of the Haitian state, known by the name of *Santimia* [i.e., *centimes*],” which was “minted and marked with the coat of arms of the Republic of Haiti,” in order to “facilitate retail commerce [*tráfico comercial por menor*] among troops of the Republic and inhabitants alike throughout the extension of the Province.” “For the happiness and advancement [*fomento*] of citizens,” the decree continued, Haitian currency could be used to pay “the price of any item whatsoever for sale, with the same value and appreciation as all other currency that has circulated up until now.”⁴¹ In this way, the

⁴⁰ In her recent work on “militarized citizenship” and gender in post-revolutionary Haiti, sociologist Mimi Sheller emphasizes the disparity between the Boyer administration’s military expenditures and soldiers’ salaries. Drawing on foreigners’ travel accounts and U.S. consular reports, she writes that “[m]ilitary spending, not surprisingly, was the largest portion of public expenditures in Boyer’s budgets, although ordinary soldiers were poorly paid.” The frequency of animal sales between 1822 and 1824, combined with the fact that buyers usually paid up-front in cash, seems to indicate a steady source of income and a greater degree of purchasing power among soldiers stationed in Santo Domingo. The commerce in transport animals at the moment of unification (and before the succession of economic crises triggered by the 1825 and 1838 indemnity agreements with France) suggests that military service still offered a degree of economic autonomy, and even social mobility, in 1822. Mimi Sheller, *Citizenship from Below: Erotic Agency and Caribbean Freedom* (Durham and London: Duke University Press, 2012), 155-157.

⁴¹ “El Ayuntamiento Municipal de esta villa y su jurisdic.ⁿ acemos saber a todos los vecinos estantes y abitantes en ella que la moneda Provincial del Estado Haitiano Conocido con el nombre de Santimia [i.e., *Centime*] y corriente en todos los pueblos de la Republica deve ... tener su curso en esta jurisdic.ⁿ como adoptada por S. E. El precidente del Estado para facilitar asi a las tropas de la Republica como a los abitantes al trafico comercial por menor en toda la

Boyer administration and the officials of the Ayuntamiento de Higüey hoped to establish an equivalent exchange rate between *gourdes/centimes* and *pesos/reales*, thereby laying the foundations for a single monetary system- albeit with multiple currencies- across the island.⁴²

The language of the Ayuntamiento's letter, specifically the representatives' choice of the word *fomento*, offers insight into the particular vision of citizenship that they hoped to promote through the unification of currencies. A concept without a precise equivalent in English (or, for that matter, in French or Kreyòl), *fomento* describes a realm of economic policy that encourages individuals to undertake commercial exchange for the benefit of the public good or general welfare. Economic growth- whether at a micro- or macro- level- thus depends to some degree on the state's ability to provide sufficient incentives, assistance, or tutelage to generate future commerce. Antonio Sánchez Valverde, the eighteenth-century theorist of value in Hispaniola, had articulated a version of *fomento* in which the rehabilitation of slave society in Santo Domingo would enable the development of regionalized commercial agriculture in the model of

estencion de esta Provincia, y que para comprobar la adhesion y pronta obediencia con que este leal vecindario abraza y puntualisa quanto la sabia y benefica legislacion de la Republica ordena para la felicidad y fomento de los Ciudadanos, es necesario de la dicha moneda se reciba y tenga su curso y estimacion del mismo modo que se observa en los demas pueblos del Estado Mediante la cual y en ... de las que por el Ciudadano General Dupui entregado por S. E. de la vigilancia y administacion gral de este departamento le han sido transmitida. La moneda santimia corriente en pesetas, reales, y medios reales, acuñada y marcada con el sello de armas de la Republica de Haiti sera recibida como precio de cualesquiera cosa vendible con la misma estimacion y aprecio como la demas moneda que hasta haora circula y corre en todo el trafico comercial y contratos estipulados." Decreto del Ayuntamiento Municipal de Higüey, 23 March 1822, in AGN-RD, Fondo Archivo Real de Higüey, Signatura 1700101, leg. 5 Azul (5A), exp. 78: Libro del Cabildo, Folio 10.

⁴² The introduction of gourdes was the newest experiment in a series of changes to the monetary system of the former colony of Santo Domingo. During the España Boba period (1809-1821), Captain General Carlos de Urrutia oversaw a failed attempt to introduce paper currency, over 72,000 pesos of which was later ordered to be recalled and burned. See Bando de buen gobierno, 23 October 1817, in AGN-RD, Fondo Archivo Real de Higüey, Signatura 1700143, leg. 7 (L07), exp. 10.

Saint-Domingue, in symbiosis with longstanding creole industries such as ranching. Where Sánchez Valverde saw the potential for future economic expansion in the collaboration between slave traders, merchants, planters, and *hateros*, the Ayuntamiento of Higüey and the Boyer administration located it at least partially in the everyday trading practices among Haitians of the east and west who would come to inhabit their new status as citizens through the participation in a unified market. Once a shared monetary system was implemented, they suggested, eastern and western inhabitants would maintain island-wide retail commerce from the bottom up, transforming themselves into equal citizens of the republic in the process. Even as they began to outline the framework for state action on the issue of the *gourdes-to-pesos* exchange rate, these administrators acknowledged that Haitian soldiers and residents of their district had already begun the process of negotiating these rates on their own.

The soldiers who sought out transport animals in Santo Domingo came from all corners of western Haiti, including the territory of the former northern kingdom that had unified with the southern republic after the death of Henri Christophe in 1820.⁴³ The majority of repeat buyers in the city of Santo Domingo were officers in the Haitian army, since these individuals could afford to purchase more than one animal and pay multiple notaries' fees.⁴⁴ Yet high-ranking military

⁴³ From the north and the Artibonite valley, the divisions included Regiments 6, 15, 16, and 19 of Saint Marc/Petite Rivière, Regiment 28 of Fort-Liberté (formerly Fort-Dauphin/Bayajá), and Regiment 27 of Cap Haïtien. From the south, Regiments 21, 22, and 23 of Jacmel, Regiment 14 of Aquin, and Regiment 16 of Les Cayes. The divisions from Port-au-Prince comprised an artillery company and the Presidential Honor Guard.

⁴⁴ Several commanding officers visited the office of José Troncoso and Antonio Abad Solano more than once to certify different animal purchases. For instance, the sergeant major Juan José (probably Jean Joseph), of Regiment 23 from Jacmel, bought at least three horses between March and May 1822 for 22, 25, and 28 pesos respectively. *Venta de caballo color melado*, 29 March 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709298, leg. 1/2623, Protocolo Notarial de José Troncoso, Document 53; *Venta de caballo color bayo amarillo*, 25 May 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709298, leg. 1/2623, Protocolo Notarial de

commanders were not the only western Haitian citizens who managed to gain access to animals through notarized exchanges. In the case discussed at the beginning of the chapter, the soldier Juan Pablo (Jean Paul) of the eleventh company of Port-au-Prince acquired a mare from a resident of Camba. In July 1822, Juan Guillermo (Jean Guillaume), a grenadier from Saint Marc, bought a pregnant female donkey for 16 pesos.⁴⁵ Several other buyers were introduced as subalterns of superior officers in the acts of sale, including a certain Mage who served under

José Troncoso, Document 114; and *Venta de caballo color rucio*, 29 May 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709298, leg. 1/2623, Protocolo Notarial de José Troncoso, Document 118.

Between July and September 1822, Desiré Boursiquot, a captain of Regiment 22 from Jacmel, acquired two mules and a mare for 50, 60, and 50 pesos in “Spanish silver.” *Venta de mula colorada*, 19 July 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Folio 12; *Venta de mula color bermejo*, 23 August 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 62; and *Venta de yegua parda*, 28 September 1822, in AGN-RD, Fondo Protocolos notariales, Signatura 709299, leg. 1/2624, Protocolo notarial de Antonio Abad Solano Document 91.

First sergeant Juan de los Santos (probably Jean Toussaint), also of Jacmel, purchased two mares in July 1822 for 16 and 30 pesos. *Venta de yegua color rucio prieto*, 19 July 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo notarial de Antonio Abad Solano, Document 13, and *Venta de yegua color alazana*, 20 July 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo notarial de Antonio Abad Solano, Document 16.

Adjutant major Dieudonné Adonis of Fort-Liberté purchased two mares between November and December 1822 for 18 and 29 pesos. *Venta de yegua color bayo*, 21 November 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709300, Protocolo Notarial de José Troncoso, leg. 1/2625, Document 138; and *Venta de yegua color Bermejo*, 16 December 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709300, Protocolo Notarial de José Troncoso, leg. 1/2625, Document 153.

⁴⁵ *Venta de burra actual preñada*, 27 July 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo notarial de Antonio Abad Solano, Document 28.

Coronel Desmarattes of Jacmel.⁴⁶ Notaries described the Cap Haïtien native Juan Bautista Francisco (Jean-Baptiste François) as a “*gachero*,” that is, a soldier who traveled ahead of a regiment in order to clear the path during marches.⁴⁷ Flag bearers and ensigns participated in the trade as well, such as Juan Carlos (Jean Charles) and Juan Francisco Juan Luis (Jean François Jean-Louis), both of Regiment 27 from Cap Haïtien.⁴⁸

Transport animals afforded several advantages to foot soldiers, especially those who were not stationed in Santo Domingo for a long period of time. In addition to easing the burden of travel between the two sides of the island, the animals could be loaded with merchandise that soldiers had acquired during their time in the east. The animals retained value beyond the return journey itself, since they were essential to the economy of western Haiti. They enabled small farmers to participate in mixed production for both subsistence and domestic consumption, facilitating the transport of provisions from rural plots to marketplaces in neighboring villages

⁴⁶ The notary introduced the soldier as “Mage, soldado del sexto regimiento del Coronel Desmarate de Jacomelo.” Venta de burro color bayo, 2 September 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo notarial de Antonio Abad Solano, Document 71.

⁴⁷ Venta de burro color bayo, 4 October 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709300, leg. 1/2625, Protocolo Notarial de José Troncoso, Document 101.

The term *gachero* is a variation of *hachero* or *gastador*. The dictionary of the Real Academia Española defines the latter term as a “soldado que se aplicaba a los trabajos de abrir trincheras y otros semejantes, o bien a franquear el paso en las marchas, para lo cual llevaban palas, hachas, y picos.” Diccionario de la lengua española de la Real Academia Española, “Gastador,” accessed 18 October 2016, <http://dle.rae.es/?id=IzE4PD5>.

⁴⁸ Venta de burro color bayo, 12 July 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, No Document Number; and Venta de caballo color bermejo, 22 July 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 21.

and towns. In this way, the animal trade likely reinforced the larger struggle waged by citizens on both sides of the island against large-scale plantation agriculture.⁴⁹

Some soldiers carried out transactions on the part of friends, family, and associates back home, especially women, who were barred from military service and thus faced greater obstacles to traveling to Santo Domingo to purchase animals on their own. Seraphin Ygnace, an adjutant major of Regiment 27 from Cap Haïtien, acquired a mule on behalf of Genoveva Juliana Josefa (Geneviève Julienne Josephine), described as a resident of Cap Haïtien who was not present for the sale.⁵⁰ Although their precise relationship is unclear from the notarized act, Josefa had granted power of attorney to Ygnace so that he would be able to purchase at least one animal for her in Santo Domingo.⁵¹ Ygnace had apparently made similar promises to several different citizens of Cap Haïtien before leaving the city with his regiment. Less than two weeks after he bought the first mule for Josefa, Ygnace obtained another one (this time from a different seller) for a woman described as “La Famma Juan Pedro Janaux,” likely meant to signify “the wife” of a certain Jean-Pierre Jeannot, residing in “the northern part” of Haiti.⁵² Another officer,

⁴⁹ For more on these struggles in western Haiti, see chapter 3 and Johnhenry González, “The War on Sugar: Forced Labor, Commodity Production, and the Origins of the Haitian Peasantry,” (Ph.D. diss., University of Chicago, 2012).

⁵⁰ It is possible to determine Ygnace’s own spelling of his name- as opposed to the spelling proposed by the hispanophone notary- since he signed at the bottom of the act.

⁵¹ Venta de mula color muleño, 28 July 1822, in in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 32.

⁵² “La Famma Juan Pedro Janaux, vecina residente en el Guarico o parte del Norte, y a su nombre y por encargo particular a Seraphin Ygnacie, Teniente Ayudante Mayor del Segundo batallon del regim.^{to} 27 del mismo Guarico,” Venta de mula color bayo, 9 August 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 45.

lieutenant Benjamin Sanet of Regiment 22 of Jacmel, purchased a donkey that had just arrived in a shipment from Coro in the name of his wife Maria Ysabel (Marie Elizabeth).⁵³ Finally, although she never left Saint Marc, Felcide Choute bought a young mare with the help of her associate, lieutenant major Adrien Choute.⁵⁴ Together, these women used intermediaries in the military to gain access to moveable property in animals, illustrating that the unification-era commerce encompassed a broader portion of Haitian society than the exclusively male domain of the army.

For their part, the vendors also reflected a variety of social and economic positions within the city of Santo Domingo and the surrounding towns of the southeast. Owners of transport animals followed the two major columns of Haitian soldiers to the capital from villages of the interior to carry out transactions. Adrián de Dios of La Vega, Juan Anastasio Prensa of La Culata, Miguel Matías of Monte Grande, and Fermín Ignacio of Hato Mayor all appear in the record.⁵⁵ Diego Núñez, Joaquín de Aybar, Sebastián Mejía, Ramón Santana, and Francisco Ramírez, among others, traveled from the commune of El Seibo, where the breeding of livestock

⁵³ Venta de burro color prieto, 17 August 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 53.

⁵⁴ Venta de potranca color rubio, 24 August 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 66.

⁵⁵ Venta de mulo macho color muleño, 17 Julio 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 5; Venta de yegua parda, 9 November 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709300, leg. 1/2625, Protocolo Notarial de José Troncoso, Document 131; Venta de caballo color zaino, 2 September 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 72; Venta de yegua color alazán, 8 November 1822, in in AGN-RD, Fondo Protocolos Notariales, Signatura 709300, leg. 1/2625, Protocolo Notarial de José Troncoso, Document 127.

and transport animals formed a key part of the local economy.⁵⁶ As an indication of the scale of the influx of animal traders from rural areas, the notary José Troncoso began to ask prospective dealers to bring additional witnesses who could testify to the veracity of their claims of ownership over the animals. In one horse sale from September 1822, for instance, Troncoso noted that he had consulted with vendor José Urtarte of El Seibo in person, but that he had never met him before. He allowed the sale to proceed after one of the witnesses vouched for the seller and confirmed that the original owner of the horse, Lorenzo Bastardo, had indeed authorized Urtarte to travel to Santo Domingo to sell it on his behalf.⁵⁷

Occasionally, animals circulated back and forth between enterprising traders and Haitian officers. Eusevio de la Cruz, also of El Seibo, acquired horses from Haitian officers and then sold them back to different soldiers in other divisions. On 30 July 1822, Cruz paid 18 pesos to Agustín de Romero for an auburn-colored horse. As it turns out, Romero had recently acquired the horse in a barter with second sergeant Juan Francisco (Jean François), a Port-au-Prince native in President Boyer's honor guard.⁵⁸ On 13 May 1823, Eusevio de la Cruz sold the same horse,

⁵⁶ Venta de caballo color bayo, 25 May 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709298, leg. 1/2623, Protocolo Notarial de José Troncoso, Document 114; Venta de caballo color pardo, 25 May, in AGN-RD, Fondo Protocolos Notariales, Signatura 709298, leg. 1/2623, Protocolo Notarial de José Troncoso, Document 115; Venta de yegua color rucio, 19 July 1822, in in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 13; Venta de caballo color rucio, 30 September 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 93; Venta de caballo bermejo, 24 August 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 64.

⁵⁷ Venta de caballo color bermejo, 5 September 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 77.

⁵⁸ Venta de caballo color bermejo, 30 July 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 34.

now nearly one year older, to Manuel Lorenzo (perhaps Emmanuel Laurent or Laurence) from Regiment 19 of Petite Rivière for a total of 25 pesos.⁵⁹ In the notarized act of sale, Cruz acknowledged that he had purchased the horse from Romero, but he did not mention how Romero came to possess it. Cruz also provided an optimistic assessment of the horse's age at four to five years old, the same age that Romero had attributed to it ten months earlier.⁶⁰

Animal transactions allowed eastern vendors to cement ties with military commanders of Santo Domingo and to bolster their own standing under the new government. One dealer, Francisco Dalmassy, came to control a significant portion of the animal trade with Haitian soldiers before joining their ranks himself. A man of color who was born free in Port-au-Prince in 1782, Francisco (originally François) Dalmassy was already living in Santo Domingo at the moment of unification in 1822.⁶¹ Although it is unclear whether he had ever resided in

⁵⁹ Venta de caballo color bermejo, 13 May 1823, in AGN-RD, Fondo Protocolos Notariales, Signatura 709301, leg. 1/2626, Protocolo Notarial de José Troncoso, Document 62BIS.

⁶⁰ Given that notary José Troncoso provided a sketch of the animal's brandings in both documents, it is possible to verify that this was in fact the same horse.

⁶¹ In 2014, the genealogist Johnnes Dalmasy published an extended analysis of the origins of his own last name in the territory that is now the Dominican Republic. He traces the side of the family that eventually migrated to Higüey to a common ancestor, the colonist Jean-Baptiste Dalmassy Isnardy, the father of François/Francisco. Based on subsequent confirmation of immediate family members from Haitian-era notarial records, he locates the younger Dalmassy's baptismal record from Port-au-Prince in early 1783. In this document, François/Francisco is described as a *quarteron libre*, the son of a *mulâtresse libre* named Marianne Dallemand. See Johannes Dalmasy, *Dalmasy: Apellido dominicano de origen nizardo* (Santo Domingo: Academia Dominicana de Historia, 2014), esp. 54-55 and 154-155. For the original baptismal record, see Baptême de François Jean-Baptiste, 13 January 1783, Archives Nationales d'Outre-Mer (ANOM), Aix en Provence, État Civil, Saint-Domingue, Port-au-Prince, 1783, Folio 3.

It is unclear whether the younger Dalmassy migrated eastward during the Haitian Revolution, the Ferrand regime, the España Boba period, or during the ephemeral independence of the state of Spanish Haiti. In 1822, the notary José Troncoso described him as a *vecino* of Santo Domingo, suggesting that he was not a recent migrant.

independent Haiti, Dalmassy adopted the alias of “Dessalines,”⁶² probably after the revolutionary general and leader of the first Haitian state who was assassinated in 1806.⁶³ Between 1822 and 1824, Dalmassy sold at least 17 transport animals, most of which he had acquired from intermediaries in the surrounding districts of Monte Grande and Mendoza, and from *hatos* in the district of Yabacao outside of Bayaguana.⁶⁴ He dealt with a variety of officers and soldiers, including a captain of President Boyer’s honor guard Juan Felipe (Jean Philippe), the commander

⁶² Notaries inscribed this nickname in the records alternately as De Saline, Desalinas, Salinas, De Salina, Salina, or simply Saline.

⁶³ Dalmassy’s decision to adopt the name Dessalines was all the more striking given that the Boyer administration and their allies in the national press had long denounced the independent nation’s first leader as a tyrant.

⁶⁴ The following documents are located within AGN-RD, Fondo Protocolos Notariales. Venta de caballo bayo, 27 February 1822, Signatura 709298, leg. 1/2623, Protocolo Notarial de José Troncoso, Document 20; Venta de burro bayo, 22 April 1822, Signatura 709298, leg. 1/2623, Protocolo Notarial de José Troncoso, Document 91; Venta de caballo color bayo amarillo, 7 July 1822 Signatura 709298, leg. 1/2623, Protocolo Notarial de José Troncoso, No Document Number; Venta de burra actual preñada, 27 July 1822, Signatura 709299, leg. 1/2624, Protocolo Notarial de Abad Solano, Document 28; Venta de burra color bayo, 27 July 1822, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 98; Venta de mula colorada, 5 August 1822, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 38; Venta de yegua rucia, 15 August 1822, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 48; Venta de caballo color Bermejo, 11 September 1822, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 78; Venta de caballo rucio, 27 September 1822, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 90; Venta de caballo color bermejo, 12 October 1822, Signatura 709300, leg. 1/2625, Protocolo Notarial de José Troncoso, Document 109; Venta de caballo, [date illegible] May 1823, Signatura 709301, leg. 1/2626, Protocolo Notarial de José Troncoso, Document 86; Venta de caballo color alazán, 21 June 1823, Signatura 709301, leg. 1/2626, Protocolo Notarial de José Troncoso Document 101; Venta de caballo capado de color rucio, 21 June 1823, Signatura 709301, leg. 1/2626, Protocolo Notarial de José Troncoso, Document 102; ; Venta de burra color prieto, 17 September 1823, Signatura 709303, leg. 1/2628, Protocolo Notarial de José Troncoso, Document 225BIS; Venta de yegua color pardo, 17 September, Signatura 709303, leg. 1/2628, Protocolo Notarial de José Troncoso, Document 226; Venta de llegua rucia prieta, 11 October 1823, Signatura 709303, leg. 1/2628, Protocolo Notarial de José Troncoso, Document 242; Venta de caballo capado, ... [date illegible] May 1824, Signatura 709304, leg. 1/2629, Comprobante de Protocolos Notariales de José Troncoso, Document 11.

of regiment 27 Yaque Francisco (Jacques François), and the grenadier Juan Guillermo (Jean Guillaume).

The records of Dalmassy's sales offer a glimpse into his personal ascent to economic and political power during the unification. By 1823, he had secured a position as the personal guide and assistant to Brigade General Carrié, at the time the highest-ranking military official in the city.⁶⁵ The next year, Dalmassy attained the rank of sergeant himself.⁶⁶ All the while, he continued to trade in transport animals, occasionally neglecting outstanding debts he had accrued from their breeders.⁶⁷ On several instances, Dalmassy drew the ire of the civil authorities of Higüey for having failed to renew his commercial permit and for skirting the attendant fees, both necessary requirements for exercising the profession of animal trader.⁶⁸ After being appointed to lead the Gendarmerie in the district of Higüey, Dalmassy received a land concession from President Boyer of 20 *carreaux* north of the capital in Dajao, eventually contracting the

⁶⁵ Venta de llegua rucia prieta, 11 October 1823, in AGN-RD, Fondo Protocolos Notariales, Signatura 709303, leg. 1/2628, Protocolo Notarial de José Troncoso, Document 242.

⁶⁶ Venta de caballo capado, [date illegible] May 1824, in AGN-RD, Fondo Protocolos Notariales, Signatura 709304, leg. 1/2629, Comprobante de Protocolos Notariales de José Troncoso, Document 11.

⁶⁷ In 1827, for instance, a man named Domingo from San Juan de la Maguana raised a complaint with the *juez de paz/juge de paix* in Higüey claiming that Dalmassy, now a commander of the Gendarmerie in the district, had failed to pay the outstanding eight pesos that he owed to Domingo for a horse that Dalmassy had purchased “several years” earlier. See Cobro de deuda, 26 May 1827, in AGN-RD, Fondo Archivo Real de Higüey, Signatura 1700120, leg. 16 Azul (16A), exp. 80.

⁶⁸ Juan José Martínez Juez de Paz de la Común de Higüey to Coronel Mauricio de Mendoza Comandante de la Común de Higüey, 31 December 1839, in AGN-RD, Fondo Archivo Real de Higüey, Signatura 1700098, leg. 3 Azul (03A), exp. 72, Libro Registro de Oficios, 12 January 1839 to 15 November 1839.

cultivators León Laureno, Martín Chávez, and José Chávez to perform agricultural labor on the plantation (see chapter 3).⁶⁹

Alongside landowning officers like Dalmassy, many of the animal traders were eastern-born soldiers in the reorganized Santo Domingo divisions of the Haitian army under Coronel Pablo Alí, which attracted both newly freed people and men of color who had been free before the unification.⁷⁰ In July 1822, Esteban Calisto, an ensign in Regiment 31 under Alí, sold a donkey to a Haitian lieutenant from Saint Marc.⁷¹ Notary José Troncoso specified that Calisto was a native of San Lorenzo de Los Minas, located on the eastern outskirts of the city of Santo Domingo, a community founded in the seventeenth century by people who had escaped from slavery in Saint-Domingue.⁷² José de la Cruz, a sub-lieutenant from Santo Domingo who served

⁶⁹ These contracts were mandated by the 1826 Code Rural, a compilation of statutes from earlier post-emancipation labor regimes in colonial Saint-Domingue and independent Haiti that attempted to compel property-less citizens to cultivate the estates of wealthier landowners. Contrato de arrendamiento entre el Ciudadano Francisco Dalmacie, alias Salinas, y el Ciudadano Leon Laureno, 28 March 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709310, leg. 1/2637, Protocolo Notarial de José Troncoso y Antonio Abad Solano, Document 150; Contrato de arrendamiento entre el Ciudadano Francisco Dalmacie, alias Salinas, y el Ciudadano Martin Chavez, 29 March 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709310, leg. 1/2637, Protocolo Notarial de José Troncoso y Antonio Abad Solano, Document 151; and Contrato de arrendamiento entre el Ciudadano Francisco Dalmacie, alias Salinas, y el Ciudadano José Chavez, 29 March 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709310, leg. 1/2637, Protocolo Notarial de José Troncoso y Antonio Abad Solano, Document 152.

⁷⁰ On the re-organization of the *batallón de morenos* into Regiment 31 of the Haitian army, as well as the significance of its new recruits, see Jean-Pierre Boyer, Arrête qui règle le numéro des régiments de l'infanterie, 12 March 1822, in Pradine, *Recueil*, Tome 3, 461, and Moya Pons, *La dominación haitiana*, 37.

⁷¹ Venta de burra color rucio, 24 July 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Abad Solano, Document 24.

⁷² Although Spanish colonial authorities initially permitted the growth of the free black population of Los Minas, allowing both former slaves who had been manumitted by masters in Santo Domingo and maroons from Saint-Domingue to settle there, they also considered demolishing the community at various moments from the late seventeenth through the eighteenth

with Calisto in the same regiment, sold a horse to a captain from Saint Marc.⁷³ Two other members of Regiment 31 who had been described before the unification as free people of color, the second sergeant Francisco de Aybar and the grenadier Agustín de Coca, both sold mares to Lieutenant Dieudonné Adonis of Fort-Liberté in late 1822.⁷⁴ In addition to reflecting the burgeoning social ties among soldiers in the occupation force and new recruits from the population of Santo Domingo, these sales suggest that military service offered additional advantages to eastern animal traders by placing them in constant contact with potential buyers from western Haiti.

century. See Carlos Esteban Deive, *La esclavitud del negro en Santo Domingo, 1492-1844*, Tomo 2 (Santo Domingo: Museo del Hombre Dominicano, 1980), 532-543. As late as 1800, however, colonial authorities continued to assume that the majority of the population was made up of free black descendants of maroons from Saint-Domingue. Anne Eller, ““All would be equal in the effort,”” 120.

Estevan Calisto also appeared in an 1824/1825 listing of the members of Regiments 31 and 32 published as part of an almanac for the city of Santo Domingo. In this document, his last name is written as “Calix.” *Almanach pour l’année 1823, An 22 de l’Indépendance d’Haïti, Contenant les noms de tous les Fonctionnaires publics, civils, et militaires de l’Arrondissement de Santo-Domingo* (Santo Domingo: Imprimé par J. M. Gonzalez et C.^e, 1824), Library of Congress, Washington, D.C., Microform and Electronic Resources Division, Collection Mangonès, Reel 6, 44.

⁷³ Venta de caballo entero de color alazán, 13 Julio 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 2.

⁷⁴ Venta de yegua color bayo, 21 November 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709300, leg. 1/2625, Protocolo Notarial de José Troncoso, Document 138; Venta de yegua color bermejo, 16 December 1822, in in AGN-RD, Fondo Protocolos Notariales, Signatura 709300, leg. 1/2625, Protocolo Notarial de José Troncoso, Document 153.

For an 1818 list of the officers in the batallón de morenos under Alí, see Juan de Aranda, Batallón de morenos de Milicias disciplinadas de Santo Domingo, 2 April 1818, in Archivo Histórico Nacional, Madrid (hereafter AHN), Estado, leg. 130, exp. 6.

Well aware that the commerce with Haitian soldiers benefitted those with access to horses, mules, donkeys, or mares, the judges of the civil tribunal of Santo Domingo began to target suspected animal thieves with renewed urgency. In some cases, they charged eastern-born soldiers with illegal trafficking in transport animals. In December 1823, magistrates José Joaquín Delmonte, Leonardo Pichardo, Vicente del Rosario Hermoso, Vicente Mancebo, and Raymundo Sepúlveda heard a case against Agustín de la Cruz, who had been apprehended with stolen animals in his hometown of Azua. A member of Regiment 32, another new unit that was composed of formerly enslaved men who had received juridical freedom at the moment of unification, Cruz allegedly deserted his company and traveled west to the Haitian capital of Port-au-Prince.⁷⁵ There, authorities claimed, Cruz stole two mares from a plantation entitled “Bueno” (or “Bon”), returned to the district of Fundación near Azua, and engaged in further erratic behavior, threatening to murder a man named José Ramón Báez and absconding with another donkey. The judges emphasized that Cruz had not been able to produce any titles of property to prove his ownership of the animals, and accused him of attempting to conceal their existing brands with hot irons. Decrying the “bad example” and “abuse” (*corrupción*) that Cruz had

⁷⁵ Several works on the unification have distinguished between Regiment 31 and Regiment 32, demonstrating that the former was composed predominantly of individuals who had been free before the unification, while the latter welcomed former slaves who had been freed by Boyer’s arrival in the Santo Domingo. Historians Emilio Rodríguez Demorizi and Frank Moya Pons agree that Regiment 32 was made up of “*libertos de la palma*,” that is, former slaves who became free at the moment of unification (or more symbolically, when Boyer planted the liberty palm in the Plaza de la Catedral in Santo Domingo). See Emilio Rodríguez Demorizi, *Invasiones haitianas de 1801, 1805, y 1822* (Ciudad Trujillo: Editora del Caribe, 1955) 306, and Moya Pons, *La dominación haitiana*, 37.

represented for his younger siblings and society more generally, the tribunal sentenced him to spend five years in the public prison of Santo Domingo.⁷⁶

In this way, local judicial authorities in Santo Domingo drew on national Haitian statutes in an attempt to limit the trade to property-holders who had acquired animals through breeding or notarized acts of sale. The judges of the civil tribunal- nearly all of whom were former slaveowners and prominent creole authorities from the *España Boba* period- may have had deeper apprehensions about the consequences of allowing former slaves and their descendants to circulate freely across the island. Critically, however, they never described the dilemma in this precise language, since the eradication of pre-emancipation status terminology in official correspondence and administrative records was a central component of the post-revolutionary Haitian state's strategy for rejecting the legal force of enslavement. Unlike the routine acts of *Mueses* and other eastern notaries, the written decisions of the civil tribunal were subject to immediate scrutiny by executive officials, the press, and the *Cour de Cassation*, the Haitian tribunal with final jurisdiction in most cases. If the members of the tribunal described their impressions of the defendant's color or used the word "slave" at any point in their sentencing, therefore, they risked admonition or dismissal by the national government in Port-au-Prince. In this case, they relied instead on generalizations about the public and private threat posed by

⁷⁶ "segun la exposición de su Padre Politico le ha sido preciso separarse de su Madre y de el para que no le viciase a dos niños, de tierna edad, habidos en el matrimonio de la madre y al uno de los cuales había ya sacado al campo para que le ayudase a desollar cabras que se había robado, obligándose a tomar este temperamento para que no los corrompiese el mal ejemplo y la corrupción de Agustín de la Cruz," Sentencia contra Agustín de la Cruz, 11 December 1823, AGN-RD, Juzgados de Primera Instancia e Instrucción, Signatura 1700435, Tribunal Civil de Santo Domingo, 1822-1831, Folio 10. A transcription of this sentence was published in 1953 as part of the *Boletín del Archivo General de la Nación's* series on "Sentencias Penales de la Época Haitiana." See *BAGN*, No. 79 (1953): 345-346.

Cruz, who happened to be a member of a regiment that symbolized the empowerment of freedpeople. In the end, neither their overarching quest for order after abolition nor their more particular concerns that the trade among eastern and western soldiers promoted theft prevented civil authorities and magistrates of the tribunals from buying and selling animals themselves.⁷⁷ As they continued to carve out a place in the Haitian government, former colonial administrators strove to reconcile the tensions between the prospective profits of unity and the potential social upheaval of emancipation. Over the ensuing decades, this uneasy balancing act would bring them into further disputes with the citizens who joined the military battalions that guarded Santo Domingo, and sometimes with their superiors in western Haiti.

In spite of these competing understandings of Haitian rule, the animal exchange at the moment of unification played a major role in establishing formal juridical equality among Haitian citizens from both sides of the island and promoting continual circulation between the two regions. Together with the notaries whom they contracted to certify acts of sales, individual western and eastern residents generated a wave of documentation that reflected their status as citizens of the same republic, possessing the same capacity to acquire, enjoy, and dispose of property as guaranteed by Article 10 of the Haitian constitutional revision of 1816.⁷⁸ Gone were

⁷⁷ The civil administrator and future Haitian senator Antonio Martínez de Valdez, for instance, purchased a horse from the captain of Regiment 22 of Jacmel. *Venta de caballo color pardo*, 21 August 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, Document 59. In Higüey, *alcalde* Francisco Rijo sold a mare to a “Pier Por Francisco San Luís” (Pierre Paul François Saint Louis) a soldier from the third company of the Haitian regiment stationed in the region. *Venta de yegua bermejo*, 26 November 1822, in AGN-RD, Fondo Archivo Real de Higüey, Signatura 1700117, leg. 14 Azul (14A), Document 187.

⁷⁸ “La Propriété est le droit de jouir et de disposer de ses revenus, de ses biens, du fruit de son travail et de son industrie.” Constitution d’Haïti révisée au Grand-Goâve, le 2 Juin 1816, in Pradine, *Recueil*, Tome 2, 357-361.

the frequent references to impressions of color and status made by notaries, civil authorities, and ecclesiastical officials in the colonial capital. All that was left to distinguish between citizens of western and eastern origin were geographic descriptors (“native of Port-au-Prince”) and occupational categories (“captain in the honor guard of his Excellency the President of the State of Haiti”). Indeed, for those new Haitian citizens who had once been slaves, these visits to the notary may have marked the first time that they were no longer described in official records as property themselves. In addition to reflecting the multidirectional flow of capital across the island after the opening of the border, then, notarized animal sales served as one of the first tests of the practical outcomes of unified rule on the ground. Haitian leaders’ rhetoric about a great family of citizens was reflected in the practical framework for exercising rights and exchanging goods and services.

By late 1824, the withdrawal of the majority of Haitian troops from the eastern departments of the republic led to a steep decline in the rates of animal sales registered before the notaries of Santo Domingo and the surrounding towns. The reorganization of the Haitian military forces of the capital region, centered on Regiments 31 and 32 under the command Colonel Alí, marked a culminating point in the formal institutional integration of the former Estado Independiente de Haití Español into the model of the Republic of Haiti. Henceforth, Santo Domingo would resemble western Haitian cities in its shared organization of local administrative authority among the civil tribunal, the commission of public instruction, the local military commander known as the *commandant de place*, and the national guard. While this consolidation of the Haitian state signaled the end of the military occupation, it did not put a stop to the movement of troops across the island, and the smaller numbers of western-born soldiers who remained in Santo Domingo intermittently purchased transport animals over the next two

decades of unified rule. The records of their transactions were soon overshadowed in the notarial archives, however, by an accelerating land grab by civil servants and military officers. Transfers of landed property soon reshape the social geography of the eastern capital, threatening to undermine both popular aspirations and national leaders' projects for post-emancipation Santo Domingo.

Chapter 2

The Beams and Bricks of the Palacio de Borgella



Figure 1: The Palacio de Borgella, the Palma de la Libertad, and the Cárcel Vieja, ca. 1860.
Source: Vetilio Alfau Durán, *Escritos y apuntes históricos* (Santo Domingo: Archivo General de la Nación, 2008), 322.

In the appendices of a recent volume of historical essays published by the Archivo General de la Nación of the Dominican Republic, a photograph shows the eastern edge of Santo Domingo's historic central square, today called the parque Colón, around the year 1860. Framed in the middle of the image, the caption asserts, sits the *palma de la libertad*, the “liberty tree” planted by Haitian president Jean-Pierre Boyer to mark the moment of emancipation across eastern Hispaniola in February 1822. Yet the *palma* is not the only visual clue evoking Haiti in the photo. To the left of the liberty tree is the palacio de Borgella, a two-story residence and public administration building named for Haitian general Jérôme Maximilien Borgella, who acquired the property a year after the unification began. The liberty tree was infamously

uprooted soon after this photo was taken, but the Palacio still stands on the Parque Colón today, the most visible legacy of the period of Haitian rule in the center of the old walled city.¹

Historians, journalists, and other commentators in the contemporary Dominican Republic have long jostled over the significance of the structure, occasionally taking the discussion to the front pages of the country's leading newspapers. Some have attempted to trace the origins of the palacio to the early sixteenth century by emphasizing its ostensibly "Spanish" architectural features.² Others have called for a broader public dialogue about the impact of the Haitian period on the urban landscape of Santo Domingo, insisting that Borgella indeed constructed, or at least renovated, the residence.³ This public debate over the origins of the palacio has reflected the general currents of the historiography on the period of Haitian rule in Santo Domingo. In particular, historians have tended to emphasize the far-reaching impact of a series of property reforms and state expropriations announced by the Boyer administration during the early years of

¹ The caption reads, "Foto ca. 1860 de la antigua Plaza de armas, donde se observa el antiguo Palacio de Borguellá [sic], la Cárcel Vieja, algunos transeúntes, la Palma de la Libertad," Vetilio Alfau Durán, *Escritos y apuntes históricos* (Santo Domingo: Archivo General de la Nación, 2008), 322.

² See, for instance, the summary of a lecture given on this subject by the nationalist historian Pedro Troncoso Sánchez in S. Estrelleta Veloz, "Desmienten Palacio Sea Obra Haitiana," *Listín Diario*, 8 May 1969. More recently, a 2010 article published in *Diario Libre* claimed that the palacio was "one of the original fifteen houses ordered to be constructed by the governor of the island Nicolás de Ovando," and that the building in its current form represents "the symbol of Haitian power and the submission of our people before the will of our neighbors." See "El Palacio de Borgella," *Diario Libre*, 21 December 2016. On the eve of the five hundredth anniversary of Christopher Columbus' first voyage to the Americas, one national commission temporarily renamed the building after Spanish colonist Diego de Herrera, claiming that he had once resided there.

³ See, for instance, María Ugarte España, "Algunas puntualizaciones históricas sobre el Palacio de Borgellá," *Caudal: Revista trimestral de letras, artes, y pensamiento*, vol. 3, no. 12 (October-December 2004): 51-55, and Oscar Cucurullo, "La Casa de Borgellá en la Ciudad de Santo Domingo," *Listín Diario*, 15 May 1969.

the unification.⁴ From this perspective, the palacio appears to provide physical evidence that the agents of the Haitian state used the reforms as a pretext to seize the most valuable homes for their own personal use.

A close look at the building's trajectory from an individual family residence into a seat and symbol of the Haitian administration begins to reveal unexpected, seemingly contradictory outcomes of the property reforms across the Santo Domingo capital region.⁵ In particular,

⁴ Many scholars have claimed that Haitian authorities' efforts to confiscate and redistribute land and real estate clashed with local understandings of property rights and customary practices of collective landholding, galvanizing eastern resistance to the new government that would culminate in separation two decades later.⁴ According to historian Frank Moya Pons, the Boyer administration's attempts to replace collective lands (*terrenos comuneros*) with a distinct "Franco-Haitian" vision of liberal property ownership provoked both immediate and prolonged "resistance" on the part of wealthy landholders and rural residents. Frank Moya Pons, "The Land Question in Haiti and Santo Domingo," in *Between Slavery and Free Labor: The Spanish-Speaking Caribbean in the Nineteenth Century*, ed. by Manuel Moreno Fraginals, Frank Moya Pons, and Stanley L. Engerman (Baltimore and London: The Johns Hopkins University Press, 1985), 193-203.

Discussing Borgella's acquisitions, Moya Pons maintains that in 1822, the military commander "proceeded to confiscate properties which apparently belonged to the church or the other corporations but had been in private hands for several decades. They were stripped of their possessions by the military governor, who gave them to soldiers, officials, and Haitian functionaries who sought lands or homes in the east." *Ibid*, p. 189. This argument is based in part on the earlier work of José Gabriel García. See José Gabriel García, *Compendio de la Historia de Santo Domingo*, vol. 2 (Santo Domingo: Imprenta de García Hermanos, 1896), 118-122. Haitian historian Beaubrun Ardouin also argues that the reforms threatened to shatter the property rights of eastern citizens. See Beaubrun Ardouin, *Études sur l'histoire d'Haïti, suivies de la vie du général J. M. Borgella*, tome 9 (Paris: Dézobry, E. Magdeleine et C.º, 1860), 254-258.

In contrast, historian Emilio Cordero Michel argues that the so-called "law of Confiscations" was the single "most revolutionary measure" adopted by the Haitian state after emancipation, which "gave the final blow to the semifeudal structures" of colonial land policy and launched an agrarian reform in the model of Alexandre Pétion's earlier land distribution in the southern Republic of Haiti. Emilio Cordero Michel, *Obras escogidas: Cátedras de historia social, económica y política dominicana* (Santo Domingo: Archivo General de la Nación, 2015), 359-360.

⁵ The lack of a clear distinction in the notarial archives between "urban" and "rural" properties makes it difficult to examine the implementation of the reforms in the city and its hinterland as

national administrators' efforts to revise eastern property law created a new category of state land that reflected local realities and competing claims of ownership. On paper, Haitian authorities formally nationalized the properties of ecclesiastical corporations, absent landowners, and former administrative institutions. Yet they did not always embargo or confiscate them. In some cases, authorities took steps to nationalize land without dispossessing existing residents, including citizens with tenuous proof of property rights and established *vecinos* alike. In response, these residents of different class backgrounds sought to distance themselves from the demands of colonial-era landowners such as convents, as well as to receive legal recognition as property holders. They included a number of formerly enslaved people and other urban laborers who lived in inexpensive (and often impermanent) palm-thatched dwellings known as *bohíos*. Following the promulgation of the reforms, however, wealthy planters, civil administrators, and military officers like Borgella began to negotiate private access to some of the most valuable nationalized properties through transactions rather than seizures, a form of speculation that complemented national leaders' increasing push to promote large-scale commercial agriculture as the principal objective of the state.

“In harmony with the interests of the state”: Reforming Eastern Land Tenure

From the earliest days of the unification, president Boyer repeatedly expressed his intention to overhaul Santo Domingo's “antiliberal” laws, which he argued had hindered the

fully distinct processes. Furthermore, many of the same buyers who acquired urban houses and *bohíos* also owned estates in the suburb of San Carlos, along the banks of the Ozama, Isabela, and Haina rivers, and in other surrounding villages. Chapter 2 and chapter 3 focus on urban properties and nearby residential and cultivatable lands acquired by a single resident or family through a combination of private title transfers and prescription. Chapter 4 looks at *terrenos comuneros*, mixed agricultural/residential lands held collectively by numerous rural inhabitants in the form of fractional rights to undivided shares of land.

economic growth of the former Spanish colony, and to carry out land concessions in the east.⁶ In order to pursue these objectives, Boyer first nominated a commission made up of six legislators, including the wealthy eastern merchant and recently-elected president of the House of Communes José María Caminero, to “take note of the properties that might belong to the Republic” in the east. This commission’s October 1822 report, republished in December by the national printing press in Port-au-Prince, argued that the Haitian state could legally claim (1) the properties held by the previous administrations, including lands and houses owned by French residents under the Ferrand regime that had been seized by the restored Spanish colonial state; (2) the properties of pro-slavery inhabitants who had aided the French naval forces during their intervention at Samaná; (3) all real estate and movable property held by convents and monasteries based in the capital; and (4) other forms of ecclesiastical property such as the revenues stemming from colonial-era rental and mortgage arrangements known as *censos*.⁷ The

⁶ In one June 1822 proclamation, for instance, Boyer explained that “je vous ai fait connaître que les terres merveilleuses sur lesquelles le Créateur vous avait placés et qui ne se trouvaient pas légalement possédées étaient naturellement la garantie de ce que vous pouviez devenir propriétaires et fixer, par ce moyen, le bonheur et la félicité de vos familles ; je vous ai annoncé que vous pouviez avec confiance vous livrer à la culture de ces terres et les couvrir de ces plantes précieuses.... Je vous ai enfin dit que dès que j’aurai acquis la preuve que vous auriez fait des établissemens utiles à vous, à vos enfants et à l’État, je vous donnerai au nom de la Nation, pour vous et pour votre postérité, en toute propriété et pour toujours, la concession des terres mises en valeur. Il n’appartient donc maintenant qu’à votre volonté d’éloigner de vos demeures les inquiétudes et les chagrins que donne la manque de la certitude de posséder perpétuellement la terre que l’on arrose de ses sueurs...” See No. 789: Proclamation en français et en espagnol, renfermant certaines dispositions en faveur des habitants de la partie de l’Est, de la République, 15 June 1822, in Pradine, *Recueil*, Tome 3, 1818-1823, 471.

⁷ For an original printed copy of the commission’s report, see *Opinion de la Commission, chargée par S. Ex. le Président d’Haïti de lui faire un rapport sur différentes réclamations qui ont été adressées au Gouvernement, relativement aux mutations de droits et de propriétés survenues dans la partie de l’Est depuis sa réunion à la République, accompagnée de deux Rapports sur le même objet, l’un du Sénat, et l’autre de la Chambre des Représentans* (Port-au-Prince: De l’Imprimerie du Gouvernement, 1822), Bibliothèque Nationale de France (BNF), Arsenal, 8-JO-20555(4).

Commission specified that the government had no right to occupy the properties of émigré landowners who had left before the date of the publication of the Haitian Constitution of 1806 (revised in 1816) since this document had no retroactive effect, but that those belonging to “individuals who expatriated themselves” after the declaration of independence of Spanish Haiti in December 1821 would “become part of the domains of the state” if they remained vacant. Following the commission’s recommendations, Boyer soon circulated an appeal to encourage the return of these landowners who had fled overseas, noting that their properties would fall into the hands of administrators by default if they did not come back before June 1823.⁸

Flooded with the requests of émigrés who hoped to sell their vacant properties through intermediaries without returning to Santo Domingo, Boyer appointed a second special commission in January 1823 to examine the cases of properties “that are currently placed under the control of the state” and to “come to a decision about the claims presented to the Government in this regard.”⁹ With the exception of the military commander Jérôme Maximilien Borgella, the members of this commission were entirely of eastern origin, including Tomás Bobadilla, the government commissioner and member of the civil tribunal; José Joaquín del Monte, the head magistrate of the same tribunal; judges Vicente Hermoso and José de la Cruz García; senator

⁸ Frank Moya Pons, “The Land Question in Haiti and Santo Domingo,” 190.

⁹ “Considérant que par suite de la réunion de la partie de l’Est d’Haïti à la République, les biens de ceux qui ont quitté ce territoire se trouvant placés sous la main-mise de l’Etat, il importe de statuer sur les réclamations qui sont adressées à cet égard au Gouvernement, et que pour régler convenablement les droits de chacun, sans préjudicier à ceux de l’Etat, il est indispensable de prendre sur les lieux mêmes où elles sont situées, des renseignements exacts sur les propriétés dont s’agit, parmi lesquelles il y en a qui proviennent de prérogatives incompatibles avec les principes libéraux qui servent de base à nos institutions.” No. 821: Arrêté portant création d’une commission chargée de statuer sur les réclamations des habitants de l’Est dont les biens sont sous la main-mise de l’État, 22 January 1823, in Pradine, *Recueil*, Tome 3, 1818-1823, 574-575.

Antonio Martínez Valdez; and Esteban Valencia, the manager of scales (*pesador*) at the customshouse. This commission was charged with interpreting the guidelines laid out by its predecessor and submitting an individual report to the Boyer administration each time an absent individual sought to alienate a piece of property or filed a protest against state expropriation.¹⁰

Drawing on the findings of both special commissions, Boyer proposed a new law, approved by the House of Communes on 8 July 1824, as an attempt to resolve the many lingering questions over the scope of state domains and the property rights of private citizens. This statute reaffirmed the expropriation of the four categories of properties outlined by the first special commission, which would be designated as “national property.”¹¹ Article 5 called on local communal officials to review fractional rights to undivided shares of land (called *terrenos comuneros*) in their districts and to determine each participant’s individual claim to the territory, thereby permitting an ostensibly equitable redistribution of small plots among rural citizens. Building on the first commission’s approach to mortgages, Article 11 cancelled all remaining payments owed by urban residents to lending institutions and refinanced the property at one third of the value at which it was initially mortgaged, but also obligated residents to pay the entirety of this new amount to the state over the course of six equal payments in order to receive recognition

¹⁰ “Il sera formé, a Santo-Domingo, une commission... chargée de recevoir toutes les réclamations ayant pour objet les propriétés sus-mentionnées, dans toute l’étendue de la partie de l’Est, de les examiner avec soin; de me faire sur chacune d’elles un rapport motivé, en se conformant aux principes établis dans l’opinion...de la commission spéciale qui avait été formée pour cet objet...” No. 821: Arrêté, 22 January 1823, in Pradine, *Recueil*, Tome 3, 575.

¹¹ No. 894: Loi qui détermine quels sont les biens mobiliers et immobiliers, situés dans la partie de l’Est, qui reviennent à l’État, et règle, à l’égard des particuliers de cette partie, le droit de propriété territoriale, conformément au mode établi dans les autres parties de la République, 8 July 1824, in Linstant Pradine, *Recueil général des lois et actes du Gouvernement d’Haïti, depuis la proclamation de son indépendance*, Tome 4, 1824-1826 (Paris, Auguste Durand, 1865), 45.

as the legitimate owners. Finally, the law created another group of officials, which would later become known as the *commission d'agence*, in order to resolve further disputes, to distinguish between private and national property, and, most ambitiously, to carry out a general registry (*cadastre*) of all available plots of land throughout the eastern territory.¹²

There is little evidence that the representatives of the Haitian state, whether at the national or local level, invoked the July 1824 law as part of a systematic campaign of state confiscations of occupied private residences in Santo Domingo. In cataloging the records of two prominent notaries from Haitian Santo Domingo, historian María Filomena González Canalda has located only two cases of property embargoes by the Haitian state (let alone confiscations) during this period: first, the house of a prisoner who was arrested and charged with taking part in a royalist conspiracy, and second, an unoccupied plantation whose owner had left the island. González Canalda maintains that “the claim of a seizure of lands and property of members of the Dominican national group by members of the Haitian national group is not supported by findings in the documents.”¹³ In a 1978 study of the northern city of Puerto Plata in the first half of the nineteenth century, historian José Augusto Puig Ortiz presents a comparable argument. According to Puig Ortiz, “the thesis that Boyer carried out an appropriation of our [i.e.,

¹² No. 894: Loi, 8 January 1824, in Pradine, *Recueil*, Tome 4, 45-50.

¹³ “La afirmación de la usurpación de tierras, propiedad de miembros del grupo nacional dominicano por parte de miembros del grupo nacional haitiano no se corresponde con los hallazgos en estos documentos.” María Filomena González Canalda, *Libertad Igualdad: Protocolos Notariales de José Troncoso y Antonio Abad Solano, 1822-1844* (Santo Domingo: Archivo General de la Nación, 2013), 85-86.

Dominican] territory in order to reward numerous idle officials with rural properties is invalidated at the very least by the case of Puerto Plata.”¹⁴

The Boyer administration’s efforts to regularize property rights may have limited the frequency of extralegal seizures in the capital. In September 1822, approximately one month before the release of the first special commission’s report, the Cap Haïtien-native Adrien Larondry granted power of attorney to coronel Céléstin Pétigny, hoping to register a complaint before President Boyer about the status of his house on the Calle de los Españoles in Santo Domingo. Larondry asserted that his residence had been embargoed by local authorities, who mistook his momentary absence from the city for an indefinite departure.¹⁵ This incident suggests that while overeager military or civil officials had repossessed what they perceived to be absent homes during the early months of the unification, these seizures were not authorized by any specific law.¹⁶ In this context, the 1824 law not only sketched out the specific circumstances

¹⁴ “De modo que la tesis de que la apropiación de nuestro territorio la efectuó Boyer para favorecer con propiedades rurales a muchos oficiales ociosos, queda invalidada por lo menos en lo que respecta a Puerto Plata.” José Augusto Puig Ortiz, *Emigración de libertos norteamericanos a Puerto Plata en la primera mitad del siglo XIX: La Iglesia Metodista Wesleyana*, Segunda edición (Editora Nacional: Santo Domingo, 2011), 60.

¹⁵ Although the notary inscribed this name as “Adriano Lalondry,” the grantor signed his own named as “Adrien Larondry” at the bottom of the document. “Sepase como Yo Ciudadano Adriano Lalondry, n.^{ral} del Cavo Haytano, y vecino de esta Comun de Santo Domingo, otorgo q.^e doy todo mi poder cumplido, . . . p.^a valer al Ciudad.^o Celestin Petigny, Coronel de la Guardia Nacional generalm.^{te} p.^a q.^e . . . pueda reclamar y reclame ante Su Ex.^a el Presid.^{te} de la Republica. . . una Casa situada en la Calle de los Españoles. . . la qual con motivo de mi salida de d.^{ha} Ciudad fue sequestrada, por lo q.^e pedirá y aprehenderá la real, actual, y corporal posesión con cuenta y razón de su administración.” Poder cumplido, 20 September 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709299, leg. 1/2624, Protocolo Notarial de Antonio Abad Solano, 1822, Folio 448, Document 85.

¹⁶ Given that Larondry was from Cap Haïtien, this case also suggests that officials did not discriminate between the properties of eastern and western citizens.

in which private residents could be nationalized, but also offered legal protections to Haitian citizens who had no intention of leaving Hispaniola.

Extinguished Convents and Outstanding Credit

National and local administrators faced considerable logistical obstacles to implementing their new policies. In particular, despite the sweeping language of the commissioners' report and the July 1824 law, the task of suppressing ecclesiastical corporations and nationalizing their property was far from straightforward. Notarial records from the early unification period suggest that the promulgation of the series of reforms provoked quick action on the part of the clergy and cautious optimism among residents of church lands who hoped to benefit from the widespread confusion over the line between church and state ownership.

To begin, authorities needed to survey not only the different kinds of movable and immovable church property, but also the various networks of credit that had been issued by convents and other ecclesiastical corporations. The most common type of credit transaction in late eighteenth- and early nineteenth-century Santo Domingo was a mortgage-like arrangement known as a *censo consignativo*, or *censo* for short, whereby a convent or church (or less commonly, a wealthy individual or group of individuals) issued a sum of money to a borrower in return for the latter's agreement to put forth a piece of property as collateral and to pay an annuity calculated at a fixed percentage of the principal.¹⁷

¹⁷ In the sixteenth century, censos were envisioned as an alternative to mortgage loans, allowing convents to act as creditors without falling prey to the sins of usury. By the early nineteenth-century, however, Spanish colonial administrators had come to treat censos as one of many types of mortgages (*hipotecas*). Unlike other contracts known as *capellanías*, which were indefinite arrangements intended to generate income for a convent in return for spiritual favors such as prayers for the soul of a deceased relative, the *censo consignativo* was redeemable. In other words, borrowers could choose to pay off the full amount of the debt over time or all at once. For

According to the October 1822 report of the first special commission, the principal sums of censos and all other mortgage contracts that generated income for convents “indisputably belong[ed] to the state.”¹⁸ Indeed, by 1829, José María Caminero, then serving as an archivist for the official mortgage registry, began to certify that censos originally issued by convents were now managed by the state.¹⁹ For the first few years after the unification, however, the lingering effects of this wide-reaching credit system made it possible (and sometimes necessary) for buyers of real estate to assume and redeem censos with convents and churches just as they had before 1822.

At the convent of Santa Clara, abbess Gertrudis del Corazón de Jesús Monodo, prioress (*vicaria*) Antonia Espinal, and Sor Gregoria de San José Reyes greeted the news of their suppression by rushing to collect revenues from their outstanding credit arrangements. In May 1823, they consulted the notary Martín de Mueses at the *locutorio* (visitor’s parlor) of the convent, situated between the Archbishop’s palace and the southeastern wall of the city. Citing

more on the *censo consignativo* and how it diverged from other forms of credit in colonial Latin America, see Kathryn Burns, *Colonial Habits: Convents and the Spiritual Economy of Cuzco, Peru* (Durham and London: Duke University Press, 1999), esp. 64-67, Raymundo González, *De esclavos a campesinos: Vida rural en Santo Domingo colonial* (Santo Domingo: Archivo General de la Nación, 2011), esp. 60-70, and Alfonso W. Quiroz, “Reassessing the Role of Credit in Late Colonial Peru: Censos, Escrituras, and Imposiciones,” *The Hispanic American Historical Review* 74, no. 2 (May 1994): 193-230.

¹⁸ “Il est hors de doute que les sommes ainsi accensées en faveur des convents de la partie de l’Est, appartiennent incontestablement à l’Etat, et que le Gouvernement seul peut, dans sa sagesse, décider s’il est convenable de remettre ces arrérages en faveur des propriétaires...” *Opinion de la Commission*, 5.

¹⁹ See, for instance, Inscripción de acto de compra venta por el Ciudadano Bacilio Gascue a la Ciudadana Andrea Palomina, 7 January 1829, AGN-RD, Fondo Ayuntamientos, Signatura 3003516, Dirección de Registro Civil y Conservaduría de Hipotecas, Inscripción de Hipotecas, 1826-1844, Folio 17.

their “well-known” state of “destitution and poverty,” the nuns granted power of attorney to Juan del Rosario Acevedo, a local silversmith and property appraiser, so that he might call in debts owed to the convent for censos and charitable works.²⁰ The document produced by Mueses did not specify how many censos would be redeemed, how much revenue the nuns hoped to collect, or how they would spend this money. Yet it was clear that the nuns intended to demand payment on their own terms, perhaps before the state could step in to administer the censos (or to reduce the sums extended as credit by two thirds, as the first special commission had recommended).²¹

In some cases, sisters Gertrudis del Corazón de Jesús Monodo, Antonia Espinal, and Gregoria de San José Reyes went so far as to invoke Haitian constitutional guarantees of individual property rights in order to negotiate settlements with borrowers who had taken out or assumed censos.²² They positioned themselves as the legitimate property-holders not of the

²⁰ It is telling that the nuns chose to portray their impoverishment as a recent development, given that poverty was a central tenet of their vows. Their rhetoric here bore close resemblance to the expressions of loss and economic decline among planters and former slaveowners in the immediate post-emancipation period. For more on this language, see chapter 3.

²¹ “comparecieron en el Locutorio del Monast.^o de S.^{ta} Clara de Jesus las R.R. Madres Sor Gertrudis del Corazon de Jesus Monodo Abadeza, Sor Antonia Espinal Vicaria, y Sor Gregoria de S.ⁿ Josef Reyes de cuyo Conocimiento Yo el infrascripto Not.^o doy fe y dijeron : que estando en la mayor indigencia y miseria q.^e es notoria otorgan su poder amplio y general por d.^{ro} se requiera al Ciudadano Juan del Rosario Acevedo p.^a q.^e pueda demandar, percibir, y cobrar todas y qualesq.^a cantidades q.^e se le deban y debieren al referido Monast.^o por razon de sus censos memorias pías e impuestos,” Poder cumplido dado por las R. R. Madres Sor Gertrudis del Corazon de Jesus Monodo, Sor Antonia Espinal, y Sor Gregoria de San José Reyes al Ciudadano Juan del Rosario Acevedo, 10 May 1823, AGN-RD, Fondo Protocolos Notariales, Signatura 709302, leg. 1/2627, Protocolo Notarial de Martín de Mueses, Document 16, Folio 27.

²² Although they relied upon the provisions of Haitian law designed to protect the property rights of individual citizens, Gertrudis del Corazón de Jesús Monodo, Antonia Espinal, and Gregoria de San José Reyes apparently continued to view their censos as the collective property of the convent. For her part, Gertrudis del Corazón de Jesús did not cite any censos (or, for that matter, any land) as individual property in her November 1824 testament. Instead, she claimed that her only worldly possessions were four hundred pesos in gold and the domestic objects in her cell (*ajuares de su celda*). Testamento de la Reverenda Madre Sor Gertrudis del Corazón de Jesús

mortgaged real estate but of the censos themselves, which they claimed they could adjust, settle, or cancel as they saw fit or at the behest of the borrowers. Five months after issuing power of attorney to Juan del Rosario Acevedo, the sisters called for another notary, José Troncoso, to visit them at the *locutorio*. The nuns attested that they had settled a censo with Valerio Campuzano and Mariana de la Merced de Castro, who had assumed the debt to the convent when they purchased a coffee plantation known as La Loma in 1820. Although the censo had originally been fixed at 405 pesos, the creditors had received verification that the property had deteriorated due to “inevitable causes,” including Campuzano’s sudden blindness. “Considering themselves proprietors [*propietarias*] of the said Capital from this moment on,” and citing “the laws of the Republic,” which granted “each individual the ability to freely dispose of his possessions,” the nuns reduced the sum of the censo from 405 to 200 pesos. Campuzano and De Castro paid off the remaining balance, and Gertrudis del Corazón de Jesús, Antonia Espinal, and Gregoria de San José Reyes acknowledged receipt of the full amount in silver coins.²³

Morodo, 20 November 1824, AGN-RD, Fondo Protocolos Notariales, Signatura 709305, leg. 1/2630, Protocolo Notarial de José Troncoso, 1824, Document 70, Folio 49.

The sisters’ peculiar invocation of the property rights of citizens may have emerged in part out of convents’ longstanding efforts to reconcile spiritual and secular concerns in Santo Domingo (and across colonial Latin America). While convents regularly acted as creditors and property-holders, nuns disavowed individual property ownership as part of their vows of poverty. For a discussion of the origins of this practice in the context of sixteenth-century Cuzco, see Burns, *Colonial Habits*, chapter 2.

²³ “q.^e las Haciendas La Loma y Cafetal sobre que reconocieron campuzano y consorte habiendo tomado las comparecientes mas veridicos informes de su estado averiguado lo ruinoso que aparecen ambos establecimientos por causas inevitables q.^e no han estado de parte de los Sensuatrios, por todas estas concideraciones, y para aliviar en parte los quebrantos que han padecido los sensuatrios, siendo uno de ellos la perdida total de la vista del primero desde luego conciderandose propietarias de d.^{ho} Capital, y como las leyes de la Republica dan facultad para que cada uno pueda disponer libremente de sus bienes, y por donación o por testamento usando de ellas sin apremio, dolo, ni fuerza alguna, de unánime consentimiento reducen el Capital de quatrocientos cinco p.^s al de doscientos, q.^e de Justicia y con arreglo a su conciencia deben

During the period between the declaration of unification and the publication of the law of 1824, therefore, members of religious orders continued to administer extant credit relationships and generate revenue, occasionally drawing on Haitian law to defend their role in the economy of urban Santo Domingo. Moreover, even after the Haitian legislature reaffirmed the suppression of convents and the nationalization of all ecclesiastical properties in July 1824 (which was supposed to have begun after the publication of the first commission's report nearly two years earlier), the nuns of Santa Clara maintained direct access to land as well. In the late summer of 1824, the same trio of Gertrudis del Corazón de Jesús Monodo, Antonia Espinal, and Gregoria de San José Reyes claimed 116 *carreaux* of land (over 360 acres) "as a portion of the real estate that they possess as property in the northern part" of the island. Moreover, they agreed to rent the land to the laborer Francisco de los Santos for a period of twenty years.²⁴ This long-term contract

verificarlo; y como quiera q.^e los sensualistas campuzano y consorte estan prontos a abrazar el extremo de redimir con arreglo a la ley q.^e se impusieron las comparecientes en la misma escritura de reconocimiento de admitir la redencion en qualesquiera tiempo que quiciesen hacerla, otorgan haber recibido realmente y de contado en especie de moneda de plata, y corriente del pais la cantidad de doscientos pesos a que ha quedado reducido, de que se dan por entregadas a su contento y voluntad de cuya entrega por ser de presente Yo el notario publico doy fe," Redención de censo entre las religiosas Sor Gertrudis del Corazón de Jesús Morodo, Abadeza, Sor Antonia Espinal, Vicaria, y Sor Gregoria de San José Reyes y los Ciudadanos Valerio Campuzano y su lex.^{ma} consorte Mariana de la Merced de Castro, AGN-RD, Fondo Protocolos Notariales, Signatura 709303, leg. 1/2628, Protocolo Notarial de José Troncoso, 1823, Document 246.

²⁴ "y nos dixeron: que entre los bienes rayces que poseen en propiedad se encuentran ciento diez y seis caroes de tierra, que hacen dos caballerías medida Española, y se hallan situados en la parte del Norte con el nombre de Buena vista, lindando por una parte con terrenos de Santa Cruz, y por otra con terrenos del Ciudadano Ysidoro de los Santos, las mismas que han convenidos de unanime consentimiento darlas en arrendamiento por el termino de veinte años, que deberán contarse desde esta fecha en adelante al Ciudadano Francisco de los Santos, labrador vecino del mismo Partido de Buenavista, por el qual arrendamiento deberá pagar en cada un año diez y ocho pesos arreglandolas a nueve pesos cada una de las dos caballerías..." Arrendamiento de 116 caroes de tierra por las religiosas Sor Gertrudis del Corazón de Jesús Morodo, Abadeza, Sor Antonia Espinal, Vicaria, y Sor Gregoria de San José Reyes al Ciudadano Francisco de los Santos, 19 July 1824, AGN-RD, Fondo Protocolos Notariales, Signatura

may have reflected the nuns' optimism about the durability of their property rights after the formal suppression of their convent. It is just as plausible that they decided upon the rental arrangement as a final attempt to prevent or delay state expropriation of the land. Whatever the case, notary José Troncoso agreed to draw up the contract, and his role in acknowledging the nuns' assertions of property ownership illuminates the ongoing obstacles to implementing the foundational provisions of the Haitian state reforms in Santo Domingo.

While the nuns of Santa Clara defended their claim to agricultural lands in the north, other convents failed to prevent the expropriation of their properties in and around the city of Santo Domingo. A month before he visited the *locutorio* of Santa Clara to certify the rental arrangement with Francisco de los Santos, for instance, notary Troncoso presided over the sale of a bohío on soil that been owned by friars of the convent of Nuestra Señora de las Mercedes. In this instance, Troncoso acknowledged that the convent had been “extinguished” and that the land now belonged to “the State of the Republic.”²⁵ At the same time, the notary drew up the act of sale without the input or authorization of any Haitian officials. That the bohío could be privately bought and sold suggests that the legal expropriation of these church lands did not lead to the direct confiscation of residences and other immovable properties located on that land. In what sense, then, did the land “belong” to the state?

Layers of Ownership: Expropriated Lands, State Soil, and their Residents

709305, leg. 1/2630, Protocolo Notarial de José Troncoso, 1824, Document 178.

²⁵ “a saber de un buhio cubierto de llaguas y cercado de tablas fundado en suelo correspondiente al Estado de la Republica y antes al estinguido convento de la Merced,” Venta de bohío por la Ciudadana Visenta A. [name illegible] a la Ciudadana Bárbara Evangelista, 7 July 1824, AGN-RD, Fondo Protocolos Notariales, Signatura 709304, leg. 1/2629, Comprobante de Protocolos de José Troncoso y Antonio Abad Solano, 1824, Document 48.

In western Haiti, authorities had long designated particular parcels of state land as “public domain” or “national property,” which (at least in principle) included all of the immovable property located on a given plot.²⁶ The members of the Boyer administration struggled to transplant this practice in urban Santo Domingo, where residents frequently constructed, purchased, and sold homes without ever owning the underlying plot of land. During the colonial period, some urban and rural dwellers had gradually asserted property rights through a process known as prescription, whereby an occupant of a residence or plot of land claimed ownership by providing evidence that she had continuously possessed the property for a certain length of time, uncontested and publicly.²⁷

By 1822, numerous citizens had achieved recognition as the proprietors of buildings on soil that they did not fully own, but rather rented from ecclesiastical corporations, municipal institutions, and wealthier landowners who had since fled (or had never lived on) the island.²⁸

²⁶ Following the precedent established by Alexandre Pétion, the Boyer administration redistributed these plots in the form of *dons nationaux*, or land concessions for small-scale farmers, military officers, and local administrators.

²⁷ For the history of prescription in colonial Santo Domingo and the Dominican Republic, see Richard Lee Turits, *Foundations of Despotism: Peasants, the Trujillo Regime, and Modernity in Dominican History* (Stanford: Stanford University Press, 2003), 70-77; and José M. Ots Capdequí, *El régimen de la tierra en la América española durante el período colonial* (Ciudad Trujillo: Editora Montalvo, 1946), 155-163.

²⁸ If a homeowner decided to sell his or her property, therefore, notaries made sure to account for the cost of the home itself as well as the rental obligations for the use of the soil on which it was located. The double verification of home and land ownership continued into the unification era. When Lorenzo del Castillo sold a house in Santo Domingo to the Jacmel-born merchants Desrocher Chanlatte and Céléstin Cornier in May 1822, notary José Troncoso specified that although del Castillo fully owned the building, the buyers would be required to pay an annual rental fee to the mayorazgo de la Rocha for the land itself. See *Venta de casa por el Ciudadano Lorenzo del Castillo a los Ciudadanos Desrocher Chanlatte y Céléstin Cornier*, 31 May 1822, in *Archivo General de la Nación, República Dominicana* (hereafter AGN-RD), Fondo Protocolos

Sometimes, notaries ascertained the ownership of such buildings by reviewing the very mortgages that Haitian officials now sought to renegotiate. Furthermore, notaries did not always distinguish between residents who displayed formal legal titles and those who demonstrated possession. When the special commissioners asserted the state's "rights" to eastern lands, therefore, they now had to consider how the expropriation of soil would affect the property rights of individual citizens who lived there. In those cases in which the nationalizations outlined in the law of 1824 ran up against the overlapping claims of existing residents, Haitian authorities settled on a hybrid form of layered landholding in which public land would be shared between the state and these private citizens. Confusingly, authorities never developed a separate label to describe this practice, and continued to group all forms of nationalized lands (including the rural properties that they would eventually redistribute as official concessions) within the general category of "state land" (*terrenos del estado* or *suelo del estado*). Ultimately, by expropriating ecclesiastical, municipal, or "vacant" lands, authorities staked a claim to the ground itself, but not necessarily anything on top of it.

Just as the colonial-era landowners had demanded fees from those who lived on their lands, so too did Haitian authorities reserve the right to collect rent from citizens who held properties on state soil.²⁹ Yet in practice, officials enforced these rental obligations unevenly.

Notariales, Signatura 709298, leg. 1/2623, Protocolo Notarial de José Troncoso, 1815-1822, Document 121, Folio 255.

It is important to note that this form of shared ownership was distinct from the rural system of *terrenos comuneros*, whereby a variety of individual citizens maintained fractional rights (measured in *pesos*) to a given plot of agricultural land. For more on the evolution of these *terrenos comuneros* in the wake of the law of July 1824 and the 1826 Code Rural, see Chapter 4.

²⁹ "La Commission... a trouvé plus convenable que la portion de l'état ne pesât, à l'égard des maisons, que sur le sol, à la charge par le propriétaire de payer, à titre de ferme, une somme annuelle qui ne pourra excéder celle qui serait perçue, à raison de trois pour cent par an, sur le

Many eastern citizens who had homes on church or convent soil noticed that after the change in government, they did not need to pay rent for the land. Francisco Batista testified to notary José Troncoso in May 1825 that before the unification, he had built a bohío thatched with palm leaves on soil that belonged to the convent of las Mercedes. Although Batista had previously paid four pesos to the convent each year, Troncoso noted that “following the arrival of His Excellency the Citizen President, he has not paid anything because there has not been anyone to charge him.”³⁰ In April 1825, Juan Concepción, a laborer originally from the sugar plantation zone of Monte Grande (located northeast of the walled city), confirmed that he had also established a bohío on the soil of the “extinguished convent of las Mercedes,” and that he had paid “his rent of four pesos until the day that His Excellency the President of Haiti took possession of this city.”³¹ The

montant de la portion de l’Etat, en laissant aux débiteurs la faculté d’acheter le fond.” *Opinion de la Commission*, p. 6.

³⁰ “a saber de un buhio cubierto de llaguas, y cercado de tablas de palma, cito en la Calle nominada de los Geronimos, cerca del Placer del matadero, el mismo q.^e fabricó el vendedor de su propio peculio en suelo que correspondía al extinguido convento de la Merced, y en el dia al Estado, por el q.^e pagaba quatro p.^s todos los años p.^r su arrendam.^{to} pero es de advertir q.^e despues de la entrada del Ex.^{mo} Ciudad.^{no} Precidente no ha pagado nada p.^r no haber habido q.ⁿ le cobre.” Venta de bohío por el Ciudadano Francisco Batista al Ciudadano Santiago de Peña, Soldado del Regimiento 31 de esta Plaza, 5 May 1825, in AGN-RD, Fondo Protocolos Notariales, Signatura 704328, leg. 1/2632, Protocolo Notarial de José Troncoso, 1825, Document 51, Folio 112.

³¹ “Ciudad.^o Juan Concepcion vecino del Partido de Monte grande y de oficio labrador que vendía realmente y con efecto al Ciudad.^o José Lagallega Sargento Mayor del primer Batallon del Regim.^{to} treinta y dos que sea para el, sus herederos, etc. a saber de un buhío cubierto de llaguas, y cercado de tablas, fundado en suelo que correspondia al extinguido convento de las Mercedes, y en el dia al Estado de la Republica, situada en la calle que corre de la Yglesia de Santa Barbara que amuralla del rio ...ha pagado el vendedor su arrendamiento de quatro p.^s hasta el dia que tomó posesion de esta Plaza su Excelencia el Precidente de Hayti, y se lo vende en el precio y cantidad de veinte y quatro pesos que ha declarado tener recibidos a su contento y voluntad” Venta de bohío por el Ciudadano Juan Concepción al Ciudadano José Lagallega, Sargento Mayor del Primer Batallón del Regimiento 32, 22 April 1825, in AGN-RD, Fondo Protocolos Notariales, Signatura 704328, leg. 1/2632, Protocolo Notarial de José Troncoso, 1825, Document 44, Folio 98.

declaration of unification thus stood out in the memories of both men as the moment marking the end of their compulsory rental arrangements with the convent.

Citizens who owned homes on expropriated municipal lands recounted similar experiences. A self-described native of “the coast of Africa,” Antonia Cabral testified in her August 1825 will that, along with her husband Nicolas Cabral, she had once been held as a slave by the family of Francisco Cabral. Neither she nor her spouse possessed any property at the moment of their marriage. After Antonia Cabral’s manumission and the death of her husband, she purchased a bohío in the vicinity of the San Miguel church, “on soil that previously belonged to the municipality of this City, but which has now gone back to the State.” Although Cabral had made an initial rental payment for the land upon acquiring the bohío, she had not paid anything since. As a result, she continued to owe “that small amount,” simply “because nobody had arrived to collect it from her.”³² Unlike Batista and Concepción, Cabral’s testament acknowledged a debt to the state in principle, but also implied that it was up to the authorities, not Cabral herself, to execute the law and charge her for using the land.

Others hoped that selling their properties would absolve them of any future liability for uncollected land rental payments. In June 1824, María Josefa Mañon purchased a bohío near the San Miguel church (the same neighborhood where Antonia Cabral lived) from Gerónima

³² “Nos declaró que fue casada segun el orden de la Yglesia con Nicolas Cabral, domestico que era con la testadora de la familia del S.^{or} Francisco Cabral, ... despues de haber fallecido su indicado consorte adquirió por compra venta un buhio de llaguas y tablas sito en el barro de San Miguel en suelo que ante correspondia a los Propios de esta Ciudad, q.^e ha recaído en el Estado, por cuyo arrendamiento pagaba quatro p.^s y desde q.^e lo huvo no ha satisfecho cosa alguna por su arrendamiento y por tanto adeuda esa pequeña cantidad por no habersele presentado nadie a cobrarle.” Testamento de Antonia Cabral, oriunda de la Costa de Africa y vecina de esta Ciudad, 27 August 1825, in AGN-RD, Fondo Protocolos Notariales, Signatura 709307, leg. 1/2634, Protocolo Notarial de Antonio Abad Solano y José Troncoso, 1822-1825, Document 40, Folio 211.

Moscoso, who had maintained her access to the land by issuing regular payments to the church's Dominican friars. Given that the state was in the process of dissolving the friars' property holdings, Mañón agreed that it was "her responsibility [*cuenta*] to deal with whoever might represent the rights of the State in order to pay the annual rental fees" for the land.³³

Later that year, the sisters Joaquina and Prudencia Lignares sold a bohío in a zone known as the *solar del almirante* at the northeastern tip of the city, the site of the crumbling palace of the conquistador Diego Colón (the son of Christopher Columbus).³⁴ The Lignares sisters explained that the bohío had been the residence of their late uncle Ysidro Salé, whose will had granted them power of attorney to settle his mounting debts. They warned the buyer, a man named José Núñez from Monte Grande, that although the dwelling was "founded on soil that once belonged to Señor Duque de Veragua and which today belongs to the State of the Republic," their uncle Salé had not completed any rental payments to the government. As a

³³ It is unclear from the notarized act of sale whether or not Moscoso had already begun to pay the fees. That the notary José Troncoso recorded this phrase in the subjunctive tense ("es de su cuenta entenderse con el que represente los derechos del Estado") suggests that that she had not yet been visited by any state agent.

"a saber de un buhio de su propiedad por haberlo fabricado de su propio peculio, . . . , fundado en solar que antes correspondia al extinguido convento de Padres Predicadores y en el dia al Estado de la Republica por el que pagaba de arrendamiento cinco pesos todos los años que deben correrle a la compradora desde el dia treinta de Junio del año pasado de ochocientos veinte que por un papel simple le tiene traspasado a la misma Compradora el dominio y propiedad de dicho buhio pero en el dia es de su cuenta entenderse con el que represente los derechos del Estado para el pago del expresado arrendamiento anual y el buhio de esta venta tiene diez varas de frente situado en el barrio de San Miguel. . . ." Venta de bohío por la Ciudadana Gerónima Moscoso a la Ciudadana María Josefa Mañón, 9 June 1824, in AGN-RD, Fondo Protocolos Notariales, Signatura 709304, leg. 1/2629, Comprobante de Protocolos de José Troncoso y Antonio Abad Solano, 1824, Document 53.

³⁴ According to historian María Filomena González Canalda, "El solar del Almirante eran los terrenos donde se ubicaban las ruinas del Alcázar de Diego Colón, hoy restaurado." González Canalda, *Libertad Igualdad*, 90.

result, the sisters had no idea how much the authorities might demand from him for using the land in the future, but they made it clear that he would henceforth be responsible for these charges.³⁵

As the case of Salé's residence indicates, the Haitian state's expropriation of urban land voided the abstract claims of absent landowners without displacing those local residents who held properties on the land. The solar del almirante was one portion of the remaining lands of a *mayorazgo* (a royal grant tied to the succession of a nobility title) that had been passed down for centuries among the descendants of the Colón family, the Duques de Veragua.³⁶ Mostly ignored by their proprietors, who had lived in Spain since the sixteenth century, these grounds were gradually claimed by new inhabitants, many of whom established bohíos in front of the ruins of the palace of Diego Colón. Colonial officials repeatedly expressed dismay over the influx of new

³⁵ “a saber de un buhio cubierto de llaguas... fundado en suelo que pertenecía al Señor Duque de Veragua y en el día al Estado de la Republica, por que su citado tio Ysidro Salé no ha pagado arrendamiento y por tanto ignoran lo que sea, pero le hacen cargo al Comprador que si el Estado cobrare tal derecho de arrendamiento es de su cuenta...” Venta de bohío por las Ciudadanas Joaquina y Prudencia Lignares al Ciudadano José Núñez, 3 August 1824, in AGN-RD, Fondo Protocolos Notariales, Signatura 709305, leg. 1/2630, Protocolo Notarial de José Troncoso, 1824, Document 197, Folio 38.

³⁶ In 1644, Felipe IV had authorized the Duque de Veragua Pedro Nuño Colon de Portugal to sell half of his inherited lands on the island of Hispaniola. See Autorización al Duque de Veragua: venta de casas en la Española, 5 June 1644, in Archivo General de Indias, Sevilla (hereafter AGI), Patronato Real, leg. 295, exp. 97.

Although the *mayorazgo* had dwindled to a fraction of its former size, colonial officials in Santo Domingo continued to describe the Duques de Veragua as the legitimate owners of the solar del almirante and its environs into the nineteenth century. The particular Duque de Veragua to whom the sisters referred was most likely Mariano Colón de Larreátegui y Ximenéz de Embún, who administered the *mayorazgo* until his death in 1821.

The first set of special commissioners had called for the dissolution and expropriation of *mayorazgos* in their October 1822 report to President Boyer, citing the action taken by the Cortes of Cádiz a decade earlier as precedent. See *Opinion de la Commission*, 9.

squatters. In 1752, an official of the Real Hacienda complained to his superiors of the “various poor people, including whites as well as browns and blacks (*pardos y negros*)” who had built as many as thirty bohíos on the site. Although these residents were expected to pay rent to the administrators of the mayorazgo, it was nearly impossible for collection agents to procure these payments without considerable “fatigue, solicitation, and exertion.”³⁷ These older contests over the solar del almirante foreshadowed the lack of enforcement of rental obligations for use of state soil after unification.

The solar del almirante and the surrounding neighborhood of La Atarazana, the site of the colonial-era shipyards that were adjacent to the city’s main port, were home to artisans, sailors, dockworkers, street vendors, and other laborers who played a key role in sustaining the urban economy. Many of these residents were formerly enslaved Africans who had secured freedom before the declaration of general emancipation.³⁸ In her 1827 testament, Antonia Saviñón declared that she had been born on the coast of West Africa and that she had been married twice while she was still held as a “domestic” in the house of Gregorio Saviñón. Although neither she nor her second husband Eusevio Sepúlveda owned any landed property at the time, “after the

³⁷ “y esto mediante en la frente de ella corriendo los t.^{mpos} se han hecho varios bojios de palos, tablas, y yaguas, por algunos pobres, assi Blancos, como pardos, y Negros como de presente se hallan hechos como treinta bojios los quales como sin ninguna servidumbre, y sujetos a la penuria de aver de cargar el agua de pozo q.^e tiene dicha casa, en mas o menos distancia; pagan unos a tres p.^s otros a quatro, otros a veinte r.^s en cada un año, y estos no tan seguros, que a pocos pasos los desamparan algunos por no tener medios con q.^e pagar d.^{ho} arrendamiento como por q.^e como de lo que se compone d.^{ha} fabrica de bojios es quasi ninguna su permanencia los dexan, y no se puede conseguir la paga de sus arrendam.^{tos} siendo lo mas a que pueda reducir, esto es la cobranza de d.^{hos} arrendamientos al cavo del año sera de ciento, o setenta p.^s mas o menos, y esto a costa de mucha fatiga, solicitud, y desvelo de la persona a cuyo ciudado esta d.^{ha} cobranza dedicado solo a esta diligencia para aver de recaudar algo.” Reconocimiento de la casa del Almirante de Santo Domingo, AGI, Patronato Real, leg. 295, exp. 113.

³⁸ González Canalda, *Libertad Igualdad*, 90-91.

testator received her manumission they began to work” and eventually acquired three bohíos in the vicinity of La Atarazana and the solar del almirante, as well as two small estancias beyond the northern border of the city.³⁹ In 1823, a year after the unification made it possible for women to file independently for divorce, Saviñón moved away from Sepúlveda and went before the Tribunal de Paz of Santo Domingo to present her “just causes” for the separation. As part of its ruling in the divorce settlement, the tribunal granted her full property rights over one large bohío “in La Atarazana, founded on the Admiral’s soil, for which she currently pays no rent.”⁴⁰

Saviñón’s neighbors in La Atarazana included other African-born citizens such as Dolores Carabalí, María del Carmen Jiménez, and Basilio Gascue, all of whom owned bohíos within several blocks of the ruins of the Colón residence.⁴¹ Others were originally from the

³⁹ “Ylt Declaró que se halla casada en segundas nupcias con el Ciudadano Eusevio Sepulveda, natural y vecino de esta Ciudad de cuyo matrimonio no han tenido sucesion y sin embargo de q^e cuando contraxo este enlace era todavía domestica de la misma casa, con todo aportó a este matrimonio una llegua y un rosario con cuentas de oro, y su cruz de lo mismo, y su citado marido nada aportó pero que despues habiendo adquirido la testadora su manumisión se pusieron a trabajar y adquirieron los siguientes una Estancia grande de labrar frutos sita en el Partido de Llaguasa otra una pequeña en el mismo Partido un buhio en la esta de la Altarasana grande que es el de su morada de tablas y llaguas otro buhio de lo mismo en el Solar de Santana; y otro en el Solar del Almirante.” Testamento de la Ciudadana Antonia Saviñón, oriunda de la Costa de África, 27 March 1827, AGN-RN, Fondo Protocolos Notariales, Signatura 709316, leg. 1/2643, Protocolo Notarial de José Troncoso y Antonio Abad Solano, 1827, Document 36.

⁴⁰ “Ylt Declaró que por justas causas que tuvo p.^a separarse de su consorte Eusevio Sepulveda provocó el juicio de divorcio en el Tribunal de Paz de esta Comun en Agosto del año de veinte y tres habiendose decidido en su favor el indicado juicio convino la testadora con su dicho consorte en la division de los bienes sociales que son los mismos q.^e constan en la antecedente cláusula adjudicandosele a la testadora los siguientes, segun consta de documento del divorcio que con las formalidades de la ley le fue despachado y conserva en su poder y es a saber el buhio grande de la cuesta de la Altarasana fundado en suelo del almirante por el q.^e nada paga ahora por su arrendamiento.” *Ibid.*

⁴¹ For the properties of Dolores Caribalí and María del Carmen Jiménez, see González Canalda, *Libertad Igualdad*, pp. 90-91. For the *bohío* of Basilio Gascue, described as a *vecino* from Santa Cruz, see Inscripción de acto de compra venta por el Ciudadano Bacilio Gascue a la Ciudadana Andrea Palomina, 7 January 1829, AGN-RD, Fondo Ayuntamientos, Signatura 3003516,

territory that had once been colonial Saint-Domingue and was now western Haiti. Ana Monclé, alias Maria Zaire, testified in 1824 that she was originally from “Okap,” the Kreyòl name for Cap Haïtien/Cap Français. She now lived in a house “on the hill of La Atarazana,” operated a distillery (*alambique*), and sold drinks out of a nearby corner store (*pulpería*). Although Monclé had previously testified that both establishments were her property, she acknowledged in her testament that they legally belonged to a man known in Spanish as Esteban Gouvin and in French as Étienne Gouin.⁴² According to historian Graham Nessler, Gouin was a French cooper-turned-distiller who had once held Monclé as his own property. Monclé had managed to document her juridical freedom as early as 1805, during the height of the proslavery Ferrand regime in Santo Domingo, but her testament reveals that she continued to labor for Gouin well

Dirección de Registro Civil y Conservaduría de Hipotecas, Inscripción de Hipotecas, 1826-1844, Folio 17; Venta de bohío por el Ciudadano Juan del Rosario Acevedo al Ciudadano Basilio Gascue, Date illegible [1823], AGN-RD, Fondo Protocolos Notariales, Signatura 709301, leg. 1/2626, Protocolo Notarial de José Troncoso, 1823, Document 87. In an 1827 rental arrangement between the property-holder Basilio Gascue and the cultivadora Isabel María de la Cruz, notary Martín de Mueses described Basilio Gascue as a “native of Guinea.” It is possible to conclude with reasonable certainty that this is the same Basilio Gascue based on the location of his agricultural lands in Santa Cruz (and the lack of a signature in all of the above documents). Arrendamiento de un paño de tierra por el Ciudadano Basilio Gascue a la Ciudadana Isabel María de la Cruz, 12 February 1827, AGN-RD, Fondo Protocolos Notariales, Signatura 709306, leg. 1/2633, Protocolo Notarial de Antonio Abad Solano y Martín de Mueses, 1826, Document 67.

⁴² “pareció presente la Ciudadana Ana Monclé conocida con el nombre de Maria Zaire, natural de Ocap, a la parte del Norte y vecina de esta Ciudad domiciliada en ella, y en la Casa de su morada, sita en la Cuesta nombrada de la Altarazana, . . . Nos declaró que una pulpería surtida de bebidas que se halla en la Casa del Ciudadano Estevan Gouvin, y un alambique q.º se halla sentado en la misma con todos sus enseres, aunque una y otro apareció el año pasado de mil ochocientos veinte y tres, en cabeza suya, y como de su propiedad para descargo de su conciencia, manifiesta de q.º dicha pulpería, y alambique han sido y son en propiedad del citado Ciudadano Estevan Gouvin.” Testamento de la Ciudadana Ana Monclé, conocida con el nombre de Maria Zaire, 30 May 1824, AGN-RD, Fondo Protocolos Notariales, Signatura 709304, leg. 1/2629, Comprobante de Protocolos de José Troncoso y Antonio Abad Solano, 1824, Document 40.

after her manumission and into the unification.⁴³ In contrast to many of the independent black proprietors who lived nearby, Monclé noted that she did not own her house, and that her only possessions were the clothes and the furniture inside of it.⁴⁴

Monclé's testament hints at the larger stakes of property ownership among the formerly enslaved people who resided in the expropriated urban lands of La Atarazana. For her part, Antonia Saviñon had distanced herself from her former master and her former husband, and was therefore the primary beneficiary of the unification-era policies that recognized residents of bohíos as property-holders even if they did not own the land underneath their homes. In contrast, Ana Monclé's lack of direct access to immovable property may nonetheless have made it necessary for her to continue to rely on Gouin's "sponsorship" as an employer and a landlord even after La Atarazana became state soil.

In short, the expropriations campaign had a mixed impact within the walled city of Santo Domingo. The special commissioners nationalized the urban lands of ecclesiastical corporations, municipal institutions, and absent landowners without confiscating the buildings located on these grounds, making it possible for existing residents to maintain and even expand their property

⁴³ At the end of the document, moreover, Monclé listed Étienne Gouin as the primary executor of her will. Monclé's ongoing ties to Gouin may have resulted from the "favors" he granted to her in previous years. In an 1805 will, produced by a French-language notary under the Ferrand regime, Étienne Gouin bequeathed another one of his "slaves" named Rosalie to the "négresse" Monclé/Zaire in return for the "services" that the latter had provided him in the past. For a description and partial transcription of this will, see Graham T. Nessler, *An Islandwide Struggle for Freedom*, 254, and Graham T. Nessler, "A Failed Emancipation? The Struggle for Freedom in Hispaniola during the Haitian Revolution, 1789-1809" (Ph.D. diss., University of Michigan, 2011), 10-11.

⁴⁴ "Nos declaro que los unicos bienes que posee son la ropa de su uso y los muebles de la Casa en que actualmente vive." Testamento de la Ciudadana Ana Monclé, conocida con el nombre de Maria Zaire, 30 May 1824, AGN-RD, Fondo Protocolos Notariales, Signatura 709304, leg. 1/2629, Comprobante de Protocolos de José Troncoso y Antonio Abad Solano, 1824, Document 40.

rights over dwellings such as bohíos on state soil. Furthermore, local authorities proved unable or unwilling to enforce rental obligations for use of this soil, granting a measure of financial relief to residents who had previously paid fees to convents and the holders of mayorazgos. This mediated process of expropriation, often without seizure, shaped the development of neighborhoods La Atarazana, where some formerly enslaved people born on both sides of the Atlantic constructed homes and sought to chart new lives beyond the immediate purview of large-scale urban landowners.

The implementation of Haitian state soil nonetheless disproportionately benefitted individuals who had practiced some form of property ownership – whether through prescription or legal title transfer - *before* the unification. In particular, the absence of widespread confiscations in the eastern capital helped to rule out the possibility of urban concessions for freedpeople and others without such proof of ownership. The early Haitian-era reforms thus offered little aid to propertyless citizens like Ana Monclé. Despite the expansive language of Boyer, the reform did not imply direct redistribution of land and property. By itself, a tolerated squatting offered little in the way of social mobility, though it did enable women and families to put distance between themselves and those who once held them as property.

The Aftermath of “Reform” and the Rise of a Unified Propertyholding Class

By settling for layered landholding, which combined formal legal expropriations with selective enforcement of rental obligations and toleration for overlapping claims, Haitian officials reformed eastern land tenure in a way that produced only minimal state intervention in the lives of most homeowners, renters, and squatters. In the process, however, they laid the groundwork for a land grab by the wealthiest residents of the Santo Domingo capital region,

including the small set of planters who had not fled during the winter of 1822, eastern merchants and civil administrators who had participated in drafting the reforms, and western newcomers whose service for the Haitian state provided a direct path to property ownership in the territory of the former Spanish colony. The real estate portfolio of General Jérôme Maximilien Borgella provides vivid evidence of these longer-term consequences of the early unification-era reforms. Borgella's maneuvers are revealing precisely because of the exceptional reach of his wealth and his burgeoning social networks throughout the city and its environs. Borgella served as the provisional military commander of the department, and joined the second special commission in 1823. As a result, he could shape his local investments in land and urban property in the region based on his insider knowledge of the implications of Haitian law and his direct role in its enactment. The lines between the ongoing process of local state formation and speculation for personal profit soon blurred.

The son of a prominent planter from Port-au-Prince and a partisan of André Rigaud during and after the Haitian Revolution, Borgella already possessed large estates in the Cavaillon region of southern Haiti by 1822.⁴⁵ His first acquisition upon being assigned to Santo Domingo was a pinewood bohío located outside the original city walls in the suburb of San Carlos, which he finalized weeks after the release of the first special commission's report in October 1822. Located on municipal lands that now belonged to the Haitian state, this bohío had originally been owned by the former captain general of the Spanish colony Juan Sánchez Ramírez. In his will, Sánchez Ramírez had bequeathed the bohío to his colleague General Manuel Carvajal (or

⁴⁵ In 1812, Borgella received the Habitation Custines, a 2000-*carreaux* estate in the commune of Cavaillon (outside of Les Cayes), in the form of a *don national* from Boyer's predecessor, Alexandre Pétion. S. Rouzier, *Dictionnaire géographique et administratif universel d'Haïti*, vol. 1 (Paris: Imprimerie Charles Blot, 1892), 287.

Carvajal), the veteran of the 1809 Spanish reconquest of Santo Domingo who had helped to negotiate the unification between the two sides of the island in January and February 1822. Carvajal now attested that the value of the bohío had plummeted for having “deteriorated” significantly since Sánchez Ramírez’s death in 1811. As a result, Borgella paid only one hundred pesos for the residence, approximately one third less than the most recent appraised value.⁴⁶

The uncertain status of the bohío appears to have worked in Borgella’s favor. Given that it had been built on municipal land and administered by former colonial officials, the Haitian state might have eventually designated the dwelling as “public domain,” or repackaged it into a direct concession for propertyless citizens or clients of the government. In this instance, however, Carvajal’s presence and consent for the sale enabled the notary to authorize a standard transaction, and Borgella was only too happy to obtain the property in this manner. By 1826, he had renovated the bohío into a fashionable country estate, described by one foreign guest as “a cool retreat on a rising ground a couple of miles from town.”⁴⁷

The following September, the military commander purchased the house that would become known as the palacio de Borgella. Facing the Plaza de la Catedral and located on the street that ran from the Santa Clara convent to the Church of Santa Bárbara (today Calle Isabel la

⁴⁶ “a saber de un bohío fabricado de tablas de pino, y cubierto de tablitas de alto y baxo situado extramuros de esta villa fundado en suelo que antes pertenecía a los Propios de la villa de San Carlos y en el día al Estado de la Republica... el mismo q.^e huve de la sucesion del difunto Brigadier Juan Sanchez Ramirez, y se la vendo en cantidad por estar sumamente deteriorada como ha sido reconocida valorada en la de ciento cincuenta por cuyas causales solo lo he vendido en los cien pesos referidos, que confieso tener recibidos a mi Satisfacción y voluntad...”
Venta de bohío por el Ciudadano Manuel Carvajal al Ciudadano Gerónimo Maximiliano Borgella, 24 October 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709300, leg. 1/2625, Protocolo Notarial de José Troncoso, 1822, Document 116.

⁴⁷ Charles Mackenzie, *Notes on Haiti Made During a Residence in that Republic* (London: Henry Colburn and Richard Bentley, 1830), Volume 1, 259.

Católica), the two-story residence adjoined the public prison at its southern edge. The seller Josefa Pepín y Coca, introduced by notary José Troncoso as a widow originally from Santo Domingo, provided evidence that she had inherited the house from her parents Francisco Pepín González and María Petronila Coca, and that it had been built by her grandparents in the eighteenth century.⁴⁸

According to notary Troncoso, the ground beneath the property formerly belonged to the mayorazgo de Dávila, but was now state soil. As in the case of the bohío in San Carlos, however, the “rights of the state” apparently mattered very little, since once again Borgella made no agreement to complete rental payments for the land. Further complicating matters, Pepín declared that she still owed an outstanding balance of 2,000 pesos to the nuns of the Santa Clara convent down the street, to whom her parents had mortgaged the property in 1771. The revisions to mortgage law outlined by the special commissioners had not changed Pepín’s debt obligation in any way. Consequently, Borgella agreed to “assume or pay off” (*reconocer o redimir*) the mortgage held by the convent.⁴⁹ The following July, the Boyer administration would propose a

⁴⁸ Pepín’s testimony thus confirms that the palacio was not a relic of the early sixteenth-century, nor had it ever been the home of Spanish colonist Diego de Herrera.

“una casa de alto y baxo, cubierta de vigas y ladrillos...situada en la Plaza de la Santa Yglesia Ex-Catedral, y calle q.^e corre del Monasterio de Santa Clara de Jesus, a la Yglesia Parroquial de Santa Barbara, lindando por el Surd [sic] con la Carcel publica, y por el Norte con Casa que pertenecía a los herederos del Ciudadano Lorenzo Angulo, y en el día de la Ciudadanos Domingo de la Rocha, y su Lexit.^{ma} consorte Manuela de Coca, y es la misma que huvo de sus lex.^{mos} padres Francisco Pepin Gonzalez y Maria Petronila Coca, y fabricaron los padres de estos.” Venta de casa de alto y baxo por la Ciudadana Josefa Pepín y Coca al Ciudadano Gerónimo Maximiliano Borgella, 10 September 1823, in AGN-RD, Fondo Protocolos Notariales, Signatura 709303, leg. 1/2628, Protocolo Notarial de José Troncoso, 1823, Document 213.

⁴⁹ “en precio y quantía de tres mil pesos que le ha de Satisfacer en esta forma : dos mil pesos, que ha de reconocer o redimir el Comprador a favor del ante dicho Monasterio de Santa Clara que es el único gravamen que reporta la finca segun se evidencia de la Certificacion de hipotecas que al

law reducing mortgage debts by two thirds in order to reflect properties' current appraised market values, but this measure came too late to affect Pepín.⁵⁰

As he had done with the bohío in San Carlos, Borgella transformed the *casa* into a personal residence, which contemporary observers began to describe as a “palacio” as early as October 1823.⁵¹ Yet his own leading role as the military commander of the district meant that the palacio effectively served as an administration building, where Borgella held meetings with subordinates and civil authorities and presumably deliberated on matters of policy.⁵² Although it had all of the external appearances of an official seat of government, the palacio itself was never owned by the state- even though it sat on state soil. Ironically, if Haitian authorities had seized the palacio directly, Borgella would have been unable to acquire it for himself through a private title transfer.

final se agrega y los mil pesos restantes que confiesa tener recibidos de contado a su satisfaccion, y voluntad...” Venta de casa de alto y baxo por la Ciudadana Josefa Pepín y Coca al Ciudadano Gerónimo Maximiliano Borgella, 10 September 1823, in AGN-RD, Fondo Protocolos Notariales, Signatura 709303, leg. 1/2628, Protocolo Notarial de José Troncoso, 1823, Document 213.

⁵⁰ Article 11 of the Law of 8 July 1824 essentially refinanced urban properties at one third of the value at which they were initially mortgaged. The statute also required residents to pay the entirety of this new amount to the state over the course of six equal payments in order to receive recognition as the legitimate owners. See No. 894: Loi, 8 January 1824, in Pradine, *Recueil*, Tome 4, 45-50.

⁵¹ Notary Martín de Mueses noted in a later house sale that he had interviewed Borgella at the “*casa palacio* of his residence” in the central plaza of the city. Venta de casa baja por el Ciudadano Juan Roig a favor del Ciudadano Gerónimo Maximiliano Borgella, 3 October 1823, in AGN-RD, Fondo Protocolos Notariales, Signatura 709302, leg. 1/2627, Protocolo Notarial de Martín de Mueses, 1822-1823, Document 54, Folio 34.

⁵² After Separation in 1844, Dominican authorities continued to use the palacio de Borgella as a public administration building and eventually recognized it as the permanent seat of the National Congress in 1852. Ugarte España, “Algunas puntualizaciones,” 51-55.

In addition to his residences in the city and its suburbs, Borgella bought a massive sugar plantation spanning 2,041 *carreaux* or 35 Dominican *caballerías* (over 6,000 acres) on state grounds along the banks of the Ozama River. The plantation had many names; formerly the *ingenio* de Frías, notary José Troncoso called it the Santa Rosalía estate in all official records. Borgella later began to use the name “*habitación* Basora” after its most recent owner José Basora, from whom he bought the property.⁵³ Basora was a Spanish-born former slaveowner who had refused to take Haitian citizenship after the unification (which would have been possible thanks to a new loophole permitting foreign-born residents of the east to become legally “Haitian” as long as they owned property and pledged allegiance to the republic).⁵⁴ In the summer of 1823, the planter wrote to president Boyer requesting permission to continue exporting sugar and coffee from the Santa Rosalía estate as a foreign subject, claiming that he would have to give up numerous properties in Spain if he renounced his nationality. In spite of the fact that the Haitian constitution of 1816 explicitly prohibited non-citizens from owning, acquiring, or selling property, Boyer carved out an exception for Basora, instructing Borgella to allow him to continue to “peacefully” possess the property. At the same time, Boyer forbade him from applying for a commercial permit as a Haitian, which would have enabled Basora to sell the

⁵³ In 1826, the visitor Charles Mackenzie met with Borgella on “his sugar estate Bassora, on the left bank of the Ozama, about twelve miles distant [from Santo Domingo].” Mackenzie, *Notes on Haiti*, vol. 1, 259.

⁵⁴ Among the citizens whom Basora had formerly claimed as slaves was Santiago Basora, the military leader who would seek to prevent the Dominican separatists from dissolving the unification project in 1844. Carlos Larrazábal Blanco, *Antología*, ed. Andrés Blanco Díaz (Santo Domingo: Archivo General de la Nación, 2015), 88, and Anne Eller, *We Dream Together: Dominican Independence, Haiti, and the Fight for Caribbean Freedom* (Durham and London: Duke University Press, 2016), 28.

crops produced on the plantation.⁵⁵ Since Basora could no longer profit from the property, he decided to sell it altogether.

Basora had first purchased the plantation from the Spanish colonial government at a public sale for a price of 13,034 pesos. In order to acquire the property, the planter issued 3,000 pesos in cash to the Real Hacienda and took out a loan to cover the remaining costs. Basora understood, however, that this sum only covered the buildings and fields of the *habitación* itself. During the entirety of his tenure as the proprietor of Santa Rosalía, the friars of the Dominican Order of Santo Domingo continued to own the grounds (*terrenos*) on which the plantation sat. After unification, these grounds were claimed by the Haitian state.⁵⁶ When Borgella became owner, the valuable real estate remained situated on state lands. The ownership of the Santa

⁵⁵ “D’après ces considérations, vous êtes autorisé, général, à ne pas vous opposer à ce que le sieur José Basora continue d’exploiter paisiblement l’habitation qu’il a acquise à Santo-Domingo, pourvu qu’il jure d’être fidèle aux lois de la République; et il est bien entendu qu’il ne pourra prétendre, en aucun cas, à la patente d’Haïtien si préalablement il ne se conforme aux ordres que j’ai donnés relativement à la renonciation à la qualité d’étranger, formalité indispensable pour tous ceux qui ne sont pas nés Haïtiens ou Espagnols [i.e., *Espagnols haïtiens*, or eastern-born Haitian citizens] et qui voudraient faire le commerce en jouissant des avantages accordés aux nationaux.” Jean-Pierre Boyer to Jérôme Maximilien Borgella, 7 July 1823, transcribed in Thomas Madiou, *Histoire d’Haïti*, Tome VI, 1819-1826 (Port-au-Prince: Editions Henri Deschamps, 1988), 373

⁵⁶ “...los huvo de la Hacienda publica con lo demas que existia en la Habitación indicada al tiempo que hizo el remate de ella en dos de Abril del año pasado de mil ochocientos catorce, por ante el Tribunal de Yntendencia y Notario publico Ciudadano Martin de Mueses con el anterior Gobierno Español, en trece mil treinta y quatro pesos, enterando tres mil pesos en las Arcas Nacionales y los diez mil treinta y quatro pesos restantes incluso los mil y quatrocientos constantes de la Certificacion de hipotecas que al final se agrega a reconocer los a tributo a razon de un tres porciento anual a favor de la misma Hacienda publica, a quien correspondia dicha habitacion y sus terrenos q.º han recaido en el dia en el Estado de la Republica y antes pertenecian al extinguido convento de Padres Predicadores segun todo consta de documento autentico que Yo el presente Notario doy fe haber tenido a la vista,” Venta de habitación de fabricar azúcar por José Basora al Ciudadano Gerónimo Maximiliano Borgella, 17 November 1823, in AGN-RD, Fondo Protocolos Notariales, Signatura 709303, leg. 1/2628, Protocolo Notarial de José Troncoso, 1823, Document 274.

Rosalía plantation had stark implications for its rural residents. Rather than being subdivided among the many residents of the estate whom Basora had once held as slaves, as Boyer had initially promised, the estate became a testing ground for new forms of labor control after the publication of the Code Rural in 1826.⁵⁷ Borgella eventually contracted dozens of cultivators to work on Santa Rosalía and other plantations that he held jointly with business partners across the region, including over thirty citizens with the last name Basora who had likely been held as slaves by the former proprietor.⁵⁸ By the following year, Borgella had begun shipping barrels of semi-refined sugar from Santo Domingo to the capital of Port-au-Prince, where it was likely destined for further processing and commercial export.⁵⁹

⁵⁷ As we will see in chapter 3, the Code Rural attempted to augment exports of cash crops by compelling propertyless “cultivators” to work on the estates of wealthier landowners through the mechanism of indentured labor contracts.

⁵⁸ Following the provisions of the Code, these laborers were placed under the surveillance of a “driver” (*conductor*) and a “supervisor” (*mayordomo*). They were prohibited from leaving the plantation without express permission from the supervisor or Borgella himself. The contracts stipulated that they would each receive either four pesos monthly or a fourth of the value of their total agricultural output. See Contrato entre el Ciudadano Gerónimo Maximiliano Borgella y los cultivadores que residen en su habitación, 6 February 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709315, leg. 1/2642, Protocolo Notarial de José Troncoso y Antonio Abad Solano, 1827, Document 2.

The presence in the contract of names such as “Puerto Rico” and “Olandez” suggest that some laborers may have been runaways from enslavement on neighboring Caribbean islands. Others were probably African-born, such as Luis Congo.

⁵⁹ “Certifico que en el Bergantin Goleta haitiano perteneciente al Ciudadano Picot se han embarcado veinte bariles de Azúcar en bruto, y dies tercerolas mas blanca, perteneciente al Ciudadano Geronimo Borgella General de division de este Departamento para desembarcarlas en la Capital de Puerto Principe, toda proveniente de su fábrica.” José de la Cruz García, Certificación de 20 bariles de azúcar, 28 February 1827, in Archives Nationales d’Haïti, Section historique, Site Poste Marchand, (hereafter ANH), Ministère des Finances, Liasse 13334, États des droits perçus, March 1827, No folio number.

In this way, the outcomes of the early-unification era property reforms helped to set the stage for the Boyer administration's renewed emphasis on export-oriented commercial agriculture across the island, which would reach new heights after the 1825 agreement to issue a massive indemnity payment in exchange for France's recognition of Haitian sovereignty. In fact, the array of local obstacles that prevented the administration from promoting small-scale proprietorship through confiscations and concessions in the east may have factored into president Boyer's later efforts to revive the plantation economy in longstanding zones of sugar and coffee production like the Ozama River basin. Yet beyond the walls of the colonial city and the large estates of the southeastern riverbanks, citizens would continue to invoke their rights as property-holders in order to defend their access to rural lands, reshaping the meanings of Haitian property law in the process.



Figure 2: Map of the city of Santo Domingo and its environs, with geographic sites from text highlighted in blue. Source: Library of Congress, Geography and Map Division, G954.S8.P49 (1805)

Chapter 3

There Must Be Limits

On 11 July 1825, an unprecedented public spectacle took place in Port-au-Prince. Representatives of the Haitian and French governments gathered together in the Haitian Senate, where legislators ratified an ordinance signed by the French king Charles X recognizing Haitian independence. After a 21-canon-salute in the harbor, the procession moved to the presidential palace. The flag of the restored French monarchy now flew next to the Haitian flag above the roofs of the nearby government buildings and military forts on the hills above the capital. The celebration ended in exuberant toasts to the shared future of the two countries and a lavish banquet to honor the French delegation, one which reportedly lasted until 3 in the morning.¹

The formal pomp barely concealed the true circumstances behind the French recognition of Haitian independence, which Boyer had attempted to hide for as long as he could. Faced with the sudden arrival of a fleet of fourteen warships and the imminent possibility of a blockade or war, the president had made the decision to accept unconditionally the demands of the French agents. In the end, in return for Charles X's "concession" of Haitian sovereignty, the Boyer administration pledged to fulfill an indemnity payment to the French government, of a staggering 150 million francs, and assented to halving the import and export duties for all French commercial ships in Haitian ports. Moreover, the final text of the ordinance referred anachronistically to the "French part of the island of Saint-Domingue." Seeking to avoid

¹ Thomas Madiou, *Histoire d'Haïti*, Tome 4: 1819-1826 (Port-au-Prince, Editions Henri Deschamps), 464-470. *Le Télégraphe*, 17 July 1825, p. 4.

antagonizing the Spanish Crown, France had declined to recognize the legitimacy of the prior unification between the two sides of the island.²

As they adjusted to the new state of affairs, the Boyer administration encouraged legislators to revise the existing labor and property laws in order to promote commercial agriculture. This process culminated in May 1826 with the promulgation of the Code Rural, consisting primarily of earlier statutes drawn from the post-emancipation labor regimes of French civil commissioners Léger-Félicité Sonthonax and Étienne Polverel, governor general Toussaint Louverture, and king Henri Christophe. Rather than a fundamental break with the past, the Code Rural signified a renegotiation of what historian Jean-Alix René has designated the post-revolutionary compromise between the Haitian state and its rural citizens. Hoping to organize the production of cash crops into a well-oiled system, the drafters of the code authorized increased surveillance of so-called “cultivators,” instituted stronger prohibitions against vagrancy, and threatened proprietors with penalties for leaving land uncultivated. At the same time, they mandated that all labor agreements be formalized through bilateral contracts, a protection that was meant to provide clarity for workers before the start of their period of engagement.³

Despite the apparent rigidity of the code, historians have advocated caution in assessing its implementation in both the west and the east. They point to the wide gaps between national leaders’ aspirations and the limited, in some cases nonexistent, application of the anti-vagrancy provisions and the restrictions on the autonomy of rural laborers, especially in the more remote

² Jean Alix René, “Le Culte de l’égalité: Une exploration du processus de formation de l’État et de la politique populaire en Haïti au cours de la première moitié du dix-neuvième siècle,” (Ph.D. diss., Concordia University, 2014), 238-242; Madiou, *Histoire d’Haïti*, Tome 4, 451-455.

³ *Code Rural d’Haïti* (Port-au-Prince: Imprimerie du Gouvernement, 1826) 1-49; Francisco Bernardo Regino Espinal, *El Código Rural de Haití* (Santo Domingo: Archivo General de la Nación, 2015), 55-144; René, “Le Culte de l’égalité,” 244-248.

communes where the code was intended to have its greatest effect.⁴ Yet for eastern citizens who followed the unexpected sequence of events between 1825 and 1826, the confluence of the indemnity agreement and the Code Rural promised to shape the future of agriculture and land tenure. In particular, the code could affect the 1824 property reforms and prior agrarian policies, established by the previous administration of Alexandre Pétion.

After 1826, Haitian leaders continued to allocate official concessions of 5 *carreaux* and larger to military officers and civil administrators who pledged to produce cash crops for export.⁵ Far from following state directives, however, notarial records suggest that eastern concessionaries envisioned different uses for the grants, and often divided their lands among renters, speculators, ranchers, and even smallholding cultivators. For their part, some buyers and sellers of land grants contracted state surveyors to determine the limits of these plots as part of the legal requirements for notarized property transfers. Eastern citizens thus appealed to local representatives and clients of the Boyer administration in order to make claims to concessions and to draw boundaries around them. On the surface, such appeals bolstered the the projection of

⁴ See, for instance, Quisqueya Lora Hugé's close analysis of the implementation of the code in the commune of Higüey. Quisqueya Lora Hugé, *Transición de la esclavitud al trabajo libre en Santo Domingo: El caso de Higüey, 1822-1827* (Santo Domingo: Academia Dominicana de la Historia, 2012), 121-150. In the west, Kate Ramsey argues, local communities played a central role in limiting the enforcement of the Code Rural and the 1835 Code Pénal. Kate Ramsey, *The Spirits and the Law: Vodou and Power in Haiti* (Chicago and London: The University of Chicago Press, 2011), 67-71. Jean-Alix René cites instances of "desertion" among cultivators in the Cul-de-Sac region. He also suggests that local *chefs de sections* and *juges de paix* simply chose not to carry out some of its dispositions. He concludes that "above all, the failure of the code is evidence of cultivators' resistance to its implementation (l'échec du code est, avant tout, révélateur de la résistance des cultivateurs à son application)." René, "Le Culte de l'égalité," 251-252.

⁵ In French Saint-Domingue and independent Haiti, one *carreau* equaled approximately 3.19 acres. Johnhenry González, "The War on Sugar: Forced Labor, Commodity Production, and the Origins of the Haitian Peasantry," (Ph.D. diss., University of Chicago, 2012), 43.

Haitian sovereignty in the east, since they acknowledged the Haitian state's authority to manage and redistribute eastern lands. Yet the concessionaires' competing projects for such grants largely frustrated the Boyer administration's plans for the renewed commercial production of cash crops.

Plantation Agriculture in the Southeast from the Unification to the Code Rural

And given that slavery was extinguished due to the establishment of the new Government, as is well known, the blacks (*morenos*) have enjoyed their full freedom and distanced themselves from cultivation on the *Hacienda*, each following his own destiny as he sees fit and enlisting in its regiments, so that the project of the Company has collapsed without any fault on the part of the partners themselves, nor can they [the partners] fulfill the conditions and agreements that were reciprocally established in the said Company charter.⁶

With these words, the planters José Hernández and Isabel Martínez explained the circumstances that had led them to request a termination of their business partnership with Manuel Ferrer, Vicenta Cuebas, and Juan Santín in April 1822. Hoping to stimulate production on their plantation and sugar mill (*ingenio y hacienda de fabricar azúcar*) in Monte Grande (located northeast of the walled city of Santo Domingo), Hernández and Martínez had drawn up a contract before the notary Martín de Mueses months earlier, according to which Ferrer,

⁶ Produced by the notary Martín de Mueses less than two months after the declaration of unification, this document marks another example of Mueses' reluctance to heed the Haitian administrative and notarial custom that discouraged any invocations of colonial-era socioracial classifications or categories (such as "moreno," or black). For more examples of Mueses' continued use of racial terminology, see Chapter 1.

"Y como con el motivo de la variación del nuevo Gobierno se extinguió la esclavitud como es notorio y los morenos han gozado de su plena libertad y separándose del cultivo de la Haz.^{da} tomando cada uno su destino, segun ha tenido por conforme, y tomando Plaza en sus regim.^{tos} de suerte q.^e sin culpa de los mismos socios se ha desconcentrado enteramente el proyecto de la Compañía, ni tampoco pueden realizarse las Condiciones y pactos establecidos reciprocamente en la Citada escritura de Compañía." Anulación de escritura de sociedad y compañía, 9 April 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709302, leg. 1/2627, Protocolo Notarial de Martín de Mueses, Folio 90, Document 15BIS.

Cuebas, and Santín would “put several blacks to work” at Santa Isabel for the mutual benefit of all of the investors.⁷ Now they returned to Mueses’ office to admit defeat in the venture. Through no fault of their own, the partners claimed, the proclamation of emancipation that accompanied the unification had made the objectives of their partnership impossible to fulfill. The laborers, formerly claimed as property by the latter three partners, no longer had any obligation to stay at Santa Isabel to continue harvesting and processing sugar for the benefit of its proprietors. As free people, they could work for themselves, engage in other forms of wage labor, or even join the Haitian army. In this context, the partners’ striking emphasis on the autonomy of the laborers contrasted with their own purported powerlessness, serving as the pretext for cancelling their previous agreement and avoiding any further responsibility for the company’s failure. With this

⁷ Specifically, Santín’s role was that of guardian and executor (*curador*) of the property belonging to the minor Manuel Ferrer. “...otorgaron escrit.^a en este prop.^o oficio de Compañía y sociedad del Yngenio de fabricar azucar y mieles nomb.^{do} S.^{ta} Ysabel funda.^{do} en tierra de la jurisd.ⁿ de esta capital y parage nombrado Monte grande perteneciente a Hernandez en q.^e puso varios neg.^s a trabajar de la propiedad entonces de Ferrer y su muger p.^a aprovecharse de sus frutos en la Conformidad y bajo las condiciones alli estipuladas.” Anulación de escritura de sociedad y compañía, 9 April 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709302, leg. 1/2627, Protocolo Notarial de Martín de Mueses, Folio 90, Document 15BIS.

task completed, Hernández and Martínez proceeded to sell Santa Isabel.⁸ For their part, Ferrer and Cuebas resolved to leave the island for good.⁹

In contrast to neighboring societies (notably Cuba, where the Haitian Revolution had accelerated the expansion of slavery and the production of sugar and coffee), Santo Domingo had not been a center of large-scale sugar production since the collapse of the colony's first export boom back in the sixteenth century. The early demise of sugar had played a major role in shaping rural Santo Domingo, in which the majority of the population consisted of free people of African descent who sustained the *hato* economy, grew small plots of tobacco, engaged in mixed-use agriculture in the colony's interior, and sometimes participated in the local colonial administration.¹⁰ Yet just outside the capital of Santo Domingo, between the towns of San Cristóbal, Monte Grande, and Monte Plata, as well as along the banks of the Ozama, Isabela, and

⁸ By 1827, the Santa Isabel sugar plantation had been acquired by Pedro Santana, the affluent planter and *hatero* who would later become president (and eventually dictator) of the first Dominican Republic. Together with his wife Micaela de Rivera, Santana contracted the laborers Francisco Reyes, Eugenia Soriano, Francisco García, Joaquina García, and Luís de Rivera to work on the plantation after the publication of the 1826 Code Rural. See Contrato de arrendamiento entre el Ciudadano Pedro Santana y el Ciudadano Francisco Reyes, 28 February 1827; Contrato de arrendamiento entre el Ciudadano Pedro Santana y la Ciudadana Eugenia Soriano, 28 February 1827; and Contrato de arrendamiento entre el Ciudadano Pedro Santana y los Ciudadanos Francisco García, Joaquina García, y Luís de Rivera, 28 February 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709315, leg. 1/2642, Protocolo Notarial de José Troncoso, Documents 60, 61, and 62 respectively.

⁹ "...q.^e Ferrer y su Consorte estan p.^a partir de esta Ciudad a ultramar y que a virtud de esta nueva se anote an aquella al marg.ⁿ p.^a la debida claridad..." Anulación de escritura de sociedad y compañía, 9 April 1822, in AGN-RD, Fondo Protocolos Notariales, Signatura 709302, leg. 1/2627, Protocolo Notarial de Martín de Mueses, Folio 90, Document 15BIS.

¹⁰ Graham T. Nessler, *An Islandwide Struggle for Freedom: Revolution, Emancipation, and Reenslavement in Hispaniola, 1789-1809* (Chapel Hill: University of North Carolina Press, 2016), 12-16; Raymundo González, *De esclavos a campesinos: Vida rural en Santo Domingo colonial* (Santo Domingo: Archivo General de la Nación, 2011), 15-40; Richard Lee Turits, *Foundations of Despotism: Peasants, the Trujillo Regime, and Modernity in Dominican History* (Stanford: Stanford University Press, 2003), 27-39.

Haina rivers, a small but powerful group of wealthy planters operated large sugar estates, some of which dated back to the sixteenth century. These planters balked at the declaration of emancipation and made no effort to conceal their opposition to the unification with Haiti. In contrast to their expectations, however, the Boyer administration had not sought to displace these planters or to break up their estates for redistribution. Some estates had been purchased by new arrivals and western Haitian speculators, including the Santa Rosalía plantation, transferred by the planter José Basora to Haitian general Jérôme Maximilien Borgella. Many plantations that were left “unoccupied” after the emigration of their titleholders had been ceded to Haitian administrators and military officers. Still others had remained in the hands of Spanish colonists and their descendants. All would see struggles among landowners and cultivators over the dispositions of the Code Rural.

As the collapse of the prior order on the Santa Isabel plantation suggests, a number of planters had begun to part with their estates in the environs of the city Santo Domingo during the early years of the unification. They usually followed the itinerary of Ferrer, Cuebas, and Felipe Fernández de Castro (see chapter 1) by emigrating to Cuba. Others remained in Hispaniola, but decided to seek out new occupations beyond commercial agriculture. In the records of their property transfers, they evoked a shared language of loss and uncertainty in order to describe the effects of the regime change on what they described as their property. Miguel Gneco, who during the España Boba period had invested his family inheritance in a new sugar plantation named Ferregut in the district of Ozama, attested before notary José Troncoso in 1825 that “after the political change in Government took place, [the plantation] suffered the loss of cultivators and other assets as a consequence, as is well known,” leading him to transfer his stake in the

plantation to his brother Francisco.¹¹ With this last phrase (“as is well known”), Gneco suggested that the collapse of sugar production after emancipation was a matter of general knowledge in Santo Domingo by 1825, notwithstanding the national Haitian government’s well-publicized efforts to encourage the cultivation and exportation of cash crops in the east as a central part of the unification project.

In contrast to the proprietors of Santa Isabel and Ferregut, another sugar planter named José María Díaz resolved for the moment to hold on to a mill (*ingenio corriente y moliente*) in Monte Grande which he had acquired through his marriage to the widow María Santana. While it is unclear whether the pair had married before or after the declaration of unification, Díaz noted in January 1823 that the mill was currently “without laborers as slavery is unrecognized in the Republic of Haiti [*sin brazos en el día por ser desconocida la esclavitud en la República de Hayti*].” In preparation for a temporary absence, Díaz transferred the mill along with his house in the capital back into María Santana’s name in case that any “unfortunate event should befall him” while overseas.¹² Whether or not Díaz and Santana intended to remain in Santo Domingo indefinitely (after all, Díaz did not specify the reason for his voyage, which may have been to search for a new home) they continued to consider the sugar mill sufficiently valuable to preserve, even without the laborers who had been enslaved on the property in the past.

¹¹ “q.e habiendo acaecido el cambio politico de Gobierno sufrió la perdida de cultivadores y demas utilidades que eran consecuentes y son bien sabidas,” Cesión de la mitad de la habitación Ferregut, 25 April 1825, in AGN-RD, Fondo Protocolos Notariales, Signatura 704328, leg. 1/2631, Protocolo Notarial de José Troncoso, Folio 101, Document 4.

¹² “a saber de un Yngenio corriente y moliente nombrado el convento situado en el Partido de Montegrande a la parte del Este, sin brazos en el día p.ª ser desconocida la esclavitud en la Republica de Hayti...p.ª cualesquiera desgraciado acontecimiento q.ª pueda sobervenirle....” Donación de bienes, 25 January 1823, in AGN-RD, Fondo Protocolos Notariales, Signatura 709301, leg. 1/2626, Protocolo Notarial de José Troncoso, Folio 20, Document 9.

In Higüey, located in the far eastern corner of the island, the members of the local Ayuntamiento went so far as to ask representative Francisco Travieso to inform the Senate in Port-au-Prince of the “deterioration (*descaecimiento*) of the town due to the liberty of the cultivators who were previously Slaves.” In their June 1822 instructions, the Ayuntamiento claimed that the freedpeople had “totally abandoned agriculture” and that farmlands were in ruins, “resulting in the general impoverishment [*miseria*] of the landowners of the commune.”¹³ The council members revised their precise language over the course of the drafting of the document, hoping to frame their policy suggestions for Travieso in what they considered to be sensitive or diplomatic language. In their initial draft, they began to dismiss the legitimacy of emancipation itself by writing that “they [the cultivators] have not earned it [their freedom] with the considerable sacrifices that those from the part of the colony...,” which seemed to suggest that military service during the Haitian revolutionary struggle was a kind of prerequisite for immediate and permanent freedom from enslavement. Yet they apparently thought better of this line of reasoning, crossed it out, and proceeded to begin a new sentence for their final version. In the end, the Ayuntamiento never had the audacity to ask the Haitian legislature to reconsider

¹³ In other post-emancipation societies like Jamaica, planters lodged frequent complaints about a predicted mass “abandonment” of plantation agriculture long before such movement away from sites of production actually took place on a wide scale. See Thomas C. Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832-1938* (Baltimore and London: Johns Hopkins University Press, 1992).

“que el Senado de la Republica esté en la concideracion del descaecimiento que hatenido este pueblo por la ~~falta~~ libertad de los cultivadores que hantes eran Esclavos, y Como quiera destos no se les proybe de su libertad, ~~y supuesto que no la han ganado con los exeeevos sacrificios q.º los de la parte de la colonia~~ Con este motivo han echo un total abandono en la agricultura, por donde en el dia se exprimenta [*sic*] una grande Ruina en las labransas pordonde redunda la miseria general de los abitantes de la comun.” Método de las Instrucciones que este Cabildo Municipal debe dar al Ciudadano Francisco Travieso como Diputado por esta Común en la Sala de Representantes de la Capital del Estado de la República de Haití, 29 June 1822, in AGN-RD, Archivo Real de Higüey, Signatura 1700101, leg. 5 Azul (5A), exp. 78: Libro de Cabildo, Document 9.

universal emancipation, but painted a stark picture of local economic decline, as part of their effort to procure wider privileges and tax exemptions for the commune, such as the formal elimination of border tariffs on livestock.

Like the justifications given by Hernández and Martínez for dissolving the business partnership at Santa Isabel, the Ayuntamiento's argument juxtaposed the alleged hardships faced by large-scale landowners with the sudden empowerment of the "cultivators" who had once been held as slaves. As historian Quisqueya Lora Hugi has demonstrated through a close examination of the 1822 census and the series of labor contracts certified in Higüey during the early months of the unification, the Ayuntamiento's version of events did not accurately reflect the experiences of the majority of freedpeople in the commune. Lora Hugi identifies "domestics" and "cultivators" in the census who remained "attached" (*agregados*) to landowners who had claimed them as property before 1822. Lora Hugi also highlights the cases of "very important" planters such as Antonio Garrido and José Villavicencio, who complained that labor forces had abandoned their properties in the aftermath of unification. She concludes that in Higüey "the abolition of slavery opened a path for the departure of slaves who desired to leave, but many had no other option than to remain with their former masters."¹⁴

There is evidence that many citizens who had formerly been held as slaves in Santo Domingo, Higüey, and beyond made efforts to seek out an "independent" living to the extent that it was possible to do so.¹⁵ Antonia Saviñón had emphasized in her will that the fruits of her labor

¹⁴ "La abolición de la esclavitud abrió la brecha para la partida de aquellos esclavos que así lo deseaban, pero muchos no tenían otra opción que quedarse con sus antiguos amos." Lora Hugi, *Transición de la esclavitud al trabajo libre*, 93-97.

¹⁵ Perhaps more frequently, formerly enslaved people also sought out to improve the conditions of their labor. In this way, their experiences did not reflect a neat binary between newfound autonomy and dependence on former slaveowners.

had allowed both her and her ex-husband to move after emancipation from the house of Gregorio Saviñón, who had once claimed them as slaves.¹⁶ The former slaveowner María Josefa de Acosta of El Seibo complained in her will that before the unification, she had spent 50 pesos on a “domestic,” also named María Josefa, but that the latter was “lost due to the general liberty declared by His Excellency the President of the Republic at the moment of his arrival in this city” and had stopped working for Acosta thereafter.¹⁷ In Santo Domingo, María Mañón left 25 pesos for the “domestic” Victorino who had once labored in her home, but she noted that he was no longer present in the capital, having moved to the northern coastal city of Puerto Plata in the intervening years.¹⁸

¹⁶ Testamento de la Ciudadana Antonia Saviñón, oriunda de la Costa de África, 27 March 1827, AGN-RD, Fondo Protocolos Notariales, Signatura 709316, leg. 1/2643, Protocolo Notarial de José Troncoso y Antonio Abad Solano, 1827, Documento 36. See chapter 2 for further discussion of this case.

¹⁷ Testamento de la Ciudadana María Josefa de Acosta, natural de la Común del Seybo, 7 December 1825, AGN-RD, Fondo Protocolos Notariales, Signatura 709307, leg. 1/2634, Protocolo Notarial de Antonio Abad Solano y José Troncoso, 1822-1825, Folio 119, Document 47.

¹⁸ Testamento de la Ciudadana María Mañón, Natural de Santo Domingo, 28 February 1827, AGN-RD, Fondo Protocolos Notariales, Signatura 709306, leg. 1/2633, Protocolo Notarial de Antonio Abad Solano y Martín de Mueses, 1826, Document 74.

One foreign visitor, the former British consul to Haiti Charles Mackenzie, reported that the autonomy of formerly enslaved people was a frequent topic of conversation during his tour of the eastern side of the island in 1827. Landowning urban dwellers complained that there had “been no compensation for the slaves liberated at the revolution [the unification of 1822], many of whom having become soldiers, have left the proprietors without labourers.” Meanwhile, another “old settler” who lived in Higüey claimed that “at the revolution in 1822, all his slaves became inoculated, like Cornet Ollapod, with a military ardour, and left him for all the delights of a Haitian guard-room.” Charles Mackenzie, *Notes on Haiti Made During a Residence in that Republic* (London: Henry Colburn and Richard Bentley, 1830), Volume 1, 273; 292.

By contrast, Mackenzie reported that other former slaveowners were eager to highlight the purported loyalty of formerly enslaved people after 1822. In Santiago de los Caballeros,

Some citizens went further and demanded forms of restitution from those who had once held them as slaves. In September 1822, José Caraballo appeared before the *juez de paz* the commune of San Juan Bautista de Bayaguana to request remuneration from Julián Severino, who had formerly claimed Caraballo as a slave. Before the unification, Caraballo had loaned forty pesos in Spanish silver to Severino in return for the latter's promises to purchase his wife. According to Severino's testimony, this transaction had indeed occurred, but the forty pesos were a payment, rather than a loan, which he had in turn spent in order to reunite the spouses. After consulting with the *commandant de place* of Bayaguana, the judge ultimately ordered Severino to compensate Caraballo for the forty pesos, either in "the same coin" or in cows from his livestock.¹⁹

The frequent complaints of labor shortages by sugar planters in the Santo Domingo capital region seem to have reflected formerly enslaved citizens' efforts to secure new homes, occupations, and sources of income. At the same time, the refrains reflected planters' perceptions

Mackenzie wrote, "one of the old proprietors, who, from having no other resource, remained with his wife and family, informed me that not one of the former slaves on a small sugar property near to the town had left him; that they retained all the old customs, called him still 'Amo,' and asked his blessing on their knees whenever he visited them. I had been told that in other parts of Spanish St. Domingo, the slaves, who had been equally well treated with those of St. Iago, had, on the first proclamation of freedom, abandoned their masters to become soldiers, as being a more luxurious life." Mackenzie noted that the unidentified landowner had promised to show him proof of the ostensible bonds with the laborers on his property, but claimed that he had fallen ill at the last minute. Mackenzie, *Notes on Haiti*, Vol. 1, 214.

¹⁹ "ante el ciudadano Juez de Paz, parecio Jose Caraballo, y puso demanda contra el ciudadano Julian Severino, sobre q.^e le pague cuarenta pesos q.^e le presto en moneda de plata española... estando presente el mismo Severino, contesto diciendo q.e es cierto lo q.^e espone el ciudadano demandante pero q.^e a el le an informado q.^e no ay d.^{to} de pagarlo por motivo q.^e el prestamo fue por q.^e era su esclavo y le suplico que comprara su muger q.^e era tambien esclava q.^e para este fin se los pidio y efectivam.^{te} los enplio en d.^{ha} compra como el lo sabe." Compromiso de pago, 23 September 1822, AGN-RD, Archivo Real de Bayaguana (hereafter ARB), Signatura 1700055, leg. 37, exp. 16.

of an upended social hierarchy, leading them to exaggerate the political power of freedpeople and cultivators under the new administration. They thus misleadingly presented the state of commercial agriculture as a direct consequence of the unification, rather than of the economic forces that had long disadvantaged Santo Domingo in the competitive world market for sugar. In this context, the rhetoric of decline served their interests in several ways. For those like Ferrer and Cuebas who aspired to leave the island, it helped them to avoid financial liability for investments and failed commercial ventures. For those who remained in Hispaniola, it provided a mechanism for making claims on the Haitian state in order to preserve and bolster their economic position.

After the promulgation of the Code Rural in 1826, the planters of the southeast began to change their tune, and their expressions of loss and nostalgia for slavery became fewer and far between. Before long, the notarial offices of Santo Domingo were flooded with requests for bilateral labor and rental contracts. Landowners may have resorted to these contracts out of necessity, given that the code now prohibited them from allowing their cultivable lands to lie fallow. The language and conditions of the contracts, however, suggest that planters greeted the ratification of the code as a new opportunity for exerting greater control over laborers and thereby for augmenting production on their estates. For instance, the war commissioner Isidoro Pichardo began by invoking the goal of stricter plantation discipline in one labor contract that he signed with the overseer [*mayordomo*] Manuel de los Santos in April 1827. Pichardo testified that he had hired Santos specifically to take charge of the “management and rules [*gobierno y régimen*] that must be observed” on his plantation in La Esperilla. Santos was required to enforce the workday schedule fixed by the Code Rural, lasting from sunrise to sunset six days a week, during which time the cultivators could take no longer than two hours of breaks for meals. The

clauses of the agreement stipulated that Santos himself was henceforth subject to the same conditions. If he left the plantation for any reason without the Pichardo's permission, his contract would be rescinded and he would sacrifice his quarter share of the crops and livestock that he helped to raise.²⁰

A sample of the hundreds of contracts that reside in the notarial archives of Santo Domingo makes it clear that not all of the contracts were produced under the same conditions, nor did they contain the same stipulations. The wealthiest landowners generally signed mass labor contracts with large groups of cultivators at a time. This was the case of the contract between José Ruiz, the parish priest of the church of Santa Bárbara in Santo Domingo, and nineteen cultivators (including three children) whom Ruiz engaged to labor in “primary agriculture” on the San Carlos sugar plantation near the Ozama River. These laborers, all of whom were described by the notary as illiterate and therefore unable to read or sign the contract themselves, were henceforth obligated to “obey the orders” of the proprietor and the overseer, to remain on the plantation unless they received authorization to leave, and to “fulfill all of the obligations that appear in the Code Rural.” In return, they would each receive four pesos monthly, with the exception of two men, Francisco Estudillo and Manuel Delgado, who were to be compensated with two changes of clothes each year and daily provisions.²¹ The same month,

²⁰ “q.^e posee en pleno dominio y propiedad una habitación nombrada Nuestra Señora del Rosario en la Esperilla y para el gobierno y regimen q.^e en d.^{ha} se ha de observar ha contratado con el Ciudadano Manuel de los Santos para q.^e en clase de Mayordomo trabaje en dicha habitación baxo las condiciones siguientes.” Contrato de trabajo entre el Ciudadano Ysidoro Pichardo, Comisario de Guerra y Marina, y el Ciudadano Manuel de los Santos, 10 April 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709309, leg. 1/2636, Protocolo Notarial de José Troncoso y Antonio Abad Solano, 1827, Document 16.

²¹ “se presentó el Ciudadano Presbítero Doctor José Ruiz Cura de la Parroquial Yglesia de Santa Barbara y dixo que ha contratado con los cultivadores que mas adelante se nominarán para trabajar en la cultura primaria...Que estos cultivadores son obligados a obedecer las ordenes del

General Jérôme Maximilien Borgella signed a contract that followed the same script, in which over seventy cultivators (including an overseer and a “driver,” or *conductor*) were committed to work on the Santa Rosalía plantation for nine years, also in accordance with the terms of the Code Rural.²²

More common than these mass labor contracts, however, were personalized rental contracts, in which property-holders issued a portion of their lands to individual citizens or small groups of laborers in exchange for a monthly or annual fee or a portion of the resulting harvests. Following the stipulations of the Code Rural, the contracts obliged renters to establish fences around their plots of crops, and prohibited them from raising livestock that might be injurious to agriculture. In some cases, prominent landowners resorted to rental contracts in order to make use of empty portions of their properties or to supplement the yield of cash crops. Borgella himself rented out several plots that were “annexed” to Santa Rosalía, and though he stipulated that renters would be able to “enjoy” the fruits of their labor on the cultivated land, he reserved the right to claim any coffee that the renters might grow.²³

Propietario, o las que le diere el Mayordomo para el buen régimen que deben observar en los trabajos de la Habitación guardando todo el orden que previene la ley rural... que los cultivadores y su gefe están obligados a demás a llenar todas las obligaciones que convienen en el Código Rural.” Contrato de trabajo entre el Ciudadano José Ruiz, Cura de la Parroquial Iglesia de Santa Bárbara, y los cultivadores que mas adelante se nominarán, 26 February 1827, AGN-RD, Fondo Protocolos Notariales, Signatura 709315, leg. 1/2642, Protocolo Notarial de José Troncoso y Antonio Abad Solano, 1827, Document 45.

²² Contrato de trabajo entre el Ciudadano Gerónimo Maximiliano Borgella y los cultivadores que residen en su habitación, 6 February 1827, AGN-RD, Fondo Protocolos Notariales, Signatura 709315, leg. 1/2642, Protocolo Notarial de José Troncoso Y Antonio Abad Solano, 1827, Document 2.

²³ See, for instance, Contrato de arrendamiento entre el Ciudadano General Borgellá, Comandante de la parte del Este, y el Ciudadano Carlos Fernández, 19 February 1827, AGN-RD, Fondo Protocolo Notariales, Signatura 709318, leg. 1/2645, Protocolo Notarial de Antonio Abad Solano, 1827, Document 161.

In other cases, small-scale property-holders rented plots to family members and neighbors, sometimes without demanding rent for the land or revenues from their harvests.²⁴ Basilio Gascue, an African-born, formerly enslaved man who owned property in the shipyards of La Atarazana, rented a “patch of land” [*paño de tierra*] in Santa Cruz to Isabel María de la Cruz. Gascue encouraged Cruz to sow “the products of the land” alongside coffee and sugarcane, and required her to pay an annual rent of 6 pesos, along with the costs of the construction of her residence and kitchen on the property. Gascue did not include a stipulation claiming ownership of the crops produced on his property; instead, he offered to pay for the crops that she produced unless she decided not to renew her contract.²⁵ Some renters even sub-rented to other cultivators on the lands of wealthier property-holders, such as Benito Cabrero, “the principal tenant” on the property of María de Jesús Becerra, who rented “a piece” [*un pedazo*] of these lands to José Ramón.²⁶ In this way, renters and smallholders pursued alternative strategies for the division and use of arable lands while satisfying the formal contract requirements instituted by the new labor laws.

Shifting State Blueprints for *Dons Nationaux*

²⁴ Lora Hugi, *La transición de la esclavitud al trabajo libre*, 137-139.

²⁵ Contrato de arrendamiento entre los Ciudadanos Basilio Gascue e Isabel María de la Cruz, 12 February 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709306, leg. 1/2633, Protocolo Notarial de Antonio Abad Solano y Martín de Mueses, 1826, Document 67.

²⁶ Contrato de arrendamiento entre el Ciudadano Benito Cabrera y el Ciudadano José Ramón, 21 February 1827, AGN-RD, Fondo Protocolos Notariales, Signatura 709319, leg. 1/2646, Protocolo Notarial de José Troncoso, 1827, Document 8.

Following on the heels of the Code Rural, the Boyer administration announced a significant change of plans for the management of cultivable lands in the east. From the beginning of the unification in 1822, Boyer had promised to issue concessions to rural citizens who agreed to devote a certain percentage of their lands to growing cash crops for export. In a June 1822 proclamation followed by a circular to the *commandants d'arrondissements* stationed throughout the east, the president invited title-less citizens to occupy small plots of arable land on state soil.²⁷ In his instructions to military commanders, Boyer ordered that for an interval of five years, any citizen who had established such a farm and had begun to plant crops suitable for export (such as sugar, tobacco, coffee, cotton, or cacao) would be entitled to a concession in the form of an official title to the land. By May 1827, the five-year period had nearly drawn to a close, and Boyer issued a new circular prohibiting the formation of any new small plots on state soil without his express permission. “Now the dispositions of this proclamation can no longer have any effect,” Boyer declared, “for there must be limits to everything.” He concluded by instructing local commanders to survey the occupied plots on state soil in order to take stock of their precise location, the number of citizens who inhabited them, the type and volume of crops that they produced.²⁸

²⁷ No. 789: Proclamation en français et en espagnol, renfermant certaines dispositions en faveur des habitants de la partie de l'Est de la République, 15 June 1822, in Linstant Pradine, *Recueil des lois et actes du gouvernement d'Haïti depuis la proclamation de son indépendance jusqu'à nos jours*, Tome 3: 1818-1823 (Paris: Auguste Durand, 1860), 471-476.

²⁸ “Maintenant les dispositions de cette proclamation ne peuvent plus avoir aucun effet, car il faut des bornes à tout.” No. 1100: Circulaire du Président d'Haïti, aux commandants des arrondissements de la partie de l'Est, relative à ceux qui occupent sans titres les terres de l'Etat, 17 May 1827, in Linstant Pradine, *Recueil des lois et actes du gouvernement d'Haïti depuis la proclamation de son indépendance jusqu'à nos jours*, Tome 5: 1827-1833 (Paris: Auguste Durand, 1866), 47-48.

Boyer's decision not to extend the period of availability of these small concessions likely reflected the president's frustration at what he perceived to be a tepid response to his initial offer from inhabitants of the rural east. In these communes, the majority of landless citizens may have preferred to pursue a mixture of ranching, subsistence farming, and slash-and-burn agriculture in the large portions of woodlands known as *los montes*, rather than agreeing to grow cash crops on small parcels of fixed arable land.²⁹ Moreover, the continuing prevalence of *terrenos comuneros*, in which wide access was the norm, made it possible for rural inhabitants to occupy and cultivate land that was shared among different co-owners.³⁰ Given the widespread availability of unfenced lands (whether in the form of *terrenos comuneros*, remote *montes*, or both), some citizens may have worried that state concessions would restrict, rather than expand, what they saw as their longstanding property rights based in possession and use.

The greatest obstacles to the wide-scale implementation of the concessions policy in the east were the limited number of available parcels on state soil and Haitian leaders' selection process for land grants, which favored clients of the government. As the previous chapter demonstrated, administrators had been reluctant to seize residences, farmlands, or buildings that were currently claimed as property by existing residents, even if these establishments were

²⁹ Historians Frank Moya Pons and Richard Turits agree that rather than simply reflecting the administration's designs for increased state control and cash crop production in rural Santo Domingo, the early-unification era policies betrayed Boyer's fundamental miscalculation that the promise of small concessions would outweigh and replace established practices and ideas about rural property ownership. According to Turits, "above all, the Haitian leaders never grasped that peso title owners' [i.e., co-owners of *terrenos comuneros*] 'tolerance' of squatters meant that there was minimal popular interest in agrarian reform. Given the scarce population and cattle ranchers' unintensive forms of land use, peasants had access to the land they needed without legal titles." Turits, *Foundations of Despotism*, 46-47. See also Frank Moya Pons, *La dominación haitiana, 1822-1844*, 4^a edición (Santo Domingo: Librería la Trinitaria, 2013), 67.

³⁰ Turits, *Foundations of Despotism*, 42-43.

situated on soil that the law of July 1824 had theoretically nationalized. In those cases in which authorities identified “vacant” or unclaimed properties on expropriated soil, such as plantations once owned by a single titleholder who had fled overseas, the Boyer administration gave preference to civil servants, military officers, and other representatives of the Haitian state. In this way, national leaders elevated large-scale commercial agriculture at the expense of mixed farming for domestic consumption and subsistence, especially in the wake of the indemnity and the Code Rural.

“National gifts” or *dons nationaux* (written in Spanish-language documents as *donec nacionales*), as such state land grants were called, served as a mechanism for promoting and rewarding service to the republic across the island. During the 1807-1818 administration of Alexandre Pétion in southern Haiti, thousands of *dons nationaux* had been distributed not only to military officers, but to rank-and-file soldiers and civilian cultivators. Pétion hoped that the land concessions would help to reverse a state fiscal crisis and guarantee popular support for the southern state during the military conflicts with Christophe’s northern kingdom. More broadly, Pétion remained convinced that export agriculture could only be restored after the revolution by redistributing property to landless cultivators and by giving them incentives to participate in both local and international markets. Rather than a rejection of large plantations in favor of smallholdings, Pétion’s concessions policy has been portrayed in recent scholarship as an effort to reach a symbiotic balance between cash crops for export (*denrées*) and everyday provisions (*vivres*). During this earlier period, the distribution of *dons nationaux* provided an opening for

rural cultivators to gain legal recognition of property rights and to negotiate further opportunities for small-scale and mixed agriculture.³¹

The Pétion administration's concessions continued to shape land tenure in the west well after Boyer's ascension to power. The British subject Charles Mackenzie claimed that the sugar plantations he visited during a tour of Les Cayes in 1827 were "more or less, in a dismembered condition" due to the reforms. "Pétion's agrarian system was established and now prevails, although the government has ceased to make further grants," Mackenzie wrote. "This system leads the negroes to the mountains, of which I saw the proofs, and consequently there arises a scarcity of labourers for the large estates."³² In the countryside outside of Port-au-Prince, the visitor noted, some of the original concessionaries had transferred their properties to new occupants who kept livestock and cultivated coffee alongside "such articles as Guinea grass and vegetables." Finally, he remarked that other citizens lived on the land without paying rent and traveled intermittently to the capital to perform wage labor for "foreign residents."³³

Echoing the plantation owners of the eastern riverbank regions, Mackenzie painted an exaggerated portrait of agricultural decline to bolster a deeply racist argument (and an incoherent one, given his own evidence) about the Haitian population's alleged aversion to labor after emancipation. Nevertheless, his account of cultivators' mixed patterns of land use bears close resemblance to more reliable sources from the period. An 1828 petition presented to the *grand*

³¹ René, "Le Culte de l'égalité," 139-179. For more on the origins and outcomes of the land reform, see especially Leslie François Manigat, *La politique agraire du gouvernement d'Alexandre Pétion, 1807-1818* (Port-au-Prince: Imprimerie La Phalange, 1962).

³² Mackenzie, *Notes on Haiti*, Vol. 1, 95-98.

³³ *Ibid*, Vol. 1, 36.

juge by a citizen named Cupidon Guillotte, who lived in the mountains of Kenscoff just south of Port-au-Prince (one of the areas visited by Mackenzie the previous year), aimed at obtaining a legal title to a portion of the territory granted to one of Pétion's subordinates a decade earlier. Guillotte insisted that he had not simply squatted on the land, but had used it to plant both a plot of coffee for export and a small garden to provide for his family.³⁴ Guillotte invoked Haitian leaders' dominant rhetoric surrounding labor and land use, highlighting his own mixed farming practices in order to agitate for an implicit expansion of the concessions program under Pétion's successor.

By the time of Guillotte's petition, however, state agrarian policy had begun to transform as a result of the unification of the island, the indemnity agreement, and the Code Rural. On the surface, the porte-paroles of the Boyer administration continued to portray the allocation of lands as a mere extension of Pétion's land redistribution program. Nonetheless, they became more discriminating in their selection of concessionaries, excluding most cultivators and rank-and-file soldiers, while attaching new requirements to *dons nationaux* that complemented their increasing fixation on cash crop production. Boyer thus attempted to renegotiate the compromise between the exigencies of commerce and the aspirations of the rural majority of cultivators, and affirmed his willingness to place the power of the state in the service of renewed large-scale agriculture.³⁵ This broader political shift helps to explain Boyer's retraction of the offer of small concessions

³⁴ This petition was located by historian Jean-Alix René. As René points out, "la coexistence des denrées (café) et du jardin de vivres est la preuve de l'opérationnalisation du compromis et donc de l'adhésion au pacte de domination." René, "Le Culte de l'égalité," 176.

³⁵ This argument draws from René, "Le Culte de l'égalité," 220-265.

in the east, raising a further barrier to landownership for many civilians and non-commissioned military recruits there.

The wording of the grants themselves bore subtle traces of the shifting objectives for concessions. Two months after the promulgation of the Code Rural, Boyer authorized a don national of 30 carreaux of coffee-growing lands to “Citizen Moulia,” an artillery captain stationed in the eastern town of Azua, on the condition that he survey the land within six months and “cultivate it or have it cultivated in such a way as to produce commodities for export.”³⁶ The printed template of the grant began by citing a statute from April 1814, which guaranteed all active-duty officers in the army a portion of the “national domains” of plantations that had been expropriated after the Haitian Revolution.³⁷ This law had fixed the quantity of land that would be accorded to each officer based on rank, and had mandated that concessionaries pay an official state land-surveyor to measure their grants. It did not, however, stipulate that the recipients of dons nationaux were obliged use the land to produce commodities for export. Nor had the law

³⁶ “Jean-Pierre Boyer, Président d’Haïti, en vertu de la Loi du Sénat, en date du 26 Avril 1814, an 11^e de l’Indépendance, avons concédé et concédons, par ces présentes, à perpétuité et en toute propriété, au Citoyen Moulia, Capitaine de la Compagnie d’Artillerie d’Azua, ses hoirs ou ayant-causes, à titre de Don National, pour, par lui, ou par eux, en jouir et disposer comme de leur légitime propriété, la quantité de Trente carreaux de terre à prendre sur l’habitation caféyère ci-devant Possigla appartenant à l’Etat, située dans l’Arrondissement d’Azua. A la charge par le susdit Concessionnaire, de faire arpenter, dans le délai de trois mois au moins et de six mois au plus, en présence de ses voisins limitrophes, la terre qui lui est concédée ; de la cultiver ou faire cultiver de manière à produire des denrées pour l’exportation, ensemble les vivres que la terre sera susceptible de rapporter, et de n’y jamais souffrir personne dans l’oisiveté ; le tout sous les peines de droit.” Jean-Pierre Boyer, Don National No. 224 au Citoyen Moulia, 31 July 1826, in *Entrega de título*, 2 July 1856, AGN-RD, Archivo Real de El Seibo, Signatura 1700074, leg. 32, exp. 99.

³⁷ No. 384: Loi portant récompense aux chefs de bataillon ou escadron, capitaines, lieutenants et sous-lieutenants en activité dans les armées de la République, 27 April 1824, in Linstant Pradine, *Recueil des lois et actes du gouvernement d’Haïti depuis la proclamation de son indépendance jusqu’à nos jours*, Tome 2: 1809-1817 (Paris: Auguste Durand, 1860), 257.

warned recipients against “idleness,” which the 1826 grant now prohibited “under sanctions of law.”³⁸ These were new clauses that Boyer and Secretary-General Joseph Balthazar Inginac (who also signed each grant) had added to the printed form of the dons nationaux, revealing their hope that the distribution of lands would stimulate cash crop production in the east and produce additional revenue for the state.³⁹

³⁸ Such language was similarly absent from the texts of earlier dons nationaux authorized by Alexandre Pétion. One June 1814 grant to second lieutenant Pierre Grand, located on part of an expropriated coffee plantation in the arrondissement of Nippes in southwest Haiti, also began by citing the same statute from April 1824. Furthermore, it included a nearly identical stipulation that the recipient consult a state surveyor to measure the property with the input of the immediate neighbors. This document contained no instructions for Grand regarding his future use of the land, however, nor did it demand the production of crops for export. Alexandre Pétion, Donation Nationale au Citoyen Pierre Grand, sous-lieutenant adjudant major du 2.^e B^{on} du 8^e Régiment, 10 June 1814, in Library of Congress (hereafter LOC), Manuscript Division, MMC 2814: Celestine Bencomo Haitian Collection, 1775-1915.

³⁹ Importantly, these conditions were included in western land grants issued by the Boyer administration as early as 1822, thus bolstering Jean-Alix René’s argument that Boyer used dons nationaux to promote large-scale commercial agriculture even before the indemnity agreement and the financial pressures that it imposed on the state. See Jean-Pierre Boyer, Don National No. 1 au Citoyen François Augustin, Sous-lieutenant des Grenadiers du 2^e Bataillon du 16^e Régiment, 2 January 1822, in LOC, Manuscript Division, MMC 2814: Celestine Bencomo Haitian Collection, 1775-1915. René, “Le Culte de l’égalité,” 220-265.

There were exceptions to this general trend, however. In August 1819, Boyer granted a small don national of 5 carreaux on the former Habitation Brisson, located in the arrondissement of Nippes, to the “mère de famille” Louise Bellegarde. In a handwritten note that bore little resemblance to the printed scripts of later dons nationaux, Boyer issued a provisional title without imposing any conditions on Bellegarde for her use of the land. See Jean-Pierre Boyer, Don National à la Citoyenne Louise Bellegarde, 26 August 1819, in LOC, Manuscript Division, MMC 2814: Celestine Bencomo Haitian Collection, 1775-1915.

Elsewhere in western Haiti, Boyer authorized the division and sale of state lands to private citizens. In 1824, for instance, he instructed treasury officials to accept 16 gourdes from Henriette Talon in return for the “estimated price” of a parcel of state land in Grand Goâve. See Jean-Pierre Boyer au Trésorier Général, 15 November 1824, in Archives Nationales d’Haïti, Section historique, Site Poste Marchand (hereafter ANH), Présidence, Collection Jean-Pierre Boyer, No folio number.

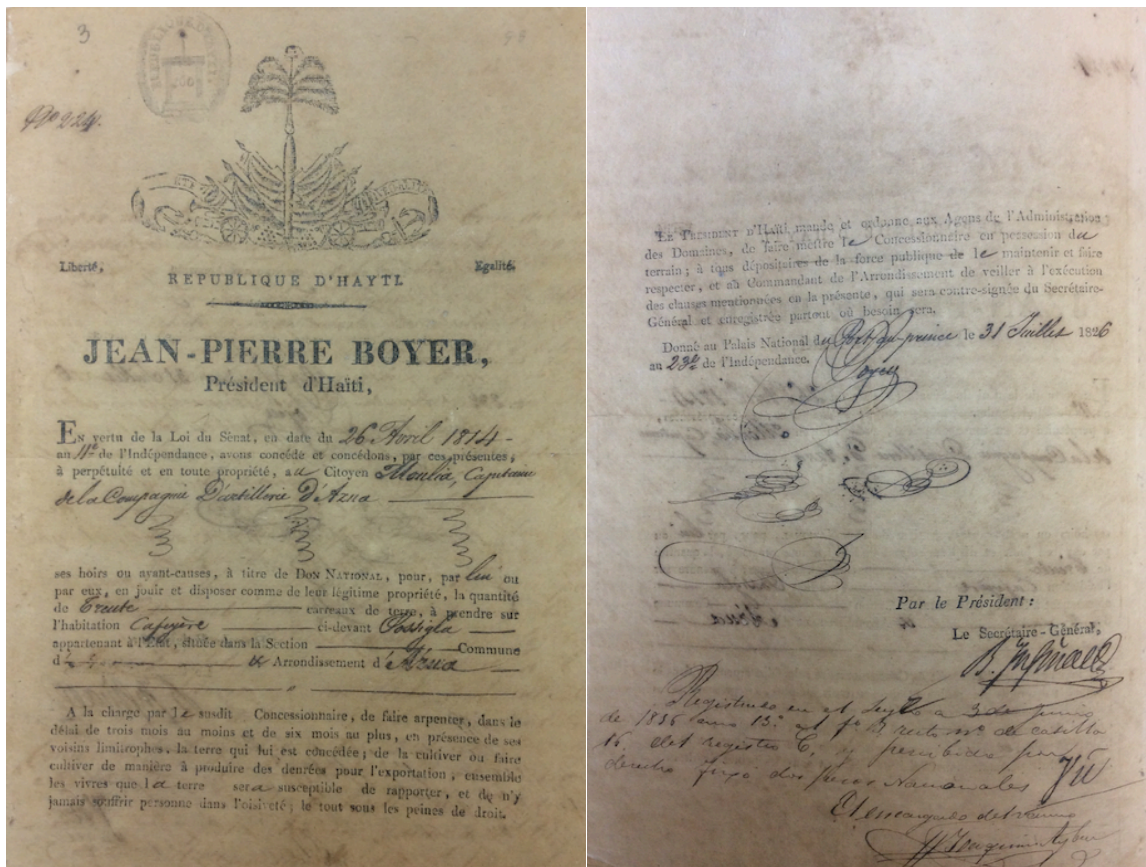


Figure 3: Jean-Pierre Boyer, Don National to Citizen Moulia, 31 July 1826.
 Source: AGN-RD, Archivo Real de El Seibo, Signatura 1700074, Legajo 32, Expediente 99

Surveys, Partitions, and Sales of Eastern Concessions

By the outset of the unification, dons nationaux were generally reserved for Haitian officials and located around towns and major urban centers. On the surface, therefore, they were inaccessible to the majority of the population living in the rural communes of the east. Beginning in 1825, Boyer granted portions of plantation grounds located on the banks of the Ozama, Isabela, and Haina rivers to military officers stationed in the capital, including quartermaster (*garde-magasin*) Antoine Lamothe Duthiers, grenadier Émile Parmentier, and captain adjutant José Ramón Márquez.⁴⁰ Other recipients included customs director Louis Marc Renaud,

⁴⁰ Jean-Pierre Boyer, Don National No. 1395 au Citoyen Antoine Lamothe Duthiers, Garde-Magasin de Santo Domingo, 20 March 1826, in AGN-RD, Fondo Protocolos Notariales,

lieutenant colonel Juan Santillán, and José Troncoso, the leading Spanish-language notary in the capital.⁴¹

Colonel Pablo Alí, the commander of the colonial-era *batallón de morenos* that had now been reorganized into Regiment 31 of the Haitian army, obtained a grant to one of the oldest sugar plantations in Hispaniola. This was the *ingenio* Santa Ana de Engombe (located approximately 20 kilometers northwest of the walled city of Santo Domingo), whose former owner Andrés Angulo had left the island.⁴² The *ingenio* Engombe was an exceptionally generous “gift.” When Alí acquired the plantation in 1824, it encompassed 522 *carreaux* of land and

Signatura 704058, Protocolos Notariales de Mariano y Joaquín M., 1823-1887, Folio 364; Jean-Pierre Boyer, Don National No. 1527 au Citoyen Émile Parmentier, Grenadier du 32^e Régiment, 31 July 1826, in AGN-RD, Fondo Protocolos Notariales, Signatura 703891, Comprobantes Notariales de José Heredia, Folio 90; Jean-Pierre Boyer, Don National No. 121 au Citoyen José Ramón Márquez, Capitaine adjudant de la Place de Santo Domingo, 13 September 1825, in AGN-RD, Fondo Protocolos Notariales, Signatura 704058, Protocolos Notariales de Mariano y Joaquín M., 1823-1887, Folio 311.

⁴¹ María Filomena González Canalda, *Libertad Igualdad: Protocolos notariales de José Troncoso y Antonio Abad Solano, 1822-1840* (Santo Domingo: Archivo General de la Nación, 2013), 87-88.

⁴² First established in the sixteenth century during Santo Domingo’s early sugar boom, the *ingenio* Engombe was partially destroyed during the 1655 British siege of Santo Domingo. The plantation was reconstructed and purchased by the Ángulo family sometime in the late eighteenth century. By 1795, at least twenty enslaved women and men labored on the plantation. See Genaro Rodríguez Morel, “The Sugar Economy of Española in the Sixteenth Century,” in *Tropical Babels: Sugar and the Making of the Atlantic World, 1450-1680*, ed. by Stuart Schwartz (Chapel Hill: The University of North Carolina press, 2004), 85-114; Alberto Rodríguez y Rodríguez, *El azúcar como hacedor de historia y de comunidades* (Santo Domingo: Editora Universitaria de la UASD, 1985), 29-31; Carlos Esteban Deive, *La esclavitud del negro en Santo Domingo*, Tomo 2 (Santo Domingo: Museo del Hombre Dominicano, 1980), 454; and Erwin Walter Palm, *Los monumentos arquitectónicos de la Española* (Santo Domingo: Universidad de Santo Domingo, 1955), 89.

included a residence with eleven rooms, a mill, a boiling house, and at least eight separate plots of sugar cane.⁴³



Figure 4: Undated Photo of the Ingenio Engombe.
Source: República Dominicana, Ministerio de Cultura

The notarial archives of the city of Santo Domingo confirm that the recipients of dons nationaux were some of the first landowners to sign labor and rental contracts in accordance with the terms of the Code Rural. Francisco “Dessalines” Dalmassy, the Gendarmerie officer who had built a small fortune selling transport animals to Haitian soldiers, signed contracts with at least three cultivators to work on his don national in Dajao, just north of the capital.⁴⁴ Pablo Alí

⁴³ For an inventory of the don national given to Pablo Alí, see *Entrega de la Hacienda Santa Ana de Engombe al Ciudadano Pablo Alí*, 5 April 1824, in AGN-RD, Fondo Protocolos Notariales, leg. 1/2629, Signatura 709304, Comprobante de Protocolos de José Troncoso y Antonio Abad Solano, Año 1824, Document 114.

⁴⁴ For more on Dalmassy, see chapter 1. *Contrato de arrendamiento entre el Ciudadano Francisco Dalmacie, alias Salinas, y el Ciudadano Leon Laureno*, 28 March 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709310, leg. 1/2637, Protocolo Notarial de José Troncoso y Antonio Abad Solano, Document 150; *Contrato de arrendamiento entre el Ciudadano Francisco Dalmacie, alias Salinas, y el Ciudadano Martin Chavez*, 29 March 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709310, leg. 1/2637, Protocolo Notarial de José Troncoso y

authorized the cultivators Marie Thérèse, José Ermenegildo, Ciprian Corneil, and José Candelaria Pimentel to occupy separate portions of the Engombe plantation in return for their individual agreements to grow crops, care for livestock, and in the last three cases, to issue regular payments for use of the land.⁴⁵ For his part, Pimentel testified in his 1826 will that he had set up a “small farm” [*pequeña estancia*] on Engombe “sown with necessary provisions along with two hundred coffee trees,” providing confirmation that the rental arrangement had permitted him to engage in mixed agriculture. Pimentel also declared that he rented a *bohío* on the Calle de los Gerónimos in the capital. That Pimentel divided his time between these two properties suggests that he transported and perhaps even sold crops from Alí’s lands in Santo Domingo, which would explain how the cultivator procured enough income to invest in cows and other “*bestias*,” to settle his outstanding debts, and to leave his sister a small inheritance of both cash and hens after his death.⁴⁶

Antonio Abad Solano, Document 151; and Contrato de arrendamiento entre el Ciudadano Francisco Dalmacie, alias Salinas, y el Ciudadano José Chavez, 29 March 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709310, leg. 1/2637, Protocolo Notarial de José Troncoso y Antonio Abad Solano, Document 152.

⁴⁵ Contrato de arrendamiento entre el Ciudadano Pablo Alí y el Ciudadano José Ermenegildo, 23 February 1827, in AGN-RD, Fondo Protocolos Notariales, leg. 1/2646, Signatura 709319, Protocolo Notarial de José Troncoso, año 1827, Document 38; Contrat synallagmatique entre le Colonel Paul Aly du 31^e Régiment et la Citoyenne Marie Thérèse cultivatrice en cette commune, 20 January 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 703695, Comprobante de Protocolo de Mariano Montolío y Ríos, Miguel Joaquín Alfau, y Bernardo de Jesús González, años 1821-1896, Folio 177; Bail à ferme d’une portion de terre sur la Ingombe du Colonel Paul Aly, 8 November 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 703753, Comprobante de Protocolo Notarial de Tomás Bobadilla, 1816-1827, Libro B700, Folio 231; Testamento del Ciudadano José Candelaria Pimentel, 14 December 1826, in AGN-RD, Fondo Protocolos Notariales, Signatura 704060, Protocolo Notarial de Tomás Bobadilla, años 1834-1839, Document 91.

⁴⁶ Testamento del Ciudadano José Candelaria Pimentel, 14 December 1826, in AGN-RD, Fondo Protocolos Notariales, Signatura 704060, Protocolo Notarial de Tomás Bobadilla, años 1834-1839, Document 91.

Military officials often rented plots on *dons nationaux* to their own subordinates.

Alexandre Martel, for example, a captain in Regiment 31, signed a five-year contract with the soldier Juan Portalatín Herrera.⁴⁷ While the Code Rural formally exempted cultivators from conscription and prohibited them from volunteering for military service once they had signed labor contracts, it did not prevent current soldiers from performing short-term labor as cultivators on the side.⁴⁸

Civilians who were ineligible for *dons nationaux* managed to gain access to these lands through different means. In particular, *dons nationaux* were often broken up into smaller parcels over time as owners sold portions of their grants to local buyers. This was the fate of a set of municipal lands known as *el ejido*, located approximately one hundred kilometers northeast of Santo Domingo in the commune of El Seibo.⁴⁹ During the colonial period, the Crown had granted these lands to the *cabildo* (town council) of El Seibo to serve as common grazing pastures. After the promulgation of the law of July 1824, the Boyer administration nationalized them on the grounds that they were the property of the “previous government” of Santo Domingo.⁵⁰ As he had with the riverbank plantations of the capital region, president Boyer divided the grazing lands of the *ejido* among high-ranking officials who resided in the city of

⁴⁷ Contrato de arrendamiento entre el Ciudadano Alexandro Martel y el Ciudadano Juan Portalatín Herrera, 3 April 1827, in AGN-RD, Fondo Protocolos Notariales, leg. 1/2636, Signatura 709309, Protocolo Notarial de José Troncoso y Antonio Abad Solano, Año 1827, Document 2.

⁴⁸ René, “Le Culte de l’égalité,” 245-246.

⁴⁹ Derived from the Latin word for “exit,” the term *ejido* was used across colonial Latin America to refer generically to uncultivated public lands that were reserved for livestock.

⁵⁰ Rudolf Widmer S., *La propiedad en entredicho: Una historia documental de Higüey, Siglos XVII-XIX* (Santo Domingo: Editora Manatí, 2004), 259-260.

Santo Domingo, including Marcellin Pierre, Jean Mathurin, Lindor Domínguez, and Narcisse Ricard, all of whom were officers in Regiments 31 and 32.⁵¹

Rather than contracting laborers, however, the concessionaries all opted to sell their grants to landowners who lived closer to the ejido itself. This option allowed the recipients to avoid the high start-up costs of beginning crop production on previously uncultivated grazing lands, and averted the need to pay future property taxes.⁵² Gradually, the *dons nationaux* that Boyer set aside for individual officers in the capital thus became accessible to a greater number of residents of rural communes, especially those with institutional connections to the grantees and those with enough capital to pay for the land up front. Marcellin Pierre, for instance, sold his 5 *carreaux* to Juan José de los Reyes, a commander of the National Guard of El Seibo, for 20 pesos in September 1833.⁵³ Jean Mathurin sold 20 *carreaux* to Jean-Baptiste Richiez and Pedro

⁵¹ Mensura Catastral, 18 September 1833, in AGN-RD, ARS, Signatura 1700079, leg. 37, exp. 29; Venta de terrenos por el Ciudadano Marcelino Pierre al Ciudadano Juan José de los Reyes, 28 September 1833, in AGN-RD, ARS, Signatura 1700078, leg. 36, exp. 178; and Venta de terrenos por el Ciudadano Lindor Domínguez al Ciudadano Pedro Gautreau, 8 September 1827, in AGN-RD, ARS, Signatura 1700067, leg. 25, exp. 138.

⁵² As Leslie Manigat shows, the practice of selling *dons nationaux* was common from the beginning of the land concession program under the Pétion administration. According to Manigat, “maints concessionnaires considéraient les dons nationaux comme une valeur à réaliser au plus vite, la terre elle-même ne les intéressant guère ou que fort peu. La loi ne posant aucune interdiction ni aucun délai à cet égard, les ventes se multiplièrent à un rythme rapide. La nécessité explique sans doute quelques-unes de ces ventes car certains bénéficiaires ne savaient que faire avec la terre nue, sans matériel et sans semences... Or, en plus de cela, les concessions étaient frappées d’un impôt indirect : raison de plus pour s’en débarrasser.” Manigat, *La politique agraire*, 35.

⁵³ “a saber de cinco carroes de terrenos que a titulo de Don Nasional fueron concedidos por su excelencia el Presidente de Hayti, sobre los terrenos conocidos por el Egido del Pueblo en el Llano cercanías de esta villa, pertenecientes al estado en esta misma común, como consta de la carta que con fecha de diez de Agosto de mil ochocientos veinte y seis año veinte y tres de la Yndependencia en cuya época era Sargento mayor del mismo Regimiento le fue despachada por su excelencia Registrada en el oficio de Dominios el dos de Octubre del año ya espresado la qual nos ha presentado y de tenerla a la vista yo el Notario publico doy fe; los quales sinco carroes de

José Mahou, respectively the *juez de paz* of the commune and the scribe of the local Council of Notables.⁵⁴

In September 1827, a year after receiving a grant of 25 *carreaux*, Lindor Domínguez sold it to Pierre Gautreau, an adjutant stationed in El Seibo.⁵⁵ Gautreau added it to his own donational of 30 *carreaux*, then agreed to sell the entire plot of 55 *carreaux*, described in successive documents as “stock-raising grounds for cattle and horses” (*sitios criaderos de ganado mayor*), to the merchant and rancher Manuel Florencio in August 1832.⁵⁶ For his part, Florencio considered different options for using the land. In March 1834, he offered to trade the 55 *carreaux* for a ranch (*hato*) known as Sabana Rodeo and “a great number of head of livestock in

terrenos Mesurados por el Ciudadano Jonatas Granville agrimensor de la Republica como consta del proceso verbal que tiene en su poder el comprador en virtud de las facultades que su excelencia le concede se los ha vendido al dicho Juan José de los Reyes en precio y cantidad de veinte pesos.” Venta de terrenos por el Ciudadano Marcelino Pierre al Ciudadano Juan José de los Reyes, 28 September 1833, in AGN-RD, ARS, Signatura 1700078, leg. 36, exp. 178

⁵⁴ Venta de terrenos por el Ciudadano Juan Mathurin a los Ciudadanos Juan Bautista Richies y Pedro José Mahou, 29 March 1833, in AGN-RD, ARS, Signatura 1700078, leg. 36, exp. 146.

⁵⁵ Pierre Gautreau was identified in some documents as Pedro Gautreau, Gotro, Gotrau, or Gautreaux, but he signed his own name in French, suggesting that he was of western Haitian descent.

“que vende realmente y con efecto al Ciudadano Pedro Gautreau Capitan Ayudante de esta Plaza, una Consecpcion de veinte y cinco carroes de tierra que a titulo de Don Nasiona le fue hecha por S. Ex.a el Presidente de Hayti sobre los terrenos conosidos por Exidos del Llano pertenecientes al Estado en f.ha de treinta y uno de Julio del año pasado de ochosientos veinte y seis siendo a la epoca teniente de la quarta del primer batallon de dho Regimiento segun todo consta de la carta que nos ha presentado vista y registrada en el oficio de Dominios en veinte y quatro de Enero de este año,” Venta de terrenos por el Ciudadano Lindor Domínguez al Ciudadano Pedro Gautreau, 8 September 1827, in AGN-RD, ARS, Signatura 1700067, leg. 25, exp. 138.

⁵⁶ Otorgamiento de promesa de venta por el Ciudadano Pedro Gautreau al Ciudadano Manuel Florencio, 27 August 1832, in AGN-RD, ARS, Signatura 1700064, leg. 22, exp. 18.

cattle” belonging to Juan Francisco Costanza.⁵⁷ Florencio and Costanza apparently changed their minds, for the following year they settled on a different arrangement. Costanza returned with two of his family members and pledged to exchange 400 pesos worth of “animals and jewelry” for 50 *carreaux* of the land. The members of the Costanza family would each claim a third of the land, while Florencio would retain 5 *carreaux* “to keep a small farm [*fundo*] and several animals.”⁵⁸

Portions of the *don* national granted to Narcisse Ricard in August 1826 were also divided into distinct parcels. The land was first purchased by Norberto Linares, the *preposé d’administration* of El Seybo, who then sold 11 of the original 20 *carreaux* to a local merchant Jean Morel in September 1833.⁵⁹ Three years later, Linares sold the remaining 9 *carreaux* to the

⁵⁷ “Comparesieron los Ciudadanos Manuel Florencio habitante Criador en el Llano, y vesino de esta Comun y Domicilio, y Juan Francisco Costanza habitante en serro gordo tambien de este vecindario y domicilio a quienes doy fe que conosco y dixeron Que ellos han contratado mutuamente el cambar y permutar sin quenta y cinco carreso de terrenos que el primero tiene y posee con Justo titulo en los del Llano , conocidos por el exido del Pueblo por haverlos comprado al Ciudadano Pedro Gotreau Ayudante de esta Plaza, por un derecho o puesto de hato que el segundo tiene y posee con igual derecho y propiedad en los terrenos de Quiabon arriva donde llaman Sabana Rodeo sobre treinta y seis pesos de tierra, con considerable numero de cabezas de ganado Bacuno,” Permuta de terrenos entre los Ciudadanos Manuel Florencio y Juan Francisco Costanza, 19 March 1834, in AGN-RD, ARD, Signatura 1700082, leg. 40, exp. 171.

⁵⁸ Venta de terrenos por el Ciudadano Manuel Florencio a los Ciudadanos Juan Francisco Costanza, José Costanza, y Tomasina Costanza, 1 September 1835, in AGN-RD, ARS, Signatura 1700094, leg. 52, exp. 24.

⁵⁹ “compareció el Ciudadano Narciso Ricardo teniente del Regimiento treinta y uno que guarnece esta misma plaza y dijo que declara y confiesa haber recibido del Ciudadano Pedro Gotreau, Capitan Ayudante de Plaza de la Comun del Seybo, como apoderado especial del Ciudadano Norberto Linares, Preposé de Administracion de la misma común del Seybo, la suma de cuarenta pesos, precio en que le ha vendido todos y cualesquiera derechos que tiene adquiridos sobre veinte carroes de tierra que en Don nacional le ha dado su Excelencia el Presidente de Hayti baxo el Numero ciento treinta y cuatro en el parage nombrado el egido del Pueblo viejo del Llano Yaguaques en la jursidiccion del Seybo que corresponde al Estado reservando la correspondiente escritura de venta luego que se hallan llenado las formalidades que previene el Artículo diez y seis de la ley segunda del Codigo Rural cuyos costos son de cuenta de Linares: Y en el ínterin le servirá el presente recibo para que con el don nacional ocupe su lugar voces y acciones como legitimo propietario.” Venta de veinte carroes de tierra por el Ciudadano

laborer Joaquín Milches. This final fragment of the land was apparently best suited for small farming. Linares explained to notary Domingo Pérez that the land comprised a *bohío*, three garden plots for essential provisions (*conucos de víveres*), a coconut tree, and “several other fruit trees.”⁶⁰ Notwithstanding the conditions attached to the dons nationaux, therefore, neither the initial grantees nor the subsequent proprietors of the lands of the ejido followed Boyer’s explicit instructions to cultivate “primary” commodities for export. Instead, they sold the land, used it to raise livestock, or farmed for subsistence and local consumption, all of which activities required less investment and attention than planting cash crops. In this way, the successive sub-divisions

Norberto Linares al Ciudadano Norberto Linares, 19 August 1833, in AGN-RD, Fondo Protocolos Notariales, Signatura 703754, Protocolo Notarial de José Troncoso, Año 1833, Document 115, Folio 127.

The second sale was agreed upon *sous seing privé* without the participation of a notary, but the land surveyor Jonathan Granville testified that he had seen a copy of the resulting document (which he described as “un acte sous seing privé enregistré à Seybe le 18 Septembre de cette année qui constate que le Citoyen Linares a vendu le seize de ce mois onze carreaux à mon requérant à prendre sur les vingt qu’il a achetés du S.^s L.^t Narcisse Ricard”). Mensura Catastral, 18 September 1833, in AGN-RD, ARS, Signatura 1700079, leg. 37, exp. 29.

⁶⁰ “En la Comun del Seybo, el dia quince de septiembre de mil ochocientos treinta y seis año treinta y tres de la independencia, ante nos Domingo Perez Notario publico de esta dicha comun, del Resorte del Tribunal civil de Santo Domingo, Residente y Domiciliado en ella, y testigos que se nominaran, comparecieron los Ciudadanos Joaquin Milches habitante labrador en Buenas Noches, y el Ciudadano Pedro Mahou, Greffier del consejo de Notables de esta dicha comun, a quienes doy fe que conosco y dixeron que haviendo el primero comprado al Ciudadano norberto linares oficial de administracion de esta comun, un fundo cituado en el parage de Buenas noches, ya espresado que es comprehendido en los terrenos del Llano, conocidos por el exido del Pueblo, el qual es compuesto de un Buhio de dos aposentos, tres conucos de viveres, una palma de cocos, con otros arboles frutales; todo en presio y cantidad de doscientos quarenta pesos comprehendidos en dicha cantidad nueve carroes de terrenos de los veinte carroes que el dicho Norberto Linares hubo y compró del Ciudadano Narciso Ricard, subteniente del treinta y un Regimiento, quien los hubo por Don Nacional concedido a el por el Presidente de Hayti, el nueve de Agosto de mil ochocientos veinte y seis año veinte y tres de la independencia.” Compra de terrenos por los Ciudadanos Joaquín Milches y Pedro Mahou, 20 September 1836, in AGN-RD, ARS, Signatura 1700072, leg. 30, exp. 27.

of dons nationaux enabled and protected patterns of land use that diverged considerably from national authorities' projects.

Yet the gradual breakup of some concessions into smallholdings did not mean that landowners and notaries simply ignored the law. Before authorizing the transfers of dons nationaux, notaries were required to ensure that the parties had fulfilled the stipulations of article 16 of law 2 of the Code Rural, which mandated that any "property located in the countryside" must be fully surveyed before it could be sold. Without proof of an official survey, a citizen who wished to sell his or her land could not legally obtain a notarized title transfer, but had to settle instead for a "promise of sale." In this document, a notary would certify that prospective buyer had put forth a sum of money in return for a future property transfer, which would take place when the buyer hired a licensed land surveyor (*arpenteur/agrimensor*) to measure the limits of the land in question.⁶¹ In El Seibo, however, there was no such land surveyor for years after this requirement went into in force.⁶² Pedro Gautreau and Manuel Florencio thus used the mechanism of the promise of sale to negotiate the transfer of the 55 carreaux of Gautreau's land, but they both recognized that the sale could not be finalized until Florencio returned to the notary's office with a survey in hand.

⁶¹ Historian Quisqueya Lora Hugi finds evidence that promises of sale were common in neighboring Higüey well into the 1840s. She argues that they served as a mechanism for titleless citizens to procure some degree of legal proof of a property transfer and for local authorities to oversee such transfers without violating the terms of the Code Rural. See Lora H., *Transición de la esclavitud al trabajo libre*, 143.

⁶² In March 1830, for instance, notary Domingo Pérez noted that he could not fully certify the sale of 30 pesos of *terrenos comuneros* in the section known as Jovero on the northern coast of the island, since there were no land surveyors in the commune to determine the limits of the portion of land. See Ratificación de venta de treinta pesos de terrenos por el Ciudadano Alexo Sánchez al Ciudadano Manuel de los Reyes, 30 March 1830, in AGN-RD, ARS, Signatura 1700075, leg. 33, Años 1700-1883, exp. 39.

After the arrival of Pierre-Joseph-Marie “Jonathas” Granville in 1833, residents of El Seibo could begin to request land surveys without having to visit a larger city like Santo Domingo. A former national commissioner in the Boyer administration, Jonathas Granville had traveled to eastern Hispaniola in 1823 in order to oversee and inspect the operations of the new Haitian civil tribunals after the unification.⁶³ In May 1824, Granville was appointed by Boyer to serve as an emissary to the United States. Traveling between the eastern cities of New York, Philadelphia, and Baltimore, Granville led the state campaign to promote African-American emigration to Haiti.⁶⁴ Upon his return to Hispaniola, Granville became the director of the *lycée national* in Port-au-Prince, but resigned in 1832 in protest of the arrest and imprisonment of Joseph Courtois, the editor of the newspaper *La Feuille du Commerce*.⁶⁵ Granville received permission to resume his old position as a land surveyor, a role that he had performed under the Pétion administration, and in September 1833 he retired to El Seibo, where he owned at least 58 *carreaux* of land that he had purchased during his first visit to Santo Domingo.⁶⁶ As he traveled through the east, Granville found that his professional services were much needed. Upon his arrival in El Seibo, he wrote to a letter to a friend in Port-au-Prince thanking him for forwarding

⁶³ Jonathas Henri Théodore Granville, *Biographie de Jonathas Granville par son fils* (Paris: Imprimerie de E. Brière, 1873), 20.

⁶⁴ Sara Fanning, *Caribbean Crossing: African Americans and the Haitian Emigration Movement* (New York and London: New York University Press, 2015), 84.

⁶⁵ For a copy of Granville’s resignation letter, see Jonathas Granville to Jean-Pierre Boyer, 30 December 1832, in Granville, *Biographie*, 26.

⁶⁶ Venta de 58 carros de tierra por el Ciudadano Santiago Garay Heredia al Ciudadano Jonatas Granville, 9 September 1823, in AGN-RD, Fondo Protocolos Notariales, leg. 1/2628, Signatura 709303, Protocolo Notarial de José Troncoso, Año 1823, Document 209.

maps of the region and asking him to send additional tools, which he would use to draw up surveys for local residents.⁶⁷

Granville surveyed much of the ejido during this period, and the maps that he produced show how local landowners and authorities together attempted to give concrete shape to the abstract grants that Boyer had issued from Port-au-Prince. Eager to conclude the purchase of 11 carreaux from Norberto Linares, Jean Morel contracted Granville immediately after his arrival in the area in September 1833. After reviewing the original copy of the don national (in Narcisse Ricard's name) and the subsequent acts and promises of sale of the land, Granville began to sketch the contours of the plot based on what he perceived to be the most prominent markers in the area, including the Seibo River and the public road that led to the northern village of El Jovero. Neither Ricard, Linares, nor Morel gave the surveyor any specific indications of how they had delineated their territory. Instead, Granville walked in a series of straight lines between the river and the road until he had measured an approximate area of 11 carreaux (See Figure 5).⁶⁸

⁶⁷ “Je te remercie beaucoup des plans que tu m’as envoyés, ils me seront fort utiles pour différents arpentages que j’ai à faire quand je m’en retournerai à Samana ... Je te prie de me procurer un graphomètre à quelque prix que ce soit; j’arpente avec une boussole, et la pluie l’a un peu décollée, comme il n’a personne dans ces parages que puisse l’arranger, je crains de me voir sans instrument, et pour ces pays pluvieux, un graphomètre vaut mieux qu’une boussole.” Jonathas Granville to Sénateur Rigaud, 3 September 1833, in Granville, *Biographie*, 273-278.

⁶⁸ “Pour procéder a l’opération dont il s’agit je me suis transporté au point désigné sur mon plan figuratif par la lettre A au bord de la rivière de Seybe; de ce point j’ai pris les trois directions suivantes: est, deux cent trente cinq pas, sud, trente pas; est, cent vingt pas, qui font les trois lisières ab, bc, cd, arrivé au point d, j’ai relevé les sinuosités du chemin public, qui conduit de Seybe à Jobero jusqu’au point e; de la j’ai pris la direction nord quarante cinq degrés est en chainant cent pas jusqu’au point f; de ce point courant au nord trente deux degrés ouest j’ai chainé soixante cinq pas jusqu’au point q d’où je suis parti en chainant cent trente pas dans la direction ouest vingt degrés sud jusqu’au point h. Retournant au point a et relevant les sinuosités de la rivière de Seybe je suis arrivé au point j; calculant alors mon terrain, j’ai été faire ouvrir la lisière hi en courant deux cent vingt cinq pas au Sud, enfin j’ai joint le point i au point j par une lisière de cent quatre vingts pas à l’ouest.” Jonathas Granville, *Mensura Catastral*, 18 September 1833, in AGN-RD, ARS, Signatura 1700079, leg. 37, exp. 29.

Months later, he repeated this process on a larger scale in order to authorize Manuel Florencio's purchase of 55 carreaux from Pierre Gautreau. This time, Granville calculated the area of the plot between the Seybo River, the road that traversed the plains north of the town, and a nearby ravine.⁶⁹

⁶⁹ "Pour proceder à l'opération dont il s'agit je me suis rendu au point désigné sur mon plan figuratif par la lettre A au bord de la rivière de HF dont j'ai relevé les sinuosités jusqu'au point b, je suis retourné au point A et prenant la direction nord trente degrés est j'ai chaîné cent cinquante pas jusqu'au point C au bord du chemin de la plaine don't j'ai relevé les sinuosités jusqu'à la ravine du vieux bourg que j'ai suivie jusqu'au poitn d, de ce point me dirigeant au nord trente deux degrés est j'ai chaîné quatre vingt dix pas jusqu'au point e où j'ai trouvé un chemin vicinal dont j'ai également suivi les sinuosités jusqu'au point F; de la j'ai pris la direction nord vingt neuf degrés est et j'ai chaîné trois quatre vingt pas jusqu'au point g, me dirigeant ensuite à l'ouest vingt six degrés nord j'ai chaîné cinq cent vingt cinq pas, jusqu'au point h, la mon réquerant m'a dit qu'il n'avait pas besoin que j'ouvrise la lisière hb; je l'ai calculé et elle est de sept cent trente pas sud vingt quatre degrés ouest jusqu'au point où j'ai cassé de relever les sinuosités de la rivière de Seybe." Jonathas Granville, Mensura Catastral, 10 June 1833, in Venta de terrenos por el Ciudadano Manuel Florencio a los Ciudadanos Juan Francisco Costanza, José Costanza, y Tomasina Costanza, 1 September 1835, AGN-RD, ARS, Signatura 1700094, leg. 52, exp. 24.



Figure 5: Jonathas Granville, Survey of 11 *carreaux* belonging to Jean Morel, 18 September 1833. Source: AGN-RD, ARS, Signatura 1700079, Legajo 37, Expediente 29

These were likely the first maps of the countryside surrounding El Seibo that had been produced by an official in the national Haitian government. More than a representation of the “natural” boundaries that divided the area, they depicted an amalgamation of different claims to the ejido, including those of the Haitian state and those of the individuals who intended to acquire property there. As Granville’s surveys suggest, the division of public lands into ostensibly distinct, privately-held plots was the result of, rather than a precondition for, the distribution of these lands as *dons nationaux*. National administrators’ efforts to make large concessions available for commercial agriculture after the Code Rural far outstripped their

capacity to take stock of the rural lands that they had nationalized in 1824. In this context, local landowners continued to determine these limits on their own and requested official surveys to enable legal title transfers. In the end, by purchasing portions of *dons nationaux*, whether for commercial speculation, ranching, or small farming, these individuals both expedited the partition of the *ejido* and acknowledged the state's authority to redistribute the territory in the first place.

The transformation of the *ejido* into *dons nationaux*, and subsequently into smaller fenced plots for ranching and provisions, illustrates one strategy by which eastern citizens participated in the construction and application of Haitian law on the ground. In El Seibo, the Code Rural made it possible for local residents to claim shares of public lands under the guise of stimulating production, even if they had no intention of planting cash crops for export. In other rural communes, by contrast, officials never managed to distribute *dons nationaux* due to the lack of available state lands.⁷⁰ In the absence of such measures, the most common form of landed property remained *terrenos comuneros*, or fractional rights to undivided shares of land.⁷¹ Like the

⁷⁰ In far-eastern Higüey, for instance, officials complained that there were few state properties at all. José Alejandro González to Étienne Ponthieux, 12 July 1827, in AGN-RD, ARH, Signatura 1700134, leg. 31R, exp. 71: Libro copiador de correspondencias. 2 January 1827 to 28 December 1827.

⁷¹ José Alejandro González, the *juez de paz* of Higüey, confirmed in one letter that the lands in his district were “all *tierras comuneras*,” and claimed that “not one [resident] had drawn limits around his or her territory.” José Alejandro González to Étienne Ponthieux, 20 March 1828, in AGN-RD, ARH, Signatura 1700120, leg. 16A, exp. 19: Libro copiador de oficios, 2 January 1828 to 29 December 1828, Folio 11.

Historian Richard Turits distinguishes between the meanings of *terrenos comuneros* and *tierras comuneras* during the twentieth century, suggesting that the latter reflected propertyless citizens' own conceptions of unoccupied or open access land. He contrasts these popular visions of “communal lands” with *terrenos comuneros*, which were jointly held by co-owners with shared usufruct rights. Given that González's 1827 letter described peso title holders who had not demarcated their territory rather than citizens who used land without any proof of ownership, it

proprietors of the ejido, however, these rural residents staked claims to terrenos comuneros in the language of Haitian law, evoking the necessity of limits and boundaries for their own properties and for the state itself.

does not appear that the *juez de paz* was invoking such a distinction, which may not have crystallized by the early nineteenth century. Instead, González appeared to be using the terms *tierras* and *terrenos* interchangeably. For more on the later meanings of *tierras comuneras*, see Turits, *Foundations of Despotism*, 43.

Chapter 4 The Perfect Union of Neighbors

On 7 May 1823, a year and three months after the declaration of unification and three years before the promulgation of the Code Rural, the juez de paz of the commune of Higüey received a letter from brigadier general Gabriel Veret, the Haitian military commander charged with overseeing the political transition in the far eastern regions of the former colony of Santo Domingo. The general explained to the judge that a local pig farmer named Sebastián Núñez had recently paid him a visit to lodge a legal complaint, one which had yet to be resolved by the local civil authorities under the judge's authority. Núñez had protested that he had been the victim of a series of animal thefts, and that he had identified the culprit: a local *montero* named Vicente Hernández, a native of the village of Bánica in the center-island region. The term *montero* was a vague one, usually referring a rural inhabitant who lived in the largely uncultivated, untamed, and uncleared hinterland known as *el monte*. There, so-called *monteros* usually engaged in a mixture of hunting, unfenced livestock raising, and slash-and-burn agriculture. Núñez had presented his case before the Tribunal de Paz of Higüey, resulting in a court order that mandated that Hernández cease to hunt within the lands claimed by Núñez and his neighbors. Even after the promulgation of the order, Núñez insisted, Hernández had continued to steal and slaughter pigs. Núñez's ensuing pleas had gone unanswered, but General Veret's letter apparently did the trick, for the tribunal quickly opened a new investigation into Hernández's alleged crimes.¹

¹ “Le citoyen Sebastien est venu me porter plainte à l’égard du C.n Bicentre Hernandez qui lui a fait des vols d’animaux il m’a representé que vous ne lui avez fait aucun droit, je vous invite aussitot la presente reçu de vouloir bien lui rendre justice en le faisant payer les objets que lui a été enlevés et en punissant sévèrement le voleur. J’espère citoyen Juge que vous ne tarderez pas

Over the next several days, Núñez produced ten witnesses who confirmed his version of events, all of whom called attention to Hernández's frequent appearances in the area as well as his repeated promises to reimburse his fellow neighbors for having slaughtered their pigs. The witnesses agreed that Hernández had no stable profession; instead, he lived an itinerant lifestyle and slaughtered whatever animals he could find in order to survive. In a final petition that he submitted to the court, Núñez strongly agreed with their impressions. "Hernández can do little," he insisted, "except sustain himself at the expense of others' exertions since he reaps no benefit whatsoever from his own personal labor." Núñez concluded his argument by recapitulating his portrait of Hernández as "a neighbor who is an enemy of tranquility and who is useless to society, the State, and the property-holdings of his fellow citizens."²

During his interrogation before the tribunal, Hernández denied that he had unlawfully hunted any domesticated animals. Hernández insisted that he had only ever pursued feral pigs on grounds that had long been home to his wife's family. He explained that these were *terrenos comuneros*, or jointly held lands in which fractional rights to use— rather than portions of territory— were shared among multiple co-owners. Hernández claimed that he was literally

a rendre cette justice." Gabriel Veret, Général de Brigade, to José Alejandro González, juez de paz de Higüey, 7 May 1823, in AGN-RD, Archivo Real de Higüey, Signatura 1700133, leg. 30 Rojo (30R), exp. 8: Querella por daños y perjuicios, Folio 1.

² "Hernandez no puede menos que mantenerse a expensas del sudor ageno cuando el no tiene absolutamente auxilio alguno que provenga de su trabaxo personal, en razón de ser tan desaplicado a ninguna industria quanto dado al desprecio comercio de montar y lo que es peor en citios domesticos y criaderos de todo vecino, dañándonos entonces no solo robando sino ahuyen tanto y disperando lo que se le escapa que viene a ser un nuevo modo de destruir la crianza absolutamente. La actuación hasta el presente no dexa la menor duda, por el contrario concluye a Hernandez por un vecino enemigo de la tranquilidad, inútil a la sociedad al Estado y por ultimo la poliza de las propiedades de sus conciudadanos." Petition of Sebastián Núñez to the Tribunal de Paz of Higüey, 20 May 1823, in AGN-RD, Archivo Real de Higüey, Signatura 1700133, leg. 30 Rojo (30R), exp. 8: Querella por daños y perjuicios, Folio 45.

following in the footsteps of his father-in-law, who had first “opened the paths” through the forests and converted them into hunting grounds. No one had ever prevented his predecessor from slaughtering the pigs that he captured on these lands, Hernández continued. Although other citizens had since begun using the same hunting paths, Hernández insisted, they had done so in spite of the fact that they held no formal title to the lands.³

Núñez and Hernández each denounced the other as an intruder. Yet neither of the men produced any written titles that backed up their claims to the lands where the thefts had allegedly taken place. This lack of documentation did not stop both the defendant and the plaintiff from asserting their own status as property holders. Together, they argued that the “liberal” laws of Haiti protected their rights to ownership of land and animals.⁴ In this way, they invoked the private property guarantees of the 1816 constitution and foreshadowed the legal distinctions between proprietors and landless cultivators that would be formalized by the 1826 Code Rural.

The case concluded after an intervention by the government commissioner Jonathas Granville, who had traveled from Port-au-Prince to El Seibo in the summer of 1823 to oversee

³ “que estaban tambien en terrenos de su pertenencia por ser comunero...dijo que el montea en las monterias simarona y no en las mansas y que montea en las dichas porque su muger tiene alli terrenos de su antecesores por lexitima paternidad de su padre y que como quando su suegro monteaba no ubo uno que se le estorbava pues esos caminos que hay en esa monteria los abrio el y que como ahora ponen emulo en el quando todo montean en donde el montea y que como a los que no son amos como Jose Sedeño y otros barios no se le pone ostaculos a que monte y responde.” Declaración de Vicente Hernández, 12 May 1823, in AGN-RD, Archivo Real de Higüey, Signatura 1700133, leg. 30 Rojo (30R), exp. 8: Querella por daños y perjuicios, Folios 39-40.

⁴ As Núñez concluded, “it is incontestable and self-evident that the Tribunals must punish and make reparations for those crimes which are most frequent and most contrary to the conservation of the property of each individual, as is guaranteed by the code of the liberal laws that govern us.” Petition of Sebastián Núñez to the Tribunal de Paz of Higüey, 20 May 1823, in AGN-RD, Archivo Real de Higüey, Signatura 1700133, leg. 30 Rojo (30R), exp. 8: Querella por daños y perjuicios, Folio 45.

the installation of Haitian tribunals in the district. With Granville's assistance, the juez de paz determined that both parties held rights the terrenos comuneros in which the alleged thefts had taken place. With the help of his witnesses, Núñez had demonstrated that he too, like Hernández, had a claim to ownership that was based on his long-term possession of the lands in question. What Núñez had not proven, however, was that Hernández had slaughtered any domesticated animals. Since none of the slaughtered pigs had been branded, they had been indistinguishable from the feral pigs that grazed in the area, which were fair game for hunters like Hernández. Citing the "delicateness" of the case and questioning what "might become" of Hernández's "reputation and good standing" as a "property-holding citizen and father of a family," the judge cleared him of all charges. Yet in the final portion of the sentence, commissioner Granville and the judge offered a set of instructions to Hernández, exhorting him to give up his activities as a montero and "to dedicate himself to the honest profession of agricultural laborer, as this is the only reliable [profession] for the advancement of those of his class."⁵

This seemingly-ordinary dispute among two neighbors over a case of alleged pig slaughter revealed authorities' larger visions for the future of rural Santo Domingo, as well as local citizens' strategies for making claims to lands under the new government. Granville and the magistrates of the Higüey tribunal criticized the traditional economy that had long sustained

⁵ "considerando la delicadeza con que debe arivarse la reputasion y buena fama de un ciudadano propietario y padre de familia... desde luego en nombre de la republica se declara que sebastian nuñez no ha comprobado su querella como provarla debía y que Vicente Hernandes aparese yndigne en el delito que se le acomulava en cuya virtud se la hara saber está libre de todo apremio y en el uso de sus derechos encargándosele deje la profesión ... que ejercia y se dedique a la onesta profesión de agricultor como única segura para el progreso de los de su clase." Sentencia proclamada por José Alejandro González, juez de paz de esta común, asistido del Ciudadano Granville, comisario del gobierno cerca del tribunal de casación, 6 August 1823, in AGN-RD, Archivo Real de Higüey, Signatura 1700133, leg. 30 Rojo (30R), exp. 8: Querella por daños y perjuicios, Folios 59-61.

monteros like Hernández, because this economy did not serve state or planter interests. Their instructions to Hernández reflected the priorities of most Haitian administrators from both sides of the island, who hoped to achieve an ideal division of land and labor between a class of propertyholders and a class of propertyless cultivators that would serve as the foundation for an unprecedented post-emancipation plantation society.

In theory, residents of terrenos comuneros were divided into two major groups: (1) so-called co-owners who held peso titles, or joint ownership titles denoting each owner's fractional claim to the undivided comunero site, and (2) squatters who lacked such titles, but who might assert claims to the same sites based on long-standing possession or "prescription rights" that were an established part of Spanish law. Like Núñez and Hernández, however, most rural citizens who claimed to be co-owners lacked any form of formal written documentation of their putative peso titles to the terrenos comuneros where they lived and worked. As authorities increasingly upheld private property as the foundation for a postemancipation plantation society, many of these titleless rural inhabitants would engage in renewed efforts to claim the status of "property-holder" under Haitian law and to distinguish themselves from other residents whose claims they likened to squatters' rights. According to judicial records from the eastern communes of El Seibo, Bayaguana, and Higüey, residents of terrenos comuneros frequently brought suits before the local civil courts known as Tribunales de Paz in order to resolve disputes over resources, to influence the ways in which fellow residents used "their" lands, and to prevent others from taking up residence in the lands without permission. They based their claims on multiple sources, producing witnesses who testified to their and their families' long-term possession of the lands, and, in some cases, citing the property protections enshrined in Haitian

constitutional and civil law.⁶ As they struggled to resolve the everyday disputes among neighbors over land tenure and use, Haitian authorities usually recognized these claims based in performance and possession as legitimate sources of the rights of property ownership. For their part, titleless residents could now point to local court rulings as evidence of durable property rights in *terrenos comuneros*. In this way, the reforms that had sought to eradicate jointly held lands ultimately played a major role in their preservation for generations after the unification itself had ended.

“Every man must do the same, lest he be accused”: Legal Languages of Anti-Vagrancy

In November 1828, the smallholder and farmer Jacinto Martiniquen appeared before the Tribunal de Paz of Higüey to declare that someone else’s horse had eaten his crops. Martiniquen, whose surname (or alias) might indicate that he was a recent migrant from Martinique,⁷ explained that returning home one day, he had encountered an unfamiliar horse tied to a post on the path that led to his property. Upon further inspection, Martiniquen noticed that the horse was eating an ear of corn that had been cut from his own stalks. Martiniquen took both the horse and the half-eaten piece of corn in question to the military commander of the district, and together they inspected the horse’s brands and determined that it belonged to a man named Esteban de Jesús. Jesús was brought before the Tribunal de Paz, where he pleaded guilty to having taken the

⁶ My analysis of the “many legalities” of Haitian Santo Domingo is informed by Christopher L. Tomlins and Bruce H. Mann, eds., *The Many Legalities of Early America* (Chapel Hill and London: University of North Carolina Press, 2001); and Carol M. Rose, *Property and Persuasion: Essays on the History, Theory, and Rhetoric of Ownership* (Boulder and Oxford: Westview Press, 1994).

⁷ Martiniquen was a phonetic transcription by the hispanophone scribe of the French and Kreyòl word for “Martinican.”

corn and agreed to pay a fine of two pesos to Martiniquen. Before the conclusion of the proceedings, the magistrates reminded Jesús that “property is sacred and inviolable” and that “only the owners themselves, and no other individual, can make use of their harvests as their own.”⁸

In his initial testimony that launched the investigation, Martiniquen had drawn the court’s attention to the importance of his *labranza* and his *conuco*, consisting of a small farm and provision grounds, of which the crop of maize was a part. “The Code Rural of Haiti stipulates that men must work to cultivate the land”, Martiniquen’s petition began. “Convinced that every man must do the same, lest he be accused of vagrancy,” Martiniquen had filled his *labranza* with plantings of “corn and various other provisions for his sustenance.”⁹ Although Martiniquen did not explicitly accuse Jesús of vagrancy, he highlighted his own agricultural labor so as to bring Jesús’ alleged transgression into clearer relief. Where Martiniquen had followed the instructions of the Code Rural and exerted considerable efforts to work the land, Jesús had done neither, and had simply taken the corn that he had found. To the court, it apparently mattered little that Martiniquen’s argument about the meaning of the Code Rural contrasted sharply with national

⁸ “abiendo comparecido le preguntó el juez que si aquel conuco era sullo para que ubiera echo el daño de yr a cortar un may en perlas para su caballo que si no sabe que la propiedad es sagrada e ynbiolable que solo los mismos dueños pueden disponer de sus cosechos y no otro particular dijo que er averdad que abia cortado aquellos tallos para su caballo entonces el juez le mandó poner en arresto y mando a nombre de la ley pagara dos pesos al amo de la labranza,” Orden de aprehensión, 5 November 1828, AGN-RD, Archivo Real de Higüey, Signatura 1700120, leg. 16 Azul (16A), exp. 44.

⁹ “compareció Jacinto Martiniquen y dijo que teniendo una labranza bien apercida sembrada de may y de otros barios biberes para su sostenimiento como lo previene el Código rural de Hayti en que los hombres deban la bral cultural la tierra bajo de esta misma ley y persuadido que todo hombre debe hacer lo mismo para no ynputarlo por bago,” Orden de aprehensión, 5 November 1828, AGN-RD, Archivo Real de Higüey, Signatura 1700120, leg. 16 Azul (16A), exp. 44.

leaders' rhetoric and the text of the law itself, both of which sought to promote commercial agriculture and to curb provisions farming.¹⁰ Martiniquen cited the law to emphasize his status as both a farmer and property-holder, implying that his commitment to cultivation (in any form) complemented the policies of Haitian leaders and local administrators alike.

In an indication of the extent of popular perceptions of the legal changes that had accompanied the unification, Martiniquen built his principal argument on the anti-vagrancy provisions of the Code Rural. The code had distinguished between professionals who possessed official licenses to exercise a specific skilled occupation, on the one hand, and the rest of rural citizens who were expected to labor as cultivators. All those who failed to do so were to be charged with vagrancy and held until they signed contracts with employers. In this way, the code's provisions provided a legal vocabulary and a procedural framework for local authorities to negotiate their relationship to departmental and national leaders, to respond to disputes among rural inhabitants, and to legitimate the convictions of suspected lawbreakers by casting them as delinquents, itinerants, or unproductive members of society.¹¹ In turn, those individuals who were labelled as, or likened to, "vagrants" often demonstrated a thorough knowledge of the

¹⁰ Here is the full text of Article 3 of the Code Rural: "Tous les citoyens étant obligés de concourir à soutenir l'Etat soit par leurs services, soit par leur industrie, ceux qui ne seront pas employés civils ou requis pour le service militaire; ceux qui n'exerceront pas une profession assujettie à la patente; ceux qui ne seront pas ouvriers travaillans, ou employés comme domestiques ceux qui ne seront pas employés à la coupe des bois propres à l'exportation; ceux enfin qui ne pourront pas justifier leurs moyens d'existence devront cultiver la terre." *Code Rural d'Haïti* (Port-au-Prince: Imprimerie du Gouvernement, 1826), 1-2.

¹¹ This argument draws on Kate Ramsey's analysis of the implementation of the Code Rural and the Code Pénal in western Haiti during the same period of the Boyer administration. Ramsey finds that rural police and *juges de paix* had considerable room to interpret the law according to local norms and popular pressures. Kate Ramsey, *The Spirits and the Law: Vodou and Power in Haiti* (Chicago and London: University of Chicago Press, 2011), esp. 70-71.

language of the Code Rural in their efforts to avoid punishment and compulsory labor. They highlighted evidence of their training in a craft or ownership of landed property, sought the protection of military officers or other landowners, and sometimes moved to more remote communes where enforcement of the Code was more limited.

Long before the arrival of Haitian troops in the east, local authorities throughout Santo Domingo had levelled charges of vagrancy against *monteros* and propertyless rural inhabitants who scraped out a semi-independent living across the vast hinterland of colonial Santo Domingo.¹² In 1817, during the final years of restored Spanish colonial rule, the *alcalde* of Higüey José Alejandro González had heard such a case against Salvador Mercedes, a native of El Seibo who was identified as a *moreno libre* (free black man). Witnesses attested that Mercedes had worked short-term jobs at various logging sites near San Cristóbal, but that he exercised no “honest” profession. One witness claimed that Mercedes was the associate of an animal thief based out of nearby Chavón. Mercedes did not possess any landed property, and he was known to carry a pistol and a sword, clear proof of his “wicked tendencies.” He had neglected his familial duties and abandoned his children. “That the countryside should be expurgated and cleaned of this kind of men, whose evils are so detrimental to society, is one of the principal aims of the authorities,” González proclaimed.¹³

¹² Historian Quisqueya Lora Hugi finds evidence of Spanish colonial authorities’ efforts to eradicate vagrancy as early as 1508. See Quisqueya Lora Hugi, *Transición de la esclavitud al trabajo libre en Santo Domingo: El caso de Higüey* (Santo Domingo: Academia Dominicana de la Historia, 2012), 128.

¹³ The case of Salvador Mercedes was located by historian Quisqueya Lora Hugi, who interprets the proceedings against him as evidence of authorities’ attempts to “criminalize” the “means of survival” of free people of color. In her view, the case helped to “produce a clear association between social and racial prejudices.” As she concludes, “[i]n reality, Mercedes was accused of nothing more concrete than living without much regard for his six children and brandishing a sword and a pistol.” See Lora H., *Transición de la esclavitud al trabajo libre*, 129-130.

In 1821, several months before the declaration of unification, residents of Higüey testified against another man whom they depicted as a “vagrant.” Like Salvador Mercedes, the accused individual (who is not identified by name in the surviving fragment of the case) allegedly possessed no property in land, displayed little enthusiasm for work, and had brandished weapons. As one witness characterized him before the *alcalde constitucional* Ramón Soñé,

Well, he is not known to have even a single hen, nor any clothes or furnishings except those that he carries with him, which are his weapons. With these objects, he lives off of witchcraft like a black maroon (*negro cimarrón*), constantly making rude remarks and audacious threats. . . . Neither is he known to have a house, nor even a rural dwelling to live in. He eats and sleeps wherever he wants at midday and at night, and for this reason he wanders around as if his own shadow frightened him, like a man who has committed many crimes. Finally, it is known that there is no one more disinclined to work than he.¹⁴

“se me a entregado un hombre preso, llamado Salvador Mercedes, Moreno Libre, que aprendió en el Parage nombrado San Cristóbal, de esta Jurisdicción, sin saber el de su residencia en que denota ser enteramente vago, y desaplicado al trabajo, y por otro tanto tenido y reputado por tal, sin que se le conosca ningun exercicio honesto de que vivir, y en atención a ser esta una de las principales miras de la superioridad, el que se expurguen y limpien los campos de esta especie de hombre tan perjudiciales a la sociedad como por los males que ocasionan, debía de mandar y mandé se asegure en la Carcel Publica de esta villa encargando su carcelaria al cabo de la guardia. . . . es hombre enteramente desaplicado por estar de corte en corte de maderas, y en cada uno no hace mas que un palo al cabo de muchos tiempos. . . . que es hombre cargado de familia y la tiene enteramente abandonada, que no le conoce oficio ni exercicio honesto en que vivir que solo se aplica a pasar su vida olgasana y andar de continuo armado con una pistola y una espada denotando su mala ynclinacion. . . . Su compañía solo es con un moso llamado Marcos Perez, residente en el parage llamado Chavon, el qual no tiene otro exercicio que es robar toda especie de animales y lo que pueda encontrar.” Autos criminales seguidos por el Alcalde José Alejandro González contra Salvador Mercedes vecino de la villa del Seibo por ser holgazán, 1 March 1817, in AGN-RD, Archivo Real de Higüey, leg. 7, exp. 13: Proceso por vagancia.

¹⁴ “Pues no se le conoce ni una Gallina, ni tampoco más ropa ni ajuares que los que carga consigo, que son sus armas, con las que vive como negro cimarrón echando continuamente rabotadas y roncadas de valentías, y principalmente de las brugerías que es de lo que más se aprecia, que tampoco se le a conocido casa ni aun un rancho para vivir, que come y duerme donde quiera que le coge el medio día, y la noche y para esto siempre anda como espantándose de su misma sombra, como hombre que tiene muchos delitos y finalmente que no se aconocido otro mas desaplicado al trabajo.” Declaración contra un vagabundo, [May?] 1821, AGN-RD, Archivo Real de Higüey, leg. 32 BR, exp. 40, Folio 1.

By portraying suspects as dangerous criminals who shunned work and practiced witchcraft, the *alcaldes*' questioning and witnesses' testimonies reflected and reproduced wider concerns about the perceived autonomy of free people of color in the sparsely-populated interior.¹⁵ Following the declaration of unification, and especially after the promulgation of the Code Rural, local authorities (in many cases former colonial officials themselves) and other rural citizens would denounce "vagrants" in language that directly echoed these earlier accusations against men like Salvador Mercedes.

Yet the Haitian statutes defining and prohibiting vagrancy, and the ensuing contests over their application, were not merely a continuation of colonial-era legislation or litigation. Against the backdrop of the late eighteenth-century Bourbon reforms, officials in Santo Domingo had called for stricter vagrancy laws in part to surveil and to prevent the growth of the free population of color, which far outnumbered the enslaved population of the colony. One administrator, Joaquín García, argued that the frequency of manumission was principally responsible for the proliferation of the masses of "black vagrants" who had spread across Santo Domingo's rural *montes*. The framers of the 1784 Código Negro Carolino, a collection of statutes intended to standardize the law of slavery (but which was never implemented by the Crown), went so far as to order the forced resettlement of the free population of color from the

¹⁵ As historian Raymundo González has argued, eighteenth-century colonial officials in Santo Domingo had used the "generic" terminology of vagrancy to refer to the "multitude of free blacks who lived dispersed throughout the *montes* and the underpopulated hillsides of the Spanish part of the island." Their efforts to combat such "vagrancy," he suggests, preceded and informed the drafting of the Código Negro, legislation that sought to restrict the free population of color by regulating maronnage and manumission. Raymundo González, *De esclavos a campesinos: Vida rural en Santo Domingo colonial* (Santo Domingo: Archivo General de la Nación, 2011), 86-88. See also Richard Lee Turits, *Foundations of Despotism: Peasants, the Trujillo Regime, and Modernity in Dominican History* (Stanford: Stanford University Press, 2003), 36-37.

countryside to urban centers. They presented this drastic project a necessary precondition for the enforcement of vagrancy laws and for the preservation of the colony's slave society more generally.¹⁶

With the anti-vagrancy provisions of the Code Rural, by contrast, national Haitian leaders sought to fill perceived labor shortages and to renew export-oriented commercial agriculture after the end of legal slavery. The Code did not attribute the characteristics of vagrancy to any particular racial group or population. Instead, it defined as a "vagrant" any citizen who did not own, rent, or work on the rural property on which she or he resided.¹⁷ For their part, local authorities throughout rural Santo Domingo usually followed Haitian custom and ceased classifying accused vagrants according to their impressions of color or socioracial status, though they often associated them with laziness, criminality, moral deviance, sexual promiscuity, and other criteria that colonial officials had long used to project racial differences onto Santo Domingo's rural majority.

¹⁶ Turits, *Foundations of Despotism*, 36-37.

Historian Richard Turits also cites the case of Pedro Catani, an oidor of the Real Audiencia de Santo Domingo, who in 1788 decried the confluence of high rates of marronage and limited legal obstacles in the way of manumission. Catani pointed to those "free blacks, who occupy whatever place they wish, working for themselves or for anyone who takes them in," who "live as they please with complete freedom and independence," and who "are the cause and are at the origin of all of the harm that is committed and might be committed in the island (negros libres, que se ubican en el paraje que les parece, trabajando por sí o por otro como les acomoda... no tienen sujeción; se sitúan por lo común dentro de los montes; viven a su antojo con toda libertad e independencia; van casi desnudos y son la causa y origen de todos lo daños que se cometen y pueden ocurrir en la isla)." Richard Lee Turits, "Raza, esclavitud, y libertad en Santo Domingo," *Debate y Perspectivas* 4 (2004): 80.

¹⁷ "Article 174: Toutes personnes qui ne seront pas propriétaires ou fermiers du bien rural où elles sont fixées, ou qui n'auront point fait un contrat avec un propriétaire ou fermier principal, seront réputées vagabonds, et seront arrêtées par la police rural de la section dans laquelle elles seront trouvées, et conduites devant le juge de paix de la commune." *Code Rural d'Haïti*, 42.

For the most part, national Haitian leaders apparently entrusted the day-to-day enforcement of the anti-vagrancy measures to local civil officials, occasionally forwarding words of approbation to eastern tribunals and town councils. In April 1831, for instance, the grand juge Voltaire sent various copies of a letter to the Tribunal de Paz and other civil officials of Monte Cristi, situated near the former border on the northern coast of the island, in which he lauded their efforts to “repress certain abuses caused by vagrancy.” According to Voltaire, “His Excellency [President Boyer] could not but approve of this disciplinary measure, which is aimed at promoting the public good.”¹⁸ The grand juge’s letter suggests that tribunals and councils in Monte Cristi, Higüey, and other eastern towns, rather than departmental or national officials in Santo Domingo or Port-au-Prince, largely determined the scope and reach of anti-vagrancy.

The correspondence between administrators in Higüey and the military commanders of the department of Santo Domingo indicates that local authorities applied aspects of the Code Rural’s definition of vagrant even to those defendants who had been arrested or questioned about charges unrelated to vagrancy. In June 1827, for instance, Faustino Guerrero, the owner of a set of logging grounds near Higüey, filed a complaint against a laborer named Benancio. In his testimony before José Alejandro González, the former colonial alcalde who was now juez de paz of Higüey, Guerrero claimed that Benancio had failed to complete the payments that he owed for purchasing a horse. As part of a request to transfer the accused debtor to Santo Domingo for a hearing, judge González emphasized that Benancio had reneged on his agreement to harvest

¹⁸ “Son Excellence le Président d’Haïti a reçu la lettre que vous lui avez écrite sous la date du 21 mars dernier, pour lui faire par des mesures que vous avez prises, de concert avec le Conseil de notables, pour réprimer certains abus causés par le vagabondage. S.E. n’a pu qu’approuver cette ordonnance de police qui a pour but un objet d’utilité publique.” Grand Juge Voltaire au Juge de Paix de Monte-Christ, 26 April 1831, Archives Nationales d’Haïti, Section historique (hereafter ANH), Ministère de la Justice, Liasse 5780, No folio number.

wood for Guerrero, which had been formalized according to “the dispositions of the Code Rural.” González described Benancio as “a man with no property whatsoever,” and one “who does not wish to obey the laws of the State.” As an indication of his general moral dissipation and his corrupting influence on other contract laborers, Benancio had “seduced” a woman who also labored on Guerrero’s property. Most importantly, Benancio had begun to spread a rumor throughout the neighborhood that the labor contracts mandated by the Code Rural were a “*cosa supuesta*,” that is, a false invention, imposed by local authorities rather than by national Haitian leaders. In short, González concluded, “by his bad example, he [Benancio] has gone about upsetting the tranquility of all those who are submitted to the contracts.”¹⁹

Another case from Higüey illustrates the ongoing debates among cultivators and administrators over the meaning of vagrancy and its relationship to other portions of Haitian law. On at least two occasions, the cultivator Mónica de la Cruz was arrested and brought before judge Juan José Martínez (González’s successor as the juez de paz of Higüey), culminating in a joint investigation into her personal relationships, employment history, and transit across the region, carried out by military and civil authorities in November 1839. Cruz had labored alongside her family on the estate of a wealthier landowner until she was accused of adultery by

¹⁹ “Me es forso, General, de poner a su noticia que el Ciudadano Benancio es un hombre que no quiere obedecer a las leyes del Estado, pues estando actual haciendo executar las disposiciones del Codigo Rural sobre los contratos, el como hombre sin ninguna propiedad, se presentó a contratar con el Ciudadano Faustino Guerrero para trabajar en sus cortes de madera. Y apena de estar contratado sin averse espirado el término de la Ley aviendo resivido varios avances, se retiró de la casa de Faustino de un modo bien extravagante, sin querer seguir su contrato, además conquistó a otra contratada de la casa que los siguiera disiendo por el vecindario, que los contratos eran una cosa supuesta de las autoridades de aquí; de modo que con su mal exemplo, handa trastornando el reposo de todos aquellos que están sometidos a la contrata.” Juan José Martínez to Jérôme Maximilien Borgella, 11 June 1827, in AGN-RD, Archivo Real de Higüey, Signatura 1700134, leg. 31 Rojo (31R), exp. 71: Libro copiator de correspondencias, 1827.

her husband, who abandoned her and their two daughters shortly thereafter. The proprietor of the estate then evicted the family, claiming that they had grown “disinclined” to labor. Citing a recent series of circulars promulgated by President Boyer, the tribunal charged Cruz alongside a larger group of cultivators, all of whom had allegedly ceased to work and had failed to present evidence of any independent means of subsistence. Basing their decision on Article 3 of the Code Rural, which compelled citizens without such proof of occupation to “cultivate the land,” the court sentenced Cruz to imprisonment until she signed a bilateral contract with a new employer to perform agricultural labor.²⁰

In her appeal of the court’s decision, Cruz made recourse to a different body of Haitian law, the 1826 Code Civil, which included an article stipulating that a married woman could have “no other domicile than that of her husband.”²¹ Since Cruz had never received word that her husband had filed for divorce, she demanded that the court now allow her to move back in with him at his new home in the rural section of Pintado, outside of El Seibo. She implied that the two would resolve their differences and work together on the small portion of land that the latter had subsequently rented from a local military commander. Residents of Higüey had previously cited

²⁰ According to Juan José Martínez, the juez de paz of Higüey, the landowner in question had grown “tired of the misconduct and the disinclination to labor demonstrated by the citizen Monica and by her family” (“le propriétaire du lieu où se trouvait sis le dit établissement, fatigué de l’inconduite et de la non-disposition de la dite citoyenne Monica et sa famille pour le travail puisque le tout était en ruine les chassèrent du dit lieu et depuis cela on le les a plus reconnus aucune espèce de profession...”). Juan José Martínez, juez de paz de la común de Higüey, Relación a pedimento del Capitán ayudante de plaza Juan Pion comandante provisional de esta común, sobre la conducta de la Ciudadana Mónica de la Cruz, 26 November 1839, in AGN-RD, Archivo Real de Higüey, Signatura 1700101, leg. 5 Azul (5A), exp. 97: Sometimiento por falta de patente.

²¹ “Article 95: La femme mariée n'a point d'autre domicile que celui de son mari,” *Code Civil d’Haïti* (Port-au-Prince: Imprimerie du Gouvernement, 1826), 22.

this portion of the Code Civil in order to defend the patriarchal authority of male heads of household and to restrict the mobility of married women, yet here Cruz invoked it strategically in order to force the court to let her go.²² Upon her release, Cruz took her daughters not to Pintado but to nearby El Cerro, where they were spotted by an officer of the rural police. Faced with the renewed prospect of compulsory agricultural labor, Cruz fulfilled her original promise and moved in with her husband in Pintado.²³

The case did not end there, however. Cruz and her two daughters eventually attempted to flee the property and, once more, they were arrested in Higüey.²⁴ In the wake of her second arrest, Cruz submitted a petition to captain Juan Pión, the military officer charged with the “surveillance” of the commune. In this document, Cruz argued that she had been unfairly

²² See, for instance, the 1839 civil suit brought by Miguel de Castro, who claimed that his spouse Rosa del Rosario had committed adultery with Silvestre López. Just weeks before Mónica de la Cruz would cite Article 95 of the Code Civil, Castro had drawn on the same statute to demand that the Higüey tribunal continue their investigation into Rosario’s conduct. Petition by Miguel de Castro to Juan José Martínez, Juez de Paz of the Commune of Higüey, 5 November 1839, in AGN-RD, Archivo Real de Higüey, Signatura 1700098, leg. 3 Azul (03A), 1821-1859, exp. 10: Litis por adulterio, 12 September 1839, Folio 11.

²³ “...cependant la citoyenne Monica et sa famille ayant insisté à s’engager comme susdit et ayant déclaré qu’elle aimait mieux se rendre auprès de son mari obtint la sollicitation du Tribunal lequel la lui accorda, attendu que l’Article 95 Loi No. 4 du Code Civil d’Haïti dans sa disposition dit que la femme mariée n’a point d’autre domicile que celui de son mari. Il résulte qu’en lieu de remplir son but, elles pénétrèrent l’intérieur de cette commune dans la section del Cerro, mais comme dans peu le Capitaine du dit lieu par sa vigilance, remarqua que ces dites personnes vivaient dans l’oisiveté il se mit alors en devoir comme chargé de la Police Rurale de sa section de les obliger à travailler, mais comme elles n’avaient aucune disposition à ce sujet elles se retirèrent dans la juridiction de la commune de Seybo avec sa famille auprès de son mari à Pintado.” Juan José Martínez, juez de paz de la común de Higüey, Relación a pedimento del Capitán ayudante de plaza Juan Pion comandante provisional de esta común, sobre la conducta de la Ciudadana Mónica de la Cruz, 26 November 1839, in AGN-RD, Archivo Real de Higüey, Signatura 1700101, leg. 5 Azul (5A), exp. 97: Sometimiento por falta de patente.

²⁴ Judge Martínez suspected that Cruz had hoped to distance herself from the surveillance of the rural police, her husband, or both.

targeted by the members of the Tribunal de Paz, and that her home had been subjected to unlawful searches by the police chief of Higüey. Cruz made every effort to convince Pion that she was a skilled trader, not an errant cultivator. She introduced herself as a “reseller of provisions and vegetables,” and pointed out that although she had applied for a license to work as a seamstress, the magistrates of the tribunal had rejected her request.²⁵ Furthermore, Cruz stressed that she had harvested coffee during the period in which she shared the rented plot in Pintado with her husband, thereby implying that she had participated in commercial agriculture, rather than fleeing it.²⁶

Cruz hoped that her petition would encourage military authorities to overrule any final decision made by the Tribunal de Paz.²⁷ In response, judge Martínez drafted a French-language

²⁵ Judge Martínez rejected Cruz’s claim, writing that she had never been “recognized” to have any other profession except “that of a farmer” (“dans cette commune sa profession n’est reconnue que pour celle d’agriculteur, et non revendeuse de vivres et de légumes comme elle l’expose”). Juan José Martínez, juez de paz de la común de Higüey, Relación a pedimento del Capitán ayudante de plaza Juan Pion comandante provisional de esta común, sobre la conducta de la Ciudadana Mónica de la Cruz, 26 November 1839, in AGN-RD, Archivo Real de Higüey, Signatura 1700101, leg. 5 Azul (5A), exp. 97: Sometimiento por falta de patente.

²⁶ Cruz’s emphasis on coffee cultivation echoed the language of an 1828 petition submitted to the grand judge in Port-au-Prince by the Cupidon Guillotte. For more on this earlier petition, see chapter 3 and René, “Le Culte de l’égalité,” 176.

²⁷ At the time, some residents of Higüey apparently believed that they would receive a fairer hearing from military officials than they would from civil authorities. In 1834, Manuela Garrido had petitioned General Bernard Philippe Alexis Carrié for a portion of the inheritance left by her late husband. In this petition, Garrido explained that she had not filed a claim through the standard legal channels because she felt that she was unable to navigate the intricacies of the system, and because she worried that the civil magistrates would deceive her. (“Conosco que mi General dirá, que por que no me presentava a la Justicia a hacer estos mismos reclamos, y sumamente dire a mi General que la causa de no haverlo asi echo a sido el considerarme una Muger sola, povre, y viuda, con pocas voces para mi defensa, por no tenerlas para esplicarme como devia, y que conosco que los juezes con dos otras palabras confusas me convencerían a exeder de mi derecho.”) Petition by Manuela Garrido to Bernard Philippe Alexis Carrié, 14 May 1834, in AGN-RD, Archivo Real de Higüey, Signatura 1700102, leg. 6 Azul (6A), 1816-1926, exp. 52: Inventario de Bienes.

report in which he alleged that Cruz's illicit sexual activity ("*inconduite prostitutive*") and repeated refusal to labor had estranged her from her husband and her employers, and had made it necessary for authorities to compel her to work on several occasions. The judge even went so far as to accuse Cruz of having threatened the safety of Higüey's other residents by allowing a suspected thief to stockpile stolen weaponry at her residence.²⁸ In Martínez's estimation, the arrests and sentencing of Cruz and her daughters indicated that local officials were eager to fulfill the larger policy objectives of the Boyer administration. As he wrote, the case "proves that the authorities of this commune strictly fulfill their duties, since they are firm in asserting that anyone who lives in idleness is considered a vagabond in accordance with the Law."²⁹ By providing concrete evidence of the tribunal's participation in "the repression of vagrancy," Martínez painted a portrait based on what he assumed his superiors in Santo Domingo and Port-au-Prince wanted to hear. The case against Mónica de la Cruz thus served the immediate interests of the members of the tribunal, perhaps enabling them to corroborate their compliance

²⁸ "La dernière fois que fut renvoyée la pétitionnaire hors de la commune, un vol eut lieu chez le Sergent-major d'artillerie Juan Pablo Contin par le prévenu Balthazar présentement dans la prison de Santo Domingo pour être jugé à cet effet, il résulta qu'une vieille baraque en ruine isolé appartenant à la pétitionnaire se trouvait être le dépositaire du vol, c'est alors qu'en égard à ce que cette baraque en ruine et occupant des terrains de l'Etat, et au surplus considérant que comme elle s'est trouvé le rendez-vous d'un malfaiteur un autre pourrait par méchanceté ou pour piller y mettre du feu et incendier le Bourg." Juan José Martínez, juez de paz de la común de Higüey, Relación a pedimento del Capitán ayudante de plaza Juan Pion comandante provisional de esta común, sobre la conducta de la Ciudadana Mónica de la Cruz, 26 November 1839, in AGN-RD, Archivo Real de Higüey, Signatura 1700101, leg. 5 Azul (5A), exp. 97: Sometimiento por falta de patente.

²⁹ "c'est ce qui prouve que les autorités de cette commune remplissent strictement leurs devoirs puisqu'ils s'affirment en ce que tout celui qui vit dans l'oisiveté est réputé vagabond comme le prévient la Loi, et que tout celui qui exercent [*sic*] une profession ou industrie sujette à la Patente doivent [*sic*] s'en munir."

with national Haitian statutes, to shake off the oversight of higher-ranking administrators, or to protect the security of their own jobs.

In the absence of sustained pressure from above, the voices of local landowners and administrators seem to have contributed to an increase in the invocations of vagrancy by the Tribunal de Paz of Higüey during the late 1830s. In September 1839, two months before Martínez completed his report on Mónica de la Cruz, the judge had received a letter from the members of Higüey's Consejo de Notables, a municipal council charged with overseeing all administrative affairs of the commune that did not fall under the jurisdiction of the remaining civil or military authorities.³⁰ In this letter, the council members alerted Martínez to what they saw as a “very urgent” matter: the presence of migrants from all over the island who had taken up residence in Higüey without proper authorization. Home to a sixteenth-century sanctuary honoring the Virgin of Altagracia, Higüey was the site of an important annual pilgrimage for practitioners of Catholicism and Vodou, especially women, from both sides of the island.³¹

³⁰ For more on the duties of the Consejos de Notables/Conseils de Notables, whose members were appointed directly by the Haitian president, see Thomas Madiou, *Histoire d'Haïti, Tome V: 1811-1818* (Port-au-Prince: Editions Henri Deschamps, 1988), 463.

³¹ In an 1831 geographic survey of Haiti, the western senator and future historian Beaubrun Ardouin paid special attention to Higüey's spiritual significance for citizens from both sides of the island. According to Ardouin, the majority of pilgrims were women and undertook the journey on foot for “more than one hundred leagues” in order to seek healing and grace from the Virgin of Altagracia, who was recognized as a patroness of “suffering humanity.” Beaubrun Ardouin, *Géographie de l'île d'Haïti précédée du précis et de la date des événements les plus remarquables de son histoire* (Port-au-Prince: 1832), 126-128.

Such impressions were echoed by a foreign visitor, the British merchant James Franklin. After visiting Higüey in the 1820s, Franklin wrote that “the people formerly used to go on a pilgrimage to the shrine of the virgin in this church [of Higüey] from all parts of the island,” but he claimed that there had been a general decrease in the number of pilgrimages by the early unification period. Nevertheless, he cited “one instance of a female at Port-au-Prince who undertook [such] a pilgrimage to the shrine of the virgin. She went by water to the city of Santo Domingo.” James

Fleeing the rural police in their respective places of origin, the councilmembers claimed, a number of migrants had “disguise[d] themselves as pilgrims [*se cubren de la manta de romería*] in order to enter the commune and live in idleness.” The authors of the letter recommended that the judge exert greater efforts to distinguish short-term pilgrims from migrants seeking permanent residence, since “here we can be no less vigilant than the authorities elsewhere.”³² Those who possessed signed passports from military commanders but lacked documentation from the tribunals of their respective communes, they concluded, should no longer receive accommodation at the “houses of the Virgin” (the sanctuary’s lodgings, which were reserved for pilgrims).³³

Franklin, *The Present State of Hayti, with Remarks on its Agriculture, Commerce, Laws, Religion, Finances, and Population* (London: John Murray, 1828), 297-298.

Terry Rey points out that the modern annual pilgrimage to Saut d’Eau in the arrondissement of Mirebalais began on a large scale after Dominican separation from Haiti in 1844, when western Haitian citizens began to face greater obstacles to visiting the Higüey sanctuary each year. Terry Rey, “Toward an ethnohistory of Haitian pilgrimage,” *Journal de la société des américanistes* 91, no. 1 (2005): 161-183. See also Anne Eller, *We Dream Together: Dominican Independence, Haiti, and the Fight for Caribbean Freedom* (Durham and London: Duke University Press, 2016), 45.

³² “Siendo de nuestro deber el contribuir en todo lo que concierna el bien público y moral nos parece muy urgente de exponer a V. que la prolongación de residencia de los pelegrinantes que vienen de varias partes de esta isla a esta común pues ellos se fijan aquí sin ningún espíritu de vuelta, ... pues no se puede considerar estas gentes, solo como gentes errantes, huiendose sin duda del zelo de la policía rural de su residencia, y por consiguiente aquí no podemos ser menos vigilantes que las autoridades de otros lugares. Parece que estas gentes se cubren de la manta de romería, para introducirse en esta común, y vivir en la ociosidad, y esto es lo que es muy contrario a las leyes y costumbres de nuestro gobierno, y por tanto os suplicamos el proveer al medio de poner un freno a este abuso.” Los Miembros del Consejo de Notables de la Común de Higüey al Juez de Paz de dicha Común, 10 September 1839, in AGN-RD, Archivo Real de Higüey, Signatura 1700128, leg. 21, exp. 128: Correspondencia al Juez de Paz.

³³ “Pues los que quieren definitivamente establecer su morada en esta común deven de muñirse de una carta judicial que constate el cambio de su domicilio hecha del Juez de paz de sus comunes, según lo previene el artículo 92 del Codigo Civil de Hayti, por consiguiente la simple licencia del comandante de sus comunes no puede suplir a esta formalidad. De nuestra parte

The councilmembers' letter raises the possibility that popular spiritual practices and collective expressions of devotion to the Virgin of Altagracia directly intersected with citizens' simultaneous efforts to distance themselves from cash-crop cultivation and the surveillance by police under the terms of the Code Rural. The authors' acknowledgment that pilgrims usually carried passports from district commanders, furthermore, points to potential tensions between military authorities, who were expected to respect requests for pilgrimages, and civil authorities, who were charged with the enforcement of the code's provisions. For the councilmembers of Higüey, who worried that the migrants might soon overwhelm the commune's authorities and infrastructure, the anti-vagrancy statutes may have provided a convenient legal vocabulary for calling for new limits on rural citizens' mobility or trying to expel undesirables.

In contrast to the case against Mónica de la Cruz, and in spite of the appeals for increasing vigilance put forth by Higüey's Consejo de Notables, local authorities did not usually bring direct charges of vagrancy based on the articles of the Code Rural. Instead, they introduced the language of anti-vagrancy into their adjudication of other cases, a form of association that informed their verdicts that defendants were guilty of different alleged crimes. In October 1840, captain Juan Pedro Hubieras arrived at the courtroom of the Tribunal de Paz in El Seibo with the prisoner Claudio Pineda, who had been arrested in the rural section of La Campiña at the southern edge of the commune. According to Hubieras, "not only" was Pineda "a complete vagrant [*hombre enteramente vago*] with no known profession or means of subsistence," but he stood accused by another resident of having stolen and slaughtered a valuable pig on the latter's

hemos dispuesto que el alojamiento en las casas de la Virgen no será concedido a ellos." Los Miembros del Consejo de Notables de la Común de Higüey al Juez de Paz de dicha Común, 10 September 1839, in AGN-RD, Archivo Real de Higüey, Signatura 1700128, leg. 21, exp. 128: Correspondencia al Juez de Paz.

property. Hubieras acknowledged that Pineda had been arrested as a result of the accusations of animal theft, not for suspected vagrancy. Yet Hubieras, the plaintiff, and the members of the tribunal repeatedly described Pineda in terms that recalled the Code Rural's classification of vagrants, apparently influencing the court's ruling that he was guilty of the charges at hand. In the introduction to his interrogation, Pineda is described as having "no fixed domicile, means of subsistence, or known profession," notwithstanding his own assertions that he was a mahogany cutter by trade. Like Mónica de la Cruz, Pineda defended himself in part by professing his intentions to cultivate the land. He hoped to establish a small farm near Las Guanábanas, he noted, where he would soon "dedicate himself to agriculture and animal raising." As if to set the record straight, the scribe who recorded this testimony quickly noted that thus far, the only thing that Pineda had constructed was a small plot that he had slashed and burned to cultivate [*tala*], "meaning that he falls into the class of vagrant." Later in the interrogation, the judge asked Pineda if he owned any property, to which he replied that he only had "a small number of pigs and one cow."³⁴ Pineda's response served as final confirmation of what the officials had already suspected.

³⁴ "que este individuo no tan solamente es un hombre enteramente vago sin ejercicio conocido ni modo de subsistencia, cuanto que se le acaba de querellar el Ciudadano el Ciudadano Pedro de Castro habitante en dicho su partido, de que el referido Claudio Pineda le ha robado de su propiedad un puerco Macho manzo de buena disposición, ofrediendo comprobarlo sigientemente, por cuya razón, procedió a arrestarlo... Que se llama Claudio Pineda natural de esta común, con su residencia habitual en el partido de la Campiña, de estado soltero, de veinte y tres a veinte y cuatro años de edad, de oficio labrador de maderas cahova como que es oficial, que no tiene domicilio cierto ni modo de subsistencia, ni ejercicio conocido, en razón de que va para el espacio de mas de un año que se retiró de los cortes de madera cahova con animo de establecerse en el parage de las Guanabanas, partido de la campiña, hacer su fundación y dedicarse a la agricultura y a la crianza, lo que no ha verificado hasta esta fecha; pero que en la actualidad se halla principiando a hacer una tala por lo que se encuentra en la clase de vago... que no tiene mas bienes de su propiedad que un pequeño número de cerdos y una Baca." Proceso por robo de cerdos, 15 October 1840, in AGN-RD, Alcaldías y Juzgados de Paz, Signatura 313106, leg. 1, Expedientes Judiciales, exp. 31, Folio 1.

The impetus for classifying suspects in this way came not only from local administrators, but also from other rural inhabitants, usually self-described property-holders, who claimed that they had been aggrieved by “vagrants.” In addition to individual plaintiffs like Hubieras, some inhabitants of terrenos comuneros brought allegations against suspected animal rustlers by grouping them according to purported degrees of vagrancy. Lucas Rijo, a member of the Consejo de Notables of Higüey, and Ignacio de Peña, an elected delegate to the Haitian Chamber of Representatives in Port-au-Prince, filed a complaint with the Tribunal de Paz against their neighbors in June 1836. Rijo and Peña introduced themselves as co-owners of a set of terrenos comuneros known as La Magdalena, located just south of the town. Accompanied by their fellow property-holding *vecinos*, Rijo and Peña complained about the recent presence in their midst of “men who are nearly vagrants [*hombres casi vagos*].”

Having moved to La Magdalena without authorization from the remaining co-owners of the lands, these new arrivals had caused damage to the livestock that grazed in the area. In particular, the claimants singled out a man named Félix del Rosario, whom they described as a “transient without a known vocation.” Rosario had been permitted by a neighboring proprietor to take up residence in the lands, and had allegedly slaughtered and eaten a bull belonging to Peña shortly thereafter. At the behest of the claimants, the tribunal sentenced Rosario to jail and obliged him to pay for the bull in question. Before dispersing, the co-owners drew up an agreement in which they pledged that they would refuse to admit any more unknown individuals who wished to use La Magdalena in the future.³⁵

³⁵ “compareció el Ciudadano Lucas Rijo, miembro del Consejo de Notables y propietario en los terrenos de la Magdalena, el Ciudadano Ygnacio de Peña, representante de la común y propietario en los mismos terrenos acompañados de todos los vecinos propietarios de Malena quejándose contra los Ciudadanos Felis del Rosario y Antonio Cordero acerca de los daños que recibían en sus ganados que están sobre sus propiedades por los consentimientos y facultades que

The inherent ambiguities over the meaning of vagrancy, and over the appropriate legal means to combat it, thus gave rise to a constant debate among authorities, landowners, cultivators, and other inhabitants of rural Santo Domingo.³⁶ For smallholders like Jactino Martiniquen, invoking anti-vagrancy statutes provided an opening to assert the status of proprietor, to distance themselves from landless inhabitants, and to defend practices of provisions farming that had been threatened by the Code Rural. Meanwhile, Rijo, Peña, and the other co-owners of La Magdalena deployed and manipulated the lexicon of anti-vagrancy in order to expel all those whom they perceived to have violated their rights as proprietors. Their interpretation of *terrenos comuneros* as undivided, yet fundamentally exclusive, property conflicted with popular visions of such lands as open-access lands for hunting, grazing, and farming. The local contests over the implementation of Haitian law would continue to confront the tensions between these understandings of jointly held lands.

daban algunos propietarios a hombres casi vagos para que monteen en los bajos en donde no se conocen animales simarron y se verifica que el representante Ygnacio de Peña a recibido daños por un toro que le ha matado Felis del Rosario transeúnte y sin un modo de vivir conocido por solo facultad que le ha dado Faustino Guerrero como también aparecen otras varias reses heridas ... han venido en formar este acto aun anime bajo las circunstancias siguientes. Primero: que ningún propietario pueda facultar a ningún individuo para que monte,... Y queda justificada por testigos fideles... que el mató el toro del Representante , se lo comió, queda sentenciado a ir a la cárcel y que pague el toro que se ha comido advirtiéndole en lo sucesivo no tiene que matar reses entre los criaderos y el amo que lo facultare estará al tanto de los daños que resulten.” Conciliación entre los propietarios de La Magdalena, 30 June 1836, in AGN-RD, Archivo Real de Higüey, Signatura 1700108, leg. 9 Azul (09A), exp. 253: Libro de Conciliaciones, 1836, Folio 21.

³⁶ Scholars of slavery and emancipation in other Latin American societies have stressed the fundamental uncertainties and inconsistencies built into anti-vagrancy statutes and their enforcement across legal regimes. See, for instance, Ángela Pérez-Villa, “Disorderly Love: Illicit Friendships, Violence, and Law in a Slave Society at War, Popayán-Colombia, 1809-1830,” (Ph.D. diss., University of Michigan, 2017), 157-165; and Rebecca J. Scott, *Slave Emancipation in Cuba: The Transition to Free Labor, 1860-1899* (Pittsburg: University of Pittsburg Press, 1985), 218-226.

“A bundle of difficulties and contradictions”: Competing Claims to Terrenos Comuneros

As national leaders attempted to impose and to uphold a legal division between property-holders and propertyless citizens, they hoped to transform undivided shares of terrenos comuneros into individual parcels of land attached to individual titles. For Boyer and other national leaders, the project of replacing fractional and overlapping claims with individual titles to individual plots reinforced the larger turn to commercial agriculture and promised to procure additional revenue from property taxes, thus enabling the state to pay off the outstanding debts triggered by the indemnity agreement with France.³⁷

³⁷ According to historian Michel-Rolph Trouillot, Boyer and other early national leaders of Haiti thus “chose to establish a system that would perpetuate the country’s dependence while imposing an unjust burden upon the majority of the population. A cornerstone of that system was a fiscal policy that persistently siphoned off the meager resources of the peasantry, so that this peasantry came to finance the state while having no control over it.” Michel-Rolph Trouillot, *Haiti, State Against Nation: The Origins and Legacy of Duvalierism* (New York: Monthly Review Press, 1990), 59.

During the early unification period, the national Haitian government promulgated two major pieces of legislation that threatened the system of terrenos comuneros and local norms for land tenure that had arisen alongside it during the colonial period. The first was the law of July 1824, which had outlined the categories of properties that could be nationalized and announced a new series of state concessions, while providing a degree of recognition for squatters’ rights (see chapter 2). In addition to these provisions, the 1824 law had also instructed local civil authorities to “verify the titles of the possessors of territorial rights” to terrenos comuneros throughout the countryside. Authorities were expected to compile a list of all property holders in each commune, and to translate their fractional claims to undivided shares into individual rights to individual plots of territory. Authorities would then issue new formal titles, including the “value” in pesos of the original fractional claim (known as an *acción*), and the precise quantity of land to which this claim now corresponded. See No. 894: Loi qui détermine quels sont les biens mobiliers et immobiliers, situés dans la partie de l’Est, qui reviennent à l’État, et règle, à l’égard des particuliers de cette partie, le droit de propriété territoriale, conformément au mode établi dans les autres parties de la République, 8 July 1824, in Pradine, *Recueil*, Tome 4, 45. The second major piece of legislation, the 1826 Code Rural, made these objectives even more explicit. The code required that ranchers enclose their spaces for livestock raising, in what was essentially a direct reversal of *crianza libre*. It also threatened proprietors with penalties if they

In an 1824 address before the Haitian legislature, President Boyer offered further insight into the larger goals for the administration's property reforms in rural Santo Domingo. Boyer argued that the system of *terrenos comuneros* had slowed the "progress of agriculture," and had prevented citizens from planting significant quantities of crops. The lands themselves had become "a refuge for laziness," and promised only a "miserable existence." Here, Boyer was commenting on the role that *terrenos comuneros* had played in Santo Domingo's ranching economy. Most jointly held lands were reserved for unfenced animal raising known as *crianza libre*. Farmers who wished to grow crops were obligated to enclose their own small plots to prevent free-ranging animals from damaging them. The practices of joint land tenure had supported a mixed economy in which ranching dominated over, but did not rule out, other forms of small-scale production, such as logging and provisions growing. Boyer hoped that the new reforms, by contrast, would encourage Santo Domingo's citizens to engage in more "worthwhile forms of agriculture:" that is to say, the commercial production of cash crops for export.³⁸

In practice, how would the local and national authorities of the new state determine who fulfilled the necessary criteria for exercising the status of property-owner? Throughout the period of unification, rural citizens went before local tribunals to defend their access to and use of these lands, to claim the rights of property-holding citizens, and to pursue their own preferred forms of production, which included a combination of small-scale farming, ranching, and logging. By

allowed cultivatable land to lie fallow. Crucially, as we have seen, the code formalized a legal distinction between property-holders and so-called "cultivators." See Francisco Bernardo Regino Espinal, *El Código Rural de Haití* (Santo Domingo: Archivo General de la Nación, 2015), 55-144.

³⁸ No. 894: Loi qui détermine quels sont les biens mobiliers et immobiliers, situés dans la partie de l'Est, qui reviennent à l'État, et règle, à l'égard des particuliers de cette partie, le droit de propriété territoriale, conformément au mode établi dans les autres parties de la République, 8 July 1824, in Pradine, *Recueil*, Tome 4, 45.

using the courts to claim the property rights of “co-owners,” these rural litigants worked together with local authorities to fuse the older system of *terrenos comuneros* and the new legal regime that championed individual private property. Drawing on dominant state rhetoric and asserting their own property rights, they attempted to evict those whom they dismissed as unwelcome “squatters,” as well as to prevent fellow owners from pursuing projects for the land that conflicted with their own. Both the preservation and the subtle transformation of *terrenos comuneros* were thus propelled by small-scale legal contests among neighbors. The outcomes of these contests tended to favor the wealthiest residents of *terrenos comuneros* who could mobilize extensive social networks, which enabled them to provide clear evidence of their older claims to the lands in the form of oral testimonies of local community-members. In this way, the reforms seeking to break up *terrenos comuneros* into individual titles to individual plots of land ultimately provided new legal tools for established residents of these lands to bolster their rights at the expense of others who could not provide sufficient evidence to inhabit the status of co-owners.

Terrenos comuneros had never been explicitly defined by colonial-era statutes, and had emerged over centuries as large landowners, including the recipients of royal grants from the Spanish Crown, subdivided their lands as fractions of their overall value, calculated in pesos. Eventually, these pesos came to represent fractional rights (called *acciones*) to undivided, and usually unfenced, shares of land, rather than a fixed quantity of territory bestowed to a single titleholder. Across colonial Latin America, where the Siete Partidas of Alfonso X had governed most matters of property law, the concept of possession of property was closely bound up with that of ownership. Over time, long-term possession could serve as the basis for asserting ownership of land through the mechanism of prescription laws, and it was often necessary to

provide evidence of ongoing possession to *sustain* ownership of this land in the face of competing claims.³⁹ In Santo Domingo, the lack of a significant population density and the resulting low value of most rural land had enabled large numbers of people with no formal claim to fractional rights to take up residence and use *terrenos comuneros*, sometimes with little interference from outside authorities or other nearby inhabitants. Over time, authorities may have simply begun to treat some of these residents as if they were co-owners themselves, regardless of whether or not they had inherited or purchased rights to use the lands. The lack of an official set of laws regulating this “system” of fractional rights to undivided shares gave rise to permanent struggles among self-described co-owners, whose fractional rights had been recognized in some form by colonial authorities, and other newcomers who treated *terrenos comuneros* as open-access, common lands. In this context, in which the necessary criteria for securing the rights of ownership were blurry and written documentation of peso titles to *terrenos comuneros* were largely nonexistent, providing evidence of possession remained one of the key strategies for residents to claim the products from land use and to act as co-owners in order to manage and transfer fractional shares.⁴⁰

Self-described co-owners frequently jostled over their diverging aspirations for *terrenos comuneros*, relying upon collective agreements and sometimes the intervention of judicial authorities in order to regulate land use. Indeed, although rights to *terrenos comuneros* were shared among multiple co-owners, this did not mean that these owners were free to use the lands however they wished. In general, co-owners allotted separate spaces for different activities,

³⁹ Manuel Bastias Saavedra, “The Lived Space: Possession, Ownership, and Land Sales on the Chilean Frontier, 1790-1830” *Historia Crítica* 67 (January 2018): 8-11.

⁴⁰ Turits, *Foundations of Despotism*, 40-42.

including logging, hunting, and ranching, and those wishing to engage in cultivation generally had to enclose their own gardens to protect them from free-ranging livestock. When an individual overstepped or disregarded the boundaries, other residents often took action to uphold their vision of the customary order.

During the unification era, residents of *terrenos comuneros* began to use the framework of Haitian law to report the alleged offenses of their neighbors, all while producing written documentation of their property ownership through the process of litigation. In one 1832 petition to the Tribunal de Paz of Higüey, a provisions farmer named José Pérez, who rented a small plot within the *terrenos comuneros* known as Enea, complained about his landlord and next-door neighbor Leandro Santana. According to Pérez, Santana had planted crops that encroached on Pérez's small garden. Pérez contacted the wealthier landowner Pedro Santerre to help him to file a claim before the Tribunal de Paz. Together, they cited the "Laws in effect in the Country, which are both just and suitable to this location," and which prohibited citizens from "usurping the rights from any other of its individuals." This argument explicitly invoked Article 11 of the 1816 constitution of Haiti, which instituted protections against "violations" of private property. "Property, which is sacred and inviolable according to the fundamental law of the Republic," the petition continued, "must follow its natural application, and this must be done with the utmost maturity and care, for sometimes this sacred shield is taken away from some in order to arm others when it should be distributed to all."⁴¹

⁴¹ "Las Leyes que rigen del Paiz, tan justas como adecuadas a esta localidad ... usurpen el derecho de ningunos de sus individuos; Los Tribunales, que son sus instrumentos están en la forzosa obligación de aplicarlas rectamente: La propiedad que es sagrada e inviolable por la fundamental de la Republica debe tener su natural aplicación y esto con toda la madurez y exsamen posible por que a veces este mismo sagrado escudo se quita a unos para armar a otros cuando debe ser repartido en favor de todos." Petition of José Pérez to Juez de Paz of Higüey, 25

In the countryside near Higüey, which was dominated by the ranching economy, one of the most common accusations brought by citizens against their neighbors was that of unauthorized animal slaughter. Like Sebastián Núñez, who had pressed charges against the montero Vicente Hernández for slaughtering “his” pigs in 1823, ranchers sought to protect their livestock on terrenos comuneros by calling on local authorities to prevent other citizens from using the lands as open-access hunting grounds. In October 1827, a pair of residents of the terrenos comuneros of Maná presented a complaint against the artillery soldier Lucas Payano, whom they accused of slaughtering a feral cow on their lands. In his defense, Payano argued that he had slaughtered the cow “without malice, for he was informed that that place consisted of open-access lands [*montería comunera*].”⁴² In a later incident, residents of the terrenos comuneros of El Cerro appealed to civil authorities in order to rebuke Lucas del Castillo, whom they described as their fellow co-owner, for keeping a pack of hunting dogs within the portion of

February 1832, in AGN-RD, Archivo Real de Higüey, Signatura 1700102, leg. 6 Azul (06 A), exp. 53, Declaración sobre unos terrenos, Folios 1-2.

In 1831, José Pérez had filed a previous complaint against Leandro Santana for encroaching on his plot of crops. In the record of the resulting compromise (which did not last), the officials of the Higüey Tribunal de Paz noted that the two men resided on terrenos comuneros which Santana had inherited “from his ancestors.” According to the authorities, it was Santana who had enabled Pérez to take up residence in the area in return for a small annual rent. Though he was technically only a renter, the juez de paz described Pérez as a “proprietor.” The judge noted, however, that Pérez had only occupied this status for a short period of time. See Conciliación entre los Ciudadanos José Pérez, domiciliado en esta Común, y Leandro Santana, natural de la misma común, 6 September 1831, in AGN-RD, Archivo Real de Higüey, Signatura 1700104, exp. 290, Cuaderno de Conciliaciones, Año 1831, Folio 37.

⁴² “contestó que si es cierto que avia matado dicha vaca en aquel lugar, pero fue sin ninguna malicia porque estaba informado que aquel lugar era montería comunera.” Orden del juez de paz, 10 October 1827, in AGN-RD, Archivo Real de Higüey, Signatura 1700120, leg. 16 Azul (16 A), exp. 66, Folio 27.

the terrenos that the plaintiffs had apparently set aside for raising pigs.⁴³ Some disputes over the limits between *criaderos*, or grounds for raising domesticated livestock, and open-access grounds escalated into outright violence. In June 1829, one co-owner of the terrenos of Manrique dealt a series of machete blows to another in retaliation for the latter's attempts to hunt there with his family. The civil authorities in nearby Higüey did not arrest the aggressor or charge him with assault. Instead, they ruled that the family of the wounded proprietor should be permitted to hunt for wild animals only beyond the boundaries of the designated *criaderos*, likely referring to a site that had been determined through a common agreement among existing residents. Finally, the ruling prohibited any outsiders from approaching the domesticated livestock belonging to other residents, concluding that "he who transgresses the limits expressed here will be punished according to the procedures of the law."⁴⁴

⁴³ Querrela interpuesta por Juan Pión contra Lucas del Castillo, 2 July 1842, in AGN-RD, Archivo Real de Higüey, Signatura 1700112, leg. 11 Azul (11 A), exp. 193: Querrela por perjuicios.

⁴⁴ "Bernardino Guerrero igualmente sudemas hermanos y algunos otros propietarios en dichos parajes se presentaron según la sitasion al tribunal y enterándose en la demanda que contra el se había puesto por los mencionados terrenos contestó que aquellos parajes como manrique Rancho y el Hato de Maná son criaderos y no son monterías y por cullas razones el y su demás hermanos sostienen crianza de ganados puercos en esos parajes del lictos y que por barias beses trató de suplicar con el dicho afin de que dejara de montial en tales parajes por que aullentaban las crianzas que presentaran sus documentos y se verifica de saminados que fueron el paraje nombrado Manrique eran criaderos y no monterías y el Juez no pudiendo acordarlo mandó llamar al comandante Milital para ver si a unánime los acordaban al efecto con paresiendo al comandante y enterándose en al demanda de mutuo acuerdo trataron de transarlos y despues de barias conferensias vinieron en transarse y se transaron en los términos siguientes: que los dichos Guerrero consiente que por el termino de un año los permiten a los mencionados Tavares que monte en sus monterías de animales silvestre y no en los parajes de crianzas ínterin los mencionados Tavares fomentan sus crianzas en manrique para que de hai se puedan mantener sin perjudicar las crianzas mansas con montial y que para conplir con estas disposiciones deberán andar con sus perros amarrados hasta salir dentro las crianzas mansas y entral en las monterías en los parajes que les destinaren. Con la presisa sircunstancia que el que saliere de los limites aquí espuestos será castigado por los tramites de la ley con la inteligencia que todo convenio ante el

Many citizens presented claims to terrenos comuneros in court by highlighting their and their predecessors' uninterrupted access to the lands over successive generations. In May 1837, for instance, the residents of the terrenos comuneros known as La Lleguada del Sur presented a petition to the juez de paz of El Seibo in which they attempted to prohibit Gabriel Paulino, whom they described as their fellow co-owner, from using up a disproportionate share of the available water in the area. According to their petition, Paulino had allegedly violated the long-held agreements among co-owners for ensuring an ostensibly equitable distribution of the natural resources of La Lleguada del Sur. The petitioners concluded that they had "in all times effectively raised cattle and pigs in these forests, following the methods and customs of our predecessors,.... and together with all the remaining co-owners we have ensured thus far that no person who might be detrimental to us has been able to settle here."⁴⁵ In this way, the petitioners pointed to their own long-term possession of La Lleguada del Sur as a means of consolidating

Juez de Paz es obligatorio." Proceso por agresión física, 30 June 1829, in AGN-RD, Archivo Real de Higüey, Signatura 1700100, leg. 4 Azul (4 A) exp. 373, Folios 1-2.

⁴⁵ "Bernardino Ramos, Julian Hurtado, José Reyes, y Benancio Santana, todos habitantes propietarios en la Sección de Hato Mayor del Duey, y de este Domicilio, ante V. respetuosamente parecimos y decimos que siendo propietarios y codueños de los terrenos nombrados la Lleguada del Sur, hemos procurado en todos tiempos, siguiendo el método y costumbre de nuestros causantes conservar la crianza de reses y cerdos en aquellos montes, como uno de los ramos interesantes en este lugar para el ... y consumo de la población y de acuerdo con los demás condueños hemos procurado que no se introduzca persona alguna con establecimiento que pueda perjudicarnos." Bernardino Ramos, Julián Hurtado, José Reyes, and Benancio Santana to Juez de Paz of El Seibo, 11 May 1837, in AGN-RD, Alcaldías y Juzgados de Paz, Signatura 313106, leg. 1, Expedientes Judiciales, exp. 29, Folios 27-34. The dictionary of the Real Academia Española defines "causante" as an originator of a legal right ("Persona de quien proviene el derecho que alguien tiene"). See *Diccionario de la lengua española de la Real Academia Española*, s.v. "Causante," accessed February 25, 2018, <http://dle.rae.es/?id=80Pxmst>.

their own authority as co-owners, enabling them to police the lands and to discipline other residents.

Among his other transgressions, Paulino had “maintained squatters in those forests” without the consent of the other landowners. Many established residents attempted to solidify their claims to terrenos comuneros by distinguishing themselves from alleged “squatters” like those who lived on Paulino’s lands. In November 1837, Santiago Sotero and other residents of Guayabo Dulce presented a petition to the juez de paz of El Seibo in which they denounced “various squatters who call themselves owners [*varios vividores que se titulan dueños de dichos terrenos*],” and who threatened to bring “ruin and desolation” to the area. According to their petition, Sotero and his companions had all inherited the lands from their “ancestors,” while the newcomers had no legitimate right to live or work in Guayabo Dulce. As they concluded, “it is unknown by what means they have acquired the pieces that they possess.”⁴⁶

These were only the latest in a long series of complaints about the prevalence of squatters on terrenos comuneros. During the colonial era, established residents and authorities often connected the “problem” of unauthorized squatters to the “problem” of runaways from slavery in

⁴⁶ The beginning of this document is partially destroyed and mostly illegible. “y Santiago Sotero, ...vecindario y domicilio ante V... nuestro favor convengan ... nos hallamos siendo Dueños de los terrenos de Guayabo Dulce ... que heredamos de nuestros antecesores o los hemos ... de igual calidad como lo comprobaremos... al efecto presentaremos y como quiera que en los dichos terrenos se hallan varios vividores que se titulan dueños de dichos terrenos sin saberse de que modo han adquirido las partes que poseen ... como nosotros de los principales dueños de él y estos usan de las mismas facultades que nosotros y nuestros consanguíneos usamos llegando al extremo de ... como nos hallamos perjudicados en nuestras crianzas y en los usufructos que deberíamos tener en los dichos terrenos así por la ... de los dichos vividores como por el desorden con que se comportan... cesar dicho abuso, y saber quienes son los legítimos dueños de Guayabo Dulce y de quien hasi adquirido las partes que poseen, evitando de este modo la ruyna y desolación de él, en esta virtud ocurrimos a la acreditada justificación de este respetable tribunal.” Litis por terrenos, 4 November 1837, in AGN-RD, Archivo Real de El Seibo, Signatura 1700075, leg. 33, exp. 100, Folio 1.

the sparsely-populated interior of Santo Domingo. In 1793, one co-owner of a set of terrenos outside of El Seibo had protested that his neighbor had hosted a group of runaways from slavery, including a man who had once been held as a slave by the plaintiff himself, in return for their agreement to work for him on the lands. The widespread tolerance for maroon squatters—sometimes, as in the 1793 case, as a mechanism for extracting new forms of unremunerated labor in return for shelter from the authority of former slaveholders—drove some co-owners to denounce their neighbors as a means of protecting what they described as their property rights in both land and in persons.⁴⁷ This longer history of both tolerance for and surveillance of squatters helps to contextualize the measures taken by co-owners like Ignacio de Peña and Lucas Rijo, who complained in June 1836 that their neighbors had hosted “transients” on their property. No longer able to evict squatters by invoking outstanding property claims in persons or by appealing to colonial administrators’ desire to suppress marronage, Peña and Rijo drew instead on the Code Rural’s language of anti-vagrancy.

In some cases, citizens who had constructed unauthorized dwellings or plots of crops on terrenos comuneros bolstered their claims to these areas by drawing up legal agreements with the lands’ putative co-owners. In 1826, Juan Pión (the future military commander of the commune of Higüey) had begun to plant crops on a small settlement located within the terrenos comuneros of El Llano de la Seyba, shared among others by the prominent Higüey residents Sebastián Cordero and Dionisio Bort. Rather than kicking Pión off of the property altogether, Cordero and Bort acceded to “bestow broad authority [*amplia facultad*] to the citizen Pion so that he may freely

⁴⁷ Historian Richard Turits analyzes this case in a forthcoming work on racial formations in colonial Santo Domingo. Richard Turits, “New World of Color: Slavery, Freedom, and the Making of Race in Dominican History,” paper presented at the College of William & Mary, 14 March 2014, 15-16.

establish himself in the place,” and pledged that they would not seek to displace him unless he ceased to “behave as a good neighbor, as each honorable Father of a Family is required to do by law.” Together, Pión, Cordero, and Bort signed the agreement before the Tribunal de Paz of Higüey, which endorsed the citizens’ collective resolve “to conserve the perfect union among neighbors who border one another.”⁴⁸ Though Cordero and Bort contended that Pión lacked a formal claim to the terrenos of El Llano de la Seyba, therefore, they pledged (vaguely) that they would only bring legal charges against Pión if he gave them reason to do so. This decision indicates that residents’ practices of toleration depended in part on their perceptions of squatters’ social standing and “honorable” conduct, likely signifying their adherence to the customary practices for land use (such as the recognition of distinct zones for cultivation, hunting, and animal raising). At the same time, Cordero’s and Bort’s invocations of honor and family drew from official state discourses about patriarchal responsibility, epitomized by an article of the 1816 constitution of Haiti that defined an ideal citizen as “a good son, a good father, a good brother, a good friend, and a good husband.”⁴⁹

⁴⁸ “y deseando los tres nominados conservar la perfecta unión entre vecinos colindantes como así mismo precaver los resultados futuros que por razón de intereses puedan originarse entre sus descendientes y sucesores legítimos determinaron después de varias conferencias con unanimidad de los tres individuos nominados los artículos siguientes: Los ciudadanos Sebastián Cordero y Dionisio Bort le confieren amplia facultad al ciudadano Pion para que libremente pueda establecerse en el lugar en donde se halla fundado actualmente con toda la extensión que sea de su voluntad...que jamás los propietarios de tierra podrán mover a Pión con el objeto de espulsarlo en el lugar en que está fundado, con pretesto de no ser dueño de aquel paraje a excepción de no comportarse como buen vecino, que por derecho es obligatorio a todo honrrado Padre de Familia, poniéndose en contravención de la Ley de la Razón.” Acuerdo entre partes, 2 January 1826, in AGN-RD, Archivo Real de Higüey, Signatura 1700134, leg. 31 R (31 R), exp. 12, Folio 1.

⁴⁹ Here is the full text of article 22 of the 1816 constitution: “Nul n’est bon citoyen, s’il n’est bon fils, bon père, bon frère, bon ami, bon époux.” See *Révision de la Constitution haïtienne de 1806* (Port-au-Prince: Imprimerie du Gouvernement, 1816), 4.

As they asserted the authority to grant or to deny permission to newcomers, established residents of *terrenos comuneros* helped to mediate the legal transformations outlined by national representatives of the Haitian state. From Port-au-Prince, the Boyer administration continually pressured local authorities to survey *terrenos comuneros* in their districts, encouraging them to determine each co-owner's individual claim to fractional rights and to translate each claim into a formal legal title to a bounded portion of the *terrenos*. In April 1834, Boyer issued a new circular to the military commanders of eastern districts, in which he acknowledged that the sections of the law of July 1824, which had sought to overhaul *terrenos comuneros* altogether, had had only limited effect. Boyer specified that the *commission d'agence*, which the 1824 law had charged with dividing these lands up among citizens in the form of official titles, had hardly begun to evaluate the great number of claims to *terrenos comuneros*. "[T]en years will soon have passed since this measure was decreed, and only a very small number of these possessors of territorial rights have presented their titles to the established commissions in order review them."⁵⁰ Consequently, the commission had issued few updated titles in conformance with the 1824 law beyond the cities and towns of the east. In an effort to accelerate this process, Boyer set a new deadline for citizens to file their land claims with the commission and their representatives throughout the eastern communes. Any citizen who wished to receive the commission's certification of a land claim must do so by the end of December 1834. After this date, Boyer

⁵⁰ "Cependant il y aura bientôt dix années que cette mesure a été arrêtée, et il n'y a qu'un très-petit nombre de ces possesseurs de droits territoriaux qui aient présenté leurs titres aux commissions établies pour les faire régler." Circulaire du Président d'Haïti, aux commandants des arrondissements de la partie de l'Est, donnant aux habitants de cette partie un nouveau délai pour faire vérifier leurs titres sur certaines terres, 7 April 1834, in L'Instant Pradine, *Recueil des lois et actes du gouvernement d'Haïti depuis la proclamation de son indépendance jusqu'à nos jours*, Tome 6: 1834-1839 (Paris: Auguste Durand, 1881), 5.

warned, any terrenos comuneros that had not yet been surveyed and divided into distinct parcels could be nationalized by default.⁵¹

A month later, juez de paz of Higüey Juan José Martínez wrote to the commission d'agence and to General Carrié in Santo Domingo, in which he confirmed receipt of the new orders. Martínez explained that he had issued an invitation to the inhabitants of the commune to provide testimony about their claims to land in order to receive official documentation from the local representatives of the commission d'agence. In Martínez's estimation, the population of the surrounding countryside would be eager to visit the town to receive recognition of their property rights, though he noted that thus far he remained unaware of anyone who had done so. At the same time, he lamented the "bundle of difficulties and contradictions" that the new policy would engender, since it called on all citizens whose land titles were not "in proper form" to contact the tribunal to determine their property rights. The juez de paz predicted that the flood of competing claims would overwhelm the tribunal, and that at least a year would pass before they could even begin to sort through them.⁵²

⁵¹ The president did not specify whether such lands would be seized directly or whether they would be incorporated into the domains of state soil in the model of ecclesiastical lands and other urban properties. On the latter form of layered landholding, see Chapter 2.

⁵² "que lla están persuadido a lo que an de hacer y a esta fecha unos estarán para marchar otro en sus monterías para aviarse y tomar el camino y asi lo que se nos presenta es un volumen de dificultades y contradicciones que se pasara el ano y nada se hará porque solo tienen por oserbasion que el que su escritura no estuviere en debida forma lo presente al tribunal de Paz para verificarla." Juan José Martínez to Comisión d'agence, 28 May 1834, in AGN-RD, Archivo Real de Higüey, Signatura 1700112, leg. 17A, exp. 189, Libro de correspondencia, 20 January 1834 to 29 December 1834, Folio 16. See also Juan José Martínez to Bernard Philippe Alexis Carrié, 28 May 1834, in AGN-RD, Archivo Real de Higüey, Signatura 1700112, leg. 17A, exp. 189, Libro de correspondencia, 20 January 1834 to 29 December 1834, Folio 18.

In the months after the promulgation of Boyer's circular, some rural inhabitants indeed contacted local authorities to divide up their collective claims and to receive titles to portions of terrenos comuneros. In Bayaguana, an interior commune located approximately halfway between the southeastern city of Santo Domingo and the northeastern Samaná peninsula, ten citizens acting on behalf of the "co-owners" of two sites of terrenos comuneros known as Carabela Arriba and Carabela Abajo went before the Tribunal de Paz of the commune to establish boundary makers (*mojonaduras*) and thereby demarcate the portions of territory that corresponded to each claimant's "rights." According to the scribe of the tribunal, the proprietors had already "reviewed and corrected" their official property titles for these adjacent "communities of lands." The group included the juez de paz of Bayaguana, who may have encouraged his fellow co-owners to fulfill the national directives or given them priority before other residents who wished to do so.⁵³ Regardless of the proprietors' motivations, the result was clear: local authorities began to issue titles that conferred property rights to individual citizens based on their older claims to fractional shares of terrenos comuneros.⁵⁴

⁵³ Deslinde de terrenos, 9 July 1834, in AGN-RD, Archivo Real de Bayaguana, Signatura 17800047, leg. 23, exp. 4.

⁵⁴ In spite of having erected boundary markers throughout the property, witnesses and tribunal members alike continued to refer to Carabela Arriba and Carabela Abajo as terrenos comuneros, just as its proprietors continued to refer to themselves as co-owners. Several years later, when one proprietor sold her share of 312 pesos in Carabela Abajo, she stipulated that "this said land is jointly held [*proindivisa y comunera*] as part of the community of lands of Carabela Abajo, whose limits are divided from that of Carabela Arriba at the midpoint of the Sabana and Llabacao rivers." This declaration suggests that the construction of boundary markers in 1834 had divided Carabela Abajo and Carabela Arriba into smaller comunero sites, rather than individual plots in which each resident maintained exclusive rights. Together, the seller and the notary affirmed that the act of sale itself would henceforth serve as an individual property title to a portion of jointly held lands in accordance with Article 16 of the Code Rural, which mandated that all properties must be fully surveyed before they could be sold.

In a few cases, rural administrators determined ownership by considering the scant written documentation of the origins of comunero sites alongside the testimonies of local residents. In November 1842, Plácido Santana was accused of attempting to establish himself unlawfully in the terrenos comuneros of Cerrano, which were claimed by Sebastián and Eugenio Rijo. In response, he presented to the Tribunal de Paz of Higüey a copy of an early colonial-era royal grant known as an *amparo real*. This document attested the Real Audiencia of Santo Domingo had once ruled that the lands in question formed part of another set of terrenos comuneros known as Magdalena (the same lands in which Lucas Rijo and Ignacio de Peña resided), and were entirely distinct from those known as Cerrano. Plácido Santana claimed that he was one among many other co-owners of Magdalena. The Higüey tribunal thus confirmed Plácido Santana's status as co-owner, and decreed that he be allowed to remain on the lands until and unless the Rijos produced evidence that the Real Audiencia had later overturned this division between Cerrano and Magdalena.⁵⁵

Venta de 312 pesos de terrenos en el sitio de Carabela Abajo por la Ciudadana María Santana al Ciudadano Baltazar Calderón, 16 August 1838, in AGN-RD, Archivo Real de Bayaguana, Signatura 1700053, leg. 34, exp. 39, No folio number.

⁵⁵ In 1799, the seat of the Real Audiencia moved from Santo Domingo to Puerto Príncipe in Cuba.

“los Ciudadanos Sebastian Rijo y Eugenio Rijo poniendo impedimento a que el Ciudadano Placido Santana se establezca en una porción de terrenos comuneros situados en esta jurisdicción que las partes querellantes reclaman como denominados bajo del titulo de Cerrano, y en contestación de este pedimento, presentó el referido Placido Santana un documento autentico y legal de la Real Audiencia que existía a Santo Domingo cuando fue hecho, entitulado el Amparo Real por cuyo se verifica que el lugar que reclaman los demandantes bajo la denominación de Cerrano es comprendido y amparado como terrenos comuneros de Magdalena conforme a las guardarallas citadas en el documento sobredicho,” Litis por posesión de terrenos, 5 November 1842, in AGN-RD, Archivo Real de Higüey, Signatura 1700112, leg. 11 Azul (11 A), exp. 194, Folios 1-2.

As property disputes escalated through channels of appeal, departmental and national leaders sometimes intervened into the struggle to determine ownership of terrenos comuneros. President Boyer himself published an official statement in a July 1840 issue of the newspaper *Le Télégraphe* in which he ruled on a land claim filed by Pablo Báez to the terrenos comuneros known as Sajanoa and Peralta, located in the southern commune of Azua (about 100 kilometers west of the city of Santo Domingo). In this decision, president Boyer noted that Báez lacked any formal title that established his status as co-owner. Instead, Boyer wrote, Báez possessed only “use rights” for cultivation, ranching, or hunting, “known by the name of acciones of land, and which, under the previous regime, did not constitute private property [*propriété foncière*] over the lands in question.” Notwithstanding this qualification, Boyer concluded the decision by upholding Báez’s claim and instructing him to request a certified title from local authorities of the commission d’agence. The president himself thus acknowledged that older claims to terrenos comuneros based in possession and use, rather than written titles, could provide the foundation for individual property rights.⁵⁶ Boyer’s logic in this case may have revealed his desire to standardize the procedures for determining landownership across the island, since he had already

⁵⁶ “1. Qu’il résulte de leur examen que les droits réclamés par le citoyen Pablo Baez sur les terrains en question ne sont autres que des droits d’usage, de culture, de hatte, ou de vénerie, connus sous la dénomination d’actions de terre, et qui, sous le régime antérieur, dans la partie orientale d’Haïti, ne constituaient point la propriété foncière des terrains dont on jouissait au titre précité.” Jean-Pierre Boyer, Président d’Haïti, sur la réclamation du citoyen Pablo Báez, tendant à le faire maintenir dans les droits qu’il possède sur les terrains de Sajanoa et Peralta, situés dans la commune d’Azua, 4 July 1840, in *Le Télégraphe*, 5 July 1840, 1.

In the process, Boyer also revealed that he had extended the December 1834 deadline for requesting titles to terrenos comuneros by nearly six years. Indeed, he had probably scrapped it altogether

acknowledged that long-term possessors of land could claim the rights of property holders in western Haiti.⁵⁷

During the period of unification, some residents successfully transformed their claims to *terrenos comuneros* into property rights that were upheld and acknowledged by national leaders, including the president himself. By presenting these claims, citizens grappled with the meaning of Haitian state authority even in the deepest rural areas of the former Spanish colony of Santo Domingo. As residents of *comunero* sites appealed to civil and military authorities to resolve disputes and to maintain the “perfect union of neighbors” at the local level, they also recognized the role of Haitian state institutions in guaranteeing the exercise of the of property protections enshrined in the law and, at times, sought the state’s assistance in excluding others from those same protections.⁵⁸

The local contests over possession and ownership of landed properties had far-reaching implications, ultimately shaping the legal foundations of the Haitian state’s claim to sovereignty in Santo Domingo. In late 1829, a Spanish commission led by Felipe Fernández de Castro, the former accountant of Spanish Santo Domingo who had sold the men and women he claimed as

⁵⁷ In 1836, for instance, Boyer had responded favorably to a petition by a citizen named Marie Claude Platel, a resident of the southwestern commune of Cavaillon. Platel had written to the president in the hope that she could claim ownership over a “site” that she had occupied for over thirty years. Such decisions suggest that there was indeed a precedent for individual citizens to claim the rights of ownership by displaying evidence of long-term possession in western Haiti. See No. 3: Jean-Pierre Boyer sur la réclamation de la citoyenne Marie Claude Platel, 3 November 1836, ANH, Présidence, Collection Jean-Pierre Boyer, No folio number.

⁵⁸ It is possible that many rural squatters maintained functional access to *terrenos comuneros* as “virtual common lands” throughout the unification. The low population density and the relative limits of authorities’ policing capacity in some parts of Santo Domingo made systematic enforcement impractical. Indeed, the contests over the meaning of these lands would continue on into the mid-twentieth century, when Dominican dictator Rafael Leónidas Trujillo implemented an extensive agrarian reform in order to “modernize” the countryside by consolidating the rights of squatters in the form of small land concessions. See Turits, *Foundations of Despotism*, 42.

slaves and fled Hispaniola just before the deployment of Haitian troops in early 1822, arrived in Port-au-Prince to present a legal claim for the restitution of the territory of the eastern part of the Republic of Haiti to the Spanish Crown. The collapse of negotiations between Haiti and Spain over the ensuing months generated a diplomatic crisis that very nearly escalated into war, and authorities in Haiti, Cuba, and Puerto Rico all reinforced the military fortifications of their respective islands in anticipation of an invasion that never came. This moment of intense uncertainty forced the representatives of the Haitian state to pinpoint a precise legal basis for the unification. In the end, they drew on the property law concept of possession as a major source of their legal authority to administer eastern Hispaniola.

During a series of meetings with the plenipotentiaries of the Boyer administration in late 1829 and early 1830, Fernández de Castro invoked the laws of nations to demand the retrocession of the former colony Santo Domingo to Spain. Fernández de Castro assumed that the Haitian government had seized control of the east in response to the exceptional circumstances of Núñez de Cáceres' ill-fated independence movement in late 1821. In his view, Haiti's "occupation" had never overruled Spain's underlying claim to sovereignty there, since "such a procedure would stand in absolute opposition to the sacred law that governs all states."⁵⁹ In response, the Haitian plenipotentiaries invoked the popular support for the unification. The eastern population had called on Haitian authorities to unify the island and had displayed

⁵⁹ "Posesionarse de una parte de los Dominios de un Soberano por una insurreccion de algunos de sus vasallos o súbditos, es lo mismo que despojarle a viva fuerza en el reposo de la paz, sería abusar de la seguridad que da la buena armonía y relaciones amistosas, semejante procedimiento estaría en oposición absoluta con el derecho sagrado que rige a todos los Estados," No. 4: Felipe Fernández de Castro to Plenipotentiaries of the Republic of Haiti, 19 January 1830, in Archivo Histórico Nacional, Madrid (hereafter AHN), Estado, leg. 3395, exp. 4: Exp. relativa a la villa de Santo Domingo y de la comisión dada a don Felipe Fernández de Castro para recobrar la posesión de aquella isla.

“unanimous” consent for the union. Eastern citizens displayed a “laudable patriotism” that proved that were ready “to sacrifice everything to maintain order and public tranquility in those places where slavery and discontent had reigned for many years to the disadvantage of all.”⁶⁰ Most importantly, the plenipotentiaries cited the 1795 Treaty of Basel, according to the terms of which Spain had ceded the eastern side of Hispaniola to France. Since this treaty was still in force when Haitian independence was declared in January 1804, the eastern side of Hispaniola was “understood to belong to the territory that the Haitians declared to be free and independent of all French domination.” In this way, the plenipotentiaries of Boyer’s government traced the origins of their claim to “possession” of eastern territory back to the date of Haiti’s founding as an independent nation in 1804, eighteen years *before* the date of the unification.⁶¹

By basing their authority on long-term possession that was “unanimously” acknowledged and respected by local inhabitants, the Haitian plenipotentiaries put forth a claim to sovereignty in the territory of Santo Domingo that bore close resemblance to the arguments that individual citizens would use to claim the rights to landed property in the same territory. Fittingly, it was

⁶⁰ “estando ademas sostenido por el concurso unánime, y la voluntad de los Ciudadanos habitantes del territorio, que se han mostrado constantemente por un Patriotismo laudable, dispuestos a sacrificarlo todo por mantener el buen orden y la tranquilidad publica en los lugares en donde subsistia durante muchos años la esclavitud y el descontento con gran desventaja de todos,” No. 5: Plenipotentiaries of the Republic of Haiti to Felipe Fernández de Castro, 21 January 1830, in AHN, leg. 3395, exp. 4.

⁶¹ que habiendo sido cedida por la España la parte Este de esta Ysla a la Francia desde 1795 por el tratado de Basilea y ocupándolo la Francia desde 1801 se ha encontrado indispensablemente comprendido en el territorio que los Haitianos por su seguridad y su conservación declararon el 1o de Enero de 1804, libre e independiente de la dominación francesa... Después de los detalles de los hechos notorios en los cuales han entrado los infrascritos, el Señor Plenipotenciario se convencerá como SMC lo reconocerá que el Gobierno de Hayti tomando posesion hay ocho años de la parte del Este, no ha obrado sino en virtud de un derecho adquirido habia diez y ocho entonces,” No. 5: Plenipotentiaries of the Republic of Haiti to Felipe Fernández de Castro, 21 January 1830, in AHN, leg. 3395, exp. 4.

none other than Tomás Bobadilla, himself a former member of the commission d'agence (which had been established by the law of July 1824 to review citizens' claims to landed properties), who joined the Haitian government's push to present a legal claim to sovereignty in Santo Domingo. In 1830, Bobadilla published a bilingual Spanish-French pamphlet in which he offered his "observations" on the negotiations with the Spanish Crown and forcefully defended the Haitian unification project. Bobadilla hinted that a return to Spanish rule would culminate in the re-enslavement of the population of Santo Domingo.⁶² He maintained that the Spanish Crown possessed no legitimate right to the territory because its claim of sovereignty was based on force alone. Spain had first taken control of Hispaniola by "destroying the indigenous people and their leaders, reducing them to slavery, and exercising upon them the atrocities that are recounted by historians."⁶³ Bobadilla contrasted Spain's claim to sovereignty with that of Haiti's, which rested upon its long-term and uncontested possession of eastern territory. "If possession can give rise to rights," Bobadilla wrote, "there is no doubt whatsoever that the peaceful and uninterrupted possession of the Republic, undertaken by the spontaneous and general acclaim of its inhabitants,

⁶² "manifiesta S. M. C. la intención de que los habitantes de la isla de Santo Domingo vuelvan a entrar en el numero de mis vasallos. Como si digera, en el numero de mis esclavos, para que unidos a mi trono arrastren las cadenas de su degradación." Tomás Bobadilla, *Observaciones sobre las notas oficiales del Plenipotenciario del Rey de España y los de la República de Hayti, sobre el reclamo y posesión de la parte del Este* (Santo Domingo: Imprimerie du Gouvernement, July 1830), 2, in Archivo General de Indias, Sevilla (hereafter AGI), Papeles de Cuba, leg. 2014.

⁶³ "todos saben que esta parte fue conquistada por Colom, los horrores que los españoles cometieron en esta isla y en cuantas partes establecieron su dominación, destruyendo a los indigenos y a sus soberanos con cuantos suplicios y persecuciones puede inventar la crueldad, reduciéndolos a esclavitud y ejerciendo en ellos las atrocidades que refieren los historiadores..." Bobadilla, *Observaciones*, 2-3.

must produce a stronger right due to the manner in which it took place, . . . , and because it was this [possession] that suited the interests and well-being of its inhabitants.”⁶⁴

In this way, national authorities settled on possession as the basis for their legal defense of the unification project on the international stage just as local authorities accepted the same basis for individual citizens’ property rights in the east. It is likely that departmental civil administrators like Bobadilla, who served as intermediaries between local institutions like the *Tribunales de Paz* and executive officials in the Boyer administration, played a key role in drawing from principles of property law to project and to protect Haitian sovereignty more generally. Indeed, Bobadilla’s logic was likely influenced by his personal experience with the land claims of individual citizens, who frequently pointed to their long-term, uncontested possession of *terrenos comuneros* in order to assert their protected status as property holders under the new Haitian government.

⁶⁴ “Mas si la posesión puede dar derecho, la pacifica y no interrumpida de la Republica tomada por una aclamación general y espontanea de los naturales, no cabe duda que debe producir mejor derecho por el modo con que se hizo, por la localidad, por la naturaleza, y porque era la que convenía a los naturales para su mayor utilidad y beneficio.” Bobadilla, *Observaciones*, 3.

Chapter 5 All Spirits Are Roused

During the early independence period, the post-revolutionary Haitian state developed and implemented a ‘free soil’ legal doctrine, liberating former slaves who reached its shores, shaping its diplomacy with surrounding slaveholding nations, and interrupting a portion of the ongoing Atlantic traffic in African captives. Following the 1807 schism, authorities in both the north and the south upheld permanent and universal emancipation on Haitian territory as the hallmark of their respective governments. With the publication of the 1806 constitution and its 1816 revision in the southern republic, moreover, president Alexandre Pétion and his subordinates began to articulate and defend a coherent “free soil principle” that drew on precedents in metropolitan Europe even as it far outstripped them – both in scope and in its explicit appeal to enslaved people around the region.¹

¹ This argument is developed by historian Ada Ferrer in her seminal article on free soil in post-revolutionary Haiti, in which she presents this legal doctrine as a principal intervention into global antislavery. See Ada Ferrer, "Haiti, Free Soil, and Antislavery in the Revolutionary Atlantic," *The American Historical Review* 117, no. 1 (2012): 40-66. More recently, historian Johnhenry Gonzalez has demonstrated how the free soil doctrine served as a tool for the Haitian state to navigate foreign relations and project sovereignty during the extended period of diplomatic non-recognition that followed independence. See Johnhenry Gonzalez, "Defiant Haiti: Free-Soil Runaways, Ship Seizures and the Politics of Diplomatic Non-Recognition in the Early Nineteenth Century," *Slavery & Abolition* 36, no. 1 (2015): 124-135. Finally, the epilogue to Ada Ferrer's *Freedom's Mirror* reveals how the southern Haitian state's policing of the traffic in African captives to nearby Cuba – and the resulting liberation of captives- represented a further extension of what Ferrer calls the “free soil principle.” See Ada Ferrer, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution* (New York and Cambridge: Cambridge University Press, 2014), esp. 329-346.

How were these policies applied on the ground in Santo Domingo after unification?

During this period, runaways from enslavement, most of whom were from nearby Puerto Rico, frequently escaped to the eastern coasts of Hispaniola and asserted their right to freedom under Haitian law. These migrants responded to the broad legal changes outlined by national leaders, leading local eastern administrators to continually reaffirm islandwide emancipation and citizenship guarantees for foreign-born people of color. By emancipating themselves, “maritime maroons” entered into a process of negotiation with authorities that ultimately translated one dimension of the letter of the 1816 constitution into a component of administrative practice in the east.² Together, migrants, notaries, and local magistrates formalized the disavowal of property in persons, thereby giving further meaning to the juridical unification of the island, while leaving the door open for future waves of refugees seeking liberty for themselves and their families in Santo Domingo.

Sailors, Smugglers, and State-making across the Mona Passage

A narrow strait of the Caribbean Sea separating Hispaniola and Puerto Rico, the Mona Passage stretches across 100 kilometers of unpredictable currents and frequent sandbanks. The passage takes its name from the island of Mona, situated about halfway between the southernmost points of the larger islands that surround it. Today a formally “uninhabited”

² The term “maritime maroons” comes from the foundational text on runaways from the Danish West Indies. Neville A.T. Hall, “Maritime Maroons: *Grand Marronage* from the Danish West Indies,” *The William and Mary Quarterly: A Magazine of Early American History and* (1985): 476-498. See also Jorge L. China, “A Quest for Freedom: The Immigration of Maritime Maroons into Puerto Rico, 1656-1800.” *The Journal of Caribbean History* 31, no. 1 (1997): 51-87, and Jessica Vance Roitman, “Land of Hope and Dreams: Slavery and Abolition in the Dutch Leeward islands, 1825–1865.” *Slavery & Abolition* (2016): 1-24.

territory of Puerto Rico, this island has nevertheless hosted fishers and itinerant travelers between the islands since the pre-Columbian period. Two other islands are located along the passage: la Saona, just south of Hispaniola, and the tiny Desecheo off of the coast of Rincón in Puerto Rico, both of which long served as stops for sailors who navigated the strait.

In the aftermath of the unification, maritime traffic across the passage was a source of consternation not only for Spanish colonial administrators, but also for Haitian officials on both sides of Hispaniola. On 20 March 1823, Boyer issued a proclamation prohibiting all commercial exchange and regular maritime traffic between Haiti and the other islands of “the Archipelago of the Antilles,” on the grounds that such communication facilitated the introduction of contraband to Haiti, emboldened the growing slaveholding economies that surrounded it, and even jeopardized Haitian citizens by subjecting them to the laws of hostile foreign powers. Boyer framed this decision as an effort to reconcile the fundamental tensions between official neutrality and state antislavery that had characterized Haitian foreign policy since independence, as well as a response to the numerous “enemies and critics of the Republic” across the region who sought to undermine Haiti’s political existence. “The law of nations [*le droit des gens*] has always been scrupulously observed in the republic; the government...has never conceived of anything that could justifiably give rise to suspicion that it has had any intention of upsetting the tranquility of any of the neighboring islands,” the president insisted. “Yet it is in most of these islands, where the promoters of the horrid traffic in human flesh are gathered, that the Republic has always found its most tenacious detractors.”³

³ Depuis la fondation de la république, le droit des gens y a été scrupuleusement observé ; le gouvernement, toujours dirigé par l’amour de la paix et par l’honneur qu’inspire une cause juste, n’a jamais rien conçu qui pût, avec justice, faire soupçonner qu’il ait eu l’intention de troubler la tranquillité d’aucune des îles voisines. Cependant, c’est dans la plupart de ces îles, où sont réunis les promoteurs de l’affreux trafic de chair humaine, que la République a toujours eu ses plus

Boyer denounced the hypocrisy of foreign “colonists” who profited directly or indirectly from trade with Haitian merchants, all the while “execrating the Haitian name” and “insulting our national character.” The intensity of their insults, he argued, betrayed a “criminal conscience.” With this phrase, Boyer implied that the region’s slaveholding colonies were in violation of new legal order represented by Haiti. Whether the specific “crime” in question was their role in the Atlantic trade in African captives, the preservation or expansion of slavery itself, or European colonialism in the Americas more generally, Boyer did not specify. “Tormented by [their] furies,” the “colonists” had come to imagine that Haiti posed an existential threat to the region. Yet they also allowed contraband trade with Haiti to continue unabated, and through such “vile means” they “procure[d] clandestine markets for their own products” along Haitian coasts. “An end must be put to so many outrages,” Boyer concluded. Henceforth, any Haitian or foreign vessel that violated the travel interdiction would be seized and condemned in favor of the state and the individual(s) who reported the infraction.⁴

acharnés détracteurs.” For a copy of the proclamation, see Jean-Pierre Boyer, “Proclamation,” in Gabriel Torres to Capitán General de Cuba, 31 July 1823, Archivo General de Indias, Sevilla (AGI), Papeles de Cuba, leg. 2009. The document is also transcribed in Linstant Pradine, ed. *Recueil général des lois et actes du gouvernement d’Haïti depuis la proclamation de son indépendance jusqu’à nos jours*, Tome II: 1809-1817 (Paris: Auguste Durand, 1860), 583-584, and *Le Télégraphe*, 23 March 1823, 2-3.

⁴ “Pourquoi donc, malgré tous ces avantages que les colons des îles de notre Archipel retirent de leurs communications avec nous, ne cessent-ils d’avoir en exécration le nom haïtien, et d’insulter à notre caractère national par des actes indignes?...Les colons qui les habitent, tourmentés par les furies d’une conscience criminelle, s’imaginent voir sans cesse Haïti prête à les anéantir...par les vils moyens de l’interlope qu’on y encourage, on se procure sur nos côtes des débouchés clandestins pour leurs produits. A tant d’outrages il faut une fin.”

At the same time, Boyer suggested that Haiti had neither the legal force nor the will to prevent the colonists’ alleged “crimes.” Instead, the president explained, Haitians remained confident that “sooner or later,” the colonists would meet a “celestial punishment.” (“Les Haïtiens, assez confians dans les décrets de l’Eternel, pour lui abandonner le soin de les venger, dédaignent les calomnies de leurs ennemis qu’un châtement céleste atteindra tôt ou tard.”) Jean-Pierre Boyer,

The official gazette *Le Télégraphe* quickly came to Boyer's aid, depicting the commercial prohibition as a necessary response to the dangerous conditions facing Haitian sailors. Most importantly, the paper attributed the new policies to a purported intensification of friction between Haiti and the surrounding Spanish islands, especially Puerto Rico. A front-page story in the April 6th issue cited the seizure of the Haitian schooner *La Beauté* by authorities in Puerto Rico as evidence that Spain (among other slaveholding powers) sought to "persecute" Haiti and "weigh down the children of Africa with their odious yoke." According to *Le Télégraphe*, the schooner *La Beauté* had left Les Cayes on 25 January 1823 for Saint Thomas, captained by J. Dewendt and carrying a cargo of coffee and cotton, but it was captured by the Spanish corsair *La Estrella* and brought to the western coast of Puerto Rico. The article included a translation of the judgment against the schooner in the court at San Germán, in which the provisional judge Nicolás de Quiñones allegedly reiterated that the "Haitian flag" remained unrecognized by the "principal government of the Spanish nation" because it considered the "blacks and mulattoes who [had] claimed territory from the two nations who legitimately held it" to be nothing more than "rebels."⁵

"Proclamation," Gabriel Torres to Capitán General de Cuba, 31 July 1823, (AGI), Papeles de Cuba, leg. 2009.

⁵"Les colons ne cesseront-ils de nous persécuter! Ces hommes pervers, rebut des nations, répandus en Amérique, continuent d'appesantir sur les enfans de l'Afrique leur joug odieux." *Le Télégraphe*, 6 April 1823, p. 1.

According to the French-language translation by the Haitian government interpreter Louis Douge, Quiñones declared that "le pavillon d'Haïti n'est pas reconnu par le gouvernement principal de la nation espagnole; attendu qu'il ne considère que comme des révoltés, dans l'île de Saint-Domingue, les nègres et les mulâtres qui se sont emparés du territoire des deux nations qui la possédaient légitimement..." *Le Télégraphe*, 6 April 1823, 1-2.

The point here is not only that the Puerto Rican authorities continued to treat Haitian citizens as "rebels" or insurgents for legal purposes in admiralty courts, but that *Le Télégraphe* accused

The editors of *Le Télégraphe* pointed to this decision in order to suggest that authorities in Puerto Rico had sponsored “pirates” to attack Haitian shipping because Spain lacked the “means to declare open war against Haiti,” presumably due to its ongoing entanglements in independence struggles elsewhere in the Americas. Yet they also argued that such hostilities towards Haiti were symptomatic of Spanish “colonists’” larger pattern of violence against people of African descent that had persisted and even accelerated in the wake of the metropole’s formal agreements to end its participation in the Atlantic trade in African captives in 1820. “No longer able to carry out the inhuman traffic along the coasts of Africa,” *Le Télégraphe* asserted (rather optimistically, given the burgeoning illegal trade to Cuba), “they ignominiously seek revenge against the *indigènes*, descendants of that unfortunate land, who continue to suffer in slavery across the Antilles.”⁶

The authors’ descriptions of “vengeance” against the African diaspora served as a commentary on the expansion of the slaveholding economies of the surrounding Spanish territories in the wake of the Haitian Revolution. Their claims that anti-Haitian agitators operated

them of doing so as a means of legitimating Boyer’s trade interdiction in the interests of Haitian national security. For an in-depth consideration of the stakes of such arguments emanating from surrounding colonial powers during the Dessalines government’s initial campaigns to achieve recognition for Haitian independence, see Julia Gaffield, *Haitian Connections in the Atlantic World: Recognition after Revolution* (Chapel Hill and London: University of North Carolina Press, 2015), esp. chapter 3.

⁶ “N’ayant les moyens de faire une guerre ouverte à Haïti, ils ont la bassesse de s’établir pirates et de capturer les bâtimens marchands de la République qui voguent sur les mers...Ne pouvant plus faire le trafic inhumain sur les côtes d’Afrique, ils se vengent ignominieusement sur les indigènes, descendans de cette malheureuse contrée, qui gémissent dans l’esclavage, dans les Antilles.” *Le Télégraphe*, 6 April 1823, 1.

The rhetorical term “indigènes” was adopted by insurgents during the Haitian independence struggle generally to signify people of African (and, to a lesser extent, indigenous) descent who had been subjugated by slavery and colonialism.

out of the island, meanwhile, reflected authorities' concerns about the Puerto Rican government's role in an 1822 invasion of the Samaná peninsula. Upon learning of the unification between Santo Domingo and Haiti, the captain general of Puerto Rico had initially invited Governor Donzelot of Martinique to send naval forces to transport fleeing planters and those whom they claimed as "slaves" in Samaná, and the two governments (independently of their respective metropolitan superiors) had collaborated to send a spy to Santo Domingo.⁷ In this context, Boyer and his allies in the press presented the 1823 prohibition as both an emergency measure to avoid direct conflicts with colonial authorities in Puerto Rico (and beyond) and as a trade regulation to limit contraband and protect national commerce.

The dissemination of the decree did little to ease tensions, however. In fact, in spite of Boyer's explicit promises to restrict Haitian vessels from visiting any other "island or colony of the New World," some Spanish administrators worried that the March proclamation would ultimately lead to an *increase* in Haitian incursions into their territories. The Spanish military commander in Baracoa, for instance, forwarded a copy of the proclamation to the governor of Santiago de Cuba, asserting that it evinced the "resentment and animosity for our colonial system" among the "so-called Haitians" who had already "begun to assail our coasts." The commander cited one recent incident in which a group of Haitian sailors had allegedly landed at La Caleta on the eastern side of Cuba. According to the commander's account, the sailors had made off with "one black man and a number of cattle, all the property of Don Antonio Galano." In this context, the commander predicted, the decree could not only provoke "hostilities" against

⁷ See the correspondence between the officials, as well as the agent's report, in Gobernador Puerto Rico sobre la isla de Santo Domingo, 12 January 1824, AGI, Estado, leg. 19, N. 85.

merchant ships across the Antilles, but could also precipitate an armed invasion of his district.⁸ The captain general of Puerto Rico offered a more moderate assessment of the proclamation in a report to superiors in Cádiz, acknowledging that Boyer sought to limit maritime traffic between Haiti and the surrounding islands. Yet he also expressed reservations about the “resentment with which it was written,” and emphasized Boyer’s accusations against the surrounding colonial governments for refusing to respect the Haitian flag and “continuing to traffic in his brothers.”⁹ Across the Mona and Windward passages, therefore, the antislavery and anticolonial rhetorical flourishes of the decree occasionally rang louder than the specific policies that it implemented.

Although it failed to reassure neighboring authorities, Boyer’s proclamation did not signal a break with two decades of state non-interventionism beyond the shores of Hispaniola. Instead, it provided a new legal justification for Haitian officials to pursue smugglers and “pirates,” including many from Puerto Rico, who reached Haitian shores. In 1824, for instance, the civil tribunal of the department of Santo Domingo sentenced the sailor José María Rodríguez and his partner Manuel Romero, from Puerto Rico and Yucatán respectively, for smuggling weapons. According to the tribunal’s summary of the case, Rodríguez and Romero had outfitted a small boat with the Spanish flag and departed from Maunabo in southeastern Puerto Rico,

⁸ “...se ha publicado el manifiesto que acompaño a V.S y prueba muy bien no solo hostilidades contra los buques mercantes de las antillas, sino también que el resentimiento o encono que los devora por nuestro sistema colonial, puede un día a otro precipitar a los nombrados Haitianos a qualq.^a invasión en los puntos como este de mi mando... se ha empezado a hostilizar estas Costas por los Haitianos o negros de Santo Domingoo, que en una bahia entraron en la Caleta a doce leg.^s de dist.^a de esta Población, y robaron un negro y barias reces de la propiedad de Dⁿ Antonio Galano.” Comandante de Armas of Baracoa to Military Governor of Santiago de Cuba, 30 June 1823, in AGI, Papeles de Cuba, leg. 2009.

⁹ “el resentimiento con q.^e estaba escrita... pues los acusa de no haber respetado su pabellón, y de continuar traficando en sus hermanos y semejantes.” For the summary of the captain general’s report, see Archivo General de la Marina Álvaro de Bazán, Viso del Marqués (AGMAB), Indiferente Puerto Rico, leg. 4688, exp. 17.

under the pretext of carrying mail to Cuba. Instead of sailing there, however, they took the ship to the port of Salinas in the commune of Baní (part of the same administrative department as the city of Santo Domingo), where they were apprehended by Captain Cornier of the Haitian schooner *Elizabeth*. Cornier discovered that Rodríguez and Romero were carrying “five rifles, a bronze *carabina* (short rifle), a *pedrero* (stone-firing cannon), six machetes,” and various rounds of ammunition.¹⁰ The civil tribunal condemned the smugglers on two different grounds: first, for violating Boyer’s interdiction of commerce, and second, for carrying arms into the ports of the republic without authorization, a crime constituting piracy under an 1815 Haitian law. Although there was little evidence that Rodríguez and Romero had explicit political motives, the quantity of weapons on board, as well as their provenance from Puerto Rico, may have triggered concerns among the judges of the civil tribunal about their connections to potential loyalist conspirators in Santo Domingo.

The court’s decision to invoke the 1815 law reflected a broader campaign against piracy in the Mona Passage that received widespread coverage in the Haitian press. The 24 January 1824 issue of *Le Télégraphe* featured a main story about Colonel Chéri Moison’s successful apprehension of nineteen alleged pirates who had landed at the island of la Saona after seizing the U.S. American schooner *Harriet Newell*. Based out of Mayagüez, the captives included Spanish subjects from Puerto Rico, Cuba, Málaga, and Galicia well as Peruvian, Colombian,

¹⁰ “...hallándose a su bordo ... cinco fusiles, una carabina de bronce, un pedrero todos cargados, seis machetes, un saco de balas, y varios cartuchos para el pedrero y fusiles,” Sentencia contra José María Rodríguez and Manuel Romero, Archivo General de la Nación- República Dominicana (hereafter AGN-RD), Juzgados de Primera Instancia e Instrucción, Signatura 1700435, Tribunal Civil de Santo Domingo, 1822-1831, Folio 28. A transcription of this sentence was published in 1954 as part of the *Boletín del Archivo General de la Nación*’s series on “Sentencias Penales de la Época Haitiana.” See *BAGN*, No. 80 (1954): 44-46.

Genoese, English, French, Portuguese, and even “Chinese (from the Manila islands)” sailors.¹¹ Subsequent trial records confirm that the civil tribunal in Santo Domingo eventually sentenced the men to five years in prison on multiple counts of piracy.¹² For the editors of *Le Télégraphe*, the action of the Haitian navy served as a clear assertion of the rule of law in the face of “brigandage,” which was “injurious to society in general.” In their view, the state’s determination to bring the pirates to justice, combined with the absence of any Haitian citizens among the crew, demonstrated Haiti’s strides towards “civilization.”¹³ At the same time, the article noted that Moison had arrested six fishermen from the island of Mona who came ashore at Yuma, revealing that the cruise against pirates had also targeted everyday channels of maritime communication with Puerto Rico.¹⁴

¹¹ See the full list in “Intérieur,” *Le Télégraphe*, 18 January 1824, 3-4.

¹² Sentencia de los piratas, AGN-RD, Juzgados de Primera Instancia e Instrucción, Signatura 1700435, Tribunal Civil de Santo Domingo, 1822-1831, Folio 11. The ruling of the civil tribunal was later overturned by the Tribunal de Cassation in Port-au-Prince (the highest judicial authority in Haiti) because it was based primarily on the defendants’ declarations to the Commandant de Place and therefore failed to comply with standard judicial procedure. The Tribunal de Cassation called for a new trial in the arrondissement of Santiago de los Caballeros. Arrêt du Tribunal de Cassation, AGN-RD, Juzgados de Primera Instancia e Instrucción, Signatura 1700435, Tribunal Civil de Santo Domingo, 1822-1831, Folio 26.

¹³ “Notre marine est sans cesse occupée à arrêter ce brigandage si nuisible à la société... La République marche d’un pas ferme et assuré vers la civilisation... Sa conduite noble et pleine de franchise lui donne tous les droits à l’estime et à la considération des nations de la terre.” *Le Télégraphe*, 18 January 1824, 3-4.

According to the editors of the newspaper, that the Haitian government arrested pirates who sailed from Gran Colombia (as it was known until 1830) proved that Haiti was far more deserving of international recognition than the other newly-independent countries in the hemisphere. *Le Télégraphe*, 18 January 1824, 3-4.

¹⁴ The civil tribunal eventually charged the fishermen with violating the ban on maritime traffic to the surrounding islands that Boyer had decreed in March of the previous year. See Auto en la causa de los piratas, AGN-RD, Juzgados de Primera Instancia e Instrucción, Signatura 1700435, Tribunal Civil de Santo Domingo, 1822-1831, Folio 12.

Haitian authorities in Santo Domingo participated actively in the Boyer administration's efforts to suppress piracy off of Hispaniola. In 1826, the Tribunal Civil of Santo Domingo brought charges of piracy against the captain and crew of a Colombian vessel known as the *Magdalena*, which had been apprehended by a Haitian coast guard vessel. The tribunal determined that the defendants had stolen the *Magdalena* from its rightful owners by the force of arms, and that they had subsequently sailed the vessel from Cumaná to the outskirts of the town of Nizao in Hispaniola (located approximately 50 kilometers southwest of the city of Santo Domingo). The vessel was condemned, while the captain and crew were all sentenced to five years of forced labor in "public works."

Mona fishers continued to arrive in Hispaniola in subsequent years, occasionally presenting challenges for authorities charged with preventing commercial traffic with the surrounding islands. In 1830, the collapse of negotiations between Haitian and Spanish plenipotentiaries over the issue of sovereignty in Santo Domingo escalated into a larger crisis between the two countries, and both sides prepared for a potential invasion across the Windward or Mona passages. During this period of heightened tensions, Alberto Escanillas Fernando Garriga, José M. Benito, Salvador Salomón, and José Manuel Monclova, the crew of a small fishing boat named *Golondrina*, were imprisoned in Santo Domingo. They later testified to the Teniente de Guerra in Puerto Rico that they had left Mayagüez the previous February to fish near the island of Mona, but claimed that a storm pushed their ship far off course to la Saona. According to Escanillas, a Haitian schooner then seized their ship and transported the crew to Santo Domingo, where General Jérôme Maximilien Borgella and civil tribunal magistrates José Joaquín del Monte and Manuel de Aybar "interrogated them as to whether there were many troops, boats, and creole residents who could embark to attack" the island. Finally, the officials allegedly explained that they had imprisoned the fishermen to prevent a "revolution in the city." "...que inmediatamente los amarraron y condujeron al puerto principal de Santo Domingo y le mandaron poner en la Carcel, que a las cuatro de la tarde del dicho día primero el General Borgella acompañado de Antonio Cuzet, y de Vicente Maceo le tomaron declaración a la que también asistió D. José Del Monte, abogado Presidente de Consejo y D. Manuel Aybar..., y le interrogaron si en Puerto Rico había muchas tropas, buques y que gente criolla podría embarcarse para atacarlos...El G.^{ral} le manifestó que los había encarcelado para evitar una revolución en la plaza," Capitán General de Puerto Rico to Consejo de Ministros, 7 July 1830, Archivo Histórico Nacional, Madrid (hereafter AHN), Estado, leg. 3395, exp. 4.

Even as the magistrates on the tribunal ordered the crewmembers to be punished severely for their “piratical” crimes, they exempted from this sentence two men, Bruno Álvarez and Ignacio Prisner, who had also been apprehended on board the *Magdalena*. During the course of the proceedings, Álvarez and Prisner testified that they had been held as slaves in Cumaná. During the wars of independence in Tierra Firme, they had participated in the 1813 attack on Cumaná by insurgent leaders Santiago Mariño and José Francisco Bermúdez, the latter of whom had promised them their freedom in return for their military service in the patriot army. Yet after the capture of the city, Bermúdez had gone back on his word and “restored them to the service of their masters.” In this context, Álvarez and Prisner responded eagerly when, thirteen years later, the captain of the *Magdalena* proposed that they join his expedition “in order to come to this Island to enjoy their liberty, of which they had been deprived.” Given that Álvarez and Prisner had undertaken the voyage to Hispaniola not to avoid punishment for the theft of the *Magdalena*, but rather to claim the legal freedom accorded to them by Haitian free soil, the tribunal “absolve[d] them of all guilt” and released them from custody. With this decision, the magistrates of the tribunal signaled that the state antipiracy campaign would not jeopardize the constitutional protections for individuals who had escaped from slavery on foreign shores.¹⁵

¹⁵ “y Bruno Alvarez e Ignacio Prisner embarcados con él en el Puerto de Cumaná por sugestión de Sempris para venir a gozar a esta Isla de su libertad de que estaban privados por ser su condición servil en aquel país y que se había ofrecido el general Bermudes que lo mandaba si tomaban las armas como lo verificaron en su defensa en el ataque que le dio el general Mariño, restituyéndolos al servicio de sus amos después de cometida la batalla...se les absuelve en toda culpa, y cargo, poniéndose en absoluta libertad a disposición del General Comandante del Distrito” Sentencia contra Alejandro Sempris y compartes acusados de actos de piratería, 30 December 1826, “Sentencias Penales de la Época Haitiana de 1822 a 1831,” *BAGN* 86, no. 6 (1955), 288-290.

Haitian authorities thus came to target a variety of maritime networks between the two islands as potential threats to national security in the aftermath of the 1823 interdiction.¹⁶ Yet as evidenced by the 1826 case brought by the tribunal civil against the “pirates” from Cumaná, the Haitian state’s antipiracy policies and trade interdictions did not undermine its simultaneous commitment to providing refuge, freedom, and citizenship for runaways from neighboring slaveholding societies. Haitian authorities distinguished between sailors who set foot on Hispaniola to to commit or to avoid prosecution for “piracy” broadly defined, on the one hand, and refugees from slavery and migrants who intended to stay there permanently, on the other. There is little evidence that the 1823 proclamation was ever invoked against individuals seeking residence on the island – in fact, there are no indications that Haitian courts in the east ever heard such cases at all. As officials may have recognized, the antipiracy campaign and the trade interdictions were unlikely to deter maritime marronage to Hispaniola, given that runaways from slavery sought to avoid detection and avoided the regular circuits of transit out of necessity.¹⁷ In short, Haitian officials likely saw little contradiction between the application of new prohibitions on maritime traffic and extant free soil policies across the island in the wake of the unification.

A Free Country on the Island of Haiti

¹⁶ In April 1826, Boyer would exempt Saint Thomas and Curaçao from the trade interdiction, but it remained prohibited for most citizens to travel to surrounding islands under foreign imperial control (and vice versa). See Jean-Pierre Boyer, “Proclamation qui rapporte la disposition qui interdit toute relation entre Haïti et les îles voisines,” 1 April 1826, in Pradine, *Recueil*, Tome IV: 1824-1826, 363-364.

¹⁷ It is worth remembering, moreover, that Spanish authorities had forbidden regular traffic to Haiti even before the unification and Boyer’s travel ban. Prior to 1822, therefore, individuals from Puerto Rico, Cuba, and other Spanish territories, even those who were legally free, would have encountered significant challenges if they sought to establish themselves on Haitian territory.

On 12 April 1837, the *juez de paz* (local civil magistrate) of the commune of Higüey Juan José Martínez, accompanied by the *greffier* (scribe) Ramón Soñé, interviewed a group of six individuals from Puerto Rico who had recently arrived on the beach of Macao along Hispaniola's eastern shore, approximately 30 kilometers away. Though it was a ranching town in Santo Domingo's rural interior, Higüey also served as the administrative center for the Haitian government along a wide stretch of the eastern coast of the island from La Romana in the south almost to the Samaná peninsula in the north, just as it had during the Spanish colonial period.¹⁸

María Victoria, Crepino Calderón, Martín López, Juan Torre, Tomás Layón, and Eugenio Morales, as the migrants introduced themselves, had landed at Macao in a *piragua*, or canoe, where they joined five others who had followed the same itinerary. Martínez asked them a routine set of questions in order to determine their origins and motives for coming to the island, and Soñé provided an abbreviated transcription of their collective testimonies. The group explained that they were natives of Mayagüez and Añasco on the western coast of Puerto Rico, that they were all between twenty and thirty years old, and that they had set sail at Mayagüez in the canoe "bound for this island in search of their freedom." In Puerto Rico, the record of their declarations emphasized, they had been "domestics." María Victoria had worked as a street merchant (*vendedora de calle*), while Calderón, López, Layón and Morales were fishermen and "*habitantes*," an ambiguous term that may have carried implications of agricultural labor. They

¹⁸ For more on the local administration of Higüey and its relationship to shifting political regimes in Santo Domingo, see Rudolf Widmer S., *La propiedad en entredicho: una historia documental de Higüey, siglos XVII-XIX* (Santo Domingo, Editora Manatí, 2004).

had elected to travel to Hispaniola, in short, because they knew that there was a “free country” (*país libre*) on the island.¹⁹

The following day, the officials of the Tribunal de Paz examined the remaining five Puerto Ricans who had disembarked at Macao: Julián Borque (perhaps an abbreviation of Bórquez or Bohórquez), 35 years old; José Gregorio Morales, 30 years old; Enrique Morales, 26 years old; Viviana Morales, 20 years old; and her infant daughter Agustina Morales, approximately 18 months old. The men had been carpenters, but Viviana Morales was identified - either by herself or by the *greffier* Soñé- as a cultivator (*cultivadora*), the same term used throughout the island to describe rural former slaves. The officials noted that they had brought with them in their canoe “tools related to their profession,” several articles of clothing and fabric that they “had already sold in order to eat,” and 18 and a half ounces of silver cobs, or irregularly shaped coins (*plata macuquina*). Like their shipmates, they were from the region of Mayagüez in Puerto Rico. When the *juez de paz* asked the second group to state the reasons for their voyage, they apparently provided the same answer as the first. According to Soñé’s summary of their testimony, “they left the port of Mayagüez in a piragua with five oars bound for Santo Domingo, as a free country, to seek their freedom.”²⁰

¹⁹ “...naturales de Mallaguez y Añasco que salieron del puerto de Mallaguez con una piragua con destino para esta ysla a buscar su libertad como pais libre por ser ellos domestio.” Certificación de Declaración, 12 April 1837, AGN-RD, Archivo Real de Higüey, Signatura 1700123, leg. 18 Azul, 1838-1904, exp. 95.

²⁰ “que sarieron del puerto de Mallagues en una piragua de de cinco remo Con destino a Santo Domingo a buscar su libertad Como pais libre...dijeron aber condusido herramento consirniente a su ofisio y que la dejaron a bordo de la Canoa. tres camisones y alguna pañuelo que lla anbendido para comer. Y dies y ocho onsas y media de plata macuquina que presentaron al tribunal las quales se le andebuerto para q.º se mantubieron.” The record of the interview noted that the members of the tribunal had examined the silver before returning it to the declarants. Certificación de Declaración, 13 April 1837, AGN-RD, Archivo Real de Higüey, Signatura 1700123, leg. 18 Azul, exp. 96.

The two groups who came ashore in April 1837 were not the first Puerto Ricans to make such declarations before Martínez and Soñé. The previous summer, Cecilio Álvarez, Juan Álvarez, Francisco Abraham Álvarez, Gregorio Álvarez, and Vicente Álvarez traveled from Añasco to Macao in a small rowboat named *El Cabrito*, which began to break apart before the end of the journey. Like Viviana Morales, they too were described as “cultivators” in the records of the tribunal. Most importantly, the transcript of their declarations specified that they had voyaged to the “island of Santo Domingo in search of their freedom.”²¹ In October 1839, another five men appeared in a *yola*, or small sailboat, at the beach of Yuma (modern Boca de Yuma), near the island of la Saona at the southeastern tip of the former colony of Santo Domingo. Antonio González, Vicente Lira, Juan de Lira, Juan Andrés Miranda, and Francisco Lira had set out from Mayagüez four days previously, “at nighttime,” headed for Hispaniola. “The cause for their coming to this island,” the authorities wrote, “was the mistreatment and punishment they received from their masters, with the exception of the fourth one [Juan Andrés Miranda], who is a free man by birth.” Juan Andrés Miranda’s profession (tailor) also differed from the rest of the crew, who had worked as “farm laborers” (*labradores*).²²

²¹ “q^e se embarcaron en el puerto de Añasco en un bote que ellos mismos se trajeron un bote nombrado el cabrito con destino a la yslla de S.^{to} Domingo en busca de su libertad y q.e se desembarcaron en la costa de Macao de profesiones cultivadores estados soltero” Certificación de Declaración, 30 Julio 1836, AGN-RD, Archivo Real de Higüey, Signatura 1700123, leg. 18 Azul, exp. 108.

²² “...naturales de la costa del mismo Mayaguez que salieron en d.^{ha} Llslla el dia 6 de este presente mes en la noche con direccion a este destino...que la causa de haber venido fue por el mal trato y castigo que le davan sus amos a exepcion del cuarto que es hombre libre de su nacimiento ,” Certificación de Interrogatorios, 10 October 1839, AGN-RD, Archivo Real de Higüey, Signatura 1700128, leg. 21, 1837-1839, exp. 84.

Together, the brief “certifications of declarations,” as the officials of the Higüey tribunal called these records, reveal few details about the personal backgrounds and objectives of the runaways, but they do allow for several preliminary observations. To begin, the striking parallels between these groups’ itineraries as well as their expressed desire to “search for freedom” point to wider currents of marronage and migration between Puerto Rico and Haitian Santo Domingo. The scope of this flight is impossible to determine precisely, due not only to gaps in contemporary archives but also to the fact that many maroons sought to avoid authorities altogether.²³ The surviving records of the Tribunal de Paz in Higüey, currently housed at the Archivo General de la Nación in Santo Domingo, only include “certifications of declarations” from the late 1830s. Perhaps this period saw a sharp increase in arrivals in the eastern province from foreign shores. On the other hand, the judges may have only recorded their interviews using this template for a short time. Yet the quantity of individual testimonies between 1836 and 1839, together with the total lack of examples from the 1820s or 1840s, make it far more likely that the earlier and later records were simply not preserved in the same repository.²⁴

Furthermore, that many of the declarants shared the same last names- such as Morales and Álvarez - suggests that they had been enslaved by the same owners in Puerto Rico, that they

²³ The complex current system of the Mona may have sent a considerable number of the prospective migrants towards other islands or the open sea, especially if they had no prior sailing experience. In 1973, a group of oceanographers released 423 drift bottles into the Mona Passage from Puerto Rico and found that approximately half ended up in the Dominican Republic, while others drifted as far as Eastern Florida and even into the Atlantic Ocean. See William G. Metcalf, Marvel C. Stalcup, and Donald K. Atwood, "Mona Passage drift bottle study," *Bulletin of Marine Science* 27, no. 3 (1977): 586-591.

²⁴ The sources examined for this analysis include the certifications of declarations of 30 different individuals, representing the totality of such documents that I located in the Archivo General de la Nación in Santo Domingo. They are drawn from the following expedientes: AGN-RD, Fondo Archivo Real de Higüey, Signatura 1700123, leg. 18 Azul (18A), Expedientes 91, 93, 95, 96, 101, 108, 118; AGN-RD, Fondo Archivo Real de Higüey, Signatura 170028, leg. 21, exp. 84.

were members of the same family, or that they came from properties carrying such family names. The case of Viviana and Agustina Morales illustrates how some individuals made efforts to travel with their children, thereby hoping to rescue them from further enslavement in Puerto Rico. For Viviana Morales, it appears that the considerable dangers involved in transporting her infant across the Mona Passage in a small canoe were overshadowed by the greater risk of remaining on the island and committing herself and Agustina to life to slavery. Finally, the diversity of stated occupations among the migrants, who were not only agricultural laborers but carpenters, street merchants, and fishers as well, indicates that they came from different segments of the coastal population and perhaps even different regions beyond the sugar plantations of Mayagüez.

Revealingly, however, not one of these declarations explicitly included the word “slave.” Nor did authorities such as Martínez or Soñé use any “racial” terminology, at least according to their own transcriptions of the interviews. Instead, they introduced the declarants simply as “women,” “men,” and “children,” and registered each individual’s profession, age, and civil status. These absences reflected the transformations in local administrative practices that had followed Santo Domingo’s unification with Haiti, which not only prohibited slavery but also put an end to formal juridical distinctions among people of African descent on the basis of color or other colonial-era socioracial categories. As previous chapters have shown, the circumstances of Haitian rule usually – but not always- discouraged local authorities in the east from explicit invocations of “race” or slavery in official correspondence, judicial records, or notarized documents. Even when recording the wills and testaments of freedpeople who wished or found it necessary to recount their experiences of bondage, for instance, notaries in Santo Domingo preferred to describe the former status of these individuals as that of “domestics” rather than

“slaves,” as if to suggest that invoking the past existence of slavery in the territory would serve as an implicit recognition of its legal validity.²⁵

How, then, can we affirm with certainty that any of these migrants had been held as slaves in Puerto Rico? First, the fact that authorities distinguished Juan Andrés Miranda as a free-born man suggests that the others were not. Furthermore, the references to mistreatment by masters in the 1839 case strongly suggest that the nocturnal exodus undertaken by Antonio González, Vicente Lira, Juan de Lira, and Francisco Lira was also a flight from enslavement. Moreover, that Soñé chose to portray the six declarants of 12 April 1837 as “domestics” - when none of them held an occupation particularly evocative of household labor- implies that he intended this word to read as an allusion to a former status and property claim in their persons that no longer had any legal meaning on Haitian soil.

Within a year of these arrivals, Spanish authorities in Puerto Rico began to acknowledge the high rates of marronage to Hispaniola. On 26 June 1838, the military commander of Aguadilla (on the northwestern coast of Puerto Rico) Ramón Méndez reported to captain general Miguel López de Baños that “a few black slaves” recently escaped from Espinal beach in a

²⁵ In March 1827, for instance, Antonia Saviñon, born on the “coast of Africa,” recorded her testament before the notaries José Troncoso and Antonio Abad Solano in Santo Domingo. She declared that she had previously been married to Pedro de Roxas, “also born on the coast of Africa,” and that neither of them brought any property to the marriage “because at the time both of them were domestics in the house of Señor Gregorio Saviñon.” See the Testament of Antonia Saviñon, AGN-RD, Protocolos Notariales, Signatura 709316, leg. 1/2643, Protocolo Notarial de José Troncoso and Antonio Abad Solano, 1827, Doc. 55, Folio 36.

Such language appeared in the wills of former slaveowners as well. María Josefa de Acosta of El Seibo, for instance, noted in her own testimony that she had “bought another domestic [also] named María Josefa, who was lost due to the general liberty declared by his Excellency the President of the Republic upon his arrival in the city.” See the Testament of María Josefa de Acosta, AGN-RD, Protocolos Notariales, Signatura 709307, leg. 1/2634, Protocolo Notarial de Antonio Abad Solano y José Troncoso, 1822-1825, Doc. 47, Folio 119.

canoe, bound for “Santo Domingo.” Méndez lamented that this latest incident marked “the fourth time that a group of five, six, or seven” had recently fled in such a manner.²⁶ The previous group, he noted, was unable to complete the journey when their canoe crashed against the rocks of Desecheo Island and broke apart; the shipwrecked runaways were later discovered by a patrol boat dispatched from nearby Mayagüez. Some of the re-captured maroons had made their way to the coast from distant towns in the interior of the island, suggesting that they had spent significant time organizing in order to undertake their journey.

In Méndez’s estimation, two main factors facilitated the rise in marronage: first, the availability of small boats on the surrounding beaches, due to the lack of vigilance on the part of their owners, and second, the purported autonomy of some slaves and free people of color in the region, who often found time to meet together after dark. Méndez concluded by reminding the captain general that “this coast is located directly across from the island of Santo Domingo, at such a short distance, and with an intermediary stop on the Desecheo,” hoping to convince his superiors to issue new orders to impede further flight. “My night patrols will prevent all that is going on in this part,” he wrote, “but they alone will not be sufficient since they cannot cover the entire terrain in which such offenses can be committed.”²⁷

²⁶ “Hace pocos días que se huyeron de este Partido y del de la Aguada unos cuantos negros esclavos a Santo Domingo en una canoa tomada en la Playa de Espinál... es la cuarta vez que esto sucede en porciones de cinco, seis, y siete en muy poco tiempo.” Ramón Méndez to Miguel López de Baños, 26 July 1838, transcribed in Benjamin Nistal Moret, *Esclavos, prófugos, y cimarrones: Puerto Rico, 1770-1870* (San Juan: Editorial de la Universidad de Puerto Rico, 1984), 233-234.

²⁷ “En esta costa que se halla al frente de la de Santo Domingo, a tan corte distancia, y con una escala intermedia en el Desecheo, debe tenerse en consideracion, y en el cuidado que ecsiste hoy me ha parecido indispensable hacerlo presente a Vuestra Excelencia para que esté al cabo y disponga lo que le parezca. Mis patrullas de noche evitarán todo lo que sucede en esta parte, pero no es suficiente pues no es posible abracen el terreno en que pueden cometerse estas faltas.” *Ibid*, 234.

Historian Benjamin Nistal Moret calls attention to the chain of correspondence between the military commander of Aguadilla and captain general López de Baños in his 1984 work *Esclavos, Prófugos, Cimarrones: Puerto Rico, 1770-1870*, offering two possible interpretations of Puerto Rican authorities' frequent invocations of slave flight to neighboring Santo Domingo and Haiti during the nineteenth century. The first is that networks among slaves facilitated the circulation of news and information about revolution and emancipation in Hispaniola, persuading many to seek their freedom by escaping across the Mona Passage. Second, it is also possible to read such expressions of alarm principally as evidence of justifications offered by administrators for implementing new forms of militarized surveillance to limit the mobility of runaways and free people of color, especially in the growing sugar economies of western coastal cities like Mayagüez.²⁸

Rather than endorsing one claim over the other, Nistal Moret highlights the fundamental “ambivalence” within the correspondence of the colonial administration in Puerto Rico.²⁹ This ambivalence becomes even clearer when we bring the two archives into the same frame, comparing and contrasting the concerns of Spanish colonial authorities with the expressed aspirations of the Puerto Rican migrants in Hispaniola. Indeed, many aspects of Méndez's narrative about the runaways to Santo Domingo independently match the details of declarations as recorded by the Tribunal de Paz in Higüey, providing further confirmation of the compatibility between the two interpretations outlined by Nistal Moret. The declarants in Hispaniola closely resemble the fugitives of Méndez's missive, who, in groups of five and six,

²⁸ Nistal Moret, *Esclavos, prófugos, y cimarrones*, 12.

²⁹ According to Nistal Moret, “La documentación encontrada es, de todos modos, ambivalente dejando el camino abierto a posibles especulaciones.” *Ibid*, 12.

gained access to a variety of small boats, made their way across the Mona Passage at considerable risk of shipwrecks and recapture, and endeavored to claim freedom once on Haitian territory. The parallels between these documents— produced on separate islands in very different political contexts – indicate that Puerto Rican authorities’ efforts to amplify state vigilance responded at least in part to instances of collective organization, self-liberation, and maritime flight among runaways themselves.

At the same time, some of the records of declarations in Higüey remain strikingly ambiguous about the former status of the migrants. One case in particular also reveals that some itineraries heightened authorities’ suspicions about the scale of illicit transit between Puerto Rico and Hispaniola. Lorenzo Camacho, originally from the Puerto Rican city of Cabo Rojo, testified in June of 1837 that he had spent nineteenth months living undetected near the beach of Chavón. He first arrived at Bayahibe from Puerto Rico on a small boat named *Josefa*, captained by a certain Ignacio Cofresi. According to his interview, Camacho wanted to come to a “free country,” and he was determined to do so “even without a passport, because he was unable to obtain one to come here.” When the officials asked him why he had never revealed himself during this period, “when no man can reside on any island without the knowledge of the government,” Camacho responded that he was ignorant of the laws of the country, and that the military captains in charge of the section where he was living never asked him to present himself. Upon learning that Camacho had made a return voyage to Puerto Rico after the death of his father, the authorities pressed him about the surreptitious channels between the two islands. Camacho explained that he learned of his father’s death from a letter on board the schooner *Altagracia*, which was carrying a cargo of pigs for sale in Santo Domingo. Unlike the sailors who appeared before the civil tribunal in the eastern capital, Camacho was never charged with

violating the travel ban. In fact, Martínez's questioning focused less on to Camacho's own backstory and aspirations than on the information he could reveal about the ongoing maritime communication and contraband across the Mona.³⁰

On the whole, however, there are several subtle but crucial differences between the declarations of small groups "seeking their freedom" on Hispaniola's eastern shore and other surviving transcripts of interviews conducted by the tribunal in Higüey during the same period. In March of 1837, for instance, the cooper José Bais arrived at Yuma from Cabo Rojo, accompanied by his daughter María Monserrate. Although they had lived in Puerto Rico, at least one of them had been born in the Canary Islands. They made no mention of "freedom" or a "free country" in their interview with Martínez and Soñé. Instead, Bais revealed that his wife had left their family, and that he had decided to move to Santo Domingo along with his daughter so that they would not have to see her again.³¹ Unsure whether to allow José Bais and María Monserrate

³⁰ Camacho's literacy combined with the fact that he had the means to travel back and forth between the islands might be clues that he was a free man before his first trip to Hispaniola.

"que ninguna causa mas que el que es venir para acá a un pais libre pues vino hasta sin pasaporte por que no podia sacarlo para acá... Porque no se habia presentado en todo el espacio de ese tiempo que reside en la costa de Ballagibe cuando ningun hombre puede residir en ninguna isla sin que (sic) conocimiento del gobierno? Respondio que la culpa no ha estado el solo en los vividores o en los capitanes del Partido que no le decían ni lo estimulaba a que se presentase ignorando el las Leyes que varias veces ha estado en S.^{to} Domingo conduciendo maderas de ahí de la boca pero que es verdad que el nunca se ha presentado por que ignoraba las leyes como lleba d.^{ho}.... Respondió que por aber resibido una carta de q.^e su padre era muerto que la resibio por una Valandra q.^e fondio en Ballagibe y se fue en la misma Valandra. Preg.^o Como se llamaba esa balandra y su capitan que efectos cargo en que puerto y que cargamento trajo la balandra se llamaba Altagracia su capitan Francisco S... [illegible] cuando volbio a Ballagibe volbio cargada de puercos... para marchar y que en toncés se embarcó." Certificación de Declaración, 13 June 1837, AGN-RD, Archivo Real de Higüey, Signatura 1700123, leg. 18 Azul, 1838-1904, exp. 91.

³¹ Bote con destino a la isla de Santo Domingo, 14 March 1837, AGN-RD, Archivo Real de Higüey, Signatura 1700123, leg. 18 Azul, exp. 93.

to stay, Martínez penned a letter to the Haitian military commander of the arrondissement of Santo Domingo Bernard Philippe Alexis Carrié deferring to his resolution in the matter.³²

There is no trace of Carrié's final decision in the case, but the fact that the judge requested further instructions strikes a contrast with his handling of the cases of freedom seekers. Indeed, when Martínez reported incidents of arriving 'domestics' and 'cultivators' to Carrié, he did so in order to inform his superiors of the actions he had already taken- not to ask for their direct intervention into the administrative process. In July 1836, for example, he forwarded to Carrié the declarations of the five men named Álvarez, emphasizing that they had "come in search of their Freedom."³³ Martínez underlined and capitalized this word in the original text. He also explained to Carrié that he had made sure that the men were able to keep the sum of money that they had brought with them. Later, on 18 April 1837, the judge wrote to the military commander summarizing the declarations of the two different groups of recent arrivals from Puerto Rico. Once again, Martínez described the property that they had been carrying, explained that he had examined it and returned it to them, and stressed that the groups had "come in search of their freedom."³⁴

³² Juan José Martínez to Bernard Philippe Alexis Carrié, 14 March 1837, Cuaderno copiator de correspondencias, March-April 1837, AGN-RD, Archivo Real de Higüey, Signatura 1700128, leg. 21, 1837-1839, exp. 115.

³³ "Remito a V.^d un proceso verbal con cinco hombres procedentes de la Ysla de Puerto Rico...q.^e han venido en busca de su Libertad segun declaración de ellos mismos igualmente hago presente que ese dinero que consta en el proceso verbal mandado contar por el mismo coronel se le ha vuelto a entregar a ellos mismos segun lo han declarado." Juan José Martínez to Bernard Philippe Alexis Carrié, 30 Julio 1836, Libro de correspondencias, August 1836-February 1837, AGN-RD, Archivo Real de Higüey, Signatura 1700108, leg. 9 Azul, exp. 285.

³⁴ "los cuales aparesieron por la Costa de Ma Cao que an benido en busca de su libertad segun an declarado" Juan José Martínez to Bernard Philippe Alexis Carrié, 18 April 1837, Cuaderno copiator de correspondencias, March-April 1837, AGN-RD, Archivo Real de Higüey, Signatura 1700128, leg. 21, 1837-1839, exp. 115.

This recurring phrase (“in search of/seeking freedom”) apparently served as shorthand among Haitian officials to describe situations in which maritime maroons had reached the island and claimed free status. The 1816 constitution of Haiti, now in force across the island, invalidated any outstanding property claims to ownership in persons who had spent any amount of time in Hispaniola. The first article stated that “there cannot exist slaves within the territory of the Republic,” while the second “extinguished forever” all “debt contracted for the acquisition of men.” The constitution also guaranteed the right of asylum and promised runaways and migrants of color immediate treatment as “Haitians” - even if they would not exercise full citizenship rights until a year of residence had passed.³⁵ At the same time, Articles 10 and 11 protected the “sacred and inviolable” property rights in goods and the fruits of labor that were “acknowledged to belong” to “any person, either by himself or his representatives” in the country.³⁶ In this context, Martínez may not have required further instructions from his superiors because the basic contours of the law were unequivocal: runaways from enslavement would be allowed to stay, and their property would not be confiscated.

³⁵ The articles in question are Article 1 (“Il ne peut exister d’esclaves sur le territoire de la République : l’esclavage y est à jamais aboli”), Article 2 (“Toute dette contractée pour l’acquisition d’hommes est éteinte pour toujours”), Article 3 (“le droit d’asile est sacré et inviolable dans la République, sauf dans les cas d’exception prévus par la loi”), and Article 44 (“Tout Africain, Indien et ceux issus de leur sang, nés des colonies ou pays étrangers, qui viendrait résider dans la République, seront reconnus Haïtiens, mais ne jouiront des droits de citoyen qu’après une année de résidence”), Constitution d’Haïti révisée au Grand-Goâve, le 2 Juin 1816, in L’Instant Pradine, ed. *Recueil général des lois et actes du gouvernement d’Haïti depuis la proclamation de son indépendance jusqu’à nos jours, tome II : 1809-1817* (Paris: Auguste Durand, 1860), 357-361.

³⁶ “La Propriété est le droit de jouir et de disposer de ses revenus, de ses biens, du fruit de son travail et de son industrie. La Propriété est inviolable et sacrée; toute personne, soit par elle-même, soit par ses représentants, a la libre disposition de ce qui est reconnu lui appartenir.” *Ibid*, 358.

The tribunal's interviews with the runaways from Puerto Rico hinged on a particular form of post-emancipation property law that was unique to Haiti. As historian Ada Ferrer has written, the 1816 constitution's "protection of property, which had been used elsewhere and would continue to be used for some time as a means to protect the institution of slavery, was defined in such a way as to make slavery doubly inadmissible- as a violation of the rights of man and as a violation of an individual's right to his own property or person."³⁷ Consequently, when the municipal officials inventoried the migrants' personal belongings and pledged to ensure their full exercise of property rights guaranteed by the constitution, they were also acknowledging at once that these individuals were free, "Haitian," and potential future citizens of the republic, by virtue of having reached Hispaniola.

An earlier case of maritime marronage to the eastern capital further illustrates how local and national authorities' commitment to islandwide free soil both responded to and propelled the arrival of "fugitives" from nearby slaveholding islands. In March 1826, six Martinican runaways (including one child) sailed to the port of Santo Domingo in a small schooner named the *Marie* that had belonged to one Séguin, who claimed to be their master.³⁸ Alerted to the events by local French authorities, the governor of Martinique dispatched a frigate along with two smaller ships to demand the extradition of the "fugitives," but to no avail. General Borgella (at the time Carrié's predecessor as military commander of the district) refused to hear the governor's complaints, insisted that the "institutions of the republic" prevented the extradition of persons claimed as slaves who had traveled to Haiti, and allegedly mocked the colonial agents while he

³⁷ Ferrer, "Haiti, Free Soil and Antislavery in the Revolutionary Atlantic," 52.

³⁸ Revealingly, the names of the runaways were not recorded by any of the French officials who corresponded about the incident.

awaited an official decision from Boyer concerning the ship itself.³⁹ Ragueneau de la Chainaye, the recently arrived French consul in Les Cayes, expressed dismay at the mission of the Martinican officials, noting that the runaways could count on the widespread support of citizens from both sides of the island. “All spirits are roused here at the mere thought of the extradition of these fugitives,” he wrote to the Ministry of Foreign Affairs in France.⁴⁰

The dispute presented an early challenge for Chainaye’s immediate superior, the French consul-general Maler, who had also just arrived in Port-au-Prince the previous fall in the wake of Charles X’s recognition of Haitian independence.⁴¹ As a gesture to Spain, the king had refused to acknowledge Haitian sovereignty in Santo Domingo in his ordinance of 17 April 1825, and for this reason there was no consulate in the eastern capital (the closest French agent was Chainaye

³⁹ According to Ragueneau de la Chainaye, Borgella was quick to express his displeasure at the mission of the Martinican officials, and regaled them with stories about the insatiable appetites of French soldiers while bragging about the sizeable Haitian military fortifications around the island. Ragueneau de la Chainaye to Ministère des Affaires Étrangères, 15 April 1826, Centre des Archives Diplomatiques, La Courneuve (hereafter CAD-LC), Correspondance Consulaire et Commerciale, Les Cayes, vol. 1, Folio 39. Consul-general Maler wrote that Borgella “had responded that the institutions of the republic were opposed to the return of the slaves, and regarding the ship, he would refer [the case] to the President.” (“avait répondu que les institutions de la république s’opposaient à ce que les esclaves fussent rendus, et que, quant au bateau, il en réfèrerait au Président.”) Consul-General Maler to Ministère des Affaires Étrangères, 28 March 1826, CAD-LC, Correspondance Consulaire et Commerciale, Port-au-Prince, vol. 1., Folio 138.

⁴⁰ “Tous les esprits se soulèvent ici à la seule pensée de l’extradition de ces fugitifs, et je ne puis songer sans inquiétude que plus d’un incident de même nature se présentera probablement dans la suite.” Ragueneau de la Chainaye to Ministère des Affaires Étrangères, 15 April 1826, CAD-LC, Correspondance Consulaire et Commerciale, Les Cayes, vol. 1, Folio 39.

⁴¹ For more on the significance of the March 1826 incident for France’s incipient diplomatic relations with Haiti, see Jean-François Brière, *Haïti et la France, 1804-1848: Le rêve brisé* (Paris: Éditions Karthala, 2008), 179.

in Les Cayes).⁴² In order to avoid escalating tensions with Boyer's government, Maler refrained from requesting the extradition of the crew of the *Marie* until he received explicit instructions to do so from the Ministère des Affaires Etrangères in Paris. Meanwhile, he received a letter from Secretary-General Inginac warning that such a course of action would violate the laws of the republic: "The Government of Haiti can under no circumstances consent to the extradition of those who, by their birth, are able to enjoy the rights of Haitians when they come seeking freedom on the soil of Haiti (*lorsqu'ils viennent chercher la liberté sur le sol d'Haïti*)."⁴³

Inginac's letter signaled that the Boyer government would uphold Haitian free soil policies in the east, despite French agents' non-recognition of Haitian sovereignty there. His emphasis on the runaways' birthright clearly recalled Article 44 of the 1816 constitution, which recognized as Haitians all "Africans, Indians, and those issued from their blood" born abroad in "foreign countries or colonies" who came to reside in the republic.⁴⁴ Most importantly, Inginac called attention to the legal significance of the moment of their arrival in Haiti and their professed reasons for traveling there. His words "seeking freedom on the soil" bear close resemblance to the phrasing of the declarations recorded years later by the municipal officials in

⁴² On the decision not to recognize Haitian sovereignty in Santo Domingo, see the foreign ministry's instructions for Maler from April 1826 in CAD-LC, Correspondance Politique, Volume 1: 1825-1828, microfilm reel P1725, Folio 92.

⁴³ "Le Gouvernement d' Haïti ne peut, dans aucun cas, consentir à la remise de ceux qui, par leur naissance, sont habiles à jouir des droits d'haïtiens lorsqu'ils viennent chercher la liberté sur le sol d'Haïti." Joseph Balthazar Inginac to Consul-General Maler, 7 April 1826, CAD-LC, Correspondance Consulaire et Commerciale, Port-au-Prince, vol. 1., Folio 144. Excerpts from this letter are also transcribed in Thomas Madiou, *Histoire d'Haïti, Tome 6: 1819-1826* (Port-au-Prince: Editions Henri Deschamps, 1988), 518.

⁴⁴ Constitution d'Haïti révisée au Grand-Goâve, le 2 Juin 1816, in Linstant Pradine, ed. *Recueil général des lois et actes du gouvernement d'Haïti depuis la proclamation de son indépendance jusqu'à nos jours, tome II : 1809-1817* (Paris: Auguste Durand, 1860), 361.

Higüey, confirming that such invocations were not only a summation of runaways' expressed aspirations, but also functioned as a specific formula used by officials to designate cases in which individuals would henceforth be considered legally "Haitian."

The legal reasoning in Inginac's missive was based on the same constitutional arguments that Haitian officials had long invoked in free soil cases in the west. Historians Ada Ferrer and Johnhenry Gonzalez have called attention to the Haitian state's defense of free soil runaways from Jamaica and the Turks and Caicos under presidents Pétion and Boyer, highlighting the remarkable consistency and uniformity of these policies over time- and in the face of renewed rounds of protests from foreign slaveowners and diplomats. In the 1817 dispute examined by Ferrer, which centered on the flight of seven enslaved Jamaican sailors to southern Haiti, Pétion referred to Article 44 of the 1816 constitution in order to argue that the men were "recognized to be Haitians... from the moment they set foot on its territory." Confronted with the counterarguments of their former master, he invoked the right of asylum protected both by Haitian and English law.⁴⁵

In 1821, Pétion's successor Boyer responded in similar terms to British officials in the Turks islands who had complained about the frequency of marronage to Haiti. Boyer confirmed that Haiti would remain neutral towards foreign powers, but that "any individual who sets foot on Haitian soil is free"- and that, more generally, his government would never recognize slavery on this territory.⁴⁶ By 1826, Haitian free soil laws were well known across imperial spheres. In fact, French consul Maler warned his superiors in the foreign ministry that "escapes" such as that

⁴⁵ Ferrer, "Haiti, Free Soil, and Antislavery in the Revolutionary Atlantic," 45; 49.

⁴⁶ Gonzalez, "Defiant Haiti," 130-131.

undertaken by the Martinican runaways were common from British colonies like Jamaica, but efforts to recapture the “fugitives” were futile. Although “the English have always strongly demanded the extradition of fugitive slaves,” Maler wrote, “the Haitian government has always refused to grant it.”⁴⁷ In this way, the consul general recognized that Haitian leaders would never consent to the extradition of “fugitives” from any territory on the island, including Santo Domingo.

As was the case in western Haiti, runaways from a variety of different islands eventually reached the eastern shores of Hispaniola. Occasionally, individuals ended up there unexpectedly due to the exigencies of maritime travel. In February 1836, Martínez and Soñé interviewed a man named Bernabel, a native of Saint Eustatius in the Dutch Leeward Islands who was found near Macao by the gendarmerie lieutenant Polo de la Cruz. According to his declaration, Bernabel had departed from Saint Eustatius on a sloop named *Lisbet* bound for Saba. When they reached Macao, the masters of the ship ordered him to shore to search for water and firewood (*leña*). “Being a slave, he found himself in a free country,” Soñé wrote in the transcript of the declaration, “and he fled and hid with intentions to remain on the island of Haiti.”⁴⁸ In other words, Bernabel escaped the *Lisbet* and her crew in order to enjoy the freedom that he understood to be his for setting foot on the beach at Macao.

⁴⁷ “Il est au reste de mon devoir de prévenir Votre Excellence que des évasions de cette nature ont eu lieu de la Jamaïque à diverses reprises, que les anglais ont toujours vivement réclamé l’extradition des esclaves fugitifs, mais que le Gouvernement haïtien s’est toujours refusé à l’accorder.” Consul-General Maler to Ministère des Affaires Étrangères, 28 March 1826, CAD-LC, Correspondance Consulaire et Commerciale, Port-au-Prince, vol. 1., Folio 138.

⁴⁸ “...y que siendo esclavo se encontró en un país libre y que hulló y se escondió con intenciones de permanecer en la Ysla de Haïti.” Certificación de declaración, 4 February 1836, AGN-RD, Fondo Archivo Real de Higüey, Signatura 1700123, leg. 18 Azul (18A), exp. 118.

This record marked an important exception to the officials' general reluctance to invoke slavery. Was it a mere lapse on the part of Martínez or Soñé? Did Bernabel himself use the word "slave," unlike the runaways from across the Mona Passage? The extant documents from Higüey do not provide any definitive answers. Yet in spite of these lingering ambiguities, Bernabel's brief testimony offers broader insight into the scope of popular knowledge about the unification and its implications among those held as slaves on foreign shores who likely had far less contact with Santo Domingo than their counterparts in Puerto Rico. By invoking a "free country" on the "island of Haiti," his declaration put forth an interpretation of Haitian freedom that was specifically tied to the territory circumscribed by all the shores of Hispaniola.

Bernabel's perception of the legal boundaries of Haitian emancipation and his efforts to ensure that the law would be enforced in his case echoed the actions of another man, Juan Ramos, who had found himself in the city of Santo Domingo at the outset of unification in February 1822. Born in Coro on the coast of Venezuela, Ramos had been purchased by Marco Antonio, the Curaçaoan captain of a Dutch schooner, who brought him to Santo Domingo in October 1821 to be sold once more. When Ramos fell ill with a fever (*calenturas*), Antonio left him in the custody of the merchant Nicholas Durocher and departed Santo Domingo, promising to return within twenty days time. Yet months passed with no word from Antonio, and in the meantime the Haitian army arrived in Santo Domingo and declared emancipation. Given the exceptional circumstances, Ramos went before the notary José Troncoso in order to procure an official written confirmation of his freedom. According to this document, "when his Excellency President Boyer took possession of this formerly Spanish part and proclaimed general liberty," Ramos had already begun working for Durocher, "earning four pesos monthly."⁴⁹ In no sense

⁴⁹ "...compareció el Ciudadano Juan Ramos vecino de la Ciudad de Coro ...y dixo: q.º en el mes

could he be considered a slave: not only was slavery prohibited in the country, but Durocher himself had never acknowledged a property claim in Ramos, to whom he had paid a salary.

Ramos thus sought to document his presence in Santo Domingo at the moment of the Haitian emancipation, while fending off potential future challenges that might arise elsewhere to the legal basis of that emancipation. His emphasis on the interim between his former master's departure and Boyer's arrival in Santo Domingo suggests either that he did not intend to reside on Haitian soil permanently or that he – perhaps like many others- remained wary of the potential for a new government to overturn the emancipation in the east. Under these circumstances, the notarial document offered portable evidence that Ramos had lived as a free man even before he lived on free soil, perhaps reflecting his concerns that the letter of Haitian law in 1822 might not suffice to override the outstanding or future property claims in his person. Like the Puerto Rican runaways, however, the actions of Ramos and the notary who mediated his testimony intersected with that of local and national authorities by embracing the logical outcomes of the 1822 emancipation, which had extended the promise of free soil and brought it within reach of an even larger enslaved population from around the region.

de Octubre del año pasado de mil ochocientos veinte y uno, se hallaba siendo esclavo de Mr. Marco Antonio de Curazao, Capitan y dueño de la Goleta Olandesa Banty, consignada a Mr. Durocher, q.^e el citado su amo, lo dexó aquí en poder de Durocher p.^a ser vendido, q.^e entonces estaba el Compareciente enfermo de calenturas que no tenía fuerzas para trabajar durante el tiempo de mas de dos meses, que sin embargo Mr. Durocher, le mantuvo, y cuidó en su casa en todo el tiempo de su enfermedad, que nunca llegó a conocimiento del declarante q.^e la propiedad de su persona hubiese pasado al Citado Durocher, y p.^t el contrario que Mr. Marco Antonio quando salió le habló en calidad de amo diciendole “yo te dexo con Mr. Rocher quien te cuidará y en veinte dias a lo mas tarde estaré de vuelta en ésta de Santo Domingo pues el motivo de dexarte es porq.^e estas enfermo.” q.^e quando el Exmo Presidente Boyer tomó posesión de esta parte antes Española y proclamó la libertad g.^{ral} quedó el compareciente tres meses al servicio de Mr. Durocher, ganando quatro p.^s mensales (sic).” Declaración del Ciudadano Juan Ramos, 1 February 1823, AGN-RD, Fondo Protocolos Notariales, Signatura 709301, leg. 1/2626, Folio 46, Documento 20.

The Stakes of Unity

The role of local administrators in enacting free soil in eastern Hispaniola is all the more remarkable given that the pursuit of “fugitive slaves” from foreign shores had formed a key part of colonial governance during the previous periods of Spanish and French rule in Santo Domingo.⁵⁰ As early as May 1793, during the first stages of the Haitian Revolution, the captain general of Santo Domingo wrote to the *alcalde* of Higüey about a case of two men, Germán and Patricio, who had “fled from the Island of Puerto Rico to this one in a cedar Canoe with nine oars, to redeem themselves from slavery and the subjection of their masters.” Described as a “*negro medio grifo*” and a “*mulato*” respectively, the two runaways were allegedly accompanied by a third “free *muchacho*.” The captain general concluded his letter by demanding that the *alcalde* devote both “vigilance and diligence” to the pressing matter. “Should one or both of them be found,” he wrote, “remit them to me with complete security.”⁵¹

During the last months of the restored Spanish colonial administration in Santo Domingo (1809-1821), officials engaged in an accelerated campaign to apprehend Puerto Ricans claimed as slaves. In May 1821, the Teniente de Guerra José Núñez de Cáceres- the future independence advocate and leader of the Estado Independiente de Haití Español- sent an order to the

⁵⁰ For incidences of marronage from Puerto Rico during the period of re-enslavement in Santo Domingo under the Ferrand regime, see AGN-RD, Archivo Real de Higüey, Signatura 1700132, leg. 27 Rojo, 1814-1815, Expedientes 76 and 98.

⁵¹ “los quales poco tiempo ha hicieron fuga de la Ysla de Puerto rrico a esta en Una Canoa de cedro de nueve Varas, por redimirse de la esclavitud y sujecion de sus amos...Y hallados que sean todos o alguno de ellos, me los remita con toda seguridad,” El Marqués de la Gándara Real to Alcalde Juan Chrisóstomo, 28 May 1793, AGN-RD, Archivo Real de Higüey, Signatura 1700128, leg. 21, 1837-1839, exp. 102.

“constitutional tribunal” of Higüey to locate and remit “two fugitive blacks” named Manuel and Lucas to the town of Bayamón in Puerto Rico. According to Núñez de Cáceres, the pair had arrived at the Samaná peninsula in a piragua “with others,” but had since split off from the larger group and fled east to Macao beach. Once Manuel and Lucas had been captured, Núñez de Cáceres requested that the officials of the tribunal send them to the capital along with a summary of the expenses incurred, which would be charged “to their masters as has been the practice until now in such cases.” Finally, Núñez de Cáceres mentioned that nine other “fugitives” were currently imprisoned in Santo Domingo; these may have been the original companions of Manuel and Lucas in the piragua.⁵²

By May 1821, Núñez de Cáceres had already arranged for the return of several Puerto Ricans who had fled enslavement across the Mona. A general summary of the Santo Domingo prison published in the 14 April 1821 issue of the new periodical *El Telégrafo Constitucional* listed not nine, but twelve “fugitives” (*prófugos*) from Puerto Rico: Tomás Ingles, Juan Ramón, Narciso Onell, Ramón Onell, Víctor Onell, Dalla Onell, Manuel Cadete, Juan Méndez, José María Nate, Juan Julián, Moncerrate, and María de las Nieves. The first two among them had been imprisoned since November 1820, while the others were part of a second group that was captured on April 5th. Summarizing the status of the charges and the judicial proceedings, the journal noted that all twelve men and women had been “requested by their masters.”⁵³

⁵² “para que a su tiempo los abonen los amos como siempre se ha verificado hasta ahora en iguales casos.” Teniente de Guerra José Núñez de Cáceres to Alcalde Constitucional de la Villa de Higüey, 14 May 1821, AGN-RD, Archivo Real de Higüey, Signatura 1700117, leg. 14 Azul, 1678-1826, exp. 47: Remisión de Esclavos.

⁵³ See the “Visita General de Cárcel, Capital de Santo Domingo,” 14 April 1821, in *El Telégrafo Constitucional de Santo Domingo*, 19 April 1821, 12. Historian Anne Eller cites this document in her Ph.D. dissertation “Let’s Show the World We Are Brothers,” arguing that the enslaved prisoners’ “knowledge of revolutionary Hispaniola reflects its importance in a stratified and

In May, the outgoing captain general of Santo Domingo Sebastián Kindelán reported to his superiors in Spain that there were currently “no less than twelve slaves from Puerto Rico” in the public prison in the capital. These were almost certainly the same “fugitives” listed in the April issue of the *Telégrafo Constitucional*. According to Kindelán’s account, the majority of the group had been apprehended after their small craft had wrecked near the Costa del Limón on the Samaná peninsula. Kindelán cited the case of these twelve individuals as evidence of a much wider exodus of enslaved people from Puerto Rico towards western Haiti. Most importantly, the captain general drew a clear connection between this flight from enslavement in Puerto Rico and the mounting threat of Haitian incursions in Spanish Santo Domingo. “Based on these precedents, it is easy to predict,” Kindelán wrote, “that if the Haitians were to take possession of this entire island, Puerto Rico would shortly find itself without slavery.”⁵⁴

In the pre-1822 years, therefore, the close cooperation between slaveowners and colonial officials in Puerto Rico and Santo Domingo had clearly facilitated the expansion of state mechanisms to locate and apprehend runaways. Masters in Puerto Rico had reported instances of marronage and paid for the re-capture and transport of the runaways, and in almost all cases they had depended on the constant correspondence between Spanish authorities on both islands. The unification of Santo Domingo with Haiti put an immediate end to slave-hunting programs and

oppressive colonial Caribbean.” See Anne E. Eller, “Let’s Show the World We Are Brothers: The Dominican Guerra de Restauración and the Nineteenth-Century Atlantic World,” (Ph.D. diss., New York University, 2011), 43.

⁵⁴ “Con que por estos antecedentes es fácil de concebir en que breve tiempo se quedaría Puerto-Rico sin esclavitud, si los haytianos se posesionaran por entero de esta isla.” Sebastián Kindelán to Secretario de Estado y del Despacho de la Gobernación de Ultramar, 17 May 1821, in AGI, Audiencia de Santo Domingo, leg. 970, Gobiernos Políticos, 1820-1822. See also Charlton W. Yingling, “Colonialism Unraveling: Race, Religion, and National Belonging in Santo Domingo During the Age of Revolutions,” (Ph.D. diss., University of South Carolina, 2016), 632.

severed the established channels of contact between Puerto Rican slaveowners and local administrators in eastern Hispaniola. The official prohibition of maritime traffic between Spanish and Haitian territories prevented these slaveowners from protesting the individual incidents of free soil emancipation before the Haitian government, in contrast to their British and French contemporaries. In this context, the Haitian state's 1823 trade interdictions may have in fact aided maritime maroons by placing further obstacles in the way of irate planters who wished to negotiate the return of those whom they claimed as their property.

As it turns out, the very same Ramón Soñé who would, as the greffier of Higüey, affirm the inviolable freedom of foreign migrants to Haitian Hispaniola, had previously been contracted by slave hunters to affirm their property rights over Puerto Rican runaways. Back in March 1818, Lucas Rijo, Balthazar Rijo, and Balthazar Martínez granted power of attorney to Soñé so that he could travel to the capital to request the return of “ten black slaves who were apprehended in this jurisdiction [Higüey], fugitives from the Island of Puerto Rico.”⁵⁵ The three

⁵⁵ “Sepan quantos este Publico ynstrumento como nos D. Lucas y Batasar Rijos y D. Baltasar Martinez vecinos que somos de esta villa de Higüey, otorgamos por esta presente carta quedamos nuestro poder, cumplido y bastante quanto por d.^{to} se requiere y es necesario a D. Ramón Soñe, tambien vecino para que en nuestro nombre, y representando n.^{ra} propia persona d.^{ros} y agciones puede entenderse en los nuestros asuntos especialmente en cobrar y a percibir de quales quiera personas que estuviere echo cargo en Santo Domingo de pagar los costos y derechos que corresponden a la captura de los diez Negros Esclavos que se aprendieron en esta jurisdiccion fugitibos de la Ysla de Puerto Rico, segun la antigua costumbre...” Otorgamiento de poder, 31 March 1818, AGN-RD, Archivo Real de Higüey, Signatura 1700143, leg. 7, 1795-1822, exp. 85. This case is also examined by Quisqueya Lora Hugi in her 2012 monograph on the post-emancipation period in Higüey. See Quisqueya Lora Hugi, *Transición de la esclavitud al trabajo libre en Santo Domingo: El caso de Higüey* (Santo Domingo: Academia Dominicana de la Historia, 2012), 36.

men claimed that they had initially located the runaways and therefore maintained full ownership of the “property” in question.⁵⁶

Ramón Soñé’s own trajectory from hunter of fugitives to protector of runaways reflected the radical shifts that Haitian unification engendered in local procedures for dealing with the sustained flow of maroon migrants from Puerto Rico. However begrudgingly or unenthusiastically, his pen eventually recorded the voices of runaways and gave legal weight to their claims of freedom. Yet his individual role in this transition also points us toward further ambiguities in the fluctuating and contested meanings of that freedom on the ground in Haitian Santo Domingo. Soñé’s frequent reliance on the terms “cultivator” and “domestic” may have revealed the larger challenges among Haitian officials to acknowledge the consequences of slavery’s continued existence on foreign shores without recognizing or legitimating it. At the same time, Soñé himself may have identified a degree of interchangeability between these terms of status and that of “slaves,” notwithstanding his own role in neutralizing any property claim that they could imply.

What, then, could the migrants expect in their new home? Several of the runaways apparently took steps to avoid being categorized as “cultivators” or “domestics,” suggesting that they possessed a prior knowledge of the current conditions and legal constraints facing some formerly enslaved people in Haitian territory. Julián Borq.e, José Gregorio Morales, and Eugenio Morales brought carpentry tools, which provided physical proof of their training as skilled

⁵⁶ Sources such as powers of attorney allow us to piece together shifting networks of friendship, kinship, commerce, and patronage in Higüey. Yet it is difficult to determine the precise reasoning behind the slaveowners’ decision to grant power of attorney to Soñé in this instance. The future greffier may have sympathized with the slave hunters’ version of the story, maintained personal ties to them, or had another form of vested interest in the case that made him a worthwhile candidate for the power of attorney. At the same time, it is also possible that he was already planning to travel to the capital, or that he was the only suitable candidate available.

laborers and enabled them to avoid compulsory agricultural labor under Article 3 of Law 1 of the Code Rural.⁵⁷ Crucially, although the members of the group decided to sell their few remaining possessions in order to provide for their sustenance, they held onto the tools, indicating that these objects held a greater significance than their immediate monetary value.

For their part, the authorities of the Higüey tribunal complained to superiors about their own incapacity to keep track of the migrants after registering the declarations. On 30 June 1837, Martínez notified General Carrié of his latest round of interviews with “those from Puerto Rico, who come from all types of people [*que vienen de toda clase de gente*].” In this letter, Martínez protested that although the majority of the migrants brought money, they were not required to pay administrative fees for the certifications of declarations. Martínez argued that this practice placed additional burdens on the members of the tribunal, who were “always busy taking declarations from them about their boats and a variety of other things that they agree to declare.” Most importantly, the judge complained, the migrants used their money in order to move from residence to residence throughout the interior of the country. As a result, Martínez could do little to monitor the new arrivals after their initial interviews in Higüey, let alone collect taxes from them or recruit them into service as agricultural laborers.⁵⁸

⁵⁷ For more on the local contests over the application of the code, see chapters 3 and 4. For the text of Law 1, which obligated citizens “to contribute to the maintenance and well-being of the state,” see *Code Rural d’Haïti* (Port-au-Prince: Imprimerie du Gouvernement, 1826) 1-49; and Francisco Bernardo Regino Espinal, *El Código Rural de Haití* (Santo Domingo: Archivo General de la Nación, 2015), 55-56.

⁵⁸ “Como la ley previene que todo proceso verbal de los tribunales de ben ser registrado hago presente estos procesos verbales de los de portorico que bienen de toda clases de gente ninguno paga un medio ni por el registro ni por lo escrito y la mallor parte de ellos trae dineron lo mismo se entiende con lo que mudan de domisilio que ninguno paga nada y lo que resulta con los portoriqueños que siempre esta el tribunal ocupado en declaraciones con ellos sobre bote y sobre barias cosas que a cada uno le conbienen a declarar.” Juan José Martínez to Bernard Philippe

The negotiations over the meaning and application of the law thus continued well after the arrival of the migrants on Haitian shores. On the one hand, the popular pressures of migrants and other formerly enslaved people dovetailed with the official antislavery of national leaders to push local authorities to develop a routine procedure for welcoming new residents based on Haitian constitutional guarantees. Yet as Martínez's complaints make clear, the objectives of these different actors were never in clear alignment. For the runaways themselves, interacting with authorities offered the possibility of procuring material confirmation of juridical freedom and citizenship, while potentially exposing them to additional surveillance, labor demands, and new limits on mobility. The migrants' overwhelming absence in the subsequent archives of unification-era Santo Domingo speaks volumes about their post-emancipation aspirations, and in particular, their awareness of the potential constraints as well as the potential assistance of the Haitian state in securing those aspirations.

Alexis Carrié, 30 June 1837, in AGN-RD, Archivo Real de Higüey, Signatura 1700108, leg. 9 Azul, exp. 285: Libro de Correspondencias, 23 August 1836 to 25 February 1837, Folio 74.

Epilogue

“Death to the partisans of slavery”

During a crisis of sovereignty that followed on the heels of an islandwide earthquake in 1842 and the collapse of the Boyer government the following year, a provisional junta in the city of Santo Domingo declared separation from Haiti on 27 February 1844. This junta was led by a small group of wealthy merchants and landowners in the city of Santo Domingo, and included some of the longest-serving civil servants in the Haitian administration. Rather than signaling the culmination of a mounting nationalist opposition to the Haitian state, however, the declaration of separation set off a series of events that revealed the strength of the popular foundations of the unification. As rumors spread that the new regime would seek to re-impose slavery or might cave in the face of an invasion by a foreign slaveholding power, eastern citizens began to organize in defense of the unification project and, most importantly, of the emancipation that it had enacted.

The first mobilization to protect this emancipation came from Monte Grande on the outskirts of the city of Santo Domingo, the site of the Santa Isabel plantation whose laborers had rushed to enlist in the Haitian army in 1822.¹ Upon receiving news of the declaration of separation, African-born, formerly enslaved officers Esteban Pou, José de la Cruz, and Santiago Basora rallied forces in opposition to the provisional junta in Santo Domingo.² The followers of

¹ For more on the volunteers from Monte Grande, see chapter 3.

² Thomas Madiou, *Histoire d'Haïti*, Tome VIII (Port-au-Prince: Éditions Henri Deschamps, 1989), 129-130. More research is needed to determine the precise regiments in which these officers had served. It is most likely that Pou, Basora, and Cruz served in Regiment 32, given that there was a local division of the regiment stationed in Monte Grande (probably due to the

Pou, Cruz, and Basora threatened to cut off the capital from reinforcements and provisions, and this swift action forced the leaders of the new Junta Central Gubernativa to reiterate the permanent abolition of slavery.³ On 1 March 1844, the members of the Junta promulgated their first official decree, in which they affirmed that slavery had “disappeared forever on Dominican

large numbers of volunteers from that area after 1822). See, for instance, No. 35: Registro de matrimonio entre los Ciudadanos Diego de los Santos, domiciliado en Monte Grande de profesión labrador y Irena Valera, domiciliada en Monte Grande de profesión Labrador, 26 November 1843, in AGN-RD, Oficialías del Estado Civil, E/443-1, 1835-1843, Folio 209. Santiago Basora himself appears in another civil status record, the birth register of Celestina Pou Basora (whose last names suggest that the Basora and Pou families may have been linked by marriage). In this document, he is described as “a resident of Monte Grande of the military profession,” but no more information is given about his specific rank or unit. See No. 137: Declaración de nacimiento de Celestina Pou Basora, 24 June 1837, in AGN-RD, Oficialías del Estado Civil, E/413, 1837-1838, Folio Number Illegible. For a transcription of the 1818 baptismal record of Santiago Basora, in which he is described as an African child “de casta brisón,” see Carlos Larrazábal Blanco, *Antología*, ed. Andrés Blanco Díaz (Santo Domingo: Archivo General de la Nación, 2015) p. 88.

Meanwhile, Esteban Pou appeared in an 1827 mass labor contract between General Jérôme Maximilien Borgella, at the time the military commander of the *arrondissement* of Santo Domingo, and the laborers residing on the Santa Rosalía sugar plantation in Monte Grande, which Borgella had purchased from the Catalan planter José Basora (who once held Santiago Basora as a slave). In this document, Esteban Pou agreed to serve as a cultivator, and to follow all the “dispositions” of the Code Rural. That Pou later took up arms in support of the Haitian unification, in spite of having been subjected (at least on paper) to the harshest discipline of the Code, hints at the longer-term outcomes of these labor contracts, which may have served as the foundations for networks of patronage and political organizing. At the same time, military service may have enabled Pou to distance himself from such restrictions, and large-scale commercial agriculture more generally. See Contrato entre el Ciudadano Gerónimo Maximiliano Borgella y los cultivadores que residen en su habitación, 6 February 1827, in AGN-RD, Fondo Protocolos Notariales, Signatura 709315, leg. 1/2642, Protocolo Notarial de José Troncoso y Antonio Abad Solano, 1827, Document 2.

³ Anne Eller, *We Dream Together: Dominican Independence, Haiti, and the Fight for Caribbean Freedom* (Durham and London: Duke University Press, 2016), 28; Franklin José Franco Pichardo, *Los Negros, los mulatos y la nación dominicana* (Santo Domingo: Editora Nacional, 1970) 161; Roberto Cassá, *Antes y después del 27 de Febrero* (Santo Domingo: Archivo General de la Nación, 2016), 197-204.

territory,” while threatening anyone who claimed otherwise with prosecution.⁴ Although this proclamation convinced the officers in Monte Grande to defect to the separatist side, it failed to prevent further uprisings in Las Matas, San Juan, and other towns in the center island region, which had been the sites of the earliest pronouncements in favor of unification with Haiti in 1821 and 1822.⁵

In the wake of the Monte Grande uprising and the new abolition decree, the founders of the nascent Dominican state consolidated the local military regiments that had been created by Boyer in March 1822 into their own armed forces, to which they referred informally as the “African Battalion,” or simply as “the Africans.”⁶ During the unification, these military divisions had recruited not only eastern-born citizens who had received juridical freedom in February

⁴ “También declara: que la esclavitud ha desaparecido para siempre del territorio de la República Dominicana y que el que propagare lo contrario será considerado como delincuente, perseguido y castigado si hubiere lugar.” Junta Central Gubernativa, Resolución acerca de la abolición de la esclavitud, 1 March 1844, in *Collección de leyes, decretos, y resoluciones emanadas de los poderes legislativo y ejecutivo de la República Dominicana* (Santo Domingo: Imprenta de García Hermanos, 1880), 14-15.

⁵ Eller, *We Dream Together*, 27-28. Although the officers joined the Junta Central Gubernativa, it appears that some of the soldiers from Monte Grande continued to oppose the separatists. On 31 March 1844, the Haitian newspaper *La Feuille du Commerce* reported that “those who are called, in the eastern part, the Africans, and who live in a town near Santo Domingo, continue to wait with impatience for the arrival of the [Haitian] army to meet them. Not wishing to align themselves with the Dominicans, they have apparently already commenced hostilities, preventing reinforcements from reaching Santo Domingo by intercepting all ships along the river.” (“de même ceux que l’on nomme, dans la partie de l’Est, les Africains, qui habitent un bourg près de Sto Domingo, attendent, avec impatience, l’arrivée de l’armée pour s’y joindre ; que déjà, ne voulant point se réunir aux dominicains, ils auraient commencé les hostilités en empêchant les provisions d’entrer à Santo-Domingo, en interceptant toutes les embarcations, sur le fleuve.”) See “INTERIEUR,” *La Feuille du Commerce*, 31 March 1844, 2.

⁶ See Pedro Santana, general de división y comandante en jefe del ejército expedicionario en la frontera del Sur, to Tomás Bobadilla, presidente de la Junta Central Gubernativa, 18 May 1844, as cited in José Gabriel García, *Obras completas*, Volumen 3 (Santo Domingo: Archivo General de la Nación, 2016), 48; Vetilio Alfau Durán, “El suceso de Monte Grande: Como acabó la esclavitud en Santo Domingo,” *CLIO* 132 (1976): 65.

1822, but also maritime maroons who had fled enslavement in Puerto Rico and beyond. After the declaration of Dominican separation in February 1844, some slaveholders across the Mona Passage saw an opening for reasserting property rights in individuals whom they had once held as slaves, and who had since sought freedom and citizenship in Hispaniola. The consul of France in Santo Domingo Eustache de Juchereau de Saint-Denys reported in July 1844 that one planter had undertaken a recent journey from Puerto Rico to the capital city of the new Dominican Republic, hoping to procure the extradition of nine men whom he described as his “slaves.”⁷ To his dismay, the planter discovered that these men were now soldiers in the reorganized “African battalion,” described by Juchereau de Saint-Denys as a division made up largely of “emancipated slaves.”

For their part, the soldiers in question soon learned of their former master’s project to re-enslave them. They gathered a crowd and marched to the house where the planter was staying in the Dominican capital, allegedly shouting “Death to the whites!” and “Death to the partisans of slavery!” Juchereau de Saint-Denys, the consul who reported the events, took these threats at face value. The planter’s life had been saved, he claimed, by the timely intervention of Dominican authorities, who ordered the planter’s arrest and deportation to Puerto Rico. In the

⁷ The consul did not specify the names of the planter or the formerly enslaved people in question. The planter was Fernando Fernández, whose attempts to secure the extradition of nine people who had escaped to freedom on Hispaniola were noted by Spanish officials in Puerto Rico during the summer of 1844. See Extracto de las comunicaciones del Agente de Curasao dirigidas a la capitanía general de esta isla, 28 August 1844, in Archivo Histórico Nacional, Madrid (hereafter AHN), Ultramar, leg. 3524, exp. 7: El conde de Mirasol envía extracto de varias comunicaciones, de los meses de abril a julio, de sus agentes en Santo Domingo y Curasao, relativas al estado de los asuntos en Santo Domingo, entrada del coronel Santana, disensiones entre los haitianos y necesidad de ayuda a los dominicanos partidarios de España.

consul's estimation, the whole incident had nearly "plung[ed] the city into anarchy."⁸ The public uproar forced the Junta Central to institute even stronger legal prohibitions against enslavement. On 17 July 1844, the officials promulgated a new decree in which they not only reiterated the principle that the Dominican Republic was free soil, but explicitly outlawed "the introduction of slaves into the territory of the Republic whether directly from Africa or from any other place" and made human trafficking a capital crime for Dominican citizens.⁹

Spanish envoys also considered the demonstrations against the planter through the lens of their country's larger imperial interests in the new republic. Spanish officials in Puerto Rico received news about the incident from correspondents in Santo Domingo and Curaçao, who suggested that the planter's requests for extradition had posed a dilemma for the leaders of the

⁸ "Ce Portoricais fut reconnu dans les rues de la ville par les anciens esclaves qu'il venait réclamer et qui dès leur arrivée, avaient été incorporés dans le bataillon des anciens esclaves émancipés... Poursuivi par eux il n'eut que le temps de se réfugier dans une maison particulière. Cette maison fut à l'instant cernée et presque prise d'assaut par une multitude de noirs armés qui voulaient le mettre en pièces en criant mort aux blancs, mort aux partisans de l'esclavage. ... Après trois heures d'une mortelle anxiété, cet étranger fut conduit à La Force sous l'escorte de Santana et de son état-major et dans la nuit, Santana le fit furtivement évader et embarquer." E. de Juchereau de Saint-Denys, Consul of France in Santo Domingo, to Mr. Guizot, Minister of Foreign Relations, 29 July 1844, in Emilio Rodríguez Demorizi, *Correspondencia del Cónsul de Francia en Santo Domingo, 1844-1846*, Vol. 1 (Ciudad Trujillo: Editora Montalvo, 1944), 144-145; Eller, *We Dream Together*, 28; Carlos Esteban Deive, *La Esclavitud del Negro en Santo Domingo, 1492-1844*, Tomo I (Santo Domingo: Museo del Hombre Dominicano, 1980), 229-230.

⁹ "Artículo 1 : La introducción de esclavos en el territorio de la República, bien sea directamente de África o de cualquiera otro punto es absolutamente prohibida; los esclavos que pongan el pié en el territorio de la República Dominicana serán considerados y tenidos como libres inmediatamente. Artículo 2: Cualquiera ciudadano de la República, sin distinción de clase ni persona, que hiciese armar buques para ir a África a estraer esclavos o que se prestase y ocupase en este tráfico vergonzoso e inhumano conprandolos o vendiendolos, será considerado como pirate, juzgado y castigado con la pena de muerte." "Decreto de la Junta Central Gubernativa contra la esclavitud, 17 July 1844, in Emilio Rodríguez Demorizi, *Documentos para la historia de la República Dominicana*, Vol. 4 (Santo Domingo: Editora del Caribe, 1981), 38.

Junta Central. According to the Spanish agents, the Junta had “resolved in the end to retain them [the Puerto Rican migrants] as long as the laws of Haiti still remain in force.”¹⁰

This report ignored the fact that the nascent Dominican Republic had also decreed emancipation and free soil, and that the threat of capital punishment instituted by the July 17 decree outstripped the legal penalties against slave trading that were then in force in western Haiti. Yet the Spanish officials clearly recognized that both the popular demonstrations against the extradition of free soil seekers and the Junta’s new antislavery provisions had their origins in the legal transformations of the Haitian unification.

The Laws of Haiti

As the contests over the meaning and application of the unification project had made clear, what these commentators described as the “laws of Haiti” had in fact emerged over the previous two decades from multiple sources on both sides of the island. The “laws of Haiti” had been constructed and implemented through the channels of islandwide commerce that transcended the former political border, through the popular responses to the reforms announced by national Haitian leaders, and through the everyday efforts by individual citizens and migrants to achieve legal recognition of property rights from the local representatives of the new state.

During the first two years of the unification, thousands of Haitian troops were stationed in the new eastern departments of Haiti, the majority of them in the city of Santo Domingo and

¹⁰ “En su segunda carta fha 1o de Julio se refiere a noticias anteriores a las recibidas de la misma Ysla por conducto del agente de Curazao en su carta de 27 del referido mes; mas sin embargo este ultimo nada decía acerca de los negros prófugos de D. Fernando Fernandez hacendado de esta Ysla, que segun refiere el de Santo Domingo en el ultimo párrafo de su citada carta llegaron alli en numero de nueve, y si bien la Junta se halló embarazada sin saber que hacer de ellos para evitar disgustos con esta Ysla acordó por fin retenerlos toda la vez que aun se hallan en practica las leyes de Hayti.” Extracto de las comunicaciones, AHN, Ultramar, leg. 3524, exp. 7.

other urban centers. New judicial institutions emerged, local lawmakers were elected to the Haitian legislature, and local soldiers were recruited to fill the new eastern battalions of the Haitian army. Against the backdrop of these transformations, soldiers and civilians from both sides of the island transformed the former capital city into the center of a lucrative livestock trade built in part on longstanding commercial networks across the former border. Western Haitian foot soldiers acquired pack animals for themselves and other members of their communities, helping to further stimulate local forms of production that had grown up in the wake of the destruction of sugar infrastructure during the Haitian Revolution. The new citizens who provided the supply of livestock included freedpeople in the Haitian army as well as ranchers and other merchants who had initially followed the two columns of soldiers during their eastward march in January and February 1822. Above all, the scope of the animal trade illustrates that the aspirations for unification and islandwide commerce went far beyond the projects of those national leaders and local officials who oversaw the formal transfer of sovereignty.

Shortly after the withdrawal of most western troops from Santo Domingo, the Boyer administration announced a series of new property reforms and state expropriations, which were intended to promote exclusive ownership of private property and to spur a project of land reform for the benefit of freedpeople and other propertyless eastern residents. In the former capital of Santo Domingo and its environs, the logistical obstacles and lingering questions over the implementation of the reforms led to the creation of a new form of nationalized property in which the state staked a claim to the soil but not to the buildings on top of it. As smallholders, renters, and squatters would testify to notaries and other officials over the ensuing years, the reforms enabled many residents of the capital to continue to occupy residential lands without paying fees for their use. Yet this mediated process of nationalization without confiscation

prevented Haitian authorities from distributing small concessions on a wide scale. In the end, land reform gave way to a land grab, as a growing class of administrators, military officials, and wealthy property-holders from both sides of the island began to purchase the most valuable lands in the Santo Domingo region for their own personal use. The rise of speculation set up the Boyer administration's larger turn towards commercial agriculture, which then escalated after France's formal recognition of Haitian independence in 1825.

The 1825 agreement with France imposed a staggering indemnity on the Haitian state, prompting its leaders to redouble their efforts to promote the production of cash crops for export. In 1826, Boyer promulgated the Code Rural, a collection of statutes from earlier post-emancipation regimes in Saint-Domingue/Haiti that sought to secure a labor force and to open up cultivatable lands for large-scale commercial agriculture. In the sugar-growing regions of the district of Santo Domingo, planters and laborers alike went before notaries to sign contracts that followed the conditions established by the Code. Rather than marking the dawn of a renewed plantation economy, however, the rental arrangements and labor agreements ratified by the contracts ultimately accelerated the ongoing breakup of large estates into smaller farms in which owners and residents pursued alternative, and sometimes competing, projects for land use. In the wake of the collapse of the project of wide-scale agrarian reform, the Boyer administration began distributing official land concessions to civil servants, military officials, and other government clients in the hopes that this policy would give momentum to the objectives outlined in the Code Rural. Yet many concessionaries chose not to invest in export agriculture at all, and instead sold and rented out portions of their grants to local residents who engaged in ranching, subsistence agriculture, and the cultivation of provisions for local markets.

Beyond the outskirts of urban centers like the city of Santo Domingo, however, most land was not owned by single titleholders who claimed exclusive rights, nor was it distributed in the form of official land concessions. Instead, many rural citizens maintained fractional claims and use rights to undivided sites of *terrenos comuneros*, a system of property land use that had prevailed in most of the country with deep roots in colonial-era Santo Domingo. At different moments throughout the unification, the Boyer administration encouraged departmental authorities in Santo Domingo to translate these fractional claims to *terrenos comuneros* into titles to individual plots. Yet during this same period, the “co-owners” of these sites frequently went before local communal officials to procure recognition of their fractional claims, to discipline their fellow co-owners who were seen as exploiting more land or other resources than their shares allotted to them, and to prevent others from exploiting the lands. These everyday disputes over land tenure and use led Haitian officials (including president Boyer himself) to recognize that claims to *terrenos comuneros* based in long-term possession constituted property rights under Haitian law, helping to perpetuate the contests over the meanings of *terrenos comuneros* long after the end of the unification itself.

Both before and after the unification era, runaways from enslavement undertook treacherous journeys to the coasts of Santo Domingo from Puerto Rico, Martinique, and beyond. After 1822, those who reached the island invoked the Haitian constitutional promises of immediate juridical freedom and citizenship, entering into a process of negotiation with eastern authorities that reinforced the disavowal of property claims in persons across the island. The fragmentary records of these journeys point to the surreptitious waves of *marronage* and migration to unification-era Santo Domingo, which took place alongside—but produced far fewer records than—the more well-known exodus of some wealthy property-holders and Spanish

loyalists towards neighboring Cuba and Puerto Rico. The unification extended the possibility of juridical freedom and racial equality not only to those who had been held as slaves in Santo Domingo, but also to enslaved populations and free people of color across the region, since Haitian law invalidated property claims in persons that were upheld and protected in other jurisdictions. The mobilization of Haitian citizens on behalf of those escaping slavery and other migrants of color helped to fuel the popular movement that would ultimately succeed in preserving emancipation during subsequent regime changes in Santo Domingo.

The most important outcome of these negotiations was the widespread embrace of a new legal order that permanently invalidated property claims in persons, epitomized by the antislavery agitation that spread from Monte Grande to the streets of the capital. During the ensuing decades of war, foreign annexation, and, once more, revolution, as flags changed and the founders of the new Dominican state threw their support behind a succession of increasingly contradictory political regimes, the eastern majority would maintain a shared commitment to the emancipation that had been consolidated through the experiences, collaborations, and struggles of the unification era.

Sources and Bibliography

Archival Sources

Archivo General de Indias, Seville, Spain

Audiencia de Santo Domingo

Estado

Papeles de Cuba

Patronato

Archivo General de la Marina Álvaro de Bazán, Viso del Marqués, Spain

Corso y Presas

Indiferente Puerto Rico

Archivo General de la Nación, Santo Domingo, Dominican Republic

Alcaldías y Juzgados de Paz

Archivo Real de Bayaguana

Archivo Real de El Seibo

Archivo Real de Higüey

Archivo Real de Monte Plata

Ayuntamientos

Juzgado de Primera Instancia e Instrucción

Oficialía Civil

Protocolos Notariales

Revistas

Archivo Histórico Nacional, Madrid, Spain

Estado

Ministerio de Asuntos Exteriores

Ultramar

Archives Nationales d'Haïti, Section historique, Port-au-Prince, Haiti

Ministère des Finances

Ministère de la Justice

Présidence

Archives nationales d'outre-mer, Aix-en-Provence, France

État Civil

Bibliothèque Nationale de France, Paris, France

Arsenal

Tolbiac

Centre des Archives diplomatiques, La Courneuve, France
Affaires diverses politiques
Correspondance consulaire et commerciale
Correspondance politique

Library of Congress, Washington, D.C.
Celestino Bencomo Haitian Collection
Edmond Mangonès Collection

Schomburg Center for Research in Black Culture, New York Public Library, New York
Kurt Fisher Haitian Collection

The National Archives, Kew, United Kingdom
Admiralty
War Office

Periodicals

La Concorde (Cap Haïtien)
Diario Libre (Santo Domingo)
L'Étoile Haytienne (Santo Domingo)
La Feuille du Commerce (Port-au-Prince)
Listín Diario (Santo Domingo)
Le Propagateur Haïtien (Port-au-Prince)
L'Union (Port-au-Prince)
Le Télégraphe (Port-au-Prince)
El Telégrafo Constitucional (Santo Domingo)

Other Published Sources

Almanach pour l'année 1823, An 22 de l'Indépendance d'Haïti, Contenant les noms de tous les Fonctionnaires publics, civils, et militaires de l'Arrondissement de Santo-Domingo. Santo Domingo: Imprimé par J. M. Gonzalez et C.^e, 1824.

Ardouin, Beaubrun. *Géographie de l'île d'Haïti précédée du précis et de la date des événements les plus remarquables de son histoire.* Port-au-Prince: 1832.

Code Civil d'Haïti. Port-au-Prince: Imprimerie du Gouvernement, 1826.

Code Rural d'Haïti. Port-au-Prince: Imprimerie du Gouvernement, 1826.

Collección de leyes, decretos, y resoluciones emanadas de los poderes legislativo y ejecutivo de la República Dominicana. Santo Domingo: Imprenta de García Hermanos, 1880.

Demorizi, Emilio Rodriguez. *Documentos para la historia de la República Dominicana*, Vol. 4. Santo Domingo: Editora del Caribe, 1981.

Franco, José Luciano. *Documentos para la historia de Haïti en el Archivo Nacional*. La Habana: Archivo Nacional de Cuba, 1954.

Franklin, James. *The Present State of Hayti, with Remarks on its Agriculture, Commerce, Laws, Religion, Finances, and Population*. London: John Murray, 1828.

Granville, Jonathas Henri Théodore. *Biographie de Jonathas Granville par son fils*. Paris: Imprimerie de E. Brière, 1873.

Mackenzie, Charles. *Notes Made on Haiti during a Residence in that Republic*, 2 vols. London: Henry Colburn and Richard Bentley, 1830.

Marte, Roberto. *Estadísticas y documentos históricos sobre Santo Domingo, 1805-1890*. Santo Domingo: Ediciones Museo Nacional de Historia y Geografía, 1984.

Moreau de Saint-Méry, Médéric Louis Elie. *Description topographique et politique de la partie espagnole de l'isle Saint-Domingue*, 2 vols. Philadelphia: 1796.

Opinion de la Commission, chargée par S. Ex. le Président d'Haïti de lui faire un rapport sur différentes réclamations qui ont été adressées au Gouvernement, relativement aux mutations de droits et de propriétés survenues dans la partie de l'Est depuis sa réunion à la République, accompagnée de deux Rapports sur le même objet, l'un du Sénat, et l'autre de la Chambre des Représentans. Port-au-Prince: De l'Imprimerie du Gouvernement, 1822.

Pradine, Linstant. *Recueil général des lois et des actes du gouvernement d'Haïti depuis la proclamation de son indépendance jusqu'à nos jours*, 7 vols. Paris: Auguste Durand, 1851-1888.

Réunion de la partie de l'Est à la République. Port-au-Prince: Imprimerie du Gouvernement, 1830.

Révision de la Constitution haïtienne de 1806. Port-au-Prince: Imprimerie du Gouvernement, 1816.

Rouzier, S. *Dictionnaire géographique et administratif universel d'Haïti*, vol. 1. Paris: Imprimerie Charles Blot, 1892.

Valverde, Antonio Sánchez. *Idea del valor de la isla española*. 1785. Reprint, Ciudad Trujillo: Editora Montalvo, 1948.

Secondary Sources

Alfau Durán, Vetilio. *Escritos y apuntes históricos* (Santo Domingo: Archivo General de la Nación, 2008).

Alfau Durán, Vetilio. "El suceso de Monte Grande: Como acabó la esclavitud en Santo Domingo." *CLIO* 132 (1976): 47-76.

Ardouin, Beaubrun. *Études sur l'histoire d'Haïti suivies de la vie du général J. M. Borgella*, 11 vols. Paris: Dézobry, Magdeleine, et C^e, 1853-1860.

Barthélemy, Gérard. *Le pays en dehors*. Port-au-Prince: Natal, 1989.

Bassi, Ernesto. *An Aqueous Territory: Sailor Geographies and New Granada's Transimperial Greater Caribbean World* (Durham and London: Duke University Press, 2016).

Bernardo Regino Espinal, Francisco. *El Código Rural de Haïti*. Santo Domingo: Archivo General de la Nación, 2015.

Brière, Jean-François. *Haïti et la France, 1804-1848: Le rêve brisé*. Paris: Éditions Karthala, 2008.

Burns, Kathryn. *Colonial Habits: Convents and the Spiritual Economy of Cuzco, Peru*. Durham and London: Duke University Press, 1999.

Candelario, Ginetta. *Black Behind the Ears: Dominican Racial Identity from Museums to Beauty Shops*. Durham, NC: Duke University Press, 2007.

Casimir, Jean. *La culture opprimée*. Delmas, Haïti: Imprimerie Lakay, 2001.

Cassá, Roberto. *Antes y después del 27 de Febrero*. Santo Domingo: Archivo General de la Nación, 2016.

Cassá, Roberto. *Historia Social y Económica de la República Dominicana*, 2 vols. Santo Domingo: Editora Buho, 1987.

China, Jorge L. "A Quest for Freedom: The Immigration of Maritime Maroons into Puerto Rico, 1656-1800." *The Journal of Caribbean History* 31, no. 1 (1997): 51-87.

Cordero Michel, Emilio. *Obras escogidas: Cátedras de historia social, económica, y política dominicana*. Santo Domingo: Archivo General de la Nación, 2015.

Cordero Michel, Emilio. *La Revolución haitiana y Santo Domingo*. Santo Domingo: Editora Nacional, 1968.

Dalmasy, Johannes. *Dalmasy: Apellido dominicano de origen nizardo*. Santo Domingo: Academia Dominicana de Historia, 2014.

Demorizi, Emilio Rodríguez. *Correspondencia del Cónsul de Francia en Santo Domingo, 1844-1846*, Vol. 1. Ciudad Trujillo: Editora Montalvo, 1944.

Demorizi, Emilio Rodríguez. *Invasiones haitianas de 1801, 1805 y 1822*. Ciudad Trujillo: Editora del Caribe, 1955.

Derby, Lauren. "Race, National Identity and the Idea of Value on the Island of Hispaniola." in *Blacks, Coloureds and National Identity in Nineteenth-Century Latin America*, edited by Nancy Priscilla Naro 5-37. London: Institute of Latin American Studies, 2003

Deive, Carlos Esteban. *La esclavitud del negro en Santo Domingo, 1492-1844*, 2 vols. Santo Domingo: Museo del Hombre Dominicano, 1980.

Deive, Carlos Esteban. *Los guerrilleros negros: esclavos fugitivos y cimarrones en Santo Domingo*. Santo Domingo: Fundación Cultural Dominicana, 1985.

Dubois, Laurent. *The Banjo: America's African Instrument*. Cambridge, MA and London: Belknap Press of Harvard University Press, 2016.

Eller, Anne. "'All would be equal in the effort': Santo Domingo's 'Italian Revolution,' Independence, and Haiti, 1809-1822." *Journal of Early American History* 1, vol. 2 (2011): 105-141.

Eller, Anne. "'Awful Pirates' and 'Hordes of Jackals': Santo Domingo/The Dominican Republic in Nineteenth-Century Historiography." *Small Axe* 44 (July 2014): 80-94.

Eller, Anne. "Rumors of Slavery: Defending Emancipation in a Hostile Caribbean." *American Historical Review* 122, no. 3 (June 2017): 653-679.

Eller, Anne. *We Dream Together: Dominican Independence, Haiti, and the Fight for Caribbean Freedom*. Durham and London: Duke University Press, 2016.

Fanning, Sara. *Caribbean Crossing: African Americans and the Haitian Emigration Movement*. New York and London: New York University Press, 2015.

- Ferrer, Ada. "Haiti, Free Soil, and Antislavery in the Revolutionary Atlantic." *American Historical Review* 117, no. 1 (2012): 40-66.
- Ferrer, Ada. *Freedom's Mirror: Cuba and Haiti in the Age of Revolution*. Cambridge: Cambridge University Press, 2014.
- Fischer, Sibylle. *Modernity Disavowed: Haiti and the Cultures of Slavery during the Age of Revolution*. Durham and London: Duke University Press, 2004.
- Franco, Franklin J. *Los negros, los mulatos, y la nación dominicana*, 7ª edición. Santo Domingo: Editora Alfa & Omega, 1984.
- Gabriel García, José. *Compendio de la Historia de Santo Domingo*, vol. 2. Santo Domingo: Imprenta de García Hermanos, 1896.
- Gabriel García, José. *Obras completas*, Volumen 3. Santo Domingo: Archivo General de la Nación, 2016.
- Gaffield, Julia. *Haitian Connections in the Atlantic World: Recognition after Revolution*. Chapel Hill: UNC Press, 2015.
- García-Peña, Lorgia. *The Borders of Dominicanidad: Race, Nation, and the Archives of Contradiction*. Durham and London: Duke University Press, 2016.
- Geggus, David Patrick. Geggus, "Haiti's Declaration of Independence." In *The Haitian Declaration of Independence*, edited by Julia Gaffield, 25-41. Charlottesville and London: University of Virginia Press, 2016.
- Geggus, David Patrick. *Haitian Revolutionary Studies*. Bloomington: Indiana University Press, 2002.
- Giusti-Cordero, Juan. "Sugar and livestock: Contraband Networks in Hispaniola and the Continental Caribbean in the Eighteenth Century." *Revista Brasileira do Caribe* 15, no. 29, (July-December 2014): 13-41.
- González, Johnhenry. "Defiant Haiti: Free-Soil Runaways, Ship Seizures and the Politics of Diplomatic Non-Recognition in the Early Nineteenth Century." *Slavery & Abolition* 36, no. 1 (2015): 124-135.
- González, Johnhenry. "The War on Sugar: Forced Labor, Commodity Production, and the Origins of the Haitian Peasantry." Ph.D. diss., University of Chicago, 2012.
- González Canalda, María Filomena. *Libertad Igualdad: Protocolos Notariales de José Troncoso y Antonio Abad Solano, 1822-1840*. Santo Domingo: Archivo General de la Nación, 2013.

González, Raymundo. *De esclavos a campesinos: Vida rural en Santo Domingo colonial*. Santo Domingo: Archivo General de la Nación, 2011.

Gutiérrez Escudero, Antonio. *Santo Domingo colonial: Estudios históricos, Siglos XVI al XVIII*. Santo Domingo: Academia Dominicana de la Historia, 2007.

Hall, Neville A. T. "Maritime Maroons: *Grand Marronage* from the Danish West Indies." *The William and Mary Quarterly: A Magazine of Early American History and* (1985): 476-498.

Hector, Michel and Laënnec Hurbon, editors. *Genèse de l'État haïtien, 1804-1850*. La Rochelle: Éditions de la Maison des sciences de l'homme, 2009.

Holt, Thomas C. *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832-1938*. Baltimore and London: Johns Hopkins University Press, 1992.

Johnson, Sara E. *The Fear of French Negroes: Transcolonial Collaboration in the Revolutionary Americas*. Berkeley, Los Angeles, and London: University of California Press, 2012.

Larrazábal Blanco, Carlos. *Antología*, edited by Andrés Blanco Díaz. Santo Domingo: Archivo General de la Nación, 2015.

Larrazábal Blanco, Carlos. *Los negros y la esclavitud*. Santo Domingo: Julio D. Postigo e Hijos Editores, 1975.

Lora Hugi, Quisqueya. "El sonido de la libertad: 30 años de agitaciones y conspiraciones en Santo Domingo, 1791-1821." *CLIO* 182 (2011): 109-140.

Lora Hugi, Quisqueya. *Transición de la esclavitud al trabajo libre en Santo Domingo: El caso de Higüey, 1822-1827*. Santo Domingo: Academia Dominicana de la Historia, 2012.

Lora Hugi, Quisqueya. "Llamamientos o invasión? El debate en torno a los llamamientos de 1821 y 1822." *CLIO* 192 (2016): 98-151.

Madiou, Thomas. *Histoire d'Haïti*, 8 vols. Port-au-Prince: Imprimerie J. Courtois, 1847-1848.

Manigat, Leslie François. *La politique agraire du gouvernement d'Alexandre Pétion, 1807-1818*. Port-au-Prince: Imprimerie La Phalange, 1962.

Mayes, April. *The Mulatto Republic: Class, Race, and Dominican National Identity*. Gainesville: University of Florida Press, 2014.

Mayes, April J. and Kiran C. Jarayam, editors. *Transnational Hispaniola: New Directions in Haitian and Dominican Studies*. Gainesville: University Press of Florida, 2018.

Mejía-Ricart, Gustavo Adolfo. *Historia de Santo Domingo Volumen IX: La Dominación Haitiana, 1822-1844*. Santo Domingo: Archivo General de la Nación, 2015.

Mella, Pablo. *Los espejos de Duarte*. Santo Domingo: Amigo del Hogar, 2013.

Metcalfe, William G., Marvel C. Stalcup, and Donald D. Atwood. "Mona Passage drift bottle study." *Bulletin of Marine Science* 27, no. 3 (1977): 586-591.

Moya Pons, Frank. *La dominación haitiana, 1822-1844*, 4ª edición. Santo Domingo: Librería la Trinitaria, 2013.

Moya Pons, Frank. "The Land Question in Haiti and Santo Domingo." In *Between Slavery and Free Labor: The Spanish-Speaking Caribbean in the Nineteenth Century*, edited by Manuel Moreno Fraginals, Frank Moya Pons, and Stanley L. Engerman, 181-214. Baltimore and London: The Johns Hopkins University Press, 1985.

Moya Pons, Frank. *Manual de Historia Dominicana*, 9ª Edición. Santo Domingo: Caribbean Publishers, 1992.

Nessler, Graham T. "A Failed Emancipation? The Struggle for Freedom in Hispaniola during the Haitian Revolution, 1789-1809." PhD diss., University of Michigan, 2011.

Nessler, Graham T. *An Islandwide Struggle for Freedom: Revolution, Emancipation, and Reenslavement in Hispaniola, 1789-1809*. Chapel Hill: UNC Press, 2016.

Nessler, Graham T. "'The Shame of the Nation': The Force of Re-enslavement and the Law of 'Slavery' under the Regime of Jean-Louis Ferrand in Santo Domingo, 1804-1809." *New West Indian Guide* 86, nos. 1-2 (2012): 5-28.

Nistal Moret, Benjamin. *Esclavos, prófugos, y cimarrones: Puerto Rico, 1770-1870*. San Juan: Editorial de la Universidad de Puerto Rico, 1984.

Ots Capdequí, José M. *El régimen de la tierra en la América española durante el período colonial* (Ciudad Trujillo: Editora Montalvo, 1946).

Palm, Erwin Walter. *Los monumentos arquitectónicos de la Española*. Santo Domingo: Universidad de Santo Domingo, 1955.

Paulino, Edward. *Dividing Hispaniola: The Dominican Republic's Border Campaign Against Haiti, 1930-1961*. Pittsburgh: University of Pittsburgh Press, 2016.

Pérez-Villa, Ángela. "Disorderly Love: Illicit Friendships, Violence, and Law in a Slave Society at War, Popayán-Colombia, 1809-1830." PhD diss., University of Michigan, 2017.

Pierrot, Grégory. "The Samaná Affair." *Haiti and the Atlantic World*. 9 October 2013. <https://haitidoi.com/2013/10/09/the-samana-affair-2/>.

Picó, Fernando. *One Frenchman, Four Revolutions: General Ferrand and the Peoples of the Caribbean*. Princeton: Marcus Wiener Publishers, 2012.

Pinto Tortosa, Antonio Jesús. "Una colonia en la encrucijada: Santo Domingo entre la revolución haitiana y la reconquista española, 1791-1809." Ph.D. diss., Universidad Complutense de Madrid, 2012.

Price-Mars, Jean. *La République d'Haïti et la République dominicaine: les aspects divers d'un problème d'histoire, de géographie, et d'ethnologie*, 2 vols. Port au Prince: 1953.

Puig Ortiz, José Augusto. *Emigración de libertos norteamericanos a Puerto Plata en la primera mitad del siglo XIX: La Iglesia Metodista Wesleyana*, 2ª edición. Editora Nacional: Santo Domingo, 2011.

Quiroz, Alfonso W. "Reassessing the Role of Credit in Late Colonial Peru: Censos, Escrituras, and Imposiciones." *The Hispanic American Historical Review* 74, no. 2 (May 1994): 193-230.

Ramsey, Kate. *The Spirits and the Law: Vodou and Power in Haiti*. Chicago and London: The University of Chicago Press, 2011.

René, Jean Alix. "Le Culte de l'égalité: Une exploration du processus de formation de l'État et de la politique populaire en Haïti au cours de la première moitié du dix-neuvième siècle." Ph.D. diss., Concordia University, 2014.

Rey, Terry. "Toward an ethnohistory of Haitian pilgrimage." *Journal de la société des américanistes* 91, no. 1 (2005): 161-183.

Rodríguez Morel, Genaro. "The Sugar Economy of Española in the Sixteenth Century," in *Tropical Babels: Sugar and the Making of the Atlantic World, 1450-1680*, edited by Stuart Schwartz, 85-114. Chapel Hill: The University of North Carolina press, 2004.

Rodríguez y Rodríguez, Alberto. *El azúcar como hacedor de historia y de comunidades*. Santo Domingo: Editora Universitaria de la UASD, 1985.

Roitman, Jessica Vance. "Land of Hope and Dreams: Slavery and Abolition in the Dutch Leeward islands, 1825–1865." *Slavery & Abolition* (2016): 1-24.

Rose, Carol M. *Property and Persuasion: Essays on the History, Theory, and Rhetoric of Ownership*. Boulder and Oxford: Westview Press, 1994.

Saavedra, Manuel Bastias. "The Lived Space: Possession, Ownership, and Land Sales on the Chilean Frontier, Valdivia, 1790-1830." *Historia Crítica* 67 (January 2018): 3-21.

Scott, Julius Sherrard, III. *The Common Wind: Currents of Afro-American Communication in the Era of the Haitian Revolution*. Ph.D., Duke University, 1986.

- Scott, Rebecca J. *Slave Emancipation in Cuba: The Transition to Free Labor, 1860-1899*. Pittsburg: University of Pittsburg Press, 1985.
- Sevilla Soler, María Rosario. *Santo Domingo: Tierra de Frontera, 1750-1800*. Sevilla: Escuela de Estudios Hispano-Americanos, 1980.
- Sheller, Mimi. *Citizenship from Below: Erotic Agency and Caribbean Freedom*. Durham and London: Duke University Press, 2012.
- Théodat, Jean-Marie Dulix. *Haïti, République Dominicaine: Une île pour deux, 1804-1916*. Paris: Éditions Karthala, 2003.
- Tomlins, Christopher L. and Bruce H. Mann, editors. *The Many Legalities of Early America*. Chapel Hill and London: University of North Carolina Press, 2001.
- Troncoso de la Concha, Manuel de Jesús. *La ocupación de Santo Domingo por Haití*. Ciudad Trujillo: La Nación, 1942.
- Trouillot, Michel-Rolph. *Peasants and Capital: Dominica in the World Economy*. Baltimore and London: Johns Hopkins University Press, 1988.
- Trouillot, Michel-Rolph. *Haiti, State Against Nation: The Origins and Legacy of Duvalierism*. New York: Monthly Review Press, 1990.
- Turits, Richard Lee. *Foundations of Despotism: Peasants, the Trujillo Regime, and Modernity in Dominican History*. Stanford: Stanford University Press, 2003.
- Turits, Richard Lee. "Par-delà les plantations: Question raciale et identités collectives à Santo Domingo." *Genèses* 66 (2007): 51-68.
- Turits, Richard Lee. "Raza, esclavitud, y libertad en Santo Domingo." *Debate y Perspectivas* 2 (2002): 69-88.
- Turits, Richard Lee. "A World Destroyed, A Nation Imposed: The 1937 Haitian Massacre in the Dominican Republic." *Hispanic American Historical Review* 82, No. 3 (August 2002): 589-635.
- Ugarte España, María. "Algunas puntualizaciones históricas sobre el Palacio de Borgellá." *Caudal: Revista trimestral de letras, artes, y pensamiento*, vol. 3, no. 12 (October-December 2004), 51-55.
- Ulrickson, Maria Cecilia. "'Esclavos que fueron' in Santo Domingo, 1768-1844." PhD diss: University of Notre Dame, 2018.
- Venator Santiago, Charles R. "Race, Nation-Building and Legal Transculturation during the Haitian Unification Period (1822-1844): Towards a Haitian Perspective." *Florida Journal of International Law* 667 (September 2004): 667-676.

Widmer S., Rudolf. *La propiedad en entredicho: Una historia documental de Higüey, Siglos XVII-XIX*. Santo Domingo: Editora Manatí, 2004.

Yingling, Charlton W. "Colonialism Unraveling: Race, Religion, and National Belonging in Santo Domingo During the Age of Revolutions." Ph.D. diss., University of South Carolina, 2016.

Yingling, Charlton W. "The Maroons of Santo Domingo in the Age of Revolutions: Adaptation and Evasion, 1783-1800." *History Workshop Journal* 79 (Spring 2015): 25-51.