

# María de Terranova: A West African Woman and the Quest for Freedom in Colonial Mexico

by

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## Introduction

In the summer of 1627, a West African woman living in the city of Puebla de los Ángeles, the second-largest city in colonial Mexico, fought for her right to a better life. Armed with little more than a remarkable reputation as an expert fish vendor, María, "the woman from Terranova", fought her former owner's claims that her freedom papers should be revoked. Her disregard for the restrictions that freed people constantly had to endure, even as independent and self-sufficient individuals, speaks to the xenophobic climate that Africans and their descendants experienced in the urban centers of Spanish America during the early and mid-seventeenth century. In an urban society largely controlled by European men, María exposed some of the tactics that African women could employ against a colonial order that attempted to regulate all aspects of the lives of the enslaved and the formerly enslaved. Ultimately, María's legal battle against her former owner highlights the entrepreneurial prowess and social networks that could lead the enslaved to freedom, but in the process, it also betrays the often-unfulfilled promises of colonial manumission.

This article will make use of a combination of judicial, notarial and parochial sources to inform our understanding of the difficult transition from slavery to freedom in seventeenth-century Puebla. The particularities of María's lengthy legal case are found in the Archivo Histórico Judicial de Puebla (AHJP).<sup>1</sup> In addition, contextual information on urban slavery in colonial Mexico has been culled from the Archivo General de Notarías de Puebla (AGNP), the Archivo Municipal de Puebla and a variety of parochial repositories.<sup>2</sup> This reliance on underutilized local archives is an attempt to demonstrate how Mexican scholars can rescue the history of the African Diaspora from quotidian records on the colonial period. As this case study will demonstrate, it is of paramount importance to consider the lived experiences of Africans as central participants in the forging of colonial Mexico. In the same vein, unearthing the history of specific African ethnic groups (such as the Terranova) in Latin American documentation may provide valuable information on early seventeenth-century ethnic, social, cultural and political identities in Africa.

## **A West African Mother Amidst Angolan Men**

During the early colonial period, Mexico, then known as the viceroyalty of New Spain, became a lucrative center for Trans-Atlantic enslavement. No less than 110,000 enslaved African men and women entered the viceroyalty between 1521 and 1639, an unfortunate reaction by part of Spanish colonists who attempted to substitute the epidemic-stricken indigenous populations of Central Mexico with enslaved Black people. Colin Palmer suggests that perhaps another 50,000 Africans entered Mexico in contraband operations to avoid paying license fees and royal taxes.<sup>3</sup> As a result, Africans and their descendants soon constituted a considerable proportion of Mexico's non-indigenous population.<sup>4</sup> In fact, by 1640, Mexico's African-born and African-descended population was only second to Brazil in the Western Hemisphere.<sup>5</sup> Yet in contrast to its South American counterpart, slavery would not persist in colonial Mexico, particularly in the cities of the central highlands. By the mid-eighteenth century, references to the enslaved or slaveholding become quite rare for the city of Puebla. Thus, people of African descent must have initiated a complex, large-scale, and daily struggle for their liberation since the mid-seventeenth century, if not earlier. María provides us with one such example in her legal battle against Julian Bautista de Cabrera.

In 1627, a rapidly growing, free community of people of African descent was already eroding the very foundations that underpinned chattel slavery in Mexico, and that enslavement in the city of Puebla only peaked in the 1630s, did not matter. In this regard, the actions of María, "the black woman from Terranova," exemplify how even enslaved African women, arguably the most disadvantaged of all groups in colonial society, could legally contest Spanish hegemony. Through her elaboration of a complex socio-commercial network that included Spanish lawyers, merchants, fish vendors and self-sufficient freed persons, our protagonist defended her right to liberty under the allegation that a manumitted enslaved person could not be restricted when freed by her own financial resources. The history we are about to unveil is thus one of manumission, "self-rescue", and freedman agency.

María's story is exceptional for any number of reasons: as a skilled fish vendor, as an enslaved mother, and eventually as a free African woman. Neither of these three categories of personhood were particularly prominent in colonial Puebla. María sustained herself as a fish vendor in a landlocked city deep into the central highlands of Mexico. Poblanos, residents of Puebla, have been historically celebrated for their consumption of pork, but never of seafood.<sup>6</sup> The development of a porcine-consuming culture was intimately tied to Puebla's reliance on a growing urban textile workforce, thus María's occupation would have placed her on the periphery of the city's commercial and economic interests. Moreover, as human property and as individuals devoid of any juridical right, enslaved Black women in colonial Mexico sustained notoriously low fertility rates.<sup>7</sup> Finally, María also distinguished herself as one of the very few Africans living in Puebla to attain freedom during the colonial period, although their creole and mulatto descendants often did.<sup>8</sup>

Yet perhaps the most curious aspect of María's life stems from her defiant claims to a distinct African ethnicity as a West African woman. Throughout the judicial case that took her all the way to the Secretary of the King's Chamber, she identified, time and again, as "María, the black woman from Terranova".<sup>9</sup> Minutiae of this nature could seem irrelevant, but this repeated act of self-identification speaks volumes of our protagonist's character and of her singular experience as a West African woman living in Mexico. We do not properly know when María first arrived in the viceroyalty of New Spain or if she lived in other cities before becoming a resident of Puebla. However, we do know that she formed part of the enslavement galleons that typically reached the (now-Colombian) port of Cartagena de Indias, before disembarking at San Juan de Ulúa, the port-fortress facing the city of Veracruz.

Based on her reported age in her pronounced legal battle, María had been born circa 1592, placing her entry to New Spain somewhere around the fateful year of 1612. That year, an alleged conspiracy among the enslaved resulted in the brutal execution of thirty-five Black men and women in Mexico City in what has been described as the moment of greatest racial tension in the history of New Spain.<sup>10</sup> This was the Mexico that María would have first experienced. During her defense, an acquaintance noted that she had been economically-active in Puebla's central market as a fish vendor since 1613. In other words, her owners began to profit from enslaved labor almost immediately after she was involuntarily brought to New Spain.<sup>11</sup> On a more personal level, by the mid-1610s, she would have endured and survived the difficult period of "seasoning", during which she survived the Middle Passage and became acclimatized to their new social, cultural and biological environment in the Americas.<sup>12</sup> We know relatively little about her life between her arrival in New Spain and the 1627 lawsuit, except for the fact that during those fourteen years, she became a mother.

In November 1626, María was sold to Julian Bautista de Cabrera, a Puebla citizen, along with her two creole (American-born) daughters, Gertrudis and Teresa, and a sick enslaved woman named Lucrecia for the exorbitant price of 2000 pesos. In her bill of sale, María had been labeled as an "Angolan woman from the land of San Tomé", in reference to the sugar-producing island in the Gulf of Guinea.<sup>13</sup> However, during her legal battle, María time-and-again opted for the Terranova toponym, self-identifying as "María, the black woman from Terranova". What exactly did this mean? Was María merely rejecting any association with Angola and São Tomé? Or did she intend to refashion herself as a member of a specific ethnic group? In this respect, Gwendlyn Midlo Hall has suggested the following:

*While Spanish and Portuguese colonists and officials grouped Africans under large regional or coastal denominations, Africans in these Iberian colonies in the Americas made finer distinctions among themselves, which sometimes emerge in the documents, especially records of court testimony in which Africans identified their specific identities.<sup>14</sup>*

Thus, in redefining herself as woman from Terranova, María was challenging the accuracy of the notarized document that dehumanized her as a piece of property. In addition, María actively challenged the idea that she was Angolan or from São Tomé. However, her decision to identify as "Terranova" is fascinating because the term itself does not reference a specific African ethnic group.

After all, the ethnonym *Terranova*, literally-meaning "New Land", was a Portuguese imposition for an undefined stretch of West African coast and an ancient one at that.<sup>15</sup> María's parents and siblings, still living in their West African community, would have certainly not claimed such an ethnic or geographic label.

Yet for María, the concept of "Terranova" had clearly come to mean something during her years in Mexico. In fact, a small Terranova community, consisting of a few dozen enslaved men and women, had implanted itself throughout the city of Puebla during the early seventeenth century.<sup>16</sup> They carried out the typical occupations assigned to Africans living in Spanish American urban centers as domestic laborers, wet nurses, textile workers, bodyguards, muleteers, foodvendors, etc.<sup>17</sup> In all likelihood, the Terranovas of Puebla also congregated on Sundays around the Santa Veracruz church, reknown for its Black brotherhood, "Nuestra Señora de la Consolación" and chapel. Remarkably, the only other free Terranova individual found in Puebla's notarial archive was also a woman, suggesting that females played a very prominent role among their community.

But how does María's more use of the Terranova ethnonym impact our understanding of her life? An incredibly diverse array of West Africans inhabited the southeastern coast of modern-day Nigeria, the area generally associated with the term *Terranova*, during the early seventeenth century. In Puebla, individuals with ethnonyms like Terranova, Carabali (Kalabari) and Lucumí (Yoruba) appear as early as 1600, thereby suggesting considerable ethnic differentiation even among Puebla's small West African population. María clearly did not pertain to either group based on her repeated assertions to a Terranova identity. Still, suggesting that María belonged to a specific kingdom/state or that she was a speaker of Ijaw, Igbo, Ibibio or Efik is beyond the scope of this paper.<sup>18</sup>

Alonso de Sandoval, a Jesuit priest living in Cartagena de Indias and a contemporary of María, more generally associated "Terranovos" with Arda, Offoons, and Lucumí people. All these groups, he noted, were generally shipped to Spanish America from the port of São Tomé.<sup>19</sup> São Tomé, then, would have merely been the island and slaving port from which María was sent to New Spain as part of the massive African enslavement influx of the early seventeenth century. María's passage through the enslavement factories of São Tomé adds another peculiar dimension to her life story. At the time of her enslavement and expulsion from the African continent most of the enslaved headed for colonial Mexico left from the Angolan port of Luanda, decidedly not from West African enslavement entrepôts.<sup>20</sup>

This detail is of some significance as the African influx to Puebla and the viceroyalty of New Spain was defined by the massive arrival of Angolan youths during the first four decades of the seventeenth century. Between 75-80% of the seven thousand African enslaved persons sold on the Puebla enslavement market during this period claimed Angolan or West Central African origins.<sup>21</sup> By contrast, enslaved men and women from West Africa at most accounted for 15% of all enslaved sales in Puebla.

Bran, Arara and Carabali peoples formed the majority of this West African population, but individuals labeled "Terranova" (or "Terra Nova") decidedly remained a tiny portion of this subgroup.<sup>22</sup> In other words, enslaved Angolans and Kongolese living in Puebla encountered a colonial space replete with Kimbundu and Kikongo speakers who practiced similar cultural practices and religious beliefs. By contrast, West Africans, and particularly people from the modern-day Nigerian coast, such as María, found themselves culturally and linguistically isolated among Puebla's greater African community.

María's story, however, is not one of isolation. Much to the contrary, María created a successful personal life for herself as a mother. By 1626, she was already 32 years old and her daughters Gertrudis and Teresa, were 11 and 7 years old, respectively. Motherhood, then, began just as she turned 21 or 22 years of age.<sup>23</sup> Although we know nothing regarding the children's father or fathers, we can infer that he was a man of African descent, as both Gertrudis and Teresa were considered to have the same skin color as their mother. Throughout the documentation at our disposal it is clear that María fought to keep her children by her side. Spanish owners perceived enslaved children as valuable investments in that they could serve as unremunerated domestic servants from a very young age.<sup>24</sup> As greater enslaved retainues implied greater prestige, virtually every elite Spanish household attempted to secure such enslaved youths as conspicuous status markers and signifiers of socio-economic power. Gertrudis and Teresa could have then easily ended up as personal pages for Spanish youngsters, amidst the opulent households, convents and monasteries of Puebla's central parish. However, this was not to be the case.

In his lawsuit against his formerly enslaved person, Julian Bautista de Cabrera bitterly noted that he had essentially been forced to purchase the three-member family (in addition to a sick enslaved person and a decrepit storefront) simply to secure María's services. Bautista's complaint highlights his own fragile position in Puebla society. Unlike his aristocratic contemporaries, Bautista was a struggling seafood merchant. Expending 2000 pesos to purchase an enslaved family represented a monumental purchase at the time. The frustrated former slave-owner would have certainly preferred to only buy María for a smaller sum of money. Thus, the sale of her family to Julian Bautista de Cabrera can be read from two distinct vantage points. Either María convinced Bautista to maintain her family intact in return for her fish vending abilities or Cristóbal de Malla, her previous owner, had forced an inconvenient purchase of an enslaved person on the overly naïve Bautista.

In all likelihood, the West African's success in retaining her family intact was a combination of both scenarios. In Bautista's own words, María had proven to be quite "adept in the ministry of fish, which she always sold for Manuel de Rojas, her first owner, and for the mentioned Cristobal de Malla".<sup>25</sup> In fact, both of her former masters had "gathered and acquired such a large sum of pesos" from the profits their enslaved generated in Puebla's central plaza that they were able to return to Spain as wealthy, successful men. A glorious return to the motherland was the ultimate dream of most Spaniards, but the reality of only handful.<sup>26</sup> Under the expectation that María would produce similar profits for him, Bautista purchased the enslaved fish vendor along with her two children. Thus, it appears that this remarkable West African woman held considerable leverage in her daily life, judging from the wholesale transfer of her family from one slave-owner to another.

## The Fallacy of Manumission in Colonial Puebla

The information we have on María largely comes from lengthy judicial case, but in order to properly understand its complexity, we must first understand the difficult process of acquiring one's freedom in early colonial Puebla. In the city's notarial records, the enslaved manumissions were classified as *cartas de libertad*, literally "letters of liberty". A typical notarized manumission specified how a given slave-owner decided to free his/her enslaved out of goodwill or under the auspices of a sponsor. In relinquishing their rights over their human property, slave-owners stipulated whether they freed their enslaved gratuitously or if a certain amount of money had been paid to remunerate their loss. Finally, the "benevolent" slave-owner then clarified whether this *libertad* could be repealed or restricted under any number of conditions.

In theory, the transition from bondage to freedom entailed a number of legal and juridical rights. According to the language found within letters of manumission, a slave-owner "saved and liberated" a given enslaved person from "the subjection and captivity" in which he/she resided and "empowered" his/her ex-slave as a "free person." Henceforth, the freed enslaved could "appear in civil trials and make a will, bequeathing one's property to whomever [he or she] desires and may and will do everything else that as a free person does and must do".<sup>27</sup> Thus, in the strictest legal sense, freedom permitted the formerly enslaved to 1) exercise their legal rights as plaintiffs and witnesses, 2) appear before notaries in order to transfer property ownership to family, friends and business associates and 3) claim a series of undefined civil privileges apparently universally accessed by all free people. To say the least, the Spanish colonial project did not respect this third category of civil privileges as individuals of African descent were constantly excluded from educational institutions, artisan guilds, political office, etc.<sup>28</sup> These restrictions were most strictly enforced during the second and third decades of the seventeenth century as New Spain's African population grew ever larger (and more menacing, in the Spanish imagination).

As a result of these rather limited capabilities, some scholars have questioned whether the enslaved in colonial Mexico actually sought out liberty as the ultimate objective in their lives. According to Frank Proctor, "the close reading of colonial law, manumission records and liberty suits casts strong doubt on the possibility that personal freedom was central to enslaved identity and agency in New Spain."<sup>29</sup> By highlighting the structural limitations that people of African descent faced even as free individuals, Proctor contends that "the majority of slaves focused their attention and energies on making slavery as livable as possible, not on escaping it." This point may have some merit, as the enslaved in colonial Mexico often encountered harsher living conditions as free people. For instance, endemic debt and imprisonment seems to have been a fundamental aspect of freedman life in Puebla.<sup>30</sup> Without a doubt, severing the patron-client ties that bound te enslaved and masters socially and commercially could have severe consequences for nominally free people with little access to capital or credit.

Instead, many enslaved urban-dwelling may have found their day-to-day existence tolerable despite the lack of personal freedoms awarded in letters of manumission. In elite Spanish households, enslaved families were often assigned their own chambers, which provided some security and respite (particularly at night) from the rather dangerous peripheral neighbors of the city.<sup>31</sup> For the most part, the city enslaved enjoyed the security of constant meals, significant spatial mobility, religious privileges and occupational autonomy as wage laborers. The same could certainly not be said for the rural enslaved on plantations. In theory, the fruits of each urban enslaved person's labor were to be collected by his/her master, but in reality the enslaved were often able to accumulate significant sums of money for their own interests from their daily wages or *jornal*.<sup>32</sup> Particularly the skilled enslaved, such as certified artisans, could make up to 12.5 pesos per month, a considerable sum of money at the time.<sup>33</sup> María clearly understood as much and had been pocketing a portion of the proceedings from each of her former owners. Thus, establishing relationships with free people who could guard their money for extended periods of time became an important element of enslaved life in Puebla.

Despite the considerable obstacles that legally securing one's manumission entailed, the African enslaved in early seventeenth-century Puebla actively sought their freedom. The opportunities provided by the urban setting simply proved too alluring to resign oneself to a lifetime of bondage. This finding runs counter to that espoused by Proctor.<sup>34</sup> Admittedly, very few of the enslaved succeeded in their quest for letters of manumission, as perhaps only three hundred *cartas de libertad* were notarized during the entire seventeenth century. Still, Africans in Puebla were willing to pay considerable sums of money (308 pesos, on average) to secure the intangible benefits of freedom, not merely legal and property rights. Family members, godparents, business partners and leaders of religious confraternities all collaborated in these efforts.<sup>35</sup> Freedom provided prestige, enabling the formerly enslaved to become leading members of their ethnic communities and benefactors for the city's greater enslaved population. For men, the transition from slavery to an independent legal status enabled Africans to participate in prestigious militias and benefit from the tax-exemptions associated with said corporations.<sup>36</sup> For women, particularly domestic workers, establishing independent households often meant escaping the constant threat of sexual abuse at the hands of an overbearing master or other men in his household. Such security truly had no price.

Sadly, it is now clear that even after being awarded letters of manumission most of the enslaved in seventeenth-century Puebla continued to toil under their same masters or their master's extended family. Spanish patrons appear to have been extremely cunning in continuously delaying, if not outright denying the legal claims of the enslaved to freedom.<sup>37</sup> In Puebla de los Ángeles, slave-owners rarely awarded letters of manumission prior to 1630.<sup>38</sup> In the decades prior to this date, manumission appear to have served as a valuable instrument only for the enslaved mulatto and creole infants and wives of Afro-Hispanic unions. As permanent, unalienable workers, the African enslaved (and their enslaved progeny) were simply too valuable to relinquish during the early seventeenth century. After 1630 however, the exponential growth of a mixed-race urban workforce and the recovery of the native Nahua populations allowed Spanish patrons to gradually dispose of their enslaved as cheaper laborers became available.

As a result, an enslaved person's perceived level of creolization appears to have constituted the determinant factor in securing his or her freedom papers. Generally-speaking, American-born enslaved outnumbered the African-born enslaved three to one in Puebla's manumission records.<sup>39</sup> This astounding ratio becomes all the more revealing when considering that the African enslavement influx to Puebla only peaked in the 1630s.<sup>40</sup> Furthermore, the reported ages for this tiny minority of free Africans confirms the idea that enslavement required a considerable degree of creolization and legal acumen in order to fight for their manumissions. This, of course, required time and exposure to people with a thorough understanding of the Spanish legal and judicial system. In eight out of these ten successful cases, the African freedperson in question were over thirty-five years of age. Thus, if the typical African enslaved person arrived in Puebla at age eighteen, this would mean that securing one's freedom papers took approximately twenty years of labor. The average age for creole manumission came at 28.6 years of age, while African-born enslaved person averaged 42.3 years.<sup>41</sup> As a result, Africans remained enslaved at a far greater rate than creoles throughout the seventeenth century.

Manumission documents from seventeenth-century Puebla can be classified into three categories: unconditional freedom, conditional freedom and self-purchase. The first term refers to those few instances in which a slave-owner freely parted with the labor of an enslaved person. Granting a conditional manumission, or *libertad condicional*, instead of absolute freedom, proved to be a far more common occurrence in seventeenth-century Puebla. For most non-elite slave-owners, their permanent workers represented substantial investments, and as such were highly valuable and transferrable capital. Freeing an enslaved person essentially meant relinquishing several hundred pesos worth of labor, to say nothing of the resources invested in training, feeding, clothing and occasionally providing medical care for an enslaved person. As a result, most masters reluctantly manumitted their enslaved, and only after receiving a significant sum of money in recompense. Even the household enslaved person that had been born and raised under a single slaveowner failed to escape this unspoken monetary requirement.

Typically, slave-owners received remunerations for conditional freedoms ranging from 100 to 300 pesos depending on an enslaved person's age and skillset. However, the extremely valuable enslaved, such as María, could end up paying the astronomical sum of 600 pesos for their freedom!<sup>42</sup> Other Poblano slaveowners simply preferred to include compulsory labor clauses within their enslaved *cartas de libertad*. For instance, in 1665, Diego de Espinosa liberated Lisa de la Cruz, a twenty-eight year old mulatto enslaved person with the following condition, "as long as I live, the said *mulata* will tend to my house and anything else in which she might be needed, and she will not excuse herself from this obligation in any manner, since I am awarding her liberty with this encumbrance."<sup>43</sup> Unfortunately for Cruz, her master was only twenty-five years of age, thus guaranteeing a lifetime of unpaid servitude under his power. We can only imagine how many more stories like this took place in colonial Puebla.

Out of the three types of manumissions, that of self-purchase, provides us with the greatest amount of detail on the intricacies of individual enslaved agency and collective resistance to the status quo. Self-purchases appear to have become increasingly common throughout Latin America during the late colonial period, but predictably rare documents during the 1620s.<sup>44</sup> The enslaved needed to satisfy three conditions in order to complete their self-purchase.<sup>45</sup> First, the enslaved person in question had to practice a profession in which he or she was entitled to a portion of the proceedings. Secondly, the slaveowner had to acquiesce to the enslaved person's request to be freed. Finally, the soon-to-be-free individual needed sufficient legal acumen and social capital to actually be able to exercise the right to self-purchase his/her freedom. Fortunately, this was precisely María's case.

In May of 1627, María received her freedom papers from Julian Bautista de Cabrera, a Puebla neighbor and fish merchant by profession. In the *carta de libertad*, Bautista noted that he was freeing her for the exorbitant sum of 600 pesos.<sup>46</sup> In order to secure her freedom papers, María sought the assistance of a free Black man named Francisco Carmona. An ex-enslaved person himself, Carmona had managed to free himself in 1615 and by 1630 was a well-established homeowner in the Puebla's multiracial Analco neighborhood. Together, María and Carmona paid Julian Bautista 500 pesos in cash and agreed to complement said sum with an additional 100 pesos. This money presumably consisted of María's life savings, which she had entrusted to the freedman Carmona. She would liquidate the remaining 100 pesos within six months by selling fish for Bautista in Puebla's central square. However, Bautista also included a very specific restriction in María's manumission. "Never and in no manner, is she to sell fish of her own, nor a third party's, even free of charge. Instead, she is to continue selling only my product as she has done up to now", he stated. After fulfilling her debt to Bautista, María would receive the respectable salary of six pesos per month in addition to her daily meals but only if she remained under her former master's nominal authority.

María's manumission represents an anomaly, both chronologically and thematically. Let us recall that Poblano slave-owners almost never freed their enslaved prior to 1630. Furthermore, African-born individuals rarely earned their manumission papers even during the mid- and late-seventeenth century. Even more remarkably, the thirty-five year old West African had perfected her craft as a fish vendor to an astonishing degree despite not having been born or raised in New Spain and its complex language, religion and culture. Yet a mere six months after being purchased by Bautista, María had managed to secure her freedom. According to Bautista, María had pleaded her case by "offering to work better and more willingly [as a free woman than] as a slave".<sup>47</sup> Reluctantly, the slaveowner relinquished his rights as María's master, but not before compelling her to exclusively sell his fish even as a free woman.

Judging from the extant judicial proceeding, it is clear that María had no intention of following Bautista's clause. Instead, the ex-enslaved rapidly established a commercial relationship with one Domingo de Olivera, another fish merchant, who supplied her with the produce that she so expediently sold in Puebla's central plaza. Feeling betrayed, Bautista presented a criminal complaint against María only two weeks after having liberated her.<sup>48</sup> Bautista claimed that he had explicitly outlined María's post-manumission obligations and she had failed to follow them. Therefore, her *carta de libertad* was to be declared void.

As many non-elite slave-owners, Julian Bautista de Cabrera attempted to profit from the xenophobic and distinctly anti-African climate that the viceroys and Supreme Council of New Spain had instilled since the brutal repression of the enslaved in 1612. Within the context of severe indigenous depopulation, the political leaders of the viceroyalty led a socially, culturally and economically restrictive campaign against Black people, mulattoes and their religious brotherhoods (*cofradías*) during the 1620s and 1630s.<sup>49</sup> During this time, the enslaved and freed people fell within the increasing surveillance of the colonial state, which required that all independent people of African descent vacate their residences and relocate into Spanish households where they would be properly instructed in Christian virtue and mores. It should be noted that aristocratic Spaniards rarely needed to resort to such strategies since their wealth enabled them to easily purchase people at a moment's notice. However, Julian Bautista was little more than a struggling supplier of seafood, and it is so that we must interpret his appeal to Puebla's local justices.

In rescinding María's manumission in July 1627, Bautista noted, "in conformity with this kingdom's ordinance for good government as stipulated by the lord viceroys, the aforementioned [slave] cannot live or negotiate on her own, instead she should be precisely compelled to serve a Spaniard for her daily wage."<sup>50</sup> Bautista clearly expected that he, as María's former owner, should be the recipient of her labor if she were to remain free. Puebla's local justice agreed. They could not have expected the defense that this valiant West African and her legal counsel would so successfully mount during the coming months.

### **To Rescue Oneself: Urban Life, Day Labor and Legal Acumen**

In response to Julian Bautista's legal threats, María hired a lawyer, Cristóbal Guillén, to represent her before the city's lower courts and justices. In the lengthy ninety-six pages of litigation that ensued, María and Guillén never took more than a day to respond to her former owner's accusations. As a result, this case-study opens a fascinating window into the complex relationships that ex-enslaved and their legal representatives must have commonly sustained in colonial cities.<sup>51</sup> As people juridically-deprived of any civil rights, and particularly the privilege "of making contracts and sworn statements" the enslaved in Spanish America typically do not appear in judicial disputes. Instead, most enslaved people resorted to religious tribunals in order to safeguard their rights as Catholics or simply fled their masters in hopes of physically escaping their servitude.<sup>52</sup> By contrast, María managed to secure competent legal counsel as a recently liberated person, undoubtedly the result of her considerable savings and extremely profitable fishvending.

Seeking immediate recourse in the law reveals the thorough understanding that the urban enslaved possessed of the Spanish judicial system. As in this particular case, the act of liberation merely allowed freed people exercise rights and privileges with which they were already quite familiar.

One particular appeal, dated July 27, 1627, proved just how articulate María and her counsel could be.<sup>53</sup> Rather than submit to Bautista's demands that María relinquish her fish-selling operation, the woman from Terranova presented the following response:

*The act of liberty... is so pure in its nature and so perfect that it admits no conditions, nor has any doubts, and those that have been placed on me should be removed and taken away since Julian Bautista did not offer a liberal manumission [for me]. Instead, I executed the rescue of my person, satisfying and giving far more... than was necessary.*

By emphasizing that she had purchased her freedom outright from Bautista, María argued that her manumission could not be conditioned by her former master's demands. She specifically targeted the "conditions" that Bautista attempted to impose on her freedom as unnatural limitations that corrupted the very concept of personal liberty. This strategy had a more practical objective: to allow María to continue selling fish in Puebla's central market.

Julian Bautista understood that the very foundation of his ex-enslaved person's growing independence rested on the considerable profits she was able to generate as a fishvendor. Ever since receiving her *carta de libertad*, on May 31, 1627, María had continued plying her trade in the city's public plaza, but she was clearly no longer working in the employ of Bautista. Instead, she had become her ex-owner's competition by selling fish for another supplier, a twenty-six year old merchant named Domingo de Olivera. She excused this behavior by noting that she had only done so since attaining her freedom "in order to sustain herself with it and pay His Majesty's royal tribute".<sup>54</sup> This last reference to her fiscal obligations was a tactic commonly used by free individuals of African descent, who were continually portrayed as perennial tax-evaders.<sup>55</sup> María was well aware of these stereotypes and aggressively countered any insinuation that they might apply to her situation. In mid-July 1627, she stated that even the viceroys' ordinances could neither limit "human actions nor the commerce [undertaken] by those of my color".<sup>56</sup> And so, María continued selling her fish well into the rainy months of the Puebla summer.

If Julian Bautista's intentions were to limit his former enslaved person's "human actions" and interactions, then his strategy was simply deficient. María counted with too many allies. Her social network included Spanish merchants, mestizo fishvendors, free Africans, to say nothing of her legal counsel, her own daughters and the dozens of clients who regularly purchased her product. Among the witnesses called forth to testify about María's activities was Alonso Pérez, a Spanish neighbor of Puebla who claimed to have known the freedwoman for fourteen years.<sup>57</sup>

Joseph de Arauz, a *mestizo* (mixed-race) fishvendor, confirmed that he knew the West African for over eight years, while the shoemaker Gonzalo del Puerto also admitted his acquaintance with María for the same amount of time. All of the witnesses acknowledged that the ex-enslaved had been selling fish in Domingo de Olivera's service, but strategically noted that this had only taken place after she secured her freedom.

In September 1627, Julian Bautista made a final, desperate appeal to limit María's activities. His commercial interests had been negatively affected by María's competition during the entire summer, a typically difficult period for seafood merchants. Unable to put up with the situation any longer, Bautista noted that his ex-enslaved should sustain herself in a different branch of commerce. "She can occupy herself in selling cooked meat, or honey, or fruit, and have other sources of revenue as other black women do," exclaimed an exasperated Bautista.<sup>58</sup> By this point, it is quite clear that María had succeeded in continuing her extremely profitable trade in Puebla's central plaza. The city's justices must have tired of the case and ultimately remitted Julian Bautista's incessant claims to the Real Audiencia, New Spain's supreme governing council, based in Mexico City.

The last surviving piece of evidence for this fascinating lawsuit is dated October 1, 1627. By this point, the case of Bautista vs. María de Terranova had reached the office of Don Cristóbal de la Mota y Osorio, Secretary of the King's Chamber.<sup>59</sup> Both parties had been instructed to present themselves before Mota y Osorio in Mexico City, presumably to settle the lawsuit definitively. Unfortunately, the documentary record does not reveal what final determination the Secretary took. All we are left with is the defendant's presence among the most powerful men of the viceroyalty of New Spain, along with her former master. Only four months before, María had been Bautista's human property. Now, she was his foremost foe and competition.

## Conclusion

We do not know if María was ultimately successful in defending her liberty. Judging from her remarkable defense, appealing every legal maneuver her ex-owner used against her, it is more than probable that she remained a free and quite successful businesswoman. Undoubtedly, she remained a leading figure for Puebla's small Terranova community. Perhaps more importantly, this case study speaks to the determination and deep-seated desire that drove Africans and their descendants, particularly urban-dwellers, to seek freedom. And yes, while it may be true that most enslaved persons, particularly in rural settings, preferred the security of a negotiated subservience to their masters, this does not appear to have been the case in seventeenth-century Puebla. Under the technicality that a self-rescuing enslaved person could not be subjected to a former master's whims, María's defense set a new (and dangerous) precedent for enslaved agency and liberation in Puebla. What would occur if all the conditionally-freed enslaved opted to defy their former masters? Indeed, if an enslaved West African female, an involuntary immigrant into the legal, culture and political mores of colonial Mexico had managed to overturn Spanish hegemony in the name of a "pure", "perfect" and "natural" liberty, what would her descendants not achieve?

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<sup>1</sup> Archivo Histórico Judicial de Puebla (henceforth AHJP), Exp. 1260, 1627/05/31. Diligencias promovidas por Julian Bautista de Cabrera, vecino, contra Maria, negra libre (Terra Nova), para que le prohiban vender pescado suyo o de otra persona en la plaza de la ciudad.

<sup>2</sup> Puebla's colonial parishes house some of the earliest marital registers in the American continent documenting the experience of Africans and their descendants with the Catholic church. My doctoral dissertation, "Urban Slavery in Colonial Puebla de los Ángeles, 1536-1708" (UCLA, 2013), analyzes the enslaved and freed marriage in Puebla's central parish, the Sagrario, and two peripheral parishes, Santo Angel Custodio (Analco) and San Joseph.

<sup>3</sup> Palmer, Colin. *Slaves of the White God: Blacks in Mexico, 1570-1650*. Harvard University Press: Cambridge, 1976. pp. 28-30.

<sup>4</sup> Israel, Jonathan I. *Razas, clases sociales y vida política en el México colonial, 1610-1670*. México: Fondo de Cultura Económica, 1980. p 31. Israel states that during the mid-seventeenth century New Spain had a population of 150,000 Spaniards with 130,000 Blacks and mulattos. In addition, at least 150,000 *mestizos*, people of white and indigenous ancestry populated the viceroyalty.

<sup>5</sup> Proctor III, Frank T. *"Damned Notions of Liberty": Slavery, Culture and Power in Colonial Mexico, 1640-1769*. Albuquerque: University of New Mexico Press, 2010. pp. 4, 210 n. 9.

<sup>6</sup> Relatively little work has been carried out on the historical consumption of seafood in colonial Puebla. However, scattered anecdotal evidence from the city's archives suggest that enslaved and freed people were active participants in purchasing and selling fish and shrimp in the central market. The extremely successful freedwoman, Antonia de Jesus, perhaps an acquaintance of María, noted that she possessed 90 pesos worth of fish in a 1640 will. The mulatto freedman, Felipe Monsón y Mojica, and his wife also commeced shrimp from the port of Tampico, over 300 miles away, on the Gulf of Mexico. See AGNP, Notaría 4, Box 165; AHJP, Exp. 2463.

<sup>7</sup> Gonzalbo Aizpuru, Pilar. *Familia y orden colonial*. México: El Colegio de México, 1998. p. 212. Gonzalbo notes that, on average, married African women held the lowest fertility rate among all women in colonial Mexico at 1.1 children per household. Further demographical work, however, is necessary to determine whether this same rate held for single African women.

<sup>8</sup> Only 10 Africans were liberated in a sample of Puebla's most complete notarial register, Notaría 4. By contrast, 32 manumitted enslaved were considered *criollos*, American-born individuals of African descent.

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<sup>9</sup> AHJP, Exp. 1260, 1627/05/31. ff 6r-7r.

<sup>10</sup> Israel, p. 78. The years prior to repression of the enslaved, they had also been fraught with racial tension as a runaway enslaved community successfully resisted a punitive expedition in the mountains of Veracruz. News of this independent Black settlement struck fear into the Spanish residents of Puebla, Mexico City, Veracruz, etc.

<sup>11</sup> AGNP Notarial Database, 1600-1700. New African arrivals to Puebla's enslavement market averaged 17 years of age. Portuguese enslavers appear to have targeted particularly young men and women for sale in the Americas, so that Africans over 20 years old had likely already spent a few years in New Spain.

<sup>12</sup> Sweet, James H. *Recreating Africa: Culture, Kinship and Religion in the African-Portuguese World, 1441-1770*. Chapel Hill: University of North Carolina Press, 2003. pp. 58-63. In late eighteenth-century Brazil, "more than 40 percent of the Africans who had survived the Middle Passage succumbed to various diseases" during this period of acclimatization. Unfortunately, statistics of this nature are not yet available for New Spain.

<sup>13</sup> AHJP, Exp. 1260, f. 27r.

<sup>14</sup> Midlo Hall, Gwendolyn. *Slavery and African Ethnicities in the Americas: Restoring the Links*. University of North Carolina Press: Chapel Hill, 2005. p. 34.

<sup>15</sup> The Portuguese established the trading fort of Sao Jorge da Mina (in modern-day Ghana) in 1482, probably placing the exploration and naming of the "new" Nigerian coast within the previous decade.

<sup>16</sup> Small seventeenth-century Terranova communities, numbering no more than a few dozen members, have also been located throughout Spanish American cities such Havana, Mexico City, Perú. Curiously, this particular ethnonym does not surface in studies of Brazilian slavery. See Alejandro de la Fuente, *Havana and the Atlantic*; Herman Bennett, *Africans in Colonial Mexico*; Frederick Bowser, *The African Slave in Colonial Peru*.

<sup>17</sup> AGNP Notarial Database. Eighteen individuals labeled "Terranova" appear in Puebla between 1610 and 1630. Only three more Terranovas references appear in 1650, 1655 and 1680. References to members of this particular West African community disappear in the eighteenth century as their children took on Hispanic surnames, gradually melding into the growing creole and mixed-race urban population of Puebla.

<sup>18</sup> It is tempting however, to posit María's possible birthplace somewhere in Okrika, along the eastern delta of the Niger River, considering the region's historic ties to fishing and the seventeenth-century enslavement.

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<sup>19</sup> Sandoval, Alonso de. *Un tratado sobre la esclavitud*. Madrid: Alianza Editorial, 1987 (1627). pp. 139-140.

<sup>20</sup> Of the 1535 Africans studied in the Puebla sample bills of enslavement purchase, only 17 claimed to be from São Tomé. A couple of the female enslaved from this group noted that they actually originated in the "Ríos de San Tome", what I believe to be a reference to the Niger River Delta.

<sup>21</sup> A 20% sample of Puebla's notarial archive has yielded astonishing results for the years 1595-1635. During this period, 1535 African-born enslaved people were sold in the Puebla enslavement market. 239 of these enslaved men and women were given ethnonyms or ethnic labels specific to West Africa.

<sup>22</sup> AGNP Notarial Database, 1595-1635. Only 13 Terranova enslaved people surface in the sample accounting for less than 1% of all African enslavement purchases.

<sup>23</sup> Based on 273 observations taken for the 1600-1700 period for mothers of African descent, the normal age to begin motherhood in Puebla ranged somewhere between 18-26 years of age. Adolescent mothers, 18 and younger, generally do not appear in the historical record.

<sup>24</sup> Masferrer León, Cristina V. "Niños y niñas esclavos de origen africano en la capital novohispana (siglo XVII)" in *Debates históricos contemporáneos: Africanos y afrodescendientes en México y Centroamérica*. México: INAH/UNAM, 20011. pp. 208-209.

<sup>25</sup> AHJP, Exp. 1260. ff. 9r-10r. "...la dicha Maria negra por ser diestra en el ministerio del pescado que siempre bendio a Manuel de Rojas su primer amo y al dicho Xpoval de Malla se les avia seguido dello mucho interes y aprovechamiento en gran suma de pesos de modo que fue parte para que los dichos dos sus amos adquiriesen y Juntasen caudal con que se fueron a España...".

<sup>26</sup> For more on the nostalgia that Spanish emigrants felt for their native Iberia, see *Letters and People of the Spanish Indies: Sixteenth Century*. Eds. James Lockhart and Enrique Otte. Cambridge University Press: New York, 1976.

<sup>27</sup> Latin American Library (Tulane University), Puebla Notarial Collection. Box 4, Folder 21. 1621/09/29.

<sup>28</sup> Martínez, Maria Elena. *Genealogical Fictions: Limpieza de Sangre, Religion and Gender in Colonial Mexico*. Stanford: Stanford University Press, 2008. pp. 147-152.

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<sup>29</sup> Proctor, p. 151, 184.

<sup>30</sup> Often, this cycle of debt commenced when te enslaved ingratiated themselves with a potential patron in repayment for their manumission papers. When unable so secure the monthly sum of money required, these freed people soon found themselves in debtors' jail. Release from the city prison typically involved signing a debt contract (*carta de obligación*), which essentially only augmented the freedman's obligations to a given patron.

<sup>31</sup> AHJP, Exp. 2146, ff. 1r-1v.

<sup>32</sup> Archivo Municipal de Puebla (AMP). Actas de Cabildo. Vol. 14, Foja 65/64 v. For instance, in February 1608, Puebla's enslaved water carriers were reprimanded for breaking the city's water fountains in order to overcharge for their services.

<sup>33</sup> AGNP, Notaría 3, Box 32, June 1610, f. 1129r. The enslaved Agustin, a trained hatter, saw his labor leased for an annual fee of 150 pesos to a local workshop.

<sup>34</sup> Proctor's findings on liberty not being central to enslaved identity may be valid for the rural haciendas of eighteenth century Mexico, but do not seem to apply to booming urban centers.

<sup>35</sup> AGNP Notarial Database, 1600-1700. This calculation is based on manumission letters for fourteen Africans in a 20% sample of Puebla's notarial archive. One could thus expect to find a total of seventy African manumissions for the entire seventeenth century.

<sup>36</sup> Vinson III, Ben. *Bearing Arms for His Majesty: The Free-Colored Militia in Colonial Mexico*. Stanford University Press: Stanford, 2001. pp. 144-150.

<sup>37</sup> AGNP, Notaría 4, April 1645, ff. 209r-210v. In 1645, a thirty-six year-old mulatto enslaved Bernarda was finally freed. Despite having been technically manumitted thirty years earlier, in 1605, her master had refused to acknowledge her claim to freedom for three decades!

<sup>38</sup> During a century-long sample of Puebla's notarial archive, only seventeen men, women and children were manumitted between 1600 and 1625. Only one was African, a twenty-year old woman named Isabel, the wife of the enslaved Gaspar Ramos.

<sup>39</sup> A total of 43 manumitted enslaved were catalogued as *criollos*.

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<sup>40</sup> The years 1630 and 1635 register the highest number of enslavement purchases for Puebla enslavement market during the entire seventeenth century at 456 and 440 sales, respectively.

<sup>41</sup> Puebla Notarial Database, Not. 4, 1630-1700.

<sup>42</sup> In terms of labor, a very experienced muleteer could charge up to 10 pesos per month, while a skilled textile worker earned up to 5 pesos a month.

<sup>43</sup> AGNP, Not. 4, Box 196, 1665 November, f. 1164r.

<sup>44</sup> Proctor, p. 162. Proctor notes that 29% of the enslaved in late seventeenth-century Mexico City bought their freedom. For early nineteenth-century Salvador (Brazil), Nishida finds that approximately half of all manumissions were the result of self-purchases. See Mieko Nishida, "Manumission and Ethnicity in Urban Slavery", *HAHR*, Vol. 73, No. 3, p. 379.

<sup>45</sup> In his chapter on colonial manumissions, Proctor indicates that the enslaved purchased their freedom 28.8% of the time in late seventeenth-century Mexico City. This figure seems overly elevated and as a result, may simply represent a local tendency within the viceregal capital during the mid-1670s. See Proctor, p. 162.

<sup>46</sup> AHJP, Exp. 1260, 1627-05-31, f. 1r-2r.

<sup>47</sup> *Ibid*, f. 3r-3v.

<sup>48</sup> AHJP, Exp. 1260, ff. 1r-3v. María was formally awarded her freedom on May 31, 1627. Bautista entered his first formal complaint against his ex-enslaved on June 12 of that same year.

<sup>49</sup> Palmer, pp. 135-141.

<sup>50</sup> AHJP, Exp. 1260, ff. 9r-10r.

<sup>51</sup> Brazilian historians have undertaken the complicated study of the enslaved and their interactions with lawyers but most of their efforts concentrate on the nineteenth century. In this regard, the interactions between María and her legal counsel in 1620s Puebla may serve as a valuable precedent for such scholarship. For more on the Brazilian case, see Sidney Chalhoub, *Visões da liberdade*. São Paulo: Companhia das Letras, 1990.

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<sup>52</sup> On the topic of Africans and their complicated interaction with the Catholic church, see Herman Bennett, *Africans in Colonial Mexico: Absolutism, Christianity and Afro-Creole Consciousness, 1570-1640*: Bloomington: Indiana University Press, 2003.

<sup>53</sup> *Ibid*, f. 15r.

<sup>54</sup> AHJP, Exp. 1260, f. 22v.

<sup>55</sup> Vinson, pp. 132-134.

<sup>56</sup> AHJP, Exp. 1260, ff. 11r-12r.

<sup>57</sup> AHJP, Exp. 1260, ff. 27r-46v.

<sup>58</sup> AHJP, Exp. 1260, ff. 25-26r.

<sup>59</sup> AHJP, Exp. 1260, f. 46r.