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ORIGINAL ARTICLE

Alien Acts in the Age of Emancipation: Mobility Control and Executive Power in the British Caribbean, 1820s–1830s

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Abstract

In reaction to revolutionary upheaval in the 1790s and 1800s, the British parliament at home and colonial legislatures in the Americas passed their first statutory provisions to govern migration and aliens as such. As this paper argues, in their sustained and varied uses, these "alien acts" were much more than about border and migration controls. In a period of fundamental restructuring of imperial rule and of social statuses within the colonies, they increasingly turned into flexible tools of imperial governance. Taking the British Caribbean in the 1820s and 1830s as a case, the paper examines how alien legislation was reused, and reinvented, in two crucial arenas of imperial reconfiguration: the push for political equality by free people of color and the abolition of the slave trade. By their emphasis on sweeping executive power, various actors on the ground but also in the metropole regarded alien acts as an appropriate legal tool to respond to, to avert or subvert what they regarded as challenges or legal complexities of the age of emancipation. In this way, the alien acts also became a central factor in the reconfiguration of British subjecthood—with far-reaching consequences that their creators and users could never fully anticipate or control.

In the mid-1820s, legal experts in Britain's and France's Colonial and Foreign Offices sifted through an extensive body of local laws in the British Caribbean that they had so far spent little time thinking about.[1] Over the three preceding

[1] Joseph Planta, Foreign Office, to Robert Wilmot-Horton, Colonial Office, 24 and 30 May 1825, The National Archives of the UK, Kew (hereafter TNA), Colonial Office (hereafter CO) 318/99; Wilmot-Horton to Planta, 3 June and 6 July 1825, TNA, Foreign Office (hereafter FO) 27/345; Minute of Mr Stephen on power of Governors of Trinidad and St Lucia to remove aliens from those Islands, 6 Jan. 1826, TNA, CO 137/176, fols. 154r–v; Christophe de Chabrol-Crouzol, Minister of the Navy, to

decades, a thicket of local acts governing the status of aliens and their mobility had grown across British colonies in the Americas. Although every local act required royal approval, metropolitan officials seemed to have only patchy knowledge of the various alien acts in places such as Antigua, the Bahamas, Saint Vincent, and Jamaica. Against the backdrop of imperial reform and a push toward emancipation in these American colonies in the 1820s, these laws' broader ramifications for crucial issues of imperial governance, belonging, and legal status became apparent beyond the confines of their respective jurisdictions.

The alien laws were a legacy of the 1790s and early 1800s when states across the Euro-Atlantic world had turned the "age of revolutions" into an era of heightened mobility control.[2] In response to the—actual, expected, or imagined—arrival of refugees and political agents from revolutionary conflict, independent states and dependent colonial territories passed measures to control and curb the arrival of foreign migrants (considered a potential threat). In December 1792, the British Parliament passed its Aliens Act in reaction to the growing number of French émigrés in the British Isles. The metropolitan Aliens Act was accompanied, sometimes even preceded, by a slew of acts targeting border-crossers and alien population groups in most British colonies across the Atlantic world.[3] Complementary to or instead of alien acts, governors in some colonies, in particular those without a local legislature (crown colonies), put similar regulations in place through proclamation or sought to rely on preexisting regulations in Dutch-Roman, French, or Spanish law.[4] While there had been laws concerning certain categories of mobile people before, these acts usually were the first statutory efforts to govern migration and foreigners as such.[5] In a period where the notions of belonging to a state or a political

Maxence de Damas, Foreign Minister, 17 Mar. 1826, Archives des Affaires Etrangères, La Courneuve (hereafter AAE), Mémoires et Documents (hereafter MD), Amérique, vol. 61, fols. 35r, 120r–v; Note, H. Taylor, West India department [ca. 1827], TNA, CO 318/103.

[2] John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 1999); Jan C. Jansen, "Aliens in a Revolutionary World: Refugees, Migration Control and Subjecthood in the British Atlantic, 1790s–1820s," *Past & Present* 255 (2022): 189–231.

[3] See the early regulations in Jamaica: 32 Geo. III, c. 34 (1791); 34 Geo III, c. 8 (1793), in *The Laws of Jamaica*, vol. 2 (St. Jago de la Vega: Alexander Aikman, 1802), 659; vol. 3 (Jamaica: Alexander Aikman, 1811), 58; Assembly of Jamaica, 6 Dec. 1791; 28 Feb. and 6 Mar. 1792, in *Journals of the Assembly of Jamaica* [hereafter *JAJ*], vol. 9 (Jamaica: Alexander Aikman, 1805), 50, 82, 85; Dominica: "An Act to prevent the residence of his Majesty's enemies in this Island" (1793), TNA, CO 73/10; Antigua: "An Act to restrain the abode or residence of aliens" (1794), TNA, CO 8/21, fols. 109–11; Bahamas: "An Act to Prohibit the Selling, Purchasing, Hiring or Employing, of Certain Foreign Slaves" (1795), in *Acts of Assembly of the Bahama Islands*, vol. 1 (Nassau: Eve and Owen, 1801), 41–46; Saint Vincent: Alien Act, Saint Vincent, 28 July 1797, in *The Laws of the Island of St. Vincent and Its Dependencies* (England: B. Partridge, 1811), 296.

[4] See e.g. Trinidad: Proclamation by Governor Hislop, 1 Aug. 1803, TNA, CO 295/7, fol. 11; Grenada: Proclamation by Governor Home, 29 Jan. 1793, National Archives of Grenada, Saint George's, EAP295/1/2, https://eap.bl.uk/archive-file/EAP295-1-2-2.

[5] Elizabeth Sparrow, "The Alien Office, 1792–1806," *The Historical Journal* 33, no. 2 (1990): 361–84; Caitlin Anderson, "Britons abroad, Aliens at home: Nationality Law and Policy in Britain, 1815–1870" (Cambridge University D.Phil. thesis, 2004), ch. 1.

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community were dramatically shifting, the massive (re)regulation of alien status was the often-forgotten twin of the (re)invention of citizenship and subjecthood in the decades around 1800.[6] In the British empire, where the terms of subjecthood were no less at stake during this period, alien laws even in remote overseas territories could have rippling effects on fundamental concepts of subject status and basic rights.[7]

While the British domestic Aliens Act and the various colonial alien laws initially appeared to develop in lockstep, their paths clearly diverged in the mid-1820s. The British Aliens Act had its peak in the 1790s and early 1800s. It remained largely unused after the end of the revolutionary and Napoleonic wars—after the emergency, so to speak.[8] Facing continuous criticism in Parliament, it was discontinued in 1826, making it an outlier within Europe and within its own empire, as John Jeremie, Saint Lucia's Chief Justice, alleged from afar.[9] Not only in Saint Lucia but across the British Caribbean, alien acts continued to be in full vigor, even growing in number and in extent. While some legislatures—such as in the British Virgin Islands and Barbados—had not passed alien laws in the decades before, they began to do so in the late 1810s and 1820s.[10] Others—such as Demerara, Berbice, and Saint Lucia—sought to harness regulations of migration control and extrajudicial deportation they had inherited from their Dutch or French predecessors.[11]

My article takes this conundrum—the continued (or even increased) importance of colonial alien acts beyond the emergency context that brought them about—as its starting point. I argue that—their formal resemblance and the shared broader context of origin notwithstanding—colonial Caribbean and metropolitan alien laws drew on different blueprints of mobility control and could be subject to different uses. I will show that colonial alien laws—in their particular local mold—found new uses in a period of fundamental restructuring of imperial rule and of social statuses and relationships within the colonies. In particular by their emphasis on broad executive power, various actors on the

[6] Andreas Fahrmeir, *Citizenship: The Rise and Fall of a Modern Concept* (New Haven: Yale University Press, 2007), 27–55; Frederick Cooper, *Citizenship, Inequality, and Difference: Historical Perspectives* (Princeton: Princeton University Press, 2018), 45–75; René Koekkoek, *The Citizenship Experiment: Contesting the Limits of Civic Equality and Participation in the Age of Revolutions* (Leiden: Brill, 2020); Josep M. Fradera, *The Imperial Nation: Citizens and Subjects in the British, French, Spanish, and American Empires* (Princeton: Princeton University Press, 2017).

[7] Caitlin Anderson, "Old Subjects, New Subjects and Non-Subjects: Silences and Subjecthood in Fédon's Rebellion, Grenada, 1795–96," in *War, Empire and Slavery, 1770–1830*, ed. Richard Bessel, Nicholas Guyatt, and Jane Rendall (Basingstoke: Palgrave-Macmillan, 2010), 201–217; Jansen, "Aliens in a Revolutionary World."

[8] J.R. Dinwiddy, "The Use of the Crown's Power of Deportation under the Alien Act, 1793–1826," *Bulletin of the Institute of Historical Research* 41, no. 104 (1968): 206–210.

[9] John Jeremie, Chief Justice, to Governor Lorenzo Moore, 8 Nov. 1827, TNA, CO 253/23.

[10] Alien Act, Barbados, 29 June 1819, CO 28/95, fols. 171r–172r; "An Act for securing the Peace and Tranquillity of the Virgin Islands" (s.d.), TNA, CO 239/18; this act was referred to by Charles Lloyd to Woodcock, Provost-Marshall, Virgin Islands, 15 July 1827, TNA, CO 239/20.

[11] George Canning, Foreign Secretary, to Jules de Polignac, French Ambassador, 1825, AAE, MD, Amérique, vol. 61; Robert Wilmot-Horton to Joseph Planta, 6 July 1825, TNA, FO 27/345; Jeremie to Moore, 8 Nov. 1827, TNA, CO 253/23.

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ground—but also in the metropole—considered colonial alien laws a fitting legal tool to respond to, to avert or subvert, what they regarded as challenges or legal problems of the age of emancipation. After a brief survey of key patterns and particularities of colonial alien legislation in the British Caribbean, I will retrace two such new uses of the alien laws in the 1820s: as a means to suppress mobilization for full political subjecthood by free communities of color, on the one hand; and as a tool to repress a legal loophole of the slave trade ban for intercolonial maroons, on the other.

Mobility Controls and Alien Laws: Common Patterns and Particular Genealogies

The surge of alien laws across the British empire, and beyond, around 1800 prompts us to reconsider the genealogy and functioning of the legal regulation of migration and aliens. Tracing the emergence of today's international border control system, historians have homed in on the decades before the First World War when states across Europe and the Anglophone world cracked down on the movement of unwanted aliens, Asians, and Eastern European Jews in particular.[12] Revolutionary-era alien laws point to a crucial moment a good century earlier when "aliens" already became the center of legal regulation. And, they point to the crucial role colonial spaces played in alien regulations during this period.[13] With the continued crafting and application of alien laws, the colonial Caribbean was arguably a more extensive experimental ground of migration control during this period than the British metropole.

On their surface, the British Aliens Act of 1793 and the colonial alien laws that were passed around the same time in colonies like Jamaica, Saint Vincent, and Dominica shared some major features. Most importantly, they put a strikingly broad category at the center of regulation—the "alien"—modeled on the clear-cut distinction between natural-born British subjects, on the one hand, and foreign-born aliens, on the other. This distinction put primacy on the place of birth. Following a legal tradition that reached back to a landmark decision in the early seventeenth century (Calvin's Case of 1608), a natural-born British subject was a person born within the dominion of the British crown and

[12] See, for overviews, *Migration Control in the North Atlantic World: The Evolution of State Practices in Europe and the United States from the French Revolution to the Inter-War Period*, ed. Andreas Fahrmeir, Olivier Faron, and Patrick Weil (Oxford: Berghahn Books, 2003); Adam McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008); Marilyn Lake and Henry Reynolds, *Drawing the Global Color Line: White Men's Countries and the International Challenge of Equality* (Cambridge: Cambridge University Press, 2008); 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, no. 2 (2014): 309–50; Daniela L. Caglioti, *War and Citizenship: Enemy Aliens and National Belonging from the French Revolution to the First World War* (Cambridge: Cambridge University Press, 2020); Hardeep Dhillon, "The Making of Modern US Citizenship and Alienage: The History of Asian Immigration, Racial Capital, and US Law," *Law and History Review* 41, no. 1 (2023): 1–42.

[13] On the importance of empire in alien legislation before the First World War, see Alison Bashford and Catie Gilchrist, "The Colonial History of the 1905 Aliens Act," *The Journal of Imperial and Commonwealth History* 40, no. 3 (2012): 409–37.

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into life-long personal relationship of allegiance and protection with the monarch, while an alien was born outside of it.[14] Place of birth thus constituted a "natural" denominator of belonging, but British subjecthood law also included, from its beginnings, paths to subjecthood beyond the "natural" acquisition of allegiance. Hand in hand with an expanding global empire, British notions of subject and alien teemed with an increasing variety of temporary, partial, conditional, and ambiguous statuses in between. Revolutionary-era alien laws pushed the legal framework away from the elastic boundaries between subject and alien and further toward a more rigid distinction between the two. At the same time, legislation centering on the broad category of "alien" intervened in a fuzzy and dynamic legal and bureaucratic vocabulary of mobile people and border-crossers, where the lines between who would count as a "prisoner of war," a "refugee," a "slave," or a "convict" (to name but a few) were not clearly drawn.[15] The clash between a sharper legal division between subject and alien and a murky legal and social practice put new emphasis on particular "regimes of proof" in determining individual subject and alien status.[16]

The British metropole and its colonial territories also adopted similar policies when it came to reshaping the status of aliens, in particular their registration upon arrival and a stricter regulation of their movements within the territory. At times, they also introduced restrictions on the acquisition of subjecthood. But most importantly, they always included provisions for the removal of unwanted foreigners. Metropolitan governments and colonial legislatures emphasized that these regulations were emergency measures in response to the immediate threat of revolutionary upheaval. The regulations strengthened executive power and extra-judicial procedures. This is one of the major differences with the legal frameworks of convict transportation that were at the time also widely used as a means of colonial governance; while transportation passed through the courts, alien laws were all about avoiding

[14] On the history of British subjecthood, see John W. Salmond, "Citizenship and Allegiance," *The Law Quarterly Review* 17 (1901): 270–86, and 18 (1902): 49–63; Polly J. Price, "Natural Law and Birthright Citizenship in Calvin's Case (1608)," *Yale Journal of Law and the Humanities* 9, no. 1 (1997): 73–145; Andreas Fahrmeir, *Citizens and Aliens: Foreigners and the Law in Britain and the German States, 1789–1870* (Oxford: Berghahn, 2000); Keechang Kim, *Aliens in Medieval Law: The Origins of Modern Citizenship* (Cambridge: Cambridge University Press, 2000); Rieko Karatani, *Defining British Citizenship: Empire, Commonwealth and Modern Britain* (London: Routledge, 2003); Anderson, "Britons abroad"; Hannah Weiss Muller, *Subjects and Sovereign: Bonds of Belonging in the Eighteenth-Century British Empire* (Oxford: Oxford University Press, 2017); Amanda Nettelbeck, *Indigenous Rights and Colonial Subjecthood: Protection and Reform in the Nineteenth-Century British Empire* (Cambridge: Cambridge University Press, 2019).

[15] Renaud Morieux, *The Society of Prisoners: Anglo-French Wars and Incarceration in the Eighteenth Century* (Oxford: Oxford University Press, 2019), 3–10, 30–76; Clare Anderson, *Convicts: A Global History* (Cambridge: Cambridge University Press, 2022), 100–132; Jan C. Jansen and Kirsten McKenzie, "Introduction," in *Mobility and Coercion in an Age of Wars and Revolutions: A Global History, c. 1750–1830*, ed. Jansen and McKenzie (Cambridge: Cambridge University Press, 2024), 19–26.

[16] Taranqini Sriraman, *In Pursuit of Proof: A History of Identification Documents in India* (Oxford: Oxford University Press, 2018), xxvii; Jan C. Jansen, "Registration and Deportation: Refugees, Regimes of Proof, and the Law in Jamaica, 1791–1828," in Jansen and McKenzie, *Mobility and Coercion*, 173–93.

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the judiciary. They were a testament to what we may call the joint efforts of "de-judicialization" by local legislatures and governors.

Finally, while they usually applied to all foreigners, alien laws also singled out particular groups. Broadly speaking, North Atlantic regulations focused on movements relating to the French Revolution, while Mid- to South Atlantic ones concentrated on the Haitian Revolution. Alien regulations in the British Caribbean thus generally placed their main target on migrants from Saint-Domingue, in particular people of African descent, both free and enslaved. The Jamaican alien acts, for instance, set particularly low barriers for deporting "people of colour or negroes" who "may be sent from St. Domingo… for the purpose of exciting sedition, or raising rebellions."[17] Often, the main target on free and unfree border-crossers of African descent or origin was further specified along local criteria. Thus, Saint Vincent's alien act put special onus on "all free People of Colour whosoever" having arrived after the outbreak of the major insurrection by the Indigenous Caribs in 1795.[18] As they appeared to homogenize outsiders, alien laws made sure that statuses among aliens varied tremendously.

The revolutionary-era moment of migration control also shows that laws targeting aliens and inter-state border-crossers had legal blueprints in various regulations of undesired mobilities, domestic and foreign alike.[19] Though they took shape during a relatively short period of time, revolutionary-era alien laws reveal local genealogies that stretch much deeper in time. The regulation of migration, the suppression of undesired forms of mobility, and the surveillance of particular types of mobile people as state and societal practices were anything but new in the 1790s. Since at least the Late Middle Ages, states across Europe and beyond had required travelers to carry identity papers and badges, and local authorities exercised the right to remove nonresident paupers and mobile poor ("vagrant"), diseased, criminal, (wartime) enemy, or potentially disorderly individuals.[20] Labor relations, both free and unfree, were also shot through with regulations that immobilized the workforce. In many cases, revolutionary-era alien laws were built on patchworks of local regulations as a model, which in turn gave these laws a clearly recognizable imprint and made them prone to particular uses.

The alien acts in the revolutionary-era Caribbean were a case in point. While they were (re)regulating alien status during the 1790s and early 1800s, most British Caribbean legislatures drew on preexisting models that allowed for mobility control and the expulsion of categories of undesired individuals. These legal tools were shaped by the needs and views of the islands' slave-holding elites. Long before the slave insurrection in Saint-Domingue, local authorities

[17] 39 Geo. III, c. 29 and c. 30, passed on 14 Mar. 1799, in *The Laws of Jamaica*, vol. 3, 511.

[18] Alien Act, Saint Vincent, 28 July 1797, in *The Laws of the Island of St. Vincent*, 296.

[19] Jan C. Jansen, "Grenzfälle: Perspektiven der neuzeitlichen Im-/Mobilitätsgeschichte," *Archiv für Sozialgeschichte* 64 (2024): 26–29.

[20] For overviews, see Valentin Groebner, *Who Are You? Identification, Deception, and Surveillance in Early Modern Europe* (New York: Zone Books, 2007); *Identification: Genèse d'un travail d'État*, ed. Gérard Noiriel (Paris: Belin, 2007).

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had sought to monitor and regulate the whereabouts on land of foreign ship crews, and especially of seamen of color.[21] But the most important sources of mobility control and deportation were the laws targeting the enslaved population. Marronage had long been a major concern behind the mobility controls built into British Caribbean slave acts.[22] These acts sought to discourage and monitor the movement of enslaved individuals through passport or ticket systems. They also established punitive transportation of enslaved people to non-British colonies, and this form of punishment was commonly imposed by local slave courts. Rooted in these earlier efforts, legislation in the 1790s and early 1800s transferred these racialized policies of mobility control and deportation to free individuals categorized as "aliens." Quite often, their authors barely hid their legal model by including provisions that may have been taken verbatim from slave codes, such as the control of firearms on plantations in the 1823 Antigua aliens act or the requirement for free people of color to document their free status at all times in the Saint Vincent act.[23]

Under the umbrella of "alien acts," a set of laws emerged in the British empire in the late 1790s and 1800s that was both coherent and diverse. As the first statutory effort to regulate aliens as such, these laws worked at hardening what had been a rather porous boundary separating natural-born British subjects and foreign-born aliens. Building on different local models of mobility control, the alien laws, however, also varied in their content and local application, and could also, at times, conflict with each other in a shared imperial space. In the Caribbean of the 1820s, this local imprint also assured the laws' continued importance even as the revolutionary era drew to a close and the fear of revolutionary unrest receded. Alien laws became a preferred legal tool when various groups pushed to recalibrate their status within the British empire in the 1820s. As a result, these often-obscure laws also became embroiled in larger constitutional conflicts that beset the empire on a global scale, further complicating issues they were supposed to solve.

Free People of Color

The late 1810s, and especially the 1820s, saw increased campaigns by free men of color across the British West Indies for equal rights as British subjects. Along with the abolition of the slave trade, antislavery mobilization, and "amelioration" policies, colonial governments and local legislative assemblies perceived this push for political emancipation by free people of color as a major threat to

[21] Julius S. Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution* (London: Verso, 2018), 40–49.

[22] Elsa V. Goveia, *The West Indian Slave Laws of the 18th Century* (Barbados: Caribbean University Press, 1970); Justine K. Collins, *Tracing British West Indian Slavery Laws: A Comparative Analysis of Legal Transplants* (London: Routledge, 2022).

[23] "An Act for Preventing Aliens of Dangerous Principles from Residing in this Island," Antigua, 10 July 1823, AAE, MD, Amérique, vol. 61, fols. 45v–46v; Alien Act, Saint Vincent, 28 July 1797, in *The Laws of the Island of St. Vincent*, 296.

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the existing racial social and political order. Some of these campaigns had been decades in the making, yet they came to the fore more forcefully, when a royal commission of inquiry into the legal and political colonial systems toured the British West Indies in the mid-1820s.[24] Representatives of free communities of color saw their chance to bypass mostly hostile assemblies and administrations and turned to the royal commissioners to present their grievances and demands for improvement as loyal subjects to the Crown.[25]

In their complaints to the Crown, existing alien acts cropped up repeatedly. In their 1825 petition to the commissioners of inquiry, for instance, Saint Vincent's free people of color put the 1797 island's alien law first among "several acts of the island, which are made to operate exclusively and with much severity against colored persons."[26] They conceded that this law "so far as relates to Foreigners (by which term your memorialists conceive that no person born in a British Colony can ever be designated)…, though severe, was expedient at that time." A quarter-century later, however, "the meaning of the act [is] perverted": "all persons of color [are] considered as aliens,… they are the only persons against whom it is enforced." Driving what Saint Vincent's free people of color considered the "perversion" of a remnant of a bygone emergency was the reinvention of alien acts against the backdrop of a much more recent setting: the renegotiation of Britain's Caribbean mixed-race subjects' status.

For colonial officials, racialized alien laws held two major advantages in their quest to reign in the free-colored communities' claims to equal subjecthood. First, as they provided the executive government with sweeping powers of extrajudicial removal against persons of African descent—no matter if free or unfree, as long as they were categorized as "aliens"—alien laws played a crucial role in the attempts to suppress free-colored political movements. Along with

[24] Lisa Ford, Kirsten McKenzie, Naomi Parkinson, and David Andrew Roberts, *Inquiring into Empire: Colonial Commissions and British Imperial Reform, 1819–1833* (Cambridge: Cambridge University Press, 2025), 93–94.

[25] "Petition and Memorial of the Coloured Inhabitants of His Majesty's Island of Dominica," s.d. [1823]; Petition by the free people of color of Grenada, 26 May 1823; "Memorial of the Free Coloured Inhabitants of Jamaica," s.d. [1825]; Memorial by free men of color, Antigua, 8 Oct. 1823; Petition by the free people of color, Montserrat, 16 Oct. 1823; "The Memorial of His Majesty's Subjects of Color, of the Island of Saint Christopher," 24 Nov. 1823; Petition of the colored inhabitants of the Island of Saint Vincents to the commissioners of inquiry, s.d. [1825]; Petition by free people of color of Saint-Lucia to commissioners of legal inquiry, s.d.; Petition by free people of color of Tobago, Apr. 1823; Memorial of the Colored Inhabitants of Trinidad to the Commissioners of Legal Inquiry, 19 Nov. 1823, TNA CO 318/76, fols. 5r–7v, 38r–43v, 55r–89r, 122r–125r, 146r–148v, 153–160, 178r–181v, 184r–199v, 233r–236v, 243r–259r; see also for the larger context Gad Heuman, *Between Black and White: Race, Politics, and the Free Coloreds in Jamaica, 1792–1865* (Westport, CT: Greenwood Press, 1981), 23–32; Edward L. Cox, *The Free Coloreds in the Slave Societies of St. Kitts and Grenada, 1763–1833* (Knoxville: University of Tennessee Press, 1984), 92–110; Melanie J. Newton, *The Children of Africa in the Colonies: Free People of Color in Barbados in the Age of Emancipation* (Baton Rouge: Louisiana State University Press, 2008), 57–86.

[26] Petition of the colored inhabitants of the Island of St. Vincents, TNA CO 318/76, fol. 179r, also the quote that follows; see also "Memorial of the Free Coloured Inhabitants of Jamaica," TNA CO 318/76, fol. 67.

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this practical advantage came a symbolic dimension: By broadly applying alien acts to free people of color, officials were denied the allegiance and status of this part of the population as loyal subjects that were the foundation of the campaigns for racial equality. Facing criticism against the partial use of the alien law, Saint Vincent's acting governor William John Struth was quite blunt about this connection when he defended it as "a most salutary Statute as regards the introduction of bad or doubtful characters particularly at a time when measures are in progress to relieve the persons more immediately affected by the act from all their past disabilities."[27]

The possibility of using alien laws as a mean to reaffirm racial boundaries of subjecthood also clearly prompted some colonial legislatures to reinstate or create new alien laws. This was the case with Barbados that passed its own Alien Act as late as 1819. This act explicitly put white non-subjects (aliens) and "every Free Negro and other Free Person of Colour, not a Native *of this Island*" on the same legal footing; by restricting the category of natural-born subject among Barbados' free people of color to those locally born, all resident free men and women of color born in another British colony became aliens; they were thus subject to particular fees and potential extra-judicial incarceration or deportation, even if they were legally natural-born British subjects.[28] The power of deportation, under this alien act even applied to "any Free Negro or Free Person of Colour, *whether the same be natives of this Island*"—thus natural-born local subjects in the narrowest possible sense of the term.

In its wording, Barbados' alien law was explicitly not concerned with aliens alone; it was a tool to deport any person of color, no matter whether alien or subject. But what may have passed unnoticed during the antirevolutionary scare some 25 years before was immediately met with protest.[29] The alien act ironically gave Barbados' free people of color a mobilizing boost. At a public meeting in June 1819, some 500 free men of color elected a committee that would not only express their protest against the law but also serve as the uncontested spokespersons of Barbados' leading free people of color for some years. In response to the protest, the Assembly readied itself to adjust the wording, but as the revised text was not submitted to the other branch of legislation (the Council) before the 1819 elections, the repeal was incomplete and the original act remained in full force. However, it was not put into execution as the governor did not appoint an alien inspector before he left his position shortly afterward—leaving an ambiguous legal situation of which his successor allegedly only learned years later "not from any official information, yet from such sources as admit of little doubt of their correctness."[30]

[27] William John Struth to George Murray, 26 Apr. 1830, TNA CO 260/47, fol. 21.

[28] Alien Act, Barbados, 29 June 1819, TNA CO 28/95, fol. 171r. My emphasis. The quote that follows is on fol. 171v.

[29] On the protest against the 1819 alien act, see Jerome S. Handler, *The Unappropriated People: Freedmen in the Slave Society of Barbados* (Baltimore: The Johns Hopkins University Press, 1974), 93–94.

[30] Governor Henry Warde to Bathurst, 31 Mar. 1824, TNA CO 28/93, fol. 105r. The inspector of Aliens was only appointed on 22 April 1824; see *Barbados Mercury, and Bridge-town Gazette*, 24 Apr. 1824.

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Whether the wording of the laws went as far as Barbados' Alien Act or not, what mattered most was how they were being used. There is extensive evidence that especially low- and mid-ranking officials across the British Caribbean used the provisions of the alien acts indiscriminately to suppress all sorts of behavior by free men of color that they deemed a threat to the public order. When Joseph Mason, a free man of color supposedly born in Martinique, exposed himself in a public space in Bridgetown, Barbados, in April 1824, Richard Pile, a local Justice of Peace, sprang to action.[31] He arrested him and locked him in the common jail, with the expectation that Mason would not be tried in court for misdemeanor but deported under the island's alien act that Pile considered to be in force. Governor Henry Warde, however, who would have been in charge of initiating the deportation did not consider the act in vigor as he still had not yet appointed an alien officer. Both men passed on to other business—only that their detainee remained in legal limbo, and detained without food. Mason died of hunger about two weeks into his detention.

In general, such arrests and deportations under the alien laws were part of a well-honed machine that only left traces in the archives, when conflicts arose, or people affected by it—or their allies or supporters—protested. Such conflicts however also showcase the general state of mind in which these laws were used against free men of color. As there were no legal checks in place, and in line with its symbolic power, the provisions to arrest and deport "dangerous aliens" were applied quite broadly, often on rather flimsy grounds and against persons whose alien status was not quite clear. Since its extra-judicial provisions hinged on the notion of a clearly defined distinction between subject and alien, the extensive use of alien laws could also backfire, when officials ventured too far into the gray zones of subjecthood. This was the case with Armstrong, a free man of color, resident in Saint Vincent and working in a bakery.[32] When he was accused of stealing bread in 1826, a bench of Magistrates arrested Armstrong under the provisions of the alien act, which provided for flogging and deportation. As Armstrong was, however, born in Antigua, he was, by law, a natural-born British subject, something not even the colonial administration disputed. After Armstrong petitioned to London "with an elaborate Law opinion"[33] (in the words of the grudging governor) about the violation of his subject rights, the metropolitan government intervened against the local efforts to limit the status of British subject to those free men of color born within the colony. As Saint Vincent officials were trying to treat natural-born subjects as aliens, officials in Saint Lucia faced an almost inverted problem: While the target of their deportation efforts, a free man of color named Louis Léonce, was undoubtedly a Martinique-born alien, they were operating with laws they had taken over from their French predecessors. Even though local and

[31] For an account of the affair, see James Stephen to Robert Wilmot-Horton, 5 Feb. 1825, TNA, CO 28/96, fols. 50–60.

[32] For an account of the affair, see J.G. Nanton, Legal Opinion about James Armstrong case, s.d. [ca. 1826], TNA, CO 260/47, fols. 164r–165v; also *The Grenada Free Press, and Public Advertiser* (Saint George's), 11 Nov. 1829.

[33] Struth to George Murray, 26 Apr. 1830, TNA, CO 260/47, fol. 21.

metropolitan legal experts agreed that there should be a way to remove an undesired alien, they remained at a loss as to whether it was possible to remove a French subject as an alien under French law.[34]

In contrast to those who were at least engaging in some verbal and legal acrobatics to justify the use of alien acts in cases of doubt, the Assembly of Barbados was quite blunt in its attempt to stretch the application of its controversial 1819 Alien Act to its maximum. In late 1823, a group of free men of color broke away from their self-appointed leaders, who had just presented an address of loyalty to the Assembly and distanced themselves from abolitionism. In a public counter-address to the governor, they called for more rights and declared their "neutrality" in a political question that did not concern their own situation, that is, the question of slavery.[35] The Assembly sought to revive the long-dormant alien act—in its initial form—to crack down on the group. After a brief investigation in February 1824, they singled out two men connected with the petition and requested the governor to "transport" them under the alien law.[36] Neither of them had been among the leaders of the initiative but appeared to have French-sounding names. One of them, John Thomas Calliard, a Barbados resident for over a decade, had been born in Saint Vincent, hence was also legally a natural-born British subject. While Calliard would fall under the law's expanded notion of natural-born alien only applicable to people of color, the Assembly pushed the boundaries even further when they requested that the governor would "be pleased to extend the operation" of the law to Frederick Dottin, "a dangerous *subject*," for whom they did not cite a place of birth outside of Barbados. Asked to weigh in on the request, the colony's law officers stated that the law as such was in fact inactive as long as no alien inspector had been appointed and thus avoided elaborating on the thorny question of applying the alien legislation to two categories of natural-born British subjects of color.[37]

This initial setback was in a way a blessing in disguise for the Barbados government as it prevented the administration from becoming embroiled in a constitutional crisis similar to one another British Caribbean colony would face. The move of the Assembly of Barbados in February 1824 to use alien laws against politically active free men of color seems to have been taken from the playbook of Jamaica's Assembly. In November 1823, at the instigation of members of the Assembly, the Jamaica governor deported Louis Celeste

[34] Jeremie to Moore, 8 Nov. 1827; Note by James Stephen, s.d., TNA CO 253/23.

[35] *Barbados Globe* (Bridgetown), 24 Jan. 1824, reprinted in *The Barbadian* (Bridgetown), Feb. 25, 1824; on the background of this affair, see Handler, *Unappropriated People*, 94–97; Newton, *Children of Africa*, 78–86.

[36] Speaker of the House of Assembly to Governor, 4 Feb. 1824; "Examination of witnesses taken at the Bar of the House of Assembly relative to a publication which appeared in the Globe Newspaper of the 22 ultimo," 3–4 Feb. 1824; Resolutions by the House of Assembly, 17 Feb. 1824, TNA, CO 28/93, fols. 114r–133v, 135r–136v. The quote that follows is at fol. 136r–v.

[37] Matthew Coulthurst, Attorney-General, and W. Moore to Warde, 8 Mar. 1824, TNA, CO 28/93, fol. 108r.

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Lecesne, John Escoffery, and Jean Gonville, three men of color, children of mixed-race refugee families from Saint-Domingue, as "dangerous aliens."[38] Two among them, Lecesne and Escoffery, were doing business with leading members of the Jamaican free men of colors' political campaign and were loosely connected with it. They were among the signatories of a petition for political emancipation, which was rejected by the Assembly in November 1823.[39] Citing vague allegations of conspiracy with Haiti, the three men were arrested and deported under the Jamaican alien act, as a calculated move to discredit the declarations of loyalty by the free-colored political movement.

Lecesne's and Escoffery's places of birth, and thus political belonging, however, were in doubt. Both claimed to have been born in Kingston shortly after their parents' arrival in 1795 and 1798, respectively. While they were lacking definite proof of their birth in the British monarch's domain, their case showed how little this formal criterion mattered for social practices of belonging; for roughly a quarter-century, they had lived lives in Kingston as if they were natural-born British subjects. As Lecesne and Escoffery were able to enlist the support of leading abolitionists in Great Britain, their deportation case grew into a major legal and political battle that would last well into the 1830s. This legal battle soon turned into a much more fundamental debate that played out in parliamentary chambers, courtrooms, and in the press; it also came to occupy and tarnish the royal commission of inquiry in the West Indies.[40] The case ignited fierce struggles over colonial alien legislation more broadly and over the executive powers granted by them.

The most pressing question for the British government in the affair came down to a rather simple alternative: Had the governor illegally deported British subjects, or had he used the legal powers vested in him by the alien legislation to protect British subjects (and to deport dangerous aliens)? Even after five years of evidence-gathering and testimonies, Lecesne's and Escoffery's places of birth could not be determined beyond doubt. In this situation, the metropolitan government decided to consider Lecesne and Escoffery—regardless of where they had been born—natural-born British subjects. The government thus tapped into arguments that had emerged during the deadlocked controversy. In this context, the case of the third deportee, John Gonville, proved decisive. His case had proceeded in obscurity during most of the debate, as his birth in Saint-Domingue in 1797 seemed to establish beyond doubt his alien status. In mid-

[38] Governor's Order in Council, Jamaica, 28 Nov. 1823, TNA, CO 137/174, fol. 81; for surveys of the affair, see Jansen, "Aliens in a Revolutionary World"; Heuman, *Between Black and White*, 33–43; Ford, McKenzie, Parkinson, and Roberts, *Inquiring into Empire*, 108–25.

[39] "Statement of Proceedings of the People of Colour of Jamaica in an intended Appeal to the House of Assembly of 1823, for the removal of their political disabilities," May 1823, TNA, CO 137/175, fols. 540r–545r; Assembly of Jamaica, 14 and 27 Nov. 1823, *JAJ*, vol. 14 (St. Jago de la Vega: John Lunan, 1829), 179, 201–202.

[40] For the debates in the House of Commons, see *Hansard*, 2nd ser., xi, cols. 796–804 (21 May 1824) and *Hansard*, 2nd ser., xiii, cols. 1173–205 (16 June 1825); for the investigation by the royal commission, see Report of the Commissioners of Legal Enquiry in the matter of Lecesne and Escoffery, First Issue, 25 Feb. 1826; Secret Report of the Commissioners of Legal Enquiry in the matter of Lecesne and Escoffery: Second Issue, 26 Feb. 1826, TNA, CO 318/66.

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1827, Gonville provided a local legal opinion, which implied that he may be legally considered a natural-born British subject as he was born at a place that was then occupied by British troops.[41] Shortly afterward, a newly appointed legal advisor in the Lecesne-Escoffery case supported that line of argument. He concluded that the question of the place of birth was in fact irrelevant; that Lecesne and Escoffery were to be considered natural-born British subjects even if they had been born in Haiti since their birth had happened during the British military occupation of parts of Saint-Domingue between 1793–98.[42] This legal opinion intervened in ongoing debates about the legal nature of government under temporary military occupation, as it interpreted the military occupation of Saint-Domingue as a conquest with automatic transfer of British sovereignty.[43] The British government quickly embraced this idea and laid the legal foundation for a way out of the affair. For the government, this solution offered the advantage of settling an increasingly damaging case in favor of the deported men without charging the governor with illegal conduct, and without creating a legal precedent. For the three men concerned, it was a victory on all accounts. They were officially recognized natural-born British subjects—starting with Jean Gonville, who had initially not claimed to be one. They were allowed to return to Jamaica and were granted compensation for the losses they had endured.

The legal position that emerged during the Lecesne-Escoffery case did not only provide a way out of the affair. Despite being couched in terms of established subjecthood law, it set forth a re-consideration of British subjecthood as such, for it moved the boundaries of who was to be considered a natural-born subject. There was no precedent in British case law to support the idea that the temporary military occupation of a territory would confer the status of natural-born subjects to newly born residents of that territory. Instead of reinforcing racial boundaries of subjecthood against free people of color, the use of alien laws in the Lecesne-Escoffery affair generated a debate that opened up new pathways into British subject status.

Enslaved Fugitives

At the very time of the Lecesne and Escoffery affair, colonial Caribbean alien laws received renewed attention—and use—in yet another major arena of the age of emancipation: the 1807 abolition of the slave trade, and in particular its use against a group of mobile people who have only received scant attention in scholarship on state-sponsored abolition in the British empire: intercolonial maroons, foreign enslaved fugitives, or "refugee slaves," thus enslaved men and women who escaped slavery in non-British territories.[44] To be sure, by the early

[41] Legal Opinion by Attorney-General William Burge, 31 July 1822, TNA, CO 137/175, fol. 578r.

[42] Legal Opinion by John Bosanquet, 5 Nov. 1827, TNA, CO 137/176, fols. 63r–v.

[43] Further on this legal opinion and its alternatives, Jansen, "Aliens in a Revolutionary World," 224–31.

[44] For scholarship on intercolonial marronage, see Simon P. Newman, "Rethinking Runaways in the British Atlantic World: Britain, the Caribbean, West Africa and North America," *Slavery & Abolition* 38, no. 1 (2017): 49–75; Thomas Mareite, *Conditional Freedom: Free Soil and Fugitive Slaves from*

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1820s, neither the slave trade ban nor flight from slavery were anything but new. Attempts at self-liberation by crossing imperial borders had long been known in the plantation worlds of the Americas, including escapes into British colonies, even if they did not constitute a prime destination. Apart from the well-known policies of Catholic sanctuary in Spanish America, the treatment of fugitives during peacetime was usually governed by an intercolonial practice of mutual return, or "restitution," of enslaved fugitives claimed by their foreign enslavers; those that went unclaimed were re-enslaved either within the territory or by exportation.[45] This practice remained largely uncontested in the early 1800s, until, in the early 1820s, a series of events and legal struggles connected intercolonial marronage and slave trade abolition in a way that created an explosive legal issue at the imperial level.[46] The crucial question that pitted a few local officials against the plantation establishment was whether the 1807 slave trade ban provided for a different treatment of foreign enslaved fugitives.

In West African Sierra Leone, in particular, anti-slave trade legislation had been the foundation for a policy of expanding British jurisdiction and of generating material benefits from the "forfeiture" of captured slaves and their reassignment as military recruits and bonded laborers ("apprentices").[47] When

the U.S. South to Mexico's Northeast, 1803–1861 (Leiden: Brill, 2022); Marcus P. Nevius, "New Histories of Marronage in the Anglo-Atlantic World and Early North America," *History Compass* 18, no. 5 (2020), https://doi.org/10.1111/hic3.12613; Neville Hall, "Maritime Maroons: 'Grand Marronage' from the Danish West Indies," *William and Mary Quarterly* 42, no. 4 (1985): 479–98; Jeppe Mulich, "Maritime Marronage in Colonial Borderlands," in Nathan Perl-Rosenthal and Lauren Benton, eds., *A World at Sea: Maritime Practices and Global History* (Philadelphia: University of Pennsylvania Press, 2020), 133–48; Theresa A. Singleton and Jane Landers, "Maritime Marronage: Archaeological, Anthropological, and Historical Approaches," *Slavery & Abolition* 42, no. 3 (2021): 419–27; Gunver Simonsen and Rasmus Christensen, "Together in a Small Boat: Slavery's Fugitives in the Lesser Antilles," *The William and Mary Quarterly* 80, no. 4 (2023): 611–46.

[45] In comparative perspective, Alvin O. Thompson, *Flight to Freedom: African Runaways and Maroons in the Americas* (Mona: University of the West Indies Press, 2006), 272–78; on Spanish policies, Jane Landers, *Black Society in Spanish Florida* (Urbana: University of Illinois Press, 1999); Jorge L. Chinea, "A Quest for Freedom: The Immigration of Maritime Maroons into Puerto Rico, 1656–1800," *Journal of Caribbean History* 31 (1997): 51–87; Linda Rupert, "'Seeking the Baptism of Water': Fugitive Slaves and Imperial Jurisdiction in the Early-Modern Caribbean," in *Legal Pluralism and Empires, 1500–1850*, ed. Lauren Benton and Richard J. Ross (New York: New York University Press, 2013), 199–232; José Luis Belmonte Postigo, "'No siendo lo mismo echarse al mar, que es lugar de libertad plena': Cimarronaje marítimo y política transimperial en el caribe español, 1687–1804," in *Esclavitud y diferencia racial en el Caribe hispano*, ed. Consuelo Naranjo Orovio (Madrid: Doce Calles, 2016), 43–70.

[46] For a detailed survey of these developments, see Jan C. Jansen, "'A Sanctuary to Crime'? Enslaved Fugitives, Antislavery, and the Law in the Caribbean, 1819–1833," *Comparative Studies in Society and History* 67, no. 2 (2025): 429–56.

[47] On the politics and economics of antislavery, see Padraic X. Scanlan, *Freedom's Debtors: British Antislavery in Sierra Leone in the Age of Revolution* (New Haven: Yale University Press, 2017); Richard Peter Anderson and Paul Lovejoy, eds., *Liberated Africans and the Abolition of the Slave Trade, 1807–1896* (Rochester: University of Rochester Press, 2020); Paul B. Lovejoy, "Conceptualizing 'Liberated Africans' and Slave Trade Abolition: Government Schemes to Indenture Enslaved People Captured from Slavery, 1800–1920," *Past & Present*, 24 July 2024, https://doi.org/10.1093/pastj/gtae019; Jake C. Richards, "Anti-Slave-Trade Law, 'Liberated Africans' and the State in the South Atlantic World, c. 1839–1852," *Past & Present* 241 (2018): 179–219; Lauren Benton, "Abolition and Imperial Law, 1790–

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seized on board a slave ship and condemned by a vice-admiralty court, an enslaved person would be "forfeited" to the Crown, nullifying any previous property title. The person, now turned into a "liberated African," became available for further employment. The task of receiving and providing for captured Africans, bringing them to court, and "disposing" of them as military recruits, apprentices, or free settlers, fell to the customs officer. Especially under Governor Charles Maxwell (1811–15), Sierra Leone's antislavery system was geared toward wartime prize law that incentivized privateers for each (allegedly) enslaved African they seized and brought to court. The system ran into trouble after 1814 when vice-admiralty courts returned to their peacetime existence of "court(s) of no profit, and of very little if any business," as planter-historian and longtime vice-admiralty judge Edward Long had put it.[48] The post-1814 peacetime agreements usually passed captured Africans to bi-national "mixed commissions." Such peacetime treaties did, however, not cover the status of enslaved foreign fugitives, making them a new potential target for a system that had created vested material interests. Under the guidance of Maxwell, since 1816 governor of several Caribbean colonies, customs officers began to expand their jurisdiction to include foreign enslaved fugitives.[49] They seized them and brought them to court, escalating fierce conflicts over the scope and the limits of their antislavery mandate.

When this question reached the highest-ranking law officers in London, the Crown Lawyers, they issued an opinion with far-reaching consequences. They declared in 1822 that "fugitive slaves from foreign colonies do not, in any case, come under the provisions of the [Slave Trade Act] and cannot be proceeded against under that Statute."[50] Yet, the Crown Lawyers did not condone a return to restitution either: "fugitive Slaves from foreign colonies cannot be removed from the colony or settlement to which they have come." This opinion stemmed from the fact that enslaved fugitives were not listed among those exempted from the slave trade ban. As a result, the prohibition of being removed "as slaves or to be dealt with as slaves" applied to them automatically. The omission had another key consequence: enslaved fugitives were considered free

1820," *Journal of Imperial and Commonwealth History* 39, no. 3 (2011): 179–99; Lisa Ford and Naomi Parkinson, "Legislating Freedom: Liberated Africans and the Abolition Act, 1806–1824," *Slavery & Abolition* 42, no. 4 (2021): 827–46; Anita Rupprecht, "From Slavery to Indenture: Scripts for Slavery's Endings," in *Emancipation and the Remaking of the British Imperial World*, ed. Catherine Hall, Nicholas Draper, and Keith McClelland (Manchester: Manchester University Press, 2015), 77–97; Maeve Ryan, *Humanitarian Governance and the British Antislavery World System* (New Haven: Yale University Press, 2022); Laura Rosanne Adderley, *"New Negroes from Africa": Slave Trade Abolition and Free African Settlement in the Nineteenth-Century Caribbean* (Bloomington: Indiana University Press, 2006).

[48] Edward Long, *The History of Jamaica*, vol. 1 (London: T. Lownudes, 1774), 78.

[49] On the role of Maxwell and customs officers under his guidance, see Jansen "Sanctuary to Crime," 435–39.

[50] Commissioners of the Customs to Symonds Bridgwater, Customs officer, Dominica, 22 Aug. 1822, TNA, CO 71/60, also the quote that follows; the Crown Lawyers had already issued this position in 1819–20, but it had been held under wraps by the Colonial Office: Christopher Robinson, Robert Gifford, and John Singleton Copley to Lord Bathurst, 22 Sept. 1819; Bathurst to Governor Samuel Wittingham, Dominica, 11 Oct. 1819, TNA, CUST 34/368.

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persons, unlike "liberated Africans," whose freedom was heavily restricted, or what Maxwell and his allies may have assumed. Imperial authorities in both the Caribbean and London eventually realized that enslaved fugitives moved in a legal gray zone, effectively creating a de facto free-soil policy within Britain's plantation system.

Government officials sought to solve the issue by consistent legal means. Their attempts, however, stumbled into a variety of contentious legal issues for which they lacked easy answers:

- Was there a distinction to be made between Africa-born and America-born (i.e., "Creole") individuals among the fugitives, with the provisions of the Slave Trade Act only extending to those brought from Africa since the enactment of abolition? If it was confined to those, "recently" imported, how would "recently" be defined and what would be the factual foundation for determining it? In the absence of written evidence, who could claim the knowledge and expertise to accurately delineate between the groups?[51]
- Would "illegal importation" also include what a local judge mocked as "self-importation" of fugitives or any other form of "accidental" importation against the will of the owners?[52]
- Was there some preexisting principle of free soil in British law with regard to the British Isles? Did the Slave Trade Act de facto constitute a principle of free soil across the British empire, making enslaved individuals free upon entering any British colony?[53]
- Did inter-state "Law of Nations" provide for the extradition of enslaved fugitives—even in the absence of bilateral extradition treaties—or for their protection?[54]
- Was it possible, or even necessary, to distinguish the written letter of the Slave Trade Act from the Legislator's actual intention, and if so, who would be entitled to decipher the Legislators' true intentions?[55]

[51] See e.g. Bridgwater to the Commissioners of the Customs, 10 Nov. 1821 and 27 June 1823, TNA, CUST 34/368; Richard Musgrave, "Case for the Opinion of the Solicitor-General," Antigua, 28 Jan. 1825; William Musgrave, Attorney-General, Antigua, to Samuel Athill, Commander-in-chief, Antigua, 12 Feb. 1825, TNA, FO 27/345.

[52] Judge's Sentence, Vice-Admiralty Court, Dominica, 3 Nov. 1821, TNA, CUST 34/368.

[53] See Minute [Stephen, ca. 1824], TNA, CO 318/101; Planta to Wilmot-Horton, 5 Aug. 1825, TNA, CO 318/99; Adrien Laval, French Ambassador, to Polignac, 15 Apr. 1830, AAE, MD Amérique, vol. 61.

[54] See e.g. Polignac, Memorandum, Nov. 1824, TNA, FO 27/345; Stephen, "A Statement of the Various Defects which Have Been Pointed Out in the Consolidated Slave Trade Act" [Apr. 1825], TNA, CO 318/99; Richard Musgrave, "Case," 28 Jan. 1825, TNA, FO 27/345; Lord Howick, Opinion, 28 Mar. 1831, TNA, CO 7/31. On these inter-state dimensions, see Jansen, "Sanctuary to Crime," 447–51.

[55] See e.g. Court Proceedings, 3 Nov. 1821, National Archives of Dominica, Roseau, Court of Vice-Admiralty, Minute Book 1821; Judge's Sentence, Dominica Vice-Admiralty Court, TNA, CUST 34/368; Memorial, President and Members of the Council and Speaker and Members of the Assembly, Dominica, 9 July 1827, TNA, CO 71/65; James Stephen, "Fugitive Slaves," 7 Nov. 1827, TNA, CO 318/103.

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As these legal intricacies complicated a quick response from metropolitan officials, action on the ground created new facts. Individuals—both enslaved and colonial officials—set out to define "protection" and freedom granted by the Abolition Act. In Nevis, Governor Maxwell decided to set a foreign fugitive named Thomas, free, "in a state of unqualified liberty."[56] Other local authorities, by contrast, decided to ignore, as long as possible, the legal wranglings over the abolition law and continued the practice of restitution. This state of unfazed business-as-usual ended when, in 1825, the Colonial Office circulated a new directive among all the governors: foreign fugitives should no longer be treated as slaves nor returned to be treated as such.[57]

The response from both fugitives and the colonies was immediate. Increasing numbers of enslaved fugitives in the French, Danish, Swedish, Dutch, and Spanish Caribbean sought to seize the opportunity offered by Great Britain's unintended free-soil policy. Inter-island networks and informal communication among enslaved and free Black communities across the Caribbean spread information about these new pathways for intercolonial maroons. Rumors in the mid-1820s Dutch Sint Maarten, for example, claimed that "[Anguilla Customs Officer] Mr Hay was protecting the Slaves that came over."[58] The British Virgin Island of Tortola, for example, once a point of departure for flights to Sankt Thomas (Saint Thomas), turned into a favorite destination of fugitives from the Danish West Indies.[59] In close interaction with fugitives, Tortola's customs officers transformed non-restitution into active "protection," gradually increasing its expanse.[60] Fugitives and low-ranking officials across the British Caribbean explored the legal loophole of intercolonial maroons, blurring and resetting the boundaries of who could claim freedom, and under what conditions.[61] Numerous reports of growing free communities of fugitives, some completely at large, others mixed up with "liberated Africans" or incarcerated at great expense, reached London in the

[56] Stephen to Wilmot-Horton, 20 Dec. 1823, TNA, CO 318/94.

[57] Bathurst, Circular letter, 31 Dec. 1825, National Archives of Antigua and Barbuda, Saint John's (hereafter NAAB), 1 Correspondence from England, relating to Antigua, 1818–1828. The Colonial Office began to circulate this position in mid-1825: Bathurst, Circular letter, 20 July 1825, Bahamas National Archives, Nassau (hereafter BNA), GOV 15/1.

[58] Affidavit Deborah Hodge, 12 May 1829, TNA, CUST 34/731.

[59] Johan Frederik Bardenfleth, Governor-General, Danish West Indies, to Frederick VI, 16 Nov. 1826, Rigsarkivet, Copenhagen (hereafter RA), Generalguvernementet Dansk Vestindien (GG-DVI), Kopibøger for skrivelser til kongen, 2.7.2.

[60] Robert Claxton, Customs officer, to Governor Maxwell, 14 Aug. 1829, TNA, CUST 34/817; on these negotiations, see also Jansen, "Sanctuary to Crime," 442–45.

[61] Fugitives thus joined (or preceded) other groups that carved out pathways by appealing to "protection" under British abolition. See, for these cases, Matilde Flamigni, "'In Consequence of Considering Herself to be Free': Freedom and (Im)Mobility in the Trans-Imperial Caribbean Space of the 19th Century," *Labor History* 64, no. 6 (2023): 676–90; Roldán de Montaud, "En los borrosos confines de la Libertad: El caso de los negros emancipados en Cuba, 1807–1870," *Revista de Indias* 71, no. 251 (2011): 159–92; Stephen Waddams, "The Case of Grace James (1827)," *Texas Wesleyan Law Review* 13, 2 (2007): 783–93; Edlie L. Wong, *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel* (New York: New York University Press, 2009), 36–48.

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late 1820s and early 1830s. Within a few years, a group of "foreign fugitive slaves… in the woods of Dominica" had reportedly risen to 300 people.[62]

Local officials like Maxwell had intended to open the door to "freedom" for fugitives a crack. As it swung wide open, they began to wrestle with the consequences of the government's legal position. Removing fugitives from the legal procedure of abolition threw a wrench in antislavery's profitable political economy. The Colonial Office's 1825 circular was met with an uproar among local assemblies and planter communities. Assemblies across the British Caribbean refused to accept an interpretation of the law that upended what they regarded as longstanding intercolonial practice. They and their agents assailed the metropolitan government with petitions against a legal practice that was, they claimed, turning the British Caribbean into "a sanctuary to crime."[63] Like the struggle over the deportation of Lecesne and Escoffery, the conflict over enslaved fugitives quickly became enmeshed in broader institutional power struggles over imperial governance and the uses—and limits—of executive power.

In addition to internal resistance, the governments of France, Denmark, Sweden, and the Netherlands put massive pressure on the British government. Until the mid-1820s, the practice of returning fugitives continued unabatedly, even to and from British colonies. Between 1817 and the early 1820s, French authorities returned at least 22 enslaved escapees to British enslavers in Dominica, Montserrat, Saint-Lucie, Grenada, and Antigua.[64] That colonies with a vested interest in slavery would embark on an inflexible non-restitution policy was unheard of, and foreign officials struggled to make sense what appeared to them as a "very odd" policy.[65] Swedish, Danish, Dutch, and French authorities tried to crack down on marronage from their plantations and to forcibly return fugitives from British colonies.[66] In the mid-1820s, they also began to retaliate and refused to comply with demands for restitution from British planters.[67] By the late 1820s, pro-slavery observers on all sides feared that the policy of

[62] Note, H. Taylor, West India department [ca. 1827], TNA, CO 318/103.

[63] Memorial of the Agents for Colonies in the West Indies, 12 May 1827, TNA, CO 318/103.

[64] Damas to Polignac, 11 Oct. 1824, AAE, MD Amérique, vol. 61.

[65] W.A. van Spengler, Governor, Sint Eustatius, to Cornelis Theodorus Elout, Colonial Minister, 10 Oct. 1825, Nederlands Nationaal Archief, The Hague (hereafter NL-NaHa), 2.10.01_4313_0112.

[66] Proclamations, Johan Norderling, Governor, Sankt Barthélemy, 18 and 20 Sept. 1825, Svensk Riksarkivet, Stockholm, St. Barthélemysamlingen (hereafter SBS), Volym 9A; Baron des Rotours, Governor, Guadeloupe, to Christophe de Chabrol-Crouzol, Minister of the Navy, 6 Apr. 1827, Archives nationales d'outre-mer, Aix-en-Provence, GEN 631, doss. 2737; Peter von Scholten, Governor-General, Danish West Indies, to Christian VIII, 11 Aug. 1840, Dansk Riksarkivet, Copenhagen (hereafter DRA), Generalguvernementet Dansk Vestindien (hereafter GG-DVI), Kopibøger for skrivelser til kongen, 2.7.3.

[67] Spengler to Elout, 25 June 1827, NL-NaHa, 2.10.01_4313_0113; Johan Frederik Bardenfleth, Governor-General, Danish West Indies, to Frederick VI, 3 Dec. 1826, DRA, GG-DVI, Kopibøger, 2.7.2; "Return of fugitive slaves as yet present at St. Eustatius," 6 Mar. 1828, National Archives of Saint Kitts and Nevis, Basseterre, A1C/18, St. Christopher Assembly Minutes, 1827–1831, fol. 129.

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unilateral non-restitution had unleashed a dynamic of mutual destruction of the entire Caribbean system of slavery.[68]

Throughout the 1820s and early 1830s, British officials scrambled to close the legal loophole used by a growing number of enslaved people. They aimed at a solution that would first and foremost counter the destabilizing effects of growing communities of de facto free fugitives, while not being in conflict with abolitionist legislation. Several attempts to strike a compromise with Parliament and explicitly allow treaties with other colonial powers for the mutual return of enslaved fugitives were met with resistance by abolitionist members of Parliament.[69] And it is in this legal panic, that colonial alien acts—or rather their local uses—came in.[70] Already in 1809, the tension between colonial alien legislation and slave trade ban—and the potential of the former to subvert the latter—had become apparent in the Bahamas. In September 1809, the Spanish schooner *San Rafael* from Campeche (Mexico) tried to introduce a group of men categorized as "slaves" into Nassau.[71] The men on board testified to a wide variety of trajectories and statuses, ranging from Jean Baptiste, born in Africa, captured and forcibly shipped to Saint-Domingue as a child; to Mather alias William, born free in Dutch Saint Eustatius, captured by a French privateer and enslaved in Saint-Domingue, then escaping to Spanish Santo Domingo, where he was re-enslaved; to Pierre Louis, born and enslaved in Saint-Domingue, escaping to Santo Domingo, where he was liberated and turned into a soldier when the French took control, surrendering to Spanish authorities and then being removed as part of the Spanish reconquest of the colony.[72] All of them had in common that they had at some point been in the French and/or Spanish part of Hispaniola, before being forcibly brought to Campeche, from whence they were removed. Facing the challenge of making a profit from a human cargo considered "dangerous," the captain of *San Rafael* first went to Cuba, where local authorities turned them off, upon which he sought to sell them in Nassau. Instead of seizing the ship and bringing the enslaved men before the Vice-Admiralty Court, as prescribed by the slave trade ban, Bahama's colonial government used its revolutionary-era alien law to prohibit the enslaved men from disembarking. The ship, however, remained in

[68] Memorial, 12 May 1827, TNA, CO 318/103; Polignac to Adrien Laval, Ambassador to London, Apr. 1830, AAE, MD Amérique, vol. 61; Scholten to Frederick VI, 11 Oct. 1828, DRA, GG-DVI, Kopibøger, 2.7.2.

[69] Wilmot-Horton to Planta, 15 and 16 March 1825, TNA, CO 324/98; Standing Committee of West India Planters and Merchants, Note, 28 Apr. 1828, TNA, CO 318/104.

[70] On "legal panics," see Lauren Benton and Lisa Ford, "Legal Panics, Fast and Slow: Slavery and the Constitution of Empire," in *Power and Time: Temporalities of Conflict in the Making of History*, ed. Dan Edelstein, Stefan Geroulanos, and Natasha Wheatley (Chicago: University of Chicago Press, 2020), 295–316.

[71] For accounts of the case, see Charles Cameron, Governor, Bahamas, to Lord Liverpool, 18 Feb. 1810, TNA, CO 23/57; Vicary Gibbs and Thomas Plumer to Liverpool, 9 July and 13 Sept. 1811, TNA, CO 23/58, 137r–138v, 183r–184v.

[72] Report of the committee appointed to enquire into the introduction into, and disposal of, certain foreign slaves in the Island of New Providence Assembly of the Bahamas, 17 Nov. 1809, BNA, Votes of the House of Assembly of the Bahama Islands, 1809, 98–99.

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Nassau's harbor for about two weeks, during which two enslaved men swam ashore, and another dozen men were purchased and brought offshore by Nassau residents.

Entering in violation of two laws at once—the alien law and the slave trade ban—Jean Baptiste, Mather, Pierre Louis, and the other men from the *San Rafael* became subject of a major clash—and power struggle—between different colonial officials and their legal empowerment. Some of the men were seized as "dangerous aliens" by the provost-marshal under the Bahamas alien law in view of their deportation from the island; they were then, however, seized out of his custody by the customs officer who argued they had to be adjudicated under the slave-trade ban for being illegally imported slaves. Under the guidance of Procurator-General William Wylly, an honorary member of the abolitionist African Institution, the customs officer prevailed, and the men and women were not only exempted from deportation but also "emancipated" according to the regulations set forth by the antislavery laws.[73]

As an early instance of local customs officers' testing and stretching their new powers, the *San Rafael* affair reverberated for years. Planters' representatives fumed over what they considered an abuse of power by abolitionist-minded officials and a violation of existing alien legislation, and the Assembly ordered a thorough examination of the affair.[74] Seven years later, the Assembly still cited the *San Rafael* case as a scandalous example of "the enfranchisement, by operation of law, of every scoundrel slave who runs away from a foreign colony and surreptitiously smuggles himself into these Islands."[75] But the abolitionists were alarmed, too. The initial decision to deal with the *San Rafael* passengers under the alien law enraged former Sierra Leone governor and secretary of the African Institution Zachary Macaulay who accused the Bahamas administration—including Wylly—of turning alien laws, "in scam of our Legislative Acts," into a tool to subvert the Slave Trade Act.[76] This instance, as a case in which metropolitan anti-slave-trade legislation tended to override local alien legislation, reverberated in the fierce debates about abolitionist policies and regulatory pressure in the slave colonies in the following years.[77] In the early 1820s, customs officers raised similar charges against colonial bureaucracies that they accused of using "Colonial Acts authorizing the taking up and sending off improper and suspicious persons, probably designated as Foreigners in order to afford a pretense for such proceedings."[78]

[73] Wiliam Webb vs. certain negro slaves, Vice-Admiralty Court of the Bahamas, 29 Sept.; 12, 19, 26, and 31 Oct. 1809, BNA, SC4/3, Vice-Admiralty Court Minutes, 1809–10, fols. 161–88.

[74] Assembly of the Bahamas, 16, 17, and 21 Nov. 1809, BNA, Votes of the House of Assembly of the Bahama Islands, 1809, 74, 79–93, 106–108.

[75] Committee of Correspondence to George Chalmers, Agent, 12 Sept. 1816, BNA, Correspondence to and from colonial agents for the Bahamas, 1792–1829, Book 1.

[76] William Wylly, Advocate and Procurator-General, Vice-Admiralty Court, Bahamas, to Zachary Macaulay, 15 Apr. 1812, TNA, CO 23/63.

[77] *The Reports and Resolves of the Bahama Assembly on the Proposed Registry Bill* (Bahamas: House of Assembly, 1816), 7–8.

[78] Bridgwater to Bathurst, 5 July 1821, TNA, CO 71/58.

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Such uses led the way for the Colonial Office's legal reasoning—in some way the opposite of what happened in the Lecesne and Escoffery affair. At the very time the Colonial Office was trying to distance itself from the racialized practice of deporting aliens in the context of this affair, they began to consider colonial alien acts as the best legal fix of the loophole for enslaved fugitives. Given their ambiguous status as neither included nor exempted from the Slave Trade Act, enslaved fugitives could not be treated as slaves—they were thus to be considered de facto free. Yet, they also remained outside of British subject status: "The abolition act does not convert Fugitive Slaves of Foreign birth into British subjects; nor does it invest them with any right of residing within His Majesty's dominions."[79] They thus constituted free aliens, "and may be dealt with and disposed of in the same manner as any other aliens of free condition." As they revisited colonial alien legislation, the Colonial Office began to appreciate the large executive power these laws provided to treat people of African descent—no matter whether free or enslaved. In their broad and ambiguous scope, colonial alien laws promised to radically decomplexify the legal setting by rendering all the legal intricacies that stemmed from the ambiguous slave trade legislation irrelevant. Extra-judicial deportation constituted an easy way to remove fugitives and discourage others to follow their example—and to shut out both Parliament and the courts. As they acknowledged the legal conundrum of enslaved fugitives, the 1825 Colonial Office instructions made the use of colonial alien laws against the official policy.[80] Without any recognizable connection, this policy mirrored the way in which Spanish American polities recast enslaved fugitives as "aliens" (*extranjeros foresteros*), and thus as a problem of migration control, once Spain abandoned its sanctuary policy in the early 1800s.[81]

The 1825 circular emboldened local officials who sought to use alien laws, both preexisting and newly created, as an abolition-era alternative to the restitution of enslaved fugitives. In Tortola in 1827, for example, magistrates used the executive authority from the alien act to wrestle John William and William, two fugitives, from the custody of the customs officer. They incarcerated and "banished" them as foreign "vagrants"—directly back to their enslaver in Saint Thomas.[82] Even if this use of the law went beyond what was officially allowed, government officials sought to sell alien laws to the French and other foreign governments as the best—and only—solution to the legal loophole for fugitives. While they could not engage in restitution, deportation under alien law would serve as a deterrent, "a preventive measure," against future fugitives and show "the extent to which, without

[79] Stephen, Memorandum [1825], TNA, CO 318/99.

[80] Bathurst, Circular letter, 31 Dec. 1825, NAAB, 1 Correspondence from England, relating to Antigua, 1818–1828; as well as the previous one relating to a case in Antigua: Bathurst, Circular letter, 20 July 1825, BNA, GOV 15/1.

[81] Belmonte Postigo, "No siendo lo mismo echarse al mar," 69.

[82] G.R. Porter to Stedman Rawlins, 29 Feb. 1828, TNA, CO 239/18.

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exceeding the bounds of duty and discretion, the British Government can meet the object of France."[83]

Hailed as a neat legal solution to the gray zone of enslaved fugitives, the alien acts however produced new uncertainties. While they had the strategic advantage of indiscriminately applying to all aliens, what happened to people who claimed British subject status of some kind, and on what grounds of evidence would a decision be sound? The same problem had already derailed Jamaican efforts against Lecesne and Escoffery, and it arose time and again when officials were facing individuals who claimed to have been born or held in slavery on British territory previously. Were authorities "not be bound in Justice to protect [them] as British Subject[s], altho' claimed as fugitive Slave[s]"?, one customs officer wondered.[84] Margaret Moodley, an African woman who had been enslaved in Dutch Sint Eustatius and escaped to Saint Christopher (Saint Kitts), claimed that she was told in the government's office that she was "protected [...] by the English Law" as long as she remained in a British colony.[85] Another customs officer presented a reading of the legal situation that put "British Born Slaves" among fugitives under the protection of the Slave Trade Act, making some sort of British-birth subjecthood the basis for the application of that act.[86]

Even in cases where alien status was not in doubt, legal problems arose. It remained unclear where to send individuals. Usually, aliens would be deported to the place they allegedly came from, yet in this case that would mean—as in the case of John William and William in Tortola in 1827—restitution into slavery.[87] Even if they ruled out a return to the original place of enslavement, it was virtually impossible to find a nearby place—except Haiti or some Spanish American republics—where they would not be re-enslaved. The official instructions regarding enslaved fugitives remained deliberately cloudy, granting the deporting governor leeway, with the crucial limitation that they would be directed "to such of His Majesty's Colonial possessions as His Majesty may be pleased to direct."[88] In the end, Trinidad and Sierra Leone became the only viable options, further blurring the lines with "liberated Africans."[89] This

[83] Canning to Polignac, 11 Nov. 1825, AAE, MD Amérique, vol. 61.

[84] Bridgwater to the Commissioners of the Customs, 10 Nov. 1821, TNA, CO 71/58 (emphasis in original removed). See also Stephen to John Lefevre, 3 June 1833, TNA, CO 71/77. For similar cases relating to Cuba, see Flamigni, "In Consequence of Considerating Herself to be Free."

[85] Margaret Moodley to Robert Claxton, Customs officer, Tortola, 20 Sept. 1829, TNA, CUST 34/817.

[86] John Ruber Morris, Waiter and Searcher, Anguilla, to Collector and Controller of Customs, Saint Kitts, 19 Dec. 1831, TNA, CUST 34/731. In regulating the "Removal of Slaves from British Colonies," the Slave Trade Act did not make any reference to the enslaved persons' place of birth.

[87] Note, H. Taylor, West India department [ca. 1827], TNA, CO 318/103.

[88] Bathurst, Circular letter, 31 Dec. 1825, NAAB, 1 Correspondence from England, relating to Antigua, 1818–1828.

[89] Charles Brisbane, Governor, Saint Vincent, to Bathurst, 26 June 1826, TNA, CO 260/43, fols. 65r–66v; Stephen, "Fugitive Slaves," 7 Nov. 1827, TNA, CO 318/103; Maxence de Damas, Foreign Minister, to Chabrol-Crouzol, Minister of the Navy, 18 Apr. 1826, AAE, MD, Amérique, vol. 61, fols. 121r–v. On Trinidad as a primary Caribbean site of "liberated African" resettlement, see Adderley, "*New Negroes from Africa.*"

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solution closed the legal issue by opening up a political problem, as it gave ammunition to the complaint that Great Britain was driven by "selfish motives" and sought to "recruit the defective population of our colonies, at the expense of our neighbours."[90]

This situation lingered on when, in 1833, the British Parliament abolished slavery throughout the British empire. While the British state claimed that this act would not apply to other nations and their systems of slavery, British and foreign authorities registered a renewed influx of enslaved fugitives into British Caribbean colonies.[91] Despite their failure to deter fugitives, the Colonial Office insisted that alien laws were the only viable solution, insisting that "the great change of law" had no impact on "the distinction which had previously subsisted as well, in the British Colonies as in the mother Country, between the King's natural born Subjects and Aliens. Foreign fugitive Slaves continue to belong, as they formerly belonged, to the latter of those Classes. As an alien, he has no right to fix his abode in the King's dominions."[92] They urged colonial administrations to reinforce them by construing the intrusion of foreign fugitives as "a misdemeanor by imprisonment with hard labour." The continued arrival of fugitives was thus one of the reasons why the policing of "vagrants" and aliens became a tool through which colonial administrations sought to govern the era of emancipation and restrict freedom granted to formerly enslaved population groups.[93] For abolitionist Richard Robert Madden, who oversaw the implementation of the abolition of slavery in Jamaica in 1834, this use of alien laws appeared obvious. To his eyes, "the extraordinary powers exercised over men of colour, as aliens" served "the purpose of arming men, already vested with a little brief authority, which they certainly make the most of, with still more power over the coloured community."[94] And, in view of the Colonial Office's directions, he wondered: "Was the case of Lecesne and Lescoffery so soon forgotten?"

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At a time when the infamous British Aliens Act was removed, as a remnant of an emergency no longer existent, alien laws were widely used in Britain's Caribbean colonies. The history of these alien laws does not boil down to a mere

[90] As Colonial Secretary Spring Rice would later put it; see Spring Rice, Circular dispatch, 4 Nov. 1834, TNA, CO 318/119.

[91] Prince de Talleyrand to Lord Palmerston, 2 Aug. 1834, TNA, CO 318/118.

[92] Rice, Circular dispatch, 4 Nov. 1834, TNA, CO 318/119, also for the quote that follows.

[93] On the importance of restrictions of mobility under emancipation, see Thomas C. Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832–1938* (Baltimore: The Johns Hopkins University Press, 1992); Natasha Lightfoot, *Troubling Freedom: Antigua and the Aftermath of British Emancipation* (Durham, NC: Duke University Press, 2015), 21–56, 84–116; Hall, Draper, and McClelland, *Emancipation and the Remaking of the British Imperial World*; Christopher Roberts, "Discretion and the Rule of Law: The Significance and Endurance of Vagrancy and Vagrancy-Type Laws in England, the British Empire, and the British Colonial World," *Duke Journal of Comparative & International Law* 33 (2023): 181–251, esp. 203–209; Matilde Cazzola, "'There Is in the Great Big Law Too Much Bad Little Law': The Slavery Abolition Act and Labour Laws in the Post-Emancipation British West Indies," *Rechtsgeschichte – Legal History* 32 (2024): 58–79.

[94] R.R. Madden, *A Twelvemonth's Residence in the West Indies* (Philadelphia: Carey, Lea and Blanchard, 1835), vol. 2, 113.

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prehistory of the international border surveillance and deportation regimes that took shape since the late nineteenth century.[95] Rather, they reveal complex genealogies and extensive functionalities that urge us to rethink the history and scope of legal mobility controls. The longevity of colonial Caribbean alien acts past the emergency of the revolutionary era was largely due to new uses of these laws. Over the years, these erstwhile emergency measures had become part of the standard repertoire and versatile legal tools of local colonial governance.

Alien laws served colonial bureaucracies to respond to what they considered major challenges and legal complexities of the era of emancipation. In a period where an increasing number of formerly subaltern actors successfully claimed subject rights and entitlement to protections, colonial administrations increasingly turned to the racialized provisions of sweeping executive power built into alien laws to shut out courts, Parliament, and public opinion. Across the Caribbean, colonial bureaucracies weaponized alien laws as a tool to suppress domestic opposition from free people of color and to reaffirm racial boundaries of British subjecthood. At the same time, local governments and their metropolitan colleagues began to regard extra-judicial provisions of the alien laws as the best, and supposedly only, legal mechanism to suppress the inflow of enslaved fugitives who claimed protection from restitution under the slave trade abolition law.

As they reinvented the law, local authorities found it hard to control the consequences of their action. Alien laws came with particular assumptions about the legal grounds and evidence of subject and alien status, and their indiscriminate use would clash with intricate realities of belonging that proved much more complex and multi-faceted than suggested by legal theory. During a period in which the terms of subjecthood and the status of those claiming some sort of subject status were in flux, the application of these alien laws could have sweeping consequences well beyond their initial jurisdiction. They triggered far-reaching controversies about the limits and contents of subjecthood, and became entangled with other crucial issues of imperial governance and its transformation—from the uses of executive power and the status of the judiciary to the principles of inter-state law and sovereignty.

Finally, legal ambiguity proved a double-edged sword, opening vernacular uses in different directions. As alien laws were used to crack down opposition and undesired mobilities, the conflicts surrounding the deportation of Lecesne and Escoffery as well as the push of enslaved fugitives into British territories, colonial law could also be used to open new pathways to emancipation in some form of British subjecthood, quasi-subjecthood or a somewhat differently framed protection by the British state. The ways in which actors across the Atlantic sought to regain control over fugitive mobility and racial equality reflected a trend across the British empire to treat imperial problems as legal

[95] Adam Goodman, *The Deportation Machine: America's Long History of Expelling Immigrants* (Princeton: Princeton University Press, 2020); Steffen Mau, *Sortiermaschinen: Die Neuerfindung der Grenze im 21. Jahrhundert* (Munich: C.H. Beck, 2021).

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problems—although in this case, the law would often tend to complicate rather than clarify matters.

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