



Juana Solam, Second Spanish Period, 1787

Check out the articles below to learn more Juana's life, trial, and the role of women in Spanish St. Augustine.

THE DEVIL'S LANE

*Sex and Race
in the
Early South*

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“IN CONSIDERATION OF HER ENORMOUS CRIME”

Rape and Infanticide in Spanish St. Augustine

On the night of October 6, 1787, St. Augustine slaveowner, Juan Salom, awoke to find that his slave, Juana, and her two children, were missing from their usual sleeping place on the floor next to his bed. He assumed they had fled. Before returning to sleep he went out to the patio well to get a drink and discovered the two small bodies of Juan Baptista Salom, age five, and Isabel Anna Salom, age two, floating in the dark water. He ran to inform the Sergeant Major and at 9:00 the next morning the governor's tribunal opened an investigation into the deaths of Juana's children.¹

The criminal case against Juana illuminates central questions of race, sexuality, and gender in eighteenth-century Spanish Florida. The court's detailed attempts to assess the truth of Juana's story and its willingness to accept the testimony of female slaves against a white male owner stand in sharp contrast to legal procedures in the Anglo South. The verbatim statements the slave women give in this case are also an extremely rare and valuable window into the sensitive issues of race, sexuality, and gender. Juana's final punishment and the resolution of the case are classic examples of Spanish efforts to achieve compromise and restore community order through a combination of *derecho* (customary law) and *ley* (written law).² Because the case involved non-Spanish slave owners subject to Spanish law, the testimonies of the various parties also illuminate cultural differences in the treatment of slave women.

Spaniards constructed particular political and social identities for women that drew on a variety of sources including Roman and Visigothic law, Aris-

totelian theories, theological principles of the Roman Catholic Church, and centuries of customary law and practice in a racially and ethnically diverse metropolis.³ In the thirteenth century, King Alfonso X (the Wise) codified Spain's varied legal traditions in the *Siete Partidas*. This code identified women, along with children, invalids, and delinquents, as in need of supervision but also deserving of familial and societal protection. Spain was a patriarchal society and a woman was subject to the will of her father, brothers, or uncles until either they died, or she reached twenty-five years of age or married, at which point she was subject to her husband's will. Should a woman marry against the advice of the responsible male of the family, she was liable to be disinherited.⁴ Such juridical categorization obviously limited, at least temporarily, a woman's legal autonomy and economic power.

Nevertheless, women also enjoyed specific protections based in the same medieval Spanish law and customs that limited them. For example, women could inherit, hold, and disperse property left them by either parent, including real property, and it could not be seized for the debt of their husbands. Moreover, by law, women and men inherited equally from their parents, except in very notable exceptions. A husband could not alienate the dowry or *arras* (the groom's marriage gift) of his wife, and with her husband's written license, or power of attorney, a woman could, and did, enter into a wide variety of legal transactions. Women could also testify in secular courts and seek redress for grievances.⁵

The *Siete Partidas* also guaranteed Spanish slaves a legal personality and voice. Slaves in Anglo Saxon law, on the other hand, were considered chattel. Drawing primarily on Roman law, which recognized slavery as an accident of fate and against the laws of nature, the *Siete Partidas* detailed the rights as well as the obligations of slaves. In theory, these rights included personal security and legal mechanisms by which to escape a cruel master; conjugal rights and the right not to be separated from children; and the right to hold and transfer property and initiate legal suits.⁶ In the Americas, that allowed slaves to purchase themselves or family members through an institution called *coartación*.⁷ Slave women might also secure their freedom or that of their children through uncompensated manumission, which sometimes, but not always, involved a sexual relationship with their owners.

Spanish traditions of Christian charity and paternalism required magnanimity and generosity toward dependents and inferiors, including slaves. Not only divine reward but status were achieved by public acts of beneficence such as almsgiving, feeding and clothing the poor, or visiting the ill or imprisoned. Those who could afford to might endow charity hospitals and orphanages or establish funds to dower young girls. Appeals to a Christian governor would trigger certain requirements—to shelter fugitives, extend the benefit of the 'True Faith' to those seeking it, and defend the miserable, especially women and children. These public acts of goodness were carefully recited in any requests for appointments, grants, or titles and could have tangible rewards in Spanish society, just as they might expiate sin in the hereafter.⁸

If necessary, the Church also interceded "paternally" on behalf of members of the miserable classes, including slave women of African descent, supporting

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the sanctity of the family and the rights of slaves to freely choose their spouses. Informal institutions such as the extended kinship group *parentela*, which included blood relations, fictive kin such as godparents, and even household servants and slaves, and *clientela*, which bound powerful patrons and their personal dependents into a network of mutual obligations, were also useful to slave women. They were so deeply rooted that, according to one scholar, they might have been the "primary structure of Hispanic society," and slaves learned that mistreatment of servants and household slaves or their obvious hunger or poverty would dishonor the patriarch/owner.⁹ While social conventions were no guarantee that Spanish slaveowners would not abuse their property, the combination of a real fear of eternal damnation and peer pressure was powerful enough to shape many master/slave relations, as slaves well understood.

Although women of African descent have long been thought to be doubly "victimized" by their race and gender in the Anglo South, and, if enslaved, legally oppressed as well, across the linguistic, political, and cultural divide that separated Florida from its northern neighbors they enjoyed access to courts that, in turn, gave them an historically recorded voice. Recent studies of the rich notarial records of Spanish "borderland" colonies such as Florida, Louisiana, and Texas verify that even on somewhat remote frontiers, law was adhered to, and that African and African American women in Spanish communities, both free and enslaved, seemed to enjoy legal protections and social opportunities significantly better than those of their counterparts in Anglo settlements. Moreover, in a small town such as St. Augustine, where both legal and religious institutions were readily available and where neighbors monitored each others' social behavior, slave women were assertive about pursuing both.¹⁰

The widespread acceptance of miscegenation no doubt affected master/slave relations in Spanish Florida. By the eighteenth century, European-African unions were very common. Many of Florida's wealthiest ranchers, planters, government officials, and merchants created large mulatto families with formerly enslaved women (sometimes in addition to white families). They recognized and freed their mulatto children, educated them, and provided for them and their mothers in their wills. Even in cases involving concubinage, the law and community consensus protected their widows and heirs. In Spanish Florida, free African women and their children managed plantations, operated small businesses, litigated in the courts, and bought and sold property, including slaves.¹¹

And slave women in Florida, as elsewhere throughout the Spanish circum-Caribbean, also exercised rights that might not have been possible across the northern border. Slave women filed legal grievances against their owners, petitioned for manumission, hired out their own time, managed their own property and economy, and solicited changes in owners when they could find a more likely candidate to purchase them.¹²

This is not to suggest an absence of racial prejudice in Spanish settlements or to minimize the often horrific circumstances of Hispanic slavery. As the tragedy of the slave woman, Juana, graphically illustrates, slavery could be

cruel and perverse anywhere. However, had Juana lived north of the Florida border, she would not have had the legal opportunity to defend herself in court and accuse her owner of rape and abuse, or to have her testimony supported by her fellow slaves.

Despite Juana's slave status, and the horror of her "unnatural" crime of infanticide, meticulous Spanish bureaucrats conducted her investigation as they would any other.¹³ They followed all legal requirements and took great care to gather available physical evidence as well as lengthy testimony from the involved parties. They followed up on testimony to resolve differences or points of uncertainty and they tried to be sure that Juana understood the charges against her, as well as the religious and legal implications of her acts. Because they uncovered important mitigating circumstances in her crime, the St. Augustine court even referred the case to a higher court, seeking its guidance on her punishment.

This careful prosecution was extended to someone who could well have been considered an "outsider," and who lacked important personal connections within the community. Juana had been born in New York and raised among Protestant Anglos. Because she was illiterate and spoke only English, Juana's testimony was recorded by a bilingual interpreter who asked a set of questions about the crime, but also allowed Juana to add any statements she wished to make. The same format was followed with each of the other witnesses. The multiple and, sometimes conflicting, testimonies and perspectives on the case not only illumine the intimate, and often hidden nature of master/slave relations, but also how much the community knew about and monitored these.

Juana's owners, the Saloms, were also in a sense, outsiders. They were Minorcans, not Spaniards, and had been residents of St. Augustine less than a decade.¹⁴ Although Salom's occupation was not stated, Minorcans in St. Augustine were commonly associated with the petty trades and petty agriculture and the Saloms were probably of the lower-middling class. At the time of the trial the Saloms still rented their house and farm lands.¹⁵ But the court afforded Salom the same opportunity it gave Juana to present testimony, offer explanations about the crime, and defend himself against the serious accusations made by his slave.

Three days after Juan Salom discovered Juana's dead children in his well, she was captured and jailed in St. Augustine's stone fortress, the Castillo de San Marcos, where her interrogation took place.¹⁶ A bilingual interpreter asked Juana if she knew why she was in prison, and she answered for drowning her children.¹⁷ Asked how she accomplished the deed, Juana alleged that without knowing what she was doing she jumped into the well with them and that she had no idea how she found herself back out. Asked why, if she did not know what she was doing, she fled, Juana answered that she was afraid and beside herself (*fuera de sí*). Almost immediately upon discovery of the crime, Governor Vicente Manuel de Zéspedes had ordered an investigation of the murder site. The man who had retrieved the children's bodies from the well had been unable to get out without assistance, and so Juana's contention that she jumped into the well with a child under each arm, was kept afloat by her

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clothes, and got out unassisted, and in some unknown manner, raised questions. Although interrogators voiced their opinion that the story was unlikely, Juana stuck to it. When the interpreter asked Juana's motive for drowning her own children, her story began to unfold.

Juana related that on the night of the crime her owner had told her to say farewell to her children, because he had sold her to a new owner who would take her to Havana the following day. When Juana added that her owner had mistreated her for some time, the translator asked her to elaborate.

Juana reported that Salom continually solicited her to have sexual intercourse, and that when she refused him, Salom beat her. Solicitation was a serious charge under Spanish law, and if proven, the *Siete Partidas* required the court to remove Juana from the owner's household. Juana said that often when Salom propositioned her, his wife, with whom he also had sexual relations, was asleep in the bed next to which Juana slept. Asked if there were any witnesses to Salom's solicitations, Juana replied that he usually accosted her when she was working in the fields alone, but that occasionally he also harassed her in the house. One time her protests attracted another slave whom Juana stated overheard Salom threaten to beat her if she did not comply and also heard Juana's resistance. Sadly, Juana added that on many occasions Salom had his way, "by force of blows."

Only a few nights before the crime her owner had chained Juana next to his bed. As soon as his wife fell asleep, Salom awoke Juana with a kick and promised that if she would have sex with him, he would remove her chains. The interrogators asked Juana why she did not tell Salom's wife of these multiple offenses, and Juana responded that she had tried to but that the wife called her a liar and helped punish her. At this point the translator interjected that it was unlikely a wife would not do something about her husband's misdeeds if she knew the circumstances. In fact, Salom's wife, Margarita Neto, obviously suspected her husband, for Juana stated that she frequently asked Salom why he wanted to be alone with Juana. But Margarita was the mother of two small children in a precarious economic position and may not have felt it wise to confront this situation directly. Margarita, like Juana, was under Juan's control—physical and economic.¹⁸ Margarita accepted her husband's denials, as so many wives of slaveowners did, but she also took out her frustrations on Juana. Once again, the interrogators gave Juana the opportunity to add to her statement and in an attempt to define her own character in terms the court would appreciate, Juana stated that even her owners would testify to her good service. (A good servant was an obedient servant.)

The translator next asked Juana if she had ever tried to find a different owner. In St. Augustine, as in many other Hispanic areas, a slave could seek a new owner willing to pay the old owner's asking price and, if the former owner agreed, change venues. Juana had actually found two different people willing to buy her, but when she told Salom about her prospects he did not believe her. Nor would Salom allow her to bring the prospective buyers to his house, but apparently understanding her determination to get away, Salom sold Juana to a resident of Havana.

Juana was listed in the records as an "infidel" because although she had

been baptized into the New Light sect in New York, she said she never had been taught any prayers. Given this lack of religious instruction, the translator attempted to determine if she understood that killing her children and attempting suicide were wrong and deserving of punishment. Juana replied she knew it well, but that she was blinded by the problems she had described. The translator inquired why she had not gone to the priest for help, as she had a right to do. Juana said she would have but Salom told her he had already spoken to the priest and that the clergyman had signed papers allowing her sale. This was untrue, but Juana had no way of knowing that, and, seeing no way out, she admitted she had attempted to end all their lives.

The day after Juana began telling her story, her owner, Juan Salom, appeared before the governor to voluntarily give up custody of Juana, "in consideration of her enormous crime," and leave her "in the hands of Justice." A female slave of Juana's age and condition would have been valued at several hundred pesos, or the equivalent of several hundred dollars, so this was an expensive gesture for Salom. As it soon became clear, there were reasons for his largesse.

Juana had testified that another slave overheard Salom proposition her and Governor Zéspedes called that slave, María, to testify. Like Juana, María had been raised in the Anglo north, and was not a Catholic. She was a forty-six-year-old mulatta and illiterate, but certainly not without "voice." María lived in the adjoining house and so knew of Juana's plight, saying she would have had to "stuff her ears not to hear what she did." María testified that Juana had been sold to a new owner in Havana and that she heard Salom tell the distraught Juana, "Every ounce of flesh and each bone in your body belongs to that woman" (*todas sus carnes y cada hueso de ella era de dicha señora*). He taunted Juana to look one last time at the children which were not hers, but his.

The governor asked María about Juana's response and she said she heard Juana agree that her owner had a right to sell her, but that Juana had also reminded him he was obliged to sell her children with her. It is clear from this that although Juana was not a Catholic, she understood elements of the Church requirements that were critical to her welfare. The court also asked María if Salom had starved or punished Juana frequently, mistreatment that the *Siete Partidas* forbade of slaveowners.¹⁹ María answered that Juana got abundant food but that once when Salom discovered Juana had spent the night elsewhere he gave her "about a dozen lashes" and locked her up.

María had not spoken with Juana since the night of the murders and so the court had no reason to believe she may have conspired to support Juana's version of the crime. Given the open windows, close proximity of houses, and relatively unrestricted movement of slaves throughout the city, the court simply assumed María would have knowledge of Juana's treatment by her owner. María testified that Juana complained that Salom would not allow her to see the black man with whom she had a relationship (possibly the father of the children) and that Salom's motive was to have Juana to himself. On that note María testified that one afternoon the previous summer she was in the street and saw Salom's wife leave the house. María said she approached an open window and had stuck her head in to talk with Juana when she heard Salom call

Juana and ask her to go with her owner he had "his own threatening post because Salom is possible that she was Salom's wife was inside her query Juana about responded that Salom why, Juana replied, "I aged her to confess, she rejected that it was untrue to get the story. Trapped wife marched to the block."

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Juana and ask her to get in bed with him. She heard Juana refuse and tell her owner he had "his own woman." At that moment María had to leave her listening post because Salom's wife, Margarita, made a sudden reappearance. It is possible that she was investigating her suspicions about her husband. Once Salom's wife was inside the house, María returned to the window and heard her query Juana about what she was doing at the top of the stairs. Juana responded that Salom had called her up there and when his wife asked her why, Juana replied, "If I tell you, you'll whip me." That time the wife encouraged her to confess, saying she had overheard all anyway. Here María interjected that it was untrue Salom's wife had overheard, but that she only wanted to get the story. Trapped, Juana told the wife the truth, and this time Salom's wife marched to the bedroom and proceeded to slap Salom repeatedly.

María's lively and verbatim testimony caused the court to question how she understood the Catalan exchanges among the three, and María stated that she knew that language after living with two different Minorcan families for the past eight or nine years. She was also asked if the Saloms spoke English, which she confirmed they did. The court did not question the veracity of her statement; however, it wanted the legal record to be clear that María had, indeed, been able to understand and faithfully report the conversations she overheard. Slaves living in St. Augustine had often mastered at least three languages and sometimes more, and many were commonly bilingual.²⁰

It was true that Spanish justice, like Spanish society of the time, suffered from a certain snobbism and commonly gave greater credit to testimony by elite witnesses.²¹ Had María been telling such tales about members of the Governor's circle, she may have had a more difficult time being believed. But Salom was not of that strata, was not even Spanish, and had once been an indentured servant himself, so he was due no assumed superiority in the case. To further discredit him, and as if to emphasize Salom's guilt, María testified that when his wife was attacking him he never said a word, nor did he try to stop the physical abuse.

The following day the thirty-six-year-old illiterate Juan Salom appeared in court to give his version. Salom acknowledged that Juana had killed her children because she was about to be separated from them, but he said she had heard the news from her new owner, not from him. Salom said he had told Juana that in Havana she would be taking care of the new owner's child, but she ought to be happy because Havana was a prosperous city, and she would be able to earn money with which to buy her liberty and return to Florida to see her children.

From the various testimonies, Juana is known to have worked in the fields, in domestic service, and as a wetnurse, but she had no highly valued skills, and Salom's statement implied that Juana had little chance in St. Augustine of earning the funds required to buy herself and her children. Since the average price for a healthy woman of Juana's age was approximately 250 to 300 pesos and the cost of her children's freedom would have added another 100 to 200 pesos, and since the average day's pay for a man was a half peso, and women commonly earned less, Salom may have been right. Buying freedom was an arduous process, no doubt, however, other of Juana's contemporaries man-

aged it, as she well knew.²² The unnamed father of Juana's children might have also been able to help her work toward that goal. The fact that Salom introduced that idea into testimony may signify that Juana had been discussing the possibility.

The court signaled some sympathy for Juana when it asked Salom if the "true and sole" motive for Juana's actions was "the pain she felt to find herself sold to a country across the water, leaving behind her children." Given the opportunity to paint a darker picture of Juana, Salom had to agree that it seemed her grief was to blame. The court also asked Salom to say how and why he punished Juana and he answered that in the two years he had owned Juana he had once given her a few slaps (*bofetones*) and only on two other occasions had he struck her—once for refusing to get dressed on time to go to a wetnursing appointment and once for leaving the house.

Salom's version of why Juana left his house differed dramatically from the story Juana told María and María told the court. Salom said that his wife was going to punish Juana one time and Juana refused to allow it, biting his wife on the arm, and running away. Juana ran to the governor's house (once again illustrating that she understood from whom to seek protection), but Salom's wife followed her there and proceeded to punish her on the spot, until the governor intervened and chided Margarita Neto for disrespecting his house. It is significant that Governor Zéspedes, who was hearing the case, had witnessed some of Juana's mistreatment and had interceded for her on at least one occasion. Moreover, Margarita's public and unseemly display at the governor's house would have been regarded with public disapproval. No upper class woman would have conducted such a scene, and with this catfight, Margarita had, in effect, lowered herself to Juana's status.

The court then proceeded to the more serious charges made by Juana and asked if Salom had solicited his slave or ever had carnal knowledge of her. Salom said he never had and, in an eerily contemporary vein, said the charges were incredible because "my wife is pretty" (*la mujer que tiene es bonita*). The court asked him to better refresh his memory on this matter (*repase mejor la memoria*) since several previous testimonies had alleged otherwise, but Salom repeated his denials. He was asked specifically about the afternoon solicitation described by Juana and María, and once again denied it.

Meanwhile, St. Augustine's master carpenter and one other appointed official had concluded their examination of the crime scene. They reported that it would have been impossible for Juana to have committed the crime as she said she did, and that she would not have been able to get out of the well unassisted because it was too deep and narrow. This would seem to indicate that either Juana threw the children in and did not jump in herself, or that someone whom Juana was protecting by her silence had helped her get out.

Although Governor Zéspedes had full authority to decide this case, the severity of the crime, and of the allegations Juana made against her owner, led him to refer the case to the next level of justice—the royal audiencia in Havana. He forwarded the case testimony to Havana and by the following January that court had rendered a decision. The audiencia's dictate was that "there were not conclusive or clear enough proofs of the malice" required to

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hang Juana, which would have been the normal sentence for a capital crime. It added that the crime may have been involuntary or impetuous on the mother's part since she was driven almost mad by the pain of leaving her children forever in the custody of a feared owner. Rather than execution, therefore, the audience recommended a severe punishment to be left to the discretion of the governor. The higher court suggested lashes in the pillory and that "the delinquent" be made to wear an iron collar for six years to satisfy her punishment and at the same time "cleanse" the community of the evil of infanticide. No mention was made of Juana's charges of sexual harassment, because Salom had already given up custody of Juana. Had he not, the court would have been required to remove him from her home. Lastly, the court ordered Juana's sale at public auction to defray the court costs in Florida and Havana. This decision illustrates the standard legal effort to find compromise in contention and render justice in a manner that would reduce conflict and restore order to the community.

On receipt of the dictate from Havana, Florida's governor sentenced Juana to 200 lashes at the public pillory and to wear an iron collar as recommended. Such a harsh whipping would seem impossible to survive, but on February 14, 1788, her sentence was administered by the free black, July, and Juana was afterwards returned to the Castillo to await her sale. Bidders offered such low prices for Juana that the governor suspended two auctions. He also turned down the Royal Hospital's request to buy Juana as a laundress. Finally, on February 26, after almost five months in prison, Juana was sold at a third public auction to Pablo Villa for a low 135 pesos and her historical trail disappears.²³

Juana escaped execution due to the extenuating circumstances of the crime, which she and her friend, the slave, María, were able to present to the court in their unconstrained testimonies. Nevertheless, she was severely whipped and humiliated in a staged morality play and forced to remind the populace of her punishment for infanticide by wearing the mark of her crime every day for six years. More horribly still, she lived with the knowledge that she had killed her children in the mistaken belief that the priest had authorized her separation from them. Juana remained a slave, but she was free of Salom's harassment, and it seems doubtful that a new owner would attempt similar mistreatment given the serious attention the governor's tribunal had paid to Juana and María's testimonies.

Salom and his wife escaped any punishment other than the public scandal that surrounded them. Not only were the details of their intimate relations made public, but the story of Salom's physical abuse by his wife (an inversion of the "natural order" of Spanish gender conventions) would surely have been the stock of popular jokes in that day. Perhaps there was little surprise that the Saloms had not behaved as "proper" Christian slaveholders were supposed to. Their low status probably made it easier for the court to believe Juana and María's stories about Salom's sexual abuse and his wife's silent complicity. More serious than their disgrace to the Saloms was the economic loss of Juana and her services, and the potential profits they may have made on the later sale or services of her children. Their downfall, like Juana's, was a lesson to be read by the community.

This is only a single case study, yet it clearly indicates that several important institutional, political, and social factors operated to guarantee even enslaved women some rights and protections in Spanish Florida. One was the observance of a legal code that upheld the rights of women generally and supported their access to the courts. In this legalistic society, all could make their voices heard. Another was the particular geopolitical circumstances of Spanish Florida. Bordered by a competing culture that practiced chattel slavery—first English, then American—it sought advantage in its different treatment of slaves. From the sixteenth through the eighteenth centuries, Spanish Florida sought to weaken northern competitors by attracting and then freeing their slaves, to the consternation of generations of Carolina and Georgia slaveholders.²⁴ More important, the conservative and family-based religious and social systems and the gender conventions operating in Spanish Florida required charity and moderation toward miserable classes, women, and slaves. In a small town such as eighteenth-century St. Augustine, it was relatively easy for inhabitants to monitor one another, and scandals and notorious abuses would usually be corrected in the interest of community order. Finally, after centuries of experience, Spaniards were accustomed to Africans and African Americans in their communities and extended them legal rights, if not always freedom. This access to legal recourse and “voice” generated a rich documentary record for African and African-American women in the Hispanic South that allows historians to explore issues of race, sexuality, and gender more fully than they might through Anglo-American records of the same period.



Notes

1. All the material on the case is found in “Autos seguidos . . . contra Juana, esclava de Juan Salom, por haver ahogados dos niños suyos en un pozo de su casa,” East Florida Papers, “Miscellaneous Legal Instruments and Proceedings, 1784–1819,” on microfilm Reel 110, no. 33, P. K. Yonge Library of Florida History, Gainesville (hereafter cited as PKY).
2. Lyle N. McAlister, *Spain and Portugal in the New World, 1492–1700* (Minneapolis: University of Minnesota Press, 1984), 24–26.
3. On the legal and social position of women in Spain, see Heath Dillard, *Daughters of the Reconquest: Women in Castilian Town Society, 1100–1300* (Cambridge: Cambridge University Press, 1984), 12–35. On the Spanish colonies, see Asunción Lavrin, “Introduction” and “In Search of the Colonial Woman in Mexico: The Seventeenth and Eighteenth Centuries,” in Asunción Lavrin, ed., *Latin American Women: Historical Perspectives* (Westport, Ct.: Greenwood Press, 1978), 3–22, 23–59.
4. Dillard, *Daughters of the Reconquest*, 36–67, 96–126. Unmarried women over the age of twenty-five and widows actually enjoyed even more freedom than their married counterparts in colonial Latin America. David E. Vassberg, “The Status of Widows in Sixteenth-Century Rural Castile,” in John Henderson and Richard Wall, eds., *Poor Women and Children in the European Past* (London, 1994), 180–95; Asunción Lavrin, “The Colonial Woman in Mexico,” in Asunción

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- Lavrin, ed., *Latin American Women: Historical Perspectives*, 30, 41. Others who have written insightfully on women and marriage in colonial Latin America are Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574-1821* (Stanford: Stanford University Press, 1988), Susan Migden Socolow, "Love and Marriage in Colonial Latin America," paper delivered at the Conference on Latin American History, December 1991, and Ramón A. Gutiérrez, "From Honor to Love: Transformations of the Meaning of Sexuality in Colonial New Mexico," in Raymond T. Smith, ed., *Kinship Ideology and Practice in Latin America* (Chapel Hill: University of North Carolina Press, 1984), 237-63.
5. Dillard, *Daughters of the Reconquest*, 26-30; Asunción Lavrin and Edith Couturier, "Dowries and Wills: A View of Women's Socioeconomic Role in Colonial Guadalajara and Puebla, 1640-1790," *Hispanic American Historical Review*, 59:2, 1979; 280-304; Edith Couturier, "Women and the Family in Eighteenth-Century Mexico: Law and Practice," *Journal of Family History*, 10:3, Fall, 1985; 294-304. For the contrasting position of contemporary women in nearby South Carolina, see Marylynn Salmon, "Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730-1830," *William and Mary Quarterly*, 39, October 1982; 655-85. Salmon argues that marriage settlements became more common in South Carolina during the eighteenth and early nineteenth centuries as a way of protecting women from the legal disadvantage and loss of personalty they suffered under common law. She also points out, however, that marriage settlements were not common and that women may have deferred to male antipathy to them.
 6. William D. Phillips, *Slavery from Roman Times to the Early Transatlantic Trade* (Minneapolis: University of Minnesota Press, 1985), 154-70; Ruth Pike, *Aristocrats and Traders: Sevillian Society in the Sixteenth Century* (Ithaca: Cornell University Press, 1972), 170-92; Herbert S. Klein, *African Slavery in Latin America and the Caribbean* (New York: Oxford University Press, 1986).
 7. Hubert H. S. Aimes, "Coartación: A Spanish Institution for the Advancement of Slaves into Freedom," *Yale Review*, February 1909; 412-31.
 8. Maureen Flynn, "Charitable Ritual in Late Medieval and Early Modern Spain," *Sixteenth-Century Journal*, 16, Fall 1985; 1-30 and *Sacred Charity*, 44-74; Amy Bushnell, "The Expenses of *Hidalguía* in Seventeenth-Century St. Augustine," *El Escribano*, 15, 1978; 23-36.
 9. This does not mean, of course, that owners never neglected slaves. There are numerous examples throughout colonial Spanish America where they did. However, the prohibition against the neglect at least gave slaves accepted legal grounds on which to grieve against their owners. McAlister, *Spain and Portugal in the New World*, 133-52. For an excellent look at how these systems actually operated, see Stephanie Blank, "Patrons, Clients and Kin in Seventeenth-Century Caracas: A Methodological Essay in Colonial Spanish American Social History," *Hispanic American Historical Review*, 54, May 1974; 260-82. An older, but still useful study is by George M. Foster, "Cofradía and Compadrazgo in Spain and Spanish America," *Southwestern Journal of Anthropology*, 9, 1953; 1-28.
 10. In 1788, St. Augustine's total population was only 1,878, and was composed of 651 whites, 588 slaves, and 63 free blacks. Blacks, free and enslaved, formed 37 percent of the population. Report of Vicente Manuel de Zéspedes, October 2, 1788, Cuba 1395, Archivo General de Indias, Seville, Spain. For comparable findings on Louisiana, see Kimberly S. Hanger, "The Fortunes of Women":

- Spanish New Orleans' Free and Slave Women of African Descent," in Patricia Morton, ed., *Discovering the Women in Slavery* (Athens: University of Georgia Press, 1995). On similar legal initiative (and success) demonstrated by Indian women in Spanish Texas, see Ana María Castillo Crimm, "Indian Slavery, Indian Freedom: The Case of María Gertrudis de la Peña on the Spanish Frontier, 1760-85," paper delivered at the Conference on Latin American History, Washington, D.C., 1992.
11. Jane Landers, "Black Society in Spanish St. Augustine, 1784-1821," Ph.D. diss., University of Florida, 1988, 106-45. Daniel L. Schafer, *Anna Kingsley* (St. Augustine: St. Augustine Historical Society, 1995).
 12. Jane Landers, "Traditions of African American Freedom and Community in Spanish Colonial Florida," in David R. Colburn and Jane L. Landers, eds., *The African American Heritage of Florida* (Gainesville: University Press of Florida, 1995), 29-31.
 13. Dillard, *Daughters of the Reconquest*, 208-10. Because children were highly valued in the Reconquest era, when colonizing an ever-advancing frontier was critical, infanticide was harshly punished and men and women were usually executed for this crime. Women convicted of such a grave crime were usually burned alive. In other parts of early modern Europe, women were more often drowned for this crime and more women were executed for this crime than for any other, except witchcraft. See Merry E. Weisner, *Women and Gender in Early Modern Europe* (Cambridge: Cambridge University Press, 1993), 51-52.
 14. Juan Selom (sic) was among the Minorcans indentured and transported by Andrew Turnbull to New Smyrna, Florida in 1768. This group suffered such horrible conditions on Turnbull's indigo plantations that in 1777 they rebelled and escaped to St. Augustine where Governor Patrick Tonyn freed them. Selom signed the Minorcan declaration of loyalty to Governor Vicente Manuel de Zéspedes on July 13, 1784. Joseph Byrne Lockey, ed., *East Florida, 1783-1785: A File of Documents Assembled and Many of Them Translated* (Berkeley: University of California Press, 1949), 233.
 15. Salom cultivated 3 1/2 acres of rented land according to the Spanish census of 1783-1784, and the house in which the crimes took place (on lot #290) was described in the 1788 inventory of the royal engineer, Mariano de la Rocque, as "timber frame house, in bad condition." Salom also rented that house. Mariano de la Rocque, "Plano Particular de la Ciudad de San Agustin," State Archives, Tallahassee, Florida. For a fine study of Minorcan culture and Minorcan integration into Spanish St. Augustine, see Patricia C. Griffin, "Mullet on the Beach: the Minorcans of Florida, 1768-1788," *El Escribano*, 27, 1990.
 16. Juana had run west to the ferry where she found a black man willing to transport her across the San Sebastian River in his canoe, but before her escape was accomplished, a white man took her prisoner and took her to the Castillo. By that time, Father Thomas Hassett had presided over the Christian burial of Juana's children in the town's Catholic cemetery. There is no record of Juana's reaction to this news. The burial records definitively list the children's race as negro (Ethiops vulgo negro), ruling out the possibility that Juan Salom was their father. Burials of Juan Baptista Salom and Isabel Anna Salom, October 7, 1787, Black Burials, Catholic Parish Registers, on microfilm reel 284 L, page 4, nos. 11 and 12, PKY.
 17. In many African cosmologies, bodies of water are seen as the boundary between this world and the next, and African slaves commonly believed that after death

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they would be carried across the Atlantic to be reborn in their homeland. There are many colonial accounts of suicides by drowning, but water also held sacred meanings associated with purification. See Robert Farris Thompson, *Flash of the Spirit: African and Afro-American Art and Philosophy* (New York: Vintage Books, 1984), 134–38 and *Face of the Gods, Art and Altars of Africa and the African Americas* (New York: Museum for African Art, 1993).

18. I am indebted to Patricia Griffin for information on Salom and his family. On Father Thomas Hassett's census conducted in 1786, one year before this trial, the Salom family was household number 36 and included Juan Salom, age thirty-five, a native of Alayor (Minorca), his wife, Margarita Neto, age thirty, from San Felipe (Minorca), their children, Juan, seven, and Clara, four, and two male and two female slaves, unnamed and not baptized. The Mariano de la Roque index of town properties shows that in 1787 the family lived in a wooden house on the street of the jail.
19. Slaves who asked the court for changes of owners or to initiate self-purchase often charged that their owners had not properly clothed or fed them (as required by the *Siete Partidas*). This seems to have been an effective argument and it was used repeatedly. Denying a slave access to church was also an effective complaint. Landers, "African American Traditions," 29.
20. Just as slaves learned new languages, they also adapted to a variety of new legal and social systems. For a fascinating study on the Minorcans in St. Augustine, see Patricia C. Griffin, "Mullet on the Beach: The Minorcans of Florida, 1768–1788," *El Escribano*, 27, 1990.
21. For a discussion of Spanish interrogatories and the relative weight assigned to witnesses of different statuses, see Alexandra Parma Cook and Noble David Cook, *Good Faith and Truthful Ignorance: A Case of Transatlantic Bigamy* (Durham: Duke University Press, 1991), 87–89, 91–103, 112–14.
22. Landers, "Black Society," 146–73.
23. "Autos seguidos contra la esclava Juana."
24. Jane Landers, "Gracia Real de Santa Teresa de Mose: A Free Black Town in Spanish Colonial Florida," *American Historical Review*, 95, February 1990, 9–30.

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FEMALE CONFLICT AND ITS RESOLUTION IN EIGHTEENTH-CENTURY ST. AUGUSTINE*

Historian Charles Cutter has analyzed the “non-adversarial nature” of the Spanish legal culture and the manner in which Spanish authorities deployed written law (*ley*), customary law (*derecho*), and personal discretion (*arbitrio judicial*) effectively to achieve justice (*equidad*), even in peripheral areas of the empire. The primary objective of judicial administration was the resolution of conflict and restoration of harmony within the Spanish community.¹ This paper uses civil and criminal records from second Spanish period Florida (1784-1821) to explore the gendered nature of Spanish legal culture by examining conflict between women and its resolution, as well as the ways in which the community and the court attempted to monitor and correct the “disruptive” behavior of women.

Spain first claimed Florida in 1513, but its effective tenure dates to the settlement of St. Augustine in 1565. After holding Florida for almost two centuries, Spain ceded its colony to Great Britain in 1763 to recover the more prized island of Cuba. Spain resumed occupation of Florida in 1784 after a brief British interregnum (1764-1784), but Spanish administrators returned to a province much changed by revolutionary war and colonial transfer.² In 1790 the natural Spaniards, including troops and dependents, accounted for only about one-sixth

* Research for this paper was generously supported by the National Endowment for the Humanities, Vanderbilt University's Graduate Research Council, and the Program for Cultural Cooperation Between Spain's Ministry of Culture and United States Universities.

¹ Charles R. Cutter, *The Legal Culture of Northern New Spain, 1700-1810* (Albuquerque: University of New Mexico Press, 1995), ch. 2. Also see Lyle N. McAlister, *Spain and Portugal in the New World, 1492-1700* (Minneapolis: University of Minnesota Press, 1994), pp. 24-26.

² Jane G. Landers, *Across the Southern Border: Black Society in Spanish Florida* (Urbana: University of Illinois Press, forthcoming).

of the total population.³ Many “British” remained in Florida—a designation the Spaniards used to identify English-speaking people of many ethnic backgrounds—English, Irish, Scotch, even Swiss.⁴ The largest group of non-Spaniards consisted of approximately 460 Italians, Greeks, and Minorcans, remnants of an ill-fated British attempt to establish an indigo plantation south of Florida’s Atlantic port and capital of St. Augustine.⁵ The other main group of non-Spaniards to inhabit the province were persons of African descent, most of whom were enslaved, but about one-fifth of whom were free. Florida’s black population included African-born peoples of various nations, creoles born in Spanish and French colonies of the Caribbean and South America, and African and country-born runaways from the Anglo plantations north of Florida.⁶

Social control in a colony as polyglot, multiethnic, and multiracial as eighteenth-century Spanish Florida was a difficult and contested proposition. The incoming governors and officials attempted to mold Florida to Spanish patterns, but the colony’s turbulent geopolitics and the heterogeneity of its late eighteenth-century population of approximately 3000 residents impeded their efforts. While administering such a disparate citizenry presented unique challenges, Spanish law and religious traditions held sway and generally ordered social relations in the community of St. Augustine.

In addition to these formal structures, two more informal but important mechanisms for integrating unlike or unequal members in Spanish/Mediterranean society also served that critical function in Spanish Florida. The extended kinship group or *parentela*, which included blood relations, fictive kin, and even household servants and slaves, and the institution of *clientela*, which bound more powerful patrons and their personal dependents into a network of mutual obli-

³ Censuses, East Florida Papers (hereafter cited as EFP), microfilm reel 148, P. K. Yonge Library of Florida History, University of Florida, Gainesville (hereafter cited as PKY); Carlos Howard to Luis de las Casas, July 2, 1791, Cuba 1439, Archivo General de Indias, Sevilla (hereafter cited as AGI).

⁴ Susan R. Parker, “Men Without God or King: Rural Planters of East Florida, 1784-1790,” *Florida Historical Quarterly* 69 (October 1990), 135-55.

⁵ The Minorcans, as the group came to be generally called, were, in the main, Roman Catholics, and although they spoke a variety of languages they were Mediterranean people and could easily assimilate into the Spanish culture. For the history of this community see, Patricia C. Griffin, *Mullet on the Beach: The Minorcans of Florida, 1768-1788* (University of North Florida Press: Jacksonville, 1991).

⁶ Landers, *Across the Southern Border*.

gations, were so deeply rooted that one scholar suggested they might have been the “primary structure of Hispanic society.”⁷ Persons of West African descent who also “understood their society in the idiom of family,” created fictive kinship ties and already operated within patronage and clientage systems, which like the Spanish system incorporated household slaves and former slaves, readily adopted both institutions to their own advantage.⁸ Because parentela and clientela groups were bound to defend one another, these informal social institutions influenced conflict and its resolution in Spanish Florida.

Fortunately for historians the complete government archive of the second Spanish regime in Florida (1784-1821) has survived. In these voluminous records of daily life free women of various ethnicities reported crimes and scandals, complained against neighbors and husbands, and asked for satisfaction for insults, in addition to pursuing economic and legal goals.⁹ Enslaved women in Spanish communities also enjoyed a legal personality and access to legal remedies.¹⁰ In St. Augustine enslaved women frequently appealed to civil and religious authorities, reporting or responding to complaints, negotiating to change owners or to improve their enslaved conditions, and even suing their owners for restoration of property. Most frequently they petitioned for freedom. The care with which Spanish officials in Florida adjudicated cases involving enslaved women, the “least among them,” demonstrated their commitment to administer the law equitably.¹¹

⁷ McAlister, *Spain and Portugal* (Minneapolis: University of Minnesota Press, 1984), pp. 39-40.

⁸ Ira Berlin, Steven F. Miller, and Leslie S. Rowland, “Afro-American Families in the Transition from Slavery to Freedom,” *Radical History Review* 42 (1988), 88; Claire Robertson, “Africa into the Americas: Slavery and Women, the Family, and the Gender Division of Labor,” in David Barry Gaspar and Darlene Clark Hine, eds., *Black Women and Slavery in the Americas: More than Chattel* (Bloomington: Indiana University Press, 1996), pp. 6-7. For many examples see Landers, *Across the Southern Border*.

⁹ Women also asked for land grants, pensions, licenses and passports, posted bonds, mortgaged, bought and sold properties, assumed debt, and stated their dying wishes in testaments. For comparable patterns see Kimberly S. Hanger, *Bounded Lives, Bounded Places: Free Black Society in Colonial New Orleans, 1769-1803* (Durham: Duke University Press, 1997).

¹⁰ Castilian legal institutions and customs were transferred to the Americas, where they underwent some modifications, codified as the *Recopilación de Leyes de los Reynos de Las Indias*. In theory, slave women had rights to personal security and legal mechanisms by which to escape a cruel master, conjugal rights and the right not to be separated from children, and the right to hold and transfer property and initiate legal suits. William D. Phillips, Jr., *Slavery from Roman Times to the Early Transatlantic Trade* (Minneapolis: University of Minnesota Press, 1985), pp. 154-170; Ruth Pike, *Aristocrats and Traders: Sevillian Society in the Sixteenth Century* (Ithaca: Cornell University Press, 1972), pp. 170-193.

¹¹ Spanish law may have guaranteed access to persons of all races and legal conditions, but like

Women of all ethnicities, backgrounds, and legal conditions, including free and enslaved women, clearly appreciated the possibilities that law held for them. The intimate nature of the tribunal, which consisted of the governor, his legal counsel, and the royal notary, and the small size and inter-relatedness of the community, may have minimized petitioners' fears about approaching the court. Their success in the legal arena, however, was influenced by community perceptions of proper female behavior.

Spanish society expected women to conform to particular political and social models that drew on a variety of sources including Roman and Visigothic law, Aristotelian philosophy, Catholic theology, and centuries of customary law and practice in a racially and ethnically diverse metropolis.¹² Castile's thirteenth-century legal code, the *Siete Partidas*, classified women along with children, invalids, and delinquents as in need of supervision.¹³ Popular picaresque novels such as *The Archpriest of Talavera* detailed "the vices, blemishes and evil way of perverse women" who were guilty of a wide range of defects including avarice, garrulity, vanity, envy, licentiousness, inconstancy, disobedience, drunkenness, and deceitfulness. In such works stock feminine characters were justly "corrected" by husbands, fathers, and other

the society which produced it, Spanish justice was hierarchical. Elites (and their clients) were considered more trustworthy than persons of lower status. Black subjects without powerful patrons suffered harsh penalties for serious crimes, such as murder or infanticide (as any other subject also would), and they often suffered more punitive treatment than others did for lesser crimes. Landers, *Across the Southern Border*.

¹² Heath Dillard, *Daughters of the Reconquest: Women in Castilian Town Society, 1100-1300* (Cambridge: Cambridge University Press, 1984), pp. 12-35. On the legal and social position of women in Spain and the Spanish colonies see, Eugene H. Korth, S.J. and Della M. Flusche, "Dowry and Inheritance in Colonial Spanish America: Peninsular Law and Chilean Practice," *The Americas* 43 (April 1987), 395-410; Asunción Lavrin, "Introduction" and "In Search of the Colonial Woman in Mexico: The Seventeenth and Eighteenth Centuries," in *Latin American Women: Historical Perspectives*, ed. Asunción Lavrin (Westport, Ct.: Greenwood Press, 1978), pp. 3-22, 23-59.

¹³ A woman in Spanish society was subject to the will of her father or brothers until they died or until she reached twenty-five years of age or married. Dillard, *Daughters of the Reconquest*, pp. 35-67 and 96-126. In colonial Latin America, unmarried women over the age of twenty-five and widows enjoyed even more freedom than their married counterparts. Lavrin, *Historical Perspectives*, pp. 30 and 41. Also see Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574-1821* (Stanford: Stanford University Press, 1988); Susan Migden Socolow, "Love and Marriage in Colonial Latin America," paper delivered at the Conference on Latin American History, December, 1991; Ramón A. Gutiérrez, "From Honor to Love: Transformations of the Meaning of Sexuality in Colonial New Mexico," in *Kinship Ideology and Practice in Latin America*, Raymond T. Smith, ed. (Chapel Hill: University of North Carolina Press, 1984), pp. 237-63.

male figures.”¹⁴ As a corrective for their inherent weaknesses, prescriptive literature encouraged women to emulate the chaste, passive, and long-suffering mother of Christ, a standard against which most women would be deviant.¹⁵ Nevertheless, some poor women and even enslaved women could create support networks of family (fictive and real), friends, and patrons, which might even include that of the highest government officials, and by extension, even the monarch.¹⁶

On the other hand, someone who repeatedly violated social norms, exhibited violent or unruly behavior, or frequently disrupted the peace of the community, was soon labeled a troublemaker and could count on little support. Both the legal culture and society at large worked to curb behaviors defined as inappropriate or threatening and targeted women and blacks for special supervision. Single women were deemed more destabilizing to community order than married or widowed women and so were also vulnerable to attacks on their behavior or character. In effect, neighbors who were often related or linked by marriage and godparentage ties monitored each other. Beyond that, the governor also appointed leading citizens as *Comisarios de Barrio* (neighborhood commissioners) and made them responsible for investigating and addressing complaints and for maintaining order in their neighborhoods. The commissioners employed the *arbitrio judicial* described by Cutter to settle disputes and could require certain actions be taken if the neighbors wished to avoid court appearances. This amount of monitoring and intervention often was sufficient to quiet things. If the problem persisted or escalated, however, one of the parties usually initiated legal action in the form of a *causa criminal* (criminal suit). This involved some effort and costs because the complainant had to

¹⁴ Alfonso Martínez de Toledo, *Little Sermons on Sin: The Archpriest of Talavera*, trans. Lesley Byrd Simpson (Berkeley: University of California Press, 1959).

¹⁵ It was even more difficult for dark-skinned women to approach this standard since another Spanish stereotype, a remnant from Spain's Muslim rule, emphasized their sensuality. Mary Elizabeth Perry has argued that Spain's patriarchal society became most obsessed with controlling female sexual behavior during times of rapid change or crisis—during plague or famine years, for example, and especially during the period of high mobility and migration that followed the discovery of the Americas. Anxiety over social order might also lead to punitive actions against other “minorities” such as Jews, Muslims, or slaves. Mary Elizabeth Perry, *Gender and Disorder in Early Modern Seville* (Princeton: Princeton University Press, 1990), pp. 3-13.

¹⁶ Although oft-quoted restrictive legislation repeated (and possibly reinforced) popular notions about the degraded nature of *castas* or persons of mixed ancestry, personal and corporate relations were more powerful in a small community such as St. Augustine, where everyone knew one another and could form their own judgements about an individual's character. In larger capitals such as Mexico City, Lima, and Havana, discriminatory legislation probably had more impact, but was still largely ineffectual and moderated by personal and corporate relations. R. Douglas Cope, *The Limits of Racial Domination: Plebeian Society in Colonial Mexico City, 1660-1720* (Madison: University of Wisconsin Press, 1994), ch. 1.

file a notarized memorial detailing the problem before the governor's tribunal would consider it. The court interrogated all parties to the dispute as well as any witnesses who might offer evidence, including the *Comisario de Barrio*. Repeated incidents of insubordination or notorious behavior, could, in a sense, be considered status crimes in Spanish communities, and governors usually responded by sentencing the convicted "nuisance" to a fine, or hard labor, or even banishment.

Disgusted neighbors on the Calle Española in the Minorcan quarter of St. Augustine finally filed a complaint against the Minorcan woman, Agueda Enrique, who was disturbing the whole street with "indecent, denigrating, and injurious words," and "scandalous expressions and gestures." Unfortunately, the delegation of Minorcan men and their wives did not repeat Agueda's exact words or describe in their complaint the gestures she used but they charged she was always "drunk, furious, and brazen," and they complained her disturbances prevented them from keeping their doors open.¹⁷ Prior to filing their legal complaint these residents of "the very poorest section of the [Minorcan] Quarter" had tried to settle the problem at the neighborhood level by reporting Agueda's annoying behavior to their *Comisario de Barrio*, Don José Fernández.¹⁸ Fernández verified that he had repeatedly admonished both Agueda and her husband, Juan Seguí, to no avail, and he recommended that the couple be banished to the countryside. The governor so ordered and forbade Agueda to return to the city except for mass on feast days. Spaniards valued urban life and considered it a marker of civilization. Only the uncivilized or those lacking in cultural or spiritual attainments lived "beyond the walls." Removing citizens from civic space was, therefore, a critique on their social inferiority as well as a punishment. Agueda's beleaguered husband, Juan, filed an appeal citing the hardships it would create for him and his children to have to rebuild his country home but the governor held firm and held both Agueda and her husband responsible for any violation of the banishment.¹⁹

Just as Spanish society held a man responsible for his wife's actions,

¹⁷ Complaints of Bartolomé Usina, María su muger, Pedro Estopa, Miguel García, Antonia su muger, y otros vecinos de la Calle Española, EFP, microfilm reel 174, PKY.

¹⁸ Patricia Griffin named this neighborhood Little San Felipe since most of the residents came from that Minorcan village. She found this area the most "cohesive in terms of Old World origins" of any she studied in St. Augustine. Griffin, *Mullet on the Beach*, pp. 162-4.

¹⁹ Memorial of Juan Seguí and response by Governor Juan Nepomuceno de Quesada, August 16, 1790 and August 31, 1790, EFP, microfilm reel 174, PKY. Griffin found that although Juan Seguí had relatives living elsewhere in the city, he was one of the few Minorcan men not linked

it also held him accountable for her honor and a public insult against a woman required a public response by her husband. Thus, conflict generated by women often had a ripple effect in the community. María Crosby, who was of Scotch descent, went to court to protest that a Minorcan woman nicknamed Manava was circulating rumors about María's "obscure" background. The very suggestion of a "stained" racial heritage had caused María's husband, the Minorcan shopkeeper, Pedro Llul, to throw her out of the house and caused her daughter's fiancé to call off their wedding. María told the court that she had always been considered white, and she wanted the accusers to present any evidence to the contrary or be silent so that she might resume "a tranquil and harmonious" life with her husband and restore the "honor of the family." As the authors of other essays in this issue argue, it was the incorrectness of the label and the disjunction between self-identity and the insult that offended most. The governor and his counsel admonished the Minorcan gossip Manava to moderate her expression and warned her she would be severely corrected if any similar disturbances occurred. Despite the court's admonitions, however, the slur on María's ancestry took on a life of its own.²⁰ The following year María Crosby quarrelled with another Minorcan woman from the neighborhood, María Lorenzo, who lived one block away near the banished alcoholic, Agueda Enrique. Soon the Minorcan woman's husband, Bartolomé Mestre, appeared at María Crosby's house and yelled in public that María had no right to quarrel with his wife who was a white woman and had never had to get a court judgment as to whether she were black or white. On this occasion María's husband, Llul himself, went to court to uphold María's honor, and by extension, that of his family.

Nevertheless, three years later when Llul and the Spanish sailor, José Ximénes, argued about a debt in the street, their wives became involved and exacerbated the conflict. María Crosby threatened to slice open the other woman's belly with a razor if she so much as spoke to her. This graphic threat raises questions about María's earlier claims to live a "tranquil and harmonious life" and its very utterance suggests María may have had some familiarity with physical violence. The reference to the Minorcan woman's belly might also carry sexual implications.

by godparent ties to other Minorcans in his neighborhood, and this fact may have contributed to the couple's ostracism. Griffin, *Mullet on the Beach*, pp. 168-69.

²⁰ Pedro Llul versus José Ximénes, for having injured his wife with the expression *mulatta*, October 30, 1802, EFP, reel 125, PKY.

Ximénes and his wife countered by calling María Crosby a mulatta, causing Llul to press criminal charges against Ximénes for “injuring his wife with the expression mulatta.” Everyone understood that the insult of his wife actually injured Llul as well. Several witnesses testified they had heard Ximénes yell from the street up to the window where María looked out, that she was a mulatta and that if he saw her in the street he would cut her tongue out for talking too much (*por ser habladora*). The court finally decided it had had enough. Remarking on the repeated nature of the insults, the court ordered Ximénes to pay a rather stiff fine of twenty-five pesos (about equivalent to twenty-five U.S. dollars) and threatened worse corporal punishment if there was any more trouble.²¹

Such obsession about *limpieza de sangre* in a port like St. Augustine that was noted for its multiethnic and multiracial character seems ludicrous, especially when being debated by residents noted to be among the poorest in the town. When one considers that the furor revolved around someone of Scotch descent, who was never described somatically but surely would have been had her coloring been at issue, it seems clear that despite any incongruities, racial insults were a guaranteed way to wound. The Minorcan women who hounded María Crosby simply employed an effective insult to harass an outsider in their midst but this seems more a case of cultural rather than racial conflict.²²

A conflict that seems more clearly connected to racial and class tensions involved an escaped South Carolina slave who received religious sanctuary in Florida during the American revolution.²³ Judy Kenty, who on her Catholic baptism was renamed María Witten, filed suit against members of one of the wealthiest Spanish planter families in the community, whom she claimed had insulted and physically mistreated her. María told the court she was waiting in a doorway for a young slave apprenticed to her, when the wife of don José Sánchez asked her repeatedly about her business.²⁴ On the third query María

²¹ *Ibid.*

²² On the general toleration of cross-racial alliances in eighteenth-century Spanish societies see Hanger, *Bounded Lives, Bounded Places*, and Landers, *Across the Southern Border*.

²³ For more on Spain's religious sanctuary policy in Florida see Jane Landers, “Spanish Sanctuary: Fugitives in Florida, 1784-1790,” *Florida Historical Quarterly* (January 1984), 296-313 and Landers, “Gracia Real de Santa Teresa de Mose: A Free Black Town in Colonial Florida,” *American Historical Review* 95 (February 1990), 9-30.

²⁴ Several of the essays in this issue remark on doorways as a “safe” liminal area, neither fully

said she had responded, “Madam, I have not come to rob anyone of anything.” Both María’s failure to respond immediately to the elite woman and the sarcastic response she finally gave would have clearly been read as insolence, given María’s lower socio-economic status and her race. On hearing the exchange, which constituted an insult to his wife, whose honor he was bound to uphold, don José Sánchez began to berate and beat María until her mouth and nose bled. María told the court that she was undeserving of such treatment since she was doing no harm and was in the neighborhood on business. She asked the court to admonish her abusers. María identified herself as a *vecina*, a term signifying a property-holding member of the community, but she made no reference to her race or legal status, an omission which is anomalous and seems a deliberate attempt to put herself on equal footing with those whom she was denouncing.²⁵ Judy/María could never have initiated such a case in South Carolina, and may have been testing the limits of her new freedom and citizenship, as well as perhaps, contemporary rhetoric about equality and rights of men.²⁶ Although planter elites, the Sánchez family, like many others in St. Augustine, included persons of mixed racial heritage. Generally noted for their racial tolerance, they took offense at the lack of proper deference Judy, and perhaps other refugees from Anglo slavery, exhibited. Judy did not follow the Spanish “rules” for either gender or racial behavior.²⁷

Don José Sánchez responded by admitting that he had beaten María, but he claimed that she was guilty of “incorrect behavior and an inappropriately free way of speaking with white women” (*malproceder y libertinoso modo de hablar con las blancas*). In effect, he claimed to be exercising his expected class, race, and gender roles by “correcting”

public or private, from which women launched insulting remarks, but in this case Judy was not standing in her own doorway, and thus, her remark was more public and more threatening.

²⁵ María was illiterate but her son Francisco, who was educated in St. Augustine, produced the petition for her and signed by her “X.” Memorial of María Witten, August 27, 1798, EFP, microfilm reel 79, PKY. I discuss this case in greater depth in, “African and African American Women and their Pursuit of Rights Through Eighteenth-Century Spanish Texts,” in Anne Goodwyn Jones and Susan V. Donaldson, eds. *Haunted Bodies: Gender and Southern Texts* (Charlottesville: University of Virginia, forthcoming).

²⁶ Judy had escaped bondage during the American Revolution and also had intimate knowledge of the French Revolution and the Haitian slave revolt. Her daughter married one of its participants and she knew many others. Jane G. Landers, “Rebellion and Royalism in Spanish Florida: The French Revolution on Spain’s Northern Colonial Frontier,” in David Barry Gaspar and David Patrick Geggus, eds. *A Turbulent Time: The French Revolution and the Greater Caribbean* (Bloomington: Indiana University Press, 1997), pp. 156-77.

²⁷ Landers, *Across the Southern Border*.

this inappropriate conduct, just as his wife was attempting to do when she challenged the lower-class black woman. Moreover, although he claimed to have been too busy to complain about the problem earlier, he had been driven to this action because despite María's version of the exchange, he charged she had actually used English to answer his wife's queries, saying, "I'm not doing anything, you damned bitch."

Although María had her day in court and may have taken some satisfaction in requiring the elite Sánchez family to appear and explain themselves publicly, she lost her case. The governor ruled that, "The latter statement [that of don José Sánchez] having more verisimilitude . . . María should abstain in the future from lack of due respect to white persons." Spanish justice may have guaranteed access, but it was not class-blind and, as this example or others between persons of the same race might equally illustrate, courts deferred to the higher status of the elite Spanish woman.²⁸ With this ruling the court may have also been attempting to reinforce social boundaries so that other "English" blacks, as they were sometimes designated, would not transgress as Judy had.

Judy's case was unusual, but even more so were criminal or civil cases involving physical conflict between or among women of African descent. Conflicts between enslaved women would normally fall within the purview of their masters, who were responsible for correcting their behavior, and so their quarrels seldom reached the courts. Nor were free women of African descent often involved in such cases. They may have resolved their conflicts in other ways and would have probably tried to avoid the disapproval associated with such public displays. Suits also involved at least some court costs. Behavior considered unseemly in others may well have been more tolerated in women of African descent because of their presumed inferiority and volatile natures. Only potentially violent episodes between black women usually ended up in court.

The free black woman Reyna must have experienced real fear to ask court protection from two slave women who had wounded and threatened to kill her. One of the slave women held a long-standing grudge

²⁸ Memorial of María Witten, August 27, 1798, EFP, microfilm reel 79 and response by dons José and Bernardino Sánchez. For a discussion of Spanish interrogatories and the relative weight assigned to witnesses of different status, see Alexandra Parma Cook and Noble David Cook, *Good Faith and Truthful Ignorance: A Case of Transatlantic Bigamy* (Durham: Duke University Press, 1991), pp. 87-89, 91-103, and 112-114.

against Reyna over a three peso debt. After some verbal exchanges (which unfortunately did not find their way into the record) the first slave woman enlisted the help of another slave from her plantation to assault Reyna. Catalina Tunno, the mulatta daughter of an British merchant and a free woman of some standing in the community, witnessed the attack. After hearing testimony from all four women, during which Reyna admitted gossiping about the slave women, the governor charged Reyna as well as her two assailants with disorderly conduct and warned them not to misbehave further, but ordered no punishments for any of them.²⁹

As the foregoing examples demonstrate, women of African descent were more at risk of being charged with “inappropriate” behavior if their conflict was with a white person, even one of a lower class. Another group who endured more community supervision, and often censure, were unmarried women. If the single woman were of African descent she was doubly vulnerable. The Minorcan widow Mariana Tudory rented a house next door to her own on Calle de la Marina to the free black laundress, Judy, whose payment was to consist of four days of work a month. Judy later changed their agreement to a cash payment but defaulted despite Mariana’s repeated requests for her money. At Mariana’s request, the *Comisario de Barrio*, Mariano de Lasaga repeatedly demanded Judy pay her debt, but Judy claimed she could not because the troops would not pay her what they owed for their laundry. After a fruitless year passed, Mariana went to court. In her complaint Mariana now charged that Judy was not only her debtor but was also “negative and of bad faith” and that the neighbors considered her prejudicial to the community due to the “continuous scandal [caused by] the visits of the troops, blacks, and other subjects.” Mariana was clearly alleging Judy conducted business other than laundry on the premises. *Comisario Lasaga*, who would have been held accountable for any such misbehavior on his watch, testified that neither he nor any of the neighbors knew of any scandal. Although the court did not pursue that allegation, it demonstrates that a single woman, especially one of African descent, was always potentially vulnerable to such charges.³⁰

When women appealed to legal authorities, they had more success if they cited time honored legal precedents and exhibited “appropriate”

²⁹ Causa of Reyna, May 12, 1798, EFP, microfilm reel 79, PKY.

³⁰ Causa of Mariana Tudory, December 12, 1793, EFP, microfilm reel 78, PKY.

behaviors. They usually identified themselves by name, race, and legal condition. The memorialists then specified the complaint, charge, or request as well as the action they wished the court to take. Although men and women employed the same formulaic openings such as, “with all due respect” or “with the utmost submission” and closings such as, “humbly trusting in the merciful charity and noted wisdom of the justice administered by Your Excellency,” women and slaves might also include within their memorials and petitions references to their weakness, poverty, or lack of other sources of assistance in order to elicit the proper sympathetic responses from the court. In a community which operated within the idiom of family, women frequently referred to themselves as mothers and made references to their children. If they were sick, widowed, or abandoned, they made sure to mention it. The court was, then, held accountable for the same acts of charity and justice that a patriarch would be expected to render to family members or those of the “miserable classes.”³¹

The slave Andaina charged in a handwritten petition, which she signed with a flourish, that her owner, Catalina Acosta, had continually mistreated her and she asked the court’s permission to seek another owner, as was her right.³² Andaina had paid her owner 250 pesos toward her freedom from income or *jornales* earned over a three-year period, but Catalina wanted 350 pesos, a price Andaina found prohibitive.³³ Andaina complained she was also forced to buy her own cloth-

³¹ Another standard closing might be “The humble petitioner fully expects to be graced with the charity and justice for which your esteemed Majesty is well-known. I kiss your hand and pray that God grant you many years.” Although by modern standards the language might sound obsequious, when rendered, such flowery and flattering phrases were considered a mark of civility and, in that context, graceful language might conceivably improve the outcome of a petition. On treatment of the “miserable classes” and Christian obligations see Maureen Flynn, “Charitable Ritual in Late Medieval and Early Modern Spain,” *Sixteenth-Century Journal* 16 (Fall 1985), 335-347.

³² Andaina was born in Baltimore and was therefore, probably literate in English, as well as Spanish. Memorials, Petition of Andaina, February 13, 1793, EFP, microfilm reel 78, PKY. I discuss this case in greater depth in, “African and African American Women and their Pursuit of Rights Through Eighteenth-Century Spanish Texts,” in *Haunted Bodies: Gender and Southern Texts* (Charlottesville: University of Virginia, forthcoming).

³³ *Ibid.* By the mechanism of *coartación* slaves could petition the courts to set their just purchase price. Each party, owner and slave, then chose an assessor to evaluate the slave’s value. If wide disagreement arose, the court appointed a third assessor and then made its decision. Once the court established a slave’s “just” price, owners had to honor it. If slaves could not afford their immediate freedom, they could make payments and move slowly out of slavery, or they could seek out new owners willing to pay the price and effect a change in their conditions that way.

ing and that of her infant, all of which was verified by the Comisario de Barrio, Manuel Fernández Bendicho. To add insult to injury, Andaina complained that Catalina had once ripped her hard-earned clothing. The attention to her clothing is significant for several reasons. The *Siete Partidas* obligated owners to clothe slaves and a slave's charge that they failed to do so might lead to court intervention. Anecdotal references from Spanish sources suggest that free and enslaved Africans, like Spaniards, greatly appreciated fine clothing and as Sonya Lipsett-Rivera points out in her essay, because clothing was an extension of the body and was to be read as a marker of a person's status, an attack on clothing was indirectly an assault on the wearer's honor. Moreover, a slave had property rights in Spanish societies and slaves in St. Augustine sought legal remedy against owners who attempted to alienate animals, tools, clothing, or other forms of slave property.³⁴

Catalina, an illiterate shopkeeper of Minorcan descent, was unable to sign her required response to Andaina's petition, and a government scribe recorded it for her, verbatim. Denying any abuse, Catalina conceded she yelled a lot but added, "Shouts do not hurt anyone." Her loudness may not have injured Andaina, but such "unfeminine" behavior damaged Catalina's reputation in the neighborhood and, ultimately, in the court. However, hoping to counter some of Andaina's criticisms of her character and garner sympathy, Catalina portrayed herself as a compassionate person, who although "weighted down with small children and my husband absent" allowed Andaina to work as a wet-nurse in the home of don Domingo Reyes because he was a "widowed father surrounded by little ones" and "begged with tears in his eyes."³⁵

Later that year Andaina gave birth to a baby daughter whose freedom Reyes tried to buy for twenty-five pesos. Catalina rejected his offer and motivated by her desire to "end a scandalous connection," refused to allow Andaina to return to Reyes's home. After more entreaties by Reyes, Catalina finally agreed to the child's manumission

Rebecca J. Scott, *Slave Emancipation in Cuba: The Transition to Free Labor, 1860-1899* (Princeton: Princeton University Press, 1985), pp. 13-14.

³⁴ Landers, *Across the Souther Border*.

³⁵ Catalina's absent husband was a grenadier in the Third Battalion of Cuba, stationed in St. Augustine. Memorial of Andaina and Response of Catalina Cantar (Acosta), December 12, 1797, EFP, microfilm reel 79, PKY.

but planned to make up for the loss of the child by charging Reyes ten pesos monthly, rather than the seven, for Andaina's hire.³⁶

At that point, Andaina announced that she would hang herself rather than work so Catalina finally agreed in court that Andaina could seek another owner (Reyes). The Minorcan woman could not resist adding an extended comment on her slave's unseemly behavior. Catalina told the court Andaina went to masked balls in clothing so fancy that she worried people would talk and that when she reprimanded her slave Andaina retorted that the governor's own slaves would also be in attendance.³⁷ Catalina admitted that, in anger at the saucy reply, she had ripped Andaina's ruffles from her skirt, prompting Andaina, yet again, to threaten suicide and leave the house. Within moments, Reyes stormed into Catalina's house "like a wild beast," shouting that Catalina had no rights to Andaina beyond the money she was due. This uninvited, hostile, and public intrusion into Catalina's home demonstrated not only the Spanish man's fury, but his lack of respect for the lower-class Minorcan woman and his commitment to defend Andaina.³⁸ Catalina lost the dispute and her slave, but she closed with the final commentary that "passion blinds" and discounted the statements of don Domingo and of his friend, the Comisario, because everyone knew they were "as close as fingernail and finger."³⁹

From the safety of don Domingo Reyes's household, it took Andaina four more years to accrue the remaining 100 pesos, but she finally secured her manumission papers. Within months of becoming totally free, Andaina went back to court with another handwritten petition. She described a pattern of continuing abuse and insults by her former owner, and added that Catalina was also physically abusing her two children, who remained her slaves. Witnesses to Catalina Acosta's mistreatment of Andaina's children included two important figures from the Minorcan community, don Pedro Cosifaci, and don José Peso

³⁶ Memorials, Response of Catalina Cantar (Acosta), December 12, 1797, EFP, microfilm reel 79, PKY.

³⁷ Spanish society customarily attached status to clothing and tried unsuccessfully to maintain social boundaries with sumptuary legislation. Andaina described the clothing she bought herself as "saraza ordinaria, o listado," (cotton cloth with a white background and stripes, so possibly Osnaburg). Catalina described Andaina's ball attire as "zapatos de baza y otras galas" (yellowish-brown shoes and other finery). Memorials, Statement of Catalina Acosta, February 27, 1793, EFP, microfilm reel 78, PKY.

³⁸ Memorials, Petition of Andaina, February 13, 1793, EFP, microfilm reel 78, PKY.

³⁹ Memorials, response of Catalina Cantar (Acosta), December 12, 1797, EFP, microfilm reel 79, PKY.

de Burgo, and also the province's wealthiest planter, don Francis Fatio. Andaina reported that Catalina beat her son so badly that his back bled and that once he had been found almost dying of cold and hunger, hiding in the countryside. Another time don Domingo Martinely found the bruised and starving boy in his kitchen. Martinely took the boy to his mother at don Domingo Reyes' house, but because of the ongoing dispute, Reyes was reluctant to harbor the boy (who was not his son). Instead, Martinely deposited the boy with the priest to await the court's determination.⁴⁰ Andaina also charged Catalina was regularly beating her younger daughter and that the child's body was covered in bruises. This child was presumably the daughter of Reyes, and given his earlier attempts to purchase her, it seems surprising that he did not do more to protect her. Her mother used powerful imagery when she asked the court, "Do you think that even for hiding a son a mother deserves the martyrdom [and here she used the metaphor of being whipped by a lash] I continually suffer? . . . It is impossible to believe the inhumanity and rigor with which they treat my two children."

When the governor's tribunal threatened a hearing to investigate the alleged child abuse, Catalina finally agreed to their sale. Andaina successfully employed a combination of personal connections, determined resistance, and traditionally accepted justifications, in this case, motherly grief and concern over witnessed mistreatment and neglect of her children, to win the freedom of her children. Once again, Andaina bested the poor, illiterate, and inappropriately quarrelsome woman in court, but it is unlikely Catalina gave up the feud. Her court testimony and her actions suggest Catalina actually envied her slave her literacy, her fashionable clothes, and her powerful social connections, and that this resentment may have accounted for her bad treatment of Andaina and her children.⁴¹

Sexual jealousy provided another source of the conflict between women. When the court interrogated the slave woman Juana for

⁴⁰ Witnesses José Peso de Burgo, Domingo Martinely, and Pedro Cocifaci were prosperous shopkeepers and shipowners who had many personal and business relationships. Martinely and Cocifaci were also brothers-in-law, having married the Minorcan sisters, Mariana and Inez Cavado. Their families lived near each other on St. George Street. Griffin, *Mullet on the Beach*, pp. 157 and 184-92. Catalina countered that Andaina repeatedly harbored her nine-year-old runaway son. Andaina denied that charge and specified that "the soldier, Luna" and "the convict laborer, Arturo" sheltered her son. Memorial of Andaina, December 2, 1797, and response of Catalina Cantar (Acosta), December 12, 1797, EFP, microfilm reel 79, PKY.

⁴¹ Memorial of Andaina, December 2, 1797, and response of Catalina Cantar (Acosta), December 12, 1797, EFP, microfilm reel 79, PKY.

drowning her children, Juana described a pattern of regular sexual solicitation by her owner, the poor Minorcan farmer, Juan Salom. Sexual exploitation of slave women by their masters was a serious charge under Spanish law and if proven, the *Siete Partidas* required the court to remove Juana from her owner's household. Unlikely as it may seem, Juana reported that on many occasions when Salom propositioned her, his wife, Margarita Neto, with whom he also had sexual relations, was asleep in the bed next to which Juana slept. Asked why she did not tell Salom's wife of these multiple offenses, Juana said she had, but the woman only called her a liar and helped to punish her.⁴²

At this point the translator interjected that it was unlikely a wife would not do something about her husband's misdeeds if she knew the circumstances, but Salom's wife was the poor mother of two small children and may not have felt it wise to confront this situation directly. Instead, although she did question her husband repeatedly about his behavior with Juana and seemed to accept his denials, the wife turned her ire on their slave.⁴³ Once as Margarita attempted to punish Juana, Juana bit her on the arm and then ran to the governor's house to seek his intercession. The angered wife followed Juana and proceeded to punish her on the spot, until the governor intervened and chided Margarita for disrespecting his house. Margarita's unseemly behavior in chasing her slave through the streets and publicly abusing her on the governor's doorstep was more unacceptable than Juana's, who followed long-hallowed tradition in seeking mercy there.⁴⁴

The governor must have remembered the spectacle as he heard the

⁴² Sexual exploitation of enslaved women who lived on rural plantations was probably common and rarely prosecuted. It is also likely that even in urban areas, where women could appeal to courts and influential patrons for protection, much sexual abuse was never reported. "Autos seguidos. . . contra Juana, esclava de Juan Salom, por haver ahogado dos niños suyos en un pozo de su casa," EFP, Miscellaneous Legal Instruments and Proceedings, 1784-1819," microfilm reel 110, no. 33, PKY. I discuss this case in greater depth in, "In Consideration of Her Enormous Crime: Rape and Infanticide In Spanish St. Augustine," in *The Devil's Lane: Sex and Race in the Early South* (New York: Oxford University Press, 1997), pp. 205-217.

⁴³ I am indebted to Patricia Griffin for a reference to the Salom family from the 1786 Hassett census, which records Juan Salom, age 35, a native of Alayor (Minorca), his wife Margarita Neto, age 30, from San Felipe (Minorca), their children Juan, 7, and Clara, 4, and two male and two female slaves, unnamed and not baptized. Censuses, EFP, microfilm reel 148, PKY.

⁴⁴ Infanticide was harshly punished in medieval Spain and men and women were usually executed for this crime. Women convicted of such a grave crime were usually burned alive. Dillard, *Daughters of the Reconquest*, pp. 208-210. In other parts of early modern Europe, women were more often drowned for this crime, and more women were executed for this crime than for any other, except witchcraft. See Merry E. Weisner, *Women and Gender in Early Modern Europe* (Cambridge: Cambridge University Press, 1993), pp. 51-2.

murder case against Juana. In declaring that Juana's crime was occasioned by ongoing sexual harassment and by madness induced by incipient separation from her children (a claim Juana had not made for herself), St. Augustine's court provided accepted mitigating circumstances for her acts and saved Juana from execution. She was also spared further sexual abuse by her owner who was forced to relinquish her. However, the horrible nature of the crime caused the governor to request a review by a higher court in Havana. That court ordered Juana to be severely and publicly whipped and humiliated to cleanse the community of the horror of infanticide. St. Augustine officials duly noted Juana's public flogging, but not the execution of the rest of the sentence demanded by Havana—that Juana wear an iron collar for the next six years as a reminder of her crime. There are no other known references to authorities enacting such a punishment in St. Augustine and they may have deemed it excessive and potentially disturbing to the community. If so, the mechanism of *arbitrio judicial* permitted the governor to waive that portion of the sentence.

Juana's final punishment and the resolution of this most horrible case are classic examples of Spanish efforts to end conflict, achieve compromise, and restore community order through a combination of *derecho*, *ley*, and *arbitrio judicial*.⁴⁵ Despite Juana's slave status and the horror of her "unnatural" crime of infanticide, meticulous Spanish bureaucrats followed all legal requirements and took great care to gather available physical evidence as well as lengthy testimony from the involved parties. They tried to be sure that Juana understood the charges against her, as well as the religious and legal implications of her acts, and when Juana revealed important mitigating circumstances for her crime (her owner's sexual abuse and his threat to sell her children), the St. Augustine court believed her.

Cases such as Juana's are gruesome anomalies and even the other cited examples may not be representative. Nonetheless, they provide insights into the causes and effects of female conflict in Spanish Florida and illustrate the gendered nature of both conflict and its legal resolution. Patriarchal Spanish communities such as St. Augustine subjected women to gendered standards of conduct and found their perceived misbehavior more threatening to social order than similar male activity. In the interest of community harmony male kin, owners, or

⁴⁵ "Autos seguidos. . .contra Juana." For similar legal exactitude in a frontier setting see Cutter, *Legal Culture*, ch. 2.

patrons, and even neighbors were expected to monitor and check the aggression and sexuality of women, especially that of lower class women, single women, and enslaved women. The same women, however, might employ the gender conventions and the corporate features of Spanish/Mediterranean society also common to many West African societies to resolve conflict without ever resorting to the legal system. Only if more personal forms of social control and conflict resolution failed did the more formal institutions of government, law, and church intervene to resolve female conflict.

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