

AN ACCOUNT ON SLAVERY IN PUERTO RICO: HISTORIC SLAVE LEGISLATION, 16TH TO 19TH CENTURY

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Abstract

The development of slavery in the Caribbean Island of Puerto Rico since the 16th to the 19th Century no matter how illiberal, inhuman, or unjust the Spanish legislation was or was not complied by the master during slavery, it provided the slave, at least, with a wide range of protective legislation that directly interposed the state between the slave and the master, and greatly undermined the latter's property rights over his slave. To understand what slavery was in Puerto Rico, its implications and significance, we have to research its historical primary documents, as the municipal notarial records, church and government records. These records, together with the laws and slave codes, reflect the behavior and attitudes of these people on certain moments of their life.

Keywords: Slavery; United States; Puerto Rico; 16th to 19th Century; Legislation; Research.

INTRODUCTION

The Caribbean Island of Puerto Rico was a Spanish possession since its discovery in 1492 to 1898 when it became a territory of the United States of America, until today.²

Puerto Rican scholars became interested in slavery in the 1950's when the Institute of Puerto Rican Culture was created by the new government, the Commonwealth of Puerto Rico, and our National History Archive (*Archivo Histórico General de Puerto Rico*) was founded in 1955 in San Juan, the capital of our island. Later, municipal archives were organized all over the island to collect the public and private documents that were kept in different places. Why were not collected before? The United States federal government was not interested in this type of collection since our governors and main government officials from 1898 were North Americans, appointed by the President of the U.S, up to 1940, when the first Puerto Rican governor was designated. Then, the History Research Center was created at the University of Puerto Rico in 1946, and scholars started doing research

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² Tzvetan Todorov, *The Conquest of America: The Question of the Other* (Norman, Oklahoma: University of Oklahoma Press, 1999).

on Puerto Rican history. The interest in our history increased when our first Puerto Rican governor was elected by the people of Puerto Rico in 1948 and the reorganization of our government took place, coming about the declaration of our Constitution in 1952 and laws to protect our culture and Spanish heritage. Also, efforts were made to preserve other cultures' heritage, the *Tainos* (indigenous people) and African, which have been present in our country for many years. Finally, in the 1970s, research on slavery became of great interest to historians and anthropologists in Puerto Rico. Prior, some scholars stated that slavery had been incidental in our history, so, it was not important. Even though, we received a notable influence from the African culture in music, food, folklore and crafts, many people still think is not significant to talk about slavery because not such a big amount of slaves was brought in our Island during past centuries.³

Since then, slavery in Puerto Rico has been researched widely, from all possible records dating from 16th to 19th Century which were kept in archives in Puerto Rico: as microfilms and documents brought from diverse origins in Cuba, Santo Domingo (Dominican Republic), other Caribbean Islands, Spain, England, France, and the United States.

SLAVERY IN AMERICA: FROM 16TH - 19TH CENTURY

When numerous groups of slaves came to Puerto Rico during the 19th Century, people were accustomed to them because Spaniards who arrived in Puerto Rico and in all Spanish colonies from the time of the 16th Century brought African slaves with them especially as servants.⁴ The Sub-Saharan Negroes as well as the North African peoples had intimate contact with the population of Spain from recorded time up to the 16th Century. The Negro had been particularly important in the armies and slave populations of the Spanish Moslem states, and the Iberian peoples had long accepted his individuality, personality, and coequality.⁵ Thus, communities of the Creole and Spanish *peninsulares* (Spanish not borne in the colonies) in Puerto Rico were used to see and treat them, and were aware of the laws that protected slaves. They were not a novelty in the island. Puerto Rico slave regime was a product of historic institutions and ancient philosophies alien to the capitalistic temperament of the English. The fact that the laws of the Spanish Crown, *Leyes de Indias*, were to be fully applicable to the Indies was of extreme importance for slavery in Puerto Rico.⁶

³ Sidney W. Mintz, ed., *Slavery, Colonialism, and Racism* (New York: W. W. Norton & Co., Inc., 1974). Francisco A. Scarano, *Puerto Rico, Cinco siglos de historia* (Colombia: McGraw Hill, 1993).

⁴ Luis A. Figueroa, *Sugar, Slavery, and Freedom in 19th Century Puerto Rico* (Chapel Hill: The University of South Carolina Press, 2005).

⁵ Genovese, E.D., *The Political Economy of Slavery: Studies in the Economy and Society of the Slave South* (Middleton: Wesleyan University Press, 1989).

⁶ *Recopilación de Leyes de los Reynos de las Indias, 1680 Mandada a Imprimir por la Magestad Católica del Rey Don Carlos II Nuestro Señor, Tomo III* (Madrid: Boix, 1841. Madrid: Imprenta Gráfica Ultra, S.A., 1943). *Leyes de Indias, disposiciones complementarias*, 3 vol. (Madrid: Imprenta Sáez Hermanos, 1930).

The colonials in America were presented from the beginning of the 16th Century with a complete historic slave legislation, which had been already been applied to the African Negro for at least a century before 1511.⁷ The Spanish Law provided a Slave Code that was, indeed, influenced by Christian philosophy, sustained as a fundamental principle that slavery was “against natural reason”. Saint Gregory and the Justinian Code of the 13th Century stated as a fundamental principle that slavery was contrary to nature.⁸ Thus, while slavery was accepted as a historic instrument and one of long standing and custom, which for the Crown was of necessity to be continued, it was conceived of as an evil need rather than a positive one. Consequently, the Law and Catholic Church would do all in their power to ensure the slave his God-given humanity. So, under the Spanish Law, he was considered a human being, a legal personality possessing innumerable rights and obligations.

The slave legal personality was recognized in the state as an extension of his right to personal safety and property. Moreover, through his right to admittance into the Catholic faith, he received a whole series of sacraments such as sanctity of baptism, marriage, parenthood, death, and the right of fraternization. He was granted the right to transact business if he was self employed or he was employed by his master in a business establishment. The Law also recognized as a legal transaction the action of a slave giving money for his price to a third party, so that the person might buy him from his master and then set him free – this was called *coartación*. Sometimes he relied on the local parish priest, as a reliable third party to hold his savings and to help him present his legal case. The slave could recourse to the courts if this third party did not fully carry out the agreement. Slaves could marry against the will of their masters if they continued serving him as before, and could marry a free person, so long as the free partner was fully aware of the slave condition. The borne child was made to follow the condition of the mother. The Church was the most important factor in encouraging to voluntary manumissions by their masters, which created the vast majority of freed slaves, but it was also instrumental in the process of *coartación* (self-purchase) by which slaves bought their freedom. In fact, in the Spanish Law, its whole attitude toward manumission was an extremely unique document. Holding that slavery was an evil thing and that the slave was a human being, the Law justified its lenient and very complex and extensive legislation of manumission on the grounds that “all of the laws of the world should help toward freedom”. A slave could be heir of his master, and this could enable him to get his freedom. The master could give him anything he considered or wanted to – no

⁷ Darien J. Davis, *Slavery and Beyond: The African Impact on Latin America and the Caribbean* (Wilmington, Del.: Scholarly Resources, 1994).

⁸ David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (New York: Oxford University Press, 2006). On St. Gregory the Great: *On Slavery in Missions: Catholicae Ecclesiae Encyclical of Pope Leo III promulgated on November 20, 1890*, Rome (Irondale, AL: Eternal World Television Network Publishers, 2000). On 13th Century Justinian Code: Oliver J. Thatcher, ed., *The Library of Original Sources, Vol. III: The Roman World* (Milwaukee: University Research Extension Co., 1907).

restrictions.⁹

A slave could be freed by two sources of power, either by the state or by his master, without the permission of the state. Considering the master was allowed the greatest amount of freedom in declaring his slave manumitted, the act could be carried out in a church, before a judge, in a testament, or with a letter signed by five witnesses. Also, he could get his freedom by performing an act of service to the country: denouncing acts against people and government or discovering treason against the Crown, and against any regard to his master's wishes. The state would reimburse the master the cost of the slave, seeing that it was a forced expropriation. In cases that a master abused his slave, the slave was taken from him – he was given instead to a new master. But no matter how illiberal, inhuman, or unjust this Slave Code or regulation was or was not complied by the master, it provided the slave, at least, with a wide range of protective legislation that directly interposed the state between the slave and the master, and greatly undermined the latter's property rights over his slave.¹⁰

SLAVERY IN THE UNITED STATES

In the United States Slave Code (17th to 19th Century), the master's property rights had never allowed for the admittance of the Church or State into the master-slave relationship. The master's self interest and humanity was all the U.S. Negro could rely on. United States prime consideration was that the property rights of the master in the slave be in no way questioned by the State. From that time, 18th Century, Negroes and mulattos servants in the U.S. were sold "as a slave for ever",¹¹ and the slave was considered a thing.

Since 17th Century there has existed an antipathy of some kind on the part of the white colonials in the U.S. against blacks, a prejudice that was entirely lacking in the racial relations of the Spanish-Puerto Rican and Afro-Puerto Rican groups. This animosity was to have a damaging effect upon the life of the free Negro as well as that of the slave, and possibly has resulted in certain later developments in the slave regime – particularly, as regards moral attitudes toward the Negro – as it did in economic considerations. After 1682, it was decided in the U.S. Union that – any imported Negro was presumed to be a slave, no matter his religious or national background. So logical a connection would be the status of slave and the black or brown color had in the U.S. Slave Code that, in later years, a Negro or mulatto was automatically to be considered a slave and it was incumbent upon him to prove otherwise. The U.S. Slave Code, while it evolved, showed no interest in providing for the rights or

⁹ Luis Díaz Soler, *Historia de la esclavitud negra en Puerto Rico* (Río Piedras: Editorial Universitaria, Universidad de Puerto Rico, 1979). "Reglamento sobre esclavos de 1826, sobre la educación civil y cristiana, trato y ocupaciones que deben dar a sus esclavos los dueños y mayordomos en Puerto Rico", 12 de agosto de 1826, por el Gobernador Miguel de la Torre. en Francisco Ramos, *Prontuario de Disposiciones Oficiales de Puerto Rico, 1824-1865* (San Juan, Puerto Rico, Imprenta González, 1866).

¹⁰ Ibid.

¹¹ David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (New York: Oxford University Press, 2006).

personality of the slave. It consciously began to reduce him to the object level of a thing or a chattel. The U.S. Legislation of the 19th Century would prove in many ways even more detrimental to slave rights than all the preceding enactments of the Slave Code. These rules assumed that the Negro was an inferior being. Then, a progressive attack came on the rights and independence of the free colored class to reduce its status to as close to the level of the slave as was possible. It was a harsh and brutal Code, leaving the master with full protection over his chattel and the Negro with a legal position as degraded as any possibly ever held in Western Civilization. The whole outlook of the slave laws was to the perpetual enslavement of Negroes, with a basic feeling that the Negro class was an anomaly to be obliterated as far as possible from a society that fundamentally refused to accept such a community or concept as feasible. The Negro was branded by these laws until abolition in 1865 in the U.S., and long time whites' attitudes left him a sense of inferiority upon which even today many feel inferior or discriminated in the U.S.¹²

SPANISH CODE OF 1789 AND SLAVES IN AMERICA UP TO THE 19TH CENTURY

Finally, a whole new code arrived exclusively to affect the problem of Spanish-American Negro slavery – the famous Spanish Code of 1789.¹³ The Crown had created in 1788 an absolute free trade in slaves, which brought a flood of Negro slaves into the New World domains of Spain, stating: “the number of slaves in both Americas will be considerably augmented, this class of human beings deserve from me their just attention.” The Code was one of the most sophisticated and adoptive pieces of royal legislation ever enacted. In a practical sense, the purpose was to guarantee the rights and privileges of slaves “as human beings” by carefully providing for local conditions and laws to guarantee enactment of the Code.

In 1812 the first liberal Constitution was declared in Spain (Cádiz), one of the greatest liberal texts of history, establishing national sovereignty, constitutional monarchy, universal suffrage and freedom of the press. But it did not recognize the political rights (vote) to mulattos. The Constitution was abolished in 1814, declared again in 1820-1823, in 1837 up to 1845; further presented in 1869, and once more in 1876.¹⁴

The Slaves' Regulations of 1826 on civil and religious education, daily activities of the slaves, and personal treatment by their owners and *mayordomos* in Puerto Rico was issued by the Governor Miguel de la Torre. Work was broken down into types of occupation, by sex and age and was carried out only “from sun rise to

¹² Ibid. Herbert George Gutman, *Black Family in Slavery and Freedom, 1750-1925* (New York: Random House, 1977). Nell Irvin Painter, *Creating Black Americans: African-American History and its Meanings, 1616- to the Present* (New York: Oxford University Press, 2005). Orlando Patterson, *Slavery and Social Death* (Cambridge: Mass., Harvard University, 1882). Moore, Wilbert E., *American Negro Slavery and Abolition: A Sociological Study* (New York: The Third Press, 1971). Black, Daniel P., *Dismantling Black Manhood: A Historical and Literary Analysis of the Legacy of Slavery* (New York and London: Garland Publishing, 1997).

¹³ “Spanish Code of 1789”, *Black World/Negro Digest*, Vol. XIX, No. 4 (Feb. 1970).

sun down”, with two hours of each day for the slave to use for their benefit. Men over 60 and under 17, and women of all ages were not obliged to give full field labor. On festival days the master could not oblige, nor permit the slaves to work. The work year was 200 days, leaving 85 days of rest and recreation, these being holidays and Sundays. Slaves could gather together on Sundays and holidays for their festivities and dances. Planters and merchants kept the slaves and free workers well supplied with a host of products for their ready cash, including hard liquor. Many slaves used their free days to work for others and saved the money to pay for their freedom or their family ones, like his wife or offspring. Women would nurse the children of the master. So a close relationship of the slaves of the big house developed with the master’s family. The children of the slaves in the big house would play and take care of the children of the master, thus, they grew up together. The handicap, sick and old slaves stayed in the plantations until they died. Nobody would buy them. Sure, there were excessive and cruel punishments that probably some decided to commit suicide, and throw themselves to the sea, or flee or rebel.¹⁵ In a slave society anything could happen.¹⁶

The African slaves who were brought from Africa were slaves before they left Africa, as affirmed by the anthropologist Claude Meillassoux. The scholarship of the last 30 years has demonstrated that the variety and intensity of servile relationships and method of oppression that can be equated with slavery were probably more developed in Africa than anywhere in the world at any period in history. Furthermore, there were certainly more slaves in Africa in the 19th Century than there were in the Americas at any time. The study of African slaves cannot, therefore, should not only focus on the Americas. Slavery arises from an economy of theft, in which people are stolen through acts of violence and are converted into commodities. Also, slavery could arise in a society whose people have been in any sort of temporal or permanent, socio-political or religious subjugation in relation to a sovereign or a political leader, an elder, a protector or a spiritual leader. The slave was the most fundamental form of property. Slavery was oppressive, whether in the Americas or in Africa.¹⁷

Although the Catholic Church could not abolish the rigors of harsh plantation servitude, it could modify that life to the extent of guaranteeing periods of rest and independence for the blacks. The Church could guarantee a degree of self expression for all slaves, which enabled them to escape the close confines of bondage and thus to validate their human personalities and potentials. Most importantly, it created the mores and attitudes that

¹⁴ Miguel Artola, *Orígenes de la España contemporánea* (Madrid: Centro de Estudios Constitucionales, 2000).

¹⁵ Guillermo A. Baralt, *Esclavos rebeldes: conspiraciones y sublevaciones de esclavos en Puerto Rico, 1795-1873* (Río Piedras: Ediciones Huracán, 1981). Benjamín Nistal Moret, ed., *Esclavos prófugos y cimarrones: Puerto Rico, 1770-1870* (Río Piedras: Editorial de la Universidad de Puerto Rico, 1984).

¹⁶ Op. cit., Francisco Ramos

¹⁷ Claude Meillassoux, (Alide Dasnois, Translator), *Anthropology of Slavery: The Womb of Iron and Gold* (London, Athlone Press, 1991. Chicago: University of Chicago Press, 1992). Eugene D. Genovese, *Roll Jordan, Roll: The World the Slaves Made* (New York: Pantheon Books, 1974). Philip Curtain, et al, *African History: From Earliest Time to Independence* (London and New York: Longman, 1995).

permitted the Negro to be treated as a co-equal human being and allow him to merge fully into Puerto Rican society where the hard regime of slavery existed. In contrast with the English Church, despite the greater religion diversity of the U.S. during the 19th Century, customs and practices established by the Anglican Church of the colonies persisted. The Law remained absolutely silent on the religious rights and needs of the African trade.¹⁸

The slave control over strategic production skills, crafts and industries in Puerto Rico provided the slave with a position of potential economic power by which he might greatly influenced the attitude of the master class in its dealing and attitudes toward him. Thus, the reality is that, the economic foundation of Negro slavery in the island fixed certain limits to which all other developments of the slave regime had to adjust.

Slaves who hired themselves out in the Spanish colonies lived virtually free lives in the cities, paying their master for this permission; and by not providing food and shelter for the slaves, the master was saving himself large sums of money. Also, in some plantations the slaves were permitted to have their own gardens, and sometimes cows, chickens and pigs, from which they often supplied part of the produce needs of the plantation itself.

One of the reasons why the experienced sugar planter in Puerto Rico turned to slave labor was because it was hard - requiring more time for production and harvesting than other crops – it was exacting and grueling – one of the most toilsome of occupations. Hours were long, work harsh, overseers cruel, and at first the mortality was high. Raw *bozales* or unseasoned slaves were preferred, and males, to discourage family life. Large number of raw blacks died within the first year, 10% - due to the changes of climate and diseases. But the introduction of steam mills before the 1830's and other superior techniques in the 1840's, and the encouragement of female labor greatly changed the daily pattern of work on the great plantation and largely terminated the previous over-exploitation of slave labor.¹⁹

SLAVERY DEVELOPMENT IN 19TH CENTURY

African slavery for the sugar plantation was established in the Spanish Caribbean colonies, Puerto Rico and Cuba, by legislation of the Spanish Crown. Puerto Rico was subjected to the introduction of a considerable amount of slaves from 1815 up to near abolition in 1873.²⁰ The plantation complex was an auto-sufficient and a capitalistic type of agricultural organization in which a considerable number of un-free and free laborers were employed under unified direction and control in the production of a staple crop, or a large-single commercial crop for exportation. Puerto Rico and Cuba became the major producers of sugar for exportation during the 19th Century. Both islands received 800,000 slaves from Africa during this time, as stated by the historian Philip

¹⁸ Lidio Cruz Monclova, *Historia de Puerto Rico (siglo XIX)*, 3 tomos (Río Piedras: Editorial Universitaria, Universidad de Puerto Rico, 1970).

¹⁹ Andrés Ramos Mattei, *Azúcar y Esclavitud* (Río Piedras: Editorial Universidad de Puerto Rico, 1982).

²⁰ Op cit, Cruz Monclova.

Curtain, but Puerto Rico only received about 100,000 mainly in three major areas distant from one another. The slaves were brought by ships from Saint Thomas, Curazao, Saint Croix, Guadeloupe, Martinique, Trinidad, Jamaica, and other Caribbean Islands as well.²¹ We never imported indentured servants.

The white people were mainly generations of Spanish, who had lived here for almost five centuries, since the discovery of America. Besides, at the beginning of the 19th Century prominent, wealthy immigrants and skilled workers came not only from Spain and its American colonies, but from other European countries (French, German, English, Irish, Dutch, Italians and Corsicans) and the United States, all seeking for the riches of sugar and the slave trade. From 1800 to 1810, French-men, mostly owners and administrators of sugar plantations, considering slavery had been abolished in Haiti and had become a free nation, had disembarked in Puerto Rico's shores from Saint Domingue (Haiti), the French part of the Caribbean island of Santo Domingo. Then, as an outcome of the Napoleonic Wars and the Wars of Independence of the Spanish colonies in South America (1810 to 1826) immigrants landed on Puerto Rico especially from *Tierra Firme* (Venezuela).²²

SLAVERY RESEARCH

Puerto Rico does not have slave narratives records. As far as I know, nobody has found written papers from ex-slaves and no one has recorded on paper their experiences or family experiences during slavery. The only voice we have from ex-slaves which has been recorded is in the notarial records.

One of the best sources we have to study slavery in Puerto Rico is from the municipal notarial records, where you will find all kinds of personal transactions, since the Spanish government required that all matters related to slaves be recorded. The Crown ordered that a list of the planter's slaves be notarized and deposited with the municipal clerk to guarantee that no master could cause the disappearance and death of his slaves. In the moment of absence or natural death, the owner had to notify the municipality the fact within three days. In addition, there you will find emancipations or manumissions of slaves and the *coartaciones* or self-purchases, mentioned before, which was the legal process when a slave would buy his freedom from his owner. Might as well, social issues concerning slaves: complains and claims of owners and slaves (men/women) including children slaves' representatives, business transactions and property trades, and testaments or wills. The hand written notarial records are so interesting, very detailed and full of information. Other important written collections that concerned the municipality during that time were: church records – marriages, baptisms, deaths; central and municipal government records – properties (urban and rural), health, education, social problems, taxes, military,

²¹ Philip D. Curtain, *The Rise and Fall of the Plantation Complex: Essays in Atlantic History* (London: Cambridge University Press, 1988).

²² Ivette Pérez Vega, "El efecto económico, social político de la inmigración de Venezuela en el sur de P.R., 1810-1830", *Revista de Indias*, núm. 181 (sept.-dic. 1987).

juridical, etc. The Spanish Crown required very exact and detailed records, on a monthly and yearly basis. After you read these documents, you sure have a real understanding of the social history of the municipality. The first half of the 19th Century was the time when more slaves than ever were imported in Puerto Rico for the sugar production. The price of a male slave in 1830 ranged from 350 to 375 Spanish *pesos*, and in 1840 their value climbed steeply. In these years, the region of Ponce became the most important economic municipality of Puerto Rico in commerce and agriculture. At least six major languages were spoken in the area: Spanish, German, French, Dutch, English, Danish, and many dialects spoken by the Africans. In 1828 the Municipal Government of Ponce had to ask the central government in San Juan to send interpreters because of the great amount of documents in different languages that the immigrants were presenting at the local authorities with the purpose of their permanence in the island. The urban area of Ponce was very active since the 1820's, as well as its port area, with different sorts of stores and businesses, including the selling of slaves. The rural area had about thirty sugar plantations, and many smaller holds; besides, it had additional production properties that would export coffee and tobacco, and other minor staples, mostly cultivated with free labor.²³

EXCEPTIONAL SLAVERY FINDINGS IN 19TH CENTURY

One of the most interesting statements I found in the 19th Century Municipal Notarial Records of Ponce was a complain of a woman slave to the city mayor stating that she did not agree with her owner for him to sell her infant to this person because she thought the buyer was not qualified to have her. The child was sold to another person with the mother's consent.²⁴ That was quite remarkable due to the Spanish Law which protected the personality of the slave. Another important case which I found unusual was about another woman, the slave mulatta Juana. She was the slave of a German planter from Hamburg, Ferdinand Overmann, when he arrived in Puerto Rico in 1818. At the time, he purchased a big land property (*La Constancia*) in Ponce and developed it as one of the most prosperous sugar plantations, in association with another German, named William Voigt. In 1820 he gave his slave and her child their freedom or manumission, considering being the father of the child, but with the condition they would have to stay with him at the plantation. It is the only white free person I encountered who recognized in a public document (testament) that he was the father of a slave. Incredible! No European or white person in Puerto Rico would admit his paternity of a child slave during that time. He even admitted in the document that the girl was not affectionate to him. As ordained by Overmann, the mother stayed living in the plantation up to the 1840s, but moving, afterwards, to a rural property owned by her. It is also extraordinary, that

²³ Ivette Pérez Vega, *El cielo y la tierra y sus manos: Los grandes propietarios de Ponce 1816-1830*. (San Juan: Ediciones Huracán, 1985). Francisco A. Scarano, *Sugar and Slavery in Puerto Rico: The Plantation Economy of Ponce, 1800-1850* (Wisconsin: The University of Wisconsin Press, 1984).

²⁴ AGPR, PNP, 247-8, 1825

after Overmann freed his daughter slave, sent her to be educated near Boston in the East Coast of the U.S., where slavery was still present. She was under the tutelage of the captain of a ship who would deliver her, as a free person, to Mrs. Dow, who would educate her. What kind of instruction? Most probably it was on “manners and proper lady’s behavior” or to become a cultured person. Only wealthy white people in Puerto Rico would send their children to be educated outside of their region, and were only males. Why sent her to the United States to be educated where there was such a discrimination against colored people? My conjecture is that, probably, she looked white having straight hair and light skin, seeing that the mother was a *mulata* and the father was white. Overmann might have thought that with her physical features she would pass as a white. During that time very few young people were receiving an education far from their residences. Most of them got their education at home where the teacher would go for that purpose, and, sometimes, other youngsters from around the area would join them to get theirs.²⁵

The ex-slave’s testament declared in 1820’s is impressive.²⁶ It was not common for an ex-slave to declare a will. Usually, only white wealthy people would do it, and the main purpose was to state their belongings and the designation of the person to be in charge of them. In the testament, which is a notarial document, generally, you will find the slaves that were going to be freed after the owner’s death, with the inheritance the slave would receive from his master or any special consideration he wanted to give to the slave. Juana indicated in her will her material possessions which were quite many and valuable, taking into account, she was an ex-slave, and the designation of Overmann as her only heir, whom she said had been “so good to her”. Surprisingly, she did not leave anything to her daughter. As incredible it might be, her wealth included stocks of a bank in the island of Saint Thomas and, in addition, land in this island. She was very fortunate to have these possessions because Saint Thomas was considered the most important financial center in the Caribbean during this time, and a clearing house for all types of plantation commerce. The majority of the most important companies of Europe and the United States had representatives or offices in this place.²⁷ At the same time, she owned three children slaves (girls) of different ages valued at least in 200 or 225 *pesos* each. She mentioned in the testament that she had another slave (girl) whom she had sold, and had bought another one. Puerto Rico got a notable amount of child slaves during this time in comparison to Cuba; I believe that many must have been re-exportations from Brazil, since this country received whole ship cargoes of children from Africa. And last, she made it very clear that she was leaving to Overmann all the properties she owned and the ones she would have at the moment of her death. As a result, the land and the house she was living in 1840 were to be given to Overmann after her departure. She conveyed in her testament as

²⁵ Ivette Pérez Vega, “Juana María Escobales, liberta liberada”, *La mujer en Puerto Rico frente a una era global* (Universidad Interamericana de Puerto Rico: Homines, 2004, pp.34-40).

²⁶ *Ibid.*

she was expecting to have more properties before she died.

It is unexpected for many to realize that an ex-slave would buy a slave. Slaves as soon as they would obtain their freedom they would buy slaves, acting as free people. You would think that their purpose in buying slaves was to free them afterwards, but no, they would sell them at the moment they could get a profit or for any personal reason – but no freedom was in their thought. I conclude that the mentality of a free person during that time was that an individual should own slaves if he/she could; certainly, this was also the mentality of ex-slaves in Puerto Rico. Most probably the possession of a slave by an ex-slave became a sign of status – like saying – Look, I am free, I can also own a slave! I think that to have a slave was like a priority or necessity for the free person, if the person could afford it – through buying, renting, lending, or acquiring him/her by the exchange of something.²⁸ Many slaves were sold in installments. You would pay a specific amount of money for a period of time up to the price of the slave plus interests which, at the time, were very high, up to 21%. As said, you could get a slave in exchange of anything: a property or anything valuable, or as payment of a debt or as a gift, especially children. The way you could procure a slave was infinite. It was a precious possession – if you needed money, you could be sure you would obtain more than the value you paid for. The impression that you get on the research in the notarial records is that everybody in the prosperous region of Ponce had slaves and were in the trade of buying and selling slaves, even, ex-slaves, and churchmen. Slaves were everywhere: in the city working for the merchants and artisans, and as domestic servants; in the port area doing all kinds of jobs at the storehouses of slaves and goods that had been imported or of produces that were going to be exported; or working for the important mercantile houses and whole sale traders.

I discovered extraordinary cases on slavery that you might think you would never encounter. But, there is a lot of myth about their horrible lives and how harsh slaves were treated. Slavery is terrible, even-though you are treated well, still, it is slavery, you are owned by another person! But we have to be very careful in describing the slave's life and how he/she was treated and for that you have to hear the slave's voice in documents. Always have in mind that slavery has not been the same in every country and epoch.

ABOLITION PROCESS AND EMANCIPATION

Since the 1860's the planters knew that abolition eventually would come but, they continued buying slaves for the sugar development because it was a very productive and profitable business. The abolition process was a tranquil one, taking three years to conclude, except for the planters' lamentations about its negative impact.

²⁷ Birgit Sonesson, *Puerto Rico's Commerce, 1760-1865: From Regional to World Wide Markets* (L.A.: University of California Press, 1999).

²⁸ Frank Tannenbaum, *Slave and Citizen* (Boston: Beacon Press, 1992 edition). Mandani, Mahmood, *Citizen and Subject* (New Jersey: Princeton University Press, 1996).

Most of the ex-slaves stayed in the *haciendas* or plantations doing the same kind of work they were accustomed to do, living practically the same life with the difference that they were free laborers and got paid for their work. Up to this time, some of the slaves were sold by the owners to Cuba's planters before abolition, seeing that the country would be on slavery for more years to come – until 1886. Near the time of abolition (1873) there were approximately 40,000 slaves in Puerto Rico, the same amount as in 1860, and 59,000 colored freedmen, within a population totaling 700,000.²⁹

The African Negro and the ex-slave lived in a world of economic opportunities in the Spanish colonies. Wages for skilled labor were high throughout the 19th Century, and with the great demand for skills and the possibilities for private and self employment allowed a substantial amount of personal wealth to accumulate by him, especially to buy his freedom. Working in every industry, freedmen and ex-slaves once emancipated or having purchased their freedom, generally, continued in the same particular occupation as before, not having the competition of the labor class, since the majority did not have their unique and great experience in sugar production or in other industries or labors. In the urban and rural area, the Negro population was a vital economic element of society, and this economic importance procured for it a host of privileges that even the Spanish Crown could not have granted. The colored slaves (city and urban) and, then, ex-slaves, became an essential economic and military component of the Puerto Rican society; it was a natural and accepted part of the society. At its edges were the *coartados* or "half slaves – buyers of freedom", slaves who could hire themselves, and freedmen blended equally into slavery not challenging that institution, into a free class society, forming a natural connection between the two. In the atmosphere of urban, small farm and plantation, there was no sharp break between slave and free, or between colored and white freedmen. All three groups performed similar work and having shared the same social existence in the rural and urban centers, working side by side. Finally, after abolition, the blending of the population into a complex racial mixture, with an increasing mulatto group in which intermarriage at the lower social ranks was high created a fairly fluid social system which racial criteria for social ranking of freedmen began to be replaced by socio economic ones.³⁰

In 1860, the Island had almost a total population of 590,000 including 41,000 slaves, in comparison to a total population of 45,000 and 5,000 slaves at the end of the 18th Century. The free colored and free labor class and ex-slaves were in 1860 and after abolition the day laborers, carpenters, tailors, shoemakers, wagon drivers, cooks, house servants, musicians, stone cutters, harness makers, house painters, coachmen, bakers, coopers, blacksmiths,

²⁹ Colección de documentos sobre la esclavitud: El proceso abolicionista en Puerto Rico: Documentos para su estudio, en La institución de la esclavitud, 2 tomos (San Juan: Centro de Investigaciones Históricas de la Universidad de Puerto Rico e Instituto de Cultura Puertorriqueña, 1974). Arturo Morales Carrión, Auge y decadencia de la trata negrera en Puerto Rico, 1820-1860 (San Juan: Instituto de Cultura Puertorriqueña y Centro de Estudios Avanzados de Puerto Rico y el Caribe, 1978).

³⁰ Raúl Mayo Santana, et al, Cadenas de esclavitud y de solidaridad: esclavos y libertos en San Juan, siglo XIX (Río Piedras: Editorial Universidad de Puerto Rico, 1997).

silversmiths, tinsmiths, butchers, barbers, seamstresses, washerwoman, dressmakers, midwives, etc. Then, there was the field of popular culture and art in the island. To every Puerto Rican, of whatever color, this heritage of popular culture and art is part of their heritage, aspects and contributions that are accepted and praised. Slaves in Puerto Rico who survived the plantation lived more productive lives, for example, Negro Rafael (Rafael Cordero Molina). He was an ex-slave who, before abolition, became during the 19th Century the home-teacher of many free colored and white children, including Ramón Baldorioty de Castro, one of the most important political figures of the time. The opportunity of education was the only means by which a negro or colored person could breakthrough from the lower economic classes to at least the learned profession. Also, art became another means in which a person could go ahead, as José Campeche one of our most important artists in painting of the 18th and 19th Centuries. He was a mulatto, son of an ex-slave, who became the portraitist and official artist of the central government in Puerto Rico, who painted all the dignitaries and their families. The collection of his art works is highly treasured and valued in the Island.³¹

THE SLAVE AFTER ABOLITION

At the end of abolition, with a shortage of free laborers to work in the sugar production – the planters were desperately seeking for workers – the ex-slaves were in the best position to choose the work they wanted with no competition. The supply for wage labor to the sugar holdings was bound to remain scarce, and consequently, expensive. The pay was high, and the free laborer was asking for a higher one, and the planters wanted disciplined workers who would live in the plantation and not being absent. That is why planters always preferred slaves or ex-slaves. That is why the planters chose to stock their estates with imported Africans, rather than resorting to the potentially abundant pool of free labor that was always available since the 1815's. The planters, Spanish and foreign, many of whom had been engaged in the sugar production business in other slaveholding areas, were predisposed to favor slavery as the only profitable method of sugar labor. Furthermore, the slave had the advantage that he was known by his master, for his work, so he was preferred than a free worker who probably he did not know or wanted a high salary. The notion that without slaves, sugar could not be produced attained the character of an axiom. The reason to believe that the planters would have employed free workers instead of slaves, if the cost of the free workers had been lower is not completely true. Sugar was a very disciplined and exact kind of production: canes must be milled within 48 hours of harvesting before they begin to rot. The notorious absenteeism of the free laborer could not be afforded in this kind of enterprise, so the planter preferred the ex-slave after abolition. The serious problems of irregularity in work attendance and resistance to the intensity of sugar

³¹ Alfonso López Yustos, *Historia Documental de la Educación* (Colombia: Publicaciones Puertorriqueñas, 1994). Antonio Cuesta Mendoza, *Historia de la Educación en el Puerto Rico Colonial*, 2 tomos. (San Juan: Imprenta Arte y Cine, 1940). Sotero

labor required uninterrupted labor to avoid great losses of raw materials and lowered sugar yields. The planters had great difficulty in getting the freemen to work in the manufacture of sugar, exclaimed the British consul in San Juan, John Lindegren, in 1849, and very few would go to the boiling houses in which the high temperatures were intolerable.³² In such a manner, the slaves who were in the boiling houses became experts in making sugar – they became “sugar masters”. This was the most difficult work and best paid of all jobs after abolition in the sugar industry, and the ex-slaves were the only ones in the island who could do it. Finally, they got the best part of the abolition, and the sugar production, as free laborers, up to the 20th Century, that it continued with great success. The other aspect, the cost of a free worker versus a slave, was also considered by the planters during slavery. The cost of the slave was very high, he had to be trained, fed, clothed, and taken care of. Spanish America did not have the cheapest provisions of slaves; it was North America, the British slavers had the cheapest in 1780. It is misleading that slaves in Puerto Rico were not well taken care of. It is only logical, that if a person paid for a slave a high price, and had to train, fed, and cloth him/her, the first thing the owner did was to take care of his property – because if he died he would have to buy another one. He was not sent to the field to work when he was sick. There was no death insurance for a slave. Slaves were kept in a good condition - never fat – the field slaves were given a vigorous diet – mainly rice, cassava, bread fruit, plantains, yams, maize or cornmeal, with dry and smoked fish or dry beef, and coffee to keep him awake. Also, they would eat mangoes and other tropical and healthy fruits. Only pregnant women and children would receive milk. A research by Kenneth F. Kiple on West Africans revealed that when the slaves reached the New World many of them were badly nourished.³³ The disastrous nutritional circumstances of the Middle Passage (from Africa to America) caused the slave to reach in a malnourished condition, some never recovered and died. The studied showed that the Creole slaves were significantly taller than fresh imported slaves because of a better diet higher in proteins. It was better than the diet that many free laborers were receiving at the time, and probably now in many countries of the world.

It is ironic that after abolition the ex-slave found himself in a better position in the field of work than the free laborers, to find a job if he did not want to stay with his former master, to have a normal family life, to get educated, to live a free life with dignity, since he was considered a human being, and most important, he had become a part of our life and country. With this positive picture in Puerto Rico after 1873, nobody wanted to return to Africa. The slave would rather stay in the place he had become accustomed to rather than take the risk of exploring the unknown. For them the best working conditions after abolition were to be found in the country they have known. It did not make sense to go back to a region they did not know, or remember, or had bad memories,

Figueroa, *Ensayo biográfico de los que más contribuido al progreso de Puerto Rico* (Ponce: Tipografía El Vapor, 1888).

³² Great Britain Parliamentary Papers, Vol. 24, 1849 (London: Parliamentary Press, 1849).

³³ Kenneth F. Kiple, et al, *Another Dimension to the Black Diaspora: Diet, Disease and Racism* (Cambridge: Cambridge University Press, 2003).

since for many Africa was not a dream home. Despite the fact that they had experienced the hardships of slavery as their ancestors had, probably, nobody wanted or was interested in returning because the remembrance of the place was not as attractive enough to go back. In Puerto Rico the slave had a place to live and raise his family, although would be in the plantation with his former master. For all that, many ex-masters provided separate homes in the plantation for them. He had food, security, and work in the same place he was accustomed to. The majority did not want to leave the plantation or their former work in the city. Many slaves fear family responsibility that came with freedom. They wanted to remain with their former masters as long as they were taken care of. But many owners did not want the ex-slaves to stay in the plantation because it was expensive, and they wanted to use all their land in production.

The ex-slaves that were in Puerto Rico after their abolition did not face difficult racial conditions as Negroes in other countries. Their future looked better than in Africa. After abolition in Puerto Rico, all the slaves adopted the surname of their former masters' or the plantation's name, so, this, in effect, shows that they were not reluctant to carry for the rest of their lives the master's last name or the plantation's name. At present, in the municipality of Ponce you still can encounter two Archbald families: the white and the Negro. It was because the ex-slaves after emancipation got their former master's surname Archbald, from the Irish brothers that came to the island and established a very productive sugar plantation at the beginning of the 19th Century.³⁴ Still, many people in Puerto Rico do not know that many ex-slaves got their former master's last name or the plantation's name, for that, not understanding, why people with the same last name look so different or are from a different racial group.

CONCLUSIONS

The fact that Puerto Rico slave regime was a product of Spanish historic institutions since the last 16th Century, and ancient philosophies; that the laws of the Spanish Crown, *Leyes de Indias*, were to be fully applicable to the colonies in America, providing a Slave Code that was influenced by Christian philosophy, was of extreme importance for slavery in the Island.

The slave was considered a human being in Spanish America, a legal personality, possessing innumerable rights, as the Catholic Church Sacraments: baptism, marriage, parenthood, and death; to buy his freedom from his master, to be manumitted or freed by his owner; to be heir of his master; to be freed by the State by performing an act of service to the country. The Slave Code of 1826 stated the civil and religious education of the slave, his/her daily activities, and personal treatment by his/her master. Different from the Spanish Code, the U.S. Slave Code, 17th to 19th Century, the master's property rights never allowed for the admittance of the Church or State into the

³⁴ Ivette Pérez Vega, "Las sociedades mercantiles en Ponce, siglo XIX", *Anales de Investigación Histórica*, Universidad de Puerto Rico, vol. VI, núm. 2 (julio-dic. 1980).

master-slave relationships, not providing for the rights or personality of the slave; it reduced him to the object level of a thing or a chattel.

At the end of abolition, with a shortage of free laborers to work in the sugar production – the planters were desperately seeking for workers – the ex-slaves were in the best position to choose the work they wanted with no competition. It is ironic that after abolition the ex slave found himself in a better position in the field of work than the free laborers. With this positive picture in Puerto Rico after 1873, nobody wanted to return to Africa. The ex-slaves in Puerto Rico after abolition did not face difficult racial conditions as Negroes in other countries. Their future looked better than in other places or in Africa.

To know and understand what slavery was in the American continent or in different parts of the world we should use the slave narratives, as in the U.S.³⁵ But, since, we don't have slaves' narratives in Puerto Rico you have to reach out other sources available in our country to comprehend slavery in Puerto Rico. We must research its historical primary documents, as the municipal notarial records, church and government records that are kept in our archives. Certainly, these records, together with the laws and slave codes, have to be taken into consideration when you write about slavery, because they reflect the behavior and attitudes of these people in certain moments of their life, and these statements contribute to find out and understand the reality of this institution.

UM RELATO SOBRE A ESCRAVIDÃO EM PORTO RICO: LEGISLAÇÃO ESCRAVISTA HISTÓRICA, DOS SÉCULOS XVI A XIX

Resumo

O desenvolvimento da escravidão na Ilha do Caribe de Porto Rico desde o século XVI até o século XIX, independentemente de quão antiliberal, desumana ou injusta a legislação espanhola foi ou não foi cumprida pelo mestre durante a escravidão, proporcionou ao escravo, pelo menos, com uma ampla gama de legislação protetora que interpunha diretamente o estado entre o escravo e o mestre e prejudicou grandemente os direitos de propriedade deste sobre seu escravo. Para entender o que a escravidão era em Porto Rico, suas implicações e significado, temos que pesquisar seus documentos primários históricos, como os registros notariais municipais, a igreja e os registros governamentais. Esses registros, juntamente com as leis e códigos de escravos, refletem o comportamento e as atitudes dessas pessoas em determinados momentos de sua vida.

Palavras-chave: escravidão, Estados Unidos, Porto Rico, séculos XVI ao XIX, legislação, pesquisa.

³⁵ The entire collection of slave narratives can be found in George P. Rawick, editor, *The American Slave: A Composite Autobiography* (Westport, Conn., Greenwood Press, 1972-79. On-line collection: *Born in Slavery: Slave Narratives from the Federal Writer's Project, 1936-1938* (Library of the Congress, American Memory).

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Trabalho enviado em 09 de julho de 2017.

Aceito em 17 de julho de 2017.