

“So Many Schemes in Agitation”: The Haitian State and the Atlantic World

by

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor of Philosophy in the Department of
History in the Graduate School
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ABSTRACT

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Abstract

This dissertation examines Haiti's crucial role in the re-making of the Atlantic World in the early 19th century. The point of departure for this work is Haiti's Declaration of Independence in 1804 and my research explores how events in Haiti raised profound questions about revolutionary legitimacy and national sovereignty. The emergence of Haiti as an independent nation fueled unprecedented international debates about racial hierarchy, the connections between freedom and sovereignty, and the intertwining of ideological and political relationships among nations and empires. While these debates came to be resolved in part during the next two centuries, they remain alive today both for specific nations and for the international community.

Dedication

To my mum and dad, Pam and Chad Gaffield, whom I love and appreciate so very much.



Figure 1 - I took this photo in November of 2008 in the Champs-de-Mars in Port au Prince, Haiti. The image captures a unique relationship between the present and the past. A young man sits to the right, looking in the direction of Haiti's first national leader, Jean-Jacques Dessalines; the wall speculates: "Identity is the cornerstone of all nations, a people without an identity cannot make a nation" and then asks, "and you, what is your identity?"

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Figure 3 - Courtesy of the David Rumsey Historical Map Collection. Portion of Map "Currents of Air," Alexander Keith Johnston, Published by William Blackwood and Sons, Edinburgh, 1854. The wind currents drawn on this map show the easy accessibility from Curaçao to the south of Haiti and from St. Thomas (just east of Puerto Rico) to the North of Haiti. 36

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¹ Henry Christophe to Thomas Clarkson, 18 November 1816, in *Henry Christophe and Thomas Clarkson, A Correspondence*, Earl Leslie Griggs and Clifford H. Prator, editors, (Berkley; Los Angeles: University of California Press, 1952), 101.

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Introduction

On January 1, 1804, General Jean-Jacques Dessalines, leader of the *Armée Indigène* in Saint Domingue, announced the birth of Haiti by proclaiming the world's second Declaration of Independence.¹ The *Acte d'Indépendance* was the culmination of the thirteen-year Haitian Revolution, and brought to an end the two-year war for independence. But the country's first leader, Dessalines, now faced a new challenge: that of establishing Haitian sovereignty and making the new nation a part of the community of empires and nations in the Atlantic World. It was a hostile world, one in which slave-holding powers dominated the seas and the political landscape. At the same time, however, the ongoing warfare between European empires created openings for the new nation. Haiti's early rulers understood this, and exploited it as they pursued the ambitions laid out in their Declaration of Independence.

This dissertation studies how Haiti's early leaders – particularly Jean-Jacques Dessalines – attempted to negotiate new economic and political relationships with the surrounding empires and nations and how foreign governments and individuals reacted to these invitations. These reactions, I emphasize, were both diverse and in constant flux. The different interests of empires and nations, as well as the layers of governance within the dominant empires, created a shifting geo-political landscape upon which Haitian

¹ David Armitage, *The Declaration of Independence: A Global History* (Cambridge, Mass.: Harvard University Press, 2007), 115.

leaders were able to take advantage in crucial ways. Understanding how they did so helps to explain how Haiti succeeded in remaining independent in the initial vulnerable years after 1804 – despite the continued threat from the French Empire.

Recent scholarship on the Haitian Revolution has emphasized the extent to which events in Saint Domingue were deeply connected to the Greater Caribbean and the broader Atlantic World, and puts Haiti at the center of our understanding of the Age of Revolutions.² Unlike the American and French Revolutions, the successful slave revolution in Haiti overturned the racial hierarchy of the colonial slave system. “The revolution began as a challenge to French imperial authority by colonial whites, but,”

² For example see: David Geggus, *Haitian Revolutionary Studies*, (Bloomington: Indiana University Press, 2002); David Geggus, *Slavery, War, and Revolution: The British Occupation of Saint Domingue, 1793-1798*, (Oxford: Clarendon Press, 1982); David Geggus and Norman Fiering, editors, *The World of the Haitian Revolution*, (Bloomington: Indiana University Press, 2009); David Barry Gaspar and David Patrick Geggus, editors, *A Turbulent Time: The French Revolution and the Greater Caribbean*, (Bloomington: Indiana University Press, 1997); David Geggus, editor, *The Impact of the Haitian Revolution in the Atlantic World*, (Columbia, S.C.: University of South Carolina Press, 2001); Julius Scott, “The Common Wind: Currents of Afro-American Communication in the Era of the Haitian Revolution,” Doctoral Dissertation, Duke University, 1986; Robin Blackburn, *The Overthrow of Colonial Slavery, 1776-1848*, (London; New York: Verso, 2011, c1988); Carolyn Fick, *The Making of Haiti: The Saint Domingue Revolution from Below*, (Knoxville: University of Tennessee Press, 1990); Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution*, (Cambridge, Mass: Belknap Press of Harvard University Press, 2004); Philippe Girard, *The Slaves who Defeated Napoleon: Toussaint Louverture and the Haitian War of Independence, 1801-1804*, (Tuscaloosa: University of Alabama Press, 2011); Deborah Jensen, *Beyond the Slave Narrative: Politics, Sex, and Manuscripts in the Haitian Revolution*, (Liverpool: Liverpool University Press, 2011); Jeremy Popkin, *You are all Free: The Haitian Revolution and the Abolition of Slavery*, (Cambridge; New York: Cambridge University Press, 2010); Jeremy Popkin, *A Concise History of the Haitian Revolution*, (Malden, MA: Wiley-Blackwell, 2012).

Laurent Dubois notes, “it soon became a battle over racial inequality, and then over the existence of slavery itself.”³ The recent scholarship emphasizes how the Haitian Revolution pushed the ideals of the Enlightenment further than any European thinker imagined, a phenomenon that Michel-Rolph Trouillot expounded on in his celebrated work *Silencing the Past*.⁴ The increasing recognition of Haiti’s role in the Age of Revolution was most recently exemplified in an exhibit at the New York Historical Society in late 2011 and early 2012, *Revolution! The Atlantic World Reborn*. This museum exhibit traces “the American, French and Haitian revolutions as a single, global narrative.”⁵ Indeed, as Ashli White has shown, the Haitian Revolution highlighted the complexity of the era and the deep connections between events in Saint Domingue/Haiti with the larger Atlantic World.⁶

Laurent Dubois has argued for the need to develop “a truly Atlantic approach to the history of the ideas” during the Age of Revolution, in order to “make connections not only between literate elites on both sides of the ocean but also between the diverse spheres of intellectual debate which took place in a world that was quite integrated by

³ Laurent Dubois, *Avengers of the New World*, 3.

⁴ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History*, (Boston: Beacon Press, 1995).

⁵ New York Historical Society Museum and Library, *Revolution! The Atlantic World Reborn*, <http://www.nyhistory.org/exhibitions/revolution-the-atlantic-world-reborn>

⁶ Ashli White, *Encountering Revolution: Haiti and the Making of the Early Republic*, (Baltimore: Johns Hopkins University Press, 2010).

currents of trade in commodities, and in news and ideologies.”⁷ While such an approach has flourished in the study of the Haitian Revolution itself, the historiography for the post-revolutionary period has tended to overlook the ongoing connections between Haiti and the broader Atlantic. Many scholars assume that the Haitian Declaration of Independence effectively ruptured the international connections that existed during the Revolution, and they emphasize “the diplomatic isolation of Haiti for the first two-thirds of the 19th century.”⁸

Atlantic World states and empires were, to be sure, slow to officially recognize Haiti’s independence. France only did so in 1825; Great Britain and the Netherlands implicitly recognized the country only in 1826, and the United States not until 1862. Scholars have explained the initial isolation and slow subsequent acceptance of a sovereign and independent Haiti by focusing on the Revolution’s potent challenge to colonialism and slavery. They highlight the fear and racism of the international community that attempted to contain the implications of the world’s only successful slave revolution. “Haiti was a symbol of black power and authority, not of desperate

⁷ Laurent Dubois, “An Enslaved Enlightenment: Rethinking the Intellectual History of the French Atlantic,” *Social History*, (2006) 31(1): 3.

⁸ Arthur L. Stinchcombe, “Class Conflict and Diplomacy: Haitian Isolation in the 19th-Century World System,” *Sociological Perspectives*, (1994) 37(1): 1.

rebellion,” Robin Blackburn argues, “and that is why it could inspire or terrify.”⁹ Haiti’s public denunciation of colonialism and slavery made it a target not only for the defeated French government but also for other groups. Slave-owning powers, scholars insist, were desperate to prevent the spread of the slave revolution and attempted to find ways to undermine the combination of sovereignty and slave emancipation that Haiti represented. The impact of Haiti’s revolution reverberated particularly strongly throughout the Atlantic World because, as David Geggus notes, “racial inequality and slavery, the twin pillars of white rule in the Caribbean were themselves being challenged in an unprecedented manner both within the region and from outside.”¹⁰

But how widespread and effective were the efforts to isolate Haiti? Scholars characteristically agree that such efforts succeeded. “Haiti was immediately quarantined and pauperized,” writes Nick Nesbitt, “into the forced dysfunction of a postcolonial state hamstrung by the terrified slave-holding powers that then controlled the globe.”¹¹ Haiti’s freedom and independence, this perspective assumes, were so anomalous in the Caribbean in the early nineteenth century that it posed a threat that could only be met

⁹ Robin Blackburn, “The Force of Example,” in David P. Geggus, ed., *The Impact of the Haitian Revolution in the Atlantic World*, (Columbia, SC: University of South Carolina Press, 2001), 17.

¹⁰ David Patrick Geggus, “Slavery, War, and Revolution in the Greater Caribbean,” in David Barry Gaspar and David Patrick Geggus, eds., *A Turbulent Time: The French Revolution and the Greater Caribbean*, (Bloomington: Indiana University Press, 1997), 2.

¹¹ Nick Nesbitt, *Universal Emancipation: The Haitian Revolution and the Radical Enlightenment*, (Charlottesville: University of Virginia Press, 2008), 11.

with full refusal. Arthur L. Stinchcombe argues, for instance, that because of foreign governments did not allow Haiti diplomatic recognition, “the lines of class, race, slavery, and universal suffrage were drawn in the world system, between Haiti and the rest of the Caribbean and its imperial governors, by the Haitian Revolution.”¹²

However, as Rayford Logan showed in his magisterial history of U.S.-Haitian relations, political isolation did not necessarily entail economic isolation.¹³ State leaders in Haiti certainly presented their cause as a universal one, with implications for all oppressed people in the Americas. Yet they understood well that they were pursuing their radical experiment in state formation and freedom in a constrained space, one surrounded by empires based on the wealth produced by slave economies. They therefore worked intently to minimize the fears of their neighbors by promising non-intervention, and cultivated alliances and economic connections wherever possible. Even as neighboring states and empires broadly sought to contain the influence that Haiti might have on their own slave and colonial systems, they also had countervailing interests in continuing connections with the country. Economic and political interests often trumped concerns about the spread of revolutionary ideas. The result was that, as I show in this dissertation, the relationship between Haiti and other powers in the early nineteenth century was layered, complex, and sometimes contradictory.

¹² Arthur L. Stinchcombe, “Class Conflict and Diplomacy,” 2.

¹³ Rayford Whittingham Logan, *The Diplomatic Relations of the United States and Haiti, 1776-1891*, (Chapel Hill: University of North Carolina Press, 1941).

In hindsight we know that when Napoleon's troops set sail from Cap Français in the French colony of Saint Domingue in November of 1803 and when Dessalines declared independence a month later, it signaled the end of French rule in what had been the empire's most profitable colony. At the time, however, French government and army officials and refugee Saint Dominguan planters variously ignored, denied, and challenged the fact of independence and their defeat. They largely saw the situation as temporary. And some quickly began to scheme to re-invade Haiti. "Schemes for retaking Saint-Domingue (as it was still known)," Christopher L. Miller highlights, "were an 'obsession'."¹⁴ Robert Stein argues that between 1804 and 1815 French action *vis à vis* Haiti was characterized by efforts to collect information about the former colony in order to "simply turn the clock back to 1789." If such action were successful, "slavery would be re-imposed and the plantation system re-established in an effort to return the colony to its former glory."¹⁵ As Jean-François Brière's research shows, even a decade after Haitian independence, French citizens continued to submit reconquest schemes with the hope of reclaiming the lost colony.¹⁶ "As official policy," Tim Matthewson argues, "Bonaparte maintained that a state of belligerency existed between France and

¹⁴ Christopher L. Miller, "Forget Haiti: Baron Roger and the New Africa," *Yale French Studies The Haiti Issue: 1804 and the Nineteenth-Century French Studies*, (2005) 107: 39.

¹⁵ Robert Stein, "From Saint Domingue to Haiti, 1804-1825," *Journal of Caribbean History*, (1984) 19(2): 190.

¹⁶ Jean-François Brière, *Haïti et la France, 1804-1848: La Rêve Brisé*, (Paris: Kathala, 2008), 19-26.

the former slaves of Haiti, as he discounted the Haitian proclamation of independence. He never considered abandoning the island and was contemptuous of proposals even suggesting the termination of French sovereignty.”¹⁷

The French government hoped to regain control over Saint Domingue/Haiti for a variety of reasons. As Jean-François Brière argues, they worried about the spread of the rebellion to their remaining Caribbean colonies, Martinique, Guadeloupe, and Guiana; wanted to prevent the British from achieving a monopoly on the colonial markets; and sought the revitalization of French commerce in the Atlantic.¹⁸ In 1789, planters in Saint Domingue exported close to 150 million pounds of sugar, a quantity that amounted to more than all of the Caribbean islands in the British Empire.¹⁹ At the time of the first slave uprising in 1791, Saint Domingue had been the Caribbean’s most wealth-producing island, earning it the title of “Pearl of the Antilles.”²⁰ The Haitian Revolution disrupted the export economy of the island but revolutionary leaders were able to return

¹⁷ Tim Matthewson, *A Proslavery Foreign Policy: Haitian-American Relations During the Early Republic*, (Westport: Praeger, 2003), 121.

¹⁸ Jean-François Brière, *Haiti et La France*, 20.

¹⁹ Charles Mackenzie, *Notes on Haiti, Made During a Residence in that Republic*, (London: F. Cass, 1830); J. H. Galloway, *The Sugar Cane Industry: An Historical Geography from its Origins to 1914*, (Cambridge: Cambridge University Press, 1989), 108; Seymour Drescher, *Econocide: British Slavery in the Era of Abolition, Second Edition*, (Chapel Hill: University of North Carolina Press, 2010, c1977), 50.

²⁰ John D. Garrigus, *Before Haiti: Race and Citizenship in French Saint-Domingue*, (New York: Palgrave Macmillan, 2006), 32.

plantation production to a portion of pre-revolutionary levels. In 1804, Haiti still played an important role in the political economy of the French Empire.²¹

The fear of reinvasion by the French dictated early Haitian state policy and profoundly shaped the organization of state and local governance. In addition to worrying about the larger plans to reclaim the colony, the Haitian government had to contend with the continued threat from a small contingent of French soldiers on the eastern side of the island in the city of Santo Domingo, led by the French general, Jean-Louis Ferrand. “The evacuation of Saint-Domingue,” writes Philippe Girard, gave French-occupied Santo Domingo renewed “strategic relevance.”²² In late 1803, after he refused the opportunity to escape the island on a British ship, Ferrand assumed command from the less senior François de Kerversau.²³ As Graham Nessler’s recent study of the eastern side of Hispaniola explores, Ferrand attempted to reestablish French authority and undo the abolition of slavery. “At its core,” Nessler argues, “the underlying logic behind the policies of the Ferrand regime was the desire to crush the new Haitian state and reestablish a rejuvenated French plantation colony on its ruins. In pursuing this enterprise, the regime would be met with the determined opposition of

²¹ For more see: Mats Lundahl, “Toussaint L’ouverture and the war economy of Saint-Domingue, 1796-1802.” *Slavery and Abolition*, 6.2 (1985): 122-138.

²² Philippe Girard, *The Slaves Who Defeated Napoleon*, 335.

²³ Graham Townsend Nessler, “A Failed Emancipation? The Struggle for Freedom in Hispaniola during the Haitian Revolution,” Ph.D. University of Michigan, 2011, 275-276.

those who refused to allow the emancipationist past to be completely erased.”²⁴ Given the relatively small size of his military troop, Ferrand was able to instigate a great deal of trouble for the new Haitian state. “By a decree in the summer of 1804,” Fernando Picó argues, “Ferrand established the area effectively ruled by the French, from Puerto Caballo on the northern coast to Cap Beata on the southern coast. All ships trading to the west of those limits would be considered fair prize for privateers.”²⁵ This meant that the French privateers policed the waters around the island in order to prevent other foreign nations from trading with the claimed colony. In addition to challenging slave emancipation and unleashing French privateers along the Haitian coasts, Ferrand launched a war of proclamations in order to undermine Haitian independence. “He [Ferrand] established the foundational textual basis,” Deborah Jenson argues, “for a cascading series of political and legal conclusions that the free citizens of the new black republic were simply revolted colonized subjects of France.”²⁶

Ferrand’s challenges meant that the war between the Haitian and French armies was not over. Frustrated by the harassment from Ferrand and his troops and keen to assume control over the entire island of Hispaniola, in 1805, Dessalines and twenty thousand soldiers marched from the western side of the island to launch an attack on

²⁴ Graham Nessler, “A Failed Emancipation?” 276.

²⁵ Fernando Picó, *One Frenchman, Four Revolutions: General Ferrand and the Peoples of the Caribbean*, (Princeton, NJ: Markus Wiener Publishers, 2011), 37.

²⁶ Jenson, *Beyond the Slave Narrative: Politics Sex, and Manuscripts in the Haitian Revolution*, 145.

Santo Domingo. This campaign was “met with defeat despite Dessalines’s tenfold manpower advantage over Ferrand due to the fortuitously timed arrival of a French naval force under Admiral Missiessy.”²⁷ Ferrand and his band of troops were able to hold out at Santo Domingo until 1809.²⁸

Dessalines well understood that Haitian independence would come under attack. “It is not enough to have forced out of your country the barbarians who have ensanguined it for the space of two centuries,” Dessalines argued in the *Acte d’Indépendance*, “it is not sufficient to have put an end to factions reviving from the Phantom of Liberty, which France exposed to our eyes.” Dessalines argued that there was still work to be done to secure Haitian sovereignty. “We must convince the inhuman government which has hitherto kept us in the most humiliating state,” Dessalines continued, “that all hopes of ever enslaving us are at an end, and we must live independent or die.”²⁹ He called on the people to stand guard to protect these sacred achievements.

As Mimi Sheller has shown, the threat of re-invasion led to a concentration of authority in Haiti and compromised the new country’s revolutionary ideals. “The

²⁷ Graham Nessler, “A Failed Emancipation?” 301.

²⁸ For more on Ferrand see also: Deborah Jenson, “States of Ghetto, Ghettos of States, Haiti and the ‘Era de Francia’ in the Dominican Republic, 1804-1808,” *The Global South: States of Freedom: Freedom of States*, (Forthcoming).

²⁹ Jean-Jacques Dessalines, “The General in Chief to the People of Hayti,” British National Archives, ADM 1/254.

egalitarian and democratic values of republicanism," she argues, "were constantly undercut by the hierarchical and elitist values of militarism."³⁰ In this sense, the military apparatus formed the basis of the Haitian government in the early years of the country's independence and led to the militarization of the state. By 1804, Dessalines, along with a select group of generals, made all the important decisions for the Haitian state. On the same day that he proclaimed the Declaration of Independence, Dessalines assumed the position of Governor-General for Life of "Hayti."³¹ Later that same year, on October 8, he took on the title of Emperor of Hayti.³²

Early Haitian leaders tried to distance the country from its colonial past through a series of constitutional provisions aimed at preventing the return of the old order. These constitutions mark the first time that political leaders in Haiti were able to define the country on their own terms. In my earlier study on the Haitian Constitutions promulgated between 1801 and 1807, I argued that these documents sought to reconcile internal differences in order to create a cohesive socio-political collectivity, although

³⁰ Mimi Sheller, "Sword-Bearing Citizens: Militarism and Manhood in Nineteenth-Century Haiti," *Plantation Societies in the Americas*, (1997) 4(2/3): 233.

³¹ He claimed to rule the entire island of Hispaniola (what had formerly been French Saint Domingue and Spanish Santo Domingo); For more on the origins of this name see: David Patrick Geggus, "The Naming of Haiti," in *Haitian Revolutionary Studies*, (Bloomington: Indiana University Press, 2002).

³² For a larger discussion of Dessalines's nomination as emperor, see: Jenson, *Beyond the Slave Narrative: Politics Sex, and Manuscripts in the Haitian Revolution*, 142.

they did so in significantly distinct ways.³³ Along with other emerging nations at the time, Haiti's multiple leaders in early independence attempted to legally cultivate the development of what Benedict Anderson has described as an "imagined community." The first four constitutions of Haiti reveal a great deal about the challenges of imagining a community in a country divided by diverse criteria into a wide variety of individuals and groups. While the frequency of major changes during this short period reveals that a new national identity was not something that leaders could define in a straightforward way, their concerted effort to do so reflects their determination to sustain the success of the Haitian Revolution.³⁴

While working to develop a collective identity for the new country, Haitian leaders also knew that they had to find a new economic place and political voice in the turbulent Atlantic World. As Deborah Jenson has argued, Jean-Jacques Dessalines masterfully produced a series of decrees and proclamations that in fact circulated quite widely in the Atlantic World.³⁵ As I found in a research project on French, British, and

³³ See also: Anne W. Gulick, "We Are Not the People: The 1805 Haitian Constitution's Challenge to Political Legibility in the Age of Revolution," *American Literature*, (2006) 78(4): 799-820.

³⁴ Julia Gaffield, "Complexities of Imagining Haiti: A Study of National Constitutions, 1801-1807," *Journal of Social History*, (2007) 41(1): 81-103.

³⁵ Deborah Jenson, "Dessalines's American Proclamations of the Haitian Independence," *Journal of Haitian Studies*, (200) 15(1/2): 72-102; Deborah Jenson, "Before Malcolm X, Dessalines: A French Tradition of Black Atlantic Radicalism," *International Journal of Francophone Studies*, (2007) 10(3): 329-344; Deborah Jenson, "From the Kidnapping(s) of the Louverture to the Alleged Kidnapping of Aristide: Legacies of Slavery in the

American newspapers' descriptions of events in Haiti, observers often described them in terms of both domestic and international relationships that crisscrossed the Atlantic Ocean. The Haitian Declaration of Independence provided an opportunity for France, Great Britain, and the United States to discuss their own national interests as distinct from those of other nations who maintained parallel systems of slavery, racism, and colonialism.

Having undertaken research both on Haitian constitutions and on Atlantic World newspaper coverage of early Haitian independence, I became increasingly interested in the ways in which Haitian leaders dealt directly with the challenges they faced from the outside world. The familiar scholarly emphasis on Haitian isolation, I realized, masks the many and diverse ways that Haitians and Haitian leaders interacted with Atlantic World empires, nations, and colonies outside the constraints of official diplomatic non-recognition.

This dissertation examines the first years of independence by focusing on Haiti's relationships with France, Britain, Denmark, the Batavian Republic (Netherlands), and the United States in the larger context of the turbulent Atlantic World. It emphasizes the ways in which the chronic warfare of the period shaped how foreign powers perceived

this new Caribbean country. France and Spain were waging war against Britain, and as “belligerent” nations all three were subject to different rules under the customary practices of the law of nations. In contrast, the United States, the Danish Empire, and the Batavian Republic (Netherlands) operated under the rules governing the actions of “neutral” nations. Through their dealings with Haiti and their internal debates about the question of trade with the new nation, each of these states produced a rich archive of correspondence that forms the basis of this dissertation.

Historians going back to Thomas Madiou and Beaubrun Ardouin in the mid-nineteenth century have mentioned and sometimes described some aspects of the communications between Haitian leaders and the international community.³⁶ The mid-twentieth century saw renewed interest in Haiti’s foreign diplomacy in the first years after 1804 including an article by H.B.L. Hughes in 1944 on Haitian-British negotiations after independence and an article by Maurice Lubin in 1968 that briefly summarizes the reactions of foreign governments to Haitian independence. Similarly, St. Victor Jean-Baptiste’s 1954 study draws attention to Haiti’s international relationships.³⁷ These studies reveal the diversity of reaction from the international community to news of Haitian independence and also reproduce some primary sources to support these

³⁶ Beaubrun Ardouin, *Etudes sur l’Histoire d’Haïti Suivies de la Vie du Général J.-M. Borgella*, (Port-au-Prince: F. Dalencour, 1958); Thomas Madiou, *Histoire d’Haïti*, (Port-au-Prince: Imprimerie de J. Courtois, 1847-1848).

³⁷ St. Victor Jean-Baptiste, *Le Fondateur Devant l’Histoire*, (Port-au-Prince, Presses Nationales d’Haïti, 2006, c1954), 211-228.

claims. These studies, however, do not offer a detailed study of these relationships but simply an introduction.³⁸ The masterful studies by Ludwell Lee Montague in 1940 and Rayford Logan in 1941 do offer this kind of detailed study but only for Haiti's diplomatic relationship with the United States.³⁹ Montague and Logan, in their *longue durée* approach, however, minimize the complexity of the crucial first years after 1804. More recently, Vertus Saint-Louis has specifically analyzed some of those interactions within the context of broader histories of Haiti but without extensive archival research.⁴⁰ Tim Matthewson follows the lead of Logan and Montague and reveals that Thomas Jefferson initially attempted to negotiate Haiti's isolation "through an international accord among a consortium of powers."⁴¹ This idea, however, was rejected by the British who "had their own agenda, [and] they showed no interest in the president's proposal, which left him to take unilateral action."⁴²

³⁸ H. B. L. Hughes, "British Policy Towards Haiti," *Canadian Historical Review*, (1944) 25: 397-408; Maurice Lubin, "Les Premiers Rapports de la Nationa Haitienne Avec L'étranger," *Journal of Inter-American Studies*, (1969) 10(2): 277-305.

³⁹ Ludwell Lee Montague, *Haiti and the United States, 1714-1938*, (Durham, NC: Duke University Press, 1940).

⁴⁰ Vertus Saint-Louis, *Aux Origines du drame d'Haïti: Droit et Commerce Maritime, 1794-1806*, (Port-au-Prince: Bibliothèque Nationale d'Haïti, 2006), 227-232; See also: Philippe R. Girard, "Black Talleyrand: Toussaint Louverture's Diplomacy, 1798-1802," *William and Mary Quarterly*, (2009) 66(1): 87-124.

⁴¹ Tim Matthewson, "Jefferson and the Nonrecognition of Haiti," *American Philosophical Society*, (1996) 140(1): 29.

⁴² Tim Matthewson, "Jefferson and the Nonrecognition of Haiti," 29.

Matthewson's research raises questions about the extent to which the Atlantic countries and empires reacted in the same way to the Haitian Declaration of Independence. One clear difference that requires explanation is the timing of their official decisions first to diplomatically isolate Haiti and then, years or decades later, to recognize Haiti as an independent and sovereign country. Matthewson's research suggests that the international community reacted with a diversity of opinion, rather than a homogenous quarantine. Neighboring nations, in particular, while refusing to recognize Haitian independence, were nevertheless eager to take advantage of trade opportunities and to use Haiti to affect the balance of power in European warfare. The movement of manufactured goods and agricultural products facilitated the movement of ideas and created what Julius Scott has famously called the "Common Wind" connecting Haiti to other Caribbean islands and nations of the Atlantic in a way that the emphasis of diplomatic isolation ignores.⁴³

The point of departure of this dissertation is the Haitian Declaration of Independence in 1804, which raised such profound questions about revolutionary legitimacy and national sovereignty. Since the most important challenge that Haiti faced was the continued opposition of France, the first question I ask is why France was ultimately unable to ensure that Haiti became isolated. Chapter 1 addresses this question by focusing on how the French badgered other governments to prohibit trade

⁴³ Julius Scott, "The Common Wind."

with Haiti. Specifically, this chapter analyzes the efforts of three French officials in Danish St. Thomas and Dutch Curaçao to get the governors of those islands to outlaw trade with Haiti. I show that while the French agents were successful in their efforts to officially prohibit the trade, the Dutch and the Danish did not fully collaborate with the attempt to economically isolate Haiti.

France's frustration in trying to ensure Haiti's isolation focuses our attention on how Haiti was able to take advantage of the uncertainty and ambiguity of the rest of the Atlantic World. While Haiti had to deal with France and their efforts to establish solidarity with other powers, they worked intently to carve out a new economic space for themselves in the Caribbean. In June of 1803, prior to an official declaration of independence, Dessalines wrote to Lieutenant-Governor George Nugent of Jamaica. He informed Nugent of the inevitable movement for Haitian independence and assured him that British merchants would find secure investments and trade opportunities in Haiti. In Chapter 2, I analyze the negotiations between the governor of Jamaica and Jean-Jacques Dessalines during late 1803 and early 1804. In the first years after independence, the British were the only ones to send a representative to the island.

Chapters 1 and 2 are based on archival evidence of the interactions of local agents in the Caribbean and with their home governments as well as with Dessalines. The complex and interwoven international context that shaped these interactions was far from stable or consistent. At times the leaders of foreign governments grappled directly

with the question of Haitian sovereignty, as Thomas Jefferson did, but the task of confronting this question largely fell to the local representatives who were placed in the position of dealing with the consequences of laws and developing policy towards Haiti. These representatives sometimes operated with very little direction from the metropole, while in other cases, they collaborated closely with their home governments.

To study these relationships, I undertook research in the archival holdings of the National Library of Jamaica, the Jamaican National Archives, the Centre for Kentish Studies, the British National Army Museum, and the British National Archives, the French *Archives Nationales*, the Danish National Archives, and the Dutch National Archives. While these archival sources enhance both our understanding of why France was unable to enforce its rejection of Haiti's independence and why the Haiti-Jamaica negotiations failed, they also emphasize the continued importance of merchants travelling to Haiti. Given that Britain was indecisive and inconsistent in coming to grips with Haiti, what happened when ships got caught trading with Haiti? How did the courts deal with them? Chapter 3 examines a series of British Admiralty cases between 1804 and 1813 as a way to examine how and to what extent the courts confronted Haiti's diplomatic status in their interpretations of British economic policy.

Chapter 3's examination of the Admiralty cases pursues for the case of Haiti the research of Lauren Benton on the maritime and legal history of the early nineteenth century Atlantic World. Benton has found that the "nearly continuous warfare between

major Atlantic powers [...] produced the militarization of ocean space, a surge of prize court proceedings around the Atlantic to adjudicate ship captures, and a vast system of jockeying over 'neutral' shipping and its regulation as vessels changed flags and adopted other strategies to increase their chances of evading capture or confiscation."⁴⁴

The official silence of the British government after the Haitian Declaration of Independence meant that the actors in the courts had to consider the island in light of the evidence they could gather from before 1804 until the government issued new economic policy.

After the Declaration of Independence, Haiti remained economically and strategically important for other powers during this period. Scholars have acknowledged that merchants went to Haiti after 1803, but they have been dismissive about this fact, emphasizing that they voyages often occurred outside the laws of the merchants' nations. The merchant interest, however, influenced political decisions in important ways and therefore this trade is central to discussions about the diplomatic place of Haiti in the Atlantic. Furthermore, the persistent willingness of merchants to trade with Haiti, even under sketchy circumstances, forced other interested parties to make difficult decisions about Haiti's place in the world. For example, merchants intersected with lawyers, judges, newspaper editors, governors, and other interested

⁴⁴ Lauren Benton, "Strange Sovereignty: The *Provincia Oriental* in the Atlantic World," *Mexico 20/10, La Modernidad en el Atlantico Iberoamericano, 1750-1850*, (Forthcoming).

parties. A persistent thread in this dissertation is the need to rethink diplomatic isolation in order to include the importance of merchant interest and influence.

Chapter 4 builds on this research by systematically examining the debates in the United States in light of the previous chapters dealing with Haiti's interactions with France and Britain. The Admiralty cases in Chapter 3 highlight that many of the ships in the Caribbean were American, which is surprising since scholars have emphasized that the United States prohibited trade in 1806. For the two years after Haitian independence, however, trade with Haiti was legal. Tim Matthewson and Rayford Logan's research on early nineteenth century American policy toward Haiti suggests that there was no consensus in the United States with respect to how Haiti should be approached. Chapter 4 builds on this research by focusing on the trajectory of American policy toward Haiti in the first years after Haitian independence and emphasizes the resistance to the prohibition on trade to Haiti that passed in February 1806. The debates in the US Congress in 1805 and 1806 reveal that the prohibition on trade was not the first measure taken by the US government and, when it was, it was not universally supported. Furthermore, the bill that prohibited trade to Haiti was only in effect for two years. After that, trade fell under two other acts that prohibited foreign trade more generally and then limited this prohibition to the French and British Empires. Even then, however, it was not clear whether Haiti should be considered within the limits of the second act. When the question arose in the American court system, the US Supreme Court ruled

that the previous prohibition on trade implied that the US government did not intend to recognize Haitian independence. In these ways, the economic policies of the United States led to a more general assumption about the government's refusal to recognize an independent Haiti.

The documentary reconstruction of Haiti's relationships with the larger Atlantic World during the first years after the Haitian Declaration of Independence supports the conclusion that foreign governments did not collectively and uniformly stigmatize the new republic. The emergence of Haiti as an independent nation fueled unprecedented international debates about racial hierarchy, the connections between freedom and sovereignty, and the intertwining of ideological and political relationships among nations and empires. Those who contributed to the international debate about Haiti's national legitimacy were a diverse group with varying perspectives. Local government representatives, governors, merchants, judges, planters, abolitionists, and others all imagined competing relationships with Haiti and thereby helped shape the trajectory of Haitian history. These various relationships sparked profound discussions about Haiti's status and how this new entity might enter into existing international codes of conduct.

In addition to recent work on Haiti in the larger Atlantic context, the following chapters build on research that is uncovering the complex character of official authority and influence across the vast imperial territories. In particular, Lauren Benton's global study of sovereignty reveals the many and diverse power structures within empires that

produced a system of “layered sovereignty.”⁴⁵ Benton’s research highlights the need to “imagin[e] sovereignty as a divisible quality whose component parts could be apportioned in various combinations.”⁴⁶ More recently, Benton has studied the implication of “layered sovereignty” for independence movements in Latin America. “Precisely because empires were structured as systems of layered sovereignty,” she argues, “it was possible to imagine a range of different types of new polities operating with some state-like capacities.”⁴⁷ Benton’s insights encourage a closer examination of how different actors both in the Caribbean and elsewhere helped determine the meaning of Haiti’s Declaration of Independence. Moreover, the close analysis of Haiti’s interactions with the rest of the Atlantic World point to the value of looking beyond official policies as articulated in the metropolitan centers to understand the meaning of the Declaration of Independence. The years after 1804 reveal that Atlantic empires could also imagine in the case of Haiti “a varied set of potential outcomes.”⁴⁸

⁴⁵ Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900*, (Cambridge: Cambridge University Press, 2010), 31; In using this term, Benton draws on the work of: Frederick Cooper, “Alternatives to Empire: France and Africa after World War II,” Douglas Howland and Louise White, eds, *The State of Sovereignty: Territories, Laws, Populations*, (Bloomington: Indiana University Press), and; Sugata Bose, *A Hundred Horizons: The Indian Ocean in the Age of Global Empire*, (Cambridge, MA: Harvard University Press, 2006).

⁴⁶ Benton, *A Search for Sovereignty*, 5.

⁴⁷ Lauren Benton, “Strange Sovereignty,” 5.

⁴⁸ Lauren Benton, “Strange Sovereignty,” 3.

After January 1, 1804, could foreign nations of the Atlantic consider Haiti independent and sovereign? In addressing this question, one approach is to focus on the French-led insistence on isolation and on the length of time it took foreign governments to officially recognize Haiti as an independent state. But if we zoom in on the first years after January 1, 1804, what becomes most apparent is the indecision of governments other than France and their ally Spain. Governments and individuals in the United States, Britain, Denmark, and the Batavian Republic (Netherlands) all debated the best course of action in response to France's defeat in the Haitian Revolution and the Declaration of Independence. During this time, Haiti succeeded, at least for the moment, in launching its independence and creating a new space in the turbulent Atlantic World.



Figure 2 - Courtesy of the David Rumsey Historical Map Collection.
 Aaron Arrowsmith and Samuel Lewis, "West Indies," (Philadelphia: J. Conrad
 Philadelphia, 1804)

Chapter 1 - “I put fear in the hearts of those who engage in this trade”: French Policing of Trade to Haiti

When the French army evacuated the western side of Hispaniola in November 1803, they did not admit defeat. The Haitian leadership announced their independence on January 1st, 1804 but the French government considered this declaration illegitimate and insisted that the territory was still a French colony. French officials hoped to convince other powers, both enemies and allies, that this was in fact the case. They aimed to successfully isolate Haiti in order to cut off international trade and therefore weaken the rebel forces and facilitate reconquest. Both before and during the revolution, Saint-Domingue’s economy was organized around foreign trade, specifically the exchange of plantation crops for provisions, manufactured goods, and war supplies. Haiti’s new leaders understood that the continuation of foreign trade was key to their survival. The French understood that too. They therefore sought to outlaw foreign trade with Haiti, hoping that economic isolation would cripple the new regime.

The problem for the French, however, was that other imperial governments and their local representatives – as well as Caribbean and Atlantic merchant communities – had their own agendas when it came to Haiti. Indeed, France’s efforts to isolate the new country were only partially successful. French agents in the region had limited power to effectively influence the trade policies in the region. This chapter examines the efforts of French agents at two central trading hubs of the Caribbean – Curaçao and St. Thomas –

to convince the governors of those islands to outlaw trade between Dutch and Danish merchants and the “rebels” in Saint Domingue/Haiti. A study of their correspondence with the French General Louis Ferrand, who was stationed at the city of Santo Domingo and to whom they reported, shows how and why their efforts ultimately failed.¹

The French wanted to create a rupture between Haiti and the rest of the Caribbean, but in the end local imperial representatives and merchants largely ignored them. The French agents sent from Santo Domingo did have some nominal success, at least on the surface. They successfully convinced the governors of Curaçao and St. Thomas to outlaw trade to Haiti in 1804 and 1806, respectively. But the prohibition on trade – like similar prohibitions declared by imperial governments throughout the eighteenth century – remained largely on paper. The governors of Curaçao and St. Thomas accommodated French demands by issuing decrees; but they did little to enforce them. French agents constantly complained that neither governor supervised the activities of the merchants with enough zeal. Merchants from both islands found ways to continue the illicit trade and the agents found themselves increasingly exasperated by the perceived lack of effort on the parts of the governors to implement stricter regulatory measures. In the end, they could do little to change the situation. As a result, Haiti

¹ For more on Ferrand’s own efforts to prevent the international community from trading with Haiti see: Deborah Jenson, “States of Ghetto, Ghettos of States, Haiti and the ‘Era de Francia’ in the Dominican Republic, 1804-1808,” *The Global South: States of Freedom: Freedom of States*, (Forthcoming).

remained connected in crucial ways to other parts of the Caribbean through the trade hubs of Curaçao and St. Thomas during the early years of independence.

Prior to the Revolution, Saint-Domingue had been immensely profitable, a draw for merchants in the Greater Caribbean and beyond. During the revolution, Toussaint Louverture was able to stabilize the economy and revive the plantation export system. The levels never returned to the pre-revolutionary numbers, but there was steady growth during the late 1790s. While the warfare of 1802-03 interrupted trade and production, economist Mats Lundahl notes that Haitian exports the year after independence remained quite healthy.²

The period after independence saw the continuation of a process that had started with the slave uprising of 1791: the steep decline in sugar production. Although Louverture and post-independence leaders, including Jean-Jacques Dessalines and Henry Christophe, tried to reconstruct the sugar economy, they did so with only partial success. A British agent reported in 1804 that the only crops being produced in Haiti were coffee and cotton and that he doubted that the sugar plantations could be restored.³ There were, however, other export crops – including cotton, mahogany, and,

² Mats Lundahl, *Peasants and Poverty: A Study of Haiti*, (London: Croom Helm, 1979), 180.

³ “No 2 Report,” Edward Corbet to George Nugent, 25 January 1804, National Library of Jamaica (NLJ), MS 72, Box 3, 349N; For more on Haiti’s shift away from sugar production after independence see: Mimi Sheller, *Democracy after Slavery: Black Publics and Peasant Radicalism in Haiti and Jamaica*, (Gainesville: University Press of Florida, 2000), 46-50.

most importantly, coffee. Already a significant export crop during the eighteenth century, coffee became the country's major agricultural export in the early 19th century. It could be cultivated on small farms, in combination with other crops, and therefore fit well with the broader aspirations of the Haitian population after independence. This transition was successful because Haitian coffee was a sought-after commodity in the Atlantic market. Indeed, Laurent Dubois argues that Haitian coffee was "considered a benchmark for quality throughout the world in the nineteenth century."⁴

Thanks to coffee and other agricultural exports, trade with Haiti continued to attract merchants from around the Atlantic. "There was a great Appearance of Business in most of the ports of St. Domingo," the Governor of Jamaica reported, "profuse importations of goods of all descriptions, and an abundant supply of produce (sugar excepted). Money also appeared plentiful. Dessalines has laid heavy duties upon imports; that on Rum is 2 dollars per gallon."⁵ Dutch and Danish merchants had good reason to see trade opportunities in Haiti.

The French therefore had their work cut out for them as they tried to convince merchants to forego trade with Haiti. Leading the charge to isolate Haiti was General Louis Ferrand who, from his base in Santo Domingo, ordered French agents in other

⁴ Laurent Dubois, *Haiti: The Aftershocks of History*, (New York: Henry Holt and Co., 2012), 117.

⁵ George Nugent to John Jeffreys Pratt, 2nd Earl Camden, 15 December 1804, NLJ, MS 72, Box 3, 511N.

parts of the Caribbean to convince foreign governments to prohibit trade. He received support from France's remaining colonies in the Caribbean, mainly Guadeloupe and Martinique, but there may also have been some competition between the islands. Soon after Haitian Independence, on June 5, 1804, the Captain-General of Guadeloupe published a proclamation prohibiting trade with the "brigands."⁶ "The corsairs of Guadeloupe," Article One of this proclamation stated, "will stop all ships destined for the ports of St. Domingue that are occupied by the brigands, as well as those which are leaving them." Article Two then condemned those engaging in the trade as more than criminals: "the ships whose destination is proved to be for the ports, or coming from the ports occupied by the revolted, will be considered enemies of France. They will in consequence be considered good prize and condemned as the rules dictate."

The French government had effectively declared war on all those who collaborated economically with Haitians. As they had done during the 1790s in their war with the English, the French insisted that any merchants who traded with Haiti were trading with the enemy; they therefore lost their neutrality and were legitimate targets navy vessels and privateers.⁷ Less than a year after the proclamation from Guadeloupe,

⁶ For more on the use of "brigand" in the international community see: Deborah Jenson, "States of Ghetto, Ghettos of States," *The Global South: States of Freedom: Freedom of States*, (Forthcoming).

⁷ "Les Corsaires de la Guadeloupe arrêteront tous les bâtiments destinés pour les Ports de St. Domingue occupés par les brigands, ainsi que ceux qui en sortiront.... Les Bâtiments dont la destination sera prouvée pour les ports, ou ventant des ports occupés

Ferrand published another proclamation from Santo Domingo and sent it to government representatives around the Caribbean in February 1805. It stated that “all individuals, whoever they may be, who are found on allied or neutral ships, destined for the ports of Saint-Domingue, that are occupied by the revolted, will be punished with death.”

Ferrand did not distinguish between types of cargo. All trade was illegal and trading with Haitians was worse than simply trading with the enemy.⁸

But how effective were such policies? The adventures of three agents who attempted to carry out the critical mission of stopping trade with Haiti from St. Thomas and Curaçao reveal why their implementation proved so difficult. J. Thilorier served as French agent in Curaçao in late 1803 and early 1804 and was replaced by Jean-Pierre Gouges. Arnaud André Roberjot Lartigue served as the French agent in Danish St. Thomas beginning in 1805. The British occupied both Curaçao and St. Thomas in 1807

par les révoltés, seront considérés comme ennemis de la France. Ils seront en conséquence déclarés de bonne prise et condamnés d’après les règlements sur la course.” A. Ernouf, “Arrête, concernant les bâtiments destinés pour les ports de St. Domingue occupés par les brigands,” 16 Prairial an 12/5 June 1804, Archives Nationales, Paris, (AN) C7a63.

⁸ “Tous les individus, quels qu’ils soient, qui seront trouvés sur des bâtiments alliés ou neutres, expédiés pour les ports de Saint-Domingue, occupés par les révoltés, seront punis de mort.” “Arrêté,” Louis Ferrand, 5 February 1805/16 Pluviose an XIII, Danish National Archives, Generalguvernemetet, Breve fra fremmede autoriteter, 1774-1807, A-C, #2.18.1.

and ended the terms of Gouges and Lartigue.⁹ During their time as agents, all three men wrote frequently to Ferrand at the city of Santo Domingo in order to ask for advice, assistance, and aid while also informing the General of the actions, decisions, and publications issued in the foreign colonies. One of the governors of Curaçao, Pierre-Jean Changuion, also wrote regularly to Ferrand not only to update him about the prohibition on trade but also to complain about French encroachments on Dutch governance on the island. The letters between the agents and the governor and Ferrand explain why the attempts of the French to organize the international community to support a general blockade of Haiti ultimately failed. Thilorier, Gouges, and Lartigue tried to force the governors of Curaçao and St. Thomas to implement the proclamations issued by Ferrand and other French representatives that prohibited trade with the rebels in Saint Domingue. At times, they also tried to enforce these provisions themselves. But throughout their years of protests and constant campaigning for active prevention of this illicit trade, these agents expressed great frustration at the continued trade between Dutch and Danish merchants and the rebel colony, admitting – and exposing – the limits of French power in the Caribbean.

⁹ The case of *Rose v. Himely* notes that there was a French agent from St. Domingo in Cuba as well. Heinonline, 8 U.S. 241 1807-1808.

Merchant Islands

As relatively small islands in the Caribbean, St. Thomas and Curaçao based their economies on trade and merchant activity rather than plantation agriculture. Their status as merchant hubs meant that before the Haitian Revolution, both islands had solid commercial relationships with Saint Domigue. Curaçao, by the mid-17th century was already known as a "major regional trade center" with merchants of all nations coming to the island to exchange their goods.¹⁰ "In 1675," notes Linda Rupert, "at a time when most European powers imposed severe trade restrictions and colonies were only allowed to trade with their Motherland, Curaçao was opened to ships of all nationalities, an exceptionally bold move for the times."¹¹ Rupert's detailed study of the commercial activities of Curaçao, however, reveals a pivotal shift in the island's trade relationships in the late 18th century. British dominance in the Caribbean and on the high seas signaled the demise of Dutch commercial supremacy.¹² Furthermore, French armies occupied the Netherlands between 1795 and 1813 and created a "satellite state" called the Batavian Republic.¹³ The struggles between the French agents and the governors of Curaçao, therefore, took place in a context of economic decline and animosity toward the French Empire.

¹⁰ Linda Marguerite Rupert, *Roots of our Future: A Commercial History of Curaçao*, (Netherlands Antilles: Curaçao Chamber of Commerce and Industry, 1999), 17.

¹¹ Rupert, *Roots of our Future*, 126.

¹² Rupert, *Roots of our Future*, 39.

¹³ Rupert, *Roots of our Future*, 40.

The relationship between the Batavian Republic and France was contentious and changing between 1803-1806, and the tension is clear in the correspondence between the French agents and the governors of the island. Batavia was a French satellite state but the Dutch ruling class maintained constant resistance to French domination. The Dutch, therefore, were not quite neutral in the Franco-British war but they were also not clear allies. Despite the combative nature of the relationship between the Dutch and the French, observers from both empires described Curaçao as either an ally of France or a neutral nation at this time period. However, a more commonly (and appropriately) used term to describe the relationship was “friendly.” This distinct status blurred the assumptions about the empire’s obligations to France. And, despite France’s official power over Batavia, Rupert highlights the resistance to this occupation in Curaçao. “In practice,” she argues, “Curaçao did not feel like a French possession to its inhabitants, even though the French had stationed a government agent on the island.”¹⁴ Even this government agent’s power was not guaranteed as the governor in 1804 received notice that he could no longer recognize the post.

French and Spanish privateers patrolled the waters around Haiti, ready to enforce the proclamation issued by Ferrand, but the merchant community in Curaçao still appeared willing to undertake the risky economic ventures. Indeed, foreign observers reported that merchants from Curaçao continued their relationships with

¹⁴ Rupert, *Roots of our Future*, 41.

Haiti. "The Dutch from Curacoa [*sic*]," the governor of Jamaica reported in 1804, "are now beginning to carry on a trade with the South side of Saint Domingo particularly Aux Cayes and Jacmel."¹⁵ International jockeying over power during this period of international warfare may have induced the Dutch merchants to ignore the directions from the French in the city of Santo Domingo and also the proclamations issued by their own governor. Indeed, Rupert quotes an insightful witness to these types of actions: "In fact, the best commercial periods for Curaçao were those in which war in neighboring countries brought a wind of prosperity to our coast,' noted one contemporary observer. 'The difference between legitimate and illegitimate commerce was neither understood nor heeded.'"¹⁶

At this time, the island was experiencing significant change at a local level, most notably, the transfer of authority from the West India Company to the Dutch government. "After the final demise of the WIC [West India Company] in 1791," Rupert notes, "the Netherlands directly appointed a Governor for the Colony of Curaçao, who continued to live and work at Ft. Amsterdam. He administered the island along with the Colonial Council, which was primarily made up of prominent merchants."¹⁷ Indeed, the island's history as an economic hub continued to influence the government and political culture. "With the WIC out of the picture," Rupert highlights, "Curaçao's independent

¹⁵ Edward Corbet to George Nugent, 29 February 1804, NLJ, MS 72, Box 3, 665N.

¹⁶ Rupert, *Roots of our Future*, 43-44.

¹⁷ Rupert, *Roots of our Future*, 40.

Dutch and Jewish merchants consolidated their position as the island's uncontested economic aristocracy; usually they were able to ensure that their commercial interests were also represented politically."¹⁸ The Colonial Council at Curaçao was primarily composed of Dutch merchants and, therefore, economic considerations were central to government decisions.

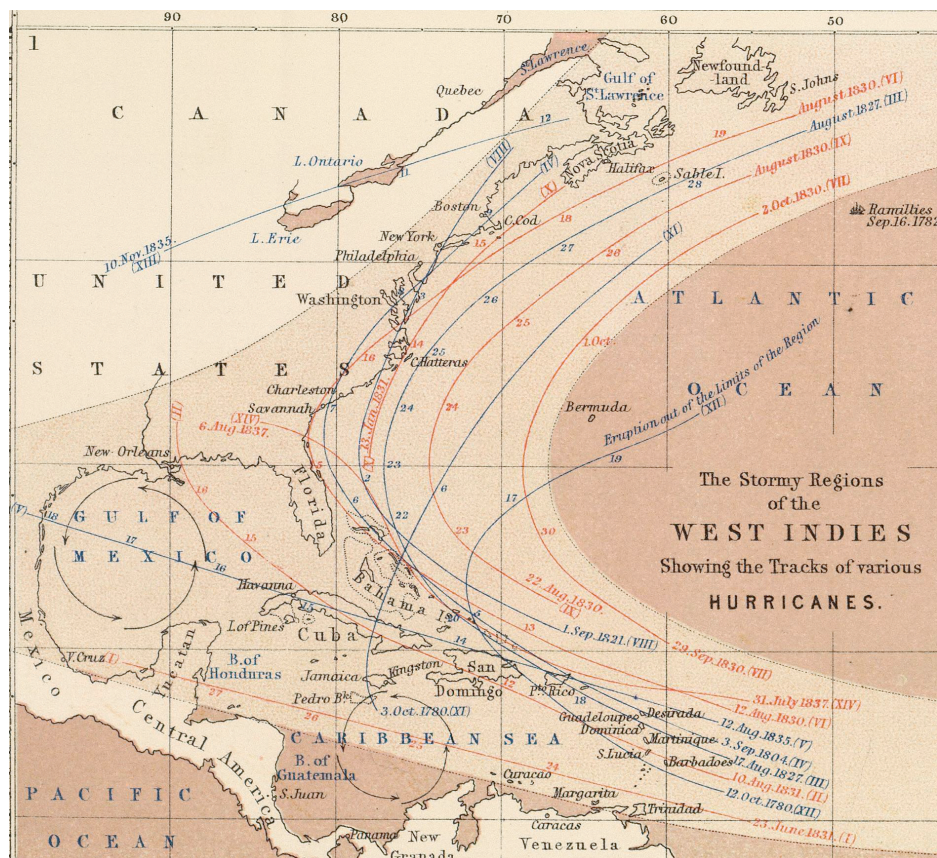


Figure 3 - Courtesy of the David Rumsey Historical Map Collection. Portion of Map "Currents of Air," Alexander Keith Johnston, Published by William Blackwood and Sons, Edinburgh, 1854. The wind currents drawn on

¹⁸ Rupert, *Roots of our Future*, 40.

this map show the easy accessibility from Curaçao to the south of Haiti and from St. Thomas (just east of Puerto Rico) to the North of Haiti.

St. Thomas occupied a similar economic role in the Caribbean as Curaçao because the island had been up until 1755 the property of the Danish West India Company. After this rule, ownership transferred to the Danish crown and beginning in 1764, it was opened to international trade under the designation of a “free port.”¹⁹ This status stipulated that, “anyone was permitted to set up an enterprise in St. Thomas and engage in trade in either European or American goods.”²⁰ The Danish in St. Thomas were able to capitalize on the free port status during the European wars of the late 18th and early 19th centuries because of their neutral status. The island was small, “and though St. Thomas had but little of these productions of her own to export [West Indian products], great quantities came pouring in for sale, and were transmitted to Europe and America in neutral vessels, in order to avoid the cruisers of the nations that were at war with each other.” The island also served as a distribution center of sorts for European goods. “Large importations of merchandise arrived from Europe,” John P. Knox notes, “and of flour and other provisions from the United States, which were immediately sold

¹⁹ Rupert, *Roots of our Future*, 43.

²⁰ Neville Hall, *Slave Society in the Danish West Indies: St. Thomas, St. John, and St. Croix*, (Baltimore, Johns Hopkins University Press, 1992), 70, 21.

and dispersed among the British, Spanish, and French colonies.”²¹ Another nineteenth-century author argued that St. Thomas was a “rendezvous where vessels of all nations could meet on neutral ground, where their business could be transacted, where prizes could be sold, a little piracy planned, supplies of all sorts procured, or a cargo of slaves landed, it is not at all surprising that it flourished and did well.”²² After the Haitian Declaration of Independence, the Danish continued to trade with the island. The trade was so prevalent that the governor of Jamaica noted that “The [trade to the] northern and western ports of the island, and that of the south is in the hands of Danes from St. Thomas, or at least vessels bearing their flag, from Jamaica and other West India Islands.”²³

French Pressure at Curaçao

In 1803, General Donatien Rochambeau, leader of the French army in Saint Domingue, sent J. Thilorier to the Dutch colony of Curaçao to serve as a French agent on the island. Rochambeau’s situation in Saint Domingue was desperate; by the end of November, his troops would evacuate the island in defeat. He sent Thilorier to Curaçao

²¹ John P. Knox, *A Historical account of St. Thomas, W.I., with its rise and progress in commerce: missions and churches: climate and its adaption to invalids*, (New York: Negro Universities Press, 1854), 101; The British held St. Thomas for 10 months in 1801-1802.

²² Charles Edwin Taylor, *Leaflets from the Danish West Indies: Descriptive of the Social, Political, and Commercial Condition of these Islands*, (London: Printed by Wm. Dawson and Sons, 1888), 54.

²³ George Nugent to John Jeffreys Pratt, 2nd Earl Camden, 15 December 1804, NLJ, MS 72, Box 3, 511N.

to prevent the Dutch merchants from supporting the rebel armies in Saint Domingue and to help procure military supplies for the dwindling French army. Thilorier arrived at Curaçao on November 10 and immediately began gathering information regarding any relationships between the “*mulâtres* or blacks of this colony and the brigands of Saint Domingue.”²⁴ These relationships, he reported, formed during economic engagements in which merchants from Curaçao sailed to Haiti and returned with a fresh cargo. He learned from a Guadeloupe-based French agent at Curaçao that ships from Curaçao cleared out for Cuba but traveled instead to Jacmel and other areas in the south of Saint-Domingue. These voyages, he argued, supplied the “brigands” with “powder and other war munitions.”²⁵

The French troops in Saint Domingue were starving and they were not holding their precarious post at Cap Français. Thilorier was therefore outraged that the rebels were receiving aid and military supplies from a colony that was France’s alleged friend. Thilorier reported in his first letter to Rochambeau that the agent from Guadeloupe had not been able to prevent the trade for “lack of proof or direct knowledge of the guilty individuals.”²⁶ Despite this fact, the French agents were absolutely convinced that the

²⁴ “Mulâtres ou nègres de cette colonie, et les brigands de Saint Domingue.” J. Thilorier to Donatien Rochambeau, 18 Brumaire an XII/10 November 1803, AN, CC9a41.

²⁵ J. Thilorier to Donatien Rochambeau, 18 Brumaire an XII/10 November 1803, AN, CC9a41.

²⁶ J. Thilorier to Donatien Rochambeau, 18 Brumaire an XII/10 November 1803, AN, CC9a41.

trade was widespread. Thilorier was hopeful that he could do a better job than the agent from Guadeloupe in preventing this “illicit” trade. He reported to Rochambeau that the Curaçaoan government had reassured the French agents that they would take all necessary measures to stop this trade.

In order to help prevent the illicit trade between the merchants at Curaçao and St. Thomas and the ports of Saint Domingue, French privateers patrolled the waters around Hispaniola and other islands in order to capture merchants whom they suspected were trading with the “brigands.” In this effort, they received help from Spanish corsairs because of the Spanish-French alliance in the war. When Dessalines declared Haitian independence at the beginning of 1804, France and Spain were waging a brutal war against the British. Therefore, when France outlawed trade with Haiti, they had the support of Spanish privateers from Cuba in their efforts to suppress international trade.²⁷ When Napoleon invaded Spain in 1809, however, Cuban authorities exiled the French refugees on the island and no longer supported France’s efforts to capture merchant ships trading with Haiti.²⁸ In order to contribute to the

²⁷ Maurice Lubin, “Les Premiers Rapports de la Nationa Haitienne Avec L’etranger,” *Journal of Inter-American Studies*, (1969) 10(2): 297.

²⁸ For more see: Nathalie Dessens, *From Saint-Domingue to New Orleans: Migration and Influence*, (Genève: Zoé, 2007).

privateering strategy, Thilorier requested that Rochambeau send him commissions for the privateers in Curaçao, licensing them to capture ships engaged in illegal trade.²⁹

In addition to gathering information with the view toward stopping the trade between the merchants at Curaçao and the rebel army in Saint Domingue, Thilorier tried to help Rochambeau's troops in Saint Domingue. One of his tasks was to help acquire badly needed supplies for the French army.³⁰ The deteriorating French army had been cut off from external supplies by a British blockade of Saint Domingue and Thilorier tried to find friendly suppliers who would be willing to challenge the British ships in the waters surrounding the western side of Hispaniola.

Given Curaçao's "friendly" relationship with the French, the British had occupied Curaçao between 1800 and 1803 and during Thilorier's early months in Curaçao, the island remained under siege by British ships. Despite the occupation and the continued threat of military invasion, Thilorier complained that he perceived a significant amount of pro-British sentiment on the island, and he argued that another British occupation might have been welcome on the island. And indeed he may have been correct. "Faced with occupation by one or the other European power," Rupert reveals, "Curaçao's Colonial Council judged it better 'to place the territory under the

²⁹ J. Thilorier to Donatien Rochambeau, 18 Brumaire an XII/10 November 1803, AN, CC9a41.

³⁰ J. Thilorier to Donatien Rochambeau, 18 Brumaire an XII/10 November 1803, AN, CC9a41.

protection of his Britannic Majesty than to allow it to fall into the hands of the ferocious gang of robbers laying siege to us."³¹ The period between British occupations, 1803-1806, saw increased economic difficulties and a scarcity of commercial activity and, therefore, officials on the island had to find a way to stop the economic downfall.³²

At the same time that Thilorier complained that the residents of Curaçao favored British interests, he also noted that the French in Santo Domingo should not hope to receive any aid from the island and the two observations may have been connected. When Ferrand asked Thilorier to help him secure badly needed provisions and supplies from Curaçao, Thilorier responded that he "should not anticipate anything from Curaçao without money or merchandise."³³ Apparently a number of previous transactions had spoiled the French reputation at Curaçao and Thilorier argued that "there is a general air of distrust, and it exists entirely among those in government who will not be useful to us."³⁴ Despite these obstacles, Thilorier's correspondence suggests that he was able to secure a supplier for a large order of leather shoes for the French army.

³¹ Rupert, *Roots of our Future*, 41.

³² Rupert, *Roots of our Future*, 41.

³³ "N'attender rien de Curaçao sans argent comptant ou marchandises," J. Thilorier to Louis Ferrand, 24 February 1804, AN, CC9a41.

³⁴ "Une méfiance générale, et elle existe entièrement parmi ceux en état de nous être utile." J. Thilorier to Louis Ferrand, 24 February 1804, AN, CC9a41.

The Unofficial Agents

Thilorier and Gouges campaigned the governors of Curaçao in the context of changing international alliances and with certain assumptions about how the Dutch should act to support France's efforts. These perspectives, however, did not take into account Dutch self-interest and wariness of trusting French economic relationships. The conflict between French and Dutch authority in Curaçao intensified in December 1803, just over a month after Thilorier's arrival in Curaçao. The governor of Curaçao received a notice from the Batavian government in Europe that stated that the government of Curaçao was no longer allowed to recognize foreign agents on the island. The governor told Thilorier that he would allow him to stay on the island but that he would occupy no official position and would have his powers limited to those matters concerning French corsairs and prize vessels.³⁵ But the governor did not follow up on this concession, and Thilorier argued that he was "paralyzed" as a government agent.³⁶

Thilorier's inability to change the activities on the island was particularly frustrating for him because he perceived a general culture of lawlessness there. In a letter written to General Rochambeau in December of 1803 (not knowing that Rochambeau's troops would have set sail from Cap Français by that point) he described

³⁵ J. Thilorier to Donatien Rochambeau, 23 Frimaire an XII/15 December 1803, AN, CC9a41.

³⁶ J. Thilorier to Donatien Rochambeau, 23 Frimaire an XII/15 December 1803, AN, CC9a41.

the character of the population at Curaçao. "Curaçao can be considered," he argued, "a haven for scoundrels of all colors, and of all nations." "They are good friends of our rebels," he continued, "for whom they are very useful by the different envoys sent to them daily."³⁷ The connection between the merchant communities in Curaçao and Saint Domingue dated from the French colonial period on the western side of the island.³⁸ The friendship that Thilorier described had been ongoing for over a century and did not stop during the Haitian Revolution. The new conflict between France and Haiti, from Thilorier's perspective, should have cut off these trade networks. This argument, however, did not immediately convince the governor of Curaçao. "The government here supervises, and supervises only for the form," Thilorier continued in the same letter, "he does not seem to want to meddle in the quarrel of their neighbors."³⁹ This may have been because the "quarrel of their neighbors" was the ideal context in which to capitalize on mercantile activity. Thilorier was doubly upset at this fact since the governor had with "zeal" promised to prohibit this trade. According to Thilorier, this

³⁷ "Curaçao peut être considéré comme un repaire de mauvais sujets de toutes les couleurs, et de toutes les nations." J. Thilorier to Donatien Rochambeau, 23 Frimaire an XII/15 December 1803, AN, CC9a41.

³⁸ John Garrigus, *Before Haiti: Race and Citizenship in French Saint-Domingue*, (New York: Palgrave Macmillan, 2006), 283-284.

³⁹ "Sont-ils les bons amis de nos rebelles à qui ils sont très utiles par les différents envois qui leur sont faits journellement, et que le gouvernement d'ici ne surveille, et ne veut surveiller que pour la forme, il semble ne pas devoir se mêler de la querelle de leur voisins." J. Thilorier to Donatien Rochambeau, 23 Frimaire an XII/15 December 1803, AN, CC9a41.

trade was inherently illegal, however, for the governor of Curaçao, the conflict was a local affair and should not affect the trade of neutral nations.

Thilorier soon received word of the French evacuation of Saint Domingue but he continued his correspondence with General Louis Ferrand who stationed himself in the city of Santo Domingo on the eastern side of the island. After the Haitian Declaration of Independence, Thilorier maintained the same goal of cutting off the supply source for Haiti but he became increasingly annoyed at the rate at which the merchants from Curaçao were allegedly traveling to Saint Domingue to supply Dessalines's army. "Our rebels will continue to receive resources, especially under the two commissioners that make up the government of Curaçao, who have no other view than money, and other guides of baseness and ignorance."⁴⁰ Thilorier connected his judgment on the morality of Haiti.

Since the government representatives of Curaçao were unwilling to prohibit and police the trade to Haiti at the beginning of 1804, Thilorier undertook measures that placed this responsibility in the hands of the French. He once again asked for commissions for French privateers who were apparently begging for permission to arm their ships in order to patrol the waters between Saint Domingue and Curaçao with the

⁴⁰ "Les ressources qu'y trouveront toujours nos révoltés, surtout sous l'autorité des deux commissaires composant aujourd'hui le gouvernement de Curaçao, lesquels n'ont d'autres vues que l'argent, et d'autres guides que la bassesse et l'ignorance." J. Thilorier to Louis Ferrand, 5 Pluviose an XII/26 January 1804, AN, CC9a41.

hope of capturing the merchants who were engaged in this trade. Ferrand sent Thilorier four of these commissions, which he quickly distributed to privateers in Curaçao.⁴¹ Despite Thilorier's energetic attempts to secure the appropriate documentation for the departure of the French privateers at Curaçao, the Dutch governor prohibited him from engaging in the regulation of the ships that they captured. Once, when a French privateer brought a captured ship into the harbor, Thilorier described to Ferrand how two members of the Colonial Council boarded the ship to oversee the unloading of the ship and the sale of the prize; an act that he claimed should have been his job. The money accrued from these transactions was deposited into the Curaçaoan treasury instead of being passed to the (unrecognized) French agent. Thilorier would only receive the money if the Dutch government concluded that the capture was legitimate.⁴² Prize cases in the Atlantic were typically brought before the captors' own judges but, in this case, the privateer carried the captured ship to Curaçao. Nevertheless, Thilorier still expected to have authority over French captures on foreign territory. The Curaçaoan government would not let him have this power.

In the first months of 1804 Thilorier became understandably disillusioned with his job as the French agent in Curaçao. The government at Curaçao did not recognize his position and he was so limited in his power that he claimed to Ferrand that the only task

⁴¹ J. Thilorier to Louis Ferrand, 20 Ventose an XII/11 March 1804, AN, CC9a41.

⁴² J. Thilorier to Louis Ferrand, 14 Germinal an XII/4 April 1804, AN, CC9a41.

that occupied his time was the payment of debts that he had accrued in order to live on the island. Accordingly, he notified Ferrand that he felt that his services were not longer required – especially in the context of British interest in controlling the island. Despite the fact that the British had stopped attacking the island, they continued to blockade certain ports. Thilorier felt that he could not accomplish anything and the British would, he assumed, control the island in a short time anyway. With respect to the British, he proved incorrect, at least in 1804; it was not until 1807 that they took control of the island. As a result of these feelings of futility, Thilorier notified Ferrand that he would return to France in June 1804.⁴³

Despite being a former colonist of Saint Domingue, Thilorier gave up his dream of regaining his colonial possession. “Saint Domingue lost,” he explained to Ferrand, “I have no other resources in the colonies and so I will benefit from the remaining possibility to return to the heart of my family in Europe.”⁴⁴ While many former plantation owners from Saint Domingue continued to maintain hope that the colony would once again return to its pre-revolutionary structures and production levels, at least some of them conceded defeat and searched for new employment in Europe or elsewhere. Before departing, Thilorier appointed an interim contact person for Ferrand

⁴³ J. Thilorier to Louis Ferrand, 25 Prairial an XII/14 June 1804, AN, CC9a41.

⁴⁴ “Saint Domingue perdu je n’ai plus aucune ressource dans les colonies et je donc profiter de la possibilité qu’il me reste de me rendre au sein de ma famille en Europe,” J. Thilorier to Louis Ferrand, 25 Prairial an XII/14 June 1804, AN, CC9a41.

at Curaçao, Jean-Pierre Gouges, a French merchant based out of Curaçao. At the request of Thilorier, Gouges agreed to tend to any business, including commissions for corsairs, supplies for Ferrand (the leather shoes for the troops), and any business relating to prize ships.⁴⁵ The Curaçaoan government, however, still did not recognize his position in any official capacity. Instead of following Thilorier's directions, however, Gouges took on the role of activist for the French interest in terms of shutting down any supply source for the rebels in Haiti.

In a letter to Ferrand in September 1804, Jean-Pierre Gouges, in his role as the new (unrecognized) French agent at Curaçao, referred to a proclamation issued by the Ferrand on July 27, 1804, that stated that "the tribunal of St Domingue [at Santo Domingo] is the only one competent to judge the prize ships illegally on the coast of St Domingue."⁴⁶ Ferrand might have issued this proclamation to prevent foreign courts from having control over the regulation of trade to Haiti. Thilorier's experience in early 1804 reveals that some French privateers brought their prizes into foreign ports, against the general custom of prize courts in the Atlantic, but Ferrand's publication made it clear that it was in the interests of the French to judge their own prize cases. This was perhaps because other foreign governments had not yet explicitly prohibited this trade. They

⁴⁵ J. Thilorier to Louis Ferrand, 25 Prairial an XII/14 June 1804, AN, CC9a41.

⁴⁶ "Le tribunal de St Domingue était le seul compétant pour juger les bâtiments prise en contreventions sur les cotes de St Domingue." Jean-Pierre Gouges to Louis Ferrand, 1 Vendemaire an 13/23 September 1804, AN, CC9a41.

therefore had to rely on their own legislation and their own systems for enforcing it. In response to this proclamation, Gouges asked Ferrand what he should do in the case of a prize brought in by a Guadeloupean or Martiniquan privateer; would the tribunal at Santo Domingo overrule even French authority in the Caribbean? This question may have arisen out of a context of inter-island competition within the French Empire. Ferrand badly needed extra revenue and the governors of Guadeloupe and Martinique might not have shared the profits of a capture. Indeed, historian Fernando Pico highlights the competition between the islands. "Part of the difficulty Ferrand had," he argues, "was that [governor] Hugues's successors in Guadeloupe continued the lucrative licensing. Many times, the privateers sought ships in the waters of old Saint-Domingue, where those who trade with the rebels constituted legitimate prizes. Ferrand tried without much success to restrict the competition from Guadeloupe to the eastern Caribbean."⁴⁷ Even within the French Empire, Ferrand could not secure complete support.

Badgering the Governor

Shortly after Gouges replaced Thilorier as the (unrecognized) French agent, a new governor arrived in the colony. Pierre-Jean Changuion arrived in Curaçao in early 1804 and assumed the position of provisional governor for Curaçao and its

⁴⁷ Fernando Picó, *One Frenchman, Four Revolutions: General Ferrand and the Peoples of the Caribbean*, (Princeton, NJ: Markus Wiener Publishers, 2011), 39.

dependencies. Changuion corresponded regularly with Gouges in Curaçao and General Ferrand in Santo Domingo. His initial communications convey friendship and solidarity between the French and Batavian governments, particularly in the context of the British blockade and potential siege at Curaçao. Changuion emphasized that the island was in desperate need of war and provisional supplies because of the continued British blockade of certain ports he told Ferrand that he had heard a rumor that Ferrand had these in excess. He noted that it was in the best interests of both the French and Batavian governments to keep Curaçao under Dutch rule, therefore he asked for Ferrand to send support.⁴⁸ Seven months later, Changuion was still asking for provisions and noted that a citizen of the island was sailing to Santo Domingo to get a cargo of flour.⁴⁹ Given the desperate situation in which Ferrand found himself for his entire occupation of Santo Domingo, it is unlikely that he had any excess supplies. Perhaps Ferrand had started these rumors in order to lend legitimacy to his proclamations and to his plan to reconquer the western side of the island. Indeed, this rumor could have been a scare tactic in order to convince the Haitian government that a French invasion was still possible and likely.

Gouges believed that these expressions of allegiance to France were honest and he assumed that the new governor would do more to prohibit the trade between the

⁴⁸ Pierre-Jean Changuion to Louis Ferrand, 2 March 1804, AN, CC9a41.

⁴⁹ Pierre-Jean Changuion to Louis Ferrand, 23 October 1804, AN, CC9a41.

merchants of Curaçao and those in Haiti. "The Government here has recently changed and there arrived here a new Dutch governor named Mr. P.J. Changuion," Gouges reported to Ferrand on September 7, 1804, "this change might enable you to put a stop to the almost open trade (only hidden by a Spanish or Danish flag) that is done here with the rebels."⁵⁰ Three months later, Gouges was still hopeful that Governor Changuion would help the French prohibit international trade to Saint Domingue, but he also noted that the trade from Curaçao to various southern ports in Saint Domingue continued unabated. "I see with horror," he wrote to Ferrand, "that this commerce happens without even any concealment except to say that they arrive from Cuba and they [even] bring a quantity of letters from des Cayes or Jacmel."⁵¹

Despite the friendly relationship between the Batavian and French Empires, the government of Curaçao did not immediately outlaw trade with Haiti after the Haitian Declaration of Independence. After a year of constant letters, proclamations prohibiting the trade, and conversations with the governors of Curaçao, the French representatives in Curaçao and Santo Domingo convinced the Dutch government at Curaçao to prohibit

⁵⁰ "Le Gouvernement d'ici vient d'être change il est arrive un gouverneur d'hollande qui s'appelle Mr. P. J. Changuion ce changement pourrait peut être vous mettre a même de faire cesser un commerce presque ouverte (quoiqu'il soit masque par le Pavillon Espagnol et Danois) qui se fait d'ici avec les rebelles..." Jean-Pierre Gouges to Louis Ferrand, 7 September 1804, AN, CC9a41.

⁵¹ "Je vois avec horreur que ce commerce ce fait sans y mettre même aucun mystère que celui de dire qu'on vient de Cuba et il apportent une quantité de lettre des Cayes ou Jacmel." Gouges to Ferrand, 7 December 1804, AN, CC9a41.

the trade between Dutch merchants and the rebels in Saint Domingue. "I detest the relationships with the negro rebels," Changuion protested on December 11, 1804 in response to a letter from Gouges, "with all my heart, knowing well to what horrors they have often given way."⁵² Finally, on December 18, 1804, Governor Changuion notified the residents of Curaçao that any "Dutch (or Batavian) ships entering this port [Port of Amsterdam and Willemstad in Curaçao] and being convinced that they came from any port or place in the island of Saint Domingue that are actually in the possession of the negro rebels, or who have done commerce with the revolted, their ships and cargos will be confiscated."⁵³

In the week after Changuion published this proclamation, Gouges remained critical of the governor's efforts to prohibit this trade. Frustrated by the ongoing commerce between the merchants of Curaçao and those in Saint Domingue, Gouges decided that he had to pressure Governor Changuion to do more than simply issue a proclamation. "The arrival in this port of a schooner loaded with coffee coming from des Cayes, inspired me to go see Mr. de Changuion," he reported to Ferrand, "I notified him

⁵² "Je déteste ces relations avec ces nègres révoltés, de toute mon âme, sachant bien a quelle horreurs elles ont souvent donne lieu." Pierre-Jean Changuion to Louis Ferrand, 30 December 1805, AN, CC9a41 ; Jean-Pierre Gouges to Pierre-Jean Changuion, 20 Frimaire an 14/11 December 1805, AN, CC9a41.

⁵³ "De vaisseaux Hollandais (ou Bataves) entrant dans ce port que s'ils étaient convaincus, de venir de quelque ports ou endroits de l'Isle de St Domingue qui sont actuellement en possession des nègres rebelles, ou d'y avoir fait quelque commerce avec les révoltés leurs bâtiments et la cargaison qu'on y trouvera seront confisqués." Pierre-Jean Changuion, "Traduction Publication," 18 December 1804, AN, CC9a41.

of the illicit trade that occurs from this place with the rebels [and] I instructed him of all the maneuvers that they [the sailors] use in order to prove that the ships come from Cuba.”⁵⁴ Changuion, however, deflected the accusation that the Curaçaoan merchants were not obeying the new law and he challenged Gouges’s authority on the island.⁵⁵ Since the governor of Curaçao would not recognize him as an official governmental delegate, Gouges was not able to regulate and condemn ships that were thought to have been trading with Haiti. Despite the fact that Gouges challenged the effectiveness of Changuion’s proclamation, he remained confident that the governor would continue to prohibit the trade. “I believe that Mr. de Changuion has very good intentions,” Gouges reported to Ferrand, “and that he will prevent the continuation of this trade.” Gouges continued to regret that he could not actively participate in the processing of captured ships and the condemnation of ships found guilty of trading with Haiti. He argued that Changuion’s efforts would not play out “with the same activity as he would have done if I had been recognized as a delegate, in this position I could have given his proofs.”⁵⁶

⁵⁴ “L’arrivée d’un goélette dans ce port chargée de café venant des Cayes, m’a décidé de voir Mons. De Changuion [...] je lui ai donne connaissance du commerce illicite qui se fait de cette place avec les rebelles je l’ai instruit de toutes les manœuvres dont on se sert pour vouloir prouver que les bâtiments viennent de Couba [*sic*].” Jean-Pierre Gouges to Louis Ferrand, 26 December 1804, AN, CC9a41.

⁵⁵ Jean-Pierre Gouges to Louis Ferrand, 26 December 1804, AN, CC9a41.

⁵⁶ “Je crois que Mr. De Changuion a de très bonne intentions et qu’il empêchera la continuation de ce commerce non pas peut être avec autant d’activité qu’il l’aurait fait si j’avais été reconnu comme délégué en cette qualité j’aurais pu lui donner des preuves.” Jean-Pierre Gouges to Louis Ferrand, 26 December 1804, AN, CC9a41.

Gouges assumed that he had insider knowledge on how the trade occurred, perhaps because of his experience as a merchant before he assumed the role of French agent.

Ten days later, Changuion published another proclamation noting that Ferrand was pressuring the governor to stop this trade and highlighting the dangers, both for the ship captains and for the colonies in general, if this trade continued. General Ferrand, Changuion announced to the citizens of Curaçao, “complained, that the inhabitants of Curaçao who have the most interest in opposing the success of the brigandage on the island of Saint Domingue, instead fuel this brigandage, and provide supplies to the revolted... and that he will hang all those that are found to have relationships with the rebels of Saint Domingue, and who are stopped by the privateers that the General has stationed along the coasts of the revolted.”⁵⁷ Ferrand’s approach emphasized two key reasons why he thought that the merchants of Curaçao should stop supporting the rebels. First, that they should be more conscious of the implications that this economic relationship might have on their own island since it might facilitate a collaboration between the rebels in Haiti and the slaves in Curaçao. In his proclamation, Changuion

⁵⁷ “Le dit général le plaint, que les habitants de Curaçao plus intéressés que tous autres, de s’opposer aux progrès du Brigandage sur l’Isle de St Domingue alimentent cependant ce brigandage, en fournissant des moyens aux Révoltés, et ou il nous sollicites avec instance de faire savoir a nos administrés, qu’il lui en contera de les premier, mais qu’il fera pendre tous ceux qu’il trouvera en relations avec les rebelles de Ste Domingue, et qui seront arrête par les croisières que le dit General a stationner, le long des cotes des Révoltés.” Pierre-Jean Changuion, “Traduction, Notification,” 28 December 1804, AN, CC9a41.

suggested that he also perceived that this trade could more broadly affect Curaçao and he stated that each merchant was accountable for the effects of their actions: "We render each person responsible for all the calamities and all the suffering that by their own fault could result, spread and extend to this island (Curaçao) because of this dangerous commerce."⁵⁸ Second, Ferrand reminded the merchants that he would have them killed if they were caught trading with Haiti.

By the end of December 1804, Gouges appeared convinced that this illegal trade would stop. The additional materials published by Changuion that emphasized the consequences of this trade appear to have reassured him, and they may also have influenced the actions of Curaçaoan merchants, at least temporarily. "I report with pleasure that I don't believe that there will be another expedition from this place to the rebels," Gouges reported to Ferrand, "Mr de Changuion is not known and he is feared, afterward I put fear in the hearts of those who engage in this trade by saying that they will be hunted even during peace, our Emperor will not leave unpunished the villain who has deals with rebels."⁵⁹ If the merchants of Curaçao continued to trade with Haiti, the French would use any means necessary to stop them.

⁵⁸ "Nous rendons dont chacun responsable pour toutes les calamités et tous les malheurs qui par sa faute pourraient résulter, profluer et s'étendre sur cette Isle (de Curaçao) a la suite d'un commerce aussi dangereux." Pierre-Jean Changuion, "Traduction, Notification," 28 December 1804, AN, CC9a41.

⁵⁹ "Je vous annonce avec plaisir que je ne crois pas qu'on fasse d'autre expédition de cette place pour les rebelles, mons. De changuion n'est pas connu et il est craint, ensuite

Just over a month later, Ferrand again pressured Changuion to up the ante with respect to the illicit trade between the merchants at Curaçao and the rebels in Saint Domingue. When he received notice of Changuion's December 18th proclamation prohibiting trade to Haiti, Ferrand wrote to Changuion to ask that he expand the regulations outlined in the document. Changuion's proclamation punished merchants trading with Haiti by ordering that their ships and cargo be confiscated, however, the punishment in Ferrand's court was much graver. "I take faith to invite you, in the name of French Government, to give orders to ensure that all communication ceases, between Curaçao and the coasts of St Domingue that are occupied by the revolted. I have the honor to send you herewith, six copies of a decree, that I published on the 16th of this month."⁶⁰ Ferrand also sent this proclamation to the Danish Government and announced to both nations that "all individuals, whoever they may be, who are found on allied or neutral ships, destined for the ports of Saint-Domingue, that are occupied by the

j'ai mis la peur dans le cœur de ceux qui ont fait ce commerce en leur disant qu'ils seraient rechercher même a la paix attendu que notre empereur ne laissera pas impuni les méchant qui aura traite avec ses rebelles." Jean-Pierre Gouges to Louis Ferrand, 28 December 1804, AN, CC9a41.

⁶⁰ "Je prend donc la confiance de vous inviter, au nom du Gouvernement français, a donner des ordres tels que toute communication cesse, entre Curaçao et les cotes de St Domingue occupées par les révoltés. J'ai l'honneur de vous adresser y inclus, six exemplaires d'un arrêté, que j'ai rendu le 16 de ce mois." Louis Ferrand to Pierre-Jean Changuion, 13 February 1805/24 Pluviose an XIII, AN, CC9a40.

revolted, will be punished with death.”⁶¹ A week later, Changuion made sure to publicize the *Arrête* with the “sound of the drum” and again warned his citizens of the dangers involved in this trade.⁶² Gouges reported that the merchants were shaken by this news.⁶³

The proclamations prohibiting trade with the rebels in Saint Domingue by Changuion and Ferrand appear, however, to have had a limited effect in the long run. At the end of 1805, Changuion again wrote to Ferrand to express his own horror at the ongoing trade between Curaçaoan merchants and the rebels in Saint Domingue. Evidently, neither Changuion’s nor Ferrand’s proclamations and pleas with these merchants could counterbalance the financial opportunities available through this trade.

Jurisdictional Power

The (unofficial) French agents expressed extreme frustration in their efforts to ensure that merchants from Curaçao did not sail to Haiti. Their ability to control the actions of citizens in foreign colonies had limits. Indeed, in Curaçao, Governor Changuion had warned his citizens that they might suffer death if a French privateer captured them while they were trading with Haiti; but he was not willing to allow

⁶¹ “Tous les individus, quels qu’ils soient, qui seront trouves sur des bâtiments allies ou neutres, expédiés pour les ports de Saint-Domingue, occupés par les révoltés, seront punis de mort.” “Arrêté,” Louis Ferrand, 5 February 1805/16 Pluviose an XIII, Danish National Archives, Generalguvernemetet, Breve fra fremmede autoriteter, 1774-1807, A-C, #2.18.1.

⁶² Pierre-Jean Changuion, 20 February 1805, AN, CC9a41.

⁶³ Jean-Pierre Gouges to Louis Ferrand, 5 March 1805, AN, CC9a41.

French officials jurisdiction over his island. These limits are exemplified in a conflict over the processing and decision of a captured ship brought to Curaçao by a French privateer for sentencing. "I am irritated to have to inform you," Changuion wrote angrily to Ferrand, "that I recently had a small altercation with Mr. Gouges, whom you recommended to me in your last letter, on the subject of a prize brought into this port."⁶⁴ The French privateer *L'Eulalie* brought a neutral ship into the port of Fort Amsterdam and accused the captain of trading with Haiti. Changuion reported that the tax lawyer went to board the ship, as per protocol on that island, to take inventory, collect the papers, and seal the ship before trial.⁶⁵ When the tax lawyer arrived, however, he found Gouges already in the process of sealing the ship. Gouges had scrambled to circumvent Dutch protocol so that he could assume control of the sentencing. Changuion argued that Gouges did not have the authority to undertake such tasks because he was not an

⁶⁴ "Je suis fâché de devoir vous informer qu'une petite altercation ait eu lieu, entre Monsieur Gouges, que vous m'avez recommande dans votre dernier lettre, dont vous m'avez honore et moi, au sujet d'une prize qui a été conduite ici." Pierre-Jean Changuion to Louis Ferrand, 18 January 1806, AN, CC9a41.

⁶⁵ "A clerk of the admiralty was assigned to every privateer, with power to receive the papers of all captured ships and seal up their cargoes to await trial." Francis Stark, *The Abolition of Privateering and the Declaration of Paris*, (New York: Columbia University, 1897).

http://www.archive.org/stream/abolitionofpriva00staruoft/abolitionofpriva00staruoft_djvu.txt; According to the San Remo Manual (1995) Art 100 - "After a vessel has been searched and considered subject to capture, the officer of the capturing vessel must inventory and seal the ship's papers, inventory the vessel and the goods on board, account for all persons on board the ship and either provide a crew for the vessel or leave on board sufficient crew to operate the ship." James Kraska, "Prize Law," *Max Planck Encyclopedia of Public International Law*, (2011).

official delegate. He reminded Gouges that the Batavian government had prohibited him from recognizing foreign agents and that Ferrand had previously been notified of this.

Despite the fact that Changuion had expressed his personal opposition to the ongoing trade between Curaçaoan merchants and Haitians, Gouges perceived that he was being pressured by local residents to resist French pressure to prevent the trade. "The people interested in the continuation of this trade viewed with pleasure the fact that the governor did not want to recognize me as a delegate of the French government (after the orders of his government), they find it extraordinary that he listens to me when I lodge complaints on this subject, one of the leaders of this place, even went so far as to say that if he had been in the place of the governor, he would have made me leave the colony."⁶⁶ Gouges continued to complain about his constrained position at Curaçao and marveled at the audacity of the Batavian government to not recognize a French agent, even though the Batavian "government in Europe [was] under the dependence of the French government."⁶⁷ Gouges interpreted the friendly relationship between the two

⁶⁶ "Les personnes intéressés a la continuation de ce commerce avait vu avec plaisir que le gouverneur n'avait pas voulu me reconnaître comme délégué du gouvernement français, (d'après les ordres de son gouvernement) il ont trouve bien extraordinaire qu'il m'est écoute quand je lui ai porte des plaintes a ce sujet, un des chef de ce pays, c'est même permis de dire que si'il avait été a la place du gouverneur, il m'aurait fait sortir de la colonie." Jean-Pierre Gouges to Louis Ferrand, 5 March 1805, AN, CC9a41.

⁶⁷ "Qu'un gouvernement qui est en Europe sous la dépendance du gouvernement français." Jean-Pierre Gouges to Louis Ferrand, 5 March 1805, AN, CC9a41.

empires to be hierarchical; a perspective with which the governor of Curaçao would not have agreed.

Changuion insisted that the Curaçaoan government would be the one to regulate the affairs of prizes brought into the ports. He explained the procedure to Gouges: first, the tax lawyer would be responsible for applying the seals on the ship and would establish a guard in order to prevent fraud; second, the tax lawyer would question the crews of the prize and the captor on the circumstances of the capture; third, the government's secretary would take the ship's papers for inventory.⁶⁸ Gouges clearly did not follow these guidelines when the *Lille* was brought into port as a prize. Instead, he applied the seals to the vessel and obtained possession of the ship's papers, arguing that he had the right to supervise prize cases involving French privateers. When Changuion rejected this claim, Gouges used the ship's papers as leverage to try to secure official recognition as a French agent at Curaçao. He sneakily requested that Changuion ask for the ship's papers in a letter addressed to him as the French Agent at Curaçao. Such a letter would provide evidence that Gouges was in fact a recognized agent. Changuion, seeing through the devious plan, refused.⁶⁹

Changuion concluded his letter to Ferrand about Gouges's unacceptable behavior by saying that his main goal as governor of Curaçao was to "obey and to be

⁶⁸ Pierre-Jean Changuion to Jean-Pierre Gouges, copy, 15 January 1806, AN, CC9a41.

⁶⁹ Pierre-Jean Changuion to Louis Ferrand, 18 January 1806, AN, CC9a41.

exactly faithful to his instruction and to the orders of the Batavian government.”⁷⁰

Between the time that Changuion first wrote to Ferrand in mid-1804 and this letter in January 1805, a noticeable change occurred in his tone. In early 1804, he highlighted the friendship and alliance between the Batavian and French Empires and emphasized the need for collaboration and support against the rebels in Saint Domingue and the British. Two years later, however, Changuion confronted Gouges and insisted that his only allegiance was to his home government and not to the parallel efforts of the French and Dutch. One factor that may have contributed to this change in attitude was that the island was experiencing some respite from British attacks and blockades. In addition, the French were now flagrantly challenging the authority of Dutch representatives. The bigger empire was walking all over the smaller empire and casting aside the customs and rules outlined by the Batavian Empire and the law of nations.

The conflict between Dutch authority and French authority climaxed during the sentencing of the ship captured by the French privateer in the port at Fort Amsterdam at the end of 1805. According to Changuion, Gouges should have deferred to Curaçaoan policy and authority when the *Lille* was brought to port. “Good principle requires that we conform with the laws of the country in which we find ourselves,” he argued in a letter to Gouges, “I am convinced that the French government would never allow the

⁷⁰ “Mon principe fondamental est d’obéir et d’être exactement fidèle a mes instructions et aux ordres du Gouvernement Batave.” Pierre-Jean Changuion to Louis Ferrand, 18 January 1806, AN, CC9a41.

Batavians to exercise jurisdiction, to give the liberty to initiate acts of authority within its territory without [permission], because that would be against sane reasoning.”⁷¹ The tax lawyer responsible for applying the seals to the prize ship even spoke condescendingly to Gouges. According to the unrecognized French agent, “the tax lawyer told me in an ironic and insulting tone that he did not recognize any French agent in Curaçao, and that he had to enforce the Batavian pavilion.”⁷²

From Gouges’s perspective, the Dutch were setting him up for failure. In addition to feeling shunned and constrained by the governor, he perceived a general anti-French air on the island. For example, when the captured ship *Lille* came into port Gouges reported that, “everyone on shore shouted against the French, that they were pirates and that they should be hanged.”⁷³ This claim suggests that the Dutch citizens in Curaçao thought that the French were acting outside the law; that their assumed control over international maritime trade to Haiti amounted to piracy.

⁷¹ “Les bons principe exigent que l’___ conforme aux loix du pays ou l’on y trouve [...] je suis très persuade que le gouvernement français ne permettrai jamais aux Bataves d’exercer la jurisdiction de donner la liberté de faire des actes d’autorité sur son territoire sans son ___, parce que cela serait contraire aux règles de saine raison.” Pierre-Jean Changuion to Jean-Pierre Gouges, copy, 16 January 1806, AN, CC9a41.

⁷² “Mr. Le fiscal me dit d’un ton ironique et insultant qu’il ne reconnaissait pas d’agent français a Curaçao, et qu’il devait faire respecter le pavillon Batave.” Jean-Pierre Gouges to Louis Ferrand, 20 January 1806, AN, CC9a41.

⁷³ “Tout le monde de terre criait contre les français, qui était des pirates et qu’on devait les pendre.” Jean-Pierre Gouges to Louis Ferrand, 31 January 1806, AN, CC9a41.

Gouges did not want to argue about spheres of legal authority, but rather about the need to do the right thing (from his point of view). And this meant squashing the success of the rebels in Saint Domingue. Gouges turned the practical legal battle into a discussion of moral responsibility. "The sad obligation of the French government to see themselves obliged to pronounce against the ships, and the particulars of the friendly and ally powers that the appeal of gain brings madness to the point of sustaining the monstrous rebellion, by supplying them with the means and provisions, and also war munitions that keep them in a state of being able to oppose resistance to the force, that His Majesty will direct against them."⁷⁴ From Gouges's perspective, the Curaçaoan government should have put international legal norms aside for the sake of preserving the Caribbean colonial and slave systems.

The captain of the *L'Eulalie*, Roullit, also argued his case to Changuion by claiming that, "It appears as though you favor the ships coming from the rebels, over the ships of the French nation."⁷⁵ Roullit felt that Changuion evaded the question of the

⁷⁴ "La triste obligation du Gouvernement français de se voir obliger de prononcer contre des bâtiments, et des particuliers des puissances amis et allies que l'appas du gain apportée a des égarements au point de soutenir cette monstrueux rébellion, en les approvisionnant de tous les moyens et serons tout envivres, qu'en munitions de guerre qui les maintenir dans un état a pouvoir opposer résistance aux force, que S.M. y dirigera contre eux." Jean-Pierre Gouges to Pierre-Jean Changuion, 30 January 1806, AN, CC9a41.

⁷⁵ "Il paraît que vous favorisez plus les bâtiments qui viennent de chez les révoltées, que les bâtiments de la nation française." "Précis verbal du Capture, nous soussignons

legality of the capture by focusing on the larger legal issue of jurisdiction: "He told me that I wanted to give laws in his country."⁷⁶

The laws that were relevant to this particular prize, Changuion argued, had to do with the geography of Dutch jurisdictional authority in the waters around the island. According to a law passed in 1798 by the Batavian Republic, no foreign corsair could capture a neutral ship sailing within the limits of the territory, that being "within the shot of a cannon from this port [Piscadere]." The Colonial Council concluded that the *L'Eulalie* was definitely within the territory of the island of Curaçao at the time of the capture. The governor and the members of the council of justice of Curaçao, therefore, found Roullit guilty of capturing a neutral ship within the territorial limits of Curaçao.⁷⁷ In concluding that the ship could not be considered as a legal prize, the council justified its decision on basis of territorial jurisdiction. "The resolution that was concluded was principally founded on the publication [from 1798] of the Batavian government," Changuion told Ferrand, "on the subject of prizes made inside the territory that leave no

capitaine, officiers, marinier, et non marinier, du corsaire l'Eulalie de Sto Domingo, Capt. Roullit," 29 January 1806, AN, CC9a41.

⁷⁶ "Il me dit que je voulais donner des lois dans son pays." "Précis verbal du Capture, nous soussignons capitaine, officiers, marinier, et non marinier, du corsaire l'Eulalie de Sto Domingo, Capt. Roullit," 29 January 1806, AN, CC9a41.

⁷⁷ "Sous le feu des canons du fort de ce nom." "Extrait du registre du conseil de civile et criminelle justice de l'Isle de Curaçao," 4 February 1806, AN, CC9a41.

doubt about the accuracy in the present case.”⁷⁸ The sentence handed down to Rouillit included a 3000 Dutch florin fine in addition to any costs accrued by Rouillit. The prize would also be freed.

Changuion then returned to the illegality of French privateers capturing vessels within the territorial waters of Curaçao. He reiterated that the illegality of the capture rested on the fact that the French corsair had made the capture within the boundaries of Curaçao. Whether Captain Rouillit of the *L'Eulalie* could provide sufficient proof of the neutral vessel's voyage to Saint Domingue was a moot point since the location of the capture was outside French jurisdictional authority. “The territory was notoriously violated and the prize was made without our consent... and under our canon.”⁷⁹ The central issue was “the violation of our territory.”⁸⁰ Because of this focus, and since the ship was outside French jurisdiction, Changuion noted that “the council had no

⁷⁸ “La résolution fondées principalement sur la publication express du gouvernement Bataves au sujet de prises qui ont été faites dans l'enceintes du territoire qui ne laisse aucune doute(?) sur la justesse de son application dans le cas présent, a été conclu.” Pierre-Jean Changuion to Louis Ferrand, 22 February 1806, AN, CC9a41.

⁷⁹ “Puis que le territoire avait été notoirement viole et que la prise avait été faites sans notre aveu... et sous notre canon.” Pierre-Jean Changuion to Louis Ferrand, 22 February 1806, AN, CC9a41.

⁸⁰ “La violation de notre territoire.” Pierre-Jean Changuion to Louis Ferrand, 22 February 1806, AN, CC9a41.

intention to want to assume the judgment on whether the ship was condemnable or non-condemnable under the laws of France."⁸¹

But the debate did not end there. Changuion was quite willing to consider Gouges's argument after making the answer irrelevant. Changuion did attempt to address the question of whether the *Lille* had come from Saint Domingue. In this scenario, Changuion also concluded that the *Lille* could not be considered good prize because there was not sufficient evidence to prove that the ship sailed from Saint Domingue.

This argument, however, simply fueled Gouges's outrage because he interpreted this conclusion as evidence of the unwillingness of the governor to fully investigate the ship's voyage. Gouges explained two simple strategies that Changuion might have followed if he had truly wanted to find out the truth. First, Gouges argued that it was simply a matter of comparing the produce on board the ship with the crops cultivated in the alleged port of departure. This, he argued, made it obvious that the ship had arrived from Saint Domingue because the goods on board, including coffee, dyes, and beans, were not products of Santa Marta on the Spanish mainland – the declared port of

⁸¹ "Le conseil n'avait aucune intention de vouloir s'arroger le jugement sur la condammabilité ou non condammabilité du bâtiment en vertu des lois françaises." Pierre-Jean Changuion to Louis Ferrand, 22 February 1806, AN, CC9a41.

departure - and were in fact available in Saint Domingue.⁸² He offered additional advice in case this method was not conclusive. All Changuion had to do, Gouges argued, was to ask the captains of ships laden with coffee for their papers. The governor could then verify these papers by sending a notice to the purported points of departure. To prove that these ships had in fact come from Saint Domingue rather than Cuba or Puerto Rico "all we have to do is send an express to Cuba and to Puerto Rico, to ask whether in such a time they sent a ship laden with coffee, and we will soon have proof of the contrary."⁸³ He assumed that the reports from the ports noted in the ships papers would not corroborate the story communicated by the ships' captains.

Despite Gouges's suggestions to Changuion about how he might prove the falsity of the ships' papers, Changuion concluded that "until now there does not exist an ounce of proof."⁸⁴ Changuion informed Ferrand that the council had in fact suspended judgment on the issue of jurisdiction in order to gather information on the legality of the capture. They had interviewed members of the ship's crew two days after the ship's requisition but, Changuion reported, "the result was that all of the individuals of the

⁸² "Il ne sera pas difficile de prouver le contraire, il y a abord environ 70 millier de caffé, du vois de teinture, des ignonce, et des poix, la cote de Ste Marthe ne produit aucun de ses articles." Jean-Pierre Gouges to Louis Ferrand, 31 January 1806, AN, CC9a41.

⁸³ "On n'a qu'a envoyer un exprès a Cuba et a Porto Rico, pour savoir si dans tel tems on a expédié tel bâtiment charge de caffé on aura bientôt la preuve du contraire." Jean-Pierre Gouges to Louis Ferrand, 1 February 1806, AN, CC9a41.

⁸⁴ "Jusqu'ici il n'en existe pas la moindre preuve." Pierre-Jean Changuion to Louis Ferrand, 2 February 1806, AN, CC9a41.

crew and two passengers declared under the solemn faith in the oath that the ship came from Baracoa on the Spanish coast and that they did not touch at or see Saint Domingue.”⁸⁵

A report by the Council of Civil and Criminal Justice of Curaçao concluded that the *Lille*'s voyage, as articulated by the captain and crew, was legitimate. The ship had left St. Thomas, in October 1805, destined for the Bay of Baracoa on the coast of Santa Marta on the Spanish mainland. The ship, the crew reported, had not even seen Saint Domingue. The *Lille* stayed in the Bay of Baracoa three months to collect coffee and wood; according to these testimonies, Santa Marta did indeed produce coffee, contrary to Gouges's claim. The ship sailed on a return voyage to St. Thomas during which the ship sprung a large leak and was forced to change course to Curaçao for repairs.⁸⁶

The Colonial Council at Curaçao found this narrative to be true for two reasons: first, all of the testimonies given by the people on board the *Lille* were consistent, and second, their testimonies did not confirm any suspicion of trade with the rebels in Haiti. It is worth noting that the captain of the Danish ship, Jan Valentin Curiel, was a Dutchman that Roullit classified as “*mulâtre et créole de curaçao*.” Perhaps he had

⁸⁵ “Le résultat en a été, que tous les individus qui le composaient et deux passagers, ont déclarés sous la foi solennelle du serment que le bâtiment venait de Baracoa sur la cote espagnole et qu'ils n'avaient ni touche ni vu même Sto. Domingo.” Pierre-Jean Changuion to Louis Ferrand, 22 February 1806, AN, CC9a41.

⁸⁶ “Extrait du registre du conseil de civile et criminelle justice de l'Isle de Curaçao,” 4 February 1806, AN, CC9a41.

connections within the Dutch merchant community at Curaçao even though he was sailing a Danish ship.

Gouges appealed the Council's decision and tried one last time on February 14, 1806 to convince Changuion that the *Lille* should be condemned as good prize. "Because of the certainty that I have that the schooner conducted into this port (by the French privateer *L'Eulalie*) comes from trading with the revolted of Saint Domingue, in defiance of the laws established by the French government on this subject, I would not be fulfilling my job... if I did not denounce to Your Excellency the said schooner for having treated and engaged in trade illegal as per our laws with the rebels in the colony of Saint Domingue."⁸⁷ Roullit also tried to convince Changuion to reverse the fine in an appeal. He asked for more time to collect proof but this request was denied and the council upheld the ruling.⁸⁸

According to Gouges's reports, Ferrand wrote to Changuion to express his concern with this ruling as well as the ongoing trade that he was convinced was happening between Curaçao and Haiti. According to Changuion's response, Ferrand

⁸⁷ "D'après la certitude que j'ai que la goélette conduite dans ce port (par le corsaire français l'Eulalie) vient de traiter avec les révoltés de St. Domingue, au mépris des lois du gouvernement français établis a se sujet, je croirais manquer aux devoirs de ma place donc j'ai été honorée par Monsieur le Capitaine General Ferrand, si je ne dénoncer a V.E. la ditte goélette pour avoir traite et fait le commerce défendu par nos lois avec les révoltés de la colonie de St. Domingue." Jean-Pierre Gouges to Pierre-Jean Changuion, 14 February 1806, AN, CC9a41.

⁸⁸ Pierre-Jean Changuion to Capt. Roullit, copy, 14 February 1806, AN, CC9a41.

accused several rich citizens that were members of the council of being invested in the decisions of prize cases, and who were “personally interested in the commerce with the revolted!”⁸⁹ While not entirely unbelievable, Changuion vehemently denied this claim. “That is a strong accusation, monsieur capitaine general!” Changuion responded, and he challenged Ferrand to provide evidence for it. “I invite you with every assistance possible to nominally denounce to me these particular rich people, these members of the council, and to bring to me unequivocal proof of their infernal conduct.”⁹⁰ Changuion again professed his loyalty to the French Empire and Ferrand’s cause and denounced any merchants willing to support the rebels in Haiti. “The political consideration in the interest of the colonies undoubtedly requires,” Changuion argued, “that all the powers with colonies reunite in a common accord, to exterminate forever down to the smallest trace that detestable rebellion!!”⁹¹ This common accord, however, did not allow for French encroachments on Batavian jurisdiction. Following this profession of loyalty,

⁸⁹ “Sont personnellement intéressées dans le commerce avec les révoltés!” Pierre-Jean Changuion to Louis Ferrand, 24 March 1806, AN, CC9a41.

⁹⁰ “Je vous invites donc avec toute l’instance possible de me dénoncer nominalement ces riches particuliers ces membres du conseil, et de me faire porter les preuves non équivoques de leur conduit infernale.” Pierre-Jean Changuion to Louis Ferrand, 24 March 1806, AN, CC9a41.

⁹¹ “La considération politique de l’intérêt des colonies exige indubitablement, que toutes les puissances qui possèdent des colonies le réunissent d’un commun accord, pour exterminer a jamais jusqu’aux moindre traces de cette rébellion détestables!!” Pierre-Jean Changuion to Louis Ferrand, 24 March 1806, AN, CC9a41.

Changuion provided Ferrand with a detailed report showing that the *L'Eulalie* had captured the *Lille* within Curaçaoan waters.

To circumvent this issue, Ferrand asked Changuion to send Jan Valentin Curiel, the captain of the captured ship, to Santo Domingo so that he could be tried in a French court – where his ship, presumably, would have been condemned as good prize. To this Changuion noted that he had informed Curiel of this request but that he could not force him to surrender himself at Santo Domingo since he was a Danish citizen. Earlier, Rouillit had described Curiel as a Dutch citizen and so either Rouillit or Changuion were mistaken or Curiel professed a more fluid definition of his own nationality. Changuion additionally emphasized to Curiel that, “in the opinion of the government and council of Curaçao, the French government is the only competent judge on the subject of the condemnability of the ship that was captured.”⁹² This comment – that received no further explanation – apparently referred to the fact that Changuion and the council would have judged the legality of the prize based on proclamations that had resulted from French requests to prohibit trade to Haiti. Furthermore, the *Arrêtes* that Ferrand himself had published and sent around the Caribbean might have been taken into account. Was Changuion saying that the French government could be the only nation to recognize the independence of Saint Domingue/Haiti? Or just that it was best for the

⁹² “De l’aveu du Gouvernement et du conseil de Curaçao, le Gouvernement français est le seul juge compétent au sujet de la condamabilité du bâtiment qui a été capture.” Pierre-Jean Changuion to Louis Ferrand, 24 March 1806, AN, CC9a41.

French courts to try prizes captured by French privateers? Changuion reiterated the justifications for the decision that the council had made: the distance from the shore, the depositions, and the inconsistent evidence regarding the ship's papers. He confirmed that, from his perspective, he had made the right decision.

Perhaps Changuion felt the need to make amends with Ferrand and Gouges after this conflictual prize case because, soon after this incident, after two years of back and forth with Gouges, Changuion appeared to be willing to concede to Gouges's wishes and allow him some form of authority with respect to decisions regarding prizes. "I am ready to concede to your proposal respecting Mr. Gouges," he wrote to Ferrand, "to receive him as your personal delegate and special representative, and to admit him in this quality as an interested party in the decisions of prize cases."⁹³ Changuion agreed that there would be limits to his powers; he would still not be an official government delegate. This half-hearted concession has noticeable similarities to the constraints placed on Thilorier in 1804. Changuion, while giving the appearance that he was willing to compromise, still refused to recognize Gouges as an official French Agent.

This case highlights the tensions between empires that Haiti's Declaration of Independence brought to the surface. French officials targeted other governments to

⁹³ "Je suis prêt à céder à votre proposition à l'égard de Mr. Gouges et à le recevoir comme votre fonde de pouvoir personnel et spécial, et à admettre en cette qualité comme partie intéressé sur le fait des prises." Pierre-Jean Changuion to Louis Ferrand, 24 March 1806, AN, CC9a41.

minimize the damage of their defeat and tried to convince these governments that they were fighting for a common cause. The cause of the *Lille*, however, suggests that the Dutch Empire had other interests.

French Pressure at St. Thomas

Arnaud André Roberjot Lartigue, a creole planter from Saint Domingue, fled the French colony in 1803. After his departure and even after the *Armée Indigène* declared independence on January 1, 1804, he continued to hope that the French army would soon regain possession of the island. Lartigue was keen to aid the French Empire in this endeavor and wrote energetically and at length to General Louis Ferrand as well as to the governors of Guadeloupe and Martinique in order to voice his opinion and to report on the situation in the Caribbean so as to motivate the reconquest efforts and to inform their planning.

In April of 1805, Lartigue was appointed to serve as the *Agent pour le Gouvernement de St. Domingue à St. Thomas*.⁹⁴ Lartigue's assignment was to supervise issues that had to do with French prize cases or any other French citizens arriving in Danish St. Thomas.⁹⁵ Lartigue reported regularly to Ferrand and indeed went beyond

⁹⁴ He was temporarily replacing Mr. Lothon in that position; Arnaud André Roberjot Lartigue to Louis Ferrand, 21 Germinal l'an 13/11 April 1805, AN, CC9a41; Ferrand confirmed this appointment on 11 Floreal an 13/1 May 1805, Arnaud André Roberjot Lartigue to Louis Ferrand, 23 Floreal l'an 13/13 May 1805, AN, CC9a41.

⁹⁵ Arnaud André Roberjot Lartigue to Louis Ferrand, 21 Germinal l'an 13/11 April 1805, AN, CC9a41.

the assignments outlined for him by his predecessor. In particular, Lartigue, like Thilorier, badgered the governor of St. Thomas to outlaw trade between St. Thomas and the parts of Hispaniola that were occupied by Dessalines's army.

"Does a foreign nation have the right to support commerce with the revolted of Saint Domingue," Lartigue asked the governor of the island.⁹⁶ Instead of waiting for a response, he provided Governor Balthazar Frederik Mühlenfels with an answer of his own. "To answer this question," he argued, "you have to consider the fact that the revolt of blacks in one part of a colony does not interrupt ownership."⁹⁷ Lartigue made this claim close to two years after the Haitian Declaration of Independence; he classified the revolution as a mere "revolt" and tried to undermine the authority of the leadership in Haiti. The status of the island as a French colony, he emphasized, had implications for foreign merchants trading with Haiti. "The revolt does not abolish the laws that prohibit foreigners from trading with Saint Domingue," he claimed, "it is first an infringement of the treaties with France, and it is furthermore an illegitimate commerce in all other respects."⁹⁸ Not only was the trade illegal, from the French perspective, but Lartigue also

⁹⁶ "Une nation étrangère a-t-elle intérêt de défendre le commerce avec les révoltés de St Domingue?" Arnaud André Roberjot Lartigue to Balthazar Frederik Mühlenfels, 15 Octobre 1805, AN, F3/284.

⁹⁷ "Pour répondre a cette 1^{re} question, il faut considérer que la révolté des nègres dans une partie d'une colonie n'en interrompe pas la propriété." Arnaud André Roberjot Lartigue to Balthazar Frederik Mühlenfels, 15 Octobre 1805, AN, F3/284.

⁹⁸ "La révoltée n'abolit pas les loix qui prohibent aux étrangères de faire la commerce a St Domingue c'est d'abord une contravention ceux traités des nations avec la france, et

declared that it was in the Danish government's own interests to help the French. "What then is this government that does not hasten to assign monetary and shameful penalties against this trade?" he asked and then declared that, "what happens today to one government will soon happen to another. Yes, all have the same interest in rigorously prohibiting this illicit commerce, if they do not themselves want to become victims."⁹⁹ According to Lartigue, the trade between St. Thomas and Haiti was both illegal and inadvisable. But for two years, it continued unabashedly.

Continued Trade

Lartigue experienced similar frustrations to those Jean-Pierre Gouges had experienced in Curaçao in St. Thomas because it was clear that the merchants of St. Thomas were not following the instructions proclaimed by Ferrand. He therefore set out to convince the Governor of St. Thomas, Balthazar Frederik Mühlenfels, to prohibit the trade. The problem, he argued, was out of control. For example, on May 2, 1805, just three months after Ferrand's proclamation that condemned merchants trading with

c'est encore un commerce illégitime sous tous les rapports." Arnaud André Roberjot Lartigue to Balthazar Frederik Mühlenfels, 15 Octobre 1805, AN, F3/284.

⁹⁹ "Quel est dont ce gouvernement qui ne s'empressera pas de prononcer contre ce commerce des peines pécuniaires et infamantes? Ce qui arrive aujourd'hui à un gouvernement arrivera dans un autre temps à un autre. Oui, tous ont le même intérêt de prononcer rigoureusement contre ce commerce illicite, s'ils ne veulent pas en être victimes à leur tour." Arnaud André Roberjot Lartigue to Balthazar Frederik Mühlenfels, 15 Octobre 1805, AN, F3/284.

Haiti to death, Lartigue reported to Ferrand that “a few days ago, four ships left [St. Thomas] for St. Domingue, going to Au Cap, Aux Cayes, and to Jacmel.... This illegal trade continues without fear or regard for your proclamation.”¹⁰⁰ Lartigue had done his duty in publicizing the proclamation. “Your order was published and displayed in the city,” Lartigue reported to Ferrand on May 20, 1805, “it is well known to merchants and sailors; but those who hold relations with the rebels are not intimidated.” “Ships leave daily,” Lartigue complained, “for the Le Cap, Les Cayes, [and] Jacmel with supplies of all kinds.”¹⁰¹

The Danish merchants trading from St. Thomas to Haiti, Lartigue argued, were breaking the rules of neutrality.¹⁰² From his perspective, trade with the *révoltés* in Saint Domingue/Haiti broke the laws that governed international economic relationships during wartime. It is unclear, however, whether Lartigue considered this trade illegal because the Danish merchants were involving themselves in a civil war within the French Empire or whether he perceived their actions to be beneficial to the British

¹⁰⁰ “Il est partie depuis peu de jours 4 bâtiments d’ici pour St Domingue, allant au Cap, aux Cayes, et a Jacmel [...] Ce commerce illicite se continue sans crainte et sans égard pour votre arrête.” Arnaud André Roberjot Lartigue to Louis Ferrand, 12 floreal l’an 13/2 May 1805, AN, CC9a41.

¹⁰¹ “Votre arrête a été publié et affiché dans cette ville. Il est parfaitement connu des négociants et des marins; mais ceux qui pratiquent des relations avec les révoltés ne font point intimidé.... Il part journellement des bâtiments pour le Cap, les Cayes, Jacmel et avec des approvisionnement et de toutes espèces.” Arnaud André Roberjot Lartigue to Louis Ferrand, 30 floreal an 13/ 20 May 1805, AN, CC9a41.

¹⁰² Arnaud André Roberjot Lartigue to Louis Ferrand, 1 August 1806, AN, CC9a41.

Empire, France's enemy. In three Admiralty court cases in 1804 and 1806, the British had declared that trade to Haiti in items considered "contraband of war" (i.e. arms and ammunition) was illegal, but the courts highlighted that trade between neutral nations and nations engaged in war was legal as long as the merchants followed the rules delimiting the items allowed for trade (ex. provisions and food stuffs, as will be discussed in Chapter 3). In his May 20, 1805 letter to Ferrand, Lartigue did not state that the merchants were supplying the Haitian Government with arms – he just noted "supplies of all kinds." The French clearly held a different perspective regarding what constituted legal trade with respect to neutral nations from the one that had been hashed out in the British Admiralty Courts.

Lartigue also argued for a broader allegiance among Atlantic nations; merchants belonging to nations that allowed slavery, in his opinion, should sympathize with France's plight. Here, the United States was the number one culprit. "From the news that I have received, my research[,] and my own observations with regard to that commerce which is so disastrous for the French merchants and *habitants* of St. Domingue," Lartigue wrote to Ferrand, "I remain informed that all the ports of the United States do it without cover, bluntly, and without any regard for the French Empire, this bad example for the nations who have colonies and slaves, in order to

exploit manufactured goods, is not for them an object of consideration.”¹⁰³ The Danish government and merchants from St. Thomas, Lartigue argued, should take greater precaution; they owned the possessions, slaves and colonies, that France had recently lost.

In an effort to help enforce the French proclamations prohibiting international trade to Haiti, Lartigue forwarded to Ferrand and the governors of Guadeloupe and Martinique any information he could obtain regarding the illicit trade and especially about the parties involved. “I have the honor to send herewith,” Lartigue wrote to Ferrand on October 29, 1805, “a list of names of shipowners in St. Thomas who are involved in the trade with the revolted in St. Domingue.” “I sent a copy to General Villaret [at Martinique],” he continued, “and another to General Ernouf [at Guadeloupe], so that they will not receive any of these ships in their ports.” While knowing exactly which ship owners and which ships were engaged in trade with Haitians, the French were still struggling to convince the international community that the trade was illegal. Furthermore, they were unable to enforce the regulations that they had decreed for other nations. “I could not procure all of the ship names with their

¹⁰³ “Par les renseignements que me procurent, mes recherches et ma surveillance a l’égard de ce commerce si désastreux pour les négociants français et les habitants de St Domingue, je demeure très instruit que tous les ports des Etats Unis le font sans mystère, sans ménagement et sans aucun égard pour l’empire français, ce mauvais, exemple pour les nations qui ont des colonies et des esclaves pour exploiter les manufactures, n’est pas pour eux un objet de considération.” Arnaud André Roberjot Lartigue to Louis Ferrand, 26 Prairial an 13/15 June 1805, AN, CC9a41.

captains," Lartigue conceded in the same letter, "but they are easy to recognize; they are all pilot boats, the crews are all *mulâtres* and blacks of all nations."¹⁰⁴ Economic trade, Lartigue argued, provided openings for inter-island communication and cooperation and the skin color of the crews made the trade even more dangerous to other Caribbean colonies.

Despite this ongoing trade, Lartigue noted that the population of St. Thomas was divided in sentiment with respect to the legitimacy and rightness of economic partnerships with Haitians. While the merchants, on the one hand, benefitted greatly from these relationships, others felt threatened by the success of the Haitian Revolution. "With the exception of those engaged in this commerce here," Lartigue reported to Ferrand at the end of 1805, "everyone applauded the measures of justice and firmness issued in your proclamation."¹⁰⁵ Lartigue hoped that Ferrand's proclamation would help change the policies of other American polities and even saw a connection between the publication of the proclamation and the decision of the governor of St. Thomas to

¹⁰⁴ «J'ai l'honneur de vous remettre ci joint l'état des noms des armateurs de St Thomas qui font le commerce avec les révoltés de St Domingue. J'en ai envoyé une copie au Général Vilaret et une autre au général Ernouf, afin qu'ils ne reçoivent pas dans leur ports aucune de ces Bâtiments.»; « Je n'ai pu me procurer tous les noms des bâtiments et des capitaines ; mais ils sont faciles a connaître ; ce sont tous des pilotes bots(?), les équipages sont tous mulâtres et nègres de toutes nations.» Lartigue to Ferrand, le 7 Brumaire an 14/29 October 1805, CC9a41.

¹⁰⁵ "A l'exception de ceux qui fessaient ce commerce, ici, tout le monde a applaudi ceux mesures de justice et de fermeté que vous avez prononce par votre arrête; en mon particulière, je l'ai lu avec la plus grande satisfaction." Arnaud André Roberjot Lartigue to Louis Ferrand, le 22 Frimaire an 14/13 December 1805, AN, CC9a41.

outlaw the trade. "You have put, Mr. General, with your proclamation, the seal on the defense that the [governor] general Mühlenfels proclaimed... I have no doubt that this commerce will cease entirely here, and that congress will pronounce the defense of this audacious commerce in the United States."¹⁰⁶ On October 29, 1805, close to ten months after Ferrand issued his proclamation, the Governor of St. Thomas, Balthazar Frederik Mühlenfels, conceded to French demands and outlawed trade between Danish merchants and "Saint Domingue."¹⁰⁷

Lartigue rejoiced at this news and wrote to inform Ferrand. The French governors in the Caribbean had finally received support from the governor of St. Thomas in their quest to prevent international merchants from trading with Haiti. "I have already informed you of the defense that the Danish governor published against the commerce that the merchants of this city do with the revolted of St. Domingue," Lartigue wrote to Ferrand on December 3, 1805, "several have since stopped this commerce, and with surveillance I hope that they will abandon it completely."¹⁰⁸ A few

¹⁰⁶ "Vous avez mis, monsieur le général, par votre arrête le sceau a la défense que le général Mühlenfels a prononcée; vous avez si bien et si rigoureusement tout prévu, que je doute que ce commerce ne cesse entièrement ici, et que le congrès se refuse a prononcer la défense de cet adieux commerce dans les états unis." Arnaud André Roberjot Lartigue to Louis Ferrand, le 22 Frimaire an 14/13 December 1805, AN, CC9a41.

¹⁰⁷ "Publication," Balthazar Frederik Mühlenfels, 29 October 1805, Danish National Archives, Dep. For de Udenlandske Anliggender, Gruppeordnede sager: Vestindien: Sager Vedr. Vestindien, 1820-1821, #1320.

¹⁰⁸ "Je vous ai déjà instruit de la défense que le gouverneur danois a faite publie contre le commerce que les négociants de cette ville font avec les révoltés de St Domingue;

months later, Lartigue wrote again to ensure that Ferrand understood his own role in securing this prohibition on trade. "The surveillance that I always required from the Danish government," he argued, "has been fulfilled in the most loyal manner."¹⁰⁹

Like Lartigue, the British agent for the Virgin Islands at the time of the Danish prohibition on trade to Haiti thought that the proclamation had effectively eliminated the trade. Patrick Colquhoun wrote a memorial to encourage the British government to reopen Tortola as a Free Port so that British merchants could capitalize on the economic opportunities in Haiti. "That the Danish Government (under French Influence) has," Colquhoun reported, "by severe restrictions, prohibited all Commercial Intercourse with that part of St Domingo, under the Government of the Blacks, which strikes immediately at the most lucrative Trade, carried on by St Thomas, and has occasioned a great stagnation of Business."¹¹⁰ Colquhoun argued that the prohibition on trade with Haiti in St. Thomas created a new opportunity for British merchants and encouraged the British government to legalize trade to the island. Drawing on information that he had

plusieurs ont cesse ce commerce depuis, avec de la surveillance j'espère qu'ils l'abandonneront tout a fait." Arnaud André Roberjot Lartigue to Louis Ferrand, le 12 Frimaire an 14/3 December 1805, AN, CC9a41.

¹⁰⁹ "La surveillance que j'ai toujours requise du gouvernement danois a été remplie de la manière la plus loyale." Arnaud André Roberjot Lartigue to Louis Ferrand, 28 May 1806, AN, CC9a41.

¹¹⁰ "Extract from a memorial of Patrick Colquhoun esq Agent for the Virgin Islands," 13 February 1806, British National Archives (BNA), PRO 30/42/12/2.

allegedly received from a resident of Haiti “in the diplomatic line,” Colquhoun argued that the British occupied an advantageous position with respect to Haiti. The informant from Haiti, he reported, “states that the Trade to the South side of the Island of St Domingo which has for the last two years afforded so valuable a branch of commerce to the Danish Island of St Thomas being now prohibited by that Government through the Influence of France, may now with great ease be transferred to Tortola, and be carried on under the British Flag with more safety than under any neutral flag, as the French Government has made it capital, and punishable with Death, where the traders of any neutral Nation, are found in intercourse with that Country.”¹¹¹

Following Mühlensfelds proclamation, Lartigue received information from an unnamed source about Dessalines’s response to this change in policy. “From the information,” Lartigue reported, “that Dessalines received regarding the prohibition on trade to St. Domingue by the Danish governor, he decided, and said that since the Danish did not want to recognize them, they would not be received except by special permission from him, he would leave the ports open only for the United States.”¹¹² This reaction, Lartigue hoped, would help end the trade between the two islands.

¹¹¹ “Extract from a memorial of Patrick Colquhoun esq Agent for the Virgin Islands,” 13 February 1806, BNA, PRO 30/42/12/2.

¹¹² “Sur la connaissance que Dessalines a eue de la défense du gouverneur danois de faire le commerce de St Domingue, il s’en est formalisé, et a dit que puisque les danois ne voulait pas les reconnaître, qu’il n’en recevrait qu’après une permission obtenue de

Lartigue's optimism following the publication of Governor Mühlenfels's ban on trade to Haiti soon proved to be unjustified. Only ten days after his encouraging letter to Ferrand about the decrease in ships leaving for St. Domingue, he wrote again about the great number of ships engaged in this trade. "It has been many days that I have had frequent conversations with the commandant of St. Thomas, on the subject of the Danish pavilion that serves, more than ever, the commerce with the revolted of St. Domingue."¹¹³ Lartigue reported that the merchants had slightly changed their trading pattern based on this proclamation rather than actually comply with the goal of isolating Haiti. "Few ships do it [trade] directly from this port," he told Ferrand, "the Danish and the Americans take the flag and sail to Tortola [in the British Virgin Islands]."¹¹⁴

Mühlenfels's prohibition on trade to Haiti occurred four months before the United States Congress similarly banned this trade. However, merchants from both places apparently continued to trade to Haiti by sailing under a Danish flag, suggesting the prohibition on trade from St. Thomas to Haiti was something of a joke. "Since the

lui, il ne laisse les port libres que pour les états unis." Arnaud André Roberjot Lartigue to Louis Ferrand, le 12 Frimaire an 14/3 December 1805, AN, CC9a41.

¹¹³ "Voilà bien des jours que j'ai des entretiens fréquents avec m. le commandant de St Thomas, au sujet du pavillon Danois qui sert à faire, plus que jamais, le commerce avec les révoltés de st Domingue." Arnaud André Roberjot Lartigue to Louis Ferrand, 1 August 1806, AN, CC9a41.

¹¹⁴ "Peu de bâtiments le font directement de ce port; les Danois et les Américains prennent le pavillon et vont a Tortole s'expédier." Arnaud André Roberjot Lartigue to Louis Ferrand, 1 August 1806, AN, CC9a41.

defense issued by congress, the Americans come here to take the Danish flag and go to visit the rebels,” Lartigue complained, “they hide their expeditions and their routes in order to avoid the penalties prescribed by the proclamation of the Danish governor, but the Danish flag flies openly in the ports of the revolted of St. Domingue.”¹¹⁵ If so, this continuing trade also suggests that, contrary to Lartigue’s earlier report Dessalines’s had not responded to the Danish governor’s prohibition on trade by refusing entry to non-US ships. Alternatively, perhaps Dessalines had conceded to trading with places that did not recognize Haiti’s independence.

The strategies that merchants developed to circumvent the proclamations issued by the Danish and French governments in the Caribbean left Lartigue without sufficient evidence to convince the Danish governor to convict the merchants.¹¹⁶ Gouges experienced similar frustrations in Curaçao but the solution he offered would have required the governors of the islands to contact the destination ports alleged in the ships’ papers. Lartigue argued that Mühlensfels was not enforcing either the regulations issued by the French governors or those in his own proclamation and this meant that the Haitians could continue to be supplied with all of their wants. “It is with this same flag

¹¹⁵ “Depuis la défense du congres, les américains viennent ici prendre le pavillon Danois et vont chez les révoltés; ils masquent leur expéditions et leur route, pour se garantir de peines portées par l’arrête du gouvernement danois; mais reste toujours que le pavillon danois flotte ouvertement dans les ports des révoltés de St Domingue.” Arnaud André Roberjot Lartigue to Louis Ferrand, 1 August 1806, AN, CC9a41.

¹¹⁶ Arnaud André Roberjot Lartigue to Louis Ferrand, 1 August 1806, AN, CC9a41.

[Danish],” Lartigue protested to Ferrand in September 1806, “that the rebels are supplied with food and ammunition, although [they are] enemies of France and of humanity, and although they should not enjoy the benefits of neutrality.”¹¹⁷ It appears as though some merchants were in fact trading war materials or items considered “contraband of war” with the new nation although Lartigue did not focus on this fact but rather gave as much weight to non-contraband items.

Lartigue hounded Mühlenfels to take additional measures to put an end to trade with Haiti by claiming that his inaction implicitly condoned the trade. This support, he argued jeopardized the neutrality between the Danish and French governments.¹¹⁸ Lartigue wrote to Ferrand again several days later and enclosed a letter from Mühlenfels to Ferrand in which he emphasized that the Danish were willing to cooperate. Lartigue recounted that the governor promised to “take new measures to stop the abuses that are done with the Danish flag to go visit the revolted of St. Domingue.”¹¹⁹ These “new” measures included the re-publication of the initial proclamation.¹²⁰ Nevertheless, trade continued to such an extent that Lartigue argued that American merchants used

¹¹⁷ “C’est par ce même pavillon que les révoltés se trouvent approvisionnées de vivres et de munitions de guerre quoique ennemis de la France et de l’humanité et quoiqu’ils ne doivent pas jouir du bénéfice de la neutralité.” Arnaud André Roberjot Lartigue to Louis Ferrand, 17 September 1806, AN, CC9a41.

¹¹⁸ Arnaud André Roberjot Lartigue to Louis Ferrand, 1 August 1806, AN, CC9a41.

¹¹⁹ “Prendre de nouvelles mesures pour faire cesser l’abus qui se fait du pavillon danois pour aller chez les révoltés de St Domingue.” Arnaud André Roberjot Laritgue to Louis Ferrand, 8 August 1806, AN, CC9a41.

¹²⁰ Arnaud André Roberjot Lartigue to Louis Ferrand, 17 September 1806, AN, CC9a41.

Curaçao as a trading post. "The Americans who leave from here [St. Thomas] or from St. Barthelemy to go to Haiti, have left to station themselves at Curaçao to better communicate with the revolted of Saint Domingue."¹²¹

Rumors of Revolution Abroad

"A foreign government," Lartigue had asked Governor Mühlenfels in a letter in October 1805, before the prohibition on trade, "whose nation is engaging in commerce with St Domingue, and who does not defend it: what are they exposing themselves to?"¹²² Lartigue tried to convince the Danish governor to prohibit trade by heightening his fear of the spread of the Haitian Revolution to other islands in the Caribbean. "The revolution is a common problem for all governments," he answered his own question in the same letter, "it is like a fire, which put the entire world in danger, and from which everyone must run, as soon as the fire starts."¹²³

Is there any evidence that Lartigue's warnings were correct and that Haitian leaders did not follow their own promises of non-intervention abroad? French studies

¹²¹ "Les américains qui partaient d'ici ou de st Barthelemy pour aller a haity [*sic*], se disposent a aller se fixer a curaçao pour communiquer plus librement avec les revoltés de St Domingue." Arnaud André Roberjot Lartigue to Louis Ferrand, 30 January 1807, AN, CC9a41.

¹²² "Un gouvernement étranger, dont la nation fait le commerce avec les révoltés de St Domingue, et qui ne le défend pas: a quoi s'expose-t-il?" Arnaud André Roberjot Lartigue to Balthazar Frederik Mühlenfels, 15 Octobre 1805, AN, F3/284.

¹²³ "La révolte est une cause commune a tous les gouvernements: c'est comme le feu, dont tout le monde doit en prévenir le danger, et au quel tout le monde doit courir; lorsque l'incendie éclate." Arnaud André Roberjot Lartigue to Balthazar Frederik Mühlenfels, 15 October 1805, AN, F3/284.

scholar Deborah Jenson has recently studied the complaints made by Lartigue about inter-island revolutionary associations involving alleged emissaries sent by Dessalines.¹²⁴ Lartigue criticized the trade between Danish merchants and the “révoltés” and warned of the potential dangers involved in allowing connections between Haiti and other Caribbean islands. Specifically, he claimed that Dessalines was sending emissaries around the Caribbean with instructions to instigate parallel revolutions on other islands. He argued that plots for rebellion in St. Thomas, Puerto Rico, and Trinidad could be linked directly to Dessalines.

As Jenson shows, Lartigue accused Dessalines and the Haitian Government of sending emissaries to St. Thomas. Their plan, as Lartigue described in an 1815 report, was “to execute the monstrous project of descending to Martinique and Guadeloupe, to assassinate all the inhabitants, to burn the cities, to raise up the blacks and people of color, free or enslaved, and to form fourteen regiments, to become masters of and to establish the independence of these colonies.” Lartigue claimed that this plot made clear

¹²⁴ Deborah Jenson, *Beyond the Slave Narrative: Politics, Sex, and Manuscripts in the Haitian Revolution*, (Liverpool: Liverpool University Press, 2011), 162; See also: St. Victor Jean-Baptiste, *Le Fondateur Devant l'Histoire*, (Port-au-Prince, Presses Nationales d'Haïti, 2006, c1954); Jean Fouchard, “Quand Haïti exportait la liberté aux Antilles,” *Revue de la Société Haïtienne de Histoire et de Géographie*, (1984) 143: 41-47; Ada Ferrer, “Speaking of Haiti: Slavery, Revolution, and Freedom in Cuban Slave Testimony,” in *The World of the Haitian Revolution*, edited by David Patrick Geggus and Norman Fiering, (Bloomington: Indiana University Press, 2009), 236.

how vital it was to protect the French colonies by preventing the introduction of blacks or people of color from Haiti to the Danish West Indies.

Scholars have not come to a consensus as to whether these various individuals were in fact emissaries sent by Dessalines and if they intended to either instigate rebellion in the French Caribbean islands, Trinidad, or Puerto Rico. "The supposed expedition sent in 1805 by Dessalines to Martinique and Trinidad," historian David Geggus argues, "seems fairly obviously based on a rumor spread by a French colonist."¹²⁵ Jenson, in contrast, writes: "where there is smoke, there is fire – and here there would seem to be an unthinkable amount of smoke for a purely rumored fire."¹²⁶

Lartigue's correspondence with Ferrand reveals inconsistencies and discrepancies in his account that suggest that his claim that Dessalines was starting a Caribbean-wide revolution was either fabricated or exaggerated. And indeed, Lartigue had personal reasons to insist on how important his role was in protecting the French colonies because some of his colleagues seem to have deeply doubted his abilities. "You told me, general [Ferrand]," Lartigue wrote on September 25, 1805, "that in my capacity as agent I have not been, up until now, of any use; it is possible, general, that I have not been able to fulfill your wishes, despite the zeal with which I undertake the service in

¹²⁵ David Geggus, "The Slaves and Free Coloreds of Martinique during the Age of the French and Haitian Revolutions: Three Moments of Resistance," in *The Lesser Antilles in the Age of European Expansion*, edited by Robert L. Paquette and Stanley L. Engerman, (Gainesville: University Press of Florida, 1996), 296.

¹²⁶ Jenson, *Beyond the Slave Narrative*, 176.

which I am in charge.”¹²⁷ Ferrand’s dismissive attitude towards Lartigue could have driven him to either fabricate or exaggerate the extent of a conspiracy in St. Thomas, Trinidad, and elsewhere. The evidence about this alleged event as it was recounted in his correspondence with Ferrand, suggests that Lartigue jumped to conclusions that were far beyond the reality.

In the last four months of 1805, Lartigue accused Dessalines and the Haitian Government of sending emissaries to St. Thomas. He appears to have made the connection between Dessalines and the alleged conspirators in St. Thomas from an account made to him by an Englishman, Mr. Yong. Ferrand does not provide any further background information on his informant. Mr. Yong, Lartigue recounted to Ferrand, traveled to Jacmel, Haiti from Jamaica with a Frenchman, Mr. Breda, a former *habitant* of St. Domingue. Yong was well received in Jacmel by the regional commander, General Moreau, an *homme de couleur*; in contrast, Breda was asked to produce papers justifying his visit since “no Frenchman can set foot on the territory of haity [*sic*], without

¹²⁷ “Vous m’observé, monsieur le général, que mes fonctions d’agent n’ont été, jusques a ce jour, d’aucune espèce d’utilité: il est possible, monsieur le général, que je n’aye pas pu remplir tous vos désirs, malgré l’exactitude et la zèle que je mets dans le service dont je suis chargé.” Arnaud André Roberjot Lartigue to Louis Ferrand, 25 September 1805, AN, F3-284.

incurring the death penalty.”¹²⁸ Breda, lacking the correct papers, fled on the next boat leaving Jacmel.

Moreau requested another meeting with Yong and he candidly discussed the war in Europe and other news. Lartigue reported that Yong’s “air of complacency” during these conversations led Moreau to unveil Dessalines’s plan to ally with the British, “or to have them as protectors.” More importantly, Moreau boasted that they were “expecting at any moment the news that at Guadeloupe and Martinique the blacks had revolted, and that already this news should have arrived, and that they were certain that the slaves in those two colonies were demanding the same regime that Dessalines had set up in haity [*sic*].”¹²⁹

Moreau’s anticipation that a similar revolution would occur in France’s other Caribbean colonies inspired fear in Lartigue. He became convinced that the victors in Saint Domingue/Haiti were scheming to make it happen. “The confession made by Moreau to Mr. Yong,” Lartigue concluded, “suggests that Dessalines is taking measures to carry out this rebellion in your two colonies, and this suspicion I refuse to ignore.”

¹²⁸ “Parce qu’aucun français ne peut mettre le pied sur le territoire d’haity [*sic*], sans encourir la peine de mort.” Arnaud André Roberjot Lartigue to Louis Ferrand, 26 Fructidor an 13/13 September 1805, AN, CC9a41.

¹²⁹ “Moreau a fait part aussi a Yong qu’ils attendaient a chaque instant la nouvelle qu’a la Guadeloupe et a la Martinique les nègres se soient révoltés, que déjà ils auraient du en avoir la nouvelle, et qu’il étaient certains que les esclaves de ces deux colonies demandaient la même régime que Dessalines a établie a haity.” Arnaud André Roberjot Lartigue to Louis Ferrand, 26 Fructidor an 13/13 September 1805, AN, CC9a41.

“Every day people of color pass here,” Lartigue argued, “and they have the air of emissaries for conspiracies, rather than people traveling on personal business. The people of color here have a club, the travelers reunite with them, and there they transmit their projects and their mission.”¹³⁰ Lartigue later called this group the “Club Haitien” and he connected the economic relationship between Haiti and St. Thomas to the ability for these alleged emissaries to instigate and spread the revolution.¹³¹ This commerce, he argued “provided the opportunity for the people of color to disembark easily.”¹³²

Lartigue made a long leap from the news that Moreau expected the slaves in Guadeloupe and Martinique to revolt to an assumption that Dessalines had coordinated this revolt, but he quickly convinced himself that this was the reality. “I have already informed you, Mr. General,” Lartigue wrote to Ferrand, months after his report on Yong’s experience, “about the project that Dessalines has to raise up the blacks of

¹³⁰ “Cet aveu de Moreau à M. Yong ferait croire que Dessalines prend des Mesures pour opérer ce soulèvement dans vos deux colonies, et je ne me refuserai pas au soupçon; il passe tous les jours ici des gens de couleur, qui ont plus l’air d’émissaires pour des complots, que des gens voyageant pour affaires particulières. Les gens de couleur ont ici un club, on se réunissent les voyageurs, et là ils confèrent de leurs projets et de leur missions.” Arnaud André Roberjot Lartigue to Louis Ferrand, 26 Fructidor an 13/13 September 1805, AN, CC9a41.

¹³¹ Arnaud André Roberjot Lartigue to Louis Ferrand, 15 February 1806, AN, CC9a41.

¹³² “Cela fournit des moyens aux gens de couleur de descendre facilement.” Arnaud André Roberjot Lartigue to Louis Ferrand, 26 Fructidor an 13/13 September 1805, AN, CC9a41.

Martinique and Guadeloupe.”¹³³ Lartigue also notified Generals Villaret and Ernouf in Martinique and Guadeloupe so that they should prepare for any potential infiltrators.

“General Ernouf sent his *aide de camp* here with orders to search for Dessalines’s emissaries, and to take, [in coordination] with the Danish governor, all precautions to punish and remove all the authors and adherents of these conspiracies.”¹³⁴

Lartigue jumped to these conclusions despite the claims made in a proclamation in April 1804, in which Dessalines openly declared his desire to assist the slaves of the French Caribbean islands, but in the same breath claimed he was unable to do so.

“Unfortunate people of Martinique, could I but fly to your assistance, and break your fetters!” he lamented, “Alas! An insurmountable barrier separates us.” He unabashedly encouraged enslaved people within the French empire to follow his country’s lead.

“Perhaps a spark from the same fire which enflames us, will alight into your bosoms: perhaps, at the sound of this commotion, suddenly awakened from your lethargy, with arms in your hands, you will reclaim your sacred and imprescriptible [*sic*] rights.”¹³⁵ But, at least officially, his support remained rhetorical. There is still a chance that he

¹³³ “Je vous ai déjà instruit, Monsieur le General, du projet qu’avais Dessalines de soulever les nègres de la Martinique et de la Guadeloupe.” Arnaud André Roberjot Lartigue to Louis Ferrand, le 15 Vendemaire an 14/7 October 1805, AN, CC9a41.

¹³⁴ “Général Ernouf a envoyé ici son premier aide de camp, avec des ordres positifs pour rechercher les émissaires de Dessalines, et prendre avec le gouverneur Danois toutes les précautions pour punir et éloigner tous les auteurs et adhérents des complotes.” Arnaud André Roberjot Lartigue to Louis Ferrand, le 15 Vendemaire an 14/7 October 1805, AN, CC9a41.

¹³⁵ “Affairs of St. Domingo,” *The London Times*, 23 July 1804, Issue 6082, page 3.

extended covert support for rebels in the Eastern Caribbean; but he did not provide direct government backing for such endeavors, despite his promises of “eternal hatred toward France.”¹³⁶

Lartigue perceived a general atmosphere of rebellion in the Caribbean and linked these events to what had recently occurred in Saint Domingue. Each new rebellion had the potential to escalate the damage that had already been done to European colonialism and financial investment in the Caribbean. “The insurrections that have recently broken out in Surinam and Cayenne are events that force the increase of policing in all the colonies.”¹³⁷ Lartigue recognized the influence that events in one colony could have on the rest and encouraged the governors of St. Thomas, Martinique, and Guadeloupe to heighten security.

Lartigue’s activism did have some impact on Danish policy in St. Thomas. And indeed the research of historian Neville Hall suggests that the Danish in St. Thomas were already wary of the influences of the events in Saint Domingue/Haiti. “Governor General Walterstorff [1787-1794, 1802] informed his superiors that year that it would be unreasonable to expect slaves to be unaffected by the developments in St. Domingue and the French islands. Moreover Walterstoff, who had served in a variety of West

¹³⁶ “Haine éternelle a la France.” “Liberté ou la Mort,” BNA, CO 137/111, page 113.

¹³⁷ “Les insurrections qui viennent d’éclater à Surinam et à Cayenne sont des événements qui doivent faire redoubler de surveillance dans toutes les colonies.” Arnaud André Roberjot Lartigue to Louis Ferrand, le 15 Vendemaire an 14/7 October 1805, AN, CC9a41.

Indian posts for some two decades, concluded from his experience that slaves in 1802 were showing, if not outright contempt, certainly less respect for whites than previously.”¹³⁸ Governor Mühlenfels might have already been conscious of the international influences of the revolution. After Lartigue exposed the alleged plot, Mühlenfels issued orders of arrest and deportation of the suspected revolutionaries. Lartigue reported to Ferrand that these orders were soon executed and that these initial efforts had already discouraged ships departing for Haiti and he hoped that it would prevent any further conspiracies.¹³⁹ It is unclear how the decision was made regarding whom to arrest and deport; however, Lartigue recorded one list of people that Mühlenfels had ordered deported. This list might not be comprehensive or exclusive, but it suggests the kinds of people that the French representatives and the Danish governor perceived as threatening. “Governor Mühlenfels ordered the deportation,” Lartigue noted, “of M. Cunningham [an American consul to Haiti], and of the Bernardine family (of which the wife is the sister of Christophe *generalissime* of the army of the revolted of St. Domingue) who resided at St. Thomas, and who have always had relationships with the revolted; he ordered the arrest of M. Loiseau who always held a criminal conduct with the rebels; and also a man Pierre, black, from Grenada residing in

¹³⁸ Neville Hall, *Slave Society in the Danish West Indies*, 28.

¹³⁹ Arnaud André Roberjot Lartigue to Louis Ferrand, le 3 Brumaire an 14/25 October 1805, AN, CC9a41.

St. Thomas, who was the agent of Bernadine.”¹⁴⁰ The logic for the arrest of each of these individuals had little to do with specific instructions issued by Dessalines for inter-island revolution but rather it has to do with ongoing relationships between these people and those in Haiti.

Even after the alleged emissaries were expelled from St. Thomas, Lartigue continued to feel threatened by their presence in the Caribbean. Officials in Trinidad allegedly uncovered a similar conspiracy at the end of 1805, Lartigue was quick to connect this plot to the revolution in Saint Domingue. According to a transcription and translation of an article from the *Trinidad Gazette* from January 4, 1806, the members of the colonial council at Trinidad had gathered on December 20, 1805 to analyze the alleged conspiracy.¹⁴¹ According to this article, four slaves were condemned to death for organizing a rebellion in Carenage and *la ville*. The conspirators, the *Gazette* reported, were organized into four regiments that included ranks such as general in chief, colonel, major, treasurer, and others. In addition to these details, the newspaper noted that the council took into consideration local rumor. Apparently, blacks and slaves, including

¹⁴⁰ “Le gouverneur Mühlenfels, a ordonné la déportation de M. Cunningham, et de la famille Bernardine (dont la femme est sœur de Christophe généralissime des armées des révoltés de St Domingue) qui résidait a St Thomas, et qui ont toujours eu des relations avec les révoltés; il a ordonné l’arrestation de M. Loiseau qui a toujours tenu une conduite criminelle avec les révoltés; et aussi du nommé Pierre nègre de la Grenade résidant a St. Thomas, qui était l’agent de Bernardine.” Arnaud André Roberjot Lartigue to Louis Ferrand, 10 Brumaire an 14/1 November 1805, AN, CC9a41.

¹⁴¹ “Extrait de la Gazette de la Trinite, du 4 Janvier 1806,” Arnaud André Roberjot Lartigue to Louis Ferrand, attached to a letter of 28 January 1806, AN, CC9a41.

women, were publicly singing about the uprising. The famously quoted song from this rebellion is noted in the *Gazette's* report: "Bread is the meat of the *béqué*, wine is the blood of the *béqué*, we will eat the *béqué* bread, we will drink the *béqué* wine; and the others responded with the refrain of St. Domingue."¹⁴² The conspirators' plan was to "march on the town to set fire to it and afterward massacre all the whites, the free people of color, and the blacks that refused to join."¹⁴³

Lartigue sent the transcription of this article to Ferrand and he connected the story to the recent conspiracy that he had allegedly uncovered in St. Thomas by arguing "that a similar discovery has been made at Tobago [Trinidad]." Two alleged conspiracies had been reported in St. Thomas and Trinidad. Lartigue then leaped to a much greater conclusion: "it appears that Dessalines played a large part in this project [in Trinidad], [that is] both monstrous and criminal."¹⁴⁴ Lartigue did not note how he got this information but simply highlighted that "for more than six months I have had

¹⁴² "Pain c'est viande béqué, vin c'est sang béqué, nous va manger pain béqué, nous va boire sans béqué; et les autres répondent par le refrain de St Domingue." "Extrait de la Gazette de la Trinite, du 4 Janvier 1806." Arnaud André Roberjot Lartigue to Louis Ferrand, attached to a letter of 28 January 1806, AN, CC9a41.

¹⁴³ "Marché a la ville pour la mettre a feu et après quoi massacrer tous les blancs les gens de couleur libres et les nègres qui refusaient a les soumettre." "Extrait de la Gazette de la Trinite, du 4 Janvier 1806," Arnaud André Roberjot Lartigue to Louis Ferrand, attached to a letter of 28 January 1806, AN, CC9a41.

¹⁴⁴ "Il paraît que Dessalines a une grande part dans ce projet, aussi monstrueux que criminel." Arnaud André Roberjot Lartigue to Louis Ferrand, 28 January 1806, AN, CC9a41.

suspensions, and since the proofs and the emissaries, I have no doubt.”¹⁴⁵ The report from the *Trinidad Gazette* did not mention any information about emissaries from Haiti or instructions from Dessalines; the only mention of “St. Domingue” is in the rumored song sung in the markets. But even this mention suggests only inspiration and not collaboration.

A copy of *The Morning Chronicle* from New York that contained information about the Trinidad conspiracy also reached St. Thomas, and Lartigue again sent a transcription and translation to Ferrand. This article stated that 7000 blacks gathered for a rebellion in the port at Trinidad with the intention of “massacring all the whites.” The “King” of the insurgents was taken prisoner along with seventeen other leaders. The article did not mention anything about Haiti, Saint Domingue, or Dessalines.¹⁴⁶ In contrast, Lartigue’s cover letter with the extract from the *Morning Chronicle* claimed that this event was a manifestation of Dessalines’s plan for international revolution. “I am so well informed,” Lartigue wrote to Ferrand, “about Dessalines’s plan to raise up all the slaves *en masse* in all of the colonies, to assure his power and his position as Emperor, that I lend my full attention and all of my research so as not to lose the trail of the

¹⁴⁵ “Il y a plus de six mois que j’en avais des notions positives, et depuis les preuves et les émissaires, ne m’ont pas permis d’en douter.” Arnaud André Roberjot Lartigue to Louis Ferrand, 28 January 1806, AN, CC9a41.

¹⁴⁶ “Extrait du Morning Chronicle de New York, 22 Janvier 1806,” Arnaud André Roberjot Lartigue to Louis Ferrand, attached to a letter from 15 February 1806, AN, CC9a41.

plan.”¹⁴⁷ Fear of an international Caribbean slave revolution consumed Lartigue and he obsessed about the different ways that Dessalines could destroy the European colonial system in the Caribbean. “Our unfortunate colony is an alarming example,” he argued, “it began by disjointed insurrections, and afterward became irreparable.”¹⁴⁸

Lartigue noted in another letter that a man named George from the Trinidad conspiracy had been identified as a confidant of Dessalines. George, it was said, had been in line to become the King of the insurrection. The source for this information, however, is unnamed and it is unclear whether the investigators in Trinidad had drawn this conclusion or whether the connection had been made in St. Thomas.¹⁴⁹ Despite the vagaries surrounding the claims Lartigue made regarding Dessalines’s alleged international scheme, Lartigue informed Ferrand that, as a result of this information, the governors of the Danish islands, Puerto Rico, Guadeloupe, and Martinique, “refused to

¹⁴⁷ “Je suis si bien informé du plan que Dessalines a formé de faire soulevée tous les esclaves en masse dans toutes les colonies, pour assurer sa puissance et son caractère d’empereur, que je prête toute mon attention et toutes mes recherches pour ne pas perdre le fil de la trame formée.” Arnaud André Roberjot Lartigue to Louis Ferrand, 15 February 1806, AN, CC9a41.

¹⁴⁸ “Notre malheureux colonie en est un exemple alarmant, cela a commencé par des insurrections partielle, et par suite s’est devenue irrémédiable.” Arnaud André Roberjot Lartigue to Louis Ferrand, 15 February 1806, AN, CC9a41.

¹⁴⁹ “On a reconnu a la trinité un nègre nomme George confident de Dessalines, qui était désigné pour être le Roi des révoltés, dans le soulèvement qui a déjà eu lieu a la trinité.” Arnaud André Roberjot Lartigue to Louis Ferrand, 8 March 1806, AN, CC9a41.

let any people of color, free or enslaved, land in their colonies, so that the contagion would not catch among the slaves of their governments.”¹⁵⁰

Lartigue connected Dessalines’s alleged efforts for international revolution to the internal conflicts flaring up in the new country. “The villain Dessalines is so convinced that the end of his reign is near,” Lartigue argued, “that he makes every effort to ensure the success of the project of general uprising.”¹⁵¹ The Caribbean-wide movement, Lartigue reported, was further proved by the rumor that Dessalines had published printed documents that declared him to be the Emperor of Haiti, Cuba, and Puerto Rico. Lartigue received this information from a Spanish colonel that formerly commanded in the eastern side of Saint Domingue and who had recently been to Havana. This man, Don Arata, claimed to have seen these prints but he did not bring any copies for Lartigue to see. “This outrageous arrogance,” Lartigue vented to Ferrand in March of 1806, “clearly proves his desire to extend his power in the Caribbean, and he does not

¹⁵⁰ “Les gouverneur des iles Danoises, de Puerto Rico, de la Martinique et de la Guadeloupe, ne laissent aborder de leur colonies aucune espèce de gens de couleur, libres ou esclaves, pour éviter que la contagion ne gagne chez les esclaves de leur gouvernements.” Arnaud André Roberjot Lartigue to Louis Ferrand, 8 March 1806, AN, CC9a41.

¹⁵¹ “Le Scélérat de Dessalines est si persuadé que la fin de son règne n’est pas loin, qu’il met tout en œuvre, pour faire réussir le projet du soulèvement général.” Arnaud André Roberjot Lartigue to Louis Ferrand, 8 March 1806, AN, CC9a41.

renounce the project that he conceived a long time ago to raise up the slaves in all the colonies.”¹⁵²

This alleged project, as the previous rumor suggests, also had implications for Puerto Rico. The governor of Puerto Rico, like Lartigue, informed government representatives on neighboring islands about rumors or suspicions regarding slave rebellions. For example, he sent the governor of St. Thomas a notice regarding a man that had recently been deported from the island for allegedly planning a rebellion. “The government here chased a great villain named Cazeau de franquevill,” the notice declared, “he is going to St. Thomas, beware of him, he wanted one time to lead a revolt of the blacks of our island; this man is the most dangerous, he is capable of anything, he was once the secretary of Biassou with the rebels of St. Domingue.”¹⁵³ Lartigue noted that the governor of Puerto Rico continued to watch out for further disruptions connected with Haiti and he vetted all suspected persons arriving on the island, especially those of color.¹⁵⁴

¹⁵² “C’est une arrogance outrée, qui manifeste clairement le désir d’étendre sa puissance sur les antilles, et qu’il ne renonce pas au projet qu’il a conçu depuis longtemps de soulever les esclaves dans toutes les colonies.” Arnaud André Roberjot Lartigue to Louis Ferrand, 22 March 1806, AN, CC9a41.

¹⁵³ “Le Gouvernement d’ici a chasse un grand scélérat nommé Cazeau de franquevill, il va a St Thomas, prenez garde a lui, il a voulu une fois faire révolter les nègres de notre ile; c’est l’homme le plus dangereux, il est capable de tout, il a été secrétaire de biassou chez les révoltés de St Domingue.” “Avis de Puerto Rico a Mr le Commandant de St Thomas,” [19 May 1806, date derived from cover letter], AN, CC9a41.

¹⁵⁴ Arnaud André Roberjot Lartigue to Louis Ferrand, 15 April 1806, AN, CC9a41.

Lartigue remained rather desperate for support from French authorities and in November, 1806, he wrote to a former Saint Dominguan planter and the Council of State of the French Empire, Médéric Louis Élie Moreau de Saint-Méry, begging for help in securing the payment of his salary from the governors of Martinique and Guadeloupe.¹⁵⁵ In making this request, he used the conspiracy as evidence of the work that he was doing for the all three Caribbean colonies (including Saint Domingue) and for the French Empire. His letter to Saint-Méry in 1806 did not mention anything about the similar conspiracy in Trinidad. Just under a decade later, however, Lartigue printed and published a version of this letter in which he directly connected the alleged plot in St. Thomas with the one publicized in Trinidad. In his correspondence with Ferrand in 1805 and 1806, Lartigue claimed that emissaries sent by Dessalines had coordinated both of the conspiracies but his 1815 report directly linked the two events. According to the later report, unable to get to Martinique and Guadeloupe from St. Thomas the emissaries decided to land in Trinidad instead, intent on starting a similar revolt there. The discrepancy between reports raises further questions about the veracity of his recounting of the events in the British island.¹⁵⁶ Here, as in several other well-known cases, it is difficult – maybe even impossible – to know for sure whether there was a real

¹⁵⁵ Arnaud André Roberjot Lartigue to Médéric Louis Élie Moreau de Saint-Méry, 30 November 1806, AN, F3-284.

¹⁵⁶ Arnaud André Roberjot Lartigue to Médéric Louis Élie Moreau de Saint-Méry, 30 November 1806, AN, F3-284.

conspiracy. What is clear, however, is that Lartigue's reports of such plans played an important role in shaping perceptions of Haiti's influence on the Caribbean in the early independence period.¹⁵⁷

Lartigue's campaign to inspire fear in the governors of Martinique, Guadeloupe, St. Thomas, and Puerto Rico highlight the opposition that the government of Haiti faced in the early years of independence. State leaders in Haiti had pragmatically promised the international community that they would not instigate rebellion abroad; however, the success of the revolution continued to inspire fear in the Caribbean. Furthermore, for former planters like Lartigue, an international coalition to isolate Haiti might force the independence movement to fail. Neither the Haitian state nor individuals abroad were successful in implementing their espoused goals. Haiti was not able to secure the complete confidence of the international community nor was the country uniformly isolated, even after different governors prohibited trade to Haiti.

¹⁵⁷ Jenson, *Beyond the Slave Narrative*, 176. For other cases in which scholars have struggled to determine whether conspiracies were real or imagined and how these conspiracies allow scholars to learn more about the societies, see for example: Michael P. Johnson, "Denmark Vesey and His Co-conspirators," *William and Mary Quarterly*, (2001) 58(4): 915-976; Winthrop D. Jordan, *Tumult and Silence at Second Creek: An Inquiry into a Civil War Slave Conspiracy*, (Baton Rouge : Louisiana State University Press, 1993); David Barry Gaspar, *Bondmen and Rebels: A Study of Master-Slave Relations in Antigua with Implications for Colonial North America*, (Baltimore: Johns Hopkins University Press, 1985).

Conclusion

During the initial crucial period of Haitian independence, the French agents attempted to rupture established networks of trade between St. Thomas and Curaçao and Saint Domingue/Haiti. Furthermore, they attempted to put external constraints on the lifelines of the islands. Without large-scale plantation economies, the islands had to survive on international trade; this could not be done if their governments were willing to accommodate the wishes of foreign nations.

In St. Thomas, the activities of the French agent reveal the desperation with which he campaigned the international community to prohibit trade. Lartigue claimed that Jean-Jacques Dessalines was planning a Caribbean-wide revolution and argued that to prevent this disastrous event, the international community had to rally together to isolate the island. The evidence presented by the French agent suggests that the conspiracy theory was a result of his own investment in regaining the colony and in proving his usefulness as a French agent. Nevertheless, fear mongering was a tactic used by French representatives to corral support in their efforts to isolate Haiti.

The tensions and conflicts revealed by Haitian independence between the overlapping spheres of legal and military authority in the Caribbean are well illustrated in a case surrounding the capture of a Danish ship in 1805. Captured by a French privateer in the territorial waters around Curaçao, this ship was brought into the port of Fort Amsterdam. But local authorities balked at French claims that this was a legitimate

capture of a vessel trading with Haiti. The case of the *Lille* reveals the limited ability of the French agents to successfully induce the international community to isolate Haiti. The Dutch governor was not willing to compromise their natural rights within the law of nations in order to give the French free jurisdictional reign in the Caribbean.¹⁵⁸ For the Dutch governor at Curaçao, jurisdictional authority trumped the French goal of isolating Haiti. The Dutch governor had prohibited trade, but was not willing to allow French privateers to police the waters around Curaçao in order to enforce the prohibition.

Lartigue and Gouges's efforts to prevent merchants from St. Thomas and Curaçao from trading to Haiti were soon rendered useless. The British Empire took control of St. Thomas, St. Johns, St. Croix, and Curaçao in 1807 as part of the Napoleonic wars. The takeover of both islands was relatively easy given Britain's overwhelming naval and military superiority. And indeed, as Rupert reveals, this takeover was even promoted by members of the Curaçaoan ruling class. "'Twenty-eight members of the merchant elite," she argues, "signed a petition asking the governor to capitulate to the British; he relented at the end of 1806."¹⁵⁹ This occupation lasted until 1815 when, under the Treaty of Versailles, both islands were returned to their previous owners.

¹⁵⁸ According to Vattel, sovereignty and independence meant "that it [the sovereign state] govern itself by its own authority and laws." Emmerich de Vattel, *The Law of Nations, Or, Principles of the Law of Natures, Applied to the Conduct and Affairs of Nations and Sovereigns*, edited by Joseph Chitty, (Cambridge: Cambridge University Press, 1834), 2.

¹⁵⁹ Rupert, *Roots of our Future*, 41.

In 1830, the first British consul to Haiti published an account of his time in Haiti. He noted that there had been a recent increase in Danish trade to the island after 1825 – the year that France recognized Haitian independence – and he attributed that trade to “the renewed intercourse between Haiti and the Danish colony of St. Thomas.”¹⁶⁰ Furthermore, he highlighted that the Dutch also sent a consul to Haiti in 1826.¹⁶¹ Evidently, official recognition of the island’s sovereignty may have had some limited influence on trade from Curaçao and St. Thomas to Haiti.

During the British occupation of Curaçao and St. Thomas British economic policy applied to both islands. “Curaçao now fell under the British Navigation Act,” Rupert notes, “which prohibited trade with any non-British country or colony; similarly, imports were only allowed from British territories.”¹⁶² The case of Haiti, however, presents an exception to the British Navigation Acts and over the course of the first two years of Haitian independence, British representatives figured out a way to incorporate a semi-independent foreign island into their colonial system. British policy with respect to Haiti was dramatically different from every other nation of the Atlantic. The war between France and Britain was central to how British representatives reacted to news of France’s defeat on the island. It is to this unique approach to which we now turn.

¹⁶⁰ Charles MacKenzie, *Notes on Haiti, Made During a Residence in that Republic, Vol II*, (London: A.J. Valpy, 1830), 180.

¹⁶¹ Mackenzie, *Notes on Haiti*, 88.

¹⁶² Rupert, *Roots of our Future*, 42.

Chapter 2 - “I, leader of a country, treat for my citizens”: Haiti and Jamaica after the French Defeat

On June 23, 1803, Jean-Jacques Dessalines, the general in chief of rebel forces in Saint-Domingue wrote to George Nugent, the lieutenant governor of Jamaica, inviting British merchants to establish commercial relationships with Saint Domingue.¹ With victory in his sights, Dessalines told Nugent that the French, “treading on the laws of man and humanity,” had made “reconciliation” impossible; the people of Saint Domingue, “weary with humiliation,” were determined to become independent. Since “all the links that tied Saint-Domingue to France are shattered,” Dessalines had begun strategizing about how to incorporate a new independent nation into the Caribbean political economy. Dessalines promised Nugent that, “From now on, our ports will be open to all of His Britannic Majesty's ships who will find the security of commerce and good faith in treaties.”² In particular, he invited British ships to bring goods and

¹ This Chapter is a modified version of: Julia Gaffield, “Haiti and Jamaica in the Re-making of the Early Nineteenth-Century Atlantic World,” *William and Mary Quarterly*, (Forthcoming).

² “Foulant aux pieds les loix de l'homme et de l'humanité... brisant le sceau de la réconciliation...” “C'est au nom de ce peuple lassé d'humiliation, que j'ai l'honneur d'instruire votre excellence, que tous les liens qui attachaient Saint Domingue à la France sont rompus...” and “Nos ports seront désormais ouverts à tous les bâtimens de sa majesté Britannique qui y trouveront la sûreté du commerce et la bonne foi dans les traites.” Jean-Jacques Dessalines to George Nugent, 23 June 1803, National Library of Jamaica (NLJ), MS 72, Box 2, 846N.

manufactures (especially arms and ammunition) to the island in exchange for agricultural products.

Dessalines's letter explicitly and implicitly posed profound questions about the interplay of empires, slavery, and economic relationships in the rapidly changing Atlantic World of the early nineteenth century. For the next three years, possible answers were debated, negotiated, and rejected as Nugent and other leaders came to grips with a new nation founded on the first successful slave revolution and now governed by former slaves and free people of color.

Why did Dessalines and Nugent fail to reach a trade agreement? Pivotal decisions changed the trajectory of the negotiations from 1803 to 1806. Jamaican authorities and the British government in London were less concerned about the consequences of dealing with a country governed by former slaves than much of the literature about the Haitian Revolution has suggested. The British engaged in an intricate dance of containment, isolation, and engagement with Saint Domingue/Haiti in an effort to reap the greatest benefit without further disruption to colonialism and slavery. In addition to Nugent's own response to Dessalines's commercial invitation, representatives in London suggested various treaties designed to secure a friendly relationship between the British and the Haitians. During February, March, and April of 1804, however, a series of brutal massacres of French whites in Haiti made Nugent and others increasingly hesitant to engage with or even appear to support the Haitian

government. Then Nugent became increasingly aware of internal conflicts in Haiti and decided that the British Empire's goals could be better accomplished without a trade treaty. But British officials in London saw events in the Caribbean differently and continued to imagine commercial relations with Haiti through 1806. Despite these differing perspectives, however, Nugent was able to convince representatives in London that British interests could be best served without an official treaty.

Returning to the twists and turns of these negotiations also illuminates how the birth of Haiti was framed by, and helped frame, the larger context of the turbulent Atlantic World. Though scholars have convincingly shown that by 1806 Atlantic nations had collectively begun diplomatically isolating Haiti in a clear attempt to minimize the implications of the birth of a black republic in the Caribbean, this strategy was not immediately adopted. During the summer of 1803, when the rebel leaders in Saint Domingue were preparing to declare independence, the French refused to concede their claims on the island, and they exerted pressure on other nations to avoid supporting the rebellion and to continue considering Haiti a French colony. They received the strongest support from their military ally Spain, and French and Spanish privateers aggressively interfered with international trade to Haiti.³ In the context of their conflict with the British, the French argued that the neutral nations of the Atlantic should not carry out a

³ For more on France's relationship with Haiti see: Jean-François Brière, *Haïti et la France, 1804-1848: Le Rêve Brisé*, (Paris: Karthala, 2008); François Blancpain, *Un Siècle de Relations Financières entre Haïti et la France: 1825-1922*, (Paris: L'Harmattan, 2001).

trade with the rebellious colony. Their efforts were partially successful: by 1806 the Dutch and Danish Empires and the United States had all prohibited trade with Haiti. Yet these official prohibitions did not stop the trade since the Caribbean was teeming with merchants focused on trade rather than politics.⁴

In contrast, Britain, the most powerful naval power of the time, followed its own unique path, one that diverged in important respects from the approach taken by other nations, with broader implications for both itself and Haiti. War between France and Britain was central to British policy toward Haiti enabling British leaders to see economic opportunity in an agreement with Saint Domingue/Haiti. By the end of the eighteenth century, about 40 percent of imports to the imperial metropole (mainly agricultural goods) arrived from the colonies, with about the same percentage of Britain's manufactured exports supplying the colonies. Since constant warfare in Europe had meant the closure of Britain's main export markets at the end of the eighteenth century, British factories were anxious to find other outlets for their goods.⁵ In return, the production of cotton textiles in England, which dominated the manufacturing

⁴ The Dutch were not allied with the French, however, they were in the French sphere and therefore had a status somewhere between neutrality and ally. Victor Enthoven, "An Assessment of Dutch Transatlantic Commerce, 1585-1817," in *Riches from Atlantic Commerce: Dutch Transatlantic Trade and Shipping, 1585-1817*, edited by Johannes Postma and Victor Enthoven, (Leiden; Boston: Brill, 2003), 401.

⁵ R.C. Nash, "The Organization of Trade and Finance in the British Atlantic Economy, 1600-1830," *The Atlantic Economy during the Seventeenth and Eighteenth Centuries: Organization, Operation, Practice, and Personnel*, edited by Peter A. Coclanis, (Columbia, SC: University of South Carolina Press, 2005), 95, 117.

industry, would benefit from agricultural imports from Haiti.⁶ With a trade treaty, an independent Haiti could be subsumed into the British mercantile economy.

Dessalines's 1803 invitation forced Nugent to confront competing economic, military, and security questions and to evaluate how he could reconcile them in order to achieve the best overall results for the British West Indies. On the one hand, the renewal of war in May 1803 after a brief peace between France and Britain set the stage for a British alliance with the rebels in Saint Domingue. But how could British officials prevent the spread of the Dominguan revolution to other parts of the Caribbean, especially Jamaica? Could they gain an advantage in the war raging throughout the Atlantic by landing a blow to France's Caribbean investments? And, if they could accomplish these two goals, how could they benefit from trade with Saint Domingue/Haiti? Nugent confronted these questions, and their implications, as the idea of a successful black republic quickly evolved from the unthinkable to reality at the outset of the nineteenth century.⁷

For his part, Dessalines had to figure out how to negotiate the new geo-political status that he was seeking for Haiti. He was determined to avoid relationships that would re-create the island's colonial status; rather, he campaigned for Haiti to

⁶ R.C. Nash, "The Organization of Trade and Finance," 96.

⁷ Michel-Rolph Trouillot explored the idea of the Haitian Revolution as an unthinkable event in: Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History*, (Boston: Beacon Press, 1995).

participate equally, governed by the same rules that applied to exchanges between the other Atlantic nations and empires. In this sense Dessalines offered Nugent both familiar opportunities and unprecedented challenges within the frame of imperial trade, international warfare, and domestic security. As Nugent and Dessalines confronted these converging goals and aspirations, each seeking to protect the existing regimes in their respective islands, they ultimately produced an uneasy compromise with long-standing implications for the future of Haiti.

Setting a Precedent

The multiple proposals and responses that followed Jean-Jacques Dessalines's invitation to George Nugent in 1803 came about because of Saint Domingue's eighteenth-century reputation as the "pearl of the Antilles," because it generated tremendous wealth as France's richest colony. Saint Domingue's economic significance had made the Caribbean island a focus of concern and interest throughout the Atlantic World by the end of the eighteenth century. The Haitian Revolution (1791-1804) became an international war that brought the occupation of parts of the southern and western provinces as well as Môle Saint-Nicolas by the British from 1793 to 1798. The political and military upheavals disrupted and confused established lines of authority. For example, after the evacuation of the British troops, Thomas Maitland, the Brigadier-General for the British forces, signed a treaty with Toussaint Louverture, in the role of governor general of Saint Domingue, despite the fact that such treaties should have been

negotiated with Gabriel d'Hédouville, France's agent and the top civilian authority in Saint Domingue.⁸ Maitland signed this treaty on his own behalf and it became known as a "secret treaty" because the British were conscious of their international image and were not entirely comfortable with this agreement.⁹ Nevertheless, two more treaties between representatives from Jamaica and Louverture's government in 1799 and 1801 expanded British diplomatic power over Saint Domingue.¹⁰ Focused on the security of

⁸ Philippe Girard highlights that the British chose to sign this treaty with Louverture in the hope of creating a conflict between the military and civilian leaders in Saint Domingue so that they could secure an agreement that was more in line with the British interest. Philippe Girard, "Black Talleyrand: Toussaint Louverture's Diplomacy, 1798-1802." *William and Mary Quarterly* (2009) 66(1): 94; Laurent Dubois, "Toussaint Louverture, Jean-Jacques Dessalines, and the Quest for Haitian Sovereignty," presented at *The Haitian Revolution in Global Context*, Cornell University, April 16-17, 2004; Conventions Secrètes [illegible] entre le Colonel Harcourt, Député Adjudant Général des Forces de la Majesté Britannique au nom de son Excellence l'Honorable Brigadier Général Maitland, commandant en chef les dites forces, et Mons. Falinger, Adjudant Général Chef de l'Etat Major de l'Armée Française au nom du Général Toussaint L'Ouverture," 31 August 1798, Jamaican National Archives (JNA), 1B/5/3/21.

⁹ For more on the secret convention see: David Geggus, *Slavery, War, and Revolution: The British Occupation of Saint Domingue, 1793-1798*, (Oxford: Clarendon Press; New York: Oxford University Press, 1982), 381.

¹⁰ For copies of these treaties see: "Jamaica Minutes of the Council, May 1799-May1805," JNA, 1B/5/3/21.; "Copy of Articles agreed upon between Edward Corbet acting by the direction of Major General Nugent and Joseph Bunel acting in behalf of General Toussaint Louverture being a sequel to and explanation of the secret convention of l'Archaye between General Maitland and General Toussaint of 13th June, 1799," 16 November 1801, British National Army Museum, London (BNAM), 6807-183-1, page 132; Michael Duffy, *Soldiers, Sugar, and Seapower: The British Expeditions to the West Indies and the War against Revolutionary France*, (Oxford: Clarendon Press, 1987), 310; Philippe Girard's research suggests that this treaty was never finalized because the peace treaty between the British and French prevented the governor of Jamaica from signing a treaty with France's enemy. Philippe Girard, "Black Talleyrand," 120-121; These changes

their West Indian possessions, the British were willing to aid Louverture's army in exchange for promises of friendship and the containment of the revolution.¹¹ For Louverture, this friendly relationship set the groundwork for a military alliance in the likely case of a renewal of the war between the colony and the French metropole.¹²

The British in Jamaica felt forced to abandon these agreements when they heard news of the peace protocols - the precursors to the Treaty of Amiens, signed in March of 1802 - which established a precarious peace between France and Britain.¹³ With France no longer officially an enemy, the British government would not aid Louverture because the French metropole considered him a rebel rather than the leader of a jurisdiction. In 1802 Napoleon sent an army to deport the rebel leaders and disarm the population of Saint Domingue.¹⁴ Despite the peace treaty between France and Britain, which had led to the cancellation of the treaties with the Dominguan leaders, Nugent rejected direct pleas

reflect the shifting power dynamic of the Haitian Revolution. For more on the Haitian Revolution see: Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution*, (Cambridge, Mass: Belknap Press of Harvard University Press, 2004), 238.

¹¹ Vertus Saint-Louis, *Aux Origines du drame d'Haïti: Droit et Commerce Maritime, 1794-1806*, (Port-au-Prince: Bibliothèque Nationale d'Haïti, 2006), 136.

¹² Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution*, (Cambridge, Mass: Harvard University Press, 2004), 223.

¹³ For more on the peace protocols see: *Official Papers, relative to the Preliminaries of London and the Treaty of Amiens, Published at Paris by Authority of the French Government*, (London: Printed for J. Debrett, 1803), Part II.

¹⁴ For more on this war see: Dubois, *Avengers of the New World*, 254-255; Philippe R. Girard, "Napoleon Bonaparte and the Emancipation Issue in Saint Domingue, 1799-1803," *French Historical Studies*, (2009) 32(4): 587-618.

to help the French army that arrived to reestablish metropolitan control over the colony. Rather than get involved in the conflict, Nugent chose to wait and observe, recognizing that internal conflict in Saint Domingue helped the British Empire. The war in Saint Domingue cut off the supply of sugar, coffee, and other colonial commodities to the French metropole and also redirected French troops that could be used against the British if war resumed. Nugent, therefore, was conscious of how events in the Caribbean affected the British Empire at large.

In late 1802, General Donatien Rochambeau, General of the French army in Saint Domingue, published several proclamations inviting foreign nations to trade in “diverse goods for consumption” in the ports of Cap Français, Port Républicain, and Santo Domingo.¹⁵ Correspondence from travelers and refugees made clear to Nugent the desperation of Rochambeau’s pleas for assistance and noted the urgent need for reinforcements from France, were expected daily but never arrived in sufficient numbers.¹⁶ Given how economically important Saint Domingue was within the French Empire, British military strategy led Nugent to report to Lord Robert Hobart, the

¹⁵ “Proclamation,” Donatien Rochambeau, undated [late 1802], British National Archives (hereafter, BNA), CO 137-109 page 184; “Proclamation,” Donatien Rochambeau, 16 December 1802, BNA, CO 137-110, page 42; “Arrête,” Donatien Rochambeau, 28 December 1802, BNA, CO 137-110, page 41.

¹⁶ It was reported from Saint Domingue, “that unless the French receive in the course of 6 weeks or two months very powerful reinforcements, they will be forced to abandon the island altogether.” Edward Corbet to George Nugent, 6 November 1802, BNA, CO 137-110, page 15.

Secretary of State for War and the Colonies, that the French demands for assistance were “of course refused.”¹⁷

Rochambeau used racial tensions to play on the British fear of another slave revolution. He made a thinly veiled threat that the British might one day feel the same misery as the French if they did not help to quash the uprising. “I think it necessary to reprimand the rebellion in St. Domingue so that our neighbors don't feel the same distress,” he wrote insistently to General John Thomas Duckworth, a naval officer who assumed the chief command in Jamaica in 1803; “we are pleading the case of all the planters in the New World.”¹⁸ But, though Nugent did indeed fear the spread of the revolution, he did not perceive an immediate threat from the island in 1803. Instead he saw opportunity in the wake of the French evacuation and further economic and security benefits in an agreement with Dessalines. “The proclamations clearly prove their [the French] distress,” Nugent wrote to John Sullivan, the Under-secretary for War and the Colonies, in January 1803, “and the little probability there is of their government deriving any advantage from the produce of St. Domingo for many years to come.”¹⁹ Nugent hoped that Jamaica and other British West Indian colonies would profit from the collapse of Saint Dominguan sugar. A sugar revival would have been timely, since, as

¹⁷ George Nugent to Robert Hobart, 9 August 1803, BNA, CO 137-110, page 160.

¹⁸ Donatien Rochambeau to J. Thomas Duckworth, 30 January 1803, BNA, CO 137-110, page 47.

¹⁹ George Nugent to John Sullivan, 30 January 1803, BNA, CO 137-110, page 31.

Sidney Mintz argues, the Jamaican sugar economy began a sharp decline in 1775.²⁰

Nugent was correct in some respects: Saint Domingue/Haiti never regained its superiority in sugar production. Instead, other Caribbean islands, primarily Cuba, shifted focus and entered a sugar boom.²¹ By 1840, historian Robert L. Paquette highlights, Cuba was the world's leading sugar producer, a title previously held by Saint Domingue.²²

Though Nugent was attracted to the economic offer that Dessalines extended in June 1803, he did not underestimate the difficulty of the delicate balancing act that a relationship with Saint Domingue would require since his main goal at the time was to quarantine the contagion of freedom among slaves and maintain the traditional plantation hierarchy on Jamaica. Throughout the Haitian Revolution, French planters

²⁰ Sidney Mintz, "Labor and Sugar in Puerto Rico and in Jamaica, 1800-1850," *Comparative Studies in Society and History*, (1959) 1(3): 276.

²¹ Franklin W. Knight, *Slave Society in Cuba during the Nineteenth Century*, (Madison: University of Wisconsin Press, 1970), 28; Jonathan Curry-Machado, *Cuban Sugar Industry: Transnational Networks and Engineering Migrants in Mid-Nineteenth Century Cuba*, (New York: Palgrave MacMillan, 2011), 6; See also: Ada Ferrer, "Repercussions of the Haitian Revolution in Cuba, 1791-1812," in *The World of the Haitian Revolution*, edited by David Patrick Geggus and Norman Fiering, (Bloomington: Indiana University Press, 2009).

²² Robert Paquette, *Sugar is Made with Blood: The Conspiracy of La Escalera and the Conflict between Empires over Slavery in Cuba*, (Middletown, Conn.; Wesleyan University Press, 1988), 29.

had fled to locations throughout the Caribbean and North America.²³ In the first half of 1803, French planters made up the majority of people arriving in Jamaica because they recognized that the French army was on the verge of defeat and wanted to escape the potential consequences of this loss. French refugees played a complicated role in Jamaican society: they were not only fellow planters and slave owners in distress but also citizens of an enemy nation. The British in Jamaica characteristically feared that these immigrants would spread republican political thought, thereby challenging their class hierarchy.²⁴ Furthermore, the slaves that the immigrants brought with them were assumed to have been corrupted by ideas of freedom and equality. "As long as we use proper precautions in Jamaica," Nugent wrote to Hobart in March 1803, "we have, in my humble opinion, but little to fear from that Quarter... but it requires great vigilance to prevent the interested inhabitants from introducing improper subjects into this island. The French Emigrants at Kingston &c, are constantly importing their slaves from St. Domingo, who are of the worst description."²⁵ Significantly, however, the individuals that Nugent refers to as "slaves" were, in fact, freed from slavery in Saint Domingue in

²³ For more on the waves of migration to Jamaica see: Nathalie Dessens, *From Saint-Domingue to New Orleans: Migration and Influences*, (Gainesville: University Press of Florida, 2007), 15-18.

²⁴ Patrick Bryan, "Emigrés: Conflict and Reconciliation, the French Emigrés in Nineteenth Century Jamaica," *The Haiti-Jamaica Connection*, Fifth in Seminar Series on Intra-Regional Migration, (Latin-American Caribbean Centre, University of the West Indies, Mona, 2004), 17.

²⁵ George Nugent to Robert Hobart, 4 March 1803, BNA, CO 137-110, page 57.

1793; Nugent symbolically denied this freedom by referring to their former status in legal bondage.²⁶

In this context Nugent did not immediately respond to Dessalines's friendly commercial invitation of June 1803. Instead he waited cautiously as merchants, migrants, and other people brought reports to Jamaica of the diseased and starving French troops in Saint Domingue. Nugent was open to the idea of a commercial relationship with a de facto independent Saint Domingue but only if he could acquire political and military benefits for Jamaica and the British Empire and still respect the Treaty of Amiens. The evidence reveals that Nugent played a key role in assessing these opportunities and challenges and in making crucial decisions based on communications with leaders in the

²⁶ For details on the process of abolition in Saint Domingue and in the French Empire see: Robert Stein, "The Abolition of Slavery in the North, West, and South of Saint Domingue," *The Americas*, (1985) 41(3): 47-55; Laurent Dubois, *Avengers of the New World*, 168-170. Nugent was not the only government official to disregard the abolition decrees issued in Saint Domingue in 1793 and in the entire French Empire in 1794, in 1807 the Territorial Governor of Louisiana, W.C.C. Claiborne, issued a statute that required testimonies or certificates to prove the free status of an individual of color from the island of Hispaniola; otherwise, the individual would be considered a "fugitive slave." Both governors chose to limit the geographical scope of the 1793/4 emancipation and invalidated the decree once an individual had passed into another jurisdiction. Rebecca J. Scott, "She... Refuses to Deliver Up Herself as the Slave of Your Petitioner: Emigres, Enslavement, and the 1808 Louisiana Digest of the Civil Laws," *Tulane European and Civil Law Forum*, (2009) 24: 120-121; Sue Peabody, "Free Upon Higher Ground: Saint-Domingue Slaves' Suits for Freedom in U.S. Courts, 1792-1830," *The World of the Haitian Revolution*, edited by David Patrick Geggus and Norman Fiering, (Bloomington: Indiana University Press, 2009). For more on the complexities surrounding the 1802 maintenance of slavery in the French Empire see: Philippe R. Girard, "Napoleon Bonaparte and the Emancipation Issue in Saint Domingue," 587-618.

Caribbean and London. He reported regularly to the Secretary of State for War and the Colonies in London, a position held during this period first by Hobart and then John Jeffreys Pratt, 2nd Earl Camden. But Nugent could not always wait for advice or orders from London, so he often depended on news and suggestions from the navy admirals at the Jamaica station, Duckworth and James Richard Dacres, who frequently sailed along the coasts of Hispaniola. Nugent never visited Saint Domingue/Haiti, but, since his arrival in the Caribbean in August 1801, he had gained considerable experience in the region's political, economic, and military activity. To explore possible responses to Dessalines, Nugent sent two emissaries, Captain James Walker of the Navy and Hugh Cathcart, who had previously served as a British agent in Saint Domingue, to the island in August 1803. He then sent Edward Corbet, who had previously served as British agent for affairs in St. Domingo, to propose a trade treaty in January 1804 and to handle subsequent negotiations.

In July 1803 Nugent had learned that the Franco-British war had resumed two months earlier, and thus he concluded that Rochambeau had no hope of receiving reinforcements from France.²⁷ Nugent now began imagining the British as the major power affecting Saint Domingue in the rapidly changing Atlantic World. In late July the British naval squadron at Jamaica had blockaded Cap Français, one of the island's major trading ports, further ensuring that the French army could not receive any badly needed

²⁷ Dubois, *Avengers of the New World*, 297.

supplies and hastening their final defeat.²⁸ Despite this blatant military aid, Nugent suggested that “until the French evacuate the island it may not be politic to treat with them [the rebel leaders] openly.” Moreover, he lamented that they could not effectively blockade all Dominguan ports, a limitation that allowed the French some respite through trade with American merchants.²⁹ The French army was the common enemy of the British and the rebels in Saint Domingue, but Nugent recognized the complicated implications of an explicit alliance between a European empire and an army of ex-slaves and free people of color. British representatives had to balance their military strategy with the preservation of their own colonial interests.

Not surprisingly, Nugent’s decision to provide some aid to the independence movement in Saint Domingue was not easy, and some evidence suggests that it was difficult for him and others to separate personal opinion from official policy, since such assistance was clearly contradictory to well-established practice and hierarchy in imperial relations. “Though the Lieut. General [Nugent] like me felt the greatest embarrassment,” Rear-Admiral Duckworth wrote from Jamaica to Evan Nepean of the Admiralty on September 29, 1803, “in promoting the views of the blacks against the whites without any instructions on the subject[;] yet when we reflected upon the enmity the French in all their actions shew [*sic*] towards our country, we thought it our duty to

²⁸ George Nugent to Robert Hobart, 21 July 1803, BNAM, 6807-183-4, page 191; Dubois, *Avengers of the New World*, 297.

²⁹ George Nugent to Robert Hobart, 9 August 1803, BNA, CO 137-110, page 160.

conciliate the minds of the blacks that there might be no disgust to operate against our endeavours in fulfilling His Majesty's intentions when known."³⁰ Duckworth and Nugent saw the incongruity in helping non-white insurgents defeat a parallel European empire, but the conflict between England and France took precedence over racial preoccupations in this case. Duckworth assured his superiors in London that he would follow their orders regardless of his personal feelings, and he waited for instructions on how to respond to the news of the French evacuation. By this point, however, Nugent had already decided to send British representatives Walker and Cathcart on a fact-finding mission to Saint Domingue. As would be the case a few months later, Nugent took the initiative in the decision-making process with respect to Saint Domingue/Haiti.

Nugent imagined a commercial treaty that would not imply British approval of the slave rebellion but would demonstrate that they would accept, albeit reluctantly, the island's independence if the safety and security of the Jamaican colonial slave system could be preserved. Nugent clearly recognized that Dessalines's military victory and political break with France enhanced the British advantage over a weakened French Empire. "I have taken the earliest opportunity," Nugent finally responded to Dessalines on August 18, 1803 "of sending two persons to Gonaïves to treat with your Excellency relative to a commercial intercourse etc between Jamaica and St. Domingo, and we hope that the result will prove advantageous to both parties." As became clear in subsequent

³⁰ John Thomas Duckworth to Evan Nepean, 29 September 1803, BNA, ADM 1-253.

exchanges, the “etc” in this sentence included profound and complex issues that ultimately prevented the two islands from establishing a commercial treaty. But at this time, Nugent simply declared that he was “happy to attend to [Dessalines's] wishes, and to improve the good understanding which ought always to subsist between the two islands.”³¹ In taking this position, Nugent had the support of the king’s ministers in London, who sided with the coalition of former slaves and free people of color against the French following the renewal of the Franco-British war. At this time official British policy certainly did not seek to isolate Saint Domingue/Haiti from the wider Atlantic World; in fact the British helped the independence movement in the French colony.

But recognition as an independent nation went beyond good understanding between Haiti and Jamaica, and Nugent wanted to get a better sense of the domestic situation in order to decide how the British should react to Dominguan independence. Therefore he sent Walker and Cathcart to the island to “learn of [Dessalines’s] future intentions with regard to the white inhabitants, as well as his intercourse with this island.”³² Walker and Cathcart met with Dessalines several times, and they noted that Generals Henry Christophe, Andrew [André] Vernet, and others were also present at the meetings. “The following,” Walker and Cathcart later reported to Nugent, “is said to be

³¹ George Nugent to Jean-Jacques Dessalines, 18 August 1803, NLJ, MS 72, Box 2, 935N.

³² George Nugent to Robert Hobart, 9 August 1803, BNA, CO 137-110, page 160.

his [Dessalines's] present view: To throw off all allegiance to France, and declare the colony independent, under the government of himself and his officers."³³

During their meetings in Saint Domingue, Walker and Cathcart argued that a trade agreement with Saint Domingue would be a British favor to Dessalines. They stipulated that the treaty depended upon two conditions: first, they asked that white inhabitants be permitted to regain possession of their former estates and that Dessalines "bury in oblivion, what had passed during the revolution."³⁴ The concern expressed by Walker and Cathcart for the white inhabitants suggests that British officials differentiated between French soldiers and French colonists. Nugent had not been willing to aid the French army under Rochambeau in 1802 and 1803, but he now sought to persuade Dessalines to respect the safety and property of white plantation owners. This distinction reflected the fact that Jamaica had been one of the primary destinations for French citizens fleeing the revolution in 1803. If Dessalines guaranteed the security of French planters in Saint Domingue, then those who had fled to Jamaica would no longer be a resident problem for the Jamaican planter class because they could return home. Moreover, a return to white-ruled plantation agriculture in Saint Domingue might

³³ "Narrative of the proceedings of Captain Walker and Mr. Hugh Cathcart, on their mission to the Brigand Chiefs from the Government of Jamaica," James Walker and Hugh Cathcart, 27 August 1803, NLJ, MS 72, Box 2, 493N.

³⁴ "Narrative of the proceedings," James Walker and Hugh Cathcart, 27 August 1803, NLJ, MS 72, Box 2, 493N.

demarcate the limits of the revolution and thereby discourage further attempts at rebellion.

Walker and Cathcart's second condition was the British acquisition of military bases on Saint Domingue for the duration of the war with France. Specifically, the British sought to take possession of the military bases at Tiburon and Môle Saint Nicolas, on the southwest and northwest tips of the island, to provide the British with military stations to help minimize or prevent privateering from Cuba. Walker and Cathcart framed this second request within the context of the aid to expel the French army that Dessalines's forces were receiving as a result of the British blockades of ports. They argued that the bases had been earned by this military aid.

With respect to the first demand, Dessalines reportedly answered that assuring the safe return of white planters to their plantations was "too much to expect." In such a scenario, Dessalines argued, the whites "would possess much influence over their former negroes." The racial dynamic of this power hierarchy, he feared, would re-create a slave-like society. Dessalines concluded that while he could permit whites to inhabit the towns, "the soil should be exclusively possessed by the natives (Blacks and Mulattos)[;] they would never agree to the whites holding property in the soil."³⁵

³⁵ "Narrative of the proceedings," James Walker and Hugh Cathcart, 27 August 1803, NLJ, MS 72, Box 2, 493N. For more on the value of land in Saint Domingue and Haiti see: Carolyn Fick, "Emancipation in Haiti: From Plantation Labour to Peasant Proprietorship," *Slavery and Abolition*, (2000) 21(2): 11-40; This sentiment was put into

Dessalines thus differentiated between categories of white inhabitants; the commercial trade in the towns did not necessarily have the same connections to slavery as did white landownership and plantation agriculture. This decision disappointed those who had hoped for a return to the policy of Toussaint Louverture, who had allowed white inhabitants to reclaim their former plantations during the revolution. Dessalines rejected this policy by insisting that independence required a clean break from France and French rule.

However, Dessalines's approach might not have had the support of all of his generals. The evidence suggests that there was some disagreement or at least miscommunication within the leadership in Saint Domingue. When Walker and Cathcart asked General Vernet to renew the policies that Louverture had initiated, Vernet "agreed perfectly[;] he said that unless that measure was adopted, it would not be possible to restore confidence, so as to induce foreign merchants to trade with them ... and he promised to use his best endeavours to get that point effected."³⁶ In fact, Dessalines did not allow any whites to return to their former plantations; either Vernet

law in Dessalines's 1805 constitution and this clause was included in all Haitian constitutions, except Christophe's two constitutions in 1807 and 1811, until the 1918 constitution written under the American Occupation at which point the article was dropped. Julia Gaffield, "Complexities of Imagining Haiti: A Study of National Constitutions," *Journal of Social History*, (2007) 41(1): 89.

³⁶ "Narrative of the proceedings," James Walker and Hugh Cathcart, 27 August 1803, NLJ, MS 72, Box 2, 493N.

was misleading the British representatives or Dessalines did not follow Vernet's advice. Either way, Dessalines's response set the policy prohibiting white landownership more than a century to come.

In response to the second request for military bases Dessalines made clear that he would not allow any kind of foreign landownership or occupation, let alone by military divisions. "He answered it was a proposition he could never come into," Walker and Cathcart reported to Nugent on August 27, 1803, "for to grant it was more than his life was worth[;] the people he commanded were so very jealous and ignorant they would give way to the idea, he had sold the colony to England, who would reduce them to slavery."³⁷ Prior experience rather than ignorance might have been the inspiration for such distrust since the British had indeed attempted to reinstitute slavery during their occupation of part of Saint Domingue from 1793 to 1798.³⁸ But this argument may have also been a negotiation tactic by Dessalines; he could demonstrate his allegiance to the British, but blame his rejection of the military bases on the unalterable sentiments of the people at large.

It does appear, however, that Dessalines was in fact responding to the wishes of his forces. Indeed, Walker and Cathcart thought popular opinion had played a role in

³⁷ "Narrative of the proceedings," James Walker and Hugh Cathcart, 27 August 1803, NLJ, MS 72, Box 2, 493N.

³⁸ For details on re-enslavement during the British occupation during the Haitian Revolution see: Geggus, *Slavery, War, and Revolution*, 99, 109; Dubois, *Avengers of the New World*, 167.

Dessalines's political strategy. "If he was to give up Tiburon, in the present stage of his Affairs," they reported to Nugent, "he would run the risk of being deserted by his Army. General Rochambeau has given out amongst the negroes, by means of emissaries that he [Dessalines] was entering into a treaty with England to sell them the colony which had caused a number of congo negroes in the neighbourhood of Cape Francois to desert him (2 or 3,000) and enter into a treaty with General Rochambeau."³⁹ Dessalines believed that the army would not follow his lead if their goals and demands were not taken into consideration. As a result, Walker and Cathcart returned to Jamaica without having secured either land-ownership for the former French planters or the occupation of the two military bases by the British army.

On November 19, 1803, Dessalines and Rochambeau signed an agreement coordinating the evacuation of the French army in Saint Domingue from Cap François, thereby signaling that the French army had indeed lost the war and justifying Dessalines's claims that his forces were on the verge of declaring independence. The agreement guaranteed the safety of the white inhabitants who chose to remain on the island but also provided the means for them to leave with the army.⁴⁰ Similarly, Dessalines issued on the same day the evacuation agreement was signed a proclamation

³⁹ "Narrative of the proceedings," James Walker and Hugh Cathcart, 27 August 1803, NLJ, MS 72, Box 2, 493N.

⁴⁰ "Proclamation," Jean-Jacques Dessalines and Donatien Rochambeau, 19 November 1803, NLJ, MS 72, Box 2, 717N.

to the citizens residing in Cap Français promising loyalty and security to the inhabitants of all colors.⁴¹

Dessalines and other revolutionary leaders announced to the world the principles upon which they would build the Haitian state. Their rhetoric highlights a perceived community of humanists that they pitted against the French. "Toward these men who do us justice," Dessalines, Henry Christophe, and Clervaux proclaimed at the end of November 1803, "we will act as brothers." The three revolutionary heroes also called on the "God of Freeman" for protection.⁴² They condemned slavery and declared that the "tribunal of Providence [...] has not created men to see them groaning under a harsh and shameful servitude."⁴³ No man should have to be subjected to such inhumane treatment. An article in the *London Times* echoed this sense of a common humanity that had been tainted by the institution of slavery. "Is it ordained that a degraded race of men," the article questioned, "shall be the only race who resent the cruel wrongs done to themselves and to humanity?"⁴⁴ Though the British report maintained a racist tone, the parallels between such arguments and the proclamations issued by the Haitian state

⁴¹ Jean-Jacques Dessalines to the Citizens of the City of Le Cap, 19 November 1803, NLJ, MS 72, Box 2, 852N.

⁴² "St. Domingo," Dessalines, Christophe, Clervaux, Done at the Head-quarters, Fort Dauphin, Nov 20, 1803, in *The London Times*, 6 February 1804, Issue 5938, page 3.

⁴³ "St. Domingo," Dessalines, Christophe, Clervaux, Done at the Head-quarters, Fort Dauphin, Nov 20, 1803, in *The London Times*, 6 February 1804, Issue 5938, page 3.

⁴⁴ *The Times London*, Wednesday 30 May 1804, Issue 6036, page 2.

suggest that the leaders of the new Caribbean nation were part of a larger discussion about humanity and the legitimacy of slavery.

An Official Treaty Proposal

As the French troops set sail from Cap Français, they had to contend with British ships that had been blockading the ports but were now seeking to capture the departing French military ships to prevent them from invading Britain's West Indian colonies.⁴⁵ In reflecting on the evacuation of the French troops, Rear-Admiral Duckworth considered two options available to the British. He wrote to Evan Nepean for advice as to “whether upon such capitulation St Domingo is not still to be viewed as a colony of France; liable to the blockade of his Majesty’s ships; ... or whether it is to be allowed an independent trade with all nations that choose to permit the intercourse.”⁴⁶ In other words, did France’s military automatically signal the independence of Saint Domingue as a country or was it necessary for the metropole to formally acknowledge its loss?

⁴⁵ On November 30, 1803 Captain John Bligh, esq, of His Britannic Majesty's Ship The Theseus, signed a treaty at Cap François with Jacques Boyer, Brigadier-General of the French army, and Captain Henry Barré, commander of the Naval Forces at Saint Domingue. This treaty established that the captured French ships would become the possession of the British and that the passengers, then prisoners of war, would be sent to Europe. The British would send the sick and wounded directly to Europe while the rest would pass through Jamaica. The treaty also respected personal property; “Copie de l'accord pour l'évacuation du Cap,” John Bligh and Jacques Boyer, BNA, 6807-183-4, page 326.

⁴⁶ John Thomas Duckworth to Evan Nepean, 12 November 1803, BNA, ADM 1-253.

The British answer to this question was that the military defeat of the French was good enough grounds to proceed with plans for securing “commercial intercourse” with Saint Domingue to promote the security of the British West Indies. With this goal in mind, Nugent sent Corbet to the island at the start of 1804 to serve as British agent for affairs in St. Domingo and, in this capacity, to propose a formal treaty for Dessalines’s consideration. Corbet left Jamaica on January 3, 1804 and arrived in Saint Domingue to find that Dessalines had just issued an official Declaration of Independence on January 1. In this document, the island was renamed “Hayti” – its name prior to the arrival of Christopher Columbus in 1492.⁴⁷ Though Nugent had already acknowledged in the proposed treaty carried by Corbet that Dessalines had broken all ties to France, the publication of the Haitian Declaration of Independence officially forced nations and citizens across the Atlantic World to confront the first nation born of slave rebellion. Corbet brought back to Jamaica a printed copy of the Declaration of Independence in the third week of January 1804; given its importance, Nugent then sent it directly to London.⁴⁸

⁴⁷ For more on the origins of this name see: David Patrick Geggus, “The Naming of Haiti,” in *Haitian Revolutionary Studies*, (Bloomington: Indiana University Press, 2002).

⁴⁸ Nugent included the Declaration in a package of documents relating to Saint Domingue/Haiti that he sent to Lord Robert Hobart in London on March 10, 1804. The Declaration of Independence is cataloged with the Jamaican colonial records at the British National Archives. John Thomas Duckworth also obtained a printed copy of the Haitian Declaration of Independence and sent it to the Lords of the Admiralty in London. These two copies of the Declaration of Independence are the only two

While proclaiming universal freedom, the Haitian leaders were convinced that the success of their antislavery movement hinged on its geographic containment on the island because disruption to foreign slave systems might instigate invasion or isolation. Antislavery in Saint Domingue/Haiti fused with an independence movement that created a republic, and thereby made the boundaries of the nation the limits of the general freedom. But rather than confining Haitians to their territory, as Nugent had proposed in early 1804, Dessalines assured the international community that his citizens would not instigate rebellion elsewhere in the Caribbean. "Let us take care however," Dessalines proclaimed in the Declaration of Independence, "that we are not converted from our purpose, let our neighbours remain in Peace let them live quietly under the laws which they have made and us not go as incendiaries, erecting ourselves legislators of the Antilles, constituting our glory in disturbing the tranquility of the neighbouring islands."⁴⁹ Dessalines pragmatically hoped that these promises would reassure foreign governments and therefore would prevent the invasion of the free territory created by the Declaration of Independence. Dessalines made one important exception to this

remaining extant government-issued copies of the document. "Liberty or Death," BNA, CO 137-111, page 113. <http://www.nationalarchives.gov.uk/documentsonline/haiti.asp> and "Liberty or Death," BNA, MFQ 1-184.

⁴⁹ Here I quote a translation provided by an unnamed British official that appears in the Admiralty Records from the Jamaica Station: "The General in Chief to the People of Hayti," BNA, ADM 1/254.

promise to the international community: “peace to our neighbors, but anathema to the French name.”⁵⁰

Corbet’s records reflect that, just as when Walker and Cathcart visited the island, other Haitian generals actively participated in meetings with Dessalines. After witnessing the interactions among Haiti’s leaders, Corbet reported on the internal dynamics of the Haitian state. “He [Dessalines] pays or appears to pay, a considerable degree of deference to his Officers of Colour,” Corbet noted in a letter to Nugent, “but altho’ they contributed to elevate him to his present situation of ‘Governor General of Hayti for Life,’ I entertain great doubts of there being much sincerity on either side.” Corbet had indeed observed one of the most important conflicts in independent Haiti, the politics of the skin. The lighter-skinned, or *mulâtre*, generals in the army became known as the *ancien libres*, those who had been free before the revolution, while the darker-skinned generals were known as the *nouveau libres*, those freed by the abolition of slavery in 1793.⁵¹ Corbet remarked, however, that while Dessalines might have to consider the wishes of the other leading generals, “the Government of the Island, [...] is

⁵⁰ “Paix a nos voisins, mais anathème au nom français.” “Liberté ou la Mort,” BNA, CO 137/111, page 113.

⁵¹ For more on color and race in independent Haiti see: David Nicholls, *From Dessalines to Duvalier: Race, Color and National Independence in Haiti*, (Cambridge: Cambridge University Press, 1979), 1-2; Michel-Rolph Trouillot, *Haiti: State Against Nation*, (New York: Monthly Review Press, 1990), 113; Laurent Dubois, *Haiti: The Aftershocks of History*, (New York: Henry Hold and Co., 2012), 80-82.

perfectly despotic under the chief Dessalines.”⁵² Although this assessment would soon change, Dessalines was seen to be in charge for the moment.

The treaty Nugent proposed to Dessalines included fourteen articles designed to renew the peace agreement between the two islands while also creating an alliance against enemy nations and privateers. Nugent bargained for regulating power over Haiti’s marine navigation and tried to set guidelines for the ships of other independent nations that carried out trade with Haiti. The treaty sought to confine Haitians to their territory so as to prevent communication between the “brigands” and the enslaved people of the British West Indies. In return, the British would provide protection for Saint Domingue’s coastal trade, although regulations would limit ships’ tonnage and crew. To secure maximum economic advantage, Nugent vied for exclusive trade in British manufactured goods in exchange for agricultural products. When trading with Haitians, British ships would sail under a flag of truce and would carry a trade license from the British government. Since flags of truce implied that the two nations were at

⁵² Both the British Government representatives and Dessalines framed the decisions on the part of the Haitian Government as being of Dessalines’s own initiative. However, Edward Corbet reported that many of Dessalines’s generals were involved in the meetings. According to Corbet, revolutionary leader Henry Christophe was one of Dessalines’s primary advisors. Corbet also describes color tension within the Haitian leadership and suggests that internal politicking may also have influenced Dessalines’s decisions regarding international trade. “No 2 Report,” Edward Corbet to George Nugent, 25 January 1804, NLJ, MS 72, Box 3, 349N; For more on the question of internal conflict and political divisions see: Claude Moïse, *Constitutions et Luites de Pouvoir en Haïti, Tome 1, 1804-1915*, (Montreal: CIDIHCA, 1988); Vertus Saint-Louis, *Aux Origines du drame d’Haïti*, 224-226.

war, this article assumed some degree of continued French authority over the island. At the same time, the treaty would demonstrate a greater degree of British influence there. The Jamaican governor's proposal was thus an attempt to secure firm British control over Haitian trade and to provide for a close watch over other international trade.

In addition to discussing the formal treaty proposals, Corbet reiterated the British desire to acquire a military post on the island for the duration of the Franco-British war; he requested possession of Môle Saint Nicolas. Dessalines rejected this request as an unacceptable compromise of the island's political autonomy, but Corbet reported that Nugent felt "a strong confidence" that he would come to a different conclusion if he reconsidered the proposal. "The possession of this part [of the island]," Corbet explained to Dessalines, "is neither wished nor asked for as a place of arms ever to be used hostilely against the Inhabitants of Saint Domingo but merely as a desirable situation for a depot of Naval Stores for supplying our ships of war cruising in those seas for the protection of our Commerce against the corsairs of the Enemy." This occupation, Corbet calculated, would also benefit Haiti's economy because the British would "check" the privateers from Cuba that "infect your coast."⁵³ Dessalines clearly saw through the altruistic presentation of this request. He responded that he had ordered the destruction

⁵³ "Copy of a letter from Edward Corbet to General Dessalines respecting the British Government in possession of the Mole," Edward Corbet to Jean-Jacques Dessalines, 15 January 1804, NLJ, MS 72, Box 3, 911N.

of the base, and since it would not be any good to the British army, the issue was moot.⁵⁴

Dessalines took the high road by pretending that “the demand by the British Government did not inspire any distrust of its loyalty and good faith” and thus that he was ready to continue the negotiation of an official treaty.⁵⁵

Corbet returned to Jamaica after meeting with Dessalines on January 15 and 17, 1804, and presented Nugent with a French-language copy of a revised trade agreement that included Dessalines’s reactions, his proposed amendments to each article, and two additional articles he had suggested. Corbet reported that Dessalines’s revised treaty proposal did not reflect any special relationship with Great Britain. “One of his [Dessalines’s] Generals then present, a man of colour of the name of Gerin,” Corbet recounted to Nugent, “having been pleased to observe that they were perfectly disposed to act towards Great Britain, ‘*comme une nation favorisée*’ I could not refrain from remarking that I could discover nothing favored in what they then proposed.”⁵⁶ Earlier Dessalines had explained that he wanted to give preferential treatment to the British but

⁵⁴ Dessalines destroyed nearly all of the coastal forts and began erecting new forts further inland. “By this system they will leave they say, the invading army without cover of defense but such as they may create themselves.” “No 2 Report,” Edward Corbet to George Nugent, 25 January 1804, NLJ, MS 72, Box 3, 349N.

⁵⁵ “La demande du gouvernement Britannique ne m’inspire aucune méfiance sur sa loyauté et sa bonne foi!” “Upon the subject of what was proposed respecting Môle Saint Nicholas, received 17th,” Jean-Jacques Dessalines to Edward Corbet, 16 January 1804, NLJ, MS 72, Box 3, 812N.

⁵⁶ “No 2 Report,” Edward Corbet to George Nugent, 25 January 1804, NLJ, MS 72, Box 3, 349N.

that he would not do so at the expense of trade relationships with other nations. "It is my responsibility," Dessalines declared in a letter to Corbet on January 16, 1804, "to offer protection to all (the French rigorously and rightfully excepted) who want to establish amicable relations and trade relationships with the indigenous people [Haitians]." Dessalines did not elaborate on the potential content of any official "treaties for commercial intercourse" or a political and military partnership; instead he promised that "all diplomatic and commercial measures on the part of the British that would not prove detrimental to the sacred independence in these lands, nor to the exclusive privilege of rights, will be taken into consideration by me."⁵⁷

On January 25, 1804, Nugent's wife, Maria, recorded in her diary that her husband met with a group of men to discuss the "proposals for a treaty of commerce, &c. to His *Excellency* General Dessalines, the black Emperor." "Then came the Admiral," she wrote, "the Commissioner, and several Navy men, Mr. Corbet, and Doctors Robertson and Edgar. In short, our little front drawing-room was so full, that many sat in the veranda." The scene described by Lady Nugent suggests that Nugent's decisions were

⁵⁷ "Il est de mon devoir d'accorder une protection signale à tous ceux (les Français rigoureusement et de droit exceptés) à tous ceux [*sic*] qui voudront entretenir des relations amicales et des rapports commerciaux avec le peuple indigène... Toute mesure diplomatique ou commerciale de la part de cette nation qui ne tendra ni au détriment de l'indépendance consacrée en ces lieux, ni aux droits d'un privilège absolument exclusif, sera prise par moi en considération." "Upon the subject of the commercial proposition, received 17th," Jean-Jacques Dessalines to Edward Corbet, 16 January 1804, NLJ, MS 72, Box 3, 902N.

made in conversation with other British officials in Jamaica. "Mr. C[orbet] has not succeeded in his negotiation," Lady Nugent recorded in her diary, "General Dessalines wishes to make some terms on his own part, that certainly will not be acceded to by General N[ugent]." ⁵⁸ Lady Nugent was keenly aware of the disagreements between Dessalines and Nugent.

In the revised treaty proposal that Corbet brought to Nugent, Dessalines agreed to peace and to a coordinated effort to prevent enemy piracy, but he emphasized that he would not tolerate any interference with or supervision of Haiti's trade relationships with other foreign nations. In response to Nugent's attempts to regulate Haiti's international relationships and to imprison Haitians within their borders, Dessalines made clear that "the 'independence of Hayti and the dignity of its Government' was opposed to them" and therefore his government would set the rules for Haiti's international commerce. ⁵⁹ Dessalines flatly rejected Nugent's proposed integration of Haiti into the British colonial system, particularly the restrictions on the trade of other foreign nations such as the anticipated American re-export trade, which would allow him to play the British and the Americans against each other. Overall, Dessalines insisted that "Hayti" be treated as an independent nation.

⁵⁸ Maria Nugent, *Lady Nugent's Journal of her Residence in Jamaica from 1801 to 1805*, (Mona, Jamaica: University of the West Indies, 2002), 250.

⁵⁹ "No 2 Report," Edward Corbet to George Nugent, 25 January 1804, NLJ, MS 72, Box 3, 349N.

Dessalines's first additional article requested that the British agents residing in Haiti make arrangements for the importation of, first, arms and ammunition for the defense of the country and, second, individuals being held as slaves to help repopulate the island. His second article obliged the governor of Jamaica to repatriate any Haitians on board British ships or in British prisons.⁶⁰ These articles reflect Dessalines's recognition that the restoration of the island's agricultural economy required a large labor force. Corbet estimated that the population in Haiti after the revolution was between 150,000 and 160,000 men, women, and children.⁶¹ Presumably the people bought through the slave trade would then be freed since the 1804 Declaration of Independence had reaffirmed the abolition of slavery on the island in 1793. Dessalines's proposal followed the example set by Toussaint Louverture, who had requested that

⁶⁰ "French copy of treaty," NLJ, MS 72, Box 3, 741. Dessalines took similar steps to repatriate Haitians who were in the United States and published proclamations in various newspapers inviting these individuals to return and promising to cover the cost of travel. "From St. Domingo," *The Federal Spy*, Springfield, Massachusetts, 3 April 1804, page 3. He also offered to pay for the passage of "blacks and men of color" in Martinique and Guadeloupe. Léo Elisabeth, "Les relations entre les Petites Antilles françaises et Haïti: De la Politique du Refoulement a la Resignation, 1804-1825," *Outre-Mer*, (2003), 90(340-341): 179.

⁶¹ Edward Corbet to George Nugent, 16 February 1804, NLJ, MS 72, Box 3, 502N; according to Laurent Dubois's research, the population of the colony in 1789 was 465,000 slaves, 31,000 whites, and 28,000 free-coloreds. Dubois, *Avengers of the New World*, 30; Mats Lundahl's research reveals significantly different numbers from Dubois's and Corbet's contemporary evaluation: "the population had decreased from 520,000 in 1789, to 38,000 according to the census [taken by Dessalines in 1805]." Mats Lundahl, "Defense and Distribution: Agricultural policy in Haiti during the Reign of Jean-Jacques Dessalines," *Scandinavian Economic History Review*, (1984) 32(2): 85

Jamaican slave traders sell slaves in Saint Domingue where they would then become *cultivateurs*.⁶² The requests issued by Louverture and Dessalines highlight the difficult decisions that each had to make. Furthermore, they show how the two leaders reconciled seemingly contradictory goals – supporting general slave emancipation and purchasing people through the slave trade – to advance the larger project of post-revolutionary reconstruction.

The leaders of Haiti in the early independence period did not wish to support or instigate revolution throughout the Caribbean; however, the territory that they commanded could become a haven for slaves aspiring to freedom. Dessalines sought to repatriate many of the ex-slaves that French colonists had taken with them when they fled the island at different points of the revolution. “The Governor-General [Dessalines], considering that a large number of blacks and men of color endure, in the United States, all sorts of deprivations, because they do not have the means to return to Haiti, decrees that each American ship captain will be reimbursed forty dollars for every individual that they return to the country.”⁶³ And, as we saw in Chapter 1, Dessalines demanded

⁶² Philippe R. Girard, “Napoleon Bonaparte and the Emancipation Issue in Saint-Domingue,” 591.

⁶³ “Le gouverneur-général, considérant qu’un grand nombre de noirs et d’hommes de couleur supportent, aux Etats-Unis, toutes sortes de privations, parce qu’ils n’ont pas les moyens de retourner en Haïti, décrète qu’il sera compte aux capitaines de navires américains la somme de quarante piastres pour chaque individu qu’ils pourront ramener dans le pays. Ce décret sera imprimé, publié, aussitôt expédié, et une copie en sera immédiatement envoyée au Congrès des Etats-Unis.” Jean-Jacques Dessalines, 14

that Governor Nugent in Jamaica return all Haitians on British territory as part of the trade negotiations between the two islands. The Governor of Jamaica obliged, despite the fact that no treaty was signed.⁶⁴

Dessalines extended these invitations to blacks and people of color in the French colonies of Martinique and Guadeloupe. Merchants took advantage of these calls and French Chargé Louis-André Pichon complained that merchants often had on board fifty to sixty men “of which the majority are Blacks and people of color for whose return Dessalines has promised up to forty dollars per person.”⁶⁵ These early policies might have been a genuine attempt to help people secure their rights as Haitian citizens; however, early Haitian leaders also perceived the urgent need for population growth since many of the laborers on the island had been killed during the Revolution and the particularly brutal War for Independence in 1802-1803. Once these individuals returned safely to Haiti, they could then be integrated into the labor force as *cultivateurs* on plantations.

January 1804, quoted in Thomas Madiou, *Histoire D’Haïti*, Vol 7, (Port-au-Prince: H. Deschamps, 1987), 154.

⁶⁴ George Nugent to Jean-Jacques Dessalines, 8 March 1804, NLJ, MS72, Box 3, 315N.

⁶⁵ “Dont la majeure partie de Noirs et gens de couleur pour la rentrée desquelles Dessalines a promis jusqu’à 40 dollars par tête.” Léo Elisabeth, “Les relations entre les Petites Antilles françaises et Haïti,” 179.

The calls for non-whites to come join the nation might raise questions about the promises by Haitian leaders not to instigate rebellion abroad since migrations to Haiti would detract from the slave populations of the islands or U.S. states from which they fled. However, such migrants would only become free citizens once they reached Haitian territory; therefore, Haitian leaders could maintain that the revolution was still contained within the borders of the island. These policies suggest a keen way to pragmatically implement the national ideals of universal freedom without directly intervening in the colonial and slave systems of neighboring territories.⁶⁶

A Second Treaty Proposal

After considering the comments and amendments made by Dessalines, Nugent sent Corbet back to Haiti with the power to sign a treaty if Dessalines agreed to a slightly modified version of the original proposal. Corbet arrived in Jérémie on February

⁶⁶ In an 1816 revision of his 1806 constitution, Alexandre Pétion expanded this recruitment of new citizens to the free country to include "All Africans, Indians, and their descendant and blood relatives, born in the colonies or foreign lands." The constitution declared that these individuals could "come to live in the Republic, [and] will be recognized as Haitian; but will only enjoy the rights of citizenship after a year's residence." This article, paired with the first article of the constitution - "Slavery cannot exist in the territory of the Republic; it is abolished forever" essentially created Haiti as a haven for slaves in the Caribbean and elsewhere, if they could make it to the island. The national boundaries of Haiti, then, continued to limit and demarcate the confines of universal freedom. By setting foot on the soil, any non-white would become Haitian and would be declared free. Richard B. Sheridan, "Jamaican Slavery to Haitian Freedom: The case of the Black Crew of the Pilot Boat, Deep Nine," *The Journal of Negro History*, (1982) 67(4): 399; *Revision of the Constitution (1816)*, 6 February 1816, http://www.modern-constitutions.de/nbu.php?page_id=8294b7496ae06609fa222b156332446b#Haiti, courtesy of Houghton Library, Harvard University, Cambridge.

10, 1804, this time equipped with “presents to Dessalines and his principal officers, to the value of several hundred pounds, chiefly composed of hats, gold lace, epaulettes and sabers.”⁶⁷ While waiting in Jérémie, Corbet wrote to Dessalines to question his rejection of Nugent’s previous proposal. Corbet claimed that Dessalines should be favoring the British who had provided aid to ensure the evacuation of the French army. “At some of the interviews I was honored with when I was last in this quarter,” he noted, “it was observed that you were disposed to act towards Great Britain as a favored nation. The Governor of Jamaica can discover nothing of this in what you propose. You offer to us only what you seem equally disposed to grant to every other nation and from whom you have not in any shape received the smallest benefit.” Nugent and Corbet recognized that Dessalines was trying to promote free trade for Haiti, but they claimed to be shocked that the British were not offered partial control over the governance of the island in return for having supported the rebels through the military blockades of key ports.⁶⁸ From their perspective, the British should be given a share of trade and diplomacy since they had helped Saint Domingue achieve practical independence from France.

In discussing the new version of the proposed treaty, Dessalines and Corbet quickly came to terms regarding the articles that did not concern British regulation of

⁶⁷ “St. Domingo,” 18 June 1804, *The Times, London*, page 3.

⁶⁸ Edward Corbet to Jean-Jacques Dessalines, 10 February 1804, NLJ, MS 72, Box 3, 501N.

other foreign merchants and of Haiti's maritime movement. Most notably, Nugent had agreed to omit the article requiring British ships to trade under a flag of truce and therefore implicitly conceded that Haiti was no longer a French colony, although, as soon became clear, he was not ready to recognize national independence. In addition, Nugent had readily accepted Dessalines's request regarding expatriated Haitians and the British quickly returned 154 prisoners "belonging to this island." Nugent did modify Dessalines's demands for military supplies since, as he explained, it was not the duty of the British agent to promote the arms trade in Haiti; "everything of that sort must be left to private merchants, who will, with permission of the Governor of Jamaica, be allowed to import to this Island a reasonable quantity of ammunition and as the public service of that Island may admit of."⁶⁹ In this way, Dessalines achieved one of his main objectives in the new proposal since the British would not only allow but also encourage a limited arms trade to Haiti for the purpose of internal security.

In contrast, Corbet explained to Dessalines that the second half of the article, "respecting the importation of negroes for sale," was "inadmissible and of a tenor which was not within His Excellency's [Nugent's] comprehension."⁷⁰ Undaunted, Dessalines asked Nugent to submit the proposed article for review in London. This request revealed an astute recognition that perspectives in Jamaica and in London could differ

⁶⁹ Edward Corbet to Jean-Jacques Dessalines, 10 February 1804, NLJ, MS 72, Box 3, 501N.

⁷⁰ Edward Corbet to Jean-Jacques Dessalines, 10 February 1804, NLJ, MS 72, Box 3, 501N.

significantly, and, as events unfolded, such differences became crucial for Haitian-Jamaican relations. In this case, Nugent did not explain his aversion to this article but, given his concern that Haitians might instigate rebellion elsewhere in the Caribbean, he could not actively support population growth because it could bolster military manpower. The movement of Haitians beyond the island's boundaries was still Nugent's primary concern, and he did not accept Dessalines's rejection of the articles limiting coastal navigation. He also remained firm in his efforts to secure a monopoly on trade with Haiti for British manufactured goods.

Nugent's reluctance to concede to such demands reflected the debates in the British Parliament regarding the abolition of the slave trade. Indeed, in considering William Wilberforce's Bill to Abolish the Slave Trade, many members of Parliament connected the slave trade to the revolution in Saint Domingue. "A good deal had been adduced in favour of the abolition," Robert Deverell argued in the House of Commons on June 13, 1804, "from the present situation of the island of St. Domingo, and the dangers which would, necessarily, result from fresh importations of negroes."⁷¹ Deverell and others argued that they should abolish the slave trade to preserve slavery.⁷² One

⁷¹ House of Commons Hansard, 1803/04, Commons Sitting of Tuesday, June 13, 1804, http://gateway.proquest.com/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:CDS1V0002P0-0046

⁷² See also for example: House of Commons Hansard, 1803/04, Commons Sitting of Thursday, June 7, 1804, http://gateway.proquest.com/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:CDS1V0002P0-0043

representative who opposed abolition, however, connected the debate directly to the treaty negotiations between Nugent and Dessalines. "Mr. Fuller spoke against the principle of the bill," the records report for June 13, 1804, "and asserted that if we should surrender this valuable branch of trade it would be immediately taken up by other nations." Fuller not only argued that the trade would continue elsewhere in the Atlantic but also anticipated its expansion as a result of the Dessalines-Nugent negotiations: "He mentioned... the negotiation which was understood to have lately taken place between General Dessalines and the agent for Jamaica, in which the former is stated to have offered to sell slaves to our colonies."⁷³ In making this argument, Fuller misinterpreted the article proposed by Dessalines, which in fact called for the importation of slaves to Haiti rather than to the British West Indies; nonetheless, five days earlier, he had referenced an alleged treaty between Nugent and Dessalines in which "the government of St. Domingo might import slaves from Africa."⁷⁴ Such evidence makes clear that representatives in London connected their arguments regarding the Bill to Abolish the Slave Trade to the events in Saint Domingue/Haiti. Nugent undoubtedly had to consider the broader context in which he was negotiating with Dessalines. He therefore could not

⁷³ House of Commons Hansard, 1803/04, Commons Sitting of Tuesday, June 13, 1804, http://gateway.proquest.com/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:CDS1V0002P0-0046

⁷⁴ House of Commons Hansard, 1803/04, Commons Sitting of Friday June 8, 1804, http://gateway.proquest.com/openurl?url_ver=Z39.88-2004&res_dat=xri:hcpp-us&rft_dat=xri:hcpp:rec:CDS1V0002P0-0044

have supported the expansion of the Slave Trade at a moment when parliament was debating its complete abolition.

As a result of Dessalines's response to Corbet's February 10 letter and the subsequent discussion, the revised treaty proposal was left unsigned.⁷⁵ After his second visit to Haiti, Corbet returned to Jamaica and reported to Nugent that Dessalines had rejected the treaty proposal largely because it would limit his autonomy. "Our refusing also to acknowledge the independence of Hayti," Corbet wrote to Nugent, "by declining to treat with him as Governor General thereof, but merely as General in Chief of the Army Indigene of Saint Domingo, also experienced his strongest objection and he expressed himself in terms to a rejection of those parts of our proposals altogether."⁷⁶ Corbet had told Dessalines that he had not been instructed to address him as anything more than "General-in-Chief of St. Domingo." Corbet's refusal to call Dessalines by his new political title on his second visit after the Declaration of Independence makes it clear that the question of sovereignty was at the heart of the negotiations for a trade treaty. Dessalines's insistence on recognition as the leader of an independent nation indicates that he wanted more than implicit acceptance that Haiti was no longer a French colony.

⁷⁵ Edward Corbet to Jean-Jacques Dessalines, 27 February 1804, NLJ, MS 72, Box 3, 601N.

⁷⁶ Edward Corbet to George Nugent, 29 February 1804, NLJ, MS 72, Box 3, 665N.

Such recognition was not forthcoming. "I have not sent Mr. Corbet again to St. Domingo," Nugent wrote to Dessalines on March 8, 1804, "because the Alterations which you have been please to make in the Articles in question would, if carried into Execution, so materially affect the British Interests, and are altogether so inadmissible, that I rather chose to wait a favorable Change in your sentiments in respect of them, which I make no doubt upon your mature reflection will soon take place."⁷⁷ Despite this assertion of confidence, Nugent reported to Hobart on March 19, 1804, "I am extremely concerned to say, that Dessalines by no means appears to be inclined at present to agree to my Propositions."⁷⁸

Nugent proved to be right. Dessalines was not willing to submit to Nugent's restrictive treaty, since it did not reflect Haiti's new political reality. "First off, your Excellency will allow me to recount," Dessalines explained in his final response to Nugent, "that the general Toussaint treated with the British government as a subject or official of the French government, [but] that under these circumstances, I cannot nor do I have to, treat but as ruler of the people that I command... I, leader of a country, treat for my citizens, I do not owe anything to any power nor am I seeking to be attached to any government or to comply with any accommodations or treaties."⁷⁹ By making clear how

⁷⁷ George Nugent to Jean-Jacques Dessalines, 8 March 1804, NLJ, MS 72, Box 3, 315N.

⁷⁸ George Nugent to Robert Hobart, 19 March 1804, NLJ, MS 72, Box 3, 616N.

⁷⁹ "D'abord, votre Excellence me permettra de lui représenter que le général Toussaint traitait avec le gouvernement britannique comme sujet ou préposé du gouvernement

he differed from Louverture, Dessalines challenged British officials in Jamaica and London to come to grips with a new sovereign nation in the Caribbean. In return, Dessalines offered promises of non-intervention abroad to reassure the British that the revolution would remain within the borders of Hispaniola. From Dessalines's point of view, Jamaica and Haiti could coexist peacefully; a free state could be a good neighbor to a slave colony. "The intention of my government," Dessalines explained in his response to Nugent's final letter, "is solely to defend itself from the French government and their allies, to fight against oppression and to attempt nothing against the powers who are charitable enough to see the French government as treacherous, regicidal, and tyrannous."⁸⁰ Non-intervention abroad, Dessalines hoped, would ensure that other nations would not invade Haiti, thereby protecting the legacy of the revolution at home. In fact, Dessalines's calls for a peaceful relationship with the British reassured Nugent during the period between Walker and Cathcart's August 1803 visit to Saint Domingue

français, que dans les circonstances actuelles, je ne puis ni ne dois traiter que comme chef du peuple que je commande... moi chef unique de mon pays, je traite pour mes concitoyens, ce que je ne doit compte a aucune puissance de mes actions ni m'attends l'attache d'aucune gouvernement pour souscrire a des accommodement ou traites."

Jean-Jacques Dessalines to George Nugent, 13 May 1804, NLJ, MS 72, Box 2, 628N.

⁸⁰ "L'intention de mon gouvernement est uniquement de se tenir en garde contre le gouvernement français et ses alliés, de s'armer contre son oppression et de ne rien attenter contre les puissances qui sont assez généreuses pour regarder ce gouvernement comme perfide, régicide et tyran." Jean-Jacques Dessalines to George Nugent, 13 May 1804, NLJ, MS 72, Box 2, 628N.

and Corbet's first visit to Haiti in January 1804. Dessalines's promises soon lost their credibility, however, as graphic reports of white French citizens being massacred in Haiti began arriving in Jamaica.

Massacres in Haiti

On February 22, 1804, Dessalines issued a proclamation that ordered military leaders in Haiti to collect individuals who were known to have taken part in the campaigns commanded by French generals Victoire Emmanuel Leclerc and Rochambeau in the final stages of the Haitian Revolution.⁸¹ This proclamation followed up on the Haitian Declaration of Independence in which Dessalines had declared that "the name French overclouds our country" and asked the population to "swear at last to pursue eternally the traitors and enemies of the Independence."⁸² By the end of April 1804, Dessalines had ordered his troops to kill the "few thousand" remaining white French citizens on the island. This massacre reportedly reduced the white population "to

⁸¹ "Le 22 du même mois [February 1804], [Dessalines] rendit un décret qui ordonnait aux généraux commandants des divisions, de faire arrêter toutes les personnes (les blancs) qui seraient convaincues ou soupçonnées d'avoir pris part aux massacres et aux assassinats ordonnés par Leclerc et Rochambeau, afin de les livrer 'au glaive de la justice'." Beaubrun Ardouin, *Etudes sur l'Histoire d'Haïti Suivies de la Vie du Général J.-M. Borgella*, (Port-au-Prince: F. Dalencour, 1958), 14.

⁸² Here I quote a translation provided by an unnamed British official that appears in the Admiralty Records from the Jamaica Station: "The General in Chief to the People of Hayti," BNA, ADM 1/254.

a token presence.”⁸³ In addition, Dessalines proclaimed in a public document that was reprinted in *The Times, London* on September 26 that his government would “swear an eternal hatred, destruction and death” to the “White slaves of Buonaparte [sic].”⁸⁴

British accounts of the massacres during the first months of 1804 emphasized the grotesque nature of the killings. These descriptions heightened British fears that a relationship with Haiti was far too risky, since British lives might be lost along the way, and therefore the massacres altered the trajectory of the discussion about Haiti in the Atlantic World. Corbet wrote to Nugent on March 23, 1804, about a month after his second trip to Haiti, and notified him that the information received from Port-au-Prince “is upon the score of humanity extremely distressing. Almost the whole of the white inhabitants of the Grande Ance [sic] have been by the express orders of Dessalines, destroyed.”⁸⁵ Days earlier, Captain John Perkins of HMS Tartar, a free man of color, wrote to Duckworth about a massacre that had occurred at Jérémie in mid-March. “The evening we came to an anchor,” he wrote on March 17, “several bodys [sic] got entangled in it, in fact such scenes of cruelty and devastation have been committed as is impossible to imagine or my pen to describe.”⁸⁶

⁸³ Philippe R. Girard, “Caribbean Genocide: Racial War in Haiti, 1802-1804,” *Patterns of Prejudice*, (2005) 39(2): 142.

⁸⁴ “Proclamation of Dessalines,” 26 September 1804, *The Times, London*, page 3.

⁸⁵ Edward Corbet to George Nugent, 23 March 1804, BNA, CO 137-111, page 228.

⁸⁶ John Perkins to John Thomas Duckworth, 17 March 1804, BNA, ADM 1-254.

Perkins recounted another massacre at Port-au-Prince at the end of March that highlighted the benefits Dessalines reaped through such violence. "The plunder Dessalines is supposed to have collected by the sacrifice of so many lives," Perkins recounted again to Duckworth, "is calculated at no less a sum than one million of dollars."⁸⁷ Further, after the massacre at Jérémie, Dessalines was said to have traveled to Port-au-Prince followed by eighty-five mules loaded with goods and treasures stolen from the dead white French.

The massacre of the remaining white French plantation owners reportedly allowed Dessalines to confiscate more than goods and money; now he was able to seize their plantations as state property.⁸⁸ "The whole settled part of the Island," Corbet described after his first trip to Haiti, "it is intended shall be in this manner leased out and it is from this source and the duties levied upon imports and exports that the General in Chief means to defray the expenses of Government and of his military Establishment, which he intends shall be at least for at time, not inconsiderable." Indeed, the day after Dessalines had issued the Declaration of Independence, he published an *Arrête* that declared all leases on plantations void.⁸⁹ This measure opened the door for the state to confiscate the majority of the land on the western side of the island. Less

⁸⁷ John Perkins to John Thomas Duckworth, 8 April 1804, BNA, ADM 1-254.

⁸⁸ Philippe Girard, "Caribbean Genocide: Racial War in Haiti," 147.

⁸⁹ "Tous les *Baux-a-ferme* des Habitations, sont et demeurent résiliés." Gouvernement D'Hayti, Jean-Jacques Dessalines, "Arrête," 2 January 1804, BNA, MFQ 1/184.

than three weeks later, Dessalines again published an *Arrête* regarding the plantations. In this he proclaimed that all merchants would have to apply for special licenses without which they would be sent back to “the plantation to which they belonged.” Soldiers wives would also be sent back to the plantations.⁹⁰

Corbet also believed that land acquisition had been a primary objective in the massacres and one that was reportedly promoted by people of color. “I am not without my apprehensions,” Corbet told Nugent, “that they [the people of colour] are urging Dessalines to the total destruction of the white people now in this power, so that whatever may happen hereafter there may be no claimants to many of those properties of which they may now get possession.”⁹¹ The emphasis on the importance of land proved to be consistent with Dessalines’s 1805 constitution, which declared that “all

⁹⁰ “Tout individu, ci-devant attaché à la Culture, devra pour exercer sa profession de Marchand, obtenir des Commandans de Place et d’Arrondissement, un certificat qui atteste qu’il a des moyens suffisants; faute de quoi, il sera renvoyé, sous les vingt-quatre heures, sur l’habitation ou il était attaché.” “Les femmes attachées aux officiers et soldats comprises dans les dispositions du présent Arrête, seront assujetties à la même décision.” Gouvernement D’Hayti, Jean-Jacques Dessalines, “Ordonnance,” 20 January 1804, BNA, MFQ 1/184.

⁹¹ “No 2 Report,” Edward Corbet to George Nugent, 25 January 1804, NLJ, MS 72, Box, 349N. Mats Lundahl argues that a series of decrees issued between 1804 and 1806 “completed the transformation of all land into government property.” Mats Lundahl, “Defence and Distribution: Agricultural policy in Haiti during the reign of Jean-Jacques Dessalines, 1804-1806,” *The Scandinavian Economic History Review*, (1984): 91.

property that was previously owned by a white Frenchmen, is, and unquestionably of right, forfeited to profit the State.”⁹²

The massacres led British officials on both sides of the Atlantic to recalculate the moral and economic equation of trade with Haiti. But these recalculations generated surprisingly inconsistent results. On March 9, 1804, in the midst of the massacres, Corbet’s assistant, W. L. Whitfield, wrote from Jamaica to the British ministers in London to ask whether they should continue negotiating with Haiti. “Having detailed pretty exactly what has passed,” he wrote, “I leave you to judge whether it is consistent either with humanity or policy to enter into a Treaty with a hoard of ferocious banditti, and expose the lives and properties of British Merchants to the Caprice of these Barbarous Chieftains.”⁹³ Nugent himself concluded that the massacres ended any possibility of a friendly relationship with Dessalines and reported to London accordingly. “The indiscriminate massacre of the white inhabitants of St. Domingo,” Nugent wrote to Hobart on June 10, 1804, “will prevent me from maintaining any

⁹² “Toute propriété qui aura ci-devant appartenue à un blanc français, est, incontestablement et de droit, confisquée au profit de l’État.” “Constitution d’Haïti” 20 May 1805, http://www.modern-constitutions.de/nbu.php?page_id=8294b7496ae06609fa222b156332446b#Haiti, courtesy of American Philosophical Society, Philadelphia.

⁹³ W.L. Whitfield, 9 March 1804, Centre for Kentish Studies, U840, 0211/4.

correspondence with Dessalines, I have therefore not written him since the 8th of March last which was Previous to our knowledge of those transactions.”⁹⁴

But, while the negotiations between Nugent and Dessalines stopped, British ministers in London continued drafting other versions of a treaty in the hope that they could secure a “commercial intercourse” with Haiti – one that included certain British political regulations as well as protection for the white inhabitants of Haiti. From their own vantage point, British officials in London remained convinced - even after news of the massacres reached them - that Nugent could sign a trade treaty with Dessalines and develop a friendly relationship between Haiti and Jamaica.⁹⁵ Indeed, key officials remained determined to sign a treaty to ensure the security of the British West Indies. The difference of opinion might have stemmed from the information available to those

⁹⁴ George Nugent to Robert Hobart, 10 June 1804, NLJ, MS 72, Box 3, 613; Nugent’s letter may not have been entirely truthful because according to a letter written by Dacres to Duckworth on May 15, 1804, Dessalines had been given a letter from Nugent on May 12. The contents of the letter are not listed but the conversation between Dacres and Dessalines emphasizes that the negotiations between Dessalines and Nugent had come to a close. Dessalines refused to discuss matters further until a decision had been made by the British government in London regarding the proposals that Dessalines had asked to be referred for their consideration; James Richard Dacres to John Thomas Duckworth, 15 May 1804, BNA, ADM 1-254; John Jeffreys Pratt, 2nd Earl Camden, responded to Dessalines’s request for black laborers on August 31, 1804: “You [Nugent] will therefore inform him that it is impossible for His Majesty’s Government to countenance, by agreeing to this proposition, the importation of slaves into any country not in His Majesty’s Possession.” John Jeffreys Pratt to George Nugent, 31 August 1804, NLJ, MS 72, Box 3, 468N.

⁹⁵ For example see: “Draft of a convention between the Governor of Jamaica and General Dessalines,” Lord Robert Hobart, attached to a letter dated 7 April 1804, BNA, CO 137-111, page 18.

in the Caribbean versus those in the metropole. British representatives in Jamaica would have been bombarded with information about events in Haiti, most notably from French refugees and defeated military personnel. This information would have heightened their fears and made them more convinced that the revolution would spread. Jamaica's proximity to Haiti, therefore, might have influenced the priorities of Jamaican officials and made them more wary than British officials in London. Their lives were the ones in danger.

On August 31, 1804, John Jeffreys Pratt, 2nd Earl Camden, the new Secretary of State for War and the Colonies, wrote to Nugent to propose a revised trade agreement to submit to "General Dessalines." Because of the "unsettled" state of Haiti, Pratt suggested that it would be more prudent if Nugent himself rather than the king of the British Empire entered into a trade "convention" with Dessalines.⁹⁶ This type of convention would have followed the same pattern as the three treaties between Jamaica and Saint Domingue under Louverture during the Revolution. Pratt did not instruct Nugent to keep the treaty "secret" as Maitland had done in 1798, but his tactic would have allowed the British Crown to keep some distance from such a controversial policy. A week later, after *The Times, London* published its second and more graphic report on the massacres in Haiti, Pratt clarified the rationale for his decision: "As that government," he wrote, "has been supported by means so abhorrent to Humanity and

⁹⁶ John Jeffreys Pratt to George Nugent, 31 August 1804, NLJ, MS 72, Box 3, 468N.

may possibly afford an evil example to our Colonies. I cannot advise his Majesty to suffer his name to be used as himself entering into a Treaty with a Chief established in government by all the circumstances which have marked the elevation of General Dessalines."⁹⁷

Pratt recognized that the British did not possess all the "commercial advantages to offer to Dessalines" since Haiti was developing trade successfully in 1804 according to Nugent and others. Despite the recognition that they could not sway Dessalines's decisions with commercial incentives, Pratt still counseled that they should "not... relax in the smallest degree in those articles, which are to watch over and regulate his [Dessalines's] maritime conduct."⁹⁸ As was characteristic of British officials, Pratt clearly underestimated the importance for Dessalines of political autonomy beyond official diplomatic recognition.

"His Majesty's Ministers," Pratt reported, "have considered it the wisest line to resort to a policy wholly liberal as the best means of securing the friendly disposition of that Island and preventing those ill consequences to Jamaica, which might flow from a different temper." If the British officially recognized Haiti's independence, Pratt

⁹⁷ John Jeffreys Pratt to George Nugent, 6 September 1804, NLJ, MS 72, Box 3, 545N. *The Times, London* published an initial report on the massacres on 23 July 1804 and followed up with another report a month and a half later. "Affairs of St. Domingo," 23 July 1804, *The Times, London*, page 3; *The Times, London*, 1 September 1804, page 3.

⁹⁸ John Jeffreys Pratt, "Thoughts on a treaty with Dessalines," undated [mid-1804], BNA, CO 137-111 page 170.

reasoned that the “brigands” would be reluctant to encourage slave rebellion in the British West Indies. In addition, Pratt proposed that British merchants trade with Haiti directly from Europe, rather than through Jamaica. He concluded without local knowledge of the web of relationships in the Caribbean, that this course of action would prevent “intercourse between the black inhabitants of the two islands.”⁹⁹

Although there is no evidence that Dessalines was ever presented with these proposals, they make evident that the security of whites in Haiti had become a central British concern on both sides of the Atlantic. Furthermore, the new treaty proposal reflected the key role that diplomatic recognition had assumed over the course of the negotiations. “If it should occur to General Dessalines,” Pratt wrote in the same letter, “that no mention is made in this convention of the Independence of Hayti you will acquaint him that the circumstance of treating with him is the proper acknowledgement of that Independence and that it is not usual to make a formal recognition in such cases.”¹⁰⁰ A week later, Pratt explained to Nugent that formal recognition of independence was only needed in cases where the new country was a former colony of that nation and Haiti had never been a British colony. Pratt even offered a precedent to

⁹⁹ John Jeffreys Pratt to George Nugent, 31 August 1804, NLJ, MS 72, Box 3, 468N. This hope was perhaps misguided because, as David Geggus has shown, slaves in Jamaica were well aware of events in Saint Domingue beginning with the first uprisings in 1791. David Patrick Geggus, “The Enigma of Jamaica in the 1790s: New Light on the Causes of Slave Rebellions,” *William and Mary Quarterly*, (1987) 44(2): 276.

¹⁰⁰ John Jeffreys Pratt to George Nugent, 31 August 1804, NLJ, MS 72, Box 3, 468N.

support his perspective: “you may give him [Dessalines] as an instance, that tho' it was necessary that America should require this Country to acknowledge her Independence before she treated with us, that when she treated with France, who had never had any dominions over her, there was no formal article making that acknowledgement.”¹⁰¹ This logic did not recognize that the French metropole still had not yet conceded defeat in Haiti.

In contrast, the actual proposed treaty between Jamaica and Haiti that Pratt sent to Nugent explicitly acknowledged Haiti's independence in the first article: “That there shall be perpetual amity between his Majesty and the government of Hayti and that a treaty shall be made between the two governments for establishing the security and independence of Hayti and for protecting the trade and possessions of His Britannic Majesty.” The article illustrates the contradictions inherent in a treaty designed to promote a friendly relationship between “his Majesty” and the government of Haiti yet intended to be signed by Nugent so that the king would not have to “suffer” placing his name on a document with that of Dessalines. Pratt was obviously trying to protect the British king's reputation by distancing him from Haiti while, at the same time, hoping to show Dessalines that he had an agreement with the British Empire. The proposed treaty also stipulated that the British would support the importation of military supplies to

¹⁰¹ John Jeffreys Pratt to George Nugent, 6 September 1804, Centre for Kentish Studies, U840, 027/5.

provide for Haiti's defense (but not so many as to support foreign expeditions) and would "guarantee the independence of Hayti from the attacks of France."¹⁰²

When Pratt sent this revised treaty proposal to Jamaica in August 1804, he instructed Nugent to notify Dessalines that his country's independence would be recognized by the British Empire. Nugent did not act on these instructions and, in fact, refused to send Dessalines the proposed treaty. "Should civil wars arise in that island," Nugent explained to Pratt on October 12, 1804, "of which there is every appearance, we shall not in that case be bound to support any particular party, but act as may be most advantageous to our interests at the moment."¹⁰³ The internal rivalries and divisions that Corbet and others reported had convinced Nugent that the turmoil on the island meant that Haitian military forces would be occupied at home and therefore unable to attack foreign islands. Nugent described for Pratt the internal divisions that he perceived to be most pertinent. "The People of Colour from their insignificance will fall an easy prey," he predicted, "but the Creole and African Classes are sufficiently equal in Numbers, to be most formidable enemies to each other. Dessalines is at the Head to the latter and Christophe is considered as the Leader of the former."¹⁰⁴ Nugent anticipated that the internal difficulties in Haiti would eventually afford the British opportunities for a more

¹⁰² "[illegible] for a Treaty with the government of Hayti," undated, BNA, CO 137-111, page 182. As in earlier proposed treaties, Pratt also called for British regulation of Haitian maritime movement.

¹⁰³ George Nugent to John Jeffreys Pratt, 12 October 1804, NLJ, MS 72, Box 3, 560N.

¹⁰⁴ George Nugent to John Jeffreys Pratt, 31 August 1804, NLJ, MS 72, Box 3, 609N.

favorable trade agreement and therefore he did not submit Pratt's proposed treaty to Dessalines. As this moment passed, the negotiations between Haiti and Jamaica that had been launched by Dessalines's initial letter in June 1803 to Nugent ended.

Conclusion

On October 17, 1806, rebels in Haiti assassinated Jean-Jacques Dessalines. Haiti soon divided into two republics in the north and south, led by revolutionary generals Henry Christophe and Alexandre Pétion, respectively. Though Nugent had proven to be prescient in his prediction of civil war, he was mistaken in his evaluation of the principal divisions in Haiti. Color divisions characterized the civil war, with the lighter-skinned generals ruling the south and the darker skinned generals the north. This division gave credence to Corbet's observations on the internal politicking within the Haitian leadership in 1804.

Despite the civil war and the existence of two self-professed national governments between 1806 and 1820, Haitian leaders consistently argued that the country was composed of a unified national community based on the principles of anti-slavery and anticolonialism. "Happily (General Christophe excepted)," Pétion wrote in December of 1806, "the cause of all Haitians is the same and despite the separation of the family, all know to appreciate that. There exists, despite the difference between Governments, an implicit and tacit alliance against all enemies of our liberty and our independence." "For the defense of the territory," Pétion continued, "I do not recognize

any difference of country, and my heart does not see any abstraction but Haiti.”¹⁰⁵ The wars within the border, according to Pétion, were secondary concerns when compared to international encroachments or questions of slavery.

Christophe expressed a similar sentiment as he reflected on the civil war in a letter to Thomas Clarkson a decade later. “They [the Haitians under Pétion’s command],” he wrote on November 18, 1816, “are no more disposed to resume the yoke of slavery than are the inhabitants of the Northern, Eastern, or Western parts of the kingdom. It is a consolation to me to see that the great majority of Haitians have reached an understanding, and that a common danger has tacitly united us all, from one end of the island to the other, for we all abhor the French and their oppressive Government.”¹⁰⁶ In his analysis, Christophe easily transitioned from a rejection of slavery to national unity against the French; anti-slavery and anti-colonialism would still unite all Haitians. Christophe and Pétion reaffirmed the abolition of slavery in the first article of their national constitutions. “Slaves cannot exist on the territory of the Republic: slavery is

¹⁰⁵ “Heureusement que (le General Christophe seul excepte) la cause des Haitiens est la même et que malgré la séparation de la famille, tous savent l’apprécier. Il existe malgré la différence des Gouvernemens, une ligue soumise et tacite contre tous les ennemis de notre Liberté et de notre Indépendance” “sous les point de vue de la cause de la défense du territoire, je ne sais aucune différence de pays, et que mon cœur ne voit sans aucune abstraction qu’Haïty.” Alexandre Pétion to William Wilberforce and James Stephen, NLJ, MS 692.

¹⁰⁶ Henry Christophe to Thomas Clarkson, 18 November 1816, in *Henry Christophe and Thomas Clarkson, A Correspondence*, Earl Leslie Griggs and Clifford H. Prator, editors, (Berkley; Los Angeles: University of California Press, 1952), 100.

forever abolished," Pétion proclaimed in 1806 and "Every resident person in the territory of Haiti is free in full right," Christophe declared in 1807.¹⁰⁷ Both leaders tied the unification of the Haitian people to individual freedom. Even during a violent civil war, the nation was unified by an identity of a free state.

Both Christophe and Pétion repeated Dessalines's promises not to instigate rebellion abroad. Christophe's constitution even contains a section heading titled "Guarantee to Neighboring Colonies" which includes the article: "The nation of Haiti shall not in any way make conquests outside the Island, limiting itself to conserving its territory."¹⁰⁸ This article interestingly promises not to instigate rebellion outside of its borders and at the same time focuses on the preservation of their achievements at home. Territorial conservation was the primary objective in the early years of Haitian

¹⁰⁷ "Il ne peut exister d'esclaves sur le territoire de la République; l'esclavage y est a jamais aboli," L'Instant de Pradine, *Recueil General des Lois et Actes du Gouvernement d'Haïti depuis la Proclamation de son Indépendance jusqu'à nos jours*, Tome 1ier, (Paris : A. Durand, 1886), 169; "Toute personne, résident sur le Territoire d'Haïti, est libre de plein droit," BNA, WO 1/79.

¹⁰⁸ "37. Le Peuple d'Haïti ne fait point de conquêtes hors de son Isle, et se borne a conserver son territoire." The other article in this section is: "36. The Government of Haiti declares to the Powers that have colonies in its vicinity its unshakeable decision to not disturb the regime by which they are governed." "36. Le Gouvernement d'Haïti manifeste au puissances qui ont des colonies dans son voisinage, sa résolution inébranlable de ne point troubler le régime par lequel elles sont gouvernées." British National Archives, WO 1-79; Pétion's constitution contains a similar article: Pétion's constitution: "Art. 2. La République d'Haïti ne formera jamais aucune entreprise dans les vues de faire des conquêtes, ni de troubler la paix et le régime intérieur des îles étrangères." L'Instant de Pradine, *Recueil General des Lois et Actes du Gouvernement d'Haïti*, 169.

independence; the state would do nothing to jeopardize their hard won achievements. “The Haitians... are determined to stay peacefully at home,” the *Gazette Royale D’Haiti*, published under Christophe, proclaimed in 1816, “where they have enough to do to consolidate their liberty and independence, without needing to recklessly involve themselves in enterprises that are contrary to the laws of their country, and their natural desire, to never abandon their native soil is clearly pronounced.”¹⁰⁹ By this time, the civil war at home clearly occupied much of the military capacities of the Haitian states and provided further evidence that the international community did not need to worry about an invasion from the Haitian military. The quotation in the *Gazette* also emphasizes an emotional attachment between the people and the territory. The geopolitical space represented their freedom and Christophe argued that they would not want to separate themselves from this guarantee to their freedom. The emphasis on territory and the borders of the island highlights the symbolic and political importance of the geographic space that Haitians had claimed as their own.

As historian Rayford W. Logan brilliantly showed seventy years ago, Haiti’s relationships with foreign nations have, throughout its history, deeply shaped and

¹⁰⁹ “Les Haytiens....sont déterminés a rester paisiblement chez eux, ou ils ont assez a faire pour consolider leur liberté et leur indépendance, sans qu’il aient besoin d’aller se jeter imprudemment dans des entreprises contraires aux lois de leur pays, et a leur penchants naturels, et fortement prononces de ne jamais abandonner leur sol natal.» *Gazette Royale D’Hayti*, 17 October 1816, Au Cap-Henry, chez P. Roux, imprimeur du Roi, page 2.

constrained its political and economic possibilities. Over time, the actors have changed – by the late nineteenth century, the United States had taken on the role that Britain had once played in Haiti – but the ambiguities and contradictions of these relationships have accumulated and deepened. The clashes between British representatives and the Haitian state laid the foundations for Haiti's political isolation in the first half of the nineteenth century. It might have been otherwise, of course. Had Dessalines been willing to yield to Nugent's demands, Haiti might have found its sovereignty deeply eroded almost immediately. And if Nugent and the British Empire had been less animated by the fear of revolutionary example, they might have honored Haiti's independence – as they had done, after all, with that of their own former mainland North American colonies – and enabled the nation to take an equal place within the international system. Civil war in Haiti produced what Nugent had hoped would be the major benefit of a trade treaty - assurance that the *Armée Indigène* would not invade the British West Indies. Sir Eyre Coote, who succeeded Nugent in 1806, did not seek to sign a treaty with either Pétion or Christophe.

After the crucial years between 1803 and 1806, the British government reached a strange compromise with lasting consequences for Haiti. The British resisted formally acknowledging Haitian independence but they also sought alternative ways to capitalize on Haiti's break from France. British economic engagement with Haiti, however, would

have greater implications for the island's status in the Atlantic World. These implications can be seen most clearly in the records of the British Admiralty Courts.

Chapter 3 - "Legislators of the Antilles": British Regulation of Trade to Haiti

Britain's ill-defined policy during the first years after the Haitian Declaration of Independence magnified the complexity of decisions regarding what constituted a legitimate actor on the international stage at the start of the nineteenth century.¹ The British government remained silent on the question of whether they would recognize Haiti as a sovereign state but when the question came before judges in the Admiralty Court system, they could not sidestep the issue. This chapter studies four maritime prize cases that reveal the multiple layers of possession and recognition that were possible in the early nineteenth century Atlantic, and how sovereignty and statehood were constructed in a number of ways outside of formal recognition. Indeed, the status of Haiti's national legitimacy depended upon intertwined interpretations of diplomatic, economic, and legal relationships and definitions.

The case of British-Haitian relations after 1804 shows how law, especially admiralty law, was a crucial part of state building and was - to some degree - outside the control of government officials in London and in Port-au-Prince. Beyond the official rulings of the British government, there existed a world of admiralty jurisprudence in the Atlantic that made certain assumptions about what constituted a good prize and

¹ I would like to thank Lauren Benton, Mitch Fraas, Ed Balleisen, and the Triangle Legal History Seminar for reading an earlier version of this chapter and for their thoughtful comments and suggestions.

what constituted a neutral nation. While the Haitian leadership promised that they would not try to change the laws of foreign islands, that they would not be “legislators of the Antilles,” the British, in contrast, were quite willing to impose their own laws on the merchants of other nations. The cases studied in this chapter also reveal the broader implications of British policy since the Admiralty Courts applied British law to American and Danish merchants.

The following analysis builds on the work Lauren Benton whose research highlights the importance of maritime law in the late eighteenth and early nineteenth centuries and reveals the multiple layers of power and sovereignty in Atlantic Empires. “The period of nearly continuous warfare between 1753 and 1815 infused prize courts,” Benton argues, “designed for adjudicating captures in time of war, with unusual political and commercial importance.”² Prize Courts could also change the trajectory of events to serve the interests of individuals in the colonies. “The various admiralty courts of the Atlantic colonies,” Benton argues, “developed with highly localized concerns at their core: fishing in Newfoundland, sea wrecks in Bermuda, piracy in Jamaica. And authority radiated out unevenly from these points.”³ From this perspective, while judges considered cases involving the capture of vessels coming from the United States, they

² Lauren Benton, “Strange Sovereignty: The *Provincia Oriental* in the Atlantic World,” *Mexico 20/10, La Modernidad en el Atlantico Iberoamericano, 1750-1850*, (Forthcoming).

³ Lauren Benton, “Oceans of Law: The Legal Geography of the Seventeenth-Century Seas,” Conference Proceedings, Seascapes, Littoral Cultures, and Trans-Oceanic Exchanges, Library of Congress, Washington, DC, February 12-15, 2003.

also had to consider the context of international European war, Britain's dominance on the high seas, and the benefits to Great Britain in obtaining a monopoly on trade with Haiti. Foreign ships captured by the British would, according to the common understanding between European empires, be brought to British Admiralty Courts.⁴ There the captors and claimants would have the opportunity to argue their cases and present supporting evidence. "Prize courts were broadly assumed," Benton notes, "to operate on the basis of customary practices of the law of nations while observing stipulations of treaties."⁵ The evidentiary basis for an Admiralty Court decision could include custom, official government documents, letters, clearance papers, and records of the exchange of monies and goods.

The "law of nations" forms the basis of much of the discussion in the Admiralty Court system; however, this concept was not clearly defined. Individuals drew on "customary practices," precedent, and various legal thinkers, primarily Emmerich de Vattel. The ambiguous concept could be strategically deployed to support diverse and sometimes opposing perspectives.

Neutral shipping in particular was a contentious issue in the early nineteenth century and British ships sought to minimize the impact that this kind of trade could

⁴ The cases in Chapter 1, however, suggest that not all ships brought prizes into the courts of their own islands.

⁵ Lauren Benton, "Abolition and Imperial Law, 1790-1820," *The Journal of Imperial and Commonwealth History*, (2011) 39(3): 357.

have on the war. Indeed, during times of war, Benton highlights that “neutrals stood to gain a much larger share of rich Atlantic commerce; weaker belligerents hoped to profit from the use of neutral shipping; and Britain sought to protect its growing advantages in naval warfare by limiting the scope of neutral shipping.”⁶ The cases of the *Happy Couple*, the *Dart*, the *Pelican*, and the *Manilla*, therefore, took place in a context where Admiralty Courts had a significant degree of power in shaping Atlantic policy and where international Atlantic warfare determined the ways that the British perceived neutral shipping. British dominance on the high seas meant that British policy often extended to regulate the actions of others.

Specifically, the Admiralty Court records for the cases of the *Happy Couple*, the *Dart*, the *Manilla*, and the *Pelican* document how economic policy impacted Haiti’s diplomatic status in the Atlantic World between 1804 and 1809.⁷ Edwin D. Dickinson discussed these four cases briefly in the early twentieth century, but a more detailed analysis reveals that international trade during times of war infused these legal decisions with economic and diplomatic implications. The cases of the *Happy Couple* and the *Dart* were heard at the same time in two separate courts and both ships were condemned for trading items considered contraband of war with a belligerent nation; Haiti was considered belligerent because the judges argued that it was still a French

⁶ Benton, “Abolition and Imperial Law,” 358.

⁷ Edwin D. Dickinson, “The Unrecognized Government or State in English and American Law,” *The Michigan Law Review Association*, (1923) 22(1): 29-45.

colony. The later cases of the *Manilla* and the *Pelican* referenced these two earlier decisions but the courts ordered both of these ships to be returned to their owners. The key event in between these two pairings was the issuing of an Order in Council by the British King that permitted British merchants to trade with Haiti. The new British economic policy meant that the Admiralty Courts had to reevaluate Haiti's diplomatic status in the Atlantic World economy. The decisions handed down in the cases of the *Manilla* and the *Pelican* were then referenced in the cases of the *Ben Lomond* and the *Elizabeth and Mary*. The cases in this final pairing expanded the diplomatic implications of the law and indeed completely erased the earlier rulings that Haiti was to be considered part of enemy territory.

After Lieutenant-Governor George Nugent of Jamaica ended economic and diplomatic negotiations with Jean-Jacques Dessalines in March of 1804, the British government did not pass any new legislation or issue any executive decrees regarding Haiti for two and a half years. This silence created additional diplomatic and economic confusion and left the British courts with little guidance as to how to judge prize cases. The British government did not answer the question of how the international community should integrate or exclude this island in the context of Atlantic commerce. Could Haiti participate in the Atlantic economy as a sovereign power? How would this decision impact the existing economic systems? The British government did not answer these questions, but the circumstances demanded an answer. Therefore, when the

question was posed in the Admiralty Courts because of the capture of prizes, the judges had to rule on the issue but the diversity of the international actors who were invested in this question complicated the decision-making process. Merchants, political leaders, judges, lawyers, newspaper editors, newspaper readers, and others talked about and participated in the conversation that evaluated Haiti's right to sovereignty. In addressing this issue, interested parties primarily considered international relationships and military strategy. For example, the Franco-British war meant that Haiti's success aided the British war effort. In addition, the United States and Denmark were both neutral nations and, according to common practice within the law of nations, could not trade items considered "contraband of war" to belligerent nations. In this context, Admiralty judges had to make a decision regarding Haiti's status. Was the island independent and therefore able to take a stance as a neutral nation? Or was it still a French colony and therefore part of a belligerent nation? One might have also argued that even if Haiti was considered independent, it was still at war with France and therefore was a belligerent nation but none of the judges made this last argument. Interestingly, while discussions about Haiti's place in the Atlantic World in political and public settings often centered on questions of moral legitimacy or illegitimacy, the courts stayed away from these debates and focused on the relationship between economic and diplomatic policy and the common practices of the law of nations as they applied to other nations of the Atlantic.

In evaluating the questions posed by Haiti's Declaration of Independence, interested parties considered a wide variety of evidence. Merchants, lawyers, and judges introduced as evidence political and economic treaties, Orders in Council, constitutions, national laws, writings on the law of nations, and the actions of individuals during the international conversation about Haiti's status as a sovereign nation. Taken together, Haiti's national legitimacy and international status depended upon intertwined interpretations of diplomatic, economic, and legal relationships and definitions. The rulings of the Admiralty courts had profound significance for Haiti's place in the early-nineteenth century Atlantic World.

The capture of a vessel was one step in a long chain of events in which variously qualified individuals defined Haiti's place in the Atlantic. Sailors in the Caribbean acted on their own interpretations of national and international maritime law and policed the seas around Haiti. Indeed, British sailors took it upon themselves to control the trade of others. These actions were not unique in the Caribbean, and French and Spanish privateers also patrolled the waters surrounding Haiti. This unusual cooperation among belligerent powers implied some degree of (perhaps accidental) international cohesion, if only temporarily, in an attempt to crush the revolution in Haiti.

The court records suggest that the British government's silence after 1804 left it to British ship captains and the Admiralty Courts to make decisions regarding the legality or illegality of trade to Haiti. Individuals creatively used the sparse evidence produced

by the British government to evaluate the legitimacy of trade to Haiti and whether the island should still be considered a French colony or whether they could treat it as a sovereign nation. This series of British Admiralty cases highlight the changes that occurred in British policy as a result of rulings that connected economic policy and diplomatic power. The courts had to make do with the evidence in front of them.

The ill-defined British policy in the first years after Haitian independence highlights the complexity of decisions regarding who constituted a legitimate actor on the international stage of the turbulent Atlantic World in the early nineteenth century. Furthermore, these policies engaged other foreign powers and connected British definitions of sovereignty and legal rights to other imaginaries and spheres of influence. These maritime cases reveal the multiple layers of possession and recognition and the diverse actors that contributed to these decisions. The discussions suggest a vertically layered system of decision-making involving merchants, sailors, judges, statesmen, and lawyers within the British Empire. These groups were in conversation with foreign merchants, and they considered foreign legal systems and the guidelines outlined in public proclamations and treaties. The different imaginations and conceptualizations of how Haiti fit into the Atlantic World's political and economic systems shaped Haiti's post-independence experiences and made for a diversity of foreign interactions with the new country. Each of these layers of influence impacted the early independence years in

Haiti, and these discussions suggest a need to rethink the status of national sovereignty in terms of intertwined diplomatic, economic, and legal relationships and definitions.

The Happy Couple and the Dart

Elias Kane and John B. Murray, residents of New York and citizens of the United States, sent the *Happy Couple* to Gonaïves, Haiti on October 19, 1804. These merchants had purchased a contract to furnish Jean-Jacques Dessalines, Emperor of Haiti, with a large supply of gunpowder.⁸ The ship carried thirty one hundred and five kegs of gunpowder as well as beef, pork, flour, and other goods.⁹ The *Happy Couple* was armed “for her defence against the French and to protect [the] convoy from their cruisers to the port of her destination.”¹⁰ The ship arrived at Gonaïves on November 12, 1804 and then proceeded to the city of St. Marc where it remained until February 22, 1805. After the ship sailed from St. Marc it was soon captured by HMS *Cambria* for trading in contraband of war with a colony of His Majesty’s enemies. The *Cambria* escorted the ship to Nova Scotia for the case to be heard in the Prize Court of the Vice-Admiralty in Halifax.

⁸ In exchange for which they would receive coffee, cotton, and sugars. In the end, logwood was substituted for sugar. Jean-Jacques Dessalines was nominated Emperor of Haiti in October 1804.

⁹ Exhibit No. 1, “General Clearance,” LS David Lyon, Customs House New York, 15 October 1804, British National Archives (BNA), HCA 42-426.

¹⁰ Court of Vice Admiralty, Nova Scotia, Examination of Thomas Walmsby Story, master of the *Happy Couple*, 19 March 1805, BNA, HCA 42-426.

At about the same time as the *Happy Couple* sailed to Haiti, the American schooner the *Dart*, owned by a Baltimore merchant, also sailed from the United States to the newly independent nation. On January 3, 1805, the *Dart* left Baltimore destined for Cap Haïtien (formerly Cap Français) carrying flour, pork, fish, tobacco, dry goods, and “100 quarter casks of Gun Powder.”¹¹ On the ship’s voyage to Haiti, it was captured and seized by the British private vessel of war the *Sarah Ann*. The *Dart* was carried into the Port of Nassau in New Providence (Bahama Islands) in the first week of February 1805.¹²

The Admiralty records at the British National Archives contain little about the court hearing after the capture of the *Dart*; however, the *Royal Gazette and Bahama Advertiser* published a detailed report on the case. “At a Court of Vice Admiralty for these islands, held on Wednesday last,” the newspaper announced on March 12, 1805, “a cause came on for trial, quite novel in kind, and in consequence highly interesting.”¹³ The Admiralty courts of the Bahama Islands and Halifax heard the cases of the *Dart* and the *Happy Couple* concurrently, so neither court could draw on the decisions of the other. The two judges nevertheless came to the same conclusion. What is interesting, however, is that they reached this same conclusion by citing different evidence and by using different reasoning.

¹¹ “Ship News,” *Royal Gazette and Bahama Advertiser*, 12 February 1805, Vol. 1, No 63.

¹² “Ship News,” *Royal Gazette and Bahama Advertiser*, 12 February 1805, Vol. 1, No 63.

¹³ “Nassau,” *Royal Gazette and Bahama Advertiser*, 12 March 1805, Vol. 1, No. 71, page 3.

The records for the case of the *Happy Couple* reflect the complex considerations that influenced the judge's decision. Deborah Jenson has studied the case of the *Happy Couple* in the context of other instances in which foreign merchants were prohibited from trading with Haiti and argues that "although it is not yet clear whether there was any direct bearing of these legal arguments on Haiti's actual independence, it is difficult to imagine that they did not indirectly circumscribe the ability of Haiti to assume a place in the international order economically, politically, and psychologically."¹⁴ And indeed, in the British case, this appears to have been true, at least until 1806.

The newness of the cases of the *Happy Couple* and the *Dart* magnified the complexity since there was no legal precedent and therefore no guidelines to follow. The lawyer arguing the case for the captors of the *Happy Couple* argued that they had captured a neutral ship involved in trade in articles that were considered contraband of war with an enemy nation. The captors recognized that the island was in a "peculiar state" but claimed that they had no "official evidence" to prove that the island was no longer a colony of France. Because there was no official recognition offered by the French to the British of the fact that "St Domingo" was no longer a French colony, they had to consider that "the insurrection of the negroes may be a temporary event of no permanence." The illegality of the voyage, therefore, was obvious because trading in

¹⁴ Deborah Jenson, "States of Ghetto, Ghettos of States, Haiti and the 'Era de Francia' in the Dominican Republic, 1804-1808," *The Global South: States of Freedom: Freedom of States*, (Forthcoming).

contraband of war was an “infringe[ment of] one of the most important rules of national law.”¹⁵

The master of the *Happy Couple*, Thomas Story, filed a claim on behalf of the ship’s owners and the records suggest that he did not employ a lawyer to argue the case. In contrast to the captors’ focus on “official evidence,” he countered that the island “appears to have been completely wrested from the power of that country [France].” Rather than looking for documentation of this independence, he focused on the reality of the situation and claimed that the power was clearly in the hands of the Haitian government. Furthermore, he argued, the point of the voyage was to sell the Haitian Government arms so that they could firmly secure their sovereignty. He claimed that no “official evidence” was needed since “the *fact* upon which his [Dessalines’s] rights exist, is clearly ascertained, and not even disputed.” The claimants engaged in commerce with the island because of the “actual state of the belligerent country”; they did not wait for official recognition or the signing of treaties.¹⁶ Story recognized that the European powers had not issued a treaty or proclamation recognizing Haitian independence but the voyage was based on the fact that the French no longer controlled the western side of the island. Military defeat provided good enough justification for commercial

¹⁵ James Stewart, *Reports of Cases Argued and Determined in the Court of Vice-Admiralty at Halifax, Nova Scotia: From the Commencement of the war in 1803 to the end of the year 1813, in the time of Alexander Croke, judge of that court*, (London: Printed for J. Butterworth and Son, 1814), 67.

¹⁶ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 68.

relationships. It is interesting to note that George Nugent, the Lieutenant-Governor of Jamaica used this same logic when he sent two emissaries to Haiti in 1803 to research the possibility of a trade agreement.

Alexander Croke presided as judge for the case of the *Happy Couple* and considered a variety of evidence and arguments.¹⁷ The preparatory testimony included depositions taken from the ship's master, Thomas Story, the carpenter on board the ship, and the steward of the brig. In addition, the court used letters and other documents included in the ships papers. Judge Croke's first order of business was to consider the fact that the ship had been armed for the voyage. He recognized that the armament of a ship for its own defense was not unlawful and that this was "one of the most sacred and imprescriptible rights of mankind."¹⁸ As will be discussed in Chapter 4, some American congressmen and the French representatives in the US and Santo Domingo would have argued otherwise. While Croke was willing to accept the armament of merchant vessels as a general rule, he argued that it must be ascertained why the ship was armed in such a way. The evidence presented on the side of the *Happy Couple* focused on the number of

¹⁷ Croke moved to the Vice-Admiralty Court of Nova Scotia in 1801. "His rigid enforcement of the Navigation Acts did not endear him to the merchant community." *The Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/article/6729?docPos=1>

¹⁸ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 69.

French privateers that swarmed the coasts of Hispaniola.¹⁹ In the end, the judge conceded: “the depredations committed by the *French* upon *American* commerce are notorious.”²⁰ The ship’s papers, he noted, contained ample evidence to support this statement: “Amongst the letters on board, the danger and number of *French* privateers is a prominent feature in the greater part of the different correspondence.”²¹ This evidence included the examination of Thomas Story as well as extracts from letters from Port-au-Prince and Gonaïves that were part of the ship’s papers.²² Furthermore, according to Story, the voyage of the *Happy Couple* from New York to Gonaïves was interrupted by a quick stop at Turks Island, Bahamas so that he could gather information regarding the French privateers around Hispaniola.²³ Finally, the examination of Story and a letter written by him to the ship’s owners, note that the ship fell in with two French Privateers off Léogâne, Haiti before the ship was captured by the *Cambria*.²⁴ Taken together, the

¹⁹ For more on French privateering from the city of Santo Domingo see: Deborah Jenson, “States of Ghetto, Ghettos of States, Haiti and the ‘Era de Francia’ in the Dominican Republic, 1804-1808,” *The Global South: States of Freedom: Freedom of States*, (Forthcoming).

²⁰ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 71.

²¹ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 72.

²² “No. 39” Extract of a letter signed Jack, to his wife, Mrs Eliza Hacker in New York, dated Port au Prince, 17 February 1805; “No. 40” Extract of a letter from J. Faber to Mr. Henry Messoniere merchant Baltimore, dated Gonaives, 20 February 1805; Court of Vice Admiralty, Nova Scotia, Examination of Thomas Walmsby Story, master of the *Happy Couple*, 19 March 1805, BNA, HCA 42-426.

²³ Court of Vice Admiralty, Nova Scotia, Examination of Thomas Walmsby Story, master of the *Happy Couple*, 19 March 1805, BNA, HCA 42-426.

²⁴ Court of Vice Admiralty, Nova Scotia, Examination of Thomas Walmsby Story, master of the *Happy Couple*, 19 March 1805, BNA, HCA 42-426; Exhibit No. 25, Thomas W.

diverse evidence assured the judge that the ship was armed for protection from French privateers. He concluded that the vessel was clearly not armed to cause injury to the British Empire and therefore the arming of the vessel was not grounds to condemn the ship.²⁵

The judge then turned to the contract signed between the American merchants and the government of Haiti; a deal that he considered to be “no ordinary transaction in the usual course of mercantile affairs.”²⁶ The contract was for the supply of gunpowder to the Government of Haiti.²⁷ Elias Kane & Co. and John B. Murray had purchased a contract to supply Dessalines “with a large quantity of Gun powder to enable him to prosecute a war in which he then was and now is engaged with the French Government.”²⁸ Therein lay the problem – gunpowder was contraband of war. Neutral nations were only allowed to trade with enemy nations in articles not considered contraband of war by a Royal proclamation of June 24, 1803.²⁹

Storey to Elias Kane & Co and John B. Murray, undated [shortly after 22 February 1805], BNA, HCA 42-426.

²⁵ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 72.

²⁶ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 72.

²⁷ Archibald Kane later signed another contract with the government of Haiti and this second agreement is discussed in Chapter 4.

²⁸ Court of Vice Admiralty, Nova Scotia, Testimony of Thomas Walmsby Story, master of the Happy Couple, 23 March 1805, BNA, HCA 42-426.

²⁹ According to Emmerich de Vattel, “contraband” is defined as “Commodities particularly *useful* in war [...] such are arms, ammunition, timber for ship-building,

The nature of the materials that the *Happy Couple* brought to Haiti required the court to consider whether Haiti was part of an enemy nation. This same issue arose during the case of the *Dart* because that ship also brought items considered contraband of war to Haiti. The newspaper report from the *Bahama Gazette* highlighted the significance of the ship's cargo in the sentencing of the *Dart*. "Part of her cargo being *articles* universally deemed '*contraband of war*,'" the *Gazette* reported, "the only question to be decided was, whether they were destined for the *supply of an enemy*?" Similarly, the judge in Halifax argued that it was necessary to determine the "national character of *St Domingo*." Was Haiti an independent country and therefore neutral? Or was Saint Domingue still a French colony and therefore part of a belligerent nation?³⁰

Since the British government did not issue an executive decree or legislation answering this question after the Haitian Declaration of Independence, Judge Croke in Halifax turned to the international treaties that had previously established ownership over the territory. First, he cited the transfer of ownership of the western part of the island from Spain to France with the Treaty of Ryswick in 1627. He also noted that the

every kind of naval stores, horses, - and even provisions, in certain junctures, when we have hopes of reducing the enemy by famine." Emmerich de Vattel, *The Law of Nations, Or, Principles of the Law of Natures, Applied to the Conduct and Affairs of Nations and Sovereigns*, edited by Joseph Chitty, (Cambridge: Cambridge University Press, 1834), 337.

³⁰ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 72.

Treaty of Basel in 1795, during the French and Haitian Revolutions, surrendered the rest of the island to France. He argued that these two documents firmly established French control over the entire island. Interestingly, the judge then considered the 1801 constitution of Saint Domingue as an express acknowledgement of French authority of the island.³¹ Toussaint Louverture, leader of the rebel army for much of the 1790s, wrote this constitution when he was governor-general of the island. The French metropolitan government did not itself recognize this constitution and instead Napoleon ordered his army to reinvade the colony in 1802. The constitution, according to Napoleon, gave the colony too much independent authority.³² Nevertheless, the judge considered this document to be an official statement of allegiance to France from the colonial authorities and therefore he argued that the constitution helped prove that the island was a part of the French Empire.

Given these three affirmations of French authority over the island, the judge declared that nothing of the same style had been signed or published reversing France's claims. Judge Croke argued that the rebel army had won the war but this did not mean that they were the legitimate rulers: "might does not constitute right; and if France has a just title to the dominion of St Domingo, no acts done by revolting negroes can divest

³¹ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 73.

³² For more on this see Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution*, (Cambridge, Mass: Harvard University Press, 2004), 254.

it.”³³ According to this logic, the rebels in Haiti did not have the power to assert their own sovereignty; only international powers could give them that distinction. The French had not yet recognized Haitian sovereignty and in fact, the judge argued, the French still claimed ownership of the island and had actionable plans for its reconquest.³⁴ Therefore, he concluded that the military victory could not be complete if the former colonial power did not concede defeat.

The judge, however, offered another route by which Haiti could be recognized as a sovereign nation: by a British admission. In order to conclude that the island was independent from France, the judge argued, the courts would require a British “declaration, treaty, or other public act” that declared that Saint Domingue/Haiti was not considered part of the enemy nation.³⁵ In this scenario, a British declaration of recognition would have trumped the claims made by the French government to continued colonial authority over the island. It appears as though British diplomatic might may have indeed been able to constitute right, while Judge Croke declared that the military victories of rebel armies in Saint Domingue were an illegitimate form of authority. It is unclear, however, whether this was because only a sovereign nation had the ability to admit another power into that category or whether the colonial and revolutionary history of Saint Domingue resulted in parallel perceptions of international

³³ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 73.

³⁴ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 74.

³⁵ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 74.

hierarchy after independence. Either way, the British government had not issued such a document.

The actors in the case of the *Happy Couple* filled the British policy void with historical references to French claims over the island. In contrast, the claimants for the case of the *Dart* put forward a different argument to support their actions. They too searched for historical references but instead turned to British treaties and agreements with Saint Domingue/Haiti, both signed and proposed. "The claimants maintained," reported the *Bahama Gazette*, "that the soi-disant Haytians were the open and avowed enemies of France - that though Great Britain had not acknowledged them as an independent state; yet from a former treaty entered into with them by General Maitland [in 1799], and from another lately attempted by Governor Nugent [in early 1804], it was evidently her intention not to consider them as *enemies*; and in point of *fact*, that France *really* was the common enemy of both countries."³⁶ It was clear to these American merchants that the British had engaged in treaties and negotiations with the island in order to support the rebellion against France. Furthermore, the United States government had not yet issued legislation prohibiting the trade. Maitland and Nugent had both sought out friendly relationships these American merchants interpreted these acts of friendship as signs of support and cooperation, and they argued that this support demonstrated an alliance.

³⁶ "Nassau," *Royal Gazette and Bahama Advertiser*, 12 March 1805, Vol. 1, No. 71, page 3.

The judge presiding over the case of the *Dart* did not immediately rule on the question but he also did not consider the claimants' argument to be convincing: he needed "further proof as to the fact of any agreement between the British Government and the inhabitants of St. Domingo (previous to the present capture) excepting them from the general state of Hostility." This judge argued that the treaties between Jamaica and Saint Domingue did not reflect the current situation and were not sufficient evidence of a British-Haitian alliance. The judge gave the claimants three months to produce the additional proof.

The judge presiding over the case of the *Happy Couple* also felt that he needed additional evidence to support the past treaties admitting French authority over the island and the absence of a decision on the part of the British. He therefore considered whether there might be "private forms of evidence" that would supplement the official government documents and actions in order to clarify whether Haiti was in fact independent from France. By this he meant documents that were not part of the official political and legal spheres but rather evidence such as personal correspondence and depositions. The court gathered this source base from the ships papers and the examinations done by the courts. From this evidence, two key points came into view: first, that Dessalines and his armies were at war with France and therefore Haiti could not be considered part of the French Empire; second, that the British themselves were friendly with Haiti and that they were engaging in commercial and military alliances

with the new nation.³⁷ Again, the two relationships between France and Haiti and Britain and Haiti demonstrate the centrality of foreign powers in the decision-making process regarding Haiti's sovereignty.

Thomas Story, master of the *Happy Couple*, argued that his ship was sailing under convoy and was destined for Gonaïves, "in the Island, of St Domingo, now called the Empire of Hayti. And for the purpose of supplying the army of Dessalines (Emperor of Hayti) with powder against the French."³⁸ The primary attack on the French would occur at the city of Santo Domingo on the eastern side of the island, formerly the Spanish colonial capital. "The Indigene Army take the field next week against St Domingo," Archibald Kane wrote to his brother Elias from St. Marc, Haiti, "headed in person by His Majesty. Dessalines is truly a man of strong mind and prodigious firmness. I like him on account of his quick decision."³⁹ Numerous other letters on board the captured ship supported the claims that Dessalines's army, about 20,000 strong, was marching against the small French force at Santo Domingo.⁴⁰

³⁷ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 74.

³⁸ Court of Vice Admiralty, Nova Scotia, Examination of Thomas Walmsby Story, master of the *Happy Couple*, 19 March 1805, BNA, HCA 42-426.

³⁹ Exhibit No. 16, Archibald Kane to Elias Kane, 11 February 1805, BNA, HCA 42-426.

⁴⁰ See for example, "No. 37" Extract of a letter from Archibald McElroy jun. to his wife in Pennsylvania, dated St. Marc, 22 February 1805; "No. 43" Extract of a letter from A.J. Lewis to Mrs Huldah Nandyke, new York, dated St. Marc, 21 February 1805; "Extract of a letter from M.D. Lewis to Mr. Sam'l McCall, Philadelphia, dated St. Marc, 19 February 1805, BNA, HCA 42-426; "Exhibit No. 17," Archibald Kane to Elias Kane, 20 February 1805, BNA, HCA 42-426; "No. 41" Extract of a letter from Nath'l Dillhorn to Mr. C.

The evidence also contained information regarding British involvement in the conflict between Dessalines and the French and even suggested that the British themselves were collaborators in this attack. "I have no new material to communicate," a merchant wrote from St Marc, "except the Emperor marching against the city of St Domingo with an army of twenty thousand men, there is little doubt of their taking it when every soul is to be put to the sword without mercy. Some English ships of war are cruising off the harbour to prevent their [the French] escape by sea."⁴¹ The British navy had previously aided Dessalines's army in order to ensure the evacuation of General Rochambeau's troops in the second half of 1803, and evidently the British admirals had again agreed to support another attack on the French on the other side of the island. Thomas Story also emphasized this point in his examination at the Vice-Admiralty court in Nova Scotia. The "deponent [Thomas Story] was informed by the interpreter and aid de Camp of General Dessalines the he had received a letter from the British Naval Commander named Duckworth informing him that he had sent three Frigates to

Collins, Philadelphia, dated Saint Marc, 22 February 1805; "No. 46," Extract of a letter from Wm. Ely to Mr. J Catling Litchfield Connecticut, dated St. Marc, 20 February 1805, BNA, HCA 42-426.

⁴¹ "No. 44," Extract of a letter from Nath'l Dillhorn to Capt Silas Swain Philadelphia, dated Saint Marc, 22 February 1805, BNA, HCA 42-426.

Blockade the city of Saint Domingo and to co-operate in the reduction of that fortress.”⁴²

William Ely, probably another merchant in Haiti, corroborated these statements in a letter that was submitted as evidence. Ely argued that before he marched on Santo Domingo, Dessalines received “dispatches from Admiral Duckworth at Jamaica assuring him of his determination to cooperate with him by sea in the reduction of the city of St Domingo, which the Emperor intends to raze to the ground, blow up its fortifications, burn its buildings and bring off the black inhabitants to cultivate what was formerly called the French part of the Island.”⁴³

The British, the claimants put forward, also collaborated with Dessalines on the Western side of the island. “During the time this deponent was at Gonaives,” Thomas Story argued in his testimony, “His Majesty’s schooner Superior commanded by a lieutenant of the Royal Navy came into the said port for the purpose of getting refreshments, which was supplied to them by the permission of Dessalines”⁴⁴ Furthermore, he argued, the British themselves were engaging in similar trade with the Haitian government since “Dessalines had a short time before exchanged a number of

⁴² Court of Vice Admiralty, Nova Scotia, Examination of Thomas Walmsby Story, master of the Happy Couple, 19 March 1805, BNA, HCA 42-426.

⁴³ “No. 45,” Extract of a letter from William Ely to W.E. White Hartford Connecticut, dated St. Marc, 20 February 1805, BNA, HCA 42-426.

⁴⁴ Court of Vice Admiralty, Nova Scotia, Testimony of Thomas Walmsby Story, master of the Happy Couple, 23 March 1805, BNA, HCA 42-426.

anchors with Admiral Duckworth for a quantity of small arms.”⁴⁵ Haitians were providing British sailors with provisional supplies when they landed on shore, and members of the British navy were supplying the Haitian government with items considered contraband of war. According to Story, this evidence proved that by comparison, his ship was not engaged in illegal activity.

The judge, however, discounted these arguments and stated that they were “mere belief, hearsays, reports, and suppositions.”⁴⁶ He argued that none of this amounted to evidence of the recognition of Haiti’s independence by Great Britain. “That there should be some interchange of reciprocal civilities, and even occasional limited co-operations, between parties engaged in war against a common enemy, is extremely natural; but all these circumstances fall very short of proving what is necessary in this case, that an alliance subsists between Great Britain and the Emperor of Hayti, to such an extent as would authorize such an immense supply of ammunition, in support of the establishment of an independent government in that island.”⁴⁷ The judge recognized that some support was possible in the interest of bringing down the common enemy; but this small-scale collaboration did not amount to official recognition of the island’s independence from France. This rationale may have also taken into consideration the

⁴⁵ Court of Vice Admiralty, Nova Scotia, Testimony of Thomas Walmsby Story, master of the Happy Couple, 23 March 1805, BNA, HCA 42-426.

⁴⁶ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 75.

⁴⁷ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 75.

perceived benefits for Great Britain of continued civil war within the French Empire (as discussed in Chapter 2). Civil war would not only cut off a large source of income for the French but it would also require the metropole to spend additional resources in their efforts to re-conquer the island.

Without any formal concession from the French government recognizing the independence of their former colony and without proof of an alliance between Haiti and Great Britain, the judge presiding over the case of the *Happy Couple* argued that “St Domingo” had to be considered a French colony.⁴⁸ Because the ship *Happy Couple* had carried gunpowder to Haiti, he concluded that the confiscation of the ship was legal.⁴⁹ Similarly, an April 4, 1806 *Supplement to the Royal Gazette* reported that the claimants for the *Dart* had failed to supply the courts with sufficient evidence to prove Haiti’s independence from France.⁵⁰ The records of the High Court of Admiralty note that the *Dart* was condemned in the Court of Vice Admiralty of the Bahama Islands on July 16, 1805. The claimants appealed the decision on May 5, 1806 but the High Court of Admiralty upheld the Vice-Admiralty court’s decision.⁵¹

News of the British Vice-Admiralty courts’ decisions quickly reached the United States and at least one American newspaper reflected on the ambiguities of British

⁴⁸ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 75.

⁴⁹ Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 76.

⁵⁰ “List of Prizes Adjudged in the Vice-Admiralty Court of the Bahama Islands, From the 26th of June, to the 26th of December, 1805” 4 April 1806, *Supplement to the Royal Gazette*.

⁵¹ “Happy Couple,” BNA, HCA 42-396

policy toward the Caribbean island in an article about the capture of the *Dart*. “In *their courts of admiralty*,” the *Aurora General Advertiser* reported on March 9, 1805, “the British have not yet recognized his majesty the emperor Dessalines.” The article warned merchants venturing to Haiti that “all vessels carrying military stores to those ports will be condemned as going to a *French port*.” The writer for the *Aurora General Advertiser* noted the distinction between mercantile adventure and government recognition and argued that “It is one thing for the traders to St Domingo to acknowledge a negro chief, and another to persuade the British of their being engaged in a lawful trade; when their privateers deem it to their advantage to make use of their knowledge, or to seize our merchant vessels when cleared out for that island.”⁵² This newspaper article highlights the diverse people and interests in discussions surrounding Haitian independence. Many merchants were willing to accept Haitian independence since this status allowed for new economic opportunities. In contrast, the British Empire remained silent on the diplomatic legitimacy of the island. This newspaper argued that this might have been a strategic financial decision since the British won prize money in court cases such as those of the *Happy Couple* and *Dart*.

The French agent at St. Thomas interpreted these actions within the framework of the French attempt to unify foreign powers in an effort to isolate Haiti. He saw these

⁵² “Capture of the *Dart*, Nichols, of Baltimore, Bound to Hayti with Military Stores,” *Aurora General Advertiser*, 9 March 1805, Philadelphia, Pennsylvania, page 2.

captures and condemnations as supporting French efforts to prevent international trade to the island. "The English bring to Jamaica and Tortola the ships that come and go from Hayti," he reported to General Louis Ferrand in Santo Domingo, "they condemn some, and ransom the others; there is general disapproval of this kind of commerce."⁵³ The French agent in St. Thomas considered these captures in light of French proclamations prohibiting trade to Haiti and concluded that the British agreed with this policy.

In referring to the capture of the *Dart*, James Stephen, a lawyer for the prize appeal court of the *Privy Council*, wrote from the Bahama Islands to the Admiralty to ask for guidance as to how Haiti should be considered by the British. "The claimant is required to produce within a limited time, proof of some actual convention between our Government and Dessalines, intitling [*sic*] him to the privileges of neutrality and that in default thereof, the ship and cargo, which I understand are of considerable value, will be condemned." To help answer this question, Stephen asked for the for more information on the King's intentions with respect to Haiti: "It would be great presumption in me to enquire [*sic*] what are the views of His Majesty's Ministers in relation to St Domingo," but he argued that he had to ask the question since the issue was so important in terms for the Franco-British war. "Captures like this [of the *Dart*] will be highly acceptable to

⁵³ "Les anglais mènent a la Jamaïque et a Tortole les navires qui vont ou viennent d'hayti, ils en condamnent partie, et ransonnent l'autre partie; le découragement est général pour ce sorte de commerce." Lartigue to Ferrand, 4 October 1806, Archives Nationales, Paris (AN), CC9a41.

the government of France," Stephen argued, "for it is I believe a certain fact, that Gen. Ferrand and the governor of Guadaloupe [*sic*], have lately declared their resolution of putting to death all the neutrals whom they may take in their exercise of this obnoxious commerce." Stephen thought that this punishment was out of the ordinary and assumed that it would have other consequences for France's international relationships. "Extremities like these might be dangerous to the good understanding between the American people and France," he calculated, "especially as the government of the former was barely strong enough to carry in congress a law for restraining the trade in armed vessels with the negroes, and was even left in a minority on some of its more vigorous clauses." Stephen assumed that the US had no interest in curtailing the trade between American merchants and Haiti and figured that the French needed Britain's help in preventing the trade. "It is therefore in every way convenient to Buonaparte that the British Navy should assist him in the suppression of this trade," he concluded, "and thereby divide with him the murders of the American merchants, and the indignation of the negroes."⁵⁴ Stephen wanted no part in being a pawn of the French in the Caribbean.

According to Stephen, the British should consider their policy toward Haiti in the context of France's efforts to convince the international community to prohibit the trade. Stephen highlighted the American inclination to support and continue the trade,

⁵⁴ James Stephen to [Charles Middleton, 1st Baron Barham], 14 June 1805, BNA, CO 245-1 page 187.

although that would soon change, and argued that the British should not side with the French in these circumstances. The records from the Bahama Islands do not contain a response to Stephen's letter, but the *Privy Council* soon came to a conclusion as to what British economic policy toward Haiti would be.

The Privy Council and the Orders in Council

British policy on trade to Haiti changed in 1806 and international merchants, lawyers, and Admiralty Court judges used this new government policy to situate Haiti in the broader Atlantic diplomatic system. The *Privy Council for Trade and Foreign Plantations* had, even before Haitian independence, been debating ways for the British Empire to ensure the friendly disposition of the Haitian government as a way to protect their own colonies, as discussed in Chapter 2. Even though the Jamaican governor's initial attempt to secure a trade treaty with Dessalines had failed, the *Privy Council* continued to discuss the economic value of trade with Haiti, and they considered how the British Empire might profit from this enterprise while still considering the security of the British West Indian colonies. Could they devise a plan that would benefit British merchants and manufacturers and prevent communication between the "brigands of St. Domingo" and the slaves held in the British West Indies? Their answer, in contrast to the Jamaican governor's conclusion in March of 1804, was yes.

On July 8, 1806, the *Privy Council* assigned a representative of the Lords of the Committee for Trade, His Majesty's Advisor General, to prepare a draft of an order that

would allow “British subjects to trade to that Part of the island of St Domingo not in the possession of the French or Spaniards from such ports and places in such articles and in such ships as by law they can be done without the interposition of the legislature.”⁵⁵ This draft, the committee argued, should be modeled on an Order in Council issued in 1799 that opened the trade between Jamaica and Saint Domingue in conformity with a treaty signed between the British General Thomas Maitland and revolutionary leader Toussaint Louverture. Just as the Jamaican governor had looked for British precedents with respect to trade agreements with Saint Domigue/Haiti, so did the *Privy Council*. This previous Order in Council, issued on January 9, 1799, stated that “it would be expedient to allow certain articles, under certain restrictions, to be exported from Jamaica, to certain Ports in the Island of St. Domingo, and to import the produce of the said Island in return for such articles.”⁵⁶ The 1799 Order did not comment on the status of the island since the rebel army had not yet attempted to officially break from France. In 1806, however, the British King introduced new language to restrict the places where British merchants could trade. The drafting of the order led to an official Order in Council issued by the King on July 21, 1806:

His Majesty by and with the advice of His Privy Council is pleased to order, and it is hereby ordered, that Licences shall be granted to British

⁵⁵ “St Domingo, Letter to His Majesty’s Adv. Genl. to prepare the draft of an order for allowing British Subjects to trade to a part of that Island,” Stephen Cottrell to His Majesty’s Advisor General, 8 July 1806, BNA, PC 2-170.

⁵⁶ *Oracle and Daily Advertiser*, London, England, 2 July 1799; Issue 22 025.

ships to go from any Port of the United Kingdom to such Ports and places in the island of St Domingo as are not, or shall not be under the immediate Dominion and in the actual possession of France or Spain, laden with such articles as shall be expressed in such licences; and to bring back from such ports and places the produce of the said Island directly to any port of the United Kingdom subject to the same duties, and under the same regulations and restrictions as the like articles not being the produce of His Majesty's colonies and plantations are subject to, on being brought to any of the parts of this Kingdom.⁵⁷

This Order did not recognize Haiti as a sovereign nation but, at the same time, it acknowledged that France had lost control over the island. The ambiguous language allowed British merchants to trade to Haiti but it withheld judgment on Haiti's sovereignty.

Merchants could apply for a trade license by stating the ship(s) and cargo that they planned to take to Haiti and what goods they hoped to receive in exchange. The licenses that the merchants received, however, altered the language of the Order in Council to include both a colonial and independent status for of the island: "the island of St. Domingo or Hayti."⁵⁸ The additional two words represent the first re-interpretation of the economic legislation and demonstrated a perceived connection between economic and diplomatic policy. The Order in Council maintained the island's colonial name;

⁵⁷ "Order allowing British ships to go to certain ports and Places in the Island of St Domingo," 21 July 1806, BNA, PC 2-170.

⁵⁸ "Licence, Messrs MacKenzie and Glennie to Export a Cargo of British Goods and to Import the return Cargo," 13 August 1806, BNA, PC 2-171.

however, the licenses included another possibility: the island might be a colony and it might be a sovereign nation.

In the nine months after this Order in Council, the *Privy Council* issued at least eleven licenses that allowed British merchants to sail one or more ships to Haiti. Some merchants made multiple applications and return voyages.⁵⁹ Shortly after the first Order in Council of July 1806, the King granted the governors of the Bahama Islands and the Leeward Islands the power to issue licenses to British merchants as a way to facilitate this trade. Then again, in July 1807, the King authorized the governor of the province of Nova Scotia to issue trade licenses to British merchants for voyages to Haiti.⁶⁰

The British also applied their policy of limited economic engagement with Haiti to the captured islands of St. Thomas and Curaçao and the British governors there were allowed to issue trade licenses to merchants wanting to trade with Haiti. In 1807 at least thirteen merchants from Curaçao successfully applied for licenses to trade to Haiti. The licenses signed by these merchants, however, highlight the continued danger in such voyages; dangers for which the British government was not willing to assume the risk. “I further freely and voluntarily acknowledge, testify, and declare,” read one license, “and do also hereby promise and engage that in case of capture or detention of the said

⁵⁹ For example, Messrs McKenzie and Glennie, Geddes & Co., Robert Sutherland, Doval & Co., Reid Irving & Co., Richard and William E. Lee, Mr. Hamlet, Nathaniel Dowick, and three ships from Halifax to bring fish to Haiti, BNA, PC 12/171.

⁶⁰ Order in Council, 19 November 1806; Order in Council, 15 July 1807, BNA, PC 2-171.

vessel, or her cargo, in any manner whatsoever, of by any person or persons whomsoever either during the course of her said voyage or otherwise howsoever that I shall bear pay suffer and sustain all losses costs charges damages and expenses whatsoever, that may accrue.”⁶¹ The licenses issued in London, in contrast, did not regulate the course of action in the case of the ship’s capture by a foreign vessel. Instead, the license made clear that if a British ship of war captured the merchant vessel and “brought [it] to Adjudication in any of Our Courts of Admiralty or Vice Admiralty the said property shall be forthwith released upon a claim being exhibited and sufficient bail being given to answer the adjudication thereof.” The merchants did have some responsibility, but rather than to bear the burden of any losses incurred, they would have to bring forth evidence of their compliance with the license: “But it shall lie upon the said James MacKenzie and Alex Glennie to make due Proof of the Circumstances herein state and that every thing was had and done according to the true intent and meaning of this our licence.”⁶² The difference might have been because of the different people issuing the licenses, the *Privy Council* and a colonial governor. Alternatively, it might have been a result of the different merchant classes applying for the licenses. The merchants applying in London would have been British merchants; however, the British

⁶¹ John Phillips for ship *Echo*, April 1807, Dutch National Archives, ALG Rijks Archief, O.A.C. INV NO 451, Film 63.

⁶² “Form of Licence for Messrs MacKenzie and Glennie,” 13 August 1806, BNA, PC 2-171.

had only recently assumed control of Curaçao and it is likely that the merchant community remained the same. Perhaps the British administrators at Curaçao did not feel responsible for merchants who were not British citizens.

Some merchants continued to pressure the *Privy Council* to take their decision even further and to recognize Haiti as a sovereign state. "The people [in Haiti] are more attached to the English than to any other nation," John Downie, a British merchant, wrote to William Fawkener, the clerk of the *Privy Council*, on January 3, 1807, "this feeling arises 1st from our conduct during the period we had possession of the country, in the last war, 2ndly from an Idea (which, I hope well founded) of our trading on more liberal terms than any other state. But chiefly from the repose they enjoy, the consequence of our maritime superiority by which alone they conceive themselves secure from the French." According to this logic, the continued support for Haitian opposition to France meant that the British might secure even more favorable terms. Furthermore, this trade would not only benefit the Haitian state, but could provide great benefits to the British. "Under any circumstance," Downie continued, "but particularly in the present state of European commerce, I presume to think a trade with Hayti an object of national importance, and I have no doubt of our securing it, almost exclusively, merely by recognizing them as a nation and giving them some consideration and

civility.”⁶³ What Downie did know at the time that he wrote this letter, is that the British economic decree would have implications for Haiti’s diplomatic status.

British ships were now formally allowed to trade with Haiti, and this new development changed the discussion about whether the island could be considered under the possession of Britain’s enemies. An economic agreement might have been able to prove an alliance between the British and Haitian Empires; however, the language remained ambiguous with respect to Haiti’s sovereignty. The Orders recognized that France did not have control over certain places on the island, but this did not mean that they did not have legal ownership of these places. The British were, nevertheless, willing to work around this technicality in order to secure trade advantages.

When the claimants for the case of the *Happy Couple* appealed the decision of the Admiralty Court of Halifax, they cited the Order in Council allowing British trade to Haiti. The judge concluded, however, that the laws could not be applied retroactively. The capture had been made before the Order, and so on March 17, 1808, the High Court of Admiralty upheld the decision from Halifax. “The Judge... pronounced the said vessel and Cargo and private adventure last mentioned to have belonged, *at the time of capture and seizure thereof*, to enemies of the crown of Great Britain, and as such or otherwise subject and liable to confiscation, and condemned the same as good and lawful prize (emphasis added).” The justification for this decision, however,

⁶³ John Downie to William Fawkener, 3 January 1807, BNA, WO 1/75.

acknowledged that the Order in Council would have an impact on future decisions.

“The trade to St Domingo was placed upon a new footing by the orders in council,” the judge concluded, “after these orders, such ports and of that island as were not in possession of the enemy were considered as not within the principle of the Happy Couple.”⁶⁴

Individuals around the Caribbean observed the behavior of British privateers and ships of war and commented on the decisions handed down by the Admiralty Courts. The French Agent at St. Thomas, André Arnaud Roberjot Lartigue, reported with satisfaction on the restrictions these British ships initiated with regard to international trade to Haiti. “I have the honor to report to you,” he wrote in October 1806 to French general Louis Ferrand at Santo Domingo, “that the English who watch over the coast of St. Thomas take all ships coming from Haiti, both Danish and American.”⁶⁵ In the same letter he argued that these ships had been instructed to capture ships trading with Haiti, although he did not suggest who issued this policy.

However, just as the judges in the cases of the *Happy Couple* and the *Dart* saw some inconsistencies or ambiguities within British policy toward Haiti, Lartigue also

⁶⁴ The judge’s reference was to the initial Order of July 1806 and the ones that give the governors of the Bahama Islands, the Leeward Islands, and Halifax; Stewart, *Cases Determined and Argued in the Court of Vice-Admiralty*, 76.

⁶⁵ “J’ai eu l’honneur de vous prévenir que les anglais qui croisent sur les cotes de St Thomas, prenaient tous les batimens venant d’Hayti, soit Danois, soit américains.” Arnaud André Roberjot Lartigue to Louis Ferrand, 29 October 1806, AN, CC9a41.

observed that he thought that these actions were contrary to the spirit of Britain's relationship with Haiti. "Dessalines will be surprised by this," he continued in his letter to Ferrand, "particularly because the king of England has permitted merchants to engage in commercial relations with Dessalines."⁶⁶ It appears that some British sailors ignored the Orders in Council and took their chances by capturing foreign ships engaged in trade with Haiti. The British Government had implemented policies allowing trade to Haiti; however, British sailors did not necessarily follow these guidelines. According to Lartigue, at least some continued to capture foreign ships going to or leaving Haitian ports. This fact, however, is not altogether surprising. Lauren Benton's research on maritime legal systems and practices in the Atlantic suggests that a significant portion of sailors found ways to circumvent or manipulate the system. "An inter-imperial Atlantic legal regime existed by the beginning of the eighteenth century," Benton argues, "but it was not a regime of well-ordered practices. Shippers and their sponsors gamed the system in myriad ways."⁶⁷

⁶⁶ "Dessalines sera surpris de cela, surtout le roi d'Angleterre ayant permis au commerce d'entretenir des relations commerciales avec Dessalines." Arnaud André Roberjot Lartigue to Louis Ferrand, 29 October 1806, AN, CC9a41.

⁶⁷ Benton, "Abolition and Imperial Law," 357; Benton gives some examples of how sailors "gamed the system": "They seized ships not authorised under their commissions, avoided prize proceedings, sought sympathetic forums with questionable jurisdiction, disposed of goods and ships before cases were complete, sailed with falsified or purchased commissions, flew flags without authorisation, conducted sham sales of ships in order to change their nationality, transshipped goods in neutral ports to 'color' enemy

Despite the inconsistencies between British policy and individual action, Lartigue concluded that this matter might be advantageous to France's efforts. If the British continued to capture foreign vessels trading to Haiti, he argued, "the Danish and the Americans will no longer go to Haiti."⁶⁸ Even after the Orders in Council permitted trade, some British ships either intentionally or unwittingly went against the new policy. This may have been either to secure financial gains or to enforce their own interpretations of British policy with respect to Haiti. Lartigue observed this trend and reported to Ferrand: "The English," he noted, "continue to stop the ships coming from the rebels of Saint Domingue, and they only free them for a large sum."⁶⁹ Some took this policy even further and threatened to denounce them to the French or Danish governments if they refused to pay.⁷⁰ If they had done this, the French punishment for trading to Haiti would have been death.⁷¹ British sailors could continue to use foreign

goods, and adopted many other tactics designed to evade regulation and reduce or avoid penalties."

⁶⁸ "Les danoise et les américains n'iront plus a Hayti." Arnaud André Roberjot Lartigue to Louis Ferrand, 29 October 1806, AN, CC9a41.

⁶⁹ "Les anglais continuent d'arrêter les bâtiments qui viennent de chez les révoltés de St Domingue, ils ne les relâchent qu'après une forte contribution." Arnaud André Roberjot Lartigue to Louis Ferrand, 17 September 1806, AN, CC9a41.

⁷⁰ Arnaud André Roberjot Lartigue to Louis Ferrand, 25 August 1806, AN, CC9a41.

⁷¹ Louis Ferrand issued a proclamation stating: "Tous les individus, quels qu'ils soient, qui seront trouvés sur des bâtiments alliés ou neutres, expédiés pour les ports de Saint-Domingue, occupés par les révoltés, seront punis de mort." "Arrêté," Louis Ferrand, 5

laws to threaten merchants trading to Haiti; however, another case in the British Admiralty courts, that of the *Manilla*, clarified British legal policy with respect to this trade and made it difficult for sailors to capture prizes within the laws of the British Empire.

The Manilla and the Pelican

The ship *Manilla*, owned by Abraham and Jacob Barker of New York, sailed from Port-au-Prince to Gothenburg, Sweden, and on December 11, 1807 the British sloop *Halifax* captured the ship. The ship was brought before the Vice Admiralty Court at Portsmouth in the Bahamas on April 1, 1808. For the captors, the King's advocate argued that the precedents set by the cases of the *Dart* and the *Happy Couple* determined that "notwithstanding the unsettled state of St Domingo, it was still in the point of law under the dominion of France, and must be considered as an enemy's colony."⁷² The lawyers for the claimants, however, highlighted that the situation in 1808 was drastically different from 1804 because of the Orders in Council. "If by these orders British subjects are permitted to frequent such parts of the colony," they argued, "they ascribe a distinct character to the places excepted, of which neutrals are entitled to avail themselves

February 1805/16 Pluviose an XIII, Danish National Archives, Generalguvernementet, Breve fra fremmede autoriteter, 1774-1807, A-C, #2.18.1.

⁷² Thomas Edwards, *Reports of Cases Argued and Determined in the High Court of Admiralty, commencing with the Judgements of the Right Hon. Sir William Scott. Easter Term 1808.* (London: A. Strahan, 1812), HeinOnline 165 Eng. Rep. 1011 (1752-1865), 1011.

equally with the subjects of this country.”⁷³ According to this logic, British ships could not prevent neutral ships from trading to the places that were open to British merchants. The act of legalizing trade to a place charged the port with further meaning, a “distinct character.”

Judge William Scott, who heard the case, had received knowledge of the Orders in Council directly from the *Privy Council*. In a letter dated December 1, 1806, the *Privy Council* informed Scott that “the Governor of the Bahama and the Leeward Islands to grant licences to British Vessels to trade, under certain Restrictions, to such Ports and Places in the Island of St. Domingo as are not or shall not be under the Dominion, and in the actual Possession of His Majesty’s Enemies.”⁷⁴ The fact that the *Privy Council* sent this information directly to Scott suggests that it was their intention that the executive decrees should influence the rulings in future prize cases.

To rule on the case, Scott dissected the Order in Council that opened the trade to Haiti for British merchants.⁷⁵ “In construing public acts,” the judge argued, “every word

⁷³ Edwards, *Reports of Cases Argued and Determined in the High Court of Admiralty*, 1012.

⁷⁴ Privy Council to William Scott, 1 December 1806, BNA, PC 2/171.

⁷⁵ “At the outset of his career on the Admiralty bench he [William Scott] affirmed that a prize court should apply international law, and that even during a war in which Britain was fundamentally engaged, the court must ‘administer with indifference that justice which the law of nations holds out to independent states, some happening to be neutral and some belligerent’... Americans, however, whose ships carried the lion’s share of neutral trade during the Napoleonic period, felt that Scott did not always afford sufficient protection to the rights of neutrals, and this view has some merit.” *Oxford Dictionary of National Biography*,

must be taken as expressive, and the words “*dominion and actual possession*” must mean something more than the mere fact of possession.” The ambiguous wording of the Order avoided a decision regarding the diplomatic recognition of Haiti; however, it did not provide much guidance for the court systems. “What is the legal meaning of *dominion*? Its legal meaning implies rightful possession and authority; as applied to private property it signifies not merely possession but possession with rights of property.” Again, the judge considered the concept that “might does not constitute right.” “That of which the person is *dominus*,” the judge continued, “as applied to public possession it is the right of legal authority.”

Another Order in Council issued in February 1807 expanded the terms of the July 21, 1806 Order to allow ships that had previously cleared out for Buenos Ayres and the River Plata to proceed directly to St. Domingo to dispose of their cargoes.⁷⁶ This Order modified the original decree and included additional language that described a country’s rights over the territory. “In His Majesty’s instructions of the 11th Feb. 1807,”

<http://www.oxforddnb.com/view/article/24935?docPos=28>; the case of the *Manilla* refers to the Order in Council issued on 19 November 1806 that authorized the governor of the Bahama islands and the governor of the Leeward Islands with the power to grant licenses for trade to Haiti. The content of this appears to be the same as that issued 21 July 1806; Edwards, *Reports of Cases Argued and Determined in the High Court of Admiralty*, 1159.

⁷⁶ This was a temporary measure since British captains who had intended to land at Buenos Aires could no longer do so in 1807 since the British had lost control of the city.

Scott offered as an alternative, “the expression made use of is, ‘under control,’ a word of less definite meaning, and which may have a more or less restricted signification, but when I find ‘dominion’ used in two instances, I must take it rather as interpreting and enlarging the meaning of the word ‘control,’ that as in any manner restricted by it.”⁷⁷

The key conflict in the language used by the Orders in Council was “dominion” versus “control.” One constituted ownership on paper and the other was ownership in practice.

From the inconsistently and ambiguously worded Orders in Council, the judge concluded that they represented a “positive declaration of the state that parts of St Domingo are neither in the possession nor in the dominion of France.” However, the break from France did not imply that the British recognized the Haiti’s sovereignty. “It is not necessary,” the judge declared, “that this should amount to a perpetual recognition of the independence of these places as in the case of a formal and permanent cession. It is sufficient that there is a rightful and acknowledged suspension of the authority of France.” The British recognized the temporary sovereignty of certain parts of Hispaniola but they were not willing to concede that this amounted to diplomatic recognition. The recognition of temporary sovereignty, however, allowed both British and foreign merchants access to the financial benefits available because of the island’s material independence from France.

⁷⁷ Edwards, *Reports of Cases Argued and Determined in the High Court of Admiralty*, 1160.

The ruling on the case highlights the multiple layers of possession and ownership that the British recognized on the island. “[The] Ports and places of St Domingo not in possession of the French,” Scott concluded, “[are] excepted out of the general character of the island as an enemy’s colony since the Orders in Council recognised them as open to British trade.”⁷⁸ The ports and places on the island that were in the possession of the Haitian Government were an exception to the general character of the island. From this perspective, the French maintained legal authority over the island since they had not conceded defeat in the war and they had not signed an agreement with the colony acknowledging the island’s independence. But, at the same time, it was clear that the French had lost control of certain parts of the island. Therefore, American merchants as well as British merchants who had received licenses to trade with Haiti could not be condemned for trading with an enemy nation. In consequence of this ruling, the *Manilla* was restored to the claimant.

The British King’s Orders in Council limited the abilities of British sailors to regulate international trade to Haiti. Furthermore, these documents ushered in a new era of British trade to Haiti. Despite the fact that the British government refused to recognize Haitian independence or the national sovereignty of the country, British merchants flocked to the island to take advantage of the economic opportunities available. The French agent at St. Thomas reported that, because of these Orders in

⁷⁸ Edwards, *Reports of Cases Argued and Determined in the High Court of Admiralty*, 1013.

Council, a British convoy of seventeen ships arrived there in October of 1806. It was Britain's intention, he noted, to form an exclusive trade relationship with Haiti.⁷⁹

Lartigue further argued that this new economic relationship between the British Empire and Saint Domingue/Haiti would result in "consequences that are disastrous for all of their own colonies."⁸⁰ Lartigue, like Governor Nugent in Jamaica, perceived the potential dangers involved in economic relationships with Haiti because it meant that the free people of color and slaves in other Caribbean colonies would be in contact with the successful revolutionaries in Haiti. Nevertheless, the British opened up a commercial relationship with the new country.

The Orders in Council, as the case of the *Manilla* suggests, were not clear in their implications for the economic activities of foreign merchants. Judge Scott thought carefully about the different meanings that stemmed from the specific language of the Orders. The case of the *Pelican*, however, reveals that the Orders were not immediately integrated into the discussion surrounding neutral trade to Haiti. The Orders only successfully provided evidence for the legality of the trade when the claimants appealed the decision in the Court of Appeals of the Admiralty.

⁷⁹ "Il est arrive a la fin d'octobre au Cap un convoy anglais de 17 voiles, venant de Londres et convoyé par deux fregattes." Arnaud André Roberjot Lartigue to Louis Ferrand, 16 November 1806, AN, CC9a41.

⁸⁰ "Les conséquences en sont désastreuse pour toutes leur colonies." Arnaud André Roberjot Lartigue to Louis Ferrand, 16 November 1806, AN, CC9a41.

The Danish ship the *Pelican* sailed unarmed in October of 1806 from St. Thomas to New York with a cargo of sugar, rum, mahogany, logwood, bark, sarsaparilla, and fustic and with instructions to have repairs done to the ship. Because of a debt owed on the ship's account from the repairs, the master of the ship, Walter Burke, received permission in April 1807 from the ship's supercargo to charter the ship to Aaron Lidman, a Swedish merchant from St. Bartholomew, for a voyage from New York to Port-au-Prince with a cargo of salt provisions, flour, tobacco, wine, oil, soap, fish, and lumber. The ship, however, despite not being an American vessel, could not in 1807 clear out from an American port for a voyage to Haiti because on February 28, 1806, US president Thomas Jefferson had signed a bill to prohibit all trade from the United States with the island (see Chapter 4). The parties involved in the charter of the *Pelican* easily found a way around this legislation: since "no vessels are suffered to be cleared out from the United States of America to any port in Saint Domingo, the voyage stated in the Charter-party was for Saint Jago de Cuba instead of Port au Prince, though the fact the latter was her intended port of destination, and was so agreed upon at the time of the said charter-party."⁸¹ This strategy appears to have been a common tactic for merchants

⁸¹ "Before the Most Noble and Right Honorable the Lords Commissioners of Appeals in Prize Causes, *Pelican*, Walter Burke, Master," (unknown: Woodall, printer).

in the United States and elsewhere. Danish merchants, as the French agent at St. Thomas pointed out, similarly cleared out for other Caribbean destinations (see Chapter 1).⁸²

The *Pelican* arrived in Port-au-Prince and exchanged the goods on shore with a House of Trade under the American firm of Jacob Lewis and Company. According the Notary Public at Port-au-Prince, “no person, either friend or enemy of the Belligerent powers, hath the least share or interest in his said Cargo which deposition is taken in writing at his request.” According to this Haitian representative, the United States, St. Thomas, and Haiti all held neutral status. Burke then sailed for New York. On its return voyage, the British ship of war the *Lark* captured the *Pelican* off St. Marc, Haiti on September 4, 1807 and escorted it to Kingston, Jamaica.

On October 2, 1807 at a hearing in the Vice-Admiralty court in Jamaica, the judge condemned the cargo and the master’s adventure as prize to the captor. The claimants interposed an appeal to request the reversal of the sentence and it was heard in the Court of Appeal on May 6, 1809 – after the ruling on the *Manilla*. This appeal demonstrates a keen awareness on the part of merchants and sailors of the changing status of Haiti in Atlantic networks of trade. The records for the case state that the lawyers for the claimants put forward two reasons for the appeal: first, “the property is sufficiently proved to belong as claimed”; second “because by various Orders in Council antecedent to the Date of this Transaction, Port au Prince was in effect declared to be not

⁸² Arnaud André Roberjot Lartigue to Louis Ferrand, 1 August 1806, AN, CC9a41.

in the possession or under the control of the enemies of Great Britain, and in consequence of such declaration, as well as the actual political state of Saint Domingo, was open to Neutral Trade without restriction.”⁸³ The claimants argued that the British King had produced legislation recognizing Haitian sovereignty (if only temporarily) and therefore the cases of the *Happy Couple* and the *Dart* could no longer be used as precedents.

The judge for the case, Sir William Grant, agreed with the arguments presented by the claimants. “Although it was matter of notoriety,” Grant argued, “that a considerable part of St. Domingo had been emancipated from the dominion of France, yet, when the former cases (“*Dart*” and “*Happy Couple*”) were decided, we thought there was no sufficient ground to authorise the Court to presume a change in its national character. It always belongs to the Government of the country to determine in what relation any other country stands towards it; that is a point upon which Courts of Justice cannot decide.”⁸⁴ Prior to the Orders in Council, Grant argued that the government had not given the courts any reason to think that there had been a “change in the national character.” In the present situation, however, he argued that “the Orders negative a hostile character applying to certain parts of the colony; and it was not contended in

⁸³ The lawyers for the claimants are listed as F. Laurence and JAS. Stephen.

⁸⁴ *The English Reports, Ecclesiastical, Admiralty, and Probate and Divorce, Full Reprint*, (London: W. Green & Son, Ltd, Edinburgh Stevens & Sons, Ltd. 1923), Appendix D. HeinOnline, 165 Eng. Rep. 1160 1752-1865.

argument, that the port from which this vessel sailed was not one of those to which these subsequent Orders would apply.” The hostile character of the island had been erased by the new British economic policy that allowed merchants to engage in a licensed trade with the island. “We are therefore of opinion,” Grant concluded, “that this property must be restored; but as the question is altogether new, we think the captors ought to be reimbursed in their expenses.”⁸⁵ Grant showed some sympathy for the British captors since they had been trapped in unchartered legal territory.

Consistent Rulings

Despite the great interest and activity in trade with Haiti, debate continued regarding the legality of these voyages. Later Admiralty hearings cited the cases of the *Manilla* and the *Pelican* as proof that this trade was legal, and they even expanded the implications of those decisions. Two cases in which British ships were seized for trading outside the stipulations of their licenses gave the courts the opportunity to further expand the implication of the Orders in Council allowing trade to Haiti. The records from the High-Admiralty Court in May 1810 discuss the capture of the British ship the *Ben Lomond* in March 1808. The conclusion of this case solidified the rulings issued by Judge Scott with respect to the *Manilla* but the judge also considered the new issue of licenses. The Orders in Council issued by the British King required British merchants trading to Haiti to procure licenses from the Privy Council for their voyages. The

⁸⁵ *The English Reports*, Appendix D.

language of the Orders in Council and the sentencing issued by Scott on the *Manilla* declared that some of the ports and places in St. Domingo/Haiti were not in the possession of France. The judge for the case of the *Ben Lomond*, C. J. Mansfield, declared that the ports not in the possession of France must necessarily transfer to the category of “neutrality.” In this case, he argued, ships trading to these ports would not require licenses to trade. “Those ports of St. Domingo which are under the domination of Christophe and the negroes engaged in hostility with France, are neutral ports,” Mansfield argued, “and no license is necessary to legalize a trade with them.”⁸⁶ This case was unique in the sense that the contract for the voyage did not involve the exchange of items considered contraband of war; instead, the ship intended to trade a “cargo from Portsmouth,” mainly composed of coffee sacks, for a cargo of “coffee, cotton, indigo, and other lawful goods.” The fact that the *Ben Lomond* was British, however, meant that all trade to a belligerent nation would have been prohibited (except under certain specific terms). Judge Mansfield’s ruling on this case expanded Judge Scott’s interpretation of the Orders in Council to suggest that the places occupied by the Haitian government defaulted to neutral status and therefore could be treated the same as any other neutral nation.

Two years later, the British ship *Elizabeth and Mary* was captured for having items on board that were not specified in the license. This case also referenced the case of

⁸⁶ Johnson v. Greaves, 21 May 1810, Heinonline, 127 Eng. Rep. 1111 14-1865.

the *Manilla* and additionally used the decisions of the *Pelican* and the *Ben Lomond* in order to support the legality of the ship's voyage to two northern ports in Haiti that were under the control of Henry Christophe. The judge ruling on this case declared that the ports considered open for trade by the Orders in Council would fall within the guidelines for relationships between British subjects and neutral nations. The arguments put forward to support the legality of the actions of the *Elizabeth and Mary* included references to the decision handed down by Judge Scott, the statements made by the Master of the Rolls for the appeal of the *Pelican*, and the statements of the neutrality of certain ports in "St. Domingo" made during the decision process for the *Ben Lomond*. The case of the *Elizabeth and Mary* hinged on the regulations surrounding licensing specifications but the judge concluded that "the licence itself not being necessary, the carrying of goods not included in it was no legal cause of seizure." They referenced a new Order in Council from December 14, 1808 (after the capture of the *Elizabeth and Mary* and the *Ben Lomond*) that "opened to the British trade in general all the ports of St. Domingo not in the possession of France in like manner as to any neutral country." Not only that, but a newspaper report about the Order notes that his Majesty declared "that those ports and places of the Island of St. Domingo which are not in the actual possession of France, and from which the British flag is not excluded, shall be considered as not being in a state of hostility with his Majesty." This backhanded recognition of Haiti's independence was addressed to "J. Peltier, Agent of Hayti," and

suggests that the British government was being pressured to offer some form of diplomatic recognition alongside their economic relationship.⁸⁷

Despite the fact that this Order in Council could not be applied retroactively, Judge Le Blanc argued that, “I consider the last Order in Council as meant to remove all doubt.” According to this interpretation, the Order did not represent a change in British policy but a mere clarification of past policy. The court ruled, therefore, that the British government had decreed the neutrality of Haitian ports in practice and this declaration had been solidified in the British Admiralty court system. A second official, Judge Bayley, agreed with these interpretations and noted that, as per the decisions of Judge Scott and the Master of the Rolls for the appeal of the *Pelican*, “the ports in question were not hostile.”⁸⁸ The *Elizabeth and Mary*, therefore, fell within the rules governing trade to neutral ports, and these voyages did not require any specific licenses.

The Admiralty Courts followed the British government’s lead on issues surrounding the temporary recognition of Haitian sovereignty and France’s loss of control over specific places on the island. The judges for the cases of the *Happy Couple* and the *Dart* both looked for diplomatic historical precedent in order to evaluate the nationality of the ports of St. Domingo but the Orders in Council issued by the British King ushered in a new era of trade with Haiti and ships were allowed to treat the ports

⁸⁷ “Free trade with Hayti,” *The Morning Chronicle*, London, 17 December 1808, Issue 12354, page 2.

⁸⁸ *Blackburne v. Thompson*, Heinonline, 104 Eng. Rep. 775 1378-1865. Page 781.

controlled by the Haitian government within the regulations governing relationships between neutrals.

Conclusion

In the first years after Haitian independence, the British developed a controlled economic relationship with Haiti in which British merchants were issued special licenses to trade with the regions on the island that were under the control of the Haitians. In one sense, the Order in Council issued by the British Crown on July 21, 1806 implicitly acknowledged the independence of Haiti because it declared that the French did not have control over areas of the island despite the fact that they still claimed it was their colony. Furthermore, the licenses issued to British merchants altered the language of the Order in Council to include both a colonial and independent status for of the island: “the island of St. Domingo or Hayti.”⁸⁹

While continuing the British diplomatic ambiguity about Haiti’s status, this Order in Council created new legal relationships between British merchants and the government of Haiti. These relationships increasingly pressured the British to implicitly acknowledge Haitian sovereignty. In August 1807, for example, a group of British merchants wrote from Jérémie to the commander in chief of Jamaica, Rear Admiral James Richard Dacres, to ask that British naval ships respect the “common usages and

⁸⁹ “Licence, Messrs MacKenzie and Glennie to Export a Cargo of British Goods and to Import the return Cargo,” 13 August 1806, BNA, PC 2-171.

rights of *nations* [emphasis added]" in Haitian ports. They argued that if British ships of war acted in a hostile manner, it might endanger the "several hundreds of British subjects, and an immense amount of property, that has been sent here under the guarantee of National Honor and good faith." "You are of course aware," they wrote to Dacres, "that we have adventured our persons and property in the island of Hayti, under the sanction and protection of our Government, and consequently every act that places at hazard our lives and funds must be deprecated as contrary to the spirit of that Government and Flag."⁹⁰

One British representative, Mr. Hallam, volunteered his services in order to help facilitate the activities of British merchants in Haiti. Mr. Hallam had been sent to Jamaica to replace Edward Corbet in the event the British required the services of an agent in Haiti, but he had never been sent to the island. Hallam wrote to the Under-Secretary of State for War and the Colonies in February 1808, observing that he might be able to fix the administrative gap that he saw in Britain's relationship with Haiti. "Perceiving by the London papers that a considerable commerce is now carried on direct from England to Hayti apparently with tolerable ____rity and advantage to the British merchants speculating to that island. I beg leave to bring myself to your recollection as having been through your kindness nominated by Lord Camden as the Agent should it be found

⁹⁰ T.W. Brown, John Ritchie, John Hornby, Duncan Taylor, Walter Roe, W.D. Robertson, and B. Smith to James Richard Dacres, August 1807, The Clements Library, University of Michigan, 6912/14, 167.

necessary, to be employed by the governor of this island in ___ - have actions with the Government of Hayti." Despite these commercial relationships, he assumed that the current policy of the British government was not to take advantage of his position. "Hitherto I have not been called upon by Mr. E Coote [the governor of Jamaica] nor do I imagine it is likely he will do so, it appearing to be the policy of the Government, or House of assembly rather, to avoid all possible communication with that island." Nevertheless, he expressed his willingness to travel to Haiti if the government changed its policies. I have not found evidence that Hallam was ever sent to Haiti.⁹¹

The British merchants in Haiti were experiencing the contradictions of Haiti's diplomatic and economic status as the British continued to juggle their intertwined security, military, and commercial interests. In 1806, after a two-year period of possibility in which Haiti's leaders could imagine official treaties and commerce with many different powers, the British were the only foreign nation with a regulated and legalized system of trade with Haiti. The Order in Council of 1806 established an enduring policy that the British Empire would hold with respect to Haiti until 1826; it allowed for a regulated economic relationship but did not offer official diplomatic recognition.⁹² British merchants were also able to secure favorable terms of trade. "By

⁹¹ Mr. Hallam to Edward Cooke, 4 February 1808, BNA, WO 1/75.

⁹² The British sent a consul, Charles MacKenzie, to Haiti in 1826, after the French recognized Haitian independence; Erin Zavitz, "From Amity and Commerce to Slave

1814," Erin Zavitz reveals, "the British had achieved a preferential trade duty of 7% compared to 12% for other nations, which, along with French and American embargos, led to 'a near monopoly of Haitian commerce.'"⁹³ One American merchant, however, perceived a degree of coercion in the favoritism shown to the British by the Haitians. "I find a great disposition in the officers of the Government [of Haiti] to impose on Americans;" New Yorker Jacob Lewis argued in 1818, "there is evidently a preference given, and partiality shewn [*sic*] to Englishmen, not so much from respect as from fear; the Admiralty on the Jamaica Station is in the regular habit of sending frequently ships of war hither, and enquiring of the English residents in what manner they are treated."⁹⁴

British policy soon expanded when they gained possession of Curaçao and St. Thomas in 1807 and then legalized trade between these islands and Haiti under the

Trade Suppression: British Conventions and Haitian Recognition, 1825-1840," presented at the *Haitian Studies Association's Annual Conference*, November 2010, Brown University.

⁹³ Erin Zavitz, "From Amity and Commerce to Slave Trade Suppression," quoting: Charles Mackenzie to George Canning, 30 Nov 1826, PRO F.O. 35/6; David Nicholls, *From Dessalines to Duvalier: Race, Colour and National Independence in Haiti*, 2nd ed. (New Brunswick: Rutgers University Press, 1996), 51. According to Zavitz's research, "Mackenzie claims the British duty was lowered by Alexandre Pétion to 7%, while Madiou states for 1819 "manufactures anglaises qui ne payaient jamais que cinq pour cent," In either case, the British had an advantageous commercial position." Charles Mackenzie, *Notes on Haiti, Made During a Residence in that Republic, Vol II*, (London: A.J. Valpy, 1830).

⁹⁴ Jacob Lewis to John Q. Adams, Port-au-Prince, 5 June 1818, US National Archives, "General Claims, compiled ca. 1799 - ca. 1844, ARC identifier 1174286/MLR number PI 177 238.

same licensing regulations. While the British did not succeed in acquiring regulating power over other international trade to Haiti, all of the other nations of the Atlantic had outlawed trade with Haiti by this time. Moreover, the British continued to pursue their goal of confining Haitians to their territory by patrolling the waters around the island. Indeed, Dacres asked for further instructions in mid-1805 as to whether he should continue the current policy that ordered the cruisers “to treat the blacks with civility and attention, but on falling in with their armed vessels at sea to send them to Jamaica.”⁹⁵ The British were now unilaterally implementing the articles of the treaty that Dessalines had rejected in early 1804.

Once peace was established in Europe, however, the British were no longer willing to challenge French claims to ownership of Haiti. Indeed, as Laurent Dubois highlights, during the Congress of Vienna in 1814-1815, the French and British signed a “secret agreement” that would allow the British to continue trading with Haiti but in the event of a French attack on the island, the British promised that they would not support Haitian military defense.⁹⁶ This secret agreement emphasizes the importance of military strategy in the British response to Dessalines’s invitation to British merchants for trade opportunities in 1803. When the wars ended, the British no longer needed to support

⁹⁵ James Richard Dacres to William Marsden, 2 May 1805, BNA, ADM 1-255.

⁹⁶ Laurent Dubois, *Haiti: The Aftershocks of History*, (New York: Henry Holt and Co, 2012), 76.

Haitian independence and their agreement with France highlights the impact of external influences on the actions of foreign empires to the Haitian Declaration of Independence.

The merchants of the early nineteenth century Atlantic World traded and sailed in a changing political and legal sphere. The balancing act of the British government in terms of diplomatic distance but economic opportunism created some confusion in the merchant community as well as in the Admiralty court system. These ambiguous policies also strained British relations with the Haitian state. For example, the Haitian Secretary of State under Alexandre Pétion, Bruno Blanchet, wrote to the British Secretary of State for War and the Colonies in April 1807. He noted the curious relationship between the two countries and argued that “it is rare, sir, that commercial relations between two peoples do not encourage some kind of political relationship.”⁹⁷ The British Admiralty Court system infused the economic policies with some degree of diplomatic authority; however, it is still significant that the British government refused to overtly recognize Haiti as a sovereign nation.

Fifteen years after the Declaration of Independence, the question of Haiti’s sovereignty remained loosely coupled with the reality of British trade. “These activities and mutual interchanges are in fact equivalent to a tacit, if not a formal, recognition of our independence,” argued Christophe’s Foreign Minister, Julien Prévost, in a letter to

⁹⁷ “Il est rare, monsieur, que des relations commerciales entre deux peuples n’ameneur a leur suite quelques relations politique.” Bruno Blanchet to William Windham, 23 April 1807, BNA, WO 1/75.

British Abolitionist, Thomas Clarkson, on November 20, 1819, “nothing then remains for the Haitian government but to see solemnized by treaties an independence which has already been implicitly recognized by the nations....”⁹⁸

But this recognition was not forthcoming. The British implicitly acknowledged Haiti’s independence by sending a Consul to the island in 1825 but the relationship was still not formalized until 1839. Britain had waited for France to acknowledge Haitian independence in 1825, which the former metropole did in exchange for a promise on the part of the Haitian government to pay a large indemnity to compensate French planters for their losses. The deal would haunt Haiti’s treasury, and therefore its government and population, throughout the nineteenth century. “Towards the close of 1825 M. Malter, the first French consul-general,” wrote Charles Mackenzie, “arrived in Haiti. Early in the following year I followed: Prussia, Lubeck, Hamburgh, Holland and Sweden also sent agents, the three first consuls-general, and the two last consuls... Whether other functionaries from countries than these named have since gone to the republic I do not know.”⁹⁹ Charles MacKenzie described this scene in 1830 in a published account of his time in Haiti as the British consul. France’s partial recognition of Haitian independence in 1825 opened the doors for other foreign powers to engage in diplomatic relationships

⁹⁸ Julien Prévost to Thomas Clarkson, 20 November 1819, in Earl Leslie Griggs and Clifford H. Prator, editors, *Henry Christophe and Thomas Clarkson, A Correspondence*, (Berkley and Los Angeles: University of California Press, 1952), 173.

⁹⁹ Charles MacKenzie, *Notes on Haiti*, 88-89.

with the island. In addition to his duties as consul, Zavitz highlights that the Foreign Secretary instructed Mackenzie “to record information on the internal state of Haiti, its relations with France, and the status of agricultural production, especially in regards to the use and control of free labor. This data would help Mackenzie in his larger mission of drawing up a treaty with Haiti.”¹⁰⁰ MacKenzie’s arrival in Haiti, therefore, did not signal an official recognition of Haitian sovereignty, just an implicit one. During his time in the country, he was not able to sign a treaty with the Haitian government. Nevertheless, this was the first step in a series that led to the official recognition of Haitian independence by the British.

Finally in 1838, close to three and a half decades after the Haitian Declaration of Independence, the French fully recognized Haiti’s sovereignty.¹⁰¹ This recognition, Zavitz argues, once again inspired the British to conclude a “Treaty of Amity, Commerce and Navigation.”¹⁰² But their efforts butted up against the preferential trade relationship that the French had negotiated with Haiti.¹⁰³ It was not until 1844 that Britain and Haiti signed their first commercial treaty.

¹⁰⁰ Erin Zavitz, “From Amity and Commerce to Slave Trade Suppression.”

¹⁰¹ Zavitz, “From Amity and Commerce to Slave Trade Suppression.”; Jean-François Brière, *Haiti et la France, 1804-1848: La Rêve Brisé*, (Paris: Kathala, 2008), 244-245; David Geggus, “Haiti and the Abolitionists: Opinion, Propaganda and International Politics in Britain and France, 1804-1838,” in David Richardson, ed, *Abolition and its Aftermath, 1790-1916*, (London: Frank Cass, 1985), 137.

¹⁰² Zavitz, “From Amity and Commerce to Slave Trade Suppression.”

¹⁰³ Zavitz, “From Amity and Commerce to Slave Trade Suppression.”

In 1839, however, Britain signed a different kind of treaty, but one that still signaled an official recognition of the Haitian government and Haiti's sovereignty. This treaty included Haiti in Britain's campaign to outlaw the trans-Atlantic slave trade. Viscount Palmerston (Henry John Temple), the Principal Secretary of State for Foreign Affairs, wrote to the British consul in Port-au-Prince, George William Conway Courtenay, and pressured him to find a way to include Haiti in the international coalition against the Slave Trade, a group which included France and the independent states of Venezuela, Chile, and Buenos Ayres. "Her Majesty's Government hopes," he wrote, "that Hayti will not be the last state in the New World to concur with their fellow Christians in the Old, in putting an end to a system of crime, which has so long continued to disgrace the character of civilized nations."¹⁰⁴ Indeed, the Haitian government did sign on to the treaty. On December 9, 1839, Noel Viallet, on behalf of President Boyer, signed a treaty with Courtenay for the suppression of the Slave Trade. The treaty committed the Haitian state to the conventions signed between the French and British in 1831 and 1833.¹⁰⁵ The signing of a treaty created an official diplomatic alliance between the two countries. This treaty, signed between the "Republick [sic] of

¹⁰⁴ "Slave Trade," Palmerston to Captain Courtenay, 29 June 1839; I would like to thank Erin Zavitz, a Ph.D. Candidate in the Department of History at the University of Florida, for generously sharing the sources on the Slave Trade and the commercial treaties.

¹⁰⁵ BNA, FO 84330.

Hayti” and the “Great Britain and Ireland” signals the first formal documentation of British recognition of Haitian independence.

It was not until 1844, however, that the two countries signed a trade agreement, known as the “Treaty of Commerce and Navigation between Her Britannic Majesty and the Republic of Hayti.” The preamble to the treaty emphasized that both nations were “equally animated by the desire of extending the commercial relations between the dominions of her majesty and the territories of the republick [*sic*].” Article 1 stated: “That there shall be reciprocal freedom of commerce between the United Kingdom of Great Britain and Ireland and the Republic of Haiti. The subjects of the two countries respectively shall have liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers in the United Kingdom and in the Republic of Haiti, to which other foreigners are or may be permitted to come, and to enter into the same, to remain, and reside in any port of the said territories respectively....”

The “reciprocal freedom of commerce” espoused in this treaty presents a drastically different relationship than the treaty that Jamaican Governor George Nugent proposed in 1804 (see Chapter 1). It took four decades for the British to agree to the free trade ideology that Jean-Jacques Dessalines articulated in his negotiations with Nugent in the early months of 1804. Between 1825 and 1844 the British undertook a series of measures that led from an implicit recognition of Haitian independence to official treaties between the two governments in 1839 and 1844 that signaled official recognition.

This evidence suggests that it took between two and four decades for the British Empire to recognize Haitian sovereignty. At the same time, and most importantly, however, formally approved commercial activities between the British Empire and Haiti that amounted to a practical official recognition of sovereignty began in 1806. The events between 1826 and 1843 highlight the deep complexity of the period between 1806 and 1825 during which British ships traded with Haiti with the permission of the British government. These economic relationships had further implications for Haiti's practical status in the Atlantic World.

Chapter 4 - “Aiming a blow at their very vitals”: U.S. Interdiction of Trade to Haiti.

The United States was the last Atlantic nation to recognize Haitian independence; they did so in 1862. During this period of diplomatic non-recognition, however, American merchants traveled to Haiti to capitalize on the economic opportunities available. This trade was legal throughout the period of diplomatic non-recognition with the exception of four years (1806-1810) during which Congress made trade illegal by three different bills but the prohibition on trade for these four years was not a unanimous decision; indeed, the political debate and decision-making following Haiti’s Declaration of Independence was highly contentious. This chapter studies the reasons why it took two full years for the Congress of the United States to prohibit trade with Haiti by focusing on the economic and legal arguments against this prohibition. Then it turns to the diplomatic implications of this economic prohibition and why the Supreme Court interpreted economic prohibition to imply diplomatic non-recognition.

American merchants, from ports like Baltimore, Philadelphia, and New York, visited the Caribbean regularly in the eighteenth and early nineteenth centuries. Throughout the Haitian Revolution, these merchants found economic opportunities in relationships with both the French forces as well as the rebel armies. The evacuation of the French troops in late 1803 did not cut off the trade networks established during the Revolution and merchants from the United States continued to visit Haitian ports to

bring provisions and war materials in exchange for coffee, cotton, and mahogany. "The Americans, particularly keen to develop their commerce," historian David Nicholls notes, "became, during the first two years of independence, the most important trade partners of Haiti."¹

On the same day that he first made contact with Lieutenant-Governor George Nugent of Jamaica, Jean-Jacques Dessalines sent a similar letter to the United States President Thomas Jefferson to advise him that American ships would find safety and profit in Saint Domingue's ports.² Jefferson never responded to this letter. Nevertheless, American merchants were permitted to trade with Haiti for two years after the Haitian Declaration of Independence. These opportunities were taken away by a bill originating in the United States Senate and signed by President Thomas Jefferson on February 28, 1806 that prohibited all trade from the United States to those ports in "St. Domingo" that were not under the control of the recognized French government. This bill passed the Senate on February 20, 1806 by a vote of twenty-one to eight. Interestingly, a vocal opponent of the bill, the Hon. Samuel White from Delaware, commandeered much of the debate on that day. His lengthy speech argued that the bill should not pass and to

¹ "Les Américains, particulièrement soucieux de développer leur commerce, devinrent, au cours des deux premières années d'indépendance, les plus importantes partenaires d'Haïti." David Nicholls, "Race, Couleur et Indépendance en Haïti, 1804-1825," *Revue d'Histoire Moderne et Contemporaine*, (1978), 25: 181.

² Gordon S. Brown, *Toussaint's Clause: The Founding Fathers and the Haitian Revolution*, (Jackson: University Press of Jackson, 2005), 233-244.

support this claim he referenced the work of legal theorists, public proclamations, and treaties. This complex and emotional case for the continuation of trade with Haiti deserves special attention because it supported the independent economic interests of US merchants and investors. In a debate about the law of nations, White highlighted the implications that economic policy could have on international warfare and argued that merchant activity should remain neutral. Furthermore, he argued that independent American investment should not be sacrificed to the dictates of foreign governments. White's speech did not convince the Senate to vote down the bill and President Jefferson signed it into action just over a week later. The bill only prohibited trade for a total of two and half years, including one renewal. Afterward, the Embargo Act (1807) and then the Non-intercourse Act (1809) replaced the legislation. At the time, however, it was not clear whether trade with Haiti fell under the Non-intercourse Act since the act prohibited trade with the French Empire. A number of prize cases in the Supreme Court, however, confirmed that the US did not recognize Haiti as being independent from France.

When Congress banned trade to Haiti in 1806, the prohibition interrupted the commercial activities of many US merchants. For example, New Yorker Archibald Kane, in partnership with his brother's company Elias Kane & Co., set up a trading house in St. Marc, Haiti in the years after Haitian independence. Archibald Kane lived in Haiti on

and off until his death in Port-au-Prince in 1817.³ The records relating to Kane's time in Haiti are sparse, but a number of letters presented as evidence in the capture of the American ship the *Happy Couple* (see Chapter 3) shed light on the economic benefits for American merchants in Haiti after the Haitian declaration of independence.

Furthermore, these merchants cultivated close business relationships with the Haitian community and even Haitian leaders. "The arguments made use of by His Majesty [Dessalines] and minister with their privy council," Archibald Kane wrote from Haiti to his brother in February 1805, "convince me that even among the blackest of creation, wisdom and correctness of view are to be found." "I never was more surprised," he continued, "I expected to treat with men who knew little of financing and government, but I found men who had been educated in France, and who would be thought brilliant men in the United States."⁴ The personal connections that these merchants established on the island present a drastically different picture from the often sensationalist representations of independent Haiti and the Haitian leaders that appeared in newspapers across the Atlantic. "At present no one in this island stands

³ "At Port-au-Prince, (St. Domingo.) Mr. Archibald Kane, Merchant, late of the House of James and Archibald Kane, of this city," "Died," *Albany Gazette*, 15 November 1817, page 2.

⁴ Archibald Kane to Elias Kane, 9 February 1805, from St. Marc, Haiti, British National Archives, (BNA), HCA 42-426.

better at court than I do," Archibald again wrote to his brother a few days later, "His Midnight Majesty, is really partial to me."⁵

Another merchant, William Ely wrote from St. Marc to a business associate, J. Catling, in Litchfield, Connecticut at about the same time. He recounted the scene of a ball, thrown by the Haitian Emperor and his wife. "I neither dined or danced with their Majesties," he reported, "the Americans here were all disappointed of that honor, his majesty being ill and continuing only one night in the place I had but a transient view of him." But the experience was not a complete disappointment. "[I had a] better one [view] of her," he wrote with great admiration, "as I had the honor of delivering a letter immediately into her fair hand. She rec'd me in a stile of easy gentility peculiar the French and those who have been long in the habit of seeing and imitating their manners. She is a large genteel, sociable, affable, agreeable African, and drives a large trade with the Americans to whom she is quite polite."⁶ These merchants appear to have cultivated close and friendly relationships with Haitian leaders and their letters suggest a high level of respect.

Scholars have recognized that the United States' diplomatic response to Haiti in the first years after January 1, 1804 was complex and indecisive. Historian Rayford

⁵ Archibald Kane to Elias Kane, 13 February 1805, from St. Marc, Haiti, BNA, HCA 42-426.

⁶ Extract of a letter from William Ely to Mr. J Catling, 20 February 1805, from St. Marc, Haiti, BNA, HCA 42-426.

Logan, in his 1941 study of the relationships between the United States and Haiti, uses diplomatic correspondence to recreate the attitudes and conflicts between American and French representatives over the issue of economic support and Haitian independence in the first years after 1804.⁷ Historian Tim Matthewson has also undertaken an extensive study of Haiti's relationship with the United States during the revolution and in the first years after independence.⁸ This chapter builds on these pioneering works but focuses more closely on the crucial period between 1804 and 1806 in order to highlight the resistance against an American prohibition on trade with Haiti. Additionally, this chapter studies the complex decision of the Supreme Court to include Haiti under the Non-intercourse act that prohibited trade with the British and French Empires in 1809.

Initial Response

One of the primary arguments for the US government's decision to continue trade to Haiti in 1804 and 1805 was the balance of power in Europe. If this trade ceased, then the British would have a virtual monopoly on the market, which would support France's enemies. Perhaps more importantly, however, was the issue of piracy or privateering and the arming of merchant vessels. Matthewson argues that the French,

⁷ Rayford Whittingham Logan, *The Diplomatic Relations of the United States with Haiti, 1776-1891*, (Chapel Hill: The University of North Carolina Press, 1941).

⁸ Tim Matthewson, *A Proslavery Foreign Policy: Haitian-American Relations During the Early Republic*, (Westport, Conn: Praeger, 2003); Other studies include: Brown, *Toussaint's Clause*; Ludwell Lee Montague, *Haiti and the United States, 1714-1938*, (Durham, NC: Duke University Press, 1940).

unable to mobilize a force large enough to attack Haiti, “turned their fire on the American merchants who had supplied the black armies with provisions and arms.”⁹ After Haitian independence, the conflicts between French and Spanish privateers and American merchants in the Caribbean amounted to unofficial war. Within this context the issue of trade in articles considered contraband of war was central to the debate surrounding the arming of merchant vessels and their legal capture by foreign privateers. The possibility that the arms on board American merchant ships would be sold to the Haitian government, made the arming of merchants vessels the central point of contention in the first year after Haitian independence. The trade on its own was not under discussion in the US. Secretary of State, James Madison, “had argued earlier in the year [1804],” Rayford Logan highlights, “that Americans had the right to trade in non-contraband with unblockaded ports. Moreover, Haiti was independent in fact even though the United States had not recognized that independence.”¹⁰ Again, the distinction between independence on paper versus independence in practice came into play. Evidently, French paper was worth more than Haitian paper.

In 1804, American merchants took advantage of the United States’ policy of allowing trade to Haiti, despite the objections launched by French government representatives. They set up trading houses in various port cities and received contracts

⁹ Matthewson, *A Proslavery Foreign Policy*, 120.

¹⁰ Logan, *The Diplomatic Relations of the United States with Haiti*, 161.

from the Haitian government for supplies and money. For example, when Archibald Kane and his brother Elias formed the New York West India Company they saw Haiti as a good investment. Kane also argued that this economic adventure was partly inspired by an ideological connection between the United States and Haiti. "The contract for supplying all the wants of Government for 5 years," Archibald Kane reported to his other brother, James, with whom he owned a trading store in New York, "was made merely to convince the gov[ernment] that the New York West India Company wished to embrace the commerce of the Island. And that their capital was equal to it." "I represented to the Government," he continued, "that the Spanish Minister had offered our company immense advantage in the South America Business, but from the proximity of this Island to the United States, and a desire to lend a helping hand to the Establishment of the Independence of this island, our comp[any] was induced first to make them the offer."¹¹ According to Kane, he signed a trade treaty with the Haitian government because it was both profitable and morally just. Perhaps this was because he identified with Haitians as revolutionaries and separatists. Alternatively, he might simply have been anti-French.

The contract that Archibald Kane signed was an agreement between the New York West India Company and the Haitian Minister of Finance, General André Vernet.

¹¹ Archibald Kane to James [Kane], from St. Marc, Haiti, 11 February 1805, BNA, HCA 42-426.

On January 24, 1805, the two men agreed that “ The Trading West India Compan’y propose purchasing from the Government of Haiti, all the coffee, sugar, and cotton that they will have for sale for five years to commence from date of contract, and to supply the Government with every description of articles, that they may require during the said term, and to be delivered at such city in the island of Haiti as the Government shall say.”

The contract also demonstrates that the merchants were well aware of the dangers in trading to Haiti and outlined the ways that they were prepared to overcome these obstacles. “The Company proposes in order to Insure the regular delivery of their articles and dollars, to have the ships belonging to the “Trading West India Company” convoyed by two armed ships of 36 guns each under such colours as shall be deemed most prudent and proper.” The merchants of the West India Trading Company were prepared to violently defend their voyages from New York to Haiti and were also prepared to evade legal constraints by changing the colors under which they were sailing. The practice was evidently so frequent that the governor of Jamaica noted that “the trade between America and St. Domingo is now carried on in well armed vessels mounting from 12 to 18 guns each and manned for the French Privateers from Cuba.”¹²

The risks, however, were sure to be worth it since, “the undersigned wishes His Excellency General Vernett clearly to understand that the convention contemplated by

¹² George Nugent to John Jeffreys Pratt, 2nd Earl Camden, 15 December 1804, National Library of Jamaica (NLJ), MS 72, Box 3, 511N.

the 'trading West India Company' bottom'd on the principle of the Governments allowing them the exclusive privilege of supplying all the wants of the Government of Haiti, and receiving the whole of the sugars, coffee and cotton, and the said company will be bound on their part not to purchase or trade with any Individuals of the Island of Haiti during the continuance of the said convention."¹³ Archibald Kane appears to have been concerned with the exclusivity of the agreement because so many others had ventured to the island for economic opportunity. "The Island is over run with Americans and the ports are crowded with American Vessels," Archibald reported to his brother James, "trade is now very Dull and some voyages will sink heavy sums."¹⁴ The contract that he signed with the Haitian Minister of Finance, however, provided a guarantee that this would not be the case on the voyages taken by his ships.

Toward Prohibition

The US government initially let the trade between the US and Haiti continue although state leaders were conscious of the tension that this merchant activity created between their government and that of France. One British representative also exerted pressure on the US government to prohibit the trade, despite the fact that other members of the British government in Kingston and London were in the process of figuring out how to capitalize on the trade opportunities. "[Anthony] Merry [British

¹³ 24 January 1805, at St. Marc, Haiti, BNA, HCA 42-426.

¹⁴ Archibald Kane to James [Kane], from St. Marc, Haiti, 11 February 1805, BNA, HCA 42-426.

minister to the United States],” Matthewson notes, “opened the question of the Haitian trade and suggested an agreement. He proposed that the island should be quarantined or neutralized.”¹⁵ This approach differed significantly from that undertaken by the governor of Jamaica in 1804, and it suggests that officials of the British Empire from different administrative offices might have viewed the situation with contradictory interests and goals. “His [Merry’s] proposals seemed logical and viable,” Matthewson argues, “but since the British had their own agenda for the Caribbean... the president turned to France, seeking compromise on the Haitian trade.”¹⁶ It seems as though the US government assumed that British policy was supportive of Haitian independence, in line with Governor Nugent in Jamaica, rather than following the view of isolation that Merry proposed.

International politicking and diplomacy clearly affected how foreign governments reacted to news of Haitian independence. Rayford Logan highlights that Madison was not willing to go to war with France simply to “foster the independence of Haiti.”¹⁷ And for this reason, the government was willing to negotiate with the French representative in the US, the French Chargé d’Affaires, Louis André Pichon. The first proposal that Madison offered was an agreement that American merchants would be prohibited from carrying articles considered contraband of war; a fact already

¹⁵ Matthewson, *A Proslavery Foreign Policy*, 125.

¹⁶ Matthewson, *A Proslavery Foreign Policy*, 125.

¹⁷ Logan, *The Diplomatic Relations of the United States with Haiti*, 157.

commonly agreed upon in the law of nations in relationships between neutral and belligerent nations.¹⁸ Presumably, this customary law could also be applied to trade between two neutral nations, if they were to consider Haiti independent and neutral. Therefore, the result was not much of a concession at all; and the French government representatives realized this.

Not surprisingly, the French representatives then pressured the US government to find an alternative compromise. Logan reports that Madison argued in March of 1804 “that it was ‘important’ that some arrangement be arrived at ‘soon’ since the ‘supposed illegality of the trade’ with Haiti was furnishing a pretext for increasing spoliations not only upon that trade but also upon American ships in all the West Indies.”¹⁹ From the American perspective, the problem was rampant privateering in the Caribbean but and from the French perspective, they “could not tolerate this kind of ‘private war’ that American citizens were waging against France” by allowing merchants to trade in armed vessels.²⁰

The United States initially attempted to find a solution within the established law of nations, but Pichon argued that they could not possibly treat with Haiti under the rules governing the actions of foreign nations. “The United States could not place herself on a level with Negroes,” Pichon told Madison, “their position required that the United

¹⁸ Logan, *The Diplomatic Relations of the United States with Haiti*, 160.

¹⁹ Logan, *The Diplomatic Relations of the United States with Haiti*, 161.

²⁰ Logan, *The Diplomatic Relations of the United States with Haiti*, 163.

States as well as all other powers recognize a difference in the application of the law of nations according to the difference in persons and places.”²¹ Even if trade with Haiti fell within the parameters of typical interactions between nations, Pichon argued that this case had to be considered special. He claimed that the fact that slavery existed in the United States demonstrated that “negroes” should be considered under a different set of laws. Logan speculates that the decision by the US government to concede to the demands made by French representatives had more to do with the desire for French support in the US acquisition of the Floridas.²² Land acquisition, according to Logan, was more valuable to the US government than trade to Haiti. Tim Matthewson, in contrast, attributes the change in American policy to the recent massacres initiated by Dessalines in April 1804.²³ It is conceivable that both of these reasons inspired Jefferson to initiate the change in US policy toward Haiti.

Armed Merchant Vessels

The initial problem solving in the United States government focused on the “unofficial war” being waged in the Caribbean. The issue was the fact that American merchants were arming themselves like war ships. Matthewson notes that the arming of merchant vessels was “common practice” but the specificity of the trade relationship - a

²¹ André Pichon, 6 June 1804, Quoted in Logan, *The Diplomatic Relations of the United States with Haiti*, 166.

²² Logan, *The Diplomatic Relations of the United States with Haiti*, 169.

²³ Matthewson, *A Proslavery Foreign Policy*, 125.

revolted colony of former slaves - and the nature of the goods exported to Haiti – war materials – meant that the “practice was now regarded as menacing by Southern slaveholders.”²⁴ But the US government could not act on this concern immediately since there was no law forbidding the arming of merchant vessels. The French would have to wait until Congress could pass such a law.²⁵ At the beginning of the 8th session of Congress, on November 8, 1804, President Thomas Jefferson addressed the issue in a speech in Congress. He made it clear to the members of Congress that they had to take action in order to stop the unofficial war in the West Indies. “The irregularities too on the ocean, which generally harass the commerce of neutral nations, have, in distant parts, disturbed ours less than on former occasions. But, in the American seas, they have been greater from peculiar causes; and even within our harbors and jurisdiction, infringements on the authority of the laws have been committed which have called for serious attention.” He noted an increase in illicit behavior on the high seas by foreign ships, but he concluded that American merchants were also at fault. “While noticing the irregularities on the ocean by others,” he continued, “those on our own part should not be omitted, nor left unprovided for. Complaints have been received that persons, residing within the United States, have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries, in defiance of the laws of those

²⁴ Matthewson, *A Proslavery Foreign Policy*, 121.

²⁵ Logan, *The Diplomatic Relations of the United States with Haiti*, 165.

countries." This statement suggested that Jefferson recognized French control over Saint Domingue/Haiti since he assumed that French law still applied to the island. "That individuals should undertake to wage private war, independently of the authority of their country," he concluded, "cannot be permitted in a well ordered society." With these statements, he enlisted the members of Congress to find a solution to these conflicts.

Just four days after this address, the House of Representatives created a committee to propose a solution to the problem. On November 23, 1804 the committee read a proposed bill for the first and second times which did not actually prohibit merchants from arming themselves or from trading to Haiti. The bill simply stipulated that the owners of armed vessels would have to post bond with two sufficient sureties in the sum of double the value of the vessel on the condition "that such vessel shall not make or commit any depredation, outrage, unlawful assault, or violence, against the vessels, citizens, subjects, or territory of any nation in amity with the United States." France was not at war with the United States and, therefore, the bill implicitly prohibited trade with Haiti, since the trade might be considered an "outrage." The proposed bill received a mixed response from the House. One representative clearly took issue with this regulation. "What! Shall it be permitted to every man," John W. Eppes from Virginia argued, "who can execute a bond, to wield the arms of the nation?" Indeed, opponents of the bill challenged it on the grounds that it promoted criminal activity for those who

could afford it. Financial wealth provided the means for merchants to continue this trade and the unofficial war. Eppes, therefore, “thought the bill [was] founded on erroneous principles. Instead of permitting our merchantmen to arm and afterwards punishing them for the abuse of those arms, he conceived it would be infinitely more prudent and politic to restrain them altogether from arming.”²⁶ This amendment would leave no doubt as to the good faith with which the US government was implementing this new law.

Similarly, Thomas Lowndes of South Carolina acknowledged the halfway measure of the proposed bill. He argued that the bill postponed making a decision regarding trade to Haiti and only partially conceded to French pressure. “[I] should think it the best and fairest mode of proceeding,” he argued, “either to declare the trade to St. Domingo to be a lawful trade, and in that case protect commerce by a public force, or suffer the private shipping to defend themselves. Or say, that the trade to that island is unlawful, and interdict it at once, and altogether.”²⁷ He assumed that Jefferson had implied the latter in his message to Congress and so he concluded that this bill did not provide an adequate solution to the problem.

²⁶ John W. Eppes, 13 December 1804, *Proceedings and Debates of the House of Representatives of the United States, at the Second Session of the Eighth Congress begun at the city of Washington, Monday, November 5, 1804*. <http://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName=014/llac014.db&recNum=336>

²⁷ Thomas Lowndes, 13 December 1804, *Proceedings and Debates of the House of Representatives of the United States, at the Second Session of the Eighth Congress*.

Others members of the House, however, opposed the bill because it interfered with American economic interests. If merchants could not arm their vessels, William Eustis of Massachusetts argued, it “would be to deprive them of the capacity of trading to St. Domingo – not to St. Domingo alone, but to Cuba, and many other of the West India islands, as well as the Spanish Main.” This, he argued, would severely impede American commercial interest. “The interdiction of the trade,” he claimed, “would be followed by a loss to this country, which existing circumstance did not call upon us to make.”²⁸ In his opinion, the current debate in the House jumped the gun on the issue; why would the American government take the initiative on banning this trade?

Another opponent of the bill declared that any decision taken by the US government would not have the ability to change the entire system of trade in the Atlantic and in the Caribbean and therefore the measure was pointless. “Were America to suspend her intercourse with St. Domingo,” Joseph Clay of Pennsylvania argued, “the evil of having the present inhabitants for our neighbors would not be lessened.” Haiti, he concluded, would continue to thrive as an independent nation, “for, whilst the rich productions of that island are in such universal demand, they will find their way to market, and their want of military stores or contraband of war will be equally supplied to them, not by Americans, but by British vessels, from the Danish or other neutral

²⁸ William Eustis, 13 December 1804, *Proceedings and Debates of the House of Representatives of the United States, at the Second Session of the Eighth Congress*.

islands; the trade will continue, and either neutral or belligerent nations will reap the benefit.”²⁹ From this perspective, the measure would not achieve the desired result and so why should the US lose out on the lucrative trade?

The most vocal contributors to the discussion about the bill to prohibit the arming of merchant vessels argued that the bill either did not go far enough in prohibiting the trade to Haiti – as they interpreted the President’s message to require – or that the bill went too far in restricting merchant’s rights. John Lucas of Pennsylvania concluded that the bill did not have much to do with trade to Haiti at all. “He thought the object of the bill was not so much to preclude the continuation of the trade to St. Domingo, as to give a kind of half-way satisfaction to France in excuse for the iniquity of that trade, as it had for some time past been carried on.”³⁰

Despite these disagreements, the bill passed in the House of Representatives by a vote of seventy-seven to thirty-three and was sent to the Senate for concurrence. In the middle of the two-month long discussion surrounding the bill in the Senate, George Logan of Pennsylvania asked to bring forward a bill “to suspend trade and intercourse with the island of St. Domingo.” At this point in time, however, the members of the Senate were not willing to expand the restrictions outlined in the current bill and Logan

²⁹ Joseph Clay, 13 December 1804, *Proceedings and Debates of the House of Representatives of the United States, at the Second Session of the Eighth Congress*.

³⁰ John Lucas, 13 December 1804, *Proceedings and Debates of the House of Representatives of the United States, at the Second Session of the Eighth Congress*.

was not given leave to even propose a new bill.³¹ In early 1805 it was out of the question to ban all United States trade to Haiti.

The bill prohibiting the arming of merchant vessels passed in the Senate and Jefferson signed the bill into action on March 5, 1805. Rayford Logan's analysis of this bill suggests that the sole reason for its passing was pressure from French and British agents. Evidently, the British agent had more influence than Madison's reaction suggested. "Because of the protests of Pichon and Merry against the arming of private merchant ships," Rayford Logan argued, "Congress passed a law, approved March 3, 1805, that prohibited any armed merchantmen owned by an American citizen from sailing to any island in the West Indies without posting a bond equal to the double value of the ship and cargo as a guarantee that the arms and ammunition would be used only for defense and would not be sold in any part of the West Indies."³² The law did not in fact prohibit merchants from sailing in armed vessels; it simply limited this traffic to individuals who could afford to post the guarantee. And merchants had to declare that they would not sell any armaments on board the ship to the Haitian government. This solution to the problem, however, did not last long.

³¹ George Logan, Wednesday, 27 February 1805, *Proceedings and Debates of the Senate of the United States, at the Second Session of the Eighth Congress, Begun at the city of Washington, Monday November 5, 1804*.

³² Logan, *The Diplomatic Relations of the United States with Haiti*, 171.

Prohibiting Trade to St. Domingo

On June 26, 1805, the *Albany Register* published an account of a celebration on a ship in the harbor of New York. "Yesterday an elegant dinner given on board the *Indostan*, by Capt. [Jacob] Lewis, Samuel G. Ogden, and Washington Morton, Esq. to a select party of one hundred of the most respectable characters in this city."³³ This report did not describe the reason for the gathering but the party received attention in other states. On July 4, 1805, the *City Gazette and Daily Advertiser* of Charleston, South Carolina published news of the event that they had received from Boston. "Now let us enquire what was the intention of this nautical gala," the writer for the *City Gazette* asked, "we answer, with sorrow and surprise, that it was, according to the evidence and circumstances, a display of mischievous resistance to the wise decrees of the Executive Authority, in regard to the forbidden trade with the brigands of St. Domingo."³⁴

Indeed the *Aurora* expanded on this information and noted that Rufus King, a Federalist vice-president candidate, who was on board the ship who toasted "the government of Hayti, founded on the only legitimate basis of all authority: the *people's* choice! May it be as durable as its principles are pure!"³⁵ Matthewson argues that "King's

³³ "New York, June 13," *Albany Register*, 25 June 1805, Volume XVII, 1405, page 3.

³⁴ "Boston, June 17," *City Gazette and Daily Advertiser*, 4 July 1805, Volume XXIV, 5564, page 2.

³⁵ Cited in Matthewson, *A Proslavery Foreign Policy*, 127; and Deborah Jenson, *Beyond the Slave Narrative: Politics, Sex and Manuscripts in the Haitian Revolution*, (Liverpool: Liverpool University Press, 2011), 178.

toast was deliberate provocation, aimed at embarrassing the president, and it expressed Federalist contempt for slaveholders who preached the equality of man while holding slaves in bondage.”³⁶

This public banquet, Matthewson argues, renewed French fury at the ongoing trade between the United States and Haiti. The issue of US trade to Haiti, therefore, resurfaced in the Senate in late 1805 when George Logan of Pennsylvania made another motion to present a bill interdicting all commercial intercourse between the United States and Haiti. This motion received lengthy resistance and the main point of contention was that the issue had been resolved earlier that same year. Why waste more time on an issue that already had a solution? “Its purpose is totally to prohibit a branch of our commerce,” John Quincy Adams of Massachusetts argued, “which at the last session of the Legislature was proved to be of great importance to the country.”³⁷ From this perspective, the hesitancy of the Congress to pass a bill that completely prohibited the trade the first time around, was proof that this trade was too valuable to sacrifice simply because of complaints lodged by foreign agents. Why, therefore, would the American government again take the initiative to cut off a lucrative branch of trade? In this argument Adams had support. “How great will be the surprise,” James Hillhouse of

³⁶ Matthewson, *A Proslavery Foreign Policy*, 127.

³⁷ John Quincy Adams, 19 December 1805, *Proceedings and Debates of the Senate of the United States, at the First Session of the Ninth Congress, begun at the City of Washington, Monday, December 2, 1805*. <http://memory.loc.gov/cgi-bin/ampage?collId=llac&fileName=015/llac015.db&recNum=2>

Connecticut argued on December 20, 1805, “if the first step taken by the Senate of the United States is found to be a further restriction, or a total prohibition, of a lawful and lucrative branch of our commerce.” Hillhouse then argued that the United States should go on the offensive and aggressively protect the trade to Haiti. “A more proper and dignified course he thought would be to send armed ships into those seas, to capture or demolish those bucaniers [*sic*] and pirates, who rob us of our property, and insult and murder our citizens.” The French and Spanish privateers were the problem and they instigated the unofficial war in the Caribbean.

Other Senators made protests based on resistance to foreign pressure. Regardless of the issue, they did not like the idea that the US government would base their foreign policy on the desires of another government. Samuel L. Mitchill from New York instead claimed that the United States should not be expected to comply in any degree to the demands made by the French Chargé d’Affaire. “I am very far from approving the means by which it [the trade with Haiti] has been carried on; but I dislike the idea of forbidding it, at the mandate of a foreign Power. Like our Revolutionary patriots, let us put our foot here, and hence refuse to budge. It is not for us to legislate at the nod or bidding of any nation.”³⁸ Matthewson attributes Mitchill’s opposition to the bill as

³⁸ Samuel L. Mitchill, 20 December, 1805, *Proceedings and Debates of the Senate of the United States, at the First Session of the Ninth Congress*.

relating to the fact that “some of his constituents were engaged in gun running to Haiti.”³⁹ The issue of bowing to foreign pressure may also have had economic motives.

Logan presented letters from Merry and Pichon and argued that according to these documents the measure adopted on March 5, 1805 was not sufficient. The protestors, however, noted that this evidence was not new and that Jefferson had signed the previous bill that was based on these same complaints. They had no reason to suppose, therefore, that the British and the French were not satisfied with the legislation enacted during the previous session, the regulation of armed merchant vessels. Because of this opposition, Logan made another motion to ask the US president to give the Senate copies of all documentation in his possession relating to French complaints against American commerce to Haiti. The motion passed and on January 10, 1806, the members of the Senate were able to see the continued objections launched by the French government.

The evidence put forward by the President was sufficient to convince the Senate to allow Logan to move forward with the new Bill to prohibit all trade between the United States and St. Domingo. Logan was given leave to bring in the bill and it was read for the first time on January 15, 1806. The arguments in this debate mirror the debate in the House during the previous session of Congress. “The United States, by affording them succor, arms, ammunition, and provisions,” argued James Jackson of

³⁹ Matthewson, *A Proslavery Foreign Policy*, 127.

Georgia on December 20, 1805, “must be considered by them as their allies – their supporters and their protectors.” This support, he continued, could have a disastrous impact on the American south: “This was a melancholy subject for South Carolina and Georgia, and one of those brigands introduced into the Southern States was worse than an hundred importations of blacks from Africa, and more dangerous to the United States.” Just as Governor Nugent of Jamaica had been wary of the dangers that economic relationship might facilitate, Mr. Jackson also knew that economic partnerships meant the movement of people and ideas.

Scholars emphasize the fact that Jefferson signed the bill on February 28, 1806, making American trade to Haiti illegal for one year. The bill (with amendments) passed in the Senate by a vote of twenty-one to eight. Out of the eight voters who opposed the bill, one particularly vocal senator proclaimed a lengthy speech in Congress, and this speech deserves special attention for what it reveals about the character of political debate during this crucial period. In this speech, Samuel White of Delaware drew on legal scholarship and past treaties to appeal to American identity in order to convince the other senators that prohibiting trade to Haiti was contradictory to the common practices of the law of nations. From this perspective, any further action would only show a willingness for the US government to bend to foreign will, setting a very bad precedent. After the conclusion of the debates, White’s speech was published as a

twenty-seven-page pamphlet, so that a broader audience would know and understand his negative vote.⁴⁰

White's keen knowledge of the customs of international law and his emotional rejections of French-dictated policy offer a striking and lucid analysis of the situation. His speech demonstrates a sophisticated analysis of what could have been the US course of action with respect to Haiti and highlights the silences on the part of the bill's supporters. White strategically drew on theories of international law and his speech demonstrates the ways that the law of nations could be used to serve different interests. His diatribe was not matched or refuted, and yet, the bill passed in the Senate and was sent to the House of Representatives for concurrence before it received Jefferson's signature.

Samuel White addressed his speech to the President and asked him to fully consider the implications of the bill. His strategy was twofold. First, he showed that prohibiting trade to Haiti was contrary to the law of nations and, second, that folding under French pressure was against American policy and identity. To set up these two arguments, White cited proclamations, letters, and rumored stories to prove that the French abolition of slavery was legal and was not done under constrained

⁴⁰ "Mr. White's Speech in the Senate of the United States, on the bill interdicting all intercourse between the United States and the island of St. Domingo; February 20, 1806," ([no publication information], 1806), <http://www.archive.org/details/mrwhitesspeechin00whit>.

circumstances. "I cite these papers to shew that the French have now no claim, either in right, in justice, or in law, to any portion of the people of St. Domingo, as slaves... in order to rebut a fallacious idea that has been taken up, and urged by some that our merchants are conducting this commerce with slaves, the property of freemen, and not with freemen themselves." This false claim, he argued, was intended to create a distinction between this circumstance and other independence movements. This strategy, "thus ingeniously endeavoring to draw a distinction between the situation of St. Domingo and that of any other colony that has ever heretofore attempted to separate itself from the mother country."⁴¹ Because the people of Haiti were free men, he argued that, "their case does form a distinction from any other, and in this it consists – the people of St. Domingo are fighting to preserve not only their independence as a community, but their liberty as individuals."⁴² Because the people of Haiti were free men, their country should be considered within the laws that govern interactions between other nations.

The status of Haitians as free men also had implications for the type of war that they were waging against France. White argued that the battle between St. Domingo and France was not a "rebellion" but instead a "civil war." He cited Emmerich de Vattel in support of this argument. "Custom appropriates the term of civil war," White read from

⁴¹ White, 10-11.

⁴² White, 11.

Vattel's writings, "to every war between the members of one and the same political society. If it be between part of the citizens on the one side, and the sovereign, with those who continue in obedience to him, on the other; provided the malcontents have any reason for taking up arms nothing further is required to entitle such disturbance to the name of civil war, and not that of rebellion."⁴³ Did the people of Haiti have good reason for taking up arms? White emphatically argued yes. "I will submit with confidence to the high and honorable feelings of this Senate," he declared, "whether the human mind is capable of conceiving a stronger reason to induce a people to take up arms, than to resist those whose known object it is to reduce them not only to political, but to personal slavery."⁴⁴ The just cause for resistance launched by free citizens of the French Empire, White concluded, categorized the conflict as civil war. While he was not willing to concede that Haiti was independent, he prioritized the conflict with France in interpreting the island's status.

Once he established that the conflict should be considered a civil war, White argued that in such scenarios neutral nations were to treat both parties equally;

⁴³ White, 11; White cites from Vattel's chapter on Civil War: Emmerich de Vattel, *The Law of Nations, Or, Principles of the Law of Natures, Applied to the Conduct and Affairs of Nations and Sovereigns*, Joseph Chitty, ed., (Cambridge: Cambridge University Press, 1834), 424; Lauren Benton highlights that thirteen years later US President James Monroe defined the "status of Spain's former colonies as belligerents in a civil war." Lauren Benton, "Strange Sovereignty: The *Provincia Oriental* in the Atlantic World," *Mexico 20/10, La Modernidad en el Atlantico Iberoamericano*, (Forthcoming).

⁴⁴ White, 11-12.

prohibiting trade to either would affect the balance of power so as to make the United States active in the war rather than neutral. White argued that it was not the place of foreign nations to decide which party should win the civil war. "And now let me ask," he posited, "if the United States, or any other power upon earth, is competent to decide this great controversy between them?"⁴⁵ His own answer was they did not. A civil war was not the business of the international community. "It is exclusively an affair of their own," he concluded, "and it behoves the rest of the world to stand aloof, the silent and impartial spectators of the conflict, treating in their commercial relations each of the parties with like civility."⁴⁶ The present bill would force the United States to take sides in the conflict. "It is a neutral's withholding from one of the parties," White proclaimed, "what she grants to the other."⁴⁷ Prohibiting trade to Haiti would help France's effort to reclaim possession of Haiti; as a result, the United States would not be neutral in the conflict.

"From all these cases, Mr. President," White summarized, "I am well warranted in the following deductions: 1st. That when the bands of government among a people, by means of civil war, become broken, or for a time suspended, the two parties are to be considered, at least during the contest, as two distinct powers, as two independent nations who, being otherwise unable to settle their disputes, make a solemn appeal to

⁴⁵ White, 11.

⁴⁶ White, 11.

⁴⁷ White, 12.

arms.” This vague statement provided some space for US recognition of Haitian independence, but in this scenario trade to the island did not require diplomatic recognition. White’s second conclusion expanded on this provision but maintained that the island’s new status might be temporary. “That a revolted colony or province, whilst holding and exercising the rights of sovereignty, is to be treated by neutral nations as an independent people, without regarding the legality or illegality of their claim to such independence.” Independence in practice, White argued, meant “that in the disputes of such belligerents, neutrals have no right to interfere, either commercially or otherwise, to the injury of either”⁴⁸ Because of these claims, White argued that the US could not in good conscience prohibit the trade.

White declared that the French themselves had proved the obligation of neutral nations to trade with both parties of a civil war just three decades prior. “After these colonies had revolted against the authority of Great Britain,” he claimed, “France continued uninterruptedly her commerce with them, other than such as was contraband.”⁴⁹ Why now, White asked, when it was the French who were under fire, should the law of nations be thrown out? “It clearly appears France then considered herself as not only having a right to trade, but publicly to enter into a commercial treaty with the revolted colonies of Great Britain, upon the ground that they were, for the time

⁴⁸ White, 17.

⁴⁹ White, 8.

at least, holding and exercising the rights of independence.”⁵⁰ There is an important reference to the temporary nature of Haiti’s independence in this quotation. Indeed, Rayford Logan notes an important distinction in White’s lengthy speech: “Even he, however, did not demand that the United States recognize the independence of Haiti, although he asserted that she was *de facto* independent.”⁵¹ “Holding and exercising the rights of independence,” did not necessarily mean that Haiti was independent.

White argued that prohibiting trade between the United States and Haiti would only show a willingness to accommodate the wishes of a few – and from his perspective, delusional – French authorities in the Americas. In this second argument, he focused on the attempts by the French general Louis Ferrand in the city of Santo Domingo to prohibit this trade. “General Ferrand shut up in the city of St. Domingo,” he mocked, “with scarcely the power of conveying his proclamation beyond the redoubts of his garrison, undertakes to prescribe, to all the neutral nations of the earth, the extent of their rights, and the manner in which they shall conduct their commerce.”⁵² Ferrand was waging a “war of proclamations” and White challenged the Senate to resist conforming to these outrageous demands. “As if the navigation, the commerce, and all the rights of neutral nations depended now, upon the caprice of a French officer, and were, like the

⁵⁰ White, 19.

⁵¹ Logan, *The Diplomatic Relations of the United States with Haiti*, 179.

⁵² White, 21.

police of a camp, to be settled by general orders.”⁵³ In thinking about the proclamations issued by Ferrand that declared trade with Haiti illegal for all and condemned those who dared continue the trade to death, White dismissed the laws as a joke. “Sir, I can liken this proclamation,” he derided, “to nothing but the idle vapourings of a fettered maniac, menacing, from the grates of his cell, the overthrow of the world.”⁵⁴

Finally, White suggested that a decision to pass the bill would jeopardize the security of the United States. Taking sides with the French and breaking American neutrality would open the door for the Haitians to declare war on the United States – an event that White acknowledged would be in their right. White warned the southern senators that they should be particularly wary of such repercussions. “Only restrict or embarrass your commerce with them; only pass a measure like the present, and you wound them in the tenderest part: they will see you, without provocation, aiming a blow at their very vitals; and will consider you as having abandoned your neutral ground, and sided with their enemies.”⁵⁵ The real threat for the South was not through friendly commercial relationships; instead White argued that it was through a withholding of the natural rights owed to the island: “those people are now content to stay home, to till their own fields, to fight their own battles, and to depend upon us for supplies.” Indeed, many Haitian proclamations reinforced this conclusion. “I do not

⁵³ White, 21.

⁵⁴ White, 21.

⁵⁵ White, 27.

wish to see their views extend further," White continued, "I do not wish to see them navigating the ocean, or tasting the sweets of maritime plunder."⁵⁶

White's speech in the Senate went unrefuted despite the fact that John Quincy Adams called the speech "one of the most powerful and beautiful speeches I have ever heard made in Congress."⁵⁷ The bill passed with a vote of twenty-one to eight. As Rayford Logan notes, "Of the twenty-one votes for it in the Senate, all, except possibly that of Thomas Worthington of Ohio, were cast by Democrats. Of the eight votes against it in the upper chamber, the staunch Federalism of only one member, David Stone of North Carolina, may be suspect..."⁵⁸

When the bill received the approval of the Senate, it was sent to the House for concurrence. Members of the House debated the length of time stipulated in the bill and the punishments to be meted out to violators. The conversation was brief, however, as there was a sense of urgency in pushing the bill through. William Ely of Massachusetts and John Smilie of Pennsylvania concluded the debates with the two opposing arguments. "Have the Haytians no rights?" asked Ely, "If they were once subjects of a Government that can no longer hold them, has that nation any right to call on us to starve them out; to starve these people into subjection to that Power?" Smilie countered: "I deny that the inhabitants of St. Domingo are a nation. Has the United States, or any

⁵⁶ White, 27.

⁵⁷ Quoted in: Matthewson, *A Proslavery Foreign Policy*, 129.

⁵⁸ Logan, *The Diplomatic Relations of the United States with Haiti*, 177.

other nation acknowledged them so? No. How, then, are they to be considered other than part of France?" The bill passed by a vote of 93 to 26.

Just as in early 1805, foreign agents influenced the decision to prohibit trade with Haiti as Rayford Logan has highlighted. "There can be little doubt, then, that the prohibition of trade with Haiti was practically dictated by the desire to placate France and by fear of the effect that a successful, independent Haiti would have on slavery in the United States."⁵⁹ The prohibition was not based on the common understandings of the law of nations, but instead on strategic politicking and fear. Logan notes that even James Madison acknowledged the unusual nature of the bill. "Madison admitted this interpretation in a letter of March 15, 1806, to Armstrong," Logan reports, "in which he declared that the law went 'beyond the obligations of the United States under the law of nations; but the measure was deemed expedient for the present and the eventual welfare of the United States.'"⁶⁰ This statement highlights that the law of nations were guidelines rather than rules and that governments did not always abide by these customs. Tim Matthewson is more explicit in his analysis of the outcome and claims that "it arose from the triumph of racism occasioned by Saint Domingue-Haiti and the Southern belief that they were seriously menaced by slave insurrection."⁶¹

⁵⁹ Logan, *The Diplomatic Relations of the United States with Haiti*, 179.

⁶⁰ James Madison to Armstrong, 15 March 1806, quoted in Logan, *The Diplomatic Relations of the United States with Haiti*, 177.

⁶¹ Matthewson, *A Proslavery Foreign Policy*, 129.

Congress renewed the February 28, 1806 bill the following year for a term lasting until the 10th session of Congress.⁶² At the end of the first term, however, the actions of one ship illustrate the continued interest in trade relations with Haiti. The *Manilla* (American owned and not the same ship from Chapter 3) cleared out from Nantucket, Massachusetts on March 7, 1807, just one week after the bill prohibiting trade had expired. Congress had passed an act renewing the bill prior to the expiration of it, on February 24, 1807; however, the agents for the *Manilla* claimed that news of the renewal of the bill had not yet reached Nantucket. In the sliver of a window between the expiration of the bill and news of its renewal, the *Manilla* sailed from Nantucket to Gonaives, Haiti. The ship waited in Port-au-Prince, Haiti, however, because they heard news that the collector at the port of Nantucket had “noted his intention to seize the vessel and cargo, on her return from the voyage, for the purpose of having them condemned, as forfeited for infraction of the last mentioned act of 24th February, 1807.”⁶³ The agents for the *Manilla* applied to Congress for relief from this condemnation and they received approval. These merchants were keenly aware of the changing laws of the United States with respect to Haiti and jumped at the opportunity to engage in the trade

⁶² Logan, *The Diplomatic Relations of the United States with Haiti*, 181.

⁶³ Walter Lowrie and Matthew St. Clair Clarke, editors, *American State Papers. Documents, Legislative and Executive, of the Congress of the United States, from the First Session of the First to the Third Session of the Thirteenth Congress, Inclusive: Commencing March 3 1789, and Ending March 3, 1815*, (Washington: Gales and Seaton, 1832), 717.

as soon as the bill prohibiting it had expired. Their knowledge of the system allowed them to successfully plead their case to Congress.

At the end of the renewed bill, however, the policy received little support and Congress did not support another term. The prohibition on trade with Haiti ended on April 26, 1808. Rayford Logan attributes this change of policy to the increase in Federalist representation and a reactionary move against the pro-French policy of the administration.⁶⁴ “Failure to renew the law led naturally to the reopening of trade with Haiti. The attempt, however,” Logan reports, “of the Federalist Representative Livermore of Massachusetts in June, 1809, to obtain the passage of an affirmative measure declaring the trade reopened resulted in new violent attacks on Haiti. The bill received, in fact, only one vote [in the House of Representatives], that of its sponsor.”⁶⁵ There appears to have been a clear distinction between permitting trade implicitly and explicitly condoning and regulating the trade. Perhaps the members of Congress knew about the diplomatic implications that the British trade licenses had in the Admiralty court system (see Chapter 3).

Logan concludes that, after 1808, trade with Haiti became legal but notes that few American merchants took advantage of it. Tim Matthewson argues, in contrast, that a general embargo and “similar prohibitions on commerce” continued to make trade with

⁶⁴ Logan, *The Diplomatic Relations of the United States with Haiti*, 182.

⁶⁵ Logan, *The Diplomatic Relations of the United States with Haiti*, 182

Haiti illegal until 1810. A series of Supreme Court cases in the United States, however, reveals that the general embargos did not clearly prohibit trade to Haiti. Specifically, in March 1809, the government passed new legislation that prohibited trade to any parts of the French Empire and it was unclear whether Haiti was to be included in that prohibition.

Is St. Domingo Still French?

In August 1806, the American ship *General Pinkney* cleared out from Alexandria, Virginia, for a voyage to St. Jago de Cuba. The ship did not follow the planned route and instead sailed instead for Cap Haïtien (formerly Cap Français). The ship was seized on its return voyage on November 17, 1806. The *General Pinkney* was condemned in the district court of Maryland and the ruling was confirmed by the circuit court. The claimants appealed the decision to the Supreme Court and the case was heard in February 1808. According to the February 28, 1806 legislation signed by Jefferson, the ship was liable for confiscation (and indeed that is why the ship had been seized). However, by the time the claimants appealed the decision to the Supreme Court, the law justifying the ship's condemnation had expired. Supreme Court judge, C. J. Marshall, decided that the ship could not be condemned "under a law not in force at the time of pronouncing such sentence."⁶⁶ The ship, therefore, could not be condemned as good

⁶⁶ Yeaton and others, claimants of the schooner *General Pinkney* and Cargo, v. the United States, Heinonline, 9 U.S. 281 1809.

prize. The expiration of these laws in the United States signaled an opening of the trade to Haiti since there was no longer a negative ruling on these economic relationships. The abandonment of the 1806 law prohibiting trade in combination with the sentencing of the *General Pinkney* clearly legalized trade to Haiti.⁶⁷

The case of the ship *Helen* provides another example of the keen awareness of merchants and sailors in the United States; the ship was seized in September of 1808 after the act prohibiting trade had expired. The records report that the judge concluded that, "A vessel having violated a law of the United States, cannot be seized for such violation, after the law has expired. Unless some special provision be made therefore by statute."⁶⁸ The law specifically prohibiting trade to Saint Domingue/Haiti had expired and therefore the courts interpreted that trade to be legal. What is interesting, however, is that the Supreme Court issued the rulings for the *General Pinkney* and the *Helen* during the time of the Embargo Act. On December 22, 1807, Congress had prohibited trade between the US and foreign nations. The fact that the Supreme Court ruling freed the *General Pinkney* and the *Helen* suggests the inconsistencies in policy with respect to foreign trade.

⁶⁷ The *General Pinkney* provided precedent for other similar cases. For example, a similar appeal regarding the *Rachel* in 1810 referenced the case of the *General Pinkney* and also concluded that the trade was legal; *The schooner Rachel v. the United States*, Heinonline, 10 U.S. 329 1810.

⁶⁸ *The United States v. Ship Helen*, Heinonline, 10 U.S. 203 1810.

The rulings for the *General Pinkney* and the *Helen* and the expiration of the law prohibiting trade from the United States to Haiti might have ushered in a new era of trade between the two countries; however, a new law prohibiting trade with the French and British Empires had a different impact on Supreme Court rulings. The new law did not explicitly prohibit trade to Haiti; however, the courts interpreted this law with consideration for the 1806 prohibition and assumed some diplomatic intention in the previous economic policy. In 1809, the Non-intercourse Act replaced the Embargo Act and modified the restrictions to British and French ports. This new law, signed on March 1, 1809, prohibited the importation of goods “from any port or place situated in France, or in any of her colonies or dependencies.”⁶⁹ While the 1806 law stated specifically that the trade to Saint Domingue/Haiti was illegal, this new legislation left unanswered the question as to whether Haiti was included under this prohibition.

The case of *Clark v. The United States* presented the opportunity for this question to be tested. “The question is, whether the island of St. Domingo, in October 1809, when the importation charged in this information was made, was a colony or dependence of France, or not?”⁷⁰ This case involved the American ships the *Sea Nymph* and the *Emma*; the initial case was heard in October 1809 and the decision was appealed in 1811. The

⁶⁹ Quoted in Edwin D. Dickinson, “The Unrecognized Government or State in English and American Law,” *The Michigan Law Review Association*, (1923) 22(1): 35.

⁷⁰ Bushrod Washington, *Reports of Cases Determined in the Circuit Court of the United States, for the Third Circuit, Comprising the Districts of Pennsylvania and New Jersey, Commencing at April Term, 1803*, (Philadelphia: Philip E. Nicklin, Law Bookseller, 1827), 101.

silence on the part of the US government gave the judge the power to interpret whether Haiti was still a French colony and therefore whether trade to the island was legal or illegal. "On the part of the United States, it is contended," the records report, "that in point of fact, this island, at the time above mentioned, was, and still continues [to be], a dependence of France; and that even if this were not the case, according to the principles of the law of nations, still, it is not for this, or any other Court, to decide on the ground of her independence, until the government of the United States has so declared, or France has relinquished her claim." Since the United States government had not expressly acknowledged the independence of Haiti, the courts, argued the defendants, had to assume that the island remained a colony of France.

In contrast, the claimants argued that the Haitian government had proved that the island was independent and it should therefore be treated as such. "On the part of the claimant, it was insisted," the records report, "that the people of this island had not only declared themselves independent, but have thus far shown themselves able to maintain it; having, ever since the declaration, exercised without interruption from the armed force of France, the rights and powers of self-government, under a constitution framed by themselves." Since the island was independent, it was their duty to treat them as they would all other neutral nations: "That neutral nations are bound, by the law which ought to govern nations, to consider St. Domingo as a government separate from,

and independent of France; and the war, if any there be between them, as being equally just on both sides.”

In thinking about this case, the Chief Justice considered Vattel’s analysis of civil war in the context of international trade, but argued that it was not applicable since Vattel’s guidance was intended to inform the actions of Governments, not court systems.⁷¹ But even when Samuel White had proposed this argument in Congress, the government was not willing to concede. “It is for governments to decide,” the Chief Justice argued, “whether they will consider St. Domingo as an independent nation; and till such decision is made, or France shall relinquish her claim, Courts must consider the ancient state of things as remaining unaltered, *and the sovereign power of France over the colony as still subsisting.*” The question then remained: had any government acknowledged Haitian independence?

The Chief Justice noted the 1801 Constitution under Toussaint Louverture as proof of French authority over the island, as had Judge Croke in the British Vice-Admiralty Court in Halifax, Nova Scotia (see Chapter 3). He then noted that since this overt declaration of French authority, the island had been consumed by civil war until 1809 when General Ferrand’s troops evacuated the city of Santo Domingo. During that period of civil war, the rebel armies had declared national independence under the

⁷¹ Here the judge referenced another case, *Rose v. Himely* from 1804, but argued that it did not apply as precedent. *Rose v. Himely*, HeinOnline, 9 U.S. (5 Cranch) 313 (1809).

leadership of Jean-Jacques Dessalines. On the part of the United States, the Chief Justice cited the February 1806 bill that prohibited trade between the United States and “St. Domingo” which lasted until March 1808. This law, however, overlapped with the “embargo laws” which were then replaced with “a non-importation law, as to those nations [Britain and France], and their colonies, and dependencies, and places within their actual possession” to take effect from the 20th of May 1809.

In the judge’s own opinion, Haiti possessed the characteristics of an independent nation. “When the non-intercourse law passed, in February 1806,” he argued, “the island of St. Domingo was in a state of open public war with France; having declared herself independent, framed a Constitution of government, and shown herself able to maintain that independence.” Because of these characteristics, he concluded that, “as an independent nation, the United States had an unquestionable right to carry on a commercial intercourse with that island.”

But only the United States government, he argued, had the right to make this decision independently and without foreign influence. “The attempt of any foreign nation to interdict such commerce, and still worse, a demand upon the government of the United States,” he railed, “to enforce such prohibition by law, would have been an insult, to which no nation ought, and to which our government most certainly would not have submitted.” He recognized, nevertheless, that such had been the case in the United States and that the government only prohibited the trade because of French

pressure. While he did not believe that the government was required to have done so, the fact that they conceded to French demands changed the ability for American merchants to trade with Haiti.

“We view the law of 1806,” reported the Chief Justice for the case, “under the circumstances which produced it, as a clear acknowledgment of the sovereignty of France over the island, which no subsequent act of our government, has in any respect impaired.” The judge assumed that the law prohibiting trade to Haiti in 1806 had been implemented because the United States government had decided that the island was still a French colony. The 1806 law did not explicitly state that the trade had been prohibited because of the island’s character as a rebellious French colony but trade was only prohibited to those ports and places that were not under French control. “All commercial intercourse between any person or persons resident within the United States,” the Act proclaimed, “and any person or persons resident within any part of the island of St. Domingo, not in possession, and under the acknowledged government of France, shall be, and is hereby prohibited.”⁷² The reference to France’s lost control over certain places implied that it was because of this conflict that American merchants could not trade to Haiti.

⁷² Richard Peters, editor, *By Authority of Congress, the Public Statutes at Large of the United States of America, Vol II, Ninth Congress, Sess 1, CH 6, 7, 8. 1806*, (Boston: Charles C. Little and James Brown, 1848), 350.

The Chief Justice ruling on the case of the *Clark v. The United States* also saw this connection. “When congress,” the Chief Justice argued, “by the law on which this information is founded, interdicted the importation into the United States, of goods, &c., from the colonies and dependencies of France, we feel ourselves compelled to say, that St. Domingo was considered by that body as included.” “So that the government has not only not acknowledged the independence of this island,” he concluded, “but has very plainly declared the contrary.”⁷³ From this perspective, the prohibition on trade to the island signified that the island could not be considered independent from France.

The economic legislation in the United States focused on banning trade to Haiti and therefore set a precedent for non-recognition. In contrast, the positive declarations in the British Orders in Council that permitted and regulated trade to Haiti allowed the Admiralty courts to interpret the neutrality of the ports and places on Hispaniola under the control of the Haitian government (see Chapter 3). In both cases, the court systems interpreted the economic policies of the national governments to have implications for the island’s diplomatic and legal status. Where trade was prohibited, the island was seen as a French colony; where trade was permitted, the island fell within the category of neutral nations.

⁷³ Bushrod Washington, *Reports of Cases Determined in the Circuit Court of the United States, for the Third Circuit, Comprising the Districts of Pennsylvania and New Jersey, Commencing at April Term, 1803*, (Philadelphia: Philip E. Nicklin, Law Bookseller, 1827), 106.

Conclusion

The cumulative effect of these various prohibitions was that the United States government made trade to Haiti illegal between 1806 and 1810. Two whole years passed after the Haitian Declaration of Independence before the United States officially prevented trade with Haiti; moreover, this prohibition only lasted four years. The discussions surrounding the embargo on trade, however, reveal that the bill prohibiting trade received engaged and articulate resistance. Furthermore, the resistance, particularly on the part of Samuel White, used the law of nations to argue that prohibiting the trade contradicted common custom. Indeed, the rulings in the Supreme Court of the United States also highlight the negation of the law of nations in the US government's decisions. Jefferson and the US Congress overlooked their obligations under the law of nations in order to appease the French, gain an upper hand in securing the Floridas, and to help assuage the fears of southern slaveholders.

The Supreme Court cases demonstrate how interpretations of the embargo on trade with the French Empire had implications for Haiti's status as a country or colony. Again the relationship between the government and the court systems influenced the practical nature of Haiti's place as an independent country in the Caribbean. The United States court system interpreted diplomatic status through economic policy and the prohibition on trade to Haiti resulted in a denial of Haiti's sovereignty.

These various prohibitions on trade, however, had a limited effect on US trade with Haiti. Jean-Francois Brière argues that this 1806 bill “was hardly followed, because American merchants did not want to cede the opportunity to the English.”⁷⁴ Official non-recognition did not mean economic isolation and “by 1821, U.S. merchants were supplying nearly 45 percent of Haiti’s imports; England was in second place, with 30 percent; and France was a distant third, with 21 percent.”⁷⁵ “By the 1820s, U.S. trade with Haiti revived,” Matthewson notes, “but nonrecognition persisted. In 1813, a commercial agent was appointed to Haiti, but northern politicians did not challenge the South on recognition.”⁷⁶

⁷⁴ “Ne fut guère suivie d’effet, car les marchands américains ne voulaient pas céder la place aux anglais.” Jean-Francois Brière, *Haïti et la France, 1804-1848: La Rêve Brisé*, (Paris: Editions Kathala, 2008), 54.

⁷⁵ Michel-Rolph Trouillot, *Haiti, State against Nation: The Origins and Legacy of Duvalierism*, (New York: Monthly Review Press, c1990), 53.

⁷⁶ Matthewson, *A Proslavery Foreign Policy*, 37.

Conclusion

In 1804, an American merchant visiting Haiti lamented the decline of the island after the revolution and longed for the island's former glory. "I am anxious to quit this gloomy place," William Ely wrote from St. Marc, Haiti, "said once to have been one of the handsomest in the West Indies but now almost wholly a pile of ruins, having lately been burned by the French in their attempt to subdue the Island." The remnants of the Revolution were still visible: "the fallen and falling walls," he exclaimed, "exhibit a melancholy and impressive view of the instability of human affairs. One house in particular almost constantly in my sight, said to have cost 500,000 livres exhibits to my mind legibly written on its walls, superb even in ruins '*sic transit Gloria Mundi*' [thus passes the glory of the world]."¹

But with the passing of an old world also came the birth of a new one: that of Haitian statehood and sovereignty. Early Haitian leaders pursued their radical experiment in state formation and freedom in world dominated by empires committed to the maintenance of slavery. Slave-owning powers were desperate to prevent the spread of the slave revolution and attempted minimize the impact that the Haitian Revolution would have on their existing colonial and labor systems. In response, Haitian leaders tried to reassure outside powers that they had no intention of spreading their

¹ Extract of a letter from William Ely to Mr. J Catling, dated St. Marks, 20 February 1805, BNA, HCA 42-426.

slave revolution. They believed that if they maintained a boundary between universal freedom and colonial slave societies then Haiti could survive in relative peace. This pairing of antislavery and anti-colonialism both protected and contained the movement because the struggle to secure and defend national independence meant restraining antislavery activism abroad. The creation of a defined and limited state meant that Haitian leaders acknowledged the limits of their powers and declared their willingness to participate in the common usages of the law of nations.

The emergence of Haiti as an independent nation fueled unprecedented international debates about racial hierarchy, the connections between freedom and sovereignty, and the intertwining of ideological and political relationships among nations and empires. While these debates came to be resolved in part during the next two centuries, they remain alive today both for specific nations and for the international community. This examination of Haiti's relationships with other Atlantic World empires and nations shows that foreign governments did not collectively stigmatize the new republic. Instead, merchants, judges, governors, planters, abolitionists, and others all imagined competing relationships with Haiti and each helped shape the trajectory of Haitian history. These various relationships engendered profound ideological discussions about Haiti's status and how this new entity might enter into existing international codes of conduct. Could the nations of the Atlantic accept Haiti as an independent nation or was the island to be treated as a French colony? My dissertation

shows how ambiguous and fluid the answer to this question remained in the early 19th century.

The broader trade aspirations of the Haitian state faded as the Atlantic World nations began prohibiting trade with Haiti. On December 18, 1804, the Curaçaoan Governor Pierre-Jean Changuion published a proclamation prohibiting all trade with Haiti.² Ten months later, the Governor of St. Thomas, Balthazar Frederik Mühlenfels, followed suit and prohibited Danish merchants from trading to “St Domingo.”³ Four months later President Thomas Jefferson signed a bill prohibiting all trade with the island. These prohibitions put a damper on trade with Haiti; however, they did not stop merchants completely. Furthermore, Haitians still had the option to trade with British merchants who, after 1806, could legally trade with the new Caribbean nation. In fact, these prohibitions didn’t mean much in practice. By 1810, furthermore, the U.S. government had once again allowed trade to Haiti, which continued throughout the next decades.

On January 21, 1804, according to a British government emissary, a Haitian hymn was performed to honor Governor General Jean-Jacques Dessalines. This hymn

² “Publication, Traduction,” D. Gaersty, Secretary, Pierre J. Changuion, Governor, 18 December 1804, Archives Nationales, Paris, CC9a41, series also contains Dutch language original.

³ “Publication,” Balthazar Frederik Mühlenfels, 29 October 1805, Danish National Archives, Dep. For de Udenlandske Anliggender, Gruppeordnede sager: Vestindien: Sager Vedr. Vestindien, 1820-1821, #1320.

was printed by the Haitian government press and sent to the British. “From now on Jacque [*sic*] is the leader/ he who rejected slavery,” and the refrain closes the song, “under the good father, we are forever united/ let us live, let us die his children/ free, independent.”⁴ The “children” of Dessalines, Haitians, were both free and independent – the two characteristics together defined what it meant to be Haitian. This status was assigned to individuals who had previously been subjected to legal bondage and political exclusion. According to state rhetoric, those individuals could be assured freedom from slavery because the Haitian Revolution had installed an independent government with the power to enact these policies.

By the time of his death in 1806, Dessalines had led Haiti to official independence and had succeeded in maintaining Haiti’s political autonomy while pursuing an enhanced economic relationship with the British. But Dessalines had failed to obtain full diplomatic recognition from the international community and thus consolidate his new state’s place in the re-making of the Atlantic World. In 1806 after a two-year period of possibility in which Haiti’s leaders could imagine official treaties and commerce with many different powers, the British were the only foreign nation with a regulated and legalized system of trade with Haiti.

⁴ “Désormais Jacque [*sic*] est le Patron/ De qui repousse l’esclavage/ [refrain] Sous ce bon Père, unis, a jamais réunis/ vivons, mourons ses vrais Enfants/ Libres, indépendans.” “Hymne Haytienne,” noted by Edward Corbet as being performed on 21 January 1804, BNA, CO 137-111, page 81.

Fifteen years after independence, King Henry Christophe of the northern Kingdom of Haiti wrote to Emperor Alexander of Russia and explained the rationale for Haiti's break from France. "To secure ourselves from the repetition of such unheard of barbarities and crimes," Christophe argued, "such injustice and perfidy, the people of Hayti in a general assembly proclaimed their Independence the 1st of January 1804!"⁵ This letter echoes a quotation from Voltaire's *Tancrède* that appeared on the front page of the *Gazette Politique et Commerciale D'Haïti* beginning on March 20, 1805. "Injustice, in the end, produces independence."⁶

It would take decades before Haitian leaders finally won diplomatic recognition. But as they struggled to do so, they built on the foundations laid by Dessalines, who had found a way to partially anchor Haitian sovereignty within the layered governance of Atlantic empires. Though he had not won full recognition, he had forced what amounted to a tacit recognition on the part of several governments, enabling Haitians to trade actively with the outside world. While it was only a partial victory, it was a significant one: for it contributed to Haiti's ability to resist the return of French colonialism.

⁵ King Henry to the Emperor Alexander of Russia, 20 March 1819, in *Henry Christophe and Thomas Clarkson, A Correspondence*, Earl Leslie Griggs and Clifford H. Prator, editors, (Berkeley; Los Angeles: University of California Press, 1952), 134.

⁶ "L'injustice a la fin produit l'indépendance, Volt Tanc," *Gazette Politique et Commerciale d'Haïti*, beginning 14 March 1805, published in *Gazette Politique et Commerciale D'Haïti, Hebdomadaire paraissant chaque jeudi, reproduits pour compte de la Bibliothèque Nationale d'Haïti*, 1 January 2008.

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Biography

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