

Protecting Foreigners: The Refugee Crisis on the Belize–Yucatán Border, 1847–71

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When troubles erupted in Yucatán in July 1847 between Maya groups and the Mexican state, thousands of individuals crossed the Hondo River, which served as the boundary between Mexico and Belize.¹ The United States consul estimated that 7,000 people crossed the river in the first year of the conflict.² They escaped what became known as the Caste War, a decades-long struggle that would devastate the region until 1901. This population movement dramatically altered the demographics of a territory that went from 10,000 inhabitants in 1840 to more than 25,000 in 1861. Of these 25,000, 57% were not born in Belize; and 85% of these foreign-born inhabitants came from the neighboring republics of Mexico and Guatemala.³ In the two decades after the beginning of the war, local officials anxiously experimented with sometimes contradictory policies

1. Until the name of the colony changed from British Honduras to Belize in 1973, the name “Belize” referred to the town of Belize on the Caribbean coast. In this article, the name “Belize” refers to the territory of British Honduras and present-day Belize. On the Caste War, see Terry Rugeley, *Rebellion Now and Forever: Mayas, Hispanics, and Caste War Violence in Yucatán, 1800–1880* (Stanford: Stanford University Press, 2009); and Don E. Dumond, *The Machete and the Cross: Campesino Rebellion in Yucatán* (Lincoln: University of Nebraska Press, 1997). For a summary of the historiography, see Michele McArdle Stephens, “Caste Wars in Yucatán,” *Oxford Research Encyclopedia of Latin American History*, 2017. <https://oxfordre.com/latinamericanhistory/view/10.1093/acrefore/9780199366439.001.0001/acrefore-9780199366439-e-386> (accessed October 2, 2019).

2. Christopher Hempstead to James Buchanan, May 26, 1848, Despatches from United States consuls in Belize, 1847–1906, Records of the Department of State, National Archives and Records Service, Washington D.C. (hereafter NARA), National Archives Microfilm Publication T334, roll 1.

3. O. Nigel Bolland, *The Formation of a Colonial Society: Belize, from Conquest to Crown Colony* (Baltimore: Johns Hopkins University Press, 1977), 4.

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to govern a population of foreigners. They regarded these multi-ethnic and alien newcomers with a mix of suspicion, fear, and sympathy.

At the time of the outbreak of the Caste War, Belize had an ambiguous status within the British Empire. It was a settlement that was, as the Murders Abroad Act of 1817 phrased it, “in the possession and under the Protection” of the crown but not formally annexed to the empire as a territory or a colony.⁴ On the other side of the Atlantic Ocean, the British government regarded Belize as a wilderness outpost of little interest to the empire. Belize was also a European settlement surrounded by independent Latin American republics. To add to this ambiguous status, its borders had long been contested between the British settlers and Spain, followed by the newly constituted republics of Mexico and Guatemala.

Far from being peripheral or anomalous, however, mid-nineteenth-century Belize suggests new ways of thinking about imperial expansion, emphasizing the role of local actors and cross-border migrations. Responses to migration movements could produce political, legal, and spatial geographies, while furthering imperial economic and material interests.⁵ This “refugee crisis” became an opportunity to assert colonial control and reshape the interface between the metropole and the settlement. What happened in Belize between the start of the war in 1847 and the transition to colonial status in 1862 and then to crown colony in 1871 was part of a broader discussion around the notion of refugees in the mid-nineteenth-century British Atlantic world. At the time of the Caste War, ideas about protection and asylum were undergoing a transformation in the metropole. Although no set of agreed principles existed, Britain’s liberal ideology framed refugees as particularly worthy of sympathy and protection in a way that other foreigners or migrants were not.

The “refugee” category, first applied to French Huguenots fleeing Catholic absolutism in the late seventeenth century, now encompassed those who fled wars and revolutions on the continent. Whether it was a deliberate enthusiasm for refugee humanitarianism, as Caroline Shaw argues, or an unintended byproduct of liberal precepts as Bernard Porter believes, Britain had adopted an open-door policy.⁶ At the same time, an expansionist liberal ideology endowed British state representatives abroad with the responsibility to “protect” those considered less fortunate:

4. Acts of Parliament, 57 Geo. III, chap. 53, 1817.

5. M. Bianet Castellanos, “Introduction: Settler Colonialism in Latin America,” *American Quarterly* 69 (2017): 777–81.

6. Bernard Porter, *The Refugee Question in Mid-Victorian Britain* (Cambridge: Cambridge University Press, 1979); and Caroline Shaw, *Britannia’s Embrace. Modern Humanitarianism and the Imperial Origins of Refugee Relief* (Oxford and New York: Oxford University Press, 2015).

Africans liberated from the slave trade or indigenous people. Unlike Europeans in Britain, these groups were rarely classified as refugees but rather as passive victims.⁷ This discourse carried global legal significance: it positioned English law as the defense against disorder and arbitrariness and was often used to justify territorial expansion.

The open-door policy and the responsibility to protect were put to the test in the 1850s. Near the same time that thousands of Yucatecans began to settle in Belize, there were refugee crises in other parts of the empire. The British authorities turned away Italian republicans from Malta in the Mediterranean and French refugees from Jersey in the Channel Islands. These crises prompted refugees and their supporters in England to push for a more universal right of protection than before.⁸ The response to the refugee crisis in Belize provides valuable insight into how metropolitan ideas around protection and asylum were interpreted and implemented abroad.

However, Belize was an unusual case within the broader imperial order. To begin with, unlike in other refugee crises in the 1850s, Belize let thousands settle in its territory. The decision might have been practical, because the local administration was too weak to police imprecise borders, but it eventually became a defining moment that proved central to the transition from settlement to colony. Even though the administration was anxious about incorporating a multi-ethnic population, they embedded this humanitarian discourse around refuge within broader discussions of Belize's legal, economic, and political destiny.

Furthermore, in contrast to British narratives that cast the figure of the refugee as almost exclusively white and male, the Yucatecans who

7. C.R. Pennel, "The Origins of the Foreign Jurisdiction Act and the Extension of British Sovereignty," *Historical Research* 83 (2010): 465–85; Josiah Kaplan and Brownen Everill, eds., *The History and Practice of Humanitarian Intervention and Aid in Africa* (London: Palgrave Macmillan, 2013); Richard Huzzey, *Freedom Burning: Anti-Slavery and Empire in Victorian Britain* (Ithaca, NY: Cornell University Press, 2012); Jenny S. Martinez, *The Slave Trade and the Origins of International Human Rights Law* (Oxford and New York: Oxford University Press, 2011); Fae Dussart and Alan Lester, *Colonization and the Origins of Humanitarian Governance: Protecting Aborigines Across the Nineteenth-Century British Empire* (Cambridge: Cambridge University Press, 2014); Luke Glanville, *Sovereignty and the Responsibility to Protect: A New History* (Chicago: University of Chicago Press, 2014); Lauren Benton, Bain Atwood, and Adam Clulow, eds., *Protection and Empire: A Global History* (Cambridge: Cambridge University Press, 2017); and Matthew Hilton, Emily Baughan, Eleanor Davey, Bronwen Everill, Kevin O'Sullivan, and Tehila Sasson, "History and Humanitarianism: A Conversation," *Past & Present* 241 (2018): 1–38.

8. Caroline Shaw, "Success in a Failed Campaign: The French Refugees of Jersey and the Making of an Abstract 'Right to Refuge,'" *Journal of British Studies* 57 (2018): 493–515.

moved to Belize were an ethnically mixed group that included many families.⁹ Some were of European descent and described as Hispanic or Spanish, but the vast majority were of indigenous (Maya) or mixed (mestizo) descent. In 1861, Maya and mestizo ethnic groups accounted for 57% of Belize's population and 86% of those living near the northern border.¹⁰ All refugees were not created equal. Caroline Shaw contends that the mid-nineteenth-century humanitarian moment was "robust enough to include foreigners of all political, social, religious, and race background," but although the category of refugee became universal and inclusive, the treatment of refugees varied greatly in Britain's overseas possessions.¹¹ The Belize refugee crisis reveals what happened when refugees were not white settlers. As the number of Maya among the refugees grew, the government began to regard the refugee crisis as a race crisis.

Through trials and error, with a mix of paternalism and legal maneuvering, the authorities found ways to incorporate and gain control over these new groups. Although they were valuable additions to the economy and unlocked the settlement's agricultural potential, the legislation excluded them from land ownership and political representation. By placing them under British protection, the administration claimed jurisdiction over foreign bodies, or what Lisa Ford has termed "settler sovereignty."¹² Turning migrants into refugees placed an additional burden on the newcomers: they had to demonstrate loyalty and obedience to the political and legal system that was supposed to protect them. The label of "refugee" was not only an opportunity to showcase British liberal and humanitarian values, it also became a way to control the Yucatecans, especially the Maya. Acts or behaviors deemed ungrateful or subversive justified disenfranchisement; the line between worthy and unworthy refugees was blurred, especially after Belize received the full support of the empire.¹³

This article builds on three strands of scholarship. First, as a study of the complexities involved in making claims to sovereignty in a quasi-colony, it adds to the growing research on the international turn taken in legal history

9. Shaw, *Britannia's Embrace*, 6–7, 80.

10. Bolland, *Formation*, 4.

11. Shaw, *Britannia's Embrace*, 74–75; see also ch. 4, 5, and 7.

12. Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788–1836* (Cambridge, MA: Harvard University Press, 2010); and Rosa Torras Conangla, "Los refugiados mayas yucatecos en la colonización de El Petén: Vicisitudes de una frontera," *Boletín Americanista* 2 (2014): 15–32.

13. On this question of worthy and unworthy refugees today, Didier Fassin argues that debates about refugees have shifted from a legal question of rights to a moral question of favor, "The Precarious Truth of Asylum," *Public Culture* 25 (2013): 39–63.

and connects it to the Belizean Caste War.¹⁴ The population movement this provoked gave local officials the opportunity to shore up their sovereignty claims and portray themselves as protectors of British liberal principles in Central America. The response to the refugee crisis in the early years of the Caste War played a major role in securing the eventual declaration of colonial status in 1862.

Second, as a political and legal study of a contested space characterized by unclear jurisdiction and the resulting fluidity, this article draws on insights from borderlands scholars to show the importance of border regions in the construction of empires, because “the true laboratory of modern political thought is located not in Europe but in the space in between the metropole and the colony.”¹⁵ Executive and legislative representatives, particularly the superintendent and the chief justice, had tenuous control over a socially fragmented territory where many groups, ranging from Creole landowning merchants to woodcutters, refugees, Maya rebels, and military personnel, often questioned their authority and disagreed over the administration of the settlement. Many white British inhabitants embraced the settlement’s special status and were wary of direct forms of rule. Yucatecans often had little interest in playing the role of the good and compliant refugee: some continued to be involved in the conflicts on the Mexican side of the border while others wanted to be self-sufficient and interact with British institutions and employers as little as possible. The weakness of public institutions, labor shortages, contested borders, and the massive population movement in the wake of the Caste War all shaped the history of early imperial formation in Belize.

Third, although several scholars have covered the Caste War period in Belize and considered how this large-scale movement of people irreversibly altered the settlement’s demographic composition, they often neglect

14. Lauren Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800–1850* (Cambridge, MA: Harvard University Press, 2016), 145–49; Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005); Shaunnagh Dorsett, “Traveling Laws: Buton and the Draft act for the Protection and Amelioration of the Aborigines 1838,” in *Legal Histories of the British Empire: Laws, Entanglements, and Legacies*, ed. Shannaugh Dorsett and John McLaren (New York: Routledge, 2014), 171–86; and Jennifer Pitts, “Empire and Legal Universalisms in the Eighteenth Century,” *American Historical Review* 117 (2012), 92–121.

15. Adam Sitze, “Foreword,” in Carlo Galli, *Political Spaces and Global War*, ed. Adam Sitze and trans. Elisabeth Fay (Minneapolis: University of Minnesota Press, 2010), xxii. An excellent overview is Fabricio Prado, “The Fringes of Empires: Recent Scholarship on Colonial Frontiers and Borderlands in Latin America,” *History Compass* 10 (2012): 318–33.

its impact on the legal and political landscape.¹⁶ By highlighting the discourse around asylum and protection in a border region, this article shows how it consolidated white settler colonialism and the integration of imperial power. There has been no previous study on the role of Chief Justice Robert Temple (1843–61), who used the population movement to strengthen English law in the settlement and to push for colonial status.

Protecting the refugee population was not merely intended to show that Belize epitomized British values and should therefore become a colony, but also to ensure, through colonial control, the extraction of resources, especially the refugees' agricultural labor. As a response to this movement of people across the border, local officials articulated a humanitarian discourse that pursued three concomitant objectives. The first was to extend and secure British sovereignty and jurisdiction over this contested territory and all those living in it, including non-British subjects. The second was to legitimize British administration both locally, toward a diverse and sometimes hostile population, and internationally, as part of a broader British humanitarian and expansionist moment. The third was to buttress claims for formal colonial status within the British Empire by putting in place a system that facilitated the disenfranchisement of refugees.

Building a Colony

When the first refugees of the Caste War arrived in 1847, Belizean officials had been striving to reform the contours of the political and legal system of the settlement for more than two decades. Belize was governed by a mix of local customs and English laws that was representative of the

16. The main analysis is O. Nigel Bolland, *Colonialism and Resistance in Belize. Essays in Historical Sociology* (1988. Reprint, Belize: Cubola, 2003), 100–15, whose ethno-historical approach focuses on Maya resistance to the British. See also Angel Eduardo Cal, "Anglo Maya Contact in Northern Belize: A Study of British Policy toward the Maya during the Caste War of Yucatán, 1847–1872" (Master's thesis, University of Calgary, 1983), which explores how local authorities supported the Santa Cruz Maya in their fight against the state of Yucatán and the Icaiche Maya; Elisabeth Cunin and Odile Hoffman, "From Colonial Domination to the Making of the Nation: Ethno-Racial Categories in Censuses and Reports and their Political Uses in Belize, 19th-20th Centuries," *Caribbean Studies* 41 (2013): 31–60, looks at processes of racial-ethnic classification; Rajeshwari Dutt, "Business as Usual: Maya and Merchants on Yucatan-Belize border at the Onset of the Caste War," *The Americas* 74 (2017): 201–26, shows that merchants and traders influenced British policies toward the frontier. See also Dutt's *Empire on Edge: The British Struggle for Order in Belize during Yucatán's Caste War, 1847–1901* (Cambridge: Cambridge University Press, 2020).

improvisational nature of colonial or proto-colonial projects in the eighteenth and nineteenth centuries.¹⁷ The original settlers of the Bay of Honduras, called “Baymen,” dominated all forms of government. Their profits came from logwood and mahogany extracted by enslaved Africans. The local elite of Baymen and wood traders ruled as what a superintendent called “a very arbitrary aristocracy.”¹⁸

In 1786, the British government appointed a superintendent to govern the territory and represent its authority locally, but a minority of wealthy white inhabitants, drawn mainly from the mahogany business, continued to dominate local government through the Public Meeting, which elected magistrates overseeing the settlement’s administration. Tensions ran high among different actors.¹⁹ In 1820, the superintendent arrested Major Thomas Bradley when he tried to take over command of the garrison. Bradley presented a petition to Parliament and charged the superintendent with usurping his power “in an inhuman and revolting manner.”²⁰ Despite repeated demands from local authorities, the secretary of state for the colonies refused to establish criminal courts in the settlement, arguing that the crown had no territorial rights.²¹

Efforts to restructure Belize’s legal landscape began as a result of an 1825 visit by royal commissioners sent to investigate criminal and civil justice in the Caribbean.²² The commissioners recommended the extension of royal courts into the territory of Honduras.²³ Policy makers nevertheless remained cautious. The Colonial Office feared antagonizing Belize’s neighbors, Mexico and Guatemala, which had secured their independence from Spain.²⁴ A mix of usage and custom continued in place until 1839, when a new superintendent declared that the law of England was the

17. Herbert Curry, “British Honduras: From Public Meeting to Crown Colony,” *The Americas* 13 (1956): 27–28; and Brendan Gillis, *The Specter of Peace* (Leiden: Brill, 2018), 10–12.

18. Superintendent Despard, “Narrative,” 1790, The National Archives U.K. (hereafter TNA) CO 123/10.

19. Bolland, *Colonialism*, 37; and Curry, “British Honduras,” 39–40.

20. Superintendent and Commandant George Arthur to Lord Bathurst, Secretary of State for the Colonies, March 9, 1822, British Honduras papers, Cambridge University, Archives of the Royal Commonwealth Society (hereafter RCS/RCMS) 270, box 2.

21. Curry, “British Honduras,” 38.

22. *Ibid.*

23. Criminal and Civil Justice in the West Indies and South America, 2nd series, 3rd report, Parliamentary Papers, vol. 24, No. 3334, session 1829, 14.

24. Colonial Office, April 28, 1849, TNA, CO 123/57.

only law in Belize.²⁵ In practice, the superintendent struggled to find magistrates or people with legal training.²⁶

The 1840s were a decade of reconfiguration within the British Empire, as the idea of a liberal imperial mission became embedded in British national identity. In the Pacific, the islands of what became New Zealand were officially annexed in 1840 and opened to direct settlement. The British sphere of influence extended in the Mediterranean to Malta and the Ionian Islands. The latter were not formally annexed to the empire but were protectorates, with a status similar to that of the settlement of Belize: Britain did not have full sovereignty over the territory, but had extensive rights over the people and could apply English law. Resistance groups in the Ionian Islands began to contest British control in the 1840s.²⁷ Although settlers in Belize did not resist the British Empire in the way that other colonies and protectorates did, they opposed attempts to standardize the political and legal landscape.

In 1841, a group of settlers sent memorials to Parliament and the secretary of state for the colonies wishing to protect their autonomy. The petitioners defended their rights to enact their laws and to decide on their taxes. They based their demands on their continuing efforts as British subjects to create “an extended territory of our Mother Country [thanks to] the enterprising spirit of Mercantile adventure, more than to conquest and diplomacy.” They celebrated their success in turning Belize from “a few wretched huts” into a flourishing trading center. The laws of England were applied, the petitioners explained, “except in some few cases where the constructions of society and circumstances purely local rendered a deviation from them unavoidable.” Playing on this image of a frontier society, petitioners wanted to remain, they stressed, “loyal yet free—obedient yet independent.”²⁸ Faced with this resistance, the secretary of state for the colonies advised the superintendent to respect the “peculiar circumstances” of the settlement. He nevertheless decided to send a competent judge to Belize as soon as possible.²⁹

25. Archibald Gibbs, *British Honduras: An Historical and Descriptive Account of the Colony from its Settlement* (London: S. Low, Marston, Searle, & Rivington, 1883), 667.

26. Minutes of September 22, 1841, TNA, CO 267/164.

27. David Hannell, “The Ionian Islands under the British Protectorate: Social and Economic Problems,” *Journal of Modern Greek Studies* 7 (1989): 105–32.

28. “Memorial,” *Honduras Observer* (March 10, 1841), 1–2.

29. Lord John Russell to Colonel Alexander MacDonald, February 8, 1842, TNA, CO 124/5.

Two new administrators arrived in 1843: a new superintendent, Charles St. John Fancourt, a conservative politician, and the first chief justice of the settlement, Robert Temple, a barrister.³⁰ Their efforts to reform the political and legal system coincided with the outbreak of the Caste War in 1847. Temple, in particular, became instrumental in fashioning Belizean legal policy as a response to the large influx of foreigners. He might have been praised by policy makers in London as “the perfect representative of the rigour of the law in a place where there was no law,” but he provoked the ire of white settlers who opposed direct rule from England and sometimes clashed with the ever-revolving cast of superintendents (with four different incumbents between 1840 and 1862).³¹ Despite these challenges, Temple set out to transform Belize.

The flow of migrants from Yucatán elicited a rethinking of the relationship among international principles, local law, and English law. In the seventeenth century, the jurist Edward Coke observed that nations were “sanctuaries for servants or subjects flying for safety from one kingdom to another.”³² Temple decided to apply what he saw as core concepts of both English and international law to Belize. Three principles guided his policy toward those who crossed the border: neutrality, hospitality, and protection. Drawing on early modern legal theorists Hugo Grotius and Samuel von Pufendorf, Temple articulated Belize’s status as “a neutral state” in a Supreme Court decision in 1848. Belize, as a “civilized nation,” had no right to interfere in the Caste War. Temple went further: neutrality implied the right of hospitality and the right of hospitality, in turn, meant protection.³³ His argumentation on behalf of the refugees was part and parcel of a wider Atlantic debate on the responsibility to protect.³⁴

Belize’s treatment of refugees, as Temple saw it, was a litmus test for Belize’s status as a “civilized” state in both the British world and the international community. He addressed two issues: the right to apply English law in the gray zone that was Belize and the limits of this jurisdiction. On the first matter, Temple insisted on British rights through settlement: “British Honduras is not a ceased or a conquered colony,” he announced,

30. Lindsay Bristowe and Philip Wright, *The Handbook of British Honduras for 1888–1889* (London: William Blackwood and Sons, 1888), 32.

31. Cited in David Fieldhouse, ed., *Select Documents on the Constitutional and the Constitutional History of the British Empire and Commonwealth* (New York and London: Greenwood Press, 1985), 235; and Gibbs, *British Honduras*, 106.

32. Sir Edward Coke, *The Third Part of the Institutes of the Laws of England* (London: W. Clarke, 1809), 180.

33. Supreme Court of British Honduras, Temple’s charge to the jury, August 22, 1848, RCS/RCMS 268/1.

34. Dussart and Lester, *Colonization*, 37–76.

“it is a *settled colony*—and title to it . . . by *occupation*.”³⁵ In addition to drawing on the works of scholars of international law, Temple turned to English legal principles and the seventeenth-century expert on common law, Matthew Hale: “To kill an enemy in England is murder.”³⁶ He then turned to precedents and the 1817 Murders Abroad Act, which declared that offenders would be tried in the settlement of Belize.³⁷ Temple concluded that no distinction should be made between subjects and foreigners even in territories that were not formally part of the empire. When two British settlers murdered the “Spaniard” Antonio Cruz, Temple told the grand jury that Cruz was “as much entitled to the protection of [Her Majesty’s] laws, as any of her subjects.”³⁸ The Supreme Court decided in 1848 that all crimes committed in the settlement should be tried in Belize.³⁹

While asserting the principles of neutrality, hospitality, and protection, Temple still had to resolve a second issue: Belize had unclear boundaries. Anglo-Spanish treaties of 1783 and 1786 had established British rights to settle between the Sibun and Hondo rivers. After Mexico and Central America secured their independence from Spain, Britain negotiated a treaty with Mexico in 1826 recognizing the Hondo River as a border. This river was at the heart of territorial contests among British, Mexican, and Maya groups (Chan Santa Cruz, Icaiche, and other indigenous and mestizo groups).⁴⁰ Turning once again to Hugo Grotius, Temple asserted that the boundaries and limits of countries followed windings of rivers, extending the “laws of that country and the authority of its rulers . . . to an imaginary line in mid-stream.”⁴¹

35. Supreme Court of British Honduras, Temple’s charge to the jury, August 22, 1848, RCS/RCMS 268/1. Emphasis in the original.

36. *Ibid.*

37. Act of Parliament 59 Geo. III chap. 44, 1817. This act was supplemented by the Trials of Murders, Manslaughters, Rapes, Robberies, and Burglaries committed in Honduras Act in 1819, Act of Parliament 59 Geo. III, chap. 44, 1819.

38. Report of Trial of October 17, 1846, RCS/RCMS 269/22.

39. Supreme Court of British Honduras, Temple’s charge to the jury, August 22, 1848, RCS/RCMS 268/2.

40. Laura Caso Barrera and Mario M. Aliphat Fernández, “De antiguos territorios coloniales a nuevas fronteras republicanas: la Guerra de Castas y los límites del suroeste de México, 1821–1893,” *Historia Crítica* 59 (2016): 81–100; and Christine Kray and Jason Yaeger, “Re-Centering the Narrative: British Colonial Memory and the San Pedro Maya,” in *Archaeology of the British Empire in Latin America*, ed. Charles E. Orser, Jr. (New York: Springer, 2019), 73–97.

41. Supreme Court of British Honduras, Temple’s charge to the jury, August 22, 1848, RCS/RCMS 268/2.

As a result of Temple's argumentation, most legal cases in this period centered on the territorial limits of British jurisdiction, especially for crimes committed around the Hondo River. Witnesses were called to court to explain the locations of the crimes: where shots were fired, where blows were made, and where men died. This imaginary line in the middle of the river gained paramount importance. In at least two cases, the jury decided that the crime was committed on the Mexican side and was therefore out of the jurisdiction of the Belizean court.⁴² In both cases, the murder victims were anonymous, merely described as "Indians" in the trial records. Temple appointed a magistrate to the Northern District in 1849, 2 years after the first refugees had arrived from Yucatán.⁴³

Boundary disputes emerged once again in 1854 when the Mexican Minister in London complained that British settlers had illegally extended their properties across the Hondo River, and he claimed compensation for the usurpation of land.⁴⁴ The Colonial Office replied that neither government could ascertain the exact boundaries between Belize and Mexico. Although they did not encourage trespass on Mexican property, they refused to fund a survey.⁴⁵ The encroachment complains were nevertheless forwarded to the superintendent of Belize who stressed the practical difficulties of surveying the boundaries of Honduras; he also warned about potential trouble with Indian inhabitants, who considered this territory theirs.⁴⁶

The authorities strove to extend not only British jurisdiction over individuals coming from Yucatán, but also diplomatic protection. When two Yucatecans staying in the border town of Ramonal were abducted by Maya rebels and taken across the river to the Mexican side, the authorities were outraged at this disrespect of British sovereignty.⁴⁷ The kidnapped men lived under the protection of English law. The coroner of Belize sought help from a Maya commandant to rescue the two men and punish the kidnappers. The commandant ordered one of the kidnappers to be shot

42. *Queen vs. Rafael Monteil and Domingo Martinez*, for murder of an Indian, name unknown; *Queen vs. Juan Micanor Oliear, and Domingo Martinez*, for murder of an Indian, name unknown, August 22, 1848, RCS/RCMS 268/2.

43. Luke Smyth O'Connor, "An Exploring Ramble Among the Indios Bravos, in British Honduras," *Littell's Living Age* 34 (1852): 513.

44. Mexican Minister to Clarendon, May 16, 1853, TNA, FO 50/272.

45. Clarendon to Consul of Mexico, July 4, 1854, TNA, FO 50/272.

46. Superintendent to Lieutenant Governor of Jamaica, September 16, 1854, TNA, CO 123/89 and Governor of Jamaica to Lord Grey, October 4, 1854, TNA, CO 123/89.

47. Cited in Dutt, "Business as Usual," 218.

for disrespecting Belize's right of asylum and disobeying his orders. The coroner was pleased and reported, "this painful proceeding [shows] how rapidly these people punish those who offend the English or those who live under the protection of their flag. I sincerely hope it will prove conducive to promoting the happiness of the Spaniards who have immigrated into this settlement for protection."⁴⁸ The authorities wanted to send a clear message: Belize was a place of safety and equity and all inhabitants were under the exclusive protection of English laws.

Rivers were not Chief Justice Temple's only concern in his campaign to standardize the legal landscape of the settlement. High seas were also uncharted spaces. In a piracy case brought against three Mexican citizens in 1848, Temple remarked that Belize courts did not have admiralty jurisdiction and had to send the prisoners as well as the witnesses to Jamaica, which had an admiralty court. This loophole was particularly outrageous, Temple noted, considering the large number of vessels passing off the coast of Belize. In response to protests by Temple and other administrators in the British world, the government passed the Admiralty Offences Act in August 1849 granting all courts in the British colonies jurisdiction over admiralty offenses, including "any person" charged with crimes committed upon seas, rivers, or creeks. After the act arrived in Jamaica, it was carried to Belize on the same ship that brought the prisoners back to be tried for piracy.⁴⁹ Although Belize was still a settlement and not a colony, Temple's strategy to secure admiralty jurisdiction within the borders of Honduras moved the settlement closer to colonial status.

By 1850, policy makers in England had finally decided that the settlement had become part of the dominions of Britain.⁵⁰ In 1852, the writ of habeas corpus was made available to the settlement. In 1853, an act disbanded the Public Meeting, which had been in place for approximately a century, and introduced a new Legislative Assembly. This constitutional reform gave the Colonial Office, through the superintendent, greater power. The superintendent could draw up legislation and give or withhold consent to bills introduced by the Legislative Assembly. A formal constitution was drawn up in London and submitted to local authorities who ratified it in 1854. The new constitution gave Belize the form of a British West Indian colony, but the British government still refused to proclaim the settlement a colony.⁵¹ In 1855, the jurisdiction of the Supreme Court

48. *Ibid.*

49. Supreme Court, Case for piracy upon high seas, October 1850, RCS/RCMS 268/3.

50. Parkinson to Lord Grey, November 16, 1852, TNA, CO 123/85.

51. Curry, "British Honduras," 41.

was enlarged with a criminal jurisdiction and legislation identical with the English system.

Legislative and executive authorities in Belize not only attempted to monopolize sovereignty and consolidate power within the frontiers of the settlement, but also sought to integrate Yucatecans by embracing the idea of trusteeship, popular with the British Colonial Office at the time.⁵² After the formation of the Aborigines Protection Society in 1836, a parliamentary committee suggested measures to secure protection, civilization, and justice for native people.⁵³ Officials in Belize regarded Yucatecans both as a population to protect and enlighten and as a solution to the economic needs of the settlement. Edmund Burke, a magistrate in the Northern District, noted that the migrants grew corn, tobacco, and sugarcane. He predicted that this work, combined with education and Anglicization, would “elevate” them to “their proper rank in the scale of civilization.”⁵⁴ The authorities noted that Maya refugees engaged in mahogany cutting or independent farming, while mestizos had imported their much-valued sugarcane expertise. However, the administration worried about how best to access and capitalize on these resources. Land and population control were sources of anxiety. In the decade following the beginning of the Caste War, British officials held onto the hope that the newcomers were the answers to the settlement’s labor and agricultural problems as long as they could be molded into productive and obedient subjects.

A City of Refuge

Foreigners crossing the border into Belize was not a new phenomenon. People had been moving back and forth since the eighteenth century. Some British refugees in the late eighteenth century even took refuge in Yucatán, fleeing mistreatment in logging camps or persecution because they were Catholic.⁵⁵ Until the Caste War, Belize had adopted a hostile policy toward migrants with regulations in 1812, 1814, 1815, and 1820 prohibiting foreigners to reside in the settlement without permission. The

52. On colonial humanitarian governance in Honduras, see Dussart and Lester, *Colonization*, 45–60.

53. Andrew Porter, “Trusteeship, Antislavery and Humanitarianism,” in *The Oxford History of the British Empire, Volume III: The Nineteenth Century*, ed. Andrew Porter (Oxford and New York: Oxford University Press, 1999), 3:198–221.

54. Edmund Burke to William Stevenson, May 28, 1855, TNA, CO 123/90.

55. Matthew Restall, “Crossing to Safety? Frontier Flight in Eighteenth-Century Belize and Yucatán,” *Hispanic American Historical Review* 94 (2014): 409–11.

superintendent often complained to the magistrates that these regulations were ignored: “the settlement is quite infested with vagrant Spaniards and other Foreigners who are first illegally introduced, and then no less illegally employed.” He demanded help to expel these illegal migrants and to prosecute the British settlers who sheltered or employed them. The Baymen, who controlled the Public Meeting and needed cheap labor in logging camps, ignored these demands.⁵⁶

By the time the conflicts in Yucatán began in 1847, the dissolution of the Public Meeting had consolidated political and legal powers in the hands of the superintendent and the chief justice. Yet now that these officials had greater power than ever before to implement a more restrictive regulation of the borders, they instead constructed a political and legal argumentation defending Yucatecans as refugees and emphasizing the British responsibility to protect them. This line of reasoning resulted from a mix of practical and ideological concerns.

Their open-door policy was, in the first instance, a result of the vulnerability of the settlement: Belize lacked a standing army to defend its borders and depended on the goodwill of the British authorities in Jamaica—3–7 days away—for protection. Unable to control the massive influx of Yucatecans, an open-door policy was the pragmatic option. A Baptist missionary noted that the Maya refugees “have asked for British protection, if not incorporation.”⁵⁷ The fear that the hostilities of the Caste War would spill over the border remained ever present.

A second factor was economic. Both authorities and landowners soon regarded Yucatecans as a way to develop agriculture for export and domestic consumption especially as mahogany prices, then the main source of income for the settlement, were falling. In 1848, the superintendent placed a commercial agent on the border to advise “the Indians with a view of leading them to peaceful and industrial occupations.”⁵⁸ Many refugees were farmers and started to cultivate sugar and other crops in the Northern District.⁵⁹ Chief Justice Temple noted that the newcomers

56. Lieutenant Governor to Magistrates, January 9, 1822, RCSM 270/48.

57. Frederick Crow, *The Gospel in Central America* (London: Charles Gilpin, 1850), 470. On missionaries and humanitarianism in other parts of the empire, especially Sierra Leone, see, for example, Bronwen Everill, “Bridgeheads of Empire? Liberated African Missionaries in West Africa,” *Journal of Imperial and Commonwealth History* 41 (2012): 789–805; and Padraic X Scanlan, “The Colonial Rebirth of British Anti-Slavery: The Liberated African Villages of Sierra Leone, 1815–1823,” *The American Historical Review* 121 (2016): 1085–113.

58. Hempstead to Bachanan, July 29, 1848, Despatches from United States consuls in Belize, NARA, T334, roll 1.

59. Superintendent to Governor of Jamaica, July 16, 1857, TNA, FO 39/3.

brought their tobacco-growing skills and knowledge with them; he hoped that, “as good tobacco might be produced in Honduras as . . . in Cuba.”⁶⁰

A third factor in the adoption of an open-door policy was international diplomacy. White Yucatecan elites reached out to the United States for support against the Mexican government. United States President James Polk considered the idea of annexing Yucatán.⁶¹ The U.S. government was interested in the region. The United States consul in Belize interceded with local authorities to help white Yucatecans. He wrote that the government refused to help these “poor wretches” ravaged by disease and hunger, even saying no to providing coffins for the dead.⁶² In the Clayton-Bulwer Treaty of 1850, Britain and the United States agreed to refrain from occupying or colonizing parts of Central America. Whereas the British interpreted the treaty as applying to future occupations, the United States insisted that Britain relinquish all existing territories. Britain evacuated the Bay Islands and the Mosquito Coast in eastern Nicaragua but held on to Belize.⁶³ Increasing the size of Belize’s population while projecting its image as a country of refuge was a way to keep the United States at arm’s length.

It was key to the Belizean strategy to portray the newcomers as worthy of protection. Whereas the Mexican government painted the rebels as bloodthirsty savages—for example, the Mexican paper *El Fénix* regularly published updates on what it called the “Guerra de Bárbaros” or the barbarian war—Chief Justice Temple emphasized the productive potential of these new workers.⁶⁴ In a paper on the history of British Honduras read before the Society of Arts in London in 1857, Temple praised the Indians and the mestizos for their “symmetry, and muscular development . . . splendid models for a Hercules.” The reference to the ancient mythological hero of Hercules, famous for his strength and stamina, was intentional. In the eyes of Temple, the refugees were splendid models for

60. Chief Justice Temple, “British Honduras,” *DeBow Review* 6 (1869): 461.

61. Louis De Armond, “Justo Sierra O’Reilly and Yucatecan-United States Relations, 1847–1848,” *The Hispanic American Historical Review* 31 (1951): 420–36.

62. Hempstead to Buchanan, July 29, 1848, Despatches from United States consuls in Belize, NARA, National Archives Microfilm Publication T334, roll 1.

63. David Kazanjian, *The Brink of Freedom: Improvising Life in the Nineteenth-Century Atlantic World* (Durham, NC: Duke University Press, 2016), 133–53.

64. *El Fénix*, December 25, 1849. See Ginón Xhail Bojorquez Palma, “Opinión y poder: juegos de la prensa en Yucatán durante la Guerra de Castas,” *Americanía. Revista de Estudios Latinoamericanos* 2 (2015): 74–98. For a discussion of eighteenth-century Spanish terms (*bárbaros*, *salvajes*, *bravos*) as meaning “savage,” see David J. Weber, *Bárbaros: Spaniards and their Savages in the Age of Enlightenment* (New Haven, CT: Yale University Press, 2005), 12–15.

industrious workers: economic and humanitarian motives went hand in hand.

The influx of people from Yucatán turned Belize into what Temple proudly called a “city of refuge.”⁶⁵ Invoking the Levitical cities of refuge, he highlighted the virtue of the suffering refugees and upheld the town of Belize (and British Honduras more broadly) as a place of sanctuary and protection.⁶⁶ The superintendent of Belize wrote the lieutenant governor of Jamaica that Yucatecans left the chaos and violence of Mexico behind them and found a home in what he described as “a tolerably strong and abundant liberal Government,” ruled by the principles of freedom of movement, the absence of military conscription, lack of arbitrary taxes, and peace.⁶⁷

Journal articles, historical accounts, and memoirs replicated the same narrative: on one side of the border, the population of Yucatán suffered under the violence of the war and/or the despotic rule of the Mexican government while, on the other side, Belize represented a place of refuge, law, and order. An account written by a Methodist missionary to the Wesleyan office in London explained that the conflicts in Yucatán caused “many to flee . . . and seek a place of safety and a home.” Extolling the benefits of British rule, he noted that the Indians living in Belize were “quiet and well-behaved,” while those in Yucatán were cruel and thieving.⁶⁸ In 1852, a travel account in the United States magazine *Littell’s Living Age* explained that refugees “driven by the bloodshed and plunder carried on between the Yucatacos and Indians,” sought protection of the British.⁶⁹

Historical accounts circulated the same narrative. The *Handbook of British Honduras* in London noted that Yucatecan families had escaped the “cruelties and misgovernment of the authorities” and found “refuge” in Belize.⁷⁰ Memoirs also focused on the plight of refugees and the benevolence of British rule. The Yucatecan José Maria Rosado was living in Bacalar, near the border between Belize and Quintana Roo, when Maya rebels captured the town in 1858. He escaped and settled across the border.

65. Chief Justice Temple, “British Honduras,” *Journal of the Society of the Arts* 5 (1857): 121.

66. On the centrality of religious language and morality in humanitarian narratives, see Abigail Green, “Humanitarianism in Nineteenth-Century Context: Religious, Gendered, National,” *The Historical Journal* 57 (2014): 1157–75.

67. Superintendent to Lieutenant Governor of Jamaica, July 16, 1857, TNA, FO 39/3.

68. Richard Fletcher to Wesleyan Methodist Missionary Society, December 30, 1867, in *Maya Wars: Ethnographic Accounts from Nineteenth-Century Yucatán*, ed. Terry Rugeley (Norman: University of Oklahoma Press, 2001), 104, 110.

69. O’Connor, “An Exploring Ramble,” 513.

70. Bristowe and Wright, *Handbook*, 27.

When he later wrote his memoirs, he gave them the title: *A Refugee of the War of the Castes Makes Belize His Home*.⁷¹ In his history of Honduras written in the late nineteenth century, Archibald Gibbs explained that “refugees from Yucatán” had been “driven into exile by the disturbed state of their own country.”⁷²

These efforts by various actors to portray individuals crossing the border—many of them indigenous Maya—as refugees were also part of a wider interest in pre-Hispanic cultures that swept through the Atlantic world in the middle of the nineteenth century.⁷³ European and American archaeologists, artists, and missionaries traveled through Mexico and Central America to research pre-Hispanic civilizations. The first British expedition to explore Maya monuments in the Yucatán Peninsula left Belize in 1839.⁷⁴ The superintendent donated Maya antiquities to the British Museum in 1857 and Chief Justice Temple described the objects as “a treasure trove.”⁷⁵ These travel narratives and museum exhibits romanticized the Maya as belonging to a bygone era.

Mexicans pointed to the hypocrisy of the British, accusing them of hiding their imperial ambitions under this lofty discourse about Belize as a place of refuge and protection. A pamphlet published in Mexico City noted that the British ignored “the Law of Nations . . . to satisfy their ambition and their desires to increase their wealth,” while thousands of lives in Yucatán were “sacrificed” and “destroyed” during this brutal war.⁷⁶

Chief Justice Temple’s religious framing of Belize as a city of refuge was a double-edged sword. In the Old Testament, these cities were places where those who had unintentionally committed murder could escape blood revenge. The line between refugees and criminals was thin. Divisions existed among local administrators. Temple embraced the idea of a city of refuge as a way to turn Belize into an enlightened and civilized place in the midst of a wilderness. Meanwhile, Superintendent Seymour feared that Belize would turn into a sanctuary for criminals, arguing, “If we are to continue to receive the scourings of the populations of neighboring countries including some of the greatest ruffians the world can produce,

71. “Captivity Narrative of José Maria Rosado (1915),” in Rugeley, *Maya Wars*, 68–78.

72. Gibbs, *British Honduras*, 4.

73. Robert D. Aguirre, “Agencies of the Letter: The Foreign Office and the Ruins of Central America,” *Victorian Studies* 46 (2004): 290–92.

74. John Alder Burdon, *Archives of British Honduras* (London: Sifton, Praed and Co., 1935), 3:409.

75. British Museum Records, 1757–1878: 207–11; Temple, “Notes on Treasure Trove,” *Journal of the British Archaeological Association* 15 (1859): 100–104.

76. Lázaro Pavía, *Los Ingleses en México: o sea en origen y fundación de las colonias Británicas en el seno mexicano* (México: Imprenta de José V. Castillo, 1888), 9.

the Central executive authority must be invested with unusual powers to protect the great, but often attacked prosperity of the settlement.”⁷⁷ But whether the city of refuge was lauded as part of the civilizing mission and the liberal benevolence of the British Empire or was decried as exposing the weakness of the settlement and the need for greater support from the metropole, the chief justice and the superintendent shared the same ambition that Belize should become a colony.

Categorizing the newcomers as refugees was a particularity fraught process. In many cases, when officials used the term “refugee,” they referred to whites and mestizos. Administrators struggled with the concept of Maya or Indians as political refugees.⁷⁸ They placed them in an uneasy position between peace-loving refugees fleeing a cruel war, like white liberals in Europe, and passive victims, like indigenous people in other parts of the empire. But unlike indigenous people elsewhere, the Yucatecans had not been displaced by British settlers and British rule; they had become settlers occupying a British space. As such, the superintendent viewed British protection as bestowing privileges and rights in return for loyalty, explaining, “By the word ‘loyalty’ I do not wish to confine my meaning to dutiful attachment to the Crown of England as that is not to be expected of aliens, but I include within the scope of that word what may be reasonably be claimed from these strangers: good faith and fidelity towards existing institutions of this settlement by which they are benefitted.”⁷⁹

As Hannah Weiss Muller has demonstrated regarding subjecthood in the eighteenth-century British Empire, the authorities in Belize understood belonging within the extended British community as a reciprocal bond.⁸⁰ They demanded that the refugees show loyalty, not to the crown as did native-born subjects, but to British institutions and legal protection, which, in return, were supposed to benefit them. In the seventeenth century, Edward Coke had theorized this reciprocal bond when he explained that aliens living in England, whether or not they were naturalized, owed the king obedience in return for protection.⁸¹ This concept of loyalty, or

77. Superintendent to Lieutenant Governor of Jamaica, September 17, 1858, TNA, CO 123/97.

78. Wayne M. Clegern, *British Honduras: Colonial Dead End, 1859–1900* (Baton Rouge: Louisiana State University Press, 1967), 10–11.

79. Superintendent to Burke and Blake, May 8, 1858, TNA, CO 123/96.

80. Hannah Weiss Muller, *Subjects and Sovereign: Bonds of Belonging in the Eighteenth-Century British Empire* (Oxford and New York: Oxford University Press, 2017), 7–8.

81. Coke, “Calvin’s Case,” Calvin’s Case 7 Co. Rep. 1a, 77 ER 377, in *The Reports of Sir Edward Coke, In Thirteen Parts, A New Edition* (London: Joseph Butterworth and Son 1826), 4:10.

“good faith and fidelity,” as the superintendent defined it, was fraught with ambivalence; the administration used it to control and punish the refugees they deemed ungrateful.

Belize’s attitude toward the refugees was determined not only by humanitarian interests but also with a view to implementing effective regulation of this diverse population. Protecting the refugees meant controlling them. The authorities introduced policies, notably the Foreigners’ Registration Act of 1847, which forced Yucatecos to purchase tickets of residence when they returned to Mexico for business.⁸² The superintendent informed the Mexican commandant in Bacalar that travelers with a ticket of residence enjoyed British protection and were not to be molested.⁸³

These tickets served at least two purposes. The first was to draw a distinction between worthy and unworthy refugees. Suspicious individuals were denied tickets as authorities hoped to curb the arms trade from Belize to Yucatán. The administration repeatedly cautioned the refugees that they would lose the right of British protection if they engaged in subversive activities; the superintendent briefly passed legislative measures in 1856 authorizing the “removal of certain aliens and other persons under circumstances of suspicion.”⁸⁴ The second purpose of this registration policy was to limit the risk of tensions with the Mexican authorities. If travelers without tickets got into trouble with the government on the Mexican side of the border, British responsibility was not engaged.

The process of registration should not be overestimated. The Belizean state lacked the infrastructure to control large numbers of people. Only a quarter of the refugees in Corozal in the Northern District, for example, or 2,000 adult men, received tickets.⁸⁵ However, these tickets marked the beginnings of Belize’s attempts to project diplomatic protection and sovereignty extraterritorially. Although the authorities proclaimed their neutrality, they started to intervene outside of their borders. In 1857, the superintendent argued that the lack of law and order on the Mexican side justified extraterritorial interventions. He received authorization from the government in London to use troops on the Hondo River, as well as to permit pursuit on Mexican territory.⁸⁶ A delicate geopolitical balance

82. Gibbs, *British Honduras*, 107.

83. Burdon, *Archives*, 3:135

84. William Stevenson to the Governor of Jamaica, August 11, 1856, TNA, CO 123/94. Two years earlier, a circular cautioned Mexican citizens that they would lose the right of British protection if they engaged in acts of insurrection, “Circular addressed to the Mexican citizens Don Sebastian Mole and eight others residing in British Honduras,” March 17, 1854, TNA, CO 123/89.

85. Bolland, *Colonialism*, 113.

86. Derby to Lafragua, July 28, 1874, TNA, FO 50/433.

was struck as the British government warned the superintendent not to offend the Mexican government.⁸⁷

A Colony of Foreigners

The late 1850s saw increasingly tense relations between the administration and the refugees. On the one hand, Yucatecans increased the settlement's agricultural production. On the other, clashes at the border made the refugees look like threats to the security of Belize. Other incidents added to this volatile situation. British loggers moved further into the northern interior in search of mahogany and, as the Icaiche Maya considered these logging camps part of their territory, they demanded rent.⁸⁸ At the same time, confrontations with Mexican commissioners stopping and searching British embarkations on the Hondo River provoked outcry by both the Mexican and the Belizean governments, accusing each other of breaching territorial sovereignty.⁸⁹

A dramatic shift in the administration's perception of refugees occurred in 1858. The Chan Santa Cruz Maya seized Bacalar in March. Located north of the border near the Hondo River, Bacalar was an important trading center. When the Chan Santa Cruz took some inhabitants prisoner, an expedition left the capital of Belize to negotiate for their release.⁹⁰ On their arrival, they reported that the town was strewn with dead bodies. The rebel general demanded that the British turn over the Mexican commander of Bacalar, who had taken refuge in Belize, in exchange for the prisoners.⁹¹ The British expedition refused and some hostages, including women, were killed.⁹²

Outraged at these violations of the traditional rules of war, the superintendent asked the governor of Jamaica for reinforcements.⁹³ The British increased their military presence in the Northern District and sent a few steamer gunboats to the Hondo River. They eventually refused to

87. Henry Labouchere to Governor of Jamaica, December 12, 1857, TNA, FO 50/433.

88. Superintendent to Governor of Jamaica, August 13, 1857, TNA, FO 39/3.

89. Captain William Anderson to Superintendent, February 15, 1858, in Rugeley, *Maya Wars*, 65–67.

90. Superintendent to Lieutenant Governor of Jamaica, March 13, 1858, TNA, CO 123/96.

91. Paul Sullivan, *Unfinished Conversations: Mayas and Foreigners Between Two Wars* (New York: Alfred A. Knopf, 1989), 120.

92. Superintendent to Lieutenant Governor of Jamaica, March 13, 1858, TNA, FO 39/5; and Clegern, *British Honduras*, 13.

93. Superintendent to Lieutenant Governor of Jamaica, February 17, 1858, TNA, FO 39/5.

collaborate with the Mexican authorities to launch a punitive expedition against Chan Santa Cruz-controlled Bacalar, upholding a policy of neutrality.⁹⁴ The superintendent published a poster in Spanish reminding the population that even foreigners living in the settlement had to be neutral in the war across the border.⁹⁵ The administration passed an act authorizing the deportation of people “who seek to embroil us in disputes with which we have nothing to do.”⁹⁶ The act was in place for a year as a warning. In practice, the administration did not have the infrastructure to implement it.

The so-called “Bacalar massacre” marked a shift in the administration’s treatment of the refugees. The approach, embodied by Chief Justice Temple, which embraced the idea of Belize as a “city of refuge,” showcasing British liberal values and legal traditions in the American wilderness, was on the wane. The approach, embodied by Superintendent Seymour, which assumed that a “city of refuge” attracted criminals and required stronger institutional support, began to prevail. Seymour explained this shift in a letter to the governor of Jamaica: “A more intimate acquaintance with our Yucateco immigrants has considerably weakened the sympathy with which I looked at these victims of many misfortunes and ought to alleviate their sufferings.”⁹⁷

Nevertheless, the administration did not have the means to implement a massive deportation of subversive and disloyal immigrants. They adopted different strategies to incorporate the refugees into Belizean society. They even considered a more flexible political system in the Maya refugee villages of the Northern District. In 1858, the superintendent and the Legislative Assembly passed an act importing the Spanish colonial tradition of the *alcalde*, or the equivalent of a municipal magistrate. The superintendent appointed *alcaldes* who exercised jurisdiction among their communities and were responsible for police courts, criminal jurisdiction, petty debt, and registering foreigners. They reported to the court in the capital. This devolution of power did not last long. Communication issues multiplied in this multi-lingual society and the administration decided to insert this network of *alcaldes* within a police force made up of British

94. Superintendent to Lieutenant Governor of Jamaica, July 17, 1858, in Burdon, *Archives*, 3:207–8; and Superintendent to Lieutenant Governor of Jamaica, June 22, 1859, in Burdon, *Archives*, 3:225.

95. Lieutenant Seymour, *Bando*, March 8, 1858, Biblioteca Virtual de Yucatán XI-1855-054, <http://www.bibliotecavirtualdeyucatan.com.mx> (accessed April 15, 2019).

96. Act for Removal of Aliens, Superintendent to Lieutenant Governor of Jamaica, March 13, 1858, TNA, CO 123/96.

97. Superintendent to Lieutenant Governor of Jamaica, September 17, 1858, TNA, CO 123/97.

and Afro-American groups who were regarded as more loyal to the crown.⁹⁸

As the administration disenfranchised Maya and mestizo migrants by excluding them from state organizations, they simultaneously launched a legal campaign to control access to resources. Shortly after the so-called Bacalar massacre, the administration passed the first Honduras Land Titles Act, drafted in London, allowing England-based investors to purchase land in the settlement. A handful of businesses such as the British Honduras Company purchased most of the land.⁹⁹

Land ownership policies became formally racialized. When the newly funded Legislative Assembly granted land titles, Maya were not allowed to own land and could only rent or become wage laborers. A series of land acts passed between 1855 and 1861 bolstered this unequal structure. The policy continued after Belize became a colony. A series of ordinances in the 1870s upheld this principle and introduced a reservation system.¹⁰⁰ This exclusionary land policy was extended to Maya-cultivated lands in the Toledo District on the southern border, near the Sarstoon River, which became part of the settlement after an 1859 treaty between Guatemala and Britain. Although English law and jurisdiction included all those living in the settlement, regardless of their racial group or place of birth, landownership became racially segregated. The majority of inhabitants—native or foreign-born non-white settlers—were almost totally excluded from landownership.

Employers played a major role in tightening control of refugees in the north. As the reports of the magistrates in the major refugee towns of Corozal and Orange Walk indicated, employers paid Maya workers using a combination of low wages and ration credits, creating a widespread system of debt in which the cost of food, alcohol, and shelter frequently exceeded what the workers were owed. The reports also showed that Maya often protested labor conditions and preferred to work independently

98. Address by Superintendent to Legislative Assembly, January 21, 1858, TNA, CO 126/3. A detailed account of the alcalde system is in Bolland, *Colonialism*, 133–38.

99. Nigel O. Bolland, “Labour control and resistance in Belize in the century after 1838,” *Slavery and Abolition* 7 (1986): 178; and Torrens O. Nigel Bolland and Assad Shoman, *Land in Belize, 1765–1871* (Mona: Institute of Social and Economic Research, University of the West Indies, 1977), 72–80.

100. Bolland and Shoman, *Land in Belize*, 66; Greg Taylor, “Torrens’ Contemporaneous Antipodean Simulacrum,” *American Journal of Legal History* 49 (2007): 400; and Christine Kray, Minette Church, and Jason Yaeger, “Designs on/of the Land: Competing Visions, Displacement, and Landscape Memory in British Colonial Honduras,” in *Legacies of Space and Intangible Heritage: Archaeology, Ethnohistory, and the Politics of Cultural Continuity in the Americas*, ed. Fernando Armstrong-Fumero and Julio Hoil Gutierrez (Boulder: University Press of Colorado, 2017), 53–78.

but, unsurprisingly, most discipline cases were resolved in favor of employers.¹⁰¹

While white settler colonialism was enshrined within the borders of Belize, Temple was also active in two campaigns outside of the settlement. The first was to increase the population of Belize through immigration acts passed in the 1860s.¹⁰² Landowners pushed for people whom they saw as suitable for agricultural work: migrants from China.¹⁰³ Many of them died or fled to Yucatán as result of poor food, overwork, and cruel treatment.¹⁰⁴ Some refused to work in exploitative conditions, and the authorities feared that they would form an alliance with Yucatecans to launch a coordinated resistance.¹⁰⁵

Temple encouraged African Americans to escape persecution and discrimination in the United States and move to Belize. They should not, he insisted, move to the independent republics of Central America, which were ravaged by wars and internal struggles, and where “life and property are alike unprotected.” As always, Temple lauded Belize as a land of equality, justice, and opportunity, where, he claimed, “the white and the black man are equally protected by the law.” The land was fertile and Temple offered prospective migrants the chance to lease crown land for a very low rent, so that “you and your brethren—as many as you like—hundreds, thousands—[who] will come here with stout hearts and determined minds” could grow much-needed agricultural staples.¹⁰⁶ The lack of success of these labor migration schemes convinced the authorities to turn their attention to white settlers.¹⁰⁷ They hoped that “enterprising Settlers” would replace the “disaffected and lazy refugees from Yucatán.”¹⁰⁸ The defeat of the Confederacy after the Civil War (1861–65) meant that embittered white Southerners now entered the migration

101. Bolland and Shoman, *Land in Belize*, 116–20.

102. “Multiple Classified Ads,” *London Evening Standard* (March 10, 1863), 2.

103. “Immigration,” *British Honduras Colonist and Belize Advertiser* (March 11, 1865), 1.

104. Burdon, *Archives*, 3:262–67.

105. Secretary of State to Lieutenant Governor of Jamaica, September 22, 1865, Burdon, *Archives*, 3:264.

106. “Emigration to British Honduras,” *Journal of the Society of the Arts* 7 (1858): 24–25. A short-lived scheme was set up in 1863; see Phillip W. Magness, “The British Honduras Colony: Black Emigrationist Support for Colonization in the Lincoln Presidency,” *Slavery & Abolition* 34 (2003): 39–60.

107. Donald Simmons, *A Study of the Efforts of Confederate Exiles to Establish Settlements in British Honduras, 1861–1870* (Jefferson: McFarland and Company Publishers, 2001).

108. Lieutenant Governor to Governor of Jamaica, April 16, 186, Burdon, *Archives*, 3:286.

market. Temple wrote a series of articles for the widely circulated Southern periodical *DeBow's Review*, using the same arguments that he used with African Americans.¹⁰⁹

If Temple's immigration plans attracted only a handful of African Americans and white Southerners, his campaign to obtain colonial status was more successful. In his presentation on the history, trade, and natural resources of Belize to the Society of Arts in London in 1857, Temple despaired that British Honduras was "a country which has never been mentioned without a sneer." He noted that most people imagined Belize as a land "full of swamps, frogs, toads and venomous reptiles" while sitting at desks made with gorgeous mahogany, which was the settlement's main export.¹¹⁰ Belize was a "civilized" country and its economic potential, he insisted, was boundless.

The influx of Yucatecans played a major role in the transition of Belize from settlement to colony. The refugees worked in timber extraction, and grew corn, tobacco, and especially sugar cane.¹¹¹ In 1861, the Legislative Assembly petitioned for colonial status, wishing to secure the "extraordinary extent" to which the Yucatecans ("though most primitive") had unlocked the agricultural potential of the territory.¹¹² By then, almost 400,000 pounds of sugar a year were produced in Belize.¹¹³ The crown agreed and Belize became a colony in 1862. The superintendent gained the title of lieutenant governor. Most travel or historical accounts circulated the image of Belize as a place of extractable resources.¹¹⁴

Chief Justice Temple did not see his efforts come to fruition. He often clashed with superintendents: one of them accused him of receiving bribes from mahogany cutters.¹¹⁵ Many settlers refused to serve as jurors. He fined the editor of the *Honduras Observer and Belize Gazette* £100 when the paper published a letter in which he called the jurors "scum and scourings."¹¹⁶ The settlers immediately complained to the secretary of state for the colonies about this arbitrary exercise of judicial authority.¹¹⁷

109. Chief Justice Temple, "British Honduras," *DeBow's Review* 6 (1869): 257.

110. Chief Justice Temple, "British Honduras," *Journal of the Society of the Arts* 5 (1857): 113.

111. Superintendent to Governor of Jamaica, Report on the Blue book of Settlement of the Year 1858, June 22, 1859, Burdon, *Archives*, 3:214.

112. Petition, March 7, 1861, Burdon, *Archives*, 3:234–36.

113. Bolland, *Formation*, 140.

114. John Burdon, "Historical Note," in Burdon, *Archives*, 1:4.

115. Frederick Rogers's Report, February 8, 1860, TNA, CO 123/103; Gibbs, *British Honduras*, 109–13; and Burdon, *Archives*, 3:80–83 and 3: 115–17.

116. British Honduras Grand Court Records, January 11, 1848, Latin American Library at Tulane, folder 1.

117. "The Public of Honduras and Colonel Fancourt," *Simmonds's Colonial Magazine* 14 (May 1848), 91.

His commission was revoked in 1861.¹¹⁸ By this time, Temple had been attempting to extend British jurisdiction over Belize and its population for 18 years. He moved to the Indian Ocean, where he became master of the Supreme Court at Mauritius until his death in 1866.

International tensions and geopolitics continued to affect the border once Belize became a colony. After the French-led invasion of Mexico (1861–67), Maximilian was declared emperor and claimed all of Mexico, including Yucatán and parts of Belize.¹¹⁹ Meanwhile, Icaiche Indians claimed portions of Belize and confronted refugees over rent money. They launched raids against refugee settlements and logging camps, including Qualm Hill in 1866–67, where they took a dozen men, women, and children hostage.¹²⁰ They defeated a military force mostly made up of soldiers of African descent from Jamaica.¹²¹ In retaliation, more than 300 British troops marched into the Yalbac Hills and destroyed Maya villages.¹²² Eight to ten refugees “with traitorous intent” were accused of conspiring with the rebels and deported.¹²³ The authorities tried, often futilely, to implement an arms trade freeze after this series of incidents on the border.¹²⁴ Administrators passed regulations forbidding Indians to carry guns without a license and to reside, occupy, or cultivate lands without paying rent to the crown or to landowners, making economic independence impossible.¹²⁵ With access to colonial status, the government now had more military support to control its population.

Refugees continued to shape Belize’s political trajectory. In order to extend its control in the north, where most of the refugees lived, the government set up a circuit court in the Northern District. Clashes became frequent between landowners and merchants in the Legislative Assembly. The merchants in the town of Belize were reluctant to contribute toward border protection, whereas the landowners felt that they should not be required to pay taxes if they were going to receive inadequate

118. “Chief Justice Temple,” *Honduras Gazette* (October 19, 1861), 13.

119. Gibbs, *British Honduras*, 142–43.

120. Bristowe and Wright, *Handbook*, 27–28.

121. Gibbs, *British Honduras*, 134–38.

122. *Ibid.*

123. Lieutenant Governor to Governor of Jamaica, August 14, 1866, 272, in Burdon, *Archives*, 3:272

124. “Proclama de su magestad la Reina. Que observen y respeten la dicha neutralidad para con Yucatán,” *Periódico Oficial del Estado de Yucatán. El Constitucional* 403 (May 8, 1861): 1; and British Honduras Company, “On the Means of Defence for the British Honduras,” September 20, 1864, TNA, CO 123/118.

125. Regulations, in Memorandum by Lieutenant Governor, February 28, 1867, Burdon, *Archives*, 3:283.

protection.¹²⁶ In a stalemate, members of the Legislative Assembly asked for the establishment of direct British rule. The Legislative Assembly dissolved itself and Belize became a crown colony in 1871 with a new legislative council. Three of its four members represented large landowners.¹²⁷

The following year, Icaiche troops led by Marcus Canul crossed the Hondo River and attacked the town of Orange Walk.¹²⁸ Fears flared up and the authorities arrested people on the grounds of suspicion.¹²⁹ Although open warfare declined after the late 1870s, Yucatecans were now increasingly regarded as suspect. The image of refugees as criminals became more and more entrenched. This general distrust of refugees extended to white Yucatecans who were charged with treason.¹³⁰

Conclusion

The refugee crisis in the wake of the Caste War took place in a volatile context. Improvisation shaped colonial developments. At first, the Caste War was a way to create an image of Belize as a beacon of law, order, and compassion amidst a sea of chaos in Central America. The superintendent of Belize recognized this opportunity when he wrote, “Surrounded by republics in a state of dissolution where all evils of tyranny and anarchy subsist simultaneously, British Honduras has . . . appeared . . . as an experiment to see what can be made of the Spanish Americas.”¹³¹ The label of “refugee” provided an opportunity to showcase British liberal and humanitarian values and also to formally join the empire. The influx of Yucatecans increased both agricultural production and military expenses, prompting wealthy white Belizeans to support the administration in seeking full support and direct rule from the empire.

As Belize transitioned from settlement to colony, the discourse around protection became a way to control and exploit the refugees. Although officials recognized their economic contribution, they marginalized

126. Burdon, *Archives*, 3:273.

127. Bolland, *Colonialism*, 95.

128. Don E. Dumond, “Independent Maya of the Late Nineteenth Century,” in *Anthropology and History in Yucatán*, ed. Grant Jones (Austin: University of Texas Press, 1977), 114–15.

129. Rajeshwari Dutt locates a peak of arrests between 1871 and 1873 followed by a steady decline; Rajeshwari Dutt, “Loyal Subjects at Empire’s Edge: Hispanics in the Vision of a Belizean Colonial Nation, 1882–1898,” *Hispanic American Historical Review* 99 (2019): 53–54.

130. Cunin and Hoffman, “From Colonial Domination,” 39.

131. Superintendent to Governor of Jamaica, July 16, 1857, TNA, FO 39/3.

refugees politically and economically, turning a valuable work force into a disenfranchised class, to facilitate the extraction of resources. As a paternalistic enterprise, the extension of imperial protection to Yucatecans served to make them simultaneously insiders and outsiders. As refugees, they became subject to British jurisdiction, but as non-white refugees, they became excluded from landownership rights and political representation. The language of protection was both inclusive and exclusive, creating a binary relationship between the protector and the protected.

Belize's attitude and policy toward Yucatecan refugees were shaped by clashes with Maya rebels in the late 1860s and early 1870s, but also mirrored what was happening in other places. By the close of the century, the British commitment to providing refuge became more limited, as concerns for financial costs and diplomatic relations grew. Authorities and legal theorists began to question whether refuge was a moral obligation and whether everyone was entitled to claim protection from the state. Many advocated for a distinction between honest refugees and violent criminals, leading to the Extradition Act in 1870 and the Aliens Act in 1905, which restricted the right to asylum and introduced the notion of "undesirable immigrants."¹³² This was part of a global trend to legislate for immigration restriction.

Most Anglophone jurisdictions—Australia, New Zealand, and Canada—adopted race-based immigration restrictions. Belize deviated slightly from this larger context. Officials remained committed to the notion of refuge and never officially passed immigration restrictions. While they further restricted the rights of Maya residents, they reached out to prospective migrants in the United States, including African Americans but especially white Southern Confederates, to further agricultural development, increase the number of white and Anglophone settlers, and support the administration against Caste War Maya.¹³³ They concentrated their efforts toward a race-based control of those inside their borders. From initially protecting Yucatecan refugees, Belizean officials were now protecting the colony's resources from them.

132. Shaw, *Britannia's Embrace*, 205–35; and Alison Bashford, and Jane McAdam, "The Right to Asylum: Britain's 1905 Aliens Act and the Evolution of Refugee Law," *Law and History Review* 32 (2014): 309–50.

133. Bolland, *Colonialism*, 91; Donald C. Simmons Jr., "A Study of the Efforts of Confederate Exiles to establish settlement in British Honduras: 1861–1870" (PhD diss., University of Denver, 1992), 94–96; and Eleanor Harrison-Buck, Brett A. Houk, Adam R. Kaeding, and Brooke Bonorden, "The Strange Bedfellows of Northern Belize: British Colonialists, Confederate Dreamers, Creole Loggers, and the Caste War Maya of the Late Nineteenth Century," *International Journal of Historical Archaeology* 23 (2019): 172–203.