

ARTICLE

Pardo Soldiers' Historical Claims in Late Eighteenth-Century Cuba

Ana Hontanilla 

University of North Carolina at Greensboro, Greensboro, North Carolina, US
Email: amhontan@uncg.edu

(Received 06 June 2022; revised 01 November 2023; accepted 09 November 2023; first published online 25 March 2024)

Abstract

José Maldonado and Manuel José Castellanos were two Cuban *pardo* veterans who, in search of military status, rank, and salary, petitioned the court, making arguments that would prove subversive to the racial order. As Maldonado justified his entitlement to rank and Castellanos his to rank or salary, they recovered family narratives dating from when *pardo* and *moreno* commandants had enjoyed real power. Under the guise of symbolic recognition, new regulations greatly reduced black militias' autonomy. These militiamen acted as de facto historians, legal interpreters, and activists during times of institutional and historical change. While they did succeed in recording their families' past, their petitions for rank and salary were denied.

Keywords: *pardo* and *moreno* militia; *fuero militar*; eighteenth-century Cuba; vagrant; militia reforms

Resumen

José Maldonado y Manuel José Castellanos fueron dos veteranos de las milicias de pardos que, solicitaron por la vía militar fuero, rango y salario con métodos y argumentos desestabilizadores del orden racial. A la vez que Maldonado justificaba su derecho a rango y Castellanos el suyo a rango o salario, los dos recuperaron narrativas familiares que mostraban una época en que los comandantes pardos y morenos habían disfrutado de auténtico poder sobre sus tropas. Bajo la apariencia de reconocimiento simbólico, las nuevas regulaciones redujeron en gran medida la autonomía de las milicias de color. Los milicianos bajo estudio actuaron como historiadores, intérpretes legales y activistas durante tiempos de cambios institucionales e históricos. Si bien lograron registrar el pasado de sus familias, sus peticiones de rango y salario fueron denegadas.

Palabras clave: milicia de pardos y morenos; fuero militar; Cuba siglo dieciocho; vagos y pobres miserables

Imperial Spain maintained two military systems: the permanent, salaried, disciplined royal army and the militias.¹ In the Americas, since the 1550s, for pragmatic reasons those militias included units for soldiers of African descent, known as *pardos* and *morenos*,

¹ Militias were “cuerpos formados de vecinos de algun Pais o Ciudad, que se alistan para salir á campaña en su defensa, quando lo pide la necesidad, y no en otra ocasion” [bodies comprising country or city dwellers who enlist to embark in a defense campaign when the need arises and in no other occasion] (*Diccionario de Autoridades* 1726–1739, s.v. “milicias,” <https://apps2.rae.es/DA.html>).

who enlisted seeking to improve their socioeconomic status.² Because of *pardos*' and *morenos*' racialized nature, corporate rights like the *fuero militar* (official military status) created multiple categories of difference in the colonial caste system, particularly in coastal locations where black militias were most active (Vinson 2001, 120–137).³ By the second half of the eighteenth century, although Afro-descended soldiers had benefited from militarization as retirees or active militiamen, their ongoing status became precarious. It depended on factors like reforms approved in Madrid to protect and secure the empire, the vicissitudes of imperial wars, and the very capacity of the soldiers to account for, narrate, and verify their own service to the Crown. In Cuba, increasing racialization of the militia and society at large prompted some members to resort to the public record so that, in verifying their stories, they could maintain status earned through their families' long-standing service. These efforts were only partially successful. This article, while in dialogue with discussions of the contributions of Afro-descendants to military history, demonstrates that their position had become insecure by the end of the eighteenth century. This strengthens Vinson's argument that military growth during this period came at the expense of free *pardo* and *moreno* companies, most notably regarding autonomy and privileges (Vinson 2001, 2). *Pardo* militia veterans of the era left a paper trail, reclaiming their position.

Two examples are José Maldonado and Manuel José Castellanos, both determined Cuban veterans who petitioned the court repeatedly in search of *fuero militar*, rank, and salary, making arguments that would ultimately prove subversive. They did so in the late eighteenth century, their documents focusing first on the 1760s and 1770s, and second on the 1790s—two periods when militia reforms and sociopolitical changes were creating unrest. This study does not propose that Maldonado or Castellanos championed politically redemptive narratives of liberation from the Spanish empire. Instead, it explores their various and sometimes conflicted coping strategies as they contested new regulations, made claims through remembrance, and self-fashioned within the framework of colonial laws. In addition to requesting recognition for personal gain, these men filed in part to recover documents and record stories that were otherwise in danger of falling into oblivion. As Maldonado justified his entitlement to secure *fuero* and rank, and Castellanos his to rank or salary, they notarized narratives dating from a time when *pardo* commandants, including their own forefathers, had exercised power, autonomy, and military prestige. Recovering that past was a deliberate effort and no mere side effect of their research to demonstrate personal and ancestral merit. Amid institutional changes that were solidifying racial hierarchies, the two militiamen acted as authors, historians, and legal interpreters, an *ancien régime* version of lay scholar and activist. They hoped that accessing notarial writing and validating their statements as truth would reinscribe that past into the bureaucratic machine and the colonial archive.

José Maldonado was a silversmith, a *pardo* veteran of the Havana militia, and the member of a family with an extensive history of militia service.⁴ For twelve years, between

² *Pardo* and *moreno* were euphemisms referring to free men of low-socioeconomic-status segments of colonial society who enlisted in urban and militia units. *Pardos* were Hispanicized, light-complexioned, mixed-race men. In social rank, they placed above their darker-skinned creole *morenos* but below whites (Barcia 2009, 260). Although Crown officials tended to use *pardo* and *moreno* interchangeably, freemen stuck to one or the other in their official documents, suggesting they self-identified with a particular group. The derogatory terms *mulato* and *negro*, by contrast, were used by white colonial officials when discussing the criminality and the policing of people of color (Vinson 2001, 200–201).

³ *Fuero militar* was a distinction that conveyed social prestige and meaningful economic gain. Militiamen were exempt from labor drafts and taxes and were entitled to pursue justice in the military (Suárez 1984, 57; Barcia 2009, 241, 265–269). For institutional and social improvements derived from the militarization of New Spain's population and the impact of militias upon *pardo* and *moreno* people, see Vinson 2000, 87–106.

⁴ José was the legitimate son of Manuel Maldonado Fogueyra, a captain of a *pardo* battalion until 1760; and brother of Manuel Maldonado Fogueyra, a sublieutenant distinguished during the siege of Havana.

1763 and 1775, he elevated three petitions to the court via the military, making several incursions into the archive. As a writer, he was far from concise. His files total 123 pages in length, in contrast with other, pithier *pardo* militiaman petitions of the day. But his unusually complex case accounts for personal and familial history that otherwise may have vanished. Why so verbose? Maldonado had, unfortunately, lost his military appointment letter, but he claimed nonetheless that he was entitled to *fuero militar*, given his service in Spain's imperial wars. He also claimed the elite rank of chief adjutant (*ayudante mayor*).⁵ What gave him the prerogative to file these petitions was the 1769 *Regulations for the Militia* (*Reglamento para las milicias*) implemented under the tenure of Governor and Captain General Antonio María de Bucareli y Ursúa (1766–1771). In fact, Maldonado's case was one of many filed in Cuba under these groundbreaking regulations, which formally allowed *pardo* and *moreno* officers to enjoy a socioeconomic and symbolic status similar, at least in appearance, to that of white military officers of equal rank. Colonial reformers presented the regulations as beneficial to the free *pardo* and *moreno* militia, a way to recognize their dedication during the siege of Havana. But this was a mirage. Ultimately, as Maldonado's case shows, the regulations would come to represent an unfortunate turning point in the political status of these soldiers, as they wound up eroding nonwhite commandants' military authority.

Manuel José Castellanos was a barber and a retired first corporal of grenadiers of the free *pardo* battalion of Cuba and Bayamo; his lineage of militia service goes back three generations. Between 1794 and 1797, through a series of petitions that contain over 150 pages, Castellanos formally requested the military rank of colonel lieutenant or, barring that, the pension assigned to that rank. He initiated this demand shortly after the governor and captain general Luis de las Casas (1790–1796) had begun a campaign to curtail militia privileges. This the governor accomplished by, among other measures, a series of compulsory labor decrees commanding all men, including militiamen, to repair bridges and roads. De las Casas's regulations purged more men of military affiliation than the 1769 *Regulations for the Militia* reforms.⁶ The curtailment of militia privileges brought Cuba to the edge of revolt, even as news circulated through Havana of the revolution in Saint-Domingue and Spain's alliance with the Black Auxiliary Troops and the honors they received (Johnson 2001, 123–130, 181–190; Ferrer 2014, 132). Amid revolutionary wars and sugar-baron ambitions to fashion Cuba into a new Saint-Domingue, Manuel José Castellanos tested the limits of his own status and pressed for equality. He did this by dint of recovering his family history while assuming the litigant persona of the “wretchedly poor” person or *miserable* needing assistance.

By examining how these petitioners both cooperated with and struggled against colonial power, I recover historical subjects who wrote from contradictory and ambiguous positions in response to reforms that reinstated policing practices and control mechanisms targeting *pardo* and *moreno* militias.⁷ To explore these soldiers' use of writing, I first discuss the particular position that free militiamen enjoyed in the early colonial Caribbean. Second, in the context of the 1769 militia reforms, I explore

Archival records referred to this character as José Maldonado Fogueyra. In this article I only use his first surname. His maternal uncles were Carlos Menéndez, who ascended through the ranks of *alferez*, sublieutenant and *dragon adjutant*; and Pedro Menéndez, who raised from soldier, *cabo* of squadron, *dragon adjutant*, second adjutant, and captain chief adjutant. “Expedientes varios,” 1773–1776, Cuba 1228, doc. VII, ff. 1277–1278, Archivo General de Indias. Pedro Menéndez became the top commander during the siege of Havana (Schneider 2018, 243).

⁵ A chief adjutant (*ayudante mayor*) was a salaried captain or lieutenant whose age or physical condition prevented him from serving in the war but who was able to carry out functions related to supervising soldiers and communicating dispatches or orders (Vinson 2001, 48).

⁶ Similar efforts took place in New Spain (McAlister 1957, 76–89; Vinson 2001, 199–219).

⁷ The colonial state resulted from multicentric communicative processes, which allowed subjects and groups to discuss in cooperation and disagreement with policy makers (Masters 2018, 379).

Maldonado's memorials to show how one war veteran used the notarial system to request recognition, prevent the erasure of personal and collective histories from the archive, and remind authorities of practices that had previously allowed *pardo* commanders greater autonomy and power. Finally, I analyze Castellanos's petition considering Governor de las Casas's rulings of compulsory labor and Spain's interventions in Saint-Domingue in the last decade of the eighteenth century. The reader will notice an imbalance between my explanation of Maldonado's case and that of Castellanos. This is due to the complexity of Maldonado's narrative and sequence of events. His various petitions to *fuero*, rank, and the repayment of debts, which extend over the course of ten years, simultaneously conceal and manifest his challenge to reforms that altered the status of *pardo* commandants. On the other hand, Castellanos's narrative with a clearer storyline does not challenge reforms that had already taken root by the end of the century. Although neither man explicitly argued against racial hierarchies, Maldonado's and Castellanos's simply brandishing of these papers spoke to a past in which their commandants had real power. That threatened the island's leadership, which no longer granted *pardo* and *moreno* commandants such authority. It was safer to pretend whites had always arrogated such power to themselves and, therefore, easier to minimize the contributions of the free militias. Silencing them became a matter of security, and this imperative led to bureaucratic interventions. It did not work out well for our petitioners. Maldonado was sentenced to ten months of forced labor; Castellanos was forced to revise his litigant persona from militiaman to humble *pobre miserable*. His case highlights that he knew his status was vulnerable.

My study follows in the footsteps of many who have plunged into the colonial bureaucratic apparatus and archival practices, in line with what is arguably an archival turn in colonial literary studies. Researchers in postcoloniality—a field defined, in part, by attempts to locate voices of the silenced within literature produced by colonial powers—have argued that archives are not neutral or innocent. Walter Mignolo, a key figure in postcolonial Latin American studies, has explored how colonial power makes itself invisible. He has also studied how, when control mechanisms move away from manifest coercion and violent intervention, a space opens for the governed to tell a story—a process of writing that is, in turn, contested and charged with tensions (Mignolo 2001, 28).

In recent years, scholars of colonial Latin America, such as Kathryn Burns, have revisited Angel Rama's concept of the lettered city, or the specialized knowledge that a few educated men had of the imperial administration. Literacy, she argued, is more than the production and reception of alphabetic writing by elites. It is also the practice of linking the scriptural and the oral, including interactive negotiations between litigants and professional scribes (Burns 2010, 31–63). Bianca Premo has suggested that, although litigants became increasingly dependent on official personnel once the legal process advanced, they could produce textual subjects—selves that speak through the documents, regardless of literacy. She has argued that despite the formulaic procedures by which lawyers and other agents represented and wrote on behalf of litigants, the latter still controlled their lawsuits (Premo 2017, 121–158). Scholars have demonstrated how petitions of subjects from all social backgrounds shaped legal concepts (Graubart 2021, 433; de la Fuente 2007, 664; Masters 2018, 395–401). Ann Twinam (2015, 152–170) studies how *pardo* men in Cuba and in Portobello, Panama, sought *gracias al sacar*, or personal dispensations to become physicians and notaries, professions otherwise reserved for whites.

Subjects from all social backgrounds of the Spanish monarchy had access to the written public record. However, the degree to which litigants could insert their voices into the legal system is unclear. To avoid reinforcing structures of power in scholarly analysis, one must venture into the colonial record with a critical attitude. Still—and in line with military historians who have long connected the Bourbon reforms to a rise in self-awareness on the part of *pardo* and *moreno* peoples of their own socioeconomic status—the documents examined in this article bear witness to how much we can recover and learn

about how subjects contested power. They open a window onto race, status, and loyalty in late eighteenth-century Cuba.

This article helps illuminate how paradoxes or loopholes in racial ideas at the end of the eighteenth century deepened *pardo* soldiers' awareness of experiences with discrimination and their reactions to those experiences. To study their petitions is to glimpse the ways Afro-descended Cuban soldiers participated in local politics, contributed to Spain's history, and responded to militia reforms and political maneuvers that sought to erase their past and adversely affect their lives. These archives also illuminate the importance these men placed on preserving accounts of their forerunners' service to the Crown and on recovering a time when they had more powers, such as choosing and responding exclusively to their own militia officers. Above all, these cases demonstrate how their status was becoming increasingly vulnerable.

Rise and autonomy of black militias (1580–1760)

Since the 1550s, free *pardo* and *moreno* forces had figured prominently in colonial defenses (Deschamps 1976, 17–26). Most accounts agree that before the eighteenth century, the Crown underfunded the protection of mainland coasts and the Caribbean (Hoffman 1980, 235). In Cuba, imperial defense was especially difficult because of the island's exposed position on the rim of Spain's empire but amid trade routes (Klein 1966, 17). In 1582, Havana's governor organized the first militia companies to ward off attacks by English corsairs. He, and by extension, the Crown, took a pragmatic approach to coastal defense.⁸ By the early 1600s, the first independent *pardo* militia company, numbering about a hundred men, was established in Havana (Deschamps 1976, 20–21). Seventeenth-century legislation formally prohibited people of mixed race from enlisting as regulars. For centuries, some legislators wondered whether descendants of formerly enslaved people could be trusted with firearms, as well as what might be the unintended consequences of their social and political rise (Vinson 2004, 160; McAlister 1957, 43). Others, however, expressly embraced the policy of incentivizing free men of African descent to enlist, claiming that it would allow garrisons at strategic posts and encourage free blacks' loyalty to the crown (Clark 2023, 226–253). At strategic locales, free men were called to militia service, which, though distinct from regular army service, was nonetheless part of the military apparatus (Vinson 2001, 11).⁹ *Pardo* and *moreno* militias soon became vital in the defense of Spain's interests in the multi-imperial Caribbean conflict zone. Privileges expanded alongside responsibilities, and the perks free men enjoyed, such as tax exemptions, encouraged enlistment.

Records in Havana dating to 1761 show that one out of five *pardo* and *moreno* men was a militia member, compared with one in twelve white men (Klein 1966, 21–22). Documents list three *pardo* commandants, leading seventy-four ranked officers and four hundred soldiers (Barcia 2009, 247). *Pardo* commanders enjoyed considerable control over their units and functioned independently of white interference. When no official regulations controlled recruitment, organization, service, or promotions through the ranks, lines of command corresponded to hierarchies of notables in each locality. Leaders paid for their men's arms and uniforms to demonstrate devotion to the Crown. Prosperous *pardos* and *morenos*, through membership in these privileged racial categories, enjoyed access to social mobility via their service (Suárez 1984, 79).

⁸ By the end of the seventeenth century, regular Spanish armies throughout the Americas were weak and fortifications were poorly provisioned. Wars resulted in territorial losses for the Spanish empire (Barcia 2009, 236–239).

⁹ For the list of responsibilities of *pardo* units, see Vinson (2004, 159). For a typical experience of a *pardo* soldier, see Klein (1966, 19).

Their growing prominence was noticed. Colonial officials throughout the 1730s and 1740s reacted to the growth and autonomy of *pardo* and *moreno* militiamen by retracting some privileges.¹⁰ In Cuba, this process began in the early 1760s. Yet people of African descent behaved heroically when Havana fell to Britain for eleven months between 1762 and 1763. Following this humiliation, Cuba became central to the Crown's strategic territorial defense with respect to new fortifications and military reforms. At the core of this program was the 1769 *Reglamento para las milicias*, which ended policy inconsistencies. The reform harmonized military ordinances with local realities, including recognizing black militia members who had helped defend Havana during British attacks. This recognition did improve socioeconomic and symbolic conditions for *pardo* and *moreno* peoples (Schneider 2018, 238–243). For example, during active duty, corporate members were relieved from labor levies, taxes, and licenses. During the king's and queen's birthday celebrations, *pardo* and *moreno* officials were invited to the hand-kissing ceremony. Likewise, they could be awarded for merit, although their medals looked different from those conferred on white militia members. These privileges conferred prestige and economic gain (Barcia 2009, 265–272).

The most important privilege, though, was the *fuero*. This status granted militiamen access to military jurisdiction separate from ordinary legal venues (Kuethe 1986, 62; McAlister 1957, 48–49). Chapter 10 of the *Reglamento* indicated that officials and soldiers seeking justice would file petitions with the governor or lieutenants. Other important *fuero* privileges included the prohibition of apprehension of military people for personal debts, detention in the military fortress or *castillo* rather than the public jail, and the right to appeal a criminal sentence to the governor and captain general. Retired officers, sergeants, and soldiers counted two years for every year on active duty to accumulate twenty years of service toward the concession of *fuero* (Barcia 2009, 266). In addition to *fuero*, wounded veterans would receive monetary compensation, or *sueldo de inválidos*. These privileges revitalized militiamen's moral and public image as well as their standing with respect to their peers; the aim on the part of white officials was to promote enthusiastic enlistment.

But the reforms had a downside. Even as they provided opportunities to *pardo* and *moreno* soldiers, the regulations diminished their commanders' military authority. Previously, the chain of command among militia officials had been defined according to years of service, similar to the regular army (Vinson 2004, 152). However, the 1769 reforms established, first, that the heads of *pardo* and *moreno* battalions held the title of commander, not the higher rank of colonel; and second, that above the veteran cadre (*plana mayor*) of *pardos* and *morenos* was a white cadre to which they were subordinate. Mixed-race leaders had no authority over the segregated white cadre that advised their units (*Reglamento* 1793, 53, 6, 26, 45). These leaders were forced to stand hat in hand in the presence of white instructors, a practice established to remind them of their lowly status. Although *pardo* and *moreno* battalions protected Cuba until their disbandment in 1844 and during a brief reinstatement in the Ten Years' War, their commandants' power dwindled after the 1769 reforms.

Maldonado's case: An overview

The *pardo* militiaman José Maldonado did not take these changes lying down. Let's examine his case, which can be divided into three sections.

In 1773, Maldonado sought confirmation of his entitlement to *fuero* and the elite rank of *ayudante mayor*. These would allow him to wear insignia, receive tax exemptions, and earn

¹⁰ For how the trend of blocking Black officers' empowerment evolved in New Spain, see Vinson (2004, 159).

a higher pension. In December 1773, Maldonado was awarded *fuero*, entitling him to military jurisdiction but not rank; this was a partial success.

In 1775, Maldonado returned to court to file two more petitions. One was a repeat request for rank, and the other was a lawsuit against a *moreno* militiaman from whom he demanded payment of a debt. In the latter, Maldonado included an inflammatory argument intended to convince *pardo* and *moreno* commanders that they, not white commanders, had power over their men.

Unfortunately for Maldonado, his interpretation of the law did not go over well with the authorities, who concluded that he had used the court and the notarial systems fraudulently. His status in the eyes of the authorities quickly changed from that of a loyal servant with *fuero* to that of a scoundrel. Not only was the 1773 resolution recognizing his *fuero* nullified, but also Maldonado was sentenced to a stint of forced labor.

Aside from the rich stories within these documents, Maldonado's writing practices bear scrutiny.¹¹

A learned vassal with connections (1773)

In the summer of 1773, José Maldonado learned that residents of Havana who claimed military status needed to exhibit their title within two months; claims filed later would be dismissed. This announcement troubled Maldonado, a retired militiaman in his forties who no longer possessed his appointment letter. Eager to demonstrate his entitlements, he staged a performance in which a witness read the governor's public announcement (*bando*) aloud in front of a notary, after which Maldonado verbally declared, perhaps as curious bystanders stopped to listen, his entitlement in recognition of his loyalty to the Crown. This oral performance was transcribed and later continued at the office of a scribe named Ignacio de Ayala, and Maldonado requested in writing that the then governor and captain general, Marquis de la Torre, order the commander of the *pardo* unit to hand over his 1763 letter of appointment:

Place the request by pertinent Providence that the Commandant, Pedro Menendez, Carnal Uncle of the Applicant . . . as immediate Superior Commander in the present Fixed Battalion, and as thus declared by S.M. in Chapter 21 of article 73 in the current Militia Regulation, where it indicates: give him [the commandant] in his respective unit, the same Authority as any other Army Commandant under whose command regiments or battalions are placed.¹²

Maldonado reminded the governor that commanders were responsible for safeguarding all documents relating to their men. His superior in question was one of his maternal uncles, Pedro Menéndez, a decorated veteran who replaced Antonio Flores, a *pardo* battalion commander who fell during Havana's siege (Schneider 2018, 243). In addition to understanding former militia regulations, Maldonado exhibited his connection to the *pardo* military elite. However, when the governor asked Menéndez if he indeed had those documents and "by what order, cause, or reason he gathered them," Menéndez responded

¹¹ Maldonado's narrative is one of the many depictions that people of African descent produced to represent themselves as heroic fighters during Havana's siege. They were encouraged in part to shame whites for not taking an active role during the British occupation (Schneider 2018, 238–241).

¹² "Ordene p.^r la Providenz.^a q.^e â este recalleren, q.^e el Comd.^{te} Tio Carnal del Sup.^{te} Pedro Menendez . . . como Gefé immediato en el pres.^{te} Batall.ⁿ Arreglado, respecto tenerlo â si Declarado S. M. en el Cap.^o 2, del articulo 73 del presente Reglam.^{to} de las Miliz^s, donde previene: tenga este en su respectivo Cuerpo, la misma Autoridad q.^e los demas Gejes del Exercito â Cuyo Cargo estan qual quiera Rexim.^{to} ô. Batallon." "Expedientes varios," 1773–1776, Cuba 1228, doc. VII, f. 1243, Archivo General de Indias. The quote in Spanish reproduces the original spelling. All translations into English are mine.

that he did not have them.¹³ The governor told Maldonado to make his claim another way.

Maldonado then outdid himself. He dug up a decade-old debt-collection claim against him. To this, Maldonado attached twenty-two pages of notarized certifications, decrees, notifications, appointment letters, petitions, oral declarations, and verifications by multiple parties, most of them *pardo* soldiers, all dated between 1763 and 1765, and each offering written and spoken verification of Maldonado's appointment to the rank of chief adjutant. Among these documents were the notarized declaration of the *pardo* captain Thomas Caballero, who had issued the appointment; several militiamen's notarized declarations of having heard Maldonado issuing orders as if he were chief adjutant; and other notarized declarations by fellow militiamen of having seen his appointment letter. In addition, a certification by the then governor, the Count of Ricla, recognized the validity of Maldonado's appointment.¹⁴ He recruited seven notaries to review previously notarized statements.

Was this debt claim genuine, or did it simply furnish an excuse to create and notarize documents affirming his entitlement? This pile of documents gives us a glimpse of a man who spent considerable time poking through files he felt fully entitled to access and recover. The authorities were convinced. The archive includes a December 1773 decree that his name be included in the list of those with military jurisdiction.¹⁵

Notarizing loyalty (1775)

It was in February 1775 that Maldonado made his second visit to court, attempting to secure for himself the rank he had failed to win in 1773. This second legal claim gave him the opportunity to include in the record a memorial narrating his contribution to the military, one so exhaustive and official that it borders on obsessive. He included his trademark sheaf of documents, submitting to the court nineteen pages of his personal narrative, which he organized in thirty-nine numbered points.¹⁶ But most importantly, he recopied the previously notarized documentation he had employed in 1773 to demonstrate entitlement to *fuero* and added more information. José Maldonado reorganized this evidence from letters A to N and had it reverified by two scribes in front of three distinguished witnesses, again investing considerable time and money.¹⁷ These older documents related to his father and to José Maldonado's precocious militia service under his father's wing.

Maldonado the elder was a mixed-race Havana resident who had served in the military for thirty-two years, between 1733 and 1760, and was promoted within the ranks of a former company made up of fourth-generation *pardos* (*cuarterones*). In 1740 the army field marshal Conde de Revillagigedo appointed him captain:

Being sufficiently informed that these circumstances, and others of equal appreciation, concur in Manuel Fogueyra, currently Lieutenant: and hoping that his zeal, and proper conduct, will fulfill the trust that I place in his person; . . . in the Royal Name of His Majesty (may God preserve) I choose him, and appoint him, as Captain of said company of Quarterones, joined to said battalion, so that he regulate, govern, and command according to, and in the manner that other Captains of this class have done and do . . . granting him . . . the corresponding exceptions, enjoyments, prominences, and Prerogatives.¹⁸

¹³ "Con que orden, causa, ò motivo los recogio." *Ibid.*, ff. 1242 and 1246.

¹⁴ *Ibid.*, ff. 1247–1261.

¹⁵ *Ibid.*, f. 1240.

¹⁶ *Ibid.*, ff. 1262–1272.

¹⁷ *Ibid.*, ff. 1273–1286.

¹⁸ "Hayandonos bastantemente informado que estas circunstancias, y otras de ígual apresio concurren, en Manuel Fogueyra, Thntê actual de ella: y esperando de su selo, y cabal proceder, despempeñara la confianza que hago de su persona; . . . en el R^l. Nombre de S.M. (que Dios gue.) le elijo, y nombro, por Capⁿ de dicha compaia de

Fifteen captains who had served under his command certified that Maldonado senior had used personal funds since his appointment in 1740 to supply clothing and firearms for his militia unit. At that time, José Maldonado was about eleven years old; captains described the boy as intelligent, talented, and diligent at carrying out orders. They advocated for Maldonado junior, considering his own merits and those of his father, brother, and maternal uncles Pedro and Carlos Menéndez.¹⁹ The captain commander Antonio de Flores certified the signing captains' identity and verified José's relatives' military service: "I certify: in the best way, that by law I can, and must, and in view of the Books under my care, the jobs and services of the People enlisted in said Battalion."²⁰ Flores also certified that, when José Maldonado was about twenty, in 1749, he was aboard the squadron transporting the royal treasury from Veracruz to Cuba, valiantly protecting the coffers when a British vessel attacked. Maldonado stated that the privileges he had earned and the services he had rendered as a youth were also annotated in the *Master Book of Filiations*, the above-mentioned logbook of promotions and recognitions recorded by the top commander. The book noted, for instance, that the then governor and captain general of Cuba, Revillagigedo, had granted young José the privilege of wearing cadet insignia. Before the 1760s reforms, Maldonado reminded readers in his petition decades later regulations did not prohibit *pardo* soldiers from wearing these insignia.²¹

One Don Juan Álvarez de Miranda certified that in 1757 Maldonado participated in a secret mission investigating illicit trade in Havana. Although residents grew suspicious and plotted against Maldonado, which resulted in his exile to Portobello, his findings benefited the royal treasury, which Miranda acknowledged on Maldonado's behalf. His involvement with the militia continued once he returned to Cuba after his father's retirement. He donated eight pesos to King Charles III's coronation festivities (1758), a gesture he notarized as an extension of his father's previous monetary contribution to the military. In 1762, Captain Francisco Javier de Flores certified that José behaved valiantly during the Havana siege. In 1763, the sergeant major of Santa Clara village credited Maldonado with a scheme to spark fervor among Spanish vassals against the British invasion that controlled Havana for eleven months. The young militiaman had recovered three royal decrees from the historical archive that recognized and praised the heroism of those who fought against the British in Jamaica a hundred years earlier, then sent them to the sergeant major along with detailed letters describing ports, trenches, and the state of British troops. Maldonado intended to awaken resistance to British occupation; his skilled recovery and use of historical documents demonstrating "fidelity in his actions, and persistent wish to sacrifice himself for the defense of the Catholic Religion, and the Crown's splendor" that, he argued, rendered him capable of any employment.²² Ten years after the siege, in the presence of three witnesses addressed as "Don," two scribes renotarized this narrative, with which Maldonado hoped to reverify twenty-four years of active service and justify his demand for rank. One of the scribes indicated that José Maldonado was the sole author of this compilation: "This copy agrees with the inserted documentation that the Adjutant Josef Maldonado Fogueyra exhibited, to whom I returned them."²³

Quarterones, unida â dhõ Bat^{on}, para que le Rija, Govieerne, y mande segun, y de la manera que lo an echo y hacen los demas Capitanes de esta clase . . . guardandole . . . exemptions, goces, preheminencias, y Prerrogativas que le tocan" (*Ibid.*, f. 1274).

¹⁹ *Ibid.*, f. 1276.

²⁰ "Certifico: en la major forma, que por derecho puedo, y debo, y con vista de los Libros de mi cargo, en que se asientan los empleos, y servicios de las Personas que componen dho. Batayon." *Ibid.*, f. 1277.

²¹ "El reglamento entonces no lo prohibía." *Ibid.*, ff. 1274–1276.

²² "Fidelidad de su proceder, y constante deseo de sacrificarse a la defensa de la Religion Catholica, y esplendor de la Corona." *Ibid.*, f. 1280.

²³ "Es conforme à los Docum^{tos}. Yncertos, que para efecto se dan esta Copia, exiviò anti mí, el Ayud^{te} Josef Maldonado Fogueyra, à quien se las debolvì." *Ibid.*, f. 1286.

Maldonado's downfall (1775)

In August 1775, while his claim remained pending, Maldonado launched the legal action that would ultimately get him in trouble. It was a suit for debt repayment against a captain of the *moreno* battalion. In response, the debtor claimed not to have funds and, worse, that he had never received proper notification of the embargo decree. Maldonado reacted with frustration. In his view, such a lack of notification constituted a breach of protocol with respect to the chain of command. Maldonado then outlined a series of rules aimed at telling both the *moreno* commandant and the white court clerk, or *abilitado*, how to do their jobs. He pontificated on their duties regarding *pardo* and *moreno* soldiers' litigations and positioned himself as a learned interpreter of a 1767 royal order regulating the militias. He reminded the *abilitado* that competent authority resides in the defendant's commandant, that notifications must be delivered both to the commandant and the supplicant, and that the *abilitado* delivering Maldonado's claim had erred in showing the notification only to the defendant:

The lawsuits that all militia members have against each other indistinctly will be administered precisely by the defendant's Superior Officer . . . and provided that the Supplicant proves that his Commander passed the Official notification to the *abilitado*, a provision that the supplicant legitimately carried out for the embargo to take place after having appealed to the legitimate immediate Superior of his Unit, to whom the Decree of VS should have been shown and not to the *abilitado*, which is where the disobedience to the provisions by this Court in the above mentioned Superior Decrees comes from.²⁴

Unfortunately, Maldonado had chosen to lecture the wrong people. The offended *abilitado* raised a complaint, and the white subinspector who supervised the *pardo* and *moreno* battalions intervened. The subinspector informed the governor that the supplicant was a soldier of "vile condition" who had tainted the *abilitado*'s honor with his insolence, but what convinced the governor to open an investigation was that Maldonado had further argued that black and not white commandants were charged with communicating the governor's orders.²⁵ Such a claim would prove disastrous for Maldonado.

A previously known insubordinate (1763–1771)

Following the governor's orders, the white subinspector must have visited the military archive, where he found documents revealing Maldonado had had a previous encounter with the courts that tarnished his reputation. Militia service notwithstanding, Maldonado had been considered a troublemaker by Cuba's previous governor and captain general, Antonio Bucareli (1766–1771). In 1765, ten years before initiating his claim to *fuero* and rank, Maldonado had been accused of authoring a subversive document.²⁶ In this document, which the investigating subinspector found and included among Maldonado's 1775 files, he had argued for the following interpretation of the new militia rules: (1) commandants of *pardo* and *moreno* battalions were the highest-ranking commandants of the battalions; (2) all commandants, including *pardo* and *moreno* ones, were visible heads

²⁴ "Las Demandas q.^e tengan los Milizianos de unos â otros indistintam^{te} todos los Arreglados la abran presisamente al Gefe del Cuerpo del demandado . . . con q.^e luego siempre que el Sup^{te} prueve q.^e el Comd.^{te} passo Ofizio al *abilitado*; la concurrencia que hizo el que espone, donde este, para q.^e efectuara el embargo, fue legitima, p.^r aver recurrido donde el legitimo Gefe inmediato de su Cuerpo, q.^e es donde deviò mostrar el Dec.^{to} de VS, y no al *abilitado*, q.^e es dedonde proviene su innovedienzia â lo dispuesto p.^r este Tribun.^l en los Superiores Decretos." "Expedientes varios," 1775–1776, Cuba 1221, doc.1132, ff. 476–477, Archivo General de Indias.

²⁵ *Ibid.*, f. 478.

²⁶ *Ibid.*, ff. 479–481.

and all authority resides in them; (3) the newly instated figure of the subinspector was to teach military discipline without infringing on the authority of *pardo* and *moreno* commandants; (4) commandants of the *pardo* and *moreno* battalions could never be white; (5) subinspectors were not the superiors of the *pardo* and *moreno* battalions; (6) issues related to military life must go through the subinspector for purposes of coordination and learning, but *pardo* and *moreno* commandants' authority could not be curtailed; (7) these commandants had the same voice, authority, distinction, and power as did regimental colonels; and (8) all legal suits among militiamen would be directed to the defendant's superior.²⁷ This unapologetic prioritization of *pardo* and *moreno* commanders' power was unacceptable amid the racialized hierarchies that the 1769 *Reglamento* had reinstated, and white officials had brought the issue to the governor's attention. In 1770 Bucareli had already declared Maldonado dangerous, going so far as to accuse the militiaman of ghostwriting some commandants' correspondence. As a result, this former governor had ordered Maldonado's imprisonment and prohibited notaries from admitting anything he had written. Thus, in the late 1760s, his use of the military channels for justice was oriented toward raising awareness among Black commanders of their power. White commanders, in response, declared Maldonado's writing suspect and insubordinate and silenced him.²⁸

In 1775, armed with this damning evidence of Maldonado's insubordinate ideas, the disgruntled subinspector set out to discredit the militiaman's character. He gathered testimonials from white officials as well as from members of the *pardo* community. White officials supervising *pardo* units remembered having seen Maldonado among their troops. *Pardo* officials affirmed that Maldonado had been a soldier during the siege but remembered that he was excluded from service after the regulatory reform of the early 1760s. They did not state the reason. Nevertheless, they noted that Maldonado enlisted again between October 1765 and January 1766. All his pleas to rank notwithstanding, his commanders did not value him. Shortly after, white officials noted his irregular attention to instruction, for which his uncle, the unit commandant, ordered him imprisoned, and his mother petitioned for his exile; the subinspector reported that such exclusion was requested to prevent him from disseminating discord among his peers. With these testimonials in hand, the report concluded that Maldonado was dishonest, inclined to vice, and detrimental to the military.

In 1775, Governor Marquis de la Torre formally accused Maldonado of disorderly conduct, negative influence, disturbing the peace, disturbing the subordination of *pardo* and *moreno* officials through treacherous means, falsifying documents, idleness, lacking respect for authorities' admonishments, and not learning from punishments. The governor wrote that Maldonado was a "mischievous mulatto" who had abandoned his profession as silversmith and become a *papelista*, a pejorative term that essentially means hack writer.²⁹ This was the son of a *pardo* captain, who enlisted to pervert the officials of his unit with insubordinate ideas but whose skin color revealed "his low condition."³⁰ He was labeled "insolent" for daring to equate himself with whites. It may not be a coincidence that while Maldonado's cases pended resolution, the governor declared in his 1775 order regarding deserters and vagrants that *chimeristas*—a term like *papelista* that referred to trouble-makers—were also targets of prosecution.³¹ He made Maldonado out to be a scoundrel

²⁷ *Ibid.*, 482–483.

²⁸ *Ibid.*, 485–488.

²⁹ *Diccionario de Autoridades* (1726–1739), s.v. "papelista," <https://apps2.rae.es/DA.html>.

³⁰ "Expedientes varios," 1775–1776, Cuba 1221, doc.1132, ff. 479–480, Archivo General de Indias.

³¹ "Bando impreso." 1776, Cuba 1221, doc. 1134, ff. 1–6, Archivo General de Indias. *Chimerista* "se aplica à la persona que mueve, ò causa inquietudes, riñas, ò enfados entre otros. Gente *chimerista*, inquieta, alborotada, fabulosa, y que todo lo reducen más à golpes y fuerzas, que à razón" in *Diccionario de Autoridades* (1726–1739), s.v. "chimerista," <https://apps2.rae.es/DA.html>.

rather than a loyalist or even a subversive. The governor sentenced him to ten months of forced labor.³²

Maldonado's case: A reflection

Maldonado's case poses more questions than it provides answers. The archive shows that in 1773, when he set out to recover documents dated in the 1760s, Maldonado engaged enough witnesses testifying to his militia service. However, Maldonado's talents clearly centered not on the sword but on the quill. During the siege of Havana, while *pardo* soldiers, including his relatives, fought on the battlefield, José found two royal decrees in which the king recognized those loyal to the Spanish Crown when the British invaded Jamaica in 1660. He used these documents to encourage his peers to fight for the Crown. Other facts he also chose to record highlighted militia members' responsibilities and privileges and how commanders exercised considerable control over their units before a cohesive body of norms organized the militias. For instance, his father had paid out of pocket for his men's uniforms and arms; José wore insignia in his youth that were not reserved for whites because, back then, the *Reglamento* did not prohibit it; and the *Master Book of Filiations* was under the care of the *pardo* commander.

Even before the *Regulaciones* were officially promulgated, Maldonado had publicly challenged the reinstatement of racial power structures by compiling a list of powers nonwhite militiamen had previously enjoyed. He challenged reforms that ignored the former order and declared it irrelevant. In 1771 Cuba's Governor and Captain General Bucareli declared him dangerous for this unorthodox interpretation of the new militia rules. This political activism made his family uneasy. His maternal uncle removed him from the militia service, and his mother requested his exile. But somehow, Maldonado weathered these early blows to begin another round of court petitions in 1773. Evidence suggests that a series of short-lived colonial administrations created confusion that Maldonado used to his advantage (Johnson 2001, 28). During power transitions, he skillfully reintroduced his claims to *fuero* and rank by declaring that *pardo* commanders possess all documents related to the men under their command. His pointed draft in the 1775 lawsuit echoed an argument he had previously made under Bucareli's tenure in the late 1760s: white subinspectors had no authority over *pardo* and *moreno* battalions. But what most attracted officers' rancor was his deploying an authoritative tone that did not match his social standing. He was using judicial channels not only to claim a debt but also to preserve and promulgate ideas that by 1770 had been declared subversive. Had Maldonado only wanted a debt paid, he might not have needed to gather as many documents as he did. He could have kept quiet rather than lecturing the authorities. Instead, his thorough documentation and his belief in his commandants' rights as *pardo* and *moreno* soldiers were his undoing. Yet they ensured the archive bore witness to the equal era before 1769 in colonial politics.

Loyalty in times of revolution (1790s)

During the second half of the eighteenth century, the increasing Spanish troop deployment throughout the Americas continued to reduce the importance of the *pardo* and *moreno* militias. The arrival of several troop battalions to Cuba between 1763 and 1792 transformed the island's demographics such that white Spaniards (*españoles*) predominated (Marchena 1992). In addition, the rise of the sugar industry also contributed to the deterioration of *pardo* militiamen's standing. During the late 1780s and early 1790s, imperial policies expanded sugar production and the need for compulsory and enslaved labor. This prompted a reordering of the state's relationship with the enslaved and with

³² "Expedientes varios," 1775–1776, Cuba 1221, doc.1132, ff. 485–488, Archivo General de Indias.

free people of mixed race as reflected in the Código negro carolino [Carolinian Black Code] (1784), regulating compulsory and enslaved laborers alike; and in the promulgation of the 1789 Real Cédula de Su Majestad sobre la educación, trato y ocupaciones de los esclavos [Royal Decree of His Majesty on the Education, Treatment, and Occupations of Slaves] (Jennings 2020, 163–169). Although recruiting workers for the sugar industry by enforcing compulsory labor measures would be difficult in Cuba because its society was so militarized, that did not stop Governor and Captain General Luis de las Casas. Acknowledging that the Cuban underclasses could legally refuse to work directly in agriculture, his decrees focused instead on drafting them for public works (*obras públicas*). In 1790, de las Casas had occupied his post for only a few months when he decreed that men must “volunteer” to maintain bridges and roads to facilitate the transportation and arrival of sugar to and from the seaports. This was the first of a series of compulsory labor mandates that indirectly favored sugar planters and traders. These measures, which signaled the strengthening of sugar interests and the government’s desire to weaken *pardo* and *moreno* populations, were met with great resistance both in the countryside and in Havana, particularly by members of the *pardo* and *moreno* militia (Johnson 2001, 125–130; Jennings 2020, 167). Race relations among militia members worsened, and in 1791, Luis de las Casas was instructed to silence complaints against white officers by *pardo* and *moreno* soldiers (Scott 2018, 37).

While Cuban policies reinforced racial hierarchies, the Spanish Crown, and as a result of what came to be known as the Haitian Revolution (1791–1806), sought an alliance with the leaders and soldiers of the Black Auxiliary Troops. Formerly enslaved men who had rebelled, these men organized an army and joined the Spanish Crown to fight the French Republic after the 1793 execution of King Louis XVI (Landers 2010, 73–94). Although top Spanish commanders reported frustration with black leaders who retained their command structure, received medals, and expected to be treated as generalissimos, these very officers still fought alongside, dined with, and traded with white Spanish and Cuban officials. In 1795, Spanish and Cuban soldiers sent to Saint-Domingue to fight France returned to Havana with money, enslaved servants, and machinery for harvesting and processing sugar. Alongside them were the Black Auxiliary Troops, who, once in Havana, were not allowed to disembark. Little is known of their brief stay in the city’s docks. Still, news circulated among Havana residents of the Black Auxiliaries’ role in the war against France and the fact that Spain had recognized their initial victories (Ferrer 2014, 173, 130–138, 99–101). The presence of decorated officers at the city’s docks may have stirred a desire for recognition among *pardo* officers of Cuban militias.

In the context of Cuba’s forced labor decrees to nurture the island’s sugar production and considering Spain’s alliance with the Black Auxiliary Troops, let’s investigate how one *pardo* veteran reinserted his family history into the official record.

Castellanos’s claim to rank or salary

Manuel José Castellanos, a fourth-generation militiaman, served as a first corporal of grenadiers in the *pardo* battalion of Bayamo. In 1794, during retirement, he submitted a petition requesting the military rank of lieutenant colonel or, barring that, an equivalent salary. He applied even though, according to the 1769 *Reglamento para las milicias*, leaders of *pardo* battalions could hold only the lower title of commander, not of colonel. When his petitionary documents reached the Council of State in Madrid, they were returned to the governor of Cuba with the recommendation that Castellanos fix (*arregle*) his petition by presenting it through the secretary of war.³³ Following the council’s instructions,

³³ “José Castellanos. Grados,” 1798, SGU, LEG, doc. 6862,1, f. 7, Archivo General de Simancas. The Council of State took over the functions of the Council of the Indies after the latter’s elimination in 1790 (Johnson 2009, 123).

Castellanos resubmitted his petition in 1796. This time, although his initial claim is not included in the docket, the subinspector-brigadier observed that Castellanos had introduced a change of wording: “Although I acknowledge that my first request is exorbitant, I do not hesitate to ratify my alternative request . . . that you dignify to grant me a pension as alms.”³⁴ Thus, Castellanos had decided to frame himself not as a soldier claiming his rightful due but instead as a member of the deserving poor, someone in need of charity. The new subinspector-brigadier wrote a note highlighting this modification: “Now . . . he proposes the alternative to said rank, or a pension . . . as alms”; and Governor de las Casas also echoed that the petitioner sought a “pension as alms” to provide for his large family.³⁵ By appealing to the king’s good heart, Castellanos was set to demonstrate need instead of merit.

This case is riddled with inconsistencies, and the archive is silent on why Castellanos changed his textual persona. Castellanos’s claim to the rank of colonel lieutenant or equivalent compensation was unusual because this honor was exclusively reserved for white officers. In addition, by filing his request as a humble man in need of assistance, Castellanos assumed the official narrative of the legitimate poor, as the subinspector-brigadier emphasized, according to which the granting of alms depended on his need and on the generosity or whim of the colonial elites.³⁶ Yet in April 1797, when his cause was filed, admitted, and processed via the military, and he stood before a notary to hear the latter’s recommendation on how to proceed, the notary did not suggest he produce proof of hardship, as one might expect. Instead, the notary advised Castellanos to provide witnesses who could attest to the conditions related to the status he aspired to: his legitimate birth, his legitimate marriage as well as that of his parents, his good character, his service in the militia, his family’s condition as generations-old Christians with no Jewish blood, his residence as an employed local, and the satisfactory fulfillment of his professional duties as a barber.

The first part of the docket consists of notarized testimonials from notables such as the bishop, the priest lieutenant of the cathedral, the captain of the white militia battalion, the dean councilor of the town hall, and the captain of disciplinary militias of the *pardo* battalion of Bayamo, to name a few. They all testified to Castellanos’s legitimate birth and marriage and that he was a barber and Havana resident (*vecino*) with good conduct. The interim priest of the Havana Cathedral provided Manuel José’s 1746 baptism certificate, demonstrating his legitimacy. Castellanos evidently had an extensive network of friends willing to vouch for his trustworthiness and respectability. He added another attesting to the documents that he was wounded in a battle in 1772. Halfway through the manuscript, a series of scribes certify his origins. They also indicate that Manuel José paid 129.11 *maravedis* for notarial work, suggesting economic means and contradicting his claim to poverty.³⁷

Castellanos was discontented, however, with a report that focused only on his birth legitimacy. He took it upon himself to include additional information: a memorial that, years before, his father, Juan José, had composed and filed. Thus, the reader encounters

³⁴ “Y aunque reconozco que la primera parte de mi pedimento es exorbitante, no dudo en ratificar mi alternativa suplica . . . se digne concederme por via de Limosna una pension” José Castellanos. Grados,” 1798, SGU, LEG, doc. 6862,1, ff. 22–23, Archivo General de Simancas.

³⁵ “Ahora . . . propone la alternatiba del citado grado, o una pension . . . por via de limosna.” *Ibid.*, ff. 17–18.

³⁶ This was the case of Pedro Berdecía, a *pardo* battalion drummer, who requested retirement from active duty with a pension of four pesos, or half his salary. Berdecía pointed out his twenty-nine years of service and his physical impairments from war injuries. The subinspector managing his case considered it appropriate to grant him a pension for two reasons: first, it would relieve this class of individuals, the poorest in the neighborhood; and second, the government’s recognition would inspire others like him to enlist. “Pedro Berdecia. Retiros. Fuero.” 1798. AGS, SGU, LEG, 6862,2, ff. 7–10, Archivo General de Simancas.

³⁷ José Castellanos. Grados,” 1798, SGU, LEG, doc. 6862,1, ff. 25–71, Archivo General de Simancas.

two sets of documents: the set already described, and a second set dated 1755 that had been compiled and notarized by his father. These documents attested to his forerunners' merits, most notably those of Juan de Santiago, Manuel José's great-grandfather. We witness two generations of militiamen, father and son, fully invested in writing, notarizing, and archiving a family history of service to the crown. Going beyond official formulas that required him to demonstrate legitimate birth, Manuel José demonstrated the militia leadership of four generations of his family. What follows is a partial description of the second part of the docket.

In 1755, when Manuel José Castellanos's father, Juan José, was sergeant of a *partido* battalion, he too had filed a promotion request. Juan José asked that witnesses declare not only the legitimate birth of his father and legitimate marriage of his grandparents but also a number of other points, such as that his parents and grandparents were free and honorable *pardos*. Here is a partial reproduction of these pages:

[Because of his] capacity, and sufficiency [Juan de Santiago] was appointed by the Lord Governor of this emplacement (which was then) head of all the *naturales*, and *vecinos* of that Town, for subjugating, subduing, and governing them, while enjoying the salary of captain of His Majesty's Army . . . [and] when the invasion of this Plaza by the Enemies of the Royal Crown occurred, the said person my Grandfather personally defended with all his *naturales* subjects from said Town the place named Guaicavon fortress destined for those in similar cases to protect that post from the enemies' assault [and] whose participation of *naturales* amounted to more than three hundred men, and in the period of three months that the garrison of that post lasted, the said captain Juan de Santiago remained, and forced to remain all his people using his own money, and [paying] expenses without causing to his majesty (may God preserve) at the aforementioned time the slightest expenditure from which it is inferred the savings he earned in this event for the benefit of the Royal Treasure is considerable.³⁸

The grandson, Juan José, continues to indicate that upon their return, he, Juan de Santiago, also paid and arranged for the reconstruction of the local church, which had been destroyed. Witnesses in 1755 in fact corroborated those claims and that Juan José, had served in the militia for eleven uninterrupted years. In light of this, Juan José petitioned that his grandfather Juan de Santiago's contributions and his own be kept in mind when the authorities filled official vacancies. The docket includes a decree by a superior indicating that when the position of second lieutenant became vacant, Juan José be promoted and that the promotion be annotated in the official log of government and war. In 1797, Manuel José Castellanos included all these documents as part of his own petition.³⁹

Textual evidence shows that it is unlikely that Castellanos meant to demonstrate poverty. The values of vassalage, such as loyalty, service, and sacrifice for the Crown, inspired his petition for equal merit-equal recognition, and he filed seeking the rank or salary he thought he deserved. Yet by the mid-1790s, militia reforms in Cuba had taken

³⁸ “[Por su] capacidad, y suficiencia [Juan de Santiago] fue elegido por el señor Governador de esta plaza (que era entonces) cavasa de todos los naturales, y vecinos de aquel Pueblo subyugandoles, y sugetandoles, y governandolos, gozando el sueldo de un capitán de R¹ Exercito de su magestad. . . que quando susedio la imbacion de esta Plaza por los Enemigos de la Real corona asistió el dicho mi Abuelo personalmente con todos sus subditos naturales de dicho Pueblo al paraje nombrado Guaicavon fortaleza destinada para aquellos en iguales casos para defender por aquel puesto la entrada de Enemigos cuyo concurso de naturales pasaron de mas de trescientos hombres, y en el termino de tres meses que duró la Guarnición de aquel puesto se mantuvo el dicho capitán Juan de Santiago, y executo lo mismo con toda su gente de su propio peculeo, y expensas sin causar à su magestad (que Dios guarde) en el referido tiempo el mas leve costo de que se infiere q.^e es de consideración el ahorro que hizo en este hecho à la Real Hazienda.” *Ibid.*, ff. 30–32.

³⁹ *Ibid.*, ff. 80–156.

hold, and *pardo* soldiers knew their position was growing precarious. Castellanos changed his strategy and filed as a poor person needing assistance to appear unthreatening and possibly to protect himself from harm. Using this new litigant persona allowed administrators to ignore the military facts and focus instead on his claim to poverty. Thus, a year later, in 1798, Castellanos's case was rejected because he had failed to convince authorities of his *mendicidad*. It was declared that despite his family of eight, his barbershop income allowed him to own a house and a domestic enslaved servant.⁴⁰ Ultimately, and although the case was resolved as a false claim to poverty, what remains in the archive is a century-long narrative of one family's loyal service to the Crown.

Castellanos recovered, verified, and preserved his family history to call for equal treatment under equal merit by adopting a nonthreatening litigant persona. Still, not all *pardo* soldiers' activism was as peaceful. In fact, a shared desire for equal merit and treatment in line with colonial laws inspired two revolts in Bayamo, Cuba. In 1795, *pardo* soldier Nicolás Morales organized an armed conspiracy. Motivated by the mistaken belief that the royal decree of *gracias al sacar*, promulgated that February, had granted *pardos* equal access to public and church offices, Morales's armed demonstration aimed to force its implementation. In his view, it had been blocked by white Creoles and corrupt officials (Geggus 1997, 16–17; Childs 2006, 127; Chira 2022, 94, 103–104). Similarly, an 1810 revolt by *pardo* soldiers may have been inspired by article 23 of the *Proyecto de constitución*, written by one of the revolutionary leaders, Ignacio Infante, which declared the abolition of white inspectors and their power over the Black militias (Ferrer 2014, 263–264). Although Castellanos did not resort to violence to challenge the unequal application of the law, this case shows an awareness of unequal treatment that aligns with peer sentiments. It also demonstrates that becoming a historian to centralize *pardo* militiamen's past was another form of political activism.

Conclusions

In the Caribbean, mixed-race men had long enjoyed some privileges by serving in the militia. Bourbon military reforms eroded these men's societal status. The new regulations expanded the white military establishment and the participation of colonists of European descent. Responding to these changes, at least two *pardo* veterans learned to navigate the notarial and archival worlds. The two men attempted to influence the political transformations ushered in by militia regulations, making claims in the historical archive while protesting racist policies.

Maldonado spent years using the court and notarial systems to remind other militia members of the power they once enjoyed as a right. In 1775 he substantiated his claim to rank with autobiographical writings that reminded authorities that not only had men of color been loyal militiamen for generations; they also had once exercised real power. Through Castellanos's case, we witness generations of militiamen in the same family writing, notarizing, and archiving a past when *pardo* soldiers held powers vested in them by the government.

Such demands and reminders unnerved the military establishment, which responded by offering merely symbolic recognitions while working to reinstate racial hierarchies. These measures aimed to appease a population of color that had practiced the art of war with relative autonomy but whose accomplishments lost their value to colonial power brokers over time.

Attempts by *pardo* militiamen to reinstate that past were not tolerated. Maldonado, a veteran, dug into the archive to recover and reproduce old documents that reminded

⁴⁰ *ibid.*, ff. 4–7, and 13–14.

authorities that *pardo* and *moreno* men had served alongside whites, that commanders of color had been the ones to exercise power over their men, and that former governors had previously recognized privileges that were now being revoked. But he met with a series of bureaucratic interventions that transformed his public image from loyal to insubordinate to a scoundrel. He was imprisoned for inciting insubordination. As for Castellanos, the archive is silent about why he changed his initial litigant position to assume the persona of a poor man, not that of a veteran soldier, despite evidence that he was relatively prosperous. Perhaps he sensed that a nonbelligent tone was necessary and that the stock character of the poor humble man ensured that his writings would not be viewed as a threat. A claim for rank based on necessity, not merit, may have seemed like a way to pursue his petition while avoiding a fate like Maldonado's. Both men's writings prompted reactions among colonial officials who, while not completely erasing their voices, effectively subsumed them into the official narrative of racial hierarchies.

Maldonado and Castellanos drew on the past to influence the future of the Spanish Black Atlantic. At the core of their writing was a stronger call for equality that nonetheless originated squarely within Spanish legal traditions. Their many incursions into the notarial and court system record stories connected not to the history of the nation-state but to colonialism.⁴¹ Maldonado and Castellanos used the quill; others took up arms. Within the legal frame of coloniality, reactions to discriminatory policies and subsequent struggles for recognition were grounds for the liberal concepts of freedom, citizenship, and equality central to the next century's liberal revolutions in the Caribbean and the formation of the modern nation-state.

References

- Barcia, María del Carmen. 2009. *Los ilustres apellidos: Negros en La Habana colonial*. Havana: Ediciones Boloña.
- Burns, Kathryn. 2010. *Into the Archive: Writing and Power in Colonial Peru*. Durham, NC: Duke University Press.
- Childs, Matt. 2006. *The 1812 Aponte Rebellion in Cuba and the Struggle against Atlantic Slavery*. Chapel Hill: University of North Carolina Press.
- Chira, Adriana. 2022. *Patchwork Freedoms: Law, Slavery, and Race beyond Cuba's Plantations*. Cambridge: Cambridge University Press.
- Clark, Joseph. 2023. *Veracruz and the Caribbean in the Seventeenth Century*. Cambridge: Cambridge University Press.
- Deschamps, Pedro. 1976. *Los batallones de pardos y morenos libres*. Havana: Instituto Cubano del Libro.
- Ferrer, Ada. 2014. *Freedom's Mirror: Cuba and Haiti in the Age of Revolution*. New York: Cambridge University Press.
- Fuente, Alejandro de la. 2007. "Slave and the Creation of Legal Rights in Cuba: Coartación and Papel." *Hispanic American Historical Review* 87 (4): 659–692.
- Geggus, David Patrick. 1997. "Slavery, War, and Revolution in the Greater Caribbean, 1789–1815." In *A Turbulent Time: The French Revolution and the Greater Caribbean*, edited by David Barry Gaspar and David Patrick Geggus, 1–50. Bloomington: Indiana University Press.
- Graubart, Karen. 2021. "Pesa más la libertad: Slavery, Legal Claims, and the History of Afro Latin American Ideas." *William and Mary Quarterly* 78 (3): 427–458.
- Hoffman, Paul. 1980. *The Spanish Crown and the Defense of the Caribbean, 1535–1585: Precedent, Patrimonialism, and Royal Parsimony*. Baton Rouge: Louisiana State University Press.
- Jennings, Evelyn. 2020. *Constructing the Spanish Empire in Havana: State Slavery in Defense and Development, 1762–1835*. Baton Rouge: Louisiana State University Press.
- Johnson, Sherry. 2001. *The Social Transformation of Eighteenth-Century Cuba*. Gainesville: University Press of Florida.
- Klein, Herbert. 1966. "The Colored Militia of Cuba: 1568–1868." *Caribbean Studies* 6 (2): 17–27.
- Kuethe, Allan. 1986. *Cuba, 1753–1815: Crown, Military, and Society*. Knoxville: University of Tennessee Press.
- Landers, Jane. 2010. *Atlantic Creoles in the Age of Revolution*. Cambridge, MA: Harvard University Press.
- Marchena Fernández, Juan. 1992. *Ejército y milicias en el mundo colonial americano*. Madrid: Editorial MAFRE.
- Masters, Adrian. 2018. "A Thousand Visible Architects: Vassals, the Petition, the Response System, and the Creation of Spanish Imperial Caste Legislation." *Hispanic American Historical Review* 98 (3): 377–406.
- McAlister, Lile. 1957. *The "Fuero Militar" in New Spain, 1764–1800*. Gainesville: University of Florida Press.

⁴¹ For similar reflections, see Vinson (2000, 87–106) and Solano (2019, 43, 9–10).

- Mignolo, Walter. 2001. "Coloniality at Large: The Western Hemisphere in the Colonial Horizon of Modernity." *New Centennial Review* 1 (2): 19–54.
- Premo, Bianca. 2017. *The Enlightenment on Trial: Ordinary Litigants and Colonialism in the Spanish Empire*. New York: Oxford University Press.
- Reglamento para las milicias de infantería y caballería de la Isla de Cuba aprobado por S.M. 1793. Lima: Imprenta de la Real Casa de los Niños Expósitos. <https://repository.library.brown.edu/studio/item/bdr:15995/PDF/>.
- Schneider, Elena. 2018. *The Occupation of Havana: War, Trade, and Slavery in the Atlantic World*. Chapel Hill: University of North Carolina Press.
- Solano, Sergio Paolo. 2019. "Artesanos de color y milicias en el Caribe continental hispánico: Reflexiones acerca de la cultura política de los 'libres de color' a finales del dominio colonial." In *Artesanos de dos mundos: Diálogos y problemas de investigación*, edited by Alcides Beretta Curi, 7–53. Montevideo: Universidad de la República.
- Suárez, Santiago Gerardo. 1984. *Las milicias: Instituciones militares latinoamericanas*. Caracas: Academia Nacional de la Historia.
- Twinam, Ann. 2015. *Purchasing Whiteness: Pardos, Mulattos, and the Quest for Social Mobility in the Spanish Indies*. Stanford, CA: Stanford University Press.
- Vinson, Ben, CA. 2000. "Los milicianos pardos y la construcción de la raza en el México colonial." *Signos Históricos* 2 (4): 87–106.
- Vinson, Ben, III. 2001. *Bearing Arms for His Majesty: The Free-Colored Militia in Colonial Mexico*. Stanford, CA: Stanford University Press.
- Vinson, Ben, III. 2004. "Articulating Space: The Free-Colored Military Establishment in Colonial Mexico from the Conquest to Independence." *Callaloo* 27 (1): 150–171.

Ana Hontanilla is a Professor of Spanish in the Department of Languages, Literatures, and Cultures at the University of North Carolina Greensboro. She graduated with a law degree from Universidad Complutense (1991) and received her PhD in Hispanic language and literature from Washington University in St. Louis (2002). Her articles have appeared in national and international peer-reviewed journals, such as *Eighteenth-Century Studies*, *Revista de Estudios Hispánicos*, and *Cuaderno de Estudios del Siglo XVIII*, as well as in volumes published by De Gruyter, Vittorio Klostermann, and Honoré Champion Éditeur. She has received fellowships from the John Carter Brown and Newberry Libraries.