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Monarchs, Subjects, Masters and Slaves:
Power and Loyalty in the Spanish Lower Mississippi Valley, 1786 – 1803

In March of 1795, Amy Lewis, a black resident of the settlement of Villa Gayoso in the district of Natchez, West Florida, filed a petition for her freedom. Colonial court records show that over a span of three years, Amy argued before the Spanish governor that by having borne her late master's child, by her late master's declarations of intent to free her, and by the community's recognition of her status as his common-law wife, she and her son should be entitled to their freedom and a portion of his estate. Her master's white heirs dragged out the case for so long that Amy eventually requested to remove her suit to New Orleans, hoping for a speedier verdict.¹

The case of Amy Lewis illuminates some surprising aspects of life in the borderlands of the Spanish Mississippi valley. Using the case as a touchstone, this paper explores the geopolitics of slavery in the colonies of Louisiana and West Florida in the 1790's. These territories, which for administrative purposes were essentially combined into one Spanish colonial holding with its seat at New Orleans, were an enormous drain on Spain's financial resources during this period. Spain wanted to retain the area primarily as a geographic buffer against the United States' southwestward expansion; increasing the landed settlement of contested areas seemed to be the cheapest and most effective way of accomplishing this goal. Since importing colonists was unfeasible, Spain

¹ Dolph Briscoe Center for American History, Natchez Trace Collection, Provincial and Territorial Records, Natchez, Nov. 1794 – Oct. 1797.

devised a number of incentives, including land grants and agricultural subsidies, to encourage the independent immigration of settlers from the United States and Europe.

The regulation of slavery became absolutely vital to the success of this plan, both due to the institution's importance in tobacco cultivation and to the real or perceived danger posed by black slave rebellion. As the epicenter of cultural exchange and conflict with the expanding United States, the Natchez District became a site of contestation between several different notions of slavery. The case of Amy Lewis, when placed in a provincial and hemispheric context, illustrates some of the contradictions between the expectations of centralized power – whether American or Spanish – and the roles that slaves and masters actually performed in borderlands society.

If a borderland is, in Donna Guy and Thomas Sheridan's characterization, a "zone of constant conflict and negotiation over power...beyond the sphere of routine action of centrally-located violence-producing enterprises,"² then it is actually defined by multiple physical spaces: the locations of the central power structures and the distant location of conflict. Distance, in this case, is not measured in miles but in the capacity to do violence, or at least to make real the threat of violence. In the late eighteenth century, neither Spain, by way of its colonial government, nor the New Orleans slaveholding elite, by way of its *cabildo*, had the capability to turn the lower Mississippi valley into a fully "bordered land" of centralized control. Instead, both monarchs and masters had to

²Guy, Donna J., and Sheridan, Thomas E., "On Frontiers: The Northern and Southern Edges of the Spanish Empire in the Americas," in *Contested Ground: Comparative Frontiers on the Northern and Southern Edges of the Spanish Empire* (Tucson: University of Arizona Press, 1998).

negotiate a web of conflicting colonial loyalties, making judicious use of incentives and punishments to maintain hold over their concentric spheres of authority in Louisiana.³

In 1792 Esteban Miró, former governor of Louisiana, presented his superiors with a rather bleak appraisal of Spain's position in the Mississippi valley. Recently arrived in Madrid at the end of a ten-year governorship, Miró wrote to the Crown with reasons and strategies for holding on to the colony in spite of its insolvency. He begins by highlighting the position of Louisiana at the top of the Gulf of Mexico, where it acts as a base for defense of Mexico, Florida, Cuba, and the rest of Spanish America. The geography of eastern North America, specifically the thrust of the Appalachian and Allegheny Mountains, separates the Louisiana colony from the Atlantic seaboard. This serves, he says, to physically, economically and culturally isolate Louisiana from the United States and makes for the colony's absolute dependence on the Mississippi River. However, Miró expresses little doubt that the United States ardently seeks, through both national policy and private venture,

a road through Louisiana to the conquest of the expressed kingdom [of Mexico], and although this is remote and will not take place in the current reign, it will be glorious to the memory of Carlos IV (may God keep him) that providence might liberate his successors from the loss of a kingdom so rich and famed.⁴

Declining to leave the matter to providence, Miró offers two possible ways forward: either populate the colony with inhabitants who can defend it, or make sufficient overtures to the U.S. state of Kentucky to induce it to secede from Washington, in which

³ Adelman, Jeremy and Aron, Stephen, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in between in North American History." *The American Historical Review*, Vol. 104, No. 3. (Jun. 1999), p. 816.

⁴ Miró, "Descripción de la Luisiana" from Holmes, Jack D., ed., *Documentos inéditos para la historia de la Luisiana, 1792-1810* (Madrid: J. Porrúa Turanzas, 1963), 21.

case it would serve as a barrier instead of Louisiana. With regard to the latter strategy, Miró confides that he has since 1787 been in secret communication with Kentucky Brigadier General James Wilkinson, but all efforts at fomenting a secession movement have proven fruitless. With regard to the former strategy, that of encouraging the free immigration of Americans, Miró puts forward this argument:

At first glance it seems dangerous to populate Louisiana with foreigners; but the singular position with respect to Louisiana of the inhabitants of Ohio is such that we should consider them as if they were inside the house already, because it can be established, as an axiom, that the said inhabitants find themselves in the same or easier position to invade Louisiana, with the difference that doing so in the first case would bring them glory...but already emigrated and deemed vassals, far from being glorious, they will tarnish their fame with the ugly epithet of “traitor.”⁵

By this time, in fact, the Crown had for several years already been encouraging this kind of immigration into Louisiana and West Florida. Following Governor Galvez’s conquest of British West Florida, royal orders were issued on August 23rd 1787 and December 1st, 1788 to allow American Protestants to settle in the Spanish territories. While the governors expected a veritable flood of families, a true mass migration never materialized. In 1784, the Natchez district of northern Louisiana, the nearest Spanish district to the American territories, had an estimated 1600 residents; by 1792, the year of Miró’s letter, it had 4691; by 1796, a local census listed its population at 5318. This suggests that in the years following the royal decree, the immigration rate was actually slowing. In any case, the average increase over the entire period was roughly 300 people a year, a combined figure reflecting immigration and the rate of natural increase.⁶

⁵ Ibid, 26.

⁶ Din, Gilbert. “Proposals and Plans for Colonization in Spanish Louisiana, 1787-1790.” *Louisiana History*, Vol. 11, No. 3 (Summer, 1970): 211.

Tobacco, land, and slaves played vital roles in the Spanish attempt to induce immigration into the Mississippi valley. According to Spain's strict mercantilist policies, the Real Hacienda guaranteed the purchase of the entire yearly harvest of Louisiana tobacco planters. Miró suggested making additional overtures to markets in other European countries like Holland and France to stimulate global demand for the Spanish-grown stimulant. Higher profits in Louisiana would encourage émigrés from the mid-Atlantic states to think harder about the decision to stay within national borders when already on the move south to settle and farm in Kentucky or Tennessee.⁷

Spanish land grant policies were also considerably more rewarding to small farmers than those of the border states. The moderate size of the average Spanish grant discouraged rampant speculation and the accompanying trends of price inflation, absentee ownership and the creation of a wealthy plantation class. This kept the door open to yeoman families and encouraged the growth of small communities. Any person who swore loyalty to the Crown could apply for a plot of land, and though there were laws on the books stating additional requirements to improve the land, serve in a militia, and profess the Catholic faith, there is virtually no record of eviction for failure to comply with these.⁸ Furthermore, the ownership of even a small tract of land gave poor settlers the possibility of buying slaves on credit, creating a path to real agricultural wealth.⁹

Successful tobacco production depended on a heavy labor investment. A fifteen-month cycle of planting, hoeing, worming, topping and harvesting the plants meant that the work was unremitting. The arrival of immigrant farmers brought with it a new

⁷ Miró, 30.

⁸ McMichael, Andrew. *Atlantic Loyalties: Americans In Spanish West Florida, 1785-1810* (Athens: University of Georgia Press, 2008), 18-21.

⁹ *Ibid*, 50.

demand for slave labor. Due to the relative scarcity of slaves in the Spanish-American borderlands, many families arrived in the territory with no possessions besides their human chattel. The opening of Louisiana to the Atlantic slave trade in 1784 tripled the slave population of the Natchez District in just a few years. By 1792, there were two *bozales*, or African-born slave, for every American-born slave in the district.¹⁰

In addition to these newcomers, the spread of tobacco and later indigo cultivation brought massive changes for the enslaved blacks already living in the lower Mississippi valley. Under the French, British, and early Spanish regimes, black slaves had filled the frontier societies' need for hunters, boatmen, herders, peddlers and interpreters. While the demand for such labor did not disappear overnight, the Spanish government's aggressive wooing of farmers that specialized in labor-intensive export crops signaled the beginning of the end for the diversity of roles that slaves played in a pre-commercial frontier exchange economy.¹¹

The case of Amy Lewis case speaks volumes about this liminal time in the history of the lower Mississippi valley. First and foremost, it makes evident the heterogeneity of the Natchez District in 1795. Scottish immigrant farmers testify before Spanish judges on the behalf of African-American slaves. All of the formal court proceedings take place in Spanish, which presents its challenges to the parties, as most involved are not native speakers. One of the first lines that the court clerk transcribes in the deposition of witness William Kirkwood, a Scot, reads "as [Kirkwood] does not understand anything but

¹⁰ Libby, David J. *Slavery and Frontier Mississippi, 1720-1835* (Jackson: University Press of Mississippi, 2004), 33-34.

¹¹ Usner, Daniel H. *Indians, Settlers, & Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley Before 1783* (Chapel Hill: Published for the Omohundro Institute of Early American History by the University of North Carolina Press, 1992), 106.

English, it was necessary to name an interpreter, Juan Girault.”¹² Indeed, even many of the proper names of the parties are translated and re-translated throughout the case. For example, on various documents within the docket, Amy Lewis’ name may appear as Emé Luis, Ama, Emme, or Emma, while her former master appears as Asahel Lewis or Ecequiel Luis.¹³

Second, this case shows the level of involvement of the Spanish government in the daily lives of the residents of Natchez. District governor Manuel Gayoso de Lemos himself presided and rendered judgment in this case, as he did in any criminal matter or civil suit above a minimum financial threshold. The involvement of slaves, as the most valuable possessions of most white (and some free black) Natchez residents outside of real estate, virtually guaranteed that a lawsuit would go before the provincial governor.¹⁴ Educated in Britain, Manuel Gayoso de Lemos was appointed the first governor of the booming Natchez district in part because of his facility with English. In addition to the role of frontier judge, Gayoso de Lemos frequently acted as notary for all manner of land and slave sales, grants, surveys, business contracts, marriages, wills, and death auctions. He adjudicated matters ranging from the need for land improvements (such as the building of levees, the cleanup of toxic runoff from indigo production, the hunting of “tigers” and wolves, and the construction of communal cattle pens) to allegations of

¹² DBCAH, NTC, P&TR, Natchez, Sept. 20, 1796.

¹³ For the purposes of this study, I have decided to use the names Amy, Asahel, and Henry Lewis, as these are the names that appear on Amy’s earliest petition for freedom. The record suggests that these three people were native English speakers and that they likely used the Anglicized versions of their names when speaking together. This is not to say, however, that their identities were any less defined by their Spanish-language interactions that took place within the territory’s larger social, economic and legal systems.

¹⁴ For increasing value of slaves, see Libby, 33.

indecent sex, the legitimacy of heirs, and the appraisal of widows' and orphans' net worth. From the sheer volume of material that bears his signature, comments, or judgments, it would appear that the days of this decorated military officer (and future Governor General of Louisiana) were absorbed with the personal affairs of his residents.¹⁵

Some of those affairs seem petty by today's standards, while others do not. The Lewis' case was deemed by the court to be a matter of property ownership, but for Amy it was obviously much more than that. Her petition for freedom and the evidence she musters to support it speak volumes about the legal and social norms of Natchez in 1795. The due process that her claim apparently received under Spanish law contrasts sharply with her legal status as property. Moreover, the story that slowly unfolds through witness testimony suggests that there were astonishing contradictions between Amy's slave status and the role that she played in the daily life of Villa Gayoso. In the end, however, when her freedom threatened white interests, her small act of legal rebellion was quashed by the system upon whose fluid norms she had come to depend. To situate her case within the historical debate about the nature of slavery in Spanish Louisiana and West Florida, we need to briefly examine some of the contemporary events in the province.

The year of the Lewis case marked a turning point in the history of Natchez and in Spain's presence in eastern North America more generally. Events unfolded in Madrid and Point Coupée, Louisiana that can be read as emblematic of the problems that besieged Spain during the final years of its tenure on the Mississippi. While the Lewis case, a matter of probate in Natchez, might seem unconnected to these, the case is in fact

¹⁵ Dolph Briscoe Center for American History, Natchez Trace Collection, Provincial & Territorial Records, Natchez, 1789-1797.

a microcosm of the larger issues that Spain faced in its power negotiations with the populations of Louisiana and West Florida. Moreover, the Lewis case was presided over by the governor of Natchez, a man concerned not only with local justice but with the larger politics of his district and who was soon to become governor-general of the entire colony. For these reasons, the Lewis case merits contextualization with regards to two hemispheric events of 1795: the signing of the Treaty of San Lorenzo and the brutal suppression of the Point Coupée slave conspiracy.

The Treaty of San Lorenzo (also known as Pinckney's Treaty) was negotiated in Madrid by Spain's prime minister Manuel de Godoy. After provoking an imminent war with England, Godoy was eager to secure U.S. neutrality and the availability of U.S. goods to the Spanish colonies. In the tradition of continental politics played out on the colonial chessboard, Godoy offered the U.S. three things: free navigation of the Mississippi river, the right to unload and store cargo in Spanish river ports, and recognition of the U.S.' ongoing territorial claim to all lands east of the Mississippi and north of the 31st parallel. The Natchez district falls within this claim, so after the Treaty of San Lorenzo was officially proclaimed on August 3rd, 1796, the Spanish colonial officials (including Gayoso) who remained in office were essentially squatting.¹⁶

The Treaty of San Lorenzo was met with confusion and outrage by Spain's colonial representatives in Louisiana. It was evidence of a major shift in Spanish imperial strategy, one that counted the lower Mississippi valley out. Godoy's decision to open up the river trade to the United States destroyed Miró's carefully-laid incentives to Anglo settlement and secession; indeed, Godoy's willingness to part with the Natchez district

¹⁶ Weber, *The Spanish-American Frontier in North America* (New Haven: Yale University Press, 1992), 289.

was an acknowledgement of the failure of the “buffer zone” tactic that had long governed the Crown’s thinking on its North American empire. Using essentially the same rationale as Miró but coming to an opposite conclusion, Godoy declared “you can’t put doors on an open country,” and decided to withdraw. His vision was one not of imperial expansion but of consolidation: to shed the costliest provinces and concentrate imperial attentions on the wealth-producing regions of the New World.¹⁷ It was also an important acknowledgement of Anglo-American settlement above the 31st parallel, and evidence of Godoy’s belief that these residents would not long remain loyal Spanish citizens.

The Lewis case spanned two years, from March 1795 until at least April 1797, and it surrounded this official but invisible transfer of power. This means that for most of these court proceedings the Natchez district was not a borderland but a no man’s land, or a strange kind of “borderland-in-reverse” in which the structures of state violence were present but operated without claim to territorial legitimacy. Not only was the Lewis case a proceeding between Scotsmen and African-Americans adjudicated by Spaniards, but it was carried out in a jurisdictional vacuum. Both the Natchez officials and the district’s diverse residents must have expected the imminent arrival of U.S. troops, which finally occurred in 1798. Nevertheless, Manuel Gayoso de Lemos stubbornly continued to preside over Amy’s petitions while she stubbornly continued to submit them.¹⁸

1795 also saw the Spanish government’s execution of twenty-three free and enslaved blacks in Point Coupée (a plantation community between Natchez and Baton Rouge) for their suspected involvement in a conspiracy to revolt and kill their masters along with other local whites and uncooperative blacks. While historians debate the

¹⁷ Ibid, 290.

¹⁸ DBCAH, P&TR, Natchez, 22-24 April 1797.

particulars of the conspiracy and its aftermath, certain facts are agreed upon. In 1793, free blacks from St. Domingue (Haiti) began to arrive in southern Louisiana. Immigration increased the following year when the Jacobin government of France declared the full emancipation of slaves on in all French colonies. The Spanish government, equally fearful of Jacobin ideology and slave insurrection, moved to close its borders to Caribbean blacks, but by that time Louisiana slaves were well aware of the global upheaval.¹⁹ In April 1795, Spanish authorities uncovered a sympathetic plot in Point Coupée, and by June 2nd they had summarily executed the last of nearly two dozen suspected conspirators. The heads of the leaders were displayed on stakes along the levee at prominent locations.²⁰

The aftermath of the conspiracy revealed a divide in the culture of slave ownership. The New Orleans *cabildo*, the city council comprised of wealthy French creole planters, was terrified by the specter of widespread revolt. It proposed sending representatives throughout the province to identify, arrest and expel insubordinate slaves and free people of color. The *cabildo* also proposed a tax on all Louisiana slaveholders to reimburse the owners of executed, exiled, or fugitive slaves, beginning with those whose slaves were involved in the Point Coupée plot. They argued that these costs ought be shared for the common good of Louisiana's slaveholding class. But instead of authorizing the *cabildo* recommendations outright, Governor-General Carondelet decided to send them to post commandants throughout the province. He instructed the commandants to hold assemblies of the slaveholders of their districts and report back the general opinion

¹⁹ McMichael, 46.

²⁰ Din, Gilbert C. *Spaniards, Planters, and Slaves : The Spanish Regulation of Slavery in Louisiana, 1763-1803* (College Station: Texas A&M University Press, 1999), 167.

on the proposed measures. This is the only recorded instance in Spanish Louisiana of small, rural slaveholders being asked to give their opinion on the government's responsibility for slave insubordination.²¹

The rural planters roundly rejected the *cabildo* recommendations.²² Farmers who lived farther from urban centers and owned fewer slaves were simply not as fearful of mass revolt, nor did they want to risk having their enslaved workers deported from the colony. The diary of early Baton Rouge and Natchez planter William Dunbar shows his nonchalance at the prospect of slave insubordination: when his slave Ketty ran away, she returned the next day to accept her punishment after finding only “uncomfortable lodging in the woods.”²³ This was undoubtedly the situation in many northern plantation communities. In contrast, fugitives in southern Louisiana could more easily blend in with the free black population of New Orleans or join one of the clandestine *cimmaron* communities on the southern bayous.²⁴ Letters also suggest that rural masters were more permissive than urban ones, allowing slaves to travel the roads without permits, carry firearms, and gather for dances and celebrations.²⁵ While some historians attribute this to the masters' belief that small privileges made slavery more tolerable to blacks, therefore rendering them less likely to revolt, I find it more convincing that the members of these backwater communities were simply more acquainted the black and white residents of the vicinity. A high level of familiarity between the members of a rural community would create a high level of accountability, increasing the difficulty of planning and executing

²¹ Din, “Carondelet, The Cabildo, and Slaves.” *Louisiana History* 38(1) (1997): 16.

²² *Ibid*, 16.

²³ Libby, 25.

²⁴ Din, “Cimarrones and the San Malo Band.” *Louisiana History* 21(3) (1980): 248.

²⁵ Din, “Carondelet, The Cabildo, and Slaves,” 11.

an escape or a revolt.²⁶ In any case, even the shaken planters of Point Coupée categorically refused to pay the *cabildo*'s slave taxes, expressing their belief that the threat of revolts and runaways came primarily from more developed districts.²⁷

The reactions to the events at Point Coupée suggest that there were important differences between the cultures of slave ownership in upper and lower Louisiana and between the experiences of slaves in urban and hinterland communities. I would like now to return to the Lewis case to see what light it can shed on the institution of slavery in Natchez, a district that was in the late 1790s both a locus of Spanish authority and a borderland beyond government control.

In August 1796, Governor Gayoso de Lemos agreed to Amy Lewis' request for a court-appointed lawyer to represent her against the heirs of the deceased Asahel Lewis. During most of the month of September attorney Don Manuel Texada duly deposed six witnesses on behalf of Amy Lewis. Their testimony, while limited in scope to one household, does give an illuminating example of what was considered acceptable behavior for black slaves and white masters in the Natchez community. John Williams, a 41 year old Maryland emigrant and neighbor of the Lewises at Villa Gayoso, gives the earliest details of the chronology. According to Williams, Asahel Lewis had first met and developed affections for Amy before she belonged to him. Asahel had been taken ill at his sister's house, and when his sister refused to care for him, it had been her slave Amy who had gone to the river wharf to purchase the things that Asahel needed for his

²⁶ See Libby, *Slavery and Frontier Mississippi*, 27. William Dunbar and his frontier neighbors were both efficient and brutal in putting down a localized slave rebellion, which was apparently both planned and betrayed during a community-wide slave-making competition.

²⁷ *Ibid*, 18.

recovery. For this act of kindness, Asahel determined to purchase Amy “with the intention of freeing her when she left this government.” Williams explains that Asahel meant by this that Amy would be allowed to return to her home in the United States.²⁸

Texada continues by giving the court a brief account of the dark side of Amy and Asahel’s early life together:

Asahel Lewis, upon buying her, began to corrupt her, wanting to have secret and illicit dealings with her, by way of offering her liberty. Although she resisted, he persisted with the matter, sometimes with caresses, sometimes with threats and even punishments, so that she condescended to the desires of her master, being assured that this would give her freedom.²⁹

Thus, Texada refutes notions of enslaved black femininity as inherently hypersexual and corrupting; he argues that this woman was instead the victim of a manipulative and hypersexual master.³⁰ Whether Texada’s portrayal of Amy is a genuine view into the prevailing gender norms of Spanish Louisiana or merely a lawyer’s tactic, the fact that he makes this argument in formal court gives some insight into the workings of the Spanish legal system. His position seems to be that a forced sexual relationship between master and slave is, if not criminal, then at least reprehensible in civil court; he rests Amy’s case for freedom upon the foundation that a slave is also a person to be corrupted, not simply property that corrupts white persons.³¹

²⁸ DBCAH, NTC, P&TR, Natchez, Sept. 29, 1796.

²⁹ Ibid, Sept. 6, 1796.

³⁰ For this trope’s prevalence in Anglo-American slave society, see Kathleen Brown, *Good Wives, Nasty Wenches and Anxious Patriarchs* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, VA by the University of North Carolina Press, 1996).

³¹ This supports the view of historian Frank Tannenbaum and his adherents, who argue that slavery in the Spanish colonies, with its foundations in ancient Roman law and Catholic doctrine, recognized the essential personhood of slaves and extended to them

Texada describes the birth of Amy and Asahel's son Henry, an event that spurred Amy's renewed requests for her liberty. Asahel denied her, "fearful that there would be discord between them, as a result of which she would betray him," though all the while assuring Amy that it was his intention was to eventually liberate her. After at least six years of this, Asahel suddenly fell mortally ill. He sent word to Joseph Barnard, presumably a friend or associate, to come in haste to write up a will, but died two hours before Barnard arrived.³²

Soon after Asahel's death in 1795, Amy presented her first petition for freedom, citing Asahel's promises and assuring the judge that "his estate is very little in debt." Gayoso de Lemos ordered a search of Asahel's papers to see if any written proof could be found, which produced a document dated November 1st, 1794 in which Asahel apparently states his intention to free the "negro wench Amy and my son begotten by her named Henry at my death."³³ Since the document was neither notarized nor countersigned, Governor Gayoso de Lemos appointed a committee of four citizens (including Joseph Barnard) to analyze the handwriting and signature to verify that it was indeed Asahel's. On March 12th, the committee gave their opinion that the document was a forgery. On July 4th, 1796, the twentieth anniversary of her home country's declaration of independence, after living as a free woman for six months, Amy Lewis was ordered back into slavery in the service of Joseph Barnard.³⁴

legal and social rights denied by Anglo-American slave societies. See Tannenbaum, *Slave and Citizen: The Negro in the Americas* (New York: Knopf, 1946).

³² DBCAH, NTC, P&TR, Natchez, Sept. 6, 1796.

³³ Ibid, Nov. 1, 1796.

³⁴ Ibid, Nov. 1794 – July 1796.

The fact that Barnard was seemingly both an interested party and a member of the system that helped seal Amy and Henry's fate undermines the apparent thoroughness of the Spanish justice system in investigating Amy's claim. However, even if the document was indeed a forgery, it is notable that Amy, who, as far as this historian can ascertain, could not read or write, was able to convince a literate person to forge it for her. This may speak to her standing in the free community of Natchez, since even some of the whites who later testified on Amy's behalf were illiterate, unable even to sign their names at the foot of their affidavits.³⁵

As noted, though reenslaved, Amy was allowed to continue her petition with the assistance of attorney Manuel Texada. When Texada called six witnesses in September of 1796, all former neighbors of the Lewises, he asked each of them the same set of six questions relating to Asahel and Amy Lewis:

Did they have illicit dealings?
Did they eat together at the same table?
Did you ever accidentally see them in bed together?
In your role as neighbor, was their relationship ever betrayed to you?
Did you ever have occasion to hear that Enrique [Henry] was [Asahel's] son, or that [Asahel] called him son?
Did you ever hear anything about Lewis' intention to free [Amy and Henry]?³⁶

A focus first on the questions, rather than the responses, illuminates a shift in Texada's legal strategy. Asahel is dead; he will not be punished for carrying on an illicit relationship with a slave. But, according to Texada, that slave ought to be compensated for performing the duties of a free wife. While earlier Amy was cast as the victim, here she is cast as Asahel's partner and equal, dining at his table and raising his son. Whereas before Texada attempted to evoke the pathos of his client's situation, he is now seeking to

³⁵ Ibid, Sept. 26-29, 1796.

³⁶ Ibid, Sept. 6, 1796

elicit evidence of Asahel Lewis' tender and egalitarian feelings toward his lover and son. It is, after all, the deceased's intentions (not the property's) that matter in a probate case.

Without relating each of the witness' individual responses, one can summarize by saying that no witness contradicted any of the others and that several or all agreed on the following: that Asahel and Amy always ate at the same table; that Asahel and Amy had been seen many times sharing a bed, even when staying the night with neighbors (one man, Abner Pipes of Redston, even claimed that he himself had shared a bed with the couple); that Asahel treated Amy, for all intents and purposes, as his wife; that Asahel and Amy went for rides together on the horse that he gave to her; that Asahel frequently referred to the boy Henry as his son; that Asahel had declared his intention to send Henry to school in Philadelphia; and that Asahel had stated many times (even in the Plaza de Natchez) his intention to free Amy and to bequeath all his goods to Henry.³⁷

None of the witnesses express that any of this behavior was out of the ordinary. Indeed, only one witness, John Williams, states for the record that he ever asked Asahel about the relationship: Williams says that he asked Asahel if it was his intention to live with Amy for his entire life, and Asahel told him that he meant to stay in Villa Gayoso only until he could repay the five hundred pesos that he owed, at which point he would free Amy and she could go back to the United States.³⁸ (It may have been illegal for a master to emancipate a slave if the master was in debt.) This story either refutes Amy's earlier assertion that Asahel was very little indebted at his time of death, or it indicates that Asahel broke this deal with himself in order to keep Amy enslaved and by his side.

³⁷ Ibid, Sept. 20-29, 1796

³⁸ Ibid, Sept. 29, 1796.

The public nature of the Lewis's relationship was strikingly clear. It seems that within certain circles of the Natchez community, the details of Amy and Asahel's common law marriage were not particularly newsworthy. A slave woman living as a free wife and mother did not threaten the local social order. Neither did a mixed-race child who was treated publicly as a son and a potential heir. Amy was able to visit with her white neighbors as an equal, dining at their tables and sleeping in their beds. Indeed, it was not in their years of life together but in the *death* of Asahel that the community had occasion to question Amy's personhood. When juxtaposed to historian Ariele Gross' observation on slavery in the United States, where slaves "were persons when convicted of a crime and property the rest of the time,"³⁹ this appears to be nearly the opposite situation: Amy Lewis was treated as property by the probate courts but as a person in her daily life in the Natchez community.

Let us not forget, however, that she was also Asahel's prisoner, coerced into sex by the threat of punishment and the promise of freedom. Whether their relationship ever evolved into one of mutual affection is impossible to know. What is certain, however, is that their legal relationship remained unchanged. In the eyes of the law the two were master and slave. This study is concerned, therefore, with the public nature of Amy and Asahel's relationship. How unique was their performance of an interracial "marriage" in 1795? Does its acceptance by the immigrant community of Villa Gayoso reveal anything about a different conception of slaves and masters in the Spanish-American borderlands?

The evidentiary record for early social history of the Natchez District is limited. The witness Jane Kirkswood says that she first met Amy and Asahel in 1789. This is the

³⁹ McMichael, 45.

earliest proof of their residence in Villa Gayoso. A Louisiana census from four years earlier shows that in 1785 Natchez had 1,121 whites, 438 slaves, and no free people of color. The communities running southward from Natchez to the Second German coast (covering roughly 150 miles of the Mississippi river) had a cumulative population of 4,624 whites, 3,102 slaves and 29 free people of color. Compare this with the statistics for the next the fifty miles of river, which included the plantation communities of greater New Orleans: 4,993 whites, 10,786 slaves and 976 people of color.⁴⁰ To summarize, at a time when whites constituted roughly 60% of the population of the upper reaches of Spanish Louisiana, they represented only 30% of the population in greater New Orleans. The average slaveholding stake was much larger in southern Louisiana, as was the potential for collective action by blacks.

It also seems clear that interracial relationships did not have a history of social acceptability in the slaveholding culture of southern Louisiana. Before the arrival of the Spanish in 1763, the French *Code Noir* had been in effect to keep the growth of the free black population to a minimum. Among other prohibitions, the law banned interracial marriage, imposed a fine of two thousand pounds of sugar upon any white who had a mixed-race child, and decreed that any master who fathered a child by his own slave would have both the mother and child confiscated and donated to the local hospital. No interracial marriages were recorded in French New Orleans, and no master was ever held legally accountable for interracial concubinage. A population census of Louisiana conducted shortly after transfer counted only 443 people of mixed-race lineage among a

⁴⁰ Usner, 114.

total colonial population of 11, 344.⁴¹ This low figure, however, may speak more to the prevailing system of racial classification than to the sexual practices of French slaveowners.

When the Spanish arrived in Louisiana, Rey Carlos III authorized the French Creole planters of the New Orleans *cabildo* to create a set of slave laws that would reconcile the existing *Code Noir* with Spanish imperial slave law. There is vigorous historical debate about the extent of the liberalizing effect of Spanish law upon French slavery, particularly the establishment of *coartación*, a practice by which a slave could, by working during off-hours, purchase him or herself out of bondage. While some 1,330 blacks gained their freedom in this manner over the forty years of Spanish control, scholars fundamentally disagree about whether *coartación* signified a true recognition of enslaved personhood or simply a safety valve by which planters could co-opt the energies of the most ambitious slaves.⁴² Either way, nearly all cases of *coartación* took place in New Orleans, not on the colonial periphery. The practice contributed considerably to southern Louisiana's free colored population.

Spain appears to have made no changes in the official prohibition against interracial concubinage in the province.⁴³ On the other hand, there is evidence that the law was not as strictly enforced under Spanish rule. The rising prevalence of mixed-race slaves on slave lists suggests this, as does the fact that between 1770 and 1809, three

⁴¹ Ingersoll, Thomas, "Slave Codes and Judicial Practice." *Law & History Review* 13(1) (1995): 35-36.

⁴² *Ibid*, 49.

⁴³ For further debate on *coartación*, see Tannenbaum, Frank, *Slave and Citizen: The Negro in the Americas* (New York : Knopf, 1946) and Ingersoll, Thomas, *Mammon and Manon in Early New Orleans: The First Slave Society in the Deep South, 1718-1819* (Knoxville: University of Tennessee Press, 1999).

hundred slaves were emancipated by whites who claimed to be related either by blood or “*amor y cariño*” to the emancipated slave.⁴⁴ This number does not speak to the presumably much larger population of masters who had children by their slaves and, like Asahel Lewis, declined to formally emancipate them. A strong social stigma against the formal recognition of mixed-race heirs persisted in New Orleans, especially in the 1780s and 1790s as the slave population ballooned and whites grew more fearful of free blacks abetting an insurrection. During the prosecution of the Point Coupée suspects in New Orleans in 1795, white hysteria and distrust of the Spanish administration was running at an all-time high. Governor-general Carondelet was obliged to pass over his *auditor de guerra* Nicolás María Vidal for the job of trying the revolt’s leaders because Vidal was distrusted by the *cabildo* members. The reason for their suspicion was that Vidal kept a free mistress of color, Eufrosina Hisnard, and had three daughters by her whom he publicly recognized.⁴⁵

While the official colonial prohibitions against miscegenation seemed ineffective, the social stigma of public recognition did seem to have an effect among New Orleans slaveholders. In Natchez, however, the stigma of a black heir did not appear to worry Asahel Lewis at all: several witnesses recounted conversations with him in which he called Henry “son” and declared his intentions to leave his worldly goods to the boy. By the last years of Asahel’s life, the Natchez slave population had nearly tripled from what it was when he first purchased Amy due to the increasing integration of *bozales*, slaves

⁴⁴ Ingersoll, Thomas, “Free Blacks in a Slave Society.” *William & Mary Quarterly* 48(2) (1991): 186. Ingersoll says this number “includes all mulatto slaves manumitted because of the *amor y cariño* felt by the master for mulatto slaves in households with no mulatto adults.”

⁴⁵ Din, *Spaniards, Planters and Slaves*, 162.

brought directly from Africa to work the tobacco and indigo fields. Despite this growing demographic, the Natchez district was reportedly calm throughout the entire Point Coupée ordeal. Even after several Point Coupeé blacks testified to the existence of a sympathetic conspiracy in Natchez, no investigation ever took place there.⁴⁶ This would suggest that in the final years of Asahel Lewis' life, though the proportion of whites to blacks was rapidly shrinking, the racial tensions of south Louisiana had not yet come to the Natchez district. The testimony of the witnesses to the Lewis household confirms the existence of relaxed attitudes by slavemasters.

If social consequences were minimal, why did Lewis neglect to make good on his promises to emancipate his wife and son? Power, of course. As previously stated, Amy told the court that Asahel feared that she would leave him if she had her freedom. But neither did Asahel leave a promissory note of the kind that Amy produced (given that we accept that hers was a forgery). Testamentary manumission was the most common method of manumitting household slaves; it both rewarded and guaranteed their loyalty until the master's death. As one U.S. abolitionist would bitterly put it forty years later, "At death, we can afford more than in life."⁴⁷

Thus, it seems likely that Asahel never really meant to free Amy and Henry. By holding the possibility of emancipation over their heads, Asahel could exert absolute patriarchy over his household in a way that he never could if Amy knew for certain when she would be freed, or if she was sure that she would never be freed at all. Amy expresses as much in her pleas to the court for a speedy decision, lamenting that "the pangs of

⁴⁶ Ibid, 164.

⁴⁷ For Louisiana testamentary emancipation, see Ingersoll, 186. For quote see Berlin, Ira. *Slaves Without Masters* (New York: Pantheon Books), 152.

suspense [are] more terrible...than the most dreadful certainty.”⁴⁸ The delays of the court are for Amy a microcosm of her years of waiting for freedom from Asahel. For Asahel, his arrangement with Amy served as a kind of country *coartación* by which he could his exert his dominance with the carrot instead of the stick. For Amy, it was psychological torture. Attorney Manuel Texada, in his legal arguments, obliquely taps this notion of country *coartación*, enumerating the ways in which Amy has “purchased” her freedom through service beyond the unwritten contract between master and slave.

Amy and Henry waited in vain. The last surviving document is an indignant petition by Manuel Texada against Joseph Barnard for his “notorious...[and] frivolous pretexts” in delaying the hearings. The attempt to move Amy’s case to New Orleans in the hopes of a speedier verdict is denied. It is now October 1797; Gayoso de Lemos, has already succeeded Carondelet as Governor-general of Louisiana, and U.S. troops are camped outside of Natchez, awaiting Spanish withdrawal.

By contrasting the meaning of colonial slavery for the decision-makers in Madrid to the meaning it had for the governments that actually carried out those decisions in Louisiana and West Florida, its meaning for the planters of the New Orleans *cabildo*, for the whites of Natchez, and finally for the slaves themselves, we begin to get a fuller picture of the role that slavery actually played in the life and death of the Spanish-American borderlands of the Mississippi. The transfer of the Natchez district to American forces signaled the end of a liminal time as “Spaniards” for the heterogeneous residents, but this transfer in and of itself did not guarantee the end of the flexibility that they had utilized as masters and slaves in the borderlands. That would come with another event: in

⁴⁸ DBCAH, NTC, P&TR, Natchez, July 24, 1797.

addition to treaties and revolts, 1795 marked the arrival of the cotton gin to Natchez. This invention was to fundamentally change the economics of the lower Mississippi Valley, causing a wholesale transfer of energies from tobacco to cotton and making the region one of the most profitable on the continent. Spain would not preside over the boom that ensued as wealthy landowners from Virginia and the Carolinas flocked to the region, bringing thousands of slaves and the social and legal norms of slavery from the Atlantic coast.

Godoy's complaint had been that he could not make the colony pay; if Spain had gotten a chance to reap the rewards of cotton, it doubtless would have remained in eastern North America as a strong rival to the United States for many years to come. The likelihood, however, that a permissive form of slavery could have continued on the Louisiana periphery is doubtful; the borderlands would have been consumed by the center as the exigencies and scale of king cotton brought the imperial Spanish agencies of wealth and violence to bear on every last piece of fertile delta soil. While this is speculation, one thing is certain: the days of negotiation between the powerful and the powerless, of dangling liberty before slaves and wealth before poor immigrants, were over in the lower Mississippi valley.